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Council of Europe
DGI – Directorate General of Human Rights and Rule of Law
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Subject: NGO communication under Rule 9(2) of the Rules of the Committee of Ministers concerning the execution of the judgment of the European Court of Human Rights in the case of *Baka v. Hungary* (Application no. 20261/12)

Dear Madams and Sirs,

Amnesty International Hungary hereby respectfully submits its observations and recommendations under Rule 9(2) of the “*Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements*” regarding the execution of the judgment of the European Court of Human Rights in the **Baka v. Hungary case** (Application no. 20261/12, Judgment of 23 June 2016), in advance of the next meeting (June 2026) (DH) of the Ministers’ Deputies on the execution of judgments.

Amnesty International Hungary (AIHU) is a membership-based, independent Hungarian civil society organization founded in 1990. AIHU is a member of the globe’s largest human rights organization, Amnesty International, which has ten million supporters in more than 70 countries. AIHU carries out research, campaigns, advocacy, and human rights education, and empowers and mobilizes local communities with a special focus on gender equality, rule of law and LGBTI rights to ensure that human rights are enjoyed by everyone in Hungary.

The present communication concerns the execution of the judgment in particular the implementation of the measures prescribed by the decision **CM/Del/Dec(2025)1521/H46-15E**.¹

¹ Council of Europe, Ministers’ Deputies, *CM/Del/Dec(2025)1521/H46-15E*, 6 March 2025.

I. THE STATE FAILS TO EFFECTIVELY IMPLEMENT ARTICLES 6 AND 10 OF THE CONVENTION

The execution of the *Baka v. Hungary* judgment has been on the agenda of the Committee of Ministers (CM) since 2017. In March 2022, after over five years, the lack of progress in the execution of the required general measures prompted the CM to adopt an interim resolution, which required, amongst others, from the Hungarian authorities to evaluate Hungarian legislation on the status of judges and the administration of courts, and to present the conclusions of their evaluation, including the guarantees and safeguards protecting judges from undue interferences, all in connection with concerns regarding the chilling effect on the right to freedom of expression of judges.²

It is concerning that the Hungarian authorities have not responded to the CM's June 2024 Decision's invitation to submit an updated action plan to implement the judgment by 30 October 2024 or to this date. They have also not presented an evaluation of domestic legislation regarding guarantees and safeguards protecting judges from undue interference, to dispel concerns about the chilling effect on judges' right to freedom of expression in Hungary, as required by the CM.

On 20 December 2024, the Hungarian government submitted its action report.³ However, it did not provide any new developments or improvements that would bring forward the execution of the *Baka* judgment.

The government's communication submitted on 29 January 2025⁴ singled out one aspect of the 2024 judicial reform, the pay raise for judges and court staff. However, it is critical to note that the authorities have still not taken the broader necessary steps to implement and comply with the *Baka* judgement requirements.

On 27 March 2026, the Hungarian government submitted its action plan.⁵ We welcome the fact that the government is engaged in active dialogue with the Council of Europe; however, we note that the government has not yet initiated a consultation with civil society organizations regarding the planned amendments and has also not submitted any draft legislation to the National Assembly.

The *Baka v. Hungary* judgment required Hungary to implement some general measures to safeguard the exercise of articles 6 and 10 of the European Convention of Human Rights (Convention), including "safeguards in connection with ad hominem constitutional level

² Council of Europe, Committee of Ministers, Interim Resolution CM/ResDH(2022)47 (Adopted by the Committee of Ministers on 9 March 2022 at the 1428th meeting of the Ministers' Deputies)

³ Hungarian Government, Communication from Hungary concerning the case of *BAKA v. Hungary* (Application No. 20261/12), 20 December 2024, <https://rm.coe.int/0900001680b30419>

⁴ Hungarian Government, Communication from Hungary concerning the case of *BAKA v. Hungary* (Application No. 20261/12), 29 January 2025, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)117E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)117E) .

⁵ Hungarian Government, Action plan (27/03/2026) - Communication from Hungary concerning the group of cases of *BAKA v. Hungary* (Application No. 20261/12), 27 March 2026, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2026\)416E](https://hudoc.exec.coe.int/eng?i=DH-DD(2026)416E)

measures terminating a judicial mandate” and “safeguards against abuse when it comes to restriction of judge’s right to freedom of expression”. These have not yet been implemented.

The present Rule 9(2) communication aims to point out that since the removal of András Baka as President of the Supreme Court in Hungary in 2012, the guarantees against any restrictions, improper influences or interferences in the status and the right to freedom of expression of judges have remained inadequate and do not fully protect the rights guaranteed in the Convention. Furthermore, recent attacks against the independence of the Hungarian judiciary are concerning, both with respect to (i) inadequate guarantees against the independence and security of tenure of a judge from office (Section II) and (ii) risks around the “chilling effect” and judges’ right to freedom of expression (Section III). These developments raise further concerns around the protection of articles 6 and 10 of the Convention.

II. LACK OF ADEQUATE GUARANTEES AGAINST UNDUE INTERFERENCE WITH RESPECT TO THE REMOVAL OF A JUDGE [ARTICLE 6 OF THE ECHR]

The judgment in the Baka case established the unlawful removal of Mr. Baka as president of the Supreme Court. Recent developments at the Kúria (the successor of the Supreme Court) show that security of tenure and protection against arbitrary removal or reprisal against judges and judicial personnel remains a persistent concern at the highest instance court of the country.

