

Attempts to silence judicial dissent in Hungary: the cases of Judge András Kovács and X, a senior scientific advisor at the Kúria

(updated 22 October 2025)

Breaches of the freedom of expression of judges have been a long-standing problem in Hungary. The individual instances may not be as blatant as in the case of Poland, however, the issue is persistent: for a long time, pressure through different administrative means has been put on judges speaking out in defence of the separation of powers and judicial independence. Two recent cases from Hungary's apex court illustrate the problem clearly.

A. The case of Judge András Kovács

Judge András Kovács has been a judge since 2003 and has served as a Head of Panel¹ at the Kúria (Hungary's apex court) since 2012. He has referred a remarkable number of cases for preliminary rulings to the Court of Justice of the European Union (CJEU), pointing out possible incompatibilities of Hungarian law with the EU acquis. He is also a habilitated professor, a member of the public body of the Hungarian Academy of Sciences and the author of numerous [academic articles](#), [commentaries](#) and university [textbooks](#). Judge Kovács has a track record of speaking up in different forums against steps undermining judicial independence. Already in a 2019 [article](#), he drew attention to domestic trends that limit the adequate application of EU law. In 2021, he [criticised](#) in a prestigious international journal the Kúria's case allocation system for being prone to abuse.

The dissolution of Panel II and its procedural aftermath

As of April 2020, there have been seven panels within the administrative college² of the Kúria. The composition of Administrative Panel No. II was essentially unchanged from this date, with two Heads of Panel, Judge András Kovács and Judge Kincsó Tóth, alternating as presiding judges. Over the years, Panel No. II issued a number of politically sensitive decisions unfavourable to the Hungarian government. In 2021, it ruled that an [anti-LGBTQ referendum](#) question initiated by the government could not be put to a vote. In 2022, it ruled that the government's mass email [campaign](#) sent ahead of the parliamentary elections to voters' contact details collected for another purpose was unlawful.

¹ Panels are pools of 5-7 judges, which serve as units to which incoming cases are allocated; adjudicating panels are formed from the judges within a given panel and consist of 3 or 5 judges depending on the type of case. The Head of Panel is partly an administrative, and partly a judicial function. The Head of Panel organises the work of the judicial panel, but also presides over the adjudicating panel in the course of the actual court hearings, and is authorised to make important decisions regarding how an individual case is conducted.

² The college is the group of all the judges hearing cases in a given branch of law (criminal, civil, administrative) at a given court.

In October 2023, the Kúria President (András Zs. Varga, a political appointee who was elected by the Parliament to this position against the objection of the National Judicial Council, the self-governing body of judges) put forth a motion for amending the Kúria's case allocation scheme in a way as to dissolve Panel No. II. and scatter its judges among other Panels.³ The new case allocation scheme came into effect on 1 January 2024.

The banned study and the limitations on Judge Kovács's freedom of expression

Parallel to the above developments, Judge Kovács wrote two studies. The first one is a case study titled *"Running out of air, or an explanation for everything: Case study regarding the first (2023) occasion of exercising the judicial college's right to agree in relation to the Kúria's case allocation scheme"* (hereafter: [Case Study](#)).⁴ It contains Judge Kovács's analysis of the process leading to the adoption of the new case allocation scheme and the scattering of Panel No. II. In the other study (hereafter: [Freedom of Expression Study](#)),⁵ Judge Kovács and his co-author elaborate on the limitations of the freedom of expression of judges, and argue that judges have not only the right but also the obligation to use information at their disposal in defence of their independence. Since the studies concerned the Kúria and its President, on 30 April 2024, Judge Kovács sent both studies to the Kúria President for commenting. On 7 May 2024, the Kúria President categorically instructed, within his employers' rights, Judge Kovács to refrain from publishing the Case Study, on the basis that the data used in it are not public and their publication would compromise the authority of the courts. As a result of the instruction, at present, the Case Study is not accessible for the general or professional public. With the help of the Hungarian Helsinki Committee, Judge Kovács has asked for the judicial review of the ban on publication. A hearing in the case was held on 2 July 2025, the court ordered a closed hearing, so no further information will be available until the judgment is handed down.

