



## **Organization for Security and Co-operation in Europe**

### **Project**

#### **Effective Criminal Justice System Strategies and Practices to Combat Gender-based Violence in Eastern Europe**

### **SITUATIONAL ANALYSIS IN HUNGARY**

Version 3.0 of the template  
As revised and adopted by the Steering Committees

#### **Table of contents:**

- I. Introduction
- II. Integrated policies and data collection
- III. Prevention
- IV. Protection and support
- V. Substantive law
- VI. Investigation, prosecution, procedural law and protective measures



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## I. Introduction

### A. Scope of analysis and logistical modalities

The Situational Analysis was conducted at the national level, by the Steering Committee, with the support of the Reference Group and Working Group. The objective of this analysis was to identify the strengths, weaknesses and behavioural levers of the existing criminal justice infrastructure related to the responses provided to victims of Gender-based Violence, the reporting of such cases and the secondary victimization.

The data generated from the Situational Analysis will be used for the programming of further activities within this project (capacity building and awareness raising activities). In addition, the data can be used by local stakeholders to convince community leaders of the need for Gender-based Violence programming. For these reasons, the process of conducting the Situational Analysis was itself an intervention, by initiating a public discussion and opening dialogue with key institutional actors.

The national Steering Committee was requested to use this template<sup>1</sup> as a basis for preparing the Situational Analysis. All requests for data and information applied to the years 2016-2017 (the two complete calendar years prior to conducting the analysis). All financial data were requested in euros. Any available administrative and judicial data requested in the present situational analysis was requested to be disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location and any other factor deemed relevant.

The Situational Analysis was produced in the national language and translated into English.

### B. Key definitions

Gender-based Violence<sup>2</sup> is defined as violence directed against a person because of that person's gender or as violence that affects persons of a particular gender disproportionately.

The term "Gender-based Violence" used throughout this questionnaire includes but is not limited to: domestic violence, physical violence, and sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilization and sexual harassment, psychological violence and stalking.

### C. Bodies, agencies, institutions and organizations involved in the preparation of the analysis

The national Steering Committee was responsible for co-ordinating the collection of information in the preparation of the analysis. The national Working Group and national Reference Group acted as support and advisory only. Any other government agencies, bodies, institutions and organizations that were consulted or that contributed to the preparation of the analysis (including at regional/local levels) were specified in this document as contributors/sources.

## II. Integrated policies and data collection

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<sup>1</sup> This template follows the structure of the Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), adopted by GREVIO on 11 March 2016.

<sup>2</sup> As defined by the European Commission ([https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en)). This term and definition are not agreed by all OSCE participating States and therefore not endorsed by OSCE.



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1. Please provide details of the strategies/action plans and any other relevant policies adopted by your authorities to address Gender-based Violence. In particular, please describe:
  - a. which forms of violence are covered;
  - b. which tools are used to ensure that the human rights of victims are placed at the centre of these policies;
  - c. how policies are co-ordinated to offer a comprehensive response.

*The concept of Gender-based Violence is not used either in the area of legislation or in strategy formulation. Consequently, there is no comprehensive strategy or action plan in effect relating to this topic.*

*However, there are several strategies covering particular areas of Gender-based Violence. One of the most important is the 30/2015 (VII.7) decision adopted by the Parliament on the national strategy supporting the effective combating of intimate partner violence. The decision stipulates the national strategic objectives supporting the efficient combating of intimate partner violence, and in addition provides guidance on planning and implementation of all strategic documents and measures based upon them in the sectors with some responsibility for combating intimate partner violence. Amongst other factors, the decision emphasizes the importance of prevention, the need to provide continuous education and training for experts dealing with or potentially having some contact with victims or perpetrators as well as the development of the care system and the transformation of societal attitudes.*

*The National Crime Prevention Strategy for the period 2013-2023 adopted in the form of the Government Decree 1744/2013 sets objectives and identifies concrete measures – including child and youth protection, family protection as well as victim protection and victim support. The police have a set of internal rules on how to deal with domestic violence cases.*

2. Which measures are taken to ensure effective co-operation with NGOs and other civil society actors when addressing forms of Gender-based Violence?

*The police conclude cooperation agreements with other organizations – among others with NGOs when this is required by both parties – to implement tasks jointly.*

3. Have your authorities established or designated an official body for the co-ordination and implementation of policies and measures to prevent and combat all forms of Gender-based Violence? If yes, are the NGOs members?

*A designated official body is the Women's Policy Department of the Ministry of Human Capacities.*

4. Please specify which type of relevant data is required to be collected (under the national law) by:
  - a. Law enforcement/criminal-civil justice services (police, prosecution services, courts)

*The relevant crime related statistical data can be retrieved from the database of the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices. The system includes ex-post statistical data, meaning that data related to a particular prosecution will be entered in the system after the case is closed.*

*The Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices collects crime related data (with special regard to time and date, scene of crime, method and instrument and*



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legal definition), data on the perpetrator (with special regard to nationality, family status, level of education, address, criminal record and capacity in which the crime was committed by the perpetrator) as well as data on the victim (with special regard to the gender, age, nationality, relation with the perpetrator and job). No data is collected concerning the gender-based motivation of the crime.

The Prosecutor's Charge Representation IT System collects data by defendants concerning the most important procedural activities and judicial decisions on crime(s).

Data on convicted persons with a definitive sentence (adults and underage as well) are available from the register of the National Office for the Judiciary.

Data on persons held in prison are available at the Hungarian Prison Service Headquarters.

**b. Health care services**

**c. Social services and specialist victim services (state and NGOs)**

Act CXXXV of 2005 on Crime Victim Support and State Compensation defines the data needed to be registered by the victim support organizations. These include: identification data, home address and nationality, details of the offence constituting grounds for the application (description of the offence, scene and date of the offence and its material circumstances), injuries suffered by the applicant through the offence described in Paragraph a), in particular any bodily or emotional harm, mental shock or economic loss, and the type of support applied for.

The various institutions of the victim support system (crisis centers, shelters and transitional accommodations) document the personal data of the victims while respecting the rules on how to avoid the possibility of identifying someone when applying – by types of institutions - integrated data and case documentation. The data help the support system to have an overview of each and every case and also serve as a basis for general statistics. The data entry and the case documentation will be completed in a protected online system from the second half of 2019.

**d. Other official bodies mandated for data collection (e.g. statistical office/bureau)**

In the framework of the National Data Collection Program, Hungarian Central Statistical Office collects data on guardianship authorities. District guardianship authorities are mandated with the coordination of family protection in case of a suspected abuse case, information on these cases being collected through the program.

The Hungarian Central Statistical Office has applied for the Grant call "ESTAT-PAS-F-GBV-2018" announced by Eurostat in March 2018 aimed at piloting a gender-based violence survey. A Grant Agreement has since been concluded and preparatory work is in progress in order to launch the pilot survey in February 2019. This is the first time in Hungary that a population-based survey is about to be piloted in this topic. The questionnaire and the methodological basis for the survey have been provided by Eurostat.

**5. Please provide information on any population-based surveys conducted on Gender-based Violence forms in the past 5 years, indicating:**

**a. The forms of violence covered;**



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- b. Geographic region reached;**  
**c. Main results.**

*A survey conducted in schools within the framework of the Pandora's Box international project has collected information concerning the forms of sexual violence from a sample of pupils in senior high school (n=446). According to the survey results, 17% of the pupils were abused or sexually molested, mainly between the ages of 12 and 14 (8.7%), and between 10 and 12 (4%) respectively. When talking about the crime scene, in addition to "another person's home" and at their own home, many have also mentioned the Internet. (The concepts of sexual harassment and abuse were interpreted on a wide scale by the study, starting with unwanted and unpleasant physical contact up to being shown images of naked people).*

*The Eurobarometer conducted surveys concerning violence against women (FRA, 2014), and specifically Gender-based Violence (Eurobarometer 2016), as well as gender equality Eurobarometer (2017). Here are some important data from the results of these surveys:*

**1. FRA (European Union Agency for Fundamental Rights): Violence Against Women: An EU-wide survey, March 2014<sup>3</sup>:**

- Women who have experienced physical and/or sexual violence by current and/or previous partner or by any other person since the age of 15, Hungary (%)*

<i>Current partner</i>	<i>Previous partner</i>	<i>Any partner (current and/or previous)</i>	<i>Non-partner</i>	<i>Any partner and/or non-partner</i>
7	23	21	14	28

- Women who have experienced physical and/or sexual violence in the 12 months before the interview, by type of perpetrator, Hungary (%)*

<i>Current partner</i>	<i>Previous partner</i>	<i>Any partner (current and/or previous)</i>	<i>Non-partner</i>	<i>Any partner and/or non-partner</i>
5	4	6	5	9

- Women who indicate that the most serious incident of violence came to the attention of the police, by type of perpetrator, Hungary (%)*

<i>Partner violence</i>	<i>Non-partner violence</i>
16	12

- Women who have experienced psychological violence during the relationship, by type of perpetrator, Hungary (%)*

<i>Current partner</i>	<i>Previous partner</i>	<i>Any partner (current and/or previous)</i>
29	50	49

- Prevalence of stalking since the age of 15 and in the 12 months before the interview (%)*

<i>Since the age of 15</i>	<i>In the past 12 months</i>
12	5

<sup>3</sup> <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>



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2. **Gender-based Violence - Survey** requested by the European Commission, Directorate-General for Justice and Consumers and co-ordinated by the Directorate-General for Communication - Special Eurobarometer 449, November 2016<sup>4</sup>:

- In general, how common do you think that domestic violence against women is in Hungary?

