Droits des victimes par pays

Hongrie

Vous êtes considéré comme victime d'une infraction si vous avez subi un préjudice, par exemple si vous avez été blessé ou qu'un bien vous appartenant a été endommagé ou volé, à la suite d'un incident constituant une infraction pénale au regard du droit hongrois. Des dispositions juridiques vous accordent, en tant que victime d'une infraction, certains droits avant, pendant et après la procédure judiciaire (le procès). Selon la phase dans laquelle se trouve la procédure, l'autorité chargée de l'enquête, le procureur ou la juridiction saisie pourra vous fournir des précisions sur les droits et obligations dont vous disposez au cours de la procédure pénale.

En Hongrie, la procédure pénale commence par l'enquête. Celle-ci est généralement menée par la police sous l'autorité du procureur. Une fois l'enquête terminée, il appartient au procureur soit de procéder à la mise en accusation afin que l'affaire soit jugée, soit de classer l'affaire sans suite si les preuves sont insuffisantes ou si l'existence de causes de justification ou d'excuse est établie.

Si l'affaire est portée devant une juridiction, celle-ci examinera les preuves recueillies et se prononcera sur la culpabilité ou non de la personne poursuivie. En Hongrie, la procédure pénale, hormis quelques formes de procédure, prévoit que la juridiction vérifie les preuves de manière directe en audience publique, vous pourrez donc être convoqué à l'audience et être entendu en qualité de témoin. Si la personne poursuivie est jugée coupable, la juridiction la condamnera à une peine; dans le cas contraire, elle l'acquittera.

Cliquez sur les liens ci-dessous pour trouver les informations dont vous avez besoin

1 - Mes droits en tant que victime d'une infraction pénale
2 - Signalement d'une infraction pénale; mes droits au cours de l'enquête et du procès
3 - Mes droits après le procès
4 - Indemnisation
5 - Mes droits en matière d'aide et d'assistance

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1 - My rights as a victim of crime

What information will I get from the authority (e.g. police, public prosecutor) after the crime occurred but before I even report the crime?

The Act on Criminal Proceedings requires the court, the prosecutor and the investigating authority to inform the persons subject to enforcement activities about their rights and obligations before any procedural act.

Crimes can be **reported** to the public prosecutor or to the investigating authority orally or in writing. The report may also be accepted by another authority or the court, which will send that report to the investigating authority. The law does not stipulate any formalities for reporting a crime; crimes can be reported by letter, post or e-mail, or in person.

Criminal proceedings are conducted in **Hungarian**, but a victim who does not speak Hungarian has the possibility to use his or her mother tongue or any other language of his or her choice. Even if the victim speaks Hungarian, he or she may use his or her national language in the criminal proceedings. Translation and interpreting costs are not passed on to the victim, and the victim may not be obliged to pay an advance for, or bear, such costs.

The victim of the crime is entitled to the support of the **victim support service** in the case of natural persons against whom a crime or an offence against property was committed in the territory of Hungary and in the case any natural persons who have suffered injuries as a direct consequence of criminal acts or offences against property committed in the territory of Hungary, in particular bodily or emotional harm, mental shock or economic loss, on condition that they are: Hungarian citizens, citizens of any EU Member States, citizens of any non-EU country lawfully residing in the territory of the European Union, stateless persons lawfully residing in the territory of Hungary, victims of trafficking in human beings or any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and Hungary or on the basis of reciprocity.

The State provides support services for the victims after assessment of their needs, which may include: facilitating the protection of victims' interests, granting instant monetary aid, granting proof of victim status, witness protection, and providing protected accommodation. If the legally defined conditions are met, the victim is also entitled to state compensation.

In addition, the **personnel protection of a victim** may be ordered if acts of violence against persons or offences creating a collective danger for persons are planned or committed against the victims to impede or thwart their participation in criminal proceedings or the enforcement of their rights and performance of their obligations or if such a crime is probable. Applications may be filed or recorded at the court, general prosecutor or investigating authority conducting the criminal proceeding.

To ensure the prevention or interruption of offences against the person's physical integrity or liberty, personal protection covers the protection of the victim's private dwelling or other place of residence as well as the securing of traffic routes and safe participation in criminal proceedings and other official acts. Personal protection is provided in particular by means of regular patrol service, technical means, continuous communication connections, provision of protective clothing and, if other methods of personal protection are ineffective, by guarding personnel, which can be provided at the place managed by the law enforcement body authorised to order and provide personnel protection.

If the protection of a victim participating in criminal proceedings of outstanding gravity cannot be ensured by means of personal protection, and that victim cooperates with the authority and is in a threatened situation and it is therefore necessary to provide special safeguarding arrangements, the victim may also participate in a witness protection programme providing special safeguard arrangements if specific additional conditions are met.

In certain cases, the victim is entitled to **representation through a litigation friend** and, if acting as substitute private prosecutor, is entitled to legal aid. As a general rule, the condition of these is that the victim is in need of them, that is, taking into account the income of persons living under the same roof, the victim's monthly net income does not exceed the respective minimum amount of retirement pension determined on the basis of an employment relationship (HUF 28 500 in 2017) and she or he has no assets that could cover the legal service.
The victim may be entitled to **join a civil action** to seek compensation for damages arising from a criminal offence from the defendant at any stage of the criminal proceedings. In order to secure his or her civil claim, the victim may make a motion for sequestration on the defendant's property which will be ordered by the court if there are reasonable grounds to assume that the satisfaction of the claim will be frustrated. The court decides on the civil claim in a judgment, accepting or rejecting the motion. If this would considerably delay the conclusion of the procedure, or if the defendant is acquitted, or if the adjudication of the motion on its merits in criminal proceedings is precluded due to other conditions, the court orders to the enforcement of the civil claim by other legal means.
The victim has the right to participate in a **mediation procedure** with the defendant under specific conditions. The mediation procedure cannot be carried out without the victim's consent, and even in case of the victim's consent it is not automatic and depends on many other conditions.
The **out-of-pocket expenses** of the victim and his or her representative incurred in the case are costs of criminal proceedings, as are the costs of the victim incurred in connection with **his or her presence as witness**. While the former is not advanced by the State, the latter is reimbursed after the procedural action. The defendant is ordered to bear the costs of the criminal proceedings if the defendant is declared guilty.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

The Act on Criminal Proceedings provides for the protection of rights in respect of proceedings falling under the jurisdiction of Hungary regardless of nationality and place of residence. The victim support service provides the same services to the nationals of any EU Member State as to Hungarian citizens.

