



# Rule of law backsliding in Hungary

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The Hungarian Helsinki Committee (HHC), a human rights non-governmental organisation based in Budapest, Hungary, wishes to draw the attention of the Organisation for the Security and Cooperation in Europe (OSCE) to the persisting rule of law deficiencies in Hungary.

Since 2010, the Hungarian government has been exploiting its constitutional supermajority to systematically undermine the rule of law in Hungary. The Government and the governing parties have undermined the independence of the judiciary and the role of independent institutions as checks and balances vis-a-vis executive political power, created an unfair election system, curtailed the freedom of the media, facilitated systemic corruption, undermined academic freedom, attacked civil society organisations, and violated the human rights of multiple groups while using a smoke screen of hate propaganda (most recently against LGBTQI+ people) and anti-EU rhetoric to cover up rule of law violations. Throughout the years, international institutions ranging from the various bodies of the UN, the Council of Europe, OSCE/ODIHR and the EU have raised concerns about various aspects of rule of law backsliding in Hungary. Finally, in December 2022, EU Member States decided to put significant financial pressure on the Hungarian government by triggering the EU conditionality mechanism, and by linking the country's access to EU cohesion funds and the Recovery and Resilience Facility to fulfilling various rule of law and fundamental rights criteria related to the independence of the judiciary, anti-corruption, academic freedom, and the rights of LGBTQI+ people and asylum-seekers.

Certain legislative steps were taken to access EU funds, but the tangible and sustained results of these measures are yet to be seen. Several required anti-corruption measures have not been implemented yet or have been complied with only partially, while the issues regarding the rights of LGBTQI+ people and asylum-seekers were not addressed at all. The judicial reform package adopted in May 2023 in order to access EU funds brought important changes, but its compliance with EU requirements remains deficient, and it fails to address other long standing concerns within the justice system, such as the lack of financial independence of the judiciary or the lack of guarantees for the freedom of expression of Hungarian judges. A new law adopted in April 2024 signals that the Hungarian government is back again on its decade-long agenda to undermine the independence of the justice system.

The Hungarian government's approach summarised above shows that it has no true intention to restore the rule of law. This reinforced by the fact that none of the recommendations that were put forth by the European Commission (EC) in its 2023 Rule of Law Report were implemented by Hungary.<sup>1</sup> There has been no progress in most areas covered by the procedure under Article 7(1) TEU launched

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<sup>1</sup> Cf.: European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bf8-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bf8-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), p. 2.

in relation to the country.<sup>2</sup> Changes to the anti-corruption framework and to the judicial system happen in an environment that is characterized by a dismantled system of checks and balances, where the Government continues to have excessive regulatory powers and where legal certainty is lacking, where the non-execution of both domestic and international court judgments is a recurring issue, where pressure on independent civil society continues to increase,<sup>3</sup> and where various vulnerable groups face rights violations without independent institutions being capable or willing to protect their rights.

## 1. Lack of democratic law-making

As highlighted by the EC's 2024 Rule of Law Report regarding Hungary, "[t]he quality of law-making and the frequent changes in legislation remain a significant cause for concern".<sup>4</sup> Deficiencies include the Government's excessive emergency powers, the continued lack of meaningful public consultation on draft laws, and the deficiencies of the legislative process in the Parliament. These go against the requirements set out by OSCE/ODIHR<sup>5</sup> as well. The unpredictable legal framework undermines legal certainty, results in the violation of human rights, and is "a significant cause for concern about the effectiveness of investment protection among companies in Hungary".<sup>6</sup> As pointed out by the 2024 European Semester's Country Specific Recommendation, "social dialogue remains weak and fragmented"<sup>7</sup> in general, and as raised also by the EC's 2024 Rule of Law Report, "[t]here is little room for CSOs and human rights defenders to engage effectively with public institutions on issues of significant societal impact".<sup>8</sup>

### 1.1. The Government's excessive regulatory powers under the state of danger

The Government continues to have excessive emergency regulatory powers and continues to use its mandate to issue emergency decrees extensively and in an abusive manner,<sup>9</sup> with the respective legal framework and practice being in stark contrast with the requirements set out by the Venice Commission.<sup>10</sup>

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<sup>2</sup> Cf.: Amnesty International Hungary et al., *Selected recommendations for Hungary in the Article 7(1) TEU procedure*, May 2023, [https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/HU\\_Article7\\_CS0\\_recs\\_May2023.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/HU_Article7_CS0_recs_May2023.pdf).

