

FRANET

Victim Support Service in the EU:  
An overview and assessment of  
victims' rights in practice

Hungary, 2014

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## 1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.<sup>1</sup> While phase 2 of the project was divided into two parts, focusing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

### 2.1 Scenarios

*In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c. of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).*

	Scenario	Questions	Yes	No	Description
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	x		It is set out in the law <sup>2</sup> that the police shall provide oral information on the possibility of victim support and shall provide victims the information leaflet of the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). Specific regulations <sup>3</sup> concerning the task of the police related to handling domestic violence prescribe further obligations for police officers' on spot duties (e.g. information on available support services, escorting the victim to a shelter, etc.). However, victim support and legal aid NGOs, as well as individual victims report <sup>4</sup> that in practice, the majority of victims are not informed in a

<sup>1</sup>Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon, available at: [www.apav.pt/vine/images/report\\_vine\\_eng.pdf](http://www.apav.pt/vine/images/report_vine_eng.pdf).

<sup>2</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (17/2007. (III.13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő – feladatairól).

<sup>3</sup> Hungary, 32/2007 (OT26.) National Police Headquarters' Order on the implementation of police tasks related to handling domestic violence and protection of children (32/2007. (OT 26.) ORFK utasítás a családon belüli erőszak kezelésével és a kiskorúak védelmével kapcsolatos rendőri feladatok végrehajtására).

<sup>4</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association (*NANE – Nők a Nőkért Együtt az Erőszak Ellen Egyesület*), the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű*

				conceived or substantive manner about the victim support services. According to an interviewed victim support officer, victims often claim that the provided information is insufficient or not provided at all. Since the beginning of 2011 the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) has not printed new leaflets on the available services, therefore no (updated) information leaflets could be handled to victims even if the police officer wanted to do so. <sup>5</sup> For example in 2012, 272.419 leaflets would have been to have used, because this was the registered number of individual crime victims in 2012 <sup>6</sup> . The reason of the default was a debate between the Office of Public Administration ( <i>Közigazgatási és Igazságügyi Hivatal</i> ) and the county government offices ( <i>kormányhivatal</i> ) on the responsible body which needs to disburse on the printing.
	b. If yes, please name the service(s)	-	-	If the police do, they regularly refer the victim to the state run Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). According to the NGO NANE Women's Rights Association ( <i>NANE – Nők a Nőkért Együtt az Erőszak Ellen Egyesület</i> ) <sup>7</sup> offering help to victims of domestic violence, their clients are rarely sent even to the courts, the family support services, the guardianship offices or to the NANE. The NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks ( <i>ESZTER– Alapítvány az Erőszakos Szexuális Támadást Elszenvedettek Rehabilitációjára</i> ) reported <sup>8</sup> that based on their experience, practically, only those victims have access to the state Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) who already have some prior information on the Services.
	c. Do the police routinely contact this service on behalf of the victim?		x	The police do not contact the Victim Support Service directly, not even if the victim asks to do so. <sup>9</sup>
	d. Which support service would in the end deal with such a case?	-	-	The Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) offers services for all types of crime victims. Female victims of domestic violence may turn to

*Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>5</sup> Personal interview carried out in May 2013 with a victim support officer working in a Government Office in Hungary.

<sup>6</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>7</sup> Written information provided for the purposes of the present report by the NGO NANE Women's Rights Association March 24, 2013 via e-mail.

<sup>8</sup> Written information provided for the purposes of the present report by the NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks 19 April, 2013 via e-mail.

<sup>9</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

				<p>specialized NGOs (e.g. the hotline operated by the NANE Women's Rights Association – <i>NANE – Nők a Nőkért Együtt az Erőszak Ellen Egyesület</i> and the jointly run legal aid service with PATENT Society against Patriarchy – <i>PATENT Patriarchátust Ellenzők Egyesülete</i>) or to another state organization than the Victim Support Service: the hotline operated by the National Crisis Telephone Information Service (<i>Országos Kríziskezelő és Információs Telefonszolgálat</i>). The Hungarian White Ring Association (<i>Fehér Gyűrű Egyesület</i>) does not have any specialization and decides on a case by case basis whether dealing with the victim or not.<sup>10</sup> It has to be noted that serious concerns were raised concerning the selection process of supported victims, level of competences and professionalism of the White Ring Association (<i>Fehér Gyűrű Egyesület</i>).<sup>11</sup> All these organisations may deal with the victim if s/he turns to them.</p>
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<sup>10</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail.

<sup>11</sup> Personal interviews with women's rights NGOs activists, former leading officials of the Victim Support Services (*Áldozatsegítő Szolgálat*) and former Ministry of Justice and Law Enforcement (*Igazságügyi és Rendészeti Minisztérium*) officers dealing with victim support issues.

2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	x	<p>The teacher is not a victim of the crime, therefore the police do not have the obligation to inform him/her about the victim support services. According to the NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks (<i>ESZTER– Alapítvány az Erőszakos Szexuális Támadást Elszenvedettek Rehabilitációjára</i>)<sup>12</sup> it is more likely that the teacher reports the case to the child care support service and not to the police. If the police are informed about the case, based on the law<sup>13</sup> the police signals to the child care support system. However, the general regulation<sup>14</sup> applies to child victims as well, therefore the police must inform them as well about the services of the state victim support services. However, victim support and legal aid NGOs, as well as individual victims report<sup>15</sup> that in practice the majority of victims are not informed in a conceived or substantive manner about the victim support services.</p> <p>According to an interviewed victim support officer, victims often claim that the provided information is insufficient or not provided at all. Since the beginning of 2011 the Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) has not printed new leaflets on the available services therefore no (updated) information leaflets could be handled to victims even the police officer wanted to do so.<sup>16</sup> For example in 2012, 272.419 leaflets would have been necessary because this was the registered number of individual crime victims in 2012<sup>17</sup>. The reason of the of default was a debate between the Office of Public Administration (<i>Közigazgatási és Igazságügyi Hivatal</i>) and the county government offices (<i>kormányhivatal</i>) on the responsible body which needs to disburse on the printing.</p>
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<sup>12</sup> Written information provided for the purposes of the present report by the NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks 19 April, 2013 via e-mail.

<sup>13</sup> Hungary, Act XXXI of 1997 on the protection of children and administration of guardianship (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról).

<sup>14</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (17/2007. (III.13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő feladatairól).

<sup>15</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>16</sup> Personal interview carried out in May 2013 with a victim support officer working in Government Office in the countryside in Hungary.

<sup>17</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletről*).

		b. If yes, please name the service(s)	-	-	As referred above, the police are obliged to inform the victim about the state victim support services. The police established cooperation with the Blue Line Child Crisis Foundation ( <i>Kék Vonal Gyermekkirzis Alapítvány</i> ). <sup>18</sup> No further information has been received on the fulfilment of the/ partnership.
		c. Do the police contact this service on behalf of the victim?		x	The police do not contact the Victim Support Service directly, not even if the victim asks to do so. <sup>19</sup> According to the NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks ( <i>ESZTER– Alapítvány az Erőszakos Szexuális Támadást Elszenvedettek Rehabilitációjára</i> ) <sup>20</sup> if the individual police officer has personal contact or experience with NGOs it may be possible that s/he suggests the victim contacting the organisation.
		d. Which support service would in the end deal with such a case?	-	-	The Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) offers services for all types of crime victims. The Blue Line Child Crisis Foundation ( <i>Kék Vonal Gyermekkirzis Alapítvány</i> ) operates a helpline for children providing psychological support and counselling for children. The Hungarian White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ) does not have any specialization and decides on a case by case basis whether dealing with the victim or not. It has to be noted that serious concerns were raised concerning the selection process of supported victims, level of competences and professionalism of the White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ). <sup>21</sup> All these organisations may deal with the victim if s/he turns to them.
3	A person calls the police following a burglary in their	a. Do the police routinely refer the victim to a support service?	x		It is set out in the law <sup>22</sup> that the police shall provide oral information on the possibility of victim support and shall provide victims the information leaflet of the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). However victim support and legal aid NGOs also individual victims report <sup>23</sup> that in practice majority of

<sup>18</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>19</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>20</sup> Written information provided for the purposes of the present report by the NGO ESZTER for the Rehabilitation of Victims of Sexual Attacks 19 April, 2013 via e-mail.

<sup>21</sup> Personal interviews with women's rights NGOs activists, former leading officials of the Victim Support Services (*Áldozatsegítő Szolgálat*) and former Ministry of Justice and Law Enforcement (*Igazságügyi és Rendészeti Minisztérium*) officers dealing with victim support issues.

<sup>22</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (*17/2007. (III. 13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő feladatairól*).

<sup>23</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association (*NANE Egyesület*), the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekéért*) has been personally interviewed for the purposes of the present report in March 2013.

apartment				<p>victims are not informed in a conceived or substantive manner about the victim support services.</p> <p>According to an interviewed victim support officer, victims often claim that the provided information is insufficient or not provided at all. Since the beginning of 2011 the Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) has not printed new leaflets on the available services therefore no (updated) information leaflets could be handled to victims even the police officer wanted to do so.<sup>24</sup> For example in 2012, 272.419 leaflets would have been necessary because this was the registered number of individual crime victims in 2012<sup>25</sup>. The reason of the of default was a debate between the Office of Public Administration (<i>Közigazgatási és Igazságügyi Hivatal</i>) and the county government offices (<i>kormányhivatal</i>) on the responsible body which needs to disburse on the printing.</p>
	b. If yes, please name the service(s)	-	-	<p>As referred above, the police are obliged to inform the victim about the state victim support services. Cooperation between the police and headquarters just as well with regional branches of the Chamber of Bodyguards, Safeguarding and Inspectors (<i>Személy-, Vagyonvédelmi és Magánnyomozói Szakmai Kamara</i>) is reported to be exceptionally good.<sup>26</sup> However no further information was received on the details of the cooperation.</p>
	c. Do the police contact this service on behalf of the victim?		x	<p>The police do not contact the Victim Support Service directly, not even if the victim asks to do so.<sup>27</sup></p>
	d. Which support service would in the end deal with such a case?	-	-	<p>The Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) offers services for all types of crime victims. The Hungarian White Ring Association (<i>Fehér Gyűrű Egyesület</i>) does not have any specialization and decides on a case by case basis whether dealing with the victim or not.<sup>28</sup> It has to be noted that serious concerns were raised concerning the selection process of supported victims,</p>

<sup>24</sup> Personal interview carried out in May 2013 with a victim support officer working in a Government Office in Hungary.

<sup>25</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>26</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>27</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>28</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail.

					level of competences and professionalism of the White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ). <sup>29</sup> All these organisations may deal with the victim if s/he turns to them.
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	x		It is set out in the law <sup>30</sup> that the police shall provide oral information on the possibility of victim support and shall provide victims the information leaflet of the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). However victim support and legal aid NGOs, as well as individual victims report <sup>31</sup> that in practice majority of victims are not informed about the victim support services. According to an interviewed victim support officer, victims often claim that the provided information is insufficient or not provided at all. Since the beginning of 2011 the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) has not printed new leaflets on the available services therefore no (updated) information leaflets could be handled to victims even the police officer wanted to do so. <sup>32</sup> For example in 2012, 272.419 leaflets would have been necessary because this was the registered number of individual crime victims in 2012 <sup>33</sup> . The reason of the of default was a debate between the Office of Public Administration ( <i>Közigazgatási és Igazságügyi Hivatal</i> ) and the county government offices ( <i>kormányhivatal</i> ) on the responsible body which needs to disburse on the printing.
		b. If yes, please name the service(s)	-	-	If the police do, they regularly refer the victim to the state run Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). However no clients of the interviewed human rights NGOs (Hungarian Helsinki Committee – <i>Magyar Helsinki Bizottság</i> , Háttér Support Society for LGBT People – <i>Háttér Társaság a Melegekért</i> , the Otherness Foundation – Legal Defence Bureau for National

<sup>29</sup> Personal interviews with women's rights NGOs activists, former leading officials of the Victim Support Services (*Áldozatsegítő Szolgálat*) and former Ministry of Justice and Law Enforcement (*Igazságügyi és Rendészeti Minisztérium*) officers dealing with victim support issues.

<sup>30</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (*17/2007. (III.13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő feladatairól*).

<sup>31</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>32</sup> Personal interview carried out in May 2013 with a victim support officer working in a Government Office in Hungary.

<sup>33</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).



				and Ethnic Minorities( <i>Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda</i> ), Hungarian Civil Liberties Union – <i>Társaság a Szabadságjogokért</i> ) dealing with hate crime issues and representing victims before the authorities have ever heard referred to any experience concerning the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). <sup>34</sup> The large majority of these clients do not turn to the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). It is presumed by victim support and legal aid NGOs that in practice, the majority of victims are not informed in a conceived or substantive manner about the victim support services.
		c. Do the police contact this service on behalf of the victim?	x	The police do not contact the Victim Support Service directly, not even if the victim asks to do so. <sup>35</sup>
		d. Which support service would in the end deal with such a case?	-	-
5	An elderly person is	a. Do the police routinely refer the victim to a support service?	x	It is set out in the law <sup>38</sup> that the police shall provide oral information on the possibility of victim support and shall provide victims the information leaflet of

<sup>34</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities(*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>35</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>36</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail.

