



RES IUDICATA – Judges For Social Awareness Association

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to Magistrats Européens pour la Démocratie et les Libertés

30 May 2024 Budapest

Dear Colleagues,

we would like to inform you about a serious problem Hungarian judiciary is facing nowadays – besides all the others we've been constantly reporting about. Briefly put the issue is the insufficient judicial remuneration and – in connection with the previous – the devastating lack of court staff.

We have to state that the remuneration of judges in Hungary has not been increased for years and is now totally unable to compensate the hard work expected from a judge and to provide a dignified way of life not to mention to ensure independence and impartiality and counterbalance the risk of corruption. To put this data in context Hungarian judicial salaries rank 27th out of 27 among the EU member states.

For your information, the judicial salaries are based upon a standard base amount which is increased according to certain multipliers in connection with actual judicial position and years spent in the judiciary. This base amount is stated every year in the Budgetary Act and it has not changed since January 2022 despite the fact that Hungary has faced the highest inflation rate in the EU during this period of time.

Earlier, between 2020 and 2022 Hungarian judges were given an increase in 3 steps which were hardly enough to compensate the lack of increase in the previous 10 years. Even with these steps, improving in remuneration of judges was far below the general development of earnings and did not take into account the high inflation rates. As a result, Hungarian judges have had to face a significant reduction in real salaries.

We also have to note that the minimum wages granted by law have been increased automatically, depending on the previous year's economic performance which meant approx. 15-20% increase at the beginning of 2024.

When referring to increase of income in the public area, it is to state that in the same years public servants also have been granted an increase of salaries which exceeded the rate of inflation.

It is important to point out that the salaries of court employees are also based upon this base amount of wage and in most cases their wages hardly reach the minimum wage. No need to mention that skilled and educated courtstaff have several opportunities to find a convenient job elsewhere and earn significantly more than at courts. Hungarian courts are right now experiencing the enormous quitting rate of court employees and the hiring potential tending next to zero. This has caused heavy delays in administrating the files, posting summons, etc. The situation has even led to scenes when judges were forced to postpone hearings due to lack of staff to write protocols or to prepare hearings properly.



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Judicial bodies like National Office of Judiciary (NOJ), the National Judicial Council (NJC) and the biggest judicial association (MABIE) together with the Trade Union of Court Employees are all agreed that the situation is next to unbearable and needs urgent steps to be taken on behalf of the government. (Budgetary Act is obviously accepted by the Parliament but without the consent of the government there is no hope to reach the needed majority). Until today all the proposals made by these bodies were blocked by the Ministry of Justice or the government.

As a consequence of this situation many judges have already left the judiciary and the risk of not being able to fill the vacancies with proper applicants is increasing. Concerning other court employees like administrative staff, trainees, court secretaries, etc. the vacancies in some courts are impossible to handle.

Res Iudicata Association is agreeing with the proposals of MABIE and the NJC that the at least inflation-rated increasing of base amount of judicial wages should be granted by the law and not to be a favour of the government which it can choose to give or withhold.

We have to underline the fact that insufficient remuneration of judges and court employees increase the risk of potential corruption, it can also influence the length and even the outcome of cases, by which access to justice for citizens gets the more and more difficult, and finally it can deeply effect judicial independence.

Let us indicate some legal instruments and opinions on the matter:

- the Court of Justice of the European Union has stated in its decision of 27 February 2018 in Case C64/16 Associação Sindical dos Juizes Portugueses that a level of remuneration commensurate with the importance of the functions which judges carry out constitutes a guarantee essential to judicial independence;
- The Committee of Ministers of the Council of Europe in its recommendation (2010) also clearly expressed that “the remuneration of judges should be commensurate with their profession and responsibilities and be sufficient to shield them from inducements aimed at influencing their decisions.”;
- UN Basic Principles on the Independence of the Judiciary urge that judges should be provided with “adequate remuneration, conditions of service, and pensions”;
- The Magna Carta of Judges of the CCJE claims that judicial independence should be “guaranteed (among other) by remuneration”, “judges shall receive appropriate remuneration and be provided with an adequate pension scheme”
- CCJE Opinion No 1 more specifically expressed the necessity “to make specific legal provision guaranteeing judicial salaries against reduction and to ensure at least de facto provision for salary increases in line with the cost of living.”
- The Venice Commission has stated in its Report on the Independence of the Judicial System that “the remuneration of judges has to correspond to the dignity of the profession and that adequate remuneration is indispensable to protect judges from undue outside interference.”;



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The European Association of Judges at its meeting in Warsaw on 26 April 2024 issued a statement according to which: „it considers that the current levels and conditions of remuneration of judges in Hungary is contrary to European and other international standards and is not compatible with the requirements established by decisions of the Court of Justice of the European Union; and therefore it calls on the Hungarian authorities - (a) to increase immediately the salaries of judges in Hungary by more than the rate of inflation, as has been done in other branches of government; and (b) to ensure that Hungarian judges receive future salary increases at least on a par with decision-makers in other branches of government.”

Res Iudicata Association therefore asks MEDEL to support the efforts of Hungarian judiciary, join the proposal and raise awareness of the international community to the problem. We also ask MEDEL to step up and express its expectations similar to the way EAJ has reacted.

Respectfully,

Adrienn Laczo, Anna Madarasi
the Board of Res Iudicata Association