If I report a crime, what information will I receive?

The victim is only **notified individually** about the decision ordering the investigation if the crime was not reported by the victim. In addition, the Proceedings Act defines situations and decisions about which the victim must be notified.
The victim has the right to be notified upon his or her request, in connection with the crime concerning him or her, about the release or escape of the detained person, the release on parole, final discharge or escape as well as interruption of the execution of term of imprisonment of, the person sentenced to a term of imprisonment, the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest, the release or escape of the person under involuntary medical treatment, the release, leave without permission and adaptation leave of the person under involuntary medical treatment and, in case of education for young offenders, temporary or permanent release, leaving the institution without permit and interruption of education for young offenders.
The victim must be notified about the following decisions in particular: assignment of an expert, suspension of the investigation, conclusion of the investigation, termination of the investigation, indictment, partial omission of indictment, dropping of charges, and adoption of any decisions which contain provisions pertaining directly to the victim, as well as the adoption of a conclusive decision.
The victim must be informed about **the place and date of all procedural actions** where he or she may participate. Such actions include the hearing of an expert during the investigation, inspections, reconstructions, presentations for identification, as well as trials and open sessions in the course of court procedures.
During the investigation, the victim **may learn about and, for a fee, obtain copies of** any expert opinions and files on investigative actions during which he or she may be present, and may obtain copies of other documents if that is not contrary to the interests of the investigation After the conclusion of the investigation, the victim is allowed to examine any documents pertaining to the criminal offence committed against him or her.
In course of the investigation, the victim may lodge **an appeal** or complaint against all decisions containing provisions pertaining directly to him or her. The victim may file a complaint against, among other things, decisions rejecting his or her report of the crime or decisions suspending or terminating the investigation.
If the report of the crime is rejected or the investigation is terminated, and in certain cases where formal charges were filed in respect of a part of indictment and the victim's complaint failed to bring the desired result, the victim may act as a substitute private prosecutor within a deadline set out by the law. The victim may also act as a substitute private prosecutor if the prosecutor does not establish, as a result of the investigation, a criminal offence which is subject to public prosecution or if the prosecutor has not taken over the representation of prosecution from the private prosecutor. A victim acting as a substitute private prosecutor may submit, by way of his or her lawyer, a motion for prosecution, and may thus file an indictment on his or her own against the defendant.
During the court procedure, the victim may appeal only against the adjudication of the civil claim in its merits, but not against the decision in its merits. During the court procedure, the victim may act as a substitute private prosecutor if the prosecutor dropped the charge.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

Criminal proceedings are conducted in Hungarian, but not knowing the Hungarian language will not be grounds for discrimination. In criminal proceedings you may use, both verbally and in writing, your native, regional or minority language or another language that you indicate as spoken by you. In these cases, you are entitled to an interpreter and to the translation of official documents addressed to you free of charge.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?

The authority will strive to communicate with you in a simple and easily understandable way both orally and in writing. Information about your rights and warnings about your obligations will be communicated in an easily understandable way taking into account your condition and personal abilities. In the course of verbal communication, the authority is also required to ascertain whether you have understood the information communicated to you, and if not, the authority will explain such information or warning to you. If you are a minor or a disabled person, the authority must take special care when communicating with you. If you are hearing impaired, deaf-blind or speech impaired, you may ask for a sign language interpreter or you may make a written statement instead of a hearing.

Victim support services

Who provides victim support?

At state level, victim protection and legal aid functions are exercised by the government offices of the capital and the 19 counties. If you are a victim of crime, government agencies provide you with personalised assistance free of charge, as part of which you are provided with
information about your rights and possibilities;
emotional support;
practical assistance and legal advice in simple cases;
confirmation of your victim status;
instant monetary aid may also be provided based on an application submitted within 5 days of the date of commission of the related crime.

As part of legal aid, the government offices provide free legal advice to you in cases where the facts of the case are relatively straightforward, and if you are in financial need, you may be provided with legal services (e.g. drawing up of documents) via legal assistance outside the context of criminal proceedings and representation through a litigation friend within the context of criminal proceedings.
You can find the contact details of Budapest and county government offices at http://www.kormanyhivatal.hu/ and further information about victim support and legal aid at https://igazsagugyiinformaciok.kormany.hu/aldozatsegito-szolgalat and http://igazsagugyihivatal.gov.hu/jogi-segitsegnyujtas.
Besides state victim support organisations, you can also turn to a number of civil organisations if you have become a victim of a crime, for example:
WHITE RING Charitable Association, a member of Victim Support Europe, provides financial, legal, psychological and other support as well as help to the victims of crime and their relatives, mainly those who are in need because of their social situation (http://fehergyuru.eu/),
the National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat) provides help to the victims of domestic violence, child abuse, prostitution and human trafficking and, if needed, can arrange for their accommodation (http://bantalmazas.hu/),
NGO ESZTER Ambulance (ESZTER Alapítvány és Ambulancia) provides free psychological treatment and rehabilitation for children and adults in an abused and traumatised condition, and provides legal information and advice (http://eszteralapitvany.hu/),
NGO NANE Women's Rights Association operates a free helpline and provides personal legal assistance as well as psychological and social counselling for adult and minor victims of domestic violence (http://nane.hu/).

Will the police automatically refer me to victim support?

If you turn to the police as a victim of a crime, you will receive a written notification of the relevant victim support service from the police, and you will be informed of your opportunities for victim support, and upon request the police will issue the necessary certificate which will be handed to you or sent to the victim support service.

How is my privacy protected?

In the course of criminal proceedings your personality rights and the right of reverence of those involved must be respected, and any unnecessary disclosure of data on your privacy is prohibited. For this purpose, if your testimony as a witness is necessary, you may request that your data be handled confidentially which, from that time, will be disclosed only to the authority proceeding in the case.

