



Office for Democratic Institutions and Human Rights

HUNGARY

PARLIAMENTARY ELECTIONS AND REFERENDUM

3 April 2022

ODIHR Election Observation Mission Final Report



Warsaw
29 July 2022

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGMENTS	5
III.	BACKGROUND AND POLITICAL CONTEXT	5
IV.	LEGAL FRAMEWORK	6
V.	ELECTION AND REFERENDUM SYSTEMS	10
VI.	ELECTION ADMINISTRATION.....	12
VII.	VOTER REGISTRATION.....	14
VIII.	CANDIDATE REGISTRATION	17
IX.	CAMPAIGN ENVIRONMENT	19
X.	CAMPAIGN FINANCE.....	22
XI.	PARTICIPATION OF NATIONAL MINORITIES	24
XII.	MEDIA	25
	A. MEDIA ENVIRONMENT.....	25
	B. LEGAL FRAMEWORK	26
	C. ODIHR EOM MEDIA MONITORING.....	28
XIII.	COMPLAINTS AND APPEALS	30
XIV.	ELECTION OBSERVATION.....	33
XV.	ELECTION DAY	34
XVI.	POST-ELECTION DAY DEVELOPMENTS	36
XVII.	RECOMMENDATIONS	39
	A. PRIORITY RECOMMENDATIONS	39
	B. OTHER RECOMMENDATIONS	40
	ANNEX I: ELECTION RESULTS.....	43
	ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION.....	44
	ABOUT ODIHR	55

HUNGARY
PARLIAMENTARY ELECTIONS AND REFERENDUM
3 April 2022
ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs and Trade of Hungary to observe the 3 April 2022 parliamentary elections and referendum, in accordance with its mandate and based on the recommendation of a Needs Assessment Mission (NAM), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 24 February. The ODIHR EOM assessed the compliance of the elections and referendum processes with OSCE commitments and other standards for democratic elections, as well as with domestic legislation. For election day, the ODIHR EOM joined efforts with a delegation from the OSCE Parliamentary Assembly (OSCE PA) to form an International Election Observation Mission (IEOM).

In its Statement of Preliminary Findings and Conclusions issued on 4 April, the IEOM concluded that the elections and referendum “were well administered and professionally managed but marred by the absence of a level playing field. Contestants were largely able to campaign freely, but while competitive, the campaign was highly negative in tone and characterized by a pervasive overlap between the ruling coalition and the government. Candidate registration was inclusive, offering voters distinct alternatives. The lack of transparency and insufficient oversight of campaign finances further benefited the governing coalition. The bias and lack of balance in monitored news coverage and the absence of debates between major contestants significantly limited the voters’ opportunity to make an informed choice. The manner in which many election disputes were handled by election commissions and courts fell short of providing effective legal remedy. Women were underrepresented in the campaign and as candidates. Contrary to established international good practice, the legal framework for the referendum does not guarantee equal opportunities to campaign and voters were not informed in an objective and balanced manner on the choices presented to them nor on their binding effect. IEOM observers assessed all stages of the election-day process positively in the overwhelming majority of polling stations observed and noted few procedural problems and violations, mostly related to voter secrecy and the transparency of the tabulation process.”

The electoral legal framework provides an adequate basis for the conduct of democratic elections but contains a number of omissions and key provisions that fall short of international standards and obligations, undermining its effectiveness and at times leading to legal uncertainty, mostly related to campaign rules and provisions for a level playing field. The 2020 amendments to the election laws introduced some positive technical changes and clarifications; however, the draft amendments were not publicly available, contrary to the law, and the process lacked genuine consultation with relevant stakeholders. Many prior ODIHR recommendations largely remain unaddressed, including on suffrage rights, prevention of the misuse of administrative resources and blurring of state and party functions, media freedom, campaign finance, and citizen observation.

The referendum legal framework is largely inadequate and does not provide for a level playing field for referendum campaigns, falling short of key recommendations under international good practice. Under a 2018 amendment, the government has full campaign rights when it is the initiator of a referendum, contrary to international good practice. Further, the authorities are not obliged to provide the electorate with objective information on the referendum issues or the positions of the proponents and opponents, challenging voters’ ability to make an informed choice. While positive efforts were made to amend legislation to harmonize administrative matters for the concurrent holding of the referendum and

¹ The English version of this report is the only official document. An unofficial translation is available in Hungarian.

elections, the holding of simultaneous campaigns led to legal ambiguities, particularly with regard to campaign rules.

The 199 members of parliament were elected under a mixed electoral system: 106 were elected in single-mandate constituencies by first-past-the-post voting, and 93 from closed candidate lists in a nationwide proportional contest, with varying thresholds for parties and coalitions. A key 2020 amendment to election legislation substantially increased the number of single-mandate candidates that parties need to nominate in order to contest in the national proportional contest, which some ODIHR EOM interlocutors considered as an undue barrier to participation. Contrary to international good practice, the legislation allows up to a 20 per cent deviation from the average number of voters per single-mandate constituency and contrary to national legislation, the parliament did not revise the boundaries of constituencies that exceeded the established deviation limit following the 2018 elections. The unequal voter distribution amongst the constituencies, with up to a 33 per cent deviation, challenges the principle of equality of the vote.

A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ‘yes’ or ‘no’ ballots. The 3 April referendum was proposed by the government and after judicial review included four questions related to the so-called ‘child protection’ law. While by law the results of all valid referendums are binding, the legal effect of the 3 April referendum was unclear, as the law which is the legislative basis of the issues put to the referendum was already in force, at odds with international good practice.

The parliamentary elections and the referendum were managed by a four-tier structure of election administration headed by the National Election Commission (NEC). A parallel structure of election offices, headed by the National Election Office (NEO), was responsible for the technical administration of the elections and for aiding the respective commissions in their decision-making process. Overall, the election administration managed technical preparations professionally and efficiently and met all legal deadlines. NEC sessions were open to the public, and decisions were published in a timely manner. However, the election administration did not enjoy the full confidence of all electoral contestants, particularly at the higher level, due to concerns over the dominance of appointees of the ruling majority in its bodies. Furthermore, most election commission sessions lacked genuine deliberations and were limited to voting on pre-drafted decisions, especially before the party-delegated members joined, diminishing the collegiality and transparency of the decision-making.

Some 8.22 million voters were included in the voter register, which is maintained by the NEO. The law contains restrictions on electoral rights based on intellectual disability and distinctions in suffrage rights based on marital status, at odds with international standards. Political parties and civil-society organizations (CSOs) that the ODIHR EOM met with expressed overall confidence in the accuracy of the voter register, and the NEO’s efforts to publish detailed voter registration figures on a weekly basis increased transparency of the register. While voter registration figures per constituency for these elections did not increase substantially, a November 2021 amendment which redefined residency and eased requirements for civil registration weakened safeguards against manipulation of voter registration.

In an inclusive process, the NEC registered 55 nominating organizations, including 12 minority self-governments, from which six national proportional lists with a total of 1,035 candidates were registered. Constituency Election Commissions registered 663 candidates for elections in the 106 single-mandate constituencies. Less than 20 per cent of all candidates were women, significantly limiting the opportunity for strengthening the low representation of women in national politics in Hungary. The process of collecting support signatures for single-mandate constituency candidates was marred by numerous instances of fraudulent signatures and personal data misuse by some contestants. The election

administration's efforts to address these violations were not sufficient, dismissing most of the related complaints on formal grounds.

Fundamental freedoms of association and assembly in the campaign were generally respected, and election participants were largely able to campaign freely. However, the campaign was marked by the absence of a level playing field, characterized by a pervasive overlap between the ruling coalition's campaign messages and the government's information campaigns, giving an advantage to the ruling coalition and blurring the line between state and party. In a highly negative campaign, the war caused by the Russian Federation's invasion of Ukraine featured prominently, with the ruling and opposition parties criticizing one another's stance and launching personal attacks. The ODIHR EOM received claims that, mainly in rural areas, opposition campaign activities were hindered by pressure on voters, often by local mayors, not to attend opposition events. The sending of emails and text messages with campaign messages led to allegations of the misuse of voters' personal data by the government, the ruling party and the United for Hungary opposition coalition. Referendum issues featured in the campaign only to a limited extent.

Campaign finance legislation remained largely unchanged since the 2018 parliamentary elections, and recent amendments did not address longstanding recommendations by ODIHR and the Council of Europe's Group of States against Corruption (GRECO). The law does not provide for disclosure of campaign donations, which maintains the opacity of campaign funding, at odds with international commitments and good practice. Extensive spending through third party entities, which largely favored the ruling party, rendered spending limits ineffectual. Substantial sums were spent on Facebook advertising, led by third-party entities associated with *Fidesz*. The State Audit Office is mandated with campaign finance oversight and has the power to verify the information submitted to it but lacks the investigative capacity to ascertain actual campaign spending. No direct public funding is provided for referendum campaigns, and there is no referendum spending limit, which further weakens safeguards for a level playing field. Overall, the legislative shortcomings and limited enforcement of the regulatory framework negatively affected transparency and accountability of campaign finances.

For these elections, all national minority self-governments except for the Roma minority submitted candidate lists. Both the ruling party and United for Hungary had Roma candidates in high positions on their respective proportional lists. While several interlocutors raised longstanding concerns about potential election violations in relation to the Roma community, including vote-buying and possible pressure by mayors connected to public employment programmes, the EOM did not directly observe such instances. The ODIHR EOM observed instances of negative campaign rhetoric stigmatizing Roma.

The media are divided along political lines and operate in an increasingly concentrated market, with only a handful of independent media operating at the national level. The government and state-affiliated companies dominate the advertising market. Extensive government advertising campaigns and biased news coverage in the public and many private media monitored by the ODIHR EOM provided a pervasive campaign platform for the ruling party. For other parties, the campaign opportunities in the media were significantly limited by the scarce allocation of free airtime by only a few media as well as the constitutional prohibition on paid political advertisement, applicable to all political parties. The lack of impartial information in the media about the main contestants, the absence of debates among the major electoral competitors, and the independent media's limited access to public information and activities of national and local government significantly limited voters' opportunity to make an informed choice.

The legal framework provides opportunity to seek legal remedy for election disputes on an expedited basis; however, a recent amendment that restricts the legal standing to appeal decisions of election commissions unduly limits the right to seek effective legal remedy. The NEC considered complaints

and appeals in public sessions within established deadlines and promptly published its decisions, contributing to the transparency of the process. Half of the filed complaints and appeals were denied consideration by the NEC on technical grounds, and some dismissals on merit lacked necessary examination or sound reasoning. While some election disputes were adequately resolved, the handling of most cases by the adjudicating bodies fell short of providing effective legal remedy, contrary to OSCE commitments.

The law provides for international election observation at all stages of the process, and the accreditation process for international observers was efficient. However, despite repeated ODIHR recommendations, it does not allow for observation of the election process by citizen observers, contrary to OSCE commitments and international standards. A civil-society initiative delegated more than 19,000 volunteers to act as party-delegated polling station members across the country. CSOs also provided civic awareness and voter-education campaigns, and election-day monitoring in the vicinity of polling station aimed at preventing irregularities. Party observers could observe the tabulation process at constituency and national level and the counting of postal votes.

IEOM observers assessed all stages of the election day process positively in the overwhelming majority of polling stations observed. Election day was peaceful, with a voter turnout of 69.5 per cent, as announced by the NEO. The opening was assessed positively in 116 of the 117 polling stations observed by IEOM observers and opening procedures were largely followed. Voter identification and voting procedures were largely respected, but secrecy was often compromised. Overcrowding and group voting was frequently observed. IEOM observers reported only isolated cases of other violations or instances of tension or intimidation in and around polling stations. Counting procedures were largely followed, and IEOM observers reported relatively few procedural errors and omissions. The tabulation procedures at Local Election Offices (LEOs) were generally followed but in some cases, transparency related to access to the premises and to data entry was lacking. IEOM observers noted some minor issues with the data entry and reconciliation of election results. A total of 456,129 out-of-country voters were eligible to cast postal ballots, out of which 318,083 voters (69.7 per cent) returned their packages. Other out-of-country voters had to cast their ballots in-person in Hungarian diplomatic representations. The differing modalities for out-of-country voting challenged the principle of equal suffrage, and the postal voting procedures do not include adequate safeguards to ensure the integrity and reliability of the process.

The NEC on 14 April announced the final election and referendum results. Some 16 per cent of returned postal voting packages were declared invalid due to voters not being on the register, or missing or incorrect data. The referendum was declared invalid as none of the four questions reached the required threshold of 50 per cent of registered voters casting a valid vote; 20 per cent of referendum ballots cast were invalidated by the voters or otherwise found invalid. The NEC issued fines against CSOs that had encouraged voters through social media and online websites to invalidate their referendum ballots. On appeal, the Supreme Court overturned these decisions, on grounds that they unlawfully curtailed freedom of expression, which the court reasoned should be protected at a higher level during a campaign period.

This report offers a number of recommendations to support efforts to bring elections in Hungary closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the legal framework, the separation of state and ruling party and misuse of state resources, voter registration, campaign finance, the adjudication of electoral disputes, the media, election observation, and the delimitation of constituency boundaries. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs and Trade of Hungary to observe the 3 April 2022 parliamentary elections and referendum, in accordance with its mandate and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 17 to 21 January, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 24 February. The mission, led by Jillian Stirk, consisted of a 20-member core team based in Budapest and 18 long-term observers (LTOs) deployed on 5 March to eight locations around the country. Mission members came from 18 OSCE participating States. The ODIHR EOM remained in country until 14 April.

For election-day observation, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and a delegation of the OSCE Parliamentary Assembly (OSCE PA). Kari Henriksen was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observers. The OSCE PA delegation was led by Mark Pritchard. Each of the institutions involved in the IEOM has endorsed the 2005 Declaration of Principles for International Election Observation. On election day, 312 observers from 45 OSCE participating States were deployed, including 221 observers deployed by ODIHR, as well as a 91-member delegation from the OSCE PA; 47 per cent of the IEOM members were women.

The ODIHR EOM assessed the compliance of the elections and referendum processes with OSCE commitments and other standards for democratic elections, as well as domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released on 4 April 2022.²

The ODIHR EOM wishes to thank the Ministry of Foreign Affairs and Trade for the invitation to observe the elections and referendum, and the National Election Commission (NEC) and the National Election Office (NEO) for their assistance and co-operation. It also expresses its appreciation to other national and local state institutions, political parties, candidates, civil society, media, international community representatives, and other interlocutors for sharing their views and for their co-operation.

III. BACKGROUND AND POLITICAL CONTEXT

Hungary is a parliamentary republic, with legislative powers vested in a unicameral parliament. The government, led by the prime minister, exercises broad executive powers. On 11 January 2022, then-President János Áder called parliamentary elections for 3 April.³ The same day, the President also set the date for a referendum on matters addressed by the so-called ‘child protection’ law to be held concurrently with the parliamentary elections.⁴ A state of danger, introduced in Hungary following the outbreak of the COVID-19 pandemic, remained in force throughout the election period.⁵

Since coming to power in 2010, *Fidesz* – Hungarian Civic Alliance, with its coalition partner, the Christian Democratic People’s Party (KDNP), has held a two-thirds parliamentary majority for most

² See previous ODIHR election observation [reports](#) on Hungary.

³ On 10 March 2022, in anticipation of the end of Mr. Áder’s second five-year term in May 2022, the parliament elected Katalin Novák, former Vice-President of Fidesz, as the next president, the first female president of Hungary.

⁴ The Law on Stricter Measures against Pedophile Offenders and Amending Certain Laws to Protect Children was adopted on 15 June 2021. The Council of Europe’s European Commission for Democracy through Law (Venice Commission) [Opinion](#) from 13 December 2021 found the law incompatible with international human rights norms.

⁵ The state of danger, introduced in Hungary following the outbreak of the COVID-19 pandemic, was in place throughout the election period (extended until 1 June 2022).

of the period.⁶ Some of the significant legislative changes initiated by the ruling majority have led to infringement procedures against Hungary by the European Commission (EC).⁷ After the adoption of the so-called ‘child protection’ law in June 2021, the EC initiated a legal action against Hungary for violations of the fundamental rights of LGBTI people, following which Prime Minister Viktor Orbán announced his intention to call a referendum.⁸

Women are generally underrepresented in public life in Hungary, and only twenty-six out of 199 MPs in the outgoing parliament (13 per cent) and 2 out of 13 government ministers were women. On 10 March 2022, in anticipation of the end of Mr. Áder’s second five-year term in May 2022, the parliament elected Katalin Novák, nominated by *Fidesz*, as the next president, the first female president of Hungary. Following 2022 elections, only twenty-eight MPs and one of the government ministers are women.

The ruling coalition contested in the elections with Prime Minister Viktor Orbán as its joint prime ministerial candidate. For these elections, six opposition parties, the Democratic Coalition (DK), *Jobbik*, the Hungarian Socialist Party (MSZP), Momentum, the LMP – Hungary’s Green Party, and Dialogue, agreed to back a joint prime ministerial candidate. They also agreed to support a single candidate in each of the 106 single-mandate constituencies, and to put forward a joint list for the proportional component. In primary elections held in September and October 2021, the mayor of Hódmezővásárhely Péter Márki-Zay, was chosen as the prime ministerial candidate for the United for Hungary opposition bloc. Other election contestants included the Our Homeland Movement, the Hungarian Two-Tailed Dog Party, the Normal Life Party, and the Solution Movement.

IV. LEGAL FRAMEWORK

The Constitution provides for fundamental rights and freedoms, and Hungary is party to key international human rights treaties and conventions pertinent to democratic elections.⁹ These rights and freedoms are exercised in a constrained environment. Media freedom, freedom of association,

⁶ In the 2018 parliamentary elections, the *Fidesz*–KDNP coalition won 133 out of 199 seats; *Jobbik* won 26; the Hungarian Socialist Party (MSZP) in coalition with Dialogue won 20; the Democratic Coalition (DK) won 9; Politics Can be Different (LMP; the party was renamed to LMP – Hungary’s Green Party in 2020) won 8 seats, the Together party won one seat, and there was one independent. The National Self-government of Germans in Hungary won one seat from the minority list component.

⁷ In June 2020, the European Court of Justice (ECJ) [ruled](#) that a 2017 law restricting foreign funding of civil-society organizations did not comply with EU law. In April 2021, parliament revoked the law. In November 2021, the ECJ [found](#) the so-called ‘stop Soros law’, which criminalizes participating in organized assistance to illegal immigrants, to be in violation of EU law. On 16 February 2022, the ECJ [rejected](#) a challenge by Hungary to a European rule conditioning funding on respect for the rule of law.

⁸ The EC initiated [infringement procedures](#) on 15 July 2021. Mr. Orbán in an interview on 23 July 2021 [stated](#) that “we need the referendum [...] because Brussels attacked Hungary... We need everyone, the support of every Hungarian person, otherwise we cannot win this battle.”

