

Report on Hungarian Victim Support

– written by –
dr. Gábor Veisz

1. Please describe the existing victims support services in your country.

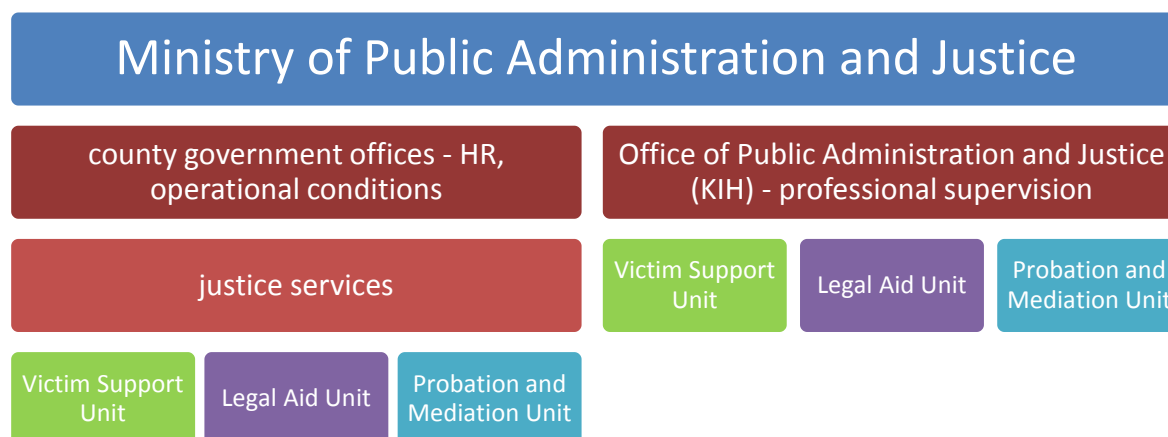
a. Please provide short background of its founding date, development, funding, institutional base, service provider, political support and the interrelation with the criminal justice system, if any?

The Hungarian Victim Support Service started its activity on January 1, 2006 within the framework of the Office of Justice, on the day Act CXXXV of 2005 on Crime Victim Support and State Compensation (Victim Support Act 2005) has taken into effect. The Office of Justice was a government institution, a central budgetary agency covering six fields of services: Probation Service, Mediation, Legal Aid Service, Victim Support Service, Department of Restitution and Lobby Authority. The Office of Justice's main body was the Central Office of Justice and there were 20 offices (county offices at the 19 county seats of Hungary plus an office in the capital, Budapest).

Due to recent years' organizational reform of public administration in Hungary, the institutional framework of the Victim Support Service was amended in the beginning of 2011 and later in August 2012.

Victim Support Service is currently functioning within a two-level institutional framework. On the basic level remained the 20 regional offices, whereas the Victim Support Unit of the Office of Public Administration and Justice (Hungarian abbreviation is KIH) is the central office with nationwide competence, situated in Budapest. KIH is also the organ covering the methodological and professional leadership of the justice services in the counties of Hungary.

The county (and the capital) victim support services were integrated into the Government Offices of each county in Hungary. Various specialized agencies are functioning within the Government Offices, one of them being the Justice Service in each county. Each Justice Service consists of a county Probation Department, a county Legal Aid Department and a county Victim Support Department. Every Justice Service is led by a county office director. They are organisationally independent from the central authority, but their professional performance is monitored by KIH.



Both KIH employees and county victim support employees are civil servants, and the whole victim support system (including KIH and the Government Offices) is supervised by the Ministry of Public Administration and Justice. The schematic organisational diagram is shown above.