II.1. A final judgment has established the unlawfulness of suspension of a Kúria judge from his position of a leadership role

Following the dissolution of his judicial panel in early 2024 and the Kúria President's subsequent ban on his academic publication concerning that process, Kúria judge András Kovács was subjected to multiple administrative proceedings. In November 2024, despite no finding of unfitness for his leadership role, the Kúria President suspended Judge Kovács from his position as head of panel for a duration of two years.⁶ This measure was widely seen as a form of retaliation for his legal opinions and his public criticism of the Kúria's case allocation system.

Supported by the non-governmental organisation the Hungarian Helsinki Committee, Judge Kovács initiated an employment lawsuit.⁷ In its final judgment, the court of second instance emphasized that it is fundamental that the rights of an appointed judge and an appointed head of panel judge cannot be withdrawn or suspended, even partially, for an indefinite period without a statutory legal basis.⁸

The Metropolitan Regional Court of Appeal upheld the earlier judgement on 17 June 2025, concluding that the Kúria President's action constituted a "de facto removal" from a leadership position without any statutory legal basis. This court affirmed that, as the heads of panel perform adjudicative responsibilities, they must be protected by the same guarantees of judicial independence as all judges.⁹ Consequently, the Kúria President's action was found to be not only unlawful but also a direct violation of the principle of judicial independence.

⁶ Hungarian Helsinki Committee, "Presidential retaliation against critical opinions at the Kúria", 20 December 2024, <https://helsinki.hu/en/presidential-retaliation-critical-opinions-kuria-supreme-court-hungary/>

⁷ Hungarian Helsinki Committee, "Jogerős: törvénysértően függesztette fel Varga Zs. András kúriai elnök Kovács András kúriai tanácselnököt" [Final judgement: the Kúria President, András Varga Zs. unlawfully suspended Judge András Kovács from his position as head of panel], 17 June 2025, <https://helsinki.hu/jogeros-torvenyserto-varga-zs-andras/> (in Hungarian).

⁸ Decision no.1.Mf.31.072/2025/8. of Metropolitan Regional Court of Appeal, [121], 17 June 2025, https://helsinki.hu/wp-content/uploads/2025/04/18_8_II_31072_2025-8-masodfoku-itelet-felfugg-ugyben_kihagyott.pdf (in Hungarian).

⁹ Decision no.1.Mf.31.072/2025/8. of Metropolitan Regional Court of Appeal, [137], 17 June 2025, https://helsinki.hu/wp-content/uploads/2025/04/18_8_II_31072_2025-8-masodfoku-itelet-felfugg-ugyben_kihagyott.pdf (in Hungarian).

While the Kúria President initially sought an extraordinary review of the judgment at the Kúria, he withdrew such request on 18 November 2025, and Judge Kovács was subsequently reinstated as an acting head of panel. Following this withdrawal, the Kúria issued a press release¹⁰ alleging that the institution had faced undue pressure affecting its integrity after the court's decision. In response, the National Judicial Council (NJC) issued a statement titled "In Defense of Judicial Independence."¹¹ The NJC warned that the Kúria's communication suggested that courts could not withstand external pressure, thereby undermining judicial authority and public confidence in the judiciary. The Kúria President subsequently addressed a letter¹² to the NJC, claiming that the NJC had misunderstood the Kúria's position on the matter. In response, the President of the NJC also addressed a letter¹³ to the President of the Kúria, asserting that the latter's public criticism directed at the judges who delivered the judgment in the case is not only unethical but is also capable of undermining public confidence in the courts.

II.2. Dismissing a Kúria chief advisor allegedly due to their professional activities was unlawful

In October 2024, a Kúria¹⁴ chief advisor was dismissed reportedly for planning to publish a paper in which their co-author would have touched upon the lack of independence and "occupation" of the Kúria. Moreover, without her knowledge, an integrity investigation was also ongoing against her without her knowledge, reportedly because of a question she asked at a conference in April 2024, which might have harmed the integrity of the Kúria¹⁵.

Since this proceeding, the chief advisor has initiated an employment lawsuit, in response to which the court of first instance ruled in her favor.¹⁶ The Metropolitan Regional Court referred to the European Court of Human Rights' judgement in *Baka v. Hungary*, highlighting that issues related to the operation of the legal system and the independence of the judiciary are matters of

¹⁰ Kúria, Statement of the Kúria, 18 November 2025, <https://kuria-birosag.hu/hu/sajto/kuria-kozlemeny-18> (in Hungarian.)

¹¹ National Judicial Council, public statement, 22 November 2025, <https://obt-jud.hu/hu/biroi-fuggetlenseg-vedelmerol> (in Hungarian).

¹² President of the Kúria, "Letter to the President of the National Judicial Council," 24 November 2025, https://kuria-birosag.hu/sites/default/files/sajto/valaszlevel_az_obt_elnokenek.pdf (in Hungarian).

¹³ President of the National Judicial Council, "Az OBTElnökének levele a Kúria elnökének" [Letter from the President of the NJC to the President of the Kúria], 25 November 2025, <https://obt-jud.hu/hu/az-obt-elnokenek-levele-kuria-elnokenek> (in Hungarian).

¹⁴ Hungarian Helsinki Committee, "Presidential retaliation against critical opinions at the Kúria", 20 December 2024, <https://helsinki.hu/en/presidential-retaliation-critical-opinions-kuria-supreme-court-hungary/>

¹⁵ Viktória Serdült, "Kritikus vélemények: főtanácsadót rúgtak ki, és egy bírót ellen is fellépett a Kúria" [Critical opinions: the Kúria fires a chief advisor and takes action against a judge], 18 December 2024, https://hvg.hu/360/20241218_kritika-velemenynyilvanitas-Kuria-eljaras-Kovacs-Andras-tanacselnok-Varga-Zs-Andras (in Hungarian).

