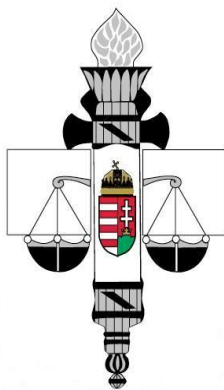


**Tasks and activities  
of the Prosecution Service of Hungary  
in 2017**

*(extract from the report to Parliament)*



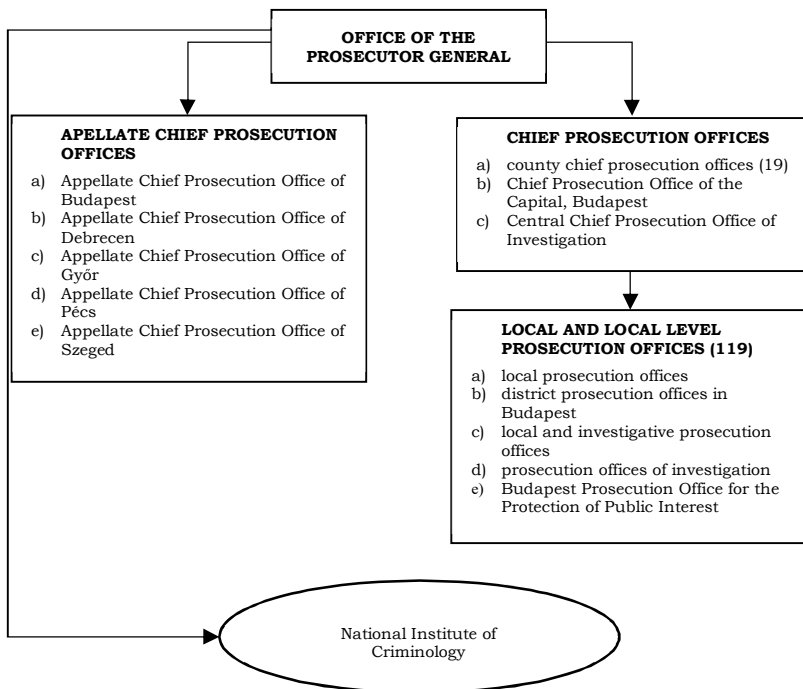
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## 1. The organization of the Prosecution Service

The functions and operation of the Prosecution Service are primarily defined by the Fundamental Law of Hungary and by cardinal acts concerning the Prosecution Service, more specifically by Act CLXIII of 2011 on the Prosecution Service (hereinafter referred to as the *Prosecution Service Act/PSA*) and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career (hereinafter referred to as the *Prosecutorial Employment and Career Act/PECA*).

### Organizational Structure of the Prosecution Service



No fundamental changes affecting the structural organization of the Prosecution Service occurred last year.

## 2. Prosecutors' activities in the field of criminal law

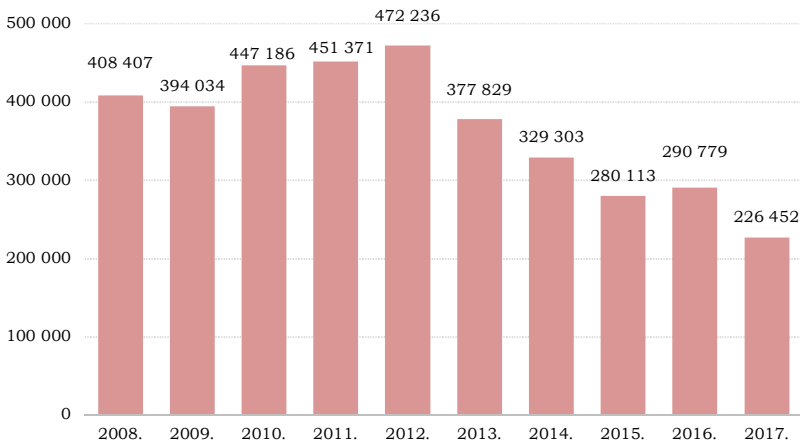
### *Supervision of investigations, preparation of indictments and prosecutorial investigation*

#### Main statistics on criminality

The number of the registered cases awaiting to be processed in the field of criminal law has been decreasing in the last six years.

The decreasing tendency experienced from 2013 relating to the registered number of crimes continued last year as well. The changes of the last ten years can be seen in the following diagram:

**Number of registered crimes in the years between 2008 and 2017**



In 2017 the decrease of the number of perpetrators continued, 92,896 perpetrators were registered.

Information about the number of some crimes is shown by the following diagram:

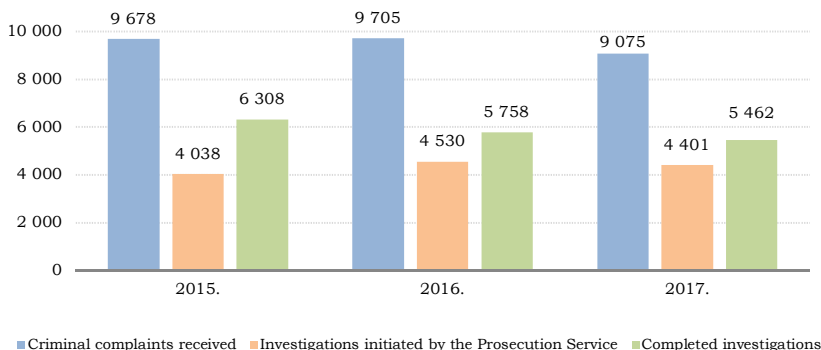
**Number of some registered crimes in the years between 2015 and 2017**

<b>Crimes</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Completed intentional homicide	99	101	92
Attempted homicide cases	86	98	71
Theft	111 446	92 149	78 311
Fraud	31 976	43 383	22 197
Robbery	1 443	1 141	853
Infringement of Copyright and Certain Rights Related to Copyright	1 060	1 073	575
Offenses Against Traffic Regulations	17 695	19 830	20 651
Driving Under the Influence of Alcohol	12 730	14 638	15 732
Causing a Road Accident through Negligence	2 792	3 072	2 807
Human smugglings	662	351	179
Assault on a Public Official and on a Person Entrusted with Public Functions and Assault on a Person Aiding a Public Official or a Person Entrusted with Public Functions	969	948	916
Crimes against the Judicial System	3 087	3 148	2 867
Public Nuisance	12 689	11 509	10 547
Crimes with Official Documents	26 043	19 848	19 689
Drug Abuse Crimes	6 059	6 032	6 544
Corruption Crimes	761	984	1 123
Briberies of Public Officials	333	835	945
Economic Briberies	351	78	50
Counterfeiting Currency	593	501	544
Forgery of Stamps	75	207	238
Crimes in connection with Cash-Substitute Payment Instruments	2 156	24 999	3 667
Budget Fraud	2 154	2 444	1 880
Fraudulent Bankruptcy	293	259	218
Money Laundering	27	67	90
Breach of Information System or Data	455	702	586
Compromising or Defrauding the Integrity of the Computer Protection System or Device	15	44	8
Environmental Offenses	48	37	37
Damaging the Natural Environment	91	87	81
Violation of Waste Management Regulation	307	287	748
Military Offenses	611	575	381

## Prosecutorial investigations

Investigations exclusively belonging to prosecutorial authority are conducted by a specific central unit of the Prosecution Service assigned to this task (The Central Chief Prosecution Office of Investigation) and regional offices of that central unit (Budapest Prosecution Office of Investigation, Pest Region Prosecution Office of Investigation as well as local and investigative prosecution offices at local level). Changes of important data of prosecutorial investigations are shown by the following figure:

### Data of Prosecutorial Investigations in the years of 2015–2017



Indicators of the activity of the Central Chief Prosecution Office of Investigation, which was established for more effective combat against administrative offenses and corruption and which has jurisdiction for the whole country, can be seen in the following table:

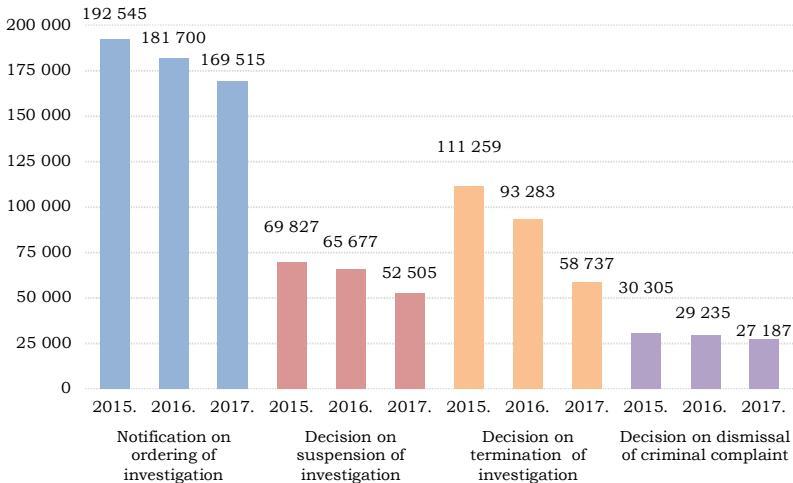
#### Received criminal complaints, ordered and completed prosecutorial investigations at the Central Chief Prosecution Office of Investigation (CCPOI) in the indicated time period

