

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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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, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

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.

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

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## **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, heads of independent authorities included in the scope of the questionnaire[2])

## **D) Any other relevant developments**

- Respondents 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.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should 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**

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\* 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

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

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

500 character(s) maximum

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

☐

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain

- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland

- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☒ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands

- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone

- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

\* 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 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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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 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law



Report and (2) any other significant developments since January 2023[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.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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 covered in contribution [only one choice possible]

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

- ☐ 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

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

There has been no significant change in the legislative process and the negative trends described in the previous report have continued. The main problem remains in many cases the accelerated pace of legislation without public consultation. The quality of legislation and the frequent changes to legislation remain a major concern. The combination of lack of public consultation and fast-track legislation has further weakened the quality of the regulatory environment, for example, on 28 February 2023, in response to criticism of the planned health care reform, the National Assembly adopted a law depriving the Hungarian Medical Chamber of its regulatory role without public consultation less than 28 hours after the government's legislative proposal was tabled.

The government continues to make extensive use of its emergency powers, which undermines legal certainty and affects the way businesses operate in the Single Market. Hungary has been under a special legal regime for a longer period of time, first in response to pandemic COVID-19, the government maintained the "state of emergency" from 11 March 2020 to 18 June 2020, and then from 1 January 2021 to 1 June 2022. On 25 May 2022, the government declared an "emergency state of emergency" "in view of the armed conflict or humanitarian disaster in Ukraine and in order to avert and manage the consequences thereof in Hungary", which is still in force. On 22 November 2022, the National Assembly, through Article 2(1) of Act XLII of 2022, authorised the Government to extend the "state of emergency" (under the current provision) until 23 May 2024.

### 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*

Positive developments: At the beginning of this year Parliament amended both the Law on the Organisation and Administration of Courts (BSZl) and the Law on the Status and Remuneration of Judges (BJT), both with effect from 1 June 2023. These laws amended several important rules on the appointment of judges and presidents of courts, extending the powers of the National Judicial Council (NJC).

Under the new rules, the National Judicial Council (NJC) will define the principles to be taken into account when evaluating applications.

The NJC exercises the right of agreement in the case of a decision of the President of the NJO and the President of the Curia declaring a judicial leadership application unsuccessful, if at least one valid applicant has participated in the application.

The extension of the rules on the right of consent of the NJC was in line with the proposed changes initiated by the National Judicial Council.

The new rules are intended to prevent abuses of the powers of the President of the NJO, which have occurred in the past until very recently.

It is also a positive new rule that the President of the Curia is bound by the proposal of the Judicial Council and the College in the case of the appointment of the heads of the Courts (Secretary General, Head of the College, Deputy Head of the College, President of the Chamber).

One of the new provisions of the Organic Law is that the NJC will issue a binding opinion on the draft decree of the Minister of Justice on the detailed rules for the evaluation of judicial candidacies and the points to be awarded in the ranking of candidates, from which the Minister of Justice may not deviate.

The National Judicial Council is currently working on an amendment to the legislation on the points that can be awarded in judicial appointments.

Negative developments: A correction of a deficiency reported last year, namely the amendment of the law on the appointment of judges in cases where a judge applies for several judicial posts at the same time, has still not been carried out.

There is also a lack of statutory regulation on the order of evaluation in cases where several applications for the same post are examined for the same deadline at the same court.

A deficiency of the regulation is that in courts lower than the Curia, the President of the National Judicial Office and the President of the Court are not bound by the proposal of the local judicial council and the college in connection with the appointment of the leadership (head of the College, deputy head of the College, President of the Chamber).

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*

Positive developments:

A problem in the regulation of secondments that was reported last year has been corrected by Parliament amending the rules on the secondment of judges in the above-mentioned Judicial Organisation Act. According to the new rules, the assignment of judges under the jurisdiction of the President of the NJO is subject to the consent of the NJC, so since the entry into force of the rule, judges cannot be assigned without the consent of the NJC. The President of the NJO has the power to make secondments relating to the movement of judges between tribunals, between courts of appeal and between the Curia. Another new rule is that the Judicial Council of the Curia exercises the right of consent to the secondment of a judge to the Curia. On the other hand the consent of the Judicial Councils attached to the tribunals is not required for secondments falling within the competence of the presidents of the tribunals.

Negative developments:

Prosecutors receive 6 months' salary before retirement, if they work the whole period of suspension. By contrast judges if they work during their period of suspension, do not receive such an allowance and even have their income reduced. This is because judges are entitled to an average salary for the period of suspension, which is higher than their salary. This difference between prosecutors and judges has not been eliminated for years.

## Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Positive developments:

In relation to the question in point 1, it has already been explained what changes the 2023 amendment to the Law on the Organisation and Administration of the Courts ("BSZ") has brought about in relation to the appointment of judges. These rules also affect applications for the promotion of judges.