¹⁶ Hungarian Helsinki Committee, "A Kúria újabb munkaügyi pert veszített, a főtanácsadó eltávolítása is törvénysértő volt" [The Kúria has lost yet another employment lawsuit; the dismissal of the chief advisor was also unlawful] 19 June 2025, <https://helsinki.hu/a-kuria-ujabb-munkaugyi-pert-vesztett/> (in Hungarian).

paramount public interest.¹⁷ Under this precedent, statements made by stakeholders within the justice system regarding such subjects are entitled to a high degree of protection. The regional court further observed that since the study in question had not been released to the general public and was accessible only to a restricted circle, the immediate dismissal of the individual constituted a disproportionate sanction, even if the views expressed had not otherwise met the specific criteria for protected speech.¹⁸

While chief advisors do not hold judicial office, their contributions are fundamental to the Kúria's decision-making process, as they provide the essential legal analyses required for high-level adjudication. For the judiciary to remain impartial and independent, it is vital that these professionals formulate their expert views without being subjected to improper pressure or external interference. Moreover, as members of the academic and research community, they must enjoy the freedom of research, the liberty to conduct scholarly work and share professional critiques in public fora without fear of reprisal.

III.3. Judge's service relationship may continue even after reaching general retirement age

On 11 June 2025, Parliament adopted Act XLIX of 2025 on the Amendment of Justice-related Laws, implementing a broad judicial reform, including provisions regulating the service of judges after the general retirement age.

Within the framework of public consultation, we highlighted that the draft proposal regarding the continued employment of judges beyond the age of 65 failed to comply with the substantive and procedural requirements arising from the case law of the Court of Justice of the European Union, as it contained numerous subjective elements.¹⁹ Consequently, judges approaching retirement age could have become more vulnerable to internal pressures and expectations, posing a threat to judicial independence. We welcome that the legislator ultimately took this single recommendation into account; the adopted legislation now automatically allows judges, solely upon their request, to continue their service for an additional five years after reaching the age of 65.²⁰

¹⁷ Hungarian Helsinki Committee, "Attempts to silence judicial dissent in Hungary: the cases of Judge András Kovács and X, a senior scientific advisor at the Kúria," 22 October 2025, <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/10/Attempts-to-silence-judicial-dissent-in-Hungary.pdf>

¹⁸ Hungarian Helsinki Committee, "Attempts to silence judicial dissent in Hungary: the cases of Judge András Kovács and X, a senior scientific advisor at the Kúria," 22 October 2025, <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/10/Attempts-to-silence-judicial-dissent-in-Hungary.pdf>

¹⁹ Amnesty International Hungary - Hungarian Helsinki Committee, "Az Amnesty International Magyarország és a Magyar Helsinki Bizottság véleménye az igazságügyi tárgyú törvények módosításáról szóló törvény tervezetéről" [Opinion of Amnesty International Hungary and the Hungarian Helsinki Committee on the draft law amending justice-related laws], 25 April 2025, <https://www.amnesty.hu/wp-content/uploads/2025/04/Igazsagugyi-torvenycsomag-tarsadalmi-konzultacio-MHB-AI-HU.pdf> (in Hungarian).

²⁰ Hungary, 2011. évi CLXII. törvény a bírák jogállásáról és javadalmazásáról [Act CLXII of 2011 on the Legal Status and Remuneration of Judges], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100162.tv> (in Hungarian), 13/A.

III. CONTINUED CONCERN ABOUT THE CHILLING EFFECT AMONGST JUDGES [ARTICLE 10 OF THE ECHR]

As regards chilling effect of the violations affecting the right to freedom of expression of judges, the Ministers' Deputies regretted "*that the information submitted by the authorities in response to the Committee's request for an evaluation of judges' freedom of expression still does not include any comprehensive analysis of the impact of the relevant legal provisions in practice*"²¹ and invited the authorities, "*to ensure that judges' freedom of expression, notably related to matters of public interest concerning the judiciary, is unambiguously guaranteed not only in theory but also in practice.*"²²

As the Ministers' Deputies have very clearly pointed out in the previous paragraph, practice plays a major role in maintaining the chilling effect. As this Section III will outline, there are several concerning instances where judges' right to freedom of expression has been curtailed: not involving their representatives (the National Judicial Council) in the lawmaking process affecting the judiciary (Section III.1.); judges protesting for their right to freedom of expression were subject to concerning communications by the Chief Justice and Prime Minister (Section III.2.); the Constitutional Court still not issuing a decision on the Code of Ethics for judges for four years now (Section III.3.).

III.1. Judges' rights to freedom of expression and association curtailed by officials bypassing judges' professional bodies in the lawmaking process affecting the judiciary

According to the law,²³ the NJC must be consulted in relation to any draft laws that affect the judiciary and the NJC has a right to seek redress from the Constitutional Court²⁴ if the body responsible for drafting the law has not fulfilled its obligation. This legal provision aims at enhancing the judges' freedom of expression via their elected representatives. However, the Constitutional Court has not yet presented an unconditional commitment to protect judges' right to freedom of expression as described below.

As we reported in our previous submission, on 12 December 2024, governing party politicians submitted draft laws²⁵ to the Parliament that aimed to implement some parts of the quadrilateral

²¹ Council of Europe, Ministers' Deputies, Decision CM/Del/Dec(2025) 1521/H46-15, 6 March 2025, para. 5.

²² Council of Europe, Ministers' Deputies, Decision CM/Del/Dec(2025) 1521/H46-15, 6 March 2025, para. 6.