Name of the Organisational Unit	In the indicated time period		Total number of completed investigations in the indicated time period	Indictments from these	
	received complaints	ordered investigations		cases	offenders
CCPOI central organisational unit	447	90	94	32	68
CCPOI Budapest Regional Section	1 272	574	715	124	182
CCPOI Debrecen Regional Section	426	146	187	76	209
CCPOI Győr Regional Section	333	204	253	48	64
CCPOI Kaposvár Regional Section	453	329	364	42	54
CCPOI Szeged Regional Section	489	315	356	49	88
<b>CCPOI Total</b>	<b>3 420</b>	<b>1 658</b>	<b>1 969</b>	<b>371</b>	<b>665</b>
Changes compared to the previous year	-7.9%	-0.7%	-6.7%	10.8%	3.7%
<b>2016</b>	<b>3 713</b>	<b>1 669</b>	<b>2 111</b>	<b>416</b>	<b>641</b>
<b>2015</b>	<b>3 733</b>	<b>1 630</b>	<b>2 290</b>	<b>440</b>	<b>726</b>

## Supervision of criminal investigations

Number of decisions received from investigation authorities is shown by the following table:

### Decisions received from investigation authorities in years of 2015–2017

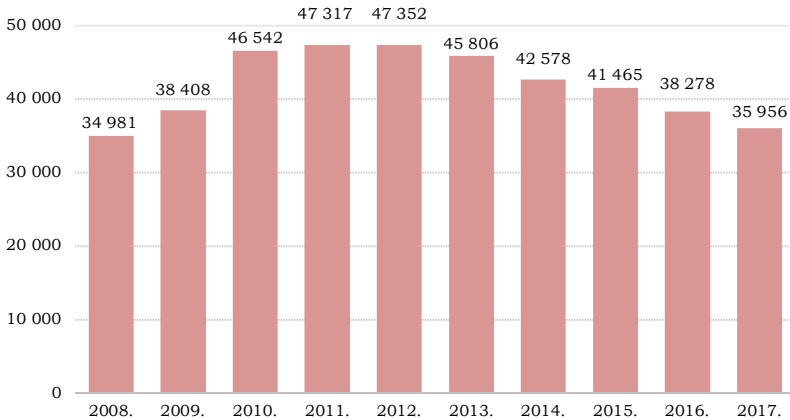


During the last year prosecutors inspected a total number of 313,914 decisions including the cases indicated in the table together with the cases carried over from the previous year.

Order 11/2003 (ÜK. 7.) of the Prosecutor General on the tasks of prosecutors in connection with supervision of investigations and preparation of indictments prescribes the sphere of cases where prosecutors have high-priority supervision.

Last year the number of cases subjected to enhanced (high priority) prosecutorial supervision grew by 7.5% compared to 2016. The number of prosecutorial actions on the merit which were done on the basis of reviews of case files increased with more than thousand actions. In total, 15,790 such actions were taken.

**The number of complaints lodged against decisions and orders of investigation authorities in the years of 2008–2017**



Prosecutors accepted 8.7% of the complaints lodged against decisions and orders of investigation authorities, they dismissed 78.1% of the complaints (28,085), whereas they took other actions with respect to the remaining part of the complaints.

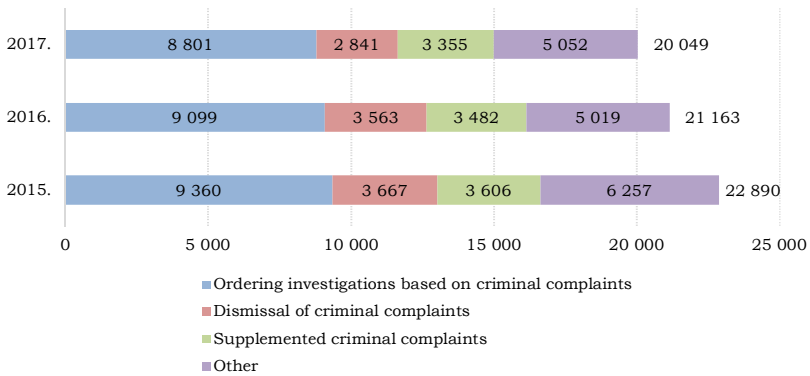
In 2017 9.1% of the complaints lodged against decisions of lower-level prosecution services (544 complaints) were accepted and 71.4% of the complaints (4,279 complaints) were rejected, whereas prosecutors took other actions with respect to the remaining part of the complaints. In 2017 prosecutors decided 6,403 complaints lodged against prosecutorial decisions together with complaints decided at first level, which means a 8.1% decrease compared to the previous years.

The number of motions for review of prosecutorial decisions was 53, and the court accepted 1 motion from them.

In total, 20,049 criminal complaints submitted to the Prosecution Service had to be decided in 2017 together with the 104 cases which remained pending on the first day of the reporting year. Changes in the number of criminal complaints are shown by the following figure:

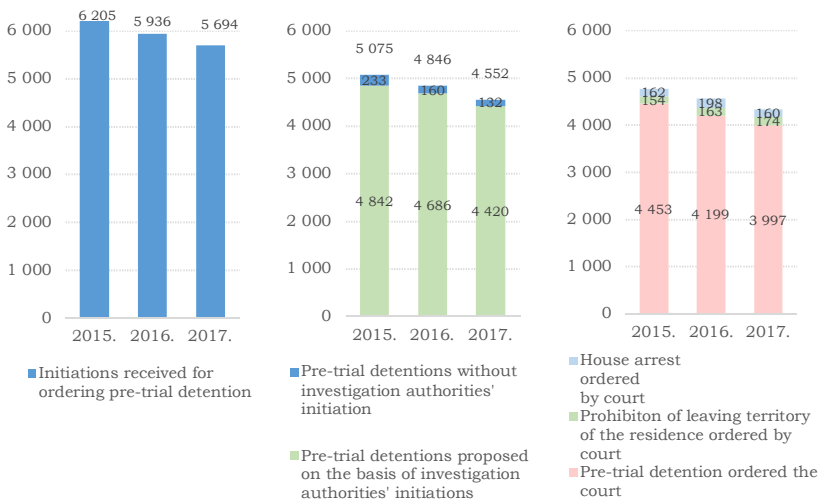


### Criminal complaints submitted to the Prosecution Service and actions taken about them in the years of 2015–2017



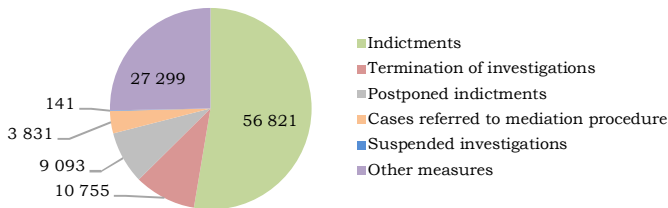
Usually investigation authorities initiate to prosecutors to make proposals for pre-trial detention, which is a sanction meaning the total deprivation of personal freedom of the suspect. Follow-up measures taken after the initiation are shown by the following table:

### Data regarding pre-trial detention in the years of 2015–2017



In 2017 the number of completed investigations received from investigation authorities with indictment initiations and awaiting to be indicted was 102,630. Together with the 5,310 unprocessed cases carried over from the previous year 107,940 cases had to be examined and determined by prosecutors if they were suitable for indictment.

**Prosecutorial decisions relating to cases which had to be examined from the viewpoint of suitability for indictment in the year of 2017**



Statistics show the following as to the types of indictments: prosecutors filed bill of indictments in 26,027 cases, they initiated the special proceeding of arraignment against 13,548 defendants and they filed motions for proceedings without trials in 18,907 cases.

In 2017 prosecutors filed bills of indictment against 72,681 persons, which is lower by 9.46% compared to the previous year.

In 2017 arraignments were conducted with regard to 23.1% of the total number of indictments. Prosecutors filed motions for proceedings without trials with regard to 32.3% of the total number of indictments.

The number of cases received with proposals for the termination of investigations and awaiting to be processed was 5,164 in 2017. Out of these cases prosecutors terminated the criminal investigations in 4,195 cases (81.2%), filed indictments in 71 cases.

