

**Prosecutor General's Report  
on Activities of the Prosecution Service  
in 2022**  
(extract)



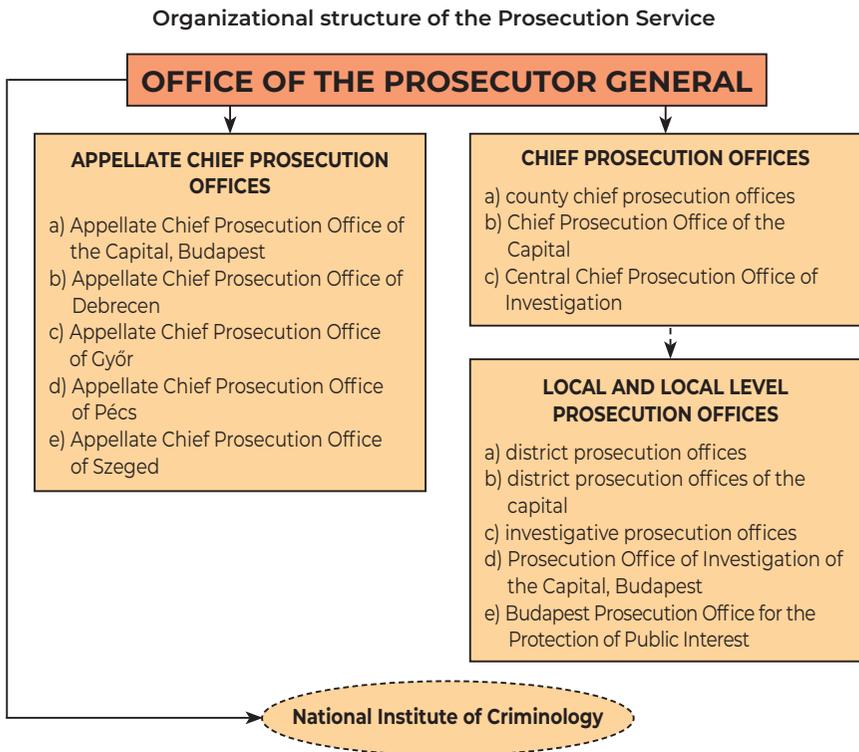
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# 1. The Prosecution Service

The bases of the operation of the Prosecution Service are primarily contained by the Fundamental Law of Hungary as well as 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).

The organizational structure of the Prosecution Service in the reporting period is shown in the following figure:



## 2. Activities of the Prosecution Service in the field of criminal law

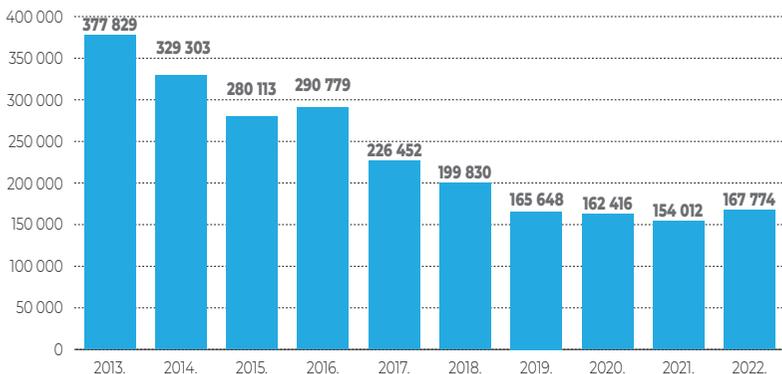
### Supervision and direction of investigations and investigations conducted by the Prosecution Service

#### *Main statistics on criminality*

The number of incoming and outgoing case files in the field of criminal law continuously decreased from 2013 to 2017. However, in the period following the entry into force of Act XC of 2017 on the Criminal Procedure Code (hereinafter referred to as CPC) on 1 July 2018, especially in 2019, the number of incoming and outgoing cases increased by hundreds of thousands.

The almost continuous decline in the number of registered crimes since 2013 stopped last year, and their number increased by 8.9%. The following diagram displays the changes of the last ten years:

**Number of registered crimes in 2013–2022**



Compared to 2021, the number of registered perpetrators also increased; in 2022 81,458 perpetrators were registered.

The following tables include information about the main data of certain crimes:

**Number of certain registered crimes between 2020–2022**

<b>Crimes</b>	<b>2020.</b>	<b>2021.</b>	<b>2022.</b>
Completed intentional homicide	81	72	89
Attempted homicide	90	62	98
Theft	48 627	40 852	46 833
Fraud	12 026	12 755	16 747
Robbery	616	543	534
Infringement of copyright and certain rights related to copyright	79	128	169
Offences against traffic regulations	18 975	17 663	20 570
Driving under the influence of alcohol	13 589	11 450	11 339
Causing a road accident through negligence	2 753	2 361	3 044
Human smuggling	257	635	1 705
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	684	670	904
Crimes against the judicial system	1 641	1 791	16 86
Public nuisance	8 570	8 313	8 812
Crimes related to official documents	15 287	13 808	11 124
Drug abuse crimes	6 518	7 004	7 453
Corruption crimes	2 049	6 219	1 003
Bribery of public officials	1 978	5 976	650
Economic bribery	38	119	126
Counterfeiting currency	274	230	254
Forgery of stamps	17	13	23
Crimes in connection with cash-substitute payment instruments	3 219	1 728	2 147
Budget fraud	1 061	1 175	1 189
Fraudulent bankruptcy	107	122	143
Money laundering*	308	358	542
Breach of information system or data	830	1 140	1 737
Compromising or defrauding the integrity of the computer protection system or device	25	15	14
Environmental offences	23	25	35
Damaging the natural environment	59	71	97
Violation of waste management regulations	474	515	914
Military offences	297	242	197

\* As of 1 January 2021, the legal facts of money laundering include the former legal fact attributed to the crime of receiving of stolen goods.

## Recorded actions in relation to procedures initiated in 2020–2022

Crimes	2020.	2021.	2022.
Homicide, voluntary manslaughter	211	233	252
Theft	48 897	47 323	51 663
Fraud	14 224	17 152	21 246
Robbery	639	581	563
Infringement of copyright and certain rights related to copyright	240	304	210
Offences against traffic regulations	17 939	19 506	19 631
Driving under the influence of alcohol	12 158	11 239	10 779
Causing a road accident through negligence	2 812	2 660	2 755
Human smugglings	446	1 177	2 007
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	660	797	1 128
Crimes against the judicial system	3 531	4 289	4 428
Public nuisance	9 865	10 392	10 638
Crimes related to official documents	6 650	7 529	6 828
Drug abuse crimes	7 218	7 798	6 496
Corruption crimes	271	358	374
Bribery of public officials	131	173	176
Economic bribery	78	103	134
Counterfeiting currency	254	263	283
Forgery of stamps	12	9	6
Crimes in connection with cash-substitute payment instruments	1 699	1 750	1 964
Budget fraud	2 651	1 815	2 457
Fraudulent bankruptcy	749	607	841
Money laundering*	524	725	531
Breach of information system or data	1 070	1 433	1 860
Compromising or defrauding the integrity of the computer protection system or device	35	35	27
Environmental offences	116	159	103
Damaging the natural environment	125	187	231
Violation of waste management regulations	1 013	1 369	1 815
Military offences	219	251	265

\* As of 1 January 2021, the legal facts of money laundering include the former legal fact attributed to the crime of receiving of stolen goods.

Given the different methodologies and dates of data recording, the data of the two subsystems (tables) are not comparable. Therefore, conclusions that a certain number of offences occurred in a given year cannot be drawn from the recorded crime data.

Whether we look at the trend of the number of registered crimes or of proceedings initiated (the former relates to the termination of proceedings by decisions of prosecutors or investigating authorities, while the latter relates to the commencement of proceedings), it can be seen that the number of frauds significantly increased in 2022 compared to 2021. Practical experience shows that the modus operandi of these offences is more and more connected to IT tools. If we also add, that similarly to the trend of the previous years, the number of crimes called breach of information system or data continued to rise in 2022, the conclusion can clearly be drawn that increasingly greater attention should be given to cybercrimes in the application of law. All this requires special professional competence and continuous professional development, as the IT sector is also characterized by constant and intensive changes.

Compared to 2021, the number of registered budget frauds essentially remained unchanged, but the number of initiated proceedings increased. In proceedings initiated for budget fraud, the Prosecution Service plays a significant role in supervising and directing criminal investigations. The reason for that is that serious crimes affecting and damaging the budget are generally characterized by complex forms of criminality, nominal, unreal senior officers and the management of an entire network of companies not performing actual economic or business activities, cooperative and conspirative conducts of perpetrators, a wide range of techniques and methods of perpetration, and often by the cross-border nature of the offences involving several foreign states. Although several forms of perpetration are known to both the investigating authorities and the Prosecution Service, it is important to get familiar with and understand new methods and to develop effective techniques against these crimes.

As to budget frauds, and in general, to property-generating crimes, it should be mentioned that actions against crimes can be truly efficient if perpetrators can be deprived of the property resulting from the crime. The Prosecution Service pays special attention to the achievement of this objective, and within its power to direct investigations, it consistently draws the attention of the investigating authorities to how important that is. The Prosecution Service files a motion to the court for confiscation of property in every case if statutory conditions are met.

Partly in relation to asset recovery, it is also important to take a look at the trend in the number of money launderings, considering that the effective detection of these offences is the fundamental condition for the success of asset recovery. The number of registered money launderings showed an increasing trend in recent years, and this trend continued in 2022 as well. On the one hand, it contributed to the increase in the number of this crime that in January 2021 legislation integrated the legal facts of the crime of receiving of stolen goods into the re-legislated definition of money laundering. On the other hand, the fact that the currently effective regulation of money laundering in criminal law – in compliance with the relevant EU directive – more broadly criminalizes acts that are of money laundering nature and are committed by perpetrators of the predicate offence (so called “laundering of own money”) also contributed to the increase in the number of such crimes. At the same time, this increasing trend is also due to the fact – and this is really important – that the Prosecution Service and the investigating authorities are more frequently extending the investigation of the property-generating crimes to the investigation of the afterlife of the criminal enrichment, greatly contributing thereby to the success of asset recovery.

As far as environmental offences and offences damaging the natural environment are concerned, the previously experienced rising trend continued. The number of registered crimes regarding environmental crimes and crimes damaging the natural environment also increased, but the increase was particularly

high in the case of violations of waste management regulations. The reason for this can be found partly in the changed legal facts and the stricter regulation of the latter crime and partly in the supervisory activity carried out on the basis of the work plan examination 2021 of the Office of the Prosecutor General. In connection with nature and environment protection it is worth pointing out that this is typically an area which requires a complex treatment of violations of law. Accordingly, there is a continuous exchange of information and cooperation between the non-criminal (protection of public interest) and criminal law branches of the Prosecution Service, seeking to find the most effective means for the elimination of violations of law.

When giving an insight into the anti-corruption activities of the Prosecution Service it is important to note that the Prosecution Service – and the administration of justice in general – does not primarily prevent the commission of crimes, but it brings the perpetrators of crimes to justice. Consequently, with regard to the Prosecution Service it can be examined how efficiently it has acted against perpetrators committing corruption crimes. It must be emphasized that when assessing the activities of the Prosecution Service it is the actual situation of corruption in the country and not the perception of corruption based on subjective grounds that should be taken as a starting point.