According to the new rules, a judge assigned to the NJO must, in justified cases after leaving office, be reassigned to the post of president of the chamber, without competition, to a post at the same level or at a previous level of service. This rule abolishes the possibility which had been used on several occasions in the past for the President of the NJO to assign a judge to a higher level court after his or her service in the NJO without a call for applications.

A judge shall, after leaving the service of a Constitutional Judge, be transferred to the same place of service where he worked before being elected as Constitutional Judge.

## Allocation of cases in courts

*5000 character(s) maximum*

Positive developments:

In the Curia the amendment to the Act on the Organisation of Courts has brought about a significant positive change, as the law now determines the criteria for the allocation of cases. At the Curia the new rules give the council of judges and the college of judges the right of consent in determining the allocation of cases.

Negative developments:

The rules guaranteeing the allocation of cases to the Curia are not implemented in the lower courts, even though almost 90% of cases are completed in the district courts at first instance. Serious cases often do not reach the Curia because they are finally settled in a tribunal or a court of appeal. There is therefore no reason why the rules on case allocation described above should be limited to the Curia.

## 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*

Positive developments:

The EU condition to strengthen the powers and legal status of the National Judicial Council has been fulfilled with the above-mentioned amendment to the laws on the organisation of the judiciary and the status of judges.

The laws adopted extended the powers of the National Judicial Council to determine the number of judges and judicial staff, the workload of judges, secondments, training obligations and case allocation schemes. This extension of powers could provide additional guarantees on issues of major importance for the judiciary as a whole. It should also be noted that some elements of the legislation could be appropriately applied to the powers of local government bodies (local judicial councils).

The NJC has a right of agreement on the conditions and rates of other non-salary benefits, so the President of the NJO cannot decide on these matters independently.

With regard to the extended powers provisions were also adopted to strengthen the legal status of the National Judicial Council and ensuring the personnel, material and budgetary conditions for the increased performance of its tasks.

The law regulates in much more detail the range of remedies available to the NJC and the remedies available against the NJC, including the right to a court procedure. Under the new provision of the Act, the NJC may itself bring an action against the NJO or the Curia as party defendant for failure to comply with an obligation under the Act. The NJO, the Curia or the Minister of Justice are also entitled to institute legal proceedings against the NJC if the NJC fails to fulfil its obligations under the law. The NJC may also propose legislation affecting the courts and give its opinion on draft legislation affecting the judiciary.

Negative developments:

These problems are:

- the possibility of appointing judges of the Constitutional Court to the courts of appeal;
- the extension of the mandate of the current President of the Curia for indefinite time if the election of a new President is unsuccessful;
- there is no legal preclusion preventing a member of the National Judicial Council from being a judicial leader who is subject to the power of appointment of the President of the National Judicial Office.

The Hungarian Association of Judges (MABIE) requested the EAJ to send a letter to the EU Commission because of the deficiencies of the regulation described above, which the President of the EAJ has accepted. However, no reaction has been received to the letter sent to the EU Commission. Nor has the Commission asked the Hungarian government to amend the rules to which the EAJ has objected.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

*5000 character(s) maximum*

Negative developments:

The Constitutional Court (AB) has not yet taken a decision on the negative development reported last year in relation to the Code of Ethics (Last year the President of the Curia has appealed to the Constitutional Court, asking the Court to examine and declare the Code of Ethics unconstitutional, and in the alternative to annul the Code).

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*5000 character(s) maximum*

Positive development:

Under the new provision of the Act on the Legal Status and Remuneration of Judges, the amount and

conditions of other benefits in addition to remuneration are determined by the President of the NJO in cooperation with the interest representation bodies and with the agreement of the NJC,

Negative developments: The justification for and reasons for the need for a salary revision in the light of events

Although in recent years there has been a three-step pay rise in the courts totalling on average 60%, adjusted to the 2018 pay level, since then the value of judicial salaries has been lost at least to this extent due to escalating inflation and other economic effects. In contrast all branches of government have increased salaries at a higher rate than the courts by introducing an automatic system of salary growth linked to the increase in average national gross income. During this period the minimum wage increased by almost 100% and average earnings by more than 60%.

So in Hungary the salaries of all workers in all branches of government are automatically changed in a system of salary increases linked to the national or minimum income, which eliminates inflation and ensures real wage increases.

By opposite, the salaries of judges (the third branch of power) are based on a case-by case salary settlement agreement, subject to a decision by the government and parliament, without any automaticity. As a result the magistracy has suffered a significant real salary reduction from 2021, despite the pay rises implemented in previous years.

