

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Hungarian Helsinki Committee / Magyar Helsinki Bizottság

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Checks and Balances
- ☒ Other

If "Other", please specify

rule of law, rights of refugees and migrants, human rights performance of law enforcement agencies and the criminal justice system, equality before the law

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

The Hungarian Helsinki Committee (HHC) is a human rights NGO based in Hungary. Focus areas: the rule of law, the rights of refugees and migrants, the human rights performance of law enforcement agencies and the criminal justice system, and equality before the law. Activities: free legal counselling, strategic litigation, monitoring, research, domestic and international advocacy, trainings and capacity-building, awareness-raising, and international cooperation. Website: <https://www.helsinki.hu/>.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

496227428572-68

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France

- ☐ Germany
- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

helsinki@helsinki.hu

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia

- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☒ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

Until the cut-off date of the present contribution (19 January 2025) no steps have been taken by the Hungarian government and the Parliament to address the recommendations formulated by the European Commission (EC) with respect to the independence of the judiciary in the 2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary (hereafter: 2024 Rule of Law Report). In 2024, two omnibus acts were passed to modify the cardinal acts governing the legal status of judges and the organisation of the judiciary and even a 14th Amendment to the Fundamental Law was adopted on 17 December 2024 affecting constitutional provisions applicable to judges. Nevertheless, none of the amendments included legislative measures aimed at improving the transparency of case allocation systems in lower instance courts in line with the European case allocation standards or tackled the systemic deficiencies related to judicial remunerations. As from 1 January 2025, the system of remunerations at the Kúria (the supreme court of Hungary) was remarkably changed. The remuneration of Kúria judges became linked to the remuneration of the Kúria President, securing a disproportionately high salary to Kúria judges, severing the Kúria from all other courts with respect to judicial remunerations. Besides distorting the system of remunerations, the core method of establishing judicial remunerations remains the same. Although there was a one-off 15% increase of the judicial salary base in December 2024, falling far from the required level of adjustment, no structural measures have been taken to safeguard the increase of the remuneration of judges, prosecutors, and judicial and prosecutorial staff in line with European standards on remuneration for the justice system as recommended by the 2024 Rule of Law Report.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

In December 2024, the Parliament passed the 14th Amendment to the Fundamental Law and Act LXXIV of 2024 on the Foundation for Hungary's 2025 Central Budget (hereafter: Omnibus Act) that modified the cardinal laws affecting core rules of appointment and selection of judges. The amendments were adopted shortly after the conclusion of the so-called "Agreement" signed on 22 November 2024 between the three highest judicial administration bodies [the Kúria President, the President of the National Office for the Judiciary (NOJ) and the President of the National Judicial Council (NJC)] and the Ministry of Justice. The circumstances of the conclusion and the content of the notorious "Agreement" immediately incited an unprecedented public protest among Hungarian judges and judicial staff particularly for linking the long overdue salary raise of judges and judicial staff to the adoption of undefined overall structural judicial reforms capable of further undermining judicial independence. Despite the clear and persisting objection of Hungarian judicial associations, representative bodies and judicial bodies as well as individual judges and judicial staff, the Hungarian government started implementing the reforms outlined in the "Agreement". Both the 14th Amendment to the Fundamental Law and the Omnibus Act were passed in the Parliament within a couple of days, in the framework of an extraordinary parliamentary session opened for the "earliest possible" adoption of the modifications. Despite an explicit request by the NJC and judicial associations, the modifications were adopted disregarding the obligation of public consultation and circumventing the right of the NJC to give an opinion on justice-related draft laws.

One of the cornerstone modifications adopted through the deficient law-making process and without meaningful consultation with the judiciary affects the preconditions of judicial appointments. In this respect, the legislation introduced two major modifications: (i) It raised the lower age limit for becoming a judge from 30 to 35 years with effect from 1 March 2025; and (ii) it modified significantly the practice requirements for judicial posts, to the disadvantage of candidates who apply from within the judiciary. Under the new rules applicable from 1 March 2025, candidates must meet two conditions: they must have two years of practice gained outside the judiciary and at least one year practice gained in one of certain specified legal position (such as judicial clerk, deputy prosecutor, attorney-at-law, notary, legal adviser, government official, civil servant). This doubled practice requirement gives preference to those who gain their relevant practice outside the courts, as they become eligible even in the absence of any professional experience gained at courts. At the same time, those who gain their professional experience only at courts will not be eligible for judicial posts unless gaining further two years practice outside the judiciary. This is discriminatory vis-à-vis those who start their career at courts.

The new system has unilaterally put an end to a long debate between the Hungarian government and the judiciary, cementing the most problematic element of the distorted points system for the assessment of applications for judicial posts in cardinal laws. As highlighted in our contributions of previous years, the effective points system (established by the Ministry of Justice through a ministerial decree) is problematic, amongst others, for giving preference to candidates for a judicial post who apply from the executive branch over candidates who apply from within the judiciary. In 2023, the NJC was granted the power to give a motivated binding opinion on future modifications of the points system, but the legislation did not introduce transitional rules that guarantee the effective application of this new power. This way, the Government managed to keep up the distorted points system and now cemented its most problematic part into a cardinal law.

In addition to the above, with respect to the appointment of judges and court presidents, several concerns raised in our 2020, 2021, 2022, 2023 and 2024 contributions remain relevant, most notably the lack of legislative amendments to regulate multiple applications (when several calls for applications for judicial posts are published simultaneously) and the order of considering such applications in order to exclude the possibility of determining (through the arbitrary order of deciding on applications) the outcome of applications and circumventing the right to consent by the NJC in a non-transparent manner. This loophole is still available to circumvent the merit-based appointment system. The legislation only partially requires the Kúria President and the NOJ President to state reasons for their administrative decisions.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Despite the strengthened supervisory function of the NJC, the legislation on transfers still lacks fundamental guarantees for the irremovability of judges.

In case of secondments ("kirendelés"), the law only requires the NJC's consent to secondments (or their prolongation), but not their termination. As the practice of the NOJ President shows, secondments may be terminated unilaterally, with immediate effect, by a resolution of the NOJ President even before the pre-established term of secondment expires. The legislation still lacks objective criteria regarding when the legal conditions of a secondment are met, for the designation of the receiving court, for the selection of the seconded judge or for determining the term of the secondment. In case of judges seconded to higher instances, the legislation does not provide for an adequate remuneration breaching the principle of equal pay for equal work. Due to lack of guarantees in the legislation, secondments continue to serve as substitutes for opening new positions, entailing mass secondments and secondments that last for several years.

In case of assignments ("kijelölés"), the law only requires the NJC's consent to the termination of assignment in lack of consent of the judge concerned. Assignments continue to be granted by full discretion of the NOJ President (with respect to judges serving at lower tier courts) or the President of the Kúria (with respect to judges serving at the Kúria), while from the perspective of irremovability, both an assignment and the termination thereof entail a removal of the judge from their former position.

Transfers of judges ("beosztás") outside the judiciary to a wide range of administrative organs continue to raise serious concerns as to their purpose. According to the law, such transfers concurrently aim that judges gain professional experience and that they support the administrative organ with their own professional experience. This aim is most doubtful in case of judges dealing with criminal or civil cases, who do not have or need any relevant experience at administrative organs. While the aim of the transfer remains unclear, its consequences are explicit. Judges transferred to an administrative organ get a significantly higher remuneration and bonus. The transfer also entails handing over employer's rights (including the right to evaluate the judge) and disciplinary rights to the leader of the administrative organ (e.g. a member of the Government in case of a ministry). In 2024, the NJC consented to the transfer of a judge who is a close relative of a State Secretary serving at the Ministry of Justice to the National Directorate General for Hospitals without providing meaningful reasoning for the decision, and – as revealed during a later meeting of the NJC – causing capacity constraints at the court.

Transfers create a bypass in judicial careers enabling the transferred judge to acquire a judicial leadership position circumventing the ordinary promotion proceedings upon the termination of the transfer. Due to the fact that the minimum term of the transfer is not regulated by law, short term transfers can be applied as a disguised promotion.

If a court ceases to exist or its area of jurisdiction has been reduced to such an extent that it is no longer possible to continue to employ a judge there, the judge concerned should be offered an open position or transferred by the NOJ President – in case a Kúria judge is concerned, after consulting with the Kúria President – to another court that might be a court at the same, higher or lower instance. This provision enables mass removal of judges simultaneously with reallocation of competences between courts.

According to the law, in case a court leader is dismissed unlawfully, and their reinstatement is subsequently ordered by the court deciding on the matter of the dismissal, they can only be reinstated into their leadership position if that has not been filled in the meantime. This loophole can be used to overhaul certain judicial leadership positions.

The legislation allows certain individuals to get transferred from outside the judiciary to the judicial system, even if their former position was highly political. Former MPs and MEPs can be appointed as judges in case they had served as judges before taking their seat as MPs or MEPs. Once their mandate as MPs or MEPs terminate, they shall be appointed as judge upon their own request, automatically, without a cooling-off period and without an application procedure and may be appointed to any court higher than the one they had served at before and may become a "head of panel" without the otherwise necessary separate application procedure. Neither the consent nor the non-binding opinion of the NJC is required for their appointment. Similarly, former university rectors can be appointed as judges upon their request in case they had served as judges before taking their seat as university rectors.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

As a main rule, judicial promotions and leadership positions shall be granted in the framework of an ordinary application procedure, but the legislation allows for a wide range of exceptions. Decisions on promotions without an application procedure lie in their entirety in the hands of administrative leaders, who may also have full discretion to grant judicial leadership positions, which eliminates the guarantees attached to a transparent application procedure. No judicial remedy is available against appointments made without an appointment procedure. Concerns with respect to the lack of an application procedure for judicial leadership position of head of panel after the termination of a transfer remain unaddressed (see also under Question I. 3.).

Even the outcome of a standard application procedure can be manipulated by court leaders through several means. Applications for judicial leadership positions (such as the position of head of panel or deputy-college leadership positions) are assessed by the president of the relevant court in a fully discretionary manner. Judge peers hold the right to form a non-binding opinion on the candidates by secret ballots. Although the opinion is non-binding, court presidents should consider it when assessing the candidates. Despite the above, due to the lack of guarantees, court presidents may appoint judicial leaders even against the manifest opposition of judicial peers. The appointment of a judge (the wife of the Kúria President) as head of panel at the Metropolitan Court of Appeal became public as an outstanding example of disregarding the votes of judge peers.

Besides formal appointments, the legislation provides for a variety of informal means to promote a judge. Informal appointments include (i) the possibility to assign administrative tasks to a judge (or terminate such assignment) and (ii) in the case of the Kúria, the possibility to assign special judicial positions via the case allocation scheme of the Kúria. Informal appointments are made on the basis of non-transparent decisions. An outstanding example for an informal appointment in 2022 was to one of the highest judicial leadership positions at the top tier: it was the de facto assignment of a deputy-college leader at the Kúria for eight months. The leadership position was granted by the sole discretion of the Kúria President despite the fact that no deputy-college leadership positions were open during that term.

Another outstanding example for an informal appointment at the Kúria in 2023 was the assigning of additional “administrative tasks” to judge Barnabás Hajas (former State Secretary who was appointed as judge by the Kúria President without any former experience as a judge based on an unlawful appointment procedure). Judge Hajas was assigned by the Kúria President with additional “administrative tasks” “to provide professional support in commenting on legislation, to coordinate the staff responsible for monitoring, reviewing and organising draft laws, legislation published in the National Gazette and organisational regulations, to participate in the monitoring of the legislative and rule-making process, to participate in the process of preparing internal regulations”. The Kúria President also ordered the payment of a 30% extra supplement for the additional administrative tasks assigned. The decision on granting additional administrative tasks to judge Hajas and the extra remuneration were taken in a completely non-transparent manner by the Kúria President. Neither the criteria of nor the terms for an assignment for specific administrative tasks, nor the termination thereof are set out by law.