In July 2022, the Eurobarometer, which conducts a series of public opinion surveys on behalf of the European Commission, issued Special Eurobarometer 523 – Corruption (2022), which is a survey on the perception of corruption. According to the survey, 91% of the Hungarian respondents consider corruption to be a widespread problem in Hungary, but at the same time, only 27% of them answered 'yes' to the question asking whether they were affected by corruption in everyday life. Even more important is the fact that only 10% of the respondents answered 'yes' to the specific question asking whether they had personally experienced corruption in the last twelve months. These data clearly indicate that subjective perception (not based on facts) provides a much darker picture about the situation of corruption in Hungary

compared to what is shown by objective experiences. Within the framework of rule of law, criminal justice can only be enforced on the basis of facts and not on subjective perceptions.

Looking at statistical indicators of acts which are considered to be acts of corruption in the criminal law sense, the conclusion can be drawn that in 2022 the number of registered briberies of public officials significantly decreased, while the number of registered economic briberies – following their increase in 2021 – continued to rise slightly in 2022. The number of corruption crimes registered in initiated criminal proceedings continued to increase in 2022. The main factor of the general increase was still the increase in the number of criminal proceedings initiated in cases of economic bribery. The increase in the number of proceedings in cases of official corruption crimes was not significant. In cases of economic bribery, the health care sector still accounts for a significant proportion of the cases.

Examining the number of registered perpetrators involved in corruption crimes over a five-year long period is even more suitable for characterizing the corruption situation in Hungary than the previously described data. This series of data, namely, filters out the distorting effects arising from the classification of the criminal law (the persistently corrupt conduct of even one single perpetrator may cause an exponential growth in the number of registered crimes). The trend line formed on the basis of the data series slightly deviates from the horizontal line, which means that no general increase or decrease is indicated behind the variable numbers over a five-year long period. According to the statistical data, the corruption situation in Hungary is relatively constant.

### ***Prosecutorial investigations***

The CPC introduced several important novelties, however, the provisions stating that the Prosecution Service may investigate any case itself and the investigation of specific crimes fall into its exclusive competence have not changed.

The following diagram shows the changes in some essential data on prosecutorial investigations:



It is a priority task for the Chief Prosecution Office of Investigation to deal with the fight against corruption, which has become more significant since the new criminal procedure code entered into force, as the investigation of corruption crimes regarding officials was moved into the competence of the Prosecution Service.

### ***Supervision and direction of investigations***

Powers of the Prosecution Service in the criminal procedure changed with the entry into force of the CPC on 1 July 2018 depending on whether the investigation is in its initial detection stage (detection) or is already conducted against a reasonably suspected person (examination).

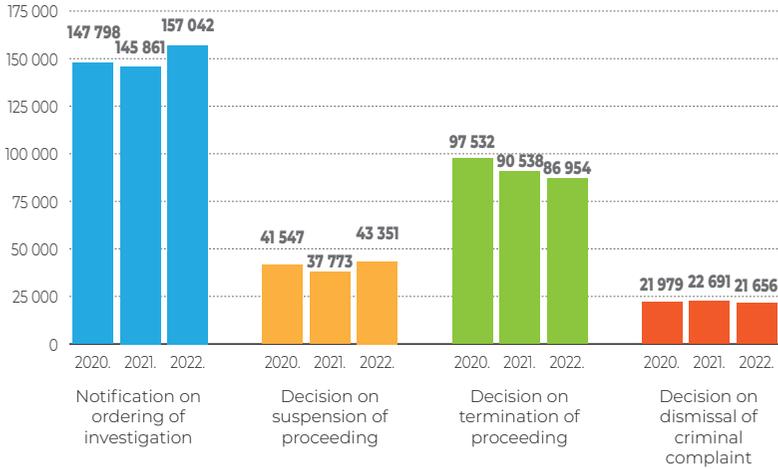
The divided investigation system has also changed the relationship between the Prosecution Service and the investigating authority.

Detection can be characterized by the entire independence of the investigating authority under prosecutorial supervision of legality, whereas the examination phase of the investigation controlled by the Prosecution Service aims at making a decision on the indictment against a specific person or on other prosecutorial

measures, as well as at the collection of the necessary evidence for this purpose.

The following diagram presents the number of decisions received from investigating authorities:

**The number of decisions received from investigating authorities in 2020–2022**

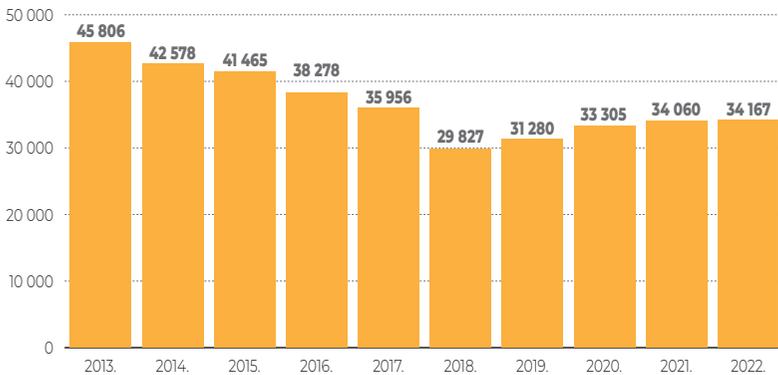


Last year, the Prosecution Service received 309,003 decisions – the composition of which is indicated by the diagram above (2021: 296,863). The Prosecution Service reviewed 152,024 decisions out of them, including cases continued into 2022 from the previous year.

According to the rules of handling complaints, the Prosecution Service is entitled to decide on the complaint, if the decision was made by the investigating authority, and the superior prosecution office is entitled to decide on the complaint, if the decision was made by the Prosecution Service. Complaints are one-level tools for legal redress; generally, there is no possibility for further legal remedy against them.

Changes in the number of complaints submitted against decisions and casting of suspicions by the investigating authorities is shown by the following diagram:

**Number of complaints submitted against decisions and casting of suspicions by the investigating authorities in 2013–2022**



Last year, the number of complaints submitted against decisions and casting of suspicions by the investigating authorities showed a minimal increase.

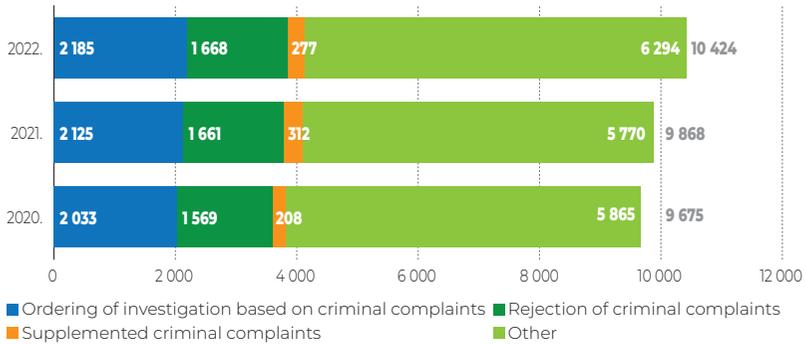
The Prosecution Service accepted 3,008 complaints, it rejected 26,257 complaints, whereas it took other measures with respect to the remaining part of the complaints.

Complaints may be also submitted against decisions taken by the Prosecution Service during its procedure before an indictment.

Out of the complaints lodged against own decisions and decisions of lower level prosecution offices, 316 complaints were accepted, 2,741 complaints were rejected and with regard to the remaining part of the complaints other measures were taken in 2022.

The following diagram illustrates decisions on criminal complaints submitted to the Prosecution Service:

**Criminal complaints submitted to the Prosecution Service and decisions made on them in 2020–2022**



In 2022, the number of supplemented criminal complaints decreased by 11.2%.

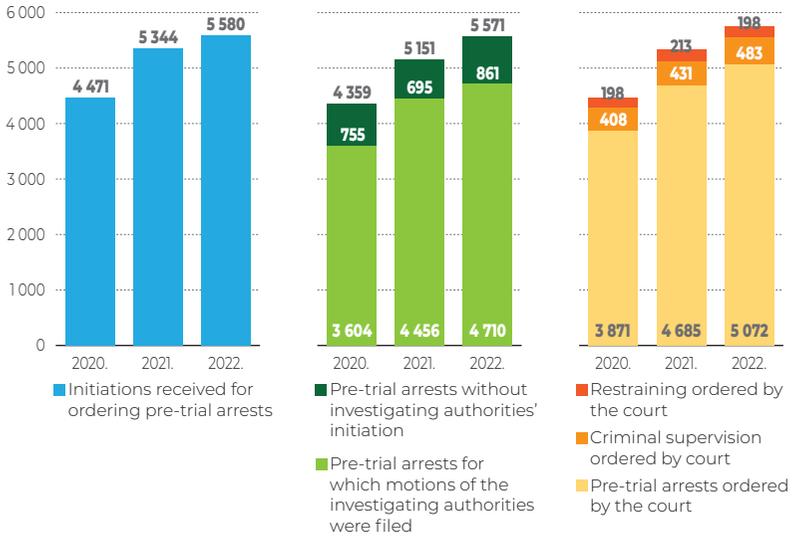
The CPC lays emphasis on the gradual approach with regard to the regime of coercive measures involving the deprivation or limitation of liberty.

It is a statutory provision that the application and execution of a coercive measure shall comply with the principle of necessity and proportionality.

The possibility of using a bail has widened significantly, indicating that the law intends to reduce the number of pre-trial arrests to a minimum, and it intends to limit pre-trial arrests to the most necessary cases.

Generally, the investigating authority initiates to the Prosecution Service that a prosecutorial motion for pre-trial arrest should be filed. The following diagram illustrates the follow-up measures of such initiations:

### Data regarding pre-trial arrests in 2020–2022



In 2022, there were 79,400 (2021: 76,911, 2020: 77,384) prosecutorial decisions concerning cases that were examined as to whether being appropriate for indictment. The results of these are shown by the following diagram:

### Prosecutorial decisions on cases examined as to whether being appropriate for indictment in 2022



Indictments were of the following types: The Prosecution Service filed indictments in accordance with the general rules in 3,873 cases (7.9% of all indictments), arraignments were conducted in 1,246 cases, and it filed a motion for a penal order in 34,416 cases. Indictments based on agreements were filed in 85 cases, which means an increase by 10.4% compared to the 77 cases of the previous year.

The Prosecution Service also has the possibility to file a motion in the indictment for the term or duration of the punishment or penal measure in case the accused confesses to the commission of the crime during the preliminary session. Last year, there were 8,901 cases where the Prosecution Service filed such an indictment, which led to a 42.3% growth (2021: 6,253) compared to the previous year. And if we consider that the number of these motions was only 5,090 in 2020, we can clearly see a rising trend.

Arraignment is aimed at closing cases which are suitable for being decided in this way in a short time. Arraignment can be applied in cases which are easy to decide or to prove, when the defendant makes a confession or was caught in the act of committing the crime.

Simplifying and significantly accelerating the procedure as well as decreasing the workload are the purposes to be served, when the court – upon the motion of the Prosecution Service or ex officio – decides about the punishment or imposes criminal measures without hearing the defendant or without conducting the procedure. The procedure aiming at a penal order can even be applied if the defendant did not confess to the commission of the crime during the investigation.

In 2022, arraignments were conducted only with regard to 2.5% of the total number of indictments (in 2021: 2.5%, 2020: 5%).

In contrast, continuing the practice developed in the emergency health crisis situation caused by the pandemic, the Prosecution

Service filed motions for penal order with regard to 70.3% of all indictments (in 2021: 74.5%; in 2020: 71.7%).

Mediation is a conflict resolution procedure that can be applied to avoid infliction of sanctions for a minor offence. Its purpose is to reach an agreement between the defendant and the victim, which contains reparation and resolves their conflict. Such an agreement also facilitates the defendant's future law-abiding behaviour.

