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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 (December 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 invited Hungarian authorities to consider adopting further general measures to address the “chilling effect” present in the judiciary; 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. At this meeting, the Deputies decided to postpone their decision to the December 2026 DH meeting.⁴

More than 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 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,

¹ See: [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2026\)1563/H46-16E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2026)1563/H46-16E).

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

³ See: [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2025\)1521/H46-15E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2025)1521/H46-15E).

⁴ See: [https://hudoc.exec.coe.int/?i=CM/Del/Dec\(2026\)1563/H46-16E](https://hudoc.exec.coe.int/?i=CM/Del/Dec(2026)1563/H46-16E).

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 is still limited, and the removal of the President of the Kúria without effective oversight by an independent judicial body is still possible.

As a positive development in comparison with the information set out in the HHC's previous communication,⁵ the threatening government rhetoric directed at judges and the pressure exerted on judges critical of governmental and judicial administration measures have ceased following the April 2026 elections and the formation of a new government. The new government's apparent strong commitment to shared European values is reflected in its key political priority of restoring the safeguards underpinning the functioning of a democratic state governed by the rule of law. Nevertheless, no specific legislative measures have been adopted to give effect to the Baka Judgment and to strengthen the safeguards guaranteeing judges' freedom of expression and the irremovability of the Kúria President since the new government took office.

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 mandate of the Kúria President, 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 2026,⁶ the Hungarian Helsinki Committee set out its opinion in its previous Rule 9(2) communication. As the Hungarian government has not submitted a new Action Plan since, the HHC reiterates its previous observations and again expresses serious concern regarding the lack of tangible progress in the execution of the Baka Judgment.

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 publicly available information indicates, the judiciary, including the National Judicial Council (NJC), has not been involved in the process. Although this may formally comply with the applicable legal requirements, the NJC, as a key constitutional safeguard of judicial independence, should have been consulted to ensure that the

⁵ See: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2026\)523E](https://hudoc.exec.coe.int/eng?i=DH-DD(2026)523E).

⁶ See: [https://hudoc.exec.coe.int/?i=DH-DD\(2026\)416E](https://hudoc.exec.coe.int/?i=DH-DD(2026)416E).

views of the Hungarian judiciary inform the proposed reforms. Moreover, the Action Plan does not clarify whether the amendment is intended to address judges' freedom of expression, the lack of judicial review of the removal of the Kúria President, or both, and provides no evidence of meaningful progress on either issue.

If the Hungarian authorities intend to take a significant step forward in the execution of the Baka Judgment, any draft amendment concerning the judiciary should be subjected to meaningful consultation with professional bodies such as the NJC 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,⁷ 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. Removal of the President of the Kúria without effective oversight by an independent judicial body

The amendment of 13 July 2026 to the Fundamental Law of Hungary (the 17th Amendment) introduced a new provision into Article 26(4), governing the removal of the President of the Kúria, empowering judges to initiate a motion before Parliament for the President's recall. The 17th Amendment, however, laid down no procedural rules for the exercise of this power. Such rules would instead need to be established in Act CLXI of 2011 on the Organisation and Administration of Courts (Bsz.), which has yet to be brought into line with the new constitutional framework. In amending the constitutional provisions governing the removal of the President of the Kúria, the government had an opportunity to address the requirements arising from the Baka Judgment and make long-awaited progress towards its execution. This opportunity was not taken, and no system of judicial review of the removal of the President of the Kúria was introduced.

It should further be noted that the new procedure enabling judges to initiate the recall of the President of the Kúria, as well as the President of the National Office for the Judiciary, has attracted strong criticism from judges⁸ and legal experts⁹ alike. Critics argue that it requires the judiciary to participate in a political decision-making process, is incompatible with the principle of judicial independence, and risks undermining public confidence in the judiciary.

⁷ See: [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2025\)1521/H46-15E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2025)1521/H46-15E).