<sup>3</sup> For more details, see the written statement submitted by the Hungarian Helsinki Committee in the framework of the OSCE Warsaw Human Dimension Conference 2024 on shrinking space for independent civil society at [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/10/OSCE-Warsaw-Human-Dimension-Conference\\_Fundamental-freedoms\\_HU-CSO-input\\_02102024.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/10/OSCE-Warsaw-Human-Dimension-Conference_Fundamental-freedoms_HU-CSO-input_02102024.pdf).

<sup>4</sup> European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), pp. 32-33.

<sup>5</sup> Cf.: ODIHR Brief: *Guiding Principles of Democratic Lawmaking and Better Laws*, 2023, <https://www.osce.org/files/f/documents/c/a/552682.pdf>.

<sup>6</sup> European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), p. 33.

<sup>7</sup> [https://commission.europa.eu/document/download/43f58987-1e61-45a2-9262-c57d00d3c1ca\\_en?filename=com\\_2024\\_617\\_1\\_en.pdf](https://commission.europa.eu/document/download/43f58987-1e61-45a2-9262-c57d00d3c1ca_en?filename=com_2024_617_1_en.pdf), para. 29.

<sup>8</sup> European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), p. 39.

<sup>9</sup> For a comprehensive overview, see: Hungarian Helsinki Committee, *Government gains excessive powers from forever renewable state of danger*, 24 February 2023, [https://helsinki.hu/en/wp-content/uploads/sites/2/2023/02/HHC\\_Hungary\\_state\\_of\\_danger\\_24022023.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/02/HHC_Hungary_state_of_danger_24022023.pdf).

<sup>10</sup> European Commission for Democracy Through Law (Venice Commission), *Report – Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections*, CDL-AD(2020)014, 19 June 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e). See especially paras 10., 14., 65., 81., 84. and 87-88.

The Government first acquired excessive emergency powers with a view to the pandemic in the spring of 2020, when it declared a “state of danger”, a special legal order regime, and has been maintaining a “rule by decree” system ever since, with only a few months of intermission, most recently 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,<sup>11</sup> 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 the emergency decrees is not ensured. The practice of regularly adopting emergency government decrees for purposes not related to the cause of the state of danger continues as well.<sup>12</sup> The state of danger is currently extended until 19 November 2024, and the Government already signalled its intention to extend it with another 180 days.<sup>13</sup>

## 1.2. Lack of meaningful public consultation on draft laws

The practice of public consultations on draft laws remains deeply flawed despite the amendments that were adopted in 2022 with the aim of complying with milestones set under the country’s Recovery and Resilience Plan.<sup>14</sup> Remaining issues include e.g. that the range of exceptions when draft laws do not have to or must not be subject to public consultation remains wide, timeframes for commenting are short, and the quality of impact assessments is often inadequate. Several significant laws were not published for public consultation recently, the way in which draft laws are published often only formally meet the legal requirements, and the Government is extremely reluctant to accept the opinions received.<sup>15</sup> The most fundamental regulatory flaw is that laws adopted in breach of the rules on public consultation can still become/remain part of the legal system. In addition, in an attempt to circumvent obligatory public consultation, the Government returned to its practice of introducing laws to the Parliament that are clearly part of government policy via governing majority MPs.

## 1.3. Deficiencies of the parliamentary process

The legislative process in the Parliament has been “instrumentalized” as well.<sup>16</sup> Bills, often lengthy omnibus proposals, can be adopted within a very short timeframe. The governing majority regularly amends bills substantially in the very last phase of the legislative process, after the detailed parliamentary debate has already taken place, making use also of the Legislative Committee, a super

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<sup>11</sup> A detailed analysis of the changes, covering also the special order regimes beyond the state of danger, is available here: Gábor Mészáros: *Exceptional Governmental Measures without Constitutional Restraints*, [https://helsinki.hu/en/wp-content/uploads/sites/2/2023/01/Meszoros\\_special\\_legal\\_order\\_02112022.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/01/Meszoros_special_legal_order_02112022.pdf). A summary paper is available here: Hungarian Helsinki Committee, *Hungary: Perpetuated States of Exception Undermine Legal Certainty and Human Rights*, 2 April 2024, [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/04/HHC\\_Hungary\\_states\\_of\\_exception\\_20240402.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/04/HHC_Hungary_states_of_exception_20240402.pdf).