As far the Freedom of Expression Study is concerned, a high-profile public debate of the document was organised by the Hungarian Academy of Sciences and a prestigious research network for 14.00 o'clock 27 June 2024 with academics, university lecturers, judges, judicial associations and representatives of civil society participating. Just one day before the debate, Judge Kovács was summoned for a hearing in the integrity procedure launched against him (see below) for the exact same time for which the debate was scheduled. He called the integrity officer (one of the Kúria's Vice Presidents) and indicated that he was not available at the time of the hearing and that he could not prepare for the hearing on such a short notice. He asked for the postponement of the hearing, but the integrity officer told him that it was not possible to hold the hearing at any other time and that Judge Kovács's participation at the hearing was not mandatory. Taking all the circumstances into account, it is difficult not to conclude that the Kúria's leadership did intentionally set the date and time of the hearing to coincide with the debate in order to create a situation in which Judge Kovács must choose between participating in the debate or having a chance to present his stance regarding the integrity procedure. Eventually Judge Kovács chose to attend the public debate of the Freedom of Expression Study online.

³ According to an academic [article](#) about the developments, the dissolution of the panel was a retaliation for the decisions the panel handed down in politically sensitive cases. The article also calls attention to the fact that the vote on the proposed new case allocation scheme was not treated as a personnel issue (i.e. an issue affecting the personal situation and status of judges and therefore requiring a closed vote), so an open vote took place. "This could have discouraged judges from voting down the Chief Justice's proposal."

⁴ Elfogy a levegő, avagy magyarázat mindenre: Esettanulmány a Kúria ügyelosztási rendjére vonatkozó kollégiumi egyetértési jog első (2023) gyakorlásáról

⁵ "A muszáj Herkules, avagy a bíró véleménynyilvánítási és tájékoztatási kötelezettsége" ("The must be Hercules, or judges' obligation to express their opinion and provide information")

The procedures launched against Judge Kovács

In relation to the above outlined events, a series of coordinated employment measures were initiated against judge András Kovács.

The integrity procedure

The rules of the integrity procedure are set forth by two internal norms: Instruction 6/2016. (V. 31.) OBH of the President of the National Office for the Judiciary on the Integrity Regulation, which pertains to all the lower tier courts, and Presidential Instructions 3/2016 and 22/2017 of the Kúria President, which regulate integrity related issues, including the integrity procedure, in relation to the Kúria.⁶ One of the main problems with these regulations (which, in principle, aim to guarantee the impartial and irreproachable attitude of judicial employees and operation of courts) is that they heavily overlap with the laws regulating disciplinary issues, but lack the substantive and procedural guarantees that those laws offer. For example, the integrity definition of Presidential Instruction 22/2017 is very vague, and – among others – requires compliance with the “goals, values and principles” determined in the instructions and recommendations of the Kúria President. In addition, due to the absence of procedural guarantees (including the lack of any form of appeal against the conclusions), the concerned judges are not protected against arbitrary application, which is well illustrated by the fact that Judge Kovács was summoned just one day before his integrity hearing, his request for an alternative date was rejected, and eventually the integrity procedure was concluded without his hearing, so he was given no chance to present his stance on the matters. No sanctions may be imposed on the basis of an integrity procedure, but if it is concluded that the concerned judge has breached their obligations, it may lead to further proceedings, including a disciplinary procedure, where the findings of the integrity procedure can be taken into account among the facts of the case.

The integrity procedure against Judge Kovács was launched on two grounds: his decision to inform the parties in a case (which happened to be a politically sensitive referendum case) of the potential problems arising with regard to the right to a lawful judge (stemming from the fact that the new case allocation scheme contained no clear transitional provisions regarding the assignment of certain cases of the scattered Panel No. II.), and the fact that he sent the two studies to the editors of the academic journal where he wished to have them published. The integrity procedure concluded in July 2024 that Judge Kovács had violated integrity requirements in both respects. In the first case, because questioning the case allocation’s compliance with the rules and making this known to the parties of a case create the impression that the Kúria’s operation is unlawful, which is a violation of the Kúria’s organisational integrity. In relation to the second matter, it was concluded that even if only the editors of the journal were provided with access to the non-public information and negative, critical statements concerning the Kúria contained in the manuscript, this could still undermine the trust in the institution.

There is no effective remedy against the conclusions of an integrity procedure.

The employer’s reprimand issued by the Kúria President

On 19 September 2024, Judge Kovács received an employer’s reprimand from the Kúria President. According to the reasons attached to the reprimand, Judge Kovács had not requested the President’s permission to participate in the public debate of the Freedom of Expression Study and failed to show up for his integrity hearing and thus violated his obligation to cooperate in the integrity procedure. Judge Kovács challenged the reprimand before the so-called service court.

