Act CXXXV of 2005

on supporting victims of criminal offences and State compensation

With a view to mitigating, in accordance with the principles of social solidarity and equity, the social, moral and material harms to persons who suffered a criminal offence and whose quality of life has been thus endangered, the National Assembly adopts the following Act:

Chapter I

GENERAL PROVISIONS

Scope of the Act

Section 1 (1) For the purposes of this Act, victim means a natural person who is an aggrieved party of a criminal offence, or an infraction against property, which was committed within the territory of Hungary and a natural person who suffered harm, including physical, mental or emotional harm or material damage which was directly caused by a criminal offence, or infraction against property, which was committed within the territory of Hungary, provided that

- a) he is a Hungarian national;
- b) he is a national of a Member State of the European Union;
- c) he is a national of a State outside the European Union and legally resides within the European Union;
- d) he is a stateless person legally residing within the territory of Hungary;
- e) he is a person identified as a victim of trafficking in human beings;
- f) he is eligible under an international agreement or reciprocity between his State of nationality and Hungary.
- (2) As regards reciprocity, the statement by the minister responsible for justice shall be decisive.
- (3) The victim shall be eligible for victim support services and State compensation under this Act (hereinafter jointly "support") even if
- a) in the case of a criminal offence,
- aa) the crime report was dismissed, the proceeding was terminated or the accused was acquitted due to infancy, mental disorder, coercion or threat, error, justifiable defence, necessity or an order by a military superior;

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- ab) the crime report was dismissed or the proceeding was terminated due to a reason for terminating liability to punishment under section 25 of Act C of 2012 on the Criminal Code (hereinafter the "Criminal Code") or section 32 of Act IV of 1978 on the Criminal Code as in force by 30 June 2013 (hereinafter "Act IV of 1978");
- b) in the case of an infraction against property, the crime report was dismissed or the infraction proceeding was terminated due to a reason referred to in section 83 (1) bb) and bc), c) to e) and h) to i) of Act II of 2012 on infractions, infraction procedure and the infraction records system (hereinafter the "Infractions Act").
- **Section 2** (1) Subject to the derogation laid down in paragraph (1a), also a national of a Member State of the European Union habitually living in Hungary and a Hungarian national habitually living in Hungary who fell victim to a criminal offence while legally residing abroad shall also be eligible for accessing the victim support service under this Act (hereinafter the "service").
- (1a) To a person referred to in paragraph (1), immediate financial assistance may be provided only if the criminal offence suffered was an intentional violent criminal offence against a person.
- (2) A victim shall be eligible, in accordance with section 1 (1) c), for State compensation under this Act (hereinafter "compensation") if he has domicile or a legal place of habitual residence in a Member State of the European Union. A victim holding a residence or an immigration permit in Hungary may also be granted compensation.
- (3) A person shall be eligible to apply for an assistance proceeding under Chapter VI of this Act if he has a place of habitual residence in Hungary and fell victim to an intentional violent criminal offence against a person in another Member State of the European Union.
- **Section 3** The scope of this Act shall not cover the defendant in the criminal proceeding, the person reasonably suspected of having committed a criminal offence and the person subject to infraction proceeding.

Section 3/A In the context of the service of facilitating interest assertion under section 24 (1), a subject of law with legal personality, except for the State, a public organ exercising State authority or a public international organisation, that suffered damage caused by a criminal offence of information system fraud, counterfeiting non-cash payment instruments or abuse of non-cash payment instruments shall also qualify as victim.

Chapter II

SERVICES

Types of services

Section 4 (1) The State shall provide services for the victim following the assessment of his needs and in alignment with them. Services provided under this Act shall be the following:

a) facilitating interest assertion;

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b) immediate financial assistance;

c) certification of victim status;

e) provision of protected shelter.

d) witness counselling;

(2) As part of facilitating interest assertion, the victim support service shall assist the victim, in alignment with his needs and to the extent necessary, in asserting his fundamental rights and in accessing healthcare, health insurance and social benefits as well as other State supports; to this end it shall offer, in particular:
a) information;
b) legal advice;
c) emotional support;
d) interpretation and translation assistance; and
e) other assistance
to remedy the harm.
(3) As immediate financial assistance, the victim support service shall cover the expenses of the victim relating to housing, clothing, alimentation and travel as well as extraordinary medical and funeral expenses, provided that the victim is unable to pay these expenses due to the criminal offence or the infraction against property. The highest amount of the assistance shall be equal to the base amount. The base amount shall be 43 per cent of the national gross monthly average pay from the second year preceding the year in question as published by the Hungarian Central Statistical Office.
(4) Where any authority or another organ makes accessing benefits, service or support provided by it conditional upon the person claiming the benefits, service or support being a victim falling within the scope of this Act or if doing so is necessary for any other reason, the victim support service shall issue, <i>ex officio</i> or at the request of the victim, an official certificate to certify victim status (hereinafter "certification of victim status").
(5) For appropriate information, a witness summoned to a court trial may have recourse to a court witness counsellor. A court witness counsellor is a case administrator of the court who provides the witness with information as set out in a separate law with a view to facilitating the provision of testimony and the required appearance before the court. Witness counselling shall not include the provision of information relating to the particular case and shall not

involve influencing the witness.

- (6) The State shall, as necessary, provide a protected shelter for a person identified as victim of trafficking in human beings who holds Hungarian nationality or enjoys the right of free movement and residence, regardless of whether a criminal proceeding was instituted for a criminal offence referred to in section 1 (1) or section 2. Protected shelter means a facility which receives a person identified as victim of trafficking in human beings and provides the care specified by law for him.
- (7) The victim shall be eligible for the services without means test and free of charge.
- (8) Where a victim applies to the victim support service for a service referred to in paragraph (1) a) or e), the public officer acting on behalf of the victim support service shall be exempt from the obligation under section 376 (2) to (3) of Act XC of 2017 on the Code of Criminal Procedure (hereinafter the "Code of Criminal Procedure").

