

**Prosecutor General's Report  
on Activities of the Prosecution Service  
in 2021**  
(extract)



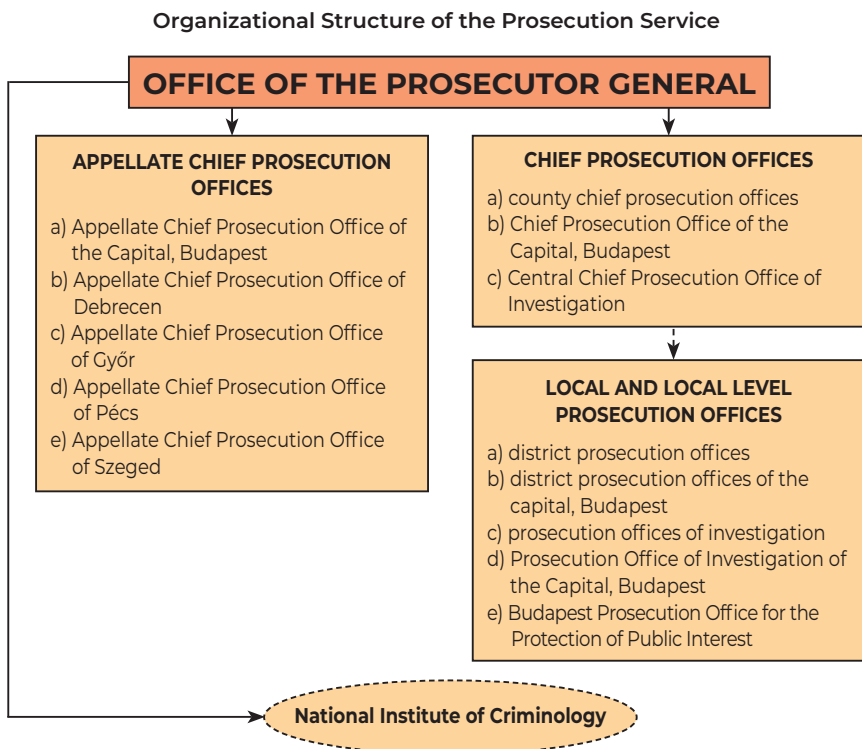
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## 1. The Prosecution Service

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

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



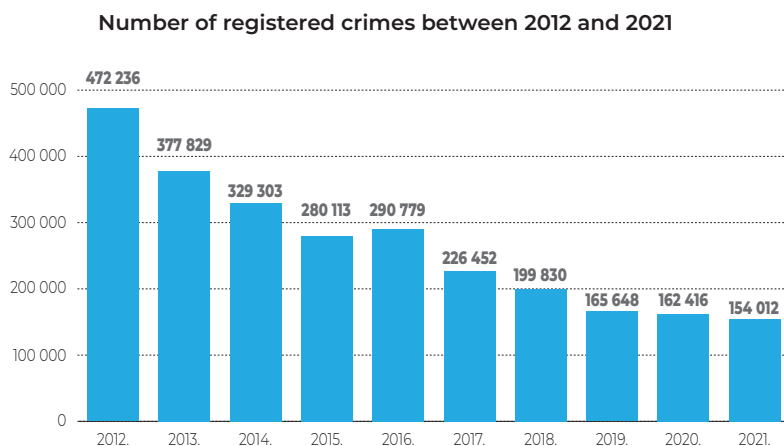
## 2. Activities of the Prosecution Service in the field of criminal law

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

#### *Main statistics on criminality*

The number of cases awaiting to be processed in the field of criminal law was continuously decreasing from 2012 until 2017. However, in the period following the entry into force on 1 July 2018 of Act XC of 2017 on the Criminal Procedure Code (hereinafter referred to as CPC), especially in 2019, the number of cases awaiting to be processed by the Prosecution Service increased by hundreds of thousands.

The almost continuous decline in the number of registered crimes since 2013 continued last year, with a drop of around 5.2%. The following diagram displays the changes of the last ten years:



Compared to 2020, the number of registered perpetrators increased; in 2021, 78,038 perpetrators were registered.

Information about main data of certain crimes is presented by the following tables:

### Number of certain registered crimes between 2019–2021

Crimes	2019.	2020.	2021.
Completed intentional homicide	60	81	72
Attempted homicide	57	90	62
Theft	55 059	48 627	40 852
Fraud	14 350	12 026	12 755
Robbery	637	616	543
Infringement of copyright and certain rights related to copyright	106	79	128
Offences against traffic regulations	18 458	18 975	17 663
Driving under the influence of alcohol	13 773	13 589	11 450
Causing a road accident through negligence	2 436	2 753	2 361
Human smugglings	90	257	635
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	564	684	670
Crimes against the judicial system	1 449	1 641	1 791
Public nuisance	8 587	8 570	8 313
Crimes related to official documents	13 758	15 287	13 808
Drug abuse crimes	6 566	6 518	7 004
Corruption crimes	460	2 049	6 219
Bribery of public official	242	1 978	5 976
Economic bribery	115	38	119
Counterfeiting currency	451	274	230
Forgery of stamps	200	17	13
Crimes in connection with cash-substitute payment instruments	1 771	3 219	1 728
Budget fraud	1 503	1 061	1 175
Fraudulent bankruptcy	126	107	122
Money laundering*	188	308	358
Breach of information system or data	587	830	1 140
Compromising or defrauding the integrity of the computer protection system or device	38	25	15
Environmental offences	19	23	25
Damaging the natural environment	165	59	71
Violation of waste management regulation	402	474	515
Military offences	199	297	242

\* As of 1 January 2021, the statement of facts of the offence of money laundering includes the factual elements previously attributed to the offence of fencing.

## Recorded actions in relation to the procedures initiated in 2019–2021

Crimes	2019.	2020.	2021.
Homicide, voluntary manslaughter	183	211	233
Theft	54 261	48 897	47 323
Fraud	12 155	14 224	17 152
Robbery	584	639	581
Infringement of copyright and certain rights related to copyright	107	240	304
Offences against traffic regulations	19 306	17 939	19 506
Driving under the influence of alcohol	12 927	12 158	11 239
Causing a road accident through negligence	3 445	2 812	2 660
Human smugglings	158	446	1 177
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	569	660	797
Crimes against the judicial system	3 849	3 531	4 289
Public nuisance	9 755	9 865	10 392
Crimes related to official documents	7 103	6 650	7 529
Drug abuse crimes	7 206	7 218	7 798
Corruption crimes	275	271	358
Bribery of public official	171	131	173
Economic bribery	57	78	103
Counterfeiting currency	386	254	263
Forgery of stamps	16	12	9
Crimes in connection with cash-substitute payment instruments	1 514	1 699	1 750
Budget fraud	1 810	2 651	1 815
Fraudulent bankruptcy	599	749	607
Money laundering*	290	524	725
Breach of information system or data	729	1 070	1 433
Compromising or defrauding the integrity of the computer protection system or device	17	35	35
Environmental offences	116	116	159
Damaging the natural environment	122	125	187
Violation of waste management regulation	804	1 013	1 369
Military offences	213	219	251

\* As of 1 January 2021, the statement of facts of the offence of money laundering includes the factual elements previously attributed to the offence of fencing.

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.

Last year, budget fraud continued to dominate economic crime, which includes all crimes that damage the national and EU budget. Whether we look at the evolution of the number of proceedings initiated or the number of registered crimes (the latter being related to prosecutorial decisions such as terminations of proceedings, indictments), it can be concluded that the quantitative indicators have not changed significantly. However, the complexity of the factual and legal assessment of these offences, which requires specialised professional skills and thorough, precise work from prosecutors, remains a special feature of these offences.

Statistics show that the number of proceedings initiated for money laundering increased in 2021 compared to the previous year. This was also due to the fact that as of 1 January 2021, the substantive criminal law rules changed, and acts previously considered as fencing are now regarded as money laundering. Nevertheless, the Prosecution Service has for a long time been paying particular attention to the possibility of depriving persons who are proven to have engaged in criminal conduct of the assets generated by the offence. Effective action against money laundering is an essential condition for this. It should be noted that the legislator amended the legal provisions with this in mind, using the experience and professional expertise of the Prosecution Service.

As far as the corruption situation in Hungary is concerned, it should be remembered that the subjective assessment – based on assumptions, “sentiments” – is far from being the same as the objective facts. Data show that, with the exception of health sector, the corruption situation in Hungary is similar to the average in EU Member States.

The concept of corruption is clearly defined in criminal law. It is necessary to emphasise this because in many cases, what the public (or even international organisations) perceive as corruption in Hungary is considered as another crime (economic crime or crime against property), and therefore, although the perpetrators are prosecuted, these acts are not statistically identifiable as corruption.

Based on the statistical indicators of corruption in the criminal justice sense, it can be concluded that the number of cases initiated for the bribery of public officials has remained essentially unchanged. The increase in the number of registered crimes compared to the previous year is mainly due to a few cases in which a large number of offences against public order were detected (for example, in one case, more than 4,000 offences are under investigation). The significant increase (32%) in the number of proceedings initiated for economic bribery offences was the result of the legislative change that entered into force on 1 January 2021, which criminalised the acceptance and provision of so-called gratuity.

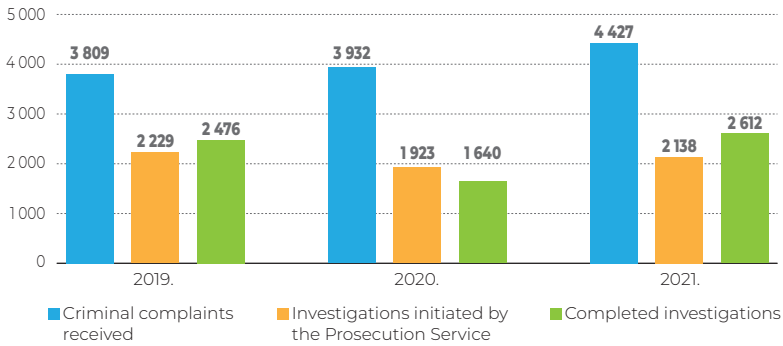
### ***Prosecutorial Investigations***

The CPC did not change the earlier legal regulation according to which the Prosecution Service itself may also conduct investigations into any case, and the investigation of certain crimes exclusively belongs to the competence of the Prosecution Service.

The following diagram presents changes of some important data on prosecutorial investigations:



**Data on prosecutorial investigations in 2019–2021**



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 exclusive competence of the Prosecution Service.

