

THE 2022 HUNGARIAN CHILD PROTECTION REFERENDUM AND THE CIVIL SOCIETY CAMPAIGN THAT MADE IT INVALID

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Abstract

This thesis is about the Hungarian Child Protection referendum that was held in April, 2022 and the civil society initiative 2X that made this referendum invalid. The referendum aimed to validate the then newly introduced child protection measures by the Hungarian government, encapsulated in Act LXXIX of 2021. This legislation includes actions against pedophile offenders but also amendments with significant anti-LGBTQIA+ implications. The government initiated the referendum to demonstrate public support for these exclusionary measures. However, the referendum was declared invalid due to insufficient voter turnout and the casting of 1.7 million invalid votes. The high number of invalid votes can be linked to the civil society campaign "To Invalid Questions, Invalid Answers" or 2X. This thesis explores the impact of the 2X campaign on the invalid turnout of the referendum, analyzing its effectiveness and impact on public opinion and civic engagement in Hungary.

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Introduction and methodology

"The vision I see is not only a movement of direct democracy, of self- and co-determination and non-violence, but a movement in which politics means the power to love and the power to feel united on the spaceship Earth. ... In a world struggling in violence and dishonesty, the further development of non-violence not only as a philosophy but as a way of life, as a force on the streets, in the market squares... becomes one of the most urgent priorities. "

Petra Kelly

The quote of Petra Kelly, ecofeminist and founding member of the German Green party captures the essence of my capstone thesis: exploring ways to resist in a system that does not have space for resistance, sharing the collective responsibility of power and finding ways to keep democracy sustainable for everyone.

The Hungarian Child protection referendum was held in 2022 April, on the same day as the National Elections, and had the aim to justify the newly introduced so-called child protection measures of the Hungarian government. The referendum was initiated by the government to showcase that *Act LXXIX of 2021 on stricter actions against pedophile offenders, and the amendment of certain laws for the protection of children*, a bill with strong anti-LGBTQIA+ measures, enjoys the support of the Hungarian population. The referendum was invalid due to insufficient voter turnout and 1.7 million votes cast invalidly¹. These votes can be attributed to the civil society campaign *To Invalid questions Invalid answers* or *2X*.

The *2X* campaign had an unprecedented success of voter mobilization with one clear purpose: to stop the government from using Hungarian citizens votes to justify its human rights violations. I was amazed by the impact that this campaign had on our passive society, especially

¹ "Results of the referendum and the Hungarian parliamentary elections" [Nemzeti Választási Iroda - Országos népszavazás \(valasztas.hu\)](#) last accessed 13th of June 2024

given the divisive nature of the topic. I am very keen to understand the underlying factors as to why this exact campaign was the one that managed to mobilize so many people to exercise their right to vote. The thesis aims to gather factors that contributed to the remarkable success of this campaign, so that further civil society campaigns can benefit from it.

My research question is how could the civil society organizations (CSO) mobilize 1.7 million Hungarians to cast invalid votes? What were the underlying reasons for this success?

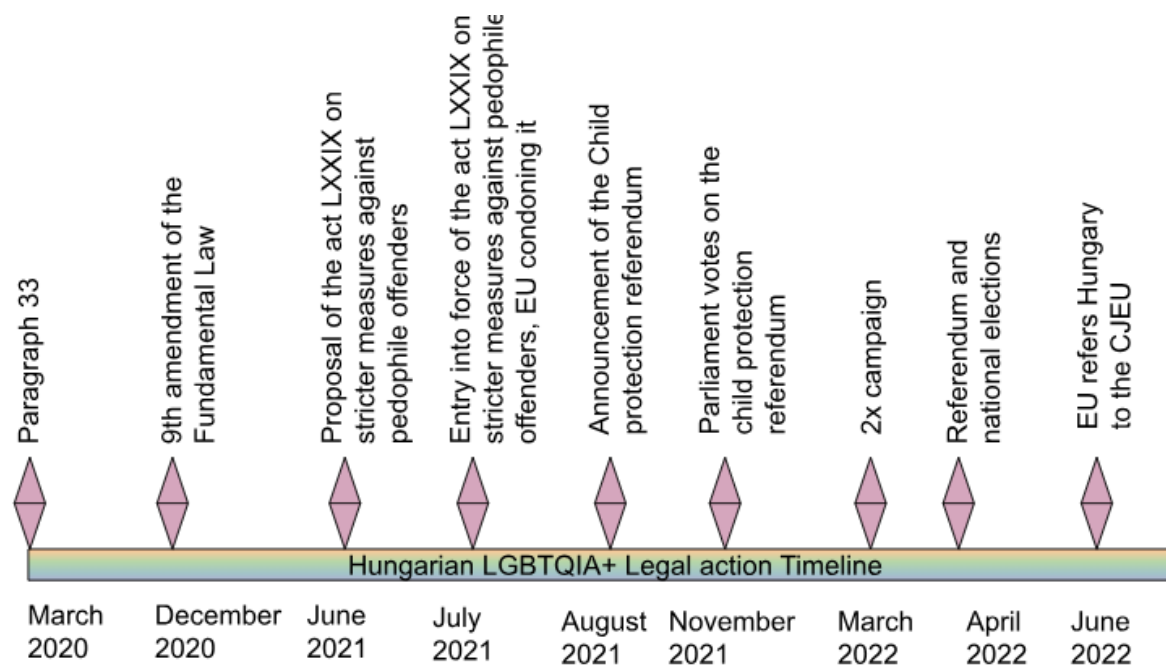
To give a comprehensive overview of the direct effect that the civil society mobilizations have especially through the online sphere, I analyze the 2022 Hungarian Child Protection referendum and the 2X campaign.

The methodological framework consists of three elements. In Chapter 1, as a foundation, I review the legal background of the persistent anti-LGBTQIA+ climate that the Fidesz government has been cultivating since 2020. I analyze what national and international human rights obligations this comprehensive package of legislation violates, with a strong focus on Act LXXIX that triggered the 2022 Child Protection referendum. In Chapter 2, I conduct a literature review on the custom of government-initiated referenda between 1997 and 2022 to better understand how the government is using this referendum to validate its anti-LGBTQIA+ human rights violations. In this chapter, I aim to also display how online media campaigns can influence direct democracy in illiberal regimes and mobilize communities through the phenomenon of cyber activism. In Chapter 3, I analyze the interview that I conducted with Luca Dudits, Head of Communications at Háttér társaság, who was one of the leading figures of this civil society resistance campaign. I also incorporate and reflect on my firsthand experiences in this thesis since during the month of the campaign I was a volunteer intern at Háttér and had minor responsibilities related to the campaign. Additionally, I conduct quantitative analysis on the Facebook dataset of Háttér for the month of March to draw

conclusions on the online success of the campaign. This is my theoretical framework to analyze the comprehensive campaign conducted by the Civil Coalition in March 2022.

Chapter 1. Review of the legislative changes regarding LGBTQIA+ rights in Hungary 2020-2022

The 2X campaign was a unique civil society response to an illiberal attempt of the Hungarian government to curtail LGBTQIA+ rights. To better understand what led to the referendum being such a high-priority issue and why the voters were motivated enough to block this initiative with invalid votes we have to look through the recent legislative history of the Hungarian anti-gender movement.



1. Figure Hungarian LGBTQIA+ Legal Action Timeline

1. Legislative Overview

1.1 Paragraph 33

It all started with Paragraph 33 in May 2020. This paragraph is part of Act No. XXX of 2020 on Changes of Certain Administrative Laws and Free Donation of Property² and was introduced just minutes after the State of Emergency was established. This law makes it impossible for transgender and intersex people to get their gender legally recognized in their official documents since it replaces ‘gender’ with ‘gender at birth’ in the civil registry.³ This regulation was found to violate EU law since it violates Article 5 (1)(d) of the GDPR, which requires that personal data must be “accurate and, when necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purpose for which they are processed are erased or rectified without delay”.⁴

This bill has remained in effect despite conflicting with several human rights agreements to which Hungary is a signatory. It violates Article 8 of the European Convention of Human Rights⁵, the right to respect for private and family life, and Article 17 of the ICCPR⁶. The ECHR stated in previous rulings that the lack of “quick, transparent and accessible procedures” for changing the registered sex of transgender people on birth certificates is a violation of

² "Act XXX of 2020 on the Amendment of Certain Administrative Laws and Free Transfer of Property," parliament.hu, accessed 12/06/2024, <https://www.parlament.hu/09934.pdf>

³ Amnesty International, "Hungary: Government Must Revoke Prohibition of Gender Legal Recognition," April 3, 2020, accessed June 12, 2024, [Amnesty Public Statement](#) .

⁴ European Parliament, "Parliamentary Question: Legal Gender Recognition Ban in Hungary Found to Be in Violation of EU Law," E-003195/2021, accessed June 12, 2024, https://www.europarl.europa.eu/doceo/document/E-9-2021-003195_EN.html.

