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Council of Europe
DGI – Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the European Court of Human Rights

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Subject: NGO communication under Rule 9(2) of the Rules of the Committee of Ministers concerning the execution of the judgment of the European Court of Human Rights in the case of Baka v. Hungary (Application no. 20261/12)

Dear Madams and Sirs,

The Hungarian Helsinki Committee (HHC) hereby respectfully submits its observations and recommendations under Rule 9(2) of the “Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements” regarding the execution of the judgment of the European Court of Human Rights in the Baka v. Hungary case (Application no. 20261/12, Judgment of 23 June 2016, hereinafter Baka Judgment), in advance of the next meeting (June 2026) (DH)¹ of the Ministers’ Deputies on the execution of judgments.

The present communication concerns the execution of the judgment, in particular the implementation of the general measures urged by the Interim Resolution CM/ResDH(2022)47² of the Committee of Ministers (CM) adopted in March 2022 and the latest Decision CM/Del/Dec(2025)1521/H46-15 adopted by the CM in March 2025,³ which called on the Hungarian authorities to strengthen their dialogue with the Council of Europe regarding the execution of this judgment and urged them to engage, in the course of 2025, in high-level consultations with the Secretariat on how to achieve full execution; and decided to invite the competent Minister of Hungary for an exchange of views with the Committee at their DH meeting in June 2026.

Almost ten years have passed since a final judgment on the Baka case was delivered on 23 June 2016. Over the years, the Baka-case has become a par excellence negative example of the non-execution of judgments of the European Court of Human Rights (ECtHR). The implementation

¹ See: <https://hudoc.exec.coe.int/eng?i=004-10859>.

² See: <https://hudoc.exec.coe.int/eng?i=001-216498>.

³ See: <https://hudoc.exec.coe.int/eng?i=004-10859>.

of the judgment requires Hungary to pass legislative measures that guarantee the irremovability of judges and their freedom of expression, which are both key components of the independence of the judiciary, a fundamental constituent of democracy and the rule of law. The stakes of non-execution are extremely high not only because the case is crucial for the rule of law both at national and at Council of Europe level, but also because only an independent judiciary is capable of enforcing the state authorities' compliance with the undertakings of the Convention. It is underlined that the implementation of the judgment does not require complex general measures, but only the passing of Convention compliant legislation that safeguards the irremovability of judges and their freedom of expression. Despite the enhanced supervision of the execution of this judgment by the Committee of Ministers, after nine CM decisions – including an interim resolution – and almost a dozen Rule 9 submissions by different civil society actors and judicial associations calling attention to the urgent need for the implementation of the judgment and the detrimental consequences of non-execution, the relevant laws are still not amended, freedom of expression of judges are still limited, and the removal of the President of the Kúria without effective oversight by an independent judicial body is still possible. Moreover, as demonstrated below, recent developments run counter to the spirit of the judgment, thus generating even less Convention-compliant results instead of remedying the violations established by the Court.

For the above reasons, the HHC respectfully recommends the Committee of Ministers to continue examining under enhanced procedure the effective execution of the Baka Judgment, in particular as regards both the violation of judges' freedom of expression and the lack of procedural safeguards in relation to the premature termination of the President of the Kúria, and to consider all available procedural measures to persuade Hungarian authorities to fully comply with the judgment.

I. Reaction to the latest Action Plan

In response to the Action Plan submitted on 27 March 2026, the Hungarian Helsinki Committee expresses serious concern regarding the lack of tangible progress in the execution of the judgment.

First, the Action Plan refers to a draft legislative amendment prepared by the Ministry of Justice following consultations with the Council of Europe. However, as far as we are aware and can be inferred from publicly available sources, representatives of the judiciary, including the National Judicial Council (NJC), have not been involved in the process in any way.

While this may be in formal compliance with the pertaining legal provisions (which require that the NJC shall be consulted on legislative draft proposals concerning the justice system before their submission to Parliament, but does not prescribe at which stage of the drafting process the NJC must be involved), we are of the view that with regard to such a crucial issue, the NJC as the ultimate constitutional safeguard of judicial independence should have been involved in the

consultations between the Hungarian Government and the Council of Europe in some way to inform the process with the views of the Hungarian judiciary.

