

RESEARCH REPORT

On certain issues relating to the freedom of expression of Hungarian judges November-December 2023

The **Hungarian Association of Judges (MABIE)** (registered office: H-1122 Budapest, Tóth Lőrinc utca 6; registration number: 01-02-0001805; www.mabie.hu) launched a survey in November 2023 among Hungarian judges in order to assess certain issues related to freedom of expression. The survey was carried out using an online questionnaire and the results are summarised in this research report.

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1 ABOUT DATA COLLECTION

MABIE is the national association of Hungarian judges, junior judges and trainee judges. The aim of the Association is to protect judicial independence, to promote the rule of law, to strengthen the social recognition of the judiciary, to continuously improve the living and working conditions of judges, to represent and promote the judicial service interests of trainee judges and junior judges and the interests of judges related to judicial service time, and to support and develop the effective and democratic functioning of judicial administrative and self-government bodies.

In line with the above objectives, in autumn 2023 the Board of MABIE decided to launch a survey among Hungarian judges on certain issues related to the freedom of expression of judges.

The research data was collected through an anonymous online questionnaire survey conducted among Hungarian judges. Participation in the survey was voluntary and did not carry any benefits or risks. The questionnaire was interruptible, meaning respondents could exit the survey at any time without giving a reason, in which case the answers given up to the time of the exit were automatically deleted. When completing the survey, respondents were also free to choose whether or not to answer all questions. It was also possible to refuse to answer the various question individually. During the survey, MABIE did not record any personal data, and it was not possible to identify respondents based on their answers to the questions.

This research report is based on data from the online data collection. The questionnaire was open for completion between 15 November 2023 and 31 December 2023, as per the previously published information. The data was collected on a non-sampling basis, and the questionnaire targeted the entire population of judges in Hungary. The online questionnaire allowed completion without the need for a password or personal identification data and was made available to judges on several different interfaces. (i) On 15 November 2023, MABIE sent the questionnaire to its members via email¹, asking

* The original Hungarian version of the research report is available at: https://mabie.hu/attachments/article/1801/Kutatasi_jelentes_B.pdf.

¹ MABIE had 1,045 members in January 2024.

the members of the judiciary to contribute to the research. (ii) On 14 December 2023, the President of the National Judicial Council sent the link to the questionnaire to all Hungarian judges via the internal mailing system of the courts and invited them to complete the questionnaire. The questionnaire was thus distributed to all members of the target population.

The link to the questionnaire was also publicly available on the MABIE website for a few days between 18:22 on 15 December 2023 and 11:30 on 20 December 2023. A total of 44 people completed the questionnaire during this period. Responses from respondents who completed the survey during this period were not significantly different² from other respondents, thus it can be assumed that the number of possible malicious completers was minimal. However, given that the public availability of the link may raise doubts about the credibility of the responses given during this period, this research report does not take any of the responses given during the public availability of the link into consideration.

285 people completed the questionnaire by the deadline, representing 11% of Hungarian judges.³ The respondents are approximately representative of the entirety of the judiciary in terms of their characteristics, although there is a slight under-representation of judges who have been in the judiciary for less time (0–3 and 3–14 years) [Figure 1] and judges in Budapest [Figure 3].

Refusal of providing an answer was possible for all questions. The highest non-response rate was for questions on the characteristics of judges (how many years the respondent has been working in the judiciary, in which town/settlement and at which level). In these cases, 12–18% of respondents did not answer the questions, presumably for fear of being identified.

The significance tests used in the analysis (e.g. chi-square test, F-test) are considered significant at the $p < 0.05$ level.⁴

2 CHARACTERISTICS OF RESPONDENTS

2% of respondents have been working as a judge for 0–3 years, 30% for 3–14 years, 36% for 15–25 years and 31% for longer. [Figure 1] Those working at district courts and other levels are split roughly 50/50 in the sample. [Figure 2] More than two thirds of respondents (68%) do not work in Budapest. [Figure 3]

3 KNOWLEDGE AND ATTITUDES RELATING TO JUDICIAL FREEDOM OF EXPRESSION

3.1 Knowledge of applicable sources of law

Respondents were asked about four sources of law and whether they were familiar with their provisions on the expression of opinions of judges. The four sources of law were (i) the Fundamental Law and cardinal acts; (ii) the Code of Judicial Ethics; (iii) the internal judicial regulatory documents; and (iv) the case law of the European Court of Human Rights.

96% of the judges surveyed are familiar or partially familiar with at least one source of law. Of the four sources of law listed, judges on average are familiar with 3.1. The best-known sources of law are the Fundamental Law and the cardinal acts, which 93% of judges are at least partly familiar with. The second best known source of law is the Code of Judicial Ethics, whose provisions on the expression of opinions by judges are known by 90% of respondents. [Figure 4] The knowledge of the relevant provisions of

² Of the 90 variables in the data, only 3 were found to be significantly different, but this is presumably due to chance. These were as follows: (1) In the following forums, to what extent are you free to express your opinion – within the necessary limits – on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the law? On social media (average of all respondents was 1.5, compared to 2.0 for those who responded during the given period); (2) What have you expressed your opinion about? 21% of respondents expressed their opinion about the Curia or its President, compared to 27% of respondents in the given period; (3) 35% of all respondents work in Budapest, compared to 58% of respondents in the given period.

³ According to the information provided by the National Office for the Judiciary (NOJ) to a request for access to data of public interest, there were 2,692 judges working in Hungary in December 2023.

⁴ Statistical significance is a judgment about whether an outcome occurs by chance. When a result is statistically significant, it means that the occurrence of the result is unlikely to be the result of chance. There is a cut-off for determining statistical significance. This cut-off is the significance level, which in this case is 5%. This means that for significant correlations, there is a 5% chance that the result is due to chance.

the two sources of law mentioned above (the Fundamental Law and the cardinal acts and the Code of Judicial Ethics) is not significantly affected by how long the respondent has been in the judiciary, whether they work in Budapest or not, nor by whether they work in a district court or at another level.

81% of respondents were at least partially familiar with the sections of judicial regulatory documents on the expression of opinions by judges, but a significantly lower proportion (69%) of judges working in Budapest were familiar with these. The least familiar source of law is the case law of the European Court of Human Rights, which half of respondents know at least partially, but only 15% state they are fully familiar with it. [Figure 4] However, a higher proportion of judges who have been judges for at least 25 years (66%) and those who do not work in district courts (61%) are familiar with the case law of the European Court of Human Rights.

3.2 Support for freedom of expression by judges

Respondents were asked to rate on a scale of 1 to 5 how much they agreed with various statements about expression of opinions by judges (1 being strongly disagree and 5 being strongly agree).

Overall, respondents showed a supportive attitude towards expression of opinions by judges. On a scale of 1 to 5, respondents indicated an average of 4 or more, i.e. they tended to agree with the statements that (i) judges are entitled to attend public events organised within the framework of the law, but must take care not to give the impression of political commitment (average: 4.2); (ii) judges are obliged to speak out in defence of the rule of law and judicial independence when these fundamental values come under threat (average: 4.2); and that (iii) judges are free to express opinions on the law, the legal system and the administration of the judiciary, in particular to publish, lecture and teach (average: 4.0). Slightly lower support (average: 3.4) than above was observed concerning the statement that judges can participate in public debates on legislative reforms affecting the application of law and the judiciary, and on issues related to judicial independence in general, even if such debates have political implications. [Figure 5]

The above questions are not significantly affected by whether judges work in Budapest or at which level of the court system, or by how many years they have been in the judiciary and whether they are familiar with the sources of law listed above.

4 PREVALENCE OF THE FREEDOM OF EXPRESSION

4.1 The prevalence of judicial freedom of expression in practice

The questionnaire also asked about the practical application of certain statements relating to the expression of judicial opinions. According to the responses, the majority of respondents do not think that the statements on the expression of judicial opinions are applied in practice. Less than a fifth of judges (18%) thought that it is mostly or fully applied in practice that judges can participate in public debates on legislative reforms affecting the application of law and the judiciary, and on issues related to judicial independence in general, even if such debates have political implications. The vast majority (82%) think that this is not applied at all (41%) or rarely (41%). 36% believe that it is applied in practice that judges are free to express opinions on the law, the legal system and the administration of the judiciary, in particular to publish, lecture and teach. According to the most divisive statement, which half of the respondents (49%) saw as applied in practice, and the half saw mostly not applied or not at all (51%): judges are entitled to attend public events organised within the framework of the law, but must take care not to give the impression of political commitment. [Figure 6]

Opinions about the above statements were not significantly affected by whether judges work in Budapest or at which level of the court system, or how many years they have been in the judiciary.

4.2 Forums for the expression of judicial opinions

On a scale of 1 to 5, respondents were asked to rate the extent to which they have the freedom to express their views on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the law in different forums (a score of 1 means that they have no freedom at all, while a score of 5 means that they have full freedom to express their views). According to the responses, judges have the most opportunities to express their opinions in internal forums (meetings of the associations of judges or advocacy organisations, and debates in the internal publicity of the courts), or in the form of academic lectures or teaching (the average of which was above the mean of 3). Slightly fewer respondents saw opportunities to express their views in publications or articles (average: 2.9). In contrast, the majority of judges considered that there were far fewer opportunities to express their views in the form of participation in wider public debates, in social media and through participation in demonstrations (all with an average of less than 2). [\[Figure 7\]](#)

4.3 Topics of the expression of judicial opinions

As before, respondents were again asked to rate the extent to which they could freely express their opinions on various topics. The average of respondents was below a mean of 3 for all the topics listed, meaning that in all cases they felt that they had little or no freedom to express their opinions. Among the topics listed, judges felt most free to express their opinions on the rules concerning courts and judges (average: 2.8), while they felt least free to express their opinions on the NOJ (average: 1.9) and the Curia (average: 1.9). [\[Figure 8\]](#)

5 EXPERIENCES RELATING TO THE EXPRESSION OF OPINIONS

5.1 The actual exercise of freedom of expression

In the past 5 years, 35% of respondents expressed their views on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the law in one of the public forums listed above. [\[Figure 9\]](#)

The expression of opinions was not significantly affected by whether judges work in Budapest or at which level of the court system, or how many years they have been in the judiciary.

