



ANALYSIS

FREE, BUT NOT FAIR ELECTIONS IN HUNGARY – FURTHER CRACKDOWN ON CIVIL SOCIETY IS LIKELY

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Cover page photo: Wearing hussar uniforms traditionalists are seen in a voting booth as they cast their ballots in a polling station during the general elections in Vac, 35 kms north of Budapest, Hungary, Sunday, April 8, 2018 (Tamas Kovacs/MTI via AP).

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INTRODUCTION

On 8 April 2018 parliamentary elections were held in Hungary. According to the final results, the ruling coalition led by Prime Minister Viktor Orbán has won a constitutional majority. The electoral campaign was characterised by the massive overlap between the state and the ruling party, by abuse of administrative resources, and by the overwhelming media superiority of the governing coalition. Hence, the preliminary report of the OSCE election observation mission has labelled the election as free but not fair. The new Orbán government

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will continue its confrontational policy vis-à-vis the EU and pursue an increasingly Russia-friendly course, and will also attempt to crack down on civil society. Meanwhile, massive civic protests are likely in the near future.

POLITICAL AND INSTITUTIONAL BACKGROUND

Viktor Orbán was re-elected to power in 2010, following an earlier term as Prime Minister of Hungary from 1998 to 2002. His party, Fidesz, won a constitutional majority in coalition with the minuscule Christian Democratic People's Party (KDNP). Under the Hungarian political system, a constitutional majority means almost unlimited power, and the second Orbán government made good of use this: during its four-year term it fundamentally transformed the whole system. A new constitution was adopted in 2011, a new election law in 2011, and a new media law. In addition, the government began the massive passportisation of ethnic Hungarians living in

neighbouring countries, thus empowering them to vote in Hungarian elections regardless of their actual place of residence.

The new electoral law has been the most important defining element of both the 2014 and 2018 elections. A crucial component has been the abolition of the second round. Before 2011, the first round showed which opposition party had the highest support, thus allowing the second, final round to be carried out accordingly. However, the 2011 law created a situation for the opposition – composed of both leftist-liberal and rightist groups – in which they would need to join forces before knowing which of them enjoyed the strongest support. Moreover, if leftist-liberal forces have to cooperate with far-right ones, this necessarily results in a loss of credibility for both. As Orbán's coalition positioned itself on the centre-right, this electoral system was created deliberately to make life as hard as possible for the fragmented opposition. This has been openly admitted by various ruling party officials more than once since 2011.¹

In addition, by changing the calculation of compensation votes² and also by occasional gerrymandering, the system created by the

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2011 electoral law heavily favours the largest party. A telling comparison is that, while Vladimir Putin needed 54% of votes in the 2016 Duma elections to get a constitutional majority in terms of seats, Orbán required less than 45% of the vote to achieve the same result in 2014 (i.e. his second constitutional majority).³

¹ HVG, "Kövér László: igen, a Fidesznek lejt a pálya" (László Kövér: Yes, the system is biased in favour of Fidesz), hvg.hu, 3 February 2018 (accessed 15 April 2018).

² In local districts, any vote not used to win a first-past-the-post race is added to national lists, including for the winner.

³ Nemzeti Választási Iroda, "2014. Évi Országgyűlési Képviselő Választás (2014.04.06)" (Parliamentary Elections in 2014 (6 April 2014)) 6 April 2014 (accessed 15 April 2018).

At the elections in 2014, held under the new arrangements, Orbán again won a narrow constitutional majority, but this was lost in February 2015.⁴ Hence, from 2015 to 2018 Orbán governed Hungary with an absolute majority, reducing his powers.

Nevertheless, the constitutional majority it held for nearly five years had enabled the government to replace all nominally independent officials with people affiliated to the ruling coalition. An emblematic figure among these replacements was Pál Schmitt – a former Fidesz MEP – who became President of the Republic and openly stated in his first speech: “I do not want to be an obstacle to the momentum of the government, but the opposite”.⁵ Schmitt had to resign in 2012 following a plagiarism scandal, and was replaced by another close associate of Fidesz, János Áder.

Thanks to developments in 2010–4, the institutional background to the 2018 parliamentary elections was far from the conventional interpretation of neutrality. While in formal terms all independent institutions and checks and balances were in place, in practice most positions important for the oversight and management of parliamentary elections were filled by people closely affiliated to the ruling party.