Victims excluded from the services

Section 5 A victim shall not be eligible for services if

- a) he has already received the support applied for in the case, except for witness counselling and protected shelter;
- b) he provided false data in a previous case for support, for 2 years after the decision establishing this fact has reached administrative finality or become final and binding;
- c) he obstructs verification in a case for support;
- d) he prevented verification in a previous case for support, for 2 years following the decision establishing this fact reaching administrative finality or becoming final and binding;
- e) he failed to reimburse the State for monetary support under this Act from which he previously benefitted, despite an obligation to do so.

Chapter III

COMPENSATION

Victims eligible for compensation

Section 6 (1) A victim shall be eligible for compensation if

- a) an intentional violent criminal offence against a person was committed against him and it caused serious harm to his physical integrity or health;
- b) he is a lineal relative, adoptive or foster parent, adopted or foster child, spouse or cohabitant living, at the time of the commission of the criminal offence, in the same household with the aggrieved party who suffered harm or died as a result of the criminal offence referred to in point a);

- c) the aggrieved party who suffered harm or died as a result of the criminal offence referred to in point a) is or was obliged to provide maintenance for him under the law or an enforceable court or authority decision or a valid contract;
- d) he provided for the appropriate funeral of the aggrieved party who died as a result of an intentional violent criminal offence against a person.

(2)

(3)

Forms and amount of compensation

Section 7 (1) Compensation shall be paid either as a lump sum or as a monthly annuity.

- (2) The victim may seek recompense, in part or in full, of material damage suffered due to the criminal offence in the form of lump-sum compensation. The amount of lump-sum compensation shall not exceed fifteen times the base amount.
- (3) The victim may seek compensation in the form of annuity to partially compensate him for the loss of his regular income if the criminal offence resulted in the incapacity for work of the aggrieved party and the period of incapacity for work is expected to exceed 6 months. The monthly annuity amount shall be:
- a) 75 per cent of proven loss of income for a victim who has not attained the age of 18 years or who is in need of care by others;
- b) 50 per cent of proven loss of income for a victim who is not in need of care by others.
- (4) The highest amount of monthly annuity shall be equal to the base amount. The period of annuity shall not exceed three years.
- (5) Disbursement of annuity shall be discontinued if
- a) the eligibility of the victim for regular social or pension insurance benefits has been established taking into account the criminal offence and the disbursement of the benefits commenced;
- b) a final and binding court decision provided for annuity as damages for the victim and the disbursement thereof commenced;
- c) the insurance institution commences disbursing annuity to the victim;
- d) the incapacity for work of the victim ceases;
- e) the victim remained absent from a compulsory medical or expert examination without an excuse.

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Victims excluded from compensation

Section 8 A victim shall not be granted compensation if

- a) a ground for exclusion listed in section 5 exists;
- b) he did not pursue his social security or other insurance claim arising from the criminal offence, or he did pursue his claim for damage or insurance claim and the damage he suffered has been covered by the time of the submission of the compensation application (including any payment received from a foreign State, insurance institution or a non-governmental victim protection organisation);
- c) his behaviour triggered the criminal offence or contributed to the commission of the criminal offence, and the court established this in a final and binding conclusive decision;
- d) his fault either caused the damage or contributed to its occurrence, and the court established this in a final and binding decision;
- e) in the criminal proceeding launched due to the criminal offence giving rise to compensation, he refused to testify without being authorised to do so or failed to comply with his obligation to assist in an expert examination or a disciplinary fine was imposed on him in a decision that reached administrative finality or against which no further legal remedy is available due to his failure to comply with a summons;
- f) in the compensation procedure, he fails to comply with his obligation to assist in a medical or expert examination or to provide requested supplementary data, or he remains unjustifiably absent from an interview;
- g) he did not submit the private motion required for the conduct of the criminal proceeding;
- h) in the criminal proceeding launched for the criminal offence giving rise to compensation, or in connection with that criminal offence, he committed any of the following criminal offences:
- 1. false accusation (sections 233 to 236 of Act IV of 1978 as in force until 30 June 2013 and sections 268 to 270 of the Criminal Code);
- 2. misleading an authority (section 237 of Act IV of 1978 as in force until 30 June 2013 and section 271 of the Criminal Code);
- 3. perjury (sections 238 to 241 of Act IV of 1978 as in force until 30 June 2013 and sections 272 to 275 of the Criminal Code);
- 4. invitation to perjury (section 242 of Act IV of 1978 as in force until 30 June 2013 and section 276 of the Criminal Code);
- 5. obstruction of an authority proceeding as in force until 30 June 2013 (section 242/A of Act IV of 1978) and coercion in relation to authority proceeding (section 278 of the Criminal Code);

- 6. withholding exculpatory circumstances (section 243 of Act IV of 1978 as in force until 30 June 2013 and section 281 of the Criminal Code);
- 7. accessory after the fact (section 244 of Act IV of 1978 as in force until 30 June 2013 and section 282 of the Criminal Code);
- 8. breach of seal (section 249 of Act IV of 1978 as in force until 30 June 2013 and section 287 of the Criminal Code);
- 9. a violent criminal offence against a person, or a criminal offence causing public danger, against the perpetrator or a relative of the perpetrator,

and the court established this in a final and binding conclusive decision.

