

Government-Friendly Election Observers



Jerzy Kwasniewski, President and co-founder of Ordo Iuris Institute (photo: <https://en.ordoiuris.pl/attorney-jerzy-kwasniewski/>);

Harald Vilimsky, Member of the European Parliament, ID Group, FPÖ Austria (photo: <https://kurier.at/politik/inland/fpoe-als-wahlbeobachter-in-ungarn/401955484>);

Branko Grims, Member of the National Assembly of the Republic of Slovenia, Slovenian Democratic Party (photo: <https://demokracija.eu/focus/video-branko-grims-tells-the-european-parliament-we-need-a-strong-europe-a-europe-of-values/>)

Government-Friendly Election Observers at the 2022 Hungarian Parliamentary Elections

By Anton Shekhovtsov

EXECUTIVE SUMMARY

For the first time in the history of any EU Member State, Orbán's government invited dozens of friendly politicians, journalists and civil society activists whose aim was to endorse the elections. Those friendly observers – among them members of the European Parliament and of the PACE of the Council of Europe - praised the conduct of the parliamentary elections in Hungary and made clearly political statements in support of Fidesz and Orbán.

In recent years, this practice has been institutionalised by authoritarian states such as Russia and Azerbaijan that use biased election observers to try to whitewash fraudulent elections, legitimise illegitimate plebiscites, and advance their political interests internationally. The deployment of biased election observers in Hungary was clearly aimed at discrediting one of the most trusted and influential election monitoring organisations, the OSCE ODIHR, and supported the Hungarian government's narrative on foreign interference in the Hungarian elections.

On 4 February 2022, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published its “Needs Assessment Mission Report” with relation to the Hungarian parliamentary elections. In that report, the ODIHR recommended – because of “the highly polarized political environment and the need to contribute to public confidence in the electoral process” – to send to Hungary a full-scale electoral monitoring mission that would consist of “18 long-term observers to follow the electoral process countrywide and 200 short-term observers to follow election day proceedings”.¹

The ODIHR’s move was unusual, as the organisation sent only limited observation missions to monitor Hungarian parliamentary elections in 2010, 2014, and 2018. The decision to send a full-scale mission in 2022 was likely a result of two letters.

The first letter was signed by 20 Hungarian civil society organisations and addressed to the ODIHR Director Matteo Mecacci. In that letter, dated 13 January 2022, the signees argued that, using its supermajority in the parliament, the government of Prime Minister Viktor Orbán had “weakened independent institutions and the rule of law” and had “further shaped the electoral context in its favour”. According to the letter, “the backsliding on democratic standards [...] pose[d] a serious and direct threat to the integrity of the parliamentary elections”. Hence, they urged the ODIHR “to deploy a full-scale election observation mission (EOM) to Hungary with a distinct focus on election-day observation”.²

The second letter, dated 18 January 2022, was also addressed to Mecacci and signed by 62 Members of the European parliament (MEPs) from five political groups and nineteen countries. The letter voiced the signees’ “concerns in relation to the functioning of the electoral system and threats to media freedom” in Hungary and invited the ODIHR “to carry out a *full-scale* election observation mission” for the 2022 Hungarian parliamentary elections.³

Already on 14 January 2022, Zoltán Kovács, the Hungarian Secretary of State for International Communication and international spokesman of the Hungarian government, denied assumptions that the voting would be rigged or that Hungarian authorities would not accept the outcome of the elections were they to lose them.⁴ The latter point was a reference to a prediction of the European Council on Foreign Relations, according to which Orbán’s Fidesz party would lose the election “to a newly unified opposition”, but Orbán would “follow former US president Donald Trump’s playbook by claiming that he won”.⁵

Following the ODIHR’s recommendation to send a full-scale mission to Hungary, Kovács said that the 20 Hungarian civil society organisations, which signed the letter to the ODIHR, were funded by George Soros, thus promoting a typical conspiracy theory of Orbán’s government, according to which the Hungarian opposition was secretly following orders of American billionaire investor and

¹ “Hungary, Parliamentary Elections, 3 April 2022: Needs Assessment Mission Report”, *OSCE*, 4 February (2022), <https://www.osce.org/odihr/elections/511429>.