The consequence of this situation is that fluctuation has increased, even the best of the judiciary have moved on, and officials are leaving the field in large numbers. In Budapest, the number of vacancies is over 100, but even in the countryside there are no workers to be found, with some officials in some administrative sections resigning in groups. This situation already threatens the functioning of the courts, despite the fact that the President of National Judicial Office in cooperation with the interest groups is using all possible internal financial resources to retain the staff.

In 2023, the wages of four-fifths of all workers in Hungary, i.e. all individuals engaged in work, will rise by at least 13-15%, including in the public sector, with the exception of the courts and prosecutors' offices. This method is highly discriminatory against the courts and has a chilling effect on the judiciary, violating the independence of the courts and the relevant principles of international law.

Since the change of regime the remuneration of members of parliament has more than tenfold increased as have the salaries of central public administration, while the salaries of judges are less than five times the starting level.

While the salary budgets of all branches of government approved by parliament have grown dynamically over the last 5-6 years, the courts have not been able to keep step with the other two branches, even with the salary increases (30-12-13%) granted in previous years. In 2023 the increase in the personal budget of the courts was zero; in 2024, according to the budget law, it will be several billion less, while the remuneration of the other branches of government will grow dynamically at the same rate as the national economy. In the context of the budget planning for 2024 the President of the National Judicial Office (NJO) proposed to the Government to increase the salary base by 15% below the annual inflation rate, but the Finance Government requested an amendment on the grounds that the justified increase could not be financed directly from the judicial budget chapter, but from the central reserve of the budget. In 2023 the minimum wage and the guaranteed minimum wage in Hungary will increase by 15% from 15 December. Wages in the other branches of government, linked to the average national salary, will automatically increase again by around 15-20% on 1 March 2024, depending on this year's economic performance.

In contrary for years there has been no will on the part of decision-makers to increase judicial salaries.

The situation is untenable, as the cumulative inflation rate in that period was over 42% and projecting inflation below 10% in 2024 creates a situation that affects independence. MABIE has drawn the attention of decision-makers in various forums and channels to the fact that judicial independence is an important cornerstone of the rule of law, which can only be guaranteed by remuneration appropriate to the seriousness of the responsibility and the dignity of the office. The institutional framework established in the different branches of power, which is in line with international standards, ensures the independent functioning of the organisations with a delicate balance. This balance has been broken in Hungary to the extent that it even threatens the functioning of the courts.

#### Independence/autonomy of the prosecution service

*5000 character(s) maximum*

There is no significant change.

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

*5000 character(s) maximum*

There is no significant change.

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

*5000 character(s) maximum*

#### Negative developments:

The independence of the judiciary was negatively affected by the measure that resulted in the release of 1,634 foreign convicts convicted of human trafficking from Hungarian penitentiary institutions by 12 October 2023, with the order of "reintegration custody". The release of the traffickers was made possible by a government decree of 27 April, which the government announced as a government decree instead of a law, on the grounds of the state of emergency.

The government has justified the extension of "reintegration detention" to foreign traffickers on the grounds that the detention of foreign prisoners entails significant costs, given that they do not speak Hungarian and that their accommodation and meals have to be provided differently because of the different cultures. The detention of foreign traffickers has therefore placed a disproportionate financial burden on Hungary. The government argues that more than 2,000 foreign traffickers have been caught in Hungary, causing overcrowding in Hungarian prisons and increasing the proportion of foreign traffickers in prison to well over 10 per cent. Another reason given was that the EU penalises Hungary if its prisons are overcrowded. According to the specific provision of the Regulation, the institution of so-called reintegration detention may be applied to traffickers who have not been found guilty of any other offence. By default the state reserves reintegration detention for less dangerous non-lifelong and non-subsistence offenders. In the case of foreign convicts under reintegration detention, it is not a question of the convict serving part of his sentence in an apartment under close supervision, using an electronic surveillance device, but of the traffickers having to leave the country within 72 hours.

The European Commission has launched infringement proceedings against Hungary over the above government decree, which the Commission considers to be in breach of the EU's anti-trafficking directive and the framework decision on penalties. The Commission considers that the shortened sanctions against traffickers in the Regulation are „ineffective, not effective as a deterrent and do not take into account the circumstances of the cases in question”. The Regulation did not lay down rules on how to carry out reintegration detention, nor did it specify how to monitor its execution as a matter of fact the only obligation for the convicted person is to leave the country.

In April this year the President of the Republic decided to grant a wide range of amnesties on the occasion of Pope Francis' visit to Hungary. Among others the President of the Republic also granted amnesty to those convicted in the case known as the Hunnia trial for whom he decided to suspend their prison sentences. Among those who have been granted amnesty is György Budaházy, who was finally sentenced to 6 years in prison for terrorism and other crimes in March this year, after a trial that lasted more than 13 years. Under the Presidential amnesty the President suspended the remaining two-year sentence for five years, but did not lift the 5-year ban on public office imposed as a collateral sanction. Five other defendants of György Budaházy were also granted executive amnesty.