5.2 The subjects of expression of opinions

The respondents primarily expressed their opinions on judicial administration (62%), legal regulations applicable to courts or judges (57%) and internal standards (51%). The fewest respondents (21%) spoke out about freedom of expression by judges and in relation to the Curia or its President (18%). [\[Figure 10\]](#)

5.3 Retaliation against the exercise of freedom of expression

35% of the judges who expressed their opinions had suffered some form of retaliation, pressure or discrimination for expressing their opinions. [\[Figure 11\]](#) Most had suffered disadvantages affecting their career (41%) and their workload (33%) or working conditions (33%). [\[Figure 12\]](#) The overwhelming majority of respondents (81%) reported that they had (also) experienced retaliation, pressure or discrimination from the administrative executive. The percentage of mentions of other actors listed in the question (e.g. other court executives, press, media, colleagues) was much lower. [\[Figure 13\]](#)

6 FACTORS LIMITING THE EXPRESSION OF OPINIONS

6.1 Abstaining from the expression of opinions

Almost two thirds of respondents (65%) did not express their views on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the

law in any of the public forums listed above in the last 5 years. [Figure 9] However, less than half (45%) of those who abstained from expressing an opinion said that it was partly because they did not feel the need to do so. Most people (also) did not express their opinion because they thought it would be pointless, nothing would change (79%) and/or they were afraid of retaliation, pressure or discrimination (78%). [Figure 14]

Judges with the longest service in the judiciary were less afraid of retaliation: while 65% of those who had been judges for 25 years or more mentioned this argument, 83% of those with 0–15 years of service and 90% of those with 15–25 years of service cited this. Fear of retaliation was cited more often by judges working in district courts (85%) than by judges working at other levels (76%). Fear of retaliation was also cited in higher numbers (88%) by those who know of a case in the past 5 years where a judge has been retaliated against, pressured or discriminated against for expressing an opinion on issues concerning the justice system, the judicial profession and independence and the application of the law. [Figure 15]

6.2 The effect of retaliation, pressure and discrimination

Nearly three quarters of judges (73%) know of a case in the past 5 years where a judge has been retaliated against, pressured or discriminated against for expressing an opinion on issues concerning the justice system, the judicial profession and independence and the application of the law. [Figure 16] More than half (52%) of the judges surveyed believe that the situation of freedom of expression in Hungary has deteriorated over the past 5 years. 30% of respondents said the situation had not changed, while 17% said it had improved. [Figure 17] These questions are not significantly affected by whether judges work in Budapest or at which level of the court system, or by how many years they have been in the judiciary.

6.3 Presence of a supportive environment for the expression of opinions

According to the responses, the majority of judges do not feel that they can count on a supportive environment when expressing their opinions. Of the organisations listed and their leaders, respondents felt the National Judicial Council (NJC) was the most supportive: more than two thirds (67%) agreed or tended to agree that the NJC overall supports judges exercising their freedom of expression. The other listed organisations and their leaders are considered much less supportive: only 9% of respondents agreed that court executives overall support judges exercising their freedom of expression, while 9% also thought the same about the President of the NOJ and 7% about the President of the Curia. [Figure 18] 37% of respondents think that if a judge is attacked, they have the possibility to express solidarity. In addition, 21% said they could count on the support of fellow judges and 13% said they could count on the support of their superiors if they were attacked for exercising their freedom of expression. [Figure 18]

6.4 Support for the exercise of the right to freedom of expression

Based on the average of the ratings of the above statements, an index⁵ was created that measures, on a scale of 1 to 5, how supportive the respondent considers their workplace environment to be overall when judges exercise their freedom of expression.

Overall, judges do not consider their work environment to be supportive: on a scale of 1 to 5, the average of all respondents was only 2.2. [Figure 19] The perception of a supportive environment was not significantly affected by whether judges work in Budapest or at which level of the court system, or by how many years they have been in the judiciary. However, the respondent's direct or indirect experience of expressing an opinion had an impact on the feeling of support. Those who knew of

⁵ The index is a composite measure that is used to sum up the scores of several questions. To determine whether the given questions can be combined into a single measure, we usually use Cronbach's alpha, which is considered valid above 0.7. In this case, the Cronbach's alpha value was 0.833.

a case in the past 5 years where a judge has been retaliated against, pressured or discriminated against for expressing an opinion on issues concerning the justice system, the judicial profession and independence and the application of the law felt their environment to be less supportive (their average score on a scale of 1 to 5 was 2.1, compared to 2.6 for those who knew of no such cases).

Those who had expressed an opinion in the past 5 years but had not been retaliated against for doing so felt their environment to be slightly more supportive (average: 2.6). Those who expressed an opinion and were retaliated against for doing so felt their environment to be less supportive (average: 2.1) as did those who did not express an opinion at all (average: 2.2). In the latter case, however, the causal relationship may also be reversed, i.e. the lack of a supportive environment may have caused these judges not to express their opinions. [\[Figure 19\]](#)

6.5 Prevailing of the chilling effect

Half of the respondents (50%) think that the chilling effect prevails strongly, while another 36% think that it prevails slightly among judges. Only 7% of respondents think that the chilling effect does not really prevail, and a further 7% think that it does not prevail at all. [\[Figure 20\]](#)

Among the longest serving judges, the proportion of those who think that the chilling effect prevails is significantly lower (78%). In addition, those working in district courts are more likely to experience the chilling effect than those working at other levels.

The respondent's direct or indirect experience of expressing an opinion has a powerful impact on the perception of the chilling effect. There is a significantly higher proportion of those who report having experienced the chilling effect among respondents that know of a case in the past 5 years where a judge suffered retaliation, pressure or discrimination for expressing their opinion (95%) or those who have experienced such retaliation for expressing their opinion (100%). [\[Figure 21\]](#)

6.6 Factors limiting the right to freedom of expression

Respondents were asked to rate on a scale of 1 to 5 the extent to which different factors limit the freedom of expression of judges (1 being not at all and 5 being completely). According to the responses, freedom of expression by judges is most restricted by the public service media (average: 4.0 points) and by politicians (average: 3.9 points). [\[Figure 22\]](#)

7 FREE TEXT ANSWERS

When completing the questionnaire, respondents were given the opportunity to share their views on any question or topic of the questionnaire anonymously in the form of a free text response. This option was used by 9% of respondents (only 27 out of 285).⁶ The free text responses are presented below, broken down by topic.

7.1 On the possibility of retaliation against expression of opinions by judges

"The freedom of expression on the independence of judges, on applicable legislation, on working conditions, is, in my opinion, currently limited mainly by the fact that a significant number of judges fear that if they voice any criticism of this kind, even within the legal and ethical framework, it could have consequences that could put their livelihood in danger, and therefore they prefer not to express their opinion in these forums."⁷

⁶ Respondents are designated a number in the order in which they completed the questionnaire. Of the 23 free text responses, 21 were actually usable, one could not be interpreted and one provided general information about the respondent's career as a judge. In some responses, missing accents have been added to make them easier to read.

⁷ Respondent2

“Limitation starts with discrediting and incitement within the organisation, and intimidation is followed by adverse administrative measures. It concerns chamber assignments, the assignment of cases and the ensuring of working conditions.”⁸

“Pressuring is mostly exerted through administrative measures, and intimidation is widespread. If the judge does not rule as expected, they can expect 100% retribution from superiors at the first opportunity. This can happen when assessing applications, creating working conditions or allocating workload. Administrative executives do not provide protection against attacks from the media. The administrative executive tries to keep you in total uncertainty, trying to discourage you professionally. The administrative middle managers become completely submissive to the senior leader, loyalty to the administrative head is the supreme virtue.”⁹

“I know of judges who were scared of even completing this questionnaire for fear that their superiors would somehow find out. Do you think this is normal?”¹⁰

“I am not writing [a free-text response] because I don’t trust that this questionnaire would really remain anonymous if I wrote my opinion.”¹¹

“I think that judges no longer dare to express their opinions freely even without specific restrictions or pressure, because they know what is expected of them and what they risk if they openly express their opinions. (Pressure from the administrative executive – even in case allocation, political attack).”¹²

7.2 On the role of administrative executives

“Many senior court executives are trying to ensure that there is no real expression of opinion. As judges rarely dare to express their opinions publicly for fear of retaliation, one means of doing this is to reduce the number of secret ballots. If this is not possible because a secret ballot is clearly necessary (e.g. on personnel issues), then an electronic ‘secret’ vote must be held via a link sent to the office email address, which the majority believes is not in fact secret. In view of this fact, it is actually no longer relevant whether this way of voting is actually secret or not, because the chilling effect already applies, and judges are not voting according to their true opinions. The effect of this was clearly visible when an actual secret vote (on paper) was required on NJC candidates, because in this case the judges actually dared to vote according to their true opinions.”¹³

“I am concerned about the turnover within the courts, which is no longer limited to the central region, and the adverse selection at certain levels (especially at senior management level). A non-objective points system that makes it difficult to become a judge, the increasingly uncertain loyalty of the judiciary, wage tensions, emergency legislation and the dilettantism of politicians are all threatening a well-functioning justice system. Training for trainee judges and the values of home-grown future personnel are much more to be promoted. Let’s not be the enemy of our own future staff, let’s not forget our highly knowledgeable and respected professional mentors and let’s not dilute the system with junior judges seeping in from public administration. This is a long, beautiful and responsible career, with its curves and arc, its difficulties and its beauty, including independence in particular. The appointment of administrative executives and professional managers can only be justified on professional grounds. This is an internal guarantee of independence and one of the guarantees of professionally impeccable (independent) application of law. The other is a fair judicial pay.”¹⁴

⁸ Respondent8

⁹ Respondent9

¹⁰ Respondent18

¹¹ Respondent21

¹² Respondent25

¹³ Respondent4

¹⁴ Respondent11

“In principle, it should be the duty of court executives, especially the head of the NOJ, to stand firmly and clearly on the side of judges when they are under unjustified or unfounded attack, whether from politics, the media or clients, but this duty is not being fulfilled or is being done in weak fashion. The President of the NOJ is a judge who can afford and has a duty to stand up for their fellow judges, and it is not understandable why they do not do so, when they should not have to fear retribution for doing so. Make no mistake, it doesn’t matter from which side of the political spectrum the unjustified and unfounded attack arrives. In this regard, it should be pointed out that in the event that the judge’s mouth is gagged by the legislative environment in their own cases, then the leaders should conduct an active press/media dialogue, even using the press secretariats, but the courts do not communicate, the press secretariats and press spokespersons are invisible, they make no sense in this form. The public should be informed about the reasons behind the decisions taken in the various cases, which would make a lot of unfounded criticism downright ridiculous, and would lift the veil on demagogic media and politicians.”¹⁵