In 2022, the Prosecution Service suspended the criminal proceedings and referred the case to mediation in case of 5,067 motions (in 2021: 4,790, in 2020: 4,919), whereas in case of 4,588 motions it rejected the suspension of the proceedings (in 2021: 4,506; in 2020: 4,244). Considering the success of the proceedings, the Prosecution Service terminated the proceedings against 2,891 defendants.

Further options to avoid court procedures include the following: termination of the procedure (investigation) by application of reprimand, conditional prosecutorial suspension of the procedure.

In 2022, the Prosecution Service applied conditional prosecutorial suspension against 9,749 persons (in 2021: 9,892, in 2020: 9,619. After applying this legal tool, procedures were terminated against 7,069 persons.

## **Prosecutors' activity in criminal courts**

Due to the experiences accumulated in the previous years and the legislative amendments resolving arising legal issues, the application of the provisions of the CPC – which entered into force on 1 July 2018 – on the judicial procedure became smooth by the reporting year.

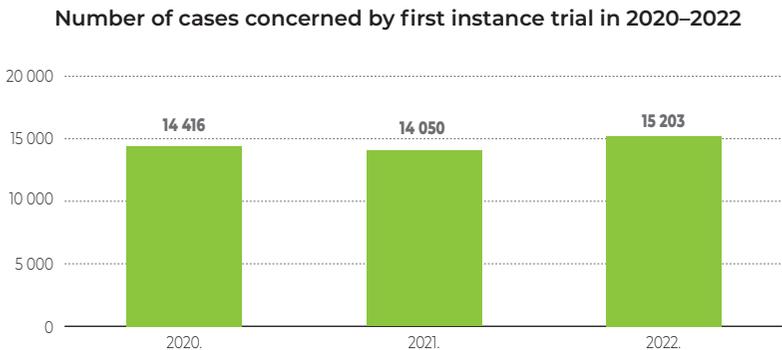
In the reporting year, handling the pandemic situation caused by the coronavirus was much less of a problem compared to 2020 and 2021. During the emergency situation caused by the

pandemic, forms of procedure which allowed for decisions to be made primarily on the basis of documents, without any personal attendance, continued to be significant. However, the termination of the pandemic emergency situation as of 1 June 2022 had a serious impact on specific criminal procedural tools as well. Following this date, the special provisions of Act LVIII of 2020 on the transitional rules related to the termination of the state of danger and on the epidemiological preparedness applicable for criminal procedures could no longer be used. As a result, procedural options that considerably widened the range of procedural acts in court that could be carried out during the pandemic without personal attendance of the participants of criminal procedures, terminated.

Compared to 2021, the number of cases adjudicated by the court in a final decision increased by 4.3% in 2022, and the number of accused persons affected by final decisions increased by 3.8%. Despite the continuous increase experienced over the past two years, these figures still lag behind the numbers of 2019 and of the years prior to it. Compared to 2013, the number of defendants affected by final decisions decreased by 25.6%. One of the reasons is that in spite of their growth in the reporting year, the number of registered crimes still lags behind their numbers between 2013 and 2019. As a consequence, judicial procedures were conducted in less cases and against less defendants. Taking into consideration the number of cases adjudicated in final decisions and the number of defendants affected by them, the rate of their increase indicates, on the one hand, that the procedural options available during the pandemic situation in the first half of the reporting year, which were different from the generally available ones, were used by law application with sufficient efficiency, thereby facilitating the closure of procedures. Such an increase, on the other hand, also shows that in the second half of the year the pandemic no longer had a significant impact on the duration of criminal procedures.

In 2022, the mandatory pre-trial preliminary session in cases to be tried in court remained a prominent element of prosecutorial activity in criminal court. Prosecutors have increasingly taken the opportunity to file motions for the type and extent of the legal sanction, in the event the defendant confesses to the commission of the offence at the preliminary session. Compared to 2021, the number of accused persons against whom the court delivered a verdict in a preliminary session after accepting their guilty pleas increased by 10.6%. Since the introduction of this legal instrument on 1 July 2018, this has been the highest figure. As a result, compared to 2021, the number of the accused persons against whom court decisions became final at the preliminary sessions also increased. The rate of defendants affected by this type of closure of proceedings reaches 16.4% of the number of the accused persons affected by final decisions delivered by courts of first instance. It can be concluded, that the number of accused persons against whom the crime no longer needed to be proven with evidence during the judicial proceeding, due to their guilty plea confessions, continued to grow. This significantly reduced the duration of the criminal proceedings.

In 2022, the number of cases concerned by first instance trials increased by 8.2%, partly as a result of the increase in the number of accused persons affected by indictments filed in regular, non-special procedures, and partly due to the termination of the emergency health crisis situation.



The number of cases completed at second instance increased by 9.8% compared to the previous year: in 2021 it was 7,378, while in 2022 it was 8,100. The number of public hearings and trials held by second instance courts with participation of prosecutors also increased significantly: by 18%.

According to provisions of the CPC, in many cases, the direction and content of appeals submitted by the Prosecution Service essentially determine the extent of the review, and thereby the limits of the second instance court's procedure as well, which thus requires particular care from the prosecutor representing the case. In this regard, the provision which does not allow for the later extension of appeals resulting in limited reviews is of paramount importance. From the efficiency rate of indictments it can be concluded that, compared to the previous years, prosecutors handling cases at first-instance performed high-quality work in 2022 as well, and they paid special attention to lodging appeals.

The CPC provides the possibility for the second instance court to establish the criminal liability of an accused acquitted at first instance on the basis of different facts. Whenever prosecutors who acted on behalf of prosecution offices at courts of second instance considered it possible to apply this provision, they tried to submit their motions in compliance with this provision, reducing the number of cases where the first instance court's conclusive decision had to be quashed.

The number of third instance procedures in 2022 was also small: it was 85, but compared to the previous year it shows an increase by 30.2%.

On the whole, it can be concluded, that in 2022 the workload of the Prosecution Service in relation to trials showed a significant change compared to the previous year: an increase could be seen with regard to first, second and third instance trials as well.

Taking into account figures of the past ten years, the two most important legal instruments – in terms of their numbers – to

accelerate judicial proceedings are still the arraignment and penal order procedures. When choosing the right form of procedure to have a timely completion of procedures and to assert the state's power to prosecute effectively, the Prosecution Service still had to take account of the particular circumstance caused by the pandemic in the first half of 2022. The provisional procedural rules broadened the range of cases where the court could deliver conclusive decisions during the pandemic in these two special procedures.

In 2022, arraignment, as a type of special procedure was conducted with regard to 92.7% of the accused persons, and in case of 61.5% of the accused persons the decision of the first instance court became final.

In 2022, the tendency that penal order procedures became more and more dominant, both as far as the number of adjudicated cases and their ratio compared to the number of accused persons whose cases were adjudicated with final decisions are concerned. Not taking the number of accused persons affected by arraignments into consideration, the court issued a penal order with regard to 64.9% of the indicted defendants, and in case of 83.4% of these defendants, the penal order also became final.

In 2022, courts delivered their judgements at preliminary sessions by accepting the guilty plea confessions of 10,445 defendants. This – excluding the number of defendants affected by arraignments and penal orders – means 39.5% of the indicted defendants. If we compare this with the number of accused persons affected by penal order procedures, it can be found that the Prosecution Service chose the appropriate forms of procedure in the reporting year as well.

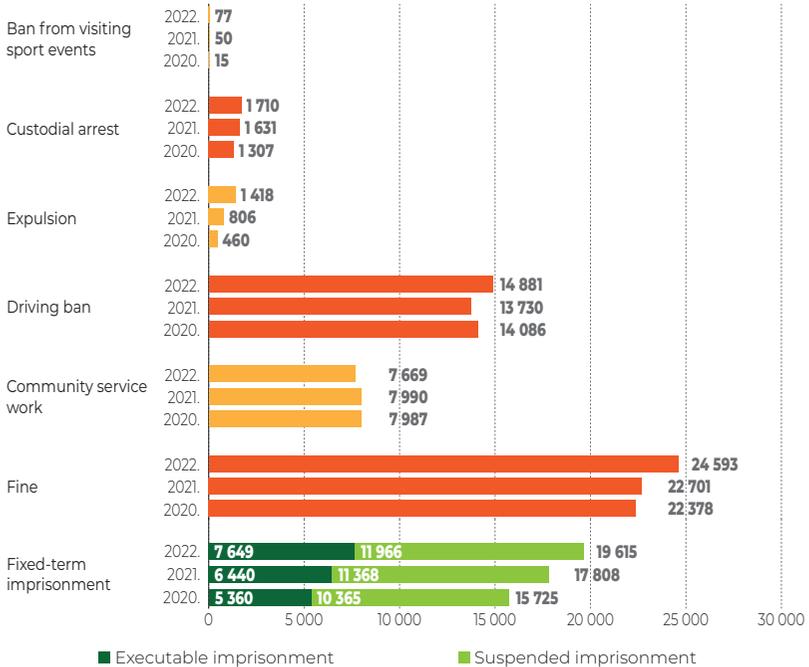
In 2022, the number of accused persons against whom criminal punishments or measures were imposed was 57,502.

The rising trend of the proportion of punishments within the criminal sanctions continued, and from 87.6% reached in 2021 it rose to 89.2%.

The number of defendants sentenced to life imprisonment decreased from 20, which was the number in the previous year, to 19.

The number of defendants subject to different punishments – without the number of defendants sentenced to life imprisonment – is shown by the following diagram:

**Number of defendants subject to different punishments in 2020–2022**



As in previous years, fine continued to be the most commonly imposed punishment in 2022. This punishment type affected 48% of the finally convicted offenders, which shows a 1.2% increase compared to 2021. Compared to the number of finally convicted offenders the rate of imprisonment sentences increased by 1.5% and reached 38.3%. The proportion of custodial arrests basically remained the same and affected 3.3% of the convicts. This suggests that tightening sentencing practices, which were experienced in the previous years, remained unchanged overall.

The ratio of community service work imposed in the reporting year continued to decrease by 1.5%. This type of punishment was imposed on 14.96% of the convicts.

The rate of finally imposed driving ban sentences shows a slight increase of 0.7%.

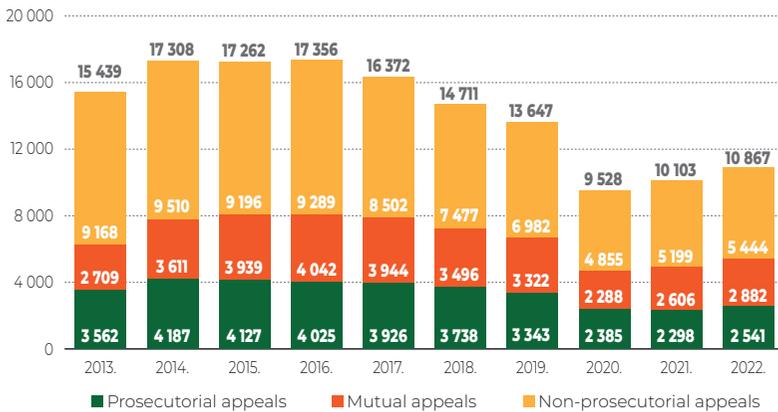
The significant increase in the number of defendants who were banned from practicing a profession or were sentenced to expulsion, as seen in 2021, became even stronger in 2022. The increase in the number of defendants who were banned from practicing a profession was 38% compared to the previous year. The primary reason for this is that a mandatory ban from practicing a profession was continued to be used consistently in the sentencing practice of the courts for perpetrators of crimes against sexual freedom and morality. The number of defendants sentenced to expulsion also grew significantly, by 75.9%. This can be explained by a further increase in the number of defendants convicted for smuggling in human beings. As of 1 January 2021, the Hungarian Criminal Code made it mandatory to impose expulsion on the non-Hungarian perpetrators of that crime.