Very common	Fairly common	Not very common	Not at all common	Don't know
19%	53%	21%	3%	4%

- In general, how common do you think that domestic violence against men is in Hungary?

Very common	Fairly common	Not very common	Not at all common	Don't know
3%	17%	47%	25%	8%

3. **Gender-based Violence - Survey** requested by the European Commission, Directorate General for Justice and Consumers and co-ordinated by the Directorate-General for Communication - Special Eurobarometer 465, November 2017<sup>5</sup>:

- Do you think that gender equality has been achieved in Hungary? In politics (%)

'Yes'	'No'	Don't know
35	61	4

- Do you think that gender equality has been achieved in Hungary? At work (%)

'Yes'	'No'	Don't know
47	49	4

- Do you think that gender equality has been achieved in Hungary? In leadership positions in companies and other organizations (%)

'Yes'	'No'	Don't know
44	51	5

### III. Prevention

1. **What awareness raising campaigns and programs on any of the forms of Gender-based Violence have your authorities conducted or promoted in the past 2 years?**

The Ministry of Human Capacities provided support to the Directorate-General for Social Affairs and Child Protection in December 2014. The Directorate General is the government's institutional maintenance center for child protection, specialized care (provision of foster parents, provision of at home care for children, regional child protection specialized care) as well as for the state maintenance of the juvenile correctional facility system. The purpose of the support is to develop and introduce a training program for recognizing, preventing and managing child abuse and organizing a child prostitution prevention program with all the necessary tools and training. There were 40 trainers and 1,012 experts participating at the events.

The child prostitution prevention program was organized for girls living under expert child protection provision and for those living in a juvenile correctional facility that are in need of special care and are

<sup>4</sup> <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/75837>

<sup>5</sup> <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/yearFrom/1974/yearTo/2017/surveyKy/2154>



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*the most exposed group. Between December 2014 and May 2015 there were presentations with movies and dramas where the experts on the particular topics helped interpret and utilize the messages, thus helping the girls to understand the seriousness of the decisions that lead them to prostitution.*

*In relation to the special care provided for minors engaged in or exposed to prostitution and bringing them home, the Hungarian Baptist Aid Foundation received funding to aid in prevention and assist the children at the special children's homes of the Ministry in Esztergom, Kalocsa and Zalaegerszeg with one-to-one therapy, mental hygiene group work, psychodrama and training programs for the staff working in those institutions (mental processes of becoming victims, conflict management techniques, empathy and acceptance). The program included the long term mentoring and monitoring of the minors between 01 December 2017 and 31 May 2018.*

*The "16 days of action" is the period between November 25 (International Day for the Elimination of Violence against Women) and December 10 (Human Rights Day) when NGOs and private individuals work on raising awareness and offer information concerning violence against women, express solidarity with victims and exert pressure on policy makers in order to stop any form of violence against women.*

*The police and the prosecutor's offices have not introduced any awareness campaigns in order to prevent Gender-based Violence.*

- 2. Please indicate (using the table below) the number of professionals who receive initial training (education or professional training) in the past 2 years. The trainings comprise topics related to: prevention and detection of Gender-based Violence forms, standards of intervention, gender equality, needs and rights of victims, prevention of secondary victimization, multi-agency co-operation.**

*There has been no special training on the topic of Gender-based Violence for the police or the prosecutor's offices. There have been and continue to be training courses at the police on the topic of the prevention of violence within the family. In 2010, 600 people were trained in a project supported by the European Commission. These people have been the local mentors and trainers in the past seven years. This year, the construction of a new network began and the preparation of 245 new trainers took place; they work at the local and county police units (in the areas of crime and maintenance of law and order).*

*In 2014, 85 police officers received 20 hours of training on the issue of preventing child abuse and violence within the family in the Social Renewal Operational Program 5.6.1 project.*

*At the prosecutor's offices, 60-70 trainee judges and deputy prosecutors take part in training programs annually. Within these programs there are presentations that on the basis of their topics (for example, assault, human trafficking and sexual crimes) are connected to the topic of Gender-based Violence and thus may extend to the individual sub-topics indicated in the table, but we cannot provide more detailed information about this.*

*Amongst the free-of-charge accredited thematic professional continue educational programs to be implemented within the framework of the highlighted project entitled "Development of Social Human Capacity" of the Human Resource Development Operational Program 3.8.2-16 and Competitive Central Hungary Operational Program 7.5.1-16, the training program aimed at preventing and taking action against child prostitution and child trafficking for people involved in the professional activities*



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for providing child welfare and child protection is connected to the topics of child abuse, child trafficking and child prostitution.

The manager of the highlighted projects is the Directorate-General for Social Affairs and Child Protection and its implementation began on 01 October 2016. The thematic training programs have not yet begun, but the new training structure and the formulation of the training curriculum has taken place and the development of the teaching materials is underway. The funding for the implementation of the highlighted projects is available up to the end of the maintenance period.

In consideration of the above, it is not yet presently possible to provide data for the table.

	Prevention and Detection of Violence	Standards of intervention	Gender equality	Needs and rights of victims	Prevention of secondary victimization	Multi-agency cooperation
Police						
Prosecutors						
Judges						
Social workers						

- 3. Please indicate (using the table below) the number of professionals who received in-service training in the past 2 years. This comprises training on the prevention and detection of Gender-based Violence forms, standards of intervention, gender equality, needs and rights of victims, prevention of secondary victimization, multi-agency co-operation.**

See what has been discussed in point 2 above.

60-70 attorneys take part annually in training programs and conferences held for prosecutors within the system of prosecutor's offices. Certain presentations that are heard at these – primarily on the topics of human trafficking, intimate partner violence and hate crimes – are connected to the topic of Gender-based Violence, although there was no training expressly and exclusively on this topic. Therefore, we are not able to fill the below table with data.

	Prevention and Detection of Violence	Standards of intervention	Gender equality	Needs and rights of victims	Prevention of secondary victimization	Multi-agency cooperation
Police						
Prosecutors						
Judges						
Social workers						

- 4. Please specify which self-regulatory standards, such as codes of conduct for the media, including social media, exist in the area of Gender-based Violence (e.g. to refrain from harmful gender stereotyping and spreading degrading images of women).**

The Association of the Forum of Chief Editors, the Association of Hungarian Publishers and the Association of Hungarian Content Providers have begun a collaboration to create and operate a system of self-regulation of the media. The self-regulation represents the ethical policies formulated by those involved in media and the enforcement of these principles. The self-regulation is based upon the Ethical Codex widely adopted in the profession, including the protection of individual rights. The National Media and Communication Authority has signed contracts with the content providers that also provide for the protection of human dignity.



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- 5. Please indicate any other measures taken in the past 2 years to promote changes in the social and cultural patterns of behavior of women and men with a view to eradicating prejudices, customs, traditions and other practices which are based on stereotyped roles for women and men.**

*In addition to examining and judging the complaints submitted by individuals suffering prejudicial discrimination, the Equal Treatment Authority that has operated in Hungary since 2004 also supports the recognition and prevention of discriminatory processes through professional information and publications. In 2017, the authority issued an informational brochure under the title “The Prevention of Harassment at the Workplace and the Ways of Enforcing One’s Rights”, which provides detailed information from the perspective of human rights on the forms of harassment (including sexual harassment), formulates the recommendations aimed at the suppression of this phenomenon for employers and introduces the possibilities for legal remedy.*

#### **IV. Protection and support**

- 1. Please provide details on action taken to ensure that victims of all forms of Gender-based Violence receive information on support services and legal measures available to them. The information must be adequate (include contact details, opening hours and information on exact services offered) and timely (that comes at a time when it is useful for victims).**

*In Hungary, victim assistance operates on an opt-in system. The overwhelming majority of victims must seek out the victim assistance service themselves on the basis of information received from the police to be able to apply for support. The police are required by law to inform every victim verbally and in writing about the opportunities for victim assistance as well as the possibilities for compensation and injury relief. This information is indicated in the record of evidence prepared by the investigating authority. The information on victim assistance is also available in separate publications. Following this, the victims may decide on their own on the basis of the information received whether they want to take advantage of the assistance of the service or not.*

*However, informing the victims is not only the duty of the police. If the victim assistance service obtains information about a natural entity that has become a victim from another authority, body or organization or by a request submitted for assistance to the victim assistance service, it informs the client (on the basis of and according to the data available in relation to the needs of the victim) that he/she may be qualified for support in writing without delay, and if they are qualified they may submit a request for support. The victim assistance services provide information to the victims within the framework of a service to facilitate the enforcement of their interests, which assists the victim in the proper manner and extent in asserting their fundamental rights and in taking advantage of the provision of health care, health insurance and social services as well as other state support. In this interest the service provides information, legal assistance, emotional support or other assistance to alleviate the grievance.*

*According to the provisions of the decree 32/2015 (XI.2) IM, the Ministry of Justice shall compile an informational guide in the interest of victims receiving the necessary information without delay when first making contact with the competent authority so that they may exercise the rights they are due and may utilize support for this. The informational guide must at least have the following information: the objectives of the victim assistance services that can be utilized by the victims, an indication that the utilization of certain types of support is tied to certain conditions, the content of the types of support, the contact information for the victim assistance services, in particular by telephone and e-mail, the*



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contact information for the Victim Assistance Hotline that may be called toll-free, and an indication that personally tailored information is possible after making contact with the victim assistance service.