<sup>37</sup> Personal interviews with women's rights NGOs activists, former leading officials of the Victim Support Services (*Áldozatsegítő Szolgálat*) and former Ministry of Justice and Law Enforcement (*Igazságügyi és Rendészeti Minisztérium*) officers dealing with victim support issues.

<sup>38</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (*17/2007. (III.13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő feladatairól*).

mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance				the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). However victim support and legal aid NGOs also individual victims report <sup>39</sup> that in practice majority of victims are not informed about the victim support services. According to an interviewed victim support officer, victims often claim that the provided information is insufficient or not provided at all. Since the beginning of 2011 the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) has not printed new leaflets on the available services therefore no (updated) information leaflets could be handled to victims even the police officer wanted to do so. <sup>40</sup> For example in 2012, 272.419 leaflets would have been necessary because this was the registered number of individual crime victims in 2012 <sup>41</sup> . The reason of the of default was a debate between the Office of Public Administration ( <i>Közigazgatási és Igazságügyi Hivatal</i> ) and the county government offices ( <i>kormányhivatal</i> ) on the responsible body which needs to disburse on the printing.
	b. If yes, please name the service(s)	-	-	If the police do, they regularly refer the victim to the state run Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). <sup>42</sup>
	c. Do the police contact this service on behalf of the victim?		x	The police do not contact the Victim Support Service directly, not even if the victim asks to do so. <sup>43</sup>
	d. Which support service would in the end deal with such a case?	-	-	The Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) offers services for all types of crime victims. The Hungarian White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ) does not have any specialization and decides on a case by case basis whether dealing with the victim or not. <sup>44</sup> It has to be noted that serious

<sup>39</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>40</sup> Personal interview carried out in May 2013 with a victim support officer working in a Government Office in Hungary.

<sup>41</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>42</sup> For the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>43</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>44</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail.

				concerns were raised concerning the selection process of supported victims, level of competences and professionalism of the White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ). <sup>45</sup> Both organisations may deal with the victim if s/he turns to them.
<b>6a</b>	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.	x		No special regulation or measures are in place for the police for treating victims with disability. <sup>46</sup> However, in the 2012 annual report, <sup>47</sup> the police list people living with disabilities among the most vulnerable groups of potential victims. They also state that victimisation of disabled people is not frequent since most of them live in closed institutions where their lives are strictly supervised. In the methodological aid <sup>48</sup> for the prevention of victimisation of vulnerable groups, tasks are prescribed for regional police bodies. These are obliged to contact organisations dealing with the care of people living with disabilities, inform professionals on crimes committed against their clients, on prevention methods and possibilities of reporting. Police officers are also recommended to pay attention to the safeguards of the rights of people living with disabilities.
<b>6b</b>	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.	x		State compensation is exclusively available for indigent victims of violent intentional crimes. <sup>49</sup> The Victim Support Act stipulates a special rule in favour of permanently ill or disabled people receiving certain social benefits. They are automatically regarded as indigent victims irrespective of their financial situation. <sup>50</sup> The victim support help line and volunteer network operated by the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) in the framework of the EU funded Social Renewal Development Programme 5.6.1 action ( <i>Társadalmi Megújulás Operatív Programme 5.6.1 intézkedés</i> ) facilitate accessibility of the victim support services for people with physical disabilities as through the phone line certain services became available from long distance, and victim

<sup>45</sup> Personal interviews with women's rights NGOs activists, former leading officials of the Victim Support Services (*Áldozatsegítő Szolgálat*) and former Ministry of Justice and Law Enforcement (*Igazságügyi és Rendészeti Minisztérium*) officers dealing with victim support issues.

<sup>46</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>47</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>48</sup> Hungary, Methodological Aid to (3)6. of 20/2010 (OT.10.) National Police Headquarters' order on the crime prevention activity of the police (*Módszertani Útmutató A rendőrség bűnmegelőzési tevékenységéről szóló 20/2010. (OT.10.) ORFK utasítás 36. pontjához*).

<sup>49</sup> Hungary, Article 6 Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>50</sup> Hungary, Article 2 (2) and (3) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

				support volunteers may also visit clients at their homes, therefore those who are unable to travel may benefit from the services as well. The help line was also available through short text messages for half a year in 2012, but the service has been cancelled due to the very low number of contacts. <sup>51</sup>
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status <sup>52</sup> ? If yes, describe them. If no, please provide a justification/explanation.		x	No special regulation or measures are in place for victims who are migrants. <sup>53</sup>
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status <sup>54</sup> ? If yes, describe them. If no, please provide a justification/explanation.		x	The Victim Support Act defines the personal scope of the act, excluding migrants with illegal residency status, except for the case if they are victims of human trafficking. <sup>55</sup> However, according to the Act, <sup>56</sup> information on victim support and rights in a criminal procedure shall be provided to all persons contacting the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ), including migrants with illegal residency status. However, no client of the interviewed NGOs dealing with migrants, the Hungarian Helsinki Committee ( <i>Magyar Helsinki Bizottság</i> ) and Menedék Association ( <i>Menedék Egyesület</i> ) <sup>57</sup> have ever reported to have contacted the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) or the police.
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?	x		In practice – based on the experience of the Hungarian Helsinki Committee ( <i>Magyar Helsinki Bizottság</i> ) – police apply provisions of the Criminal Code <sup>58</sup> or the Act on Misdemeanours <sup>59</sup> to migrants with illegal residency status, therefore migrants do not wish to get into contact with the police (and other state agencies) because they are afraid of being sanctioned for the illegal status, as a consequence they do not turn to the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) even though they would be victims of crime.

<sup>51</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>52</sup> Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

<sup>53</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>54</sup> Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

<sup>55</sup> Hungary, Article 1 (1 c) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>56</sup> Hungary, Article 9 of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>57</sup> Written information provided for the purposes of the present report by the NGO Menedék Association 8 May, 2013 via e-mail.

<sup>58</sup> Hungary, Act 4 of 1978 on the Criminal Code (*1978. évi IV. törvény a Büntető Törvénykönyvről*).

<sup>59</sup> Hungary, Act 2 of 2012 on Misdemeanours (*2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről*).

8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?	x		<p>According to the Victim Support Act,<sup>60</sup> victims may attach the certification of the investigative authority (Police, Prosecutor, or the Court) to their claim to the Victim Support Services. If the certification is not attached to the claim, the Victim Support Service will acquire it from the investigative authority, which has to issue it on the first working day following the request. This duty is also prescribed in an order of the National Police.<sup>61</sup></p> <p>The certification is issued by the law enforcement agency (police or other investigative body) or the court upon request after reporting the crime.<sup>62</sup></p> <p>According to an interviewed victim support officer, frequently the police do not issue the certificate and victim support officers need to remind or ask them to do so.<sup>63</sup></p> <p>As referred above, information on victim support and rights in a criminal procedure shall be provided to all persons contacting the Victim Support Service (<i>Áldozatsegítő Szolgálat</i>). In this case, no written justification issued by the law enforcement officials is necessary in order to avail the client of the services.<sup>64</sup></p>
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		x	No preferential treatment is provided for clients agreed to cooperate with the police, the service does not make any difference between the different victims based on their attitude. <sup>65</sup>
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? <sup>66</sup>	NA	NA	The police do not contact the victim support service. <sup>67</sup>
10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?	NA	NA	-

<sup>60</sup> Hungary, Article 11 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>61</sup> Hungary, Sections 11-13. of the Order 2/2013 of the National Police Headquarters on the Victim Support Related Tasks of the Police (2/2013. (I. 31.) ORFK utasítás a rendőrség áldozatsegítő feladatairól).

<sup>62</sup> Hungary, Article 2 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>63</sup> Personal interview carried out in May 2013 with a victim support officer working in a Government Office in Hungary.

<sup>64</sup> Hungary, Article 9 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>65</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>66</sup> For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

<sup>67</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	NA	NA	-
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## 2.2 Institutional aspects: role of state in victim support structure

### 2.2.1 Models of generic victim support

A:	B:	C:	D	E
	HU			
Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:
	<p>The state basically acts as the sole general service provider for victims of crimes.<sup>68</sup> The metropolitan and county offices of the Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) provide information on the rights and obligations that the victim has in criminal proceedings, on the available services and assistance, on the whereabouts of state and non-state service providers and on the means of avoiding re-victimisation. The Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) also provides legal aid through the other branch of the office. For victims being in crisis as a consequence of the crime, financial aid is available in order to abolish or ease the critical situation. State compensation may be provided by the Victim Support Service for indigent victims of intentional crimes against the person.<sup>69</sup></p>			

<sup>68</sup> Hungary, Article 4 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>69</sup> Hungary, Article 4 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

## 2.2.2 Public coordination of victim support services

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
HU	x			x		Tasks directly related to victim support are managed by the Ministry of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Minisztérium</i> ). However, the Ministry of Interior ( <i>Belügyminisztérium</i> ) supervises the police, which also have important roles in the support of victims. <sup>70</sup>
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
HU	Legislative tasks <sup>71</sup> are assigned to the Ministry of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Minisztérium</i> ). The Ministry of Interior ( <i>Belügyminisztérium</i> ) may be consulted by the Ministry of Public Administration and Justice, if tasks, roles of the police related to victim support are in question. The National Police Chief is entitled to issue binding orders for the organisation or officers. The professional leadership and administration of tasks directly related to the provision of victim support services is carried out by the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal</i> ) and metropolitan and regional offices ( <i>igazságügyi szolgálatok</i> ). In practice, victim support services are under the auspices of the metropolitan and regional government offices ( <i>kormányhivatal</i> ), which are supervised and administered by the Ministry of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Minisztérium</i> ). <sup>72</sup>					
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)						
HU	A Governmental Decree (303/2006) <sup>73</sup> established the office responsible for the tasks stipulated in the Victim Support Act <sup>74</sup> . Even though the legal background has been modified several times, for the past 7 years a successor of the Justice Office ( <i>Igazságügyi Hivatal</i> ) has been providing victim support, the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal</i> ), which operates under the supervision of the Ministry of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Minisztérium</i> ) and is responsible <i>inter alia</i> for victim support. However its role is restricted to methodological issues and professional guidance. <sup>75</sup> The other important pillar of victim support is the network of Justice Services ( <i>Igazságügyi Szolgálat</i> ) which operates under the supervision of the Government Office ( <i>Kormányhivatal</i> ) in the 19 counties of the country and in Budapest in the form of specialised administrative units. <sup>76</sup> The Justice Service was established in 2003, <sup>77</sup> and its functioning is regulated currently by a Governmental Decree (322/2010.) <sup>78</sup>					

<sup>70</sup> Hungary, Articles 12 (u) and 37 of 2012/2012 (VII.1.) Government Decree on the tasks and scope of competences of the ministers and the state secretary's leading the Office of the Prime Minister (212/2010. (VII. 1.) Korm. rendelet az egyes miniszterek, valamint a Miniszterelnökséget vezető államtitkár feladat- és hatásköréről).

<sup>71</sup> Hungary, Articles 15 (1 b) (2 d) and 37 of 2012/2012 (VII.1.) Government Decree on the tasks and scope of competences of the ministers and the state secretary's leading the Office of the Prime Minister (212/2010. (VII. 1.) Korm. rendelet az egyes miniszterek, valamint a Miniszterelnökséget vezető államtitkár feladat- és hatásköréről).

<sup>72</sup> Article 24 of 2012/2012 (VII.1.) Government Decree on the tasks and scope of competences of the ministers and the state secretary's leading the Office of the Prime Minister (212/2010. (VII. 1.) Korm. rendelet az egyes miniszterek, valamint a Miniszterelnökséget vezető államtitkár feladat- és hatásköréről).

<sup>73</sup> Hungary, 303/2006 (XII.23.) Government Decree on the Justice Office (303/2006. (XII. 23.) Korm. rendelet az Igazságügyi Hivatalról)

<sup>74</sup> Hungary, Article 4 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>75</sup> Hungary, Governmental Decree 177/2012 on the Office of Public Administration and Justice (177/2012. (VII. 26.) Kormányrendelet a Közigazgatási és Igazságügyi Hivatalról).

<sup>76</sup> Hungary Article 2 (3) of Government Decree 288/2010 on the Metropolitan and County Government Offices (288/2010 (XII. 21.) Korm. rendelet a fővárosi és megyei kormányhivatalokról)

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<sup>77</sup> Hungary, Statutes of the Justice office of the Ministry of Public Administration and Justice, amended, unified text (*A Közigazgatási és Igazságügyi Minisztérium Igazságügyi Szolgálatának alapító okirata, a módosításokkal egységes szerkezetbe foglalva*), available at: [www.kimisz.gov.hu/data/cms26056/alapitookirat.pdf](http://www.kimisz.gov.hu/data/cms26056/alapitookirat.pdf)

<sup>78</sup> Hungary, Governmental Decree No 322/2010 (XII.27.) on probation officers and organs providing, legal aid service, help for victims and compensation for victims (322/2010. (XII. 27.) Korm. rendelet a pártfogó felügyelői, jogi segítségnyújtási, áldozatsegítési és kárpótlási feladatokat ellátó szervekről).