<sup>12</sup> For examples from 2023, see: *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, January 2024, [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN\\_CS0\\_contribution\\_EC\\_RoL\\_Report\\_2024.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf), pp. 73-76.

<sup>13</sup> See the respective draft law published here: <https://kormany.hu/dokumentumtar/tarsadalmi-egyeztetes-veszelyhelyzet-hosszabbitas>.

<sup>14</sup> For more details, see: *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, January 2024, [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN\\_CS0\\_contribution\\_EC\\_RoL\\_Report\\_2024.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf), pp. 69-72.

<sup>15</sup> K-Monitor, *Public consultation with the Orbán government – Is it worth it?*, 13 June 2023, <https://tinyurl.com/tzjacezv>.

<sup>16</sup> Viktor Zoltán Kazai, *The Instrumentalization of Parliamentary Legislation and its Possible Remedies: Lessons from Hungary*, *Jus Politicum*, n° 23, <https://juspoliticum.com/article/The-Instrumentalization-of-Parliamentary-Legislation-and-its-Possible-Remedies-Lessons-from-Hungary-1309.html>

committee the composition of which reflects that of the Parliament and which can introduce amendments to any bill directly prior to the plenary vote.<sup>17</sup> The governing majority regularly obstructs discussions in parliamentary committees, and the Legislative Committee, which is tasked with deciding which motions reach the agenda and so are debated by the Parliament, serves as a pre-filtering entity that can thwart any item to even reach debate.

## 2. Deficiencies regarding the independence of the judiciary

In order to comply with four “super milestones”, set by the Council of the European Union for Hungary to access funds under the Recovery and Resilience Facility, and identical preconditions set for accessing cohesion funds, aimed at restoring the independence of the judiciary, the Hungarian Parliament adopted a judicial package in May 2023. However, the effectiveness and sustainability of the adopted changes largely remain to be seen.

Importantly, the “super milestones” did not address all of the concerns around judicial independence in Hungary. Outstanding issues include that as regards lower courts, the lack of transparency of case allocations remains a source of concern, as also recognized by the EC’s 2024 Rule of Law Report.<sup>18</sup> The role of the captured Kúria (Hungary’s top court) and its President as well as the Kúria’s capability to control lower courts through the obligatory interpretation of the law poses a significant risk to the internal independence of the judiciary as well. The uniformity complaint system introduced in the past years undermines the independence of lower tier judges removing their competence to assess cases independently and impartially and subordinating their decision-making activity to uniformity decisions adopted by the Kúria without the possibility to deviate under any circumstances. Finally, the freedom of expression of Hungarian judges has been repeatedly undermined in the past years,<sup>19</sup> with judges speaking up for judicial independence targeted by smear campaigns and administrative measures, resulting in a chilling effect and discouraging judges from speaking out in protection of human rights, democracy and the rule of law as required by international standards.<sup>20</sup>

Furthermore, a new law passed in April 2024 shows that the Hungarian government is back again on its decade-long agenda to undermine the independence of the justice system. This new law eradicates 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

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<sup>17</sup> For examples from 2023, see: *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2024, [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN\\_CS0\\_contribution\\_EC\\_RoL\\_Report\\_2024.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf), p. 71.

<sup>18</sup> European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), pp. 2. and 7-8.

<sup>19</sup> See e.g. the Hungarian Helsinki Committee’s communication from April 2024 to the Committee of Ministers of the Council of Europe regarding the non-implementation of the European Court of Human Rights’ judgment in the *Baka v. Hungary* case: [https://helsinki.hu/wp-content/uploads/2024/04/Baka\\_v\\_Hungary\\_NGO\\_Communication\\_under\\_Rule\\_9\\_2-20240422.pdf](https://helsinki.hu/wp-content/uploads/2024/04/Baka_v_Hungary_NGO_Communication_under_Rule_9_2-20240422.pdf).