Furthermore, the victim protection officials of the police regularly monitor the crimes that have occurred within their jurisdictions and make contact with the victims to provide the necessary information.

2. **Please provide information on measures taken to ensure that victims of all forms of Gender-based Violence benefit from appropriate care and social services. Please also provide information on protocols and guidelines for staff assisting victims and for their referral to additional appropriate services.**

*All individuals that have become victims of a crime – so including the victims of Gender-based Violence as well – may take advantage of the victim assistance services (facilitation for asserting their interests, immediate financial aid, verification of their status as victims and provision of witness care and protected accommodations). The services are provided to the victims free of charge and without examining their financial means. Beyond this, the victims of serious, intentional violent crimes against a person may also take advantage of state mitigation of damages if they also meet the other conditions defined in the legal regulation.*

*The victim assistance service does not have a special protocol in relation to the victims of Gender-based Violence. The employees at the victim assistance service participate in training programs organized by the Ministry of Justice several times a year, and a new manual published in 2018 also aids in procuring the knowledge. The instructional materials emphasize the prevention of secondary victimization and the method of dealing with victims that need special treatment. The victim assistance service pays particular attention to the considerate, empathetic and supportive treatment of victims – including women who have become victims of Gender-based Violence – also taking into consideration the special group of clients and the nature of the services that can be provided.*

3. **Please provide a list and a short description of all specialist women's support services. For each category of service (women's shelter, rape and sexual assault centre etc.) please detail the following: number and geographical distribution, accessibility (24/7 or other), the different groups or victims they are available for, the annual number of victims seeking help from these services; their funding sources; who they are run by (NGOs, faith organisations, local government), whether they are free of charge for all women, co-ordination between special support services and general support services.**

**A. Crisis Clinics**

**Number:** 7

**Location:** at various locations across Hungary

**What type of victims do they serve:** DV as well as information for general public

**Accessibility:** varies (some clinics have opening hours while others are accessible via appointments only)

**Services:** counselling (psychological, legal, social), prevention and awareness raising activities, coordinating tasks between different members of the alert system

**Funding Sources:** State or EU resources

**Operated by:** NGO and State

**B. Crisis Centres**

**Number:** 16



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**Location:** at various undisclosed locations across Hungary  
**Victims they serve:** Victims of Domestic Violence  
**Accessibility:** 24/7, via referrals from OKIT and other official bodies, organizations  
**Services:** psychological, legal and social support/counselling, clients have a case manager, maximum stay: 8 weeks, full board, free  
**Funding Sources:** State or EU sources  
**Operated by:** NGO and State

**C. Secret Safe Shelters for victims of Domestic Violence**

**Number:** 2  
**Location:** secret locations  
**Victims they serve:** Victims of Domestic Violence  
**Accessibility:** 24/7, via referrals from OKIT (mostly)  
**Services:** psychological, legal and social support/counselling, clients have a case manager, maximum stay: 6 months, full board free  
**Funding Sources:** State or EU sources  
**Operated by:** NGO, Faith Organisation

**D. Temporary Accommodation for Victims of Human Trafficking**

**Number:** 2  
**Location:** undisclosed location  
**Victims they serve:** Victims of Human Trafficking  
**Accessibility:** 24/7, via referrals from OKIT and other official bodies, organizations  
**Services:** complex support for victims of human trafficking to help rehabilitation and reintegration, maximum stay: 6 months, full board, free  
**Funding Sources:** State sources  
**Operated by:** NGO

Annual number of referrals for victims to Crisis Centres, Secret Safe Shelters, and Temporary Accommodation for Victims of Human Trafficking (combined figures):

- **2015:** 1112 referrals;
- **2016:** 850 referrals;
- **2017:** 1011 referrals;
- **2018, first 10 months:** 1141 referrals.

**E. Halfway Houses for Victims of Domestic Violence**

**Location:** at various locations around Hungary  
**Victims they serve:** victims of Domestic Violence  
**Services:** psychological, legal and social support/counselling, reintegration programs, compulsory financial saving scheme, maximum stay: 5 years, require some financial contributions from clients  
**Funding Sources:** State and EU sources  
**Operated by:** NGOs, Faith Organizations, State

**F. Halfway Houses for Victims of Human Trafficking**

**Location:** at various locations around Hungary  
**Victims they serve:** Victims of Human Trafficking  
**Services:** psychological, legal and social support/counselling, reintegration programs, compulsory financial saving scheme, maximum stay 5 years, require some financial contributions from clients



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**Funding Sources:** State and EU sources

**Operated by:** NGOs, Faith Organizations, State

4. **Please provide information on measures taken to set up telephone helplines to provide advice to callers in relation to all forms of violence. Please specify: if they are state wide, free of charge, if they operate 24/7; how confidentiality/anonymity is ensured and the annual number of calls from victims.**

*The amendment of the Act on child protection of 01 January 2017 created the county and central levels of the warning system – in addition to the previous local and district levels – to further strengthen the child-protection monitoring and warning system. Within the framework of the provision of national duties, the development of the effective functioning of the warning system is ensured at the level of the provision of duties of state maintenance, and the Directorate-General for Social Affairs and Child Protection was appointed to perform this activity. Its duty is to professionally support, develop, formulate and organize training programs and draft recommendations for regulation and amendments for the sectorial governance for the effective national functioning of the child protection warning system. For the support of the warning system and the reception of reports indicating the endangerment of children the operation of a unified national child protection warning system telephone hotline was established in the child protection act on 01 January 2017.*

**OKIT (the National Crisis and Information Telephone Line)** is a state wide, free, 24/7 helpline (that can also be called from outside of Hungary) providing help and support for victims of domestic abuse/human trafficking (psychological, legal counselling and information about available help, benefits, and “rapid case management”: e.g. making referrals to shelters if needed).

**Confidentiality and anonymity:** calls are not recorded and callers are informed that they can remain anonymous unless a referral needs to be made (to crisis centres, shelters, police or child protection services).

**Annual number of calls:** OKIT receives about 8000 calls annually, one third of these calls are specifically related to DV cases. In terms of calls made by members of the public, around 2/3 of calls are made by females and 1/3 by males.

**Annual number of referrals in the past years:**

- **2015:** 1112 referrals;
- **2016:** 850 referrals;
- **2017:** 1011 referrals;
- **2018 (first 10 months)** – 1141 referrals.

5. **Please indicate any other measures taken to provide protection and support to victims of Gender-based Violence.**

*A prevention program ran between 2012 and 2015 as a pilot project with the support of the Ministry of Human Capacities, and its goal was to prevent becoming a victim. The project addressed youths between the ages of 14 and 18 and it reached 3,600 students during the pilot period. From 2016 the program was brought at the national level through the employment of development funds. Since 2016 there are 17 private organizations that are implementing this program founded upon a unified methodology.*

*The campaign with the slogan “Be Aware!” was implemented through Ministry of Human Capacities’ support. Its objective was to draw attention to the unacceptability of intimate partner violence and the importance of indicating the problem in time. There is a website related to the campaign with different sub-sites for adults and children or youths. The website introduces the various forms in which intimate*



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*partner violence manifests, the indications of violence, the various opportunities for requesting assistance and the contact information for assistance providers.*

*The Human Capacity Development Operational Program 1.2.5-16 “Safe Refuge” grant program is aimed at the complex development of a system providing assistance to the victims of violence and human trafficking in which the elements complement one another alongside the introduction of new elements (crisis management clinics) that are currently lacking in the domestic support system.*

*The highlighted Human Capacity Development Operational Program 1.2.4-Competitive Central Hungary Operational Program 16 “Development of Crisis Management Services” project includes the development of the National Crisis and Information Telephone Line, which comprises a portion of the assistance provision system for victims of intimate partner violence. The development has several layers. The National Crisis and Information Telephone Line database management system will be renovated and the opportunity for online counseling will be created as a new type of service. The project also provides for the human resources necessary for the additional tasks. Furthermore, the training and attitude shaping of professionals within the child protection warning system (5,000 people) will take place within the framework of this highlighted project. At the request of the State Secretariat Responsible for Social Affairs and Social Inclusion of the Ministry of Human Capacities, a working group was created in 2016 at the National Rehabilitation and Social Agency with the objective of surveying the phenomenon of child prostitution within children provided with professional child protection, its prevention and its reduction as well as the formulation of methodological materials and development recommendations to serve in aiding the victims of this.*

## **V. Legislative framework**

### **1. Please provide information on the relevant legal framework in place (criminal law, civil law, administrative law) which address all forms of Gender-based Violence.**