⁵ Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention on Human Rights, as amended), art. 8, accessed June 12, 2024, https://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁶ *International Covenant on Civil and Political Rights*, Dec. 16, 1966 999 U.N.T.S. 171; S. Exec. Doc. E, 95-2 (1978); S. Treaty Doc. 95-20; 6 I.L.M. 368 (1967)

Article 8.8 of the Convention.⁷ This Hungarian practice affects the rights of individuals to recognition before the law which is protected by international human rights agreements such as the ICCPR (Article 16) and CEDAW (Article 15)⁸. The HRC, which is responsible for monitoring compliance with the ICCPR, found on several occasions that if a state fails to issue birth certificates with correct data or refuses to keep the civil registry updated it can lead to the violation of Article 16 and often a violation of additional articles such as the right to education and access to social services.⁹ The effects of not having documents that align with one's identity have severe consequences such as disadvantages in finding employment, and housing, being subjected to harassment, or being denied entry to facilities which all harm the individual's mental health and have direct consequences on every aspect of their life. This is violating the right to work and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, enshrined in the International Covenant on Economic, Social and Cultural Rights.¹⁰

1.2 Ninth Amendment of the Fundamental Law

Even though this was the first aggressive anti-LGBTQIA+ legislation, it was foreseeable that it would not be the last one. Article L of this amendment gives a legal definition of a Hungarian family. It states that the “mother is a woman, and the father is a man” and that a family is only a family if the mother and the father are married. The formulation of the legislation is

⁷ *X v. the former Yugoslav Republic of Macedonia*, no. 12345/06, § 70, ECHR, March 15, 2012, accessed June 12, 2024, <https://hudoc.echr.coe.int/eng?i=001-110456>.

⁸ *Convention on the Elimination of All Forms of Discrimination against Women*, Dec. 18, 1979 1249 U.N.T.S. 13; 19 I.L.M. 33 (1980)

⁹ Concluding Observations on Albania, CCPR/CO/82/ALB (HRC, 2004), para. 17; Concluding Observations on Bosnia and Herzegovina, CCPR/C/BIH/CO/1 (HRC, 2006), para. 2; Concluding Observations on the Democratic Republic of Congo, CCPR/C/COD/CO/3 (HRC, 2006), para. 25, in *Amnesty International Report 2020*, 2, <https://www.amnesty.org/en/documents/eur27/2085/2020/en/>.

¹⁰ *International Covenant on Economic, Social and Cultural Rights*, Dec. 16, 1966 993 U.N.T.S. 3; S. Exec. Doc. D, 95-2 (1978); S. Treaty Doc. No. 95-19; 6 I.L.M. 360 (1967)

discriminatory as it discards childless unions and anybody who does not fit the nuclear family model. This amendment erases any possibility for queer families or patchwork families to be viewed as a legal entity. The third article of the amendment regulates children's rights.

The following was added to Article 1 of Article XVI of the Fundamental Law (1): "Hungary protects the right of children to self-identity according to their gender of birth and ensures education in accordance with the values based on Hungary's constitutional identity and Christian culture."¹¹ Multiple Hungarian Human Rights NGOs spoke up against this amendment since it is a serious violation of multiple basic human rights, especially the rights of the child that it claims to protect.

First of all, according to Article 8 of the UN Convention on the Rights of the Child¹², "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference." This amendment clearly discriminates against children whose gender assigned at birth does not align with their gender identity. The amendment also ignores Hungary's responsibility to "the right of the child to freedom of thought, conscience, and religion." enshrined in Article 14 (1) of the UN CRC. These rights are also protected by the Universal Declaration of Human Rights and the ICCPR.¹³

Domestic law also protects the rights of individuals: "everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to choose or to change his religion or belief, and freedom, either alone or in community with others and in public or

¹¹ *The Fundamental Law of Hungary*, accessed June 12, 2024, <https://net.jogtar.hu/jogszabaly?docid=a1100425.atv>.

¹² *Convention on the Rights of the Child*, Nov. 20, 1989 1577 U.N.T.S. 3; 28 I.L.M. 1456 (1989)

¹³ *Universal Declaration of Human Rights*, Dec. 8, 1948 G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948)

private, to manifest his religion or belief in religion or belief, or in public or in private, practice or teach.”¹⁴

As the Child Rights NGO Coalition points out in its statement in relation to freedom of religion does not extend to refraining from violation of individual rights, but must also ensure the conditions necessary for the exercise of religious freedom, i.e. ¹⁵ that the state must remain neutral in matters of religion and conscience. With this declaration in the constitution¹⁶, the government is imposing a religious ideology on its citizens, despite the Hungarian Constitution itself contradicting this.

Article 18 (4) of the ICCPR also states clearly that “States Parties undertake to respect the liberty of parents and, where applicable, legal guardians, to ensure the religious and moral education of their children in accordance with their own convictions.”

In the explanatory memorandum, the government states that their proposal follows biological evidence and not international trends or ideologies in relation to childbearing; and that sex at birth is a gift or a factor that cannot be changed: it is a biological principle. Human dignity thus includes the right of every child to self-identity according to their sex at birth, part of which is to be protected against mental or biological interference affecting their physical and mental integrity.¹⁷

¹⁴“Act No. 3263 of 2018,” *National Legal Database*, accessed June 12, 2024, <https://njt.hu/jogszabaly/2018-3263-30-75>.

¹⁵ Statement of the Child Rights NGO Coalition On The Provisions Of The “Ninth Amendment of the Constitution of Hungary” Directly Affecting The Rights Of The Child 22.12.2020, accessed June 12, 2024 [Statement on the 9th Amendment of the Basic Law \(gyermekjogcivilkoalicio.hu\)](https://gyermekjogcivilkoalicio.hu)

¹⁶ Article I (1) of *The Fundamental Law of Hungary*, accessed June 12, 2024, <https://www.parlament.hu/>.

¹⁷ European Commission for Democracy Through Law (Venice Commission), “Opinion No. 1035/2021: Hungary Ninth Amendment to the Fundamental Law and Explanatory Memorandum,” accessed June 12, 2024, <https://www.coe.int/en/web/portal/opinion-no.-1035-2021> . pp 7

1.2.3 Omnibus bill

The next attack on LGBTQIA+ individuals was Act 165 (omnibus bill) in December 2020. This legislation makes adoption accessible only to married couples, therefore, discriminating queer couples that can only be recognized in registered partnerships and single parents. Via special permission from the Minister for Family Affairs, single parents can attain the right to adopt, however, since the bill entered into power the number of single-parent adoptions drastically diminished.¹⁸

1.2.4 Act LXXIX of 2021 on taking more severe action against pedophile offenders and amending certain Acts for the protection of children

All of these legislations culminated in the ACT LXXIX OF 2021 Amending Certain Acts for the Protection of Children. Initially, even the opposition was in favor of the proposal. However, changes in the draft occurred and the bill quickly turned out to be an attempt to connect pedophilia with queerness. Amendments were presented in the ultimate stage of the parliamentary debate, just five days before the vote on the law, not giving enough time for in-depth criticism of these newly added contents for NGOs or members of the Parliament.¹⁹ The legislation was forced through by the government, despite the protests and national and international backlash. The Act LXXIX of 2021 modified five Acts of Parliament:

¹⁸ Amnesty International, "Hungary: Hungarian Parliament Must Reject Amendments Further Undermining the Rights of LGBTI People," November 26, 2020, [Hungary: Hungarian parliament must reject amendments further undermining the rights of LGBTI people - Amnesty International](#), last accessed 12 of June 2024, p. 3.

¹⁹"Report on Act LXXIX of 2021 Amending Certain Acts for the Protection of Children and Its Implementation," November 2023, *Háttér Society*, p. 2, accessed June 12, 2024, [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation | Háttér Society \(hatter.hu\)](#) pp 2

1. Act XXXI of 1997 on the protection of children and guardianship administration (hereinafter: Act on Child Protection);
2. Act CCXI of 2011 on the protection of families (hereinafter: Family Protection Act);
3. Act XLVIII of 2008 on the basic conditions of and certain restrictions on economic advertising activities (hereinafter: Advertisement Act);
4. Act CLXXXV of 2010 on media services and mass communication (hereinafter: Media Act);and
5. Act CXC of 2011 on national public education (hereinafter: National Public Education Act).

2. Figure Amended legislations²⁰

The main aim of these amendments was to introduce restrictions for minors on accessing

Content that is pornographic or that depicts sexuality as having a purpose in itself or that depicts or propagates divergence from self-identity corresponding to sex at birth, sex change or homosexuality.²¹

²⁰ "Report on Act LXXIX of 2021 Amending Certain Acts for the Protection of Children and Its Implementation," November 2023, *Háttér Society*, p. 2, accessed June 12, 2024, [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation | Háttér Society \(hatter.hu\)](https://hatter.hu/en/reports/2023/11/23-report-on-act-lxxix-of-2021-amending-certain-acts-for-the-protection-of-children-and-its-implementation/)

²¹ European Commission for Democracy through Law (Venice Commission). *Opinion No. 1059 / 2021 on the Compatibility with International Human Rights Standards of Act LXXIX Amending Certain Acts for the Protection of Children*. Strasbourg, December 13, 2021. CDL-AD(2021)050.[https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD(2021)050-e)

1.4.1 Violations of International Human Rights Frameworks

The amendments to the National Public Education Act are in breach of multiple EU and UN human rights treaties that Hungary is part of. The amendments to the National Public Education Act violate Article 2 of Protocol No. 1 of the ECHR (right to education), and Article 8 of the ECHR (right to family life). These articles secure the rights of children to education and to have privacy in their home life. From these rights derives the right to access information. The state is interfering with the liberty of citizens to live life and raise children according to their own beliefs. It violates the right to education established in Article 13 (3) of the International Covenant on Economic, Social, and Cultural Rights, Article 18 (4) of the International Covenant on Civil and Political Rights, and Article 14 (2) of the Convention on the Rights of the Child, which all protect the right of the parents to educate and teach their children in conformity with their convictions.²² The best example to illustrate the propaganda nature of this act is that even Viktor Orbán wrote in one of his published statements, Szamizdat 10 that

School education must not be in conflict with the will of the parents, at most it must be complementary, its form and content must be clearly defined and subject to the parents' agreement.²³

Hungary got several Universal Periodic Review (UPR) recommendations to revoke the law, however, these were all rejected by the government.²⁴ The law was condemned by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and

²² "Report on Act LXXIX of 2021 Amending Certain Acts for the Protection of Children and Its Implementation," November 2023, *Háttér Society*, p. 2, accessed June 12, 2024, [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation | Háttér Society \(hatter.hu\)](https://2015-2022.miniszterelnok.hu/szamizdat-10/)

²³ Viktor Orbán Szamizdat 10, accessed June 12, 2024, <https://2015-2022.miniszterelnok.hu/szamizdat-10/>.