Do I have to report a crime before I can access victim support?

It is not a general condition of eligibility for victim support service provided by the state that you file a report on the criminal offence committed to your injury; nevertheless you will be entitled to receive monetary aid (compensation, instant monetary aid) only if you have written proof of initiating the criminal proceedings.

Personal protection if I am in danger

You can get personal protection after the initiation of criminal proceedings. If you are in a threatened situation due to your participation in criminal proceedings, you may request the authority proceeding in the case that you as a victim or witness as well as your family members and relatives be provided with personal protection. Personal protection may be initiated by the investigating authority proceeding in the case, the prosecution or the court, and the decision will be made by the police which provides the personal protection.
If you are to be heard as a witness and your testimony relates to the substantial circumstances of a particularly serious case, you may be declared specially protected if the evidence expected by your testimony cannot be substituted and if the exposure of your identity in connection with your participation in the criminal proceedings would seriously jeopardise either your or your relatives' life, limb or personal freedom.
The investigating judge will decide on declaring the witness specially protected, which may be motioned by the prosecution, so you must initiate this kind of protection at the prosecution. If you are declared a specially protected witness, you may only be questioned by the investigating judge and you may not be summoned to the trial, your name, personal data and place of residence will be handled confidentially and they will not be disclosed to the defendant and his defence counsel.
You may also be protected within the framework of a special Protection Programme. If you participate in such a Programme, you may be summoned to or notified about the procedural actions, or sent documents only through the body responsible for your protection, and the address of that body will be indicated as your place of residence. No one, including the authorities, may be provided with copies of documents containing information about you, unless the body responsible for your protection has permitted it. In this case, you may refuse to give testimony giving or implying information about your new identity or place of residence.
If a criminal act punishable with imprisonment was committed to your injury, you may motion the court to order the defendant to restrain from you for a period of ten to sixty days.

What types of protection are available? Who can offer me a protection?

During criminal proceedings, the court, the prosecutor and the investigating authority will constantly examine whether you are a victim who has need for special protection based on the facts and circumstances characterising your personality and living conditions and the nature or the circumstances of the criminal offence, about whom it can be established that they have special needs during the criminal proceedings. Basically, in this case, the court, prosecution or investigating authority conducting the criminal proceedings may order the measures providing your personal protection, with the stipulation that the personal protection and Protection Programme defined in Section 7 is provided by the police, while the restraining order may be issued by the court.

Will someone assess my case to see if I am at risk of further harm by the offender?

Yes. It is a fundamental function of the court, the prosecution and the investigating authority to prevent the commission of further criminal offences by the offender. This aim is realised through coercive measures focusing on the defendant and his or her personal characteristics which involve the loss or restriction of the defendant's liberty (e.g. restraining order, house curfew) and, on the other hand, through measures ensuring your due care and protection which are based on the special consideration of your interests as a victim.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

Yes. In criminal proceedings, procedural actions involving your participation as a witness must be prepared and conducted by the court, the prosecution and the investigating authority in such a manner that they are not unduly repeated and you do not meet the defendant unnecessarily. For this purpose, for example, your confrontation with the defendant may be omitted upon your request or ex officio, the defendant may be removed from the courtroom during the time you are questioned, and you may be questioned by means of telecommunication (even with the distortion of your facial features or voice).

What protection is available for very vulnerable victims?

If you are a victim who has need for special protection based on the facts and circumstances characterising your personality and living conditions or the nature or the circumstances of the criminal offence, the criminal proceedings will be conducted with utmost care for you, and any procedural actions affecting you (taking into account the interests of the proceedings) will be prepared and implemented by taking your needs into account as much as possible.

I am a minor – do I have special rights?

In line with the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989, the Hungarian legal system considers a person a child if he or she is under the age of 18 years.

In criminal proceedings affecting victims who are minors, it is a general requirement for authorities and judicial bodies to ensure the full application of children's rights laid down in international conventions, particularly the principle of giving prime consideration to the *'best interests of the child'* in decisions affecting minors.

In criminal proceedings, minor victims have additional rights compared to adults, and further protection is provided to them. If the victim is under the age of 18 at the time of initiation of the criminal proceedings, he or she will be deemed to be a **'victim with special needs'** without submitting a separate request to that effect.

It is a general rule for victims with special needs that procedural actions must be prepared and implemented with the utmost care for the victim and by taking his or her needs into account as much as possible.

Victims under the age of 18 years have additional special rights compared to adults**:**

Expeditious criminal proceedings must be conducted for criminal offences committed against life and limb or health or sexual freedom and for sexual offences as well as criminal offences against the interests of children and family or violent criminal offences against other persons, if the interests of the child justify that the criminal proceedings be concluded as soon as possible. Expeditious criminal proceedings are especially justified where the physical, mental or moral development of the victim were significantly jeopardised or where the defendant is responsible for raising, supervising or caring for the victim at the time of the proceedings or otherwise lives in the victim's environment.

Additional care should be taken in any oral and written communication conducted with him or her. Minors must be informed about their rights and obligations in a manner appropriate to their age and maturity and, if necessary, special clarification and explanation must be given to them.

The ward of a minor must be notified of the subpoena, and that notification must be served together with a request to ensure the attendance of the minor.

The legal representative, supporter and ward of the minor may be present at the examination of the minor as a witness. The person accompanying the witness is entitled to the reimbursement of the same expenses as the witness.

The testimony of a minor may not be tested by instrumental credibility examination (polygraph).

If the obligation for personal cooperation is not prescribed by the law, the rights of the minor may also be exercised by his or her legal representative.

The examination may be ordered to be held by way of a closed-circuit communication system (video conference). In this case, the victim is placed in a separate room and he or she may communicate with those who are present at the venue of the trial via a device simultaneously transmitting video and voice (video conference).

Ex officio or upon request, the court may exclude the public from the trial to protect the minor participating in the proceedings.