*The concept of Gender-based Violence is not used in Hungary in either criminal law or any other legal sector. There is no legal standing related to Gender-based Violence in Act C of 2012 on the Criminal Code. The criminal proceedings for the commission of this type of crime take place on the basis of the facts of the case listed in the chapters on “Crimes against Life, Bodily Integrity and Health”, “Crimes against Human Liberty”, Crimes against the Freedom of Sexual Life and Sexual Morals”, “Crimes Harming the Interest of Children and against Family” and “Crimes against Human Dignity and Certain Fundamental Rights”. The legal standing of intimate partner violence, sexual assault, sexual coercion, harassment, violence against members of the community, murder, physical assault, violation of personal liberty and slander can be emphasized amongst these as possibly being in connection with the commission of gender-based crimes.*

*Act V of 2013 on the Civil Code sets down the requirement to honor human dignity and regulates the individual rights that arise from this, including the rights related to life, physical integrity, health and personal liberty as well as the prohibition of discrimination. This law includes the claims that can be made in the case of the violation of individual rights, including the possibility of demanding compensation for damages.*

*Act XXXI of 1997 – on the protection of children and the administration of guardianship affairs – sets down the fundamental rights of children, their protection, the rights and obligations of parents, the system of child protection, the provisions (financial, in kind, institutional and individual), the protection of families and the system of foster parents and orphanages. The child protection warning system*



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*operates on the basis of the provisions of the law, which includes various state actors and their obligation to cooperate in the interest of preventing and eliminating the endangerment of children.*

*Act CXXXV of 2003 provides for equal treatment and the promotion of equal opportunity. This law defines the concept of prejudicial discrimination, for example if someone receives prejudicial treatment compared to another due to their gender. The law also provides for the operation of the Equal Treatment Authority for the enforcement of equal opportunity.*

*The Victim Assistance Act on the assistance for the victims of crimes and state damage mitigation defines the framework of the state assistance to be provided for victims as well as the opportunities for financial support, damage mitigation, legal assistance, the promotion of interests, witness care and the provision of protected accommodations.*

*Act LXXII of 2009 provides for restraining orders to be employed due to intimate partner violence. It introduces the institutional system for prevention and the obligation for notification. It also provides for temporary preventative and preventative restraining orders.*

*Several steps have been taken in recent years in the interest of the increased criminal law protection of children, so legislation has also made the regulations related to the statute of limitations stricter when crimes against the freedom of sexual life and sexual morals are committed to the detriment of a minor. Amendments were made to the Criminal Code that entered into force on 01 December 2017 that included when crimes against the freedom of sexual life and sexual morals are committed to the detriment of an individual that has not yet reached 18 years of age, in consideration of the severity and in the interest of the protection of children, the perpetrator of these crimes can be permanently banned from performing any occupation or other activity in the context of which they instruct, supervise, care for or treat children, or come into a relationship of power or influence over these individuals. The permanent prohibition from occupations strengthens the intent to deter as well as the protection of exposed or defenseless children. The law also excludes the possibility that the perpetrators that commit crimes of this severity to the detriment of minors may later come into direct contact with children again as a result of their occupation. Endangerment of minors encompasses behavior that endangers the physical, mental, moral or emotional development of minors. The prohibition from occupations has also become obligatory in the case of these crimes, but in consideration of the lesser severity of the crimes it has been justified that the employment of the prohibition against occupations may be disregarded in special cases worthy of mercy on the basis of the court's judgment.*

## **2. What action has been taken to provide relevant professionals with guidance on how to implement the above legal framework (e.g. drawing-up of protocols for police, guidelines for prosecutors, and setting up of special units)?**

*Special units have not been set up at either the police or the prosecutor's office to deal with matters of Gender-based Violence.*

*Restraining orders were introduced to the Hungarian legal system with the amendment of the Act on Criminal Procedures on 01 July 2006, and following this Act LXXII of 2009 on the temporary preventative and preventative restraining orders that can be employed due to intimate partner violence came into force on 01 October 2009. Beyond this law, the police work is regulated by the Ministry of Justice decree 471/2017 (XII. 28) IM on the detailed regulations for creating a temporary preventative restraining order and the National Police Headquarters directive 2/2018. (I. 25) ORFK issued for the implementation of police duties related to dealing with intimate partner violence.*



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*On the part of the prosecutor's offices, the following main prosecution guidelines can be highlighted:*

- a) BF. 85/2015/5.: Guideline for people applying the law issued on the basis of the detailed examination of cases commenced due to the crime of harassment;*
- b) KSB. 3771/2018/5-I. - NF. 3889/2014/11: Guideline dealing in detail with the material and procedural legal issues related to human trafficking, which in addition to other aspects examines in connection with international standards the utilization of the activity of prostitution as a method of exploitation;*
- c) BF. 72/2013.: The memorandum containing the position statements adopted in connection with the regulation of the Criminal Code that took force in the year 2013 deals with human trafficking committed through the use of prostitution as well as the legal interpretation in connection with several crimes that are to be assessed as Gender-based Violence.*

- 3. Please detail the procedures available to victims to provide them with civil remedies against the perpetrators. In addition to this, please provide any available data, by forms of violence, (1) on the number of civil law remedies applied for against perpetrators and (2) the number of civil law remedies granted.**

*Within the framework of criminal procedures, the injured party – as a private party – may assert their civil legal claims against the accused. Civil legal claims that can be asserted are primarily demands aimed at compensation for damages that have arisen as a direct result of the act that is the subject of the accusation. The payment of other, non-property damage (injury claims) that can be linked to the crime can be demanded by the injured party from the perpetrator through civil litigation procedures. We do not have precise data on the topic.*

- 4. Please detail the procedures available to women victims to claim compensation from perpetrators. In addition to this, please provide any available data, by forms of violence, on: (1) the number of victims who claimed compensation from perpetrators and (2) the number of victims who received such compensation with an indication of the time given to perpetrators to pay compensation.**

*Individuals who have become victims are qualified for damage mitigation from the state. Victims qualified for state damage mitigation are those needy victims against whose person an intentional violent crime was committed and as a result of this their physical integrity or health was seriously damaged (victims of human trafficking can generally be placed in this group) or those who were a direct living relative, adoptive or foster parent, adopted or foster child, domestic partner or life partner in the household of a victim who was injured or died as a result of the crimes defined above or were on the basis of a legal regulation, enforceable decree by a court or authority or a valid contract obligated to be cared for by those who were injured or died as a result of the crime in question, or those who saw to the burial of a victim that died as a result of an intentional violent crime against their person.*

*Fundamentally, this possibility only extends to crimes that have been committed in the territory of Hungary. If the victim suffers a crime of this sort in another member state of the European Union, the Hungarian victim assistance service provides aid for them to claim the forms of damage mitigation available in the member state according to the site of the commission. The individual that has become a victim is also qualified to submit a civil legal claim during the criminal proceedings and on the basis of the Civil Code can launch a civil suit against the perpetrator in the interest of asserting claims arising from the crime. In connection with the claims asserted in a civil suit, the victim assistance field does not have information on victims that asserted a claim for compensation of this type or that received this kind of compensation. We do not have precise data.*



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5. Please provide, on a yearly basis, administrative and judicial data, as required under the national legislation, on the following matters:
- a. in relation to cases resulting in the death of a woman and falling within the scope of the term Gender-based Violence (as defined in part I.B. of this questionnaire):
    - the number of such cases;
    - the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;
    - the number of perpetrators convicted in relation to these cases.
  - b. in relation to acts of Gender-based Violence amounting to attempted murder:
    - the number of such cases;
    - the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;
    - the number of perpetrators convicted in relation to these cases.
  - c. in relation to all other cases of all forms of Gender-based Violence (as defined in part I.B. of this questionnaire and falling under the national legislation):
    - the number of complaints made by victims and the number of reports by third parties to law enforcement agencies;
    - the number of criminal proceedings and any other legal action initiated as a result;
    - the number of perpetrators convicted.

**Please ensure that the above-requested data is disaggregated by sex, age, type of violence, relationship to the perpetrator, geographical location and any other factor deemed necessary.**



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*The number of crimes registered in police procedures for homicide (Criminal Code section 160), voluntary manslaughter (Criminal Code section 161), intimate partner violence (Criminal Code section 212/a), indecent exposure (Criminal Code section 205), sexual assault (Criminal Code section 197), sexual coercion (Criminal Code section 196), sexual abuse (Criminal Code section 198), on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices\* in the year 2016-2017:*