²⁴ A/HRC/49/8, 128.44, 128.45, 128.50, 128.51, 128.54, 128.56, 128.84, 128.87, 128.226. [g2138307.pdf \(un.org\)](https://www.un.org/g2138307.pdf)

expression, Irene Khan,²⁵ and by the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.²⁶

The Venice Commission in Opinion No. 1059/2021 recommended Hungary to repeal or at least amend the key provisions of the amendments introduced by the Act LXXIX. The Venice Commission found that the provisions are not elaborate enough to meet the requirement of ‘prescribed by law’ set out in Article 10 (2) of the European Convention on Human Rights (ECHR). The terms like ‘propagation’ or ‘portrayal’ – are unclear and therefore do not meet the standard of ‘foreseeability’. The Venice Commission pointed out these terms will be used restrictively and will have a chilling effect. Also, Article 10 of the ECHR concerning freedom of expression cannot be curtailed for public morals. The rights of others cannot justify a blanket prohibition on the speech in question (i.e. legitimate expressions of sexual orientation and gender identity). The Venice Commission stated that

Gender as a component of personal identity and homosexuality as a variation of sexual orientation, are protected under the ECHR and as such, cannot be deemed contrary to morals by public authorities (...) ²⁷

1.4.2. Results of implementing the pedophile law

The law also caused an immense national backlash. Since the proposal, over 160 civil society organizations including child rights organizations like UNICEF, Híttér Society, Igazgyöngy, Kékvonal and companies affected by the trade laws like Magyar Könyvkiadók és

²⁵ A/HRC/50/29/Add.1 Para. 65-66 [g2232344.pdf \(un.org\)](https://www.un.org/doc/6401/1/6401_1_2022_1_0_0_0_0.pdf)

²⁶ "Report on Act LXXIX of 2021 Amending Certain Acts for the Protection of Children and Its Implementation," November 2023, *Háttér Society*, p. 2, accessed June 12, 2024, [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation | Háttér Society \(hatter.hu\)](https://hatter.hu/en/2023/11/23/report-on-act-lxxix-of-2021-amending-certain-acts-for-the-protection-of-children-and-its-implementation/)

²⁷ European Commission for Democracy Through Law (Venice Commission), *Hungary Opinion on the Compatibility with International Human Rights Standards of Act LXXIX Amending Certain Acts for the Protection of Children*, adopted by the Venice Commission at its 129th Plenary Session, Opinion No. 1059/2021, paras. 43, 44, 48, 49, accessed June 12, 2024, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e).

Könyvterjesztők Egyesülése, Magyar Reklámszövetség, Magyar Újságírók Országos Szövetsége came out publicly against the anti-LGBTQIA+ law.²⁸ The human rights NGOs started a petition that was signed by 100,000 citizens²⁹ and organized a protest in front of the parliament asking the President not to sign the bill.³⁰ However, János Áder, then President of Hungary, signed the bill that entered into force on the 8th of July. Given the subsequent backlash and the infringement procedure the European Commission started against Hungary on the 15th of July 2021, the government was backed into a corner.³¹ Viktor Orbán announced in a Facebook video statement³² that the government is holding a referendum on the matter of child protection

Brussels is now demanding changes to the education law and child protection rules. They do not like that we will not do what is already established in Western Europe. There, LGBTQ activists go into kindergartens and schools and do sex education. They want the same here, so the bureaucrats in Brussels are threatening to do it, they are launching infringement procedures, they are abusing their power.³³

With this statement, the prime minister was trying to prove that even though Hungary is part of the European Union and therefore the respective human rights agreements, there are still issues where states should enjoy the margin of appreciation doctrine. The term margin of appreciation indicates the scope of national courts or their administrative authorities to apply

²⁸ "Report on Act LXXIX of 2021 Amending Certain Acts for the Protection of Children and Its Implementation," November 2023, *Háttér Society*, p. 2, accessed June 12, 2024, [Report on Act LXXIX of 2021 amending certain acts for the protection of children and its implementation | Háttér Society \(hatter.hu\)](https://www.hatter.hu/en/reports/2023/11/23/report-on-act-lxxix-of-2021-amending-certain-acts-for-the-protection-of-children-and-its-implementation)

²⁹ AHang, "Nem Akarunk orosz mintájú homofób törvényeket," accessed June 12, 2024, <https://szabad.ahang.hu/petitions/nem-akarunk-orosz-mintaju-homofob-torvenyeket?fbclid=IwAR12uqWRBlujWo7L1n8rYamlEAB8WmKuIVy8udCZfYKwqueOxkpMB75HyQ>.

³⁰ Holló, Bettina, and Szabolcs Szalai. "Nem akarják, hogy szitokszó legyen az identitásuk." *Index.hu*, June 14, 2021. Accessed June 12, 2024. <http://index.hu/belfold/2021/06/14/tuntetes-parlament-pedofilelles-torveny/>.

³¹ Arató, László. "Pedofiltörvény: Magyarország perben-haragban uniós partnereivel." *Szabad Európa*, June 4, 2023. <https://www.szabadeuropa.hu/a/pedofiltorveny-magyarorszag-perben-haragban-unios-partnereivel/32352405.html>. Accessed June 12, 2024.

³² Government of Hungary (kormányzat). "Gyermekevédelmi népszavazást kezdeményez a kormány // The government is initiating a referendum on child protection." Facebook, June 12, 2024. Accessed June 12, 2024. <https://www.facebook.com/watch/?v=3009845622619056>.

³³ Molnár, Szabina: Orbán Viktor bejelentette a gyermekvédelmi népszavazást Orbán Viktor bejelentette a gyermekvédelmi népszavazást, *index.hu*, 21.07.2021, Accessed June 12, 2024. <https://index.hu/belfold/2021/07/21/orban-viktor-bejelent-es-miniszterelnok-gyermekevedelmi-nepszavazas/>

their national law at their discretion in areas covered by an international obligation.³⁴ This concept is used by the European Court of Human Rights to interpret the European Convention of Human Rights; however, it is increasingly present in cases that are in front of the CJEU since the European Union Charter of Human Rights is also binding for the Union Member States.³⁵ While Hungary may have some leeway in handling internal affairs, questioning the rights of LGBTQIA+ individuals across various domains is not up for debate. As Uitz points out in her analysis³⁶, when we examine the question of the margin of appreciation we must consider the principle of non-retrogression. According to the CJEU non-retrogression means that a Member State made a commitment freely and voluntarily at the time of accession to protect and promote the Union's core values. This entails that these Member States cannot amend their constitution after accession to reduce existing protection of the Union's common values, especially if those measures affect human dignity and equality.³⁷ ILGA Europe pointed out that when putting together the legal reasoning for the infringement procedure a special legal approach was needed as the Member States do have flexibility in internal affairs, like education, given that they have a clearer vision of the circumstances. Education is one of these areas of national expertise where the CJEU will likely validate the claims brought by the State of Hungary based on the margin of appreciation doctrine, since the Union has very little competence in this area. Therefore, the infringement procedure has to focus on the breach of

³⁴Hallström, Pär. "Margin of Appreciation and National Security." *International Law and Changing Perceptions of Security* 1, no. 1 (January 2014): 1-18. Accessed June 12, 2024doi: https://doi.org/10.1163/9789004274587_009. pp 1

³⁵ Hallström, Pär. "Margin of Appreciation and National Security." *International Law and Changing Perceptions of Security* 1, no. 1 (January 2014): 1-18. Accessed June 12, 2024doi: https://doi.org/10.1163/9789004274587_009. pp 1

³⁶ Uitz, Renáta: All Eyes on LGBTQI Rights, From positive obligations to non-retrogression *Verfassungsblog*, accessed June 12, 2024. <https://verfassungsblog.de/all-eyes-on-lgbtqi-rights/>

³⁷ *Reppublika v. Il-Prim Ministru*, Judgment of the Court (Grand Chamber), April 20, 2021, para. 63. [CURIA - Documents \(europa.eu\)](https://eur-lex.europa.eu/Document/europa.eu) Accessed June 12, 2024

EU legislation.³⁸ That is why in the legal reasoning one can note commercial breaches.³⁹

However, as I mentioned above, Hungary is seriously restricting several rights guaranteed by the European Charter of Fundamental Rights which the state is party to, therefore to state that Brussels is abusing its power is incorrect.