### 2.2.3 Funding:

For the year 2012, please specify the exact amount of funding:	Amount (in EURO) 1 EUR = 290 HUF
a Budgeted by the state for compensation	344,827.6 Budgeted for compensation and crisis aid (instant financial aid in crisis) according to the act on State budget in 2012. <sup>79</sup>
b Paid out by the state for compensation	131,217 paid out for compensation <sup>81</sup>
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	Operational costs are included in the budgets <ul style="list-style-type: none"> <li>of the Office of Public Administration and Justice Victim Support Department of the Office of Public Administration and Justice (<i>Közigazgatási és Igazságügyi Hivatal Áldozatsegítési Osztálya</i>) and</li> <li>of the regional victim support units within the framework of the Justice Service (<i>Igazságügyi Szolgálat</i>) of the Governmental Office (<i>Kormányhivatal</i>).</li> </ul> <p>The budget of the Victim Support Department of the Office of Public Administration and Justice included the funding of a project implemented within the framework of the Social Renewal Programme 5.6.2 (<i>Társadalmi Megújulás Program – TÁMOP 5.6.2</i>).<sup>82</sup> The Social Renewal Programme is co-funded by the European Social Fund (85%) and by related domestic resources (15%).<sup>83</sup></p>
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	No budget for specialised victim support services. <sup>84</sup> <p>The White Ring Association (<i>Fehér Gyűrű Egyesület</i>) received EUR 18,965.5 for its operational costs from the budget of the Ministry of Interior (<i>Belügyminisztérium</i>)<sup>85</sup> and received an additional 12,069 EUR for operational costs from the Minister of Human Resources' (<i>emberi erőforrások minisztere</i>) budget from his discretionary budget.<sup>86</sup></p> <p>In 2012, the proportions of the Association's resources were the following: 56% was provided by the Ministry of Interior and the Ministry of Human Resources, 18% was provided by private donors (companies), 23% was provided by municipalities, and 0.6 % was covered by membership fees. Altogether 79% of the Association's funding was provided by the state, and 21% from other sources. The White Ring Association did not receive financial support from the European Union.<sup>87</sup></p> <p>Further 10 NGOs received funding from the partly state and EU funded Social Renewal Development Programme 5.6.1 action</p>

<sup>79</sup> Hungary, Annex 1 chapter 14 of Act 188 of 2012 on Hungary's Central Budget (2012. évi CLXXX. VIII. törvény Magyarország központi költségvetéséről)

<sup>80</sup> Hungary, Act 188 of 2012 on Hungary's Central Budget (2012. évi CLXXX. VIII. törvény Magyarország központi költségvetéséről).

<sup>81</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>82</sup> Information provided by the Office of Public Administration and Justice in ELNH/III/146-5/2013 letter on 25 July 2013.

<sup>83</sup> Hungary, The Government of the Republic of Hungary (2007), Social Renewal Operational Programme 2007–2013 (CCI number: 2007HU05UPO001), available at: [www.nfu.hu/doc/357](http://www.nfu.hu/doc/357)

<sup>84</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>85</sup> Contracts concluded by the Ministry of Interior in 2012 supporting state civil organisations and initiatives. Available at: [www.kormany.hu/download/c/fb/d0000/Info%20tv%20%201%20sz%20mell%20%20III%203%20\\_T%C3%A1mszerz\\_2012.xls#!DocumentBrowse](http://www.kormany.hu/download/c/fb/d0000/Info%20tv%20%201%20sz%20mell%20%20III%203%20_T%C3%A1mszerz_2012.xls#!DocumentBrowse)

<sup>86</sup> Information communicated by the White Ring Association and report published on its website: <http://fehergyuru.eu/newsite/?p=254>.

<sup>87</sup> Information provided by the White Ring Association, by e-mail (15 July 2013).

	( <i>Társadalmi Megújulás Operatív Programme 5.6.1 intézkedés</i> ) for project proposals, which have been awarded at a national tender. <sup>88</sup>
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	In 2012, <ul style="list-style-type: none"> <li>the operational budget of the Victim Support Department of the Office of Public Administration and Justice was 800,580. EUR ;<sup>89</sup></li> <li>the sum of the operational budgets of the regional victim support units (altogether 20 units: 19 counties + the capital city, Budapest) within the framework of the Justice Service of the Governmental Office was 1,103,573 EUR<sup>90</sup></li> </ul>
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	No specialised victim support services are available. <sup>91</sup>

Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		x	None of the contacted organisations (NGOs and the state Victim Support Service) are aware of any organisation requesting money for support services. <sup>92</sup>
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		x	As mentioned above, exclusively the White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ) received state funding, however the funding is not a reimbursement of costs but dedicated to operational expenses, including financial aid for victims. <sup>93</sup>
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's		x	The White Ring Association ( <i>Fehér Gyűrű Egyesület</i> ),

<sup>88</sup> Written information received from the National Development Agency 8 May, 2013 via e-mail.

<sup>89</sup> 240,174,000 HUF. Information provided by the Office of Public Administration and Justice in ELNH/III/146-5/2013 letter on 25 July 2013

<sup>90</sup> 331,072,000 HUF. Information provided by the Office of Public Administration and Justice in ELNH/III/146-5/2013 letter on 25 July 2013

<sup>91</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>92</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013. Furthermore for the purposes of the present report numerous NGOs have been contacted and interviewed on victim support issues. The information included in the present report originate from the NANE Women's Rights Association, the MONA Foundation for the Women of Hungary (*MONA Magyarországi Női Alapítvány*), ESZTER for the Rehabilitation of Victims of Sexual Attacks, the Otherness Foundation – Legal Defence Bureau for National and Ethnic Minorities (*Másság Alapítvány – NEKI Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*), the White Ring Association (*Fehér Gyűrű Egyesület*), the Menedék Association (*Menedék Egyesület*), attorneys and field workers mandated by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee. All information has been received via e-mail in March-May 2013. A member of the Háttér Society for LGBT People (*Háttér Társaság a Melegekért*) has been personally interviewed for the purposes of the present report in March 2013.

<sup>93</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail and information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?			receiving state funding, supports Hungarian and foreign victims as well, they decide on a case by case basis whether the victim is granted support or not, but they do not exclude non-country nationals. <sup>94</sup>
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.		x	NA
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		x	NA

#### 2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	381 applications for state compensation and 4609 applications for instant financial aid. <sup>95</sup>
b Received compensation from state sources.	188 received compensation and 2829 received instant financial aid. <sup>96</sup>
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	28,641 including 10,434 clients of the hot line <sup>97</sup>
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	NA

#### 2.2.5 Official/academic studies on victims

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	x		<p>Barabás, T. (2009), <i>Áldozattá válás Magyarországon: a statisztika és az empirikus vizsgálatok valóságképe</i> in: Borbíró, A., et al (eds.), <i>A kriminálpolitika és a társadalmi bűnmegelőzés kézikönyve II.</i>, Budapest, IRM, pp. 39-55. available at: <a href="http://www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf">www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf</a>.</p> <p>Németh, E. (2012) <i>Hozzártartozók sérelmére elkövetett erőszakos cselekmények</i>, Budapest,</p>	<p>The paper examines national statistics and empirical studies on victimisation. Even though victim surveys are not applied in Hungary, various research project focus on victims. The conclusion of these studies underline that questions related to public perceptions of safety and underreporting of crime should deal with victims, since victimisation is of a lot higher level in reality than it is showed in the statistics.</p> <p>The essay analyses statistical data on different offences the may be in relation to domestic violence and concludes that underreporting must be of high level: victims presumably report only</p>

<sup>94</sup> Written information provided for the purposes of the present report by the NGO White Ring Association 27 March, 2013 via e-mail.

<sup>95</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>96</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>97</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

		<p>Számlap on-line magazine of the Hungarian Central Statistical Office, available at: <a href="http://www.ksh.hu/szamlap/eletunk.html">www.ksh.hu/szamlap/eletunk.html</a>.</p> <p>Balogh, L, Dinók H., Pap A. (2012), <i>A jog által láthatatlan</i>, Budapest, Fundamentum 2012/4., pp. 91-98. available at: <a href="http://www.indok.hu/sites/default/files/fundamentum-12-4-08.pdf">www.indok.hu/sites/default/files/fundamentum-12-4-08.pdf</a>.</p>	<p>the serious cases, victims are afraid of the reactions of their relatives and the environment, and authorities may have an intimidating attitude, and the legal background is also ambiguous.</p> <p>The study describes legislative and practical problems related to the investigation and sanctioning of hate crimes in Hungary. The authors claim that underreporting, the insufficient investigations and understating of the phenomenon lead to serious anomalies.</p>
Other national studies related to victims of crime (specify)	x	<p>Borbíró, A., et al (eds.), (2009), <i>A kriminálpolitika és a társadalmi bűnmegelőzés kézikönyve II.</i>, Budapest, IRM, pp. 11-152. available at: <a href="http://www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf">www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf</a></p> <p>Kerezsi, K., Koó, J. (2008), <i>Az Áldozatsegítő Szolgálat hatékonyságvizsgálata</i>, Budapest, IRM. available at: <a href="http://bunmegelozes.easyhosting.hu/dok/ald_seg_szolg_hatekonysagvizsgalata.doc">http://bunmegelozes.easyhosting.hu/dok/ald_seg_szolg_hatekonysagvizsgalata.doc</a></p> <p>Negrea, V. (2011), <i>Pszichológiai segítségnyújtás az áldozatsegítésben – helyzetkép Nógrád megyéből</i>, in: <i>Kriminológiai Közlemények</i> 69., Magyar Kriminológiai Társaság, Budapest</p> <p>Betlen, A, Matolcsi, A, Balogh, L., (2010), <i>Jog, jogvédelem, ellátás. Szakmaközi együttműködés kiépítése</i></p>	<p>The manual of criminal policy and crime prevention of 2009 synthesizes all relevant studies, findings and information on the field of crime prevention. The manual was prepared for professionals working in the field of crime prevention in the framework of the EU funded Social Renewal Development Programme 5.6.2 action grant (<i>Társadalmi Megújulás Operatív Program 5.6.2 intézkedés</i>).</p> <p>The 2008 study analyses the first operational year of the Victim Support Service and its efficiency.</p> <p>The 2011 essay describes the experiences of psychological support provided for victims in the framework of the Social Renewal Development Programme 5.6.1 action (<i>Társadalmi Megújulás Operatív Program 5.6.1 intézkedés</i>) in Nógrád county, Hungary.</p> <p>The study proposes legislative changes and elaborates a sample methodology of a multi-disciplinary cooperation system of academics, researchers and practitioners in order to effectively handle and support victims of trafficking.</p>

		<p><i>Magyarországon a prostitúció és szexuális kizsákmányolás céljából folytatott emberkereskedelem leküzdése és az áldozatok segítése érdekében</i>, Budapest, MONA Alapítvány, available at: <a href="http://mona-alapitvany.hu/wp-content/uploads/08_legislation_rights_protection_assistance.pdf">http://mona-alapitvany.hu/wp-content/uploads/08_legislation_rights_protection_assistance.pdf</a>.</p> <p>Füziné Oravecz, I. (2011), <i>A te gyermeked, a te dolgod? – A kiskorúak sérelmére elkövetett családon belüli bűncselekmények</i>, in: <i>Kriminológiai Közlemények 69.</i>, Magyar Kriminológiai Társaság, Budapest.</p> <p>Révai, M. (2012), <i>A fiatalkorúak sérelmére elkövetett nemi erkölcs elleni bűncselekmények</i>, in: <i>Kriminológiai Közlemények 70.</i>, Magyar Kriminológiai Társaság, Budapest.</p> <p>Tóth, Zs. (2012), <i>A sebezhető áldozatok meghatározásának problémái</i>, in: <i>Kriminológiai Közlemények 70.</i>, Magyar Kriminológiai Társaság, Budapest.</p> <p>Virág, Gy. (2010), <i>A szexuális bűncselekmények gyermek áldozatainak speciális megítélése</i>, in: <i>Kriminológiai Közlemények 67.</i>, Magyar Kriminológiai Társaság, Budapest.</p> <p>Schweighard, Zs. (2009), <i>Áldozatvédelem, áldozasegítés és a büntető felelősségre vonás</i>, in: <i>Jog- és Politikatudományi Folyóirat 2009/2</i>, Budapest</p> <p>Veisz, G. (2011), <i>Az állami áldozatsegítés jelene és jövője</i>, in: <i>Kriminológiai Közlemények 69.</i>, Magyar Kriminológiai Társaság, Budapest.</p> <p><i>Protocols worked out in the</i></p>	<p>The studies deal with specific, mostly vulnerable victim groups and their special needs, and the differentiated treatment that needs to be offered.</p> <p>The last two studies discuss structural questions related to victim support, especially the actual operation and perspectives of the state Victim Support Service.</p> <p>The protocols define the legal</p>
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		<p>Social Renewal Development Programme 5.6.1 action (<i>Társadalmi Megújulás Operatív Program 5.6.1 intézkedés</i>) for the operation of the volunteer network, the victim support psychologists and the help line operators, available in English language at: <a href="http://www.tettprogram.hu/victimsupport">www.tettprogram.hu/victimsupport</a>.</p> <p>Törzs, E. (2010), <i>A sértett és a mediáció. Az első év tapasztalatai</i>, in: <i>Kriminológiai Közlemények 66.</i>, Budapest, Magyar Kriminológiai Társaság pp. 290-296.</p> <p>Szántó, E. (2010), <i>Az áldozatsegítés és a mediáció közös pontjai az első év tapasztalatai tükrében</i>, <i>Kriminológiai Közlemények 66</i>, Budapest, Magyar Kriminológiai Társaság, pp. 297–301.</p>	<p>background; list previous practices; describe the training of the service providers and the methodology of the provision of the services; answers questions related to the operation of the services; and discusses the measurement of the efficacy of the systems.</p> <p>The last two studies analyse the first year of the operation of the mediation and victim support systems in Hungary, including perspectives of the victims. Both studies conclude the importance of the existence of the services, but also point out the necessity of further development.</p>
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### 2.3 Victim Helplines

	EXAMPLE: AUSTRIA	Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	x		Victim Support Line ( <i>Áldozatsegítő Vonal – Diszpécserszolgálat</i> ). Phone number: 0036 80 225 225. Operated by the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal</i> ). <sup>98</sup>
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').	x		
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	x		
4	Is the helpline free of charge?	x		
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	x		
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')	x		

<sup>98</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.