“As long as about one third of the judiciary performs an administrative function and looks at the courtroom with panic, no one will have any vested interest in changing anything. As long as a court executive can go 12–18 or even 24 years in a leadership position without making a substantive judgment, there will not be anyone that would take a stand on any issue. The guarantee of the rule of law is not the transparency of the Curia’s case allocation procedure, but that no person should be able to serve more than 6 consecutive years in any administrative post (one and a half parliamentary cycle), that the examination of a judge should not be carried out by the immediate superior or by another head of the given court, that the examination should avoid subjective bias, that we should dare to say that if someone is unfit to be a judge or a head of the court, and there should be continuous professional training and accountability, [...]”¹⁶

“When it comes to issues that concern leaders, these must be weighted; the approaches of leaders vary significantly by region of the country and by leader when it comes to expressing opinions.”¹⁷

7.3 On the livelihood and pay of Hungarian judges

“In Hungary, wages for judges do not allow them to build up savings that would provide them with sufficient temporary livelihood during a related procedure, for example if they were to lose their status unlawfully.”¹⁸

“In addition to what was stated in the questionnaire, the extremely low salaries of judges, in my opinion and in the opinion of all my colleagues, also threaten the independence of judges. Maybe there could be some research on this as well, because we are in a deplorable situation.”¹⁹

“In recent years, the authoritarian political regime in Hungary has increasingly sought to silence certain relatively homogeneous groups in society. Judges, as a part of the so-called legal intelligentsia, have been dealt a serious blow by the further slashing of the courts’ budget for 2024. Judges are not paid a salary commensurate with their responsibilities and the seriousness of their role in society. Senior court executives are people close to politics, the lower level leaders are either also staunch pro-government or otherwise intimidated politically-neutral individuals. The interests of the judges are not represented by the administrative executives or by the NOJ as an organisation. The latter is headed by a man loyal to the government who has had dubious connections with persons involved in ongoing criminal proceedings.”²⁰

¹⁵ Respondent12

¹⁶ Respondent20

¹⁷ Respondent10

¹⁸ Respondent2

¹⁹ Respondent7

²⁰ Respondent14

"[...] I want wages that take into account not only the dignity of being a judge, but also the 5 years of university, 3 years spent as a trainee judge, 2–3 years as a junior judge, and shouldn't have to be ashamed of my salary compared to a bus driver."²¹

7.4 On the judiciary and its social acceptance

"In general, I think that the current public power has tried to influence the judiciary at all levels, to break its autonomy and independence against the power, at the level of legislation and by appointing its leaders. Freedom of expression has also been lost. The judiciary is intimidated, dependent on the executive for its organisation, its finances and its income, and is at the mercy of the executive, neglected and humiliated by it. Its leaders dare not and do not want to stand up and assert their interests within the current power structure."²²

"It would also be useful to 'promote' the court at least as much, even in the commercial media, as notaries public do or can (potentially even with legal reality shows). Then maybe the court would have more prestige with the citizens, because at the moment it's about zero or less, so what judge would want to give an opinion, who would pay attention or care? Especially if they then get a 'slap on the hand' from their leaders or politicians for daring to speak out."²³

"There has been a clear deterioration in the public perception of judges in recent years, public trust and faith in the impartiality of the judiciary has been shaken. There is a general distrust within the court."²⁴

7.5 On regulating expression of opinions

"Above [among the questions in the questionnaire], there are some forums where I don't think we should express opinions even if we could, e.g. social media. As far as I know, in Germany for example, it is not prohibited for judges to be members of political parties. That is not what they fear when it comes to judicial independence."²⁵

"There is no forum or possibility to express opinions on issues related to work (access to documents – electronic documents), problems with other authorities (investigative authorities, prosecutor's office), in order to solve these. Especially in small courts outside of Budapest."²⁶

7.6 About the questionnaire

"Many of the questions are manipulative, worded in a way that only one kind of answer can be selected from the answers offered based on aspects of reasonability due to their internal contradictions. It is clear from the whole questionnaire that it is intended to promote judges taking on more of a political role."²⁷

"Does the questionnaire have topical political content and is it propaganda in itself? [sic] This should not be allowed within the judicial organisation. It is not the job of a judge to become involved in politics. If they are influenced or pressured, they need to report it."²⁸

"It was super, and it's very unfortunate that these issues are more topical than ever. Thanks to the association."²⁹

²¹ Respondent20

²² Respondent13

²³ Respondent16

²⁴ Respondent17

²⁵ Respondent2

²⁶ Respondent23

²⁷ Respondent5

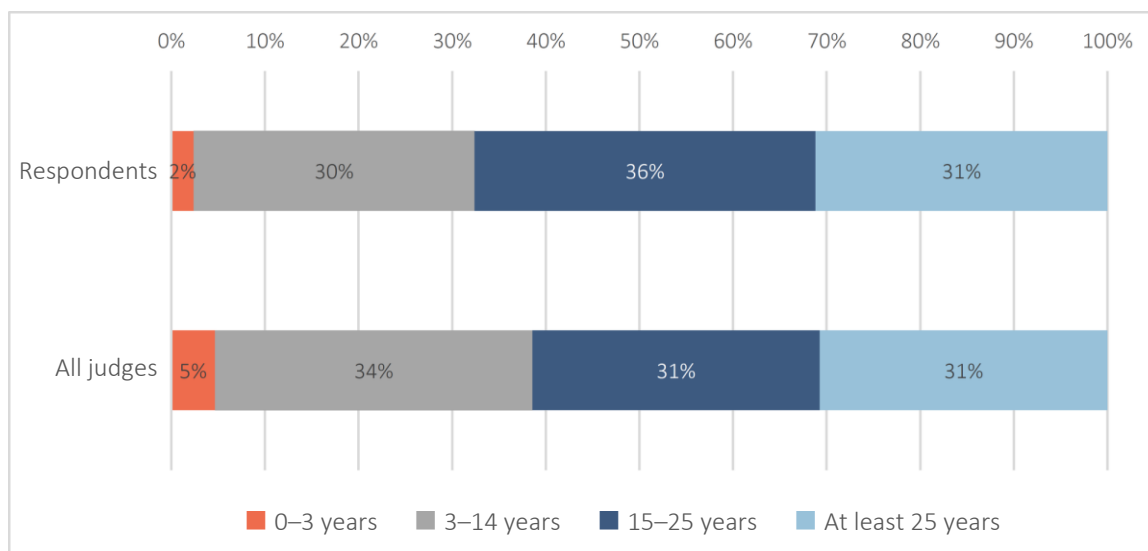
²⁸ Respondent6

²⁹ Respondent26

“The wording of many of the questions is quite complex, which may distort the credibility of the survey.”³⁰

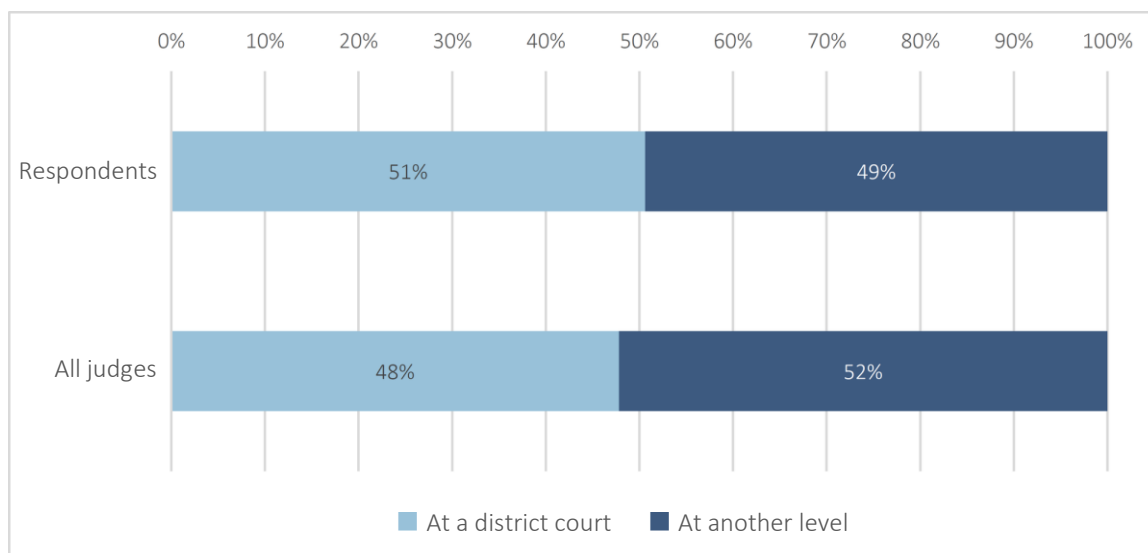
8 FIGURES

[Figure 1] How long have you been a judge? (Distribution of questionnaire respondents and judges in Hungary, %)



Base of respondents: full sample, n=250; All judges: based on NOJ data

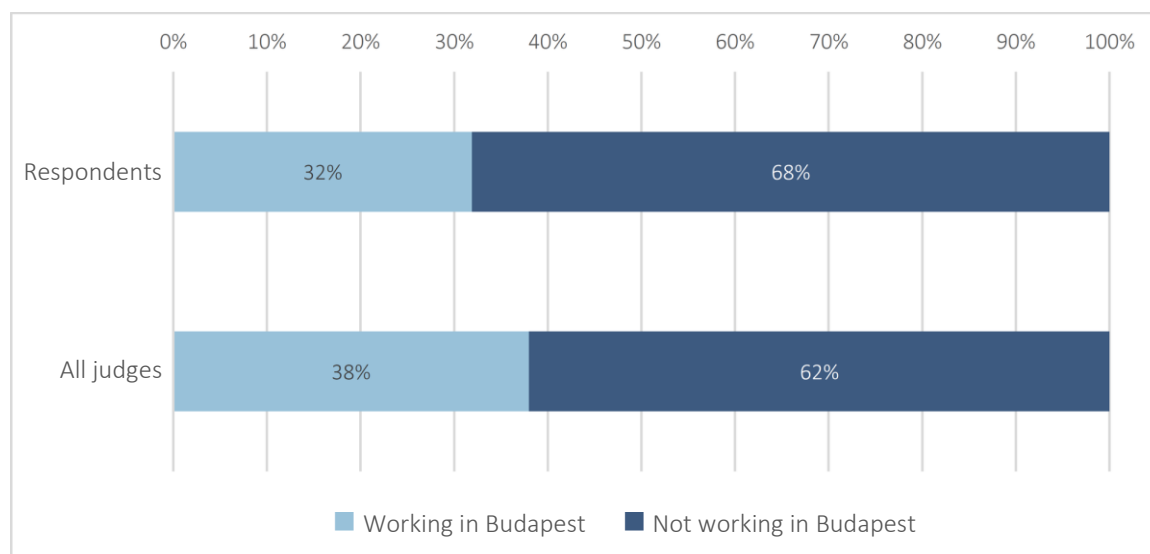
[Figure 2] At which level of the courts do you work? (Distribution of questionnaire respondents and judges in Hungary, %)