⁹ These include the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), and [the 1950 European Convention on Human Rights](#).

particularly for civil-society organizations (CSOs),¹⁰ and access to information have been restricted in recent years,¹¹ and safeguards for judicial independence have been weakened, including by recent legislative changes.¹² Such limitations undermine international obligations and standards calling for full enjoyment of fundamental rights and freedoms.¹³ Under the declared state of danger in force during the election period, the government held extraordinary powers to issue decrees, including ones that may restrict or suspend certain fundamental rights and freedoms.¹⁴ While most pandemic-related restrictions had been lifted prior to the elections, including on freedom of assembly, a decree extending the deadline for the government to respond to access-to-information requests remained in force (see *Media*).

To provide a fully democratic basis for the conduct of elections and conditions that enable full and equal participation for all election stakeholders, parliament should review the broader legal framework for compliance with international obligations and standards pertinent to fundamental rights and freedoms that underpin a democratic election, including on judicial independence.

Parliamentary elections are primarily regulated by the 2011 Fundamental Law (Constitution), the 2011 Act on the Elections of Members of Parliament (Elections Act), the 2013 Act on Election Procedure, and the 2013 Act on the Transparency of Campaign Costs (Campaign Finance Act).¹⁵ Some election law provisions of an administrative nature have cardinal status requiring two-thirds parliamentary approval, thereby limiting parliament's ability to effectively respond to necessary operational modifications. The electoral legal framework includes binding regulations issued by the Minister of Justice, though the elections were held largely without subsidiary legislation.¹⁶ The Supreme Court may, on its own initiative, render binding decisions to ensure the uniform application of law within the judiciary.¹⁷

¹⁰ The Joint ODIHR and Venice Commission [Opinion](#) on the so-called "Stop Soros" draft legislative package which directly affect NGOs criticizes a key provision on illegal migration which introduces the offence of "facilitating irregular migration", and considers that it unfairly criminalises organisational activities not directly related to the materialization of illegal migration, including "preparing or distributing informational materials" or "initiating asylum requests for migrants." The 16 November 2021 [Judgement](#) of the European Court of Justice stated that by criminalising organising activities in relation to the initiation of a procedure for international protection by persons not fulfilling the national criteria for granting that protection, Hungary infringed the EU law.

¹¹ In 2020, in addition to defamation and libel, which were already criminalized, amendments to the Criminal Code introduced the offence of fearmongering, which effectively bans intentionally spreading misinformation that hinders the government response to the pandemic, subject to a maximum five-year prison term. Concurrent with the 2021 repeal of a law restricting foreign funding of CSOs due to a finding by the ECJ on its non-compliance with EU law, the parliament enacted the Act "on transparency of civil society organizations capable of influencing public life".

¹² The [Opinion](#) of the Venice Commission on the 2019–2020 amendments concerning the judiciary stated that the changes "could pose serious risks of politicization [of the Supreme Court] and important consequences for the independence of the judiciary."

¹³ Paragraph 8 of [General Comment No. 25](#) to Article 25 of the ICCPR notes that "citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves." See also Articles 19, 21, 22, and 25 of the ICCPR. Further, see Paragraph 19 of [General Comment No. 34](#) to Article 19 of the ICCPR. See also paragraphs 20–25 of the ODIHR and Venice Commission [Joint Guidelines on Freedom of Association](#).

¹⁴ Decrees issued by the government under the state of danger can remain in effect after 15 days with the approval of parliament. The *de facto* indefinite rule by decree in Hungary's COVID-19 response was noted by the [OSCE's Parliamentary Assembly in April 2020](#) as "a dangerous step that undermines democracy in the country."

¹⁵ Other relevant legislation governs political party finances, the rights of national minorities, the media, citizenship and civil registration, criminal offences, and court proceedings.

¹⁶ On 11 January 2022, the Minister of Justice issued three decrees regulating the administration, timelines and financing of the 2022 elections and referendum. The National Election Commission (NEC) may issue non-binding guidelines to ensure uniform application of the legislation by election bodies, but the NEC does not have authority to issue binding regulations under the law. Fourteen NEC guidelines, adopted between 2014 and 2019, are in effect.

¹⁷ Despite certain ambiguities in the election legislation, the court's body of uniformity decisions does not include matters related to election law.

Consideration could be given to reviewing the use of cardinal status for election law provisions. To enhance legal certainty and contribute to consistent application of the election legislation, the National Election Commission could be empowered to adopt binding regulations. In addition, the Supreme Court could consider exercising its power to issue key uniformity decisions with respect to the application of election-related legislation.

The electoral legal framework forms an adequate basis for the conduct of democratic elections; however, it contains a number of omissions and provisions that fall short of international standards and obligations, undermining its effectiveness. The legal framework underwent a series of amendments following the 2018 parliamentary elections.¹⁸ The most recent substantive changes were proposed by the government and adopted in 2020, in one package of amendments to seven laws. These related to a range of election-administration matters and also included a key change to political parties' eligibility to contest the proportional part of the elections (see *Election and Referendum Systems*).¹⁹ In breach of the law and international standards, the draft legislation was not published by the government with invitation for comments.²⁰ Moreover, its adoption lacked genuine consultation with relevant stakeholders, contrary to international commitments and good practice.²¹ The lack of consultation and hasty adoption drew criticism from the opposition and civil society, while certain provisions were perceived by some to be politically motivated.²²

While the 2020 amendments introduced a number of positive technical changes and clarifications, aspects of some new provisions raise concerns, as also noted in a Joint Opinion of ODIHR and the Council of Europe's European Commission for Democracy Through Law (Venice Commission).²³ The amendments did not address a number of previous ODIHR recommendations to

¹⁸ Amendments to the Elections Act and/or Act on Election Procedure, as well as other relevant acts, were adopted in July 2018, December 2018, December 2019, December 2020, and November 2021. Apart from one single amendment adopted in 2021, all amendment packages passed in parliament without opposition support or an inclusive stakeholder consultation process.

¹⁹ The National Election Office (NEO) informed the ODIHR EOM that the election-administration amendments were largely based on its proposals, stemming from lessons learned in prior elections.

²⁰ The Act on Social Participation in Preparing Laws requires drafts prepared by government ministers to be available to the public for comment for a period sufficient to make the necessary evaluation and to review any feedback prior to submission to parliament. The ODIHR and Venice Commission [2021 Joint Opinion](#) on 2020 Amendment to Electoral Legislation stated that "The whole package was adopted by Parliament a few weeks later, apparently without public consultation, and came into force after one week only, with a few exceptions concerning constitutional amendments."

²¹ Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) states that the legislation should be adopted at the end of a public procedure. Paragraph 18.1 of the [1991 Moscow Document](#) states that "Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives". Paragraph 48 of the [2020 Joint Guidelines on Political Party Regulation](#) also specifically recommend that "[l]egislation shall be adopted through a democratic process that ensures public participation and review, and shall be made widely accessible so that individuals and political parties are aware of their rights and are able to keep their conduct and activities in conformity with the law." The Ministry of Justice informed the EOM that they considered the views of the civil society sector to be aligned with the political opposition and therefore deemed consultations with these organizations unnecessary. The 2020 amendments were submitted to parliament on 10 November, tabled on 10 December, and adopted on 15 December, with 134 'yes' and 60 'no' votes.

²² For instance, civil-society groups reported concerns about the 2018 and 2020 amendment packages – neither of which underwent a consultative process – such as the shortened deadline for applications for absentee voting, lack of safeguards for postal voting, and new restrictions for seeking legal remedy in election disputes and also referred to additional provisions to address other problems identified in prior elections.

²³ The [Joint Opinion](#), which was requested by the authorities following the adoption of the amendments, noted some positive changes related to voter and candidate registration, campaigning, postal voting, mobile voting, determination of election results, and repeat elections. Still, recommendations made in the [Joint Opinion](#) remain unaddressed.

bring the laws further in line with international standards and commitments, including those related to suffrage rights, the electoral-boundary delimitation mechanism, prevention of the misuse of administrative resources and blurring of state and party functions, media freedom, campaign finance, and citizen observation.²⁴ The authorities informed the ODIHR EOM that some of the recommendations they had deemed not to be in line with Hungarian democratic and legal traditions would not be addressed.²⁵ Gaps in the regulation of the campaign led to the election commissions and courts effectively defining the rules during the adjudication of complaints. Legal certainty was further challenged as the decisions on complaints and appeals that shaped the regulation of these campaign matters were often overturned or annulled by higher adjudicative bodies.

To ensure a coherent and sound electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practice, well in advance of the next election period and on the basis of an inclusive and meaningful public consultation process.

The referendum legal framework is largely inadequate for the conduct of a democratic referendum and does not provide for a level playing field for such campaigns.²⁶ Under a 2018 amendment, the government has full campaign rights as a referendum initiator. The Referendum Act does not prescribe the neutrality of public authorities, nor ban their use of public funds for referendum campaigns as party to the contest. Moreover, it guarantees equal opportunity to campaign in the broadcast media for parliamentary parties and the government, when it is the initiator of a referendum, instead of guaranteeing equal campaign opportunity for the supporters and opponents of the referendum proposals. These provisions are at odds with international good practice.²⁷ Neither the government nor the election bodies are legally bound to provide voters with objective and balanced information on the issues put to the referendum or the positions of the proponents and opponents on the issues, which is also not in line with international good practice and challenged voters' ability to make an informed choice.²⁸

A legislative ban on holding concurrently a national referendum and elections was lifted in November 2021.²⁹ The overlapping campaigns of these two events resulted in some complexity and ambiguities in the applicability of the campaign rules, which were left unaddressed. Positively, some administrative-

²⁴ In paragraph 25 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed themselves to follow-up promptly on ODIHR's election assessments and recommendations.

²⁵ For example, prior ODIHR recommendations to fully repeal restrictions on the voting rights of persons with intellectual disabilities, in line with international standards, and to repeal discriminatory voting rights based on marital status are considered by the authorities not to be in line with Hungarian legal tradition.

²⁶ Referendums are regulated by the Constitution and the 2013 Act on Initiating Referendums, the European Citizen's Initiative and Referendum Procedure (Referendum Act).

²⁷ Guidelines I.2.2 and I.3.1 and the Explanatory Memorandum of the Venice Commission's [Code of Good Practice on Referendums](#) state: "Equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on notably as concerns the coverage by the media, in particular news broadcasts, as well as public subsidies and other forms of backing... Administrative authorities must observe their duty of neutrality, [to ensure] equality of opportunity [and as] one of the means of ensuring that voters can form an opinion freely... Contrary to the case of elections, it is not necessary to prohibit completely intervention by the authorities in support of or against the proposal... However, the public authorities must not influence the outcome of the vote by excessive, one-sided campaigning and must not abuse their position... [T]he use of public funds by the authorities for campaigning purposes must be prohibited."

²⁸ Guideline I.3.1.d and the Explanatory Memorandum of the Venice Commission's [Code of Good Practice on Referendums](#) state, in part: "The authorities must provide objective information... This implies that the text submitted to a referendum and an explanatory report or balanced campaign material from the proposal's supporters and opponents should be made [directly] available to electors sufficiently in advance... in order to enable voters to arrive at an informed opinion..."

²⁹ The amendment was proposed by an opposition MP, and 183 MPs supported its adoption. In addition, on 1 January 2022, a complete ban on holding national referendums introduced by the government under a pandemic-related emergency decree was lifted, while the ban on local referendums remained in force.

related amendments were subsequently introduced to the legislation aimed at harmonizing the concurrent administration of such events.³⁰ While the Referendum Act refers to the application of provisions in the election legislation to the conduct of referendums, the lack of clear regulation of the referendum campaign and its intersection with the election campaign adversely impacted the process.³¹

Consideration should be given to review the referendum law to enhance legal certainty and bring it in line with international good practice for the holding of democratic referendums, including guarantees of equal campaign opportunities for the proponents and opponents, a ban on the use of state resources, and the provision of objective or balanced information to voters on the referendum issues.

V. ELECTION AND REFERENDUM SYSTEMS

The 199 members of parliament are elected for a four-year term under a mixed system: 106 are elected in single-mandate constituencies by first-past-the-post voting, and 93 are elected from closed candidate lists in a nationwide proportional contest through a partially compensatory system, with varying thresholds of 5 per cent for parties standing individually, 10 per cent for two-party coalitions, and 15 per cent for coalitions of three or more parties. Under international good practice, the thresholds applicable to party coalitions can be viewed as especially high, even for alliances.³² Parties that pass the threshold have the surplus votes from the single-mandate contests added to their vote totals before the proportional seat allocation.³³

The 2020 amendments introduced stricter criteria for parties to run in the proportional contest, requiring the simultaneous nomination of at least 71 single-mandate candidates in a minimum of 14 of the 19 counties and in Budapest, an increase from a previous requirement of 27 candidates and 9 counties and Budapest.³⁴ While parties and other stakeholders generally agree that such a measure may alleviate a prevalent problem of so-called ‘fake parties’ running only to misappropriate public campaign funds, the increase might be considered an undue barrier to participation, limiting political pluralism.³⁵

The constituency boundaries are entrenched in legislation as cardinal law that can only be changed with two-thirds parliamentary support, and without mandated periodic review by an independent expert

³⁰ For instance, deadlines for adjudication of election and referendum complaints were aligned in cases where the processes are to be simultaneously held.

³¹ For instance, the Referendum Act does not have a clear definition of political advertisement for referendums, while the applicable definition of political advertisement in the Act on Election Procedure does not include the concept of referendum campaigning. Free media airtime dedicated to referendum campaign advertisements was in some cases used for election campaign advertisements.

³² See the European Court of Human Rights (ECtHR) case in [Yumak and Sadak v. Turkey](#), where the Court stated that a 10 per cent threshold, although not a violation of the European Convention on Human Rights, seemed excessive and recommended to lower it.

³³ Surplus votes are the votes a party’s unsuccessful single-mandate candidates received and the votes of a party’s winning candidates over and above those needed to win. The proportional seat allocation uses the d’Hondt method.

³⁴ The proposal of the Ministry of Justice was to increase the number of candidates to 50, which was further increased to 71 based on a proposal of an independent MP.

³⁵ ODIHR and the Venice Commission in their [Joint Opinion](#) recommended significantly lowering the amended numbers, noting that the stricter requirement “might aggravate the level of political polarization in the political arena and ultimately in the society” and that other means to minimize ‘fake’ parties could be used.

body.³⁶ The delineation of the constituencies has not changed since 2014 when they were first established under a new electoral system. There is a significantly unequal distribution of registered voters amongst the constituencies, with 25 of the 106 constituencies having more than a 10 per cent deviation, ranging up to a 33 per cent deviation, at odds with the principle of equal suffrage.³⁷ The Elections Act allows up to a 20 per cent deviation from the average number of voters per single-mandate constituency, contrary to international good practice. Moreover, in some instances, the deviations breach the domestic law as revision of constituency boundaries that exceeded the legislated 20 per cent maximum deviation did not take place following the 2018 elections as required.³⁸

To guarantee the equality of the vote, the legal framework for delimitation of constituency boundaries should be brought in line with international standards and good practice. Current boundaries should be redefined in line with such revised law and by an independent body in a transparent and inclusive manner well in advance of the next elections.

Each of the 13 national minority self-governments are entitled to submit a single candidate list that is voted on by self-declared voters of the respective minority.³⁹ The first candidate on the list requires one fourth of the standard electoral quota to be elected.⁴⁰ If this preferential quota is not reached, the national minority is entitled to a non-voting parliamentary spokesperson.

National referendums can be initiated by 200,000 voters or ordered at the discretion of the parliament when initiated by the president, the government, or at least 100,000 voters.⁴¹ The 2022 referendum was initiated by the government. The NEC, which determines compliance of the referendum questions with substantive and procedural legal criteria, approved all five proposed questions but on appeal the Supreme Court overruled the decision on one of them.⁴² Multiple questions appear on the same ballot

³⁶ The Elections Act provides for a maximum deviation of 15 per cent in most cases and above that in certain circumstances at the time of boundary delimitation and requires parliament to amend the boundaries if any constituency surpasses 20 per cent deviation based on the voter distribution as of the last parliamentary elections. Guideline I.2.2 of the Venice Commission's [Code of Good Practice in Electoral Matters](#) states that "the permissible departure from the norm should not be more than 10 per cent and should certainly not exceed 15 percent, except in special circumstances." Guideline II.2.2.vii provides that "when constituency boundaries are redefined it must be done impartially; without detriment to national minorities; taking account of the opinion of a committee, the majority of whose members are independent. The parliament would then make a decision on the basis of the commission's proposals with the possibility of a single appeal."

³⁷ This includes 18 constituencies with more than 15 per cent deviation, of which 7 are more than 20 per cent, the latter all in Pest county, based on current population distribution. See paragraph 7.3 of the [1990 OSCE Copenhagen Document](#), which states that the participating States will "guarantee universal and equal suffrage to adult citizens". Paragraph 21 of [General Comment No. 25](#) to Article 25 of the ICCPR states: "...within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another." On 28 October 2021, a Hungarian citizen lodged a petition with the ECtHR arguing that the deviations violated the ECHR. The petition was ruled inadmissible on grounds that the alleged breached right does not fall within the Convention.

³⁸ The two concerned constituencies are No. 02 and 05 in Pest county. By law, constituency boundaries cannot be changed starting from the calendar year preceding the year of a scheduled election. In August 2020, the NEO submitted to the Ministry of Justice proposed revised boundaries of several constituencies to ensure the voter distribution was within the legislated limit; the proposal was never tabled in parliament. In December 2020, an opposition member tabled the same boundary revision proposal, which in turn was voted down.

³⁹ Voters who self-declared that they belong to a national minority may choose to vote for the respective national minority list, in which case they do not participate in the vote on the national party lists.

⁴⁰ The preferential quota is determined by dividing the total number of national list votes, including surplus votes from single-mandate contests, by 93 and then dividing that number by four.

⁴¹ Referendums may only be held on matters within parliament's purview, with exceptions including issues that impact international treaty obligations.

⁴² Multiple petitions to the Supreme Court and Constitutional Court challenged the substantive and procedural validity of the five referendum questions. One question overturned by the Supreme Court was subsequently confirmed by the Constitutional Court; however, in the meantime the parliament had already called the referendum for the four other questions. On re-examination, the Supreme Court on 23 March again rejected the fifth question.

with each question offering a ‘yes’ or ‘no’ option. A referendum is deemed valid if more than 50 per cent of all registered voters cast valid ballots. While by law all valid referendum results are binding, the legal effect of a potentially valid referendum on 3 April was unclear, as the legislative basis of the issues put to the referendum, the 2021 ‘child protection’ law, was already in force, at odds with international good practice.⁴³

VI. ELECTION ADMINISTRATION

The parliamentary elections and referendum were managed by a parallel four-tiered administration comprised of the NEC, 20 Regional Election Commissions (RECs), 106 Constituency Election Commissions (CoECs), and 10,243 Polling Station Commissions (PSCs). In addition, the NEO, 20 Regional Election Offices (REOs), 97 Constituency Election Offices (CoEOs), and 1,264 Local Election Offices (LEOs) were responsible for administering elections and for providing assistance to the respective commissions in their decision-making process.