Prosecutorial actions were taken within 30 days regarding 84.6% of the cases received with proposals for lodging indictments

and concerning 91.3% of the cases received with proposals for termination of investigations.

Further possibilities for extrajudicial solution include the following: termination of investigation with issuing reprimand or partial dismissal and postponement of indictment.

In 2017 prosecutors postponed indictments with respect to 11,044 defendants. Effectiveness of this legal institution is indicated by these statistical data: procedures were terminated with regard to 7,418 defendants because of the expiry of the prescribed time period or deadline, and procedures could be terminated with regard to 972 defendants because they implemented the requirements.

In addition to the prosecutorial workload clearly indicated by the statistics the activity the Office of the Prosecutor General carried out in order to learn more about and to influence legal practice is also worth noting.

In 2017 the Office of the Prosecutor General, by carrying out a complex examination, analyzed the procedures completed with arraignments in 2016 in order to guarantee uniform application of law and the legality of procedures in corruption cases as well as that of the arraignments. Furthermore, it examined the legislative framework and legal practice of the use of penitentiary leashes and handcuffs and whether decisions on referring cases to mediation in criminal procedures initiated because of intentional traffic crimes were well-grounded.

### *Prosecutors in criminal courts*

Continuous decrease of the number of registered crimes evidently affected the trend of the number of cases decided by final court judgements in 2017. After stagnation of the previous two years the number of cases decided by final court decisions decreased by 6.4% and the number of suspects concerned fell by 9.5%.

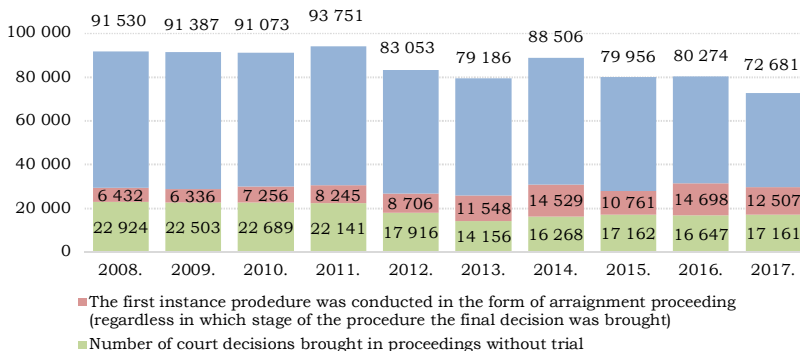
The tendency of moderate increase of the previous years turned in 2017, and the number of first instance cases having been on trial for one or more trial days decreased too by 8.4%.

The slight decrease of the number of cases completed in the course of second instance proceedings continued, and in 2017 this number was 12,384. The number of second instance trials with prosecutors' attendance decreased by 12.8% in the reporting year. Prosecutors attended more than one fifth of second instance public sessions in 2017.

The number of third instance proceedings was still very small, altogether 125 in 2017.

As a result of the above mentioned the workload of prosecutors decreased in 2017.

**Number of defendants decided by final court judgements and in the course of accelerated proceedings in years of 2008–2017**



As a result of our measures taken in 2017 the court held liable 40.8% of the defendants convicted by final judgements in quick and effective arraignment proceedings and proceedings without trial.

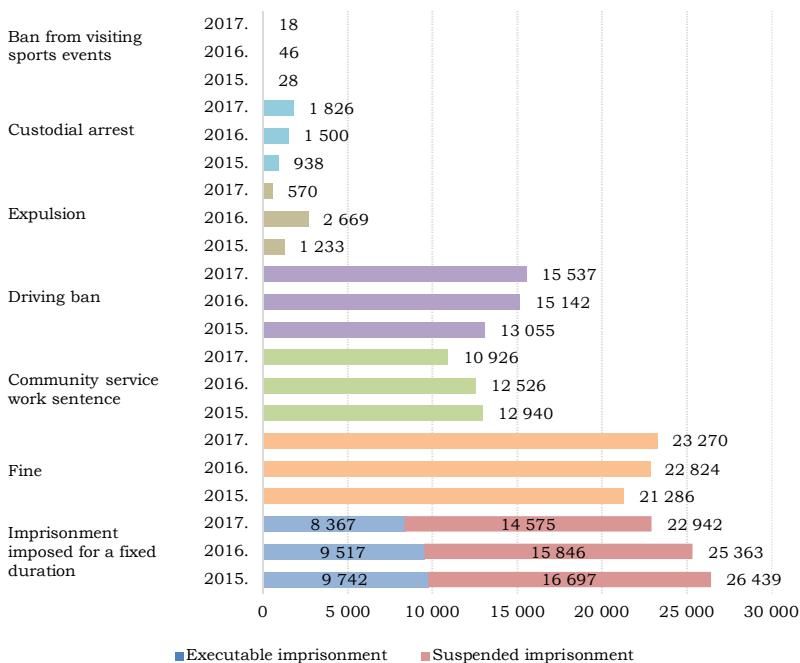
93.2% of the prosecutorial motions for arraignment proceedings were held well established by the court, and the significant part of the cases were typically finished within one trial day.

In spite of the important decrease of the number of defendants concerned by final judgements, the number of persons sentenced without trials increased moderately. In 2017 court decisions brought in proceedings without trials became final with regard to 86.7% of the defendants.

In 2017 the number of defendants sanctioned with punishments or punitive measures was 70,069. The rate of penalties increased in the sphere of criminal legal sanctions: it was 83.1% in the reporting year.

The number of the most serious penalty in the penalty system of the Criminal Code, the life imprisonment sentence continued to decrease as it has been experienced from 2015. In 2017 courts sentenced 34 defendants to life imprisonment.

**Number of defendants concerned by different sentences  
in years of 2015–2017**



Decrease of the number of defendants whose cases were decided by final judgements resulted in an important 9.5% decline of defendants sentenced to a definite term of imprisonment by court. The rate of executable imprisonment (36.5%) decreased to some extent compared to the rate of suspended sentences (63.5%), which indicates less severe sentencing in this field.

Increase in the number of imposed fines continued. Consequently, in 2017 fines became the most frequently applied penalties by court compared to imprisonment, which has not happened since 2009.

In the reporting year the number of community service work sentences decreased significantly by 12.8%.

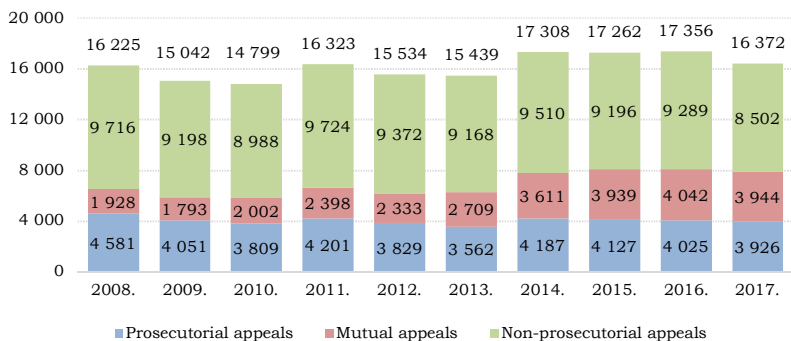
The number of the persons held liable for driving under the influence of alcohol increased as well in the reporting year. As a result, the number of defendants who were sentenced to driving ban by the court continued to grow in 2017.

It is connected to the halting of illegal mass migration that the number of expulsions drastically decreased by 78.6% in the reporting year.

The number of custodial arrests continued to increase, and custodial arrest has become an integral part of the regime of criminal sanctions by our days.

The number of probations (10,337) continued to decrease, but it still remained to be the most commonly used criminal measure by courts. The number of court decisions sentencing defendants to reparation work somewhat decreased to 215 cases. There were 5 cases where the penal measure aimed at irreversibly rendering electronic information inaccessible was taken.

### Appeals against decisions on the merit of the first instant courts in the years 2008–2017



In 2017 appeals against the decisions on the merit of the first instant courts were filed in the case of 28.4% of the defendants.

The number of prosecutorial appeals against decisions of the first instant courts on the merit of the cases decreased by 2.4%. The proportion of prosecutorial appeals has increased during the years and it was on the peak in 2017 with 48.1%.

In comparison to the year before the reporting year the number of defendants affected by prosecutorial appeals lodged against decisions of courts of second instance has slightly decreased. In spite of this prosecutors still play a determinant role in appeals aiming at third instance procedures. In 2017 in the case of 79.8% of the second instance defendants it was the prosecutorial appeal that prevented the second instance decision from becoming final.

In 2017 the efficiency rate of prosecutorial appeals was 51.9%. In 85.4% of the prosecutorial appeals the Prosecution Service requested to increase the sentence, the efficiency rate of which was 26.2%. In 2017 we applied for the acquittal of the defendant in 10 cases, whereas in 28 cases we requested the mitigation of the sentence against the defendant.