The number of crimes registered in police procedures; homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 205), intimate partner violence (Penal Code 212/A) on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016							2017																								
	Police organisation (County level)							Homicide	Voluntary manslaughter	Intimate partner	Indecent exposure	Sexual violence	Sexual coercion	Sexual abuse	Homicide	Voluntary manslaughter	Intimate partner violence	Indecent exposure	Sexual violence	Sexual coercion	Sexual abuse											
								44		67	115	71	30	3	34		87	133	64	19	6											
								6		5	73	11	2	5	8		4	19	9	2	3											
The number of victims that were natural persons registered in police procedures for homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 205) and intimate partner violence (Penal Code section 212/A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016							2017																								
	(1) minor (0-13)	(2) juvenile (14-17)	(3) young adult (18-24)	(4) adult (25-59)	(5) elderly (60-)	(6) unknown		(1) minor (0-13)	(2) juvenile (14-17)	(3) young adult (18-24)	(4) adult (25-59)	(5) elderly (60-)																				
Police organisation (County level)	Male	emal	Total	Male	emal	Total	Male	emal	Total	Male	emal	Total	Male	emal	Total	Male	emal	Total	Male	emal	Total	Male	emal	Total								
National total	102	331	433	28	174	202	26	214	240	133	598	731	34	103	137	1	1	119	299	418	27	151	178	41	206	247	144	599	743	36	83	119
Homicide	12	10	22	1	2	3	11	11	22	90	36	126	21	32	53	1	1	16	7	23	4	4	8	26	10	36	110	31	141	27	23	50
Voluntary manslaughter										1	1																	1	1	2		
Intimate partner violence	9	8	17	1	3	4	2	26	28	12	273	285	7	46	53			3	6	9	2	5		7	35	35	8	286	294	8	38	46
Indecent exposure	16	89	105	12	88	100	4	108	112	17	184	201	5	13	18			16	90	106	8	85	93	6	86	92	19	159	178		12	12
Sexual violence	49	129	178	5	42	47	7	45	52	12	79	91	1	12	13			57	111	168	5	33	38	7	51	58	3	88	91	1	6	7
Sexual coercion	10	16	26	7	20	27	2	22	24	2	24	26						3	12	15	2	13	15	1	24	25	3	34	37	4	4	
Sexual abuse	6	79	85	2	19	21		2	2	1	1							24	73	97	6	11	17	1		1						

\*Based on the data published by the Ministry of the Interior on November 11, 2018 on its website; <http://enyabs.bmi.hu>

*The number of victims that were natural entities registered in police procedures for homicide (Criminal Code section 160), voluntary manslaughter (Criminal Code section 161), sexual coercion (Criminal Code section 196), sexual assault (Criminal Code section 197), sexual abuse (Criminal Code section 198), indecent exposure (Criminal Code section 205) and intimate partner violence (Criminal Code section 212/A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices\* in the year 2016-2017:*



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The number of victims that were natural entities registered in police procedures for homicide (Criminal Code section 160), voluntary manslaughter (Criminal Code section 161), sexual coercion (Criminal Code section 196), sexual assault (Criminal Code section 197), sexual abuse (Criminal Code section 198), indecent exposure (Criminal Code section 205) and intimate partner violence (Criminal Code section 212/A), broken down according to relationship with the perpetrator, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices\* in the year 2016-2017:

The number of victims that were natural persons registered in police procedures for homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 205) and intimate partner violence (Penal Code section 212A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016												2017																					
	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)			(6) unknown			(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)			
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total				
Police organisation (County level)																																		
National total	102	331	433	28	174	202	26	214	240	133	598	731	34	103	137	1			1	119	299	418	27	151	178	41	206	247	144	599	743	36	83	119

The number of victims that were natural persons registered in police procedures for homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 205) and intimate partner violence (Penal Code section 212/A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016																		2017																	
	(1) minor (0-13)			(2) minor (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)			(6) unknown			(1) minor (0-13)			(2) minor (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)					
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total				
Police organisation (County level)																																				
Intimate partner violence	9	8	17	1	3	4	2	26	28	12	273	286	7	46	53			3	6	9	2	5	7		35	35	8	286	294	8	38	46				
registered partner (same sex individuals) (01)											2	2																								
other relative (02)																										2	2		2	2		1				
spouse, partner of lineal relative (03)											2	2		1	1																					
lineal relative of registered partner (04)											1	1																								
registered partner (different sex individuals)				1	1	1	10	11	3	99	102		2	2							1	1	1	17	17	1	90	91			5	5				
guardian (25)																																				
own child (06)		1	1		1	1		4	4	3	15	18	3	23	26													3	11	14	5	19	24			
lineal relative of spouse (04)								1	1		2	2																		2	2	1	1			
spouse (08)								3	3		87	87	2	9	11											2	2	2	89	91	1	7	8			
grandparent (09)								1	1					2	2																					
former parent, stepparent (10)	5	3	8	1	1	2				1	1	1	1												1	1										
parent (14)	4	4	8					1	2	3	1	1	2		3	3			3	3	4	1	1	2		4	4		3	3		4	4			
spouse, partner of sibling (15)								1	1																						1	1				
spouse or partner of sibling (16)											4	1	5	1																1	1					
grandchild (17)															3	3																				
former registered partner (same sex individuals) (18)																														1	1					
former registered partner (different sex individuals)							4	4			39	39													8	8		59	59		1	1				
former spouse (20)											24	24		3	3													1	25	27	1	1	2			



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[illegible]

The number of victims who were natural persons registered in police procedure broken down by the perpetrator-victim relationship, homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 206) and intimate partner violence (Penal Code section 212A), broken down according to age group and gender, on the basis of data from the Integrated Criminal	2016															2017																	
	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) minor (60-69)			(6) unknown			(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60-69)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	
Indecent exposure	16	89	105	12	88	100	4	106	110	17	184	201	5	13	18			16	89	105	8	85	93	6	56	62	19	159	178		12	12	
sexual intercourse (52)	5	5	10	3	8	11						4	4					9	9	1	5	6		3	3	1	5	6					
sexual via partner (55)																																	
friend (56)																																	
neighbour (59)																																	
police officer (75)																																	
prison warder (76)																																	
student (57)																																	
other relative (62)	1	6	7		1	1			1	1								1	3	4	1	1	2										
spouse, partner of blood relative (63)		1	1																														
blood relative of partner (64)									1	1																							
registered partner (different sex individuals) (65)																																	
quarantine (23)		1	1																														
health care provider (27)																																	
enemy (43)																																	
stranger (50)	4	61	65	3	56	59	3	85	88	16	152	168	3	10	13			8	60	68	4	67	71	5	72	77	16	122	138		6	6	
disciplinarian in CP (20)					3	3																											
schoolmaster (53)	4	4	8	6	5	11													6	9	1	3	4										
co-tenant (45)	1	1			1	1	1			1									2	2	1	1	1										
boss at workplace (60)																																	
colleague (61)							2	2																									
employee (63)					1	1																											
taxi (66)	5	5		7	7		5	5				14	14	1	1				3	3	5	5		6	6	2	8	10		4	4		
teacher (32)																			1	1													
former parent, step parent (10)					2	2																											
former child, step child (11)																																	
intentional child (33)																																	
taxi (-1)	1	1					1	1											1	1				1	1								
teacher (undergraduate, survey foreman) (64)					3	3																											
former acquaintance (46)		3	3				1	1			2	2						1	2	3	1	1		3	3								
neighbour (51)	1	2	3								3	3	1	1	2			3	3		1	1											
parent (14)											1	1		1	1																		
sibling (16)							1	1		1	1	2																					
grandchild (17)				1	1																												
ex partner (different sex individuals) (18)																																	
ex spouse (20)																																	



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The number of victims who were natural persons registered in police procedures broken down by the perpetrator-victim relationship, homicide (Pearl Code section 160), voluntary manslaughter (Pearl Code section 161), sexual coercion (Pearl Code section 190), sexual violence (Pearl Code section 197), sexual abuse (Pearl Code section 198), indecent exposure (Pearl Code section 200) and intimate partner violence (Pearl Code section 212 A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices in the year 2016-2017	2016															2017															
	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-69)			(5) elderly (60+)			(6) unknown	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-69)			(5) elderly (60+)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Police organization (County level)	49	129	178	6	42	47	7	46	53	12	79	91	1	12	13		87	111	198	6	33	39	7	61	68	3	88	91	1	6	7
Sexual violence																															
sexual acquaintance (52)	15	16	31	2	12	14		11	11	2	18	20					10	9	19	1	12	13	2	12	12	2	14	16			
sexual non-consent (53)																															
sexual sex partner (55)	1	1	2					1	1	1	1	2																			
friend (56)	1	1	2					1	1	4	4						3	3	6								3	3			
landlord (58)								1	1																						
co-tenant (49)																															
other relative (62)																															
spouse, partner of sexual relative (63)																															
sexual relative of partner (64)																															
partner (different sex individuals) (65)																															
occasional sex partner (81)	4	10	14		1	1		2	2	8	8																				
custodian (21)																															
carriage (23)																															
child (60)	1	1	2														2		2												
nearest relative of spouse (67)																															
spouse (68)																															
stranger (59)																															
disappearance in CP (29)	2	7	9		8	8	2	20	22	1	9	10					6	5	11		4	4	1	18	19	1	28	29	1	3	4
schoolmate (58)	9	9	18	1		1		2	2								19	3	22												
co-tenant (49)	1	1	2							1	1	2					4	4	8		3	3	2	1	5				1		
colleague (62)										1	1																				
grandparent (69)	2	2	4					2	2								6	6													
n.s. (99)																															
teacher (32)	3	3	6																												
father parent, step parent (10)	4	16	20		7	7		1	1								1	12	13		3	3						1	1		
father child, step child (11)	2	2	4														2	7	9	1	1	2									
adopting parent (12)																															
former acquaintance (46)	2	5	7		1	1		1	1		2	2					1	1					1	1	2						
ping (10)																															
neighbor (31)	2	2	4																												
parent (14)	5	17	22		7	7											3	12	15		3	3		3	3		3	3			
partner, spouse of sibling (15)		1	1																												
sibling (16)	2	6	8							1	1	2					4	3	7		1	1		1	1						
grandchild (17)																															
ex-boyfriend (37)																															
ex-girlfriend (33)																															
ex-partner (different sex individuals) (13)																															
ex-spouse (20)																															