Election commissions comprise elected and delegated members. The NEC is a permanent independent body composed of seven elected members, including the president. They are nominated by the president of Hungary and elected by parliament with two thirds of the votes. The law does not establish clear procedures and lists only general criteria for nominations by the president, vesting her or him with wide discretionary powers.⁴⁴ The mechanism for appointing NEC members does not provide a reasonable possibility for public consultation on the selection of NEC nominees and thus negatively impacts the overall trust in the election administration. The NEC also has delegated members, political parties that have a faction in parliament can each delegate one member to the NEC to represent them in the NEC in between election processes. Once elections have been called, these party-delegated members no longer take part in NEC sessions.

After registration for the elections, entities that field national proportional lists can delegate a member to the NEC.⁴⁵ National minority self-governments that register a list can also each delegate a NEC member who has voting rights only on issues affecting national minorities. Of the 18 NEC members serving during these elections, only four, including the vice-president, were women. No readily available gender-disaggregated data was provided regarding the composition of lower-level commissions, at odds with international standards.⁴⁶ For some 50 days, from the calling of the elections until the nomination of party-delegated NEC members, a number of decisions on the registration of party lists, as well as the adjudication of complaints and appeals, took place without party-delegated members, detracting from the pluralism of the NEC’s decision-making.

Consideration should be given to amending the legislation to ensure cross-party participation in the NEC from the period of calling elections.

⁴³ Guideline I.3.1.c. of the Venice Commission’s [Code of Good Practice on Referendums](#) states that “The question put to the vote must be clear; it must not be misleading; it must not suggest an answer; electors must be informed of the effects of the referendum; voters must be able to answer the questions asked solely by yes, no or a blank vote.”

⁴⁴ Section 17 of the Act on Election Procedure lists the following criteria for NEC members: Voters with an address in Hungary who are eligible to vote in parliamentary elections and who hold a law degree can be NEC elected members. Section 18 enumerates the grounds for incompatibility with holding a public office position: President, speaker of the National Assembly, candidate, member of the armed forces, member of a political party or nominating organization, or relative of a candidate.

⁴⁵ For these elections, six political entities and five national minority self-governments delegated NEC members, who started attending sessions on 4 March.

⁴⁶ According to paragraph 48d of [CEDAW General Recommendation No. 23](#), State parties should provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights”.

Election offices operate in a hierarchical structure headed by the NEO president, who is appointed by the president of Hungary, upon the prime minister's nomination, for a nine-year term. Up to three vice-presidents, appointed for indefinite terms, assist the NEO president. The NEO is a state administrative body tasked with the technical preparation and administration of the elections. Lower-level offices are headed by municipal clerks and act as secretariats for the election commissions at the corresponding level.

RECs, CoECs and PSCs each consist of three members elected by the corresponding county or local representative body, based on proposals from the respective election offices.⁴⁷ Recent amendments have broadened LEOs' discretion in nominating additional PSC members in case PSCs have less than five members due to insufficient nominations from contestants.⁴⁸ The recruitment of PSC members was conducted by public calls which did not contain detailed criteria and did not follow a unified approach, diminishing the transparency and consistency of the selection process. LEOs provided training for PSC registrars, who assist PSCs on election day and are responsible for filling out the results protocols, and organized sessions for the elected and delegated PSC members, based on training materials produced by the NEO. The training sessions for PSC members attended by ODIHR EOM observers were assessed as well-organized and comprehensive. CoECs and RECs did not receive standardized training, contrary to international good practice, including regarding the RECs' new role related to appeals on candidate registration, but they could consult CoEOs and REOs if needed.⁴⁹

Election commissions are tasked by law to establish the results of the elections and to ensure fairness, lawfulness, and impartiality of the electoral process, with assistance provided by election offices. In most cases observed, election offices appeared to have overall responsibility for the election process in terms of preparations, organization, management of the commission member nomination process, preparing commissions' agenda and draft decisions, access to tabulation, and aggregation of results. ODIHR EOM observers found that the parallel operation of offices and commissions, both defined by law as independent bodies but without clearly separated functions in practice, diminished the transparency of the election management process.⁵⁰

Overall, the election administration managed the technical preparations professionally and efficiently and met all legal deadlines. Between the call of the elections and the announcement of the election results, the NEC held 39 sessions that were open to the public; the agenda was announced shortly before each session, and NEC decisions were published in a timely manner. However, most sessions of election commissions lacked genuine deliberations and were limited to voting on pre-drafted decisions, especially before the delegated members joined. This, along with strict time restrictions on members' interventions, diminished the transparency and collegiality of the decision-making.⁵¹ Following the

⁴⁷ In some cases, CoEOs and LEOs were headed by the same official.

⁴⁸ Political parties and independent candidates registered in the respective constituency may nominate up to two members each per PSC.

⁴⁹ The ODIHR EOM was informed by some CoEOs that CoECs members are experienced election lawyers and university professors and do not need training. The NEC chairperson, however, shared that CoECs did not adjudicate complaints in a uniform manner during the election period and could benefit from training. Training was compulsory only for staff of election offices and elected PSC members. Guideline II.3.1 of [Code of Good Practice in Electoral Matters](#) notes that "Members of electoral commissions must receive standard training."

⁵⁰ In a number of cases, ODIHR EOM long-term observers reported that access to CoEC members and meetings with commissions were not possible without the facilitation and active involvement of election offices. In some cases, this also undermined the perception of impartiality of the election bodies, as commission members were often consulting the offices in their replies. Moreover, election offices have the main responsibility during the tabulation process as they are aggregating the results and have access to the National Election System.

⁵¹ Paragraph 4 of the NEC [Rules of Procedure](#) (in Hungarian) specifies that commissioners may speak on two agenda items during a session, with two interventions of two and one minute, respectively. This might be extended to five

2020 legislative amendments NEC sessions could be held using electronic channels, but these were not broadcast or streamed online, and session minutes were published with a considerable delay of some 30 days, decreasing transparency. Furthermore, the election administration did not enjoy the full confidence of some electoral contestants, particularly at the higher-level, due to concerns over the dominance of ruling majority appointees.⁵²

A 2020 amendment to the Act on Election Procedure granted the NEC president the right to direct the content of pre-drafted decisions, with NEC members able to propose amendments at the public session. The law does not allow for genuine deliberation and limits the input of NEC members, undermining the transparency and collegiality of the decision-making process, particularly on complaints and appeals. While the NEC took more than 360 decisions in the election period, during the NEC sessions observed by the ODIHR EOM, only in six cases were minor amendments made to decisions related to complaints and appeals.⁵³ For the period before the party-delegated members joined the NEC, the majority of NEC decisions were taken unanimously and rarely with substantive deliberations.

To guarantee collegiality and transparency of the decision-making, consideration should be given to providing all commission members meaningful opportunities to contribute to the formulation of decisions. The decision-making process should be inclusive and open for deliberation of alternative proposals of all decisions.

The election administration made efforts to strengthen the accessibility of the elections for persons with disabilities, in line with the law.⁵⁴ The NEO maintained a website with voter information for the elections and referendum, as well as voter education materials and easy-to-read content tailored for users with visual and other impairments. Some 2,197 persons requested to vote at a designated accessible polling station, and 225 requested a voting template in Braille for use on election day. In addition, 92,643 voters requested to vote using a mobile ballot box. An average of 76 per cent of polling stations were reported by the NEO as being accessible for voters with physical disabilities or reduced mobility; IEOM observers on election day reported that some 27 per cent of the polling stations visited were not accessible for independent use. Voter education was overall limited and did not facilitate a sufficient understanding of voting procedures. ODIHR EOM long-term observers reported that voter education campaigns were mainly conducted by CSOs and by election offices, with some conducting awareness campaigns and sending letters to voters.

VII. VOTER REGISTRATION

All citizens who are at least 18 years of age on election day and married citizens over 16 are entitled to vote.⁵⁵ The distinction based on marital status is at odds with international standards.⁵⁶ Those declared

minutes in total. While this rule may make meetings more efficient, it does not allow reasonable time for thorough deliberations.

⁵² Similarly, in a few localities controlled by the opposition, *Fidesz* raised concerns about lower-level election bodies.

⁵³ The ODIHR EOM observed the vast majority of NEC sessions held during the observation period; its decisions were largely related to complaints and appeals.

⁵⁴ The [Concluding Observations](#) on Hungary of the UN Committee on the Rights of Persons with Disabilities, issued on 25 March 2022, raised a number of concerns related to the right to vote of persons with disabilities and issued four related recommendations including on suffrage rights, assisted voting, reasonable accommodation, and measures to promote the election and appointment of persons with disabilities.

⁵⁵ The Constitution grants the right to vote and stand in elections to all adult citizens. Under the Civil Code, married citizens over the age of 16 are given full rights as adults.

⁵⁶ Paragraph 3 of [General Comment No. 25](#) on Article 25 of the ICCPR states that “no distinctions are permitted between citizens in the enjoyment of [voting rights] on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

of limited mental capacity may be disenfranchised by an individualized court decision, contrary to international standards.⁵⁷ The ODIHR EOM was informed by interlocutors from the CSOs that despite the introduction in 2013 of a legal requirement for individualized court decisions as a replacement for the previous blanket disenfranchisement of mentally incapacitated persons, the courts continue to automatically disenfranchise such persons, and earlier decisions on deprivation of voting rights have not been re-examined.⁵⁸

The Criminal Code provides that a court can deprive an individual of voting rights if convicted and imprisoned for an intentional crime and “deemed unworthy to take part in public affairs.” Any period of disenfranchisement must include the time in prison and an additional one to ten years following serving of the sentence.⁵⁹ Contrary to international good practice, the law does not guarantee the proportionality of the decision and length of disenfranchisement, for instance, allowing disenfranchisement even for minor offences.⁶⁰ Moreover, according to some ODIHR EOM interlocutors, the vast majority of convicts are disenfranchised for a period equal to the term of imprisonment following their release, rather than based on an individualized, proportional assessment.

Restrictions of the voting rights of persons with mental and intellectual disabilities, as well as distinctions in voting rights based on marital status, should be removed. Restrictions on voting rights of convicts should be reviewed to ensure that any limitation is clearly defined in the law and proportionate to the gravity of the crime committed.

The voter register is maintained by the NEO, based on the civil registry.⁶¹ A total of 8,215,466 citizens were eligible to vote in the parliamentary elections and the referendum.⁶² Voter registration is passive for citizens with a domicile in Hungary. Political parties and CSOs with whom the ODIHR EOM met expressed overall confidence in the accuracy of the voter register. However, a November 2021 amendment which redefined residency and eased requirements for civil registration weakened

⁵⁷ Article 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), states that to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected”. Paragraph 3 of [General Comment No. 25](#) on Article 25 of the ICCPR states that: “no distinctions are permitted between citizens in the enjoyment of [voting rights] on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” In practice, disenfranchisement is reportedly also extended to non-verbal voters without proper examination. According to NEO data, some 47,000 voters were deprived of their civil rights due to mental incapacity. The 2020 amendments to the Act on Election Procedure removed “pathological addiction” from the grounds for disenfranchisement.

⁵⁸ In the case of [Alajos Kiss v. Hungary](#), the 2010 judgement of the European Court of Human Rights stated that the previous practice violated Article 3 (right to free elections) of [Protocol No. 1 of the ECHR](#), and overturned a Hungarian blanket provision which denied voting rights to mentally disabled people under partial guardianship.

⁵⁹ The courts do not have discretion to disenfranchise prisoners for a term equal to or less than the period of imprisonment. According to NEO data, some 25,000 persons are currently disenfranchised due to criminal conviction.

⁶⁰ Guideline I.1.1.d of the Venice Commission’s [Code of Good Practice in Electoral Matters](#) states that deprivation of the right to vote and to be elected “may be subject the following cumulative conditions iii. the proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them and iv. The deprivation must be based [...] on a criminal conviction for a serious offence.”

⁶¹ The civil registry contains data based on the Personal Data and Address Registry and the central register of travel documents (since the recent amendments to the Act on Election Procedure), while the National Court Office and the Criminal Registry provide data to the NEO on those deprived of suffrage rights.

⁶² This included 7,536,306 voters registered in their home constituency, 157,551 absentee voters, 65,480 voters registered to vote at Hungarian diplomatic missions, and 456,129 voters abroad without a registered address in Hungary who are eligible to vote by post. A total of 40,570 voters registered to vote for national minority lists.

safeguards against manipulations of voter registration.⁶³ Contrary to international good practice, the voter registers were not published, but voters could request changes to their data up to two days before election day.⁶⁴ Following widespread debate about the civil registration changes, the NEO published voter registration figures on a weekly basis increasing transparency. According to data published by the NEO, changes in voter registration figures per constituency following the November 2021 amendment easing civil registration requirements ranged from 0.002 to 0.95 per cent. The voter registration figures from 2021 were published by the NEO in a different format compared to recent data, which did not facilitate the comparison of voter registration trends.⁶⁵

There are two different voting methods for voters abroad. Voters abroad with an in-country residence had to register by 25 March to vote in one of the 145 polling stations established at Hungarian diplomatic missions. These voters could vote for the national proportional list and the constituency components of the elections. Voters abroad without domicile in Hungary were eligible to vote by post for the national proportional list component only. The provision for postal voting extends mostly to ethnic Hungarian communities in neighboring countries, who were granted citizenship following an amendment to the Act on Hungarian Citizenship where individuals whose ancestors were Hungarians could be naturalized on preferential terms.⁶⁶ The differing modalities for out-of-country voting, depending on whether voters retain a domicile in Hungary or not, challenged the principle of equal suffrage.⁶⁷

To ensure equal suffrage, voter registration and voting procedures for out of country voters should be made uniform for all citizens abroad.

The register for postal voting contained the data of some half a million voters. The records of these voters remain active provided they vote or amend their data at least once every ten years. This extended period is at odds with international good practice and creates concerns about the accuracy of the register of citizens residing abroad without domicile in Hungary.⁶⁸ In response to formal complaints related to alleged irregularities in the delivery of postal voting packages to voters and destruction of marked postal ballots, the NEC stated that the scope of the election legislation extends to the territory of Hungary and that it did not have competence to investigate the activities of unknown persons in another country. This

⁶³ Amendments to the Act on the Records of Citizens' Personal Data and Address changed the definition of residency from the actual place of residence to the address used for communication with the state. One quarter of sitting MPs unsuccessfully challenged the amendment before the Constitutional Court, claiming that the register of residential addresses would no longer be proof of the actual place of residence. The Constitutional Court in its decision of 14 February 2022 ruled that the amendment was necessary as it "provides a regulatory response to the social phenomenon that some of the notifications of residential addresses no longer reflect the reality of the situation."

⁶⁴ Guideline I 1.2. of the Venice Commission's [Code of Good Practice](#) prescribes that "[e]lectoral registers must be published".

⁶⁵ The figures on changes in the voter register are based on the ODIHR EOM's analysis of data published by the NEO from December 2021 (49th calendar week) to 31 March 2022. The NEO informed the ODIHR EOM that the new formatting per settlement and constituency was a novel approach and that previous data were not published in such a format to allow comparison. Based on voter list data from 2018, several constituencies in Pest and one in Fejér county had a population increase of more than 4 per cent.

⁶⁶ Based on the data from the Department of Citizenship and Registration of the Government Office of Budapest Capital, 36,101 persons were granted citizenship since 2020 based on the simplified naturalization procedure. In 2018, 378,449 citizens were eligible to vote by post, compared to 456,129 for these elections.

⁶⁷ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to "guarantee universal and equal suffrage to adult citizens".

⁶⁸ Guideline I.1.2. of the Venice Commission's [Code of Good Practice in Electoral Matters](#) prescribes that fulfilment of the following criteria is essential if electoral registers are to be reliable: "ii there must be regular up-dates, at least once a year."

left the process of postal voting without proper oversight.⁶⁹ A total of 456,129 out-of-country voters were eligible to cast a postal ballot for the proportional contest and the referendum.

To increase trust in the accuracy of the voter register and integrity of the election process, consideration could be given to regularly updating the data of voters residing abroad without domicile in Hungary.

VIII. CANDIDATE REGISTRATION

The right to stand is granted to every citizen with voting rights. Candidates for single-mandate constituencies could be nominated by one or more nominating organization or run independently.⁷⁰ Candidates for single-mandate constituencies had to collect at least 500 support signatures from citizens eligible to vote in that constituency, on signature sheets pre-approved by the NEO.⁷¹ Candidates can be simultaneously nominated on a national party list and in a single-mandate constituency.

In an inclusive process, the NEC registered 55 nominating organizations, including 12 national minority self-governments, and denied registration to 7 entities due to omissions in their documentation.⁷² In total, six national proportional lists were registered from these nominating organizations, and one list was rejected.⁷³ CoECs registered a total of 663 candidates for elections in single-member constituencies, including 34 self-nominated. CoECs denied the registration of 105 candidates.⁷⁴ The verification of support signatures was conducted by the CoEOs, within three days of submission of the candidacies. By law, only the candidates, upon their request, are entitled to know the reasons for CoEOs' invalidation of collected signatures, limiting the transparency of the verification process. The proportional lists were registered by the NEC once the parties nominating the lists fulfilled the requirement of fielding candidates in at least 71 single-member districts in 14 counties and Budapest. The registered lists included a total of 1,035 candidates, including 204 women (19.7 per cent). National minorities fielded 111 candidates, including 49 women (44.1 per cent). Among the 663 single-mandate candidates, 116, or 17.5 per cent, were women.

⁶⁹ On 21 March, a complaint was filed by an individual citizen claiming that in Serbia, the Alliance of Vojvodina Hungarians, an ethnic Hungarian party, delivered the postal voting packages instead of the Serbian postal services. The NEC dismissed the complaint, stating that the NEO is not responsible for investigating proper delivery of the postal voting packages. On appeal, the Supreme Court upheld the decision. On 3 April, the NEC dismissed a complaint related to alleged destruction of ballots in Târgu Mureș, Romania, due to lack of jurisdiction. The United for Hungary opposition coalition called for the invalidation of all postal ballots after this incident.

⁷⁰ Candidates may withdraw up to 11:00 on the day before elections. After the elections, party list candidates that did not win a mandate are removed from the list, contrary to a previous ODIHR and Venice Commission recommendation as it prevents replacement in case winning candidates are unable to take up their seats or resign.

⁷¹ The NEO issued a total of 190,229 signature sheets to 1,086 party and independent candidates. Based on data from the NEC secretariat, a total of HUF 6,624,000 (EUR 17,570) fines were imposed in 466 cases for late return or loss of signature sheets, according to a legal provision that may benefit from review, in line with a previous ODIHR recommendation.

⁷² Nominating organizations include political parties that field single-mandate constituency or proportional candidates, as well as national minority self-governments. Based on National Judicial Office data, as of April 2022, a total of 268 political parties were active, with 76 having been registered since the 2018 elections.