⁶ Instruction 6/2016. (V. 31.) OBH is [accessible for the public](#) too, but Presidential Instructions 3/2016 and 22/2017 of the Kúria President are not.

In its decision SZF.14/2024/16-I. of 21 February 2025, the first instance service court quashed the reprimand, and acquitted Judge Kovács from the disciplinary charges. The service court concluded that since Judge Kovács had immediately contacted the integrity officer to ask for a postponement of the hearing and the integrity officer himself had informed Judge Kovács that his presence was not mandatory, Judge Kovács had not violated his obligation of good faith cooperation in the integrity procedure. The service court also found that participation at a conference could not under any circumstance be regarded as a 'relationship aimed at performing work',⁷ therefore, Judge Kovács's was under no obligation to request permission from the Kúria President as his employer in order to participate at an online conference on a day where he was working out of court (Kúria judges are allowed to work out of court on days when they do not have hearings).⁸ The Kúria President lodged an appeal against the decision, however, he withdrew the written reprimand right before the second instance service court was about to hand down its judgment, and therefore, the procedure was terminated.

The extraordinary suitability assessment initiated by the Kúria President and the deprivation of Judge Kovács from his functions as Head of Panel.

On 24 September 2024, based on the conclusions of the integrity procedure, the Kúria President ordered an extraordinary assessment of Judge Kovács's suitability for a leadership position.⁹ In the Hungarian system, there are mandatory regular suitability assessments, and throughout his 21-year-long career as a judge and judicial leader, Judge Kovács has always been found to meet the highest standards in the course of these regular assessments. The last such assessment took place one and a half years earlier.

The decision to launch the extraordinary assessment claims that by raising the issue of the right to a lawful judge in the referendum case, Judge Kovács defied the instructions of a superior, and revealed to the party in his resolution internal rules and norms that are not supposed to be public; furthermore, his specific decision was arbitrary, seeking to enforce the allocation of cases in accordance with his own interpretation of the norms. A further justification provided for the extraordinary assessment was that Judge Kovács intended to publish a study that was critical of the Kúria and was suitable for damaging the reputation of judicial leaders. According to the justification, the contents of the study itself show that Judge Kovács cannot identify with the objectives and principles represented by the Kúria President.

The assessment was concluded on 5 November 2024; it could not identify any specific shortcomings in the way Judge Kovács had complied with his administrative duties related to managing the work of the judicial panels he had been heading. However, the conclusions of the assessment emphasise that Judge Kovács has been critical of the Kúria's case allocation system for a long time, which creates tensions within the Kúria. Furthermore, he voices this criticism outside the Kúria, thus questioning the lawfulness of the Kúria's operation and potentially undermining the trust in the justice system. According to the conclusions of the assessment, this raises a potential violation of the obligation of bona fide cooperation as stipulated by the Kúria's organisational and operational rules, and therefore questions Judge Kovács's suitability for a leadership position.

⁷ Meaning a contractual relationship obliging the judge to perform work for any third party (e.g. being a lecturer at a university).

⁸ Under Article 40(3) of Act CLXII of 2011, a judge may only establish a legal relationship aimed at performing work with the prior permission of the employer if the performance of the work overlaps with their judicial working hours. (In terms of Article 40(1), there are only limited types of work a judge may perform even with the employer's permission, including scientific, educational, editorial work or artistic activities).

⁹ Head of Panel is regarded in the Hungarian system as a judicial leadership position due to the administrative competences attached to it.

Based on the assessment, on 26 November 2024, the Kúria President handed down an individual measure (no. 2024.El.VI.A.113/18) in which he suspended Judge Kovács's leadership authorisations for a period of two years, while leaving his other privileges intact. This means that Judge Kovács continued to bear the title "Head of Panel" and his remuneration and other entitlements also did not change, however, he was deprived of his right to organise the operation of Panel No. III., and also lost his right to preside over adjudicating panels in individual cases. His primary role for the next two years was to be that of a 'voting judge', meaning that his potential impact on the development of the Kúria's jurisprudence was severely diminished.

In the minutes of the handing over of the assessment report, the Kúria President expressly states that the main reason for the measure is that Judge Kovács interprets the case allocation scheme differently from him and other Kúria leaders and that in the course of his adjudicating activities he tries to assert this interpretation. This statement makes it absolutely clear that the suspension is a sanction of Judge Kovács's adjudicating activities and his views on matters of law.