Base of respondents: full sample, n=245; All judges: based on NOJ data

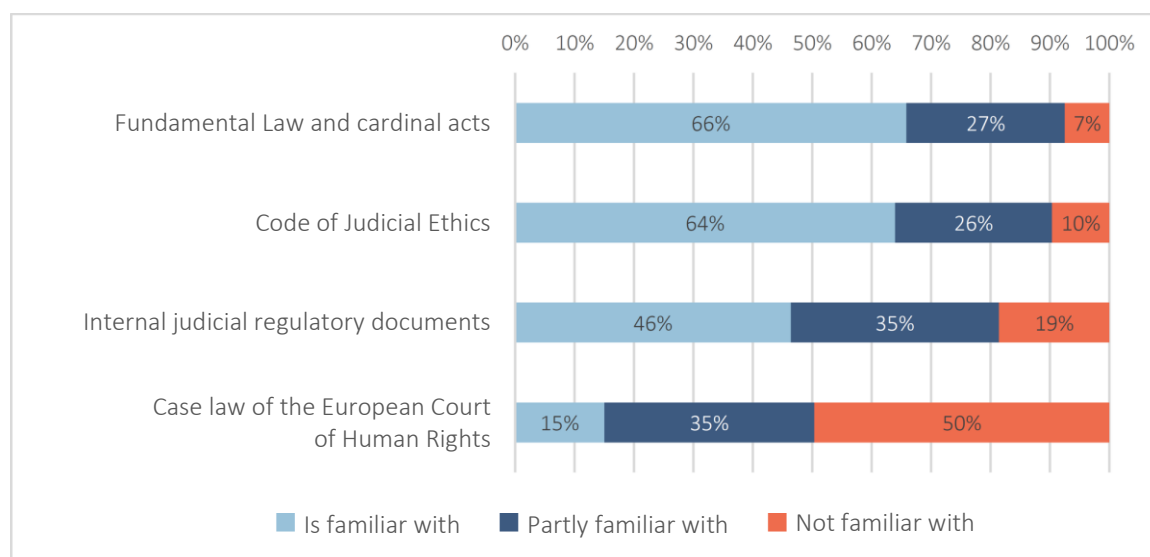
³⁰ Respondent27

[Figure 3] Do you currently work in Budapest? (Distribution of questionnaire respondents and judges in Hungary, %)



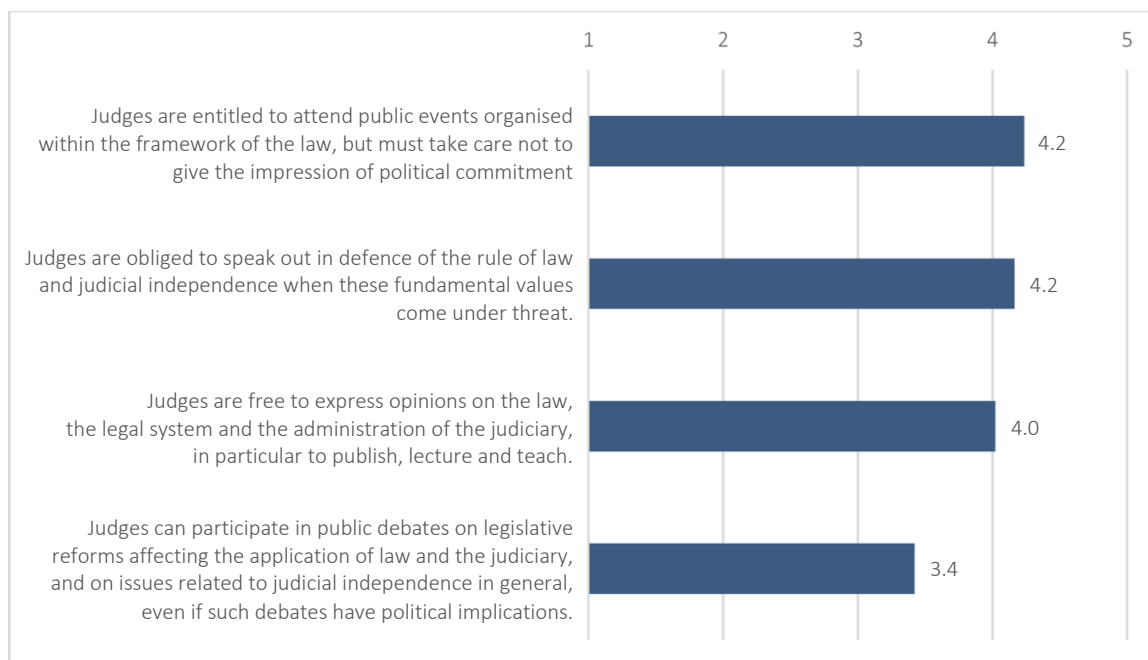
Base of respondents: full sample, n=235; All judges: based on NOJ data

[Figure 4] Which of the applicable provisions of sources of law regulating the expression of opinions by judges are you familiar with? (%)



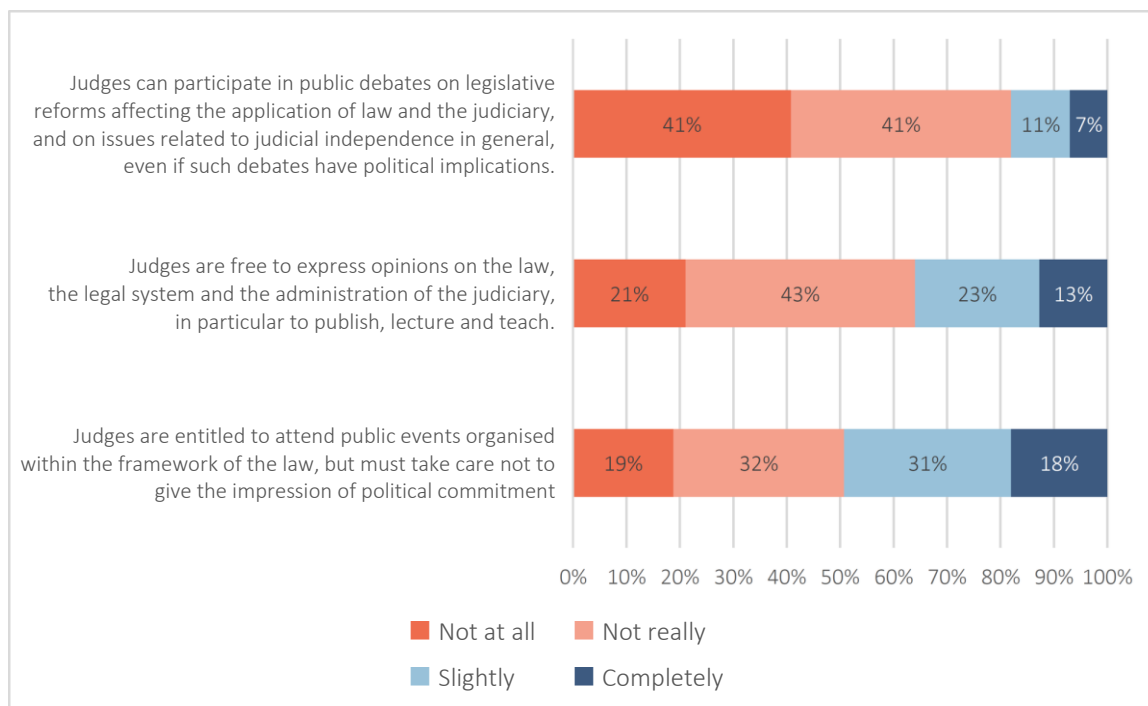
Base: full sample

[Figure 5] Attitudes towards expression of opinions by judges (1–5 scale averages)



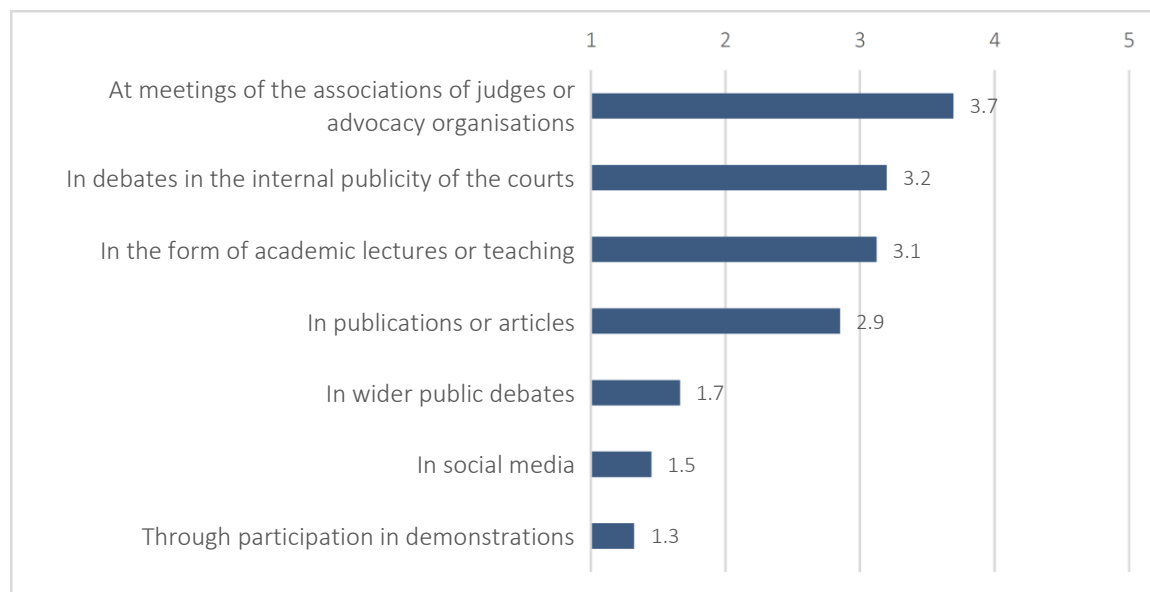
Base: full sample

[Figure 6] To what extent do the following prevail in practice (%)?