⁸ See e.g.: <https://24.hu/belfold/2026/07/03/varga-zs-andras-kuria-obh-visszahivas-24extra/>.

⁹ See e.g.: <https://helsinki.hu/en/wp-content/uploads/sites/2/2026/06/HHC-Opinion-Draft-of-17th-Amendment-ENG-28062026-final.pdf>, pp. 9-11.

III. “Chilling effect” on the freedom of expression of judges

III.1. The constitutional proceedings regarding the Code of Ethics for Judges

One of the significant legal controversies concerning judges’ freedom of expression centred on the constitutionality of the Code of Ethics for Judges adopted in 2022, which became a source of tension between the President of the Kúria and the National Judicial Council. Shortly after its adoption, the Kúria President challenged the Code of Ethics before the Constitutional Court. The Court delivered its decision [Decision 4/2026. (VI. 19.) AB¹⁰], only four years later, on 9 June 2026, finding that it had no jurisdiction to rule on the Code, while identifying a legislative obligation to be fulfilled by the National Assembly by 31 March 2027. The Constitutional Court’s decision brought an end to the legal uncertainty surrounding the continued validity of the Code and alleviated the chilling effect that had arisen from doubts as to its constitutional sustainability.

The NJC derived its authority to adopt a Code of Ethics from Article 103(1)(e) of Act CLXI of 2011 on the Organisation and Administration of the Courts (Bszi.). Pursuant to this provision, the NJC first adopted a Code of Ethics by Resolution No. 131/2014 (XI. 10.).¹¹ This was subsequently superseded by a new Code of Ethics, adopted on 2 March 2022 by Resolution No. 16/2022 (III. 2.).¹² The adoption of the new Code was preceded by a two-year period of professional preparation within the judicial system. A consultative body was responsible for drafting the text, which was then circulated among judges for commenting. A number of the submissions received were incorporated into the final version. The Kúria President, in his capacity as a member of the NJC, did not participate in either the deliberations on the Code or the vote on its adoption. His position stemmed from his objection to the omission of any reference to the Fundamental Law from the Code’s preamble. As he argued both at the time and in his subsequent petition to the Constitutional Court, that the absence of such a reference creates the appearance that the judicial profession has been detached from the constitutional framework established by the Fundamental Law. In his view, the preamble thereby gives rise to the impression that judges are no longer bound primarily by the Fundamental Law, but rather by a different set of values reflected in the Code of Ethics.

The Code of Ethics for Judges provides that, in the performance of their duties, judges must avoid even the appearance of favouring any person or acting in a partisan or prejudiced manner [Article 1(2)]; that judges must exercise their rights to freedom of expression, freedom of conscience and religion, and freedom of assembly and association in a manner that preserves the authority and dignity of the judicial profession and maintains public confidence in the impartial and independent functioning of the courts [Article 4(1)]; that judges are expressly permitted to express their views on matters relating to law, the legal system, court administration, and related subjects [Article 4(2)]; and that in exercising their rights and discharging their obligations, judges are required to act in accordance with the principles of fair and good-faith conduct [Article 7(1)]. The Code also imposes specific obligations on judicial office-holders: in matters subject to proceedings before a service court, they must refrain from commenting on the matter until the proceedings have concluded and must take particular care to protect the personality rights of those concerned [Article 9(5)]; furthermore, judicial office-holders

¹⁰ See:

[https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/\\$FILE/4_2026_AB_hat%C3%A1rozat.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/$FILE/4_2026_AB_hat%C3%A1rozat.pdf).

¹¹ See: https://birosag.hu/sites/default/files/2018-07/131_1.pdf.

¹² See: <https://birosag.hu/obt-dokumentumok/hatarozatok/162022-iii2-obt-hatarozat-birak-etikai-kodexerol-es-annak>.

must refrain from making disparaging remarks about bodies responsible for judicial self-governance and the representation of judges' interests, must not discriminate against their members, and must respect the legitimacy of those bodies [Article 9(6)].