7	Is the helpline funded by the state?	x		The Victim Support Line was introduced and operated for one year in the framework of the partially state and EU funded Social Renewal Development Programme 5.6.2 action grant ( <i>Társadalmi Megújulás Operatív Program 5.6.2 intézkedés</i> ) in 2012. From 2013 the full budget of the Victim Support Line is included in the finances of the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal</i> ). <sup>99</sup>
8	Is the international EU victim support telephone number 116-006 available? <sup>100</sup> If no, provide a justification and/or specify whether plans to implement this are underway.	x		
<b>Comments</b>				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.			The Victim Support Line's ( <i>Áldozatsegítő Vonal</i> ) operator requests information from the contacting person on the following: the nature of the crime committed and the circumstances of the victim or her/his environment, is the victim is safe, what kind of supporting network s/he can rely on. Then the operator maps the available support services and informs him/her on the whereabouts and also on the services provided by the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) itself; if applicable, arranging of contacts to other supporting organisations on behalf of the victim; providing information and advice on victims' rights (rights in criminal proceedings, rights with regard to the following of the proceedings, compensation claims, etc.); and delivers information and advice on psychosocial services. <sup>101</sup> The operator also attempts to assure emotional support needed by the victim. If necessary, the operator sends a volunteer who can personally provide support. <sup>102</sup>
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'			EUR 189,559.3 partially state and EU funded Social Renewal Development Programme 5.6.2 action grant ( <i>Társadalmi Megújulás Operatív Program 5.6.2 intézkedés</i> ). <sup>103</sup>
11	How many people were employed to run the helpline in 2012?	7 <sup>104</sup>		

<sup>99</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>100</sup> In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

<sup>101</sup> A detailed description on the help line is available in English at: [www.tettprogram.hu/uploads/diszpecser.pdf](http://www.tettprogram.hu/uploads/diszpecser.pdf).

<sup>102</sup> The protocol on the tasks, activities and obligations of the volunteers is available in English at: [www.tettprogram.hu/uploads/onkentes.pdf](http://www.tettprogram.hu/uploads/onkentes.pdf).

<sup>103</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>104</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Currently the Victim Support Line ( <i>Áldozatsegítő Vonal</i> ) is exclusively available through the phone-line. Between June 15 and 31 December 2012 the helpline was available via short text message thanks to the cooperation with the National Alliance of Deaf and Hearing Impaired ( <i>Siketek és Nagyothallók Országos Szövetsége</i> ). However the service was closed down because of the very low number of contacts. <sup>105</sup>
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	The helpline is only accessible via phone. <sup>106</sup>
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	The helpline is operated by a professional, specially trained staff. All staff members have higher education diploma in pedagogy, sociology, social pedagogy, or political sciences. <sup>107</sup>
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	The Victim Support Line ( <i>Áldozatsegítő Vonal</i> ) received 10,434 calls in 2012, out of which 7,434 requested victim support or information related to victim support. <sup>108</sup>

<sup>105</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>106</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>107</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>108</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.



## 2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	x		The police are obliged to inform all victims of crime of the support service orally and in writing and to provide them with the information leaflet issued by the state Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). <sup>109</sup>
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?		x	The police are not obliged to inform the victims of crime on the paths to apply for compensation in the aftermath of a crime. <sup>110</sup>
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	x		The victim has the right to be informed on her basic procedural rights and obligations during the <u>criminal procedure</u> according to the Code of Criminal Procedures (CCP). <sup>111</sup> The victim has the right to be informed about the following: - parts of the criminal procedure where she/he can be present; - motions and objections at any stage of the procedure she/he can make; - information about her/his rights she/he can receive; and - the cases when she/he can lodge appeals. <sup>112</sup> The basic obligations of the victim are mainly to support the work of the investigative authority, for example the victim shall submit her/himself to professional examination or treatment.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	x		In criminal proceedings, all the involved parties – including the victim – may use both orally and in writing their mother tongue, or, pursuant to and within the scope of an international agreement promulgated by law, their regional or minority language, or – if they do not speak Hungarian – any other language they choose. <sup>113</sup> The CCP sets forth furthermore that if a person whose mother tongue is not Hungarian intends to use his/her mother tongue, or – pursuant to and within the scope of an international agreement promulgated by law – their regional or minority language in the course of the proceedings, an interpreter shall be involved. If the use of the mother tongue would lead to disproportionate difficulties, the use of another language

<sup>109</sup> Hungary, Decree of the Minister of Justice and Law Enforcement 17/2007. (III. 13.) on the Tasks of the Police and the Border Guards Related to Victim Support (17/2007. (III.13.) IRM rendelet a rendőrség és a határőrség áldozatsegítő feladatairól).

<sup>110</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>111</sup> Hungary, Article 51 (c) of Act 19 of 1998 on the Criminal Procedure (*A büntetőeljárásról szóló 1998. évi XIX. törvény*)

<sup>112</sup> Hungary Article 51 (2) of Act on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. Törvény*)

<sup>113</sup> Hungary, Article 9 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

				defined by the person not speaking Hungarian as a language known by him/her shall be used. <sup>114</sup>
5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	x		The CCP provides for the obligation of the authorities to inform the aggrieved party – a narrower category than victims, including basically only those persons who were directly affected by the crime – on decisions ending the criminal procedure. <sup>115</sup>
	(b) the time and place of the trial, and the nature of the charges.		x	Aggrieved parties shall be notified about the date and time of court hearings. <sup>116</sup> If the court intends to hear the aggrieved party as a witness, he/she is summoned to court hearings. Notification and summoning shall be made in a written form or by other adequate means (such as by phone, fax or e-mail), or verbally, if the victim appears before the court personally. <sup>117</sup>
	(c) any final judgment in a trial	x		The CCP prescribes that substantive decisions shall be communicated with the aggrieved party. <sup>118</sup>

### 1.5 Training of practitioners on dealing with victims of crime

*With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):*

	Yes	No	Comments (max 2-3 sentences)

<sup>114</sup> Hungary, Article 114 (1) of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>115</sup> Hungary, Article 195 (1) of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>116</sup> Hungary, Articles 51 (2) a) and 279 (1) of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>117</sup> Hungary, Article 67 (2) of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>118</sup> Hungary, Article 262 (1) of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

1	Police		x	<p>At the Police College (<i>Rendőrtisztví Főiskola</i>) there is no particular course dedicated specifically to victim support, 'Criminology' covers it to a limited extent, one class is dedicated to the issue. It is however covered by other courses as well.</p> <p>There is a special training dedicated to police officers who are primarily responsible for victim support tasks. After being appointed to victim protection officers they are obliged to participate at a training session focusing on victims. Victim protection police officers participate in professional training every second year.<sup>119</sup></p> <p>According to a recent Order of the Head of the National Police<sup>120</sup> both the curriculum of the Police College (and the training sessions organized for police officers include the legal background of victim support and international and domestic experiences in this field. Moreover, experts of the Office of Justice and Public Administration and the Justice Services are involved in the implementation of the training sessions for the police.</p> <p>Depending on their previous qualification, front desk officers and their deputies are obliged to participate in a 2-3 weeks long training session. 5 classes (45 minutes each) are dedicated to the issue of domestic violence: 1 class about the psychological aspects (presentation of a psychologist, working for the police), 1 class on the restraining order, and a 3 classes about the social aspects of domestic violence (presentation by an NGO expert from the NANE Women's Right Association (<i>Nők a Nőkért Együtt az Erőszak Ellen [NANE]</i>)). To complete the training, participants have to pass an exam including role plays and tests as well assessing their knowledge in the field of victim support.<sup>121</sup></p>
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<sup>119</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 5 July, 2013 via e-mail.

<sup>120</sup> Hungary, Section 26. of the Order 2/2013 of the National Police on the Tasks of the Police Related to Victim Support (2/2013. (I. 31.) ORFK utasítás a rendőrség áldozatsegítő feladatairól).

<sup>121</sup> Written information provided by NANE Women's Right Association (*Nők a Nőkért Együtt az Erőszak Ellen [NANE]*) for the purposes of the present report on 5 July 2013 via e-mail.

2	Prosecutors		x	<p>Training for prosecutors, junior prosecutors and trainees is provided by the Hungarian Public Prosecution Training Centre (<i>Magyar Ügyészképző Központ</i>). Trainee prosecutors must participate at a 13-15 week long training during 2 years after they start working at the Prosecutors Office. The curricula do not directly touch upon victim support or victims' rights. The training explicitly covers children's' rights and deals with hate crime in detail, but no special section is dedicated to victim support <i>per se</i>. The training, however, introduces the institutional system of victim support, thus providing the opportunity for prosecutors to understand the function and operation of the Justice Services (<i>Igazságügyi Szolgálat</i>) and the Office of Public Administration and Justice (<i>Közigazgatási és Igazságügyi Hivatal</i>)</p> <p>Some lectures at the annual 5-day training held for deputy prosecutors (<i>alügyész</i>) focus on the treatment of crime victims. Also, a psychologist holds a half-day training at the session.</p> <p>Thematic lectures and academic conferences are organised for prosecutors following the annually defined educational program. In general, the Programme focuses more on legal issues than on the needs of victims, skills or the available support services.<sup>122</sup></p>
3	Judges		x	<p>In the last five years, volunteering judges could participate at four training sessions where lecturers touched upon the situation of victims suffering PTSD as a consequence of physical or sexual assault, child victims, and victims of trafficking of human beings.<sup>123</sup></p> <p>According to an interviewed source, judges are not prepared or trained to be able to appropriately deal with victims.<sup>124</sup></p>

<sup>122</sup> Information derived from the letter (2201/2013/2. on April 8) issued by the Chief Prosecutor's Office for the purposes of the present report.

<sup>123</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>124</sup> Personal interview with a practicing judge in April, 2013.

4	Court staff		x	No training at all is provided for other staff than judges and trainee judges. Trainee judges receive general training focusing on the legal provisions and their application, but no skills are thought, no sensitisation, soft knowledge is delivered for judges. <sup>125</sup>
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)		x	Not at all. <sup>126</sup>
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,		x	According to the decree <sup>127</sup> regulating the exam of victim support officers, they are obliged to pass an exam after starting to work within the service. Those who passed the bar exam or a specialized public administration exam are exempted from the obligation. In order to successfully pass the exam training is offered – however it did not take place in 2012 <sup>128</sup> . Two out of the 16 categories of the curricula are (i) crime prevention, criminology, victimology; (ii) trauma deriving from the crime and its treatment.
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)		x	None of the contacted organisation (civil or state within the criminal justice system) was aware of any systematic training on how to deal with victims of crime.

## 2.6 Rights of victims in criminal proceedings

### 2.6.1 Definition of victim

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	The Victim Support Act uses the term 'victim' defined as follows: aggrieved party of a crime committed in the territory of the Republic of Hungary and any natural person who suffered injuries, in particular bodily or emotional harm, mental shock or economic loss, as a direct consequence of criminal acts. <sup>129</sup> The CCP uses the term 'aggrieved party' ( <i>sértett</i> ) instead of 'victim' ( <i>áldozat</i> ), and, as a general rule, victims are referred to as aggrieved parties in the course of the criminal proceedings. (In terms of CCP, aggrieved parties are persons whose rights or lawful interests have been violated or jeopardized by the crime investigated.) <sup>130</sup> According to the terminology of the CCP the term 'aggrieved party' refers

<sup>125</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>126</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report and information derived from the letter (2201/2013/2. on April 8) issued by the Chief Prosecutor's Office for the purposes of the present report.

<sup>127</sup> Hungary, Ministry of Public Administration and Justice Decree 22 of 2010 (XII.28.) on the exam of probation officers, public officials and administrative staff (*A pártfogó felügyelői, jogi segítségnyújtó és áldozatsegítő szolgálatként, valamint kárpótlási hatóságként kijelölt szervnél működő pártfogó felügyelők, kormánytisztviselők és kormányzati ügykezelők ügyviteli vizsgájáról 22/2010. (XII. 28.) KIM rendelet*).