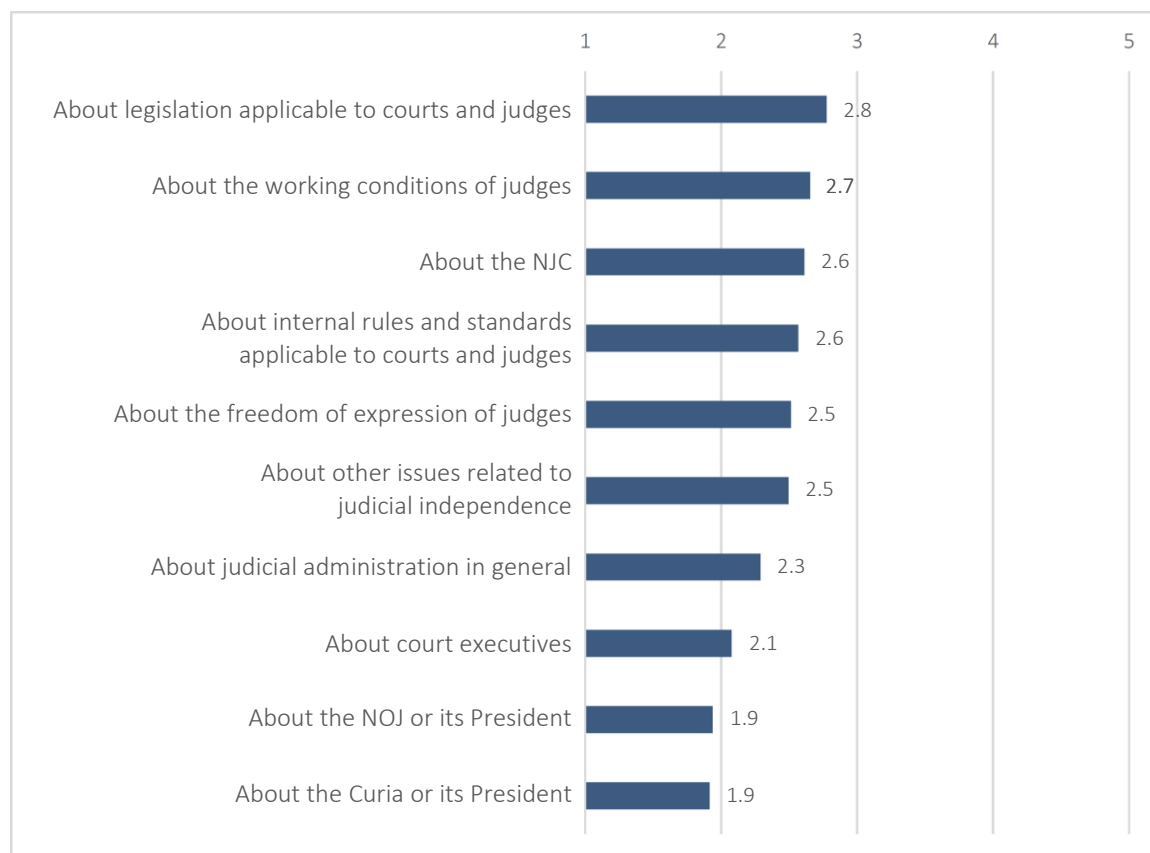
Base: full sample

[Figure 7] In the following forums, to what extent are you free to express your opinion – within the necessary limits – on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the law? (average, scale 1–5)



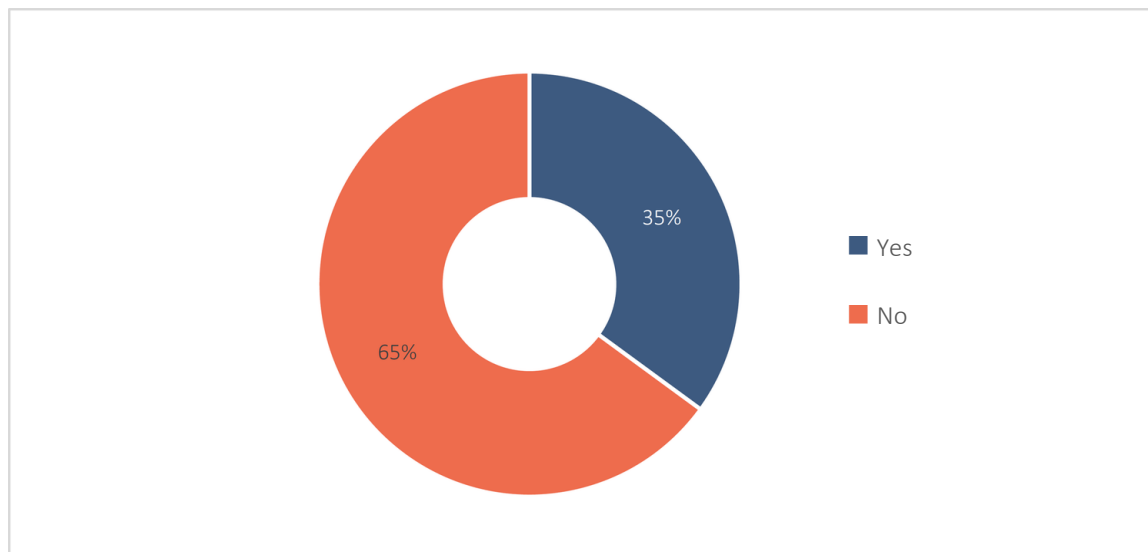
Base: full sample

[Figure 8] In the forums listed above, to what extent are you free to express your opinion – within the necessary limits – on the following issues? (average, scale 1–5)



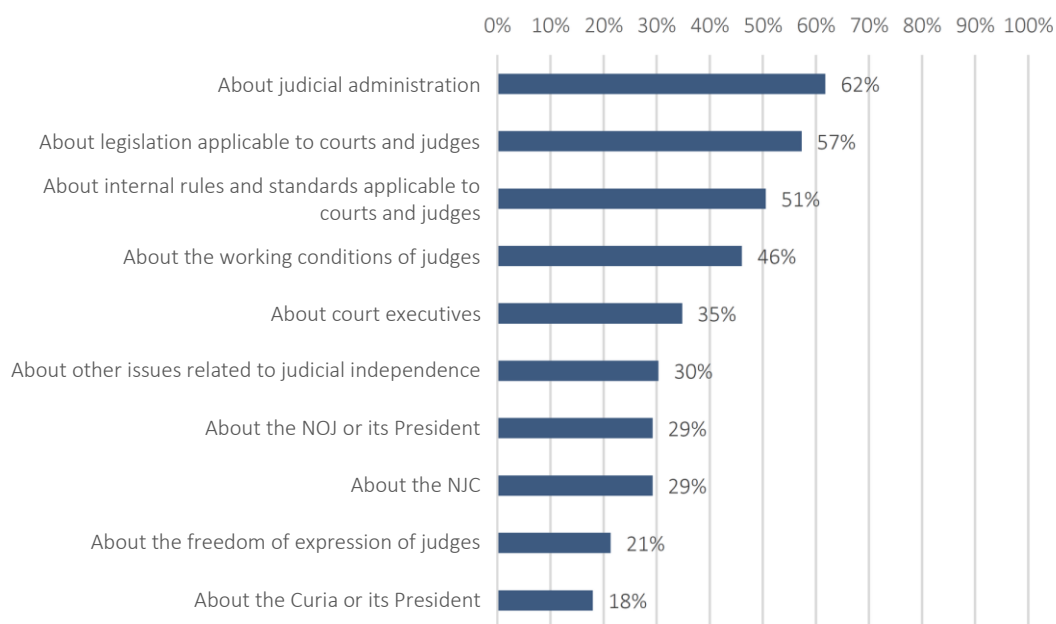
Base: full sample

[Figure 9] In the past 5 years, have there been instances where you have expressed opinions on issues concerning the organisation of the judiciary, judicial independence, law, the legal system and the application of the law in one of the public forums listed above? (%)



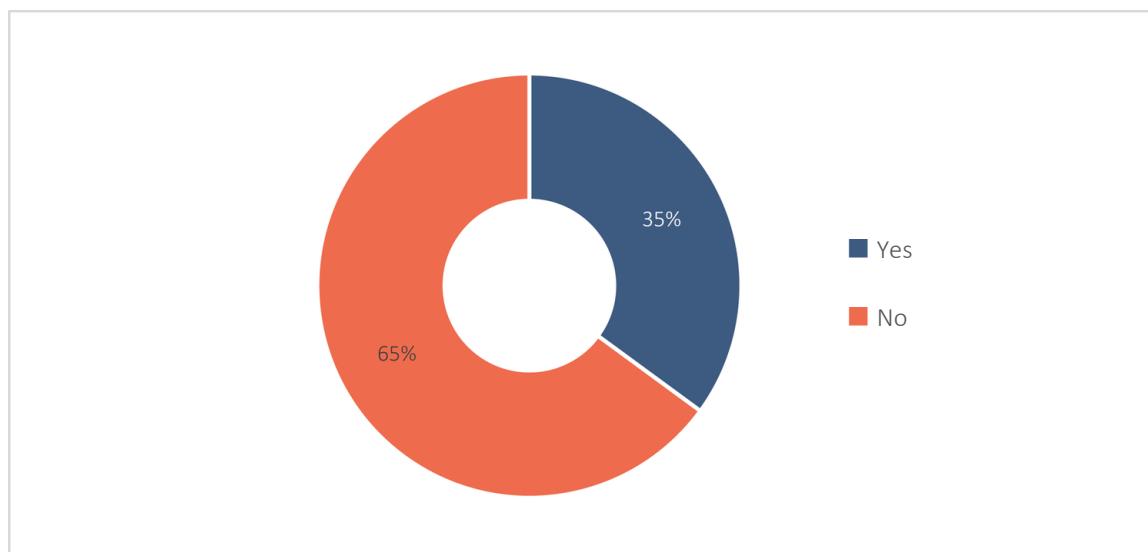
Base: full sample

[Figure 10] What did you express your opinion about? (%)