Chapter IV

GENERAL PROCEDURAL RULES

Section 9

Section 9/A

Application for authorisation

- **Section 10** (1) With a view to facilitating interest assertion, the victim may apply to any victim support service.
- (1a) The victim may submit his application for immediate financial assistance, certification of victim status or compensation to any victim support service.
- (2) An application for immediate financial assistance, certification of victim status or compensation shall be submitted by filling in the form designated for this purpose (hereinafter the "form") in a single copy. The victim support service shall assist in filling in the form.
- (3) The application shall specify the following:
- a) natural identification data, address and nationality of the victim;
- b) data relating to the criminal offence or infraction on which the submission of the application is based (designation of the criminal offence or infraction and place, date and relevant circumstances of commission);
- c) disadvantage, in particular the physical, mental or emotional harm or material damage, caused by the criminal offence or infraction referred to in point b) to the victim;
- d) type of support sought;
- e) whether the victim has any repayment obligation towards the State relating to support from which he previously benefitted;

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- f) whether any ground excluding the provision of the support sought exists as regards the victim; and
- g) personal data required for providing support that meets the needs of the victim.
- (4) In an application for compensation, the data under paragraph (3) g), while in an application for certification of victim status, the data under paragraph (3) c) and g) need not be specified.
- (5) The victim may, if available, attach to the application the crime report, the written acknowledgement of the submission of a crime report, the certificate under section 11, the decision dismissing the crime report or terminating the proceeding for a ground under section 1 (3) as well as the conclusive decision, or a copy thereof.
- (6) The victim support service shall obtain the certificate under section 11 immediately after the submission of an application for compensation in all cases where the certificate under section 11 is not available or, if immediate financial assistance or certification of victim status is applied for, where the victim fails to attach any of the documents listed in paragraph (5) to the application or the status of the applicant as a victim within the meaning of section 1 cannot be established. If section 2 (1) and (1a) applies, the victim shall prove, by attaching the appropriate documents, that he fell victim to a criminal offence in the application for immediate financial assistance or certification of victim status.
- (7) In a proceeding relating to support, legal succession shall not be permitted.

Certification

- **Section 11** (1) The court, prosecution service or investigating authority proceeding in a criminal proceeding shall issue a certificate for access to support at the request of the victim or the victim support service. The certificate shall include the following:
- a) data of the victim referred to in section 10 (3) a);
- b) data relating to the act subject to the criminal proceeding (facts of the case and classification under the Criminal Code);
- c) data relating to the criminal proceeding (designation of the proceeding court, prosecution office and investigating authority, case number, reference to any indictment or conditional suspension by a prosecutor, procedural status of the applicant and reference to any mediation procedure that was or is being conducted in the case).
- (1a) If, in light of the death of the aggrieved party of the criminal offence, an application for compensation is submitted by a person referred to in section 6(1) b) to d), the proceeding court, prosecution office or investigating authority shall certify the death of the aggrieved party of the criminal offence in a certificate under paragraph (1).
- (2) The certificate shall also include a reference to the fact if a criminal proceeding was instituted against the victim for a criminal offence referred to in section 8 h) in connection with the criminal offence giving rise to compensation.

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- (3) The court, prosecution office or investigating authority shall issue the certificate by the end of working hours on the working day following receipt of the request.
- (4) The certificate shall cease to have effect if
- a) the court, prosecution office or investigating authority proceeding in the criminal proceeding instituted for the act specified in the certificate dismisses the crime report due to the absence of a criminal offence or the suspicion of a criminal offence, or the court adopts a final and binding decision, or a decision with administrative finality, terminating the proceeding, or the prosecution office or the investigating authority adopts a decision terminating the proceeding against which no further legal remedy is available;
- b) the authority proceeding in the infraction proceeding instituted for the act specified in the certificate terminates the proceeding in accordance with section 83 (1) a), f) or g) of the Infractions Act; or
- c) it was issued at the request of the victim, and the victim submits it to the victim support service as an annex to the application for support later than the 15th day following issuance.
- (5) If a certificate was issued earlier in the case, the court, prosecution office or investigating authority adopting a decision on the termination of the criminal proceeding shall inform the victim support service of the outcome of the proceeding within 3 days.
- (5a) Information provided in accordance with paragraph (5) shall include the following:
- a) designation of the court, prosecution office or investigating authority, reference number and date of issuance of the decision as well as the date of the court decision becoming final and binding or reaching administrative finality or, for a decision of the prosecution office or the investigating authority, the date following which no further legal remedy is available against the decision;
- b) reference number of the certificate issued for accessing support and data referred to in section 10 (3) a) of the victim indicated in the certificate;
- c) the following data relating to the criminal proceeding:

ca)

- cb) for a terminated proceeding, the reason for termination with specification of the relevant statutory provision;
- cc) for a conclusive decision, specification of the criminal offence in accordance with section 561 (2) c) of the Code of Criminal Procedure and, for a judgment of acquittal, also a reference to the fact if the court ordered the compulsory psychiatric treatment of the accused;
- cd) specification of the procedural status of the victim or, if he did not participate in the criminal proceeding, a reference to this fact;
- ce) where the victim acting as a civil party submitted a civil claim, the decision on the claim;

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- cf) where a mediation procedure was conducted in the case, the outcome of the mediation procedure and, if an agreement was reached and the damage was recompensed, the amount paid;
- d) if a condition referred to in section 8 c) to e) is met, the relevant data; if section 8 h) applies, a reference to the fact if the proceeding authority submitted a crime report for false accusation or perjury or if a criminal proceeding was instituted in the case.
- (6) If a certificate was issued in the case, the infraction authority and the court shall communicate its decision closing the proceeding to the victim support service.
- (7) The provisions of paragraphs (1) and (3) shall apply accordingly also to an infraction proceeding instituted for an infraction against property and to the proceeding infraction authority.