²³ 2011. évi CLXI. törvény a bíróságok szervezetéről és igazgatásáról [Act CLXI of 2011 on the Organisation and Administration of Courts], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100161.tv> (in Hungarian), Article 103 (1) b).

²⁴ 2011. évi CLXI. törvény a bíróságok szervezetéről és igazgatásáról [Act CLXI of 2011 on the Organisation and Administration of Courts], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100161.tv> (in Hungarian), Article 108/A (9).

²⁵ T/9997 "Magyarország Alaptörvényének tizennegyedik módosítása" [On the Fourteenth Amendment of the Fundamental Law], https://www.parlament.hu/web/guest/iromanyok-lekerdezese?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=V5uxm7KT& hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_madat%3Fp_ckl%3D42%26p_izon%3D9997%26p_alsz%3D7 (in Hungarian) and T/10012 "Magyarország 2025. évi központi költségvetésének

“Agreement” concluded on 22 November 2024 by the government and the top office holders of the Hungarian judiciary: the President of the National Office for the Judiciary (NOJ), the President of the Kúria (Hungary’s supreme court) and the President of the National Judicial Council (NJC). The draft laws contained detailed rules on the salary increase, on the increasing of the judges’ age limit from 30 to 35; and also on requiring a 2-year legal practice as a precondition of judicial applications (in case of future applications).

The laws were passed but the legislator did not consult the NJC. Consequently, the NJC also issued a public statement²⁶ on the exclusion of the right to be consulted and condemned the curtailment of its powers.

Implementation of the remaining provisions of the quadrilateral “Agreement” continued in the spring of 2025. As in December 2024, the judiciary reform²⁷ was again not preceded by meaningful professional or public consultation with the judiciary and/or the NJC. During the professional consultation phase, the 75-page draft (124 pages including the reasoning) was sent to the NJC for comment on 4 April 2025 (a Friday) just before the end of office hours, with a deadline of only seven calendar days. Although the Ministry of Justice granted a last-minute extension upon request, the body was only able to formulate its position through an irregular, e-mail-based procedure.

The Ministry of Justice published the draft bill on 17 April 2025, immediately before a four-day public holiday, providing only the statutory minimum of eight days for public consultation,²⁸ which in practice amounted to a mere four working days. Consequently, the Act XLIX of 2025 on the Amendment of Justice-related Laws was adopted in disregard of judicial opinions and without any substantive societal dialogue on 11 June 2025. The Act implemented a broad judicial reform affecting 28 laws, including provisions regulating the service of judges after the general retirement age.²⁹

As the Ministry disregarded the fact that the NJC, as a collective entity, requires sufficient time to formulate its stance in accordance with its statutes, their right to be consulted was curtailed and diminished. In response, the NJC submitted a complaint to the Hungarian Constitutional Court (HCC), arguing that this constituted a de facto violation of its right to be consulted.

megalapozásáról” [On the Foundation of the State Budget of 2025]
<https://www.parlament.hu/irom42/10012/10012-0017.pdf> (in Hungarian).

²⁶ National Judicial Council, public statement, 19 December 2024, <https://obt-jud.hu/hu/birosagi-szervezetrendszer-reformjaval-kapcsolatos-jogalkotasi-folyamatrol> (in Hungarian).

²⁷ Later passed by Parliament as Act XLIX of 2025 on the Amendment of Justice-related Laws.

²⁸ Amnesty International Hungary - Hungarian Helsinki Committee, “Az Amnesty International Magyarország és a Magyar Helsinki Bizottság véleménye az igazságügyi tárgyú törvények módosításáról szóló törvény tervezetéről” [Opinion of Amnesty International Hungary and the Hungarian Helsinki Committee on the draft law amending justice-related laws], 25 April 2025, <https://www.amnesty.hu/wp-content/uploads/2025/04/Igazsagugyi-torvenycsomag-tarsadalmi-konzultacio-MHB-AI-HU.pdf> (in Hungarian).

²⁹ Amnesty International Hungary - Hungarian Helsinki Committee, “Az Amnesty International Magyarország és a Magyar Helsinki Bizottság értékelése az igazságügyi törvények módosításáról szóló 2025. évi XLIX. Törvényről” [Joint assessment by Amnesty International Hungary and the Hungarian Helsinki Committee on Act XLIX of 2025 on the Amendment of Justice-related Laws], 23 July 2025, <https://www.amnesty.hu/wp-content/uploads/2025/07/20250723-igazsagugyi-salatatorveny-velemenyezes-AI-HU-HHC.pdf> (in Hungarian).

The HCC rejected the complaint,³⁰ claiming that since the NJC had eventually nonetheless prepared its comments, the provisions regarding its right to be consulted had not been breached. According to the HCC, despite the concerns about the inadequate time provided to give feedback, the NJC had ultimately submitted an opinion within the Minister's deadline, so in the view of the HCC, the NJC's right to be consulted could not have been effectively violated.³¹ In its decision, the HCC failed to address the lack of statutory guarantees necessary to ensure the effective exercise of the right to be consulted.

The NJC recently submitted another complaint to the HCC regarding a further violation of its right to be consulted.³² On 3 February 2026, the Government promulgated a decree³³ that effectively makes the government a "judge in its own case." The government used the special legal order (state of danger) to adopt this decree in order to interfere in ongoing judicial proceedings (legal disputes between the Hungarian State Treasury and municipalities). In doing so, the government exceeded its mandate to issue emergency decrees only for addressing the effects of the Russian-Ukrainian war in Hungary. The aforementioned decree deprives municipalities of the possibility of legal remedy against the solidarity contribution (tax) and retrospectively prevents challenging the imposition of the tax in administrative litigation. Furthermore, it instructs courts to terminate such ongoing court proceedings.