The punishment of ban from visiting sport events was still used in a very small number of the cases, and it only affected 0.15% of the defendants whose sentence was final.

The number of accused persons whom the court put on probation continued to decrease in 2022. The ratio of probations decreased by 9.8% even compared to all the criminal sanctions. It can still be concluded, however, that among the criminal measures imposed instead of punishments, probation remained the most frequently used criminal measure. This is all connected to the fact that the sentencing practice of courts continued to tighten and become stricter in 2022, too.

The number of appeals filed against decisions on the merit of first instance courts are shown by the following diagram:

**The number of appeals filed against decisions on the merit of first instance courts in 2013–2022**



Compared to 2021, the number of appeals lodged against conclusive decisions of the first instance courts increased by 7.6% in the reporting year. In 2022, appeals were filed with regard to 54.8% of the defendants affected by conclusive decisions of first instance courts, where the court decisions were not passed in procedures aimed at ending a case with a penal order. This figure is the same as the figure of the previous year.

In accordance with the trend of the recent years, the conclusion is still valid that alongside with the increase in the number of the

final decisions on the merit, the number of legal remedies against decisions also increased to a similar extent.

The rate of prosecutorial appeals roughly corresponded to the data of the previous years. In the reporting year, prosecutorial appeals or appeals also lodged by prosecutors accounted for 49.9% of the appeals lodged in cases of defendants affected by conclusive decisions of the first instance courts (2021: 48.54%, 2020: 49%, 2019: 48.83%).

In 2022, the success rate of prosecutorial appeals upheld by second-instance prosecutors did not change compared to the previous years. It could still be perceived, however, that the sentencing practice is sometimes soft and lenient, and the legal provision prescribing that for the calculation of the length of imprisonment the statutory medium-term punishment should be taken into consideration was not properly enforced, either.

In order to have the lenient sentencing practice changed and to ensure the strict enforcement of the law the Prosecution Service appealed for the aggravation of the imposed sentences. This was the most common reason for prosecutorial appeals, accounting for 86.9% of defendants who were subject to prosecutorial appeals. Similarly to the previous year, the success rate of prosecutorial appeals for the aggravation of sentences and the ones upheld by second-instance prosecutors was 27.3%. At the same time, the number of prosecutorial appeals upheld for being unfounded rose to 207 in the reporting year, and their success rate, almost corresponding to the data of the previous year, was 44%.

In 2022, the Prosecution Service filed appeals for the acquittal of the defendants in 3 cases, for the mitigation of the punishments imposed on the defendants in 43 cases and for the termination of the proceeding against 1 defendant.

Although in 2021 there was a 0.1% decrease in the continuous increase of the efficiency rate of the indictment, an increase of the same proportion could be seen in the reporting year, reaching

again the highest rate of the past 10 years (98.9%). In addition, in the case of 51,485 defendants, 87.4% of the accused were found criminally responsible by the court in all respects in accordance with the indictment or the prosecutor's final sentencing recommendation.

The number of defendants affected by appeals lodged against decisions of courts of second instance increased to 214, within which the number of defendants affected by prosecutorial appeals was 140.

In 2022, the Prosecution Service also paid special attention to priority criminal cases and cases of high interest to the public pending before criminal courts. We thoroughly and on an item-by-item basis examined procedures in this respect and generally those procedures that ended with final judgements of acquittal or with the termination of procedures, and we drew the necessary conclusions. Random samples were taken of other cases which had been concluded in a manner that undermined the efficiency rate of indictment. Based on the results of the examinations, specific or general measures were taken. Consultations were offered to appellate chief prosecution offices and chief prosecution offices in ongoing cases. Assistance was offered to them before the conclusion of the proceedings in resolving any substantive or procedural issues that may have arisen as a result of changes in the law during the reporting year. All these measures contributed to the maintenance of a high efficiency rate of indictment.

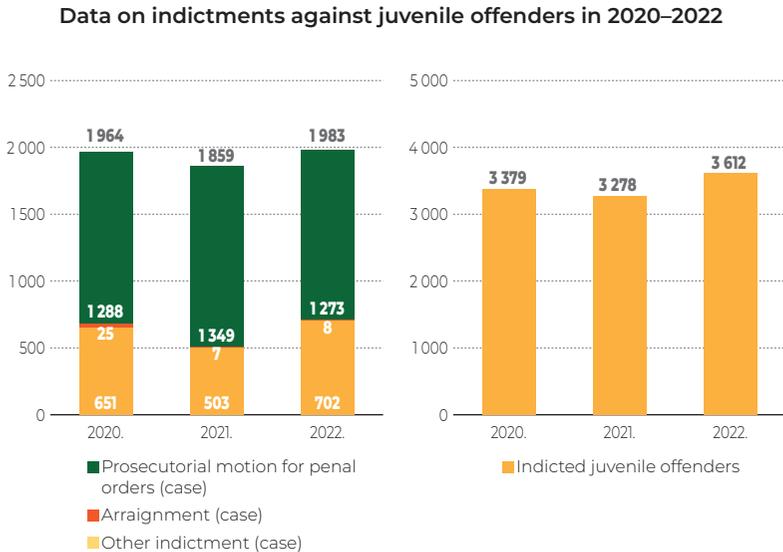
## **Prosecutors' activities relating to criminal cases of juvenile offenders**

In 2022, the number of criminal offenders was 143,979, and 7,942 of them were registered as juvenile offenders over the age of fourteen.

In 2022, the number of minors registered as perpetrators of criminal offences was 2,352.

Cases closed by using accelerated forms of procedure accounted for 64.6% of all indictments in 2022, which was a decrease by 8.4% compared to the 73% in the previous year.

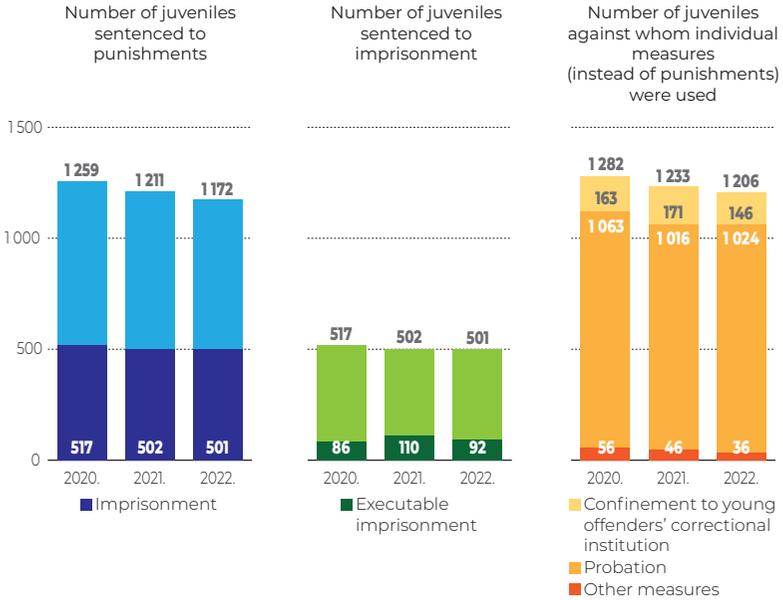
The number of cases resulting in indictments and the number of indicted juvenile offenders are shown in the following diagram:



In 2022, the number of cases and defendants affected by court decisions showed a further decrease compared to the data of the previous years. Courts brought final judgments with regard to 2,412 juvenile offenders in 1,963 cases. In 2022, courts sentenced 42.7% of the juvenile defendants to imprisonment.

From the group of measures which can be applied individually instead of criminal punishments probation remained to be the most frequently applied one (2022: 84.9%, 2021: 82.4%), while the proportion of juveniles sentenced to confinement in young offenders' correctional institutions slightly decreased (2022: 12.1%, 2021: 13.9%) . The data are shown by the following diagram:

### Key data on punishments and criminal measures against juvenile delinquents in 2020–2022



The legal function of the preliminary session, which aims to ensure that criminal procedures are concluded as soon as possible, even in the case of indictments, has proved to be effective in juvenile cases, where timeliness and priority are of high importance as set forth by the law. In the reporting year, courts accepted the guilty plea confessions of 495 (2021: 477) juvenile defendants at preliminary sessions [91.7% of the indicted juvenile offenders (2021: 92.6%)], and the court delivered a conclusive decision with regard to 442 juvenile defendants out of them (89.3%) [2021: 436 (91.4%)]. With regard to 403 juvenile defendants (2021: 394) the conclusive decisions became final at the preliminary session.

In the reporting year the Prosecution Service lodged appeals against decisions of the first instance courts with regard to 114 juvenile defendants, which led to a result in second instance procedures in the case of 64% of the defendants (73 defendants).

No third instance procedure was conducted against juvenile defendants.

The efficiency rate of indictments regarding juvenile cases was 99.6%, which is similar to the data of the previous years (2021: 99.2%, 2020: 99.3%).

## **Opinions facilitating the uniform application of law in the criminal section**

During the application of criminal law, it is essential that prosecutorial organs represent the same position on contentious issues. In 2022, too, the Office of the Prosecutor General supported the law enforcement activities of the Prosecution Service by conducting work plan examinations and issuing guidelines regularly.

With regard to the application of the new Chapter CV/A of CPC titled “proceedings in case of serious criminal offences related to the exercise of public authority or the management of public property”, the Prosecutor General issued a Circular.

The Office of the Prosecutor General carried out a work plan examination regarding the legality of decisions dismissing appeals or terminating criminal proceedings on the basis of decisions on substitute private prosecution. The purpose of the examination was to explore the reasons that in cases involving substitute private prosecution led to a court decision which was different from that of the prosecutor.

A work plan examination was also carried out in relation to prosecutorial practices during mediation procedures.

Within the framework of a work plan examination, the Office of the Prosecutor General reviewed the implementation and application of guidelines issued in view of the comprehensive re-regulation of money laundering.

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

#### Prosecutors' activities in the field of the protection of public interest

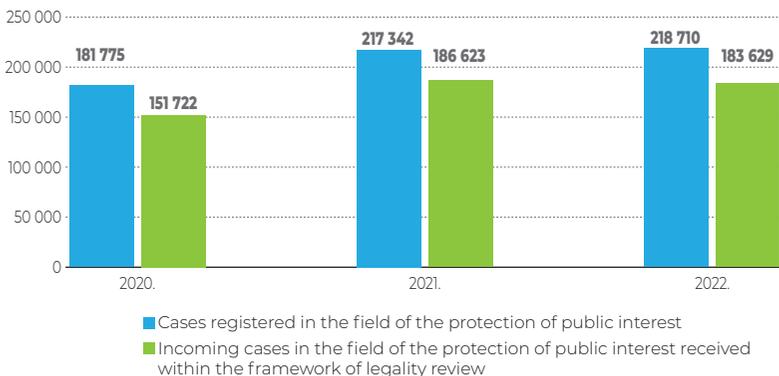
In 2022, the field of the protection of public interest was not affected by any comprehensive legislative changes, and amendments of law regarding certain sub-fields of law did not have any fundamental impact on prosecutors' activities as a whole.

Digitalization, which is also gaining ground in the administration of justice and public administration, has also become generally accepted in prosecutors' work, so documents are accessed and consulted, and files are managed and processed electronically.

#### *Statistical indicators and tendencies of cases in the field of the protection of public interest*

In 2022, the total number of registered cases in the field of the protection of public interest increased by 0.6% compared to the previous year, and at the same time, it exceeded the number of incoming cases in 2020 by more than 20%. The following diagram illustrates the main caseload data in the field of the protection of public interest.