On the same day, Viktor Orbán announced the Child Protection referendum, the government also made it possible to hold referenda that had previously been restricted due to COVID-19 measures.⁴⁰ The Child Protection referendum served as a means to distract the nation from the next erupting scandal about the government using the Israeli spy software Pegasus to surveil ordinary citizens and media workers.⁴¹ On the 30th of November 2021, the parliament voted for the Child Protection referendum which was going to cost an estimated 31,775,423 euros to hold if taking place on a separate day from the national elections, while only 13,981,186 euros if held on the election day.⁴² This was the reasoning behind the change of legislation that allowed for the referendum to be held on the same day as the elections. Through this special legislative amendment, it was made possible to hold the referendum on the same day as the parliamentary elections. On April 3, 2022, the Hungarian government, in response to the European Commission's announcement on launching an infringement procedure, organized a referendum addressing the criticized points of the anti-LGBTQI law. The largest human rights NGOs such as Háttér Society and Amnesty International Hungary, along with 12 other NGOs,

³⁸ "The Infringement Against Hungary: Behind the Scenes," ILGA Europe, March 24, 2023, <https://www.ilga-europe.org/blog/infringement-hungary-behind-scenes/>. accessed June 12, 2024

³⁹ "The Infringement Against Hungary: Behind the Scenes," ILGA Europe, March 24, 2023, <https://www.ilga-europe.org/blog/infringement-hungary-behind-scenes/>. accessed June 12, 2024

⁴⁰ Molnár, Szabina: Ismét szabad a népszavazás, index.hu, 21.07.2021
<https://index.hu/belfold/2021/07/21/magyar-kozlony-nepszavazas-kormenyrendelet/> Accessed June 12, 2024

⁴¹ Walker, Shaun: Viktor Orbán using NSO spyware in assault on media, data suggests, 18.07.2021, theguardian.com
<https://www.theguardian.com/news/2021/jul/18/viktor-orban-using-nso-spyware-in-assault-on-media-data-suggests> Accessed June 12, 2024

⁴² Tenczer, Gábor: Megszavazták a parlamentben a gyermekvédelminek nevezett népszavazást, telex.hu, 30.11.2021
<https://telex.hu/belfold/2021/11/30/megszavaztak-a-parlamentben-a-gyermekevedelminek-nevezett-nepszavazast>

organized a nationwide media campaign to invalidate the discriminatory and exclusionary referendum.

In June 2022, the European Commission referred Hungary to the European Court of Justice over the Act LXXIX since the Commission believes that the law violates internal market rules, EU values, and fundamental human rights. Since the answer provided by the Hungarian government was deemed unsatisfactory, the Commission moved forward and in December 2022 brought action to the CJEU. The Commission v. Hungary case (C-769/22) is currently pending before the CJEU. In their submission, the Commission claimed to fulfill its obligations under Articles 2, 3(1), 6a(1), and 9(1)(c)(ii) of Directive 2010/13/EU on audiovisual media services, Article 3(2) of Directive 2000/31/EC on electronic commerce, Articles 16 and 19 of Directive 2006/123/EC on services in the internal market, Article 10 of Regulation (EU) 2016/679 on general data protection, Article 56 TFEU, Articles 1, 7, 8(2), 11 and 21 of the Charter of Fundamental Rights of the European Union, and Article 2 TEU.⁴³

Conclusion:

In this chapter, I gave an overview of the legislative background of the Child Protection referendum and how these legislations go against the duties and responsibilities taken on by Hungary that ratified these conventions. This legislative review, alongside the context of the COVID-19 pandemic, highlights how the government's lack of transparency and solidarity contributed to the widespread discontent among the Hungarian population. Rather than addressing critical threats such as the pandemic, economic crisis, or war, the government

⁴³ European Commission v Hungary (Case C-769/22), action brought on December 19, 2022, Curia - Court of Justice of the European Union, <https://curia.europa.eu/juris/document/document.jsf?jsessionid=CBA3E7C7CFDD9970BD156137A2A95C5D?ext=&docid=270405&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1735538>. Accessed June 12, 2024

targeted the LGBTQIA+ community as its newest scapegoat, diverting attention from more pressing national concerns.

Chapter 2. Tools of direct democracy

In this chapter, I present a brief overview of referenda in Hungary with a special focus on the implications that the 2016 referendum on migration has for the 2022 Child Protection referendum. I review the legal and political validity of a referendum. Through connective action theory I highlight how online activism can take on the role that a referendum is failing to fulfill. I am going to connect these two seemingly distant topics under their nature of being tools of direct democracy and the importance of these elements in the ever-narrowing Hungarian political landscape.

2.1 Hungary and the history of referenda

The institution of referenda does not have a very long tradition in Hungarian history given the country's undemocratic past in the 20th century. Since the change of the regime there have been 8 referenda. Szilágyi divides the referenda into 2 categories.⁴⁴ The ones initiated by the government and those that were initiated by other political actors. For this research I am delving into the government-initiated referenda. The four referenda initiated by the government were:

- In 1997 on the entry to NATO
- In 2003 on Hungary's EU membership
- In 2016 on migration
- and in 2022 on newly introduced and heavily criticized child protection measures.

These referenda can also be divided into two further categories. The 1997 and 2003 referenda were initiated by the government given that the result of these referenda had a long-lasting impact on the history of Hungary and shaped its future fundamentally and therefore taking the

⁴⁴ Szilágyi, Emese. "Amikor a kormány kezdeményez: népszavazás és kormánykampány." *MTA Law Working Papers* 2022, no. 2 (2022): 6. <http://jog.tk.mta.hu/mtalwp>. 6, accessed June 12th, 2024

opinion of citizens into account was crucial. Holding a referendum on the entry to the European Union was a constitutional obligation for the government. The government spent relatively few resources and time on campaigning and mobilizing citizens, the campaigns were focused on informing citizens.⁴⁵

However, the referenda initiated by the Fidesz government after 2010 serve a very different purpose and have a different mobilization campaign strategy. According to many scholars⁴⁶ there is an evident shift of purpose in the use of referenda after the two-third parliamentary Fidesz majority. The 1997 and the 2003 referenda had to be held for political and legal reasons given the overarching historical effects of these decisions. Therefore, these two occasions served the purpose of direct democracy, giving citizens an opportunity to influence the country's future via their direct vote. However, the referenda of 2016 and 2022 were plebiscitary in nature, since they served the purpose of legitimizing questionable government legislation overriding the rule of law and democracy with the power of the masses.⁴⁷

There was a major difference in the campaigns surrounding these 4 referenda. The first two campaigns were focusing on spreading information and the campaigns were neutral. However, the two other referenda were heavily advertised. The government spent billions of forints on months-long mobilization campaigns with one-sided messages, and both topics were thematized as the most important agenda items. These campaigns were directing the masses towards the desired outcome, and therefore they ceased to be tools of direct democracy where citizens can freely express their opinions and have an influence on decision-making and turned into propaganda.

⁴⁵ Szilágyi, Emese. "Amikor a kormány kezdeményez: népszavazás és kormánykampány." *MTA Law Working Papers* 2022, no. 2 (2022): 6. <http://jog.tk.mta.hu/mtalwp>, 6, accessed June 12th, 2024

⁴⁶ Szilágyi; Gherghina, Farcasband and Oross; and Pozsár-Szentmiklósy

⁴⁷ Szilágyi, Emese. "Amikor a kormány kezdeményez: népszavazás és kormánykampány." *MTA Law Working Papers* 2022, no. 2 (2022): 6. <http://jog.tk.mta.hu/mtalwp>, 9, accessed June 12th, 2024

Löffler⁴⁸ analyzes the outcome of the 2016 referendum on migration from the angles of legal validity and political validity. This study offers the perspective I use to analyze the 2022 Child Protection referendum since the government gains political validity from the act of the referendum no matter the outcome. As Körösényi points out in his research, Viktor Orbán uses referenda simply as an expression of recognition of people's will. The referenda are loaded with a moral charge that gives the plebiscitary leader the power to authentically represent the citizens, however not directly their political opinions, more so his own political opinion that is legitimated through this process. Viktor Orbán used the referendum to obtain a personal mandate, based on the theory by Brunczel stating that "voters do not express their trust in a specific program, but in the leader's ability to act in the public interest".⁴⁹ The vote of the masses is used to justify its policies and political steps no matter the outcome.

The Fidesz government is abusing the referendum as the direct tool of democracy to give political validity to a legislation by reasoning with the 3.9 million votes cast in favor of certain legislation even though neither the 2016 nor the 2022 referendum reached the validity threshold of 4.1 million. In the 2022 case the government completely disregarded the affirmative action of 1.7 million citizens who spoiled their ballots on purpose to not to make their vote count and left the Act LXXIX in place.

Löffler states that based on "Nullum crimen sine lege" (there is no crime without a law), an invalid referendum does not necessarily mean a legal obligation for the government to refrain from gaining political validity for the subject of the referendum.

Gherghina, Farcasband, and Oross claim that referenda that were initiated to reassure governmental legislation or political choice are inherently pro-hegemonic and pseudo-

⁴⁸ Löffler, Tibor: Közjogi érvénytelenség és politikai érvényesség: Kísérlet a „politikai érvényesség” fogalmának értelmezésére politikai és jogpszichológiai kontextusban in Jogelméleti Szemle 2022/1. issue, 102-117, pp 104

⁴⁹ Körösényi, András: Weber és az Orbán-rezsim: plebiszciter vezérdemokrácia Magyarországon, 2017, pp 17

democratic since they serve the purpose of maintaining the hegemony of the elite that initiated the referendum. They also point out that the checks and balances do not work properly in this situation since the government that initiated the referendum, has resources to conduct massive campaigns, and control the details of the referendum, like the questions, the date, and the mode of voting which makes campaigning asymmetric.⁵⁰ In the case of Hungary, we can see that the government has the power to rewrite the rules, move the referendum to the same day as the election, and not give any platform for media campaigning to organizations that are campaigning for a different outcome. The best examples of how the government is using referenda to support only its own narrative are the countless failed civil society and opposition attempts to initiate referenda on questions that created dissonance in the Hungarian population. Nolympia or the referendum for the revision of Sunday closure of stores in 2016 or, Budapest mayor, Gergely Karácsony's referendum initiatives on the Chinese Fudan University are three excellent examples of how the government is allowing only its own plebiscitary initiatives turn into a referenda.⁵¹