The number of victims who were natural persons registered in police procedures broken down by the perpetrator-victim relationship: homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 196), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), indecent exposure (Penal Code section 199) and intimate partner violence (Penal Code section 211:A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016												2017																				
	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)			(6) unknown		(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-59)			(5) elderly (60+)			
Police organisation (County level)	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	
Sexual coercion	10	16	26	7	20	27	2	22	24	2	24	26						3	12	15	2	13	15	1	24	25	3	34	37		4		
sexual acquaintance (52)	1	1	2		3	3		4	4		7	7						3	3	6		5	6		9	9		5	5		2		
sexual pot-companion (53)											2	2																					
sexual sex-partner (55)								2	2		2	2												2	2			4	4				
intimate (74)								1	1																								
student (57)	1	5	6																														
sister relative (62)	2	1	3	2	2	4		1	1																			1	1				
biological relative of partner (64)																				1	1												
partner (different sex individuals) (65)																													1	1			
care giver (23)																													2	2			
child (66)		1	1								1	1																					
spouse (80)												2	2															1	1				
manager (56)		1	1		4	4	1	13	14		5	5						1	1	2	1	3	4	1	6	7		6	6		2		
schoolmate (58)	4	4	8	2		2												2	1	3													
pot-companion (44)										1	1																						
co-tenant (45)				1	1	2																											
grand parent (69)																				1	1												
n/a (99)																										4	4		2	2			
teacher (52)							1	1																				2	2				
foster parent, step parent (18)	1	1	2	1	6	7												4	4		1	1						1	1				
foster child, step parent (69)																		1	1														
teacher (kindergarten, nursery mistress) (64)																																	
former acquaintance (46)				3	3		1	1		2	2																		1	1			
neighbour (51)	2	1	3		1	1												1	1														
parent (14)		1	1																				1	1									
sibling (16)																		1	1														
sex boyfriend (82)																													3	3			
sex partner (different sex individuals) (19)										1	1																		3	3			
sex spouse (20)										2	2																			1	1		
callmate(80)				1		1				1	1																	1	1	2			



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The number of victims who were natural persons registered in police procedures broken down by the perpetrator-victim relationship: homicide (Penal Code section 160), voluntary manslaughter (Penal Code section 161), sexual coercion (Penal Code section 193), sexual violence (Penal Code section 197), sexual abuse (Penal Code section 198), independent exposure (Penal Code section 206) and intimate partner violence (Penal Code section 212 A), broken down according to age group and gender, on the basis of data from the Integrated Criminal Statistics of the Investigation Authorities and Prosecutor's Offices* in the year 2016-2017	2016															2017															
	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-49)			(5) elderly (60-)			(6) unknown	(1) minor (0-13)			(2) juvenile (14-17)			(3) young adult (18-24)			(4) adult (25-49)			(5) elderly (60-)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total		
Sexual abuse	6	79	85	2	19	21				2	2						24	73	97	6	11	17	1								
casual acquaintance (52)	2	20	22		3	3											2	9	11												
casual sex partner (53)	1	16	17		1	1											6	14	20	2	2										
boyfriend (56)		7	7															9	9												
girlfriend (57)		8	8		1	1												1	1												
other relative (62)	2	2	4		4	4				1	1							5	5		1	1									
spouse, partner of/lineal relative (63)	1	1	2		1	1															1	1									
partner (different sex individuals) (65)																		1	1		1	1									
custodian (21)																		7	7												
care giver (23)		2	2																												
child (66)		1	1																												
stranger (56)	1	6	7															4	14	18											
disciplinarian in CP (26)																		2	2	2			2	1		1					
grandparent (69)																															
n.s. (69)		2	2															1	1												
teacher (22)		1	1																3	3	2		2								
former parent, step parent (10)		3	3		1	4	5												4	4		1	1								
former child, step child (11)																			2	2											
probation officer (34)																															
teacher (kindergarten, nursery foreman) (64)	1	1	2		2	2												1	4	5		1	1								
former acquaintance (46)	1	1	2															1	2	3		1	1								
regular sex partner (47)		2	2																1	1											
ping (50)		1	1																												
neighbour (51)		2	2																1	1											
parent (14)		2	2		1	1						1	1					1	1		3	3									
sibling (16)		1	1																1	1											
ex-boyfriend (62)																			1	1											

## VI. Investigation, prosecution, procedural law and protective measures

### 1. Please provide information on measures adopted to ensure a prompt and appropriate response from law enforcement agencies to all forms of Gender-based Violence.

*Act XC of 2017 on criminal procedures has provisions that in cases that must be dealt with promptly any investigative authority may perform procedural actions, but is obliged to inform the investigative authority with competence and jurisdiction about this without delay.*

*Pursuant to Act LXXII of 2009 on the temporary preventative and preventative restraining orders that can be employed due to intimate partner violence, the police may create a temporary preventative restraining order in the case that there is no crime or transgression but from all the circumstances they judge that the dispute between the people in a relationship makes this necessary at the given site. Beyond this law, the police work is regulated by the Ministry of Justice decree 471/2017. (XII. 28) IM on the detailed regulations for creating a temporary preventative restraining order and the National Police Headquarters directive 2/2018 (I. 25) ORFK issued for the implementation of police duties related to dealing with violence between people in a relationship. Pursuant to section 33, paragraph (2), point g) of Act XXXIV of 1994 on the police, an individual who is subject to a temporary preventative restraining order may be arrested. On the basis of point 6 of the directive, the proceeding police officer is obliged to decide whether the perpetrator of the assault is subject to arrest or not.*

### 2. Please provide any available administrative data on the number of interventions carried out annually by law enforcement agencies in relation to Gender-based Violence forms.

*In connection with Gender-based Violence, the number of police interventions is not known since data is not gathered in relation to this. The number of temporary preventative restraining orders brought by the police was: 1,410 in 2016 and 1,427 in 2017.*

### 3. What procedures have been put in place to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities and duly taken into consideration at all stages of the investigation and the application of protective measures?



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*Act XC of 2017 on criminal procedures has provisions for the determination of special treatment for the victim. Within the realm of the determination of special treatment, the risk and possibility for re-victimization can be examined and this may justify the employment of one of the implements of special treatment, and in addition the danger of a repeated crime is considered during the proposal/ordering of emergency measures that restrict individual freedom.*

**4. Please provide an overview of the concrete implementation of the following EU Directives: 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; 2011/99/EU on the European Protection Order; and Regulation 606/2013 on mutual recognition of protection measures in civil matters.**

*The Act making the necessary amendments of certain laws for the integration of the above legal regulations took legal effect on 01 November 2015. The Act amended several laws.*

*By virtue of the amendment of the law on the provision of legal assistance, representation by a public defender can be permitted in criminal matters not only in the phase before the court, but also during the phases of investigation and indictment, thus ensuring full support for victims as well as others in accordance with the requirements formulated in article 13 of the directive.*

*The comprehensive amendment of the Victim Assistance Act also took place in the interest of integrating the directive. A citizen of any EU member state that lives habitually in Hungary is qualified for victim assistance services. The measuring of individual needs was introduced as something new in the interest of enforcing article 22 of the directive, and this must be performed in the case of every victim that comes into contact with the victim assistance service. Thus, the type of service to be provided in the given case is determined by the nature of the crime, the effect of the crime on the victim and the victim's personal circumstances. These circumstances and the needs of the victim are assessed by the victim assistance service and it then adjusts the services it recommends to this, thereby providing personally tailored assistance.*

*The range of services provided by the victim assistance services have also been transformed as a result of integrating the provisions of the directive. The services that can be requested independent of the launching of criminal proceedings are the promotion of victim's interests and the provision of protected accommodations. Services that can be used following the commencement of criminal proceedings are immediate financial aid, the verification of the status as a victim and witness care.*

*The formulation of emotional assistance on the legal level has particular significance. By virtue of the provisions of the Directive, it is necessary to provide emotional and psychological assistance to victims that have suffered psychological and emotional shock. Provision of emotional assistance had already been a part of the Hungarian system of victim assistance. The emotional assistance can only be provided by a social worker or psychologist, or possibly a victim assistance official, and every regional victim assistance service is required to provide these professionals.*

*In the interest of providing certain tasks of the Victim Assistance Service in a manner with more emphasis and higher priority, the Ministry of Justice created Victim Assistance Centers in Budapest as well as Miskolc and Szombathely. The most important duty of the Victim Assistance Centers is to provide support to victims turning to them, welcome and listen to them and offer proper and individually tailored assistance to them.*



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*The law integrating Directive 2012/29/EU of the European Parliament and Council also amended the law on criminal procedures of that time. The following amendments were justified: the introduction of the concept of victims that need special treatment, the formulation of the requirement for simple and easily understood official communication towards participants in criminal proceedings, the recording of the witness hearing of witnesses that are under 14 years of age through video or audio recorders, the performance of the hearing of victims as witnesses out of turn and the extension of representation by a public defender to the investigation phase of the criminal procedure.*

