



RES IUDICATA

Judges for Social Awareness Association

168 Széchenyi str. Baracska, H-2471; VAT: 19290405-2-07

web: www.resiudicata.hu Email: resiudicataegyesulet@gmail.com

Tel: +36703789089; +36703185875

The current situation of the Hungarian judicial system

In the following we would like to summarize the latest issues regarding the Hungarian judicial system. In the last days of 2024, we faced unprecedented crisis. Judges and members of the court staff protested through two judicial associations (www.resiudicata.hu, www.mabie.hu) against the agreement stipulated between the Ministry of Justice, the National Office of the Judiciary, the Curia and the National Judicial Council on the 20th November 2024.

1. The Agreement

The quadripartite agreement¹ aims to improve the efficiency of the judiciary by a 48% increase of the average salary in 3 years. But this is accompanied by an overall reform affecting every level of the judicial system and the fundamental elements of the judicial career path. The judiciary was informed about the existence of the agreement by the press, two days before the meeting where it was signed. Although the meetings of the National Council of Judges are open to the members of the judiciary, the place of the meeting to discuss the content of the agreement was Gyula. It is a city difficult to reach for most of the judges and therefore to attend the meeting personally. Our association, together with others, asked the Council - which by the time of its election emphasised the importance of transparency and cooperation - to provide the possibility of online participation. But none of the interested colleagues, neither of us have received any reply. However, the summary of the meeting proves that those colleagues who have a consultative right, they were allowed to join the meeting online. The text of the agreement became available on the Council's website during the meeting.

At the meeting of the 20th of November 2024, the National Judicial Council authorised its President to stipulate a quadripartite agreement by a vote of 8:7. The Minister of Justice, the President of National Office of the Judiciary, the President of the Curia, and the President of the Council signed the agreement.

2. The Protest

At this point the Res Iudicata Association² and the MABIE Association³ called the fellow colleagues and members of the court staff to write letters about their opinion of the agreement or sign a common declaration. Since the 21st of November the number of protest letters and protesting signatures are approximately 2000. The colleagues rejected the agreement, because it provides the Council's prior consent to an unknown and undetermined judicial reform.

Many of the judges highlighted in the letters, that the Council has lost its credibility, and they are not able to represent the judiciary anymore. Those members who voted in favour of the

¹ [Agreement on judicial reform 22-11-2024.pdf](#)

² <https://resiudicata.hu/kozlemeny-a-birosagokat-erinto-megallapodasrol/>

³ <https://mabie.hu/berjavaslat/felhivas-velemenynyilvanitasra-csatlakozo-nyilatkozatok-megkueldesere>

agreement should resign from their Council membership. It is important to highlight that there were not only judges who've expressed their concerns but a rather significant number of other employees like trainees, secretaries of court and administrative staff, too. Some thoughts from the letters are quoted below this summary.

On the 4th of December, Peter Szabo, the President of the National Judicial Council resigned from his post as a president (not a member!), just before a vote of impeachment initiated by the members.

On the 11th of December the Res Iudicata Association organised a community event called 'Joint stand up for courts' front of the building of the National Judicial Council. The aim of the event was to deliver the letters and the signed declaration to the Council before its session. The unprecedented event got nationwide media attention.

In spite of the legal reasons and arguments written in many of the letters, the newly elected President of the National Council of the Judiciary on the 11th of December 2024 said that the thousands of letters received were a result of a mere incitement, and he pointed out that *"the legislative and the executive powers have the right to determine the legal framework of the judicial system, but because of the principle of the separation of powers, it is essential to obtain the opinion of the courts during a judicial reform, and one possible way of doing this is to involve the judicial organisations, for example the National Council of the Judiciary, while drafting the reform."*

3. The Legislation

One day later on the 12th December, **according to our previously expressed concerns**, some reform bills in connection to the agreement, were already submitted to the Parliament, but without involving the National Council of the Judiciary in the legislative procedure. The Ministry of Justice explained in a detailed letter why it was not given the opportunity to the Council to submit its opinion through the law-making process.

For example, the Constitution was amended and the minimum age to become a judge was raised from 30 to 35 years. Other modifications proposed by government party politicians were also adopted by the Legislative Committee and sent to the Parliament. **The proposed texts of the modification to be adopted by the Parliament has not been consulted with any of the professional stakeholders.**

At this point we would like to stress the commitments made regarding the milestone C9.R27 of Hungary's Recovery and Resilience Plan, regarding the predictability, quality and transparency of the legislation and the shortcomings of their accomplishment, as identified in the 2024 Rule of Law Report. The above-mentioned legislation, explained by the Ministry of Justice, regarding the judicial system, is precisely the result of a procedure that is contrary to the purpose of the commitments, avoids the obligation of consultation and violates the fundamental values of the European Union, as well as contributes to the deterioration of the rule of law, fundamental rights, and democracy⁴.