⁷³ The NEC refused the registration of the proportional list of Our Party – PRAYER as the party fielded only 10 individual candidates in 7 counties and the capital. United for Hungary, the Normal Life Party, the Two-Tailed Dog Party, the Solution Movement, Our Homeland, and *Fidesz*–KDNP met the requirement for registration of their national proportional lists and submitted their documents by the legal deadline.

⁷⁴ Eight candidates registered by CoECs subsequently withdrew, and one was deregistered. The Budapest REC deregistered a candidate after reviewing the signature sheets based on an appeal. It found that the data on some of the sheets was not in compliance with legal requirements and invalidated part of the signatures, causing the number of remaining valid signatures to drop below the required 500. The CoEO found that 40 of the signatures were of deceased persons and duplicate recommendations, and the respective CoEC filed a report to the police against an unknown perpetrator.

Women were underrepresented as candidates, accounting for less than 20 per cent (excluding minority candidates), limiting the opportunity for strengthening representation of women in national politics.⁷⁵ Moreover, there are no special legislative measures to promote the political participation of women, and only four parties informed the ODIHR EOM that they had internal rules to ensure women are represented in high places on candidate lists.

Consideration could be given to introducing temporary special measures to promote women candidates, including legislative gender quotas for party lists that place women in winnable positions and access to public funding. Additionally, political parties could consider voluntary ways to further increase gender balance on their party lists and internal party structures and strengthen their efforts to foster inclusivity.

The NEO launched a new online portal where voters could check if their data had been used in support of any single-mandate candidate. A total of 129,640 such checks were recorded as of 4 April 2022. In case of suspected abuse, voters could file complaints to the RECs during the nomination period or initiate criminal investigation proceedings. Eighty-one individuals informed the election bodies that their data had been misused. During the nomination period, however, numerous complaints and appeals were lodged by candidates and citizens alleging fraudulent signature collection or the misuse of personal data. RECs dismissed most of these on formal grounds, due to late submission or inability to provide sufficient evidence; only in some cases were such claims forwarded directly to the police.⁷⁶ The election administration made insufficient efforts to address these violations and there was a lack of timely handling of such cases by law enforcement. The Ministry of Interior informed the ODIHR EOM that more than 100 criminal investigations were launched on suspected falsification of signatures or misuse of personal data in relation to the signature sheets submitted by candidates for registration. In the weeks following the election, the investigations were ongoing. In relation to the signature collection process, the National Authority for Data Protection and Freedom of Information (NAIH) informed the ODIHR EOM of 14 individual complaints on personal data misuse and of some cases of political parties collecting personal data for unclear purposes.⁷⁷

Consideration should be given to providing effective remedy and measures to address issues related to the falsification of supporting signatures or the misuse of personal data during the process of candidate nomination.

⁷⁵ Twenty-six out of 199 MPs in the outgoing parliament (13 per cent) and 2 out of 13 government ministers were women.

⁷⁶ Most RECs reviewed individual claims by voters about the misuse of their data by candidates, which alleged misuse predominantly by the Solution Movement and the Normal Life party. A number of candidates appealed CoEC decisions on registration, requesting RECs to review the validity of the submitted support signatures. The NEC received a total of seven complaints and appeals about signature collection irregularities, including falsified signatures; all were rejected. ODIHR EOM observers were informed that election commissions lack investigative powers to verify the validity of signatures and only have an obligation to forward reports to the police based on concrete evidence of the misuse of data, including signatures of deceased voters or individual claims.

⁷⁷ A fine of HUF 3,000,000 (EUR 8,000) was issued by NAIH on 2 March 2022 to the Common Ground 2018 party and its founder, György Gődény, the current chairperson of the Normal Life Party, for a 2020 case on misleading citizens about the purpose of collecting personal data in support of an online petition. On 17 March 2022, the NAIH launched an investigation into the Normal Life Party, based on a number of complaints, concerning the unlawful collection of personal data online in connection with the 2022 elections. In addition, some criminal investigations were launched into candidates suspected of attempting to pay voters for signing their recommendation sheets.

The referendum legal framework does not include the concept of supporters and opponents of a referendum, contrary to international good practice, and does not require political parties or other stakeholders to register to participate in the campaign.⁷⁸

IX. CAMPAIGN ENVIRONMENT

The official campaign commenced on 12 February and continued through election day.⁷⁹ Campaigning by public officials is not explicitly restricted in any manner by the law, and the use of administrative resources in the election campaign is not prohibited.⁸⁰ Referendum campaigning is largely unregulated, and apart from provisions on free airtime in broadcast media for the government and parliamentary parties there are no clear rules on who can campaign or the methods they can use in the referendum campaign.

In the campaign, the fundamental freedoms of association and assembly were respected, and election participants were largely able to campaign freely. A range of contestants represented different views. However, the campaign was marked by a fundamental lack of a level playing field, characterized by a pervasive overlap between the ruling coalition's campaign messages and government information campaigns, giving a clear advantage to the *Fidesz*-led coalition.

Parties campaigned actively around the country, with varied intensity between the regions, by means of meetings with voters, door-to-door and small-scale street campaigning, as well as indoor forums. Attendance at campaign events observed by ODIHR EOM long term observers (LTOs) ranged from smaller gatherings focused on direct contact with voters to larger gatherings attended by a few hundred people, with some gathering tens of thousands.⁸¹ The ODIHR EOM noted a significant disparity in the allocation of billboard space for campaign posters in favor of the ruling coalition. Most of the billboards are owned by individuals affiliated with the ruling party and opposition parties and candidates enjoy limited access to them. Both ruling and opposition parties also placed smaller campaign posters around the country. The ODIHR EOM noted widespread defacing of such posters.⁸²

Parties and candidates relied heavily on social networks to promote their campaign messages. Candidates frequently used their Facebook accounts to criticize each other. Mr. Orbán's Facebook account had by far the highest engagement in terms of followers, likes, shares and comments among parties and politicians, while Mr. Márki-Zay had the highest engagement among opposition figures.

⁷⁸ Guideline I.2.2 of the Venice Commission's [Code of Good Practice on Referendums](#) provides that "equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on."

⁷⁹ Campaign rallies and campaign advertisements in the media are prohibited on election day, and, pursuant to a 2018 amendment, campaigning may not take place within 150 meters of polling stations.

⁸⁰ The 2016 ODIHR and Venice Commission's Joint [Guidelines](#) for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes stipulates that the "ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources [...], the legal framework should state that no major announcements linked to [...] a given party or candidate should occur during campaigns" and that "the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages [...]." The Act on Election Procedure establishes guiding principles of equal opportunities for contestants and fairness of the election and prohibits campaigning in state or local government buildings. The Act on Public Service Officials prohibits local public servants to engage in "any activity that would compromise their impartial, non-influential activities." The Act on Government Administration that regulates state public servants does not include a similar prohibition. Elected officials are not subject to any restrictions.

⁸¹ ODIHR EOM LTOs observed 32 campaign events in 9 counties and Budapest city.

⁸² The Ministry of Interior informed the ODIHR EOM that some 50 criminal investigations were initiated in relation to damage to campaign posters, and some 20 related to the theft of campaign materials. Eighteen criminal investigations into campaign-related public nuisance were initiated. Following recent legislative amendments, advance written permission is required from the owner of a private property where campaign materials are posted.

The government Facebook page also contained campaign messages, contributing to the blurring of the line between state and party. The campaign rhetoric and themes used by parties and candidates on social networks largely mirrored the traditional campaign. However, non-party influencers were highly active in the campaign on social networks, particularly in support of *Fidesz*, and often used confrontational rhetoric.⁸³

The campaign was highly negative in tone, with mutual accusations between the ruling party and the main opposition coalition. Both sides levelled accusations of corruption. Many campaign billboards from third-party entities criticized the opposition and launched personal attacks, in particular against Mr. Márki-Zay. The ruling coalition stressed its record in government, contrasting it positively with the previous government, claiming that if the opposition came to power, a number of social and healthcare benefits would be reduced or cut and utility bills would rise.⁸⁴ During the campaign, the sending of emails and text messages with campaign messages led to allegations of the misuse of voters' personal data by the government, ruling party and opposition coalition (see *Complaints and Appeals*).

In the campaign, the war caused by the Russian Federation's invasion of Ukraine featured prominently, especially in the first two weeks following its start on 24 February.⁸⁵ The United for Hungary opposition campaign focused on the activities of Mr. Márki-Zay campaigning around the country, while *Fidesz* focused on the activities of Mr. Orbán as prime minister, notably concerning the war in Ukraine and the influx of refugees from that country. However, in the last week of the campaign, Mr. Orbán actively engaged in campaigning. Locally, *Fidesz* candidates drew attention to projects benefiting the community. Other issues that featured in the campaign included energy security, the economy, notably family support payments, pensions, inflation and utility prices, and later in the campaign EU funding and foreign interference.⁸⁶ The Our Homeland Movement focused on COVID-19 restrictions, and in the latter stages of the campaign United for Hungary criticized the record of the government in tackling the COVID-19 pandemic. The referendum issues featured in the campaign only to a limited extent. Several CSOs called upon voters to invalidate their referendum ballot.

The pervasive overlap of government information and ruling party messaging in media advertisements and billboards, and in government letters about social benefits, blurred the line between state and

⁸³ Instagram was used less extensively, and mostly with the same posts that appeared on Facebook. On 30 March, the *Fidesz* website was attacked by unknown hackers in what the party called "an obvious interference in the elections." The website was accessible again in the evening of the same day. On 29 March, Our Homeland Deputy President Dóra Dúró claimed that the decision by Facebook's parent company Meta to block the party's Facebook page was "conscious interference into the parliamentary elections."

⁸⁴ On 18 March, Mr. Márki-Zay filed a criminal complaint about the misrepresentation of his views by the ruling coalition campaign. According to the Ministry of Interior, during the campaign period, a total of seven criminal reports were filed on alleged defamation and slander.

⁸⁵ The ruling coalition emphasized the need to preserve peace and security in Hungary, and claimed that if the opposition were in power, Hungary would be directly involved in the conflict. The opposition rejected these claims and accused the prime minister of having been too close to the government of the Russian Federation and of pursuing a similar course to the Russian president.

⁸⁶ On 29 March, a media [report](#) described alleged long-term foreign meddling in the Foreign Ministry IT system. On 29 March, Mr Márki-Zay [called](#) on Foreign Minister Péter Szijjártó to resign for lack of action on the issue. In the campaign, the opposition frequently raised the withholding of EU funding, pointing to this as a government failure. On 31 March, Finance Minister Mihály Varga [responded](#) that the withholding of EU funding amounted to interference in Hungary's elections.

party.⁸⁷ There were also widespread allegations in a number of regions that public-sector workers, including those in public employment programs, were engaged in the election campaign.⁸⁸ There were multiple formal complaints about a government program to distribute laptops in schools, alleging that candidates and officials used the delivery of the laptops as a campaign tool. Another complaint concerned the government sending emails to citizens about the war in Ukraine, in which it criticized the standpoints of the opposition (see *Complaints and Appeals*). Such use of state resources amplified the advantage of the ruling party and further tilted the playing field, at odds with paragraph 5.4 of the 1990 Copenhagen Document.⁸⁹

To guarantee a level playing field, fair campaign and equality of opportunities, the legal and institutional framework should clearly prohibit the misuse of administrative resources, including the prohibition of state officials campaigning in their official capacity, and the barring of the initiation or announcement of new state spending during a pre-election period.

The ODIHR EOM received claims by several opposition interlocutors that, especially in rural areas, their campaign activities were hindered by the fact that people were pressured, often by local mayors, not to attend opposition events. Furthermore, there were numerous allegations that public employment programs, were widely abused by mayors who warned people that the programs would be withdrawn if the opposition were to win in that locality. ODIHR EOM interlocutors made multiple allegations of vote-buying.⁹⁰

To enhance public confidence in the electoral process and create a free and fair campaign environment, public officials and electoral contestants should refrain from exercising pressure on voters or public employees, and the relevant authorities should take prompt and effective steps to investigate allegations

⁸⁷ Government media advertisements, posters featuring a photograph of the prime minister, and Facebook posts stressing the preservation of peace and stability in Hungary dovetailed with *Fidesz* messaging that also criticized the opposition position on the war in Ukraine. Similarly, a key *Fidesz* slogan, “let’s go forwards, not backwards” closely mirrored a government information slogan used before the campaign period. Letters sent by the government to citizens about increased pensions and support for families with children contained criticism of the previous government of Mr. Gyurcsány. Utility bills contained messages describing how prices had been kept low, mirroring a *Fidesz* campaign message about the achievement of low prices and a claim that if the opposition gained power, they would rise. It was further alleged in Budapest and in Borsod-Abaúj-Zemplén county that *Fidesz* campaign messages were sent to emergency caller devices used by the elderly.

⁸⁸ The ODIHR EOM was informed about such allegations in Borsod-Abaúj-Zemplén, Hajdú-Bihar and Zala counties. One complaint to NEC included apparent photographic evidence that municipal workers in Baranya county had posted *Fidesz* campaign posters. Another formal complaint alleged a municipal worker distributed *Fidesz* leaflets in Vas county.

⁸⁹ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”. Paragraph 253 of the Joint [Guidelines](#) on Political Party Regulation state that “The abuse of state resources often includes the use of public premises, office equipment, or public employees for the promotion of the programme and actions of the governing party before and during elections. The same applies when government resources are used to slander and denigrate opposition parties, regardless of whether this happens in the context of or outside of elections. Moreover, where public authorities (not individual government officials) are involved in campaign announcements and advertising (and perhaps even obtain billboards and other equipment for free, or below the market price), or the use of subsidies for party donations, they are abusing public funds allocated to govern a country.” Paragraph II. B. 1.1 of the Guidelines states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

⁹⁰ The Ministry of Interior informed the ODIHR EOM that five criminal investigations were launched during the campaign regarding suspected undue influence of voters, including by means of financial benefits; in two cases the charges were dismissed. In two observed examples, in Hajdú-Bihar County and Baranya County, *Fidesz* candidates posted on their Facebook pages that they had distributed food packages respectively to the elderly and to Roma. In Borsod-Abaúj-Zemplén county, the ODIHR EOM observed a representative of the LMP – Hungary’s Green Party distributing feminine sanitary products to Roma.

of intimidation, coercion and vote buying, as well as proactively work to deter such practices and educate voters on their rights and safeguards in place.

Women were largely not featured or addressed in the campaign. At the campaign events observed by ODIHR EOM LTOs, messages were rarely directed at women, and when gender-related issues were addressed, they were mainly appealing to ‘traditional family values’.

X. CAMPAIGN FINANCE

Party and campaign finance is regulated mainly by the 1989 Act on the Functioning and Management of Parties (Political Parties Act) and the 2013 Act on the Transparency of Campaign Costs for the Election of Members of Parliament (Campaign Finance Act).⁹¹ The legal framework remained largely unchanged since the last parliamentary elections, and recent amendments did not address longstanding recommendations by ODIHR and the Council of Europe’s Group of States against Corruption (GRECO), including those related to caps on individual donations, campaign finance disclosure and reporting, and third-party campaigning.⁹² Overall, legislative shortcomings and limited enforcement of the regulatory framework resulted in inadequate transparency and accountability of campaign finances.

Political parties and election campaigns are financed primarily through public funding, which contributes to providing equitable opportunities to election contestants.⁹³ Parties and candidates may also receive private donations from individuals and campaign using their own funds.⁹⁴ The law does not provide for disclosure of campaign donations, nor does it set any caps on individual donations to political parties for their regular activities or contestants for the campaign.⁹⁵ The lack of disclosure of donations maintains the opacity of campaign funding, at odds with international commitments and good practice.⁹⁶ The absence of caps on donations further heightens the risks associated with non-transparent channeling of funds into electoral campaigns.

⁹¹ Other relevant legislation includes the 2003 Act on Party Foundations, 2010 Media Act, 2011 Act on the State Audit Office, 2013 Act on Election Procedure, and 2016 Act on the Protection of the Townscape.

⁹² In its [2017 report](#) concluding the evaluation with respect to transparency of party funding in Hungary, GRECO expressed “regret that the legislative measures necessary to implement most of the recommendations have not taken place.”

⁹³ Political parties whose lists obtained at least 1 per cent of votes cast in parliamentary elections and their party foundations receive annual public subsidies. State subsidies for election campaigns are also provided to candidates in single-mandate constituencies (about HUF 1.2 million, or EUR 3,200, per candidate), and to entities nominating candidate lists for the national proportional contest. Nominators of party lists received between HUF 471 and 706 million (EUR 1.3 and 1.9 million; depending on the number of candidates), while nominators of minority lists were together entitled to some HUF 353 million (EUR 941,000; one third of this amount was divided equally among lists while two thirds were allocated in proportion to the number of registered voters for the given minority).

⁹⁴ Donations to political parties or contestants from legal entities, foreign individuals or states, as well as anonymous donations are prohibited.

⁹⁵ Donations to political parties exceeding HUF 500,000 (EUR 1,320) a year are identified in the parties’ annual reports. There is no requirement to disclose donations above a certain threshold in the contestants’ campaign finance reports.

⁹⁶ Article 7(3) of the [2003 UN Convention against Corruption](#) obliges states to make good-faith efforts to improve transparency in election and political party financing. See also paragraphs 264 and 265 of the [ODIHR and Venice Commission’s 2020 Guidelines on Political Party Regulation](#).

The law sets campaign spending limits.⁹⁷ However, their effectiveness was undermined by extensive third-party spending, which remains unregulated.⁹⁸ Such spending primarily benefitted the ruling parties and was not transparent, leaving campaign funders unknown to the public.⁹⁹ This lack of transparency was also facilitated by the legal framework, in particular with regard to campaign billboards. The 2016 Act on the Protection of Townscape provides for publication of contracts for billboard advertising concluded by state-subsidized bodies and entities, but the Act specifically excludes campaign materials. Substantial sums were spent on Facebook advertising, led by third-party entities associated with *Fidesz*.¹⁰⁰ In these circumstances, election campaign spending limits, which were generally regarded as too low by several ODIHR EOM interlocutors, provided further advantage to the incumbents.

No direct public funding is provided for referendum campaigns. Referendum initiators and political parties with a parliamentary group are entitled to indirect funding in the form of free airtime for political advertising in the public media. Referendum campaigners, including the government when initiating the referendum, are not subject to any financial disclosure or reporting requirements, at odds with international good practice.¹⁰¹ The law does not set a limit on the referendum campaigns spending, which might facilitate the circumvention of election campaign spending limits when elections are held concurrently with a referendum.¹⁰² The most visible referendum campaign was conducted by the government, but the amount spent was not made public.¹⁰³

To enhance the transparency and oversight of campaign finance, the legislation should be further reviewed to address previously identified gaps and ODIHR and GRECO recommendations. In particular, transparency of campaign funding should be strengthened by the disclosure of campaign donations exceeding a certain amount, with disclosure requirements applicable to any entities participating in election or referendum campaigns. To provide for a more equitable playing field, campaign spending by third parties and by referendum campaigners should also be subject to limits.

