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Initial training of judges and prosecutors in the European Union

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Hungary



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Judges

General description

Trainings organised by the National Office for the Judiciary (OBH) include initial trainings before becoming a judge and the preparatory training for newly appointed judges. All the trainings organised for court staff i.e. trainee judges, assistant judges and judges appointed for a fixed term are compulsory.

Trainings are organised according to judicial fields: civil, criminal, administrative and labour law. The trainings include components of EU law, rule of law and the Charter of Fundamental Rights. The practical modules facilitate the acquisition of the judicial profession.

The president of the National Office for the Judiciary is responsible for the trainings and provides the initial trainings through the Hungarian Academy of Justice.

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Number of participants in the initial training 2021

Training	Trainee judges (person)	Assistant judges (person)	Judges appointed for a fixed term (person)
Civil law	64	40	23
Criminal law	63	0	19
Mixed	47	0	0
Soft skill	18	17	7
Sum:	192	57	49

Access to the initial training

Participants are selected through an application process. They should obtain the approval of their employer at the court where they work, as well as the Hungarian Academy of Justice.

Format and content of the initial training

The aim of the trainings of trainee judges is to help to prepare for their professional exam and to give a strong basic knowledge in the preparation for a judicial career.

The training of the trainee judges is divided into four modules:

1. Civil law (procedural and material law)
2. Criminal law (procedural and material law)
3. Administrative law, labour law, constitutional law, EU law
4. Development of competences for the judicial work

All the modules are compulsory for trainee judges.

There is an e-learning training for the criminal field that includes material law, procedural law and penitentiary law. It consists of 13 e-learning lectures that are partly interactive, in that the participant can only continue with the learning material if the answers to the questions raised by the lecturer and the professional supervisor are correct.

There is an e-learning training for the civil field that includes material law, procedural law and economic law. It consists of 13 e-learning lectures two of which are interactive, in that the participant can only continue with the learning material if the answers to the questions raised by the lecturer and the professional supervisor are correct.

There is an e-learning training for the administrative-labour field that includes constitutional law, administrative, labour and EU law. It consists of 16 lectures. 11 lectures are interactive, in that the participant can only continue with the learning material if the answers to the questions raised by the lecturer and the professional supervisor are correct.

The trainers are judges of the judicial organization, the trainer of the competence development is a professional psychologist.

The primary aim of the training of assistant judges is to widen their knowledge in terms of the cases that they could handle individually, as well as the preparation for the judicial career.

The training of the assistant judges consists of trial practice and competence development. Participants are assistant judges who want to become judges. The trainings are compulsory for them.

The trainers are judges of the judicial organisation, the trainer of the competence development is a professional psychologist.

Trainings for judges are appointed for a fixed term

The aim of the training is to support the judicial work in a practical method, to widen their professional knowledge, as well as to provide a platform to discuss the questions that arise during the initial phase of the adjudicative work.

Components:

1. Civil and Criminal material law
2. Civil and Criminal procedural law
3. Competence development

The training is compulsory for the judges that are appointed for a fixed term. The training should be completed in the year before the judicial examination.

The trainers are judges of the judicial organization, the trainer of the competence development is a professional psychologist.

In order to promote the acquisition of international experience, the introduction to different legal backgrounds and the practical implementation of EU law, the National Office for the Judiciary (OBH) organises short-term international trainings, provides the opportunity to join exchange programmes and becomes partner in different training projects in order that at least 5 % of the appointed judges as well as future judges could take part in cross-border trainings.

As a member of EJTN and supporter of ERA, OBH disseminates their trainings, exchange programmes and study visits according to the training catalogues of the two institutions. There are grants provided by the president of OBH for judges and assistant judges, and trainee judges for the European Court of Human Rights, The Court of Justice of the European Union, and 5 months of internship at the Academy of European Law.

Termination of the initial training and qualification process

The trainings are not concluded with an exam. The National Office for the Judiciary ensures through the Hungarian Academy of Justice that the trainee judges, assistant judges and judges appointed for a fixed term have access to the recommended and compulsory trainings and the e-learning training material.