**Caseload data in the field of the protection of public interest in 2020–2022**



The volume of legality review cases, which accounts for a bigger proportion, namely 84%, of incoming cases in 2022 – while showing a slight decrease of 1.6% – has not changed essentially compared to the previous year, and it actually exceeded by 21% the number of incoming cases from 2020, which was the year that was seriously affected by the pandemic.

The increase in the private law cases, which forms the remaining part of the incoming cases – namely 16% of them in 2022 – was 14.2%. The complex and proactive prosecutorial approach concerning several fields of law contributed to a further increase in the number of cases, which mainly related to the examination of the registration information of civil society organizations and companies, general contract terms and conditions of business entities as well as to measures taken due to violations of law and deficiencies discovered in this way.

Continuing the previous upward trend, compared to 2021, the number of cases received from the courts increased by 5.8% (2022: 4,372, 2021: 4,133). In 2022, the number of requests for prosecutorial action decreased by almost 2%, but this did not result in a major change (2022: 2,868, 2021: 2,923).

### ***Experiences of legality review procedures***

In 2022, at the request of persons concerned by the procedure, prosecutors conducted the legality review of procedures and decisions of administrative authorities in 918 cases. The decreasing trend, which started from 2020, continued: the number of requests was smaller by 12% compared to the previous year. The majority of the requests, where the legality review conducted by prosecutors did find any violations of law giving rise to prosecutorial actions, were rejected.

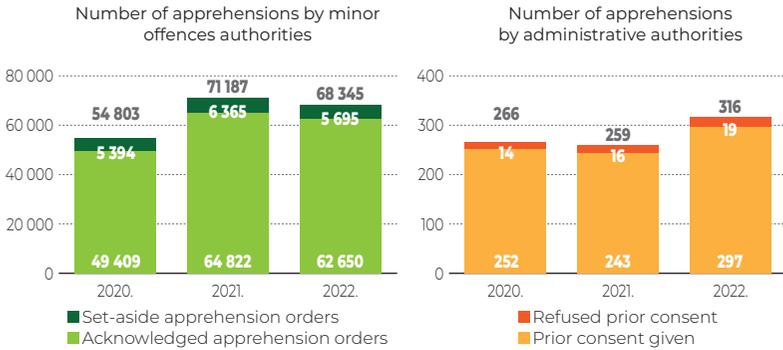
The number of measures taken within the power of legality review in environmental, nature and animal protection matters increased quite dynamically, by more than 90% (2022: 533, 2021: 280) compared to the previous year. The number of

prosecutorial signals issued in cases of minor infringements decreased by 9.5% (2022: 38, 2021:42), but in order to exercise their duties of supervision and control, prosecutors initiated proceedings of environmental authorities in a higher number of cases: the number of such cases was close to 115% higher than in the previous year (2022: 279, 2021: 130). Against the unfounded decisions of administrative authorities reminders were issued in 11 cases, and each of them was effective. Due to acts that seriously endanger or damage environmental values (violation of waste management regulations, animal torture, damage to nature), prosecutors initiated accountability measures and increased the number of prosecutorial actions by close to one and a half times. Among the accountability measures, prosecutors initiated criminal procedures in 156 cases and minor offence procedures in 2 cases. Overall, the number of substantial measures multiplied by two and a half times compared to 2020 (212).

In 2022, while exercising their power of legality review in the field of consumer protection, prosecutors issued 6 reminders, 102 signals, initiated 21 administrative proceedings, 18 criminal proceedings and 9 minor offence proceedings. In addition to the public administration and consumer protection aspects, the reviewing of decisions involved verifying company data and the general contract terms and conditions used on companies' websites, and in event of a violation of law it also included taking the appropriate prosecutorial action.

The following diagram shows figures related to apprehension orders of administrative and minor offences authorities in 2020–2022.

## Number of apprehensions by administrative and minor offence authorities in 2020–2022



Compared to the previous year, the number of requests for consent received in cases involving apprehensions that were carried out by administrative authorities increased by 22% in 2022. The proportion of refused consents was similar to that of the previous year: consent was refused in the case of 6% of the requests.

In 2022, a 4% decrease occurred in the volume of apprehension orders issued by minor offences authorities. As a result, the number of apprehension orders by minor offences authorities in national average is close to the data of the time period before the pandemic. The legality review of the apprehension orders led to the setting aside of orders on coercive measures in 8.3% of the cases, which is a similar proportion to those of the previous years.

The 10.4% decrease in the number of decisions of minor offences authorities and police bodies conducting the preparatory procedure on the termination of proceedings (2022: 75,738, 2021: 84,567) had an impact on the number of prosecutorial measures (2022: 1,581, 2021: 1,997) in the context of the legality review of these decisions; at the same time, there was also a shift in the internal proportions of measures. In comparison to the previous year, the prosecutor filtered out an unjudged crime or other circumstances, typically justifying the initiation of administrative proceedings, in nearly 16% more cases (254). More than half of the measures (886) concerned signals for minor violations of the law that did not affect the merits of the case, while the reminders to eliminate substantial violations of the law (e.g. unfounded decision, unlawful classification) (441) accounted for nearly 28% of the measures.

The number of complaints in minor offence cases decreased by almost 10% compared to the previous year (2022: 964, 2021: 1,067). In a total of 254 cases, the contested decision was annulled, in a further 5 cases, the prosecutor established the fact of the violation of the law by the minor offence authority.

The number of retrials initiated by the Prosecution Service continued to increase in 2022 (1,579): there were nearly 8% more cases of extraordinary legal remedies compared to the previous year, and 36% more compared to 2020 (1,465 in 2021 and 1,161 in 2020).

### ***Prosecutorial activities relating to integrity screenings***

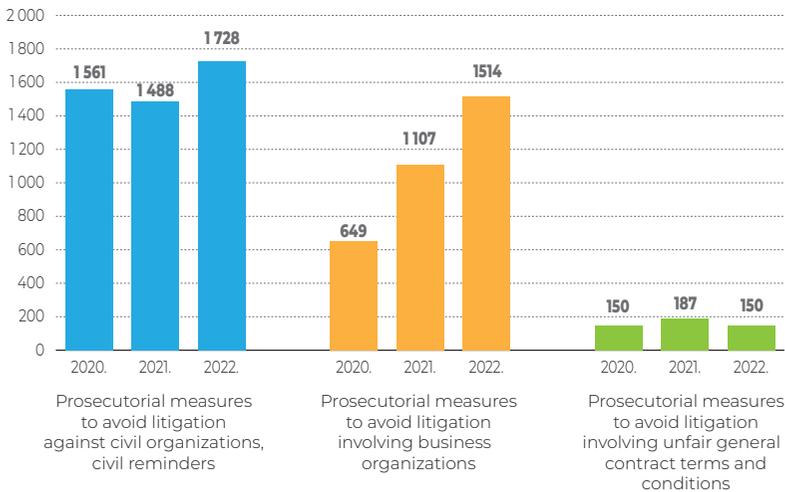
In 2022, Chief Prosecution Offices assigned to exercise such competence, approved 949 decisions ordering integrity screenings. Based on the conducted investigations, the National Protection Service filed criminal reports in 13 cases. Of the persons involved in the criminal proceedings, 4 belonged to the police, 3 to government offices, 3 to the penitentiary system, 1 to the disaster management service, and 2 were in medical service relationship.

### ***Prosecutors' participation in court proceedings***

In all cases in which, as a contributor to the administration of justice, the prosecutor has the right to apply to the courts by virtue of the law, before the court proceedings – if the legal conditions are met – he takes measures to avoid litigation or issues a reminder in order that the violation of the law is eliminated voluntarily. The preparation of such legal actions and reminders to avoid litigation requires similar professional care and preparatory work, since the essential content of the reminder, which also serves aspects of litigation economy, is the same as the claim to be submitted in case of ineffectiveness.

The following diagram illustrates the number of prosecutorial measures aimed to avoid litigation in 2020-2022:

**Prosecutorial measures aimed to avoid litigation, civil reminders in 2020–2022**



In 2022, the number of reminders issued to avoid litigation in cases concerning non-governmental organizations increased by

16.1% compared to the previous year. If the nature or seriousness of the discovered violation of the law allowed for it, prosecutors prioritized the use of cost-saving non-litigious prosecutorial means, which usually result in the faster elimination of the violations of the law, in the case of companies as well, which also led to a significant increase in the number of company law enforcement measures by almost 37% compared to the previous year. The number of reminders to avoid litigation due to unfair general contract terms and conditions showed a 20% decrease in the previous year, but it was the same as in 2020.

The number of actions submitted by prosecutors in 2022 (440) increased by almost 31% compared to the previous year and by more than 51% compared to 2020 (2021: 337, 2020: 291).

In 2022, the number of actions submitted by prosecutors by virtue of laws on environment, animal and nature protection was by 61,5% higher than in the previous year, seeking compensation mainly for cruelty to animals, and to a lesser extent damage to and protected living organisms (2022: 42, 2021: 26). In the completed proceedings the court upheld the claim in all cases. Compared to 2020 (24), the number of civil actions lodged increased by nearly 75%.

In order to protect consumer interests, in 2022, prosecutors lodged civil actions seeking the establishment of unfair general contract terms and conditions against 20 companies, which is more than double the number of the previous year (9). Compared to the previous year, there were by 10.7% fewer cases (2022: 176, 2021: 197), where it was necessary to file an action in order to repeal an unlawful order on the registration of a company, or the registration of a change of company registration details. In 2022, in their powers to initiate a lawsuit, prosecutors filed 8 actions to cancel an invalid real estate registry entry.

The proceedings, which have already been concluded, ended with the prosecutors winning the case, as a result of which the court deleted the right of the unauthorized owner from the real estate registry and restored the previous real estate registry status.

During the exercise of powers related to political parties, prosecutors filed 74 lawsuits in 2022. In the exercise of their statutory powers concerning personal status, prosecutors brought 12 actions for the placement of the defendant in guardianship and 1 action for the annulment of a double marriage.

In 2022, prosecutors initiated the ordering of mandatory institutional treatment in 47 cases against defendants convicted of crimes of violence against persons or crimes causing public danger and showing limited mental capacity at the time of commission. In 2022, the number of prosecutorial actions in the judicial procedure for restraining due to violence between relatives (1,867) increased by 7.7% compared to the previous year, and by 13.2% compared to 2020 (2021: 1,734, 2020: 1,649).

In 2022, prosecutors initiated 1,389 non-litigious proceedings in relation to civil organizations, which exceeded the figure for 2021 by 34.5%. In 2022, the number of company legality supervision procedure initiations decreased by approximately 13% (2022: 944, 2021:1,084), however, prosecutors issued mostly successful non-litigious reminders before the court proceedings, aiming at the voluntary elimination of the violation of the law in almost 37% more cases. In 2022, the number of prosecutorial actions in the field of company law (measures to avoid litigation, lawsuits and company legality supervision procedures) exceeded the previous year overall by 10.3%.

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

In 2022, prosecutors fully complied with their reporting obligation related to endangered children and the danger of violence among relatives. In 2022, there was no significant difference in the number of official proceedings initiated at guardianship offices compared to the previous year; the decrease was only 1.8% (2022: 331, 2021: 337). The number of awareness-raising signals in restraint order cases issued against violent family members – with special

regard to the affected minor aged victims – further increased by more than 6.2% (2022: 1,642, 2021: 1,546).