If the prosecutor wishes to question a victim with special needs as witness in criminal proceedings conducted due to a criminal offence committed against sexual freedom, a sexual offence or an offence against the person of a relative, the victim may only be examined by a person of the same sex, provided that this is requested by the victim and it does not adversely affect the interests of the proceedings.

Victims under the age of 14 years have further special rights in addition to the above:

The victim may only be heard as witness if the evidence expected from the testimony cannot be substituted. The victim only has to participate in confrontation if it will not cause anxiety to him or her.

Subpoenas and notices on the examination of the witness must be served through their ward. The fact of the subpoena and notice must be communicated to the legal representative of the minor.

Prior to filing the indictment, the investigating judge will hear the minor if there are reasonable grounds to assume that questioning at a public hearing would adversely affect the minor's personal development. The hearing of the witness by the investigating judge may be motioned at the prosecutor by the legal representative, the ward and the lawyer acting on behalf of the witness. Provided that the conditions set forth by law are met, the prosecutor will motion the hearing of the minor in such a way. The defendant and the counsel of the defendant may not be present at the session held by the investigating judge.

The venue of the hearing of the witness is a room specially designed for hearings of minors. Derogations from this are only permitted in exceptional cases.

The hearing may also be held by way of a closed-circuit communication system (video conference).

The hearing of a witness under the age of 14 must be recorded using a video or audio recording device. In case of minors over the age of 14 years, this is only permitted on condition that an advance is granted for the costs.

The minor may not be summoned for a public hearing if he or she was heard by the investigating judge before indictment.

If the minor was not heard by the investigating judge before indictment but later the hearing as a witness becomes necessary, the minor may only be heard out of trial. In the event that the minor reached the age of 14 at the time of the trial, he or she may also be heard by the court in the trial in an especially justified case. The notification of the defendant and the counsel of the defendant may be dispensed with in both cases.

My family member died because of the crime – what are my rights?

Victims who died either prior to or following the institution of criminal proceedings may be replaced by a relative in direct line, spouse, life partner, brother or sister, legal representative or a dependent person supported based on agreement or legislation who may exercise the rights of the victim.

In case of multiple persons who are entitled to do so, the persons concerned may designate a person exercising the victim's rights. In the absence of such an agreement, the person who first acted in the proceedings may exercise the rights of the victim.

My family member was a victim of crime – what are my rights?

If the obligation for personal cooperation is not prescribed by the law, the rights of the victim may also be exercised by his or her legal representative. A lawyer or relative of full age may act as a representative based upon an authorisation.

If the complainant makes a verbal complaint, a person of full age designated by the complainant may be present at the hearing for the purpose of providing his or her support (including language support), provided that the presence of that person does not adversely affect the interests of the proceedings.

In case of investigative acts where your presence is obligatory or you may be present, your representative, supporter and, if it does not violate the interests of the proceedings, a person who is of age designated by you may also be present at your side. The above rule is applicable to the hearing of the victim and the examination of the victim as witness.

In case of death of the private substitute prosecutor, he or she may be replaced by a relative in direct line, spouse, life partner, brother or sister, legal representative or a dependent person supported based on agreement or legislation within thirty days.

Can I access mediation services? Under what conditions? Will I be safe during mediation?

The main goal of a mediation procedure is to ensure compensation for the consequences of the crime by the defendant in a way that is also acceptable for the victim. In mediation proceedings, therefore, efforts should be made to reach an appropriate agreement between the defendant and the victim for compensating the damage.

Provided that the conditions set forth by law are met, the prosecutor or, if the case is before the court, the judge may postpone the proceedings for a maximum of six months and order mediation.

Mediation may be ordered for criminal proceedings if the following conditions are met:

it is motioned by the defendant or the victim or they voluntary agreed to do so;

the criminal proceedings were launched for a crime committed against life and limb or health, human dignity and other fundamental human rights, a traffic offence or a crime against property or intellectual rights and the crime is punishable by imprisonment not exceeding five years;
according to the Criminal Code, after a successful mediation procedure the criminal proceedings may be terminated or the penalty may be reduced without limitation;
the suspect has admitted his or her guilt before being indicted and has agreed and is able to provide restitution by way of the means and to the extent accepted by the victim;
the criminal proceedings may be dispensed with having regard to the nature of the crime, the way it was committed and the personal circumstances of the defendant, or there are reasonable grounds that the court would evaluate the restitution provided by the defendant in the framework of the imposition of punishment.
The victim may motion for ordering mediation at any stage of the proceedings. However, a mediation procedure may be ordered only once per case, so if the mediation process is concluded unsuccessfully for whatever reason, it may not be repeated.
A mediator trained for this purpose and employed by the State is responsible for the proper conducting of the mediation procedure. In the mediation procedure, the victim may choose to meet the defendant exclusively in the presence of the mediator, and in this regard the mediator's person provides an adequate guarantee for the victim's personal security.

Where can I find the law stating my rights?

Act XIX of 1998 on Criminal Procedures;
Act C of 2012 on the Criminal Code;
Act LXIV of 1991 on the Promulgation of the UN Convention on the Rights of the Child Signed in New York on 20 November 1989;
Act CXXXV of 2005 on the Support of Victims of Crime and State Compensation;
Act LXXX of 2003 on Legal Aid;
Act LXXXV of 2001 on the Protection Programme for those Participating in Criminal Proceedings and Supporting Jurisdiction;
Act CXXIII of 2006 on Mediation Activities Applicable in Criminal Cases;
Decree No 64/2015 of the Minister of Interior of 12 December 2015 on the Tasks of the Police Related to Victim Support;
Government Decree No 34/1999 of 26 February 1999 on the Conditions of Ordering and Rules of Implementing the Personal Protection of those Participating in Criminal Proceedings and Members of Authorities Proceeding;
Joint Decree No 23/2003 of the Minister of Interior and the Minister of Justice of 24 June 2003 on the Detailed Rules of Investigation Conducted by Investigative Authorities under the Minister of Interior and the Rules of Recording Investigative Acts by Means Other than Minutes;
Decree No 25/2016 of the Minister of Justice of 23 December 2016 on the State Reimbursement of Out-of-Pocket Expenses of the Defendant and the Defence Counsel, and on the Expenses and Fees of Persons Participating in Criminal Proceedings;
Decree No 14/2008 of the Minister of Justice and Law Enforcement of 27 June 2008 on the Reimbursement of Witnesses;
Joint Decree No 21/2003 of the Minister of Justice, the Minister of Interior and the Minister of Finance of 24 June 2003 on the Advancing of the Costs of Criminal Proceedings;
Order No 2/2013 of the National Police Headquarters of 31 January 2013 on the Tasks of the Police Related to Victim Support.