The efficiency rate of indictment has been permanently increasing since 2013. In the reporting year it was 97.8% which is the highest figure in the past 10 years. In case of 59,766 defendants, i. e. in 82.23% of the cases the courts found the defendants guilty of the very same offences as the indictment.

In 2017 we examined cases with consolidated sentences, as well as cases of misappropriation finished with final acquittal in the reporting year. We took measures to ensure uniform practices and to improve professional supervision. In order to increase the efficiency of indictments and to decrease the number of acquittals we introduced guidelines in corruption, malfeasance in office and misappropriation cases.

In 2017 too, we monitored ongoing priority and priority-like criminal cases and criminal cases of high interest to the public. Based on the results of the examinations we took prompt specific or general measures, our experiences were discussed in trainings and offered consultations to the Chief Prosecution Offices in ongoing cases.

#### *Prosecutors' activities with regard to criminal cases of children and juvenile offenders*

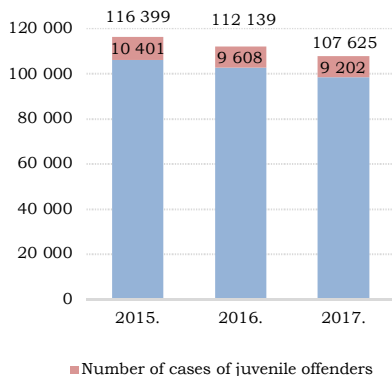
In 2017 6,492 juvenile offenders and 1,409 children not criminally responsible were registered. The rate of juvenile and child offenders compared to the registered offenders is 7% and 1.5% respectively.

In 2017 9,202 cases with indictment proposals were received from investigation authorities by prosecutors dealing with criminal matters of children and juvenile offenders. This constituted 8.55% of the matters dealt with by the entire criminal section of the Prosecution Service. The timeliness indicator of case processing has remained very positive.

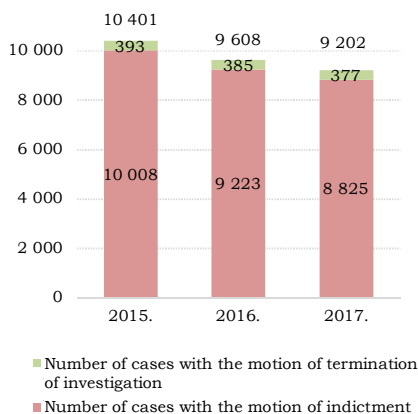


### Statistics of the criminal and juvenile section in the years 2015–2017

Number and breakdown of motions of the investigation authority on the termination of investigation and on presenting criminal charges



Number and breakdown of motions of the investigation authority on the termination of investigation against juvenile offenders



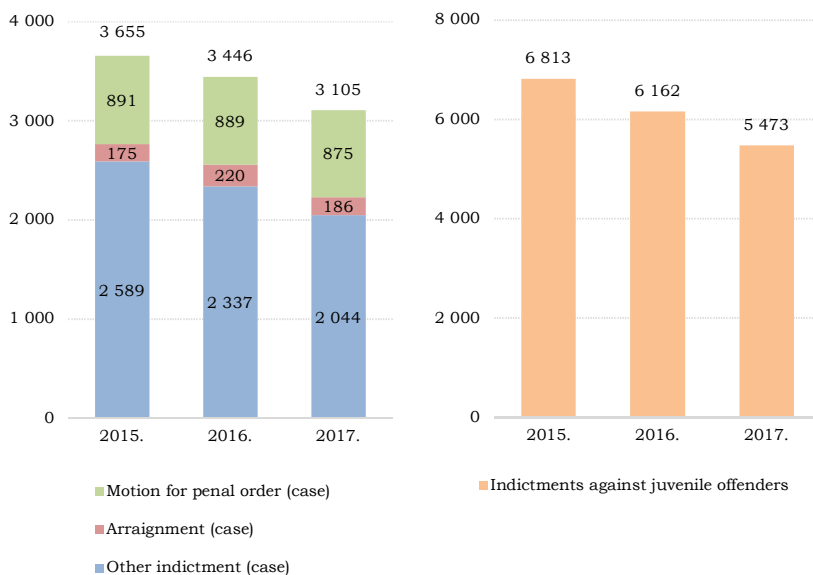
In 2017 the number of prosecutorial actions, cases, involving court decision and the number of juvenile defendants was further decreasing which is due to the steadily decreasing number of registered criminal offences and perpetrators in the past few years.

The principles of sentencing juvenile offenders require selecting an individualized penalty which facilitates law-abiding behaviour and the return of the juvenile offender into the society. Therefore, in the reporting year the Prosecution Service decided to postpone indictments with regard to 1,483 juveniles and 375 cases were referred to mediation, as means of out-of-court settlement.

Prosecutors dealing with criminal cases of children and juvenile offenders indicted in the reference period 5,473 juvenile delinquents in 3,105 cases, 199 of whom were subjects of coercive measure of restricting personal liberty, 162 of them being in pre-trial detention.

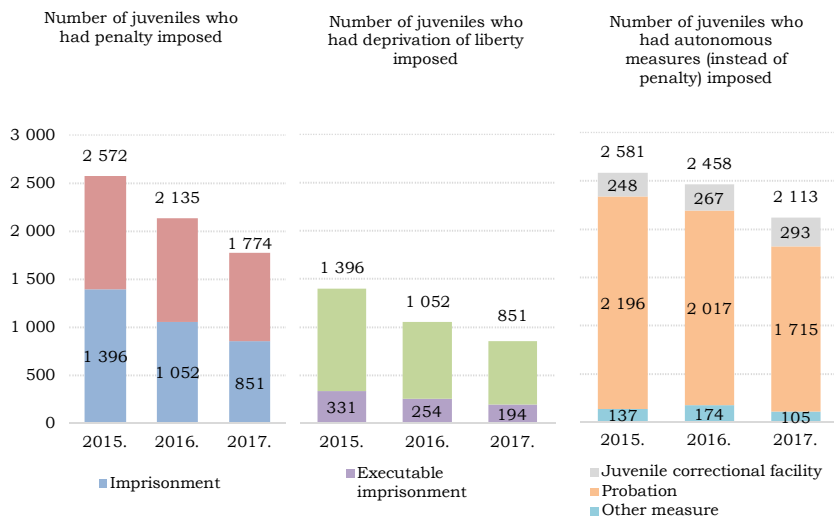
Cases finished by motions for arraignment and issuing penal order – serving as an accelerating and simplifying means of court procedures – constituted 33.59% of the indictments.

#### Data relating to indictments against juvenile delinquents in 2015–2017



In 2017 courts brought final judgments against 3,957 juvenile offenders in 3,074 cases. In their final judgements courts imposed imprisonment on almost half (47.97%) of the juvenile delinquents and in case of 22.8% juvenile offenders it resulted in de facto imprisonment. Probation is still the most commonly used penal measure against juvenile delinquents (81.16%), whereas the number of juvenile delinquents sentenced to placement in juvenile correctional facilities rose by 9.74% compared to the year before.

### Substantive data related to punishments and measures taken against juvenile delinquents in 2015–2017



In 2017 prosecutors lodged appeals against decisions of the courts of first instance with regard to 250 defendants. Criminal proceedings of third instance were conducted in 1 case against 1 defendant.

The efficiency rate of indictment regarding cases which fall into the power of prosecutors dealing with criminal cases of children and juvenile offenders was 98.94%. This corresponds to the average rate of the previous years.

*Opinions aiming at the uniform application of law in the criminal section*

In the course of application of criminal law it is essential that prosecutors represent identical positions in disputable issues. For this purpose the Office of the Prosecutor General issued 68 general guidelines in 2017.

The Office of the Prosecutor General paid special attention to the legality of collecting and presenting evidence in procedures initiated for corruption crimes on the basis of so called integrity screening. The criminal section and the section for the protection of public interest of the Office of the Prosecutor General – having in mind the relevant decision of the Curia – issued a common guideline on the criteria applicable to the authorisation of integrity screenings by prosecutors and the legality supervision of the conducted screenings.

The Office of the Prosecutor General also issued guidelines on the uniform prosecutorial practices applied in criminal procedures initiated for defamation and slander to the injury of public figures and public officials.

Opinions concerning dogmatic issues and the difficulties of proving money-laundering, as well as the determination of the place where illegal data acquisition was actually committed are also significant.

As far as procedural resolutions are concerned, resolutions on the transfer of the enforcement of financial penalties imposed by the courts of the Member States of the European Union, on conducting secret data collection and on the protection of personal data during proceedings should be mentioned.