<sup>20</sup> See e.g. the results of a survey initiated by the largest Hungarian association of judges (*Magyar Bírói Egyesület*, MABIE) amongst Hungarian judges and published in June 2024, demonstrating the problems surrounding freedom of expression of judges in practice and that the chilling effect among Hungarian judges is prevalent: <http://mabie.hu/index.php/1801-kutatasi-jelentes-a-magyar-birak-velemenynyilvanitasi-szabadsagaval-kapcsolatos-egyes-kerdesekrol>, [http://mabie.hu/attachments/article/1801/Kutatasi\\_jelentes\\_B.pdf](http://mabie.hu/attachments/article/1801/Kutatasi_jelentes_B.pdf).

to which it would not have access otherwise, interfere in ongoing court proceedings and influence their outcome.<sup>21</sup>

As also raised by the EC's 2024 Rule of Law Report,<sup>22</sup> the remuneration of judges, prosecutors, and judicial and prosecutorial staff is deeply inadequate, amounting to a financial crisis within the Hungarian judiciary. The critically low remuneration of judges and judicial staff jeopardises the functioning of courts and poses a high risk of influence by external parties.<sup>23</sup>

### 3. Lack of an independent Constitutional Court

The Constitutional Court's independence has been severely undermined in the past years. As part of this process, the governing parties changed the long-established consensus-based process for nominating Constitutional Court justices, and increased the size of the court from 11 to 15 judges.<sup>24</sup> As a result, the governing parties were able to pack the Constitutional Court with loyal justices, and have transformed it into a loyal body which is supportive of the Government's agenda and which regularly rules in favour of the Government in politically sensitive cases.<sup>25</sup>

### 4. Lack of implementation of domestic and European court decisions

#### 4.1. Non-execution of domestic court decisions

The non-execution of domestic court judgments by state authorities and public bodies in freedom of information cases remains a severe problem. The systemic causes behind this include the lack of effective and genuinely coercive enforcement tools, and that the proceedings for enforcing court decisions (which are excessively lengthy) suffer from deficiencies in general, reducing their efficiency and accessibility.<sup>26</sup>

Decisions of the Constitutional Court are not always implemented either. At the time of submitting the present statement, there were 14 decisions in which the Constitutional Court declared that a legislative

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<sup>21</sup> For more details, see: Hungarian Helsinki Committee – Transparency International Hungary, *A Sauron's Eye in the Hungarian Justice System*, 31 May 2024, [https://helsinki.hu/en/wp-content/uploads/2024/05/A\\_Saurons\\_eye\\_in\\_the\\_Hungarian\\_Justice\\_System\\_20240531.pdf](https://helsinki.hu/en/wp-content/uploads/2024/05/A_Saurons_eye_in_the_Hungarian_Justice_System_20240531.pdf).

<sup>22</sup> European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, [https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6\\_en?filename=40\\_1\\_58071\\_coun\\_chap\\_hungary\\_en.pdf](https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf), pp. 2. and 10-11.

<sup>23</sup> For more details, see the Hungarian Helsinki Committee's submission to the UN Special Rapporteur on the independence of judges and lawyers from June 2024: <https://helsinki.hu/wp-content/uploads/2024/07/UN-Special-Rapporteur-on-the-Independence-of-Judges-and-Lawyers.pdf>.

<sup>24</sup> See in detail: *Stating the Obvious – Rebutting the Hungarian Government's response to the Reasoned Proposal in the Article 7 procedure against Hungary (A reaction paper by NGOs)*, 18 October 2019, [https://www.helsinki.hu/wp-content/uploads/NGO\\_rebuttal\\_of\\_Article\\_7\\_Hun\\_gov\\_info\\_note\\_18102019.pdf](https://www.helsinki.hu/wp-content/uploads/NGO_rebuttal_of_Article_7_Hun_gov_info_note_18102019.pdf), p. 5.

<sup>25</sup> For recent examples, see: *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, January 2024, [https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN\\_CS0\\_contribution\\_EC\\_RoL\\_Report\\_2024.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf), pp. 76-78.

<sup>26</sup> For a detailed analysis, see: Hungarian Helsinki Committee, *Non-Execution of Domestic and International Court Judgments in Hungary*, December 2021, [https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC\\_Non-Execution\\_of\\_Court\\_Judgments\\_2021.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC_Non-Execution_of_Court_Judgments_2021.pdf), pp. 10-13. and 15-16. This also amounts to the non-implementation of a European Court of Human Rights judgment: <https://helsinki.hu/en/submission-to-the-council-of-europe-on-the-non-execution-of-freedom-of-information-judgments/>.

omission resulted in the violation of the Fundamental Law, but the Parliament has failed to remedy the situation. The court-set deadline has expired in 11 of these cases, the oldest one in 2013.<sup>27</sup>