Allocation of cases in courts

5000 character(s) maximum

(1) As regards case allocation at the Kúria, despite the requirement to enhance transparency included in the conditions to access EU funds, monitoring the log files published on the Kúria's website and the actual operation of the case allocation system at the Kúria in 2024 showed that although the system is more transparent than before the judicial reform of 2023, the allocation of cases at the Kúria still raises questions and concerns. Such problems include that (i) it is difficult to monitor the case allocation practice based on the online log files; (ii) in many cases the Kúria did not follow the case allocation scheme; (iii) the law provides several vaguely defined grounds for deviating from the general rules for case allocation; and (iv) these deviations may not be monitored and explained without further background information, however, such background information is not available for the public.

Special concerns can be raised with respect to electoral cases at the Kúria. A new case allocation rule was introduced specifically for the 2024 European Parliament and local elections, only a few months before the election was held, which violates the principle of legal certainty and undermines public confidence in the courts, since parties and people challenging election committee resolutions should know well in advance the rules based on which chambers deciding in these cases will be formed. It was not specified which judges would make up the envisaged extra chambers, should these be needed due to an excessive caseload, and it was also unclear how election cases arriving (by e-mail or by post) simultaneously or within a few minutes of each other were allocated.

(2) With respect to the case allocation system of lower tier courts, all concerns raised in our 2023 and 2024 contributions remain relevant. Although both the 2023 and the 2024 Rule of Law Report recommended improving the transparency of their case allocation systems, no progress has been made regarding that issue. The special concerns regarding appeal courts – included in our 2024 contribution– also still apply.

(3) The Constitutional Court (CC) still does not have a case-allocation scheme at all, and cases are still assigned to judges as rapporteurs under non-transparent rules. Consequently, there has been no improvement in this regard either, and concerns included in our 2024 contribution still apply.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

The NJC is the highest judicial self-governing body mandated to supervise the central administration of courts. Over the past period, both the composition and the legal status of the NJC have remarkably changed. With effect from 1 June 2023 legislative modifications strengthened the powers and the status of the NJC. With effect from 30 January 2024, as a result of the expiry of the previous NJC's mandate and the election of the new members, the NJC now carries out its duties in a new composition. Although key powers of the NJC are granted by law, its operation as a body is established by broadly formulated legal provisions, thus members of the NJC have a wide margin of manoeuvre to define their operation, role and scope of supervision.

While only an independent NJC may fulfil its constitutional role in line with its newly strengthened powers, many signs indicate that the independence of the NJC in its new composition may have become compromised. As also highlighted in our 2024 contribution, several factors prove that political and administrative pressure was exerted on the election process of NJC members, including undue interference on behalf of the Kúria President, who openly lobbied for the election of "one or two court presidents". In accordance with the controversial request of the Kúria President and in the absence of a conflict-of-interest rule excluding judicial leaders appointed by the NOJ President from becoming members of the NJC, the current NJC also includes a court president, weakening the perception of its independence.

The mode of operation of the NJC remarkably changed after 30 January 2024. Some characteristics of its altered operation as a body and some key decisions taken raised serious doubts regarding the independence of the NJC by the end of 2024, even in the eyes of Hungarian judges. Problematic issues evolved gradually, including (i) limiting, through providing a new interpretation to existing legal provisions, the right of NJC members to propose items to the NJC's agenda; (ii) concentrating powers in the hands of the NJC President, resulting in actions taken on behalf of the NJC by the NJC President as sole statutory representative without the authorisation of the NJC members (one outstanding example was the participation of the NJC President at the meeting of Presidents and Representatives of Councils of Judges of the Organisation of Turkic States without a prior decision of the NJC, inciting the resignation of a member); (iii) consenting to the transfer of a judge, who is a close relative of a State Secretary, to the National Directorate General for Hospitals without providing meaningful reasoning for the decision, and – as revealed during a later meeting of the NJC – causing capacity constraints at the court; (iv) unanimous approval of the proposal of the NOJ President on the highly disproportionate salary raise at the Kúria, securing a much larger pay rise to Kúria judges than the increase for all other judges, thus severing the system of remunerations at the Kúria from the ordinary system of judicial remunerations; (v) supporting the conclusion of the "Agreement" signed with the Ministry of Justice, the Kúria President and the NOJ President that linked the promise of a salary raise for judges and judicial staff to prior consent to undefined overall reforms.

The "Agreement" violates judicial independence for several reasons, amongst others for linking the long overdue salary raise to the adoption of not clearly defined structural judicial reforms that may undermine judicial independence; for not providing effective guarantees as to the urgently necessary salary raise; and for containing an express undertaking on behalf of the signatories to cooperate to achieve the Government's planned structural reforms outlined.

The resolution of the NJC on the approval of the "Agreement" resulted in unprecedented public criticism from judicial associations and individual judges (including former NJC Presidents and members), who objected to both the way of adopting the NJC resolution on signing the "Agreement" and the content thereof, and claimed that the NJC had given up its independence. The protest led to the resignation of NJC President Péter Szabó on 3 December 2024 who claimed responsibility for signing the "Agreement". After electing a new NJC President on 11 December 2024, on 15 January 2025, the NJC decided to declare the "Agreement" void and non-binding to the NJC, thereby seeking a way to free themselves from political pressure.

The Integrity Policy issued by the NOJ President prescribes how a judge may conduct any activities outside of their task of adjudication. Its provisions on judges' potential involvement in political activities are unclear and therefore these provisions open up the space for arbitrary interpretation. Consequently, the policy can still be used as a tool to silence judges who simply wish to exercise their fundamental rights or who want to speak up *inter alia* for judicial independence, by claiming that the topic is political and/or an activity that infringes their integrity. The NOJ President has not amended the Integrity Policy in this regard since his election.

The disciplinary cases of judges are decided by service courts, the operation of which is not public according to the law. The procedure of the service courts is not set by the law, only by internal regulations, therefore the NJC proposed a law-making process to regulate the operation of service courts in an Act of Parliament. The latest available report by the NOJ President regarding disciplinary proceedings is about the first half of 2023. In the first half of 2023, two judges received written warnings for misconduct in the performance of their duties. Disciplinary proceedings were initiated against six judges before the first instance service court (in five cases for misconduct in the performance of their duties and in one case for a behaviour harming or endangering the dignity of the judiciary). In the first half of 2023, three proceedings ended with the imposition of disciplinary sanctions (two cases of rebuking, one case of reduction by one salary level).

From November 2022, the NJC started to publish on its website some recent anonymized disciplinary decisions for the years 2021 (14 decisions), 2022 (eight decisions), 2023 (11 decisions) and 2024 (6 decisions). In 2024, one first instance case and one second instance case resulted in establishing a judge's misconduct in the performance of their duties (both referred to professional misconduct). There was one case where the procedure was terminated due to the resignation of the judge and one case where the procedure was terminated due to the termination of the judge's tenure. In one case, the service court rejected a request for the suspension of a disciplinary sanction and in another it rejected the request for exemption from the disciplinary sanctions. The publication of these disciplinary decisions is not prescribed by the law, and depends solely on the NJC's discretion.

As in previous years, the Kúria President questioned the legitimacy of the service courts: e.g. he did so at the 27 March 2024 meeting of the NJC. Moreover, at the 11 December 2024 NJC meeting, the Kúria President criticized the presidents of the service courts who had also signed a letter of protest against the quadrilateral "Agreement" with the Government and stated that service courts would guarantee that judges may not be retaliated against for their opinion expressed with respect to the "Agreement". The conflict got even more tense in relation to the debate around the New Years' greetings of the Kúria President, in the aftermath of which he published a response to statements by the NJC and the NOJ President, claiming that the service court presidents "irresponsibly and arbitrarily deceive their fellow judges", and "are consciously forging lies". As included in our 2024 contribution, the judgment of the Court of Justice of the European Union (CJEU) in case C-564/19 remains non-executed, and the mere act of referring a question to the CJEU may serve as the basis for initiating a disciplinary action against a judge (see also Question IV.10.). This case also highlights the significance of the conflict between the Kúria President and the service court presidents, since as experts warn, the independence of the service courts from the court hierarchies is an important safeguard against the use of disciplinary proceedings for exerting pressure on judges. The Kúria President's recurring attacks must be assessed in this light.

The procedure regarding the constitutionality of the new, NJC-adopted Code of Ethics at the CC is still pending, and the ongoing dispute and the chilling effect that it exerts on the NJC and the judges continue to have a negative impact on judges' right to freedom of expression including participation in professional debates.

The Government called upon the NJC to review its Code of Ethics including the rules on accepting gifts. The NJC did not revise the code, but decided instead to contact the NOJ, requesting documents regarding the application of those rules on accepting gifts that are included in the NOJ's Integrity Policy.

(1) As recalled by the 2024 Rule of Law Report, “[t]he 2023 and previous Rule of Law Reports noted that the strictly hierarchical architecture of the prosecution service and a lack of internal checks and balances enhance the persistent risk of top prosecutors influencing the work of subordinate prosecutors, including in individual cases”. Since the structure of the prosecution service remained the same and the respective concerns have not been addressed in any form, the 2024 Rule of Law Report’s conclusion that “risks of undue interference with individual cases remain” is still valid.

Hungary has still not implemented GRECO’s recommendation to review the possibility to maintain the Prosecutor General in office after the expiry of their mandate by a minority blocking of the election in Parliament of a successor. This possibility was criticized by the Venice Commission as early as 2012, and, as also pointed out by the 2023 Rule of Law Report, it “could expose [the Prosecutor General] to undue political influence”. It continues to be the case that the Prosecutor General can only be removed from office with a two-thirds majority of Members of Parliament as a result of a 2021 amendment. Moreover, the 14th Amendment to the Fundamental Law, adopted in December 2024, opened the path for the position of the Prosecutor General to be filled in by a non-prosecutor, which may signal an increase in political expectations at the expense of professional standards.

GRECO’s recommendation that the immunity of prosecutors be limited to activities relating to their participation in the administration of justice (“functional immunity”) remains not implemented.

It was also recommended by GRECO that disciplinary proceedings in respect of prosecutors be handled outside the immediate hierarchical structure of the prosecution service and in a way that provides for enhanced accountability and transparency. As a result, the respective rules were amended to involve a disciplinary commissioner in disciplinary proceedings. GRECO welcomed this step, but pointed out in its 2023 compliance report that the disciplinary commissioner’s “role is limited, and the superior prosecutor is still leading the overall procedure”, and that “[n]o measures to increase the transparency of the process has been reported” by the Hungarian authorities.

In sum, out of the four recommendations issued by GRECO in 2015 in relation to corruption prevention in respect of prosecutors, one recommendation remains not implemented, while two remain only partly implemented.

(2) As of 9 July 2024, Act CLXI of 2011 on the Organisation and Administration of Courts and Act CLXIII of 2011 on the Prosecution Service were amended, granting the Ministry of Justice unlimited access to decisions delivered by the judiciary, the prosecution service and other autonomous state bodies and government agencies. The new rules allow the Ministry of Justice to acquire protected information to which it would not have access otherwise. Early access to information regarding ongoing cases allows the Government and the government majority to interfere in ongoing court proceedings and influence their outcome through immediate effect law-making (e.g. by issuing emergency decrees, or amending laws in the Parliament’s fast-track legislative process), thereby undermining the organisational independence of courts and the prosecution service. A freedom of information request revealed that until 19 December 2024, the Ministry of Justice requested the NOJ once (in August 2024) to provide it with a random sample of anonymised civil and criminal decisions.

