

Non-official translation of the open letter of Presidents of Service Courts of Hungary
Original version available in Hungarian at:
<https://mabie.hu/images/LEVELEK%202024/1209/Szolgalati%20Birosag%20levele.pdf>

Estimated Fellow Judges!

Recognising the moral responsibility of Service Courts within the system of judicial administration, with the support of the majority of first and second instance Service Court judges, we make the following declaration.

The Agreement signed on 22 November 2024 by the Minister of Justice dr. Bence Tuzson, the Kúria President dr. András Zs. Varga, the President of the National Office for the Judiciary (NOJ) dr. György Barna Senyei and the President of the National Judicial Council dr. Péter Szabó (hereinafter the Agreement) raises serious ethical concerns due to the circumstances of its conclusion, the fact that it linked the settlement of judicial salaries to other issues, and that it was adopted without the involvement of the representative bodies of the judiciary and judicial staff, without proper preparation, in light of the following.

Under Article 2 (3) of the Code of Judicial Ethics adopted by Resolution No. 16/2022 (III.2.) of the National Judicial Council judges should refrain from any inappropriate connections with and influences by the legislative and executive branches, and this should be obvious to all. According to Article 4 (2) [of the Code of Judicial Ethics] judges are free to express their opinion on laws, the legal system and the administration of justice, in particular, they can publish, give lectures and teach. In line with the United Nations Bangalore Principles of Judicial Conduct judges should not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom, and should encourage and uphold safeguards to maintain and enhance the institutional and operational independence of the judiciary.

Based on the provisions of the Fundamental Law, the cardinal laws governing the judiciary and the Act on Lawmaking the legislation did not provide any authorisation for the conclusion of such a document, the Agreement has no legal relevance, but it is capable of undermining public confidence in the independence of the courts.

Within the framework of the law, under the Code of Judicial Ethics and international conventions, judges have the right to express their opinion and even the duty to do so to protect the independence of the judiciary. We will guarantee that service courts keep applying this principle in their proceedings, and that judges may not be retaliated against for their opinion expressed with respect to the Agreement.

We kindly request all colleagues, administrative leaders, self-governing and representative bodies to decide on matters affecting the future of courts with due care, based on legal authority, considering ethical principles and involving the widest possible circle of those concerned.

The future of the judiciary is our common cause, we all must work for it.

Budapest, 9 December 2024

Dr. Katalin Éva Farkas
President of the second instance Service Court operating at the Kúria

Dr. Dávid Éliás
President of the first instance Service Court operating at the area of the Metropolitan Court of Appeal