Judge Kovács challenged the individual measure before a labour tribunal with the assistance of the Hungarian Helsinki Committee. In its judgment 20.M.71.080/2024/13 of 17 March 2025, the Labour College of the Budapest Regional Court concluded that the Kúria President's individual measure was null and void. The labour court concluded that the individual measure "de facto removed [Judge Kovács] from his judicial leadership position", since as a result of the measure Judge Kovács "cannot act as Head of Panel, cannot organise the work of his panel, and cannot attend the meetings of Heads of Panel". The labour court also concluded that this happened as a sanction for the alleged problems raised in relation to Judge Kovács's activities, and not as a simple administrative measure aimed at organising the Kúria's operations. Under the pertaining laws, a judge may be deprived of their judicial leadership position for only two reasons: due to their unsuitability or as a disciplinary sanction, however, in Judge Kovács's case it was clear that neither of the two applied. Therefore, his de facto removal from his position lacked any legal basis whatsoever and was therefore null and void, which means that the original state of affairs must be reinstated. In the judgment, the labour court emphasised: "the Kúria is the apex court [of Hungary]; the Kúria is headed by the President, i.e. he is the Chief Justice. The Kúria President therefore must live up to special requirements, higher standards than other members of the society as far as morals and compliance with the laws are concerned. The society and the justice system expect from the Kúria President a high degree of compliance with norms, and therefore he has increased responsibility to represent through his example-setting behaviour the virtues and fundamental values of the justice system towards both judges and the general public".

The Kúria President appealed against the judgment specifically asking, among others, for the removal of the above quoted sentence on his increased responsibility. Judge Kovács submitted a so called "joining appeal" requesting that the merits of the judgment be upheld, but the argument that the Kúria President could in principle lawfully limit a Head of Panel in performing some of their tasks for administrative purposes aimed at the more efficient operations of the Kúria be removed from the judgment. On 17 June 2025, the Labour College of the Budapest Appeals Court found for Judge Kovács in a final and binding judgment.¹⁰ It upheld the merits of the first instance judgment, removed the part relating to the possibility of limiting the tasks of Heads of Panels for administrative and operational purposes (for its significance, see the section below), and analysed at length the importance of judicial independence as a key aspect of the case. For instance, it declared that the role of a Head of Panel is not exclusively administrative in nature, since Heads of Panel also perform adjudicative tasks, and therefore, the principles of judicial independence, including the irremovability of judges, also pertain to this position. The Kúria President's action was not only unlawful for lacking a legal basis, but also because it had violated judicial independence. Quoting the jurisprudence of the ECtHR and the CJEU,

¹⁰ For a press release in Hungarian about the judgment, see: <https://helsinki.hu/jogeros-torvenyszero-varga-zs-andras/>.

the court of second instance concluded: “the composition of the courts is also protected as an element of judicial independence and irremovability, since a contradicting interpretation may serve as a tool for controlling the substance of judicial decisions and for arbitrariness, as it would not only concern the scope of the concerned judges’ tasks and the adjudication of the cases assigned to them, but may also have significant consequences to regarding the lives and prospects of promotion of these judges”.

Although the Kúria President did not accept the second instance judgment and filed in August 2025 a request for extraordinary review by the Kúria, Judge Kovács was reinstated as an acting Head of Panel with full- fledged adjudicating powers. The extraordinary review procedure is pending.

B. The case of X, a senior scientific advisor at the Kúria

X is a researcher and university teacher. Parallel to her research and teaching career, she worked part-time as a senior scientific advisor at the Kúria for several years. In this capacity, she assisted the judges of the Kúria in their work and also participated in the preparation of specific cases. Although not judges, the members of the network of scientific advisors (who must have an academic degree and must be engaged in academic work) contribute significantly to the adjudicating activities of Hungary’s apex court through advising the judges on issues requiring specialised knowledge. Therefore, even if they are not covered by the safeguards that would otherwise protect judges, such as the guarantees of immovability, it is of the utmost importance that they act without any pressure, undue influence and on a purely professional basis.

X is the co-author of an English-language academic study that aims at providing a comparative analysis of domestic jurisprudence, including an analysis of the communication between the court system and government institutions, as well as the willingness of judges to request preliminary rulings from the CJEU and to refer cases to the Constitutional Court. A workshop on the study was held in September 2024 at the Institute of Legal Studies of the Centre for Social Science Research (JTI). The workshop was the only occasion when the authors made the manuscript of the study available to a restricted group of researchers, JTI staff and two external interested parties who had pre-registered for the workshop. Since then, the manuscript has not been published anywhere, is not available in the public domain and is currently being revised on the basis of the contributions made at the workshop.