As far as the prosecution service is concerned, according to the new rules, the Ministry of Justice can get access to prosecutorial decisions relating to criminal procedures (i) that have been adjudicated by the court’s final instance, or (ii) have been terminated by either a judicial decision that cannot be appealed against, (iii) or by a non-appealable decision by the prosecutor or by an investigating authority. Besides decisions of the prosecution service and letters of indictment, all other decisions, made by either a prosecutor or by any other state body shall be shared with the Ministry of Justice on the condition that such decisions have been reviewed by the prosecution service. It is particularly concerning that the Ministry of Justice can get access to decisions of the prosecutor and of the investigating authorities generated in criminal processes that can be reopened without judicial intervention. In addition to the concern that the Ministry of Justice can exert

political influence and pressure on the prosecution service with regard to individual cases based on reviewing the decisions accessed, it is also disquieting that the Ministry of Justice is able to access decisions generated in criminal proceedings that contain a plethora of highly sensitive personal information, which can potentially be extrapolated despite anonymisation.

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Since it started its operation in February 2024, the Sovereignty Protection Office (SPO, established by Act LXXXVIII of 2023 on the Protection of National Sovereignty – see Question IV.13. for details) has sent requests for cooperation to at least the following six state and public bodies, asking them to collect information in the name of protecting sovereignty: the Chamber of Hungarian Auditors, the Hungarian Bar Association, the National Authority for Data Protection and Freedom of Information, the National Bank of Hungary, the National Media and Infocommunications Authority, and the National Tax and Customs Administration. Four of the state and public bodies have accepted the request and/or are working on establishing their framework for cooperation with the SPO. However, the Chamber of Hungarian Auditors and the Hungarian Bar Association have essentially refused the requests. In its response of 22 April 2024 to the request by the SPO, the Hungarian Bar Association cited, among others, the confidentiality obligations of attorneys.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

(1) In June 2024, the Committee of Ministers (CM) of the Council of Europe monitoring the execution of judgments by the European Court of Human Rights (ECtHR) put on its agenda the execution of the judgment in the *Baka v. Hungary* case. In its decision passed, the CM invited the Chair of the CM to send a letter to the Hungarian authorities conveying the CM's deep concern about the present situation and urging them to find swift solutions to abide fully and effectively by their obligations deriving from the ECtHR's judgment in the case. The CM strongly exhorted the Hungarian authorities to proceed with an evaluation, including an analysis of the impact of all legislative and other measures adopted and foreseen on judges' freedom of expression, and to present their conclusions to enable the CM to make a full assessment whether the "chilling effect" has been abated. The CM invited the authorities to provide information on developments in the proceedings before the CC initiated by the Kúria President with respect to the new Code of Ethics for judges.

(2) Despite the enhanced monitoring of the freedom of expression of Hungarian judges in the *Baka* case, smear campaigns against judges continued. On 20 March 2024, government-aligned media released an article falsely "accusing" the former NJC President of having terminated the pre-trial detention of a person charged with possessing child pornography. In January 2025, after the former NJC President published an article claiming that Hungary is at the verge of a full-scale capture yet another smear campaign was launched against him claiming that "he made a biased attack on Hungary and the Kúria President in a defamatory article" and that he "relativised the requirement of political neutrality and questioned the professional integrity of the Kúria President".

(3) The Kúria President has a long track-record of restricting judges' freedom of expression by claiming that cardinal laws must be interpreted as precluding any type of political activity, including public criticism of laws, the legal system and judicial administration. His public statements and activities in all his different roles – as an academic, as the representative of the Hungarian judiciary, as member of the NJC, as judge and as judicial leader – all point towards a restrictive interpretation that fully contradicts the spirit of the *Baka*

judgment.

(4) In 2024, in quick succession, the Kúria President retaliated against two employees to silence professional criticism of his activities. By suppressing the expression of opinions, the Kúria President intends to deprive his employees of a fundamental safeguard of the functioning of the judiciary: the right to report to the public breaches of their own independence. Both of them were sanctioned by their employer despite their impeccable professional record. The Kúria President suspended judge András Kovács from his position of head of panel and dismissed a senior scientific advisor with immediate effect.

(i) András Kovács, head of panel at the Kúria, became the subject of a concerted attack by his superiors after his panel, which had also adjudicated political cases sensitive to the Government, had been dissolved under the pretext of amending the case allocation scheme. He felt that, as a judge, he had the duty to draw attention to the deficiencies of the process. He wished to publish his professional views in a study criticising the adoption and application of the Kúria's case allocation scheme. The Kúria President first banned the publication of the study, and then launched several parallel proceedings against judge Kovács. In November 2024, one of these proceedings resulted in his suspension from his position of head of panel. These measures have the barely disguised aim of preventing András Kovács from exercising his freedom of expression as a judge, depriving him of the possibility of factual and professional public criticism regarding issues affecting judicial independence and the parties' right to a lawful judge and a fair trial.

(ii) In eerily similar circumstances, a senior scientific advisor was dismissed from the Kúria in a breach of fundamental rights. The person concerned, who for many years had provided professional advice to the judges of the Kúria, was dismissed overnight for an opinion attributed to her, regardless of her outstanding and internationally recognised expertise. The opinion was disseminated in a closed circle as part of a manuscript and, since it has not been made public, all that is known is that it contains passages about the "occupation" of the Kúria and the "weakening" of the NJC. However, these statements were not even drafted by the senior advisor who was retaliated against, but by her co-author. The immediate dismissal in this way is also a form of pressure on other independent advisors working at the Kúria and also breaches academic freedom.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

(1) In criminal procedures, defendants are entitled to use their mother tongue, or any other language spoken /understood by them, as well as sign language. However, concerns stipulated in the our 2024 contribution remain valid regarding the quality of interpretation and translation and the lack of a formalised quality assurance system.

(2) The income threshold for legal aid in Hungary is the lowest in all European Union countries. Hungary provides free legal aid (legal counsel) for people with a monthly maximum income of HUF 28,500 (€ 69) per person as a general rule. Consequently, access to equal justice for all is hindered by the fact that not everyone is able to afford legal services and go to court because of their financial situation.

In criminal cases, too, if it is foreseen that due to their financial situation the defendant will be unable to pay the costs of the procedure or parts of it, authorities may grant them cost reduction, entailing that the fee and the costs of the defense counsel are advanced and borne by the state, however, the above-mentioned extremely low income threshold applies and defendants have to live way below the minimum subsistence level to qualify. In addition, administrative requirements are rigid and difficult to comply with. As a result, many indigent defendants – living even under the poverty line – are not granted a cost reduction.

Even though the fees for defence lawyers under the legal aid scheme were raised to HUF 7,000 (€ 17) per hour as of 2024, they are still regarded as critically low, impacting access to justice and the right to a fair trial. Furthermore, there is still no quality assurance system in place for legal aid lawyers.

Consequently, concerns as regards the level of inclusiveness for indigent defendants and other law-seeking people relying on the legal aid scheme in general, as raised by the 2023 and 2024 Rule of Law Report, remain valid.

(3) A new regulation passed in December 2024, effective from 8 February 2025, in civil and administrative cases limited the courts' possibilities to reduce the attorneys' and inhouse lawyers' fees – being part of the legal costs to be paid by the unsuccessful party –, and in case of claims worth no more than HUF 10 million (€ 24,400) such possibility was terminated altogether, which may prevent indigent parties from suing and undermines their right to access to justice.

(4) The CC's emerging practice when reviewing the constitutionality of ordinary court judgments – that resulted in the CC acting essentially as a fourth instance court in politically sensitive cases and to annul judicial decisions unfavourable for the Government – continues to raise concerns.

(5) The lack of deadlines in the CC's proceedings, or the CC's failure to respect the existing deadlines – including the 90-day constitutional deadline in procedures initiated by judges – continues to constitute a serious obstacle to access to justice. In 2024, the CC decided after eight years on a request for interpretation of the Fundamental Law by the Commissioner for Fundamental Rights, and it took the CC more than five years to decide on a constitutional complaint challenging an individual judgment regarding taking a child into state protection. Another striking example is that it took more than three years for the CC to deliver its ruling on a case regarding academic freedom in 2024.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

The Hungarian judiciary is severely underfinanced and lacks financial independence which makes it vulnerable to economic and political pressure. The overall central budget expenditure proposed for 2025 is HUF 192.152 billion (€ 466 million). Even after a remarkable raise (ca. 23% compared to 2024), courts remain underfinanced due to the fact that the budget of courts has been retained and even diminished in past years despite the extremely high inflation rate. Underfinancing is also proved by critically low judicial salaries. The root cause of the persisting financial crisis lies in the legislation governing the remuneration of judges and judicial staff, which lacks guarantees against systemic violations of the institutional independence of the judiciary and enables undue pressure on judges. Judicial salaries are calculated on the basis of a salary base ("illetményalap") the amount of which is established by the Parliament on an annual basis. The legislation does not guarantee the review of judicial salaries to overcome or minimise the effect of inflation despite reiterated and unanimous demands by judicial bodies and representatives. Except for a single safeguard rule, according to which it may not be lower than that of the previous year, the amount of the salary base is not protected by law. As pointed out by complaints submitted to the EC by more than a hundred judges and judicial staff, the legislation (i) fails to ensure that judicial salaries are commensurate with the status, dignity and responsibility of the judicial office; (ii) it does not include a corrective mechanism to guarantee the preservation of the real value of judicial salaries; (iii) it does not ensure the separation of powers making the determination of judicial salaries entirely dependent on the political will of the executive and legislative authorities in the absence of a mechanism that would allow judicial salaries to be established on the basis of objective and verifiable criteria, free from arbitrary interference, independently of the discretion of the executive and legislative branches; and (iv) it is contrary to the requirement of the balance between the branches of powers, as it establishes significantly lower remuneration for judges than for the staff of both the executive and the legislative branch.

Making use of the deficiencies encoded in the laws, the ruling majority exerted undue financial pressure on the judiciary by keeping the salary base of judges unchanged for three years, despite a 40% inflation rate during the same period. While all judicial representatives, including the NJC, the Kúria President and the NOJ President unanimously agreed that an immediate 35% raise of the salary base is inevitable, for 2024 the salary base remained HUF 566,660 (€ 1,400), severely jeopardizing the functioning of courts and the independence of the justice system. In November 2024, the persisting financial pressure was converted into open political pressure on the NJC to agree to a political bargain on structural judicial reforms in exchange for an unspecified promise of a salary raise (i.e. the "Agreement"). As of 1 January 2025, the system of remuneration remarkably changed at the Kúria, but neither the structural deficiencies were tackled, nor the requested 35% raise of the salary base was granted. There was a 15% increase of the salary base to HUF 651,660 (€ 1,600) which falls far from the required level of adjustment and, by the end of 2025, will hardly cover one-third of the relevant inflation ratio since the last raise. When establishing the salary base, the executive and legislative branches (i) ignored the resolutions of the NJC, (ii) disregarded the complaints of more than one hundred individual judges who turned to the EC signalling the violation of their financial independence, (iii) neglected the recommendation formulated by the EC in its 2024 Rule of Law Report, and (iv) violated the obligation prescribed by laws to include, without any modification, the amount proposed by the NOJ President in the central budget. In contrast to the general landscape of judicial remunerations, last minute legislative amendments adopted in December 2024 introduced a highly disproportionate salary raise at the Kúria. As from 1 January 2025, the remuneration of Kúria judges became linked to the remuneration of the Kúria President (who earns seven times the salary base), severing the remuneration of Kúria judges from the ordinary system of judicial remunerations and securing a pay rise to Kúria judges that significantly exceeds the proportions of the increase in the salaries of other judges. The distorted salary raise was criticised by the MABIE for "jeopardising the balanced functioning of the judiciary, undermining public trust in courts and the belief in their impartiality, and lacking public support", and used by the Kúria President to exert undue pressure on Kúria judges claiming that "this special treatment was not granted for free."