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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

Anyone can report a crime.
Crimes are generally reported to the prosecutor or to the investigating authority:
personally (in writing or orally) – oral reports are recorded by a representative of the authority, who will ask you about the elements and circumstances of the crime committed against you, the identity of the offender and any evidence you may possess;
by phone – the police also operates a free hotline called 'Phone Witness', through which witnesses and victims can report criminal offences anonymously. The toll-free hotline number is 003680555111 and it operates 24 hours a day with the associates of Budapest Police Headquarters taking the reports. More information on the hotline is available in Hungarian on the official website of the Hungarian Police at http://www.police.hu/en;
by any other means of communication, including dialling the EU emergency number: **112**
Reports may also be accepted by other authorities or courts, which are obliged to send them to the investigating authority. If the report requires immediate action, it must be accepted.
All submitted reports are registered immediately.
You can report anonymously, meaning that it is not obligatory to submit your identification or contact details. Your report needs to contain details about the crime. There is no special form required by the authorities for reporting crimes.
There is no expressed deadline for reporting a crime, but the authorities will reject your report if it is made past a certain period. This period (the so-called limitation period) is usually equivalent to the maximum period of penalty for a given offence and is at least 5 years.
For some crimes, you may also submit a private motion, which is a statement where you expressly request that the perpetrator be punished and you have 30 days to submit the private motion after you get to know the identity of the offender.

How do I find out what's happening with the case?

The complainant or, if the report was not made by the victim but she or he is known, are notified about the initiation of the investigation.
The complainant and the civil claimant must be notified about the rejection of the report.
The court will decide on and notify you of the following:
the rejection of your request to become a substitute private prosecutor,
the termination of the procedure if the investigation ordered on the basis of your report submitted as a private prosecutor was not successful.
During the investigation, the police or the prosecutor may inform you about:
investigative actions,
appointing an expert in the case,
issuing a restraining order against the offender.
As a victim of a crime, you have several privileges which allow you obtain information about the investigation:

you may be present (but your presence is not obligatory) at the hearing of experts, the inspection of a scene or an object, evidentiary experiments and identification line-ups, and you should be notified about these actions, but such notification may be dispensed with if it is justified by the urgency of the investigative act, and the notification must be dispensed with if the protection of the person involved in the proceedings cannot be otherwise guaranteed,
you may inspect the minutes of any investigative actions where you can be present, and other files may be inspected only if this is not contrary to the interests of the investigation,
in case of investigative acts where your presence is obligatory or you may be present, your representative, supporter and, if it does not violate the interests of the proceedings, a person who is of age designated by you may also be present at your side; in case you are interviewed as a witness, a person who is of age designated by you may also be present at your side beside the lawyer representing your interests,
you have the right to be notified upon your request, in connection with the crime concerning you, about:
the release or escape of the defendant in pre-trial detention,
the release on parole or final discharge or escape as well as interruption of the execution of the term of imprisonment of the person sentenced to a term of imprisonment,
the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest,
the release or escape of the person under temporary involuntary medical treatment,
the release, leave without permission and adaptation leave of the person under involuntary medical treatment,
in case of education for young offenders, the temporary or permanent release, leaving the institution without permit and interruption of education of young offenders,
you may obtain copies of expert opinions and files on investigative actions during which you may be legally present; other copies may be obtained only if that is not contrary to the interests of investigation and only after you have given testimony as a witness; once the proceedings are terminated you can receive copies of all files created by the police or the prosecutor upon request,
you may inspect case files after the end of the investigation, submit requests and make observations.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

Yes.
In criminal proceedings, the State grants the following aid within the framework of legal aid:
personal exemption from costs for substitute private prosecutors,
representation through a litigation friend for injured parties, private prosecutors, private parties and other interested parties as well as for substitute private prosecutors.
You are entitled to such aid if you are considered in need in accordance with the provisions of the Act on Legal Aid, but the right to representation through a litigation friend is granted only to victims, private prosecutors, and other interested persons who are in need if, because of the intricacy of the case, their lack of legal expertise or other personal circumstances, they would not be able to effectively assert their procedural rights if they proceeded personally.
Applications for aid may be submitted to the legal aid service by filling in the form prescribed for this purpose in one copy, and applicants must attach the documents and/or official certifications providing proof of eligibility for aid or must present the official card evidencing their eligibility for aid.
Applications for aid may be submitted to the legal aid service at the latest during the litigation stage of the criminal proceedings before the divisional session of the court held for adopting a peremptory decision.
As far as the legal aid service allows you to use legal aid, you can select a legal aid provider from a register provided for that purpose.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