<sup>128</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>129</sup> Hungary, Article 51 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>130</sup> Hungary, Article 1 (1) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

		exclusively to the most direct victims of the crime and ignores those who were indirectly (psychologically or emotionally) affected by the crime (e.g. family members). This concept is not in compliance with the wording and the spirit of the Directive 2012/29/EU. <sup>131</sup> However, the Victim Support Act is in full compliance with the framework decision to offer various services to all persons affected by the crime.
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	Not in the CCP or in the Victim Support Act.
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	As it is set forth above, under the CCP, aggrieved parties are those legal or natural persons, whose rights or lawful interest has been violated or endangered by the crime investigated. The law claims that if the aggrieved party was deceased prior or after the commencement of the criminal procedure, her/his lineal relative, spouse, companion, or legal representative may exercise the rights of the aggrieved party. Given that the legal standing of family members is acknowledged only for the case that the direct victim dies, it can be inferred <i>argumentum a contrario</i> that the victim's family, as a rule, is not included in the definition. As mentioned above, the Victim Support Act's definition of 'victim' extends to other persons than the direct crime victims, however it is not explicitly stated in the Victim Support Act.

### 2.6.2. Decision not to prosecute

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	x		Yes. If the prosecutor has terminated the investigation, the aggrieved party (victim) may file a complaint against the termination of the investigation. <sup>132</sup>
Who undertakes this review?	NA	NA	If the investigation is carried out by the prosecutor and s/he rejects the complaint against the termination of the procedure submitted by the aggrieved party, the supervising prosecutor decides whether the complaint is well-founded. <sup>133</sup> It has to be noted however that in most of the cases the police lead the investigation and the prosecutor's office decides on the eventual complaint against the termination of the procedure.
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	x		If the aggrieved party's complaint is rejected, the aggrieved party has the right to act as substitute private prosecutor. However, s/he only has this possibility only under certain circumstances, e.g. if the investigation has been terminated because (i) the act in question is not considered as a criminal offence, (ii) the criminal offence was not committed by the alleged perpetrator, or this may not be established, (iii) the alleged perpetrator is not punishable by law due to certain specified circumstances, etc. If the prosecutor decides to partially drop charges against the defendant, the

<sup>131</sup> Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

<sup>132</sup> Hungary, Article 53 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>133</sup> Hungary, Article 199 (1b) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

			aggrieved party may also stand as a substitute private prosecutor. <sup>134</sup>
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?		x	There are no such mechanisms in place. The victim is generally entitled to be present at the procedural actions affecting her/him; she/he can make motions and objections at any stage of the procedure; she/he can receive information about her/his rights; and can lodge appeals in certain cases. <sup>135</sup> It is upon the discretion of the prosecutor's office whether they inform the victims about the case, it is not forbidden, but it is not prescribed by law either. Enquiries can be sent to the prosecutor's office, e-mail is not a mechanism dedicated to information supply within the prosecutor's office. It is strictly forbidden to give information concerning on-going cases to parties of the criminal procedure – including victims – through telephone. <sup>136</sup>

### 2.6.3. Right to be heard

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	x		Victims may be present at certain investigative actions in the investigative phase, but may not be present at the suspect's hearing, for instance. <sup>137</sup> Victims may be present at court hearings, even if the trial is not public. <sup>138</sup> Victims may be interrogated as a witness. However, if the report filed by the victim contains statements regarding the criminal offence or if the court deems it unnecessary to hear the victim, the interrogation of him/her as a witness may be dispensed with. The victim may have the floor before the court delivers judgement right after the prosecutor's closing. Victims may declare whether they want the defendant to be held liable and punished; and may justify the sum of the damages claimed by them. <sup>139</sup>
Do victims have a right to supply evidence during criminal proceedings?	x		Victims may submit motions and make observations, and may ask questions from the experts. <sup>140</sup> Victims may supply any evidence to the investigative authorities, however authorities are not under an express obligation to hear or question the victim. If a victim is summoned as a witness, he/she is obliged to take part in the proceedings and as a main rule, obliged to make a testimony. <sup>141</sup> Those attending the court hearing may in general make motions and observations concerning matters affecting them in the course of the evidentiary proceedings. Witnesses and experts may be cross-examined by the victims. <sup>142</sup>
Is there a right for vulnerable victims to be questioned & testify	x		The possibility of treating the personal data of all witness/victims confidentially is ensured in the law. In such

<sup>134</sup> Hungary, Article 229 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>135</sup> Hungary Article 51 (2) of Act on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. Törvény*)

<sup>136</sup> Information provided in the letter (2201/2013/2. on April 8) issued by the Chief Prosecutor's Office for the purposes of the present report.

<sup>137</sup> Hungary, Article 185 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>138</sup> Hungary, Article 238 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>139</sup> Hungary, Article 316 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>140</sup> Hungary, Article 185 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>141</sup> Hungary, Article 79 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>142</sup> Hungary, Article 286 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).



<p>in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):</p>		<p>cases the personal data shall be deleted from copies of case files received by participants of the proceeding.<sup>143</sup> It is set out by the law that any victim may submit a motion to the court requesting to record procedural actions by technical means (audio or video recording) or by stenography.<sup>144</sup> It is also possible for witnesses to make a testimony outside court rooms, via videoconference.<sup>145</sup> It may be ordered if</p> <ul style="list-style-type: none"> <li>• the witness is less than 14 years old;</li> <li>• the crime committed was against life, limb or health or was a violent offence by nature committed against a person (either a crime against marriage, family, youth and sexual morality, or other);</li> <li>• the witness's medical conditions or other circumstances make it disproportionately difficult for him/her to appear at the hearing;</li> <li>• the witness takes part in the Protection Program, or if his/her safety requires so;</li> <li>• the witness is detained and his/her presence at the hearing would endanger public safety.</li> </ul> <p>Victims under fourteen may only be heard as a witness if the evidence expected to be provided by their testimony cannot be substituted by any other evidentiary means. At the interrogation of witnesses under eighteen, statutory representatives (parents) and custodians of the witness may also be present.<sup>146</sup> Persons under fourteen may be subject to a confrontation only if it does not generate fear on behalf of the minor.<sup>147</sup></p>
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#### 2.6.4 Rights of victims at trial

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		x	There are no special units, service or staff members whose exclusive task would be the support of victims. <sup>148</sup>
2	Is there a separate waiting area for victims at court?	x		At some courts there are separate waiting areas for witnesses/victims and the persons accompanying them. In these areas children may be placed during the hearing of their relatives. <sup>149</sup>
3	Is special seating reserved for victims at trial?	x		There are reserved places for the judge, the prosecutor, the defendant, the representatives of the parties, including the witnesses/victims.
4	What other services are available?	NA	NA	At certain courts some members of the staff are appointed to provide support for witnesses (not exclusively for victims). These

<sup>143</sup> Hungary, Article 96 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>144</sup> Hungary, Article 252 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>145</sup> Hungary, Article 244/A of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>146</sup> Hungary, Article 86 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>147</sup> Hungary, Article 124 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>148</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>149</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.



				staff members give general information personally or via phone to inquiries of the witnesses, however they are prohibited to provide any information related to individual cases. <sup>150</sup>
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	The services are mainly provided by the appointed administrative staff members and a few trainee judges or substitute judges ( <i>titkár</i> ). <sup>151</sup>
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?		x	
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	x		Service providers are employed by the courts, and are in the position to inform the judge if perceiving that the witness (victim) needs special attention or protection.
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?		x	The service aiming at the better protection and support of victims and witnesses are only implemented as pilot projects at certain courts. The National Judicial Office ( <i>Országos Bírósági Hivatal</i> ) intends to strengthen and expand the Programme in 2013. <sup>152</sup>
9	Do victims have the right to be accompanied by support persons during the trial?	x		As a main rule trials are public where anyone can participate. Everyone is obliged to respect the order and operation of the court and the dignity of the trial. <sup>153</sup>
10	Can victims access & copy trial records		x	The aggrieved party may inspect the case files without any restrictions; case files are handed over to him/her in the official premises of the court for inspection upon request, and may be read in the official premises of the court. <sup>154</sup> The law sets out that after charges have been dropped against the defendant by the prosecutor, the victim (intending to act as a substitute private prosecutor) shall be granted the opportunity to inspect case files. However, confidential documents handled separately from the files of the case may not be disclosed to the substitute private accuser. <sup>155</sup> Copies of case files may be requested from the court, which has to hand out the copies. <sup>156</sup>

<sup>150</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>151</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>152</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>153</sup> Hungary, Article 167 of Act 161 of 2001 on the courts' structure and administration (*2001. évi CLXI. törvény a bíróságok szervezetéről és igazgatásáról*)

<sup>154</sup> Hungary, Article 253 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>155</sup> Hungary, Article 312 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>156</sup> Hungary, Article 70/B (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

### 2.6.5 Legal aid for victims:

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims	C: Subject to other criteria	D: Other
1. Free legal advice		X			
	Comments:	The Legal Aid Act sets out that general legal information is freely provided by the Victim Support Service to all victims – and other persons. <sup>157</sup> If specialized advice or drafting of submissions or other documents is needed, the legal advice is provided by a legal aid provider, in case the victim is indigent. <sup>158</sup>			
2. Free legal representation				X	
	Comments:			According to the law, only indigent victims may receive free legal aid. The costs of legal aid are covered by the state if the per capita net monthly income of the person does not exceed the second previous year's average per capita gross income's 86%. <sup>159</sup> In some cases the victim shall be considered to be indigent irrespective of his/her earnings (e.g. s/he is a homeless person in need of temporary accommodation in lodging facilities, or s/he is an asylum seeker in Hungary, s/he is a minor or a victim claim the damages caused by the	

<sup>157</sup> Hungary, Article 3 (4) of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

<sup>158</sup> Hungary, Article 24 (2) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>159</sup> Hungary, Article 9/A of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

				crime in the framework of the criminal procedure, s/he receives certain social benefits [e.g a person living with disabilities]). <sup>160</sup> However, indigent victims may be represented free of charge only if they are not capable of enforcing their rights in an efficient way personally due to the complexity of the case, their lack of experience in law or other personal circumstances. <sup>161</sup>	
<b>3. Exemption from court fees</b>					X
	Comments:				In general no fees are applied for victims in criminal proceedings, however, for copies of documents a fee has to be paid, except for the report of the crime. <sup>162</sup> In case of easily bodily harm, infringement of private secrecy, infringement of postal secrecy, defamation, libel and irreverence, the victim shall initiate the proceedings as a private prosecutor ( <i>magánvádló</i> ) and must pay fees for initiating the different phases of the procedure. <sup>163</sup>
<b>4. Exemption from or reimbursement for expenses</b>		X			
	Comments:	In criminal proceedings, all the involved parties – including the victim – may use both orally and in writing their mother tongue, or, pursuant to and within the scope of an international agreement			

<sup>160</sup> For the detailed list, see Hungary, Article 5 (2) and article 19 (3) of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

<sup>161</sup> Hungary, Article 20 (1) of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

<sup>162</sup> Hungary, Article 57 (2) of 93 of 1990 on assizes an fees (1990. évi XCIII. törvény az illetékekről).

<sup>163</sup> Hungary, Article 52 (1) of Act 93 of 1990 on assizes an fees (1990. évi XCIII. törvény az illetékekről).

<p><b>related to interpretation and/or translation</b></p>		<p>promulgated by law, their regional or minority language, or – if they do not speak Hungarian – any other language they choose.<sup>164</sup> For these persons an interpreter shall be involved. If the use of the mother tongue would lead to disproportionate difficulties, the use of another language defined by the person not speaking Hungarian as a language known by him/her shall be used.<sup>165</sup></p> <p>Interpretation and translation fees are provided for the victim by the Victim Support Service as well.<sup>166</sup></p>			
<p><b>5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings</b></p>	<p>Comments:</p>	<p>x</p> <p>The expenses incurred as result of the participation of the victim in the proceedings as a witness shall be reimbursed upon request by the proceeding authority.<sup>167</sup></p> <p>Four kinds of expenses of witnesses are to be reimbursed (with certain limitations): Travel expenses. Accommodation expenses. Per diem. Expenses related to taking days off. Expenses of victims – not participating as witnesses in the procedure shall be covered as well: Travel and accommodation expenses. Costs of expert opinion prepared by the expert invited by the party, with the consent of</p>			

<sup>164</sup> Hungary, Article 9 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>165</sup> Hungary, Article 114 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>166</sup> Hungary, Article 17 of Act LXXX of 2003 on Legal Aid (*2003. évi LXXX. törvény a jogi segítségnyújtásról*).