The main structure of the educational system for judges did not change in 2024. It is the NOJ President who decides on and supervises the implementation of the central training program and who determines, with the NJC's consent, the rules for the judicial training system and fulfilling training obligations. The NOJ President publishes the annual training plan on the central court website. Since 2021, an expert group of 16 judges, invited by the NOJ President, has also assisted in preparing and executing the central training plan. The Hungarian Academy of Justice (Magyar Igazságügyi Akadémia, MIA) is responsible for the training of judges and others involved in the administration of justice and carries out the task of the uniform, central training of judge trainees ("fogalmazók"). MIA operates within the NOJ, and its head is appointed by the NOJ President. The information on the MIA website is very scarce; not even the name of MIA's director is indicated.

Participation in different training programs and teaching is important for judicial career development. These activities are rewarded with points in judicial applications. In recent years, the NJC has urged a more transparent and merit-based system for selecting judge trainers and providing equal access to national and international trainings.

The NJC makes a proposal for the central training plan and can exercise the right to consent regarding the rules for the judges' training system. In May 2024, members of the NJC discussed the need for improving the education system and made proposals regarding the 2025 central training plan. In the proposal, the NJC recommended, amongst others, to have more in-person and multi-day trainings (in 2023, there were 82 webinars, 45 e-learning courses and only 62 in-person trainings organised for judges and court staff), not to limit the number of attendees at online courses, to put more emphasis on fundamental rights and EU law, and to make courses more available for senior judges appointed for an indefinite term, as well) – since according to NJC members courses are mainly reserved for judges appointed for a definite term of 3 years at the beginning of their career. The NJC also argued for organising training programs with other legal professionals, for having more courses regarding handling vulnerable groups of society and sensitivity trainings by involving CSOs, and trainings focusing on judges' mental health. NJC members also complained that the NOJ President did not provide enough time to discuss the plan.

The NOJ President passed the resolution on the 2025 central training plan in October 2024, after the NJC supported the draft plan. According to the 2025 training plan, compulsory trainings are organised primarily for junior judges appointed for a fixed three-year term, court clerks and judge trainees, aiming to prepare them for the judicial office. As the Hungarian judiciary is traditionally built on a career system, judges are selected mainly from among court clerks who previously entered the judiciary as judge trainees. Therefore, judges are typically trained and socialised within the judicial organisation, making compulsory training important. According to the plan, court executives participate in leadership training; according to the latest report of the NOJ President, in 2023, 151 district court presidents and vice-presidents partook in such trainings.

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

Hungary's digitalisation process in criminal procedures has sped up significantly in the past years. Remote hearings are possible in all stages of the procedure, and a remote hearing is the main rule for procedural acts requiring the presence of the defendant in certain cases, e.g. if the defendant is detained. As of March 2022, the legislator created the possibility of a so-called simplified telecommunication presence, that is, those obliged or entitled to participate in the procedural act, except for detainees, can participate in the remote hearing using their own telecommunication device.

Research carried out by the Hungarian Helsinki Committee in the framework of the EU-funded project "DigiRights - Digitalisation of defence rights in criminal proceedings" (involving interviews with judges, attorneys, etc.) indicates a strong push for remote hearings due to cost-efficiency considerations. However, there is a lack of systemic considerations regarding the striking of a fair balance between judicial efficiency and practical benefits on the one hand and fair trial standards on the other.

Although lawyers have devised practical solutions to navigate the challenges of remote hearings, the inability to build trust in remote consultations and technical shortcomings during hearings hinder defence effectiveness. Both lawyers and judges have expressed concerns about the confidentiality and reliability of communication systems, particularly within penitentiaries.

While remote hearings have improved procedural flexibility, concerns about the erosion of defendants' rights, particularly regarding their ability to engage in effective defence during trials, persist. In some instances, safeguards for vulnerable individuals and legal remedies remain insufficient. The remote nature of hearings may impair direct evidence perception and can also severely affect the ability of vulnerable individuals such as those with disabilities or elderly people to participate in the proceeding in an effective manner. The digital vulnerability of individuals with limited technological skills or special needs also needs addressing.

The principle of immediacy, central to fair trial standards, is perceived as compromised by all research participants, potentially affecting the depth of the judicial assessment of evidence during the trial. Although safeguards like appeal rights and requests for physical presence exist, the discretionary power of authorities and the main rule of connecting detained defendants through telecommunication devices in the proceedings could potentially limit defendants' rights.

The research shows significant challenges regarding remote interpretation in criminal proceedings. While the law permits remote hearings with interpreters via telecommunication, regulations on AI-assisted document translation are not in place. Interviews revealed mixed views in this regard, highlighting concerns about technical limitations, the confidentiality of interpreted client-attorney consultations when the defendant, the lawyer and the interpreter are not in the same place, and the quality of interpretation. Professionals cited issues such as the remote hearing software not being capable of handling simultaneous interpretation and poor sound quality.

A detailed legal framework for procedural documents and electronic case file management exists. After hearing the suspect, the case files are made available to the defence upon request, with access often provided electronically if technical conditions allow. Individuals can examine or download the files electronically after identification; access is also available at official premises or detention facilities. The authorities and the defendant's lawyer are obliged to communicate electronically, while the defendant can choose to do so. The law ensures that no legal penalties are imposed on the client if the system malfunctions. At the same time, interviewees identified technical and practical obstacles, such as inadequate infrastructure, compatibility issues between paper and digital files, and unreliable access for detained individuals. A new type of official correspondence also became possible in criminal procedures from 1 March 2022: authorities are allowed to serve a document to an e-mail address or other electronic contact details in the case of paper-based communication.

Challenges such as the stakeholders' often inadequate digital competence persist. Judges and prosecutors do not receive effective training in this regard, and professional guidelines that could systematically ensure the fairness of the procedure are missing.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

(1) As regards case allocation at the Kúria, previous concerns included in our 2024 contribution still apply: the existence of an electronic system adequately guaranteeing the automated case allocation without human intervention is still questionable.

(2) In November and December 2023, MABIE conducted an online survey among judges on whether they think they can express their opinions, and what the possibilities and limitations are. Around 11% of all Hungarian judges completed the survey questionnaire and the results published in June 2024 show that various circumstances lead to the vast majority of the responding judges having the opinion that there is a chilling effect and self-censorship amongst judges (50% said this is strongly the case, and 36% said that this is the case to some extent). The results of the questionnaire show that two-thirds of the responding judges did not dare to express their opinion on matters related to the judicial profession (specifically on issues concerning the organisation of the judiciary, judicial independence, law, legal system and the application of the law).

(3) Annual reports on judicial administration containing statistical data by the NOJ President get published with a considerable delay: it was only in November 2024 that the NOJ President's annual report for 2023 was made public (although the Parliament still has not approved either this or the 2022 report). Data in the report cover caseload, arrival and termination of cases, timeliness, soundness of the judgments, efficiency, the changes of laws affecting courts' operation, human resources, composition of the judiciary, judicial career, material resources, management of the judicial organisation, disciplinary proceedings, education, and functioning of the NOJ. The Parliament still has not approved the annual report of the Kúria President for 2022 and 2023.

(4) The publication of the detailed minutes of NJC meetings uniquely contributes to the transparency of court administration, however, the law only prescribes the publication of a summary of the minutes of the NJC meetings, not the minutes themselves, which is only made available due to the NJC's choice and practice. The NJC in February 2024 upheld the previous NJC's practice on publishing the minutes, and explicitly provided for keeping verbatim minutes that the NJC President must publish on the NJC website. This provides much needed transparency over the central court administration and the Kúria administration.

(5) As regards court statistics and their transparency, there are Excel sheets available online containing some aggregated data about the number of cases at each regional court, regional court of appeal and at the Kúria. The latest report is available for the first half of 2024 and includes the number of case arrivals, the number of concluded cases and the number of pending cases. It does not provide, however, separate data for district courts. A detailed analysis is also available on the NOJ website about case numbers.

(6) The report from the Kúria President about his practice for appointing judges and court leaders in 2023 – a report that the NJC supported in its opinion in September 2024 – has not been made available to the public. Neither has the report from the NOJ President about his practice for appointing judges and court leaders in 2023 been made available to the public, although the NJC supported the report in its opinion in October 2024. Moreover, according to the law, the NOJ President is obliged to inform the NJC about its activities every half a year in line with the structure prescribed by the NJC. The NJC approved the NOJ President's last such report with a considerable delay (for the report concerning the second half of 2023, only on 2 October 2024), moreover, it is not available to the public, either.

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

Concerns articulated in our 2024 contribution – including centralization and the Kúria’s uniformity complaint chamber – still remain.

The geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization was not modified in 2024, however, the quadrilateral “Agreement” between the Government and judicial leaders in November 2024 envisaged structural changes in this regard for the future, without providing much detail (no legal amendment has been put forward as of the cut-off date of this contribution). At the 20 November 2024 NJC meeting, an NJC member referred to another draft government plan – not available to the public – that envisaged the merger of regional courts of appeal.

The “Agreement” stipulates that “in order to even out the workload of the district courts, any district judge’s scope of jurisdiction should cover the entire jurisdiction of the regional court, while maintaining the local district courts within its [the regional court’s] organisational framework”. NJC members raised concerns about this plan claiming that the possibility of a court leader to relocate a district court judge to another city could lead to undue pressure on the judge and may undermine judicial independence.

The “Agreement” also envisages companies’ and other legal entities’ registration to be transferred from the courts to public administration.

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

As reported in our earlier contributions, in response to the long-standing demand by the Committee of Ministers of the Council of Europe supervising the execution of ECtHR judgments, with a view to complying with the pilot judgment handed down in 2015 in the *Gazsó v. Hungary* case concerning the excessive length of judicial proceedings, the Parliament adopted Act XCIV of 2021 on the Enforcement of Pecuniary Satisfaction Relating to the Protractedness of Civil Contentious Proceedings, which introduced a compensatory (financial) remedy for the excessive length of certain proceedings as of 1 January 2022. However, the law introduced the compensatory remedy only for excessively lengthy civil proceedings (civil law trial cases). Thus, no compensatory remedy is available for protracted administrative court procedures or criminal proceedings, and the law does not cover non-contentious (non-trial) procedures either, such as enforcement proceedings, or constitutional review procedures. Since the Government has not taken any steps to address these shortcomings, in June 2024, the Committee of Ministers issued an interim resolution in the case, in which it “noted with grave concern the continued absence of a reaction to the Committee’s decisions regarding the outstanding criminal, administrative, and non-contentious civil compensatory remedies; strongly urged the authorities to intensify their efforts in these respects and provide the Committee with a concrete timetable for the legislative process for administrative and criminal remedies without further delay; and strongly called upon them to find a solution ensuring that all kinds of civil proceedings falling under the scope of Article 6 of the Convention (in particular non-contentious proceedings) are covered by a remedy”. The Government submitted an updated action plan in the case in December 2024, but this does not address the main outstanding issue at all, i.e. it does not foresee any compensatory remedy in protracted criminal, administrative, and non-contentious civil procedures.

As far as the newly introduced compensation scheme in civil law trial cases are concerned, as reported

earlier, in its decision of 30 March 2023 delivered in the case of Szaxon v. Hungary, the ECtHR found that the newly introduced compensation scheme guaranteed in principle a genuine redress for violations of the European Convention on Human Rights originating in the protractedness of contentious civil proceedings. In light of the ECtHR's decision, the Committee of Ministers decided to end its supervision in the Gazsó v. Hungary group case in respect of contentious civil proceedings in June 2023.

At the same time, the concerns highlighted in relation to the new compensation scheme in our previous contribution remain valid. These include that the law determines the durations that are regarded as excessive, but these are more lenient vis-à-vis the courts than the ECtHR jurisprudence or the time periods that the statistical analysis of the NOJ itself uses when analysing the performance of courts from the point of view of "reasonable length". While Hungarian courts can deviate from the default rule and determine a shorter (or longer) length of time that counts as reasonable in a specific case, but the criteria for doing so are not specified in the law. Furthermore, the daily amount of pecuniary satisfaction is arguably insufficient, even in the context of the Hungarian "economic realities": the daily amount of pecuniary satisfaction is HUF 400 (ca. € 1) per day, which in practice means that e.g. the sum of the pecuniary satisfaction for one year of protractedness is 3% of the average yearly net income.