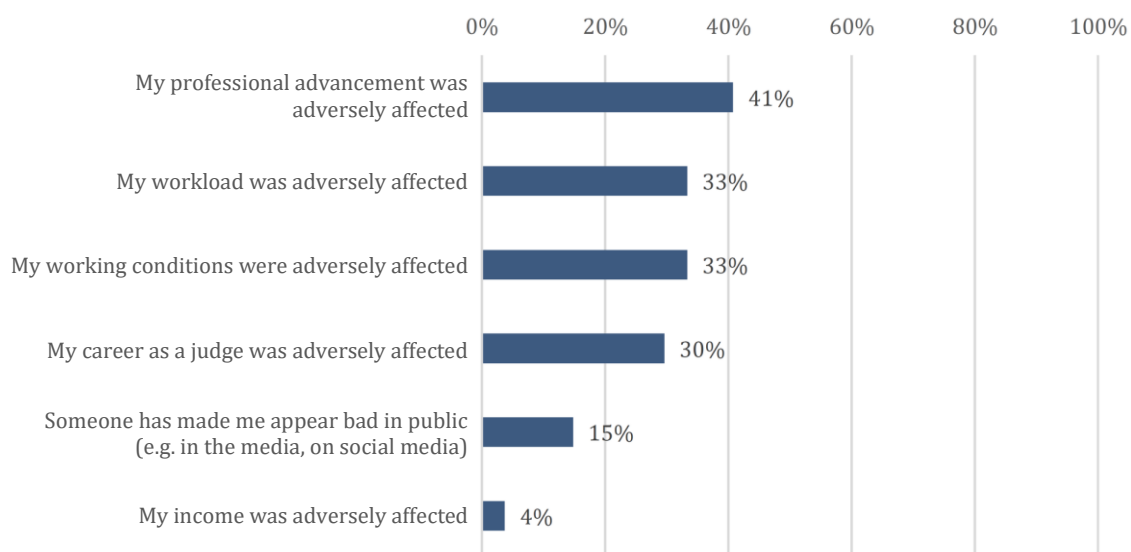
Base: expressed opinion, n=89. More than one answer may be marked.

[Figure 11] Have you suffered retaliation, pressure or been discriminated against for expressing your opinion?



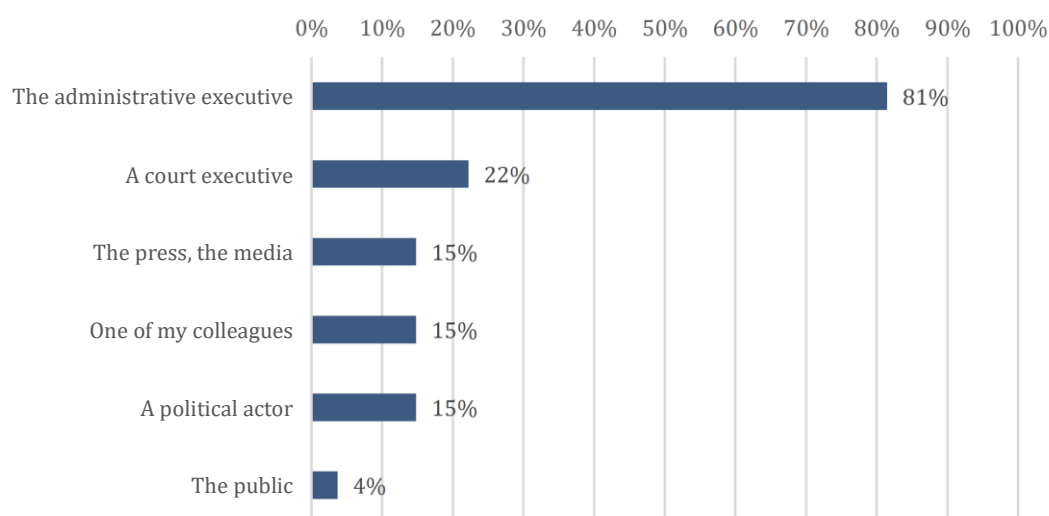
Base: expressed opinion, n=89. More than one answer may be marked.

[Figure 12] What sort of retaliation, pressure or negative discrimination have you suffered?



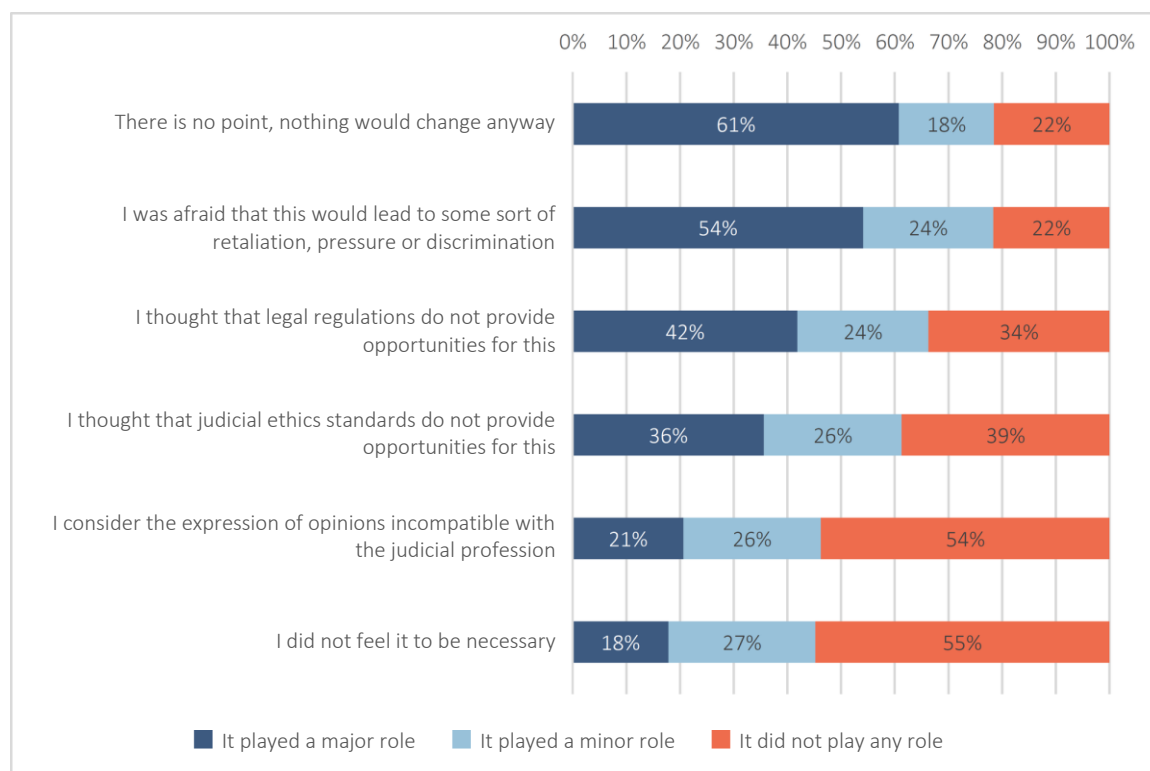
Base: expressed an opinion and suffered retaliation, n=27. More than one answer may be marked.

[Figure 13] Who has retaliated, pressured or discriminated against you (%)



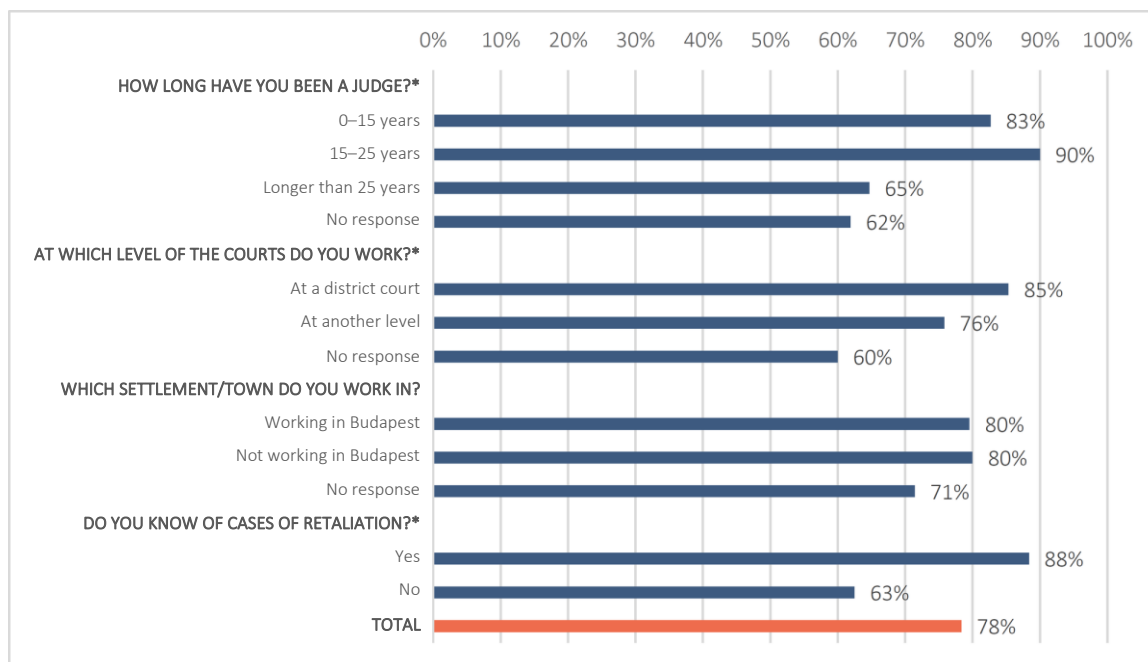
Base: expressed an opinion and suffered retaliation, n=27. More than one answer may be marked.