Yes.
If you participate in the proceedings as a victim, private prosecutor, substitute private prosecutor or civil claimant, the following expenses incurred by you or your representatives will be reimbursed:
travel and accommodation expenses,
costs of the opinion of the expert, invited by yourself, with the consent of the prosecution/court,
expenses of full or partial video or audio recording of the proceedings/stenography,
expenses for one copy of the case files,
communication expenses (phone, fax, post, other),
representatives' fee.
Your out-of-pocket expenses and those of your representatives, as well as the representatives' fees are advanced by yourself, irrespective of your capacity in the proceedings.
Expenses incurred as a result of your participation in the proceedings as a witness (travel expenses, accommodation expenses, board expenses, expenses related to taking days off work) will be reimbursed upon your request.
Travel expenses: expenses actually incurred in connection with the journey from the place of residence of the witness to the place of the hearing and the return journey.
Accommodation expenses: if the hearing of the witness started at a time when the journey from the place of residence to the place of the hearing would be started during the night hours, the expenses of accommodation for the witness in commercial accommodation or at a family resort will be reimbursed.
Board expenses: board expenses will be paid to the witness if he or she is entitled to a reimbursement of accommodation expenses or if the whole duration of the journey from the place of residence to the place of the hearing and the return journey plus the hearing exceeds 6 hours within a day.
Expenses related to taking days off work: a witness who is not entitled to payment for a period of absence for the time taken off work for the hearing is entitled to a reimbursement of 1.5% of the minimum pension per hour for the period taken off work, including the period spent travelling.
The witness who was present at the expert investigation must send the supporting evidence for the expenses to the authority or court that ordered the expert investigation, which will determine the amount of reimbursement after the receipt of the expert opinion.
If you are enforcing a civil claim as a civil claimant, the court will order the defendant to pay your out-of-pocket expenses and the out-of-pocket expenses and fees of your representative if the court's resolution upholds your civil claim. If the claim is partially upheld, the defendant will be obliged to pay a proportionate amount of costs.
If you are a substitute private prosecutor, the court will order the defendant to pay your out-of-pocket expenses and the out-of-pocket expenses and fees of your representative if the prosecution is represented by the substitute private prosecutor and the court finds the defendant to be guilty.

Can I appeal if my case is closed before going to court?

The victim may file an appeal, in the case specified by the law, if the investigating authority or the prosecution rejected the report or terminated the investigation. In case of rejection of the report, the victim may only request an investigation if he or she made the report.

Protest against the decision rejecting the report or the decision terminating the investigation may be filed within eight days from the communication of the decision. If the investigating authority or the prosecution adopting the decision does not sustain the protest, it must submit it to the prosecutor who is entitled to judge it. The decision made on the protest by the prosecutor may not be subject to further legal remedies.

Can I be involved in the trial?

After the notification of the indictment, the court establishes the date of the trial and makes arrangements for the trial, as well as for summons and notices. Persons whose presence at the trial is obligatory are summoned to attend and notification are sent to those whose presence at the trial is allowed by the law. The order of evidentiary actions at the trial is decided by the court. The evidentiary procedure starts with the questioning of the defendant, and the victim is usually the first among the witnesses to be heard. While a witness is being questioned, no other witnesses who have not yet been questioned may be present. Derogation from this rule is, however, permitted in the case of questioning the victim as a witness. The legal representative of the victim may be present throughout the course of the trial so the victim may be informed about any evidentiary procedures that took place in his or her absence through his or her legal representative.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

The victim may participate in the criminal proceedings in four roles under procedural law, as follows:
witness: a person who may have knowledge of the fact to be proven;
civil party: a victim enforcing a civil claim (most often a claim for damages) in criminal proceedings;
private prosecutor: in the case of some criminal offences specified by the law, the victim may represent the prosecution himself as private prosecutor;
substitute private prosecutor: in the case of some criminal offences which are otherwise subject to public prosecution, as specified by the law, the victim may represent the prosecutor.
If it is deemed necessary for the evidentiary procedure, the victim is obliged to make a testimony or contribute to the procedure in other ways in the cases and by the means defined by the law. By contrast, acting as civil party, private prosecutor or substitute private prosecutor is up to the victim's decision alone.

What are my rights and obligations in this role?

At every stage of criminal proceedings, the **victim** is entitled to:
be present at the procedural actions and inspect the documents affecting him or her in course of the procedure (unless otherwise provided for by the law), make motions and objections at any stage of the procedure,
receive information from the court, the prosecutor and the investigating authority concerning his or her rights and obligations during the criminal proceedings, file for legal remedy in cases specified by the law
be notified upon his or her request in connection with the crime concerning him or her about the release or escape of the detained defendant, or of the defendant sentenced to a term of imprisonment or under involuntary medical treatment.
If it is deemed necessary for the evidentiary procedure by the investigating authority, the prosecution or the court, the victim is obliged to make a testimony or contribute to the procedure in other ways in the cases and by the means defined by the law. This primarily means fulfilling the obligation of giving testimony, exceptions from which are cases where the victim may not be heard as witness at all (e.g. legal professional privilege, knowing a secret as a clergyman) and cases where the victim may refuse to give testimony (e.g. relative of the defendant, or victims who would incriminate themselves or their relatives).
The victim may participate as **civil party** in the criminal proceedings and may indicate already at the time of reporting the crime that he or she intends to enforce a civil claim (typically a claim for damages). The enforcement of civil claims is exempt from fees. In this case, the court decides on the defendant's criminal liability and the civil claim within one criminal proceeding, which has the advantage for the civil party that he or she does not have to initiate a civil procedure. During the criminal proceedings the civil party may make a motion for sequestration on the defendant's property if there are reasonable grounds to assume that the satisfaction of the claim will be frustrated.
In case of criminal offences defined by the law (assault, invasion of privacy, violation of secrecy of correspondence, libel, defamation and irreverence) the victim may act as **private prosecutor**. In the case of the abovementioned criminal offences, the victim must report the crime within 30 days after the victim learned the identity of the offender. In the report, the victim must indicate any evidence of the crime, and must expressly declare if he or she requests the punishment of the defendant.
The crime can be reported to the court orally or in writing. The court will order an investigation if the defendant's identity, personal data or place of residence are unknown, or if locating the means of evidence is necessary. The court will terminate the proceedings if the identity of the offender could not be determined during the investigation.
The court will set a personal hearing at which it will endeavour to reconcile the victim and the defendant. If the attempt at reconciliation is successful, the court will terminate the proceedings; otherwise the proceedings will continue in a public trial.
If the victim withdraws or drops the charge, the proceedings will be terminated. Similar consequences apply if the victim does not attend the personal hearing or the trial and fails to provide a substantial excuse in advance, or if the victim could not be summoned because he or she did not report a change of address.
The private prosecutor has the full rights that the representation of the prosecution entail, including the rights that may be exercised during the course of the proceedings and the right to legal remedy against the decisions made by the court.
After exhaustion of the possibilities for legal remedy available during the investigation, it is possible in some cases for the victim to act as a **substitute private prosecutor** and represent such cases at the court himself. Among other cases, you may act as a substitute private prosecutor if the report of the crime was rejected or the investigation was terminated on the grounds that the action was not a criminal offence or if any grounds for preclusion of punishability exists (e.g. coercion and duress, mistake, lawful self-defence or imminent danger). If in a specific case it is possible to act as a substitute private prosecutor under the law, the prosecutor deciding on the protest will specifically inform the victim about this.
If the protest is rejected due to the refusal of the report or the termination of the investigation, the victim will be allowed to examine the documents pertaining to the criminal offence committed against the victim at the official premises of the prosecutor's office. A victim acting as a substitute private prosecutor may submit a motion for prosecution to the prosecutor's office of first instance having proceeded in the case within sixty days of the rejection of his or her protest. The legal representation (by a lawyer) of the substitute private prosecutor is obligatory. The acceptability of the motion for prosecution is decided by the court.