The President of the Republic has already granted a procedural amnesty to seven defendants in the so-called „Hunnia trial”. This procedural amnesty was granted to defendants who had been acquitted in the first instance or where the offence was considered to be of minor gravity. The President of the Republic stressed in the explanatory statement of the amnesty decision that the unreasonable delay of judicial proceedings is unacceptable and violates people's feeling of justice. She called on the legislature and the law enforcement bodies to take steps to speed up judicial decision-making. Government stakeholders have subsequently referred to this case on several occasions as if such delays were general. On the contrary it can be said that the length of criminal proceedings in Hungary has not generally increased. Even in this case, the presidential amnesty, as an exceptional and very rare measure, was mainly related to the fact that the proceedings were extremely prolonged.

In November the government proposed a one-sentence amendment to the Criminal Code. The amendment would include the period of probation in the case of presidential pardons in the period of disqualification from public office. In the case of György Budaházy, this change in the law means because of the suspension of his prison sentence that he will be able to exercise his public role, including his right to stand for election and his right to be elected to office, when his probation period expires, i.e. 5 years earlier. This change to the law is an example of a personalised amendment to the law.



## 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 under section 2)*

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

*5000 character(s) maximum*

#### Negative developments:

The fee of the lawyers provided by the state in criminal procedures is determined in a very low amount for a long time, there will be only a little increase from January 2024, therefore this activity is less and less attractive for lawyers.

There is still no registry of legal interpreters, and it is not enacted who are entitled to conduct such an activity.

### Resources of the judiciary (human/financial/material)

*(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*

#### Negative developments:

The actual headcount of judges further decreased, instead of the allowed 2.891 persons the actual headcount was 2.688 persons on 30th June 2023, this means a further decrease of 40 persons comparing to the previous years. In the national central budget for the year 2024 the allowances for salaries of the entire chapter of courts numerically decreased, despite the inflation. The National Judicial Office (NJO) has declared that a reduction of the number of judicial employees is also planned next year.

Working in the judicial system is not attractive for the young legal professionals, in the first half of the year 2023 nationwide for 35 positions of trainees altogether only 43 persons applied, out of these 35 persons passed the entrance exam, finally 24 persons were employed.

### Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

*5000 character(s) maximum*

#### Positive developments:

At present there are more trainings with face-to-face attendance, though the number of online courses are still prevailing.

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

*5000 character(s) maximum*

#### Negative developments:

The establishment of new terminals needed for keeping hearings via videoconference was stopped upon financial reasons, though the judges are urged to increase the number of such hearings.

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

5000 character(s) maximum

Positive developments:

In November 2023 the NJO with the approval of the National Judicial Council determined the developed methodology of measuring the workload of judges for the year 2023. Beside the number of cases also the difficulty of them, and the lower number of hearing days of the incomplete panels are also taken in to account by the methodology. The introduction of the weighting factors /which shows the difficulty of the cases/ in the appellate procedure is promised for 2024.

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

5000 character(s) maximum

Positive developments:

The Venue of Adjudication in Balatonfüred and the newly created Csorna District Court started to work in January 2022.

On 24th November 2022 the new process concerning the crimes of particular importance related to exercising political power or handling public property /including corruption crimes also/ came into effect; if the prosecution service ceases the investigation, any person has the right to ask for the judicial review of the decision of the prosecution.

## 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)*

Length of proceedings

5000 character(s) maximum

There is no significant change.

Other - please specify

5000 character(s) maximum

There is no significant change.

## 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 2023 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 measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*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 and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

*5000 character(s) maximum*

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

*5000 character(s) maximum*

Rules and measures to prevent and address 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*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*5000 character(s) maximum*

Any other relevant measures to prevent corruption in public and private sector

*5000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*5000 character(s) maximum*

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

*5000 character(s) maximum*

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions 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 non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

### III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 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 adopted 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 (including any rules regulating the matter)

*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 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, as well as any rules regulating the matter

*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*

Other - please specify

*5000 character(s) maximum*

## IV. Other institutional issues related to checks and balances

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

*5000 character(s) maximum*

### 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 consultation of judiciary and other relevant stakeholders on judicial reforms), 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*

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*

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

## 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

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

5000 character(s) maximum

## 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

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



Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

*5000 character(s) maximum*

## 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 and dissolution rules)

*5000 character(s) maximum*

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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

*5000 character(s) maximum*

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*

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

*5000 character(s) maximum*

## E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (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*

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Other - please specify

*5000 character(s) maximum*

## Contact

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