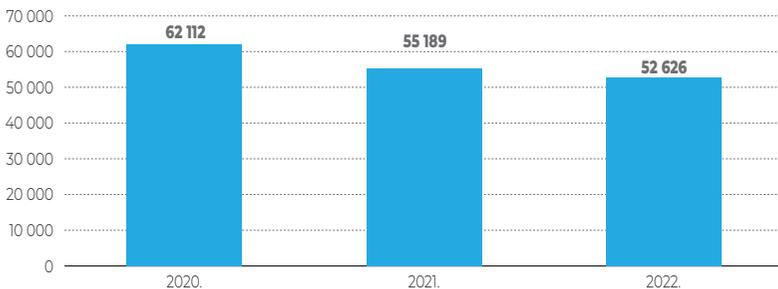
In 2022, within their powers to monitor the legality of child protection institutions, prosecutors carried out inspections in child protection institutions providing specialized care but also in children’s homes and children’s homes providing temporary accommodation for children. The number of necessary measures due to legal violations discovered during the inspection of child protection institutions decreased by 22.2% compared to the previous year (2022:91, 2021:117).

Prosecutors submitted 178 reminders in matters where decisions of authorities concerning juveniles were found to violate laws, and they submitted signals in 684 cases for minor infringements. In juvenile cases, criminal proceedings were initiated on 438 occasions, which is by 125.8% more than in the previous year.

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

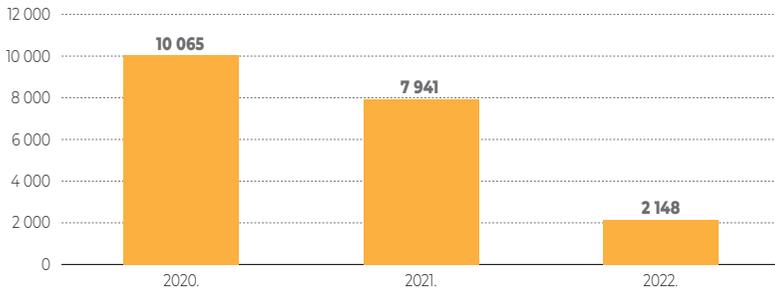
The change in the workload in the field of legality supervision of the enforcement of punishments and the protection of human rights (supervision of the enforcement of punishments) is well reflected by the change in the number of registered cases. The following diagram illustrates that the number of cases registered last year is by 4.6% less than the number of cases registered in 2021.

**Changes in the number of cases registered in the field of legality supervision of the enforcement of punishments and the protection of human rights in 2020–2022**



The decline in 2022 compared to the previous year is mainly due to the fact that, in autumn 2020 there was a significant reduction in the average occupancy rate of prisons, as a result of which fewer compensation procedures for prison accommodation conditions violating fundamental rights were initiated than in 2021. The following diagram shows the changes in the number of judicial decisions passed in compensation matters by penitentiary judges at first instance:

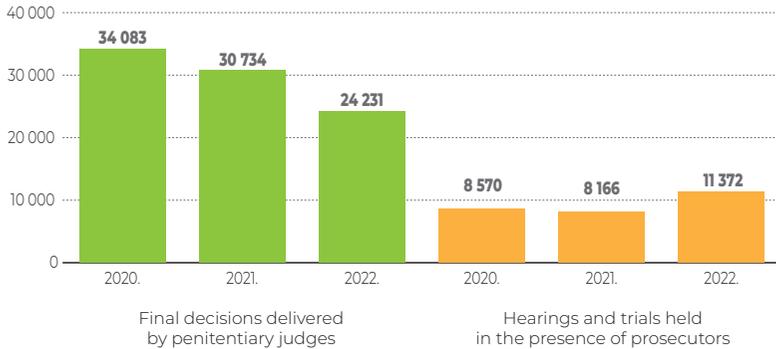
**The number of judicial decisions passed in compensation matters by penitentiary judges at first instance in 2020–2022**



It also contributed to the decrease in the number of cases filed in the specialized area that, contrary to the previously observed trend, there was a 25.1% decrease in the number of complaints, requests and reports received by prosecutors. There was a slight increase in the proportion of upholding prosecutorial decisions (2022: 10%, 2021: 7.4%, 2020: 8.6%) last year, but this is not considered to be of a magnitude to give cause for concern.

Participation in and contribution to penitentiary judges' proceedings accounts for a significant proportion of the workload of prosecutors specialized in this field. The following diagram illustrates the number of final decisions delivered by penitentiary judges in their proceedings, and the number of hearings and trials held with prosecutors' participation:

**The number of final decisions delivered by penitentiary judges in their proceedings, the number of hearings and trials held with prosecutors' participation in 2020–2022**

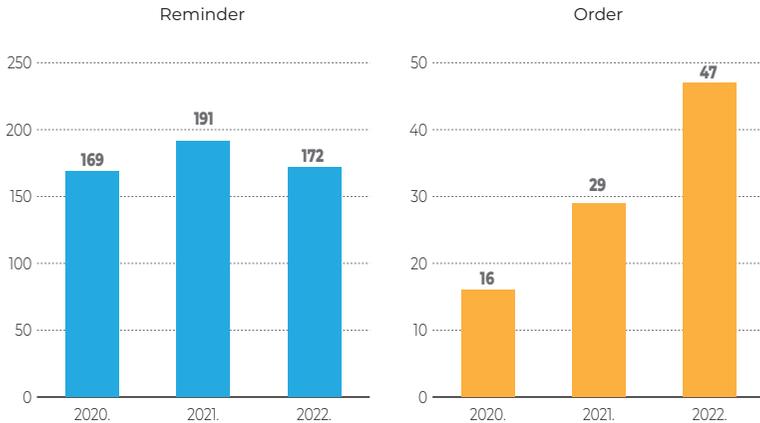


The decrease in the number of final court decisions passed in penitentiary judges' proceedings since 2020 can be attributed to the continuous decrease in the number of compensation procedures due to prison accommodation conditions violating fundamental rights. In the light of this change, the 39.3% increase in the number of trials and hearings with the participation of prosecutors in 2022 compared to the previous year can be considered particularly welcome.

The majority of monitoring carried out by prosecutors supervising the enforcement of punishments involves an on-the-spot inspection, therefore, in order to prevent the further spread of the pandemic, no inspection activities were carried out in certain detention facilities during the pandemic (custodial units, guarded shelters). In 2022, the epidemiological situation eased, with all restrictions on the number of on-site inspections lifted from 1 June, resulting in a 31% increase in the number of inspections carried out in 2022 compared to the previous year.

The following diagram shows the number of reminders and orders issued by prosecutors supervising the enforcement of punishments:

### Number of prosecutorial reminders and orders in 2020–2022



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 2022 found that, similarly to the previous years, the legal provisions ensuring the legality of the treatment of detainees have generally been implemented by detention bodies and the method of implementation generally complied with the requirements set forth by international norms, standards and recommendations.

Necessary prosecutorial measures to 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.

In the past, the penitentiary institutions have had serious problems enforcing the legal provisions on lawful accommodation of detainees. As a result of a programme carried out in 2020 aimed at expanding the accommodation capacity of the penitentiaries, in 2021, the crowdedness did not cause any violation of rights to the same extent as it had in the past, but there were still cases where complaints about the lack of living space required by law had to be upheld. In 2022, the continuous, trend-like increase in

the number of detainees caused the general overcrowding of the penitentiary institutions, which presented increasing challenges to the penitentiary organization.

Through the resolutions given to the National Prison Services Headquarters (BVOP), the Office of the Prosecutor General promoted the legal operation of the penitentiary organization in 2022 as well. Thus, for example, in a contradictory legal environment, we took a position that it is the BVOP who must take action in order to start the implementation of confinement, stepping in lieu of confinement and fine.

Overall, it can be concluded that the coronavirus pandemic also had a significant impact on the activities of the Prosecution Service in the field of legality supervision of the enforcement of punishments in 2022, although to a much lesser extent than in 2021. The restrictions on on-site investigations were lifted on 1 June 2022 allowing the monitoring of the execution of expulsions. In all cases, when assisting in penitentiary judges' proceedings, prosecutors working in the field of legality supervision of the enforcement of punishments adapted to the health protection measures introduced by the judiciary.

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

### **Activity related to Parliament**

In 2022, the Prosecutor General continued to fulfil exhaustively his constitutional obligations towards the Parliament.

In the reporting year, the Members of Parliament addressed to the Prosecutor General 64 questions requiring written responses.

The Prosecutor General's report on the activities of the Prosecution Service in 2021 was accepted on the plenary session of the Parliament on 11th April 2023.

## **Exercising certain powers of the Prosecutor General**

According to the Criminal Procedure Act, the Prosecutor General has the exclusive right to seek legal remedy at the Curia for the sake of legality against unlawful final and conclusive decisions, or against unlawful final and non-conclusive decisions of the court, which cannot be challenged by other extraordinary legal remedies. In 2022, this occurred in ten cases in the field of criminal law and in two cases in the field of penitentiary law. The Curia, with one exception, has shared the arguments explained in the remedy petition.

Section 2 (2) (a) of Act CXXX of 2000 on establishing the nullity of convictions in connection with the retaliations following the 1956 revolution and fight for freedom authorizes the Prosecutor General to file motions ex officio to the Curia to issue a certificate of nullity to those affected by the Act. In 2022 such motions were filed in 1 criminal case concerning 1 person. The Curia confirmed the nullity of the proceedings in accordance with the filed motions.

The most important tool to standardize judicial practice is the uniformity decision adopted by the Curia, which is binding for lower courts. In the field of criminal law, in 2022, the Court acted on a motion for preliminary ruling, and brought a law uniformity decision on the basis of a ruling that had been initiated by the Prosecutor General.

In the reporting year, the Prosecutor General made written statements in 18 uniformity proceedings in the field of the protection of public interest.

In 2022, the Prosecutor General filed a motion for the suspension of the immunity of two Members of Parliament for the purpose of criminal proceedings, following which the Parliament suspended their immunity.

The Prosecutor General requested successfully the waiver of the immunity of one judge. In 2022, the Prosecutor General waived the immunity of one prosecutor. Because of diplomatic immunity, in 2022 the Prosecutor General filed a motion to suspend the immunity of two foreigners with diplomatic status involved in the same criminal proceedings. The delegating country did not waive the immunity of the persons concerned, so the Office of the Prosecutor General requested the transfer of proceedings to the delegating state.

In the reporting year, no infringement case was initiated against persons enjoying immunity.

In the reporting year, the number of draft legislation sent to the Prosecutor General for opinion decreased compared to previous years. The Prosecutor General and, within their delegated power, the head prosecutors of the Prosecution Service made observations in relation to about one third of the draft legislations received from Ministries.

The Prosecutor General is authorized by law to regulate in internal orders the structure, operation and activities of prosecution offices and units headed, directed and supervised by him and to issue circulars to facilitate the operation and professional activities of the Prosecution Service, as well as the cooperation of the branches of prosecutorial activities. In 2022, the Prosecutor General issued 12 orders and 3 circulars.

## **International activity of the Prosecutor General**

The international activities of the Prosecutor General in 2022 were also affected by the economic difficulties after the passing of the epidemic situation, therefore, the hybrid events of the high-level international programs planned for 2022 were online, while the majority of the events were attended in person.

In 2021, the Consultative Council of European Prosecutors (CCPE) of the Council of Europe elected the Prosecutor General as

a member of the Working Group for the preparation of the 2022 Opinion. The Prosecutor General participated online at the March meeting of the Working Group on Opinion No 17 on the role of prosecutors in the protection of the environment, in person at the June meeting and again online at the October plenary meeting as a Member of the Council.