#### 4.2. Non-implementation of European court judgments

Hungary's record of implementing European Court of Human Rights (ECtHR) judgments remains poor. On 1 January 2024, Hungary had 45 leading judgments of the ECtHR pending implementation, and the rate of leading judgments from the past 10 years that remain pending was at 76%, the highest within the EU and the third highest among current Council of Europe countries.<sup>28</sup> 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.<sup>29</sup> There is no separate national structure to bring together various actors to coordinate the implementation of ECtHR judgments; meaningful parliamentary oversight is lacking.<sup>30</sup>

In the past few years, severe problems have emerged with regard to the execution of the judgments of the Court of Justice of the European Union (CJEU) as well, amounting to non-compliance. A recent study 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.<sup>31</sup> 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.<sup>32</sup> However, the Hungarian government has not taken any steps to date to rectify the problem.

## RECOMMENDATIONS

### **We call on the OSCE and OSCE Participating States to urge the Hungarian government to:**

1. Implement the recommendations of the European Commission's 2024 Rule of Law Report without delay.
2. Fully comply with the super milestones and measures set in Hungary's Recovery and Resilience Plan, under the horizontal enabling condition "effective application and implementation of the Charter of Fundamental Rights", and under the conditionality mechanism.
3. Fully observe the requirements set out in "ODIHR Brief: Guiding Principles of Democratic Lawmaking and Better Laws".

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<sup>27</sup> The list of the respective Constitutional Court decisions is available here: <https://www.parlament.hu/az-orszaggyules-donteseire-vonatkozo-alkotmanybirosagi-hatarozatok>.

<sup>28</sup> See: <https://www.einnetwork.org/countries-overview>.

<sup>29</sup> See, respectively: *Szabó and Vissy v. Hungary*, <http://hudoc.exec.coe.int/eng?i=004-10745>; *Baka v. Hungary*, <http://hudoc.exec.coe.int/eng?i=004-10859>; *Gazsó v. Hungary* group of cases, <http://hudoc.exec.coe.int/eng?i=004-10875>; *László Magyar v. Hungary* group of cases, <https://hudoc.exec.coe.int/eng?i=004-10897>; *Gubacsi v. Hungary* group of cases, <https://hudoc.exec.coe.int/eng?i=004-10515>; *Horváth and Kiss v. Hungary*, <http://hudoc.exec.coe.int/eng?i=004-10905>.

<sup>30</sup> For a detailed description of the issue, see: Hungarian Helsinki Committee, *Non-Execution of Domestic and International Court Judgments in Hungary*, December 2021, [https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC\\_Non-Execution\\_of\\_Court\\_Judgments\\_2021.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/HHC_Non-Execution_of_Court_Judgments_2021.pdf), pp. 50-54.

<sup>31</sup> Democracy Reporting International – European Implementation Network, *Justice Delayed and Justice Denied: Non-Implementation of European Courts Judgments and the Rule of Law*, 2024 Edition, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/66ed8049848b160f452bad6f/1726840921344/Justice+Delayed%2C+Justice+Denied+2024+Edition.pdf>

<sup>32</sup> See: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-06/cp240099en.pdf>.



4. Revise the legislative framework of the state of danger in line with international standards, in particular standards set by the Venice Commission, and curtail its excessive emergency regulatory powers.
5. Show self-restraint in the use of the extremely wide-ranging authorization it received during the state of danger, and refrain from issuing emergency decrees that are not related to the war in Ukraine.
6. Appropriately implement and adhere to existing domestic legislation providing for public participation and consultation in the legislative process.
7. Introduce legislation to ensure that laws adopted in breach of the rules on public consultation cannot become/remain part of the legal system.
8. Make use of the expert knowledge of ODIHR to devise a strategy to enhance impartial, open, and inclusive public consultation and dialogue.
9. Ease restrictions on the right of Members of Parliament to propose legislation and close loopholes on public scrutiny and debate in parliamentary procedures.
10. Restore the independence of the Constitutional Court, in particular by amending the nomination and election process for Constitutional Court justices.
11. Refrain from undue interference with the justice system and ensure the freedom of expression of judges.
12. Remove the authoritative type of uniformity decisions and allow judges to adjudicate cases, independently and impartially with the possibility to disregard the legal assessment provided by the Kúria.
13. Take structural measures to increase the remuneration of judges, prosecutors, and judicial and prosecutorial staff.
14. Take steps to ensure that state bodies execute domestic court judgments.
15. Fully implement the judgments delivered by the European Court of Human Rights and the Court of Justice of the European Union with regard to Hungary without delay.