⁴ https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HU_EU_funds_assessment_Q3_2024.pdf

The information given about the legislative procedure by the Ministry of Justice also raises the question whether the President of the National Office of the Judiciary was invited to attend the session of the Parliamentary Committee, that had on its agenda the legislation directly affecting the courts, as it is written the Act CLXI of 2011 on the Organisation and Administration of the Courts [Section 76 (1) f)]. We haven't received any answer to this question.

In our opinion there are several issues that need to be reformed to solve the current problems regarding the salaries of judges and judicial staff, the economical functioning of the judicial system, and the improvement of the quality of judgments to guarantee judicial independence and the dignity of our profession. But this can be achieved only after a broad consultation with legal professionals, which clarifies the details of the concept and the reform proposals and takes in consideration the opinion of the judiciary.

We highlight that the National Council of Judges, a body elected by us, their peers, in derogation of its duties defined in the Act CLXI of 2011 on the Organisation and Administration of the Courts is participating, without informing the judiciary, in the stipulation of an agreement that will fundamentally influence the whole judicial system, and the life of the present and future judges. In our view the National Council of Judges has exceeded its powers by stipulating the agreement.

4. The Remuneration

The current remuneration system of judges is not substantially affected by the agreement, and it does not guarantee the separation of powers. There is not such an automatic system in the establishment of the remuneration of judges, which is based on an objective and verifiable criterion, independent of the executive and the legislature and free from arbitrary interference. A fair remuneration is one of the fundamental guarantees of judicial independence, which cannot be the condition of any reform. We consider unacceptable that the agreement refers to a three-year protracted salary increase, which is still below the rate of inflation of the recent years, as something that the government will only guarantee if other elements of the reform are adopted. For this reason, the negotiating parties were not able to examine the details of the reform proposal, which was conditioned, because the entire judiciary highly expects for a long time the increase of the salary.

The complaint to the EU Commission, submitted on the 17th July 2024 by Res Iudicata - Judges for Social Awareness Association, in agreement with the complaint submitted by our colleague, Hungarian judge Dr. Gaszton OLÁH fully describes the current situation⁵. The complaint was submitted to the European Commission to the restitution of the independence of Hungarian courts, complaining the inadequate national legal regulation of the Hungarian Parliament and Government, which constantly and systematically violates the institutional independence of the judiciary in a manner contrary to the EU law and violates the requirements of the rule of law.

In Hungary in 2024 (likewise in 2022 and 2023) based on the above-mentioned legal background

⁵ <https://resiudicata.hu/wp-content/uploads/2024/07/COMPLAINT-to-the-Commission-EU.pdf>

a) the minimum monthly gross salary for judges is 821.657.00,- HUF/2.080, EUR (monthly net 546.401.00,- HUF/1.383,- EUR, 3.415,- HUF/8.64,-EUR net per hour);

b) the starting salary of a judicial employee, considering the guaranteed minimum wage (minimum wage for skilled workers) in 2024 is 326.000.00,- HUF/825,- EUR gross per month (monthly net 216.790.00,- HUF/548.83,-EUR, 1.355.00,-HUF/3.43,-EUR net per hour).

According to the latest statistics published in April 2024 by the Hungarian Central Statistical Office (KSH), the average gross monthly wage in Hungary is 645.300, - HUF/1.633,67,- EUR. The basic starting salary of a judge is only 1.27 multiple of this amount. This rate is one of the lowest between the member states of the Council of Europe. The remuneration of judges therefore is completely inadequate to reflect the social prestige of the judicial office.

The amount of the judicial salary base, set by the Central Budget Bill, hasn't changed in the past three years, despite the increase of the inflation rate, which was 14.5% in 2022, 17.6% in 2023, and the average inflation is already 4% in 2024 [see <https://www.ksh.hu/gyorstajekoztatok/#/hu/list/far>]. Consequently, in the past three years the salary of the judges and the court staff have lost at least 40% of its real value.

The wage of the employees of the Hungarian public administration, the legislative and the executive branches is linked to the average monthly gross national earning of the calendar year preceding the reference year, so if the average earning increases, the wage adjustment follows it automatically. However, the judicial branch - including prosecutors and prosecution staff too - is an exception. In this branch, there is no statutory mechanism to ensure that salaries are maintained automatically in real terms, independently of the discretionary decision of another branch of government, based on objective and verifiable criteria. **Any change of the remuneration of the judicial branch entirely depends on the political will of the executive and the legislature.**

The remuneration of the judicial branch is disproportionately low comparing to the other two branches and unlike them, it does not change:

- i. the monthly remuneration of a Member of Parliament is the triple of the average gross national earning (Article 104 of the Act XXXVI of 2012) and the monthly remuneration of the Speaker of the House is 2,7 multiple of the remuneration of an MP (Article 120 of the Act XXXVI of 2012).
- ii. **the salary base of parliamentary civil servants shall also be linked to the average gross national earning (Article 124/G of the Act XXXVI of 2012).**
- iii. the monthly remuneration of the Prime Minister shall be equal to the remuneration of the Speaker of the House (Article 25/A of the Act XLIII of 2010).
- iv. the monthly remuneration of a Ministry Commissioner, of a Head of a Governmental Office, of a Head of a Central Administrative Office, and of their deputies may be up to ten times as much as the average gross national earning (Article 7 of the Act XLIII of 2010).