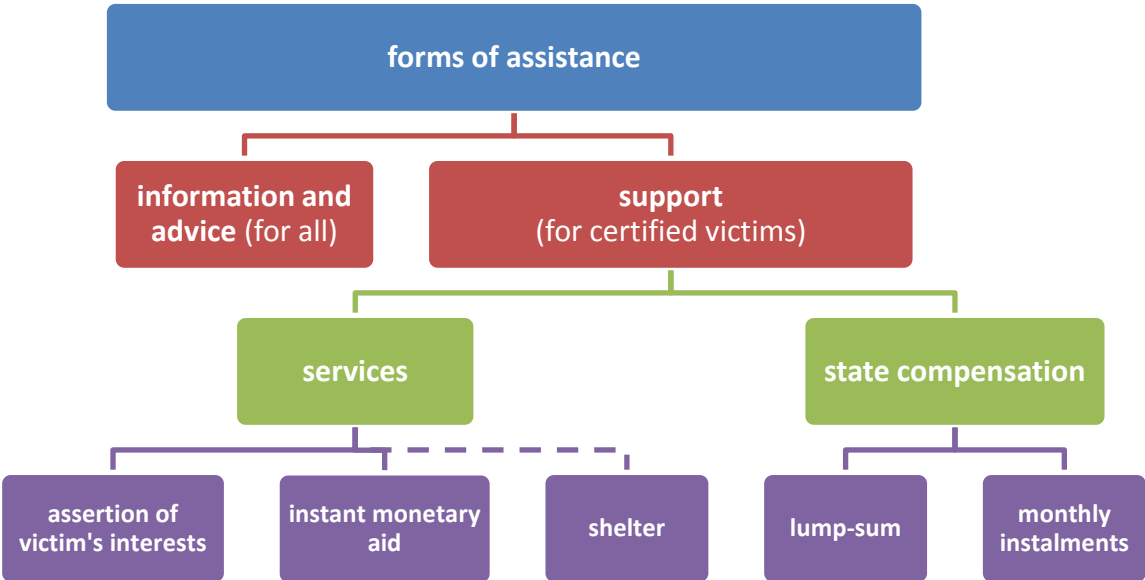
Victim support has been supported by all political sides, there have been more campaigns and action plans initiated by the Ministry of Public Administration and Justice in the past few years. These are mentioned later in this paper.

There are several connections between the criminal justice system and victim support, although the latter not exactly being part of the former. There is just one single basic criterion for victims to be acknowledged and to get concrete support (more than advice and information): a certificate issued by the investigating authority, prosecutor or court indicating basic data regarding the victim and the crime that happened to him, as well as the ongoing criminal procedure. Thus, the interrelation between victim support and the criminal justice system is necessary. Also, it is a duty of police officers to inform victims about victim support services and their right to have assistance the first time they meet¹. Another connection is that Victim Support Service is authorised by the law to request and get information from the investigating authorities on ongoing procedures in order to pass judgment on a victim's application.

b. Please describe the different services available for crime victims in your country.

According to Victim Support Act 2005 a person is considered a victim if he is the injured party of a crime (either felony or misdemeanour) committed in the territory of Hungary, also if he has suffered injury as a direct consequence of a criminal act, in particular physical or emotional harm, mental shock or economic loss.

The aim of victim support is to mitigate the social, moral and pecuniar injuries of victims whose quality of life has been endangered due to a criminal act. Victim support services are available for victims of every type of crimes (yet, only victims of violent intentional crimes may be eligible for state compensation).



¹ Decree No. 17/2007. (13. January) of the Min. of Justice and Policing

The system consists of two main forms of support for victims of crimes. One is state compensation and the others can be called victim support services. The latter contain: providing help for assertion of interests, grant instant monetary aid and providing legal aid. Also, there is shelter accommodation for victims of trafficking in human beings (hereinafter THB).

Information and advice

Everyone who turns to the Victim Support Service is entitled to information and advice free of charge. This means that not only victims, but anybody can get advice from the Service. The Service informs the client on: -

- the rights and obligations of victims in criminal proceedings,
- the available forms and the conditions of victim support,
- any other available benefits, allowances and opportunities to assert his rights,
- contact details of state, local government, civil and ecclesiastic organizations involved in helping victims of crime, and
- how to avoid repeated victimization.

Also, KIH runs a 24/7, free of charge telephone service (Victim Line) through which victims can get personalised information.