Second, it remains unclear from the Action Plan whether the envisaged amendment is intended to address the issue of judges' freedom of expression, the lack of judicial review in the removal of the President of the Kúria, or both. At the same time, there is no indication of meaningful progress in relation to either of these core issues identified by the Court.

On the contrary, recent developments (see below for further details), including instances of retaliation against judges, public statements by government actors portraying judicial conduct as political, and the ongoing proceedings initiated by the President of the Kúria concerning the Code of Judicial Ethics, point to a persistent chilling effect on judicial freedom of expression. These developments raise serious doubts as to the existence of the necessary political will to implement the required legislative changes.

If the authorities intend to take a significant step forward in the execution of the judgment, the draft amendment should be subjected to meaningful consultation with professional bodies such as the National Judicial Council and judicial associations, which should be actively involved in the legislative process. In the absence of such transparency and inclusiveness, the credibility of the proposed measures remains questionable and risks being disconnected from the realities faced by judges in Hungary.

Finally, it should be recalled that the Committee of Ministers, in its latest decision (CM/Del/Dec(2025)1521/H46-15), regretted that the information submitted by the authorities still lacks a comprehensive, practice-oriented assessment of the impact of the relevant legal framework on judges' freedom of expression. In particular, no evaluation has been provided as to whether the existing rules have contributed to dispelling the "chilling effect" identified by the Court. The continued absence of such analysis further undermines the effectiveness and credibility of the measures presented in the Action Plan.

II. "Chilling effect" on the freedom of expression of judges

II.1. Context

Since the last examination of the *Baka v. Hungary* case, there have been further attacks on the free expression of judicial opinions on matters falling within the scope of judges' freedom of expression as recognised by the ECtHR's jurisprudence. These developments are not isolated incidents but form part of a broader pattern of intimidation and delegitimisation, manifesting through political rhetoric, media campaigns, and the public targeting of individual judges.

In his 15 March 2025 speech, the Prime Minister compared dissenting judges to insects and threatened them: "After today's festive gathering will come house cleaning for Easter. The bugs

have survived winter. We are dismantling the financial machine that has used corrupt dollars to buy politicians, judges, journalists, bogus civil society organisations and political activists. We will disperse the entire shadow army.”⁴ He repeated similar thoughts in his State of the Nation speech of 14 February 2026: “Brussels’ oppressive machinery is still operating in Hungary. We will rid ourselves of it after April. Fake civil society organisations, bought journalists, judges, politicians, algorithms and bureaucrats, millions of “rolling euros”: this is what Brussels means here in Hungary today.”⁵

In April 2025, a smear campaign in pro-government media was conducted against Tamás Matusik, former NJC President and vocal defender of judicial independence, over one of his adjudicative decisions. The articles insinuate that his refusal to order the pre-trial detention of a suspect in a large-scale drug case (a decision later also upheld by the court of second instance) may be linked to his alleged “strong anti-government sentiments”.⁶

In November 2025, judges were listed in pro-government media based on alleged political affiliation after their names appeared in a leaked database linked to an app associated with the opposition TISZA party, created for participation in party primaries and receiving information about events. Although the credibility of the list was questionable from the outset, pro-government media not only quickly singled out the judges, publishing their names, but even noted that their addresses and phone numbers were included among the leaked data.⁷ (It must be pointed out that while judges are prohibited from party membership or political activities, they are eligible to vote and nominate party candidates. Downloading an app providing information about the activities and views of a party seems to be within these boundaries, so – as explained by the former NJC President⁸ – it could not be regarded as a forbidden activity even if the listed judges had done so. However, those concerned judges who publicly spoke about the issue, have claimed that they had not registered for the application.⁹)

In December 2025, a court banned in an interim decision the distribution of the special edition of a government-affiliated tabloid edition on the TISZA party’s alleged tax plans.¹⁰ Following this decision, which was unfavourable to the government, the adjudicating judge became the target of a severe smear campaign. Minister of Construction and Transportation János Lázár reacted by calling the judge a “TISZA judge” and saying that “Hungarian judges are independent, which

⁴ See the official English version of the speech by Prime Minister Viktor Orbán on the 177th anniversary of the Hungarian Revolution and War of Independence of 1848–49 of 15 March 2025 at:

<https://miniszterelnok.hu/en/speech-by-prime-minister-viktor-orban-on-the-177th-anniversary-of-the-hungarian-revolution-and-war-of-independence-of-1848-49/>.