The government used the 2022 referendum to strengthen its political position via what they claimed was plebiscitary direct democracy, however, in the process the referendum got turned into a tool to echo the ideas of Fidesz-KDNP. This became evident already in the process of creating the referendum questions, specifically the modification of the Fundamental Law to hold the referendum on the same day as the national elections and the fining of the NGOs that were campaigning for invalid votes.⁵²

⁵⁰Sergiu Gherghina, Raluca Farcas & Daniel Oross (15 Apr 2024): Referendums as extended arms of the government: evidence from an illiberal regime, East European Politics, DOI: 10.1080/21599165.2024.2340466 pp 5

⁵¹ Kazai, Viktor Z.: The Role of Referenda in Orban's Regime, VerfassungsBlog, 2022/6/18, <https://verfassungsblog.de/the-role-of-referenda-in-orbans-regime/>, DOI: 10.17176/20220618-153115-0 accessed 12th June 2024

⁵² Pozsár-Szentmiklósy, Zoltán : Informal Concentration of Powers in Illiberal Constitutionalism: The Case of Hungary, Hague Journal on the Rule of Law, 2024 February, <https://doi.org/10.1007/s40803-024-00205-8>

Therefore, in accordance with Löffler and Körösenyi, I claim that tools of direct democracy do not work in an illiberal setting since the government is using this tool to validate its own claims no matter the outcome.^{53 54}

This is why awareness raising via the only remaining non-government-controlled space, social media, has enormous importance in 21st century politics and human rights advocacy. This is the main reason why I chose the social media mobilization campaign of the Civil Coalition as the subject of my capstone thesis and as the practical element showcasing the power of new media, such as TikTok. I believe that cyber activism holds power for the transformation of hybrid regimes like Hungary.

⁵³Löffler, Tibor: Közjogi érvénytelenség és politikai érvényesség: Kísérlet a „politikai érvényesség” fogalmának értelmezésére politikai és jogpszichológiai kontextusban in Jogelméleti Szemle 2022/1. issue, 102-117, pp 105 [Közjogi érvénytelenség és politikai érvényesség: Kísérlet a „politikai érvényesség” fogalmának értelmezésére politikai és jogpszichológiai kontextusban megtekintése \(elte.hu\)](#)

⁵⁴ Körösenyi, András: Weber és az Orbán-rezsim: plebiszeiter vezérdemokrácia Magyarországon, 2017, pp 17

2.2 Introduction to cyber activism and how it is used to challenge hybrid regimes:

Digital activism or cyber activism is social activism mediated through digital technologies to promote social movements.⁵⁵

The development of digital technology undoubtedly transformed the way that social change is facilitated. Social movements organize much more organically as we saw it with the Black Lives Matter movement, #MeToo, or the Arab Spring. The transnational nature of social media activism defeats the boundaries of language and time and provides unlimited access to information in places where other media channels are platforms of one-sided opinions. By decentralizing information, these platforms act as multipliers of common, every-day experiences in relation to politics.⁵⁶ The spread of social media platforms facilitates establishing connections, finding interests, and remaining up-to-date on current political topics. The horizontal nature in terms of coordination and the unrestricted flow of information between the general public, activist organizations, and social movements facilitates consensus-based decision-making and reaching common goals.⁵⁷ This nature of information technology can be used to reach the goal that direct democracy aims for, that is however obstructed by illiberal regimes. Social media can act as a last resort to showcase in mass quantity how the public feels and generate discussion that can lead to “connective action” which is the alternative way of direct democracy.

According to Bennett and Segerberg’s connective action theory, social media can drive contentious political action. Connective action is a more developed version of collective action

⁵⁵ Jordana J. George and Dorothy E. Leidner, "From clicktivism to hacktivism: Understanding digital activism," *Information and Organization* 29, no. 3 (2019): 100249, <https://doi.org/10.1016/j.infoandorg.2019.04.001>.

⁵⁶ Ying Xiong, Moonhee Cho, and Brandon Boatwright, "Hashtag activism and message frames among social movement organizations: Semantic network analysis and thematic analysis of Twitter during the #MeToo movement." pp 12 <https://doi.org/10.1016/j.pubrev.2018.10.014>

⁵⁷ Jeffrey S. Juris (2004). *Networked social movements: The movement against corporate globalization*. In M. Castells (Ed.). *The network society: A cross-cultural perspective* (pp. 341–362). Cheltenham, UK: Edward Elgar

since it purposefully utilizes the internet to mobilize and connect the community and therefore it is more efficient in promoting messages and facilitating.⁵⁸ Social media is a great tool to get an overview of public opinion. Despite the echo chamber phenomenon, social media compared to traditional media in illiberal regimes at least has the power to present vast amounts of different perspectives to individuals. In the case of the Hungarian Child Protection referendum, it served as a mirror to show more people that hundreds of thousands of citizens are discontent with the way the government is portraying LGBTQIA+ people and silencing civil society. It showed that there is an opportunity to turn this discontent into votes. The campaign was successful since it provided an active alternative to peaceful, low-cost, passive resistance against the government.

Conclusion

This chapter captures how the use of government-initiated referenda shifted from being trustworthy reference points to democratic will, to validating controversial government initiatives. I highlighted how Hungarian referenda ceased to be tools of direct democracy and presented social media as an adequate tool to spread information and reflect public sentiment. This chapter serves as a connection to the next chapter on the 2022 2X campaign in which I highlight how this campaign managed to set a notable example of digital activism and challenged the hybrid regime.

⁵⁸ Bennett, Lance & Segerberg, Alexandra. (2012). The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics. *The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics*. 15. 1-240. 10.1017/CBO9781139198752. 744-745

Chapter 3. The 2X campaign

In this chapter, the focus is primarily on the media campaign surrounding the Child Protection referendum. This part of the research is conducted from a social media angle, and it examines the impact the campaign had on the referendum's outcome. I was particularly keen to do this interdisciplinary analysis since little research has been conducted on the Child Protection referendum per se, let alone the media campaign behind it and the knowledge compiled could be useful for further mobilization campaigns. My hypothesis is that the civil society campaign, especially its online nature had a significant role in raising awareness to the option of invalid voting and mobilizing citizens.

My research is strongly based on my experiences and connections that I made during my internship at Háttér társaság which collided with the period of the campaign. This has allowed me access to the social media dataset I used to analyze the success of the social media campaign. I hope that my research facilitates gaining a more substantial understanding of the importance of awareness-raising mobilization campaigns. To verify my hypothesis, I am using the qualitative data from the interview and the datasets available online on the social pages of the NGOs along with the one I was granted access to. Luca Dudits also provided me with an impact study created about the campaign by Márton Gosztonyi.

As pointed out in previous chapters, the four questions of the child protection referendum were written with a noticeable malintent to manipulate the voters. Civil society organizations warned about the inherent dangers of this rhetoric early on. The Hungarian Civil Liberties Union challenged all 5 of the original questions in the Curia, however, that only decided to not certify the fifth one ("Do you support the availability of sex-reassignment surgeries for minor

children?")⁵⁹ Therefore, CSOs had to come up with an alternative way to challenge the notions of this referendum. Instead of the usual naming and shaming rhetoric and aggressive mainstreaming, they chose to carefully curate messages that stress the most elementary human right: freedom to be. This campaign is a fitting example of how the synergies of online and offline activism and political participation can effectively combat the favorite tools of the illiberal state: misinformation and scapegoating.

⁵⁹ Mizsur, Andras :[Telex: Elkaszált a Kúria a kormány gyermekvédelmi népszavazásának egyik kérdését](#) 22.10.2021 accessed 12th June 2024 and Horváth Csaba, "Egy illiberális választás, Magyarország, 2022," in *Szabó Gábor emlékkötet_B 5* (pte.hu, 2023), p. 263. [SZABÓ GÁBOR EMLÉKKÖTET B 5 \(pte.hu\)](#)

3.1 Polarization

The 2X campaign was so successful in mobilizing people because it managed to highlight the fact that the government is using the LGBTQIA+ scapegoating to divert the general public's attention from other elements of the political agenda. Instead of trying to unite Hungarians in these difficult conflict-ridden times, the Fidesz-led government was actively working to further deepen the divide between Hungarians and convert this divide into political votes.

3.1.1 United in Coalition, Divided in Compassion

The Hungarian opposition coalition (In Unity for Hungary), the first serious political attempt to challenge the current political system, was not very coherent and well-organized. The cooperation was not going smoothly enough, since these parties had a wide range of political ideas, and their only real point of connection was that they were all too weak to challenge the current regime on their own. The Prime Minister Candidate, Márki-Zay Péter had multiple very unfortunate statements on public television that were later thematized and used against the party coalition.⁶⁰ There was also no common ground on the LGBTQIA+ question due to the wide range of values held by various parties in one coalition from the left wing to the center-right. Naturally, none of the members of the coalition wanted to appear as a strong ally to the LGBTQIA+ community since the general Hungarian attitudes are still conservative on gender mainstreaming, therefore they resorted to passivity on the issue. Thus, the timing and political landscape made it essential for civil society organizations to thematize the issue to protect human rights. However, the inactivity contributed to the possible success of mass mobilization

⁶⁰ Horváth Csaba, "Egy illiberális választás, Magyarország, 2022," in *Szabó Gábor emlékkötet_B 5* (pte.hu, 2023), 270-271 [SZABÓ GÁBOR EMLÉKKÖTET_B 5 \(pte.hu\)](https://www.pte.hu/szabo-gabor-emlekkotet-b-5)

by the CSOs, since the issue became independent from party politics. Conservative voters who typically avoid involvement in civil society initiatives due to concerns about the supposed connections to leftist political parties could be mobilized easier given the opposition's inactivity.