As far as the statistical data is concerned, the Government's updated action plan submitted in December 2024, in accordance with the data available on the website of the court system, states that "[t]he downward trend in the number of protracted pending litigation cases was halted at the end of the first half of 2024. On 30 June 2024, the number of these cases increased by 0.4% [...] compared to the previous year; however, the rate of decrease was 47.5% compared to the end of the first half of 2020". These numbers are an aggregate to all court levels and procedure types.

Any other developments related to the justice system - please specify

5000 character(s) maximum

On several occasions in the past years, the Kúria President has publicly questioned the legitimacy of service courts (i.e. courts dealing with disciplinary cases of judges) and the disciplinary court of bailiffs, claiming that these are established as "separate courts". According to the Kúria President, the 7th Amendment of the Fundamental Law "abolished all kinds of separate courts, therefore since the Seventh Amendment, except for district courts, regional courts, courts of appeal and the Kúria, no other courts can be established". The Kúria President repeatedly claimed that "the constitutional basis for the existence of service courts and disciplinary courts has ceased to exist" anticipating the necessity of reorganising these courts for fully theoretical reasons.

In November 2024, an unprecedented public protest burst out amongst Hungarian judges and judicial staff at all levels of the judicial system after the conclusion of the "Agreement". After several hundreds of judges voiced criticism, on 9 December 2024, the presidents of service courts released a statement to assure their peers that "judges have the right to express their opinion and even the duty to do so to protect the independence of the judiciary" and that service court presidents "will guarantee that service courts keep applying this principle in their proceedings, and that judges may not be retaliated against for their opinion expressed with respect to the Agreement". Immediately after the release of this statement, on 11 December 2024, at the meeting of the NJC, the Kúria President claimed that service court presidents "deliberately fabricate falsehoods" and that "denying the requirement of impartiality, giving prior exemption from the consequences of any unconstitutional or illegal conduct, form the forefront of misleading judges". The next day, on 12 December 2024, the Minister leading the Prime Minister's Office labelled the public statement of judges as "political declarations" and claimed that "there was an intention to disturb".

After the first round of reforms were adopted against the harsh criticism of judges, on 2 January 2025, the Kúria President sent a circular to Kúria judges in which he threatened service court presidents (one of them serving as Kúria judge) claiming that they "as leaders of a formation that considers itself a court [...] deliberately, knowingly and willingly [...] fed the public with falsehoods" and that "they have even been willing to ridicule the judiciary in the streets". In his view, service court presidents "have tried to harm Hungary's

courts”.He continues, turning to his colleagues at the Kúria: “We will try to remedy this too. We will succeed.” The Kúria President’s circular incited a new wave of criticism on behalf of the judiciary, prompting all relevant bodies and representative organs – including the NJC, MABIE and even the NOJ President – to reject the claims of the Kúria President, reminding that Hungarian judges are free to express their opinions and that “the application of any sanction, even if implied, may constitute a restriction of rights”. The threat implied by the Kúria President can easily turn to reality by further modifications of the law, putting an end to the internal independence of service courts and to the freedom of expression of Hungarian judges. After a senior Hungarian judge, former NJC President Tamás Matusik published an article claiming that Hungary is at the verge of a full-scale judicial capture, a smear campaign was launched against him claiming that “he made a biased attack on Hungary and the Kúria President in a defamatory article” and that he “relativised the requirement of political neutrality and questioned the professional integrity of the Kúria President”. In 2023, the Government declared as a political program the close monitoring of final and binding decisions of ordinary courts and the tightened control of the content of judicial (and prosecutorial) decision-making. A new law passed in April 2024 in breach of the principle of non-regression undermines the organisational independence of courts and the prosecution service at a crucial point, granting the Minister of Justice unlimited access to decisions delivered by the judiciary, the prosecution service and other autonomous state bodies and government agencies mandated to limit and independently review the exercise of public powers. This possibility allows the Government to acquire protected information to which it would not have access otherwise, interfere in ongoing processes and influence their outcome through immediate effect law-making (e.g. by adopting emergency decrees), also providing the executive with tools to prevent effective investigation in high-profile corruption cases in the future. According to the information provided by the NOJ President, the Minister of Justice already requested information on decisions. (See also Question I.8.)

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

The 2024 Rule of Law Report's recommendation on civil society reads: "Remove obstacles affecting civil society organisations and foster a safe and enabling civic space, including by repealing legislation that hampers their capacity of working, in particular the immigration tax." No progress was made in any of these areas, pieces of existing restrictive legislation were not repealed. To the contrary: the decade-long trend of shrinking civic space has continued in 2024, too, evidenced by many smaller cases of intimidation and hindering of active citizenship, further limits on participation and consultation, etc. Besides, Act LXXXVIII of 2023 on the Protection of National Sovereignty (hereafter: Sovereignty Protection Act) was added to the "toolbox" of obstructing civic space, creating a new institution, the Sovereignty Protection Office (SPO) in 2024, tasked to investigate and report on any critical organisations and persons with very broad competences. The reports and analyses the SPO issued so far have been replete with disinformation, factual errors and distortions concerning their subjects.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

The finding of the 2024 Rule of Law Report that "[t]he quality of law-making and the frequent changes in legislation remain a significant cause for concern" remains valid.

The transparency and quality of the whole legislative process and the efficiency of public consultations remain a source of concern, the latter despite the amendment of Act CXXXI of 2010 on Public Participation in Preparing Laws adopted in 2022. Firstly, as detailed in our previous contributions, regulatory flaws undermine the capacity of the amendments to ensure effective public consultation: e.g. laws adopted in breach of public consultation rules can still become/remain part of the legal system, and the range of exceptions when draft laws do not have to or must not be subject to public consultation remains wide. Secondly, the impact of the amended rules is limited, and the practice of public consultation remains deeply flawed.

It still occurs that significant laws are not published for public consultation, which happened in 2024 e.g. in the case of the 13th Amendment to the Fundamental Law. In other instances, in an attempt to circumvent the obligation of public consultation, the Government introduces laws to the Parliament that are clearly part of government policy via governing majority MPs (e.g. the Sovereignty Protection Act) or via parliamentary committees (e.g. the 14th Amendment to the Fundamental Law). Another avenue used is the Legislative Committee of the Parliament, a super committee the composition of which reflects that of the Parliament and which can introduce amendments to any bill directly prior to the plenary vote – this avenue was utilised to introduce significant changes to the laws on the judiciary in December 2024 (see Chapter I.), in which instance the mandatory consultation with the NJC was also circumvented.

Ministries almost never provide a longer consultation period than the statutory minimum, irrespective of the length and complexity of the draft law: according to K-Monitor's data, between 1 October 2022 and 4 October 2024, out of the 1,730 draft laws published, the consultation period was longer than eight days in only six instances. The way in which draft laws are published only formally meets the legal requirements, e.g. the titles and summaries of the published legislative packages rarely indicate clearly the subject matter of the proposals. It is a recurring practice that draft laws are published for consultation with a one-sentence reasoning: this occurred in 2024 e.g. in the case of the laws authorising the Government to extend the state of danger and an omnibus law that extended the asylum system that the CJEU had found to be in violation

of EU law, while a draft law amending rules on public interest asset management foundations was published with a two-sentence reasoning. The majority of opinions submitted are rejected by the Government: according to K-Monitor's data, between 1 October 2022 and 4 October 2024, at least 88% of the opinions were rejected, and without any real reasoning, e.g. that "the draft law implements the decision of the Government" or that the opinion "is contrary to the opinion of the legislator".

According to the respective reports published by the Government Control Office (GCO) pertaining to the last three months of 2022 and to 2023, legislative targets were formally achieved, i.e. at least 90% of all government decrees, ministerial decrees and bills submitted by the Government to the Parliament were subject to public consultation. However, the reports do not contain detailed information on why certain draft laws were not put to public consultation (i.e. which exemptions they supposedly fell under). Moreover, the GCO refused to disclose upon a freedom of information request its methodology and the information ministries submitted to the GCO. Thus, the efficiency of the review carried out by the GCO cannot be meaningfully assessed.

The quality of the impact assessments of the draft laws and the summaries published about them in the course of the public consultation is often inadequate. The new methodology for impact assessments, which should have been adopted by the end of 2023 under an RRP milestone, has not been adopted as of 31 October 2024. Another RRP milestone (due by the end of 2022) foreseeing the capacity development of the Office of the Parliament to help MPs and parliamentary committees to prepare impact assessments and conduct stakeholder consultations for the bills proposed by them and their possibility to request such assistance have not been achieved either.

Using the legal opportunity created by the Government in 2023, public hearings without the public, i.e. held through electronic means (whereby opinions may be submitted via e-mail or left on an answering machine) are becoming widespread especially in cases of planned investments likely to generate local protest due to their potential environmental impacts.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

(1) Rules of fast-track procedures

Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Rules of Procedure establishes three main fast-track parliamentary procedures: the "discussion with urgency" ("sürgös tárgyalás"), the "exceptional procedure" ("kivételes eljárás"), and the "derogation from the provisions of the Rules of Procedure" ("a határozati házszabályi rendelkezésektől való eltérés").

A discussion with urgency may be initiated by the stakeholder submitting the bill, but if the bill was submitted by an MP, the initiative for a discussion with urgency shall be supported by at least 25 MPs. The Parliament shall decide on ordering a discussion with urgency with a two-thirds majority of the MPs present. A discussion with urgency may be ordered by the Parliament not more than six times in any six-month period. The initiator may propose, among others, that the general debate on the bill would begin on the day of the sitting specified by the proposal, but not earlier than two days after the day on which the bill is submitted (instead of the ordinary six days); and that the time limit for the submission of proposed amendments to the bill be shorter than the time limit provided for in the ordinary rules. A discussion with urgency shall be ordered in a way that at least six days must elapse between ordering it and the final vote on the bill.

An exceptional procedure may be initiated by the stakeholder submitting the bill, but if the bill was submitted by an MP, the initiative for an exceptional procedure shall be supported by at least one-fifth of the MPs. The Parliament shall decide on ordering an exceptional procedure with a majority of the votes of all the MPs. An exceptional procedure may be ordered up to four times every six months, and there are certain topics regarding which no exceptional procedure may be conducted: the adoption or amendment of the Fundamental Law, international treaties, cardinal provisions, the Parliament's Rules of Procedure, and the

laws on the central budget and its execution. When ordering an exceptional procedure, the Parliament decides on the various procedural deadlines. Bills debated in an exceptional procedure can be adopted even the day after their submission.

A derogation from the provisions of the Rules of Procedure may be ordered by the vote of at least four-fifths of the MPs present, upon the proposal of the House Committee. No derogation may be ordered with respect to the adoption or amendment of the Fundamental Law, international treaties, and the Parliament's Rules of Procedure. Since no minimum time limits are set out, the derogation from the provisions of the Rules of Procedure can mean that the bill is adopted the same day as it is submitted.

(2) The use of fast-track procedures in 2024

Both amendments to the Fundamental Law adopted in 2024 (the 13th and 14th amendments to the Fundamental Law, which is in force since 2012) were adopted in an ordinary legislative procedure.

From among the 92 Acts of Parliament promulgated in 2024, only one was adopted in a discussion with urgency procedure, Act LXXX of 2024 on Amending Act IX of 2021 on Public Interest Asset Management Foundations. (This was supposed to ensure compliance with conditions of accessing EU funds under the conditionality mechanism, but the European Commission found that it had not been sufficient to address risks of conflicts of interests in the boards of the foundations.) Three Acts of Parliament were adopted in an exceptional procedure. One Act of Parliament was adopted via derogation from the provisions of the Rules of Procedure: Act LXVIII of 2024 on Amending Act C of 2012 on the Criminal Code, which tightened statute of limitations rules as an instant reaction to developments in a high-profile individual case.