The legislation on the salaries of judges and court staff is incompatible with the principle of judicial independence for the following reasons:

- i. It does not ensure that Hungarian judges and judicial employees receive a remuneration that corresponds to the significance of the judicial profession.
- ii. There is no such a correction mechanism that guarantees the conservation of the real value of the remuneration of judges and judicial staff.
- iii. It does not ensure the separation of the judicial branch from the other two branches of power, because it makes the determination of the remuneration entirely dependent on the political will of the executive and the legislature.
- iv. It is contrary to the requirement of the balance of powers, given that it provides a significantly lower remuneration for judges than for the members of both the executive and the legislature.

One of the fundamental guarantees of judicial independence is an appropriate remuneration. If ensuring the conservation of the value of the remuneration of judges is a favour of the other two branches of government, the judicial control over the government and the legislature possibly weakens, and there is a probability that financially motivated judicial decisions are made. The present legislation jeopardises the independence of the judiciary on an institutional level and gives the possibility to the executive and the legislature to exert recurring and permanent pressure on the judiciary through the fixation of the remuneration.

Discreditably low remuneration directly threatens the functioning of the judicial system due to the leave of court staff caused by the low amount of their monthly payment. The lack of decent pay and working conditions, including an appropriate number of judicial staff, is a real threat to judicial integrity and impartiality, and raises serious concerns about the independence of the judiciary. At the same time, the undue remuneration is objectively capable of raising reasonable doubts in the minds of outside observers regarding the possibility of political or other pressures and the lack of influence of Hungarian judges.

By this summary we would like draw attention to the situation of the Hungarian judicial system also because there is a very high possibility that the legislation concerning judiciary will continue in the following one and a half year (until the next elections). According to the attitude of the legislative branch it is to be expected that the reform will go through without asking for the opinion of the national Judicial Council, furthermore without consulting the judiciary and the society.

Budapest, 2nd of January 2025.

The Board of the Res Iudicata Association

Quotes from the letters written by Hungarian judges as parts of the protest against the quadripartite agreement:

„...The independence of judges is not a privilege of judges, but a fundamental right of the people. Independence is like air: we only notice its absence when it is gone. We have to take great care of it. Honour is not for sale!”

*(Csaba Vasvári, judge of the Metropolitan Court in Budapest
former member of the National Judicial Council)*

„...Our empathy for our fellow court employees is not a legislative factor, appealing to it is simple emotional blackmail....”

(Beáta Tóth, judge of the Court of Appeal in Gyula)

„...The inner core of the personal integrity of the judge, made vulnerable by an unpredictable career model, can be eroded merely by the very situation in which the possibility of having to adapt his professional decisions to managerial expectations arises. This is the surest way of eliminating the fundamental right to an independent, impartial, legitimate judge, and of losing our own credibility...”

(András Kovács, judge of the Curia)

„... There are a lot of things we as judges may not do, our right to strike has been taken away by law, we can't make political statements, but I think we still have the right to freedom of expression.”

(Ibolya Hirtling, judge of the Metropolitan Court in Budapest)

„Unfortunately, I had to realise that the justice system of which I've been a committed representative has now ceased to exist. Given no other choice, I resigned as a judge today.”

(Adrienn Laczo, judge of the Metropolitan Court in Budapest)

„...This agreement, voted by the NJC and signed by its president, is nothing more than a political declaration in the interests of the government, which neither of the signatories had the power or authority to conclude...”

*(Tamás Gergye, judge of the Court of Appeal in Zalaegerszeg
former member of the National Judicial Council)*

„...We believe that this board (NJC) cannot repair the damage to our honour by sacrificing its leader, and that a good number of the protesting judges and staff are therefore right to expect the 7 members of the NJC who voted "yes" to resign their membership in the council.”

(Anna Volein, Judit Bleier, Judit Fatalin, judges of the Regional Court of Appeal in Budapest)

„...What has happened in the last two weeks makes me proud! I am proud of you, my dear colleagues, because you have shown that judges and judicial staff have the courage to stand up for themselves and for each other!”

(Zsolt Deák, judge of the Court of Appeal in Székesfehérvár)

„...In my opinion behind the headings "efficiency of the judiciary", "speeding up procedures", "simplification", "ensuring a uniform retirement age for all", the proposals that have been made so far and will be made in the future for the courts must be carefully and cautiously evaluated by the judiciary...”

(András Baka, former president of the Supreme Court)