### *Legislative activities of criminal prosecutors*

The Prosecution Service was active participant in the legislative work of the new Hungarian Criminal Procedure Code in 2017. Our observations, suggestions in the course of the legislation were mostly accepted.

Apart from this, last year we took part in the preparation of new legislation due to the redrafting of the Criminal Procedure Code, as well as in the more restrictive amendment of the statutory definition of unauthorized financial activities.

The representative of the Prosecution Service participated in the working group preparing the amendment of legislation affecting medical procedures and criminal offences against the order of research.

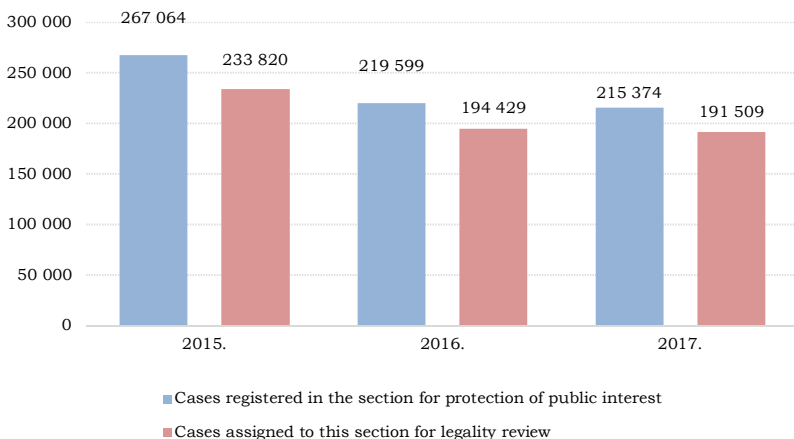
### 3. Prosecutors' activities outside the field of criminal law

#### *Prosecutors' activities relating to the protection of public interest*

Statistical indicators and tendencies of cases relating to the protection of public interest

In 2017 the number of cases registered in the field of the protection of public interest – as it can be seen in the figure below – decreased by 2% compared to the data of the previous year. Specifically, the number of cases related to legality review decreased of by 1.5% compared to the previous year. Priority measures had to be taken 82,510 times related to legality measures which means a decrease by 1.4% compared to the year before. 92% of the reminders and signals issued in the reporting period led to positive results.

**Caseload data in the field of the protection of public interest  
in the years 2015-2017**



The decrease in the number of cases can be largely contributed to the drop in the number of cases concerning NGOs received from courts. The reason for this is the legislative amendment effective as of 1<sup>st</sup> March 2017, resulting in significant changes in competence. Apart from this, the number of request aiming at prosecutorial actions (3,786) decreased by approximately 8% in comparison to the previous year.

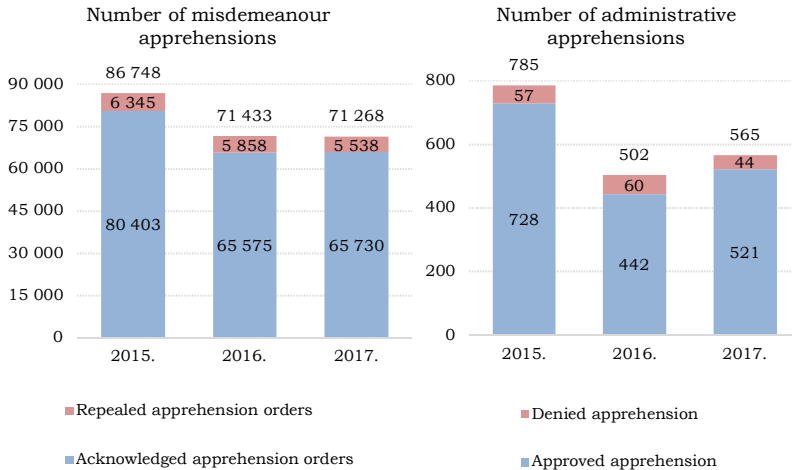
### Conclusions of the legality review procedures

In 2017 there were 1,338 cases where the legality of proceedings or of decisions of public administration authorities was reviewed upon the requests of clients concerned seeking prosecutorial actions. The number of guardianship and custodial cases has been constantly increasing in the past few years; whereas the number of tax, financial and traffic related requests has been decreasing.

Against the unfounded decisions of environmental authorities reminders were issued in 4 cases and the authorities the accepted the reminder in each case. Prosecutors issued 18 signals for minor misdemeanours, whereas in 66 cases they initiated proceedings.

Prosecutorial activities related to misdemeanour or administrative authorities' apprehension orders are illustrated by the following chart:

### Number of misdemeanour or administrative apprehensions in the years 2015–2017



Supervision of the decisions of contravention authorities and police bodies conducting preliminary proceedings on the termination of proceeding concerned 88,386 decisions in 2017. In 5,181 cases the prosecutor took measures ex officio in order to obtain the relevant documents of the case. Out of the initiated 2201 measures 32% were reminders, 52% were signals and in 16% of the measures the prosecutor initiated criminal proceedings.

Application for revision against court decisions in misdemeanour cases were lodged by prosecutors in 1,814 cases, which means a 29% growth compared to the year before.

In 2017 the number of complaints submitted in contravention cases (1,299) decreased by 11%. Similarly to the year before about 30% of the complaints proved to be substantiated: prosecutors annulled actions of the contravention authorities against which complaints had been filed, or they established the violation of law.

## Prosecutorial activities relating to integrity screenings

Chief prosecution offices which were assigned to fulfil the tasks relating to integrity screening approved upon the initiation of the National Protective Service 833 decisions ordering integrity screenings in 2017. In the case of 64 persons the integrity screening was denied by the prosecutor. On the basis of the conducted screenings 17 criminal proceedings were initiated against officials of the police forces, the penitentiary institutions, the government, the disaster management authority and the Immigration and Asylum Office.

## The participation of the prosecutor in court proceedings

In 2016 prosecutors brought 5,144 actions before the courts, whereas in 2017 this number was 1,452. This sharp decline in the number of lawsuits (72%) was due to a change in the regulatory legal environment related to civil organisations. Earlier provisions enabling the initiation of contentious proceedings were changed as of 1<sup>st</sup> March 2017 enabling the prosecutor to conditionally initiate mainly non-contentious proceedings. Since the date of this amendment prosecutors have initiated 2,117 non-contentious proceedings before the courts in cases related to civil organisations.

In 2017 there were 1,450 cases where prosecutors participated in proceedings seeking restraining orders between family members before courts, which represents a growth by 14%.

In 2017 the number of requests and complaints submitted to the courts of registry for the legality review of companies almost tripled: 3,118 compared to the 1,146 requests in the year before.

Upon authorization granted by laws regarding nature and environmental protection, prosecutors filed 19 lawsuits in 2017, most of them for cruelty to animals. In the proceedings that have already finished the courts upheld the injunction claims. In 2017 prosecutors issued 6 pre-litigation reminders aiming at voluntary execution for acts threatening and damaging the environment.



With the exception of one case the reminders led to success; as a result of the unsuccessful reminder a lawsuit was initiated.

In 2017 prosecutors filed 53 company lawsuits - which is almost the double of the previous year - in order to set aside the company registration (registration of changes) or to annul the modification of the registration documents. In 136 cases of minor offenses which can be eliminated in a short time the prosecutor took successful measures to avoid the lawsuit.

In 2017 the number of actions due to unfairness of general contract terms and conditions rose significantly: prosecutors filed 42 lawsuits; in 56 cases – mainly finished in the reporting period – the prosecutor took measures to avoid the trial in order to ensure speedy and effective elimination of the unfairness of general contract terms and conditions. Last year two claims for the breach of law involving a wide array of customers were brought to court in a customer protection lawsuit.

Prosecutorial activity relating to child and juvenile protection outside the field of criminal law

In 2017, similarly to the previous years, the Prosecution Service of Hungary carried out the comprehensive inspection of the 23 child protection institutions providing specialized care. The inspection also included the 65 permanent and provisory children's homes. 166 prosecutorial measures had to be taken due to infringements of law detected in the course of the inspections.

In restraint cases applied for violence among family members prosecutors had to issue 1,011 awareness-rising signals to the youth welfare offices, responsible for the coordination of family services. 291 official proceedings were initiated to refer the child in a protected status.