The Code of Ethics does not constitute a legally binding or enforceable set of rules governing judicial conduct. As stated in its preamble, its purpose is to provide guidance to judges on maintaining standards of conduct befitting their office, with a view to strengthening public confidence in the judiciary. Under the relevant statutory provisions and the established case law of the service courts, a breach of the Code cannot, in itself, serve as the basis for disciplinary proceedings, nor may a disciplinary sanction be imposed solely on that ground. The standards set out in the Code must nevertheless be taken into account as a point of reference when assessing the conduct of a judge subject to disciplinary proceedings. It must, however, be determined on a case-by-case basis whether the ethical breach in question also constitutes a disciplinary offence.

In his petition to the Constitutional Court,¹³ the President of the Kúria argued that both the Code of Ethics and the provision of the Bszi. authorising its adoption were incompatible with the principles of the rule of law and the separation of powers, the constitutional requirements governing the hierarchy of legal norms, the right to a fair trial, and the constitutional principle of judicial independence. The petition specifically challenged the provision of the Code governing judges' freedom of expression [Article 4(2)], which stipulates that: "Judges are free to express their views on matters relating to law, the legal system and court administration, including, in particular, through publication, lecturing and teaching".

According to the Kúria President, this provision conflicted with the requirement laid down in Act CLXII of 2011 on the Legal Status and Remuneration of Judges (Bjt.), under which judges are obliged to conduct themselves in a manner befitting their office and to refrain from any expression or conduct that could undermine public confidence in judicial proceedings or diminish the authority of the courts [Article 37(2) Bjt.]. In the Kúria President's view, the statutory authorisation empowering the NJC to adopt a code of judicial ethics and establish the standards of conduct contained therein was itself unconstitutional. He argued that this competence should instead be exercised by the President of the National Office for the Judiciary, in their capacity as the head of the central administration of the courts. The President of the Kúria also argued that a breach of the Code of Ethics could, in itself, provides grounds for establishing disciplinary liability, thereby implying that the Code constituted a legal norm, despite the fact that the NJC lacked constitutional authorisation to exercise legislative powers.

Four human rights organisations submitted an *amicus curiae* brief to the Constitutional Court,¹⁴ arguing that the Court could not undertake a substantive review of the petition, given that the Code of Ethics does not constitute a legal norm. In their view, the Code serves as an important safeguard for the freedom of expression guaranteed by the Fundamental Law, a right enjoyed by judges as well, while respecting the legitimate restrictions on its exercise laid down in the relevant Act (Bjt.). The

¹³ See:

[https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/\\$FILE/II_1285_0_2022_ind%C3%ADtv%C3%A1ny.002.pdf/II_1285_0_2022_ind%C3%ADtv%C3%A1ny.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/$FILE/II_1285_0_2022_ind%C3%ADtv%C3%A1ny.002.pdf/II_1285_0_2022_ind%C3%ADtv%C3%A1ny.pdf).

¹⁴ See:

[https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/\\$FILE/II_1285_3_2022_Amicus_AIH_EKI_MHB_TASZ.002.pdf/II_1285_3_2022_Amicus_AIH_EKI_MHB_TASZ.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/$FILE/II_1285_3_2022_Amicus_AIH_EKI_MHB_TASZ.002.pdf/II_1285_3_2022_Amicus_AIH_EKI_MHB_TASZ.pdf).

amicus curiae submission, opposing the Kúria President, who argued that the imposition of additional requirements on judicial leaders was unconstitutional, emphasised that judicial office-holders occupy positions of authority and that their conduct can significantly influence the extent to which a chilling effect arises in relation to judges' freedom of expression. On this basis, the submission maintained that the adoption of ethical standards for judicial leaders that are even more stringent than those applicable to judges generally was justified.