### ***Supervision and direction of the investigation***

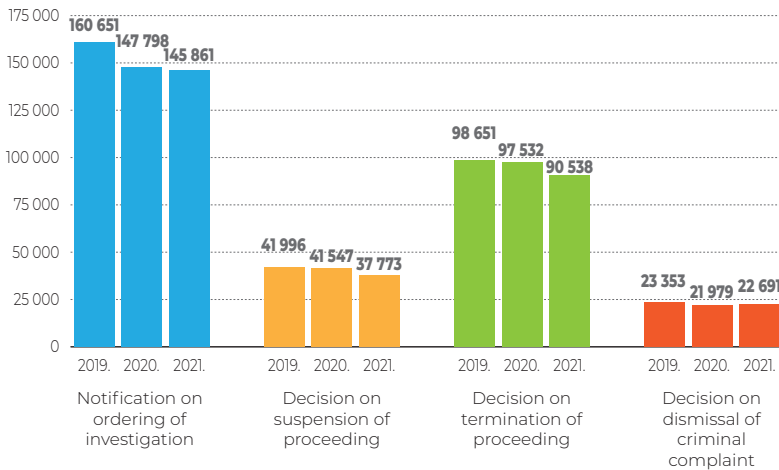
Powers of the Prosecution Service in the criminal procedure changed with the entry into force of the CPC on 1 July 2018 depending on whether the investigation is in its initial detecting stage (detection) or is already conducted against a reasonably suspected person (examination).

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 a decision on the indictment of a specific person and other prosecutorial measures, and the collection of the necessary evidence for this purpose.

The following diagram shows the number of decisions received from investigation authorities:

**The number of decisions received from investigation authorities in 2019–2021**



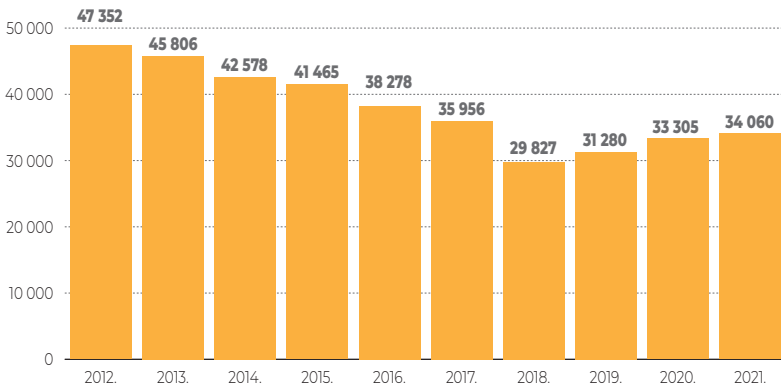
Last year, the Prosecution Service received a total number of 296,863 decisions as indicated in the diagram (2020: 308,856). It supervised on the merit altogether 151,002 cases including the cases carried over from the previous year.

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. Complaint is a one-level tool; generally, there is no possibility for further legal remedy.

Changes in the number of complaints submitted against decisions and suspect's hearings of the investigation authorities is shown by the following diagram:

**Number of complaints submitted against decisions and suspect's hearings of the investigation authorities in 2012–2021**



The number of complaints submitted against decisions and suspect's hearings of investigation authorities continued to rise, albeit slightly, over the past year.

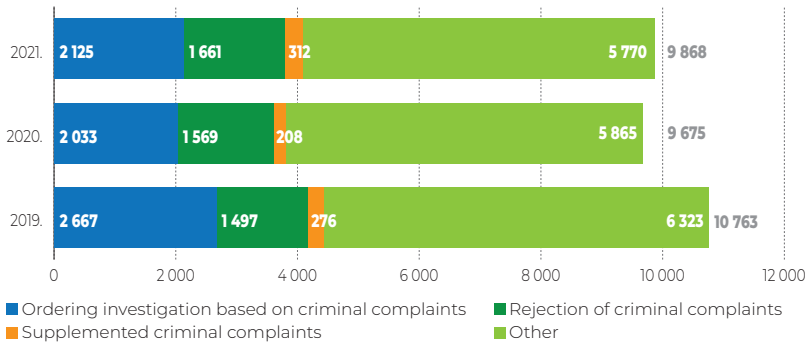
The Prosecution Service accepted 3,183 complaints, it rejected 25,982 complaints, whereas it took other measures with respect to the remaining part of the complaints.

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

Out of the complaints lodged against the decisions of lower-level prosecution offices 388 complaints were accepted, 3,126 complaints were rejected and with regard to the remaining part of the complaints other measures were taken in 2021.

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

**Criminal complaints submitted to the Prosecution Service and decisions made on them in 2019–2021**



In 2021, there was a 50% increase in the number of supplements to complaints.

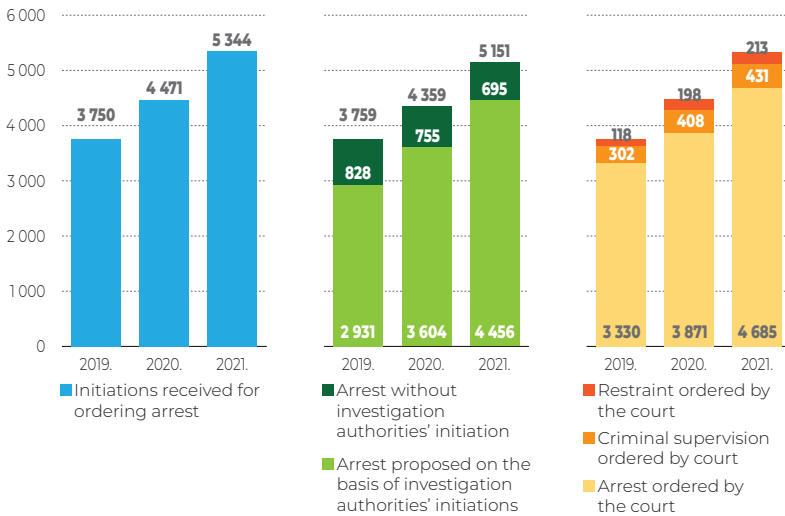
The CPC lays emphasis on the gradual approach concerning deprivation or limitation of liberty in connection with the system of coercive measures.

It is a statutory provision that the application and execution of a coercive measure shall correspond to the requirement of the principle of necessity and proportionality.

The possibility of using bail has been significantly expanded, indicating that the law intends to reduce the number of arrests to a minimum, and it intends to limit arrest to the most necessary cases.

Regularly, the investigating authority initiates that the Prosecution Service should propose arrests. The following diagram illustrates the follow-up measures of such initiations:

### Data regarding arrests in 2019–2021



In 2021, there were 76,911 (2020: 77,384, 2019: 83,446) prosecutorial decisions in connection with cases examined in view of being appropriate for indictment. These results are shown by the following diagram:

### Prosecutorial decisions on cases examined in view of being appropriate for indictment in 2021



The types of indictments were as follows: the Prosecution Service filed indictments on general rules in 4,190 cases (8.9% of all indictments), arraignments were conducted in 1,183 cases, and it made a proposal for a penal order in 34,900 cases. Indictments based on agreements were filed in 77 cases which means a growth by 32.8% compared to the 58 cases of the previous year.

The Prosecution Service has also the possibility to make motion in the indictment relating to the proportion and the period of the punishment or measure in case the accused confesses the commission of the crime during the preliminary session. Last year, the Prosecution Service indicted 6,253 persons in that way, which is by 22.8% more than in the previous year (2020: 5,090).

Certain cases can be quickly closed by arraignment. 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.

To simplify and significantly accelerate the procedure, to decrease the workload, the court – upon the motion of the Prosecution Service or ex officio – decides about the punishment or imposes 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 2021, due to the health crisis situation, arraignments were conducted only with regard to 2.5% of the total number of indictments (in 2020: 5%, 2019: 14.7%).

In contrast, the Prosecution Service filed motions for penal order with regard to 74.5% of all indictments (2020: 71.7%, 2019: 58.6%).

In connection with the state of emergency and health crisis situation, legal institutions by which the objectives of punishment could be achieved even without court proceedings, were applied more frequently.

Mediation is a conflict resolution procedure that can be applied to avoid infliction of sanctions for a minor offence. Its purpose is to reach a settlement agreement while also including compensation between the defendant and the victim to resolve their conflict. The agreement will also facilitate the defendant's future law-abiding behaviour.

In 2021, the Prosecution Service suspended and referred 4,790 defendants' cases to mediation (2020: 4,919, 2019: 4,631) and rejected the suspension of proceedings in the case of 4,506 defendants (2020: 4,244, 2019: 3,298). Considering the success of the proceedings, the Prosecution Service terminated the proceedings against 2,763 defendants.

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

In 2021, the Prosecution Service applied conditional prosecutorial suspension against 9,892 persons (2020: 9,619, 2019: 9,423). After applying this legal tool, procedures were terminated against 7,269 persons.

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

Similarly to the previous years' tendency, the number of registered crimes continued to decline in 2021. In the light of the legislative changes that came into force in the reporting year, questions of law interpretation continued to arise with regard to the regulations of the CPC entered into force on 1 July 2018 regarding court procedures. At the same time, it can be established that the practical application of the new procedure code has become smooth by this year.

The management of the coronavirus pandemic situation continued to be a challenge during the reporting year. Some relief in the year under review was provided by the fact that the special procedural environment created in the light of the

pandemic meant that the Prosecution Service had already gained considerable experience in 2020, which it was able to use successfully in 2021 in its activities before the criminal courts. Since the criminal procedures related provisions of Act LVIII of 2020 on the transitional provisions related to the termination of the state of danger and on the state of medical emergency, effective as of 18 June 2020, remained effective with practically the same content in the reporting year, it was possible to apply the specific procedural rules taking into account the epidemiological situation.

The rules of procedure, within the framework provided by permanent and temporary regulations – in cooperation with the judiciary at both national and local levels – had to be maintained, operated and, if necessary, modified in compliance with the system created in 2020, to ensure the fundamental right to life and physical health without the infringement of the right to fair trial. The extent to which the attendance of or participation in procedural acts, especially trials and public hearings in person had be avoided had to be given consideration depending on the actual evolution of the coronavirus pandemic. Consequently, the procedural forms that made it possible to reach a conclusive judicial decision without personal involvement, primarily on the basis of documents, remained highly important. Enabling participation in trials and public hearings by the use of telecommunication devices and advocating their use as widely as possible, has also proved to be an important tool for the Prosecution Service to contribute – in cooperation with the courts – to the protection against the pandemic in a way that does not prevent the timely completion of criminal procedures.