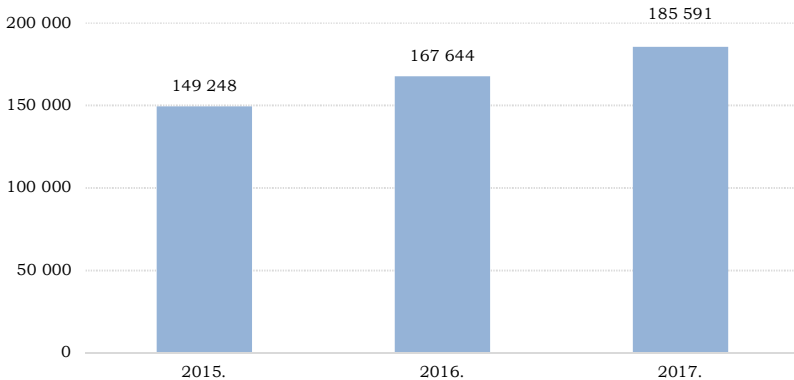
In child protection cases of juveniles the number of priority measures taken in 2017 (2,784) showed a moderate rise of 5% compared to the year before. In order to remedy law infringements

detected in the decisions of authorities priority prosecutorial measures included reminders (8%) and signals (24%). Criminal procedure was initiated in 580 cases.

### *Legality supervision of the enforcement of punishments*

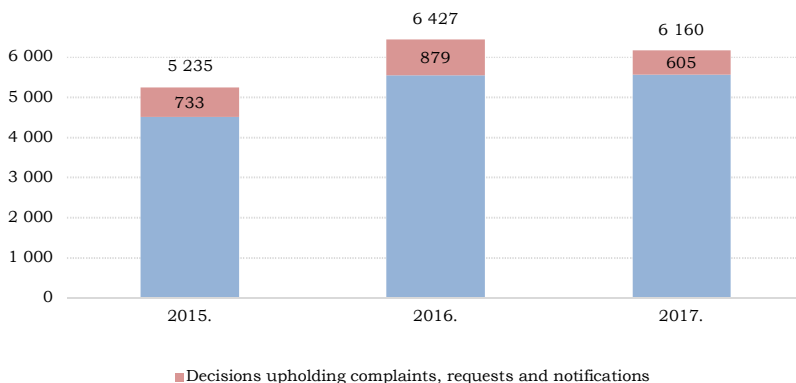
The increased workload in the field of legality supervision of the enforcement of punishments and the protection of human rights (hereinafter: supervision of the enforcement of punishments) is reflected in the growth of the number of assigned cases. As the figure below shows this indicator has been constantly growing in the past few years.

#### **The changes in the workload in the field of legality supervision of the enforcement of punishments and the protection of human rights in the years 2015–2017**



Within the incoming workload a different, decreasing tendency could be observed in the reporting year compared to the number of complaints, requests and notifications received by the Prosecution Service in 2016. This change is illustrated in the figure below:

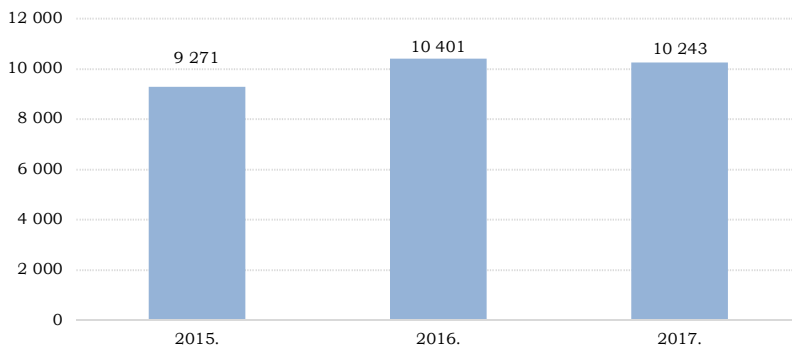
**The number of complaints, requests and notifications received by the prosecutors working in the field of legality supervision of the enforcement of punishments and the protection of human rights in 2015–2017**



The main reason for the decrease is that as of 1<sup>st</sup> January 2017 procedures conducted by the judge responsible for the law enforcement were introduced to compensatory remedy complaints concerning conditions of detention allegedly violating fundamental rights. From the date above inmates address their complaints related to their treatment to the judge responsible for the law enforcement and not to the prosecutor responsible for the enforcement of punishments. Decisions upholding complaints, requests and notifications were taken in 9.8% of the cases (in 2016: 13.7%, in 2015: 14%). The decline in this ratio shows the improving level of legality of the work of the supervised executive/penitentiary bodies.

The number of examinations conducted by prosecutors supervising the enforcement of punishments aiming at eliminating malpractices was as follows:

**Number of examinations conducted by prosecutors supervising the enforcement of punishments in the years 2015–2017**



The 1.5% decrease in the number of examinations compared to the figures of 2016 is not significant.

Based on the results of the examinations the prosecutors in this field initiated 18 criminal procedures, 6 misdemeanour procedures and 3 disciplinary procedures.

With the help of the examinations prosecutors in this field managed to disclose and terminate breaches of law and took measures to the elimination and prevention of such violations of law. In 2017 prosecutors supervising the enforcement of punishments issued orders in 20 cases and reminders in 149 cases.

Continuous monitoring of the legality of detainees' treatment has long been a priority task for prosecutors supervising the enforcement of punishments. The national examination in 2017 found that similarly to the previous years detainees' treatment in Hungary, despite some occasional mistakes and deficiencies, generally complied with requirements set forth by international norms and recommendations as well as with the law in force.

Based on reports of the chief prosecution offices it can be stated that detainees' human dignity in prisons and penitentiary institutions basically was not violated and the principle of non-discrimination was also respected. Lawful detention, custody and placement of detainees still meant a problem for penitentiary institutions as in spite of all efforts taken so far cramped and overcrowded prisons and the difficulties resulting therefrom could not be eliminated.

Necessary prosecutorial measures to rectify and eliminate occasional deficiencies were taken, and the prosecution offices contributed to the remedy and prevention of deficiencies by using lawful means and tools available for them.

#### **4. The Prosecutor General's activity**

In 2017 Members of Parliament addressed 93 questions requiring written responses, 5 urgent questions and 4 questions requiring verbal responses to the Prosecutor General of Hungary. The parliamentary report on the activities of the Prosecution Service in 2016 was adopted by the plenary session of the Parliament on 12th December 2017.

In order to ensure compliance of final judgements with the law, the Prosecutor General sought legal remedies with the Curia in 28 cases. Last year the Curia decided 24 prosecutorial motions for legality review and ruled in favour of the prosecutorial motions in 22 cases.

Section 2 (2) a) of Act CXXX of 2000 on invalidating convictions in connection with the repression following the 1956 revolution and war of independence authorizes the Prosecutor General to file motions ex officio to have certificates issued on the invalidation of convictions for persons concerned by the Act. In 2017 such motions were filed with respect to 40 persons (in 2016: 21 persons). The Curia certified the invalidation in accordance with the prosecutorial motion in each case.

The most important tool to standardize judicial practice is uniformity decisions adopted by the Curia which are binding for lower courts. In the criminal law field of the prosecutorial activity 7 uniformity decision proceedings were opened, 6 of which were initiated by the Prosecutor General. The Prosecutor General issued written statements in 3 uniformity decision proceedings in the field of public interest activity in 2017.

In 2017 the Prosecutor General did not request the waiver of the immunity of any Member of Parliament in order for a criminal proceeding to be opened. Last year the Prosecutor General waived the immunity of 3 prosecutors and proposed the waiver of immunity of 2 judges. The requests were successful. The Prosecutor General proposed the waiver of a UN diplomat's immunity to the Minister of Foreign Affairs on the ground of diplomatic immunity.

The Prosecutor General is authorized by law to regulate in orders and circulars the structure and operation of prosecution offices and units directed by him. In 2017 the Prosecutor General issued 29 orders and 4 circulars.

In 2017 the international activities of the Prosecutor General were organized in line with two priorities: maintaining and developing good relations with EU Members States and Eastern partners.

As far as relations with European partners are concerned the Prosecutor General met his Russian counterpart at a Russian-Hungarian and his Serbian counterpart at a Serbian-Hungarian meeting, whereas as far as international relations outside of Europe are concerned he met his Egyptian colleague at an Egyptian-Hungarian meeting.

In 2017 one of the main events of the international relations of the Prosecution Service of Hungary was the Chinese-Hungarian joint conference on global insecurities in the WWW organized for prosecutors in Budapest. The conference was opened by Mr. Dr. Péter, Polt Prosecutor General of Hungary and by Mr. Zhang Xueqiao, Chinese Deputy Prosecutor General.

During the time of the conference the Chinese Deputy Prosecutor General and his Hungarian host met at a bilateral meeting.

The Prosecutor General of Hungary also held negotiations with several high-ranking non-prosecutor partners in the reporting period: he hosted Mr. Giovanni Kessler, Director General of the European Anti-Fraud Office (OLAF), held talks with Ms. Michèle Coninx, President of Eurojust and hosted the delegation led by Ms. Ingeborg Gräßle, Chair of the European Parliament's Budgetary Control Committee.