In its Decision 4/2026. (VI. 19.) of 9 June 2026,¹⁵ the Constitutional Court did not undertake a substantive examination of the Code of Ethics and therefore did not address the substance of judicial independence or its relationship with judges' freedom of expression. Instead, its analysis focused on the legal nature of the Code and the form in which rules affecting judicial independence – including provisions capable of giving rise to judges' legal liability – must be enacted. The Court dismissed the petition seeking a review of the Code of Ethics without examining its merits, holding that its review jurisdiction extends only to legislation, instruments governing the organisation and operation of public bodies under public law, and the Kúria's uniformity decisions. The Code of Ethics falls into none of these categories.

The Constitutional Court acknowledged that the Code of Ethics undeniably aspires to normative force, but found that it lacks the essential characteristics required for enforceability. The Court recognised that ethical and disciplinary rules may be related and may even overlap, since both prescribe standards of conduct for judges. A breach of disciplinary rules will, by its nature, also entail a breach of ethical standards. Nevertheless, the determination of which forms of conduct may give rise to disciplinary sanctions, together with the conditions and procedures governing their imposition, remains the exclusive prerogative of the legislature. Consequently, a breach of ethical rules may give rise to legal consequences in its own right only where expressly authorised by statutory provisions establishing the requisite powers, procedures and safeguards.

According to the Constitutional Court, the requirement that the legal status, rights and obligations of judges, including the rules governing their liability, be regulated at statutory level is a constitutional imperative. This requirement derives, inter alia, from the principles of democratic legitimacy and the separation of powers. Accordingly, the Court articulated a "constitutional requirement" that "any requirement regarding judges may only have a legally relevant impact on their service relationship if that requirement takes a normative form based on a statutory authorisation", meaning in the present context that ethical rules may form part of the regulatory framework governing the liability of judges and serve as a basis for proceedings to establish such liability only where expressly provided for by statute.

In this connection, the Court identified a legislative omission giving rise to unconstitutionality and called upon the National Assembly to establish, by 31 March 2027, "the statutory safeguards necessary for the application of the Code of Ethics", as the Court found that the ethical norms may have an impact on the status of judges.¹⁶

¹⁵ See:

[https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/\\$FILE/4_2026_AB_hat%C3%A1rozat.pdf](https://public.mkab.hu/dev/dontesek.nsf/0/b1e83afc8b10b1d2c125885b005b3b7e/$FILE/4_2026_AB_hat%C3%A1rozat.pdf).

¹⁶ <https://alkotmanybirosag.hu/kozlemeny/dontott-az-alkotmanybirosag-a-birak-etikai-kodexerol/>

The Court also rejected the petition challenging the constitutionality of Article 103(1)(e) of the Bszi. It recalled that, within the scope of its legislative autonomy, the legislature is free to determine which body responsible for judicial self-governance should be authorised by statute to adopt the Code of Ethics for Judges.

The decision revealed a division within the Constitutional Court. Five of the fourteen justices issued dissenting opinions, arguing that the substance of the constitutional requirement articulated by the majority was already self-evident from the Fundamental Law and therefore did not need to be expressly stated. They further maintained that the finding of a legislative omission was unjustified, since the legislature merely had the option, rather than a constitutional obligation, to adopt detailed rules governing the adoption and amendment of the Code of Ethics for Judges.

As of October 2026, no concrete legislative measures had yet been taken to implement the requirements set out in the Constitutional Court's decision.

III.2. The lifting of pressure on critical judges

As set out in detail in our previous submissions, recent years in Hungary have witnessed a pattern of pressure and systematic government-led attacks directed against judges critical of judicial reforms and those advocating for the protection of judicial freedom of expression. Neither the government nor the President of the Kúria intervened to shield judges from such conduct; on the contrary, both contributed to efforts that undermined public confidence in the judiciary.

Following the change of government in April 2026, however, government-led attacks on, and retaliatory measures against judges have stopped. In his first address as Prime Minister,¹⁷ Péter Magyar apologised to social groups that had been stigmatised and subjected to persecution in previous years, explicitly including judges among those he identified as having been threatened by the previous government and the President of the Kúria.