*In the interest of integrating Directive 2011/99/EU of the European Parliament and Council, a new chapter was inserted into Act CLXXX of 2012 on criminal cooperation with European Union member states that took effect on 01 January 2015 with the title legal assistance aimed at implementing European protection orders. As a result of this amendment, the law regulates the terms and method for Hungarian courts or prosecutors to recognize and implement European protection orders issued by other member states and their reasons for refusal as well as the rules for Hungarian authorities issuing European protection orders. By virtue of this law, the Hungarian courts recognize European protection orders issued by a member state authority if its basis is a decree including a restraining order, suspended sentence, conditional release, probationary release or compensatory work brought about in the criminal procedures of the member state authority that is prescribed for an individual posing a threat and states an obligation or prohibition – indicated in article 5 of the directive – ensuring the protection of the individual under protection.*

*The rules promoting the employment of Regulation 606/2013/EU of the European Parliament and Council in the Hungarian legal system were placed in Act LXXII of 2009 on restraining orders that can be employed due to violence between people in relationships and took effect on 11 January 2015. It should be noted that Hungarian courts order preventive restraining orders in protective measures serving the basis of a member state request for a limited period, but no more than 12 months, which goes significantly beyond the maximum (60 day) period for preventive restraining orders that can be established in domestic proceedings.*

**5. Where applicable, please indicate which authorities are granted the power to issue an emergency barring order when a victim of Gender-based Violence is in a situation of immediate danger. In relation to this, please specify the time required issuing the order, the maximum duration and whether or not it can be extended until a protection order can be issued.**

*By virtue of Act LXXII of 2009 on the temporary preventative and preventative restraining orders that can be employed due to intimate partner violence, the police may issue a temporary preventative restraining order. Beyond this law, the police work is regulated by the Ministry of Justice decree 471/2017. (XII. 28) IM on the detailed regulations for creating a temporary preventative restraining order and the National Police Headquarters directive 2/2018 (I. 25) ORFK issued for the implementation of police duties related to dealing with intimate partner violence. Pursuant to section 33, paragraph (2), point g) of Act XXXIV of 1994 on the police, an individual who is subject to a temporary preventative restraining order may be arrested. On the basis of point 6 of the directive, the proceeding police officer is obliged to assess whether the perpetrator of the assault is subject to arrest.*

*The police issue a temporary preventative restraining order if the commission of intimate partner violence can be concluded from the entire circumstances of the case, so in particular the facts presented by the victim and the perpetrator, the site of the violence between the intimate partners, the indications of intimate partner violence and the behavior of the victim and the perpetrator. The police issue the*



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temporary preventative restraining order for 72 hours. The court shall decide upon the extension or termination of this within 3 days.

6. With regard to restraining and protective orders, please provide the number of orders issued by the competent authorities on a yearly basis. In addition, please mention the number of breaches of such orders and the numbers of sanctions imposed for the breach of such orders.

The number of temporary preventative restraining orders issued by the police was 1,410 in 2016 and 1,427 in 2017.

On the basis of the data available to the prosecutor's office, the issuing of restraining orders regulated in the law on criminal procedures took place in 154 cases in 2016 and 141 cases in 2017.

Organisation	2016																																Methods of doing	
	Judicial review of temporary preventive restraining order																Preventive restraining																	
	Transfer	other order	rejection of request for judicial review	termination	Civil Procedure Code 135. §	order of restraining	rejection of restraining	changing restraining as a whole	preventive restraining order merged with noncount cases	other order relating to restraining	Total	Transfer	issued	other	other termination	other order	rejection	rejection of request for judicial review	order rejecting request	preventive restraining order merged with noncount cases	termination	Plc. termination	pl. finishing	Civil Procedure Code 135. §	order of restraining	rejection of restraining	changing restraining as a whole	changing restraining in part	restraining order merged with noncount cases	other order relating to restraining	Total	2016 Total		
Balassagyarmat Tribunal	0	0	0	1	0	1	0	0	0	0	2	0	0	0	0	1	0	0	0	0	4	0	0	0	41	7	0	0	0	8	61	63		
Budapest Vicity Tribunal	0	0	0	1	0	7	1	0	0	3	12	3	0	1	1	29	3	0	0	0	18	0	0	2	57	35	0	0	1	30	190	202		
Debrecen Tribunal	0	1	0	0	0	27	1	0	0	4	33	0	0	0	0	20	0	0	0	0	2	0	0	1	103	17	0	1	1	18	163	196		
Eger Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	11	0	0	1	40	7	0	0	0	5	66	66		
Metropolitan Tribunal	1	1	1	19	1	40	6	0	1	32	102	3	0	1	0	4	2	1	1	0	30	14	1	10	185	94	0	1	1	134	482	584		
Győr Tribunal	0	0	0	1	0	3	0	0	0	0	4	1	0	0	0	3	2	0	0	0	14	0	0	0	36	10	0	0	2	28	96	100		
Gyula Tribunal	0	0	0	0	0	6	1	0	0	0	7	0	0	0	0	1	0	0	1	2	0	0	2	38	21	0	0	0	8	73	80			
Kaposvár Tribunal	0	0	0	0	0	1	1	0	0	0	2	0	0	0	0	3	0	0	0	0	8	0	0	0	52	19	1	0	1	18	102	104		
Kecskemét Tribunal	0	0	1	1	0	9	1	1	1	1	15	0	0	0	0	9	1	0	0	0	6	0	0	0	69	24	0	0	0	46	151	166		
Miskolc Tribunal	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	7	1	0	0	0	9	0	0	1	568	45	1	1	1	32	666	667		
Nyíregyháza Tribunal	0	1	0	1	0	13	0	0	0	5	20	0	0	0	0	2	0	0	0	0	20	0	0	0	52	12	0	0	0	15	101	121		
Pécs Tribunal	0	0	0	1	0	2	0	0	0	0	3	0	0	0	0	2	1	1	1	0	11	0	0	1	14	10	0	0	0	8	50	53		
Szeged Tribunal	0	0	0	0	0	5	0	0	0	0	5	0	3	0	0	4	1	1	0	0	4	0	0	1	53	19	0	0	0	7	93	98		
Székesfehérvár Tribunal	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	5	0	0	0	0	6	0	0	0	43	11	0	0	0	1	66	67		
Széksárd Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	29	6	1	0	0	0	35	35	35		
Szolnok Tribunal	0	2	0	0	0	5	1	0	0	0	8	1	0	0	0	2	0	0	0	1	4	0	0	3	65	17	0	0	0	1	15	110	118	
Szombathely Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	2	0	0	0	29	6	0	0	0	5	48	46		
Tatabánya Tribunal	0	0	0	0	0	1	0	0	0	1	2	1	0	0	0	6	1	0	0	0	7	0	0	2	42	8	1	0	1	6	75	77		
Veszprém Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	19	7	0	0	0	5	35	35		
Zalaegerszeg Tribunal	0	0	0	0	0	3	0	0	0	0	3	0	0	0	0	2	0	0	0	0	1	0	0	1	4	9	0	0	0	1	15	21		
Total	1	9	2	25	1	125	12	1	2	46	220	9	3	2	1	99	17	3	2	2	163	14	1	23	1350	384	4	4	9	407	2699	2919		

Organisation	Number of cases received						Total
	2016			2017			
	Judicial review of temporary preventive restraining order	Preventive restraining	Total	Judicial review of temporary preventive restraining order	Preventive restraining	Total	
Balassagyarmat Tribunal	2	61	63	9	44	53	116
Budapest Vicinity Tribunal	12	190	202	13	218	231	433
Debrecen Tribunal	33	163	196	19	171	190	386
Eger Tribunal	0	66	66	0	65	65	131
Metropolitan Tribunal	102	482	584	105	368	473	1057
Győr Tribunal	4	96	100	7	75	82	182
Gyula Tribunal	7	73	80	4	66	70	150
Kaposvár Tribunal	2	102	104	2	62	64	168
Kecskemét Tribunal	15	151	166	18	139	157	323
Miskolc Tribunal	1	666	667	1	628	629	1296
Nyíregyház Tribunal	20	101	121	5	139	144	265
Pécs Tribunal	3	50	53	3	85	88	141
Szeged Tribunal	5	93	98	5	84	89	187
Székesfehérvár Tribunal	1	66	67	4	65	69	136
Szeksárd Tribunal	0	55	55	0	46	46	101
Szolnok Tribunal	8	110	118	6	106	112	230
Szombathely Tribunal	0	46	46	0	38	38	84
Tatabánya Tribunal	2	75	77	0	58	58	135
Veszprém Tribunal	0	35	35	0	36	36	71
Zalaegerszeg Tribunal	3	18	21	3	33	36	57
Végösszeg	220	2699	2919	204	2526	2730	5649