⁵ <https://abouthungary.hu/speeches-and-remarks/prime-minister-viktor-orbans-state-of-the-nation-address-69a69eafd20f1>.

⁶ See e.g.: <https://magyarnemzet.hu/belfold/2025/04/pressman-matusik-drog-biro>.

⁷ See e.g.: <https://mandiner.hu/belfold/2025/11/aktiv-birak-a-kiszivargott-tisza-adatbazisban-valaszolt-az-obh>.

⁸ Tamás Matusik, Doxing Judges: How a Serious Personal Data Breach Exposed the Continuing Vulnerability of Hungary’s Judges, Verfassungsblog, 11 November 2025, <https://verfassungsblog.de/hungary-judges-leak-list/>.

⁹ See: https://hvg.hu/360/20260224_tisza-applikacio-birono-regisztracio-politikai-tamadas.

¹⁰ See e.g.: https://hvg.hu/itthon/20251219_magyar-peter-tisza-part-bors-lejarato-kiadvany-fovarositorvenyszek-tiltas-mediaworks.

means that they only suck up to the TISZA”.¹¹ At a January townhall meeting, he said that several Hungarian judges are “openly admitted activists of the TISZA Party” and that Fidesz supporters cannot expect to have a fair and impartial adjudication of their cases”. He called on judicial leaders to “get their act together” and “get rid of all judges who are politically biased in the direction of any party”.¹²

Fidesz faction leader Máté Kocsis claimed that the name and address of the judge handing down the interim measures was identical with that of a person in the leaked TISZA list,¹³ while Bence Rétvári, State Secretary of the Interior said that “with Brussels and the TISZA-app judges behind his back, [the TISZA party’s leader] crushes everyone who dares to go against him”.¹⁴ In January 2026, a private person filed a police report against the judge handing down the interim measure for “abuse of office”,¹⁵ although the judge made it clear right at the beginning that she had never downloaded the TISZA application and had never provided the party with her data in any way (which was confirmed by the integrity investigation carried out by the president of her court).¹⁶ The NJC reacted that public statements made by political actors accusing judges of biased, politically motivated decision-making, and called for respect for the courts’ constitutional role, urging restraint from intimidation or unfounded attacks undermining judicial independence.¹⁷

The impact of political attacks has been exacerbated by the unwillingness of some judicial leaders to firmly stand up against them, while the Kúria President actually amplified the negative impact of these attacks on many occasions, siding more with the executive than with the judiciary. In his 2025 new year’s letter, he accused of conducting political activities those judges who spoke up against the four-party “Agreement” concluded in November 2024 by the Justice Ministry, the NOJ, the NJC and the Kúria.¹⁸ After the Prime Minister’s infamous “bedbugs” speech of 15 March 2025, his comment was simply that “political actions [by judges] inevitably trigger a political reaction”.¹⁹ In the aftermath of the TISZA database leak, he issued a press release hinting that the concerned judges themselves might be held responsible for breaching their duties, and stating that if he received credible information about a judge having downloaded the app, he would be ready to “conduct the appropriate procedures”.²⁰

¹¹ See e.g.: https://hvg.hu/itthon/20251222_Lazar-janos-betiltott-bors-biro-ebx .

¹² See: https://hvg.hu/itthon/20260130_lazar-janos-megszabaditana-a-tizsas-biroktol-az-igazsagszolgalatast.