From among the 29 parliamentary resolutions promulgated in 2024, none were adopted in a discussion with urgency procedure or via derogation from the provisions of the Rules of Procedure, and only one resolution was adopted in an exceptional procedure.

Finally, it has to be highlighted that under the continued state of danger, the Government has a virtually unlimited possibility to override Acts of Parliament practically overnight – see the details in Question IV.4. below.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

(1) The Government continues to have excessive emergency regulatory powers under the continued “state of danger” (“veszélyhelyzet”) and continues to use its mandate to issue emergency government decrees extensively and in an abusive manner, with the respective legal framework and practice being in stark contrast with the requirements set out by the Venice Commission. This undermines legal certainty, results in human rights violations, and has a negative impact on business environment and investment protection. As detailed in our previous contributions, the Government first acquired excessive emergency powers with a view to the pandemic in the spring of 2020, when it declared the state of danger, a special legal order regime included in the Fundamental Law. The Government has been maintaining a “rule by decree” system ever since, with only a few months of intermission, since 2022 using the war in Ukraine as a pretext for keeping its excessive regulatory powers. The constitutional and statutory framework governing special legal order regimes was amended as of November 2022, and these amendments cemented the very problematic practices developed during the pandemic in relation to the state of danger: the Government continues to have a carte blanche mandate, also to suspend or restrict most fundamental rights beyond the extent permissible under ordinary circumstances; there is no automatic and regular parliamentary oversight over individual emergency decrees; and the effective constitutional review of emergency decrees is not ensured. The Government extended the state of danger declared with a reference to the war in Ukraine two times in 2024 with the statutory maximum of 180 days upon the authorization of the governing majority. The state of danger is currently extended until 18 May 2025.

In both instances, the draft law aiming to authorize the Government to extend the state of danger was put to

public consultation with the same one-sentence reasoning. Civil society organisations (CSOs) shared their concerns regarding the legal rules and the practice in the form of opinions submitted in the framework of the public consultations, but the Government did not take these or other opinions challenging the extension of the state of danger in its current format into account.

The Government continues to use its mandate to issue emergency decrees extensively, although there is a downward trend: in 2022, 42% of all government decrees (267 out of 637) were adopted as emergency decrees; in 2023, 29.5% (203 out of 688); while in 2024, 19.4% (96 out of 494).

The practice of regularly adopting emergency decrees for purposes not related to the cause of the state of danger (previously the pandemic, presently the war) continues as well. Examples for this from 2024 include Government Decree 361/2024. (XI. 28.), which indefinitely prolonged the so-called “embassy system” as of 1 January 2025. The embassy system was introduced in May 2020, and it sets a compulsory precondition for those seeking asylum to first submit a statement of intent at the Hungarian embassy in Belgrade or Kyiv. The system was introduced under the guise of the state of danger declared due to the pandemic and has been extended on an annual basis ever since. In June 2023, the CJEU found in Case C-823/21 that the embassy system was in breach of EU law. Another emblematic example is Government Decree 267/2024. (IX. 10.), which changed the rules of factoring agreements in a way that puts the capital city Budapest, which continues to be led by the opposition after the local elections that took place in June 2024, in a very difficult financial situation.

(2) The legal framework allows for the proliferation of different states of crisis, i.e., quasi states of exception that are not regulated in the Fundamental Law but only on a statutory level can be applied parallel to the special legal order regimes included in the Fundamental Law. A striking example for this is the “state of crisis due to mass migration” (“tömeges bevándorlás okozta válsághelyzet”), which was introduced into the Hungarian law in 2015, and which can be declared and extended by the Government every six months without any meaningful control. The Government declared a state of crisis due to mass migration for the whole of Hungary in March 2016, and has repeatedly extended it ever since, often in periods when its statutory conditions were not even in place. It was extended the last time in September 2024, without the statutory conditions being met, until 6 March 2025. During the state of crisis due to mass migration, special rules apply to third-country nationals irregularly entering and/or staying in Hungary and to those seeking asylum, and certain provisions of the Asylum Act are suspended. Such derogations include that push-backs (i.e. collective expulsions) are legalised from the entire territory of Hungary – a practice which the CJEU found to be in violation of EU law in Case C-808/18.

Regime for constitutional review of laws

5000 character(s) maximum

Concerns raised in previous CSOs contributions about the independence of the Constitutional Court (CC) remain valid. In December 2024, the ruling majority amended the eligibility criteria for CC judges, broadening the pool of potential candidates by removing the requirement that 20 years of legal professional experience must necessarily be acquired in a job requiring a law degree. Although the explanatory memorandum referred to European examples where professional experience is linked to legal fields rather than to a job with a law degree, the amendment came just months before the governing parties could nominate three new justices to the CC.

In 2024, the CC’s jurisprudence remained fully aligned with the Government’s interests. Transparency International Hungary, joined by 31 CSOs via an amicus brief, filed a constitutional complaint with the CC against the Sovereignty Protection Act. The CC needed only five months to render a decision, rejecting the claims on all accounts. The CC’s judgment arrived before the CJEU could rule on the same act in the infringement proceedings launched by the European Commission. Interestingly, in earlier similar situations, when infringement proceedings were pending before the CJEU regarding laws also challenged before the CC, the CC decided to suspend the proceedings until the CJEU delivered its judgment, but it did not

hesitate to put the stamp of constitutionality on the Sovereignty Protection Act. While the CC's decision dealt at length with the concepts of sovereignty and constitutional self-identity, it failed to address the merits of the complaint. It held that the Sovereignty Protection Office cannot impose any legal consequences or sanctions, let alone criminal ones, so its activity does not affect freedom of expression. Similarly, the CC stressed that the SPO does not qualify as a public authority, and has no power to enforce its reports, consequently, neither the right to a fair administrative procedure nor the right to effective remedy apply. In 2024, the CC continued to block referendum initiatives capable of jeopardising the Government's interests. Some of these judgments also demonstrate that the CC exercises its constitutional review power arbitrarily, and even "reviews the merits of final rulings of ordinary courts in politically sensitive cases", as found in the 2024 Rule of Law Report. The CC annulled the Kúria's decision on validating the question for a local referendum on Budapest being the host of the 2036 Olympic Games. The CC argued, as in previous years, that by validating the referendum question, the Kúria unduly extended the concept of clarity of referendum questions and provided a contra legem interpretation, violating the right to a fair trial. The CC's judgment reiterated obiter dicta that under the current circumstances, voters cannot influence the decision on the Olympic Games via referendum. Contrary to that, the CC was reluctant to review the judicial decision refusing to validate a local referendum on establishing a battery processing plant in Sós-kút, which the Government aimed to declare, amidst fierce local protests, an investment of strategic importance for the national economy. The CC found its lack of jurisdiction on the grounds that in general, the clarity of referendum questions is not a constitutional issue subject to constitutional review. Furthermore, the CC upheld the ban on holding a referendum on decriminalising certain instances of assisted suicide, an issue sparking a lively public debate due to the case of Dániel Karsai, a well-known constitutional lawyer suffering from ALS.

The CC remains reluctant to confront the Government also in electoral matters. The CC found a complaint on state neutrality inadmissible, hence failing to examine the overlap between state and governing party advertisements, creating an uneven playing field also during the 2024 EP and municipal elections.

The CC also dismissed a complaint challenging the so-called solidarity contribution, a financial obligation imposed on the opposition-led Municipality of Budapest in 2023. The judge referring the case to the CC argued that the solidarity contribution, which surpasses the municipality's central budgetary support, is confiscatory, violates the European Charter of Local Self-Government requiring financial resources for municipalities commensurate with their responsibilities, and the right to a fair administrative procedure. The CC dismissed all claims despite raising several concerns in its reasoning.

The CC upheld the Kúria's ban on a solidarity rally regarding the Israeli-Palestine conflict without engaging with the substantive human rights issue. The CC declared the constitutional complaint inadmissible by claiming that the challenged decision, which found the risk to public security or public order plausible, did not raise a substantial violation of the Fundamental Law or a fundamental constitutional question.

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

The finding by the 2024 Rule of Law Report that "[c]oncerns regarding the independence and effective functioning of the Commissioner for Fundamental Rights [CFR] remain" is still valid. As recalled by the 2024 Rule of Law Report, the GANHRI Sub-Committee on Accreditation (SCA) downgraded the CFR as Hungary's national human rights institution (NHRI) from an A to a B status since its inactivity in a number of areas (e.g. the rights of ethnic minorities, LGBTI people, human rights defenders, refugees and migrants, media pluralism, civic space and judicial independence) evidenced a lack of independence. In addition, it deemed

the CFR's selection and appointment process not sufficiently broad and transparent. The deficiencies pointed out by the SCA as a reason for the downgrading continue to exist. The selection and appointment rules have not been amended, with a new appointment process due in 2025. Concerns regarding the merits of the CFR's work have not been addressed either: publicly available information evidences that it still does not effectively promote and protect all human rights and vulnerable groups. Out of the 82 reports published by the CFR in 2024, none dealt with the rights of LGBTI people or refugees and migrants, despite the various rights violations suffered by these groups, and none of these reports focused on the situation of human rights defenders, media pluralism or judicial independence either, despite the wide-ranging problems prevalent in these areas as described in other chapters of this contribution. The statements and news pieces available on the CFR's website do not cover any of the above topics or vulnerable groups either (with only a few scattered references to people fleeing Ukraine as a result of the war). In the CFR's 2023 annual report, the word "LGBTQ+" is mentioned only in relation to a visit by a Council of Europe representative, and even though the report touches upon the situation of those fleeing Ukraine and the CFR's related activities, it does not address the systemic issues affecting refugees and migrants coming from other countries. The Sovereignty Protection Act, severely affecting civil society and the media, is not mentioned by the report either. The report shows that the CFR did not submit a constitutional review request to the Constitutional Court in 2023.

As reported earlier, in recent years there has been a trend to merge all specialised human rights protection institutions into the CFR's Office: as of 2021, Hungary's equality body under EU law, the Equal Treatment Authority, was merged into the CFR's Office; the same happened to the Independent Law Enforcement Complaints Board in 2020; and in 2022, the CFR's Office was designated as Hungary's independent mechanism established under the UN CRPD. Moreover, the CFR's Office was designated as Hungary's national preventive mechanism (NPM) under the OPCAT as of 2015; and was given a central role in overseeing public interest disclosures (whistleblowing) in 2023. This level of concentration of mandates is highly problematic due to the lack of functional independence of the CFR alone, but research carried out by Háttér Society and the Hungarian Helsinki Committee in 2024 also demonstrates how this resulted in weakened human rights protection in the following affected areas:

- (i) Deficient monitoring of places of detention: the current capacities remain insufficient for the NPM to carry out its statutory tasks; the CFR often fails to respond to complaints submitted by civil society organisations related to the NPM's mandate in time or at all; and even though the NPM carried out a significant number of visits, the visits and the reports about them suffered from deficiencies.
- (ii) Diminished level of protection against discrimination: the fact that no director or deputy director has been appointed for the respective directorate on equal treatment within the CFR's Office, that some complaints are not investigated under the Equal Treatment Act but under the much softer CFR procedure, and most importantly the drastic drop in the number of cases shows that the merger raises serious concerns about the enforcement of the principle of equal treatment. In addition, the hierarchisation of protected characteristics can be observed, with sexual orientation, gender identity, race/ethnicity, and political opinion being sidelined.
- (iii) Weakened protection against police abuse: the CFR's Office does not provide the issue with sufficient public visibility, its data collection efforts in the area are very limited, the additional powers provided to it are not applied at all, the proceedings have become much longer, and the number of complaints has significantly dropped.

The deficiencies identified by the research clearly show that significant institutional, procedural and practical changes would be necessary to enhance or at least restore the previous level of human rights protection in the above areas.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

As referred to above, the CFR (the Ombudsperson), as Hungary's NHRI, also performs the tasks of an equality body under EU law since 2021.