Can I make a statement during the trial or give evidence? Under what conditions?

The victim is entitled to be heard during the criminal proceedings. In accordance with the provisions of the law, the victim is not only obliged but also entitled to cooperate at his or her own discretion in the evidentiary procedure. The victim may give a testimony and may also serve evidence in other ways (e.g. by providing documentary evidence to the authority). The victim may make motions and objections at any stage of the procedure. Generally, from among the witnesses, the victim is questioned first.
After the prosecutor speaks for the prosecution, the victim may make an address and may state if he or she requests the establishment of the defendant's criminal liability and punishment. The civil party may make a statement in connection with the civil claim intended to be enforced.

What information will I receive during the trial?

Before trial, the witness summoned to the trial may contact a witness supporter of the court for proper information. The witness supporter of the court is a judicial administrator who provides the witness with information about giving testimony and facilitates the attendance necessary for it. Witness support does not cover information about the case and may not have the effect of influencing the witness.
In the criminal proceedings the victim is entitled to receive information concerning his or her rights and obligations and about the case and, unless otherwise provided for by the law, to be present at the procedural actions and to inspect the documents about the crime committed against him or her and receive copies after the investigation is concluded.
The victim must be informed about the indictment and must be notified about any decisions concerning him or her as well as the conclusive decision.

Will I be able to access court files?

The victim is entitled to inspect the documents about the crime committed against him or her and receive copies at any time after the investigation is concluded.
The court must ensure the right to inspect documents in such a way as to avoid unnecessary disclosure of data on privacy. However, the issuance of copies of documents may only be limited on grounds of human dignity, personality rights and right of reverence.

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3 - My rights after trial

Can I appeal against the ruling?

The victim may appeal against the ruling if he or she is also a substitute private prosecutor, a private prosecutor or a civil party, or if the ruling contains a provision allowing appeals. The civil party may lodge an appeal against the provision adjudicating the civil claim in its merits. If any other provision is included in the ruling concerning the victim, he or she may appeal against such provisions.

What are my rights after sentencing?

If an appeal has been lodged against the sentence in the first or second instance, the victim is entitled to be present at the trial and public session held by the court of second or third instance, to access the documents produced in the course of the proceedings, to make motions and objections, and to make an address to the court after the closing argument of the public prosecutor.

Am I entitled to support or protection after the trial? For how long?

The answer to this question to the extent that it concerns victim support falls within the responsibilities of the Deputy State Secretariat for Justice and Private Law Legislation of the Ministry of Justice and the Deputy State Secretary for Justice Methodology Management of the Ministry of Justice, while with regard to victim protection it falls within the responsibilities of the Ministry of Interior.

What information will I be given if the offender is sentenced?

The judgment, from which the victim can learn about the content of the sentence, namely the nature, type, extent and content of the punishment or measures imposed against the defendant, must be served to the victim by the court.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

The victim or, in case of his or her death, the person who exercises his or her rights is entitled to be informed upon request about the following in connection with the crime concerning the victim:
a) the release or escape of the defendant in pre-trial detention,
b) the release on parole or final discharge or escape as well as interruption of the execution of the term of imprisonment of the person sentenced to a term of imprisonment,
c) the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest,
d) the release or escape of the person under temporary involuntary medical treatment,
e) the release, leave without permission and adaptation leave of the person under involuntary medical treatment, and
f) in case of education for young offenders, the temporary or permanent release, leaving the institution without permit and interruption of education of young offenders.

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?

The last day of imprisonment is determined by the penal institution and on that day it will arrange for the release of the convict. If the penal institution makes a motion for the release on parole of the convict, the penal judge will hold an audition of which the victim will not be notified and where he or she may not participate. The victim may not make a statement and may not appeal against the decision of the court made in the subject of release on parole.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Primarily within criminal proceedings, the victim may enforce his or her claim for damages that arose as a consequence of the act subject of the accusation as civil claimant. In this case, the procedure conducted as part of the criminal proceedings for the enforcement of a civil claim is called as adhesion procedure. Civil claims may be enforced by other legal means as well. The fact that the victim did not take action as a civil claimant does not preclude the possibility of enforcing the claim. Under the conditions specified in the Code of Civil Procedure, a civil claim may also be enforced by the prosecutor instead of the victim.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Enforcement proceedings may be initiated within 30 days from the expiration of the fulfilment of obligations established by the court. In this respect, the court will issue an enforcement file based on the part of the decision made in the criminal proceedings that concerns the civil claim.

If the offender does not pay, can the state pay me an advance? Under what conditions?

The state cannot pay you an advance. However, if an intentional violent criminal offence has been committed against you and as a consequence of it you have been injured physically and your health has been damaged you may receive state compensation. State compensation is independent from the civil

claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

Am I entitled to compensation from the state?

You are entitled to state compensation if an intentional violent criminal offence has been committed against you which resulted in serious damage to your physical integrity and health.

You may also be entitled to state compensation if you are a close relative or dependant of such a victim or if you have paid for the funeral of the deceased victim.

Only victims who are in need based on their financial standing or other conditions set out by the law may be eligible to state compensation.

You may submit your application for state compensation to any victim support service (district government office). When deciding on your application, the authority will examine the causal link between the amount of damages and the criminal offence.