Despite the decree affecting the administration of justice, the government failed to enable the NJC to comment on the draft; therefore, the NJC submitted a complaint to the HCC³⁴ on 17 February 2026.

Another dimension of judges' right to freedom of expression is the NJC's right³⁵ to propose legislation affecting the judiciary to the entities entitled to initiate the lawmaking process. While the NJC actively exercises this power, legislative bodies have consistently disregarded judicial opinions. The NJC's ability to propose legislation (for example its proposal in April 2025 to mitigate the salary gap between the Kúria and lower courts) remains ineffective as the initiator of the lawmaking process is not required to substantively address or engage with such proposals.

³⁰ Hungarian Constitutional Court, Decision 8/2025. (IX. 25.), 9 September 2025, <https://hunconcourt.hu/datasheet/?id=ADFF039855898CD3C1258CC2005B2F07> (summary in English).

³¹ Hungarian Constitutional Court, Decision 8/2025. (IX. 25.), 9 September 2025, para [32] and [36].

³² National Judicial Council, public statement, 18 February 2026, <https://obt-jud.hu/hu/az-alkotmanybirosag-iii-3110-2025-sz-vegze-se-alapian-szukseges-veszelyhelyzeti-szabalyozasrol-szolo> (in Hungarian).

³³ 15/2026. (II. 3.) Korm. rendelet az Alkotmánybíróság III/3110/2025. sz. végzése alapján szükséges veszélyhelyzeti szabályozásról [Government Decree on the emergency regulation required on the basis of Order No. III/3110/2025 of the Constitutional Court], 3 February 2026, <https://net.jogtar.hu/jogszabaly?docid=a2600015.kor> (in Hungarian).

³⁴ Case file at HCC, <https://alkotmanybirosag.hu/ugyadatlap/?id=19CDD9AB91177E4FC1258DB90061FE0B> (in Hungarian).

³⁵ 2011. évi CLXII. törvény a bírák jogállásáról és javadalmazásáról [Act CLXII of 2011 on the Legal Status and Remuneration of Judges], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100162.tv> (in Hungarian), Article 103. (1) b).

Driven by these experiences, the NJC established an ad hoc committee³⁶ in April 2025 to explore how the NJC could more effectively fulfill its constitutional role. By early December 2025, the committee produced a 94-page analysis identifying core systemic issues and proposing solutions. These proposals are currently under continuous discussion during NJC meetings. Although the full report has not yet been made public, its published executive summary urges the adoption of statutory guarantees. According to the summary, without these safeguards, the NJC cannot “become capable and suitable to fully fulfill its constitutional function.”³⁷

III.2. Concerning remarks from the Prime Minister and the Chief Justice against judges and court staff members protesting for their freedom of expression

Following the quadrilateral “Agreement” concluded in late 2024, which conditioned a judicial salary increase on the judiciary’s prior acceptance of undefined justice reforms, unprecedented protests broke out among judges. The Hungarian Association of Judges (MABIE) and the Res Iudicata Association called for protest, for express opinion. In just over a week, 441 judges (representing approximately 15% of the Hungarian judiciary) and 530 other judicial employees (including deputy judges, trainee judges, judicial clerks, and administrative staff) publicly condemned the quadrilateral Agreement.³⁸

This led to the resignation of the NJC President on 3 December 2024 and contributed to the NJC’s subsequent withdrawal from the Agreement on 15 January 2025.³⁹

Furthermore, MABIE called for a demonstration on 22 February 2025 in support of judges’ freedom of expression, demanding that any judicial reform be preceded by meaningful public consultation and ensuring adequate remuneration for all judicial staff. After a smaller rally by Res Iudicata Association in December 2024, it was the first time in Hungarian history, that judges demonstrated in such numbers.⁴⁰

Ahead of the protest, the President of the Kúria remarked that “judges belong in the courtroom,”⁴¹ a statement that has been interpreted as part of a broader chilling effect aimed at discouraging judges from exercising their right to freedom of expression. At the same time the President of the

³⁶ National Judicial Council, Decison No. 40/2025. (IV. 2.) of the 2 April 2025, <https://obt-jud.hu/sites/default/files/hatarozatok/2025-04/40-2025-IV-2-OBT-hatarozat.pdf> (in Hungarian).

³⁷ National Judicial Council, Summary of the 3 December 2025 meeting of the NJC, https://obt-jud.hu/sites/default/files/ulese/Osszefoglalo_mellekletevel_2025.12.03.pdf pp. 4. (in Hungarian).

³⁸ Hungarian Helsinki Committee, “Judges’ salary is a public matter, and not an issue of personal finances,” 3 December 2024, <https://helsinki.hu/en/judges-salary-is-a-public-matter-and-not-an-issue-of-personal-finances/>

³⁹ National Judicial Council, Summary of the 15 January 2026 meeting of the NJC, <https://obt-jud.hu/hu/osszefoglalo-az-obt-2025-januar-15-i-ulese> (in Hungarian).

⁴⁰ <https://www.reuters.com/world/europe/hungarian-judges-court-staff-rally-judicial-independence-2025-02-22/>

⁴¹ Interview with András Varga Zs. <https://index.hu/belfold/2025/02/03/varga-zs.-andras-kuria-orszag-orszag-biroi-tanacs-orszag-birosagi-hivatal-tuzson-bence-igazsagugyi-miniszter-reform/?token=cca01803ac5f48071a81af573d973b36> (in Hungarian).