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Position	Incumbent	Affiliation to ruling party
President of the Republic	János Áder	MP for Fidesz 1990–2009, MEP for Fidesz 2009–12
Chief Prosecutor	Péter Polt	Former member of and parliamentary candidate for Fidesz
Chair of National Election Office	Ilona Pálffy	Deputy State Secretary in the first Orbán government Deputy State Secretary in the second Orbán government Political adviser in the second Orbán government
President, State Audit Office (responsible for the oversight of party and campaign financing)	László Domokos	Fidesz party member 1991–2010, MP for Fidesz 1998–2010

TAKEOVER OF THE MEDIA

In addition to these institutional and personnel changes, the media environment has also been fundamentally changed since 2010, again in favour of the government. Several pro-opposition or independent newspapers were either shut down or taken over by using the massive financial resources of pro-government circles. In addition, the officially independent state media was also transformed in order to echo the government’s narratives, including numerous examples of blatant falsification of news.

As the preliminary OSCE report on the 2018 elections put it: “The public broadcaster fulfilled its mandate to provide free airtime to contestants, but its newscasts and editorial outputs clearly favoured the ruling coalition, at odds with international standards.”⁶ At present in Hungary there is only one TV channel with

⁴ One locally elected Fidesz MP, Tibor Navracsics became EU Commissioner in October 2014. By-election held in February 2015 was won by an opposition candidate, Zoltán Kész, thus Fidesz lost its constitutional majority.

⁵ Parliament of Hungary, “Speech of Pál Schmitt when elected as President of Hungary”, 14 May 2010 (accessed 15 April 2018).

⁶ OSCE ODIHR Limited Election Observation Mission, “Hungary - Parliamentary Elections, 8 April 2018. Statement of Preliminary Findings and Conclusions. Preliminary Conclusions”, OSCE ODIHR, 9 April 2018 (accessed 15 April 2018).

nationwide coverage that is not under the direct or indirect control of the ruling coalition. The situation is even more extreme when it comes to regional newspapers: not one is left that is not owned or controlled by pro-government business circles, and most regional newspapers

A FRAGMENTED, SHORT-SIGHTED OPPOSITION

These circumstances—particularly the abolition of the second round of elections—have seriously complicated the situation for opposition parties. The massively biased media and the financial superiority of the ruling coalition also contributed to their difficulties, as did some administrative decisions of the nominally independent state bodies.

On the day before the elections, nearly all regional newspapers carried the same interview with Viktor Orbán on the front page, encouraging people to vote for Fidesz.

are organised into a single media conglomerate. A clear example of the situation in the media is that, on the day before the elections, nearly all regional newspapers carried the same interview with Viktor Orbán on the front page, encouraging people to vote for Fidesz. The “Stop” sign that appeared in some images was intended to symbolise stopping the threat allegedly posed by migration, which was the sole and key message of the government during the whole campaign.

However, although the legal and administrative environment has been known at least since 2014, opposition parties almost completely failed to

However, although the legal and administrative environment has been known at least since 2014, opposition parties almost completely failed to adapt to the challenge.



Front pages of regional newspapers controlled by Lőrinc Mészáros, an oligarch close to Viktor Orbán, on the day before the elections.⁷

adapt to the challenge. Instead of considering in detail how to join forces, or how to address the political, credibility-related and technical obstacles posed by the institutional setup, years were spent in infighting and personal rivalries between opposition leaders. In addition, they also failed to establish a meaningful presence in extra-urban areas, even though 80% of Hungary’s population lives outside Budapest. The lack of opposition presence was particularly visible in rural areas. Moreover, there are many rumours about certain opposition politicians making private deals with the ruling party.

For nearly three and a half years, until February 2018, opposition parties appeared to prepare not for winning the elections but, rather, for losing them while getting the most-influential positions possible in the new, still Fidesz-dominated, parliament. In other words, they expended immense energy on fighting each other instead of concentrating on how to attract new voters and thus how to increase their chances against the governing parties.

In February, however, something happened that was seen as a turning point by many. A mayoral election was held in the countryside city of Hódmezővásárhely, a firm stronghold of the ruling coalition. Local opposition forces

⁷ Péter Bohus, “Ilyen a vidéki sajtószabadság, ha azt Mészáros Lőrinc szabályozza” (This is freedom of press in the countryside, if regulated by Lőrinc Mészáros), Index.hu, 7 April 2018 (accessed 15 April 2018).

managed to coordinate and support a single candidate, a committed local conservative, who delivered a staggering defeat to the pro-government candidate.

