



EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: Republic of Hungary

Contact Name: dr. Vajdovits Éva

I. General information

1. Number of inhabitants

Number: **10. 142. 000 inhabitants**
Source: *National Statistics Office*

Year of reference: **1 th of Jan. 2003.**

2. Total annual State/regional public budget

Budget: **8588 billion -HUF**

Year of reference: **Jan.-Dec. 2002**

Source: *National Statistics Office*

3. Average gross annual salary

Salary: **122.453 -HUF**

Year of reference: **1 th of Jan. 2003.**

Source: *National Statistics Office*

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: **No data**
Source:

Year:

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: **No data**
Source:

Year:

- annual public budget spent on legal aid in other court cases

Annual budget: **No data** Year:
Source:

6. Total number of legal aid cases (in a year)

Number of cases: **No data** Year:
Source:

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: **No data** Year:
Source:

- the total number of legal aid cases in other court cases (in a year)

Number of cases: **No data** Year:
Source:

comments: **it's no punctual data for the annual public budget on legal aid in judicial procedures. The new system of legal aid (not for court cases) has operated since April of 2003.**

8. Does your country have an income and asset test for granting legal aid?

Yes/No: **Y**

9. If yes, what is the maximum income level for granting legal aid?

Income level: **in civil cases: minimum retirement salary (22.000 forint)**

in criminal cases: minimum retirement salary (22.000 forint)

but: standalone: double of minimum retirement salary (44.000 forint)

Year: **2003**

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes/No: **Yes**

If yes, is the decision taken by: - **the court**

- a body external to the court

(please indicate the right answer)

- a mixed decision-making body (court and external)

- other:

What factors are taken into account?

Factors: **Code of Civil Procedure (Act III of 1952) 85. § (3),
except in business registration**

- **in notarial procedure**

- **in preliminary verification**

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes/No/Otherwise: **Yes (but there are exceptions according the tax legislation)**

If yes, is this true for: - criminal cases? Yes/No **No**
 - other than criminal cases? Yes/No **Yes**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes/No/Otherwise: **Yes**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes/No/Otherwise: **Yes**

If yes, is this true for: - criminal cases? Yes/No **Yes**
 - other than criminal cases? Yes/No **Yes**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes/No **No**
 - the State? Yes/No **No**

If yes, please indicate the references of these studies published in the year 2002 or 2003:

(Author/instance)	(Title)	(Type of courts or costs reported on):
.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of Justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes/No
internet address:

- to the case-law of the higher court/s? Yes/No
internet address: **www.birosag.hu, www.lb.hu**

- to other documents (for examples legal forms)? Yes/No
internet address:

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes/No **Yes**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes/No **Yes**

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes/No **Yes**

Comments

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes/No **Yes**

If yes, are these surveys

- at national level Yes/No **Yes**

- at court level Yes/No **No**

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes/No

Please specify:

- at court level/internal procedure Yes/No

- at court level/external procedure Yes/No

- at national level/internal procedure Yes/No

- at national level/external procedure Yes/No

Comments:

21. As a general rule, do the institutions which receive such complaint have an obligation to respond and/or to deal with the complaint within a certain time limit?

-time limit to respond: Yes/No

-time limit for dealing with the complaint: Yes/No

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: **155**

23. Number of general jurisdiction first instance courts

Number of courts: **111**

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)

(number of courts)

Labour Courts

20

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: **2757** fte

Year: **2004**

Source: **Office of the National Council of Justice of Hungary**

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: **5921**

Year: **2004**

Source: **Office of the National Council of Justice of Hungary**

Please give details:

27. Number of non-judge administrative staff who are working in courts

(present the information in full time equivalent and for permanent posts)

Number of staff: **7557** fte

Year: **2003**

Source: **Office of the National Council of Justice of Hungary**

28. Annual budget allocated to all courts

Annual budget: **69.141.000.000,- HUF**

Year: **2004**

Source: **Office of the National Council of Justice of Hungary**

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: **2.464.400.000,- HUF**

Year: **2004**

Source: **Office of the National Council of Justice of Hungary**

30. Has the budget for justice increased during the last 5 years? Yes/No **Yes**
What are the figures?

Budget **31.403.800.000,- HUF**

Year: **1999**

Budget **69.141.000.000,- HUF**

Year: **2004**

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes/No
- the Government Yes/No
- the Parliament Yes/No
- the Judicial Council **Yes, and the Parliament adopts it.**
- the Courts Yes/No
- other:

32. Who manages the budget of the courts?

- the President of the Court **Yes**
- the person administratively responsible for the court Yes/No
- other: **The National Council of Justice is responsible for the allocation of the budget of the justice between the courts.**

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: **the court** / public prosecutor / lawyer / other:
- in other than criminal cases: **the court** / public prosecutor / lawyer / other:

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: **678 332; 106 688** Year: **2003**
Source: **Prosecutorial Statistical Guide**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **18 377 (including cases dropped in the course of the criminal investigation)**
Year: **2003**
Source: **Prosecutorial Statistical Guide**

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: **617** Year: **2003**
Source: **Unified Criminal Statistics of the Police and the Prosecution Service**

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: **10 855** Year: **2003**
Source: **Unified Criminal Statistics of the Police and the Prosecution Service**

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: **105 406**

Year: **2003**

Source: **Prosecutorial Statistical Guide**

Number of cases: **93854**

Year: **2003**

Source: **Office of the National Council of Justice of Hungary**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: **No data**

Year:

Source: **Office of the National Council of Justice of Hungary**

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: **No data**

Year:

Source: **Office of the National Council of Justice of Hungary**

Please indicate, if possible:

Number of convicted persons: **1138** % of convicted persons: **no data**

Number of acquitted persons: **no data** % of acquitted persons: **no data**

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: **No data**

Year:

Source: **Office of the National Council of Justice of Hungary**

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: **No data**

Year:

Source: **Office of the National Council of Justice of Hungary**

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: **No data**

Year:

Source: **Office of the National Council of Justice of Hungary**

Please indicate also if possible:

Number of convicted persons: **187** % of convicted persons: **no data**

Number of acquitted persons: **no data** % of acquitted persons: **no data**

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: **No data** Year:
Source: **Office of the National Council of Justice of Hungary**

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: **533585** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: **527666** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: **8,3%** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **35453** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: **36722** Year: **2003**
Source : **Office of the National Council of Justice of Hungary**

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **4,1%** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: **32910** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: **29655** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: **10,9%**

Year:

Source: **Office of the National Council of Justice of Hungary**

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: **1.700.000.000,- HUF**

Year: **2004**

Source: **Office of the National Council of Justice**

54. In general, do the courts in your country have computer facilities?

- for judges Yes/No **Yes**

- for non-judges court staff Yes/No **Yes**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes/No **Yes**

If yes, please specify the name and the address of this institution

(Name) **Mrs. István Kocsis** Head of section, Office of the National Council of Justice of Hungary

(Address) **H-1055 Budapest, Szalay u. 16.**

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes/No **Y**

- Mail Yes/No **Y**

- Fax Yes/No **Y**

- E-mail Yes/No

- Internet Yes/No **Y**

57. Is there an electronic form to carry out certain procedural steps? Yes/No **No**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: **50%**

Year: **2003**

Source: **Office of the National Council of Justice of Hungary**

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes/No **Y**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes/No **Y**

61. Are reasons given for all prison sentences? Yes/No **Y**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgement

Average length: **No data** days: Year:
Source: **Office of the National Council of Justice of Hungary**

68. Do you, on a regular basis, measure the size of backlog cases in the courts?
Yes/No **Y**

69. Do you have a way of analysing queuing time during court procedures?
Yes/No **Y**

If yes, please specify: **The Office of the National Council of Justice analyses the queuing time on the basis of the statistical data of the courts to measure the backlog of the cases. According to the analysis 87% of the cases are finished in one year in first instance.**

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary: **4.353.000,- HUF** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary: **8.508.000,- HUF** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes/No

If yes, please specify: **Judges can work as university professors but they cannot combine their work with other professions like arbitrator or consultant.**

73. Are judges recruited and nominated by an independent institution? Yes/No **Yes**

(if yes), who are represented in this institution:

- the members of the judiciary Yes/No **Y**
- officials not part of the judiciary Yes/No
- a mixture of the two categories referred to above Yes/No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes/No **Y**

74. Is there a system of induction I and continuation training for judges?

No / **Yes, but not compulsory** / Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: **109,8%** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

75. Is there a system of supervision and control on the courts - other than through appeal? Yes/No **No**

If yes, please specify:

76. Is there in your country a system of temporary judges? Yes/No **No**
If yes, are these temporary judges paid on the basis of their activity? Yes/No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges
Number of proceedings: **26** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

78. Annual number of sanctions against judges

Number of sanctions: **11** Year: **2003**
Source: **Office of the National Council of Justice of Hungary**

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: **27 318 800 000 HUF** Year: **2004**
Source: **Budgetary Act (Act CXVI of 2003)**

80. Number of professional public prosecutors (in full time equivalent)

Number of proceedings: **1401** Year: **2003**
Source: **Personnel Statistics of the Prosecution Service**

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary: **4 352 920 HUF** Year: **2003**
Source: **Act LXXX of 1994 on the status of public prosecutors and the handling of prosecutorial data**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary: **6 301 520 HUF** Year: **2003**
Source: **Act LXXX of 1994 on the status of status of public prosecutors and the handling of prosecutorial data**

83. Can public prosecutors combine their work with other professions? Yes/No

If yes, please specify: **No, with the exception of scientific, tutorial, educational, artistic activities and those of under the protection of copyright.**