The Prosecutor General actively participated in various forms of European and regional prosecutorial cooperation in 2017 as well: in the meeting of the Network of Public Prosecutors or Equivalent Institutions at the Supreme Judicial Courts of the Member States of the European Union, of the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union and at the meeting of Prosecutors General of the Visegrad Four Group.

## **5. International relations and activities of the Prosecution Service**

### *International relations*

Similarly to the previous years the expert-level activity of the Prosecution Service in 2017 had two aims: on the one hand, to facilitate prosecutorial work in concrete cases by consultations with partner organizations and authorities as well as by strengthening cross-border relations; on the other hand, to provide the widest possible opportunities for employees of the Prosecution Service to attend trainings, exchange experience, and work together with foreign colleagues or abroad. Within the framework of expert-level international activity of the Prosecution Service altogether 281 prosecution employees participated in 182 international events in 2017.

In 2017 there were 32 occasions when with regard to concrete criminal cases 48 colleagues participated in expert

consultations with members of foreign partner authorities. Such consultations mostly took place abroad.

In the reporting period five cross-border meetings between chief prosecutors were held: with Slovak chief prosecutor partners three meetings took place. In 2017 the annual series of meetings involving the three Romanian and the three Hungarian chief county prosecutors of border neighbouring counties continued.

In 2017 55 prosecutors as contact points and experts attended EU and international events on 51 occasions, and the Prosecution Service was also invited to participate in various EU programs and projects.

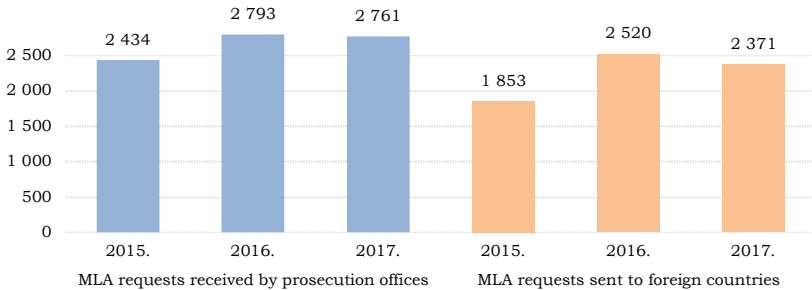
Cases relating to European Anti-Fraud Office (OLAF) investigations fall into the competence of the Prosecution Service. In 2017 OLAF addressed to the Office of the Prosecutor General six recommendations on the opening of criminal investigations. In two cases prosecutors ordered criminal investigations, while in three cases the OLAF final reports including recommendations and results of the investigations were taken into consideration in relation to ongoing investigations. There was one case where the competent prosecution office ordered the resumption of the formerly terminated investigation. Out of the cases opened on the basis of OLAF recommendations and indicated irregularities there were four cases in which indictments were filed and four cases in which investigations were terminated in 2017.

#### *Mutual Legal Assistance cases*

International cooperation between the judicial authorities, including the prosecution services, has remained intensive in the recent years. This is demonstrated by the following bar chart:



**The number of MLA requests in criminal matters received by prosecution offices and sent to foreign countries in 2015–2017**



In 2017 there were 90 cases where the Office of the Prosecutor General decided to forward requests for legal assistance to third countries, while it accepted 547 MLA requests from judicial authorities of foreign countries including EU Members States.

In 2017 Hungarian authorities participated in 8 joint investigation teams set up earlier and in 7 new joint investigation teams set up in 2017, 2 of which were proposed by the Hungarian authorities.

The transfer of proceedings opened for crimes committed by Hungarian perpetrators abroad was accepted from foreign authorities in 189 cases, whereas proceedings opened for crimes committed by foreign nationals in Hungary were transferred to foreign authorities in 23 cases.

In 2017 criminal complaints were filed to foreign states in 5 cases for crimes committed by foreign nationals abroad where the suspicion of crimes were substantiated by evidence collected in the course of Hungarian criminal proceedings.

In 2017 4,133 foreign nationals committed crimes in Hungary, and 5,182 crimes committed against foreign nationals were registered.

There were 784 cases where based upon criminal complaints filed for crimes committed by foreign perpetrators abroad against Hungarian nationals, legal persons and legal entities without legal personality established in accordance with Hungarian law the Prosecutor General decided about the question whether criminal proceedings should be opened. Out of these cases there were 20 cases where the Prosecutor General ordered the commencement of Hungarian criminal proceedings [see: Hungarian Criminal Code: Section 3 (2) b) and Section 3 (3)]. In absence of the opening of a Hungarian criminal proceeding the Prosecution Service forwarded the victim's criminal complaint to the EU Member State having jurisdiction for the crime in question.

In 2017 the number of MLA requests in minor offence matters increased by 22%. The Prosecutor General as central authority acted in 3,693 MLA request matters. In 2017 Hungarian minor offence authorities requested legal assistance from foreign authorities in more cases than in the previous years. In 2017 they requested legal assistance from foreign authorities in 98 cases.

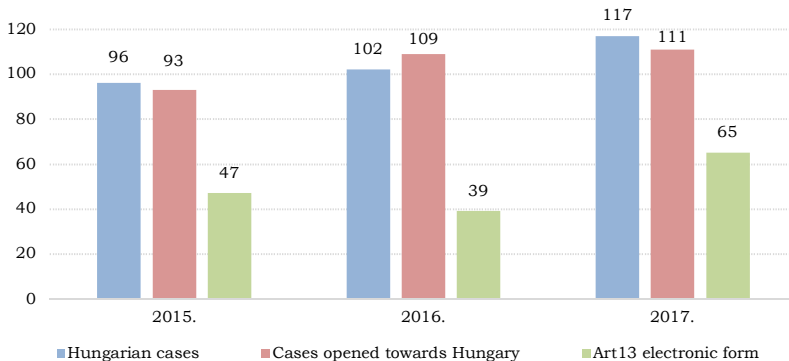
#### *Tasks and activities of the Eurojust National Member for Hungary*

The Eurojust National Member for Hungary is a prosecutor appointed by the Prosecutor General. Eurojust National Members for EU Members States submitted to the Eurojust 2,550 cases including 2,537 cases relating to concrete criminal offences and 13 general cases concerning the application of criminal justice. This indicates a 9% increase compared to the previous year. In addition, liaison prosecutors of the United States, Norway, Switzerland and Montenegro opened 148 cases towards the EU Members States. The number of cases (387) concerning more than two EU Member States and submitted by the Eurojust National Members slightly decreased.

Hungary still belongs to the small group of EU Member States which open more than hundred registered Eurojust cases. By doing this, Hungary is considered to be a very active member of the judicial cooperation of the EU and has moved from the

former 11th place to the 7th place on the list, while it still maintained its 11th place on the list of the most frequently requested EU Member States. The cases opened by and towards Hungary are illustrated by the following chart:

**The number of cases handled by the Hungarian national desk and reports received in electronic form (Art13HU) in 2015–2017**



The Eurojust held 302 coordination meetings with regard to 376 cases, out of which Hungarian prosecutors attended 26 meetings, whereas the number of coordination meetings attended by Hungarian prosecutors was 10 in the year before.

Within the framework of EJTN programs the Hungarian national desk in The Hague also provides training opportunities. 1-1 prosecutor participated in such one-week and four-month-long trainings, respectively. In the reporting year the Eurojust hosted 6 conferences for which the participation of Hungarian prosecutors (8) and other Hungarian experts (from the Ministry of Justice, Police) had to be prepared and supported.

## **6. The personnel of the Prosecution Service**

### *Personnel issues*

Act LXVIII of 1997 on the Status of Judicial Employees and of Act LXXXVII of 2017 on the Amendment of Act CLXIV of 2011

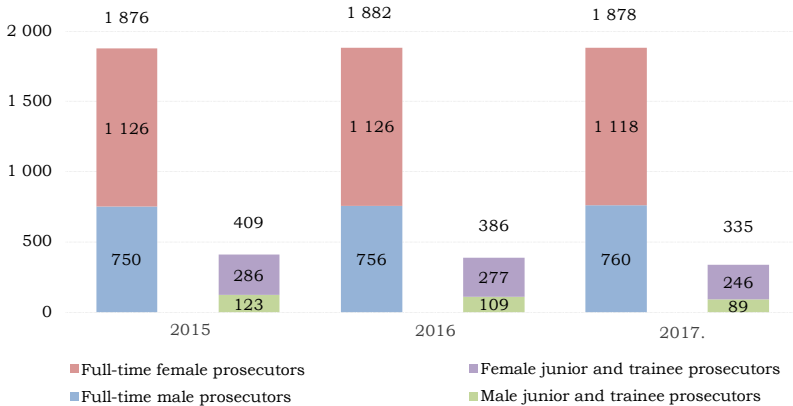
on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career aim at creating a uniform legal status for employees of public bodies. Act LXXXVII of 2017, which amended provisions about the remuneration, certain rights and obligations of non-prosecutor employees as of 1st September 2017, also introduced a new remuneration system including salary brackets, which makes it possible to set basic salaries depending on work performance. 2,110 prosecution employees were affected by the re-classification of salaries and re-determination of basic salaries in accordance with the new provisions.