In 2021, the number of cases judged by the court with final decision increased by 3.9% compared to the previous year, and the number of accused persons involved also increased by 4.3%. Despite the small increase, these figures are still below those of 2019 and previous years, with a 31.7% decrease in the number of defendants affected by conclusive final decisions compared to 2012. One of the reasons for this is that the downward trend in



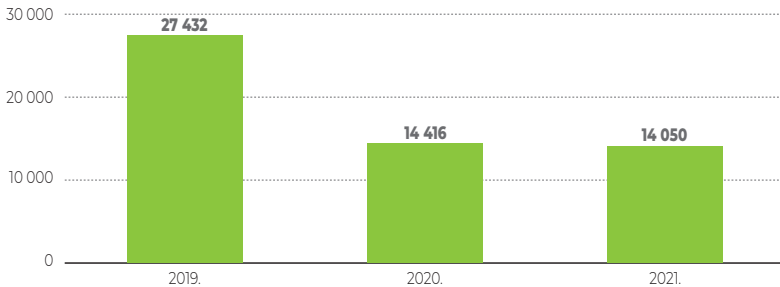
the volume of recorded crimes in recent years has continued. The other reason is the impact of the pandemic on the duration of criminal proceedings, as some procedural acts requiring personal attendance could still not be carried out due to the new waves of the coronavirus epidemic, so that courts could hold fewer trials (public hearings).

In 2021, the mandatory pre-trial preliminary session in cases to be tried in court remained a prominent element of prosecutorial activity in criminal court. Prosecutors participating at the preliminary session have increasingly taken the opportunity to propose a specific type and extent of legal sanction, in the event that the defendant confesses at the preliminary session the commission of the offence. Since the entry into force of the CPC on 1 July 2018, the year 2021 saw the highest number of accused persons against whom the court passed a sentence in a preliminary session after accepting their guilty pleas. Accordingly, the number of accused persons against whom the final conclusive decision of the preliminary session became final also increased compared to 2020. The proportion of defendants with this type of termination reaches 15.4% of the number of accused persons with a final conclusive first instance decision. This has led to an increase in the number of accused persons who no longer had to be tried in court following their confession of guilt, thus significantly reducing the length of criminal proceedings.

The other function of the preliminary session, namely the concentration of the trial remained of vital importance due to the epidemiological situation. The timely submitted motions of evidence made the course of the trial more predictable.

The number of cases concerned by first instance trial continued to decrease slightly in 2021. One reason for this is that a higher proportion of cases prosecuted and awaiting trial have been finally completed by the courts at the preliminary session. The other reason, however, is that due to the illnesses caused by the coronavirus, it was sometimes not possible to hold a trial.

**Number of cases concerned by first instance trial in 2019–2021**



The number of cases completed at second instance increased by 5.9% compared to the previous year (in 2020: 6,965, in 2021: 7,378). There was also a small increase of 2.4% in the number of public hearings and trials held by the second instance court with the participation of prosecutors.

According to provisions of the CPC, in many cases, the direction and content of appeals, submitted by the Prosecution Service essentially determine the volume of the appeal and by this the limits of the second instance court's procedure, thus requiring particular care on the part of the prosecutor representing the case. In this respect, the provision under which it is no longer possible to extend appeals resulting in a limited review at a later stage is of particular 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 2021 as well, and they paid special attention to lodging appeals.

The CPC provides 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 represented prosecution offices operating at the level of second instance courts saw an opportunity to apply this rule, they tried to file their motions accordingly, thereby also reducing the number

of cases where the first instance court's conclusive decision had to be quashed.

The number of third instance procedures in 2021 was minimal, as usual: it was 61.

On the whole, it can be concluded that in 2021 the workload of the Prosecution Service in relation to trials showed no significant change compared to the previous year, only a slight increase could be experienced. It remains unchanged that, due to the spread of the coronavirus pandemic, the written workload of the Prosecution Service – similarly to 2020 – has increased significantly compared to the years preceding the pandemic situation.

The two most often used legal instruments to accelerate judicial proceedings are the arraignment and the penal order procedures. The tendency that the proportion of arraignments and penal order procedures is more and more significant within the number of defendants concerned with final decisions continued. In 2021, 66.8% of the accused persons with a final sentence were the subject of a decision in these two separate procedures. This proportion meant a 1% growth compared to 2020, the highest rate in the last 10 years. It can be concluded that last year the Prosecution Service efficiently contributed to the improvement of the timeliness of criminal procedures as well.

In 2021, the court completed this special procedure on the merits in the case of 89.6% of the accused persons brought before the court by the Prosecution Service, and the first-instance judgement became final for 69.2% of the defendants tried by arraignment.

Penal order procedures have become increasingly dominant since 2014, both as far as the number of adjudicated cases and their proportion compared to the number of accused persons whose cases were adjudicated with final decisions in court are concerned. This tendency continued in 2021 as well; compared

to the 60.7% in 2020, the court issued a penal order in the case of 64.5% of the defendants, and in the case of 85% of these defendants the penal order became final.

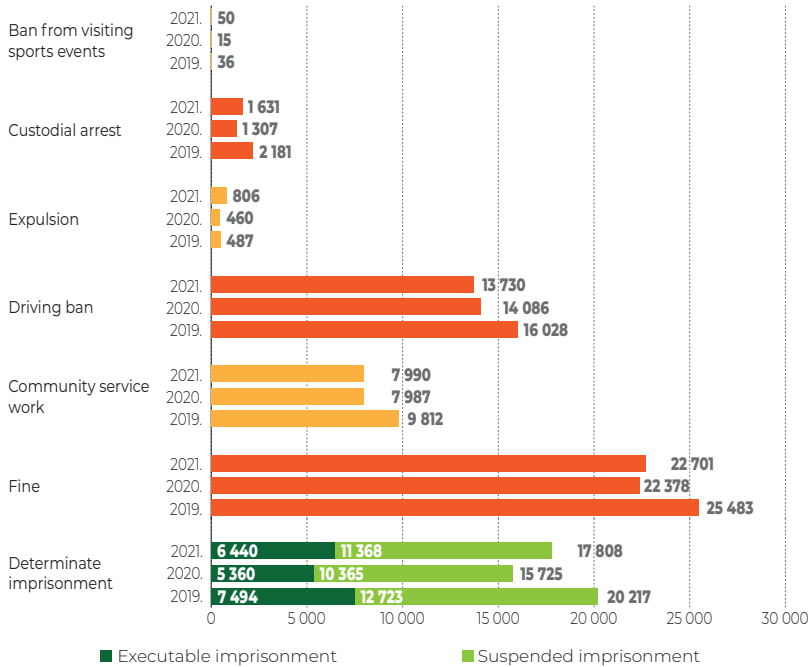
In 2021, courts accepted the guilty plea of 9,937 defendants at preliminary sessions. This represents 40.8% of all persons indicted, not counting the number of defendants tried by arraignment and penal order procedures. If we compare this with the number of defendants subject to penal order procedures, it can be concluded that the Prosecution Service, while also taking into account the specific characteristics of the pandemic situation, opted for the appropriate forms of procedure in the reporting year.

In 2021, the number of defendants sentenced to punishments or other measures was 55,365. The proportion of punishments continued to rise among criminal law sanctions: in 2021 it was 87.6%.

In 2021, the number of defendants sentenced to life imprisonment increased; the court imposed the most serious punishment available in the penal system on 20 defendants in the reporting year.

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

## Number of defendants subject to different sentences in 2019–2021



As in previous years, fines continued to be the most commonly imposed punishment in 2021. This penalty affected 46.8% of all sentenced persons, which is a 1.7% decrease compared to 2020.

In comparison, there was a moderate increase in imprisonment sentences. The proportion of imprisonment increased to 36.8% and that of custodial arrests to 3.4% from among the finally convicted offenders. This suggests that the easing in the practice of imposing sanctions observed in the previous year did not continue.

Beside the slight decrease in the proportion of imposed fines, the proportion of community service work among the imposed sentences also decreased by 0.8% in the reporting year.

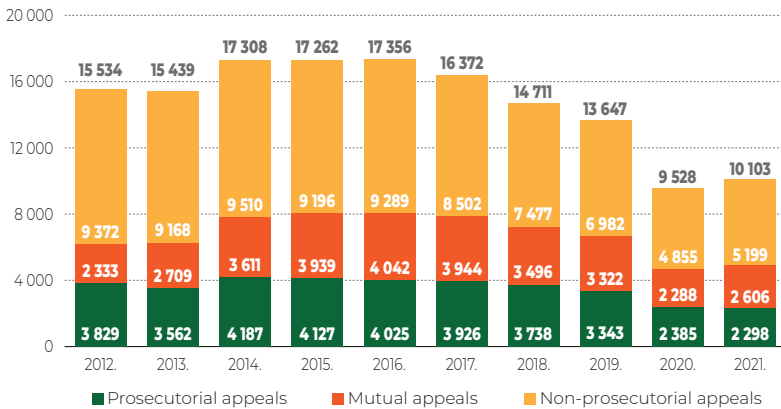
Compared to 2020, the proportion of driving bans imposed by final judgments decreased by 2.2% compared to the total number of convicted offenders in the reporting year.

There was, however, a significant change in the number of bans from practicing a profession and expulsions. The number of accused persons sentenced to a ban from practicing a profession increased by 88.6% compared to the previous year. The reason for this is the introduction in the sentencing practice of the courts of mandatory ban from practicing a profession for perpetrators of crimes against sexual freedom and morality. The number of people sentenced to expulsion also increased significantly by 75.2% compared to 2020. This can be explained by an increase in the number of foreign convicts on the one hand, and a significant rise in the number of people smuggling convictions on the other, against the non-Hungarian perpetrators of which the Hungarian Criminal Code has made the imposition of expulsion mandatory since 1 January 2021.

In 2021, the number of defendants to whom the court applied probation continued to decrease, but it still remained to be the most frequently applied criminal measure by courts.

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

### The number of appeals filed against decisions on the merit of first instance courts in 2012–2021



Compared to 2020, the number of appeals lodged against conclusive decisions of the first instance courts increased by 6% in the reporting year. In 2021, 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.