National Office for Judiciary (NOJ) noted that no judge should face retaliation for participating in the demonstration.⁴²

In response, the NJC weighed in, stating that every judge and judicial employee has the constitutional right to participate in demonstrations and should not suffer any disadvantage or retaliation as a result.⁴³

Public attacks reached a higher level where a pro-Fidesz Party publicist called for drawing up a "list" of demonstrating judges to encourage boycotts of their cases. In his view, every pro-Fidesz Party politician, public figure, and journalist whose case comes before such a judge should file a complaint against attending judges to prevent them from ruling on their cases.⁴⁴ Furthermore, the Minister of the Prime Minister's Office said that he found it difficult to reconcile participation in a demonstration with the judicial role, and that it was lawful to give an account of a demonstration, so in his view participants had to reckon with this.⁴⁵

Protesting judges were subsequently portrayed in pro-Fidesz Party media as participants in politically motivated actions. However, MABIE won a lawsuit against the television channel TV2. The court ruled that the media outlet falsely claimed that no judges had participated in the demonstration.⁴⁶

In his speech on 15 March 2025, the Prime Minister compared dissenting judges to insects and issued explicit threats: "After today's festive gathering will come house cleaning for Easter. The bugs have survived winter. We are dismantling the financial machine that has used corrupt dollars to buy politicians, **judges**, journalists, bogus civil society organisations, and political activists. We will disperse the entire shadow army."⁴⁷ Stigmatising and derogatory political statements of this nature, which portray judges as purchased actors or as serving foreign interests, are another factor in the overall climate of fear and intimidation which discourages for judges from exercising their right to freedom of expression.

⁴² Interview with György Barna Senyei, President of NOJ, 11 February 2026, <https://youtu.be/xfBP68-qWrE?si=zpUN4MX2lkoAQN8r>

⁴³ National Judicial Council, public statement, 7 February 2026, <https://obt-jud.hu/hu/kozlemeny-2025-februar-22-napjan-tartando-demonstracio-kapcsan> (in Hungarian).

⁴⁴ HVG, "Nem csak elfogadhatatlan, jogellenes is a bírák listázása az Országos Bírói Tanács szerint" [According to the National Judicial Council, compiling lists of judges is not only unacceptable but also unlawful], 7 February 2025, https://hvg.hu/itthon/20250207_orzagos-biroi-tanacs-birak-tuntetes-listazas-bayer-zsolt. (in Hungarian)

⁴⁵ HVG, "Gulyás Gergely szerint nincs gond Bayer Zsolt bírókat listázó ötletével" [According to Gergely Gulyás, there is no problem with Zsolt Bayer's idea of compiling a list of judges], 6 February 2025, https://hvg.hu/itthon/20250206_Gulyas-Gergely-szerint-nincs-gond-Bayer-Zsolt-birokat-listazo-otletevel (in Hungarian).

⁴⁶ Hungarian Association of Judges, "Jogerős döntés a sajtó-helyreigazítási perben" [Final judgment in the press rectification case], 6 August 2025, <https://mabie.hu/hirek/jogeros-doentes-a-sajto-helyreigazitasi-perben> (in Hungarian).

⁴⁷ The official English version of the speech by Prime Minister Viktor Orbán on the 177th anniversary of the Hungarian Revolution and War of Independence of 1848–49 of 15 March 2025 at: <https://miniszterelnok.hu/en/speech-by-prime-minister-viktor-orban-on-the-177th-anniversary-of-the-hungarian-revolution-and-war-of-independence-of-1848-49/>

MABIE issued a statement rejecting the hostile rhetoric: “As representatives of the judiciary, the third branch of government, we respect the representatives of the other two branches—the legislative and executive—and therefore expect the same respect from them!”⁴⁸

The NJC also expressed concern, noting that the unsubstantiated statements can stir up negative sentiment toward judges. In the NJC’s view, “[i]n a state governed by the rule of law, such statements are not permissible from any politician.”⁴⁹

Simultaneously, Res Iudicata Association emphasized the professional obligation to protest against language that is offensive to the dignity of judges and organised a demonstration on 23 March 2025, where participants expressed their views by lighting candles in response to the prime minister's speech.⁵⁰

However, András Zs. Varga, President of the Kúria, appeared to defend the harmful statements, asserting in a statement that “[p]olitical statements inevitably provoke political responses.”⁵¹

In his February 2026 state of the nation address, the Prime Minister reiterated similar harmful statements which only added to the existing concerns about the impact of such comments, including of having a chilling effect on the judiciary: “The Brussels oppressive machine is still operating in Hungary; we will sweep it away after April. Bogus NGOs, purchased journalists, **judges**, politicians, algorithms, bureaucrats, rolling millions of euros — this is what Brussels means in Hungary today.”⁵²

III.3. No HCC decision on the Code of Ethics for judges for four years now

The New Code of Ethics for Hungarian Judges (“Code”), adopted in 2022, clarifies that judges are free to express their opinions on “laws, the legal system and the administration of justice”. This was a crucial development, as such rights were previously, at the very least, doubtful. Since service courts may rely on the Code when deciding in disciplinary matters against judges, a final decision from the Hungarian Constitutional Court (HCC) is highly important. Although there is no statutory deadline for the HCC to conclude its proceedings, no decision has been reached in nearly

⁴⁸ Hungarian Association of Judges, public statement, 15 March 2025, <https://www.facebook.com/61559072668390/posts/122165992346302422/> and https://hvg.hu/itthon/20250316_Visszautasitjak-a-birok-Orban-poloskas-beszedet (in Hungarian).

