

Draft

EUROPEAN ASSOCIATION OF JUDGES

RESOLUTION

on

JUDICIAL REMUNERATION IN HUNGARY

At its meeting in Warsaw on 26 April 2024 the European Association of Judges (EAJ) was informed by its member association from Hungary, namely the the Hungarian Association of Judges (Magyar Bírói Egyesület., MABIE) that, unlike other professions in Hungary, the remuneration of judges in Hungary has not been increased to meet the erosion of purchasing power caused by inflation. By contrast, however, public servants and the representatives of the other branches of the State have been awarded increases in their salaries which exceeded the rate of inflation.

Salaries in the other branches of State activities, linked to average national earnings in the economy, have been increased automatically, depending on the previous year's economic performance, and were increased again on 1 March 2024 by around 15-20%.¹

But for judges, the three increases of remuneration since 2018 were far below the general development of earnings and did not take into account the high inflation rates. As a result, since 2021 the judiciary in Hungary has suffered a significant reduction in real salaries.

Already in 2022, this problem was raised by MABIE's which drew up a proposal to compensate for the effects of inflation. This proposal was supported by the President of the National Judicial Office (NJO), the National Judicial Council (NJC) and found agreement with the Trade Union of Court Employees. Nevertheless, government did not accept this proposal. Consequently, many judges have left the judiciary and the number of vacancies has increased considerably.

The EAJ considers that the situation of judges' remuneration in Hungary, which is evidently out of step with the remuneration of those working as government employees, and the development of wages in the country at large, has a materially adverse effect on the independence of the judiciary.

The importance for the independence of the judiciary of judges receiving adequate and appropriate remuneration has been frequently stated. Thus -

In its decision of 27 February 2018 in Case C64/16 *Associação Sindical dos Juizes Portugueses* the Court of Justice of the European Union stated that a level of remuneration commensurate with the importance of the functions which judges carry out constitutes a guarantee essential to judicial independence.

Recommendation (2010)12 of the Committee of Ministers of the Council of Europe clearly expressed that "the remuneration of judges should be commensurate with their

¹ In the EAJ-meeting in Warsaw the Hungarian delegation will clarify, if such an increase really happened, and to which extend and on what basis. The sentence will be adapted accordingly.

profession and responsibilities and be sufficient to shield them from inducements aimed at influencing their decisions.”

The 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”.

Further, 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.” This requirement was endorsed by the Venice Commission in its Report on the Independence of the Judicial System Part I the Independence of Judges: “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.”

Accordingly, the European Association of Judges:

- 1. 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**
- 2. 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.**