As indicated in our April 2026 communication,¹⁸ in November 2025, Hungarian judges were publicly identified in pro-government media on the basis of alleged political affiliations after their names appeared in a leaked database associated with the Tisza Világ application, linked to the opposition TISZA Party. The credibility of the list was questioned, and several judges maintained that they had never registered for the application. Although the data breach did not result in the initiation of disciplinary proceedings, a number of integrity-related procedures were nevertheless launched against judges. Investigations conducted by the Kúria and the Budapest Regional Court concluded that the judges concerned had not registered for the application, prompting the respective court presidents to file criminal complaints against unknown perpetrators on suspicion of the unlawful misuse of personal data.¹⁹ As of August 2026, however, the police investigation had made no substantial progress, and no suspects had been identified in connection with the large-scale data abuse.²⁰

¹⁷ See: <https://www.youtube.com/live/L2-vTPsXUL8?si=iXEVsiu5SsjRAWkd>.

¹⁸ See: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2026\)523E](https://hudoc.exec.coe.int/eng?i=DH-DD(2026)523E).

¹⁹ See: <https://helsinkifigyelo.444.hu/2026/03/05/a-partatlansag-velelme-a-tisza-vilag-adatszivargas-es-a-biroi-fuggetlenseg>.

²⁰ See: https://nepszava.hu/3330644_tisza-vilag-adatszivargas-rendorseg-naih-kampany-terkep-mediaworks.

On 19 May 2026, the National Authority for Data Protection and Freedom of Information imposed a fine of HUF 50 million (approximately EUR 137,000)²¹ on three online news portals published by Mediaworks for publishing, without an adequate legal basis, the web address of a website that had disclosed the personal and sensitive data of nearly 200,000 individuals associated with the TISZA Party, including judges, through an interactive map. To date, this administrative fine represents the principal legal consequence arising from the unauthorised processing and disclosure of the data.

Our April 2026 communication²² describes in detail the case of Kúria judge András Kovács, against whom several procedures were launched by the Kúria President for – among others – expressing scholarly criticism concerning the functioning of the judiciary. Since the change of government, no comparable retaliatory measures have been reported. In September 2026, Judge Kovács participated in a roundtable discussion organised by the Institute for Legal Studies,²³ which addressed current issues relating to the administration of the judiciary. No information has emerged suggesting that any attempt was made within the Kúria to obstruct his participation. Nor has any adverse action against Judge Kovács by the government been observed; on the contrary, on 15 September 2026, he was elected to the Constitutional Court upon the proposal of the parliamentary group of the governing party.²⁴

In May 2026, the legal proceedings brought by the senior adviser who had previously been dismissed from the Kúria on account of her scholarly work concluded in her favour, with a final and binding judgment. In our submission of 20 January 2025,²⁵ we presented the case of X, a researcher and university lecturer who had worked part-time for several years as a senior scientific advisor at the Kúria and was dismissed with immediate effect in October 2024, one month after participating in a workshop discussing an unpublished academic study she had co-authored on domestic jurisprudence and the relationship between the judiciary and government institutions.

X subsequently brought a labour action challenging the legality of her dismissal. In its first-instance judgment issued in June 2025,²⁶ the Budapest-Capital Regional Court found that terminating the senior scientific advisor's employment had constituted a disproportionate sanction, particularly given that scientific research was central to her duties both as a university lecturer and as an advisor at the Kúria. The court ordered the Kúria to pay her outstanding wages and interest, as well as several million forints in legal costs. The Kúria appealed the decision. In May 2026, in its final judgment,²⁷ the Budapest Court of Appeal ruled that X had been dismissed over criticism contained in a study that had never been made public and therefore could not have seriously damaged the Kúria's reputation; that judges, and consequently senior scientific advisors working for the courts, were entitled to speak out critically in defence of judicial independence, as confirmed by the case law of the European Court of Human Rights; and that the criticism of the Kúria's functioning expressed by X and her co-author constituted an opinion supported by facts and appropriate references. The Court further held that prohibiting such criticism would be unacceptable not only from the perspective of X's freedom of

²¹ See: <https://www.naih.hu/hatarozatok-vegzesek?download=1497:a-tisza-partot-erinto-adatszivargas-alapjan-keszített-terkep-elérhetosegenek-a-mediaworks-hungary-zrt-hirportaljain-megjelent-cikkekben-valo-kozzetetele>.