Prosecutors

General description

The Hungarian Training Centre for Prosecutors (MÜK) has been providing an institutional framework for the training of trainee and junior prosecutors, as initial training since 2006. The regulatory background is provided by Order 14/2005. (ÜK. 9.) LÜ issued by the Prosecutor General (in Hungarian: 14/2005. (ÜK. 9.) LÜ utasítás). Currently 93 trainee prosecutors are working for the Prosecution Service. When they are appointed to be prosecutors, no difference is made between whether they are appointed to work as prosecutors in the field of criminal law or in the field outside criminal law.

While attending MÜK, trainee prosecutors – until the end of their supervised legal practice period – show to what extent they have managed to acquire knowledge about the training materials at internal exams held at chief prosecution offices and evaluated by grades; in this way they are not requested to complete any further training until they have taken their bar exams. The usefulness of the training courses are proven both by the annual reports made by the chief prosecution offices and the results of the bar exams. The Hungarian bar exam sets uniform requirements for lawyers having gained practical experience in various fields of law. The regulatory background is: Section 27/A of LXXVII of 2013 on Adult Education, Decree 5/1991. (IV. 4.) on the bar exam issued by the Minister of Justice.

Access to the initial training

Vacant positions of trainee prosecutors can be filled by applications. Section 109 (1) and (3) of Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and other Prosecution Employees and the Prosecution Career of Hungary (hereinafter: “Üjt”) sets forth who can be appointed to be a trainee prosecutor. The conditions include, in particular: Hungarian citizenship, clean criminal record and law degree. A trainee prosecutor may not be a member of a political party and may not be engaged in any political activities. The Prosecutor General decides about the appointment of trainee prosecutors. Provisions of the Üjt are applicable for the remuneration of trainee prosecutors.

Vacant positions of trainee prosecutors can only be applied for electronically since 2019. The regulatory background is: Order 10/2019. (V. 28.) issued by the Prosecutor General on the IT system processing applications for trainee prosecutors’ positions (in Hungarian: 10/2019. (V. 28.) LÜ utasítás). All applicants are given the opportunity to be heard in person during a two-round admission procedure. On occasion of the last two admission procedures for trainee prosecutors in 2019 and 2021, the applicants had the opportunity to present their foreign language skills as well. The language interviews also opened up the possibility of recruiting candidates with a high level of language skills, particularly English, which was confirmed by the results of the trainee prosecutors’ teams that have taken part in the THEMIS competition over the past two years.

Format and content of the initial training

The training system of the Hungarian Training Centre for Prosecutors is based on a centrally organised training for trainee prosecutors consisting of lectures and professional consultations, the total length of which is six weeks. The theoretical preparation of trainee prosecutors for the bar exam follows and is adjusted to a list of topics issued by the Minister of Justice, and it is based on a nationally uniform syllabus and training program. The lectures cover in detail topics concerning prosecutors' jurisdiction and competences, or topics which – as experience have shown – cause problems or difficulties of legal interpretation at bar exams.

The training activity in the Prosecution Service is primarily carried out by senior prosecutors of the Prosecution Service who have extensive professional experience and theoretical knowledge. Several of them also possess scientific or academic degrees, are professors or lecturers at faculties of laws and are members of the board of examiners at bar exams. The lectures and presentations are also uploaded and are accessible on the intranet of the Prosecution Service.

The phases of the training process for trainee prosecutors are:

Basics of Prosecutors' Profession (3 days):

(The history of the Prosecution Service, Structure and symbols of the Prosecution Service, Prosecutorial Ethics, Fundamental rights and obligations of prosecutors as set forth by the Prosecutorial Legal Status Act, Employment relations in the Prosecution Service, Basic duties and responsibilities of prosecutors working in the field of criminal law, Tasks of prosecutors working in the field outside criminal law, Supervision exercised by prosecutors over the enforcement of punishments, Organizing daily prosecutorial work, Basic rules of documents and case management, Managing confidential cases (Data protection and data security)

Bar exam Part "B" (3 weeks):

Criminal substantive law, criminal procedural law, penitentiary law and the law relating to the enforcement of punishments, case law discussions (case law on hate crimes, human trafficking, domestic violence, legal accusation, use of evidence), Trial and litigation skills, Drafting appeals, Minor and administrative offences law (administrative proceedings, administrative punishments, measures, decisions and complaints, on-the-spot proceedings, appeals and legal remedies, the role of prosecutors, re-trial and enforcement)

Bar exam Part „A" (1 week):

Civil law, commercial law and civil procedural law,

Bar exam Part "C" (1 week):

Labour and social security law, constitutional and public administration law, EU law.

