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If my claim is to be considered in this country

Hungary

Which type of crime can I get compensation for?

For an intentional violent crime against a person.

Which type of injury can I get compensation for?

For injuries (physical or mental) that take more than eight days to heal

Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

Yes. In addition to the victim, the victim's ascendants or descendants, adoptive or foster parents, adoptive or foster children, spouse or civil partner may receive compensation if they were living with the victim in the same household at the time the crime was committed, as well as the victim's dependants.

Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

Yes, the victim's death is not a condition for compensation for dependants or other entitled people.

Can I get compensation if I'm not a national of an EU country?

Yes, if you are staying legally in the EU, or if you are a victim of human trafficking.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so, under what conditions?

Compensation may only be claimed for crimes committed on the territory of Hungary. If the crime took place in another country, you may submit your application for compensation in Hungary. In such cases the Hungarian authorities will transmit the application to the Member State where the crime was committed.

Do I have to have reported the crime to the police first, to be able to claim compensation?

Yes, it is a condition for compensation that criminal proceedings have been opened in connection with the act committed.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

No, compensation may be claimed immediately after criminal proceedings are opened.

Do I have to first seek compensation from the offender – if they have been identified?

No.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

Yes, such claim may be submitted. In such cases the extent of the damage, the cause-and-effect relationship between the damage and the act and the need for compensation must be supported by evidence.

Is there a time limit within which I have to claim compensation?

Compensation must be claimed within three months after the crime was committed. The limitation period for submitting a claim is five years after a crime is committed.

Which losses and expenses are covered by the compensation?

For example, will compensation cover:

(a) For the victim of the offence:

Material (non-psychological) damage:

medical costs of injury (medical treatment – ambulant and hospital treatment, recovery)

additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, adaptation of housing, special aids, etc.)

permanent injury (e.g. invalidity and other permanent handicaps)

loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.)

loss of opportunity

expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs)

compensation for stolen or damaged personal property

other

Psychological (moral) damage:

pain and suffering of the victim

(b) For entitled people or relatives of a victim:

Material (non-psychological) damage:

funeral costs

medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)

loss of maintenance or of opportunity

Psychological damage:

pain and suffering of relatives or entitled people/compensation to survivors if the victim died

Is the compensation paid out in a single payment or monthly instalments?

Compensation may be claimed in a single payment or in the form of a monthly allowance.

In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

Compensation by the State is not due if it has been established in a final court decision that the victim's conduct contributed towards the crime or was the cause of the crime, or that the damage was caused by wrongful conduct. Further reasons for exclusion are a refusal to testify, refusal of the obligation to cooperate or the absence of a private motion.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

Only victims with social needs are eligible for compensation. A victim has social needs if their monthly net income (income per person, in the case of persons living in the same household) does not exceed HUF 226 328 in 2018 or they receive other benefits defined in legislation. The income situation of victims of terrorist crimes is not taken into consideration.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

No.

How will the compensation be calculated?

The amount of compensation will not exceed fifteen times the basic amount (HUF 113 164), which in 2018 equates to HUF 1 697 460. The amount of a single payment is: 100 % of damage not exceeding five times the basic amount, five times the basic amount plus 75 % of the part exceeding five times the basic amount for damage between five and ten times the basic amount, and 8.75 times the basic amount plus 50 % of the part exceeding ten times the basic amount for damage exceeding ten times the basic amount. The amount of compensation in the form of an allowance is: 75 % of the loss of income supported by evidence if the victim is under the age of 18 or is dependent on assistance from others and 50 percent of the loss of income supported by evidence if the victim is not dependent on assistance from others.

Is there a minimum/maximum amount that can be awarded?

There is no minimum amount. The amount of compensation will not exceed fifteen times the basic amount (HUF 113 164), which in 2018 equates to HUF 1 697 460. The maximum monthly amount of compensation that can be claimed in the form of an allowance is the basic amount, which is HUF 113 164 in 2018.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on any other aspects?

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

The amount of the damage must be quoted in the claim. Any amount recovered from another source must be deducted from the amount of the compensation.

Can I get an advance on the compensation? If so, under what conditions?

The state will reimburse the amount of damage supported by evidence, even if it may be recovered from another source. If the damage is recovered later on from another source, the advance must be paid back.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

No. Compensation may only be awarded once.

What supporting documents do I need to include with my claim?

A certificate of the opening of criminal proceedings, if available (police, court, public prosecutor's office)

Documents in support of social need (income certificates of persons living in the same household)

The amount of damage suffered as a result of the crime

Are there administrative or other charges to be paid when the claim is received or processed?

No, submitting the application is free of charge.

Which authority decides on compensation claims (in national cases)?

The victim support services of the government office(s) of Budapest (the counties)

Where do I send the claim (in national cases)?

The application may be submitted to any district office (assisting authorities) or directly to the deciding authority (the Budapest (or county) government office (s))

Do I need to be present during the procedure and/or when my claim is being decided?

No.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

The deadline for processing claims is a maximum of 60 days.

If I'm not satisfied with the authority's decision, how can I challenge it?

A decision delivered at first instance is subject to appeal and the appeal is heard by the Ministry of Justice as the body of second instance. Administrative proceedings may be brought before the courts against the decision delivered by the Ministry of Justice at second instance.

Where can I get the necessary forms and other information on how to claim?

<http://igazsagugyiinformaciok.kormany.hu/aldozatsegito-szolgalat>

Is there a special helpline or website I can use?

24/7 Victim Support Helpline (*Áldozatsegítő Vonal*): 06-80-225-225 in Hungarian and English.

Can I get legal aid (help from a lawyer) when preparing the claim?

Yes, on the basis of Act LXXX of 2003 on legal aid.

Are there any victim support organisations that can help me claim compensation?

Services to help assert your interests are available from any of the victim support service's offices, where victim support advisors will provide practical assistance (for example: assistance in filling in applications, providing information) to the interested parties. Victims may also turn to civil society organisations (for example: White Ring (*Fehérgyűrű*), Hungarian Baptist Aid (*Baptista Szeretetszolgálat*), etc.)

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