²² See: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2026\)523E](https://hudoc.exec.coe.int/eng?i=DH-DD(2026)523E).

²³ See: <https://jog.tk.elte.hu/esemeny/2026/09/jog-allam-terapia-kerekasztal-sorozat-viii>.

²⁴ See: <https://444.hu/2026/09/15/alkotmanybirova-valasztottak-a-tisza-ot-jeloltjet>.

²⁵ See: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)112E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)112E).

²⁶ See: <https://helsinki.hu/a-kuria-ujabb-munkaugyi-pert-vesztett/>.

²⁷ See: <https://helsinki.hu/varga-zs-andras-a-kuria-elnoke-mint-munkaltato-ujabb-pert-bukott-el/>.

expression but also for the functioning of a democratic society. It therefore concluded that the Kúria President had unlawfully imposed the most severe employment-related sanction for professional criticism that fell within the scope of the freedoms of expression and scientific research.

Other court decisions favouring judges concerned by retaliatory measures and smear campaigns have also been handed down in the period since our last Rule 9 communication. On 18 May 2026, the daily newspaper Magyar Nemzet, which had served as a vehicle for disseminating the political messaging of the Fidesz-led government, was compelled to publish a correction²⁸ following a final and binding court judgment finding that it had violated the inherent personal rights of Judge Tamás Matusik, former President of the NJC, now President of the Budapest Regional Court, who was subjected to one of the most extensive smear campaigns during his tenure as NJC President. The violation by the newspaper arose from a report alleging that Judge Matusik had been responsible for the decision to release a man who possessed child pornography material. The court conclusively established that this allegation was entirely false.

III.3. No analysis prepared or legislative measures adopted regarding the freedom of expression of judges

Despite the above outlined positive developments, the situation remains that although the most recent CM decision also emphasized the need to prepare an analysis and adopt further general measures to address the “chilling effect” within the judiciary and to safeguard judges’ freedom of expression, no such measures have been implemented.

The new government, which took office following the April 2026 elections, has so far failed to take effective steps to remedy the identified shortcomings, notwithstanding the cessation of government pressure and intimidation directed at judges. Effective constitutional and statutory safeguards to ensure that judges are not subjected to undue political and administrative pressure in the future remain absent.

The Constitutional Court set a close deadline (31 March 2027) for creating statutory guarantees that are necessary for applying the Judicial Code of Ethics. This will present both an obligation and an opportunity for the Hungarian authorities to carry out that evaluation and, if necessary, adopt further general measures to ensure that judges’ freedom of expression, notably related to matters of public interest concerning the judiciary, is unambiguously guaranteed not only in theory but also in practice.

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;

²⁸ See: <https://magyarnemzet.hu/belfold/2026/05/jogeros-itelet-allapitotta-meg-hogy-lapunk-megsertette-dr-matusik-tamas-biro-szemelyisegi-jogait>.

- take all necessary measures to ensure that the Hungarian authorities proceed with the evaluation of the domestic legislation on the status of judges and the administration of courts, including an analysis of the impact of all legislative and other measures adopted and foreseen on judges' freedom of expression to make a full assessment of the concerns regarding the "chilling effect" on the freedom of expression of judges;
- require that the Hungarian authorities introduce legislative measures at the rank of cardinal laws (with special regard to Act CLXII of 2011 on the Legal Status and Remuneration of Judges and its overbroad provisions allowing for an arbitrarily restrictive interpretation of the freedom of judicial expression) that guarantee the exercise of the freedom of expression of judges and provide adequate legal remedy against the breaches thereof;
- 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