Applications for compensation may normally be submitted within 3 months from the day on which the crime was committed, and the maximum amount of compensation in 2017 is HUF 1 599 105.

Am I entitled to compensation if the offender is not convicted?

If your criminal report is rejected, the investigation is terminated or the defendant is cleared for charges for reasons of grounds for exclusion specified by the law (namely: under-age, serious mental incapacity, coercion or duress, mistake, lawful self-defence, extreme necessity or a superior's command), you will be entitled to state compensation.

State compensation is independent from the civil claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

If you enforce your civil right outside the criminal proceedings then the matter of criminal liability and compensation will become separate from each other, that is, the two proceedings may result in judgments with different contents.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

As a victim of a crime or offence, you may be entitled to the payment of instant monetary aid for the purpose of remedying the crisis situation caused within a very short period by the crime or offence. You may submit your application to the victim support service (at a district government office), and the condition of receiving compensation is to report the crime to the police. Payment of instant monetary aid is decided based on the principle of equity and may be provided to victims without assessing whether they are in need. However, in the course of the proceedings, it must be examined whether the victim's personal circumstances resulting from the criminal offence justify this kind of monetary aid. Instant monetary aid is not compensation and it is not intended to compensate or mitigate the damage caused by the criminal offence. It may be provided for the coverage of nutrition, housing, travel, clothing, medical and funeral expenses of the victim. The amount of instant monetary is determined based on the victim's situation resulting from the criminal offence and the length of time during which the victim is unable to solve the his or her financial problems on his or her own. The maximum amount of the aid in 2017 is HUF 106 607.

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5 - My rights to support and assistance

I am a victim of crime: who do I contact for support and assistance?

If you have become a victim of a crime, you may report it at the nearest police station or by dialling the emergency call numbers 107 or 112.

The staff of the state-run Victim Support Service and Legal Aid Service can assist you at the nearest district government office. The staff of the free-phone Victim Support Line (Áldozatsegítő Vonal) (**+36-80-225-225**) provide immediate help via pone 24 hours a day in Hungary.

The National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat, OKIT, http://www.ncsszi.hu/national-institute-for-family_-youth-and-population-policy) provides help specifically for the victims of domestic violence, violence between relatives, child abuse as well as prostitution and human trafficking via the phone number +36-80-205-520.

Victim support hotline

Police: **107**

General emergency number: **112**

Phone Witness (Telefontanú): **+36-80-555-111** (through which you can report offences anonymously)

Victim Support Line (Áldozatsegítő Vonal): **+36-80-225-225** (free-phone number which can be dialled 24 hours a day in Hungary)

National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat) **+36-80-205-520**

NGO NANE Women's Rights Association (Nők a Nőkért Együtt az Erőszak Ellen Egyesület):

+36-80-505-101 (helpline for abused women and children; it can be dialled free of charge, via cell phone as well, on Mondays, Tuesdays, Thursdays and Fridays between 6 p.m. and 10 p.m.)

+36-40-603-006 (for victims of sexual violence, it can be dialled on Fridays between 10 a.m. and 2 p.m. at local tariffs)

Patent Association (Patent Egyesület): +36-70-25-25-254 (free-phone legal aid service in essential legal and psychological issues for women living in an abusive relationship, which can be dialled on Wednesdays between 4 p.m. and 6 p.m.)

Is victim support free?

The victim support procedures are accessible without fees and free of charge. If you don't speak Hungarian or need to use a sign language interpreter due communication-related disabilities, the costs of translation and interpreting will be borne by the state.

What types of support can I receive from state services or authorities?

The Victim Support Service (Áldozatsegítő Szolgálat) can

inform you about your rights, obligations and possibilities,

provide information about social welfare services, health care services and health insurance benefits,

provide instant monetary aid (within 5 days from the date of commission of the related crime),

provide emotional support (including psychological assistance if needed),

provide legal advice and practical help in simple cases,

confirm your victim status,

in addition to the above, seriously injured persons and relatives of fatal victims of violent criminal offences may apply for state compensation.

The National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat) can

provide immediate assistance for citizens (mainly for women and children) who are in serious crisis situations due to abuse,
secure immediate accommodation in safe shelters for persons in need after consultation. This will be ensured in crisis homes where accommodation is ensured for 30 days but, where justified, it may be extended by an additional 30 days. The accommodation is provided free of charge, and as part of the care provided, the specialists of the crisis home will help find a safe, long-term solution to the problem, and they are also in contact with the family assistant of the relevant Family Support and Child Welfare Service.

Legal Aid Service (Jogi Segítségnyújtó Szolgálat)

provides legal advice in cases where the facts of the case are relatively straightforward,
and, if the legally defined conditions are met, it
provides out-of-court services (counselling, document editing) free of charge or under favourable conditions,
provides representation through a litigation friend in court proceedings and in the pre-trial section (when the case is investigated by the investigating authority or the prosecutor) of the criminal proceedings. If representation through a litigation friend is allowed, the actual legal service is provided by lawyers and law firms who are in contractual relationship with the Legal Aid Service.

What types of support can I receive from non-governmental organisations?

You may primarily rely on the following non-governmental organisations:

White Ring Charitable Association (Fehér Gyűrű Közhasznú Egyesület)

personal care after the criminal offence,
free legal aid,
free mediation,
free psychological assistance,
financial support to those who are in need (only if the crime is reported to the police),
assistance with the proceedings of other authorities,
mediation of support provided by other organisations and institutions.

NGO NANE Women's Rights Association (Nők a Nőkért Együtt az Erőszak Ellen Egyesület):

provision of information,
immediate practical help to those who are in crisis (e.g. placement in shelters for women, notification of authorities, advice about actions and possibilities),
group sessions,
legal aid (through legal advice if necessary).

NGO ESZTER Ambulance (ESZTER Alapítvány és Ambulancia):

psychological assistance,
legal aid.

Patent Association (Patent Egyesület):

information and advice,
ensuring background consultations with a psychologist or social worker,
providing legal aid to abused women as well as victims of gender-based violence and discrimination.

Anonymous Ways Foundation (Névtelen Utak Alapítvány):

safe accommodation,
rehabilitation,
reintegration.

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