¹³ See e.g.: <https://telex.hu/belfold/2025/12/19/fovarosi-torvenyszektol-targyilag-os-partatlan-dontesvarhato>.

¹⁴ See e.g.: <https://index.hu/belfold/2025/12/21/bors-kulonszam-tizsa-part-adocsomag-tatahaza-matetelkegyujtos-birosag-tilalom/>.

¹⁵ See e.g.: https://hvg.hu/itthon/20260109_hivatali-visszaeles-miatt-jelentettek-fel-a-bors-kulonszamat-betiltobiroi.

¹⁶ https://hvg.hu/360/20260224_tizsa-applikacio-birono-regisztracio-politikai-tamadas.

¹⁷ See: <https://obt-jud.hu/hu/ismetelten-biroi-fuggetlensegrol>.

¹⁸ For more details, see the Hungarian Helsinki Committee’s communication of 20 January 2025 to the Committee of Ministers of the Council of Europe concerning the execution of the judgment of the European Court of Human Rights in the Baka v. Hungary case at:

https://helsinki.hu/en/wpcontent/uploads/sites/2/2025/01/HHC_Baka_Rule_9_2_20_01_2025.pdf, Section III.2.1.

¹⁹ See the Kúria President’s statement of 17 March 2025 at: <https://kuria-birosag.hu/hu/sajto/kuria-elnokenekkozlemenye-4>.

²⁰ See the Kúria’s press release of 6 November 2025 at: <https://kuria-birosag.hu/hu/sajto/kuria-kozlemenye-17>.

To our knowledge, while no disciplinary proceedings have been initiated in connection with the data leak, several so-called “integrity procedures” (examinations into potential violations of judicial integrity without adequate procedural safeguards that may lead to disciplinary procedures – see HHC’s January 2025 Rule 9 communication for more details) have been launched. In the case of an unnamed Kúria judge, a statement issued by the Kúria President on 23 January 2026 concluded that the judge had not registered for the application.²¹ The same result was reached in integrity proceedings at the Budapest Regional Court. In both cases, court presidents filed criminal complaints against unknown perpetrators for the misuse of personal data.²² Although this might appear positive at first glance, these investigations still placed the affected judges under suspicion, rather than publicly defending them against political pressure.

The National Judicial Council has also come under attack, particularly from the Kúria President, further exacerbating tensions within the judicial system. Following the Kúria President’s indication in November 2025 that he was willing to initiate proceedings in connection with the leaked database, the NJC issued a statement on 22 November 2025,²³ expressing concern that such communication could create a serious chilling effect among judges by suggesting the possibility of conducting procedures that the Kúria President has in fact no competence to launch (as disciplinary procedures must be carried out by the specialised service courts). The NJC explicitly emphasised that it considered such implications unacceptable, warning against measures that could undermine judicial independence and legal certainty. This reaction triggered a hostile response from the Kúria President, who suggested that the NJC’s criticism implied tolerance towards judges engaging in prohibited political activities.²⁴ The NJC rejected this, stating that criticism of the Kúria’s communications does not imply acceptance of judicial political activity, and that its statement merely interpreted the relevant competences within the judicial system.²⁵

II.2. Examples of retaliation for expressing critical opinions and speaking out for judicial independence

The case of Judge Kovács

In our previous Rule 9(2) submission,²⁶ we presented the case of Kúria Judge András Kovács. Since March 2025, there have been further developments in this matter.

Following judgments delivered by his panel in politically sensitive cases unfavourable to the Government, the panel was dissolved through an amendment to the Kúria’s case allocation scheme as of 1 January 2024. When Judge Kovács sought to publish an academic study on the

²¹ See: <https://kuria-birosag.hu/hu/sajto/kuria-kozlemenye-20>.

²² https://hvg.hu/itthon/20260211_feljelentes-fovarosi-torvenyszek-tisza-applikacio-szemelyes-adatok-birak-elleni-tamadasok.

²³ See: <https://obt-jud.hu/hu/biroi-fuggetlenseg-vedelmerol>.

²⁴ See: <https://kuria-birosag.hu/hu/sajto/kuria-kozlemenye-19>.