As far as the follow-up to the CFR's recommendations are concerned, its 2022 annual report includes the following: "In the 226 issued reports, the Ombudsman formulated a total of 169 recommendations, to several addressees in some cases. Of these, our proposals were accepted by the addressees of the recommendations in 153 cases, while they were rejected in 9 cases. When the data of this report were closed, there was an ongoing professional coordination or exchange of opinions in 60 cases."

The CFR's 2023 annual report states the following in this regard: "In the 187 reports issued on 327 cases, the Ombudsman formulated a total of 193 recommendations, to several addressees in some cases. Of these, our proposals were accepted by the addressees of the recommendations in 298 cases, while they were rejected in 16 cases. When the data of this report were closed, there was an ongoing professional coordination or exchange of opinions in 10 cases."

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

The general system of judicial review of administrative decisions has not changed in 2024: the review takes place on three different ordinary court levels and on four different instances. (i) First instance judicial review is carried out by eight designated regional courts. Exceptionally, in certain cases defined by law, such as electoral and referendum cases and freedom of assembly cases, the Kúria acts as first instance court. (ii) Second instance judicial review of administrative decisions is carried out by the Metropolitan Court of Appeal (with respect to decisions delivered by regional courts) and the Kúria (with respect to decisions delivered by the Metropolitan Court of Appeal). (iii) Extraordinary review of final and binding judgments is exclusively carried out by the Kúria. In addition, and constituting a fourth instance of review, (iv) the Kúria's uniformity complaint chamber holds powers to review and overrule the final and binding decisions delivered by other chambers of the Kúria. The chamber may also issue uniformity decisions establishing mandatory interpretations of the law for lower tier courts and administrative organs.

The jurisprudence of the uniformity complaint chamber is of key importance for the outcome of individual administrative cases and the jurisprudence of all Hungarian courts in administrative matters. Despite the key importance of its adjudicative activity, the new provisions introduced by the judicial reform in 2023 on the composition of the uniformity complaint chambers do not adequately guarantee the required level of autonomy and professionalism in its decision-making. The Kúria President holds strong formal and informal powers in the uniformity complaint proceeding and the size of the chamber is not defined by law with sufficient clarity. No adjustment of the chamber's composition depending on the subject matter of the case is legally required, posing a risk that cases will not be adjudicated in a professional manner.

In practice, the uniformity complaint chamber may overturn a long-standing administrative jurisprudence of the Kúria with a uniformity decision delivered even if it is not composed in majority of judges assigned to administrative cases.

As a general rule, judicial review does not suspend the execution of administrative decisions. However,

parties seeking judicial review may request the court for interim measures, including suspension of execution or pretrial collection of evidence.

Since 1 March 2020, appeals against first instance decisions of administrative authorities have to be challenged before the court instantly. Moreover, from 1 March 2022, the law opened the way to some first instance administrative cases to be decided solely by the Metropolitan Regional Court of Appeal (although so far, only one type of case has been set by the law), further limiting access to court in those cases.

Judges dealing with administrative cases shall explicitly be assigned for this task within the ordinary court system. Assignments are granted based on the proposal of court presidents, but the final decision is taken by full discretion of the NOJ President (or the Kúria President with respect to judges serving at the Kúria).

The assignment can be terminated by the NOJ President or the Kúria President any time without the consent of the assigned judge, however, in such a case the NJC's consent must be obtained and the decision must be justified. Neither the criteria nor the terms of an assignment or the termination thereof are set out by law.

The use of assignment for an entire branch of adjudication could lead to misuse of powers, since the failure or refusal to assign a judge to an administrative judicial post may prevent the filling of the judicial post which has been awarded via a formal application procedure. Further guarantees are required against misuse of powers, including criteria for assignment in law and extending the right of consent of the NJC so that it covers the decision on assignment, in addition to its termination.

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

(1) As also acknowledged by the 2024 Rule of Law Report the compatibility of the Hungarian uniformity complaint system with the EU law raises concerns. In 2020, a new uniformity complaint system was introduced in Hungary, which in its current form can be applied to block the binding direct effect of EU law and judgments of the CJEU and the ECtHR as follows. Uniformity decisions shall be deemed as quasi laws within the Hungarian legal system, and therefore, judges and courts are subordinated to them to the same extent as to legal norms. Although the possibility to challenge uniformity decisions before the CC is granted by the law, according to the practice of the CC “the fact that a judge disagrees with the uniformity decision and tries to justify a different interpretation of the law which he or she considers to be correct does not justify the CC's action”. This practice was welcomed by the Kúria President in his annual report at the Parliament, who claimed that “[t]he more controversial a legal interpretation [provided by the uniformity complaint panel] is – and accordingly the more difficult it is for the uniformity complaint panel to pass the uniformity decision – the greater the chance that it will be challenged before the Constitutional Court. That is why the Constitutional Court's decision was very significant, in which it ruled in a specific case that other courts do not have any means to challenge the Kúria's decision on a point of law.”

In a uniformity decision delivered in 2021, the Kúria declared that the rulings of the CJEU should not have erga omnes effect vis-à-vis third parties. In connection with this, the Kúria emphasised that if a new interpretation of EU law by the CJEU conflicts with the obligatory interpretation having previously been adopted by the Kúria, Kúria judges must request the Kúria's uniformity complaint chamber to cancel the binding force of its previous uniformity decision in a separate procedure, and may not simply put aside on their own accord the Kúria's obligatory interpretation. This is in clear violation of the primacy of the EU acquis as stipulated amongst others in the *Costa v. ENEL* judgment of the Court.

In addition to the above, the Venice Commission found the uniformity complaint system to be in clear violation of the principle of judicial independence and recommended Hungary to modify the uniformity complaint system, because it found that it creates a hierarchical organisation within the judiciary in the sense that it subordinates judges to higher instances in their judicial decision-making activity. In its current form, the uniformity complaint system does not allow lower tier courts to deviate from the uniformity decisions under any circumstances. Once a uniformity decision is taken by the Kúria, it is obligatory to all judges within the system and no deviation is allowed from it, not even by other chambers of the Kúria. In case of lower tier

courts a uniformity decision can only be delivered, repealed or modified based on the motion of court leaders, making the possibility to create an obligatory interpretation based on management decisions.

(2) Despite holding the power to review final and binding judgments of ordinary courts, the CC has never turned to the CJEU with a preliminary reference. Even in cases where the compatibility of the Hungarian legislation with the *acquis* was questioned by the EC, the CC avoided initiating a dialogue under Article 267 TFEU with the CJEU by suspending the proceedings.

(3) Despite legislative modifications of Act XC of 2017 on the Code of Criminal Procedure (CPC) required under the horizontal enabling conditions, Judgment C-564/19 of the CJEU remains partially unimplemented and may prompt Hungarian judges to refrain from referring questions for a preliminary ruling to the CJEU. While procedural obstacles to making a preliminary reference were abolished, the modifications adopted failed to address the effects of the binding precedential decision by the Kúria, according to which referring a question to the CJEU is unlawful under Hungarian law if the question referred is not relevant to and necessary for the resolution of the dispute concerned. In order to exclude the direct effect of the precedential decision of the Kúria, all relevant procedural codes should be modified expressly declaring that requesting a preliminary ruling from the CJEU is a right of Hungarian judges, the exercise of which falls within their judicial discretion and cannot constitute a breach of the law.

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

(1) Non-execution of domestic court decisions

It continues to be an issue that domestic court judgments obliging state bodies to disclose public data are often not complied with, and court decisions issued e.g. in press rectification and personality rights lawsuits launched against government-affiliated media are often not executed either (or only after repeated sanctions are imposed on the media outlets by the courts overseeing the execution of judgments). As detailed in our previous contributions, one of the systemic problems contributing to this is the lack of effective and genuinely coercive enforcement tools: the sanction regime for non-execution has no deterrent/dissuasive effect, and the enforcement proceedings are excessively long. Civil society organisations argued that this amounts to the non-implementation of the European Court of Human Rights (ECtHR) judgment in the *Kenedi v. Hungary* case. Subsequently, the Department for the Execution of Judgments requested the Hungarian authorities to submit a revised action plan/report on the adoption of targeted general measures, considering that “it appears that the violations in the [...] case cannot be considered an isolated incident”. The Government submitted a new action report in the case in October 2024, but the Committee of Ministers of the Council of Europe (CoE) did not find this satisfactory: in a decision issued in December 2024, it “called on the authorities to adopt additional targeted general measures (i) to address the reoccurring reluctance of state authorities to comply with the domestic courts’ orders granting access to documents, and (ii) to ensure that effective and genuinely coercive enforcement tools are available for the implementation of such orders”, and “decided to transfer this case to the enhanced supervision procedure to avoid any further delay”.

Decisions of the Constitutional Court are not always implemented either. As of 14 January 2024, there were 14 decisions in which the Constitutional Court declared that a legislative omission resulted in the violation of the Fundamental Law, but the Parliament had failed to remedy the situation. The court-set deadline expired in 13 of these cases, the oldest one in 2013.

(2) Non-execution of European court judgments

Hungary’s record of implementing ECtHR judgments remains poor. As also included in the 2024 Rule of Law Report, on 1 January 2024, Hungary had 45 leading ECtHR judgments pending implementation, and the rate

of leading judgments from the past 10 years that remain pending was at 76% (compared to 71% in 2023). This was the highest within the EU and the third highest among current CoE countries. On 14 January 2025, the number of pending leading judgments was 47. Pending leading cases concern crucial human rights issues, including unchecked secret surveillance, freedom of expression of judges, excessive length of judicial proceedings, whole life imprisonment, police ill-treatment, and discrimination of Roma children in education. In 2024, 14 Hungarian cases under enhanced procedure were on the agenda of CM-DH meetings. The Committee of Ministers of the CoE found implementation insufficient in all of them, and issued interim resolutions in two cases: in the *Gazsó v. Hungary* group of cases concerning excessive length of proceedings, and in the *László Magyar v. Hungary* group of cases concerning whole life imprisonment. In addition, as mentioned above, the *Kenedi v. Hungary* case (concerning the non-execution of freedom of information judgments) was transferred to the enhanced supervision procedure in December 2024. There is still no separate national structure to bring together various actors to coordinate the implementation of ECtHR judgments; meaningful parliamentary oversight is still lacking.

In the past few years, severe problems have emerged with regard to the execution of the judgments of the CJEU as well, amounting to non-compliance. A recent study published in 2024 found in this regard that out of the 19 rule of law related rulings issued between 1 January 2019 and 1 January 2024 that were examined, 10 have been complied with only partially by Hungary, while two have not been complied with at all. The failure to execute the CJEU's judgment in Case C-808/18, which in practice means that push-backs of third-country nationals to Serbia continue en masse to this day, prompted the CJEU to impose a substantial fine on Hungary in June 2024, pointing out that the failure to comply with the judgment constitutes an unprecedented and extremely serious infringement of EU law. However, the Hungarian government has not taken any steps to date to rectify the problem – to the contrary, one of the topics featured in a so-called “national consultation” campaign carried out in 2024 sought to build narrative support for the continued non-compliance with the judgment.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

(1) Freedom of association: The general legislation (Act V of 2013 on the Civil Code and Act CLXV of 2011 on the Freedom of Association, Public Benefit Status and the Operation and Financing of Civil Society Organisations) governing the establishment, operation and dissolution of CSOs (associations, foundations and civic groups) did not change in 2024 for either better or worse, and conforms to relevant human rights standards. According to the latest official statistical data, in 2023 approximately 53,700 associations and foundations were active, with a slight (<200) increase in the number of the former compared to the previous year. CSOs are obliged to publish their annual report in the online registry maintained by the court. There were no reports of forced dissolutions of CSOs. A uniformity decision issued by the Kúria in November 2024 (16/2024. JEH) introduced a change in the registration fees for foundations, exempting only those that either have a public benefit status or oblige themselves to obtain it within two years. Further, the initial proposal for a court reform (see in detail in Chapter I.) by the Government included the possibility to transfer the registration of legal persons, including CSOs from the courts to an administrative body, likely the Ministry of Justice. By the end of the year no more concrete details emerged in this matter.