The practical training of trainee prosecutors takes place at the county-level prosecution offices (see: chief prosecution offices). Every trainee prosecutor does his/her practice and gains practical experience according to a personally tailored legal practice plan by rotating in all fields of prosecutorial activities (prosecutorial investigation, criminal law field, field outside the criminal law, penitentiary and enforcement of punishments). The accomplished tasks are registered in a report on legal practice. Trainee prosecutors are given effective, daily support by their supervisors called "instructors" designated for this task to gain professional knowledge and experience.

As one of the conditions of obtaining a law degree is passing a foreign language exam at least at intermediate level (foreign language exam certificate), trainee prosecutors already possess foreign language skills when they are admitted to the Prosecution Service. Most of them have taken language exams at least in two foreign languages. Competitions (Kozma Sándor Scientific Competition, Mailáth György Scientific Competition) and contests (moot court and case law contests, Themis Competition) and scientific-research conferences (organised by the Prosecution Service, EU) which trainee prosecutors can participate in are also part of the training. They can deepen their foreign language skills at such programmes. Trainee prosecutors entering the THEMIS competition receive a very intensive and highly professional training in English legal terminology under the guidance of a lawyer-ESL teacher. In the future, we plan to increase the number of foreign language courses and we also want to involve a larger number of trainee prosecutors in the trainings organised by the EJTN.

In addition to organised trainee prosecutors' training, the Prosecution Service supports participation in other training activities. Within the framework of this, it is also possible to conclude a study contract, on the basis of which, among other things, an exemption from the obligation to work and a tuition fee subsidy can be applied for. This option is also available to trainee prosecutors, typically in the case of participation in a post-graduate training in specialised law and to obtain a PhD degree.

The professional training of junior prosecutors - prosecution employees who have passed the bar exam and have not yet been appointed prosecutors - is provided for in Order 13/2017 (VIII. 17.) LÜ issued by the Prosecutor General (in Hungarian: 13/2017 (VIII. 17.) LÜ utasítás). The training of junior prosecutors is supported by a sophisticated incentive system: each junior prosecutor must achieve a certain number of training points at certain intervals. The system of points is set out in the Annex to the above-mentioned Order of the Prosecutor General, and points can be awarded for attending training courses, conferences, seminars, giving lectures, publishing scientific publications, etc.

From 2022 onwards, two training modules will be added to the training of trainee prosecutors, junior prosecutors and prosecutors. The first will be a 3-day international training course, held twice a year, which will provide a comprehensive and complex knowledge of the international relations of the Prosecution Service. It is planned to cover a wide range of issues from the rules of international contacts and communication to the international functions of the prosecutor.

The second is a 2-day European law training course, also offered twice a year to trainee prosecutors, junior prosecutors and prosecutors. The first day of this will be a general EU law training, the second a comprehensive rule of law training based on the "EJTN Training Guide on the rule of law for judges and prosecutors".

Termination of the initial training and qualification process

Trainee prosecutors' knowledge is regularly tested in writing or verbally after each training session. If a trainee prosecutor has completed all the training sessions and tests, the chief prosecutor exercising the employer's rights over him/her closes the report on the trainee prosecutor's practice and issues a certificate about the successful completion of the three-year-long legal practice. The said certificate is a condition for the application for the bar exam, which is organised by the Ministry of Justice. When they have received this certificate, trainee prosecutors can directly and electronically apply for the 3 parts of the bar exam. After receiving the certificate proving that they have successfully taken the bar exam, trainee prosecutors can apply for junior prosecutor and prosecutor positions.

The Prosecution Service has several layers of incentives to support the successful preparation of trainee prosecutors for the bar exam. This includes a 20-day working time allowance for each part of the exam, for which a salary is paid. Trainee prosecutors are entitled to reimbursement of the full amount of the examination fees paid in the case of excellent or very good bar exam results, and half of the examination fees in the case of good results. In the case of a very good bar exam result, the supervising prosecutor receives pecuniary incentives.

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