Reporting data change

Section 12 Until the decision assessing the application on the merits reaches administrative finality or becomes final and binding, the victim shall report to the victim support service any changes of data included in the application within 8 days of the change occurring, unless otherwise provided in this Act.

Verifying the veracity of the application

Section 13 (1) For the purpose of assessing whether the conditions for support are met, the victim support service may request information as follows:

- a) from the tax authority regarding tax secret;
- b) from a financial institution regarding bank secret;
- c) from a medical practitioner administering treatment regarding medical secret;
- d) from the court, the prosecution service and the investigating authority regarding the progress of the criminal proceeding;
- e) from the infraction authority and the court regarding the progress of the infraction proceeding;

f)

- (2) For the purpose of paragraph (1), assessing whether the conditions for support are met shall be construed to mean the assessment of whether the conditions set out
- a) for an application for immediate financial assistance, in section 4 (3) and section 27 (1);
- b) for an application for compensation, in sections 6, 8 and 32,

are met.

Section 14

Reimbursement

- **Section 15** (1) Before the expiry of a period of 5 years after the decision assessing the application for support on the merits reaches administrative finality or becomes final and binding, the victim shall reimburse monetary support if
- a) the victim submitted an application for support under this Act as a victim of a criminal offence and the proceeding court, in its final and binding conclusive decision, or the prosecution office or the investigating authority, in its decision terminating the proceeding against which no further legal remedy is available, established that the act on which the support is based does not constitute a criminal offence;
- b) the victim provided false data in the case for support;
- c) the damage or extraordinary expense was covered in part or in full from another source, but only up to the amount recovered;
- d) a ground that excludes eligibility for the support arose after the support had been granted;
- e) the victim submitted an application for a service under this Act as a victim of an infraction against property and the authority proceeding in the infraction case established with final and binding effect that the act on which the support is based does not constitute an infraction against property, except where the infraction proceeding instituted for the act was terminated in accordance with section 83 b) to e) or h) to i) of the Infractions Act.
- (2) Even if paragraph (1) a) applies, the victim shall not be obliged to reimburse the monetary support
- a) in a situation referred to in section 1 (3) a); or
- b) where the act constitutes an infraction against property and the competent infraction authority or court established this fact with final and binding effect, or the infraction proceeding instituted for the act was terminated in accordance with section 83 b) to e) or h) to i) of the Infractions Act.
- (2a) Within 3 years after the decision assessing the application for support on the merits reaching administrative finality or becoming final and binding, the insurance institution shall, upon request made for the purpose of examining whether the condition under paragraph (1) c) is met, inform the victim support service of an insurance secret.
- (3) The victim shall pay the support as a lump sum to the open-ended appropriation for the fulfilment of a payment obligation under this Act titled "Payment obligations to be fulfilled under legislation falling within the functions of the Minister of Justice" (hereinafter the "appropriation") within 30 days following the receipt of the decision imposing a reimbursement obligation with final and binding effect or administrative finality.

(4) The victim support service r	ay, upon request and where	e justified, grant a moratorium or
allow payment in instalments for	a period not exceeding twel	ve months on one occasion.

(4a)

(5)

Equity

Section 15/A (1) With the exceptions specified in section 15 (1) b) and d), at the application put forward by the victim within the period between the decision imposing a reimbursement obligation reaching administrative finality or becoming final and binding and the expiry of the time limit for reimbursement, the victim support service may reduce or waive the amount to be reimbursed on the grounds of equity, provided that the net monthly income of the victim, or for the persons living in the same household, the per capita income, does not exceed the base amount or the reimbursement would cause inequitably serious disadvantage to the victim or the persons living in the same household with him.

(2) Supporting documents relating to the income of the victim and the persons living in the same household with him shall be attached to the application for equity.

(3)

Register

Section 16 (1) The victim support service shall keep a register of supports for the purpose of deciding applications, verifying compliance with reimbursement obligations and county and national statistical data collection.

- (2) The register shall contain the following:
- a) data of the victim referred to in section 10 (3) a);



- b) data referred to in section 10 (3) b) and c);
- c) data referred to in section 11 (1) c);
- d) the following data relating to the support:
- 1. designation of the proceeding victim support service;
- 2. type of support sought;
- 3. content of the decision;
- 4. place and date of decision making;
- 5. assessment of the legal remedy application; date of reaching administrative finality or becoming final and binding;

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- 6. data of the repeated proceeding;
- 7. data relating to monitoring support;
- 8. designation of the organisations involved.
- (3) The victim support service shall retain and process data recorded in the register for 10 years from the date of contact or the submission of the application.
- (4) Upon request or data request, the victim support service shall provide information on data in the register to the court proceeding in a criminal, infraction, administrative or civil case, the prosecution office or investigating authority proceeding in a criminal case, the infraction authority proceeding in an infraction case and the legal aid counsel.
- (5) For the purpose of preventing or eliminating a situation of vulnerability of a child, the victim support service shall provide information on data recorded in the register, data referring to the circumstances of victimisation and the situation of vulnerability of a minor to the child welfare services and the proceeding guardianship authority.
- (6) The registers maintained by the victim support service shall constitute a national database. Using the database, the victim support service shall prepare a statistical summary each year.
- (7) Data processed in the register shall be transmitted, in a manner that allows individual identification and free of charge, to the Hungarian Central Statistical Office after the preliminary substantiation of statistical purpose in accordance with section 28 of Act CLV of 2016 on official statistics (hereinafter the "Official Statistics Act") and to the extent necessary; the Hungarian Central Statistical Office may use the data for statistical purposes. The scope of data received and the detailed rules on data receipt shall be laid down in the cooperation agreement referred to in section 28 of the Official Statistics Act.