In 2021, the success rate of prosecutorial appeals upheld by second-instance prosecutors fell slightly from 52.2% to 51.1% compared to the previous year. In some cases, however, it could still be perceived that case-law was soft, and the provision prescribing that imprisonment should be imposed by taking into account its average term as defined by law 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 85.4% of defendants who were subject to prosecutorial appeals. The success rate of prosecutorial motions for the aggravation of sentences was 27.3%. At the same time, the number of prosecutorial appeals upheld for lack of merit increased to 177 in the reporting year, with a 44.1% success rate.

In 2021, the Prosecution Service filed an appeal for the acquittal of the defendant in 1 case, for the mitigation of the penalty imposed on the defendant in 29 cases and for the termination of the proceedings against 2 defendants.

The efficiency rate of indictment has been permanently increasing since 2012 and although there was a 0.1% drop in the reporting year compared to 2020, this is still the second highest rate in the last 10 years. In addition, in the case of 49,898 defendants, 87.9% of the accused were found criminally responsible in all respects in accordance with the indictment or the prosecutor's final sentencing recommendation, in line with the previous year's figures.

Compared to the previous year, the number of first instance conclusive decisions that were quashed by second instance courts increased significantly, by 38.6%.

In 2021, the number of defendants affected by appeals lodged against decisions of courts of second instance increased to 185, within which the number of defendants affected by prosecutorial appeals increased to 149.

In 2021 too, the Prosecution Service paid special attention to priority criminal cases and to 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, 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. We assisted them in resolving any substantive or procedural issues that may have arisen as a result of changes in the law during the reporting year, before the conclusion of the proceedings. All these measures contributed to the maintenance of a high efficiency rate of indictment.



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

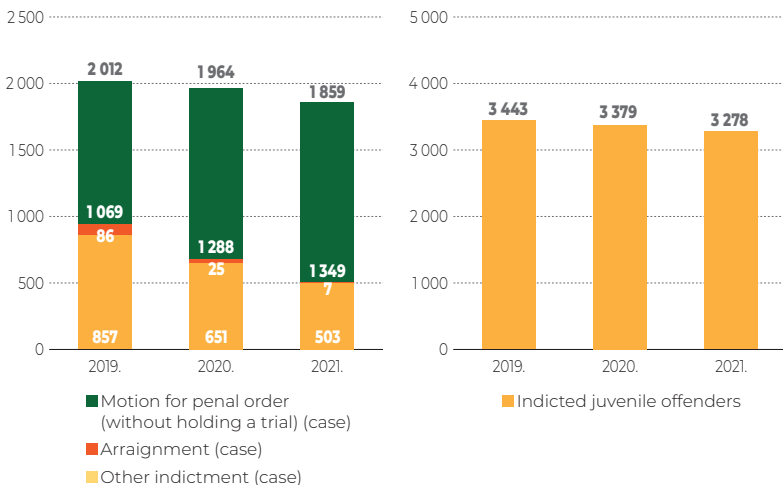
In 2021, the number of criminal offenders was 146,688, and 7,666 of them were registered as juvenile offenders over the age of fourteen.

In 2021, the number of minors registered as perpetrators of criminal offences – who could not be held criminally liable – was 1,763.

Cases closed using accelerated forms of procedure accounted for 73% of all indictments in 2021, which was an increase of 6.1% compared to 66.9% in the previous year.

The number of cases resulting in indictments and the number of indictments against juvenile offenders are shown in the following figure:

**Data on indictments against juvenile offenders in 2019–2021**

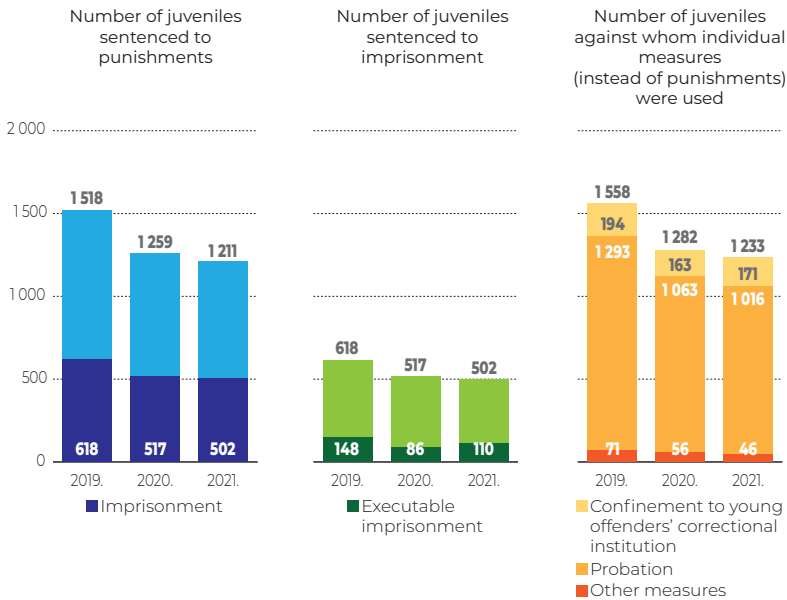


In 2021, the number of cases and defendants affected by court decisions showed a further decrease compared to the data of the previous years.

Courts brought final judgments with regard to 2,477 juvenile offenders in 1,984 cases. Courts sentenced 41.5% 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 (2021: 82.4%, 2020: 82.9%), while the proportion of juveniles sentenced to confinement in young offenders' correctional institutions slightly increased (2021: 13.9%, 2020: 12.7%). The data are shown by the following figure:

#### Main data on punishments and measures against juvenile delinquents in 2019–2021



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. In 2021, the guilty plea of 477 juvenile offenders (92.6% of the juveniles charged in indictments) was accepted by the court at preliminary sessions, and the court issued a conclusive decision against 436 (91.4%) of those juvenile defendants, 394 of which became final already at the preliminary session.

In the reporting year the Prosecution Service lodged appeals against decisions of the first instance courts with regard to 144 juvenile defendants, which led to a result in second instance procedures in the case of 54.2% of the defendants (78 juvenile defendants). Third instance procedure was conducted against 1 defendant.

The efficiency rate of indictments regarding juvenile cases was 99.2% which is similar to the data of the previous years (2020: 99.3%, 2019: 99.3%).

## **Opinions aiming at 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 2021, the Office of the Prosecutor General supported the law enforcement activities of the Prosecution Service by conducting work plan examinations and issuing guidelines regularly.

The Office of the Prosecutor General carried out a work plan examination on the “Complex analysis of the seizure and freezing of electronic money and virtual currencies, including cryptocurrencies”. According to the main findings of the examination, electronic money and virtual currencies are generally out of the sight of the investigating authority when tracing assets

deriving from crime or subject to confiscation, and prosecutorial authorities should therefore encourage the implementation of procedural acts aimed at their detection.

A work plan examination was also carried out concerning the offences of environmental damage, damage to nature and the violation of waste management regulations. In addition to the promotion of uniform application of the law, the steady increase in public awareness of the protection of the environment and nature played an important role in launching the examination.

The Office of the Prosecutor General issued a general opinion on the criteria to be applied when deciding whether to order the procedure for the seizure of assets in response to a request from the tax authorities.

A guideline was issued according to which it may be justified to inform the reported person too about the decision on the refusal of a criminal complaint, if the reported person can be considered as other interested party or as a person with a legal interest in being informed, e.g. because the person reporting the crime may be accused of committing a false accusation, or if the complaint was clearly aimed at harassing the reported person, violating or diminishing his/her rights and may be a basis for initiating a personal protection lawsuit.

A general opinion was issued on the method of examination of recordings on data media seized in criminal cases of child pornography, stating that no special expertise is required to establish the age of the children in pornographic recordings and that therefore the appointment of an expert on this issue alone is not justified.

The guidelines issued in the light of the recasting of the fact of money laundering offences provided an overview of the most important changes affecting money laundering and gave guidance on the correct interpretation of the new factual elements and legal provisions.

In the context of budget fraud, the issue of the changes in the background tax norm, as well as the concepts of causality, indirect wrongdoing, deception and “funds deriving from the budget” required clarification.

Guidance was also needed on the question of the rights of a Member of Parliament in criminal proceedings initiated as a result of a complaint made by him or her.

A resolution was adopted on the correct application of the rules on the representation of a victim lacking capacity in criminal proceedings, the scope of the rights of persons acting as their representatives, the exclusion of the legal representative from the criminal proceedings and the appointment of a guardian ad litem.

A guideline was issued on the prosecutorial procedure in criminal cases involving children. According to this, the protection of children's rights is a legal obligation for the Prosecution Service, so in all criminal cases in which proceedings are being conducted for a crime committed against a child or in which a child is involved, the Prosecution Service must immediately use all legal tools to protect the life and health of the child and to enforce the rights of the child.

A resolution dealt with the criteria for the offence of illegal use of the human body in the case of the acquisition of organs from a dead person.

Another resolution settled the issues of the interpretation of the imputability of criminal nonsupport and the assessment of own fault in relation to the offence of non-payment of support.

Among the guidelines issued in the area of traffic offences, mention should be made of the position on the interpretation of driving under the influence of alcohol by a person using an electric scooter and the assessment of driving under suspension of driving privileges.

In several cases, guidelines were issued on the remuneration of public defenders, in particular their preparation fees.

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

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

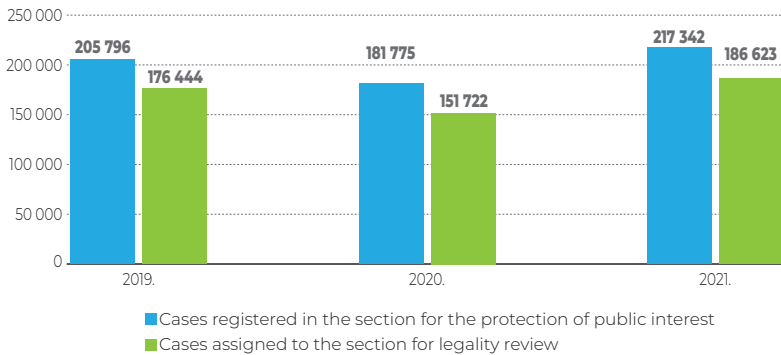
Government measures related to the human pandemic, which threatened the security of life and property, continued to have a significant impact on prosecutorial activity in 2021, but the special legal order maintained during the new waves of the pandemic had less restrictive effect on social mobility. The success of the management of the epidemic was reflected in the composition of the caseload and the renewed increase in the volume of cases, while the use of innovative work organisation methods introduced at the beginning of the epidemic allowed the increased professional tasks to be carried out to a high standard and without problems. Electronic communication with the authorities and the well-established case management process ensured a continuous flow of cases. More and more individuals submitted their requests electronically - using the client portal or by email.