3.1.2 Changing attitudes towards LGBTQIA+ individuals

It also must be considered that according to a survey conducted before the referendum by Amnesty International and Háttér társaság⁶¹ 46% of the respondents personally know people in the LGBTQIA+ community, and 73% reject the government's propaganda that LGBTQIA people abuse or harm children. It turns out from the survey that compared to previous years the attitudes toward LGBTQIA+-related topics are changing in a positive direction. While marriage equality was supported by 59% in 2022, in 2019 this number was only 33%.⁶²

3.1.3 Government Miscalculation

Looking through the lens of identity politics we find that the government overestimated the dedication of voters on this issue. Based on the political cluster analysis on the importance of agenda topics conducted by Honti it is apparent that there is a 26% passive Fidesz voter segment, that considers the government agenda topics important (peace, family policy, stability, progress, sovereignty), but also considers the agenda items of the opposition important (corruption, democracy, education, healthcare, divide between Eastern and Western

⁶¹ "Social acceptance of LGBTIQI people at historic peak in Hungary," *Háttér Society*, access date (June 12, 2024), [Social acceptance of LGBTIQI people at historic peak in Hungary | Háttér Society \(hatter.hu\)](https://hatter.hu/en/social-acceptance-of-lgbtqi-people-at-historic-peak-in-hungary)

⁶² "Social acceptance of LGBTIQI people at historic peak in Hungary," *Háttér Society*, access date (June 12, 2024), [Social acceptance of LGBTIQI people at historic peak in Hungary | Háttér Society \(hatter.hu\)](https://hatter.hu/en/social-acceptance-of-lgbtqi-people-at-historic-peak-in-hungary)

Europe).⁶³ This voter segment is probably the one that could have been mobilized to vote invalid on the referendum, since they are active members of the political community, and they are less committed to the Fidesz agenda and more critical towards the government's narrative and the aggressive identity politics campaign. A comprehensive study conducted on referenda in Hungary showed that a large majority of Hungarians that participated in the survey think that the 2022 referendum (compared to the other 4 referenda initiated by the government) had a very negative impact on Hungarian democracy.⁶⁴ The government mobilization to vote no on the referendum questions was successful among the core supporters of the party. We can deduct this from the comparison of the 3.9 million votes cast in favor of the government opinion and the election data according to which on the same day 3.09 million citizens cast votes for Fidesz. Janecskó and Csátári⁶⁵ however point out that this is only a relative majority within those eligible to vote. Despite this, the government presents the results as valid and democratic, representative of majority of the voters. The reason there were still so many eligible voters that cast invalid votes is that the government upset many voters by trying to manipulate them. However sad it is to admit it is also probable that many voters that could have cast votes affirming the government opinion did not understand the questions, given their twisted nature.

⁶³ Tamás Honti, "Political Products and Voter Clusters in the Hungarian Parliamentary Election of 2022," *Vezetéstudomány Budapest Management Review* 55, no. 1 (2024): 39-51, DOI: 10.14267/VEZTUD.2024.01.04, pp. 43-44.

⁶⁴ Sergiu Gherghina, Raluca Farcas & Daniel Oross (15 Apr 2024): Referendums as extended arms of the government: evidence from an illiberal regime, *East European Politics*, DOI: 10.1080/21599165.2024.2340466 pp 12

⁶⁵ Janecskó, Kata & Csátári, Flóra: Ha a Fidesz nyert, miért lett érvénytelen a gyermekvédelminek nevezett népszavazás?04.04. 2022 <https://telex.hu/belfold/2022/04/04/gyermekvedelmi-nepszavazas-eredmeny-ervenyes-vagy-ervenytelen>

3.2 Well-coordinated CSO Collaboration

3.2.1 Organization

The findings in the next section are based on my interview conducted with Luca Dudits, executive board member of Háttér society and a case study written by Márton Gosztonyi. As I already outlined in the previous chapters, Hungarian media freedom is very restricted, as most of the publicly accessible media outlets are controlled by the government. Thus, the referendum and the “government-approved way” of answering the questions were all over the news, even before announcing the exact day when the referendum would take place. The government campaign budget spent solely on the referendum campaign racked up to 250.000.000 euros.⁶⁶ The CSOs were immediately facing a great challenge that they knew they could overcome only if they united all of their creative, organizational, and activist resources. Therefore it came naturally that 14 non-governmental human rights organizations would form an informal campaign alliance and share the responsibility of the media work, activist recruitment, training, and coordination and use their platforms to mobilize potential voters.

The campaign had two leading organizations, Amnesty International and Háttér társaság. To alleviate the workload on the other organizations these two main CSOs oversaw most of the execution of the campaign. They had meetings every two weeks with the rest of the coalition where they presented the project's status. Time was a key factor throughout the whole campaign, as the government kept constantly changing the circumstances. As Luca Dudits referred to in the interview the time frame was very narrow, the civil coalition thought in 2021 November that the referendum would not take place until next autumn. However, because of the legal loopholes created by the illiberal regime the referendum was held on the same day as

⁶⁶ Márton Gosztonyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 6

the National Elections in April 2022. Therefore, they had to start the campaign early on and adapt to constantly changing circumstances like the Russia-Ukraine war entering the political agenda⁶⁷ or the 5th question being taken off the ballot.

3.2.2 Strategy for the Campaign

The initial brainstorming started in December 2021. The first organizational step was to decide what outcome would serve the LBGTQIA+ community best and what call-out would mobilize most Hungarians. The main issue in question was whether to even acknowledge the government's faulty rhetoric about LBGTQIA+ individuals and urge Hungarians to answer yes to the manipulative questions or to urge the voters not to acknowledge the framing of the issue at all. Given the low support for the LBGTQIA+ community within the Hungarian population and the strong government voter mobilization, the coalition decided to urge citizens to cast invalid votes to make the validity threshold unreachable. Gosztanyi also found that initially it was up for debate whether to focus on the negative government campaign or positive messages and inclusion.⁶⁸ Eventually, the organizations established the following guidelines with the help of international campaigning experts from Equality without Borders and based on the best practices of other, mostly Central and South American LBGTQIA+ mainstreaming campaigns: The campaign should be hope-based and not reactive. It should mobilize people based on emotions not based on human rights legal reasoning. It should build on solidarity and allyship. It should evoke the feeling of taking a stance for a better world not deciding on child protection issues.⁶⁹

⁶⁷ Gregor, A., & Verebes, I. (2023). Restoring What Never Existed: The Role of Familism in the Narratives of Return in Hungary. *East European Politics and Societies*, 0(0). <https://doi.org/10.1177/08883254231170388> pp 2

⁶⁸ Márton Gosztanyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 8

⁶⁹ Márton Gosztanyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 10

3.2.3 Targeting

One of the reasons why the campaign had a huge success can be attributed to a very concrete mobilization focus. The campaigners faced the harsh reality of having to convince 2.1 million voters to cast invalid votes to balance out the high turnout rate of the committed 3-3.5 million Fidesz voters. Therefore, they conducted audience research to better understand what the messages are resonating the best with the voters and the two nationally representative surveys showed that Hungarians are very family-centric, thus the campaign should focus on protecting LGBTQIA friends and loved ones.⁷⁰ To find the perfect messages the campaigners conducted three focus group interviews, one in Pécs and two in Budapest. These groups were both samples of “movable middle audiences”⁷¹ voters that are not firmly aligned with any political party or ideology. Since this is a very large and usually passive section of Hungarian voters that is receptive to the message of the campaign and not entirely committed to the Fidesz messages, it was foreseeable that their votes were going to decide the outcome of the referendum. It was also vital to test these messages on both the metropolitan and the rural audiences because of stark cultural differences between these regions. These surveys showed that Hungarians are affected mostly by middle age Hungarians talking about their LGBTQIA+ loved ones and their personal safety so the campaigners focused on finding suitable real-life personas that fit this criterion for the video campaign.

⁷⁰ Márton Gosztönyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 10

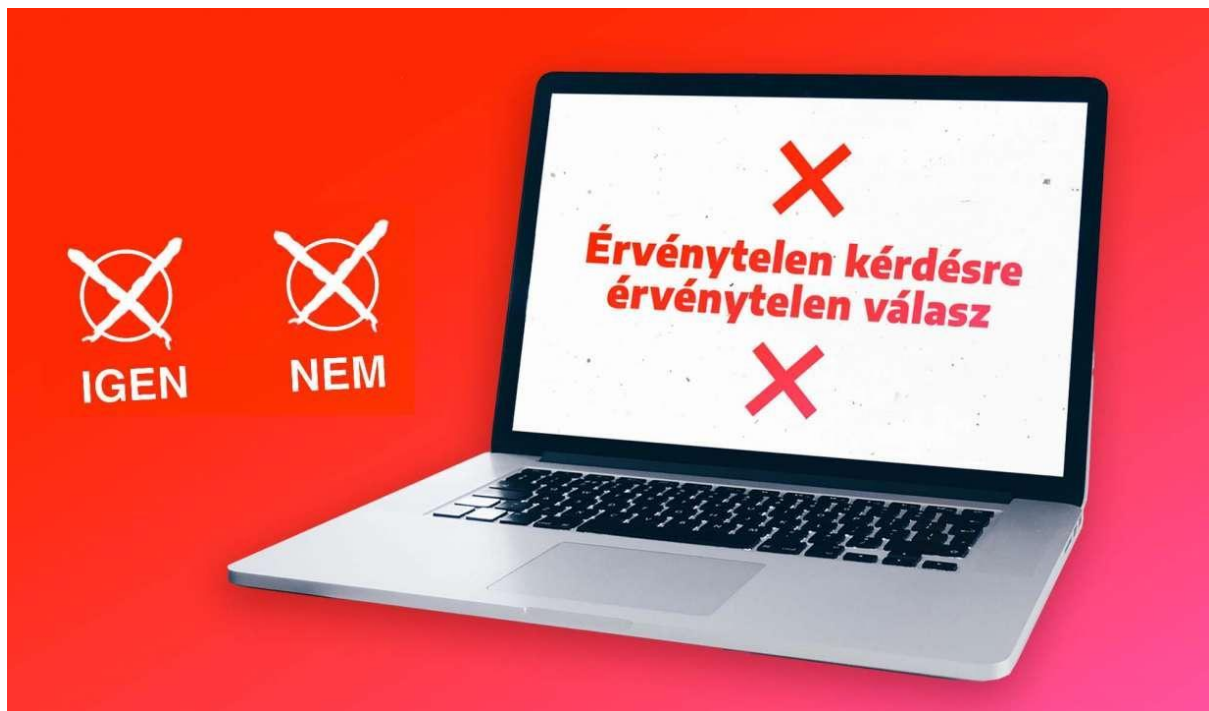
⁷¹ Márton Gosztönyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 10

3.3 Visuals and messages

The visuals of the 2X campaign had been carefully thought through and I believe that most of the success of the project can be attributed to the accurate visual planning and the extensive knowledge that these CSOs have on their positions in Hungarian society and the reliable aggressiveness of government propaganda campaigns.