Fee, charge and cost exemption

Section 17 Victim support proceedings are exempt from fees and charges. In place of a party who does not understand the Hungarian language or who needs a sign language interpreter due to disability, the costs of translation and interpretation shall be borne by the victim support service and charged to the appropriation.

Section 18 In place of a party who does not understand the language to be used in a proceeding before the deciding authority of the Member State concerned, the costs of translation relating to filling in the form in a proceeding of the victim support service under section 40 shall be borne by the victim support service and charged to the appropriation.

Funding for financial support and the use of appropriation

Section 19 Immediate financial assistance and compensation for a victim shall be paid from the appropriation.

Section 19/A Costs arising in connection with the development of the victim support system ensuring the performance of State tasks relating to victim support and with the national single information technology system shall be borne by the victim support service and charged to the appropriation.

Other procedural rules

Section 20 (1) The victim support service shall not make a decision on facilitating interest assertion.

- (2) The persons and authorities referred to in section 16 (4) and (5) may also inspect the documents of a proceeding.
- (3) The victim shall be considered an infant if his age cannot be established and there is a reason to believe that he has not attained the age of eighteen years.

(4)

Chapter V

SPECIAL RULES ON SERVICES

Section 21

Time limit for claim assertion

Section 22 (1)

- (2) A request for immediate financial assistance shall be submitted within eight days following the commission of the criminal offence or the infraction against property.
- (3) Where the applicant provides proof that an insurmountable obstacle prevents the submission of an application for immediate financial assistance, the time limit set in paragraph (2) shall be calculated from the date when the obstacle ceases to exist.
- (4) The submission of an application for immediate financial assistance shall not be permissible if more than six months have passed after the commission of the criminal offence or the infraction against property.

Administrative time limit

Section 23 (1) The victim support service shall decide on an application within eight days from the day following the receipt of the documents listed in section 10 (5), provided that compliance with the conditions for accessing support can be established based on the application. Where the victim attached any document listed in section 10 (5) to an application submitted in person and no ground for the application of section 10 (6) exists, the victim support service shall decide on the application as a matter of priority.

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(2) In the case of facilitating interest assertion, the victim support service shall, immediately after the victim contacts the victim support service, assess the needs of the victim and offer the services in alignment with them. With a view to assessing needs, the statement of the party shall be taken orally if the party is present in person, or in the manner allowing the fastest response, in particular, by phone or email, if the party is absent. Public interest volunteers may be used for assessing needs. The first measure required for the provision of the service chosen, from among the services offered, by the victim shall be taken by the victim support service as a matter of priority.

Facilitating interest assertion

- **Section 24** (1) When the victim support service provides information, it shall inform the victim contacting it, following the assessment of his needs, about the following:
- a) his rights and obligations in a criminal or infraction proceeding;
- b) types of support available to him and the conditions for access;
- c) other accessible care, benefits and options for asserting rights beyond the supports provided for by this Act;
- d) contact details of state, local government and non-governmental organisations participating in victim support and of religious communities;
- e) means of avoiding repeat victimisation, taking into account the type of the criminal offence or the infraction against property.
- (2) Except if section 43/A (3) applies, where the victim support service learns of the victimisation of a natural person from another authority, organ or organisation or from an application for support submitted to the victim support service, it shall inform the party in writing, as a matter of priority, on the basis of data available as regards the needs of the victim and in alignment with those needs that he may be entitled to support and if he is entitled thereto, he may put forward an application for support.
- (3) If the victim support service establishes that the third-country national contacting it is a victim of trafficking in human beings, it shall inform him about the following, in addition to the information referred to in paragraph (1):
- a) a reflection period of one month is available to him to decide whether he cooperates with the authorities in the detection of the criminal offence;
- b) he shall be entitled to temporary residence certificate for the reflection period and to residence permit for the period of cooperation with the authorities.
- (4) The victim support service shall provide for compliance with the provisions of paragraphs (1) and (3) continuously and without interruption via telephone.

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Section 25 (1) The victim support service shall, having regard to all the circumstances of the case, inform the victim about the following:

- a) accessible healthcare and health insurance benefits;
- b) healthcare services accessible with or without referral;
- c) address and contact details of institutions providing care;
- d) rights and obligations of patients;
- e) role, name and contact details of the patients' rights representative;
- f) the content of the health mediation procedure;
- g) options for asserting rights other than those referred to under points e) and f).
- (2) At the request of the victim, the victim support service shall provide assistance in
- a) accessing a healthcare service as quickly as possible;
- b) asserting the right to complain as regards health insurance benefits.
- (3) In order to enable the victim to access the most appropriate healthcare service as quickly as possible, the victim support service may conclude a cooperation agreement with the healthcare service provider operating within its territory of competence.
- (4) Subject to the consent of the victim, the victim support service shall refer him to a healthcare service provider. The victim support service shall refer the victim primarily to the healthcare service provider with which it concluded a cooperation agreement.

Section 26 (1) The victim support service shall, having regard to all the circumstances of the case, inform the victim about the forms of

- a) in-kind and monetary social benefits and social services;
- b) pension insurance benefits;
- c) unemployment benefits and employment aids;
- d) family benefits;
- e) core child welfare benefits, specific child protection benefits and child protection care;

the conditions for eligibility, the method of access and the address and contact details of the institutions providing the benefits and the services.