<sup>167</sup> Hungary, Article 79 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

		the prosecution (or the court). Expenses of recording the proceedings. Expenses of one copy made of case files. Communication expenses (phone, fax, postal expenses, other). In certain cases representative's fee shall also be reimbursed. <sup>168</sup>			
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	The state	A victim support service	Both	Other (explain)
<b>2. Who provides legal aid? place 'X' in one column only)</b>				Attorneys at law and non-governmental organisations, university faculties, nationality self-governments providing legal assistance may apply to a pool of legal aid providers. The person (victim) entitled to legal aid has to choose a legal aid provider from this pool. <sup>169</sup>

<sup>168</sup> Hungary, Articles 5–6 of the Joint Decree of the Minister of Justice, the Minister of Interior and the Minister of Finance 26/2003. (VII. 1.) on the State Reimbursement of Out-of-pocket Expenses of the Defendant and the Defence Lawyer, and on the Expenses and Fees of Persons Participating in the Criminal Proceedings

<sup>169</sup> Hungary, Article 64 (1) and article 66 of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

## 2.7 Compensation

	Victims' rights with regard to compensation	Yes	No	Comments and sources
1	Do victims have the right to ask for compensation during criminal proceedings?	x		If the victim has suffered financial damages he/she may act as a private party and claim compensation from the perpetrator for the damages already in the report initiating the criminal procedure. <sup>170</sup> The Victim Support Act provides that state compensation is only available in case of violent intentional crimes. <sup>171</sup> In order to be entitled to state compensation, the victim needs to be indigent. <sup>172</sup>
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	x		The victim is entitled to the reimbursement of expenses as it is described under 2.6.5 para 5. Property seized in the course of the criminal procedure should be returned to its owner by the criminal court if the owner can duly justify her/his ownership and there is no room for confiscation. If the owner cannot be established, the property shall be given to the person who can file a duly justified claim for the return. Witnesses and victims may be protected in the framework of the so-called Protection Program <sup>173</sup> which shall be applied during and after the criminal proceedings if it is conducted due to an outstandingly serious crime.
3	Is compensation paid by the offender?	x		If the victim suffered financial damages and claims compensation from the offender as a private party in the course of the criminal proceedings and the court approves the claim, compensation shall be paid by the offender. The victim may be entitled to the compensation paid by the state according to the conditions set out by the Victim Support Act. <sup>174</sup>
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		x	
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?		NA	
6	Is compensation paid by the	x		The Victim Support Act provides that state

<sup>170</sup> Hungary, Article 54 of of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>171</sup> Hungary, Article 6 (1) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>172</sup> Hungary, Article 6 (2) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>173</sup> Hungary, Act LXXXV of 2001 on the Protection Programme of those Participating in Criminal Proceedings and Supporting Jurisdiction (*2001. évi LXXXV. törvény a büntetőeljárásban részt vevők, az igazságszolgáltatást segítők Védelmi Programjáról*).

<sup>174</sup> Hungary, Article 6 (2) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

	state?			compensation is only available in case of violent intentional crimes. <sup>175</sup> In order to be entitled to state compensation, the victim needs to be indigent. <sup>176</sup>
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		x	The compensation paid by the state and the offender are two separate legal institutions.
8	Does a compensation order exist?		x	If the victim has suffered financial damages, he/she may act as a private party and claim compensation from the perpetrator for the damages in the criminal procedure. <sup>177</sup>
9	Do prosecutors have the power to mediate between the offender and the victim?		x	Mediation between the offender and the victim is available in certain types of crime under special circumstances. <sup>178</sup> The mediation is led by the specially trained probations officers employed by the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal</i> ) or attorneys mandated by the office. <sup>179</sup>
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?		x	The victim shall claim compensation. <sup>180</sup>
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?		x	The prosecutor does not consider the question of compensation to the victim in the decision to prosecute the offender, if the suspicion of crime is well-founded, the prosecutor must initiate (continue) the procedure; while voluntary payment of compensation by the offender may play a mitigating role in the decision rendered by the court.
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	x		The binding case law of the Hungarian courts sets out that it has to be taken in consideration as a mitigating factor in sentencing if the offender voluntarily compensated the victim for the damages caused by the crime committed. <sup>181</sup>
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	x		Victims enforcing a civil law claim shall lay claim for damages right after opening the first court hearing the judicial phase. <sup>182</sup>
14	Do third country nationals have the right to apply for compensation?	x		Third country nationals may lay claim for damages before the criminal justice system authorities just like Hungarian nationals, no difference is expressly set out in the CCP.

<sup>175</sup> Hungary, Article 6 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>176</sup> Hungary, Article 6 (2) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>177</sup> Hungary, Article 54 of of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>178</sup> Hungary, Article 36 of Act 4 of 1978 on the Criminal Code (1978. évi IV. törvény a Büntető Törvénykönyvről).

<sup>179</sup> Hungary, Article 3 of Act 123 of 2006 on mediation in criminal cases (2006. évi 123. törvény a büntető ügyekben alkalmazható közvetítői tevékenységről).

<sup>180</sup> Hungary, Article 54 of of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

<sup>181</sup> Hungary, Point 9 of the Criminal Law College's no. 56 position (56. Büntető Kollégiumi állásfoglalás).

<sup>182</sup> Hungary, Article 284 (2) of of Act 19 of 1998 on Criminal Procedures (A büntetőeljárásról szóló 1998. évi XIX. törvény).

				Indigent third country nationals may benefit from services set out in the Victim Support Act as well, if they are citizens of the European Union, reside habitually and legally in an EU Member State, are stateless persons residing legally in Hungary, victims of human trafficking, persons under asylum procedures or citizens of other countries concluding an agreement or maintaining mutual practices as regards victim support. <sup>183</sup>
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	x		Third country nationals with irregular status may lay a civil claim for damages in the criminal procedure. <sup>184</sup> However, they are excluded from services offered by the Victim Support Act, except for the case if the victim of crime is a victim of human trafficking and agrees to cooperate with the Hungarian authorities in investigating the trafficking. <sup>185</sup>
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?		x	As regards to the claim for damages caused by the crime, there are no differentiations set out in the law as regards the type of crimes. State compensation – as it was mentioned before – may only be awarded for indigent victims of violent intentional crimes who suffered serious bodily injury or health damage as a consequence of the crime. <sup>186</sup>

## 2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		x	The personal application scope of the Victim Support Act <sup>187</sup> extends to all legal residents in Member States of the EU. In these cases no referral system is applied. In state compensation cases the Hungarian Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) proceeds according to the Council Directive 2040/80/EC relating to compensation to crime victims. <sup>188</sup>

<sup>183</sup> Hungary, Article 1 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>184</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>185</sup> Hungary, Article 9/A of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>186</sup> Hungary, Article 6 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>187</sup> Hungary, Article 1 (1b) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>188</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.



2	Can victims of crime report crimes in their own country if the crime was committed in another state?	x		Hungarian law is applied in criminal cases if a Hungarian citizen committed the crime in Hungary or abroad and if a non-Hungarian citizen committed the crime abroad and the offence is punishable in both jurisdictions (double punishability). <sup>189</sup>
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	x		Providing information by the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ) is accessible for all persons. Other victim support services – instant financial aid, legal aid and facilitating the protection of victims' interests – are only available for indigent victims who are EU nationals or staying legally in a Member State or victims of human trafficking or whose country of origin concluded an agreement with Hungary on the provision of victim support services. <sup>190</sup> Furthermore, state compensation is only available for the above listed indigent victims of intentional violent crimes with the supplementary condition that third country nationals do need to reside (not only stay) legally in an EU country. <sup>191</sup> Third country nationals with illegal residency status are excluded from victim support services except from providing information.
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	x		Printed information leaflets on victim support services are available in English and German. <sup>192</sup> Further information material in most of Hungary's nationalities' languages are available on-line. <sup>193</sup> Application for state compensation is possible in both Hungarian and English. <sup>194</sup> Applications may be sent by post to the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ), personal presence is not required. <sup>195</sup>
5	Is information made available to victims in different languages by the police? If yes, which languages?	x		Some regional departments of the police prepared information in order to prevent crimes. (E.g. prevention of gasoline theft at highway service areas in Somogy county;

<sup>189</sup> Hungary, Article 3 (1) and article (4) (1) of the Act 4 of 1978 on the Criminal Code (*1978. évi IV. törvény a Büntető Törvénykönyvről*).

<sup>190</sup> Hungary, Article 1 of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>191</sup> Hungary, Article 2 (2) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>192</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>193</sup> See: [www.kih.gov.hu/web/guest/information-in-other-language](http://www.kih.gov.hu/web/guest/information-in-other-language)

<sup>194</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>195</sup> Hungary, Article 10 (1) of Act 135 of 2005 on supporting crime victims and state compensation (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*)

			crime prevention information leaflet for tourists in Budapest). <sup>196</sup>
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	x	As mentioned above, a printed leaflet is available in English and German. On-line information is available furthermore in Slovakian, Serbian, Polish, Croatian, Romani, Bulgarian, Romanian and Russian.
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	x	Interpretation and translation are available in the mother tongue for clients who do not speak Hungarian without limitation to specific languages. <sup>197</sup>
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	x	The Victim Support Unit of the Office of Public Administration and Justice ( <i>Közigazgatási és Igazságügyi Hivatal Áldozatsegítő Osztálya</i> ) is in contact with the World Society of Victimology and joining to the Victim Support Europe is under process. <sup>198</sup>
		<b>Description</b>	
9	What is the mechanism for victims to apply for compensation once they are back in their own country?		The law sets out that a Hungarian citizen residing habitually in Hungary is entitled to victim support services after his/her return to Hungary if s/he became a victim of an intentional violent crime abroad where the s/he stayed legally and able to justify the occurrence of the crime. <sup>199</sup>
10	What is the number of victims accessing victim support services who are non-nationals of the state?		In 2012 59 non-Hungarian citizens accessed the Victim Support Services ( <i>Áldozatsegítő Szolgálat</i> ) among which 41 were EU citizens. <sup>200</sup>
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		Printed information leaflets on victim support services are available in English and German. <sup>201</sup> Further information materials in most of Hungary's nationalities' languages are available on-line. <sup>202</sup> Application for state compensation may be submitted both in Hungarian and English. <sup>203</sup> Applications may be sent by post to the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ), personal presence is not required. <sup>204</sup>
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	No.	<sup>205</sup>

<sup>196</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>197</sup> Hungary, Article 17 of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről) and article 4 (1) of Act on the General Rules of the Administrative Procedures and Services (2004. évi CXL. törvény a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól).

<sup>198</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>199</sup> Hungary, Article 2 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>200</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>201</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>202</sup> See: [www.kih.gov.hu/web/guest/information-in-other-language](http://www.kih.gov.hu/web/guest/information-in-other-language).

<sup>203</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>204</sup> Hungary, Article 10 (1) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről)

<sup>205</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

## 2.9. The role of volunteerism in victim support

The culture or tradition of volunteering does not have a long tradition in Hungary; initiatives of organisational volunteering are noticeable only in the last few years. Following the European “Year of Voluntarism” in 2011, the Central Statistics Office of Hungary carried out a research in order to map the level and characteristics of voluntarism in Hungary.<sup>206</sup> The survey concludes that the level voluntary activity provided for or through formal organisations (e.g. NGOs) is very low. In the period of the survey, 28% of citizens over 18 years old undertook some voluntary activity, however 93% of the voluntary activities was informal help for individual persons living in the close environment of the volunteers and only 7% carried out voluntary activity through an organisation. Voluntarism has higher level among citizens over 40 years old. The rate of voluntary activity is in close relation with the educational level of the person: higher qualified persons are more active than people having elementary qualifications. Most of the voluntary activities carried out through organisations were related to the protection of public safety or public order. Presumably the category covers the activities of neighbourhood guards.

The first organisation dealing with the support of crime victims in Hungary was the White Ring Association (*Fehér Gyűrű Egyesület*), beginning its operation in 1989. In the forthcoming few years, other civil organisations have undertaken the protection of crime victims. Almost all NGOs are specialized in helping certain types of victims. Systematic state funding has been extremely weak, only tender calls may mitigate the financial difficulties of victim support organisations. Nowadays especially NGOs operating help lines (e.g. NANE Women’s Rights Association – *Nők a Nőkért Együtt az Erőszak Ellen Egyesület*, Blue Line Child Crisis Foundation – *Kék Vonal Gyermekkirzis Alapítvány*) employ volunteers.<sup>207</sup>

After the establishment of the state Victim Support Service (*Áldozatsegítő Szolgálat*) in 2006, the idea of involving volunteers in the provision or support became more and more firm. Finally the idea has been materialised in 2011, when EU funded Social Renewal Development Programme 5.6.1 action (*Társadalmi Megújulás Operatív Program 5.6.1 intézkedés*) provided financial means to establish the framework of voluntary network of 200 victim support providers.<sup>208</sup> Volunteers may be sent to the victim by the operator of the Victim Help Line if s/he considers that the victim needs personal assistance in administrative or psychological affairs. In 2012 victim support volunteers provided services for average 60 persons per month.<sup>209</sup>

Volunteerism in the field of victim support is a relatively new phenomenon. In the framework of the ACT Programme (*TEtt Program az Áldozatokért és a Tettesekért*),<sup>210</sup> implemented within the national development plan with the support of the European Social Fund, one of the key initiatives has been the organisation of volunteer networks to assist victims of crime, which has resulted in the recent (since February 2011) recruitment of 200 volunteers; including two in each sub-regions situated in the nine counties covered by the ACT Programme. Based on the ‘Hungarian National Social Inclusion Strategy’ from 2012 to 2014 additional Roma volunteers were recruited and involved in the volunteer’s network.<sup>211</sup> Also, victim support officers and other professional participate as mentors to volunteers and provide complex training on crime prevention in the framework of the ACT Programme.

Parallel to the above initiative a tender call has been announced for NGOs cooperating with county offices of the Victim Support Service in 2012. The budgetary framework of the call amounted to EUR 1.42 million. The aim of the call was to advance state-civil cooperation, develop victim support services, process creative methods of victim protection and explore new areas of victim support.