⁴⁹ National Judicial Council, public statement, 3 March 2025, <https://obt-jud.hu/hu/kozlemeny-2025-marcius-15-i-unnep-kapcsan> (in Hungarian).

⁵⁰ HVG, “Mindén a szavakkal kezdődik – gyertyagyújtással tiltakoztak a bírák Orbán poloskázós beszéde miatt” [“It all starts with words – judges hold a candle-lighting protest over Orbán’s ‘bug’ speech], 23 March 2026, https://hvg.hu/itthon/20250323_gyertyagyujtas-tiltakozas-birak-Orban-poloskazos-beszed-ebx#rss (in Hungarian).

⁵¹ Kúria, the statement of the Kúria President, 17 March 2025, <https://kuria-birosag.hu/hu/sajto/kuria-elnokek-kozlemeny-4> (in Hungarian).

⁵² 24.hu, “Orbán: Április után jön a beígért nagytakarítás” [Orbán: The promised house cleaning will come after April], 14 February 2026, <https://24.hu/belfold/2026/02/14/orban-aprilis-utan-ion-a-nagytakaritas/> (in Hungarian).

four years.⁵³ The resolution of this legal uncertainty specifically whether the HCC will annul the Code or find the underlying legislative authorization for the NJC constitutional, is essential for the functioning of the judiciary. This pending legal status in itself has a chilling effect on the freedom of expression of judges.

Despite the absence of an HCC decision, recent developments, including a data leak/data theft from a political party's application in the autumn of 2025, have prompted calls for tightening the Code. These events have once again raised questions among some NJC members regarding the legitimate boundaries of judges' right to freedom of expression.

In November 2025, the personal data of 200,000 individuals, allegedly including several judges, were leaked from an opposition party's mobile application. Although the data protection authority warned⁵⁴ that the theft and dissemination of such data is unlawful, a pro-Fidesz Party⁵⁵ news outlet disseminated the list.

The President of the Kúria failed to defend the listed judges. On the contrary, he stated⁵⁶ his readiness to initiate "appropriate proceedings" upon the discovery of evidence, reinforcing the impression that merely downloading the application constitutes a violation and grounds for legal action. Such threats of disciplinary proceedings can deter judges from exercising their human rights; consequently, the NJC found these fear-inducing statements unacceptable. "The assertion that the Kúria is 'ready to conduct the appropriate proceedings' is devoid of any statutory basis, as the service courts are independent of the Kúria. (...) Furthermore, the communication can cause serious concern among judges by envisioning proceedings that exceed the legal framework."⁵⁷ Amnesty International does not have information of any such disciplinary proceedings being instigated thus far.

In contrast, the President of the Metropolitan Regional Court stood in support of the judges whose right to privacy and to the protection of personal data had been violated and, in February 2026, filed a criminal complaint for the misdemeanour of misuse of personal data against an unknown perpetrator. According to their statement, the Metropolitan Regional Court conducted an integrity investigation based on a public interest disclosure and on media reports, concluding that the external attacks against the judges and the court necessitated legal action. The court formally

⁵³ Case No. II/01285/2022, Case file in Hungarian at HCC:

<https://alkotmanybirosag.hu/ugyadatlap/?id=B1E83AFC8B10B1D2C125885B005B3B7E>

⁵⁴ National Authority for Data Protection and Freedom of Information, statement of the National Authority for Data Protection and Freedom of Information, "Statement on the data protection requirements for the use by media service providers of personal and sensitive data disclosed from the databases of political parties," 7 November 2025, <https://naih.hu/hirek/786-kozlemeny-a-politikai-partok-adatbazisaibol-nyilvanossagra-keruelo-szemelyes-es-kueloenleges-adatok-mediaszolgaltatok-altali-felhasznalasanak-adatvedelmi-koevetelmenyeirol> (in Hungarian).

⁵⁵ 444-hu, "Gulyás hosszan bírálta a Tisza Világ appot letöltő bírókat (...) [Gulyás harshly criticized the judges who downloaded the Tisza Világ mobile application (...)], 23 December 2025, <https://444.hu/2025/12/23/gulyas-valodinak-tartja-az-index-tizsas-dokumentumat-es-elmondta-miert-osztogattak-a-bors-kiadvanyat-a-szegedi-gyulesen> (in Hungarian).

⁵⁶ Kúria, public statement of Kúria, 6 November 2025, <https://kuria-birosag.hu/hu/sajto/kuria-kozlemeny-17> (in Hungarian).

⁵⁷ National Judicial Council, public statement, 22 November 2025, <https://obt-jud.hu/hu/biroi-fuggetlenseg-vedelmerol> (in Hungarian).

rejected the attacks against its judges and the court, asserting that such actions are capable of calling into question the fair and impartial adjudication of judges and undermining public confidence in the judiciary.⁵⁸

In response to these attacks, five members of the NJC proposed tightening the Code of Ethics. The proposal aimed to define the prohibition of political activity more strictly, explicitly banning judges from registering on party-affiliated websites or applications, and from attending party events. Following an extensive debate on 14 January 2026, the NJC voted down the proposal.⁵⁹ As a result, determining what constitutes prohibited political activity remains subject to the case-by-case decisions of the service courts presiding over disciplinary matters.

⁵⁸ Metropolitan Regional Court, public statement of Metropolitan Regional Court, 11 February 2026, <https://birosag.hu/fovarosi-torvenyszek/sajto/kozlemenyek/20260211/feljelentest-tett-fovarosi-torvenyszek-elnoke> (in Hungarian).

⁵⁹ National Judicial Council, Minutes of the 14 January 2026 meeting of the NJC, https://obt-jud.hu/sites/default/files/u/lesek/Jegyzokonyv_2026.01.14.pdf p. 26. (in Hungarian).

