



# THE PROSECUTION SERVICE OF HUNGARY

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## THE GENERAL PROSECUTOR'S

# RECOMMENDATION ON THE ETHICAL RULES OF THE PROFESSION OF PROSECUTOR

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In order to comply with the obligations of Section 7 of the Act CLXIII. of 2020 on Prosecution Service and to promote the conduct worthy of the profession of prosecutor, I shall publish the following recommendation:

Prosecutors play a key role in justice. In support of a lawful, impartial, fair and unbiased procedure, the recommendation summarises the ethical standards of the profession of prosecutor.

The standards contained in the recommendation serve as guidelines, raise awareness of ethical risks, provide support in identifying and addressing ethical problems correctly.

In the recommendation, the requirements towards prosecutors are offered for guidance to other staff of the Prosecution Service, too, including the differences in legislation that are applicable to them.

Serious violations of ethical standards may serve as a basis for criminal and disciplinary actions in accordance with the provisions in force.

## I. BASIC OBLIGATIONS

Prosecutors should at all times and under all circumstances

- a. implement their obligations, including the obligation to act, in accordance with relevant national and international law;
- b. carry out their tasks fairly, impartially, consistently, efficiently and in a timely manner;
- c. respect and protect human dignity, observe and comply with human rights and avoid all forms of discrimination in their procedures;
- d. take into account that they are acting on behalf of the State and in the public interest;
- e. seek to balance the general interests of society and the interests and rights of individuals within the framework of legislation.

## II. GENERAL RULES FOR THE EXERCISE OF A PROFESSION

### 1. Prosecutors should

- a. preserve the dignity of their profession at all times;
- b. they must always act in accordance with professional rules, fairly and with the utmost care;
- c. be informed and qualified properly to follow relevant legal and social changes;

- d. carry out their duties without external influence, without fear, bias; they must not be influenced by interest of any individual or group or by pressure from the public and the media;
- e. they must also take care of the appearance of their impartial and uniform procedure; refrain from engaging in any political activity incompatible with the requirement of impartiality; they may exercise their right to freedom of expression and association in a way that is compatible with their office and does not affect or appear to affect the independence of the Prosecution Service or impartiality;
- f. ensure equality before the law and refrain from any discrimination, in particular on grounds of sex, race, colour, language, religion, political or other views, sexual orientation, origin, relationship with national minorities, property, health or disability;
- g. pay particular attention to the situation of disadvantaged or vulnerable, in particular minors, victims and the disabled;
- h. respect the views, legitimate interests, privacy and possible relationships of individuals with whom they interact in their official capacity;
- i. seek to ensure (within the extent of their competence) that individuals are properly informed of their rights and

legal status;

- j. perform their duties in relation to the court, the police, other authorities or other representatives of the legal profession in a firm but respectful and courteous manner;
- k. they must act in a manner that is compatible with their office when liaising with the media, and such conduct should not affect the independence of the Prosecution Service and impartiality; they should respect freedom of the press, fulfil their obligation of confidentiality, respect the confidentiality of investigations and the integrity of privacy and human dignity;
- l. they shall not be allowed to be influenced by their own personal or financial interests, social or other relationships in their legal proceedings;
- m. Prosecutors shall not act in cases in which they themselves, their families or persons with whom they share economic interest have a private or financial interest or have a personal contact. Prosecutors shall not undertake any activity or case or cannot engage in any activity or case or cannot apply for functions or positions, whether paid or free, which are incompatible or diminish their ability to perform their own tasks properly.

## 1. Leaders should

- a. respect the human dignity of their colleagues, guide them with respect, without bias, and encourage them to show their personal example;
- b. support their colleagues, monitor their work, their workload, provide the information necessary for the performance of their duties in a timely and proper manner and take care of their professional development;
- c. take into account the circumstances of their colleagues and, if necessary, help solve their difficulties;
- d. be objective in the evaluation of their colleagues, consistent in the course of audits and in the event of an inspection;
- e. strive for cooperation in their relations with each other.

### III. RULES OF PROFESSIONAL ACTIVITY IN CRIMINAL PROCEEDINGS

Prosecutors should at all times, in the course of criminal proceedings,

- a. respect the requirement of a fair procedure;
- b. carry out their tasks independently within the framework of the legislation;
- c. seek to ensure that criminal justice operates as quickly as possible;

- d. ensure that all necessary and reasonable procedural steps are carried out before prosecution or other substantive final decision is taken;
- e. take into account all the relevant circumstances of the case, including the circumstances that are affecting the prosecuted person's situation, regardless of whether they are for or against the prosecuted person;
- f. act steadily but fairly;
- g. they must present all credible evidence to the court and help the court to give a just verdict;
- h. take their decisions on the basis of an objective assessment of the available evidence and, if the facts are unprovable, take the necessary procedural steps;
- i. ensure that the principle of equality of arms is respected, in particular when transmitting information to the accused person and his defence;
- j. take due account of the interests of witnesses and promote the protection of their lives and physical integrity;
- k. take due account of the interests of victims and help to inform victims of their rights and, to the extent possible in the interests of the proceedings, of developments in the proceedings.

#### IV. RULES OF PROFESSIONAL ACTIVITY IN THE FIELD OF PUBLIC LAW

Prosecutors acting in the field of public law must comply with principles similar to those existing in the field of criminal law. In addition, prosecutors should:

- a. respect the legal principles applicable to non-criminal proceedings;
- b. ensure that the respondent is informed, as determined by the rules of procedure, of the evidence and position put forward by the prosecutor during the trial;
- c. they cannot replace the respondent's right of appeal;
- d. seek to avert impairment resulting from violation of law by using effective means of law available, taking into account, where appropriate, the subsequent personal and social effects of the chosen mode of action.

#### V. BEHAVIOUR IN PRIVATE LIFE

Prosecutors in their private lives should:

- a. not compromise the actual or reasonable integrity, integrity and impartiality of the organization of Prosecution Service with their activities;
- b. at all times, have professional and law-abiding attitude;



- c. strengthen public confidence in their profession by their behaviour, be aware in all life situations that the organization they represent can be judged through them, and therefore to refrain from uncultured forms of appearance and expression that violate the rules of public morality and good taste and may give rise to displeasure;
- d. they shall not use the information obtained in the exercise of their profession to unfairly promote the pursuit of their own interests or those of others; avoid any expression which may result in the disclosure of ambiguous, misleading or unnecessary information about the prosecutor's organisation, its activities, tasks and its members;
- e. they shall not accept any gifts, rewards, benefits or promises thereof in connection with their official functioning and shall reject any advantage given or promised to third parties with regard to them; nor shall they carry out any activity which could endanger their integrity and probity and, as far as possible, avoid foreseeable life situations and expressions which could cause them to appear as such.

#### Clause:

The recommendation on the ethical rules of the profession of prosecutor was adopted by the National Leadership Conference on 3rd December 2014.

<sup>1</sup> *The Rule is based on the recommendation of the Committee of Ministers of the Council of Europe on the role of the Prosecution Service in the criminal justice system Rec (2000)19, and on the draft Opinion No 9 (2014) of the Consultative Council of European Prosecutors (CCPE-GT) - which reviewed the recommendation Rec (2000)19 - and on the "European Guidelines on ethics and conduct of public prosecutors - the Budapest Guidelines.*

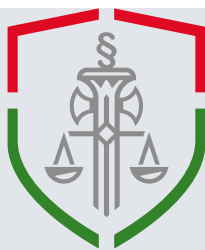


PRIVACY POLICY



SITEMAP





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