3.3.1 Colors

First, I will look into the color scheme used by the initiative.



3. Figure Campaign material

The fusion of red and pink was not an accidental choice. The CSOs in collaboration with a media agency carefully considered the colors in question. They used color theory and eliminated all colors associated with parties (Orange, Green, Red, Purple). They decided not to use the traditional rainbow symbolism since the government propaganda waged war against

the rainbow and created a negative association in the Hungarian community. They decided to create multiple colorful designs.

3.3.2 The names of the organizations

It is not by chance either that the CSOs decided not to appear on the visual materials of the campaign. In the current political climate, the Hungarian NGOs are facing harsh pushback from the majority of Hungarians. The government propaganda uses the label ‘Soros agent’ to discredit every activity of these organizations. Thus, to not lose the votes of the not committed voters, the coalition decided to make it as little evident as possible who is organizing this initiative. The other more practical factor was that there were simply too many organizations participating in the initiative and 14 names and logos would have distracted the attention of the audience from the main message.

3.4 Omnipresence

3.4.1 Media presence

The 2X campaign was so unique since it was the first civil society initiative that managed to enter the mainstream political media outlets, even the government-friendly ones like HírTV or Mandiner. Civil society experts were invited to give their opinions about the issue to government-friendly media outlets and got a relevant amount of time to debunk myths around gender, even though they were always in a debate with a government-friendly expert.^{72 73 74}

⁷²[Interview with David Vig, Head of Amnesty International Hungary in HirTV](#) 2022, accessed 12 th June 2024

⁷³Interview with Luca Dudits Head of Communications of Hatter tarsasag and Zoltan Kiszelly analyst of Szazadveg centre for political analysis [Index - Belföld - Kirekesztő vagy demokratikus? Vita a népszavazásról](#) accessed 12 th June 2024

⁷⁴[Fényfestéssel buzdítottak érvénytelen népszavazásra az NGO-k - Mandiner 01.04.2022.](#) accessed 12 th June 2024

3.4.2 Large-scale mobilization

The civil coalition pooled its financial, social media, and volunteer resources and organized a large-scale four-week mobilization campaign that had both offline and online elements spanning from the end of February to the first week of April. The offline section consisted of a billboard and flier campaign across the country. Billboard spaces are incredibly difficult to get for CSO initiatives since most of them are in government-friendly hands.⁷⁵

Therefore, the initiative based its offline campaign heavily on volunteers coordinated by the Amnesty International volunteer team. Posters and stickers were sent via post which then were distributed by the activists all over Hungary. This offline campaign was followed by an interactive activist roadshow that covered 20 Hungarian cities. During this one week the two media representatives, Luca Dudits from Háttér and Dávid Víg, head of Amnesty International in Hungary toured these cities and with the help of the local activists engaged with the local population, trying to convince them to cast an invalid vote. According to Dudits, this was a great addition to the online campaign since they used the materials they filmed at these locations as part of the campaign and it also helped with the sensation of omnipresence, which I believe to be one of the main success factors of the campaign.

⁷⁵ Forgacs Ivan and Balassa Tamas: [Gigantmánia – Bekebelezi a Fidesz a plakátpiacot: az állam hirdet, a NER-háló kasszíroz \(nepszava.hu\) 27.02.2022](https://nepszava.hu/20220227_gigantmania_bekebelezi_a_fidesz_plakattpiacot_az_allam_hirdet_a_nerhalo_kassziroz) accessed 12th June 2024

The most interesting part of the offline section of the campaign for me were the two flash mobs. One was forming large 2 Xs by white canvas and the other was a light projection on the MPs office office.



4. Figure MPs office 2X campaign lightshow



5. Figure Activists form 2 Xs on Margaret Island

3.4.3 Committed activists

The offline part of the campaign was executed with the help of 400 activists. As Gosztanyi found in his interviews⁷⁶ any activists that had come into contact with the organizations previously were contacted for help and roughly one third of them joined the good cause. The team also put great effort into boosting activists' enthusiasm by organizing an exclusive launch party. Activists' main task was canvassing, distributing leaflets and putting up stickers.

⁷⁶ Márton Gosztanyi: The successful campaign to invalidate Hungary's anti-LGBTQI referendum, Amnesty International, Budapest 2022 pp 13

3.5. Online campaign

3.5.1 *International coverage*

The role of online press, both national and international, helped spread the campaign's message. Many of the world's most important news outlets dedicated at least an article to the cause, but a few provided space even for a longer video interview with the leaders of the movement, which does not happen very often to Hungary civil society initiatives.^{77 78}

5.2 The four-part video series

What spiked my interest the most was the social media campaign running for the five weeks of the campaign. Along with the red-pink to *Invalid questions Invalid answers* posters, the civil society communications team decided to shoot a photo and video based campaign, which had a huge success on the 14 organizations social platforms.

The video series consisted of short (2-3 minute long) videos. In each video we could see two people on two ends of a table, in front of a gray background. The subjects were carefully selected, to cater to the results of the audience research, namely that the most Hungarians are sympathizing with the parents, loved ones, allies of the LGBTQIA+ community, since they feel that role closest to themselves. The focus of these stories is on the violent exclusion of these characters from society due to their sexual orientation and gender. However, short films also highlight the sadness and sorrow experienced by those connected to these marginalized individuals. This contextual link holds significant mobilization power within Hungarian rhetoric. It underscores that even those that are straight are affected by this legislation and the outcome of this referendum. Based on the study by George, this is the first step of

⁷⁷ Rédei Dorottya: [How children became a tool in Orban's anti-LGBTQ propaganda | CNN](#) 31.03.2022 last accessed 13th of June 2024

⁷⁸ Fenyo Krisztina and Than Krisztina [Hungary rights groups urge invalid votes to defeat Orban's LGBTQ referendum | Reuters](#) 28.03.2022 last accessed 13th June 2024

mainstreaming.⁷⁹ In the western hemisphere this kind of gender mainstreaming is not prevalent anymore since it is relativizing the experience of LGBTQIA+ people. In the Hungarian context however there appears to be no other way of initiating mainstreaming than engaging people through emotions and feelings that are not alien to them such as a straight person's love for their child.

The plain color scheme, ordinary clothes, no make-up is suggesting that these are ordinary Hungarians, they are not ‘*visibly gay*,’ they are not “*those gays*”. This is however proven to be a harmful visualization approach of the LGBTQIA+ community, since all forms of self-expression should be supported, not just the gender conforming ones.⁸⁰ However, it shows great understanding of the civil coalition that they knew how to engage the movable middle audience. There is no better way to showcase the success of the campaign than looking through the statistics of the social media campaign.

⁷⁹Marie-Amélie George . “Framing Trans Rights.” *Northwestern University Law Review* 114 (2019): 555-632. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/illlr114&div=19&id=&page=>

⁸⁰ Marie-Amélie George. “Framing Trans Rights.” *Northwestern University Law Review* 114 (2019): 555-632. pp 562

performance review of the 4 campaign videos on the Facebook page of Háttér társaság

Name of the video	Impressions (the number of views on a piece of content. This metric factors in repeat impressions or someone checking out the same piece of content twice. For this reason, impressions will always be higher than reach.)	Reach (how many times the video was seen by a unique person)	views after 60 seconds	number of all clicks (engagement)
1. <u>Tibi and Ági</u> ⁸⁵	385.473	186.990	9955	30.411
2. <u>Eszter and Márió</u> ⁸⁶	170.037	101.118	4180	22.113
3. <u>Kinga and Mihály</u> ⁸⁷	50.390	42.175	3935	2867
4. <u>Ági and Emmett</u> ⁸⁸	13.153	11.610	1153	965
Total Numbers	619.053	341.893	19.223	56.356

Source:NGO Háttér Society Facebook analytics, understood through the definitions of Sprout social

6. Figure Performance statistics of the 4 campaign videos

81 ;82

From this dataset we can see that the campaign reached a large audience. The best performing of the four videos was the one about Tibi and Ági and it has been viewed on 385.473 occasions. The second number is the reach of the video. This means that the video of Tibi and Ági was

⁸¹Tibi and Ági <https://www.youtube.com/watch?v=k9tEn9RsNAM> english subtitles
 Eszter and Márió<https://www.youtube.com/watch?v=FijGZrXisI0&t=1s> english subtitles
 Kinga and Mihály<https://www.youtube.com/watch?v=B7E-SKX7U74> english subtitles
 Ági and Emmett<https://www.youtube.com/watch?v=gyc1mdLTbWs> english subtitles

⁸² Definitions used for the analysis from Sprout social <https://sproutsocial.com/insights/facebook-reach/>

seen by 186.990 individual Facebook accounts. From this we can deduce that the videos probably managed to engage roughly half of the viewers for more than one time. The number of all clicks shows the engagement with the videos. This number is already much lower than the previous two, however it showcases how many people actually interacted with the video. This is measured by reactions on the posts' (likes, hearts ect) comments, shares and clicks on the internal links. The lowest number is the views after 60 seconds. This marks the viewers who were the most committed to the video and stopped scrolling and watched at least one third of it (the videos were around 3 minutes). This number being low shows that the video campaign had a rather superficial reach than a deep one. However, since the videos are built in a way that just chiming in for one question is enough to revoke feelings and make the viewer think about the content, we can say that the online video campaign was a significant element in the referendum campaign. It fulfilled the role of generating buzz over the topic and creating the sentiment that this question is omnipresent in everyday media and that many people, even the ones that are generally not supporting open society values, will take a stance against the propaganda mobilization. Being able to see how viral these videos went on the 14 social media platforms of the NGOs contributed greatly to this mobilization process. For this research I only had access to the exact Facebook dataset of Háttér társaság, however the video campaign also ran on Youtube and Instagram channels of 13 other NGOs, therefore we can say that the total number of views on these videos was well above one million.