[Figure 14] How much of a role have the following factors played in your lack of expression of opinions in a public forum in the past 5 years on issues concerning the justice system, the judicial profession and independence and the application of the law? (%)?



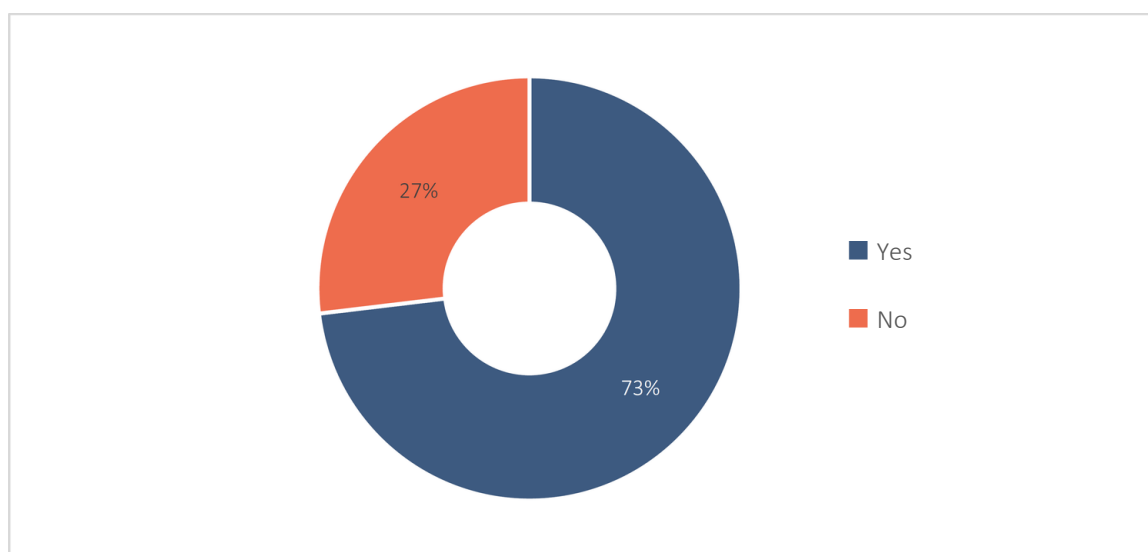
Base: did not express opinions, n=165

[Figure 15] "Fear of retaliation, pressure or discrimination" played a major or minor role in not expressing an opinion (%)



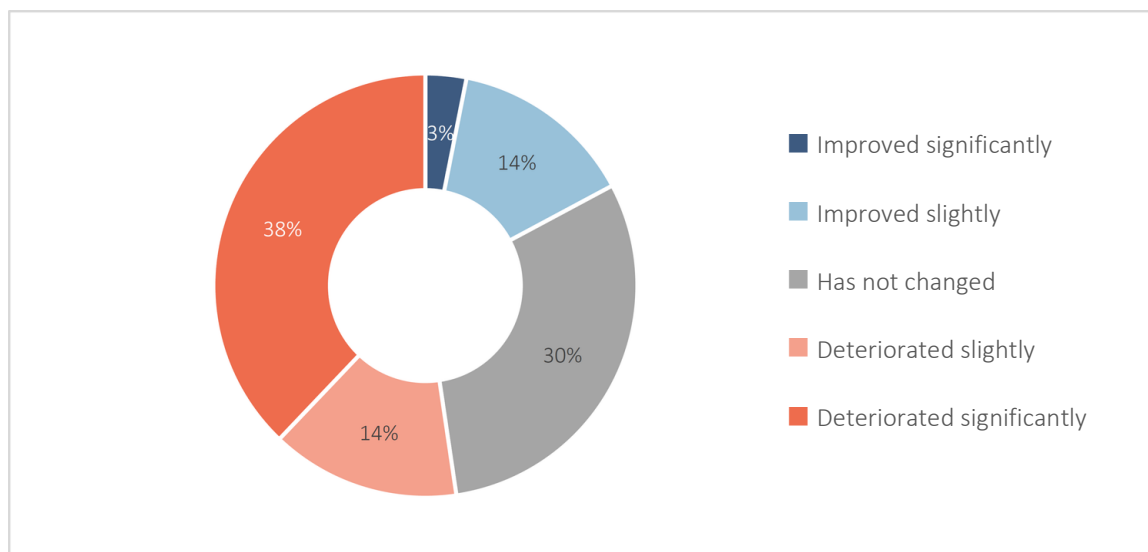
Base: did not express opinions, n=165. * Significant correlation ($p < 0.05$)

[Figure 16] Do you know of a case in the past 5 years where a judge has been retaliated against, pressured or discriminated against for expressing an opinion? (%)



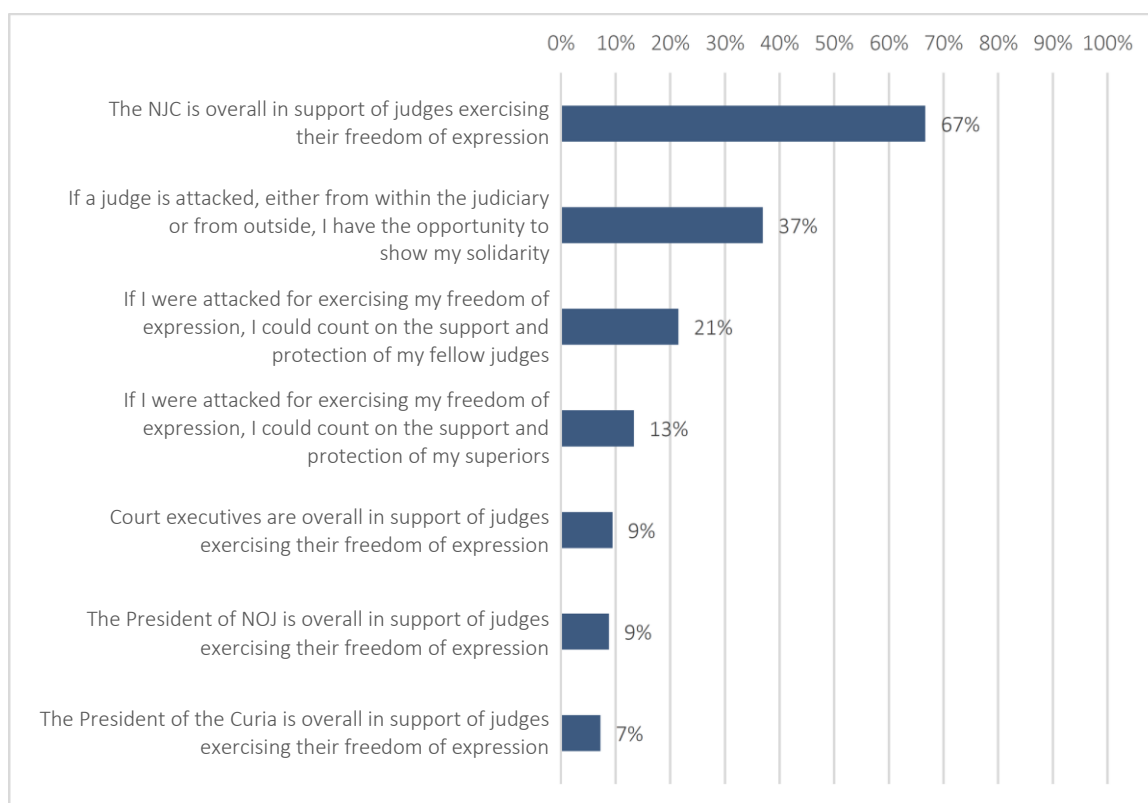
Base: full sample

[Figure 17] In general, how do you think the situation of freedom of expression by judges in Hungary has changed in the past 5 years? (%)



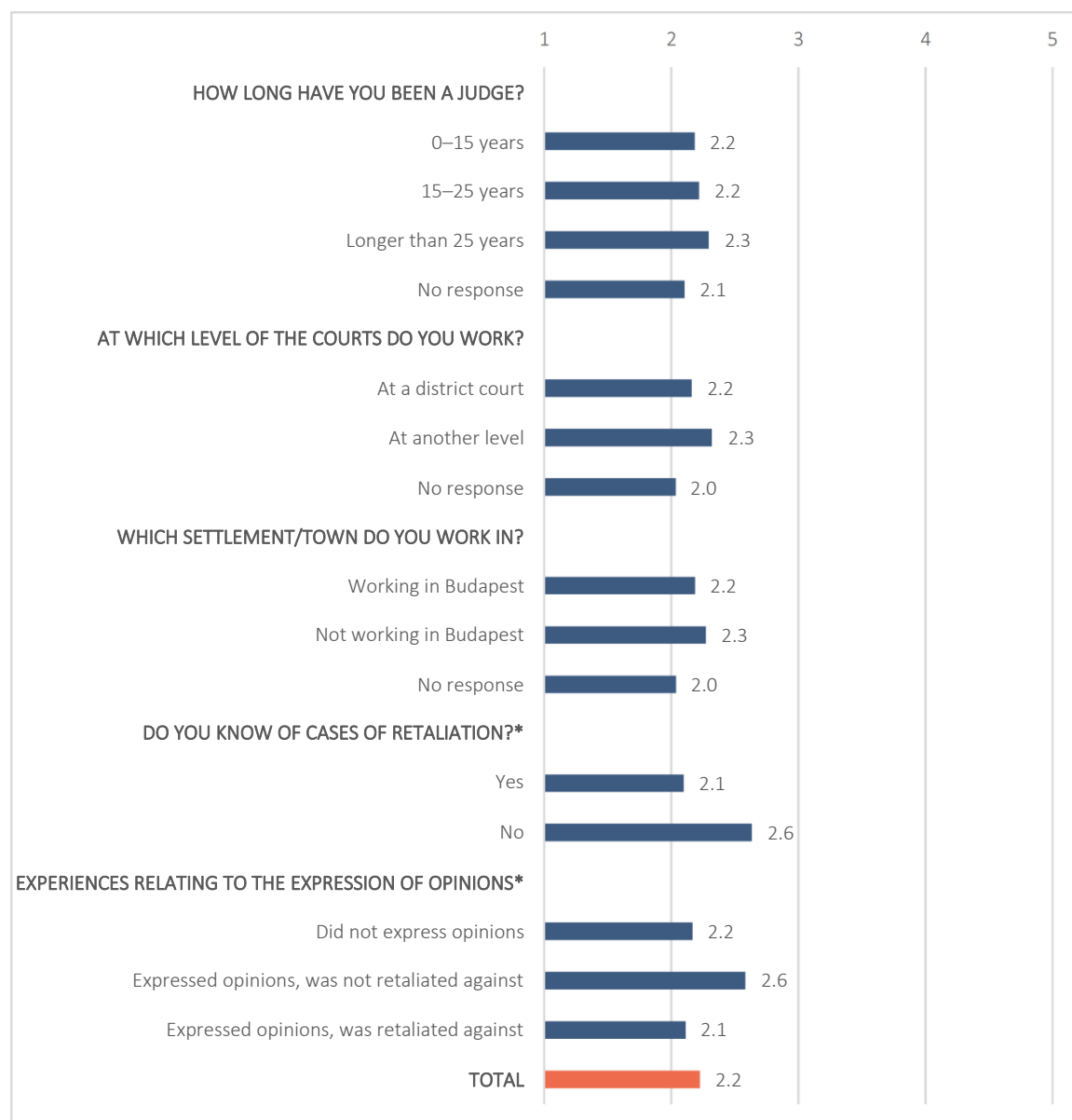
Base: full sample

[Figure 18] Support for expression of opinions: proportion of those fully agreeing or mostly agreeing with the statement (%)