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- (2) At the request of the victim, the victim support service shall provide assistance in
- a) accessing benefits and services;
- b) exercising the right to complain as regards benefits and services.

Section 26/A Having regard to all the circumstances of the case, the victim support service shall provide legal advice and assistance in remedying the harm to a victim who seeks them, except in a situation referred to in section 28 (2).

Section 26/B (1) After the assessment of the needs of the victim, the victim support service shall provide emotional help to a victim who seeks it.

- (2) The purpose of emotional help is to establish a state of emotional equilibrium of the victim. It involves reducing the stress caused by the criminal offence or the infraction against property, providing psychological services at the request of the victim with a view to resolving the crisis, establishing an atmosphere of emotional safety, ensuring relief and release of emerging stress or negative emotions, formulating the problem objectively, accepting the reality, searching for the steps leading to a solution jointly and prompting the victim to take these steps.
- (3) Emotional help may be provided either individually or in a group.

Section 26/C Having regard to all circumstances of the case, the victim support service may provide interpretation or translation assistance to a victim who seeks it and who does not understand the Hungarian language or needs a sign language interpreter due to disability, in order to ensure the exercise of the rights of victims under this Act, including interpretation or translation assistance required for the participation of the victim in another proceeding. The costs of translation and interpretation shall be borne by the victim support service. If translation or interpretation costs arise in connection with the participation of the victim in a criminal proceeding, the victim support service shall ensure that the court, the prosecution office or the investigating authority that conducts the criminal proceeding records the translation and interpretation fees and costs that arose in connection with the participation of the victim in the criminal proceeding in the bill of costs to be handled as criminal costs.

Immediate financial assistance

Section 27 (1) Taking into account the situation of the victim caused by the criminal offence or the infraction against property, and assessing and weighing all circumstances of the case, after the assessment of victim status, the victim support service may, upon request, decide to grant, on the grounds of equity, immediate financial assistance to the victim.

(2)

Certification of victim status

Section 28 (1) If the victim does not hold a certificate referred to in section 11 (1), but attaches any other document referred to in section 10 (5) to his application submitted to the victim support service, and that document is suitable for establishing compliance with the conditions for issuing the official certificate, the certificate of victim status may also be issued on the basis of that document.

(2) If based on the circumstances, it becomes evident that legal aid within the meaning of Act LXXX of 2003 on legal aid (hereinafter the "Legal Aid Act") is necessary for remedying the harm to the victim, the victim support service shall certify the victim status of the party and transmit the certificate and, if available, the application to the legal aid service, which shall inform the victim support service of its decision and the measures taken without delay. The victim shall be entitled to legal aid if the conditions set out in the Legal Aid Act are met.

(3)

Chapter VI

SPECIAL RULES ON COMPENSATION

Section 29 (1) The compensation procedure consists of an assistance proceeding and a decision-making proceeding.

- (2) In the assistance proceeding, the assisting authority shall assist the victim in filling in the form, provide guidance in compliance with the request for supplementary data, obtain supplementary data as necessary, hear the victim and transmit the application to the deciding authority.
- (3) In the decision-making proceeding, the deciding authority shall assess the applications for compensation on the merits.
- (4) An application for compensation shall be addressed to the deciding authority. The victim may also submit the application without seeking the assistance of the assisting authority.

Time limit for claim assertion

- **Section 30** (1) With the exceptions set out in paragraphs (2) to (4) and section 45 (2), an application for compensation shall be submitted within one year following the date of commission of the criminal offence.
- (2) Where an insurmountable obstacle prevents the submission of the application, the application shall be submitted within one year following the date when the obstacle ceases to exist.
- (3) If an act previously assessed in a state administration proceeding is subsequently found to constitute a criminal offence, the application shall be submitted within one year following the date when the criminal proceeding commences.

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- (4) If after the commission of the criminal offence, a causal relation is subsequently found to exist between the severe damage to the physical integrity or health of the victim and the criminal offence or if, in accordance with a change in its classification, the criminal offence is classified as an intentional violent criminal offence against a person, the application shall be submitted within one year following the date when the causal relation becomes known or the classification changes.
- (5) Should the victim apply for compensation in accordance with paragraphs (2) to (4), he shall be required to appropriately substantiate the grounds therefor.

Information provision

Section 31 If an application for assistance is submitted, the assisting authority shall provide the victim with information relating to the compensation and documents required for the application and how the victim can obtain them.

The form and its annexes

Section 32 (1) In an application for compensation, the following shall be indicated in addition to the information referred to in section 10:

a)

- b) form of compensation sought;
- c) for lump-sum compensation, the amount sought and, for compensation in the form of annuity, the monthly amount of annuity sought and the disbursement period;
- d) whether the victim holds any insurance that is expected to cover the damage in whole or in part;
- e) whether the damage or a part of it is expected to be covered by a source other than that referred to in point d);
- f) whether the damage arising in connection with the criminal offence was covered by the perpetrator or another source and, if so, to what extent;
- g) whether there is a proceeding pending against the victim for a criminal offence listed in section 8 h).
- (2) The following documents shall be annexed to an application:

a)

b) expert opinion or medical documents confirming severe damage to physical integrity or health.

- (3) Where lump-sum compensation is sought, documents proving the damage amount (such as invoices, receipts, preliminary quotations or other documents) shall also be attached, in addition to the documents listed in paragraph (2).
- (4) Where annuity is sought, an expert opinion or medical certificate confirming incapacity for work and indicating its likely duration shall also be attached, in addition to the documents listed in paragraph (2).
- (5) Where the eligibility of a victim is based on section 6 (1) b) or c), the documents proving the fact of living together, kin relationship or the existence of the maintenance obligation shall also be attached.