As Lee suggests users' need to belong, their perceived ease of use, and perceived usefulness among social network sites directly and positively influences their involvement with politics.⁸³

We can say that Facebook friends being able to see who liked, commented or shared the video helped in generating sympathy for the cause and increased the chance of provoking thoughts

⁸³ Hang Lee, "Voters' Involvement, Attitude, and Confidence in the Era of New Media," *Palgrave Communications* 6, no. 1 (2020): 1, <https://doi.org/10.1057/s41599-019-0368-9>.

on the matter. There are multiple studies^{84 85} that show that individuals seek a ‘mutually established understanding of reality’ with their close social circle and in order to achieve that they are comparing and fine-tuning their political attitudes, beliefs, and behaviors to others of their community.⁸⁶ Social media has an effect on that since it acts as a means of passing on political knowledge and taking a stance. To experience a sense of community people are willing to engage in ‘virtue signaling’ via online platforms, seeking ideological congruence.⁸⁷

The campaign being visible on Facebook via shares and other people’s likes significantly contributed to the sentiment of the campaign being omnipresent. Besides this mobilization campaign, there was no other initiative urging Hungarians to vote in a specific way. Additionally, drawing 2Xs against clear instructions on the paper requires conscious voter action, and this can be attributed to the impact of the campaign. Furthermore, there is one telling example of how successful the campaign was. The Journal 444 published several creatively spoiled ballots in an article that are the visual proof of how the campaign mobilized 1,7 million people to take a stance against the exclusionary demagogue discourse.⁸⁸

⁸⁴ C. D. Hardin and E. T. Higgins, "Shared Reality: How Social Verification Makes the Subjective Objective," in *Handbook of Motivation and Cognition*, vol. 3, *The Interpersonal Context*, ed. R. M. Sorrentino and E. T. Higgins (New York: The Guilford Press, 1996), 28–84. <https://doi.org/10.1111/j.1745-6924.2009.01161.x>

⁸⁵ S. Sinclair, J. Huntsinger, J. Skorinko, and C. D. Hardin, "Social Tuning of the Self: Consequences for the Self-Evaluations of Stereotype Targets," *Journal of Personality and Social Psychology* 89, no. 2 (2005): 160–175, <https://doi.org/10.1037/0022-3514.89.2.160>.

⁸⁶ J.T. Jost et al., "How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks," *Political Psychology* 39 (2018): 85–118, <https://doi.org/10.1111/pops.12478>. pp 111

⁸⁷ J.T. Jost et al., "How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks," *Political Psychology* 39 (2018): 85–118, <https://doi.org/10.1111/pops.12478>.pp 111

⁸⁸ Szily László, 2022 [A magyar kispróza és grafika forradalmát hozta el a buzizós népszavazás \(18+\) \(444.hu\)](#) last accessed 12th June 2024

SZAVAZÓLAP
Országos népszavazás
2022. április 3.

Érvényesen szavazni kérdésenként csak **EGY** válaszra lehet!

1. Támogatja-e Ön, hogy kiskorú gyermekek köznevelési intézményben a szülő hozzájárulása nélkül szexuális irányultságokat bemutató foglalkozást tartsanak?

IGEN NEM

2. Támogatja-e Ön, hogy kiskorú gyermekek számára nemi átalakító kezeléseket népszerűsítsenek?

IGEN NEM

3. Támogatja-e Ön, hogy kiskorú gyermekek fejlődésüket befolyásoló szexuális médiatartalmakat korlátozás nélkül mutassanak be?

IGEN NEM

4. Támogatja-e Ön, hogy kiskorú gyermekek a nem megváltoztatását bemutató médiatartalmakat jelenítsenek meg?

IGEN NEM

Érvényesen szavazni a válasz feletti körbe tollal írt két, egymást metsző vonallal lehet, például: \otimes ; \oplus

Figure 7 My own spoiled ballot

Conclusion

The 2X campaign was a revolutionary effort that could not have happened without the close collaboration of Hungarian civil society. The campaign could achieve such visibility since it had multiple elements connecting communities online, and offline in cities and in rural areas of Hungary. It managed to mobilize so many for four main reasons:

- I. The changing attitudes towards the LGBTQIA+ community. The campaign largely built on the lack of thematization of the issue from the opposition coalition and the excessively aggressive anti-gender tone of the government propaganda that both upset the moveable middle audiences.
- II. The careful conceptualization of the media campaign that calibrated exactly how much gender mainstreaming can the Hungarian general public endure. The careful selection of the color scheme, the interview characters, and the content of the posts and videos all contributed to the campaign mobilizing a wide variety of voters.
- III. The close collaboration and sharing of resources between the 14 NGOs made this campaign stand out. It showed that Hungarian civil society members can reach the targeted communities and have significant power in influencing public discourse.
- IV. However, I believe that the most important factor was that the campaign was omnipresent. It enjoyed the support of the liberal media and influencers. It had visibility in government media outlets that have the power to reach communities that are impossible to reach otherwise. The roadshow and flier campaign bridged the gap between the offline and online spaces and Budapest and the rural areas of Hungary. This was also a great way to break the generational divide that is often crucial in the LGBTQIA+ issues.

Chapter 4. Concluding remarks

The Hungarian Government has been systematically stripping the LGBTQIA+ population of its rights and publishing degrading statements about this minority for over a decade now. In Chapter 1, I showcased the legal framework used to downgrade the existing rights of this community, which was accelerated by the COVID-19 pandemic and the subsequent State of Emergency. I highlighted how Act LXXIX, which is arguably the most open and obvious attack on the Hungarian queer community, violates national obligations provided by the constitution and international agreements that Hungary is party to.

In Chapter 2, I provided an overview of the tradition of government-initiated referenda and showcased how the 2022 Child Protection referendum was used as a tool to gain political validity over legal validity to the exclusionary government initiative. Furthermore, I described how the government uses these to paint a false picture of the will of the Hungarian nation. In this chapter, I also showcased how social media can intervene as the last resort of direct democracy via voicing mass discontent and solidarity online. As the last pillar of my thesis, I provided a comprehensive overview of the CSO mobilization campaign 2X. In Chapter 3, I highlighted how polarization of society, disinterest of the opposition, and government miscalculation played into the success of the campaign. I analyzed how creative messages, branding, and the mix of offline and online campaigning resulted in the most successful civil society mobilization initiative in Hungarian history.

The thesis aimed to analyze the reason that motivated 1.7 million voters to spoil their ballots. The aggregated conclusion is that a large part of Hungarian voters do not align with the exclusionary politics of the State. The aggressive mobilization achieved the opposite effect as it aimed for and created a shared human rights-based platform for voters. Based on the statistics the anti-LGBTQIA+ statements mobilized a significant segment of society, primarily Fidesz voters to vote no on all four questions. However, my thesis argues that the result of this

mobilization and the subsequent 3.9 million votes are insufficient to represent the entire Hungarian population. The 1.7 million votes indicate a broad discontent among the electorate. I concluded that the key success factors of the campaign were: the versatility and omnipresence of the 2X campaign, and how it managed to get into contact with a wide variety of segments of the Hungarian population. We can state that it largely contributed to spreading information about the option of invalid voting. Based on cyber activism theory, people are much more willing to take information from their extended acquaintances. Therefore, a mobilization video campaign largely based on emotional rather than rational claims, voicing concerns about the safety and well-being of a loved one is perfect since it is easy to relate to for anyone. The civil society organizations used their platforms in a shared manner, and this enhanced cooperation and facilitated the spread of information. The choice of social media platforms and their use was also very effective; however, I believe that with the involvement of newer forms of social media such as TikTok even more impact could have been made given the nature of the app. That is why I created my advocacy channel called 'Gender as we know it' as the practical component of this project.

An area for further research could involve a comprehensive survey comparing voters' political beliefs and their votes cast on the referendum questions. Furthermore, an analysis of compiled social media statistics of all the NGOs for the month of the campaign could reveal the broader impact of the campaign. These additional studies could deepen our understanding of the relationship between political beliefs, voting behavior, legal advocacy, and the impact of social media campaigns on voter engagement especially on queer issues. It was beyond the scope of this thesis to examine the afterlife and legal consequences of the Act LXXIX of 2021 which remains in effect today, even after the invalid turnout. However, examining this topic would be crucial for further advocacy projects.

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