²⁵ See: <https://obt-jud.hu/hu/az-obt-elnokenek-levele-kuria-elnokenek>.

²⁶ See: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)112E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)112E).

process, the Kúria President banned the publication and initiated multiple proceedings against him, including an extraordinary suitability assessment procedure, at the end of which in November 2024 Judge Kovács's leadership authorisations stemming from his position of head of panel were suspended for a period of two years, depriving him of his right to organise the operation of his panel, and presiding over individual cases. The justification was that Judge Kovács had been critical of the Kúria's case allocation system and he had voiced this criticism outside the Kúria.

Judge Kovács challenged the measure. In its judgment of 17 March 2025,²⁷ the Budapest Regional Court concluded that the Kúria President's measure was null and void, because it "de facto removed [Judge Kovács] from his judicial leadership position" without any legal basis. The Budapest Regional Court of Appeal upheld the decision on 17 June 2025, emphasising that since Heads of Panel also perform adjudicative tasks, the principles of judicial independence, including the irremovability of judges, also pertain to them.²⁸ Therefore, the Kúria President's action was not only unlawful, but it also violated judicial independence. The Kúria President filed a request for extraordinary review, but he withdrew it on 18 November 2025. Judge Kovács was reinstated as an acting head of panel.

Following this, the Kúria President issued a public statement that contained inaccurate information about the circumstances of the case,²⁹ and explained his withdrawal with alleged – but unspecified – external pressure affecting the integrity of the Kúria. Subsequently, the NJC issued a statement³⁰ noting that no investigation had been conducted into the alleged pressure threatening the Kúria, and warned that such statements by the president of the country's apex court could suggest that courts are unable to resist external pressure, thereby undermining judicial authority and eroding public trust in the judiciary.

In response, the Kúria President claimed³¹ that when referring to the pressure he wished to avoid by withdrawing his request for review, he meant the intensive media attention and the prospective participation in the court hearing of members of the Hungarian Judges' Association, certain Kúria judges, a representative of the Austrian Judges' Association, as well as a former judge who – according to Kúria President – was working on judicial reform proposals for an opposition party. The President of the Kúria concluded his response by warning that "The Hungarian judiciary, despite all previous warnings, is increasingly drifting into politics, and it appears that even the National Judicial Council is unable to resist this temptation." In his letter, the Kúria President also criticised the judgments finding in favour of Judge Kovács, claiming that the first instance judgment contained "legal nonsense" and moralising statements that should not appear in a judicial decision.

²⁷ See: <https://helsinki.hu/torvenyt-sertett-a-kuria-elnoke-amikor-tullepett-hataskoren/>.

²⁸ See: <https://helsinki.hu/jogeros-torvenyserto-varga-zs-andras/>.

²⁹ See: <https://kuria-birosag.hu/hu/sajto/kuria-kozlemenye-18>.

³⁰ See: <https://obt-jud.hu/hu/biroi-fuggetlenseg-vedelmerol>.

³¹ See: <https://kuria-birosag.hu/hu/sajto/kuria-kozlemenye-19>.

The NJC responded³² by stating that, as the head of the highest professional judicial forum, the Kúria President should not publicly criticise a final judicial decision, even if he had been a party to the proceedings. It argued that such statements were capable of undermining public trust in the judiciary and damaging the authority of the courts, particularly since the factual basis of the criticism could no longer be examined due to the withdrawal of the extraordinary review request. At the same time, it emphasised that “the mere fact that one formulates criticism regarding the Kúria’s communications does not, in itself, qualify as political activity.”