The annual meeting of the Network of Prosecutors General operating at the Supreme Courts of the Member States of the European Union – which had been postponed since 2020 due to the pandemic – was hosted by the Austrian Prosecutor General's Office in Vienna in May of the reporting year. At the event, the Prosecutor General Dr. Péter Polt – at the invitation of his Austrian counterpart – gave a presentation on the Hungarian experiences and expectations related to the cooperation with the EPPO in the section „The European Public Prosecutor's Office (EPPO) – Cooperation between the EPPO, Eurojust and national prosecution services”.

On 21-22 September 2022, the Visegrad Group Prosecutors General met in Slovakia to discuss current issues of criminal proceedings for crimes against environmental protection and the competences of the prosecution service in administrative matters. Their cooperation on these two topics was recorded in a joint declaration.

In October, the Consultative Forum of the Prosecutors General of the EU Member States was held in a hybrid format, chaired by the Prosecutors General of France and the Czech Republic, which hold the EU presidencies in 2022. Prosecutor General Dr. Péter Polt expressed the Hungarian position during the exchange of views on the independence of prosecution services.

As a visiting professor at the European Criminal Law Research Centre of the Shanghai Academy of Social Sciences Institute of Law, the Hungarian Prosecutor General gave an online lecture on the fight against money laundering at the Sino-European International Forum organized by the Academy in Shanghai in December.

The Prosecutor General of Bulgaria visited Hungary in June, during which he paid a visit to the Prosecutor General.

As a continuation of the good relations and regular meetings between the Hungarian and Austrian prosecution services, the Hungarian Prosecutor General visited the Austrian Prosecutor General in Vienna on 17-18 November 2022. The visit included a review of current issues affecting the bilateral relationship at the highest level, as well as an assessment of cross-border regional relations in Wiener Neustadt (Bécsújhely), where the Prosecutor General was received by the Commandant of the Military Academy of Maria Theresa.

The Hungarian Prosecutor General received the Egyptian Ambassador to Budapest in March 2022.

The Head of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission was received by the Prosecutor General in his office on 9 March 2022. During the meeting, the members of the Mission were informed about typical election-related crimes detected during the 2014 and 2018 parliamentary elections and the results of the criminal proceedings.

The Ambassador of the Republic of Korea to Budapest visited the Prosecutor General in his office in November. Given that there has been no bilateral relationship between the Korean and Hungarian prosecution services, the visit was aimed at establishing and facilitating contacts between the two prosecution services.

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

### **International relations**

The economic constraints affected other areas of the international activities of the Prosecution Service, as well, so we participated online in the international trainings, exchange programmes, coordination- and contact point meetings which were held in the reporting year in hybrid format, while a smaller number of events were attended in person.

During the reporting period, only one of the regular working meetings to be held in the framework of cross-border cooperation was held, and all the other meetings with the other cross-border prosecutors' offices were postponed for an indefinite period of time.

The Prosecution Service of Hungary has contacts with a number of European and international judicial training institutions, including the European Judicial Training Network (EJTN), the European Union Agency for Law Enforcement Training (CEPOL), the International Law Enforcement Academy (ILEA), the Council of Europe Human Rights Training Group for Legal Professionals (HELP) and the European Law Academy (ERA).

In most cases, prosecutors participated in various types of judicial training organized and funded by the EJTN.

Prosecutors travelled to Spain, the Netherlands and Lithuania, among other countries, as part of the EJTN's week-long exchange programme for prosecutors abroad.

In the framework of the EJTN AIAKOS exchange programme designed specifically for trainee prosecutors, junior prosecutors and newly appointed prosecutors, young Hungarian prosecutorial employees welcomed their colleagues from Italy, France, Germany and Poland, and then spent a week on a professional visit to their foreign colleagues.

In the framework of the so-called long-term exchange programme, a prosecutor and a Hungarian judge spent four months of internship at Eurojust in The Hague.

Prosecutors participated in training courses on judicial training methodology and EJTN seminars on the following topics, both online and in person: consumer protection, artificial intelligence, investigative techniques and tactics, investigation and prosecution of international crimes, cybercrime.

For more than 15 years, the EJTN has been organizing the THEMIS competition for trainee prosecutors and judges, in which trainees from EJTN member states compete in the fields of European criminal cooperation, civil cooperation cases, European family law cases and judicial ethics. In the section on European civil procedural law, our team of three trainee prosecutors won a special prize.

CEPOL seminars on „Leading Joint Investigation Teams”, „Implementing Joint Investigation Teams” and „Regional Training on Cyberterrorism” were held in personal participation, with one prosecutor from Hungary participating in each event.

Financed by the Internal Security Fund, more than 100 prosecutors, junior prosecutors and trainee prosecutors attended training courses on international cooperation, EU law and the rule of law.

## Mutual legal assistance cases

Due to the fight against transnational organized crime and other adverse global phenomena international cooperation between judicial authorities, including prosecution services, also remained intensive last year, similarly to the previous years. This is illustrated by the following diagram:

**The number of MLA requests in criminal matters received by prosecution offices and sent to foreign countries in 2020–2022**



The Office of the Prosecutor General acts as the central judicial authority for mutual legal assistance in criminal matters. In 2022, it decided to forward legal assistance requests to non-EU countries in 75 cases, while it received 553 requests for legal assistance from foreign judicial authorities.

The high number of requests for criminal legal assistance forwarded by the Office of the Prosecutor General to non-EU countries can be explained by the fact that although from 1st May 2018, direct cooperation with judicial authorities of most of the Member States of the Council of Europe also became possible, some Member States concerned are proceeding slowly to direct cooperation.

The field of international cooperation among judicial authorities assigned to the Prosecutor General's jurisdiction includes acceptance of the transfer of criminal proceedings ongoing abroad, as well as the transfer of criminal proceedings conducted in Hungary to foreign countries. The transfer of criminal proceedings from foreign authorities was accepted in 123 cases, while criminal proceedings were transferred in 46 cases to foreign authorities.

In 2022, the number of perpetrators of registered crimes who were foreign nationals was 6,816, whereas the number of foreign national victims of registered crimes was 3,004. Crimes committed against foreigners in Hungary continued to be predominantly crimes against property.

The decreasing trend in the arrival of the number of cases seeking legal assistance in minor offences, previously experienced as a consequence of the pandemic, continued in 2022. International economic developments had a negative impact on travel opportunities, which has also led to a 7.6% decrease in the number of cases to be dealt with in the framework of mutual legal assistance in the area of minor offence cases compared to the previous year (2022: 1,321, 2021: 1,429).

As in previous years, the 1,263 requests from foreign authorities made up the majority of the caseload, accounting for more than 95% in 2022. In 2022, Hungarian authorities requested the assistance of another country in investigating 58 cases, which represents a 45% increase compared to the previous year.

## **Activities of the Eurojust National Member for Hungary**

Eurojust is an agency seated in The Hague, which deals with judicial cooperation in criminal matters between the Member States of the European Union. Hungary is represented at the headquarters of the organization by the Eurojust National Member for Hungary, who holds the position of a deputy head of department as a prosecutor. The National Member is supported by a prosecutor seconded to The Hague as a national expert on a six-monthly rotational basis.

In 2022, Eurojust handled altogether 11,544 ongoing cases. The number of newly registered judicial requests was 5,227, which shows an increase of almost 9%, compared to the previous year (2021: 4,808)

Of the new requests received from Hungarian judicial authorities, Eurojust registered 252 (2021: 267) cases, which equals 4.8% of the 5,227 new cases, making Hungary the sixth Member State to open the most cases in the reporting year.

Foreign authorities requested Hungary's cooperation in 171 cases (2021: 189), making Hungary the 12th most requested Member State.

A total of 56 (2021: 62) mandatory and automatic searchable reports in accordance with Article 21 of the Eurojust Regulation were received from Hungarian prosecutors in cases requiring coordination for serious and organized crime involving several Member States, in particular for conflicts of jurisdiction. Compared to other Member States, Hungary is thus still at the forefront of the regular fulfilment of this notification obligation arising from EU regulations.

In the reporting year, Eurojust organized 528 (2021: 457) bilateral or multilateral coordination meetings, Hungarian prosecutors and detectives attended 27 of these meetings. Due to travel restrictions, they were partly held via videoconference. In addition, we also participated in the coordination centres managing the planned joint action days on two occasions.

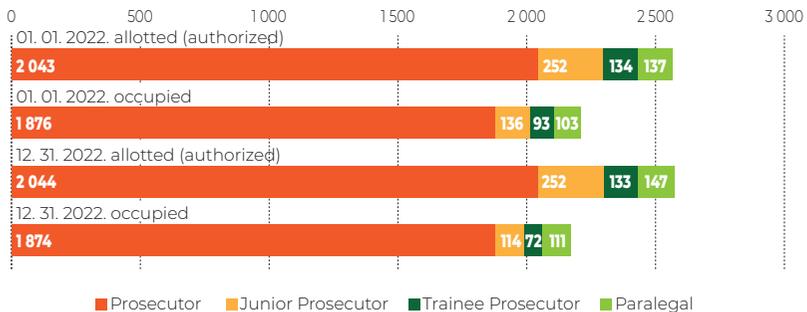
Eurojust's main tasks are to support Joint Investigation Teams (JITs), to facilitate the involvement of third states, to finance costs of cooperation and individual criminal cases through tenders. Of the 265 (2021: 254) joint investigative teams supported by Eurojust, 78 were newly established. 7 of the Joint Investigation Teams with Hungarian participation received EUR 174,450 in financial support from Eurojust on a total of 12 occasions.

## 6. Personnel of the Prosecution Service

### Personnel situation

On 1st January 2022, there were 4,764.25 job positions allotted (authorized) by the Prosecutor General to the Prosecution Service, which changed to 4765,25 by the end of the year. In the reporting year, the number of positions for prosecutors, junior prosecutors, trainee prosecutors and paralegals changed as follows:

**The allotted and occupied job positions for prosecutors, junior and trainee prosecutors and paralegals in 2022**



Compared to the situation on 1 January 2022, the number of prosecutor positions divided among the various structural units of the Prosecution Service increased minimally from 2,016 to 2,017 until the end of the year. At the end of 2022, the number of centrally reserved, non-allotted prosecutor positions was 27.

At the end of the reporting year, there were 143 vacant prosecutor positions divided among the organizational units.

In 2022, the number of junior prosecutor's posts remained unchanged (252), while the number of trainee prosecutor's posts decreased from 134 to 133.

In 2022, 53 prosecutors, 22 junior prosecutors and 2 trainee prosecutors were appointed (in 2021, 40 prosecutors, 24 junior prosecutors and 49 trainee prosecutor were appointed).

The number of disciplinary proceedings decreased compared to the previous year; in 2022, 17 disciplinary proceedings were initiated, which, compared to the total staff number – more than 4,300 employees – of the Prosecution Service cannot be considered significant.

## **Continuous training of employees of the Prosecution Service**

Based on the experience of previous years, we organized training courses exclusively online for several focus groups, regardless of the epidemiological situation, which allowed us to increase the number of participants and reduce costs. Almost 3,300 employees participated in more than 100 days of training and continuous training, out of which about 20 days were attendance training with more than 230 participants.

In the reporting year, we trained trainee prosecutors in 3 five-day, 1 four-day and 1 three-day online courses, and junior prosecutors in 1 four-day and 1 three-day online course in the Hungarian Training Centre for Prosecutors.