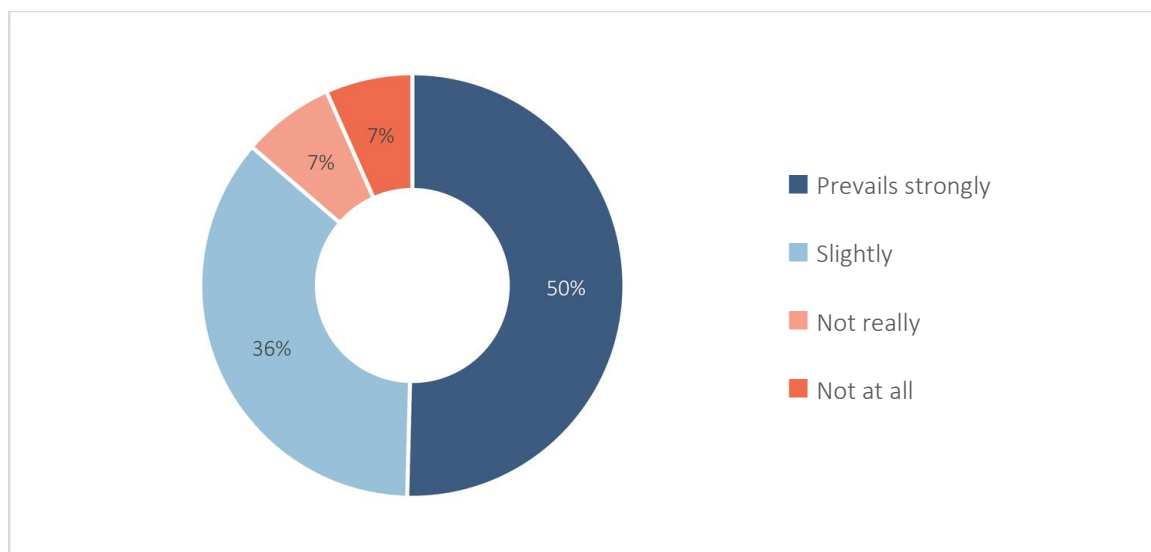
Base: full sample

[Figure 19] How supportive does the respondent find the environment when expressing opinions: 1–5 scale averages according to the characteristics and experiences of judges



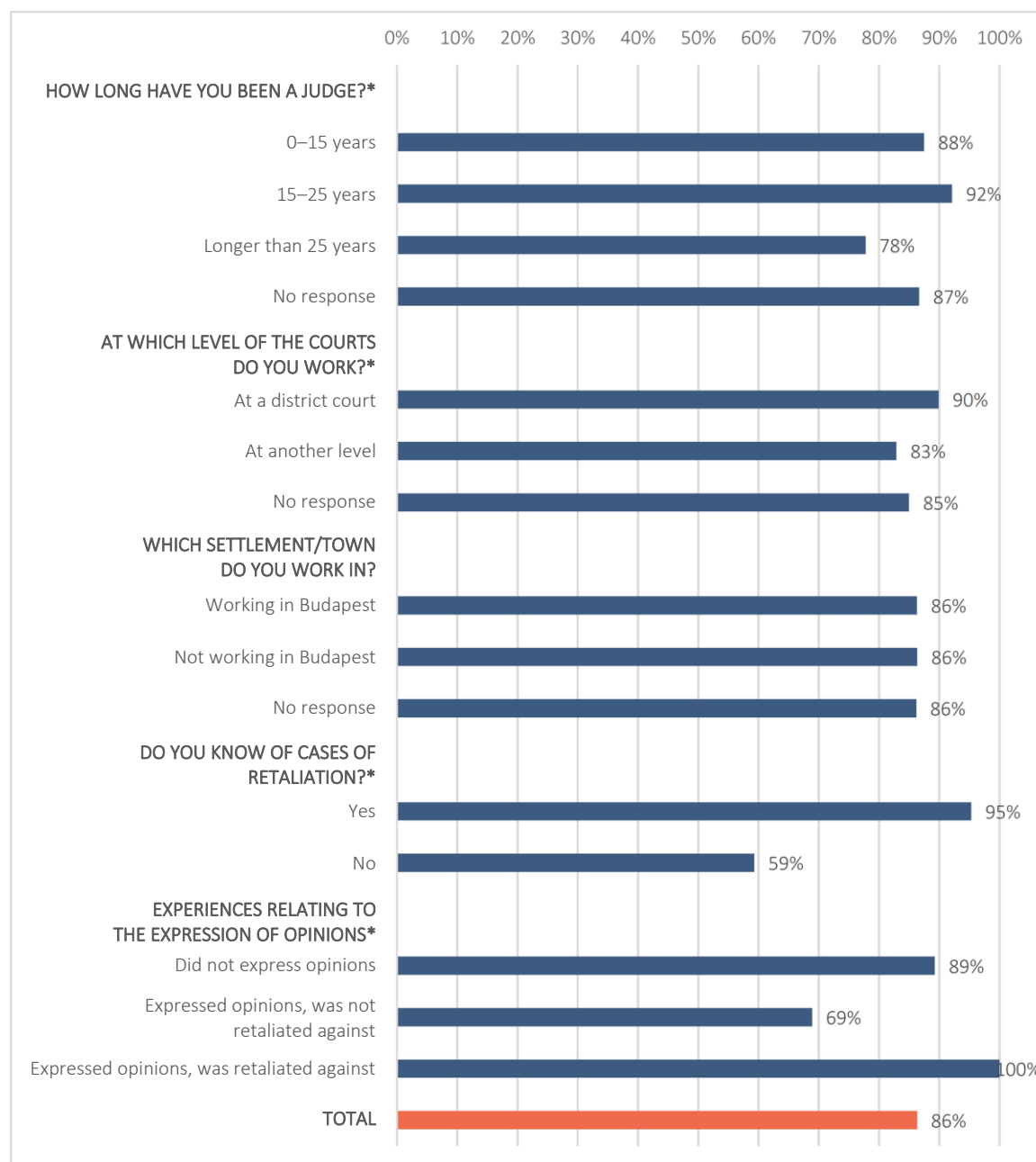
* Significant correlation ($p < 0.05$). Base: full sample

[Figure 20] In your opinion, to what extent does the chilling effect currently prevail among judges? (%)



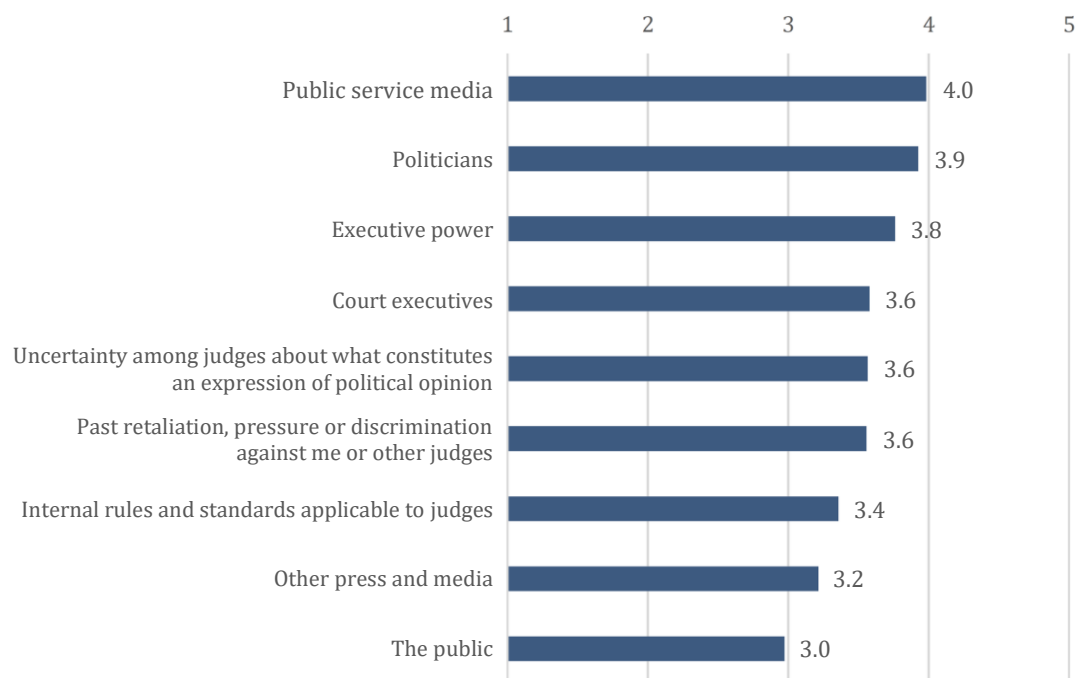
Base: full sample

[Figure 21] Proportion of respondents experiencing the chilling effect strongly or mostly according to the characteristics and experiences of judges (%)



* Significant correlation ($p < 0.05$). Base: full sample

[Figure 22] To what extent do the following currently limit the freedom of expression of judges?



Base: full sample. Average, scale 1–5, more than one answer may be marked.