As a result of the amendment of the Act, within the staff number and salary limits non-prosecutor employees with special expertise or performing very special tasks can be employed in special positions with more flexible salaries, and their salary can be determined in accordance with the Labour Code. In 2017 the Prosecutor General decided that for a definite period of time 228 non-prosecutor employees should be classified as officers employed in special positions.

Last year the number of positions for prosecutors allotted (allowed for) by the Prosecutor General was 4,764. On 1st January 2017 the number of allowed prosecutor positions was 2,044. Out of the number of allotted prosecutor positions the number of prosecutor positions divided among structural units of the Prosecution Service slightly decreased from 2,005 to 2,002 until the end of the year compared to the situation on 1st January 2017. From these positions 124 were vacant at the end of the year.

The number of prosecutors, junior and trainee prosecutors and the ratio of sexes are illustrated by the following chart:

**The number and ratio of prosecutors, junior and trainee prosecutors by sex in 2015–2017**



As the chart above indicates the ratio of sexes in the Prosecution Service is still not balanced.

In 2017 64 applications for prosecutor positions, 27 head prosecutor positions and 6 senior head prosecutor positions (altogether 97 positions), as well as 63 junior prosecutor positions were called for. In 2017 no trainee prosecutor positions were called for.

In 2017 36 prosecutors and 33 junior prosecutors were appointed (in the year before 48 prosecutors, 83 junior prosecutors and 31 trainee prosecutors were appointed).

The number of disciplinary proceedings decreased in the reporting year: 16 disciplinary proceedings were started and out of the imposed punishments the less serious ones still dominate.

*Continuous training of employees of the Prosecution Service*

In 2017 the PECA widened the circle of persons who are obliged to participate in continuous training. In conformity with

the obligations set forth by law, 3 orders issued by the Prosecutor General – one of which was an amending order – supplemented the rules of the prosecutorial continuous training system, having been in practice as of 1st January 2013, with rules of the training system for trainee prosecutors who have passed the bar exam, for junior prosecutors, non-prosecutor employees and clerks. The order also added some rules on how training obligations should be performed.

Under the umbrella of the Hungarian Training Centre for Prosecutors trainee prosecutors participated in two-day-long trainings on two occasions, junior prosecutors in a four-day-long training on one occasion. Further professional events and competitions also contributed to these trainings. 15 centrally organized trainings were held for prosecutors. Superior prosecutors could assign participants – more than 2,500 persons – to 115 training days.

Study contracts to support postgraduate studies were concluded with 36 prosecution employees, and participation in specialized foreign language trainings was also supported.

## **7. Communication activity of the Prosecution Service**

The press communication activity of the Prosecution Service had a highly effective and successful year in 2017. The number of statements and press releases published by chief prosecution offices and appellate chief prosecution offices increased by 34% compared to 2016. Compared to 2012 the communication activity of the Prosecution Service was five times more intensive last year. The fact that deputy spokespersons at all chief prosecution offices were also actively involved in the press communication activity of the Prosecution Service also contributed to this change.

Spokespersons of the Prosecution Service continued to maintain good relations with their communication counterparts of

partner organizations, and they laid special emphasis on keeping contacts with the local press.

Clarity is still considered to be a priority among the qualitative criteria of the press communication of the Prosecution Service. The question how one can communicate about complex legal issues, complicated cases in a way that is clear for the public was regularly put on the agenda of spokesperson's trainings.

Visual and video footages were also made regularly accessible to the public on the official website of the Prosecution Service in accordance with the legal regulations.

## **8. Information technology and statistical activities of the Prosecution Service**

In 2017 it was a priority task for the information technology (IT) of the Prosecution Service to comply with the legal provisions regarding electronic case management, which entered into force on 1st January 2018. Within the framework of the Electronic Case Management Project started for this purpose the development and expansion of the IT infrastructure of the Prosecution Service as well as the internal structural rules and regulatory tools were reviewed, and the Prosecution Service also joined certain central and regulated electronic case management services.

In 2017 the expansion of the IT network and the upgrading of bandwidth were started, so that sufficient quantity and quality of data connections network and internet access needed for the electronic case management could be provided.

In 2017 we continued to expand external relations and cooperation with partner organizations and companies providing telecommunication services.

Several events connected to the tasks of the Network of Prosecutors taking care of cybercrime matters were organized in

2017 that were attended by representatives and delegates of law enforcement bodies, courts of law and also foreign and international organizations.

In order to comply with organizational changes and changes of law our self-developed case management, registration and statistical systems were updated. In order to keep records of and manage fringe benefits and extra allowances, a new IT application was introduced. The Electronic Case Management Module was set up as a new system to support electronic case management and contact keeping tasks relating to prosecutorial work.

The Prosecution Service performs its official statistics tasks as a member of the Official Statistics Service in accordance with Act CLV of 2016 on Official Statistics (Official Statistics Act), which entered into force on 1st January 2017. The representative of the Prosecution Service is a member of the National Statistics Coordination Board. In addition, delegates of the Prosecution Service are also actively involved in the work of expert committees of the Board. At the end of 2017 the Hungarian Central Statistical Office started the accreditation process in accordance with the Official Statistics Act at the Office of the Prosecutor General as a pilot project. Its aim was to check and control compliance with provisions of the National Statistics Practice Code and the European Statistics Regulation.

In 2017 all statistics regarding the Prosecution Service were collected electronically. Our self-developed case management applications are able to provide up-to-date information on the activities of the Prosecution Service in the field of criminal law and in the field outside of criminal law.

## **9. Financial conditions of the operation of the Prosecution Service**

Within the budgetary chapter of the Prosecution Service 43,222.4 million HUF original expenditure and revenue



appropriations were allocated for the performance of professional duties last year, which is a 3,340.5 million HUF increase compared to 2016.

Due to changes in appropriations carried out on various legal grounds the modified expenditure appropriation rose by 7,205.9 million HUF to 50,428.3 million HUF.

84% of the appropriations were used for personnel-related expenses and contributions relating thereto, whereas 4% was used for developments and 12% for operational costs.

31,134.5 million HUF were used for personnel allowances, which guaranteed that the individual rights and entitlements specified by the Prosecutorial Employment and Career Act as well as payments falling under the category of external personnel allowance would be sufficiently covered.

4,225.6 million HUF was spent on non-personnel allowances, which was 413.5 million HUF more than the sum used in the previous year.

In 2017 2,736.5 million HUF original appropriation was available for cumulative expenses in the budgetary chapter. This sum changed to 5,123.4 million HUF, which was due to modifications in the appropriation – mainly as a result of residue from the previous year – in the course of the year.

As far as changes in equities are concerned the net value of real estates and relating rights of property value have increased to the biggest extent: by 604.3 million HUF. The balance sheet value of intangible assets has significantly fallen by 95.6 million HUF. The acquisition value fell short of the value of the depreciation value. The balance sheet value of the equipment, tools and vehicles significantly rose by 96.0 million HUF.

## **10. Prosecutors' research activity and the National Institute of Criminology**

Prosecutors are respected participants in academic public life and they regularly issue publications. Every superior leader of the Prosecution Service has a scientific degree. 35 employees of the Prosecution Service – 20 of them being prosecutors – possess academic titles, and 2 of them have a doctoral degree of the Hungarian Academy of Sciences. 65 prosecutors, junior prosecutors and trainee prosecutors are Ph.D. students at various universities. 76 prosecutors are lecturers and professors at institutions of higher education.

As a scientific and research institute of the Prosecution Service, the National Institute of Criminology carries out comprehensive researches on the causes of crime, the possible ways of crime prevention, the current theoretical and practical issues of criminality and law enforcement. The results and outcomes of researches are used in the codification and law interpretation activity of the Prosecution Service, and they also enrich the theoretical achievements of criminal sciences, and they are also used and referred to in higher education as well as in postgraduate studies.

In 2017 researchers of the Institute published 96 studies, 12 of which were in foreign languages. They delivered 107 presentations at various conferences and forums of experts, and out of this number 34 presentations were made in foreign languages at 23 conferences held abroad.

In the reporting year 44 research programs were carried out. 35 of them were completed. Out of the 36 researches included in the draft program of the National Institute of Criminology 16 researches were proposed by the Prosecution Service (3 of them by the Office of the Prosecutor General and 13 by the chief county prosecution offices).