⁹⁷ Each independent candidate could spend up to HUF 5.9 million (EUR 15,700), while a party could spend up to HUF 5.9 million for each candidate, but no more than HUF 1.2 billion (EUR 3.2 million) for a party or alliance contesting all parliamentary seats.

⁹⁸ Several ODIHR EOM interlocutors opined that third-party spending should be regarded as an in-kind contribution to a party's campaign. In consideration of complaints, at least two CoECs ruled that third-party spending as such is prohibited by the Campaign Finance Act, but these rulings were overturned by the NEC, which held that election commissions have no jurisdiction over the matter.

⁹⁹ For instance, a highly visible negative campaign against Mr. Márki-Zay, with numerous billboards and posters across the country, was funded by a company set up by the NGO *CÖF-CÖKA*. *CÖF-CÖKA* acknowledged to the ODIHR EOM that it is regularly supported by the *Fidesz* party foundation and has received funding from state companies and a state-owned bank in the past but maintained that its negative campaign in these elections was funded from private contributions of individuals and companies. *Megafon*, one of the largest pro-*Fidesz* campaign advertisers on Facebook, did not respond to the ODIHR EOM's request for a meeting.

¹⁰⁰ Based on [Facebook](#) advertising disclosures, the ODIHR EOM calculated that between 5 March and 3 April, entities associated with the ruling party spent some HUF 716 million (EUR 1.9 million) on Facebook advertising; entities associated with the opposition spent some HUF 606 million (EUR 1.6 million). All political parties contesting the elections spent a combined some HUF 380 million (EUR 1.0 million).

¹⁰¹ Paragraph 24 of the Explanatory Memorandum of the Venice Commission's [Code of Good Practice on Referendums](#) recommends that "[a]s in the case of elections, funding must be transparent, particularly when it comes to campaign accounts."

¹⁰² Paragraph 2.2.h. of the Venice Commission's [Code of Good Practice on Referendums](#) advises that "[t]he principle of equality of opportunity can, in certain cases, lead to a limitation of spending by political parties and other parties involved in the referendum debate, especially on advertising."

¹⁰³ An official from the Prime Minister's office explained to the ODIHR EOM that government advertising contracts are routinely published; however, since the referendum campaign was not contracted separately but included with the government's information campaigns, its costs could not be calculated.

Election contestants must publish a statement on their campaign incomes and expenditures in the National Gazette within 60 days of election day. No reporting prior to election day is envisaged, limiting transparency. The State Treasury, which administers campaign subsidies for candidates and political parties, verifies spending only with respect to the subsidy for candidates in single-mandate constituencies, on the basis of reports submitted to it after election day.¹⁰⁴ The State Audit Office (SAO) audits the campaign finances of the candidates and list nominators who obtained parliamentary mandates. Those who did not obtain mandates may be audited only based on a request of other contestants, which may result in lack of accountability for the use of public funds.¹⁰⁵

The SAO has the power to verify the information submitted to it, but its mandate does not include monitoring campaign financing and it lacks the investigative capacity to ascertain actual campaign spending, thus falling short of international standards related to the oversight of campaign finance.¹⁰⁶ Several ODIHR EOM interlocutors questioned the impartiality of the SAO due to its track record of identifying irregularities primarily in the finances of opposition parties and the prior political affiliation of the SAO president.¹⁰⁷ These concerns were compounded by the absence of legal remedies against the SAO's conclusions.¹⁰⁸ During the campaign, the NEC dismissed multiple complaints related to possible campaign finance violations due to lack of jurisdiction, undermining the possibility of redress.¹⁰⁹

To ensure compliance with spending limits and other campaign finance regulations, the oversight authority should have the requisite monitoring and investigative capacities and could also be empowered to deal with related complaints.

XI. PARTICIPATION OF NATIONAL MINORITIES

According to the most recent national census in 2011, the largest national minority, Roma, comprised some 3.2 per cent of the population.¹¹⁰ The constitution provides additional safeguard to the national minorities, as a measure to promote national minority participation, minorities can win parliamentary representation under special provisions (see *Election and Referendum Systems*). For these elections, 12

¹⁰⁴ These reports are submitted within 15 days from the establishment of the official election results by the candidates themselves or by their party, if the subsidy was assigned by the candidate to the party.

¹⁰⁵ Nominators of candidate lists are therefore not audited automatically if they do not win any seats. The party list subsidy must be paid back if the list received less than one per cent of the valid votes cast for political parties. There is no requirement to pay back the minority list subsidy.

¹⁰⁶ Article 14.b of [Recommendation Rec\(2003\)4 of the Council of Europe's Committee of Ministers](#) on common rules against corruption in the funding of political parties and electoral campaigns advises that: "The independent monitoring should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication."

¹⁰⁷ Between 2010 and July 2022, the SAO was headed by a former MP and deputy leader of the *Fidesz* parliamentary faction, who resigned from his political positions after his appointment to the SAO. Following the audit of the 2014 election contestants, the SAO identified irregularities in the financing of two parties and one alliance from the political opposition; the audit of the 2018 election contestants revealed irregularities in the financing of four parties, all from the opposition.

¹⁰⁸ The Act on the SAO provides that its findings and conclusions cannot be contested before courts or other authorities. The Constitutional Court upheld this provision on two occasions in 2019 and 2020, indicating, however, that a judicial remedy is available against the enforcement of sanctions imposed by the State Treasury on the basis of SAO audits.

¹⁰⁹ The State Treasury and the SAO also do not have jurisdiction to address such complaints.

¹¹⁰ The second largest national minority, Germans, comprised 1.9 per cent. All others, including Romanians, Slovaks, Croats, and Serbs, comprised less than 0.5 per cent each. In the census, people may register more than one ethnicity. As a result, many people indicate membership of the Hungarian majority as well as their own national minority.

of the 13 national minority self-governments submitted candidate lists.¹¹¹ On these lists, 43 per cent of the candidates were women. Due to internal divisions, the Roma minority did not submit a list. Both the ruling party and the United for Hungary opposition bloc had Roma candidates in high positions on their respective lists for the proportional component of the elections.¹¹² Roma civil-society representatives expressed concerns to the ODIHR EOM that the current system of national minority self-government candidate lists fails in its intention of fostering meaningful national minority representation in parliament. Notably, an individual choosing to participate in the election as a minority voter has no opportunity to choose among alternative national minority candidates or lists. The measures currently in place do not guarantee genuine participation of national minorities in political life, contrary to recommendations made by the OSCE High Commissioner on National Minorities (HCNM).¹¹³

Further efforts should be undertaken by the authorities to ensure that measures for national minority representation promote meaningful participation of national minority representatives. Genuine consultation with national minorities should be sought in identifying effective measures.

United for Hungary addressed a range of issues concerning Roma in its electoral program. Several interlocutors, including Roma representatives, raised concerns with the ODIHR EOM about potential election violations in relation to the Roma community, including vote-buying. Concerns were also raised that alleged abuses of employment programs by mayors would potentially affect Roma, among other vulnerable voters (see *Campaign Environment*). Several ODIHR EOM interlocutors asserted that, as many Roma live in considerable poverty, there is often a high degree of dependency on such programs, as well as vulnerability to abuse of their electoral rights. The ODIHR EOM observed instances of negative rhetoric stigmatizing Roma at campaign events.¹¹⁴

XII. MEDIA

A. MEDIA ENVIRONMENT

The media are divided along political lines and operate in an increasingly concentrated market. The simultaneous transfer of the ownership of 476 media outlets, including the main regional print media, to the Central European Press and Media Foundation (KESMA) in 2018 was exempt from review by the competition authority by government decree.¹¹⁵ The change of ownership of the largest news portal *Index* and the subsequent shift of its editorial policies further increased concentration. Only a handful

¹¹¹ Representative of National Self-Government of Germans won a mandate in 2018 and 2022 elections and enjoys same rights as other MPs.

¹¹² There was one highly placed Roma candidate on the *Fidesz* list, and three on the United for Hungary list.

¹¹³ The 1999 [Lund Recommendations on the Effective Participation of National Minorities and Explanatory Note](#) recommend that states adopt “the system which would result in the most representative government in their specific situation. This is especially important for persons belonging to national minorities who might otherwise not have adequate representation.”

¹¹⁴ According to the Ministry of Interior, during the campaign period, three criminal complaints concerning the offence of incitement against a community were filed with the police; investigations were launched.

¹¹⁵ The government decree exempted this deal from review by the competition authority and the media regulator due to its “national strategic importance”. Previously, in 2017 the competition authority and the media regulator blocked the merger of *RTL Klub* with the online media holding *Central Digital Media Ltd*, and in 2011 blocked the merger of the Hungarian assets of *Ringier* with *Axel Springer*. Paragraph 8.18 of PACE Resolution 1636 (2008) “[Indicators for media in a democracy](#)” states: “Legislation must be enforced against media monopolies and dominant market positions.” See also CoE [Recommendation](#) CM/Rec(2018)1. The Constitutional Court found that “the intertwining of media companies, their fusion in the sense of economic and competition law - in terms of the creation and authorization of which the government has extensive powers due to its economic policy powers - does not necessarily mean an injury to the diversity of the press”.

of independent media operate at the national level. Journalists from media critical of the government noted numerous cases of smear campaigns targeting them in the pro-government media and online and in 2021 raised concerns regarding government-sanctioned surveillance of critical journalists.¹¹⁶

To stimulate media pluralism and diversity, measures to limit concentration of media should be considered, including enforcing existing legislation against media monopolies and dominant market positions.

The government and state-affiliated companies dominate the advertising market. The distribution of government advertising funds to media outlets mainly benefits outlets supporting the government, at times becoming their main source of revenue.¹¹⁷ Although the government informed the ODIHR EOM that the allocation of government funds is conducted by an advertisement agency based on the target group selected for an advertisement campaign, detailed or aggregated information on government advertising was not publicly available. A number of major national and regional online media outlets with whom the ODIHR EOM met linked the limited amount or absence of government advertising in their media to their independent editorial policy.¹¹⁸

The public broadcaster *Duna Média* operates seven television channels, seven radio stations and the country's only news agency. It is obliged by law to present different opinions and provide balanced, accurate and objective news coverage; however, it lacks editorial, organizational and financial independence. The content for *Duna Média* is created by a separate entity, the Media Services and Support Trust Fund (MTVA). MTVA is mainly funded from the state budget and was allocated some HUF 130 billion (EUR 340.3 million) for 2022, while *Duna Média* for 2022 was allocated HUF 1.8 billion (EUR 4.8 million) from the budget of MTVA. Several ODIHR EOM interlocutors, including former and current MTVA journalists, described an established system of censorship and external approval of editorial content.¹¹⁹ The media regulator and several interlocutors close to *Fidesz* explained that in Hungary public media is traditionally supporting the government.

B. LEGAL FRAMEWORK

Freedom of expression is guaranteed by the Constitution; however, the 2010 Act on Media Services and Mass Media (Media Act) has consistently been criticized by international institutions, including the Council of Europe, the Venice Commission and the OSCE Representative on Freedom of the Media

¹¹⁶ In July 2021, an investigative news portal reported about surveillance of a number of journalists and managers of media critical of the government, including *Direkt36*, *Átlátszó*, *Hvg.hu* and Central Media group. The National Authority on Data Protection and Freedom of Information publicly acknowledged that surveillance took place, and was carried out in compliance with the law.

¹¹⁷ According to monitoring of advertising conducted by the advertisement research agency *Kantar* based on list prices for advertising, the *Mediaworks* holding (part of KESMA), received over half of its revenue in 2020 and 2021 from the government and government-affiliated companies. Paragraph 8.19 of the PACE Resolution 1636 (2008) "[Indicators for media in a democracy](#)" states that "if media receive direct or indirect subsidies, states must treat those media fairly and with neutrality".

¹¹⁸ The monitoring of *Kantar* found that in 2020 and 2021, despite higher viewership *RTL Klub* received eight times less advertising from the government and government-affiliated companies, some HUF 4.05 and 4.03 billion (EUR 10.8 million and 10.7 million), respectively, than *TV2*, which received some HUF 34.2 and 31.9 billion (EUR 86.4 million and EUR 85.1 million), respectively. A number of regional journalists complained to ODIHR LTOs about similar discriminatory practices.

¹¹⁹ Paragraph 16 of [General Comment No. 34](#) to Article 19 of the ICCPR requires States Parties to "ensure that public broadcasting services operate in an independent manner" and to "guarantee their independence and editorial freedom."

(RFOM).¹²⁰ Access to public information is guaranteed by the legislation; however, the 2016 amendments to the Freedom of Information Act introduced undue restrictions on access to information by broadening the definition of information not subject to disclosure and by increasing the fee for handling information requests. In 2020, under its emergency powers, the government extended the deadline for responding to freedom of information requests from 15 to 45 days, which could be prolonged by an additional 45 days if required.¹²¹ Furthermore, many national and regional media outlets complained to the ODIHR EOM about limited access to public information, most state-organized press-conferences, and other activities of public interest that featured national and local government officials, at odds with international commitments.¹²²

Authorities should ensure, in a timely manner, access of the media to public information, events and documents and proactively put in the public domain information of public interest. The law should clearly define what information can be deemed as classified, restricting access only in limited and legally justifiable cases.

Although the media legislation obliges the broadcast media to provide fair and balanced political coverage, the editorial content is not explicitly regulated for elections or referendums. Free political advertisements were provided to election contestants in the public media, while the government, as the initiator of the referendum, and parliamentary parties were also entitled to free time for the referendum campaign.¹²³ Private national broadcasters may choose to provide free time for election and referendum campaigns; however, only *RTL Klub* chose to do so.¹²⁴

Paid political advertising in broadcast media is prohibited by the Constitution, but public-service advertising may be broadcasted. The vague definition of political and public-service advertising, especially in the context of two simultaneous campaigns, combined with the absence of clear guidance

¹²⁰ The OSCE RFOM [noted](#) that media legislation introduced since 2010 violates OSCE media freedom commitments and [media pluralism](#), and the Council of Europe Commissioner for Human Rights stated that it [negatively affects](#) free speech. In 2015, the [Venice Commission](#) called for the narrowing of content-related restrictions.

¹²¹ See [Decree 179](#) from 4 May 2020 and [Decree 521](#) of 25 November 2020. In a meeting with the ODIHR EOM, the National Authority on Data Protection and Freedom of Information acknowledged that some government ministries may have misused the available extension to hinder access to information requests. For example, on 17 March, it was reported in the media that the Prime Minister's Office invoked the additional 45 days to respond to an information request on whether the minister's chief of staff still works for the office. Also in 2020, public officials (including teachers and healthcare workers) were officially prohibited from talking to media as all the information related to COVID-19 and the related government response has been centralized.

¹²² While the government informed the ODIHR EOM that weekly press conferences of the Minister of the Prime Minister's Office are open to all journalists, many journalists noted that this press-conference is the only regular media event organized by the government. Paragraph 19 of [General Comment No. 34](#) to Article 19 of the ICCPR requires States Parties to "proactively put in the public domain Government information of public interest" and "make every effort to ensure easy, prompt, effective and practical access to such information." See also the 2009 Council of Europe [Tromsø Convention](#).

¹²³ Free airtime on the public media for the election and referendum campaigns was provided between 6:00 and 8:00, 12:00 and 14:00, and 18:00 and 20:00. It was used by all contestants except the United for Hungary opposition alliance and the Normal Life Party. Following verbal complaints about the lack of access and public protests by United for Hungary, MTVA provided each contestant which registered a proportional list or a national minority list with one five-minute time slot in their morning programming.

¹²⁴ Free airtime on *RTL Klub* was used by all contestants except the Normal Life Party. The parliamentary parties which were part of the United for Hungary alliance used the free airtime allotted for the referendum campaign to promote their candidates in the parliamentary elections. On 21 March, following a complaint by *RTL Klub*, the NEC prohibited this practice; on 28 March, the Supreme Court upheld this decision.

by the regulatory body, created legal uncertainty which resulted in *ad hoc* and contradictory interpretations by the NEC and courts.¹²⁵

The media regulatory body, the National Media and Info-communications Authority (NMHH), has broad oversight authority over the media. Although the NMHH conducts continuous media monitoring of the coverage of political actors, the methodology of such monitoring focused only on the quantity of coverage, without assessing the tone or other qualitative aspects. The NMHH informed the ODIHR EOM that it cannot act *ex officio* based on its monitoring, while the late publication of its results prevented any timely reaction to its findings.¹²⁶ Overall, the lack of initiative of the NMHH to address the issues during the campaign, together with long deadlines for the review of media-related complaints and appeals by the NMHH, resulted in contestants and media abstaining from interacting with the regulator and filing complaints and appeals to the NEC instead.¹²⁷

In order to provide for an effective system of appeal, the National Media and Info-communications Authority could be vested with the authority to review media-related complaints and be given the power to act ex officio on identified violations in a timely manner. The existing media monitoring could benefit from detailed measurements of the coverage of contestants, including the tone of such coverage, and from regular and timely publication of monitoring reports during the campaign period.



C. ODIHR EOM MEDIA MONITORING [Click Here to Read Media Monitoring Results](#)

The pervasive bias in the news and current-affairs programs of the majority of broadcasters monitored by the ODIHR EOM, combined with extensive government advertising campaigns provided the ruling party with an undue advantage. This deprived voters of the possibility to receive accurate and impartial information about the main contestants, thus limiting their opportunity to make an informed choice.¹²⁸ In particular, public *MI*, as well as private *TV2* and *Hír TV* displayed a clear bias in favor of the government and *Fidesz* by allocating 50, 54 and 37 per cent of politically relevant news coverage, respectively, to the government and 5, 11 and 14 per cent, respectively, to *Fidesz*, mainly positive in tone.¹²⁹ As a rule, such coverage lacked any clear distinction between coverage of the government and the ruling party.¹³⁰ United for Hungary received 43, 34 and 45 per cent

¹²⁵ The Law on Election Procedure defines political advertisement by referring to the definition in the Media Act, with the difference that political party, political movement and government is to be considered as well as nominating organization and independent candidate. The Media Act defines political advertisements as promoting or advocating support for a party, political movement, or the government, or promoting the name, objectives, activities, slogan, or emblem of such entities. It defines public interest advertising as a call or public interest message which does not constitute political advertising and does not serve financial interest and advertising purposes, and which seeks to influence the viewer or listener of a media service in order to achieve a public-interest objective.

¹²⁶ For example, the NMHH published the results of the monitoring of political actors for February and March only on 2 and 3 June.

¹²⁷ Under the Act on Election Procedure, the NEC has authority to assess complaints related to “participating in election campaigns of media service providers, the press and movie theatres in violation of the provisions of the Act on Election Procedure.” The CoECs adjudicate complaints concerning regional or local media providers.

¹²⁸ From 3 March until 2 April, the ODIHR EOM monitored the prime-time (18:00–24:00) coverage of *ATV*, *Hír TV*, *MI*, *RTL Klub*, *TV2*, as well as the websites *24.hu*, *444.hu*, *hvg.hu*, *Index*, *Origo* and *Telex*.