The above exchange is important for a number of reasons. First, it is closely linked to the freedom of judicial expression, as it developed in direct relation to the case of Judge Kovács and the Kúria President’s actions and communications concerning the case. Second, although the Kúria President is part of the judicial administration, he was elected by the incumbent legislative majority despite the express process of the NJC representing the voice of judges. Therefore, he must, in this relation, be regarded as an – at least partly – external actor from the point of view of the judiciary, who on the one hand took unlawful action as a reaction to Judge Kovács exercising his judicial prerogatives, including his freedom of expression, and on the other, attacked the NJC (with the accusation of engaging in political activities) when the body spoke out to protect the judiciary from the potential damage the Kúria President’s statements could have made regarding the authority of courts and public trust in the judiciary. Third, as explained in more detail below, this was not an isolated incident, there has been a series of attacks by the Kúria President triggered by the NJC’s speaking out in defence of judicial independence.

Judge Kovács’s other case, in which he challenged the Kúria President’s ban on the publication of his scientific study regarding the amendment of the Kúria’s case allocation scheme, is still pending in first instance.

Discouraging judges from attending workshop on the freedom of expression of judges

In May 2025, Amnesty International Hungary held a judicial workshop on judicial independence and judges’ freedom of expression.³³ Several court leaders attempted to deter court staff from attending the event. Among them was the president of the Budapest Environs Regional Court, who “recommended” that all judges, court clerks and judge trainees of the court he leads refrain from attending the workshop, because, he claimed, participating would pose an “integrity risk”.³⁴

³² See: <https://obt-jud.hu/hu/az-obt-elnokenek-levele-kuria-elnokenek>.

³³ Amnesty International Hungary, Nyomásgyakorlás ellenére is sikeres workshop a bírói véleménynyilvánítás szabadságáról [Workshop on judicial freedom of expression succeeds despite pressure], 8 June 2025, <https://www.amnesty.hu/nyomasgyakorlas-ellenere-is-sikeres-workshop-a-biroi-velemenynyilvanitasszabadsagarol/>.

³⁴ See: <https://www.szabadeuropa.hu/a/egy-torvenyszeki-elnok-nem-ajanlja-beosztottjainak-a-reszvetelt-egybiroi-szolasszabadsagrol-szolo-workshopen-/33420247.html>.

Attempts to undermine the NJC's credibility when it speaks out for judicial independence

Given that the NJC has a constitutional mandate to stand up for judicial independence, any form of attack against it in this context is particularly concerning and highly relevant.

In this regard it must be pointed out that there is a recurring pattern in the attempts to undermine the NJC's credibility. The Kúria President (the only ex officio, unelected member of the NJC) has had a number of conflicts and differences of opinion with the majority of the body. These are often presented by the Kúria President (either in his press releases or during the discussions in the course of the NJC's sessions, the records of which are public) as signs of political bias on the part of the NJC, which accusation is then taken up by the pro-government media and sometimes government politicians too.

One example for this is the alleged appearance of judges in the leaked TISZA database and the following correspondence described above in Section II.1, in the course of which the Kúria President (in a letter of 24 November 2025) accused the NJC of not being able "to resist the temptation" to "drift ever deeper into politics".³⁵ Following up on this, on 23 December, Gergely Gulyás, Minister Heading the Prime Minister's Office, said that the "judicial administration, it seems, [...] deems it acceptable that party sympathizer judges adjudicate".³⁶ In January 2026,³⁷ he criticised the National Office of the Judiciary (NOJ) and the NJC for not condemning and investigating "that party sympathizer judges adjudicate" and consequently, according to him, it is reasonable to have suspicions around certain "absurd judgments" (a reference to the interim measure described above in Section II.1).

This was picked up by pro-government media, which insinuated that the NJC had not addressed concerns related to the leaked TISZA data base out of political bias and accused the NJC's President, Csaba Pecsénye of "overstepping the boundaries of judicial independence" when he said in an interview that Minister Lázár's statement (about judges "sucking up" to TISZA) was vulgar and unworthy of a minister.³⁸ An article by another pro-government media site³⁹ contained similar criticism and also attacked the NJC President for starting his mandate by criticising the four-party Agreement. This was presented by the article as condemnable political activity from an active judge.

³⁵ https://kuria-birosag.hu/sites/default/files/sajto/valaszlevel_az_obt_elnokenek.pdf.

³⁶ <https://www.youtube.com/watch?v=HRMo7Klx0WY> [video from 58:00].