<sup>206</sup> Központi Statisztikai Hivatal (2011), *Önkéntes munka Magyarországon*, available in Hungarian at: [www.ksh.hu/docs/hun/xftp/idoszaki/pdf/onkentesmunka.pdf](http://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/onkentesmunka.pdf).

<sup>207</sup> Borbíró, A., et al (eds.), (2009), *A kriminálpolitika és a társadalmi bűnmegelőzés kézikönyve II.*, Budapest, IRM, pp. 11-152. available at: [www.tettprogram.hu/uploads/tamop\\_tk\\_2\\_aldseg+reintegr.pdf](http://www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf).

<sup>208</sup> [www.tettprogram.hu/Aldozatsegites](http://www.tettprogram.hu/Aldozatsegites).

<sup>209</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>210</sup> [www.tettprogram.hu](http://www.tettprogram.hu).

<sup>211</sup> Information is available in English at: <http://romagov.kormany.hu/hungarian-national-social-inclusion-strategy-deep-poverty-child-poverty-and-the-roma>.

## 2.10. The tradition of social work

Since the establishment of the Victim Support Service (*Áldozatsegítő Szolgálat*) in 2006, victim support officers seek to create well-functioning contacts with social services. These contacts are to advance the implementation of one of the services provided by the Victim Support Service: 'facilitation of the victim's interests', which aims at assisting the victim to receive the necessary medical and social services. However, the victim support provider is not obliged by any laws or internal rules to establish contacts with the local social services, most of them are active in the field and do so. Most frequent partners are the Hungarian Maltese Charity Service and the Hungarian Red Cross.

The tender calls published in the framework of the Social Renewal Development Programme 5.6.1 action (*Társadalmi Megújulás Operatív Program 5.6.1 intézkedés*) expressly aim at the development and strengthening of state-civil cooperation and the linkage and joint provision of services already delivered by the different organisations. A mandatory element of the projects is the training of professionals getting in touch – but not directly working with – crime victims (e.g. discussion of practical cases by victim support officers and social workers, providing information on the available victim support services, roundtable discussions, etc.). All together 10 county offices are involved in projects which were granted funding in the framework of the tender call.<sup>212</sup>

## 2.11. Promising practices in the area of victim support

	Promising practice	Similar practice		Short description of the practice
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région (LU, FR, DE, BE)</i> published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.	x		Printed information leaflet on victim support services are available in English and German. <sup>213</sup> Further information materials in most of Hungary's nationalities' languages are available on-line. <sup>214</sup> Application for state compensation is possible both in Hungarian and English. <sup>215</sup> Some regional departments of the police prepared information in order to prevent crimes. (E.g. prevention of gasoline theft at highway service areas in Somogy county; crime prevention information leaflet for tourists in Budapest). <sup>216</sup>
2	Assistance to tourist victims of crime: e.g. In <b>Ireland</b> , the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.	x		The Budapest Police drafted an information leaflet for tourist on how to prevent becoming a victim. <sup>217</sup> Offices of the White Ring Association are available at touristic areas (e.g. Lake Balaton) of the country and may provide assistance for victims of crime. <sup>218</sup>
3	Schemes for compensatory fines to help fund support services: In addition to other funding		x	In Hungary, detainees used to carry out voluntary work for the community as a

<sup>212</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>213</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>214</sup> See: [www.kih.gov.hu/web/guest/information-in-other-language](http://www.kih.gov.hu/web/guest/information-in-other-language).

<sup>215</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>216</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>217</sup> Hungary, Report of the Crime Prevention Unit of the National Police Headquarters on the implementation of victims' rights, status of victim protection with regard to the 17/2007. (III.13.) Ministry of Justice and Law Enforcement Decree (*Jelentés az áldozati jogok érvényesüléséről, az áldozatvédelem helyzetéről, figyelemmel a 17/2007. (III.13.) IRM rendeletrre*).

<sup>218</sup> See: [http://fehergyuru.eu/newsite/?page\\_id=24](http://fehergyuru.eu/newsite/?page_id=24).

	sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).			compensation for the damages they caused by the crime they committed as the materialisation of restorative justice. Sometimes they collect money for charity. <sup>219</sup>
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	x		The volunteer victim support provider may accompany the victim to authorities or service providers. <sup>220</sup>
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	x		Victims may receive legal assistance, as it is stipulated in the Victim Support and Legal Aid Acts. Since there is no time limitation in the laws, the assistance may be assured throughout the criminal proceeding. <sup>221</sup> Psychological assistance may be provided in pilot projects in the framework of the Social Renewal Development Programme ( <i>Társadalmi Megújulás Operatív Program</i> ). Conditions of the assistance are determined by the individual psychologist. <sup>222</sup>
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	x		There are several legal clinics run by universities in Hungary. However, none is specialized to the assistance of victims. The legal clinic of the University of Pécs mentions the provision of legal advice to victims as one of the areas students may deal or encounter with. <sup>223</sup>
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide		x	

<sup>219</sup> Hungary, Gyökös, M. (2010), "Restorative Prison" projects in Hungary, in: European Best Practices of Restorative Justice in the Criminal Procedure, Budapest, pp. 243-252. available at: [www.eucpn.org/download/?file=RJ\\_ENG.pdf&type=8](http://www.eucpn.org/download/?file=RJ_ENG.pdf&type=8).

<sup>220</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>221</sup> Hungary, Article 4 (4) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>222</sup> The protocol used by victim support psychologists in the framework of the Programme is available in English language at:

[www.tettprogram.hu/uploads/pszichologus.pdf](http://www.tettprogram.hu/uploads/pszichologus.pdf).

<sup>223</sup> See: <http://ajk.pte.hu/menu/280>.



	victims to support organisations.			
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).		x	
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.		x	In the majority of police stations, a police officer is responsible for the protection of victims. However this officer is also involved in general crime prevention activities and does not meet the victims personally in the course of the criminal proceedings. <sup>224</sup> Furthermore – as mentioned above – police do not refer the victims to the Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> ). <sup>225</sup>
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.		x	The MONA Foundation for the Women of Hungary ( <i>MONA Magyarországi Női Alapítvány</i> ) elaborated a sample methodology of a multi-disciplinary cooperation system of academics, researchers and practitioners in order to effectively handle and support victims of trafficking. <sup>226</sup>
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.	x		As part of the National Social Roma Inclusion Strategy, Roma victim support volunteers are recruited to work in the volunteer support network. <sup>227</sup> (The existence of the programme including on-site legal aid stations and legal advices provided through Skype became extremely unsure due to the lack of financing and restructuring of the Hungarian Civil Liberties Union NGO running the project. <sup>228</sup> )
13	Police forces in <b>England and Wales</b> have policies on dealing with repeat victimisation. An example of such a policy is the Thames		x	

<sup>224</sup> Information derived from the written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail and practical experiences of the Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*).

<sup>225</sup> Written information provided by the National Police Headquarters (*Országos Rendőr-főkapitányság*) for the purposes of the present report on 2 April, 2013 via e-mail.

<sup>226</sup> The publication summarises the project and including the methodology is available in English at: [http://mona-alapitvany.hu/wp-content/uploads/08\\_legislation\\_rights\\_protection\\_assistance.pdf](http://mona-alapitvany.hu/wp-content/uploads/08_legislation_rights_protection_assistance.pdf).

<sup>227</sup> Hungary, Part VI. point 13 of the Government Resolution 1430/2011. (XII. 13.) of the National Social Inclusion Strategy and Governmental Action Plan for the Implementation thereof in the years 2012 to 2014, available in English at: <http://romagov.kormany.hu/download/6/58/20000/Strategy%20Action%20Plan.PDF>.

<sup>228</sup> Written information provided by the head of the Hungarian Civil Liberties Union's Roma Programme via e-mail April, 2013.

	<p>Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998):</p> <p><b>Sample Extract from the policy:</b></p> <p><b>1. Rationale</b></p> <p>1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime.</p> <p>1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative.</p> <p>1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...].</p>			
14	<p>Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).</p>	x		<p>The possibility of treating the personal data of all witnesses/victims confidentially is ensured in the law. Personal data shall be deleted from copies of case files received by participants of the proceeding.<sup>229</sup> It is set out by law that any victim may submit a motion to the court requesting to record procedural actions by technical means (audio or video recording) or by stenography.<sup>230</sup> It is also possible for witnesses to make a testimony outside court rooms, via videoconference. At some courts there are separate waiting areas for witnesses/victims and the persons accompanying them. In these areas children may be placed during the hearing of their relatives.<sup>231</sup></p>
15	<p>In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)</p>		x	
16	<p><b>Other promising practices:</b> please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.</p>			<p>The NANE Women's Rights Association (<i>NANE – Nők a Nőkért Együtt az Erőszak Ellen Egyesület</i>) established cooperation with 3 police stations in the framework of a pilot project.<sup>232</sup> Women living with an abusive partner get an emergency device through which they can directly signal the</p>

<sup>229</sup> Hungary, Article 96 of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>230</sup> Hungary, Article 252 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>231</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>232</sup> See: [www.vodafone.hu/sajto/kozlemenyek/20130308.pdf](http://www.vodafone.hu/sajto/kozlemenyek/20130308.pdf).

			<p>police if they experience domestic violence. In case of signalization, the police immediately enter the premises in order to intervene in time. The Programme has been funded by a private telecommunication company.</p> <p>Nine, two-days training sessions with all together 78 participants from law enforcement agencies were organised In 2010-2012 by MONA Foundation (<i>MONA Magyarországi Női Alapítvány</i>) aiming at the improving of inter-agency cooperation between the police, social service providers, child protection authorities, educational institutions and civil society for combating trafficking in human beings for the purpose of sexual exploitation. The training sessions are aimed at sensitivisation and awareness raising on general gender and gender-based violence issues, which topics are largely missing from the training of relevant professionals, and provide the participants with an opportunity for networking with other actors working on the field. The training sessions were supported by the Norwegian Civil Fund and different Embassies.<sup>233</sup></p> <p>Hungarian NGOs started operating the first helpline in Hungary specifically for victims of sexual violence in 2010. It is for all victims of sexual violence offering psychological support, basic legal advice and information. It is also for professionals and layman supporters of victims. The helpline is operated by NANE Women's Rights Association (<i>NANE – Nők a Nőkért Együtt az Erőszak Ellen Egyesület</i>) being implemented by the KERET Coalition against Sexual Violence, with the support of the Open Society Institute Budapest.<sup>234</sup></p>
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## 2.12 Role of the victim in practice

	Description		Explanation
1	The victim is seen essentially as a witness.	x	Courts (and other authorities as well) consider the participation of victims in the procedure to be a hampering element. The authorities normally treat the victim of a crime as one of the usual witnesses, i.e. as a source of information. The most important goal of the authorities is to end the case

<sup>233</sup> Written information provided by the MONA Foundation (*MONA Magyarországi Női Alapítvány*) in April 2013.

<sup>234</sup> See: <http://mona-alapitvany.hu/archivum/keret-koalicio/a-keret-koalicio-zarokonferenciaja-2012-december-10>



		<p>with the delivery of a judgment as quickly and smoothly as possible. This interest effaces the adequate treatment of the victims.<sup>235</sup></p> <p>According to practitioners, officials (police officers, prosecutors and judges) commonly ignore the possible psychological or emotional harm the crime might have caused to the victim. They do not concern themselves with sensibly speaking to the victim, and do not take into consideration that victims may be frightened of the defendant or that it may be painful to recall the events linked to the crime. This negligence is a characteristic of the whole criminal justice system (e.g. only in a few places are there separate rooms installed for the victims and defendants, they have to wait in the corridors of the facility until being called by the official).</p> <p>Another characteristic hindering active participation in the criminal procedure is that provisions in the CCP relating to the aggrieved party are not collected under a single section of the code, rather dispositions are found scattered in the code.</p>
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.	<p>Under the law, the criminal court may decide upon the civil law claim. However, it may also order that the claim be considered by a civil court (e.g. if the adjudication of the claim would significantly delay the criminal procedure).<sup>236</sup> In practice this latter route is taken in the vast majority of cases: the criminal court only orders the compensation of the victim pursuant to a civil law claim if; (i) the opinion of a forensic expert proves the amount of damage; (ii) neither the victim nor the defendant challenges it; (iii) the defendant confesses to committing the crime. This practice engenders extreme delays in civil law claims' enforcement before the civil courts. It is evident that such approach by criminal courts is not in favour of the victims. According to a research study by the Chief Prosecutor's Office (<i>Legfőbb Ügyészség</i>), another element that hampers decisions relative to civil law claims is a view held by judges that the civil law claim put forth in the investigation phase of the criminal procedure is no longer valid before the court. Therefore, the courts often do not decide in such cases.<sup>237</sup></p>
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.	<p>As mentioned above, according to practitioners, officials (police officers, prosecutors and judges) commonly ignore the possible psychological or emotional harm the crime might have caused to the victim.<sup>238</sup></p> <p>As regards to victims of prostitution and domestic violence, the communication of the police reflects the humiliating attitude of blaming the victim and almost excusing the offender.<sup>239</sup></p>
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been	<p>As underlined above, according to several practicing judges, courts (and other authorities as well) consider the participation of victims in the procedure to be a hampering element. The authorities normally treat the victim of a crime as one of the usual witnesses, i.e. as a source of information. The most important goal of the authorities is to end the case</p>

<sup>235</sup> Phone interview with a formally practicing criminal law judge in January 2012 for the purposes of a research project and personal interview with a practicing criminal law judge in April 2013, furthermore a personal interview with a victim support officer practicing in a government office in Hungary in May 2013.