Hódmezővásárhely provided ground for numerous exaggerated hopes and false generalisations for the opposition and served as a warning to the government. Opposition parties and intelligentsia suddenly began to believe that Fidesz could be defeated, even though there was not a single serious public opinion poll that indicated so. Meanwhile, the result in Hódmezővásárhely made the ruling coalition realise that their position was not as secure as they had previously thought. Hence, Fidesz intensified its campaign all over the country, using all available tools and means including mobilisation of their supporters and placing unprecedented information pressure on the opposition forces.

Although slightly more people voted against Orbán's Fidesz than for it, the fragmented nature of the opposition and the particularities of the electoral system transformed the result into another constitutional majority for the ruling coalition.

THE ELECTIONS AND IMMEDIATE AFTERMATH

The elections on 8 April were generally conducted in a calm and professional manner, despite isolated administrative irregularities.

With a near-record turnout of 68.13%, a total of 5.366 million citizens cast their votes, including the ethnic Hungarians from neighbouring countries. Although slightly more people voted against Orbán's Fidesz than for it, the fragmented nature of the opposition and the particularities of the electoral

system transformed the result into another constitutional majority for the ruling coalition. According to the final results, published on 14 April, of the 199 seats in parliament the Fidesz-KDNP coalition won 133 – one over the threshold for a constitutional majority.

The second-strongest party is Jobbik, a former far-right grouping that has recently started to position itself towards the centre, with 26 MPs. The other parties elected to parliament are the leftist-liberal Hungarian Socialist Party, in coalition with a small party called Párbeszéd (20 seats), the leftist-liberal party Democratic Coalition of former prime minister Ferenc Gyurcsány (nine seats), the green-liberal Politics Can Be Different (eight seats), one MP from the small party Together, and one nominal independent, Tamás Mellár, who was supported by all the opposition groups. In addition, one representative of ethnic Germans living in Hungary – a former local-level Fidesz politician – got a seat.

The preliminary report of the OSCE electoral observation mission published on 9 April described the elections as free, but not fair. The OSCE referred mainly to the overlap between state and ruling party resources, the biased media environment characterised by the overwhelming superiority of the ruling parties, and opaque campaign financing.

The sudden, unexplained breakdown of the National Election Office website has led to numerous conspiracy theories about possible electoral fraud, fed by the false hopes that appeared after the election in Hódmezővásárhely. However, there is currently no evidence of any systematic fraud or falsifications. The fundamentally biased institutional arrangements, combined with the ruling parties' overwhelming media superiority and the inability of opposition parties to cope with the challenges they face all contributed to the election outcome.

Discussion among the opposition is currently characterised by two parallel narratives: despair, considering emigration, and resistance, focusing on possible forms of activism.

Discussion among the opposition is currently characterised by two parallel narratives: despair, considering emigration, and resistance, focusing on possible forms of activism. Disappointed opposition supporters, including a clear majority of the urban young, promised to organise a wave of protests. The first took

place on 14 April in Budapest, attended by some 100,000 people, including supporters of both right and left, united in protest against the election results. They promised to continue.

WHAT SHOULD WE EXPECT FROM ORBÁN'S FOURTH GOVERNMENT?

By acquiring 133 of the 199 seats in parliament, Viktor Orbán secured a constitutional majority, though narrowly and by often questionable means, as was pointed out by the OSCE report. The Hungarian political system bestows almost unlimited power on whoever holds a constitutional majority. The question is how Orbán's fourth government will use this power.

Certain major themes can already be seen from the early declarations of the new/old government. The new parliament, likely to sit in early May, will start work by adopting a draft law known as "Stop Soros". The figure of George Soros, an elderly billionaire, financial guru and philanthropist of Hungarian origin, was transformed by pro-government media into a kind of nemesis during the campaign. The "Stop Soros" law, if adopted in its present form, will enable the government to seriously restrict the operation of NGOs, including closing them down. There are also other signs – for example, publicly listing the

names of alleged agents of George Soros by Figyelő, a pro-government newspaper – indicating that systemic repression against civil society is likely to come.⁸

In terms of foreign policy, the early signals are that the confrontational policy towards the EU will continue, by ostensibly claiming to protect Hungary's sovereignty from Brussels. It is likely that the EU will not let developments in Budapest go unanswered, if not by an Article 7 procedure then during negotiations on the new EU budget. The increasingly pro-Russia orientation of Hungarian foreign policy is also likely to remain, although Budapest does not

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intend to leave the EU or – particularly – NATO. The outlines will become a lot clearer following the formation of the new government, expected by mid-May.

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⁸ András Csanády, "A spekuláns emberei" (The Speculator's People), Figyelő, 11 April 2018 (accessed 15 April 2018).

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