Providing help for assertion of interests

The Victim Support Service shall help victims, in a manner and to the extent they may require, through the legal process of enforcement of their fundamental rights and for having access to healthcare services, health insurance benefits and social welfare services. Moreover the Service provides legal advice and assistance to help the victim to get remedy for the injury, or if a lawyer is needed (for example to submit a petition to the court), the Victim Support Service refers the case to the Legal Aid Service. Also, when psychological assistance is needed to cope with the trauma caused by the crime, a psychologist is available within this service (although, not at all victim support offices yet).

There is no deadline and no application form to apply for this form of service, but a criminal procedure must be in process.

Instant monetary aid

Instant monetary aid is for covering the victim's extraordinary expenses that arose as a consequence of the crime suffered, in order to provide all basic needs of the victim. It is not compensation for the damages, but rather a crisis aid for expenses concerning housing, clothing, nutrition, travelling, medical and funeral costs, respectively.

The application for this aid shall be submitted within 5 days after the crime was committed. The maximum amount of the aid varies every year (depending on the average gross monthly income in the country), the 2013 maximum amount is approximately 314 euros.

Instant monetary aid (along with state compensation) is financed from the national budget. The chapter within the national budget for victim support is not limited, which means it can (and must) be filled up by the Ministry of Public Administration and Justice in case it runs out mid-term.

Legal aid

Victims of crime are entitled to legal aid. There is no deadline, but there is an application form for this kind of support. Only needy victims can get free legal aid, i.e. their regular monthly income may not exceed a certain amount of money (approximately 627 euros per capita).

Shelter (safe houses)

Victims of THB are entitled to get free accommodation, nutrition, clothing and mental health care in a shelter for 90 days. During this period, the victim is given assistance for his social reintegration. Should 90 days prove to be insufficient, the victim may stay for additional 90 days.

On the diagram shelter is indicated with an interrupted line. The reason for that is that this service is not provided by the Victim Support Service but by specialized institutions.

c. What are the strong and weak aspects of the victims' support system in your country?

Since 2006, victim support in Hungary is dominated by the state Victim Support Service, yet NGOs (e.g. White Ring Association) are present too. Victim Support Service co-workers are civil servants, and the state-run (-funded, -supervised and -maintained) organisation is a guarantee for providing same-niveau support nationwide and stable, predictable availability.

Victim Support Act 2005 has been partly based on the framework decision 2001/220/JHA of the Council, and also exceeds it in some aspects, of which the most remarkable is the 'instant monetary aid'. Most victim support systems concentrate on the emotional and psychological support of victims, although over 50% of the crimes are committed against property. In these times, when people are deeply affected by the current economic crisis, financial losses can jeopardize even basic living conditions. Even though victims may get compensation from insurance companies or the perpetrators or support from the social welfare system, all of these take time. With this tool, victim support services are able to quickly assist such needs of victims too. Also, being a government office, there is no fear at Victim Support Service of running out of support funds.

However, there are weak aspects of government offices. Major negative aspect is that civil servants work in business hours which they spend mostly in their offices in the county seats. Crime however may be committed all around the clock and in every village or town of the country. Therefore the availability of state victim support services does not always meet the needs of victims. The 24/7 telephone service (Victim Line 06 80 225 225) and the volunteer network can narrow this gap, but cannot abolish it.

Also, most victim support co-workers in Hungary are lawyers, and the availability of psychologists and social workers is not insured at all county offices, and now, at times of austerity, budget cuts affect against reinforcements in human resources.

2. What preconditions have fostered development of victims support services in your country, if any?

Victim support in Hungary has a short history which originates back to the end of communism in 1989-90. In this period, victim support was promoted by NGOs solely, mainly

by Fehér Gyűrű Közhasznú Egyesület (White Ring Association), which was founded in 1989 following the example of the German victim support organisation Weisser Ring.

In 1998, the Ministry of Interior and the police took some role in victim support, by offering grants to civic actors for projects. After Government Decree 209/2001 was passed on 31. October 2001, direct state compensation was available for victims of severe cases.