² “Hungarian Civil Society Organisations Urge the OSCE to Send a Full Mission to Observe Parliamentary Elections on 3 April”, *Hungarian Helsinki Committee*, 13 January (2022), <https://helsinki.hu/en/hu-ngos-urge-osce-to-send-full-election-mission/>.

³ Daniel Freund, “Viktor Orban has been consistently attacking democracy in Hungary”, *Twitter*, 19 January (2022), https://twitter.com/daniel_freund/status/1483718744992059395. Italics in original.

⁴ Zoltan Kovacs, “Hungary Rigged Election Claim Is as Cynical as It Is Absurd”, *Euronews*, 14 January (2022), <https://www.euronews.com/2022/01/14/hungary-rigged-election-claim-is-as-cynical-as-it-is-absurd-view>.

⁵ Mark Leonard, Jeremy Shapiro, “2022: The Road to Recovery (again)”, *European Council on Foreign Relations*, 7 January (2022), <https://ecfr.eu/article/2022-the-road-to-recovery-again/>.

philanthropist George Soros. Nevertheless, Kovács welcomed the OSCE observers as the Hungarian authorities “were ready to show them whatever they asked to see” and “had nothing to hide”, but asked the OSCE to “conduct its activities objectively in accordance with the existing procedures” and to avoid “double standards”.⁶ Kovács’s words echoed statements made by other Hungarian officials. For example, at the end of January 2022, while meeting with EU diplomats, Minister of Foreign Affairs and Trade Péter Szijjártó said that he signed an invitation letter to the OSCE but, at the same time, warned EU diplomats against “interfering” in the Hungarian parliamentary elections by “walking around in the voting districts and giving their opinions on what is right and wrong”.⁷

While evidently worried about what they considered to be “foreign interference”, Hungarian officials ostensibly seemed to be unconcerned about the ODIHR’s potentially negative evaluations of the conduct of the parliamentary elections as they, indeed, believed that the observers would see, as Hungary’s Minister of Justice Judit Varga put it, “a clean, well-organised election”.⁸

However, further developments proved that the Hungarian authorities were, in fact, worried about the OSCE ODIHR’s assessment of the elections as little had changed since 2018, when the ODIHR concluded – after observing the 2018 Hungarian parliamentary elections – that “Hungary’s 8 April parliamentary elections were characterized by a pervasive overlap between state and ruling party resources, undermining contestants’ ability to compete on an equal basis”.⁹ Orbán’s government apparently realised that the ODIHR’s potential criticism of the conduct of the elections would be yet another reason for the European Commission to trigger a new mechanism, namely the rule of law conditionality regulation, to cut funding to Hungary.

The rule of law conditionality regulation has been in force since 2021, allowing the Commission to suspend payments to Member States “in cases when breaches of the rule of law principles affect or risk affecting the EU financial interests or financial corrections”.¹⁰ On 16 February 2022, the European Court confirmed the validity of the general conditionality regulation,¹¹ and this decision rejected a legal challenge from Hungary and Poland – the two countries that feared that the mechanism would be used against them.

In anticipation of the OSCE ODIHR mission’s criticism of the Hungarian parliamentary elections, the Hungarian authorities decided that they needed to counterbalance the expected OSCE’s criticism with positive assessments of the elections. To this end, and for the first time in the history of any EU Member State, Orbán’s government invited dozens of friendly politicians, journalists, and civil society activists whose aim was to endorse the elections.

⁶ Judit Presinszky, “Kovács Zoltán: A magyar választási rendszer az egyik legátláthatóbb és a legkevésbé befolyásolható Európában”, *Telex*, 16 February (2022), <https://telex.hu/valasztas-2022/2022/02/16/valasztas-2022-valasztasi-rendszer-kovacs-zoltan>.

⁷ András Kósa, “Választási megfigyelés: ‘finoman figyelmeztette’ a külföldi nagykövetekeket Szijjártó Péter”, *Azonnali*, 15 February (2022), https://azonnali.hu/cikk/20220215_valasztasi_megfigyeles_szijjarto.

⁸ *Ibid.*

⁹ “Overlap of State and Ruling Party Resources Undermines Contestants’ Ability to Compete on Equal Basis in Hungary Elections, OSCE/ODIHR Observers Say”, *OSCE*, 9 April (2018), <https://www.osce.org/odihhr/elections/hungary/377404>.