In 2021, the field of the protection of public interest was not affected by any comprehensive legislative changes, but the reform of the system of public authorities and institutions in 2020, which defined the performance of public authority duties, affected the professional content of the exercise of prosecutors' power of legality review. The introduction of more flexible civil procedure rules from 1 January 2021 has also made it easier for prosecutors to initiate and litigate lawsuits.

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

The total number of registered cases in the field of the protection of public interest in 2021 increased by almost 20% compared to the previous year, exceeding the caseload of 2019, the year before the epidemic by about 6%. The following figure illustrates the evolution of 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 2019–2021**



The increase is attributable to a 23% rise in the number of legality review cases, which account for a larger share of the caseload, as the predominant volume of infringement cases in this area reflects the social impact of the pandemic. The social and legal consequences of the epidemic and the state of emergency were still being felt in 2021, some of the restrictions were still in place, but the factors that led to the drop in the number of arrivals in the first year of the epidemic no longer existed or had no significant impact.

The smaller increase of around 2% in private law cases, which make up the remainder of the caseload, is due to the fact that private law cases are less sensitive to the social impact of the pandemic and to changes in the state of emergency legislation. Private law caseload did not drop during the epidemic, mainly due to the effective prosecutorial activity in own-initiative cases, and the slight upward trend continued in 2021, as well.

In addition to the infringement cases, the growth in the number of cases resulted from an increase in the number of cases coming from the courts and the number of requests for prosecutorial action. Compared to 2020, the number of cases received from the courts increased by more than 5%, whereas the number of requests for prosecutorial action increased by 10%.

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

In 2021, at the request of the persons concerned by the procedure, prosecutors conducted the legality review of procedures and decisions of administrative authorities in 1,043 cases; the 8.3% decrease compared to 2020 does not represent a change in magnitude.

The number of construction cases increased by more than 14% in 2021, after a significant decrease in the previous year. Compared to the previous year, the number of social and health related requests increased by almost 13%, the number of requests related to land registers increased by around 18%, while the number of requests related to tax, finance and the environment remained stable. There was a decrease of about 29% in traffic administration cases, 26% in guardianship cases and 36% in custody cases. The number of other administrative requests not specifically mentioned, which account for 9% of the requests, increased by almost 7%. The number of other legality requests has decreased, but still accounts for 35% of all requests.

The number of priority measures in environmental, nature protection and animal welfare matters increased dynamically

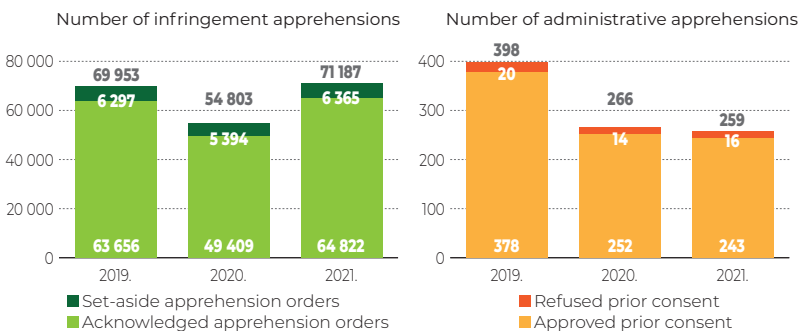


in 2021 compared to the previous year, by more than 32%. Prosecutors issued 42 signals for minor infringements (in 2020: 25) and initiated proceedings of the environmental authorities in 130 cases (by 9% more than in the previous year) in order that they exercise their duties of supervision and control. Against the unfounded decisions of administrative authorities, reminders were issued in 14 cases, out of which only one was ineffective. Due to acts that seriously endanger or damage environmental values (violation of waste management regulations, animal torture, damage to nature), prosecutors initiated 61 criminal proceedings more than doubling the number of actions in 2020.

In 2021, in the course of controlling the decisions of the consumer protection authority and acting in their capacity related to consumer protection, prosecutors issued 4 reminders and 49 signals, initiated administrative procedures in 80 cases, infringement proceedings in 17 cases and criminal proceedings in 2 cases.

The following diagram illustrates prosecutorial activities related to apprehension orders of administrative authorities in 2019–2021:

#### Number of infringement and administrative apprehensions in 2019–2021



Compared to 2020, there were around 3% fewer requests for consent filed in connection with administrative authority apprehensions. The proportion of refusals of prior consent was

higher than in the previous year; it occurred in more than 6% of the requests.

In 2020, the number of infringement apprehensions decreased significantly due to the epidemic, but in 2021, the number of apprehensions ordered exceeded the pre-epidemic indicators due to an increase of around 30%. In nearly 9% of the infringement cases examined, prosecutors decided to repeal the apprehension order in the light of the violation of the law identified as a result of the legality review.

The number of decisions on the termination of proceedings (84,567) brought by infringement authorities and police bodies conducting preliminary proceedings exceeded the number in the previous year (70,013) by 21%. Prosecutors took measures in 2.4% of the decisions on the termination of proceedings (1,997 cases) on the basis of the detected violation of the law. Around 62% of the prosecutorial measures submitted to the infringement authority were signals for minor infringements of the law, and almost 27% were reminders to remedy serious breaches of the law in the final decisions on the termination of proceedings. In approximately 11% of cases, some other procedure, typically criminal proceedings, was initiated.

The number of complaints filed in infringement cases in 2021 (1,067) increased again by almost 13% compared to the previous year, and by around 3% compared to 2019. As a result of substantiated requests for redress, prosecutors upheld the complaint in nearly a quarter of the cases. Based on the detected breaches of law prosecutors quashed the contested decisions of authorities in 255 cases, and they established the violation of law by authorities in further 5 cases.

In 2021, the number of retrials grew significantly, by 26% compared to 2020 (2021: 1,465, 2020: 1,161).

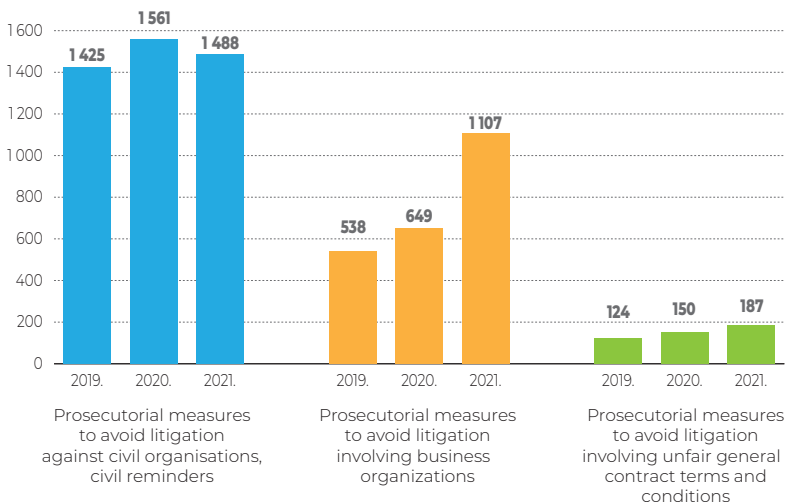
## ***Prosecutorial activities relating to integrity screenings***

In 2021, Chief Prosecution Offices assigned to exercise such competence, approved 1,172 decisions ordering integrity screenings. The amendment to the law that came into force last year significantly increased the number of protected staff and, in addition to those in the health service, all employees of state and local government budgetary bodies can now be screened. As a result, compared to the 9 criminal cases opened in 2020, the number of cases resulting in criminal charges increased to 19 in 2021, of which 9 involved the police, 5 government offices, 2-2 penitentiary and health service staff, and 1 ministry staff member, based on the investigations carried out.

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

In 2021, too, prosecutors sought to take cost-effective prosecutorial measures and issue a reminder prior to initiating judicial proceedings if the type of the breach of law allowed the opposing party to voluntarily terminate the unlawful situation or state acting on its own authority. The following diagram illustrates the number of prosecutorial measures aimed to avoid litigation in 2019–2021:

**Prosecutorial measures aimed to avoid litigation, civil reminders in 2019–2021**



The number of reminders issued to avoid litigation in cases concerning non-governmental organizations decreased by almost 5% compared to 2020, but increased by a similar amount compared to 2019. The reminders proved to be largely successful. The number of prosecutorial measures aimed to avoid litigation in cases concerning business organisations – which were also overwhelmingly successful – has been rising for years, with a significant increase of around 71% in 2021. Prosecutors often make use of reminders to avoid litigation not only in company cases, but also on the basis of their assessment of the possibility whether to initiate proceedings seeking to establish the unfairness of general contract terms and conditions. In this context, in 2021, prosecutors saw an opportunity to avoid litigation in a number of cases that was around 25% higher than that of the previous year and, by communicating their legal position, they successfully summoned the company to remedy the unfairness of the condition. In the field of the protection of the environment, prosecutors issued reminders to avoid litigation in 3 cases successfully.

The number of actions brought by prosecutors in 2021 (337) increased by almost 16% compared to the previous year and by more than 32% compared to 2019, mainly due to the increase in the number of proceedings for the quashing of unlawful decisions on the registration of changes in the data of the company register as well as environmental and nature protection proceedings.

In order to prevent violence against women and domestic violence, the Prosecution Service acts not only in the field of criminal law but also in the field of the protection of public interest, and has the unrestricted right to intervene and to file motions in civil non-litigious court proceedings for preventive restraint orders. In the recent years, the number of prosecutorial actions has been increasing. In 2021, their number was 6% higher (1,734) compared to 2019.

Compared to 2020, the number of proceedings aimed at supervising the legal operation of companies, which were initiated by prosecutors due to violations of company law provisions, was

27% lower, while the number of civil actions filed by prosecutors in company law matters was 30% higher. Overall, prosecutors' activities relating to companies shows an increasing trend, because the number of prosecutorial measures used to avoid litigation involving business organizations, the initiated proceedings aimed at supervising the legal operation of companies and the number of civil actions were by 4% higher than in 2019.

In 2021, the number of civil actions filed by prosecutors on the basis of authorization by environment and nature protection and animal protection laws, was 8% higher than in the previous year. The majority of cases where prosecutors filed such civil actions concerned matters of animal cruelty, torture or the destruction of protected animals, whereas the minority of such cases concerned damages caused to nature. Compared to 2019, the number of civil actions lodged increased to nearly 86%. In the proceedings completed, the court ruled in favour of the civil action.