84. Are public prosecutors recruited and nominated by an independent institution?

Yes/No **No**

(If yes), who are represented in this institution:

- the public prosecutors? Yes/No **Yes**

- other stakeholders outside? Yes/No

- a mixture of the two categories referred to above? Yes/No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes/No

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory / **Yes, compulsory**

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: **75 %**

Year: **2003**

Source: **Report on the human management and training activities of the Prosecution Service (2003)**

86. Is there a system of supervision and control on public prosecutors? Yes/No

If yes, please specify: **Yes, in the form of professional control exercised by the Attorney General (GB), Chief Prosecutor, (US) and in the form of regular evaluation of the prosecutors' work.**

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **7**

Year: **2003**

Source: **Report on disciplinary procedures (2003)**

88. Annual number of sanctions against public prosecutors

Number of sanctions: **3**

Year: **2003**

Source: **Report on disciplinary procedures (2003)**

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **8.500**

Year: **2003**

Source: **Records of Hungarian Bar Association**

90. Is there a national bar association? Yes/No **Y**

91. Have quality standards been formulated for lawyers? Yes/No **Y**

It is regulated by the Code of Conduct.

If yes, who is responsible for formulating these quality standards?

- the bar association Yes/No **Y**

- the legislator Yes/No **Y**

- other Yes/No

92. Can disciplinary proceedings be instituted against lawyers? Yes/No **Y**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **402**.

Year: **2003**

Source: **Records of the Hungarian Bar Association.**

94. Annual number of sanctions against lawyers

Number of sanctions: **320**

Year: **2003**

Source: **Data of Hungarian Bar Associations**

95. Is it possible to complain about performance of lawyers? Yes/No **Y**

If yes, please specify: **In case of violation of norms stipulated in the Code of Conduct, mainly in case of intentional or negligent behaviour committed in the course of exercising the profession, disciplinary proceeding will be initiated against the lawyer, on the basis of the complaints of the client.**

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: **3-12 thousand HUF**

Year: **2002**

Source: **7/2002 Decree of the Ministry of Justice**

IX. Mediators and mediation proceedings

Comments: **The law came into force in 2003 and criminal cases do not come under the ruling of this law. (Act LV of 2002)**

Mediators began to work in July, 2003, consequently, the provided data set is valid for the second part of last year.

97. Number of accredited or registered mediators

Number of mediators: **817**

Year: **2004**

Source: **Ministry of Justice**

98. How much public budget is devoted to mediation?

Amount: **20 million Ft** Year: **2003**
Source: **Ministry of Justice**

99. Number of incoming mediation cases (in a year)

Number of cases: **11** Year: **2003**
Source: **Ministry of Justice**

100. Number of cases solved through mediation (in a year)

Number of cases: **9** Year: **2003**
Source: **Ministry of Justice**

If possible, please specify:

- number of criminal cases solved through mediation:
- number of cases other than criminal solved through mediation: **9**

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes/No **No**
- in other than criminal cases? Yes/No **Yes**

Year: **2003** Source: **Ministry of Justice**

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
county court bailiff	51	2003	Ministry of Justice
Hungarian Prison Service:	2003	Ministry of Justice

- in other than criminal cases:

independent court bailiff	203	2003	Ministry of Justice
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103. Is there an institution to supervise or control the activities of enforcement agents?
Yes/No **Yes**

If yes, please specify:

a) **county court bailiff:** **Ministry of Justice**
courts

- b) independent court bailiff: Hungarian Chamber of Court Bailiffs
Ministry of Justice
courts
- c) prison service: Ministry of Justice
prosecutor

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings:

- a) county court bailiff: courts
- b) independent court bailiff: 7 Year: 2003 Source: Hungarian Chamber of Court Bailiffs
- c) prison service: 874 Year: 2003 Source: Ministry of Justice

105. Annual number of sanctioned enforcements agents

Number of agents:

- a) county court bailiff: courts
- b) independent court bailiff: 2 Year: 2003 Source: Hungarian Chamber of Court Bailiffs
- c) prison service: 494 Year: 2003 Source: Ministry of Justice

106. Is it a possible to file a complaint against an enforcement agent? Yes/No **Yes**

If yes, please specify:

- a) county court bailiff: courts
- b) independent court bailiff: legal remedy: objection of execution (to the court)
Complaint (to the Chamber)
- c) prison service: complaints to:
- Director General of the relevant detention center
 - Director General of the Hungarian Prison Service
 - prosecutor
 - onbudsman
 - international organisations

107. Does the court play a role in the execution of court decisions? Yes/No **Yes**

If yes, please specify: **courts decide on the objections of execution (point 106)**
Courts issue orders for execution (decide whether court decision shall be enforced or not)

108. Are the courts competent to decide against public authorities? Yes/No **Yes**

Are the courts involved in execution decisions against public authorities? Yes/No **Yes**