¹⁰ “Rule of Law Conditionality Regulation”, *European Commission*, https://ec.europa.eu/info/strategy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en.

¹¹ “Statement by European Commission President Ursula von der Leyen on the Judgments of the European Court of Justice on the General Conditionality Regulation”, *European Commission*, 16 February (2022), https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1106.

The practice of inviting friendly election observers is what we consider politically biased international election observation, defined as “a form of political activity performed by international actors and aimed at advancing interests of politicians and political forces by imitating credible election monitoring during electoral processes”.¹² In recent years, this practice has been institutionalised by Russia that used biased election observers to try to whitewash fraudulent elections,¹³ legitimise illegitimate plebiscites,¹⁴ and advance its political interests internationally.¹⁵

Hungarian authorities invited two categories of friendly observers: (1) members of political organisations and affiliated structures that have relations with the Fidesz party, (2) institutions close to Orbán’s government.

The first category of friendly observers consisted predominantly of representatives of right-wing – ranging from centre-right to far-right – parties such as Flemish Interest (Belgium), VOX (Spain), League (Italy), Brothers of Italy (Italy), National Rally (France), Slovenian Democratic Party (Slovenia), Freedom Party of Austria (Austria), Liberal-Conservative Reformists (Germany), JA21 (Netherlands), Bulgarian National Movement (Bulgaria). With the exception of the Liberal-Conservative Reformists and Slovenian Democratic Party, all other above-listed parties were among those that signed, together with Fidesz and a number of other like-minded parties, a joint declaration claiming that the European Union was in need of profound reform, because it was “becoming a source of problems, anxiety and uncertainty” instead of “protecting Europe and its heritage” and “enabling the free development of European nations”.¹⁶

The same category also featured members of staff of European political groups: in particular, Tom Van Dijck, secretary of the European Conservatives Group at the PACE; Thibaut Francois, the head of communications of the far-right Identity and Democracy group at the European Parliament; and Martina Hesse, a policy adviser of the European Conservatives and Reformists group at the European Parliament.

At the moment, it is unclear what organisational channels Fidesz used to coordinate these observers, but it is known that Harald Vilimsky and Maximilian Krauss of the far-right Freedom Party of Austria were invited by the Hungarian Christian Democratic Institute, a think-tank close to Fidesz.¹⁷

Expectedly, those friendly observers praised the conduct of the parliamentary elections in Hungary and made clearly political statements in support of Fidesz and Orbán. For example, Branko Grims

¹² See, for example, Anton Shekhovtsov, “The Rise and Fall of a Polish Agent of the Kremlin Influence: The Case of Janusz Niedźwiecki”, *European Platform for Democratic Elections*, 4 November (2021), <https://www.epde.org/en/news/details/the-rise-and-fall-of-a-polish-agent-of-the-kremlin-influence-the-case-of-janusz-niedzwiecki.html>.

¹³ Anton Shekhovtsov, “Politically Biased Foreign Electoral Observation at the Russian 2018 Presidential Election”, *European Platform for Democratic Elections*, 16 April (2018), <https://www.epde.org/en/documents/details/politically-biased-foreign-electoral-observation-at-the-russian-2018-presidential-election-1423.html>.

¹⁴ Anton Shekhovtsov, “Politically Biased Election Observation in Donetsk and Lugansk People’s Republics”, *European Platform for Democratic Elections*, 13 November (2018), <https://www.epde.org/en/news/details/foreign-observation-of-the-illegitimate-general-elections-Donetsk-Lugansk.html>

¹⁵ Anton Shekhovtsov, “Fake Election Observation as Russia’s Tool of Election Interference: The Case of AFRIC”, *European Platform for Democratic Elections*, 26 March (2020), <https://www.epde.org/en/documents/details/fake-election-observation-as-russias-tool-of-election-interference-the-case-of-afric.html>.

¹⁶ “Joint Declaration on the Future of the European Union”, *Fidesz*, 2 July (2011), <https://fidesz.hu/int/news/joint-declaration-on-the-future-of-the-european-union>.

