

Conclusions of the summary report on the courts' country-wide sentencing practice

The President of the Curia of Hungary decided to set up a jurisprudence-analysing working group within the Criminal Department of the Curia to examine the territorial differences in the courts' sentencing practice throughout the country.

The jurisprudence-analysis aimed at assessing the implementation of the requirement of uniformity in this field and determining whether the courts had imposed approximately the same sanctions on the perpetrators of approximately the same criminal offences and whether there had been any significant discrepancies in the courts' relevant case-law.

The working group's investigation focused on criminal sanctions imposed on the adult perpetrators of the crimes of theft – where theft was punishable with a maximum imprisonment of three years – and grievous bodily harm. The investigation was conducted on the basis of the so-called C forms of 8 831 persons convicted between 2013 and 2017 and the more detailed electronic data sheets, specifically created for the purpose of the jurisprudence-analysis, of an additional 2 210 persons convicted between 2011 and 2017. In case of the latter category of convicted persons, the final decisions were delivered by the high courts acting as second instance judicial forums.

According to the working group's findings, no significant discrepancies could be detected in the high courts' sentencing practice in grievous bodily harm cases, while some minor differences could be noticed in their sentencing practice in theft cases. Such differences may be justified by the fact that high court judges seek to adjust their sentencing practice to that of their court. It follows from the foregoing that it would be advisable to gain knowledge of the sentencing practice of all the other high courts and the courts' relevant country-wide practice as well.

An improvement would be to gradually build up a database accessible to judges which would orientate their sentencing practice by indicating the typical sanctions imposed in each category of criminal offences. Such database would certainly be of only a recommendatory nature, and judges would be allowed to depart therefrom with regard to the specific circumstances of the case dealt with by them.