¹²⁹ On 28 March, the news program of *TV2* [published](#) on its official Facebook page an advertisement produced by the television in which their news presenters and senior members of the news department announced their support for Mr. Orbán. Furthermore, *TV2* (on 14 March) and *Hír TV* (on 2 April) aired during primetime a 125-minute feature film which portrayed former Prime Minister Mr. Gyurcsány, as responsible for the violence and police brutality during protests in 2006, when he was prime minister.

¹³⁰ Paragraph 8.10 of CoE [Resolution](#) 2254 (2019) calls on member states to “guarantee the editorial independence of public service media, putting an end to any attempts to influence them or transform them into governmental media: the use of public service media to promote a specific political party or candidate must be classified as illegal misuse of public funds.”

of mainly negative coverage. Such coverage was often intertwined with comments and unsubstantiated allegations expressed by journalists who were personally attacking Mr. Márki-Zay.¹³¹ A similar trend was observed in talk shows and current-affair programs of *MI* and *Hír TV*.¹³²

By contrast, *RTL Klub* and *ATV* devoted 47 and 38 per cent and 15 and 13 per cent of mainly neutral, and to lesser extent negative coverage to the government and *Fidesz*, respectively. United for Hungary received 35 and 44 per cent of mainly neutral coverage. While *RTL Klub* did not offer any political coverage outside of the news, the talk shows and current-affairs programs on *ATV* were often used by United for Hungary as a platform to present their views and criticize the government. No debates among the main contestants were organized during the campaign, which further limited the opportunities for voters to make an informed choice.¹³³

To ensure balanced coverage, the law should be amended to require public and private broadcast media to cover the election campaign fairly and impartially in information and current affairs programmes. Media should clearly distinguish between the campaign activities of candidates and activities of public officials and coverage of such events. Public television should be given financial and editorial independence, including from the MTVA.

In the absence of paid political advertisement in the broadcast media, extensive government advertisement campaigns were reinforcing the main campaign messages of *Fidesz* by promoting economic achievements, family support, and national security.¹³⁴ Another government advertisement campaign displayed the potential consequences of a positive answer to one of the referendum questions.¹³⁵ Such campaigns, paid for from the state budget, further blurred the lines between the state and the party and provided *Fidesz* with an undue advantage, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document.

¹³¹ For instance, on 2 April in the news of *Hír TV*, the program host, while introducing a news item about the opposition, stated that Mr. Márki-Zay “believes that for young people, blood is more important than oil”, while the left coalition was repeatedly characterized as “warmongering” and “inciting war.” Furthermore, *Hír TV*, *TV2* and *MI* were, while covering pre-election activities of Mr. Márki-Zay, continuously portraying him as ‘incoherent’, ‘arrogant’, ‘offensive’ and “confused by his own lies”. On 22 June 2021, the Constitutional Court ruled that for balanced editorial content it is not necessary to show the representatives of the opposite views, but only note that such views exist, identify those who hold them, and describe how such opinions are different. The European Parliament [resolution](#) of 3 May 2018 on media pluralism and media freedom in the European Union stresses “the need to guarantee full expression for all political actors” and “to base the amount of airtime they are given on public service broadcast channels on journalistic and professional criteria and not on their degree of institutional representativeness or political views.”

¹³² During the campaign, Mr. Márki-Zay was not part of any current-affairs programs on *MI* and was for the first time invited to an interview program on *MI* only 11 days after election day.

¹³³ On 11 March, Mr. Orbán, answering a question from an opposition MP regarding his participation in a debate, said: “There won’t be any debate because [...] your boss isn’t running.” ODIHR EOM LTOs reported that while a number of regional media outlets attempted to organize debates, they did not take place due to the decision of *Fidesz* candidates not to participate.

¹³⁴ In particular, ODIHR EOM media monitoring identified in the prime-time broadcasts of public *MI* and private *ATV*, *Hír TV* and *TV2* over 190 instances of the broadcasting of an 80-second advertisement commissioned by the government. This advertisement promoted national security and reinforced the main campaign messages of *Fidesz*. It was narrated by and extensively featured Prime Minister Orbán.

¹³⁵ ODIHR EOM media monitoring identified nearly a hundred instances of broadcasting of this advertisement in the prime-time broadcasts of private *ATV*, *Hír TV* and *TV2*. On 11 March, the Supreme Court ruled that this advertisement is not political advertisement. Meanwhile, on 11 March and 2 April, the NEC ruled that advertisements commissioned by Amnesty International calling on voters to invalidate their referendum ballot constitute political advertisement; the latter decision also concluded that such advertisement cannot be aired in the broadcast media since civil society organizations are not entitled to political advertising.

In order to provide a level playing field, consideration could be given to reducing the government advertising and banning the use of public-service advertisements by the national or local governments during campaign period. The placement of public-funded advertising should be based on predetermined, clear, equitable, objective and transparent criteria, and information on received public funding should be publicly available.

Among the monitored online media outlets, *Origo* (owned by *Mediaworks*) displayed a clear bias in favor of the government and against the main opposition coalition, while *444.hu*, *hvg.hu* and *Telex* were critical of the government and the ruling party and covered United for Hungary mainly in a neutral manner. *24.hu* covered both main contestants mainly in a neutral manner, with equitable proportions of positive and negative coverage. The coverage of *Index*, while also mainly neutral, was more positive towards the government, and more negative towards United for Hungary.

During the campaign, 19 main regional newspapers which are part of the *Mediaworks* holding published identical articles which criticized the opposition and Mr. Márki-Zay and promoted *Fidesz* candidates.¹³⁶ The same one-sided approach was utilized by a network of free newspapers, *City7*, which was published by *Mediaworks* since 2021 in 11 major cities with opposition-ruled councils, with the content adapted for each city. The publication of *City7* was discontinued shortly after election day. On 28 March, a number of national and regional news websites that belong to the *Mediaworks* holding had their main pages defaced with messages and video reports alleging government control over the media and posting interviews with the leader of United for Hungary.¹³⁷

XIII. COMPLAINTS AND APPEALS

The legal framework provides an opportunity to seek expedited legal remedy for election disputes.¹³⁸ Complaints concerning violations in single-mandate constituency elections, including against local media, are filed with CoECs, while complaints related to nationwide election issues are considered by the NEC. CoEC decisions on candidate registration can be appealed to the respective REC;¹³⁹ CoEC decisions on any other issues are appealed directly to the NEC. Requests for judicial review of NEC and REC decisions can be lodged with the Supreme Court, and Supreme Court decisions can be challenged to the Constitutional Court.¹⁴⁰ Complaints and appeals must be filed within three days, with the competent bodies having three days to adjudicate the matter.¹⁴¹ Some ODIHR EOM interlocutors noted a lack of trust in the impartiality of adjudicative bodies.

¹³⁶ For instance, on 2 April, all these newspapers published on their front pages an interview with Prime Minister Viktor Orbán under the headline “War or Peace”, in which he strongly criticized United for Hungary and called on voters to vote for *Fidesz*.

¹³⁷ A few hours after the defacing, the Minister of Justice [called](#) it a “left-wing cyber-attack”. During the week prior to election day, the websites *444.hu* and *telex.hu* reported about denial-of-service attacks (DDoS) on their websites that caused short-term disruptions in their operations.

¹³⁸ The dispute resolution process for referendums is the same as for elections.

¹³⁹ The 2018 amendments changed the jurisdiction to handle appeals against CoEC decisions on candidate registration from the NEC to RECs.

¹⁴⁰ A Venice Commission [opinion](#) critically assessed the 2019–2020 legislative changes related to the judiciary, including the new process for appointment of the Supreme Court president and its broad powers in allocation of cases to judges, noting “serious risks of politicization and important consequences for the independence of the judiciary” The [2020 European Commission Rule of Law Report](#), Hungary Chapter, stated that the “Government of Hungary has initiated and implemented several steps that have adversely impacted the independence and impartiality of judicial institutions in Hungary.”

¹⁴¹ In electoral matters, constitutional challenges against Supreme Court decisions must be filed within three days; the Constitutional Court has three days to decide on the admissibility of the appeal and three days to adjudicate it.

Contrary to a prior ODIHR recommendation, there is no guarantee to a public hearing of election-related complaints at any level of the election-dispute process.¹⁴² Complainants and respondents are not notified in advance that their case will be reviewed by the election commission, but if present at the session, the commission has the discretion to grant them a 2-minute statement on request. The ODIHR EOM observed the review of some 200 complaints and appeals, and in only two cases was the complainant heard. Hearings are not held for cases in the Supreme Court and Constitutional Court.

Amendments in 2018 narrowed the possibility to appeal decisions of election commissions to those citizens and legal entities whose rights are ‘affected by the case’, which Supreme Court case law referred to by the NEC in its decisions interpreted as a direct violation of the appellant’s rights, which for the most part does not apply to voters as they can only prove “abstract legal affectedness.” This unduly limited the right of all electoral stakeholders to seek effective legal remedy; the same legal standing rule applies to requests for judicial review to the Supreme Court, at odds with international standards.¹⁴³

The electoral dispute resolution framework should be reviewed and amended to guarantee that all voters have effective means to appeal against administrative decisions at any level of the election dispute resolution process.

The NEC deliberated on complaints and appeals in public sessions within established deadlines, and its decisions were promptly published on the NEO website, as were related Supreme Court decisions.¹⁴⁴ However, due to the lack of genuine deliberation in the open sessions of election commissions, the collegiality and transparency in the decision-making process for complaints and appeals was limited.

The NEC received 195 pre-election complaints and appeals. Most disputes related to campaign rules, including use of public position and resources to campaign, breach of campaign material rules, campaign finance, and election and referendum campaign advertisements.¹⁴⁵ A 2018 amendment that provides that the exercise of government functions under the law does not constitute campaigning was extensively used by adjudicating bodies to justify findings that public officials or the government did

¹⁴² Paragraph 12 of the [1990 OSCE Copenhagen Document](#) provides that “proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments.” In addition, see Guideline II 3.3 of the Venice Commission’s [Code of Good Practice in Electoral Matters](#).

¹⁴³ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 2.3(a) of the ICCPR states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy [...]” Guideline II.3.3.3.f of the Venice Commission’s [Code of Good Practice in Electoral Matters](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal.”

¹⁴⁴ While NEC decisions described the content of the complaints and appeals, the petitions themselves and related evidence were not made public, and in line with the Act on Election Procedure, the identity of individual complainants was not disclosed, undermining transparency in the dispute resolution process.

¹⁴⁵ The NEC received 18 complaints alleging campaign calls and SMSs to citizens by political parties, and 3 cases alleging that government campaign emails to citizens breached data protection rules. The National Authority for Data Protection informed the ODIHR EOM that it received more than 250 complaints during the election period, alleging receipt of unauthorized communications through various means in breach of data protection rules, most campaigning in favor of opposition parties and to a lesser extent in favor of the ruling party, including messages sent by the government. In response to complaints against a government email to citizens that included campaign messaging, the data protection authority on 2 April effectively ruled that as general consent to receive government information had been given when signing up for COVID-19 vaccination information, there was no limitation on the content of such communications.

not breach neutrality or misuse state resources in the campaign.¹⁴⁶ Some NEC decisions condoned the overlap between government and the ruling party.¹⁴⁷ Half of all complaints and appeals were denied consideration by the NEC on formal grounds.¹⁴⁸ The NEC did not consider the substance of complaints rejected on technical grounds *ex officio* under its general mandate to ensure the legality of the election process.¹⁴⁹ Moreover, some decisions lacked sufficient examination or sound and consistent reasoning, and some findings of violations were left without sanction.¹⁵⁰

To ensure effective legal remedy, the adjudicating bodies should avoid handling complaints in an overly formalistic manner. The NEC should be explicitly empowered to consider an issue on the merits ex officio when the complaint raises a valid point of concern. Election commissions should ensure sufficient examination of the cases before a decision is taken and ground their rulings in sound and consistent reasoning.

The interpretation of jurisdiction by adjudicating bodies in some cases was problematic.¹⁵¹ During the campaign, the NEC denied its jurisdiction over complaints related to campaign finance, mostly concerning third party campaigning and transparency of campaign spending.¹⁵² When challenged, the Supreme Court upheld the NEC decisions, which resulted in a lack of a clear avenue for legal remedy in more than 30 complaints and appeals.¹⁵³

¹⁴⁶ Decisions of different CoECs on this matter were not consistent, while on appeal the NEC overturned CoEC decisions that found misuse of public position.

¹⁴⁷ The NEC rejected 4 cases alleging that *Fidesz* campaign materials too closely resembled the government's information materials, on the grounds that the government as a referendum initiator is entitled to campaign; The NEC ruled that government posters that stated "Let's protect Hungary's peace and security" did not constitute campaigning, but rather were a legitimate government communication to citizens. The NEC rejected a case alleging that the prime minister campaigned at a state-funded National Memorial Day event on 15 March, on the grounds that no specific legal basis of violation was indicated.

¹⁴⁸ In total, 95 were found inadmissible and 12 were partially rejected. For example, 28 cases were rejected for missing personal data or not citing the precise legal basis, and 14 were denied for lack of legal standing, including one appellant who was contesting a CoEC decision on their complaint. Guideline II.3.3.b of the Venice Commission's [Code of Good Practice in Electoral Matters](#) states that "the procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals."

¹⁴⁹ The NEC informed the ODIHR EOM that it does not consider itself to have *ex officio* power. Guideline II.3.3.i of the Venice Commission's [Code of Good Practice in Electoral Matters](#) provides that "if the appeal body is a higher electoral commission, it must be able *ex officio* to rectify or set aside decisions taken by lower electoral commissions."

¹⁵⁰ In deciding on a complaint about a government email to citizens with explicit referendum campaign messages, the NEC found no violation of data protection rules on grounds that the concerned citizens had generally consented to receiving government information when signing up for COVID-19 vaccination information. In other cases, however, the NEC found that SMS campaigns to citizens in favor of a political party violated a rule that prohibits sending campaign messages via SMS (or email) without the express consent of voters. A decision that found that government referendum posters had been unlawfully placed over opposition candidate posters was left without sanction. In cases where the NEC found campaign poster violations and breach of data protection rules for sending unauthorized campaign communication to voters' phones, the concerned political parties were not sanctioned, on grounds that the responsible persons were unknown.

¹⁵¹ The NEC refused to accept jurisdiction in several cases regarding postal voting. Some CoECs took into consideration campaign finance complaints which on appeal the NEC decided was not within their jurisdiction. Some CoECs transferred complaints related to campaign material rules, which were under their jurisdiction, to the NEC.

¹⁵² Articles 14 and 208 of the Act on Election Procedure provide that "Election commissions shall ... ensure the lawfulness of elections" and that "objections [are to relate to] a breach of the laws related to elections [...]"

¹⁵³ On 5 April, the Constitutional Court denied consideration of complaints challenging the constitutionality of such Supreme Court decisions. Guideline II.3.3.c of the Venice Commission's [Code of Good Practice in Electoral Matters](#) provides that "the appeal procedures and in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative)."

To provide for effective remedy on campaign finance violations, the law should clearly prescribe which body is responsible for handling such complaints.

The Supreme Court received 13 appeals against REC decisions related to candidate registration and 55 cases against the NEC, most on its decisions on complaints and appeals; of these, 18 cases were rejected on technical grounds.¹⁵⁴ The Court fully or partially overturned 12 NEC decisions.¹⁵⁵ On request, the Constitutional Court reviewed 16 Supreme Court decisions, declaring three unconstitutional. The Constitutional Court's interpretation of the law when deciding to annul a Supreme Court decision that found that the government exceeded its functions and breached its duty of neutrality by criticizing the opposition for their views [over the war in Ukraine] in a government communication widely delivered to citizens, raised questions.¹⁵⁶ The court effectively authorized the government to engage in election campaigning. Overall, the handling of most cases by the adjudicating bodies fell short of providing effective legal remedy, contrary to OSCE commitments.¹⁵⁷

XIV. ELECTION OBSERVATION

The Act on Election Procedure does not provide for observation of the election process by citizen observers, contrary to OSCE commitments and despite previous ODIHR recommendations and international standards.¹⁵⁸ The lack of possibility for non-partisan observation detracts from the transparency of the election process and may undermine public trust in the proceedings and results.

Consideration should be given to amending the legislation to explicitly provide for observation of all stages of the electoral process by citizen observers, in line with OSCE commitments.

Several CSOs launched awareness and voter-education campaigns, as well as initiatives to recruit and train elected and party-delegated PSC members.¹⁵⁹ 20K22, a project run by the Foundation for Clean

¹⁵⁴ The appeals were mostly rejected due to lack of legal standing or legal representation at the court; appellants are not permitted to represent themselves in court. In a constitutional challenge in one such case, the Constitutional Court ruled that the requirement for legal representation in the judicial review process is not unconstitutional.

¹⁵⁵ In overturning one NEC decision, the Supreme Court ruled that party-delegated election commission members are not required to act politically neutral outside the work of the commission, while in another case, it upheld the NEC's ruling that elected members of commissions must remain neutral. In its subsequent decisions, the NEC referred to the former court ruling. In another case, the Supreme Court ruled that lowering campaign posters put on lampposts violated the principle of equal opportunity. The Court overturned a NEC decision that found a political party responsible for a data protection breach, on grounds that it cannot be established that the party actually sent the impugned campaign SMS in its favor.

¹⁵⁶ The Constitutional Court held that the war in Ukraine during a campaign period provided unique circumstances under which the government, in exercising its functions, was permitted to inform the public about the diverse views of "non-governmental actors" on the conflict. It found that as the communication did not reference "the elections, voting, or the names of specific parties," its reference to views of "the opposition" did not constitute campaigning. It held that the Supreme Court's finding was a "blatant error" that violated the press's freedom to disseminate information necessary for the formation of democratic public opinion and the government's right to a fair trial. The NEC referred to the court's ruling when deciding on cases related to similar issues.

¹⁵⁷ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) provides that "everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

¹⁵⁸ Paragraph 20 of the [General Comment No 25 to ICCPR](#). Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that OSCE "participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place."

¹⁵⁹ Domestic civil-society organizations organized a number of activities aimed at improving the scrutiny of the election procedures. Unhack Democracy launched a civic-awareness campaign and e-learning training to recruit more party-delegated PSC members. Let's Count Together produced more than 20,000 leaflets for party-delegated PSC members and also organized in-person and online trainings.

Elections with the aim to delegate PSC members on behalf of the joint opposition, recruited more than 27,000 volunteers; most of them were delegated by United for Hungary, while some were delegated on behalf of the Hungarian Two-Tailed Dog Party.¹⁶⁰ The Coalition for Clean Voting, comprising the Civil Liberties Union, Political Capital, the Civil College Foundation and *aHang*, provided civil awareness campaigns, legal help to voters, and election-day monitoring aimed at preventing irregularities in the vicinity of polling stations.