¹⁷ “Vilimsky und Krauss von der FPÖ als Wahlbeobachter in Ungarn”, *Der Standard*, 29 March (2022), <https://www.derstandard.at/story/2000134513225/vilimsky-und-krauss-von-der-fpoe-als-wahlbeobachter-in-ungarn>.

from the Slovenian Democratic Party not only called the conduct of the elections “impeccable”, but also said that Orbán “represented real, traditional European values that liberal politics would sweep aside”.¹⁸ Tom Van Dijck, whose assistant in the secretariat of the European Conservatives Group is, curiously, a Russian national Valeria Andronenkova (despite Russia’s expulsion from the PACE), said that he saw “a functioning democracy in Hungary and well-organized polling stations”, and argued that the Hungarian united opposition did not offer any political alternatives except for the anti-government messaging.¹⁹

The second category of friendly observers was represented largely by the Ordo Iuris Institute for Legal Culture, a Polish ultraconservative think-tank. Ordo Iuris sent an 18-strong mission to observe the Hungarian elections, and their arrival was personally noted by Orbán’s government international spokesman Zoltán Kovács who tweeted: “Independent PL legal organization @OrdoIuris begins election monitoring mission to observe #hungaryelections. Amid growing concerns about impartiality, integrity of @OSCE_ODIHR, aim of mission is to restore public confidence in electoral processes and international observers”.²⁰

The Ordo Iuris Institute is linked to Orbán’s government,²¹ and, as could be seen from Kovács’s tweet, the objective of the Ordo Iuris mission was to challenge any OSCE ODIHR’s criticism of the Hungarian elections. And, indeed, after the publication of the ODIHR Interim Report on the Hungarian elections on 21 March 2022, the Ordo Iuris Institute published, in cooperation with its affiliated Collegium Intermarium University, a statement that argued that the ODIHR’s report violated a “fundamental principle of accuracy and verifiability of conclusions as well as impartiality and non-interference”, led “to a breach of neutrality”, and might be “perceived as intentional interference in the elections”.²²

The final report on the elections by the Ordo Iuris Institute for Legal Culture and Collegium Intermarium University also contained criticism of the OSCE ODIHR and stated that the letter of 20 Hungarian civil society organisations urging the ODIHR to send a full-scale observation mission to Hungary represented “a way of trying to interfere in the electoral campaign, contaminating it with suspicions about its legitimacy”.²³

The decision of Orbán’s government to involve friendly politicians and organisations in monitoring the 2022 Hungarian parliamentary elections says nothing about the conduct of the elections, but was clearly aimed at discrediting one of the most trusted and influential election monitoring organisations, OSCE ODIHR, and supported the Hungarian government’s narrative on foreign interference in the Hungarian elections.

¹⁸ Öry Mariann, “Hazánk példa lehet más tagállamoknak”, *Magyar Hírlap*, 5 April (2022), <https://www.magyarhirlap.hu/kulfold/20220405-hazank-pelda-lehet-mas-tagallamoknak>.

¹⁹ <https://www.magyarhirlap.hu/kulfold/20220405-hazank-pelda-lehet-mas-tagallamoknak>

²⁰ Zoltan Kovacs, “(1/2) Independent PL legal organization @OrdoIuris begins...”, *Twitter*, 27 March (2022), <https://twitter.com/zoltanspox/status/1508118795415662603>. Edited for easier reading.

²¹ Márton Sarkadi Nagy, “How Orbán’s Government Funds Ultra-Conservative NGO’s Agenda”, *VSquare*, 7 May (2021), <https://vsquare.org/how-orbans-government-funds-ultra-conservative-ngos-agenda/>.

²² “The Polish Ordo Iuris Institute Commences International Election Monitoring Mission to Hungary”, *Ordo Iuris*, 26 March (2022), <https://en.ordoiuris.pl/international-activity/polish-ordo-iuris-institute-commences-international-election-monitoring>.

²³ “Elections in Hungary in Line with European Standards – Report of the International Observation Mission”, *Ordo Iuris*, 4 April (2022), <https://en.ordoiuris.pl/international-activity/elections-hungary-line-european-standards-report-international-observation>.

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Responsible for the content:

Europäischer Austausch gGmbH
Erkelenzdammm 59
10999 Berlin, Germany

Represented through:

Stefanie Schiffer

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