In October 2024, one month after the date of the workshop, Kúria President András Varga Zs. dismissed X with immediate effect. Before her dismissal, she was heard, and only then was it revealed to her that an integrity procedure had been conducted against her already in the summer of 2024 on the basis that at a public conference held in April 2024 she had posed a question that had ‘breached the integrity of the Kúria’. This integrity procedure was conducted entirely without her knowledge, she was not informed of the launching of the proceedings, she was not heard in the case, nor was she presented with the conclusions until months later, one day before her dismissal. (In September 2024, she was given a verbal warning for her question posed at the conference, but it was not made clear to her that she had been subject to an integrity procedure and that her question had been found to have breached the integrity of the Kúria).

X’s dismissal was justified with the study and her conduct allegedly breaching the integrity of the Kúria was found to have been an aggravating circumstance. According to the letter of dismissal, in the study, the senior scientific advisor, as co-author, “made a number of worrying statements in relation to the Kúria and its President”. In his view, the allegations made in the study, “which also call into question the impartiality of the judges, go well beyond the freedom of expression” and “are capable of undermining the authority and dignity of the judiciary and undermine public confidence in the courts. [The] allegations of »occupying« the Kúria and »weakening« the National Judicial Council are

particularly likely to seriously damage the reputation of the Kúria as the highest judicial body and public confidence in the independent and impartial functioning of the judiciary.”

In addition to amounting to an unlawful limitation of the freedom of expression and scientific research, it must be added that the excerpts quoted by the Kúria President as reasons for the dismissal were not actually written by X, but by her co-author. X did not criticise the Kúria President or the functioning of the Kúria, either in the study or during the workshop. It is also clear that an unpublished manuscript that has been discussed in a very restricted circle of experts, cannot be capable of undermining public confidence in the judiciary. Furthermore, the critical remarks described in the dismissal letter as “worrying statements” were based on facts already established in academic and public discourse.

The dismissed senior scientific advisor has brought an action for a declaration that the immediate dismissal was unlawful. On 18 June 2025, a first instance judgment of the Labour College of the Budapest Regional Court was handed down in the case, concluding the X’s dismissal had been disproportionate and therefore unlawful. The judgment obliged the Kúria President to pay X the arrears on her salary, and interest on the arrears and X’s legal costs.¹¹

The court examined on the basis of the ECtHR’s jurisprudence whether the extraordinary dismissal of X could be regarded as a justifiable limitation of her freedom of expression as manifested in the manuscript. According to the ECtHR’s case law three conditions must be met for the interference to be compliant with the Convention: it must be based on a law, it must serve a legitimate aim, and a pressing social need must justify it, which is the case if the limitation is necessary for and proportionate to the legitimate aim. According to the Budapest Regional Court, the first two criteria had been met (public trust in the court system can be a legitimate aim, and there is a legal basis for dismissing someone in case they pose a risk to this trust), however, the third criterion (the existence of a pressing social need) had not been in place. When assessing this question, the nature of the speech, the motives of the author, the damage caused by the speech to the employer and the severity of the sanction, including its potential chilling effect must be taken into account.

The regional court concluded that the scientific advisor had acted in good faith with the motive to improve the situation, her communication concerned a matter of public interest and had not extended beyond “self-constraint that can be expected in the academia”. The first instance judgment also invoked the ECtHR’s *Baka v Hungary* judgment, according to which questions concerning the functioning of the justice system and the independence of the judiciary fall within the public interest, and expressions by the stakeholders of the justice system on such matters enjoy a high degree of protection. The regional court also recalled that the study had not been made public, it had been accessible only for a restricted number of persons, so the immediate dismissal of X would have been a disproportionate sanction even if the expression had not met the above criteria.

In addition to this, the regional court also noticed the problems of the integrity procedure, when it concluded that it could not be held against the scientific advisor that she had failed to take into account the result of the integrity procedure against her when making a decision about her participation in the workshop, since “she could not have been expected to take into consideration the conclusions of a procedure that had been unknown to her and had been conducted without her”.

The judgment is not final and binding yet.

¹¹ For a Hungarian summary of the case, see: <https://helsinki.hu/a-kuria-ujabb-munkaugyi-pert-vesztett/>.