(2) Freedom of peaceful assembly: Assembly law and related regulations did not change in 2024. The police is generally co-operative during both the notification and the execution of peaceful assemblies, though the blanket ban on Palestine solidarity demonstrations remained in effect, and the decision was even upheld by the Kúria and the Constitutional Court. Still, in August 2024 one such small event took place peacefully, held under the guise of “World's Indigenous Peoples Day Protest”. In 2024 there were generally fewer assemblies

than in preceding years.

(3) Freedom of expression and the right to privacy: No changes occurred in the legislation of freedom of expression and privacy, and no cases of surveillance or outright censorship came to light either. At the same time, independent media and civil society work under increasingly difficult circumstances, with some reported incidents of excessive police measures (e.g. when officers tried to confiscate the camera of the crew of online news portal Telex at a public forum of a Fidesz MP), smear campaigns, and defamation cases initiated by government officials.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

In 2024, the implementation of the Sovereignty Protection Act construed the major threat to and chilling effect on CSOs, independent media and activists. After some initial delay, the Sovereignty Protection Office foreseen by the Sovereignty Protection Act was established during the spring, now with a total workforce of over a hundred, in spite of the infringement procedure launched in February 2024 by the European Commission concerning its legal basis. Its first “investigations” targeted the investigative news portal Átlátszó, Transparency International Hungary (TI-HU), Átlátszónet Foundation, and a local CSO, Göd-ÉRT Association, each of which received a request with a long list of documents and information to be submitted to the SPO. (It shall be highlighted that TI-HU is a member of one of the domestic Monitoring Committees monitoring the use of EU funds and the public procurement performance measurement framework, and both TI-HU and Átlátszó are members of the Anti-Corruption Task Force established as one of the conditions to access certain EU funds.) All of them denied full cooperation, directing the SPO to their publicly available data. As the SPO has no sanctioning powers, the investigated organisations suffered no direct consequences, but the SPO already published its “findings” regardless on Átlátszó and TI-HU, containing accusations and misinformation verging on conspiracy theories. At the same time, according to the Sovereignty Protection Act, the investigated organisations have no legal remedies available against these untruthful or misleading statements. TI-HU turned to the Constitutional Court to challenge the law which on 15 November 2024 ruled against the motion and upheld the constitutionality of the Sovereignty Protection Act (see under Question IV.5. above). The case will likely continue at the European Court of Human Rights. From among the SPO investigations the case of Göd-ÉRT is a special one: this local CSO has for long been engaged in the struggle against a major car battery factory north of Budapest, and was partner in a project led by Átlátszónet Foundation, aimed at creating a network of similar groups around the country, supported by a grant from the EU’s Citizens, Equality, Rights and Values (CERV) programme. At the municipal elections in June they nominated candidates for the local assembly (successfully), and the SPO raised the suspicion of them using foreign funding for the election campaign, though the association withdrew from the programme and ceased its partnership with Átlátszónet Foundation prior to the start of the campaign. This case sends a strong signal to local organisations aiming to engage and participate in public matters locally. Finally, just before Christmas, the SPO also published an “analysis” concerning the grantmaking activities of Ökotárs Foundation.

Beside the intimidating impacts of the SPO’s operations, occasional smear campaigns in the pro-government media could also be observed, though probably with lower intensity than in the previous years, as attention was mainly focused on the new political challenger of the Government, Péter Magyar. One of the main targets of the campaigns was the Free Media re-granting programme supporting independent outlets, managed by Mérték Media Monitor and Ökotárs Foundation and funded by the US Embassy in Budapest.

Beyond propaganda, a notable incident concerned the “Common City” (“Közös Város”) festival bringing together 23 CSOs in Debrecen (the second largest city), organised by Amnesty International Hungary and the Association of Alternative Communities, a local CSO. The original venue, owned by the University of Debrecen, cancelled the event 10 days before its date, and although the organisers found an alternative one, this also stepped back in the very last moment, with a dubious justification of technical problems and clashing programs. It is generally becoming increasingly difficult for CSOs in countryside towns to find venues for their events locally.

Towards the end of the year, a draft government decree on the further education of teachers was published for consultation. If accepted, this would further narrow CSOs’ (already limited) possibilities to cooperate with schools by making the National University of Public Service and the Education Office the sole provider of credits for attending trainings and events. (Currently, many CSOs provide such services to schools.)

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

The financial conditions of civil society did not change significantly in 2024. The total income of associations and foundations in 2023, according to the most recent official statistics, grew somewhat compared to the year before: it was HUF 1,345 billion as opposed to 1,270 (€ 3.36 vs. € 3.3 billion), and its composition remained the same: roughly 40% public and 22% private funding, the remaining being business and other income. The majority of CSOs work on a small annual budget (less than HUF 5 million, € 12,500) and therefore on a mostly voluntary basis, which seriously limits their capacities. This is visible especially in the countryside, where CSOs must increasingly make up for missing or insufficient services (in social care, education, etc.) of the institutional system.

The awarding of public funding continues to lack transparency, and appears to be politically biased. As it was stated many times before, CSOs viewed as critical – those engaged in human rights, democracy, gender issues, independent arts, etc. – are usually simply not able to secure public funding, therefore they continue to rely on international sources, especially the re-granting programmes funded by CERV, the USAID as well as philanthropic donors, which remained active in 2024, too.

The main victim of systematic de-funding campaigns continued to be the Oltalom Charitable Association and the related Hungarian Evangelical Fellowship (HEF). The latest development in their harassment came in late August 2024, when the licences of several of their schools, visited mostly by disadvantaged children were suddenly withdrawn by the Government allegedly because of their unpaid taxes and utility bills – accrued primarily because of the missing public funding they have been deprived of for years (because HEF was stripped of its church status and its related funding in 2011, and because it has not been recognized as an incorporated church afterwards, meaning that it cannot access grants obtainable only by incorporated churches).

Otherwise, crowdsourcing remained an important income for many CSOs. The total amount of the income tax 1% assignments to CSOs grew by HUF 2 billion to 17.3 billion (€ 43.25 million) compared to the previous year, though the number of taxpayers using this opportunity decreased slightly, by 3%. While more traditional charities remain the main beneficiaries, Partizán, an independent, political media in the form of a Youtube channel topped the list, collecting HUF 415 million (more than € 1 million) from this source. The 25% immigration tax remains in effect, though not implemented. There is no tax benefit for individual donations and only a very limited one (20% of the corporate tax) for companies.

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

No government measures were introduced in 2024 to foster a rule of law culture. Also, the centralised, compulsory curriculum of public education continues to incorporate very few elements of civic education. Instead of “fostering” it, the Government took, as in the previous years, various non-legislative steps that eroded rule of law culture in Hungary, as shown below.

The Government did not organise any meaningful national level discussion about the 2024 Rule of Law Report.

Referring to the 2024 Rule of Law Report (and more specifically referring to the termination of administrative Chamber K.II., the Kúria’s case allocation, and the suspension of the publication of the Kúria’s official court reports in February 2024), the Kúria released a public statement on the Kúria’s official website on 25 July 2024, stating that “as in previous years, the report contains a number of erroneous conclusions, misstatements and malicious comments about the Kúria, based mainly on misleading information provided by CSOs that contributed to the report”.

Moreover, the Prosecutor General’s Office also made a public statement in which it stated that “the Rule of Law Report’s allegations about the prosecution service are untrue and misleading”.

In November–December 2024, the Government pursued a new so-called “national consultation” on new Hungarian economic policies. (“National consultations” are not adequate tools to ensure meaningful public consultations on key issues. They tend to ask manipulative questions on issues politically important for the Government, and not necessarily those important to have public discussions about. Responses are counted in a methodologically neither sound nor controlled manner, therefore, they are not suitable to replace meaningful public consultation, and rather serve as propaganda tools.) In this latest national consultation questionnaire, the Government asked questions about EU institutions including the European Commission (“Brussels”) and also the CJEU, regarding the CJEU judgment imposing a daily EUR 1 million fine, seeking to build narrative support for the continued non-compliance with the judgment and effectively undermining public trust in CJEU judgments.

The investigations and reports of the Sovereignty Protection Office repeatedly framed EU activities, EU funding and engagement with the EU’s rule of law toolbox as threats to the sovereignty of Hungary, undermining rule of law culture. For example, the questions the SPO sent to Transparency International Hungary concerned, among others, their contributions to the EC’s Rule of Law Report and an EU-funded project on whistleblower protection. Questions received by the GÖD-Ért Association and Átlátszónet Foundation concerned an EU-funded project jointly implemented by them that the SPO alleged to pose a threat to the sovereignty of Hungary. The SPO’s analysis published in relation to Ökotárs in December 2024 states for example that “the so-called Rule of Law Reports” are used against EU member states “that are politically and socially at odds with the interests of US pressure groups”, and that “as of 2021, the Citizens, Equality, Rights and Values (CERV) programme, coordinated by the European Commission [...] has created an opportunity for US interest groups to channel internal EU resources to their political pressure groups in Hungary and across Europe through the occupation of the European Commission”. Furthermore, in its response to a letter by the Anti-Corruption Task Force, the SPO reiterated that in its view, foreign-funded political pressure groups exploited the Anti-Corruption Task Force to further pressurise the Government of Hungary. These examples show how the SPO’s activities create an environment where CSOs can be deterred for example from applying for EU funds, since they can perceive receiving EU funds as a risk, exacerbating the chilling effect of the Sovereignty Protection Act.

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Legislation and discriminatory practices in Hungary continue to create a hostile environment for LGBTI individuals, contradicting broader European values of equality and non-discrimination that are deeply intertwined with the rule of law. While public opinion is increasingly supportive of LGBTI rights, the Government continues to implement restrictive measures that undermine these advancements. In April 2024, a government decree introduced the new notion of “defining element” when regulating products portraying or “promoting” “deviation from gender identity corresponding to sex at birth, gender reassignment, homosexuality”. Also, a new rule was introduced prescribing that if a product visibly presents “deviation from gender identity corresponding to sex at birth, gender reassignment, homosexuality”, it cannot be displayed in shop windows or put on public display. If a book contains these features as a “defining element”, the publisher must inform retailers about its content and retailers retain the right to pursue claims against publishers (if relevant) under consumer or commercial law.

By adding that the regulations must be applied when “divergence from self-identity corresponding to sex at birth, sex change or homosexuality” is the “defining element” of the product, the legislation does not provide sufficient guidance to those charged with its execution. It remains vague and ambiguous when LGBTI-related content is the “defining element” of a product. Meanwhile, the Propaganda Law (Act LXXIX of 2021) contains a blanket prohibition on making the above-mentioned content accessible to children, not just the product having this attribute as a “defining element”. Due to these inconsistencies, the provisions in question are not formulated with sufficient precision, therefore lack the normative clarity required by international and constitutional standards and undermine legal certainty.

Hungarian courts face the threat that the ruling majority may pass legislation that contradicts court judgments, effectively nullifying the outcome of court decisions. As an example, the Hungarian Consumer Protection Authority fined Lira bookstore for selling a book which “portrayed homosexuality” without properly wrapping it. The Metropolitan Regional Court annulled the decision on 9 February 2024 due to a comma error made by the legislator. The above-mentioned amendment in April 2024 also added the missing comma to the sentence, correcting the provisions based on which the regional court’s ruling had been delivered. On 17 October 2024, the Kúria ruled that the regional court reached an incorrect legal conclusion because it did not consider the purpose of the law. According to the Kúria, it was clear what the decree’s purpose was, even though the comma was missing.

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

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