Notification obligation

Section 33 (1) The victim shall, within 8 days, give notification if

- a) the existence of a ground for exclusion under section 8 c) to e) or h) is established by a final and binding conclusive court decision or a decision of the prosecution office or the investigating authority against which no further remedy is available;
- b) the damage arising in connection with the criminal offence was covered by the perpetrator or another source.
- (2) The victim shall be subject to notification obligations for 3 years after the decision assessing the application for compensation on the merits reaches administrative finality or becomes final and binding.

Section 34

Measure taken by the deciding authority after the receipt of an application

Section 35 (1) Within eight days following the receipt of the certificate, the deciding authority shall decide whether the assisting authority is required to hear the applicant or another person in order to decide the application on the merits.

(2)

Section 36

Decision on the merits

Section 37 (1) When taking a decision on the merits, the deciding authority shall assess the following:

- a) amount of damage or loss of income suffered by the victim;
- b) eligibility for compensation of the victim;

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- c) causal relation between the criminal offence giving rise to the compensation and the damage or loss of income occurring.
- (2) When taking a decision on an application for lump-sum compensation, the deciding authority shall, following the procedure referred to in paragraph (1), establish the amount of damage and, accordingly, the amount of compensation, or dismiss the application.
- (3) When making a decision on an application for annuity, the deciding authority shall, following the procedure referred to in paragraph (1), establish the per capita loss of income and, accordingly, the annuity amount and the disbursement period, or dismiss the application.

(4)

Review of annuity

Section 38 (1) The victim support service shall check the eligibility for annuity with the frequency provided for in the decision granting the annuity. In the course of the check, the victim may be obliged to subject himself to a medical or expert examination other than a surgery and an examination procedure qualifying as surgery.

(2)

Compensation payment, annuity disbursement

Section 39 The victim support service shall provide for compensation payment and annuity disbursement. The annuity shall be disbursed in such a manner that the person entitled receives it by the 10th day of each month.

Procedure for an application for compensation to be transmitted to or received from another Member State of the European Union

- **Section 40** (1) The provisions of this Act shall apply to applications for compensation to be transmitted to or received from another Member State of the European Union with the derogations set out in paragraphs (2) to (4).
- (2) If an application is to be transmitted to another Member State of the European Union, the assisting authority shall provide the victim with the form used by the Member State concerned and provide assistance in filling in the form. The assisting authority shall transmit the application for compensation and the supporting documents as quickly as possible to the deciding authority of the Member State having jurisdiction over the place where the criminal offence was committed.
- (3) The deciding authority shall also inform the assisting authority of the Member State transmitting the application of the decision on the merits regarding the compensation.
- (4) For the information provision referred to in paragraph (3), the form under Annex II to Commission Decision 2006/337/EC of 19 April 2006 establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims shall be used.

Chapter VII

EXERCISE OF THE RIGHTS OF VICTIMS

Facilitating the exercise of the rights of victims

Section 41 (1) The victim support service shall ensure that organs, institutions and authorities coming into contact with victims are aware of the rights to which victims are entitled and uphold them appropriately.

(2) The victim support service shall prepare information material for victims containing the most important pieces of information. It shall send the information material to organs, institutions and authorities coming into contact with victims that operate within its territory of competence.

Monitoring the exercise of the rights of victims

Section 42 (1) The victim support service shall regularly monitor the implementation of the rights of victims; in this context, it shall request information from authorities, institutions and organisations coming into contact with victims. The victim support service shall prepare an analytical report of its observations annually.

(2) to (3)

Cooperation and communication

Section 43 (1) In the course of the performance of its tasks, the victim support service shall cooperate and communicate with the victim protection network of the police, the court, the prosecution service, the investigating authority, the asylum authority, the immigration authority, the consular services, local governments and national minority self-governments, healthcare institutions, youth protection organisations, child welfare and child protection institutions providing personal care, family support services, social service providers and institutions providing core and specific benefits, public upbringing institutions, vocational training institutions, the Civil Guard, non-governmental organisations and religious communities.

- (2) If, when performing its tasks, the victim support service becomes aware of a situation of vulnerability of a minor, it shall alert the child welfare service of the place of actual residence of the minor without delay. If a minor is in a situation of serious vulnerability, the victim support service shall, upon sending the alert, request that an authority proceeding be launched. If the victim support service detects a risk of violence between relatives, it shall alert the organ responsible for family protection coordination.
- (3) After providing information in accordance with section 24 (3), the victim support service shall, informing the court, the prosecution office and the investigating authority proceeding in the criminal proceeding at the same time, immediately request that the immigration authority provide the third-country national with a temporary residence certificate.

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Direct communication with victims

Section 43/A (1) When the criminal complaint is filed if the aggrieved party files it in person, or otherwise, when the aggrieved party is first heard as a witness, the general investigating authority shall inform the aggrieved party of an intentional violent criminal offence against a person [point 17 of section 137 of Act IV of 1978 and point 26 of section 459 (1) of the Criminal Code], corrupting a child [sections 201 to 202/A of Act IV of 1978], sexual abuse (section 198 of the Criminal Code), procuring (section 207 of Act IV of 1978 and section 200 of the Criminal Code), promoting prostitution [section 205 (3) a) of Act IV of 1978], exploitation of child prostitution (section 203 of the Criminal Code), harassment (section 176/A of Act IV of 1978 and section 222 of the Criminal Code), robbery of a vulnerable person (section 322 of Act IV of 1978 and section 366 of the Criminal Code), theft committed for a value up to the infraction threshold [second part of section 316 (2) of Act IV of 1978 and section 370 (2) b) of the Criminal Code] or the criminal offence of theft committed for a smaller value [first part of section 316 (2) of Act IV of 1978 and section 370 (2) a) of the Criminal Code) about the following:

- a) victim support services;
- b) that he might be eligible for support; and
- c) that if he does not object to it when the information is communicated, the data referred to in section 10 (3) a) and b) and section 11 (1) c) as well as his contact details provided in the course of the criminal proceeding shall be transferred to the victim support service for direct contact.
- (2) The provisions of paragraph (1) shall apply to a proceeding relating to a person specified in section 6 (1) b) to d) who became known to the general investigating authority if the aggrieved party died as a result of the criminal offence specified in paragraph (1).
- (3) Both the fact that information was provided and the statement of the person concerned prohibiting data transfer shall be recorded in writing.
- (4) If the aggrieved party does not prohibit data transmission, the general investigating authority shall transfer to the victim support service the data of the person concerned referred to in paragraph (1) c)
- a) if information provision under paragraph (1) takes place when the aggrieved party is interrogated as a witness, following the interrogation;
- b) if information provision under paragraph (1) takes place when the crime report is submitted, after investigation is ordered

without delay, where possible, but not later than within two working days through an information transfer service within the meaning of the Act on digital State and laying down certain rules relating to the provision of digital services.

(5) By way of derogation from the provisions of paragraph (4), if confidential data processing within the meaning of the Act on the Code of Criminal Procedure applies, the general investigating authority shall transfer the confidential data relating to the person concerned in a paper-based form to the victim support service.

Section 43/B (1) The victim support service shall provide for contacting the person concerned within two working days following the receipt of data referred to in section 43/A (4) and provide him with information in accordance with the provisions of section 24 (1).

(2) Contact shall be established in writing, by electronic means within the meaning of the Act on digital State and laying down certain rules relating to the provision of digital services or in person, by electronic means not qualifying as written. From among the forms of contact, the form specified by the person concerned in his statement of consent as primary shall be chosen, where possible.

Chapter VIII

FINAL PROVISIONS

Entry into force

Section 44 This Act shall enter into force on 1 January 2006.

Transitional provisions

Section 45 (1) This Act shall apply to the assessment of applications for compensation pending on 1 January 2006 in accordance with Government Decree 209/2001 (31 October) laying down rules on compensation by the State for persons who suffered harm due to certain violent criminal offences (hereinafter the "Government Decree"). The *Biztonságos Magyarországért Közalapítvány* (Public Foundation for a Safe Hungary) shall send to the central victim support service original documents of applications for compensation that remained pending on 1 January 2006.

- (2) This Act shall apply to criminal offences committed before its entry into force, provided that the Government Decree as previous law enabled the submission of the application for compensation.
- (3) Section 15/A of this Act as introduced by section 122 (3) of Act XXXVIII of 2010 on probate procedure shall also apply to outstanding debts established with final and binding effect before its entry into force.
- (4) Section 11 (5a) of this Act as introduced by section 59 of Act LXXXIV of 2013 amending certain Acts in connection with administrative authority procedure and certain publicly certified official registers as well as other Acts shall apply to proceeding instituted after the entry into force of this provision and to repeated proceedings.

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Authorisation

Section 46 (1) Authorisation shall be given to the Government

- a) to designate, in a decree, the victim support service or services, including the assisting authority or authorities and the deciding authority or authorities;
- b) to establish, in a decree, the detailed rules of the procedure for authorising the services under this Act and of disbursing and reimbursing financial support; and
- c) establish, in a decree, the procedure for identifying victims of trafficking in human beings, the organs and organisations authorised to identify them and to send an alert, and the conditions and detailed rules of care provided at a protected shelter.
- (2) Authorisation shall be given to the minister responsible for victim support to establish in a decree
- a) the rules on the content and on filling in applications for authorising supports under this Act and on certain matters not covered by an authority procedure in connection with the provision of services;
- b) the rules on qualification requirements for persons employed by a victim support service; and
- c) the victim support tasks of organs under his direction, the forms of their cooperation with non-governmental organisations and the detailed content requirements for the information material on the rights of victims.
- (3) Authorisation shall be given to the minister responsible for justice to determine in a decree the witness counselling tasks of administrative court officers and the detailed rules on witness counselling.
- (4) The minister responsible for law enforcement shall be authorised to determine in a decree, in agreement with the minister responsible for victim support, the detailed rules on victim support tasks of the organs under his direction.

Compliance with the law of the European Union

Section 47 (1) This Act serves the purpose of compliance with Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

(2) This Act serves the purpose of compliance with Articles 4, 8 and 9 of Directive 2012/29/EU of the European Parliament and of 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.

- (3) Section 24 (3) and section 43 (3) of this Act serve the purpose of compliance with Articles 5 and 6 of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
- (4) Section 24 (2) and section 46 (4) of this Act serve the purpose of compliance with Article 11 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
- (5) This Act contains provisions for the implementation of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities.
- (6) This Act serves the purpose of compliance with Articles 24 and 26 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.
- (7) This Act serves the purpose of compliance with Article 16 of Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA.
- (8) Section 20 (3) of this Act serves the purpose of compliance with Article 18 (3) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography.

Section 48 (1) to (6)	HUNGA	DV
(7) to (8)	HUNGA	I.A.

(9) to (13)

Section 49

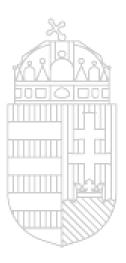
Section 50

Section 51

Section 52

Section 53

Section 54



MINISTRY OF JUSTICE HUNGARY