³⁷ <https://telex.hu/video/2026/01/15/gulyas-gergely-kormanyinfo-szolo-utca-juhasz-peter-pal-index-tisza-part-labon-lott-fideszes-matolcsy-adam> [video from 8:00].

³⁸ See: <https://magyarnemzet.hu/belfold/2026/02/szepeshazi-peter-kivegeztetne-a-miniszterelnokot>.

³⁹ See: <https://pestisracok.hu/forro-drot/2026/02/aktivizalodo-biroi-testulet-a-kozeletben-ujabb-vitak>.

In another instance, the Kúria President accused (at the 4 February 2026 NJC session⁴⁰ and then in a press release of 16 February 2026⁴¹) the NJC with either leaking an unpublished legislative proposal to CSOs (including the HHC) or giving in to political pressure from these CSOs and collaborating with them, on the basis that some of the legislative amendments proposed by the NJC appeared in the CSOs' submission to the European Commission's rule of law reporting mechanism. (The CSOs in fact simply quoted some of those parts of the legislative proposal in their submission of 16 January 2026 that were included verbatim in the minutes of the 3 December 2025 session of the NJC.)

Yet again, pro-government media echoed and amplified this narrative. For example, in a 19 February 2026 article titled "The NJC has stepped onto the political stage",⁴² the conflict between the NJC and the President of the Kúria was framed as evidence of political influence over the Council. The article repeated the insinuation that the fact that the NJC's internal materials (i.e. the legislative proposal) "coincide at several points" with the views of rights protection organisations and "actors affiliated with the opposition" is a sign that the body is under political influence. The article also presents as the evidence of the NJC's political bias that it had challenged before the Constitutional Court an emergency decree of the Government that had interfered with an ongoing court case, although under the Act on the Organisation and Administration of the Judiciary, it is the NJC's prerogative to do so if it is not consulted regarding any legal norm that concerns the justice system and is initiated by the Government.

This mechanism of attacking the NJC and/or its members through the Kúria President and pro-government media whenever their activities do not align with the interests of the Government is not new. As shown by HHC's 17 October 2023 Rule 9 communication in the Baka case,⁴³ it was also applied extensively in relation to the previous NJC.

Based on the above and in light of the latest developments since our last submission, we maintain that, although the most recent CM decision also emphasized the need to adopt further general measures to address the "chilling effect" within the judiciary and to safeguard judges' freedom of expression, no such measures have not been implemented. On the contrary, the situation has not improved, and both structural and individual obstacles continue to undermine judges' freedom of expression and exert a chilling effect.

⁴⁰ https://obt-jud.hu/sites/default/files/ulesek/Jegyzokonyv_2026.02.04.pdf.

⁴¹ See: <https://kuria-birosag.hu/hu/sajto/kuria-elnokenek-kozlemenye-frissitettuk>.

⁴² See: <https://magyarnemzet.hu/belfold/2026/02/az-obt-politikai-terepre-lepett>.

⁴³ [https://hudoc.exec.coe.int/eng?i=DH-DD\(2023\)1245E](https://hudoc.exec.coe.int/eng?i=DH-DD(2023)1245E).

IV. Recommendations

The Hungarian Helsinki Committee hereby respectfully recommends that the Committee of Ministers:

- continue examining under the enhanced supervision procedure the implementation of the judgment in the *Baka v. Hungary* case as regards both violations established by the ECtHR under Articles 6 and 10 of the Convention;
- address the issue of judicial independence in a holistic and comprehensive manner, taking into account the broader context of the execution of the judgment, including all forms of harassment, intimidation or retaliation against judges in Hungary, including actions by the President of the Kúria and other judicial leaders that aim to silence judges as well as attacks on judges and the NJC in pro-government media;
- ensure transparency and inclusiveness in the legislative process by urging the Government to meaningfully involve the NJC, judicial associations and other relevant professional stakeholders in the law-making process, including through genuine and accessible consultation opportunities.

Sincerely yours,



András Kristóf Kádár

Co-chair, Hungarian Helsinki Committee