In 2021, the number of lawsuits filed by prosecutors seeking the establishment of unfair general contract terms and conditions was similar to that of the previous year. Taking civil actions and pre-litigation reminders also into account, the total volume of measures to remedy unfair general contract terms and conditions rose by 24%. The vast majority of civil actions were lodged by prosecutors against real estate agencies, insurance agencies, but civil actions were filed against ticket agencies, clothes and dress hiring services as well as car trading companies not accepting reminders to avoid civil litigation.

Using their power to file actions seeking the deletion of invalid registrations from the property register, prosecutors filed 4 lawsuits in 2021 in matters where restrictions and prohibitions on land acquisition schemes were circumvented. Three of these lawsuits were filed in matters where a chain of real property exchange contracts were concluded instead of real property purchase agreements. 7 of the 14 civil litigations having been filed due to unlawful land acquisitions since 2017 ended with final court decisions where prosecutors won the cases, while 7 lawsuits were

still pending at the end of 2021. In matters with prosecutors winning the cases the court deleted the ownership of persons unlawfully acquiring property from the property register and restored the former legal situation indicated in the property register.

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

Prosecutors fully accomplished their warning duties related to endangered children and the danger of violence among family members in 2021, too. Compared to the previous year, the number of official proceedings initiated at guardianship offices to grant a child a 'protected status' increased by more than 10%, whereas the number of awareness-raising signals in restraint order cases issued against violent family members – with special regard to the affected minor aged victims – showed a growth of 6%.

In 2021, prosecutors carried out inspections not only in child protection institutions providing specialized care but also in children's homes and children's homes providing temporary accommodation for children. Priority inspections were also carried out when infringements of minors' rights came to prosecutors' notice. As a result, the number of measures taken to monitor the legal operation of child protection institutions more than doubled compared to the previous year.

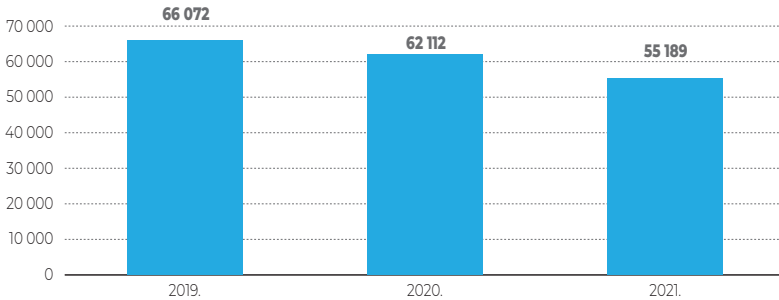
Prosecutors submitted 173 reminders in matters where decisions of authorities concerning juveniles were found to violate laws, and they submitted signals in 903 cases for minor infringements. In juvenile cases, criminal proceedings were initiated on 194 occasions.

### **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

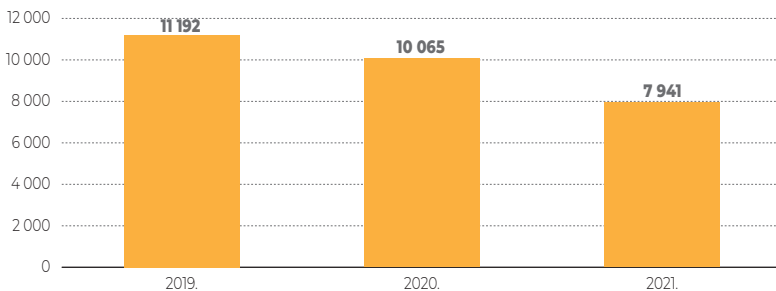
bar chart illustrates that the number of cases registered last year is 11.1% less than the number of cases registered in 2020.

**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 2019–2021**



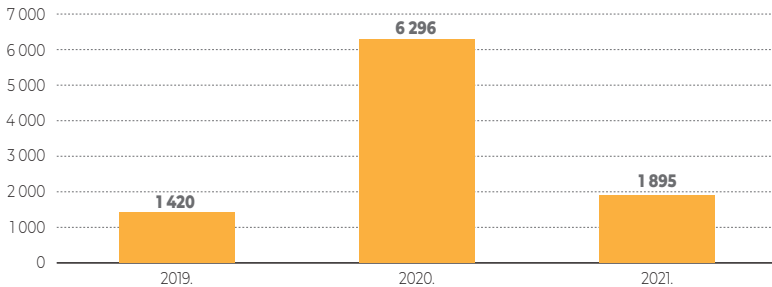
The decline experienced in 2021 compared to the previous year is basically due to the fact that in the autumn of 2020 the average occupancy rate of the Hungarian penitentiary institutions fell under 100% of their capacity, and as a result, considerably fewer compensation procedures were initiated because of prison accommodations violating fundamental human rights last year than in 2020. The following bar chart 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 2019–2021**



In this context, when analyzing the chart which illustrates changes in the number of decisions suspending penitentiary judges' proceedings, the following significant conclusions can be drawn.

**The number of decisions suspending penitentiary judges' proceedings  
in 2019–2021**



Compared to the previous year, the number of decisions suspending penitentiary judges' proceedings increased considerably (more than four times) in 2020, whereas in 2021 this number again decreased to a great extent. Compensation procedures thus considerably raised the number of registered cases in 2020, but they affected the number of decisions passed by penitentiary judges in matters of compensation claims only in 2021.

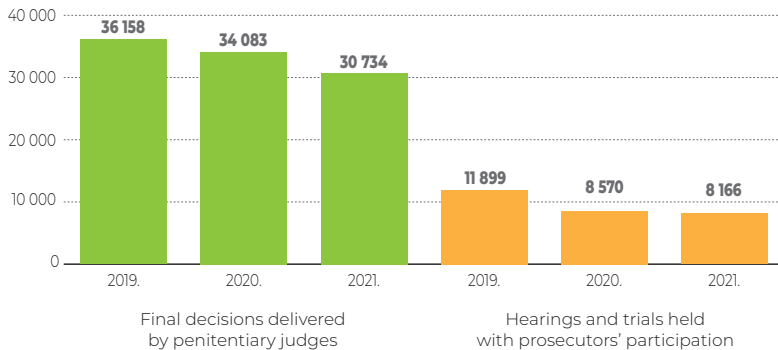
Contrary to the number of registered cases, there is still an increasing tendency in the number of complaints, requests and reports received by prosecutors. On the other hand, there is a slight decrease in the proportion of the sustaining decisions by prosecutors (2021: 7.4%, 2020: 8.6%, 2019: 9.5%), which indicates a moderate but favourable tendency.

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 2019–2021**



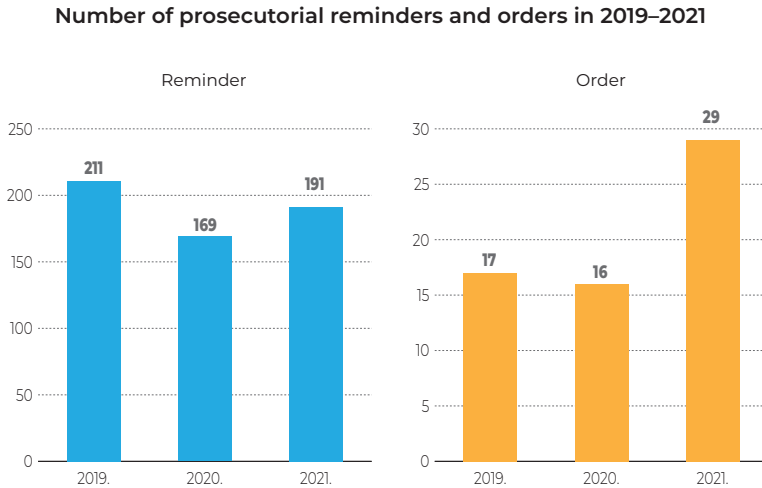
The decrease in the number of final court decisions passed in penitentiary judges' proceedings in 2020 can be evaluated as an effect of the coronavirus pandemic, while the reason for the further 9.8% decline in 2021 can be attributed to the decrease in the number of compensation procedures due to prison accommodation conditions violating fundamental rights.

The decline in the number of trials and hearings held with prosecutors' participation in 2021 is not significant, and it corresponds to the decrease in the number of decisions passed by penitentiary judges.

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 2021 minor health protection restrictions of

shorter duration were necessary, which resulted in the increase in the number of monitoring performed.

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



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 2021 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.

The lawful accommodation of detainees caused serious problems to the penitentiary institutions earlier. As a result of a programme aimed at expanding the accommodation capacity of the penitentiaries, in 2021 there were only exceptional cases where the living space did not comply with relevant provisions of law. On the other hand, even in spite of the elimination of overcrowdedness it was not always possible to fully comply with the segregation rules.

Within the framework of legality supervision exercised over the National Prison Service Headquarters, the Office of the Prosecutor General took several measures to facilitate the legal operation of the prison service in 2021, too. Thus, for example, it was found in connection with a detainee's complaint that the unit prices for products that could be purchased online from a website operated by the prison service were not displayed. Upon the Prosecution Service's initiation corrective actions for the deficiencies were taken.

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 2021, although this impact was smaller compared to 2020. It remained mandatory to wear certain protective equipment (face masks, rubber gloves) during the supervision activities in penitentiary facilities. Among the health protection measures introduced in this field, in addition to the restrictions on the conduct of legality supervision already mentioned, it is important to highlight the suspension of ex officio interviews of detainees and the use of telecommunications equipment and the so-called "Plexiglass interview room" during the interviews of detainees.

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

### **Activity related to Parliament**

In 2021, the Prosecutor General continued to fulfil exhaustively his constitutional obligations towards the Parliament, both verbally and in writing.

In the reporting year, the Members of Parliament addressed to the Prosecutor General 127 questions requiring written responses, one instantaneous question and one question requiring a verbal response.

The Prosecutor General's report on the activities of the Prosecution Service in 2020 was accepted on the plenary session of the Parliament on 14<sup>th</sup> December 2021.

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

In 2021, in order to ensure final judgements' compliance with the law, the Prosecutor General sought legal remedies at the Curia in 7 cases. In each case, the Curia's decision agreed with the arguments presented by the Prosecutor General in the motion for legal remedy.

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 2021 such motions were filed in 17 criminal cases concerning 48 persons. 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 2021 no issues arose that would have given justification for the Prosecutor General to exercise that power exclusively in the

criminal law field. The Curia only decided a motion for uniformity decision that was filed by another eligible applicant.