The law allows for party observers in limited cases. Political entities that registered national lists can observe the count of postal ballots and the aggregation of election results at the NEO, whereas up to two party observers could be present at the constituency level during tabulation. However, the law does not provide for party observers in polling stations, and their presence at the first level of tabulation at LEOs is not regulated.

Party-delegated members formed an integral part of the PSC composition, with *Fidesz* and United for Hungary delegating members in most polling stations.¹⁶¹ Parties delegated a total of 40,231 PSC members. *Fidesz* delegated 17,672 members, United for Hungary – 19,462, the Hungarian Two-Tailed Dog Party – 2,144, and Our Homeland – 888. Eight entities registered a total of 308 party observers at the constituency level.

For these elections, the NEO accredited a total of 906 observers from 39 international organizations, delegations and embassies. The criteria and process for accreditation of international observers is not regulated and NEO decisions on the accreditation were not public and there is no legal remedy against them. The ODIHR EOM was informed by the NEO that observers nominated by two international organizations were not registered.¹⁶² International observers are accredited by the NEO, with the right to observe all stages of the electoral process. While the process of accreditation of international observers was efficient and generally inclusive, it could benefit from more transparent procedures and decision-making, including in cases when accreditation requests are denied.

XV. ELECTION DAY

Election day was peaceful, with a final voter turnout of 70.2 per cent, as announced by the NEO following the counting of out-of-country and absentee ballots. The opening was assessed positively in 116 of the 117 polling stations observed by IEOM observers, and opening procedures were largely followed and the process was transparent. In two polling stations, the ballot boxes were not shown to be empty and sealed in the presence of the first voter as required, and in five instances, no control sheet was placed in the mobile ballot box before it was sealed.

IEOM observers assessed voting positively in 98 per cent of the 1,260 polling stations observed, characterizing the process as well organized, orderly, and smooth. The transparency of voting was assessed positively in almost all polling stations observed. However, the secrecy of the vote was often compromised, particularly in overcrowded polling stations. In 16 per cent of polling stations observed, not all voters marked their ballots in secrecy, and in 11 per cent they did not ensure that the mark on their ballots could not be seen. The design and positioning of voting booths in 32 per cent of polling

¹⁶⁰ 20K22 informed the ODIHR EOM that some LEOs were not cooperative and did not facilitate the process of nomination of party-delegated members.

¹⁶¹ According to the NEO, there were only two PSCs without any party-delegated members, in Baranya and Zala counties.

¹⁶² The NEO informed the ODIHR EOM that some observers were denied accreditation. In one case, an organization had nominated minors as observers; in another case, citizens of the Russian Federation put forward as observers by the Union of Informed Citizens were denied accreditation.

stations observed detracted from the secrecy of the vote. Voting procedures were largely respected, but group voting (multiple voters in the voting booth at the same time) was reported from 17 per cent of polling stations observed. Voters not using the voting booth, together with inadequate premises, overcrowding and group voting compromised the secrecy of the vote.¹⁶³

To ensure secrecy of voting and to prevent group voting, the election administration should establish and implement effective procedural safeguards.

Voter identification procedures were generally adhered to in the polling stations observed. In 16 per cent of polling stations observed, one or more voters were turned away, mostly because they were unable to produce a valid ID or could not be found on the voter list of that particular polling station. Furthermore, in 8 per cent of polling stations observed, the PSC did not provide all voters with envelopes when issuing ballots as required. IEOM observers reported only isolated cases of other violations. This included proxy voting (less than 1 per cent) or attempts to influence voters (1 per cent). In 1 per cent of polling stations observed, the same person was assisting numerous voters to mark their ballots. In 2 per cent of polling stations observed, the ballot boxes were not properly sealed.

IEOM observers reported overcrowding in 12 per cent of polling stations observed. Despite efforts by the election administration to improve accessibility, some 27 per cent of polling stations were not independently accessible for persons with physical disabilities, and in 12 per cent, the polling station layout was not suitable for these voters.

To facilitate equal and independent participation of voters with physical disabilities, the election administration should continue implementing measures to improve accessibility of polling stations and to ensure that the layout of polling stations is adequate for the conduct of polling.

IEOM observers reported very few cases of tension or intimidation in or around polling stations, and only isolated indications of organized transportation of voters, which is not allowed by law. In some 3 per cent of polling stations visited, campaign activities were noted within the 150 meters perimeter where such activities are forbidden. Observers also reported one incident where they observed strong indications of vote buying.¹⁶⁴

Party-delegated PSC members were present in 98 per cent of polling stations observed during voting hours, mainly representing *Fidesz* (97 per cent) and the United for Hungary opposition coalition (91 per cent). The presence of unauthorized persons was reported in 2 per cent of polling stations observed, with nine cases of unauthorized persons, mostly local government officials, interfering in the process. Overall, 67 per cent of PSC members in polling stations observed were women, and 76 per cent of PSCs observed were presided over by women.

The vote count was positively assessed in 94 of the 96 polling stations observed and described by IEOM observers as professional, well organized and orderly. Counting procedures were largely followed, and IEOM observers reported few procedural errors and omissions. The PSCs did not always follow reconciliation procedures before opening the ballot boxes, including summing up and recording the number of voters who voted for each type of election in the results protocols. When counting the ballots, some PSCs split into smaller groups to speed up the count, which is not in line with procedures. In 20 counts observed, the PSC did not note the reasons for invalidating ballots or sign invalid ballots as required. In some 30 cases observed, the validity of contested ballots was not decided by a vote. In 20

¹⁶³ Paragraph 7.4. of the [1990 OSCE Copenhagen Document](#) states that OSCE “participating states will ensure that votes are cast by secret ballot or by equivalent free voting procedure”.

¹⁶⁴ The incident occurred in Szabolcs-Satmár-Bereg county.

counts, results protocols had been pre-signed, and in 19 cases, IEOM observers did not receive copies of the results protocols upon request although they were entitled to them.¹⁶⁵

The tabulation process was assessed positively in 69 of the 74 LEOs observed. While tabulation procedures were generally followed, some problems with the data entry and reconciliation of election results were reported by IEOM observers. In almost half of LEOs where tabulation was observed, one or more PSCs needed to correct their results protocols. IEOM observers reported problems with the transparency of the tabulation process; in 12 cases, not everybody present had a clear view of the process, and in 6 LEOs, observers were restricted in their observations, as at times they were not provided access to the data entry or given requested information. The way tabulation was conducted varied across the different LEOs observed.

To increase transparency of the election process and to improve uniform implementation, tabulation procedures at the Local Election Offices should be better regulated. Consideration could be given to allow party observers to observe tabulation at the Local Election Offices.

The Ministry of Interior informed the ODIHR EOM that 19 criminal reports related to election day offences were filed with the police, including five cases of alleged undue influence of voters, two cases of reported harassment, six cases related to damage and theft, two cases of alleged public nuisance, and one reported incident of violence against an official. Most investigations were ongoing in the weeks following the election. The Coalition for Clean Voting, a CSO observing outside of polling stations, lodged some complaints to police and CoECs related to the harassment of its volunteers outside of polling stations, and to alleged organized voter transport, banned by the election law, and vote buying.¹⁶⁶

The NEC reviewed some 26 complaints and appeals related to election-day irregularities. Some cases were related to mobile voters who were not visited with the ballot box and to alleged organized transport of voters,¹⁶⁷ while other complaints related to campaigning within the restricted area around polling stations and polling stations members not automatically providing voters with referendum ballots.¹⁶⁸ The NEC rejected 14 cases on formal grounds and satisfied 6 complaints. In cases where the NEC found violations by PSC members, no sanctions were applied.

XVI. POST-ELECTION DAY DEVELOPMENTS

The post-election environment was calm, but several statements by political leaders reflected the deep political divisions and mistrust between the ruling coalition and the opposition that had been evident during the election campaign. While Mr. Orbán hailed the size of the ruling coalition's victory, Mr. Márki-Zay acknowledged defeat, pointing to the unlevel playing field. Some opposition figures called for a boycott of parliament unless certain conditions were met, especially regarding public-service media. Several opposition leaders, including Mr. Márki-Zay, did not take up their mandate from the national proportional list.

¹⁶⁵ Section 4 of the Act on Election Procedure specifies that international observers “may inspect the documents of the election commissions and request copies thereof, with the proviso that these copies shall not contain personal data.”

¹⁶⁶ A 2 April decision of CoEC 05 in Hajdú-Bihar county ordered a local government to take down its online notice on providing organized voter transport. Vote buying complaints alleged that voters in a settlement in Borsod-Abaúj-Zemplén county were offered HUF 10,000 (EUR 27) and voters in the town of Mako in Csongrád-Csanád county were offered five portions of pork meat.

¹⁶⁷ Article 143/A (2) of the Act on Election Procedure, prohibits organized transport of voters. All cases related to alleged bussing were rejected on merits, due to lack of evidence.

¹⁶⁸ The Supreme Court upheld a NEC decision that affirmed a CoEC decision issuing a fine against a United for Hungary candidate campaigning near a polling station.

The NEO started posting on its website detailed preliminary election results by polling station in the evening of election day. After the close of voting, the NEO commenced the counting of postal ballots returned from abroad via ballot scanners and published preliminary results for the postal vote. The final results for the postal vote were published as part of the NEC decision on final results on 14 April, after a manual count.¹⁶⁹ A total of 267,834 postal ballots were declared valid with some 94 per cent cast in favor of *Fidesz*. Some 16 per cent of returned out of country voting packages were declared invalid due to voters not being on the register, or missing or incorrect data. Out-of-country ballots cast at diplomatic representations and absentee ballots were sorted by the NEO and forwarded to the respective CoEOs; these ballots were counted on 9 April by designated PSCs.¹⁷⁰ Constituency results were announced on 8 and 9 April.

A total of 206,980 absentee and diplomatic envelopes were returned to the NEO. Following the count of these votes, the United for Hungary candidate won in Budapest constituency 13, reversing the preliminary 38-vote lead of the *Fidesz* candidate. United for Hungary also won one more seat from the proportional list, while Our Homeland lost one seat. Postal ballots were sorted centrally at the NEO premises in the week before election day, and counting began following the closing of polls on election day. Preliminary postal voting results were announced after a count using ballot scanning at the NEO premises. The ODIHR EOM observed a limited sample of the postal ballot counting procedures at the NEO. The counting process was managed efficiently by the NEO but did not ensure proper tracking of packages and security safeguards for handling the delivery of postal envelopes from abroad. Following the earlier announcement of the constituency results and the NEO report on the manual count of the postal vote, the NEC announced the final election results on 14 April 2022.¹⁷¹

The referendum was declared invalid as none of the four questions reached the required threshold of 50 per cent of registered voters casting a valid 'yes' or 'no' vote for the referendum to be declared valid and binding. The number of valid votes per question varied between 47.1 and 47.6 per cent of the total number of registered voters. Notably, some 20 per cent of referendum ballots cast were invalidated by the voters or otherwise found invalid.¹⁷²

Appeals against a PSC decision establishing election results must be submitted to the NEC as part of an appeal challenging the CoEC decision establishing the constituency results. Such an appeal shall refer to the unlawful decisions by the PSC or to a violation of the rules on aggregating polling station results and establishing the constituency election results. Petitions for judicial review of the NEC's decision establishing the national proportional results can be submitted to the Supreme Court. Under a 2018 amendment, appeals to the Supreme Court on the results must be filed within one day, and the court must adjudicate the appeal within one day. The unduly limited grounds and timelines for appeals of the

¹⁶⁹ Postal ballots were counted manually from 9 to 13 April.

¹⁷⁰ Absentee voters could cast their votes in 23 polling stations designated only for transferred votes from other locations and in an additional 3,154 hybrid polling stations. Absentee voters were able to cast a ballot for their resident constituency even if temporarily located outside their constituency.

¹⁷¹ [NEC decision 366/2022](#). The deadline for announcing the final election results is 19 days after election day, i.e. 22 April 2022.

¹⁷² See [NEO website](#).

CoEC and NEC decisions establishing the constituency and national proportional results, respectively, are at odds with international good practice.¹⁷³

To ensure the integrity of the election results, the law should give authority to the appeal bodies to annul election results at any level, including the final results of single-mandate and the national proportional contests, if any kind of proven malfeasance might have affected the outcome. Reasonable timelines for submission and adjudication of such complaints should be established to allow for sufficient preparation and proper consideration.

In the post-election period, the NEC received some 12 complaints and appeals. Two complaints were against the national proportional results; one complaint challenged the validity of the postal vote. All of those were rejected on formal grounds. Two cases challenged the NEC decision establishing the national list results to the Supreme Court; the court rejected one on formal grounds and one on merits, stating that the NEC decision establishing the national results cannot be challenged in connection with the activities of the NEO.¹⁷⁴ No constituency results were challenged to the NEC.

Six complaints were filed with the NEC after election day against 17 CSOs that had encouraged voters through social networks and websites to invalidate their referendum ballots. All but one of the complaints were filed by individuals whose identities were not disclosed. Citing only the principle of good faith noted in the Act on Election Procedure, the NEC concluded in its decisions that encouraging voters to vote invalid constitutes an unlawful act.¹⁷⁵ A HUF 3 million (approximately EUR 8,000) fine was issued against the organizers of these activities, and the signatory CSOs were fined 176.470 HUF (approximately 500 EUR) each. These decisions undermined rule of law and freedom of expression. Fourteen CSOs issued a joint statement announcing that they were appealing the fines to the Supreme Court.¹⁷⁶ Five NEC decisions were appealed. In three cases, the Supreme Court, referring to the Constitution, overturned the NEC decisions on grounds that they unlawfully curtailed freedom of expression which should be protected at a higher level during a campaign period and cannot be restricted on the basis of the purpose of the referendum.¹⁷⁷ The court rejected two cases on formal grounds, referring to a lack of legal reasoning. When the constitutionality of the Supreme Court decisions was challenged, the Constitutional Court stated that no constitutional rights were violated.

¹⁷³ Based on a 2018 amendment, the national proportional election results can be overturned on judicial review based only on errors in aggregation or violation of the rules for establishing the election result. Similarly, appeals challenging the CoEC decisions establishing the single-mandate constituency results can be based only on errors in aggregation or unlawful decisions by the PSCs. Guideline II.3.3.e of the Venice Commission's [Code of Good Practice in Electoral Matters](#) provides that "the appeal body must have authority to annul elections where irregularities may have affected the outcome." Guideline II.3.3.g and the Explanatory Report recommends time-limits for lodging and deciding appeals to be three to five days each at first instance and possibly a little more time for higher courts to issue their rulings.

¹⁷⁴ The appellant claimed that the NEO did not make public all relevant documents relating to the counting of postal ballots, and that some ballots were damaged and re-wrapped by the postal service.

¹⁷⁵ The NEC stated that encouraging voters to cast an invalid ballot not only undermines but also violates the constitutional purpose of the direct exercise of power through a referendum.

¹⁷⁶ Among other things, the [statement](#) asserted that the fines aimed "to silence the community which was able to overturn the government's propaganda referendum in a democratic way through their right to freedom of expression."

¹⁷⁷ The court acknowledged that voters are not prohibited to cast invalid ballots and that the constitutionally enshrined referendum system provides for an invalid referendum if the majority threshold of valid votes cast is not reached.

XVII. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Hungary and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations which remain to be addressed.¹⁷⁸ ODIHR stands ready to assist the authorities of Hungary to further improve the electoral process and to address the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. To ensure a coherent and sound electoral framework, the legislation should be reviewed to bring it further in line with OSCE commitments, international standards and good practice, well in advance of the next election period and on the basis of an inclusive and meaningful public consultation process.
2. To guarantee a level playing field, fair campaign and equality of opportunities, the legal and institutional framework should clearly prohibit the misuse of administrative resources, including the prohibition of state officials campaigning in their official capacity, and the barring of the initiation or announcement of new state spending during a pre-election period.
3. In order to provide a level playing field, consideration could be given to reducing the government advertising and banning the use of public-service advertisements by the national or local governments during campaign period. The placement of public-funded advertising should be based on predetermined, clear, equitable, objective and transparent criteria, and information on received public funding should be publicly available.
4. The electoral dispute resolution framework should be reviewed and amended to guarantee that all voters have effective means to appeal against administrative decisions at any level of the election dispute resolution process.
5. Authorities should ensure, in a timely manner, access of the media to public information, events and documents and proactively put in the public domain information of public interest. The law should clearly define what information can be deemed as classified, restricting access only in limited and legally justifiable cases.
6. To ensure effective legal remedy, the adjudicating bodies should avoid handling complaints in an overly formalistic manner. The NEC should be explicitly empowered to consider an issue on the merits ex officio when the complaint raises a valid point of concern. Election commissions should ensure sufficient examination of the cases before a decision is taken and ground their rulings in sound and consistent reasoning.

¹⁷⁸ According to paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.” The follow-up of prior recommendations is assessed by ODIHR as follows: No recommendations from the final report on the 2018 parliamentary elections are fully or mostly implemented. The recommendations 5, 13 and 26 from the final report on the 2018 parliamentary elections are partially implemented. The recommendation 36 from the final report on the 2014 parliamentary elections is fully implemented. No recommendations from the final report on the 2014 parliamentary elections are mostly implemented. The recommendations 13, 15, 19 and 34 from the final report on the 2014 parliamentary elections are partially implemented. See also the [ODIHR Electoral Recommendations Database](#).

7. Consideration should be given to amending the legislation to explicitly provide for observation of all stages of the electoral process by citizen observers, in line with OSCE commitments.
8. To guarantee the equality of the vote, the legal framework for delimitation of constituency boundaries should be brought in line with international standards and good practice. Current boundaries should be redefined in line with such revised law and by an independent body in a transparent and inclusive manner well in advance of the next elections.
9. To ensure balanced coverage, the law should be amended to require public and private broadcast media to cover the election campaign fairly and impartially in information and current affairs programmes. Media should clearly distinguish between the campaign activities of candidates and activities of public officials and coverage of such events. Public television should be given financial and editorial independence, including from the MTVA.
10. To increase trust in the accuracy of the voter register and integrity of the election process, consideration could be given to regularly updating the data of voters residing abroad without domicile in Hungary.
11. To ensure equal suffrage, voter registration and voting procedures for out of country voters should be made uniform for all citizens abroad.

B. OTHER RECOMMENDATIONS

Legal Framework

12. To provide a fully democratic basis for the conduct of elections and conditions that enable full and equal participation for all election stakeholders, parliament should review the broader legal framework for compliance with international obligations and standards pertinent to fundamental, rights and freedoms that underpin a democratic election, including on judicial independence.
13. Consideration could be given to reviewing the use of cardinal status for election law provisions. To enhance legal certainty and contribute to consistent application of the election legislation, the National Election Commission could be empowered to adopt binding regulations. In addition, the Supreme Court could consider exercising its power to issue key uniformity decisions with respect to the application of election-related legislation.
14. Consideration should be given to review the referendum law to enhance legal certainty and bring it in line with international good practice for the holding of democratic referendums, including guarantees of equal campaign opportunities for the proponents and opponents, a ban on the use of state resources, and the provision of objective or balanced information to voters on the referendum issues.