20 centrally organized trainings were offered for prosecutors and 10 for prosecutorial officials and clerks. The training targeting head prosecutors in senior positions took place at the management training and the consultation meeting organized for deputy chief prosecutors heading the criminal law and non-criminal law branches. One- and two-day-long centrally organized courses and practical trainings were attended, inter alia, by recently appointed prosecutors, investigating prosecutors, prosecutors supervising the legality of the enforcement of punishments and the protection of human rights, unit head-prosecutors and subordinate prosecutors

handling criminal court cases, prosecutors prosecuting cases in first instance courts, prosecutors working in the field of the protection of public interest, prosecutors handling traffic offence cases, prosecutors heading the IT area, prosecutors and military prosecutors assigned to military proceedings, prosecutors in the field of personnel and spokespersons.

We held thematic trainings on prosecutors' tasks related to the fight against human trafficking and integrity screening, as well as trainings on how to support case management in international legal assistance matters, the treatment of persons subject to proceedings and its legal safeguards.

In the Network of prosecutors dealing with cybercrime, prosecutors assigned to each chief prosecution office received a two-day training, and the IT members received a one-day training.

In small group online meetings, prosecutors working in the field of the protection of public interest discussed the main updates in the field, regulatory changes affecting the economic field of law, and their experience in evaluating requests for prosecutorial action.

According to the financial possibilities of the organization, we continued to support postgraduate studies and legal foreign language training. New study contracts were concluded with 7 prosecutorial employees including 6 prosecutors, 1 prosecutorial officials, who obliged themselves to pursue studies.

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

In 2022, the communication activity of the Prosecution Service continued to perform exceptionally well.

In the reporting year altogether 14,405 press statements, interviews, press releases and proactive information were issued by the structural units of the Prosecution Service, which shows a

5% increase compared to the previous year. This also means, that in 2022 the Prosecution Service excelled in its communication activity, as such data indicate the best spokesperson activity ever measured.

In 2022, the Office of the Prosecutor General made two comprehensive improvements.

One of the developments was a complete renewal of the website of the *Ügyészégi Szemle*, which resulted in several new content elements and visual solutions for our scientific journal's website.

The other development related to the addition of Chapter CV/A to the Criminal Procedure Code, on the motion for reconsideration and the so-called „substitute private prosecution”.

In the reporting year, in addition to three video messages from the Prosecutor General, we also published an interview with the new Deputy Prosecutor General for criminal law.

In 2022, we continued with our image films presenting our organizational units and also produced an educational series.

In the reporting year, we launched our first self-produced podcast, in which we covered the issue of parental abuse.

The website of the Prosecution Service was visited 10,773,884 times in 2022. The Facebook page of the Prosecution Service has seen a dynamic increase in followers, and the total number of hits exceeded 2 million.

Our YouTube channel reached 2.4 million views in 2022.

Communicators of the Prosecution Service continued to keep contact and maintain stable, well-functioning relationships with press officers of partner bodies as well as with the media.

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

### **Information technology of the Prosecution Service**

The epidemic situation continuing in 2022, the war conflict that started at the beginning of the year and the significant increase in costs related to this – similarly to the previous period – posed a great challenge to the IT-stuff of the Prosecution Service. In this situation, special emphasis was placed on the effective IT solutions, supporting the continuous, fast and reliable exchange of information, the statutory activities of the Prosecution Service and its day-to-day work processes.

The Prosecution Service operates a national remote data transport network, which accesses all work premises. The necessary integrated data- and central internet services are provided by the National Infocommunications Service Company Ltd. (Nemzeti Infokommunikációs Szolgáltató Zrt.), and the Prosecution Service has the ownership rights and the right to operate the network devices essential for data protection and required for security. We constantly develop this network in order to ensure the appropriate standard of electronic case management and internal IT services, as well as the smooth electronic communication with partner organizations. As a continuation of the previously carried out tests and preparatory work, in 2022 we started the consolidation of the servers of district prosecution offices, starting with an increase in bandwidth.

In 2022, all prosecution organizational units had the opportunity to query the registration systems operated by the Ministry of the Interior, the National Prison Services Headquarters, the Ministry of Justice, the National Police Headquarters and IdomSoft Informatikai Zrt., to handle recordings made during criminal proceedings and stored in the Central Media Library, to use of the Central Criminal Evidence System, the ePostbook, and to access the second generation of the Schengen Information System

(SIS II) as well as the Customer Document Access System of the National Office for Judiciary.

In 2022, the Office of the Prosecutor General successfully implemented the project within the framework of its tender submitted in a consortium with the Ministry of Justice, with funds provided by the Internal Security Fund, for the domestic construction of an e-Evidence system which is based on the IT foundations of the European e-CODEX and which is suitable for sending and receiving European Investigation Orders and requests for mutual legal assistance in criminal matters.

By the use of the Electronic Case Management System (hereinafter referred to as eÜR), continuous electronic case management and electronic contact keeping with cooperating authorities and bodies are ensured within the Prosecution Service in compliance with Act CCXXII of 2015 on the general rules on electronic case management and trust services, the procedural and other relevant laws.

In 2022, the rate of consignments (document files) received by the Prosecution Service – through the eÜR – was by 4% higher (2022: 1,821,589, 2021: 1,749,942, 2020: 1,630,885), and the rate of document files sent to partner authorities was by 6,8% higher (2022: 1,247,326, 2021: 1,167,978, 2020: 1,058,493) than in the previous year.

In 2022, the Prosecution Service continued to be a key participant in the national electronic archives project of the Hungarian National Archives, and it continuously provided data from its database processing case management data of the prosecutorial activity of the field of criminal law.

In the context of the measures introduced to protect the health of the employees of the Prosecution Service during the epidemic situation caused by the coronavirus – in order to support the functionality and regular operation of the elected bodies and interest representatives of the Prosecution Service – we introduced

a system enabling online voting in 2022, and in this context Order 1/2022 (III. 17.) of the Prosecutor General on the Online Voting Programme of the Prosecution Service was issued.

In 2022, we introduced the Performance Assessments IT System for the online implementation of the mandatory performance evaluation of the relevant prosecutorial staff. In this context, Order 24/2018 (XI. 30.) of the Prosecutor General on the performance assessment of junior prosecutors, trainee prosecutors, prosecutorial officials and clerks was modified.

In 2022, we strengthened the Prosecution Videoconferencing System, which serves better the internal and inter-partner organizational coordination of the Prosecution Service and the procedural actions carried out by telecommunication tools and it makes online training of prosecutors more effective.

In the context of international cooperation of the Prosecution Service it must be highlighted that the IT staff was involved in the implementation of the Eurojust Decision. The system created by the Prosecution Service ensured national access to Eurojust's internal case management system in 2022, too. The possibility to connect to the videoconferencing system of Eurojust was also established.

In 2022, the Prosecution Service continued to perform its statutory duty of providing public interest data electronically. In addition to the requirements set forth in the context of the freedom of information, we published the information, statistics and consolidated notices that we have found to be most relevant to the public.

## **Statistics of the Prosecution Service**

The Prosecution Service carries out its official statistical activity as a member of the Official Statistical Service in accordance with Act CLV of 2016 on Official Statistics.

The statistical data collections of the Prosecution Service are part of the Government's National Statistical Data Collection Program (OSAP).

By collecting and disclosing data originating from its data collection activity, the Prosecution Service provides a realistic and objective picture about crimes, prosecutors' activity in criminal courts, as well as about the case management data regarding prosecutors' activity in and outside the field of criminal law.

The Prosecution Service is actively involved in the generation and development of statistics. The representative of the Office of the Prosecutor General is a member of the National Statistical Coordination Board, and delegates of the Prosecution Service take part in the activity of the Board's thematic working committees.

The Standard Criminal Statistics of Investigation Authorities and Prosecutors (ENyÜBS) is a joint data collection system of the Office of the Prosecutor General and the Ministry of Interior. The Prosecution Service participates in this system both as a data custodian and as a data provider.

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

In 2022, too, significant emphasis was placed on ensuring daily operations, which necessitated the introduction of extraordinary measures due to the changed economic environment. The significant increase in inflation and energy service prices caused a simultaneous jump in material expenditures, which was primarily compensated by the reduction of investment expenses.

In 2022, the appropriations available at the chapter level for the performance of the professional tasks of the Prosecution Service increased by HUF 5,675.0 million compared to the original appropriations for 2021 due to the settlement of prosecutors' salary.

In the course of the reporting year, the revised appropriations for expenditure rose by 8.3% as a result of the various changes in appropriations.

The sum used for personal allowances (46,772,4 million HUF) guaranteed that payments prosecutorial employees are entitled to by virtue of law and provided for by the Prosecutorial Employment and Career Act (PECA), as well as payments falling under the category of external personnel allowance were sufficiently covered.

5,866.3 million HUF was spent on non-personnel expenditures, which was by 1,122.2 million HUF more than non-personnel expenditures of the previous year. Compared to the previous year, higher costs were incurred for operating costs, for the continuous maintenance and repair of buildings and equipment and development expenses. Compared to the previous year, we made HUF 154.1 million more VAT payments for ongoing investments subject to the presently valid reverse VAT.

51.7% of the non-personnel (material) expenditures was spent on service expenses (rental fees, costs of maintenance and repair etc.), 9.5% on the acquisition of professional and operational materials, 15.3% on the operation of the national computer network of the Prosecution Service, 0.2% on official trips, 0.8% on other non-personnel expenses, and 22.5% on VAT-related expenses and payments.

In 2022, the chapter had HUF 2,799.6 million available for capital expenditure (investments, renovations, other capital expenditure combined), which was revised to HUF 3,757.9 million due to changes in appropriations (residual value from the previous year) during the year.

In 2022, we supported access to housing for prosecution employees by providing 130.7 million HUF in interest-free employer loans. In total, 50 people received an average of HUF 2.6 million.

The net value of property and related rights decreased by HUF 179.8 million and the net value of machinery, equipment, furniture and vehicles decreased by HUF 473.4 million. The balance sheet value of intangible assets increased by HUF 1.9 million and the value of incomplete investments increased by HUF 1,085.9 million.

In 2022, the Office of the Prosecutor General continued to actions necessary for prudent management and implemented them, and continuously monitored and analysed the liquidity of the chief prosecution offices. In addition to providing the basic personal and material conditions for the performance of the professional tasks, the budgetary chapter also paid special attention to creating the conditions of continuous operation and liquidity.

## **10. Scientific activity of the prosecution employees and the National Institute of Criminology**

Prosecutors have been respected participants of the domestic and international community of scientific legal experts for years, their articles, studies and essays are regularly published, and they are also authors of handbooks, university textbooks and other publications used in higher education. In the reporting year 30 prosecutors, junior prosecutors and 15 other prosecutorial employees had academic titles: 3 of them obtained a habilitation degree. 41 prosecutors, junior prosecutors and trainee prosecutors, as well as 2 prosecutorial officials are Ph.D. students at various universities. Close to 90 prosecutors, prosecutorial officials and researchers are lecturers and examiners at faculties of universities of law and various higher educational institutes and postgraduate programs. 80 prosecutors are on the board of examiners of the mandatory professional legal exams (bar exams).

As the scientific and research institute of the Prosecution Service, the National Institute of Criminology carries out comprehensive researches on the causes of crime, the ways of crime prevention,

and on the characteristics, current theoretical and practical issues of criminality and law enforcement.

The results and outcomes of researches of the National Institute of Criminology are used in the codification and law interpretation activity of the Prosecution Service, they enrich the theoretical achievements of criminal sciences, and they are also used in higher education and postgraduate studies.

In 2022, 30 research programs were carried out. Researchers of the National Institute of Criminology authored 92 publications, out of which 9 were published in foreign languages. They held altogether 79 lectures and presentations at various conferences and other professional events, out of which 7 were delivered in foreign languages, furthermore, the researchers participated in 45 international events in-person, online or in a hybrid way.