IV. RECOMMENDATIONS

Amnesty International Hungary respectfully recommends the Committee of Ministers to **continue examining under enhanced procedure the execution and effective implementation of the judgment** in the *Baka v. Hungary* case and condemn the lack of progress by the Hungarian authorities in implementing this judgement. Due to the non-implementation by the Hungarian authorities, including the provisions of the Judiciary Reform Act, Amnesty International Hungary reiterates all its former recommendations⁶⁰ and calls on the Hungarian authorities to:

- **Promptly address the issue of judicial independence in line with the state's international legal obligations under treaties to which it is state party.**⁶¹ In order to address the long-standing structural problems and to ensure the independence of the judiciary, **the laws on the judiciary should be amended to ensure compliance with international standards⁶² and specific recommendations on the situation of the Hungarian judiciary by international bodies.**
- In order to be capable to execute the above task, the government shall provide a thorough *de iure* analysis of the Hungarian legislation **identifying provisions that may compromise judicial independence and judges' right to freedom of expression**, taking into account the concerns raised by international and regional monitoring bodies (most notably, the UN Human Rights Committee,⁶³ the Commissioner for Human Rights of the Council of Europe,⁶⁴ the Venice Commission).⁶⁵ Similarly, **effective protection of judges including the NJC's judge members shall be ensured against intimidation, attacks on their reputation as well as retaliatory administrative and other measures.**
- **In order to prevent undue interference and retaliatory measures against judges voicing criticism in relation to the independence of the judiciary, the legislation⁶⁶ shall be amended to**

⁶⁰ Amnesty International – Hungarian Helsinki Committee, *Communication from NGOs (Hungarian Helsinki Committee, Amnesty International) (28/01/2022) in the case of BAKA v. Hungary*, 8 February 2023, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2022\)158E](https://hudoc.exec.coe.int/eng?i=DH-DD(2022)158E)

⁶¹ For a comprehensive list of recommendations in this regard, Amnesty International – Hungarian Helsinki Committee, *Recommendations aimed at restoring the independence of the judiciary in Hungary*, December 2019, https://www.helsinki.hu/wp-content/uploads/Hungary_rec_judiciary_AI-HHC_01122019.pdf <https://www.amnesty.hu/hu/news/2656/recommendations-aimed-at-restoring-the-independence-of-the-judiciary-in-hungary>

Amnesty International, *Fearing the Unknown – How rising control is undermining judicial independence in Hungary*, 2020, https://www.amnesty.hu/data/file/4871-final_fearing-the-unknown_report_amnesty-hungary_e1.pdf?version=1415642342, pp. 10-12.

⁶²See, for example, United Nations, *Basic Principles on the Independence of the Judiciary*,

Venice Commission, *Report on the Independence of the Judicial System Part I: The Independence of Judges*, CDL-AD(2010)004, 6 March 2010

⁶³ UN Human Rights Committee, *Concluding Observations on the Sixth Periodic Report of Hungary* (CCPR/C/HUN/CO/6), 9 May 2018, para. 11.

⁶⁴ Commissioner for Human Rights of the Council of Europe, *DUNJA MIJATOVIĆ, Report Following Her Visit to Hungary from 4 to 8 February 2019*, 21 May 2019, <https://rm.coe.int/report-on-the-visit-to-hungary-from-4-to-8-february-2019-by-dunja-mija/1680942f0d>, para. 5

⁶⁵ Venice Commission, *Opinion on the Cardinal Acts on the Judiciary that Were Amended Following the Adoption of Opinion CDL-AD(2012)001 on Hungary*, CDL-AD(2012)020, para. 88.

⁶⁶ Hungary, 2011. évi CLXII. törvény a bírák jogállásáról és javadalmazásáról [Act CLXII of 2011 on the Legal Status and Remuneration of Judges], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100162.tv> (in Hungarian)

- **oblige the NOJ President to justify in detail all their decisions;**
- ensure that the **remuneration of judges is based on a general standard and rely on objective and transparent criteria** and phase out bonuses which include an element of discretion;
- ensure that **if a judicial leader challenges their dismissal** by launching a lawsuit, and if the judge concerned is reinstated, legal guarantees ensure that the **judge may be reinstated to their former leadership position**, for example, by making sure that the position could only be filled temporarily;⁶⁷
- **protect the integrity of the NJC's judge members** by taking effective measures to guarantee that they can exercise their statutory rights and obligations of safeguarding judicial independence through, among others, formulating and disseminating critical opinions on the administration and independence of the judiciary **without any undue interference.**

➤ **Hungarian authorities shall**

- **refrain from and condemn any harassment, intimidation or retaliation against judges**, and communicate clearly that while criticism of jurisprudence as a part of a public debate is necessary in a pluralistic society, personal attacks against judges are unacceptable.
- **abstain from** any public critique, recommendation, suggestion or solicitation regarding court decisions that may constitute **direct or indirect influence** on pending court proceedings or otherwise undermine the independence of individual judges in their decision-making.

and Hungary, 2011. évi CLXI. törvény a bíróságok szervezetéről és igazgatásáról [Act CLXI of 2011 on the Organisation and Administration of Courts] 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100161.tv> (in Hungarian)

⁶⁷ Hungary, 2011. évi CLXII. törvény a bírák jogállásáról és javadalmazásáról [Act CLXII of 2011 on the Legal Status and Remuneration of Judges], 2011, <https://net.jogtar.hu/jogszabaly?docid=a1100162.tv> (in Hungarian), Article 145