In 2021, the Prosecutor General filed a motion for uniformity decision in an issue which also concerned the field outside the criminal law, regarding the interpretation of the provisions applicable for the enforceability of interest claims in civil court and the interpretation of the rules of the Decree applicable for seizure under Section 89 (1) and (2) of Joint Decree No. 11/2003. (V. 8.) IM–BM–PM of the Ministry of Justice, the Ministry of Interior and the Ministry of Finance on the rules of management, registration, preliminary sale and destruction of property seized in the course of criminal proceedings and the execution of confiscation orders.

In the reporting year, the Prosecutor General made a written statement in relation to the field outside criminal law in 16, while in relation to the field of supervision of enforcement of punishments in one uniformity proceedings.

In 2021, in order to initiate a criminal proceeding, the Prosecutor General requested the waiver of the immunity of one Member of Parliament. As a result of the request, the Parliament waived the MP's immunity.

The Prosecutor General requested the waiver of two judges, and the requests led to results in both cases. In 2021 the Prosecutor General waived the immunity of three prosecutors. The Prosecutor General did not request the waiver of immunity of any foreign diplomats in 2021.

Last year 3 infringement cases were opened against persons enjoying immunity. All the 3 Members of Parliament concerned voluntarily waived their immunity.

Due to the special legal order, the number of draft legislations sent to the Prosecution Service for issuing an opinion decreased in the reporting year, compared to the previous years. The Prosecutor General and, within their delegated power, the head prosecutors

of the Prosecution Service made observations on about one third of the nearly fifty draft legislations sent.

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 activities of the Prosecution Service, as well as the cooperation of the branches of prosecutorial activities. In 2021, 15 orders and one circular were issued by the Prosecutor General.

## **The Prosecutor General's international activity**

The Prosecutor General's international activities in 2021 were significantly shaped and influenced by the international pandemic situation caused by the coronavirus. Therefore, instead of events with personal attendance and participation, online forms of participation were preferred. Overall, the minor part of the high-level international conferences and programs having been planned for 2020 was held online in the reporting year.

Following consultative meetings that commenced in 2020, the Prosecutor General of Hungary and the European Chief Prosecutor signed a working arrangement between the two prosecution offices in April.

In 2021, the meeting of the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union was organized online, led by prosecutors general of the 4 countries holding the rotating EU Presidency in 2020 and 2021. At the sessions of the Forum meeting, Prosecutor General Dr. Péter Polt elaborated the Hungarian opinions and professional experience in his comments.

In October, the Prosecutor General participated in a webinar presenting a regional research organized by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), which

was dedicated to the topic of the independence of prosecutors in Central Europe.

The Council of Europe's Consultative Council of European Prosecutors (CCPE) held its 16<sup>th</sup> annual plenary meeting online in November. Similarly to the previous years, the Prosecutor General of Hungary – being a Member of the CCPE – also attended the plenary meeting, and he was elected to be a member of the 2022 Working Group of CCPE.

As Honorary President of the European Criminal Law Research Centre of the Shanghai Academy of Social Sciences, Law Institute, the Prosecutor General delivered an online opening lecture at the 8<sup>th</sup> Sino-European International Forum organised by the Academy in Shanghai in November.

During the bilateral online conference held in December upon the initiation by the Prosecutor General of the Supreme People's Procuracy of the Socialist Republic of Viet Nam, the Prosecutor General of Hungary and the Prosecutor General of Viet Nam both praised the bilateral relations between their prosecution services, and afterwards presentations were held on the structure of the Prosecution Service of Hungary and its role in the criminal justice system.

In 2021 the Prosecution Service of Hungary celebrated the 150<sup>th</sup> anniversary of its foundation, the occasion when Act XXXIII of 1871 on the Crown Prosecution Service was promulgated in both houses of the Parliament on 10<sup>th</sup> June 1871. The Prosecutor General of Hungary hosted two international events on this occasion.

On 10<sup>th</sup> June, the Office of the Prosecutor General of Hungary hosted the 9<sup>th</sup> meeting of the Prosecutors General of the Visegrad Four Group (V4), which the Prosecutor General of Austria was also invited to and attended as a guest.

The Prosecution Service of Hungary commemorated the 150<sup>th</sup> anniversary of its foundation by organizing a jubilee conference,

which the Prosecutors General of the Visegrad Four Group, the Prosecutor General of Austria and the President of Eurojust also took part in. The jubilee conference was opened by the President of Hungary.

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

### **International relations**

The international activities of the Prosecution Service in 2021 were also significantly shaped and influenced by the coronavirus pandemic.

During the reporting period, the working meetings planned in the framework of cross-border cooperation with personal participation did not take place. All of them were postponed for an indefinite period of time.

In 2021 most of the training programs were also organized and funded by the European Judicial Training Network (EJTN), which the Office of the Prosecutor General has been a member of since 2004.

Within the framework of the EJTN's long-term exchange program, a prosecutor spent four months at Eurojust in The Hague.

The EJTN organized online seminars for prosecutors in the following topics: cybercrimes, victims of terrorism, economic crimes, protection of the financial interests of the EU, European Investigation Order, artificial intelligence and justice. The seminar



on antisemitism and hate crimes was held as an in-person seminar.

The above mentioned programs were complemented with legal language courses, study trips to EU institutions and webinars. Their number probably reached several dozens.

The European Union Agency for Law Enforcement Training (CEPOL) organized seminars titled “Setting up joint investigation teams” and “Investigations relating to the facilitation of illegal migration”, which participants – from Hungary one prosecutor in each seminar – attended in person.

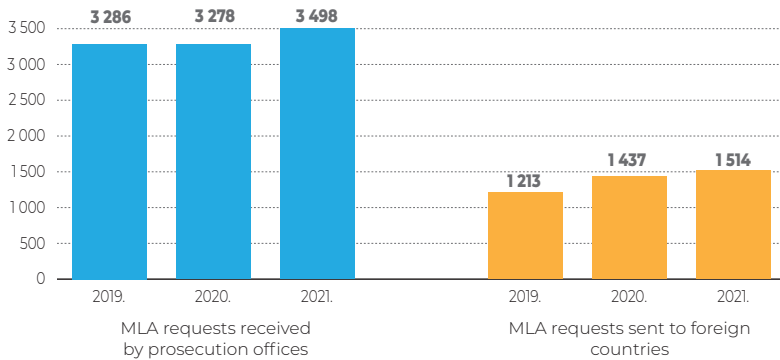
The training course titled “The best practices for the detection, investigation and prosecution of terrorist financing”, organized by the National Tax and Customs Administration of Hungary within the framework of the Internal Security Fund Programme, was also attended by participants in person, and three Hungarian prosecutors took part in it.

Ten people from each country (5 prosecutors and 5 judges from Hungary) participated in the three-day-long event titled “Judicial training of the V4 countries on the topic of cybercrimes, corruption and money laundering”, where the working language of the training was English.

## **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 2019–2021



The Office of the Prosecutor General is the central judicial authority to handle mutual legal assistance matters. In 2021, it decided to forward legal assistance requests to non-EU countries in 72 cases, while it received 545 requests for legal assistance from foreign judicial authorities.

Although from 1st May 2018, however, direct cooperation with judicial authorities of most of the Member States of the Council of Europe has also become 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 99 cases, while criminal proceedings were transferred in 50 cases to foreign authorities.

The number of perpetrators of registered crimes who were foreign nationals was 5,336 in 2020. In 2020, the number of foreign national victims of registered crimes was 2,132. Once more, most

of the crimes committed in Hungary against foreign national victims were property crimes.

From 2020, mainly due to travel restrictions imposed in view of the epidemiological situation, the number of cases seeking legal assistance in minor offence cases decreased significantly (2021:1,429, 2020:2,105).

The vast majority of the cases seeking legal assistance in minor offence cases were received from foreign judicial authorities. Hungarian judicial authorities requested legal assistance ongoing minor offence matters from foreign authorities in 40 cases.

### **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 seat of Eurojust by the Eurojust National Member for Hungary, who holds the position of a deputy head of department as a prosecutor. A seconded national expert rotating every 6 month supports the activity of the Eurojust National Member for Hungary.

In 2021, Eurojust handled altogether 10,105 ongoing cases. The number of judicial requests newly registered by the College was 4,808, which shows an increase of 14.5% compared to the previous year (2020:4,200).

Out of the high number of domestic cases received, there were registered 267 Hungarian cases – 15.6% more than the previous year – by the Eurojust College that is 5.6% of the 4,808 new cases. With this, Hungary is the 3<sup>rd</sup> member state that opens the most cases.

Out of the 189 requests received from foreign countries and seeking Hungary's cooperation, the number of officially registered cases is 146 (2020:130), which was by 29.5% higher than in the

previous year. In this way, Hungary is ranked as the 12<sup>th</sup> country in the list of Member States receiving the highest number of requests.

Serious and organized crimes involving several Member States, especially in cases requiring coordination due to conflicts of jurisdiction a total of 62 mandatory reports from domestic prosecutors were received by Eurojust according to Article 21 of the Eurojust Regulation. With this, Hungary continues to lead the fulfilment of the reporting obligation arising from EU regulations.

In the reporting year, Eurojust organised 457 (2020:371) bilateral or multilateral coordination meetings, Hungarian prosecutors and detectives attended 18 of these meetings. Due to travel restrictions they were held via videoconference. In addition, we also participated in the coordination centres managing the planned joint action days on 5 occasions.

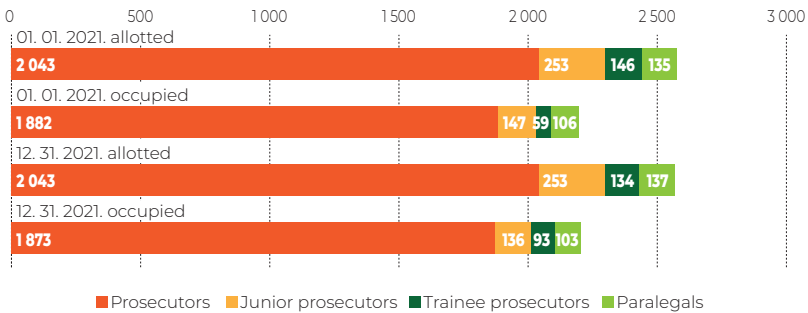
One of Eurojust's core tasks is to support Joint Investigation Teams (JITs), facilitate the involvement of third states cover cooperation and individual criminal costs based on tenders. Of the 254 joint investigative teams supported by Eurojust, there were 72 newly established, of which 4 were established with Hungarian participation (in addition to the 13 already in operation established with Hungarian participation).