<sup>236</sup> Hungary, Article 335 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>237</sup> Cserei, Gy. (2003) *A sértetti jogok érvényesülése*, in.: Belügyi Szemle 2., Budapest.

<sup>238</sup> Phone interview with a formally practicing criminal law judge in January 2012 for the purposes of a research project and personal interview with a practicing criminal law judge in April 2013, furthermore a personal interview with a victim support officer practicing in a government office in Hungary in May 2013.

<sup>239</sup> Füstös, M. (2012), *A "police.hu" közvéleményformáló szerepéről*, in: Emberkereskedelem, szexuális kizsákmányolás, prostitúció, pp. 23-24. available at: <http://mona-alapitvany.hu/wp-content/uploads/2012/08/Emberkereskedelem-szexualis-kizsakmanyolas-prostitutcio-kiadvany-1.pdf>.

violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.		with the delivery of a judgment as quickly and smoothly as possible. This interest effaces the adequate treatment of the victims. <sup>240</sup>
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Role of the victim in the criminal justice system				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	x		Victims of crime join the proceedings as aggrieved parties in the course of the judicial phase of the proceedings. The CCP <sup>241</sup> uses the term 'aggrieved party' instead of 'victim', and, as a general rule, victims are referred to as aggrieved parties in the course of the criminal proceedings.
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	x		If the authorities intend to hear the aggrieved party as a witness, he/she is summoned to the hearings. In this case, appearance before the authorities is obligatory. <sup>242</sup> Apart from the witness testimony, the victim does not have further obligations prescribed by the law.
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.	x		The victim has a legal entitlement under national law. S/he is entitled to participate in criminal proceedings as the 'aggrieved party'. Victims may submit motions and make observations, and may ask questions from the experts and witnesses, also may file complaints against the decisions of the authorities. <sup>243</sup> Victims may supply any evidence to the investigative authorities. However authorities are not under an express obligation to hear or question the victim. <sup>244</sup> In case of easily bodily harm, infringement of private secrecy, infringement of postal secrecy, defamation, libel and irreverence, the victim shall initiate the proceedings as a private prosecutor ( <i>magánvádoló</i> ) <sup>245</sup> . In these cases the private prosecutor may exercise all the rights that the public prosecutor is entitled to. <sup>246</sup> Aggrieved parties enforcing a civil law claim arising as a consequence of the offence being the subject of the accusation in the course of the criminal

<sup>240</sup> Phone interview with a formally practicing criminal law judge in January 2012 for the purposes of a research project and personal interview with a practicing criminal law judge in April 2013, furthermore a personal interview with a victim support officer practicing in a government office in Hungary in May 2013.

<sup>241</sup> Hungary, Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>242</sup> Hungary, Article 67 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>243</sup> Hungary, Article 185 (1) and 286 (3) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>244</sup> Hungary, Article 79 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>245</sup> Article 52 (1) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

<sup>246</sup> Article 494 (2) of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

				<p>proceedings are called private parties (<i>magánfél</i>) in terms of the law.<sup>247</sup></p> <p>Victims may also join the proceedings as a substitute private prosecutor (<i>pótmagánvádló</i>) in case the prosecutor terminates the criminal case. However, victims have the possibility to act as substitute private prosecutors only under certain circumstances of the law.</p>
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<sup>247</sup> Hungary, Article 54 (1)–(2) of of Act 19 of 1998 on Criminal Procedures (*A büntetőeljárásról szóló 1998. évi XIX. törvény*).

## 2 Part B:

### 3.1 Establishment of generic victim support organisations

#### 3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

The White Ring Association (*Fehér Gyűrű Egyesület*), a non-governmental organisation was the first entity to provide victims with information and financial aid, it has been operational since 1989. In the beginning, a Government Decision<sup>248</sup> regulated the victim support tasks and the financial means dedicated to victim protection. The first legally binding document dealing with victims of crimes was a Government Decree<sup>249</sup> adopted in 2001 on the compensation of victims of violent crimes. Tasks set forth by the Decree were carried out by the Safe Hungary Public Foundation (*Biztonságos Magyarországért Közalapítvány*). In 2005, Parliament passed the Victim Support Act<sup>250</sup> which entered into force on 1 January 2006. The Victim Support Act served to constitute the organisational framework of victim support and state compensation in Hungary by establishing the core administrative tasks regarding victim support and state compensation.<sup>251</sup>

#### 3.1.2 Where did the money come from to support this first attempt?

The Safe Hungary Public Foundation has been the responsible body providing victim support and compensation for damages caused by serious intentional crimes. The financial means were ensured by the Government based on a Government Resolution<sup>252</sup> adopted in 1999.

#### 3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

In order to comply with international treaties and agreements, accepting the recommendations of international bodies, pressed by civil initiatives and activism in the field, the Government adopted the first legal document dealing with the support provided for victims. The Government Resolution<sup>253</sup> was not a legally binding document; however it prescribed the legislative tasks the Government needed to comply with, in order to better protect victims of crime. The first legally binding document – a Government Decree<sup>254</sup> – related to victim support and financial compensation of victims of serious crimes was only drafted and adopted in 2009, in order to comply with the requirements set out in the above mentioned Government Decision. Both legislative texts mandated the Safe Hungary Public Foundation (*Biztonságos Magyarországért Közalapítvány*) to provide victim support services with the clients. In 2003 the National Community Crime Prevention Strategy<sup>255</sup> was adopted and defined the support of victims among its five priorities. In 2004 Hungary accessed the European Union and subsequently undertook the obligation to regulate compensation for victims of crime. In 2005 the Victim Support Act<sup>256</sup> was adopted by Parliament. The law entered into force in 2006, in line with EU obligations. The fulfilment of tasks related to victim support was placed under the auspices of the already operating state organisation, the Office of Justice (*Igazságügyi Hivatal*).<sup>257</sup>

<sup>248</sup> Hungary, 1074/1999. (VII.7.) Government Resolution on the legislative tasks and other provisions related to the protection and compensation of crime victims and their relatives (*a bűncselekmények áldozatai és hozzátartozóik védelme, káruk megtérülése, enyhítése érdekében teendő jogalkotási feladatokról és egyéb intézkedésekről* szóló 1074/1999. (VII.7.) Korm. határozat).

<sup>249</sup> Hungary, 209/2001 Government Decree on the compensation of victims of violent crimes (*209/2001. Kormányrendelet az egyes erőszakos bűncselekmények következtében sérelmet szenvedettek állam általi kárenyhítésének szabályiról*).

<sup>250</sup> Hungary, Act 135 of 2005 on Support and State Compensation for Victims of Crime (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>251</sup> Hungary, Borbíró, A., et al (eds.), (2009), *A kriminálpolitika és a társadalmi bűnmegelőzés kézikönyve II.*, Budapest, IRM, pp. 11-152. available at: [www.tettprogram.hu/uploads/tamop\\_tk\\_2\\_aldseg+reintegr.pdf](http://www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf).

<sup>252</sup> Hungary, 1074/1999. (VII.7.) Government Resolution on the legislative tasks and other provisions related to the protection and compensation of crime victims and their relatives (*a bűncselekmények áldozatai és hozzátartozóik védelme, káruk megtérülése, enyhítése érdekében teendő jogalkotási feladatokról és egyéb intézkedésekről* szóló 1074/1999. (VII.7.) Korm. határozat).

<sup>253</sup> Hungary, 1074/1999. (VII.7.) Governmental Resolution on the legislative tasks and other provisions related to the protection and compensation of crime victims and their relatives (*a bűncselekmények áldozatai és hozzátartozóik védelme, káruk megtérülése, enyhítése érdekében teendő jogalkotási feladatokról és egyéb intézkedésekről* szóló 1074/1999. (VII.7.) Korm. határozat).

<sup>254</sup> Hungary, Government Decree 209/2001, adopted in 2001 on the compensation of victims of violent crimes (*209/2001. Kormányrendelet az egyes erőszakos bűncselekmények következtében sérelmet szenvedettek állam általi kárenyhítésének szabályairól*).

<sup>255</sup> Hungary, 115/2003 (X.28.) Parliamentary Resolution on the Community Crime Prevention Strategy (*Társadalmi Bűnmegelőzés Nemzeti Stratégiájáról* szóló 115/2003. (X.28.) OGY határozat).

<sup>256</sup> Hungary, Act 135 of 2005 on Support and State Compensation for Victims of Crime (*2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről*).

<sup>257</sup> Borbíró, A., et al (eds.), (2009), *A kriminálpolitika és a társadalmi bűnmegelőzés kézikönyve II.*, Budapest, IRM, pp. 11-152. available at: [www.tettprogram.hu/uploads/tamop\\_tk\\_2\\_aldseg+reintegr.pdf](http://www.tettprogram.hu/uploads/tamop_tk_2_aldseg+reintegr.pdf).

### 3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.		x	No. <sup>258</sup>

### 3.2 Personnel (professional staff and volunteers)\*:

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
HU	Victim Support Service (Áldozatsegítő Szolgálat)	48	48 x 40 = 1920	200	No contracted hours, voluntary activity in case of need; in 2012 approximately 200 hours of voluntary work per month	Approx. EUR 1724,1 per month (EUR 431 per week)

### 3.3 Services provided by the state:

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance	x		At certain courts some members of the staff are appointed to provide support for witnesses (not exclusively for victims). These staff members give general information personally or via phone to inquiries of the witnesses. However they are prohibited to provide any information related to individual cases. <sup>259</sup> Each court receives clients and provides information personally on general issues, trained staff are also at the disposal if clients wish to have their oral statements put into writing in cases before the courts.
b Free health/psychological assistance (e.g. crisis intervention centres)	x		Medical and psychological assistance are provided for crime victims in the framework of the regular procedures, no exemptions or benefits are set out by the law as regards victims. However, psychological help may be provided especially for crime victims in the framework of the Social Renewal Development Programme ( <i>Társadalmi Megújulás Operatív Program</i> ). <sup>260</sup>
c Emergency financial assistance	x		All victims of crimes are entitled to instant financial aid, provided that they are not able to cover their extraordinary expenses regarding accommodation,

<sup>258</sup> Information provided by the Office of Public Administration and Justice in its ELNH/III/146/2013 letter on 10 April 2013.

<sup>259</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>260</sup> Protocol on the delivery of services of the psychologists is available in English at: [www.tettprogram.hu/uploads/pszichologus.pdf](http://www.tettprogram.hu/uploads/pszichologus.pdf).

		<p>clothing, food and travel, or medical and funeral expenses as a consequence of being victimized.<sup>261</sup> Instant financial aid may be provided to victims irrespective of the crime and irrespective of their financial standing.<sup>262</sup></p> <p>The Victim Support Act makes clear distinction between compensation and instant financial aid. All victims of crime are entitled to non-legal support to enforce her/his rights or instant financial assistance irrespective of their financial standing, while state compensation is exclusively available for a “needy natural person a) who has been victimized by a violent deliberate crime and, as a direct consequence thereof, suffered severe injury physically or mentally”<sup>263</sup></p>
d Court accompaniment/support services	x	<p>At certain courts some members of the staff are appointed to provide support for witnesses (not exclusively for victims). Service providers are employed by the courts, and are in the position to inform the judge if they see that the witness (victim) needs special attention or protection.<sup>264</sup></p>
e Other (specify)		<p>The law sets out that general legal information is provided by the Victim Support Service (<i>Áldozatsegítő Szolgálat</i>) to all victims – and other persons for free.<sup>265</sup></p> <p>The Victim Support Services (<i>Áldozatsegítő Szolgálat</i>) shall help victims, in a manner and to the extent they require, to enforce their fundamental rights and to access health care services, health insurance benefits and social welfare services. Victims are entitled to the promotion of victims’ interests free of charge irrespective of their financial standing.<sup>266</sup></p>

<sup>261</sup> Article 4 (3) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>262</sup> Article 4 (5) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

<sup>263</sup> Hungary, Article 6 (1) Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről). The English translation of the law is published on the website of Office of Public Administration and Justice, see: [http://kih.gov.hu/english\\_pages/victim\\_support\\_comp/-/asset\\_publisher/4frusdbuyVxX/content/act-cxxxv-of-2005-on-crime-victim-support-and-state-compensation](http://kih.gov.hu/english_pages/victim_support_comp/-/asset_publisher/4frusdbuyVxX/content/act-cxxxv-of-2005-on-crime-victim-support-and-state-compensation)

<sup>264</sup> Letter of the National Judicial Office (12.204-7/2013.OBH) prepared for the purposes of the present report.

<sup>265</sup> Article 3 (4) of Act LXXX of 2003 on Legal Aid (2003. évi LXXX. törvény a jogi segítségnyújtásról).

<sup>266</sup> Article 4 (2) and (5) of Act 135 of 2005 on supporting crime victims and state compensation (2005. évi CXXXV. törvény a bűncselekmények áldozatainak segítéséről és az állami kárenyhítésről).

## Annex 2 –list of generic victim support organisations by country

<b>HU</b>	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
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