Election Administration

15. To guarantee collegiality and transparency of the decision-making, consideration should be given to providing all commission members meaningful opportunities to contribute to the formulation of decisions. The decision-making process should be inclusive and open for deliberation of alternative proposals of all decisions.

16. Consideration should be given to amending the legislation to ensure cross-party participation in the NEC from the period of calling elections.

Voter Registration

17. Restrictions of the voting rights of persons with mental and intellectual disabilities, as well as distinctions in voting rights based on marital status, should be removed. Restrictions on voting rights of convicts should be reviewed to ensure that any limitation is clearly defined in the law and proportionate to the gravity of the crime committed.

Candidate Registration

18. Consideration could be given to introducing temporary special measures to promote women candidates, including legislative gender quotas for party lists that place women in winnable positions and access to public funding. Additionally, political parties could consider voluntary ways to further increase gender balance on their party lists and internal party structures and strengthen their efforts to foster inclusivity.
19. Consideration should be given to providing effective remedy and measures to address issues related to the falsification of supporting signatures or the misuse of personal data during the process of candidate nomination.

Campaign Environment

20. To enhance public confidence in the electoral process and create a free and fair campaign environment, public officials and electoral contestants should refrain from exercising pressure on voters or public employees, and the relevant authorities should take prompt and effective steps to investigate allegations of intimidation, coercion and vote buying, as well as proactively work to deter such practices and educate voters on their rights and safeguards in place.

Campaign Finance

21. To enhance the transparency and oversight of campaign finance, the legislation should be further reviewed to address previously identified gaps and ODIHR and GRECO recommendations. In particular, transparency of campaign funding should be strengthened by the disclosure of campaign donations exceeding a certain amount, with disclosure requirements applicable to any entities participating in election or referendum campaigns. To provide for a more equitable playing field, campaign spending by third parties and by referendum campaigners should also be subject to limits.
22. To ensure compliance with spending limits and other campaign finance regulations, the oversight authority should have the requisite monitoring and investigative capacities and could also be empowered to deal with related complaints.

Participation of National Minorities

23. Further efforts should be undertaken by the authorities to ensure that measures for national minority representation promote meaningful participation of national minority representatives. Genuine consultation with national minorities should be sought in identifying effective measures.

Media

24. To stimulate media pluralism and diversity, measures to limit concentration of media should be considered, including enforcing existing legislation against media monopolies and dominant market positions.
25. In order to provide for an effective system of appeal, the National Media and Info-communications Authority could be vested with the authority to review media-related complaints and be given the power to act ex officio on identified violations in a timely manner. The existing media monitoring could benefit from detailed measurements of the coverage of contestants, including the tone of such coverage, and from regular and timely publication of monitoring reports during the campaign period.

Complaints and Appeals

26. To provide for effective remedy on campaign finance violations, the law should clearly prescribe which body is responsible for handling such complaints.

Election Day

27. To ensure secrecy of voting and to prevent group voting, the election administration should establish and implement effective procedural safeguards.
28. To facilitate equal and independent participation of voters with physical disabilities, the election administration should continue implementing measures to improve accessibility of polling stations and to ensure that the layout of polling stations is adequate for the conduct of polling.
29. To increase transparency of the election process and to improve uniform implementation, tabulation procedures at the Local Election Offices should be better regulated. Consideration could be given to allow party observers to observe tabulation at the Local Election Offices.
30. To ensure the integrity of the election results, the law should give authority to the appeal bodies to annul election results at any level, including the final results of single-mandate and the national proportional contests, if any kind of proven malfeasance might have affected the outcome. Reasonable timelines for submission and adjudication of such complaints should be established to allow for sufficient preparation and proper consideration.

ANNEX I: ELECTION RESULTS

Total number of eligible voters: 8,215,304			
Total number of eligible voters per home constituency	7,536,144	Postal vote	
Voters at regular PS	5,241,436	Registered postal voters	456,129
Absentee and embassy voters	206,980	Received postal packages	318,083
Total number of voters voted	5,711,925	Valid postal packages	268,766
Invalid ballots	57,065	Postal ballots	268,416
Minority voters	30,635	Valid postal ballots	267,834

	National List Results			Constituency	Total	
	Votes	Percentage of votes	Seats	Seats won	Seats	Percentage of seats
<i>Fidesz-KDNP</i>	3,060,706	54.13	48	87	135	67.84
United for Hungary (Democratic Coalition, <i>Jobbik</i> , Dialogue, Momentum, Hungarian Socialist Party, LMP – Hungary’s Green Party)	1,947,331	34.44	38	19	57	28.64
Our Homeland	332,487	5.88	6	0	6	3.02
Hungarian Two-Tailed Dog Party (MKKP)	185,052	3.27	0	0	0	
Solution Movement (MEMO)	58,929	1.04	0	0	0	
Normal Life Party	39,720	0.70	0	0		
National Self-Government of Germans	24,630 (minority preferential quota: 23,085)	31,856 registered	1	1	1	0.50

Source: [NEO website](#)

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE PARLIAMENTARY ASSEMBLY

Kari	Henriksen	Special Coordinator	Norway
Mark	Pritchard	Head of Delegation	United Kingdom
Ferran	Costa	MP	Andorra
Reinhold	Lopatka	MP	Austria
Harald	Troch	MP	Austria
Ewa	Ernst-Dziedzic	MP	Austria
Christian	Ries	MP	Austria
Leo Joy	Donne	MP	Belgium
Guillaume	Defosse	MP	Belgium
Kristian	Vigenin	MP	Bulgaria
Desislava	Atanasova	MP	Bulgaria
Viktoria	Vasileva	MP	Bulgaria
Davor	Bernardic	MP	Croatia
Hrvoje	Simic	MP	Croatia
Olgica	Tolic	Staff of Delegation	Croatia
Jan	Bauer	MP	Czech Republic
Hayato	Okamura	MP	Czech Republic
Silvia	Andrisova	Staff of Delegation	Czech Republic
Heljo	Pikhof	MP	Estonia
Anti	Poolamets	MP	Estonia
Pia	Kauma	MP	Finland
Eeva-Johanna	Eloranta	MP	Finland
Tom	Packalen	MP	Finland
Stephanie	Koltchanov	OSCE PA Secretariat	France
Jean-Yves	Leconte	MP	France
Petit	Frederic	MP	France
Tim	Knoblau	OSCE PA Secretariat	Germany

Robin	Wagener	MP	Germany
Malte	Kaufmann	MP	Germany
Nina	Henke	OSCE PA Secretariat	Germany
Anastasia	Gkara	MP	Greece
Theodoros	Karaoglou	MP	Greece
Georgios	Champouris	Staff of Delegation	Greece
Georgios	Arvanitidis	MP	Greece
Dimitrios	Markopoulos	MP	Greece
Pauline	O'Reilly	MP	Ireland
Rebecca	Moynihan	MP	Ireland
Anna	Di Domenico	OSCE PA Secretariat	Italy
Massimo	Mallegni	MP	Italy
Niccolo	Invidia	MP	Italy
Pia	Califano	Staff of Delegation	Italy
Emanuele	Scagliusi	MP	Italy
Gianluca	Ferrara	MP	Italy
Kairat	Kozhamzharov	MP	Kazakhstan
Salimzhan	Nakpayev	MP	Kazakhstan
Gustave Marcel	Graas	MP	Luxembourg
Emile Nico Taddeo	Eicher	MP	Luxembourg
Marie Josée	Lorsche	MP	Luxembourg
Odontuya	Saldan	MP	Mongolia
Antoine	Beukering	MP	Netherlands
Herman	Buisman	Staff of Delegation	Netherlands
Halil	Snopche	MP	North Macedonia
Monika	Zajkova	MP	North Macedonia
Igor	Janushev	MP	North Macedonia
Biljana	Ognenovska	Staff of Delegation	North Macedonia
Marian Abdi	Hussein	MP	Norway

Bard	Hoksrud	MP	Norway
Rafal	Adamszyk	MP	Poland
Grzegorz	Bierecki	MP	Poland
Dariusz	Stefaniuk	MP	Poland
Robert	Dowhan	MP	Poland
Agnieszka	Pomaska	MP	Poland
Dariusz	Rosati	MP	Poland
Barbara	Bartus	MP	Poland
Joanna	Lichocka	MP	Poland
Marcin	Mykietynski	Staff of Delegation	Poland
Luis Miguel	Da Graça Nunes	MP	Portugal
António	Maló de Abreu	MP	Portugal
Cătălin-Daniel	Fenechiu	MP	Romania
Anca	Constantin	Staff of Delegation	Romania
Vesna	Markovic	MP	Serbia
José	Asensi	MP	Spain
Marta	Rosique i Saltor	MP	Spain
Björn	Söder	MP	Sweden
Maria	Strömkvist	MP	Sweden
Monica	Haider	MP	Sweden
Ilona	Szatmari Waldau	MP	Sweden
Yasmine	Posio	MP	Sweden
Ewa	Hjelm	Staff of Delegation	Sweden
Michael	Rubbestad	MP	Sweden
Manuchekhr	Salokhudinov	OSCE PA Secretariat	Tajikistan
Emomali	Mirzoev	OSCE PA Secretariat	Tajikistan
Selami	Altinok	MP	Turkey
Gursel	Tekin	MP	Turkey
Ecem	Danik Gokce	Staff of Delegation	Turkey
Victoriia	Chumenko	OSCE PA Secretariat	Ukraine

Royston	Smith	MP	United Kingdom
Jordan	Warlick	OSCE PA Secretariat	United States
Kyle	Parker	OSCE PA Secretariat	United States
Michael	Cecire	OSCE PA Secretariat	United States
Shannon Nicole	Simrell	OSCE PA Secretariat	United States

ODIHR EOM Short-Term Observers

Mimoza	Halimi	Albania
Xhenislava Seferi	Muslli	Albania
Nazeli Sergey	Hambardzumyan	Armenia
Mane	Torosyan	Armenia
Ramil Avaz	Iskandarli	Azerbaijan
Rashid Rasul	Yusifbayli	Azerbaijan
Tom Jaak D	De Munck	Belgium
Amandine	Dusoulier	Belgium
Marlies	Jaspers	Belgium
Asim	Dorovic	Bosnia and Herzegovina
Aleksandar	Vranjes	Bosnia and Herzegovina
James	Balasch	Canada
Miranda Lee Catherine	Huron	Canada
Janet Korkor	Nortey	Canada
Jacques Raleish	Moise	Canada
Barbara Rose	Puszkas	Canada
Andrei Mereuta	Stoiciu	Canada
Eva	Dokoupilová	Czech Republic
Adam	Gazda	Czech Republic
Oldřich	Lacina	Czech Republic
Lenka	Niznanska	Czech Republic
Vilem	Rehak	Czech Republic
Hani	Stolina	Czech Republic

Nadezda	Strakova	Czech Republic
Kirsten	Andersen	Denmark
Inge	Christensen	Denmark
Lars Peder Bjoerndal	Hollaender	Denmark
Øjvind	Kyrø	Denmark
Lotte Sandberg	Ladegaard	Denmark
Tue	Magnussen	Denmark
Flemming Bjork	Pedersen	Denmark
Lene Tybjærg	Schacke	Denmark
Karen Benedikte	Skipper	Denmark
Palle Erling	Staffe	Denmark
Anastasia Sally Ida	Asikainen	Finland
Karita Johanna	Immonen	Finland
Jani Samuli	Korhonen	Finland
Juho Topias	Korhonen	Finland
Tatiana	Khrol-Lappalainen	Finland
Mariam	Burduli	Georgia
Malkhaz Makho	Chkadua	Georgia
Frank	Aischmann	Germany
Claus	Auer	Germany
Julia	Baumann	Germany
Melanie Jella Aurora	Bergmaier	Germany
Irene Maria	Fellmann	Germany
Kai	Franke	Germany
Joachim	Freund	Germany
Walter	Goepfert	Germany
Michael	Haußmann	Germany
Daniela Georgia Antonia	Heyn	Germany
Fee	Högner	Germany
Hartwig Hans Guntram	Kaboth	Germany

Karin Andrea	Knöbelspies	Germany
Jutta Gisela	Krause	Germany
Sarah	Lohschelder	Germany
Tina	Mede-Karpenstein	Germany
Susanne	Neymeyer	Germany
Sabine Matthay	Pindur	Germany
Oliver Siegfried	Scheel	Germany
Sabine Krautschick	Smolka-Gunsam	Germany
Esther	Somfalvy	Germany
Kevin	Tepe	Germany
Jan-Marius	Tillmanns	Germany
Judith	Vorrath	Germany
Michael	Wiersing	Germany
Kira Ulrike	Moessinger	Germany
Juergen	Wintermeier	Germany
Modhafer	Hajji	Germany
Sena Tamara	Staufer	Germany
Adrienne	Boyle	Ireland
Padraic	McDunphy	Ireland
Bernard Joseph	Quoroll	Ireland
Cécile	Michel	Italy
Altynay	Daribayeva	Kazakhstan
Alibek	Tazhibayev	Kazakhstan
Liliana	Vancane	Latvia
Mariana	Focsa	Moldova
Mihail Roman	Esanu	Moldova
Nikolina	Stepanovic	Montenegro
Maria	Nijenhuis	Netherlands
Leonardus Hubertus	Platvoet	Netherlands
Margriet Josephine	Teunissen	Netherlands

Annemieke	Van der Ploeg	Netherlands
Leendert	Van der Zwan	Netherlands
Martin	Van Rooijen	Netherlands
Servatius	Wiemers	Netherlands
Erik Henri	Verschuur	Netherlands
Arve	Børstad	Norway
Hanne	Hanson	Norway
Nils Gunnar	Songstad	Norway
Alida Jay	Boye	Norway
Oana	Napotnik	Romania
Bianca Maria	Necsa	Romania
Bărbulescu	Simona-Daniela	Romania
Katarina	Andric	Serbia
Jelena Radomir	Milosevic	Serbia
Jelena	Delić	Serbia
Vuk	Maricic	Serbia
Nikola Ljubisa	Ratković	Serbia
Silvia	Hudáčková	Slovakia
Bruno	Castro Benito	Spain
Francisco	Cobos Flores	Spain
Katia	Feo Kutsch	Spain
Amparo Dolores	Hormigos Fernandez	Spain
Maria Luisa	Jover Aparicio	Spain
Maria Aurea	Montero - Arce	Spain
Eva María	Pérez Vara	Spain
Daniel	Rajmil Bonet	Spain
Irene	Vázquez Serrano	Spain
Jan K.G.	Bolling	Sweden
Mats	Ekholm	Sweden
Stig Lennart	Glans	Sweden

Åke Lennart	Haggren	Sweden
Erik Hjalmar Knutsson	Hammar skjold	Sweden
Ewa Helena Christina	Jacobsson	Sweden
Christian	Leffler	Sweden
Arvid Anders	Liden	Sweden
Karl Johan Thorild	Lindberg	Sweden
Mats Nils	Melin	Sweden
Kjell Torbjörn	Messing	Sweden
Hans Birger	Nareskog	Sweden
Håkan Per-Olov	Nyman	Sweden
Lena Christina	Ohre Arnault	Sweden
Erik, Magnus, Ingemar	Persson	Sweden
Bertil Andreas	Persson	Sweden
Anna	Rogalska Hedlund	Sweden
Patrik Gunnar Verner	Schröder	Sweden
Ola	Segnestam Larsson	Sweden
Sigrid Marie	Utterman	Sweden
Carl Fredrik Bertil	von Essen	Sweden
Manne Olof Oscar	Wängborg	Sweden
Karolina Magdalena	Riedel	Sweden
Fabrizio Mario Giuseppe	Comandini	Switzerland
Johanna	Estermann	Switzerland
Paola Marcella	Fragnière	Switzerland
Fiorenza Paola	Kuthan	Switzerland
Valérie Marie-Gabrielle	Nadrai	Switzerland
Giray	Sadik	Turkey
Stephen Spencer	Paul	United Kingdom
Keith	Turner	United Kingdom
Katherine Anna-Maria	Chapanionek	United Kingdom
Katherine Mary	Igras	United Kingdom

Peter A	Lossau	United States
Ivan	Weinstein	United States
Syeda Sameera	Ali	United States
Elizabeth Ann	Callahan	United States
Henry Eugene	Crawford JR	United States
Scott Patrick	Cullinane	United States
Devontae	Freeland	United States
Sarah	Galt	United States
Felicia	Gordon	United States
Robert Scott	Heaslet	United States
Helen Sen	Kornblum	United States
Mark Leonard	Lasser	United States
Heidi Ann	Lernihan	United States
Karen Tess	Levine	United States
David Alan	Levine	United States
Eric	Manton	United States
Kimberly Ann	McCabe	United States
Christopher Colin	McCullough	United States
Jessica Cathrine	Nash	United States
Michel Njang	Njang	United States
Tara Bree	O'Connor	United States
Ginette	Prophete	United States
Raleigh	Quesenberry	United States
Emily Ann	Rome	United States
Gregory Scott	Slotta	United States
Melissa Leigh	Stone	United States
Annisa	Wanat	United States
Dinka Ivanova	Gyurova	United States
Pegah	Ebrahimi Eftekhari	United States
Quentin Robert Lomer	Lide	United States

Farkhod Anvarovich	Nasriddinov	Uzbekistan
Shamshod Alisherovich	Yunusov	Uzbekistan

ODIHR EOM Long-Term Observers

Jan	Blažek	Czech Republic
Veronika	Homolová	Czech Republic
Petteri	Londen	Finland
Ana	Kakalashvili	Georgia
Susanne Rosemarie	Greiter	Germany
Ulrich	Seel	Germany
Jeroen	De Vries	Netherlands
Narve	Rio	Norway
Nina	Wessel	Norway
Marija	Trifunović-Ljubojević	Serbia
Claes	Pile	Sweden
Björn	Tedeman	Sweden
Thomas	Holzer	Switzerland
Alexandra	von Arx	Switzerland
Melanie	Leathers	United Kingdom
Paul	Wesson	United Kingdom
David	Ballard	United States
Degee	Wilhelm	United States

ODIHR EOM Core Team Members

Jillian	Stirk	Head of Mission	Canada
Vasil	Vashchanka		Belarus
Desislava	Hristova		Bulgaria
Marla	Morry		Canada

Mariam	Tabatadze	Georgia
Stefan	Krause	Germany
Peter	Marron	Ireland
Roman	Railean	Moldova
Robert	Lech	Poland
Tomasz	Jańczy	Poland
Michał	Galkowski	Poland
Łukasz	Widła-Domaradzki	Poland
Ružica	Jovanović	Serbia
Saša	Pokrajac	Serbia
Anders	Eriksson	Sweden
Ruslan	Ovezdurdyev	Turkmenistan
Chris	Taylor	United Kingdom
Egor	Tilpunov	Ukraine
Yevheniia	Zamrii	Ukraine
Peter	Palmer	United Kingdom

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).