## **6. Personnel of the Prosecution Service**

### **Personnel situation**

On 1st January 2021, there were 4,764 job positions allotted (allowed) by the Prosecutor General to the Prosecution Service, which changed to 4,765.25 by the end of the year. Last year the number of positions for prosecutors, junior and trainee prosecutors and paralegals changed as follows:

### The allotted and occupied job positions for prosecutors, junior and trainee prosecutors and paralegals in 2021



Out of the number of allotted prosecutor positions the number of prosecutor positions divided among the various structural units of the Prosecution Service minimally increased, from 2,014 to 2,016, until the end of the year compared to the situation on 1 January 2021. At the end of 2021, the number of centrally reserved, non-allotted prosecutor positions was 27.

At the end of 2021, there were 143 vacant prosecutor positions divided among the organizational units.

In 2021, 40 prosecutors, 24 junior prosecutors and 49 trainee prosecutors were appointed (in 2020, 31 prosecutors, 7 junior prosecutors and 1 trainee prosecutor were appointed).

In 2021, disciplinary proceedings were started on 22 occasions, which, compared to the total staff number – more than 4,300 persons – of the Prosecution Service cannot be considered significant.

### Continuous training of employees of the Prosecution Service

The training events of the reported year were determined by the fact that the year 2021 was the 150<sup>th</sup> jubilee year of the existence

of the Prosecution Service, a festive year in the middle of a pandemic. In the scientific competition launched in memory of Sándor Kozma, we included 41 topics related to the jubilee and history of the Prosecution Service under a separate theme. We announced the XXXI. professional scientific conference with title “Prosecution Service of Hungary 1871-2021”, and in view of the online implementation, it took place for five days. The lectures on historical topics were discussed in a separate law history section.

For trainee prosecutors 1 five-day-long, 1 four-day-long 3 three-day-long and 1 one-day long trainings whereas for junior prosecutors 1 four-day-long training were educated held online in the Hungarian Training Centre for Prosecutors.

19 centrally organized trainings were offered for prosecutors and 5 for prosecutorial officials and clerks.

The training targeting head prosecutors in senior positions were also held online at the consultation meeting organized for deputy chief prosecutors heading the criminal law and noncriminal law branches. One- and two-day-long centrally organized courses and practical trainings were attended, inter alia, by 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 court at first instance, prosecutors working in the field of the protection of public interest, prosecutors directing IT field, prosecutors handling traffic offence cases and spokespersons.

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 were held.

As to the prosecutors’ Network dealing with cybercrime cases, the prosecutors delegated as members to the Network from each

chief prosecution office attended a two-day-long training and IT staff members a one-day-long training.

Depending on the financial possibilities of the organization, we continued to support postgraduate studies and professional foreign language training. New study contracts were concluded with 14 prosecutorial employees including 13 prosecutors, 1 prosecutorial officials, who obliged themselves to pursue studies.

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

In 2021, the communication activity of the Prosecution Service also showed outstanding achievements.

The comprehensive renewal of press work that began in 2020 was completed last January with the launch of the English-language website and Twitter page.

Last year altogether 13,723 press statements, interviews, press releases and proactive information were made and issued by the structural units of the Prosecution Service, which shows a 31.6% increase compared to the previous year. This also means, that last year the Prosecution Service excelled in its communication activity, as such data indicate the best spokesperson activity ever measured.

Last year, the Office of the Prosecutor General was filming a number of legal educational video series, the purpose of which was to explain the legal institutions and terms that occur most often in practice, and to present the Prosecution Service's, prosecutor's work and prosecutor's duties in a diverse way.

In 2021, a priority task was to present the events of the jubilee year related to the 150<sup>th</sup> anniversary of the existence of the

Prosecution Service. As part of this, on the social media platforms and on the website of the Prosecution Service, it was possible to view the speeches given at the online ceremony and the international conference, the festive volume, the virtual exhibition, the production of commemorative coins and the prize winners of the Sándor Kozma Science Competition.

In 2021, the number of page downloads on the website of the Prosecution Service exceeded 11 million, the number of followers on the organization's Facebook page exceeded five thousand, and the page generated 586,891 hits.

Our YouTube channel reached 3 million views last year.

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 local media.

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

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

During the pandemic in 2021, the continuous, fast and reliable exchange of information became highly valued, and IT support played a key role in work processes of the Prosecution Service. Due to the implemented IT developments, all prosecutors have laptop, so they can access the IT network of the Prosecution Service and its services in the courtroom, at outside locations or even at home.

As workstations, we provide devices that support work in the offices of the Prosecution Service by using existing monitors and other peripherals, while activities outside the office are supported by their mobility - subject to appropriate security measures. We have expanded the Prosecution Video Conferencing System (ÜVKR), which serves the internal and partner-organization consultations of the Prosecution Service even more effectively,



procedural acts carried out via telecommunications devices, and makes online trainings of the Prosecution Service more effective.

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 Limited by Shares (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 a result of the tests and preparatory work carried out in 2021, we started the consolidation of the district prosecution office's servers.

In 2021, all prosecution organizational units had the opportunity to query the registration systems operated by the Ministry of the Interior, the National Command of the Execution of Punishments, the Ministry of Justice, the National Police Headquarters and IdomSoft Informatikai Zrt, and had also opportunity to handle recordings made during criminal proceedings and stored in the Central Media Library, to use of the Central Criminal Record System, the ePostbook, and to access the second generation of the Schengen Information System (SIS II).

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 administration and trust services, the procedural and other relevant laws.

In 2021, the rate of cases (document files) received – through the eÜR – by the Prosecution Service was 7.3% higher (2021: 1,749,942, 2020: 1,630,885; 2019: 1,538,415), and the rate of document files

sent to partner authorities was 10.3% higher (2021: 1,167,978, 2020: 1,058,493, 2019: 998,413) compared to last year.

In 2021, the Prosecution Service started using the Central Criminal Record System (KBR), which was built by the National Tax and Customs Administration with the cooperation of the relevant bodies, for the registration of things seized during criminal proceedings.

The joint IT working group set up by the Office of the Prosecutor General and the National Office of the Judiciary to coordinate IT developments in the Prosecution Service and the Judiciary continued to act as a consultative forum in 2021, taking into account the common and mutual tasks of the two organizations as well. This facilitated the joint management of the challenges posed by the coronavirus pandemic to a great extent. Based on the cooperation agreement signed by the heads of the two organizations, the Prosecution Service has started to use the electronic case management system („e-Akta”) of the courts, which ensures accession to the online Clients’ File Access System of the courts.

In 2021, the Prosecution Service was also a key participant in the national electronic archives project of the Hungarian National Archives, and it continuously provided data from its database which processes case management data of the prosecutorial activity of the field of criminal law.

As far as the international cooperation of the Prosecution Service is concerned, 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 2021, too.

In 2021, the Prosecution Service also performed the duty of providing public interest data electronically, as defined by law. In addition to the requirements set forth in the context of the freedom of information, publications by consolidated notice,

information and statistical data – which, as experience shows, the public may be most interested in – were regularly published on the official website of the Prosecution Service.

## **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.

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 collects statistical data within the framework of the Government's national statistical data collecting programme.

The Prosecution Service is actively involved in the generation and development of statistical data. 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 groups.

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.

In 2021, it finished the 6<sup>th</sup> publication of the European Sourcebook of Crime and Criminal Justice Statistics project in which data collection relating to Hungary was coordinated by the Office of the Prosecutor General and transmitted national data regarding the activities of the police, the prosecution service, the judiciary and the penitentiary system.

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

In 2020, the necessary financial resources were also available within the budgetary chapter of the Prosecution Service. In the financial management, special emphasis was laid on ensuring the daily operation, and special attention was given to increase the number of available IT devices, to cover the increasing operational costs due to the territorial growth and modern infrastructure of the newly occupied buildings.

Last year the appropriations allocated for the performance of professional duties of the Prosecution Service increased by 7,448.3 million HUF due to the settlement of prosecutor's salary.

Due to changes in appropriations, adjusted expenditure appropriation rose by 8.1% in the reporting year.

Personnel-related expenditures and contributions relating thereto made up 87.6%, developments 4% and operational costs 8.4% of the used appropriations.

The sum used for personal allowances (42,850.4 million HUF) guaranteed that payments prosecutorial employees as individuals are entitled to and are provided for by PECA as well as payments falling under the category of external personnel allowance would be sufficiently covered.

4,744.1 million HUF was spent on non-personnel expenditures, which was by 503,9 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 for development expenses, but compared to the previous year, we made HUF 132,9 million more VAT payments for investments subject to the presently valid VAT.

51.1% of the non-personnel expenditures was spent on service expenses (rental fees, costs of maintenance and repair etc.), 10.5% on the acquisition of professional and operational materials, 16.5% on the operation of the national computer network of the Prosecution Service, 0.1% on official trips to foreign countries, 0.9% on other non-personnel expenses, and 20.9% on VAT-related expenses and payments.

In 2021, 2,799.6 million HUF was available to cover cumulative expenses in the budgetary chapter, which, due to in-year changes in appropriations – mainly due to the budgetary balance of the previous year – and due to the financial scheduling of several-year-long investments changed to 5,076.7 million HUF.

In 2021, 102,7 million HUF was loaned interest-free by the Prosecution Service as employer to employees for home purchase purposes. Altogether 36 persons were given such loans, on average, 2,5 million HUF.

As far as changes in assets are concerned the net value of real estates and relating property rights decreased by 22,1 million HUF, the net value of machines, equipment, accessories and vehicles decreased by 49,6 million HUF. The balance sheet value of intangible assets increased by 36,1 million HUF, and the value of incomplete investments increased by 196,9 million HUF.

In 2021, the Office of the Prosecutor General took the same 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. Every superior leader of the Prosecution Service has a scientific degree. In the reporting year 30 prosecutors, junior prosecutors and 15 other prosecutorial employees had academic titles: 5 of them obtained a habilitation degree, and 2 persons were members of the Hungarian Academy of Sciences. 48 prosecutors, junior prosecutors and trainee prosecutors as well as non-prosecutor employees are Ph.D. students at various universities. Close to 100 prosecutors, non-prosecutor employees 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 a 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 2021, 37 research programs were carried out. Researchers of the National Institute of Criminology authored 74 publications, out of which 10 were published in foreign languages. They held altogether 74 lectures and presentations at various conferences and other professional events, out of which 12 were delivered in foreign languages.