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Organisation	2017																															
	Judicial review of temporary preventive restraining order										Preventive restraining order																					
	other order	rejection of request for judicial review	ruling rejecting request	preventive restraining order merged with non court cases	termination	issuing restraining order	rejection of restraining	changing restraining as a whole	other orders relating to restraining	Total	transfer	finished	other	other order	termination procedure	rejection	rejection of request for judicial review	ruling rejecting request	preventive restraining order merged with non court cases	termination	issuing case	pl. termination	Civil Procedure Code 130.5	expiration	ordering restraining	rejection of restraining	changing restraining as a whole	changing restraining in part	preventive restraining order merged with non court cases	other orders relating to restraining	order	Total
Babaszegymért Tribunal	0	0	1	0	0	8	0	0	0	9	0	0	0	0	0	0	0	0	3	0	0	1	0	34	3	0	0	0	3	0	44	
Budapest Varsity Tribunal	1	0	0	0	0	10	0	0	2	13	0	0	1	22	0	1	0	1	31	0	0	0	71	42	0	0	0	1	17	0	218	
Székesfehérvár Tribunal	0	0	0	0	0	17	0	0	2	19	0	0	0	0	0	0	0	0	0	0	0	118	10	0	0	0	0	3	0	171		
Eger Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	1	0	42	11	0	0	0	8	0	85	
Metropolitan Tribunal	1	1	0	0	19	48	6	0	30	105	2	0	2	8	0	2	0	0	29	11	1	6	0	127	72	1	0	0	107	0	368	
Győr Tribunal	1	0	0	0	0	5	1	0	0	7	1	0	0	3	0	0	0	1	14	0	0	0	0	38	9	0	0	0	17	0	73	
Gyula Tribunal	0	0	0	0	0	4	0	0	0	4	0	0	0	4	0	3	0	0	10	0	0	0	37	6	0	0	0	0	5	0	66	
Kaposvár Tribunal	0	0	0	0	0	2	0	0	0	2	2	0	0	1	0	0	0	0	6	0	0	0	35	10	0	0	0	0	8	0	82	
Kecskemét Tribunal	1	0	0	0	2	13	1	0	1	18	0	0	0	0	0	0	0	0	12	0	0	0	33	18	0	0	0	0	56	0	139	
Miskolc Tribunal	0	0	0	0	0	0	0	1	0	1	1	0	0	4	0	0	0	0	4	0	0	0	337	36	0	0	0	0	25	0	618	
Nyíregyháza Tribunal	0	0	0	0	0	1	4	0	0	5	0	0	1	9	0	2	1	0	0	21	0	0	0	87	20	0	0	0	8	15	0	139
Pécs Tribunal	0	0	0	0	1	0	1	0	1	3	1	0	0	1	0	0	0	0	15	0	0	2	1	36	14	0	0	0	15	0	85	
Szeged Tribunal	0	0	0	0	0	5	0	0	0	5	1	7	0	3	0	0	1	0	9	0	0	0	36	20	0	0	0	7	0	84		
Székesfehérvár Tribunal	1	0	0	0	0	2	1	0	0	4	1	0	0	4	0	0	0	0	4	0	0	2	35	9	2	0	0	0	8	0	65	
Székesvárd Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	30	2	0	0	0	0	8	0	46	
Szolnok Tribunal	0	0	0	1	0	4	1	0	0	6	0	0	1	1	1	1	0	0	5	0	0	1	72	18	0	0	0	0	5	1	106	
Szombathely Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	23	6	0	0	0	0	7	0	38	
Tatabánya Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	0	0	1	0	0	1	19	15	0	0	0	0	8	0	38	
Veszprém Tribunal	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	9	0	0	0	13	6	0	0	0	0	6	0	36	
Zalaegerszeg Tribunal	0	0	0	0	0	2	0	0	0	3	0	0	0	2	0	1	0	0	3	0	0	0	14	9	0	0	0	4	0	33		
<b>Total result</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>23</b>	<b>124</b>	<b>15</b>	<b>1</b>	<b>37</b>	<b>204</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>104</b>	<b>1</b>	<b>11</b>	<b>2</b>	<b>2</b>	<b>188</b>	<b>11</b>	<b>1</b>	<b>16</b>	<b>1</b>	<b>1405</b>	<b>352</b>	<b>3</b>	<b>1</b>	<b>7</b>	<b>356</b>	<b>1</b>	<b>2526</b>	

## 7. Does your internal law allow for the continuation of legal proceedings ex parte (even it, for instance, the victim withdraws the accusations and statements)?

On the basis of the law on criminal procedures it is necessary to differentiate between crimes to be pursued through public prosecution and crimes pursued through private prosecution. Misdemeanors for minor bodily harm and slander, for example, belong to the latter group. In the procedures for private prosecution, the charge is represented by the victim as a private accuser in place of the public prosecutor. If a private accuser drops the accusation or does not appear at the hearing and does not excuse this with a well-founded reason, the criminal proceedings cannot be continued and are terminated by the court.

In the case of a portion of the crimes to be pursued through public prosecution (for example, the basic cases of harassment, violence within a relationship, sexual coercion and sexual assault), the launching of the criminal proceedings is linked to a private motion, which can be understood as any statement by a victim according to which they want the perpetrator to be criminally liable. However, the private motion cannot be retracted, so once it is submitted the criminal proceedings must continue even if the victim later does not want this and does not maintain their previous statement.

In this realm it must be noted that according to the law on criminal procedures that was in force prior to the day of 01 July 2018, in the cases when the victim in a relationship with the accused denied their previous statement, all previous statements had to be ignored when assessing the evidence, which in practice resulted in the termination of the proceedings in numerous cases. The new procedural law has been amended on this matter; according to the present regulations, the previous statement – in the case that the witness has been notified of this – can still be used as evidence even if the witness later denies the statement.

## 8. How does your internal law allow for NGOs or other civil society actors and victim counsellors to assist and support victims in legal proceedings?

The accused, the victim, parties with property interests and other interested parties may employ assistants in criminal procedures in the interest of representing or protecting their rights and lawful interests according to the law on criminal procedures, as well as in the interest of facilitating the practice of their rights or fulfillment of their obligations according to this law. The assistant is authorized to receive information on their own criminal procedural rights and obligations as well as those for the individual they are assisting from the court, the public prosecutor and the investigating



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authority. For the victims, parties with property interests and other interested parties (hereinafter together: the supported individuals), the supporter ordered by the public guardianship authority may participate in the criminal proceedings in the interest of promoting the decision making of supported individuals that are not affected by the power of disposal according to the law.

#### **9. What measures of protection are available during investigations and judicial proceedings?**

*The criminal procedures law that is in effect primarily provides protection through the regulation related to ensuring a special method of treatment to certain participants in the proceedings, including the victims, extending to both the investigation and court phases. On the basis of the law, those who are not yet 18 years of age and individuals living with handicaps as well as victims of crimes against the freedom of sexual life and sexual morality in every case are due special treatment, but depending on the decision of the proceeding authority other victims and witnesses may also be provided with this.*

*The most important measures that can be placed in the realm of special treatment are the increased protection of the victim's personal data, the immediate performance of investigative actions requiring the presence of the victim, the avoidance of unnecessary contact between the victim and other participants in the proceedings, the use of specially equipped hearing rooms, the preparation of video and audio recordings of procedural actions demanding the presence of the victim, the presence of the victim through tools of telecommunication, excluding the public from the hearings, personal protection, the restriction of the rights of the accused and their defenders in the case of certain measures, the omission of confrontation, the victim being registered as a specially protected witness, the presence of the forensic psychologist expert at the procedural actions, the hearing of victims of crimes against the freedom of sexual life and sexual morality by members of the authority of the same gender and the hearing of victims of crimes against the freedom of sexual life and sexual morality under the age of 18 not being allowed in the hearing room.*

#### **10. Please provide details on the availability of free legal aid for victims, including eligibility criteria.**

*The Victim Assistance Act has provisions for facilitating the promotion of the victim's interests. Within the framework of promoting interests, the victim assistance service aids the victims in the manner and extent that is in accordance with their needs to assert their fundamental rights, to take advantage of health care and health insurance provisions and social provisions as well as other state subsidies and in this interest provides information, legal advice, emotional support and other assistance in particular to settle the damage.*

*The victims are entitled to receive these services free of charge, without any assessment of their personal need.*

*On the basis of Act LXXX of 2003 on legal assistance the victims, parties with property interests and other interested parties may request representation by a public defender. In the case of the income and property conditions defined in the law, the state advances and covers the supervisory fee of the public defender.*

*The victims of transgressions against property and crimes – including the victims of Gender-based Violence as well – may receive legal assistance support for launching proceedings necessary to avert damage caused by the crime or damage to their rights or interests arising in connection with the crime*



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*as well as their representation in these proceedings. The representation is available during every phase – investigation, indictment and court – of the proceedings.*

*From the aspect of the utilization of support for legal assistance, if someone requests the determination of support for legal assistance as a victim of a crime and in connection with this has an official verification from the victim assistance service, those in the range of conditions of social need are given more favorable judgment. In the case of support outside lawsuits, if the victim of the crime needs legal assistance for expert legal advice for the launching of proceedings necessary to avoid damage caused by the crime or damage to their rights or interests that arise in connection with the crime, the utilization of the support must be permitted free of charge for them if the monthly net income at their disposal does not exceed 86% of the gross average salary, which in 2018 was 226,328 HUF. From the perspective of the examination of these conditions of need, significantly more favorable conditions are created for the victims of crimes, since otherwise the income limit for support that is free of charge is 28,500 HUF and the limit of the amount of forwarded support is also 113,164 HUF. In the case of requesting representation by a public defender, victims of a crime shall be qualified for legal services with expenses advanced. In criminal proceedings the victim also receives a significant advantage, in that they are due representation by a public defender if their income does not exceed 226,328 HUF.*



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