The present system of victim support has been developed on the basis of Victim Support Act 2005.

3. In which cases victims of crime can apply for state compensation, and how the amount is calculated?

a. is the mechanism considered effective and friendly to victims?

b. Are there any downfalls?

According to Victim Support Act 2005 needy victims of certain violent and intentional crimes may be eligible for state compensation, if their physical integrity or health has been seriously damaged as a direct consequence of the act. The most important crimes that may be grounds for the compensation claim are murder, assault, THB, kidnapping, rape and robbery.

Furthermore, compensation can be provided to a natural person who is a next of kin, adoptive parent, foster parent, adopted child, foster child, spouse or common-law spouse of the deceased or injured victim of a violent intentional crime and who was living with the victim as a domestic partner at the time of the crime. Furthermore, compensation can be provided to a natural person whom such a victim is or was obliged to maintain on the basis of a legal regulation, an enforceable court order or official decision or a valid contract. Compensation is also to be provided to a natural person who has arranged for the funeral of such a victim.

Victims have to be needy to be entitled to compensation. Indigence is defined by the income position of the applicant. Based on that, the applicant shall be considered needy if his net monthly income (in case of persons living in a common household the income per capita) does not exceed 627 euros. If the victim receives certain social welfare benefits or is participating in a refugee procedure in Hungary, his state of indigence is a presumption of law.

The form of state compensation can be: -

- lump-sum cash payment if it aims at compensating economic loss caused by the crime or
- regular monthly instalments if it aims at compensating the diminution of regular income.

The amount of lump-sum compensation is 100 % of the loss if it does not exceed 1.570 €. If the loss is over 1.570 € but does not exceed 3.140 €, the claimant will get 1.570 € plus 75 % of the rest. In case of a higher claim, applicants may get 2.747 € plus 50 % of the rest of the loss, but no more than 4.710 € in total.

The application form for state compensation can be submitted at any county office within three months after the crime was committed. The office helps to fill the form and transmits it to the deciding authority, the Budapest office of Victim Support Service.

State compensation has a special procedural system. The procedure consists of two phases: the assistance and the decision-making phase. This is in accordance with the EU directive² that requires Member States of the EU to establish an assisting and a deciding authority to deal with compensation cases.

In the assistance phase the applicant may submit his application for compensation at any county (altogether 20) victim support service. EU citizens may also submit the application form in their country of residence. The assisting authorities help the victim filling in the application form, provide guidelines for the subsequent submission of any missing information, hear the victim and forward the victim's application to the deciding authority.

The deciding authority makes its decision on the merits upon the attached receipts and other documents.

According to police statistics, 38.464 violent crimes were committed against natural persons in 2012 in Hungary, but there is no data available on how much of these were intentional and causing a serious damage of the victim's physical integrity or health. Thus, no deduction can be made from this data on the effectiveness of the compensating mechanism. It is known, however, that 113 people were killed in 2012 in Hungary, and Victim Support Service participated in 100 of these cases by assisting the family of the deceased.

The level of neediness may seem low in international comparison, but it has to be examined in shine of local conditions. The minimum wage in Hungary was 341 € in January 2013³, the neediness level is at an income of 627 € per capita. This means that many fall into this category, not just poor people.

Also, the indigence level is changing every year, following the changes of wages, ensuring that people needing financial assistance will never fall out of the supported range.

On the negative side, it has to be mentioned that the 3 months' time of application deadline proves to be short in some cases. Of the total number of rejected applications, 10 % is refused for being late. There are excuses that can be accepted (e.g. circumstances beyond the applicant's reasonable control preventing him from submitting the application), though.

4. How victims support services can contact victims of crime and vice versa? Is there a proactive mechanism on behalf of state that reaches out to victims, assesses their individual needs and offers them support they need? How effective is this model? Are there any down falls?

Legal provisions require law enforcement officials to inform victims about victim support services and on their right to have assistance the first time they meet. This leaves it to the victim to decide whether or not he wants to seek assistance. It cannot be done vice versa (i.e. the Victim Support Service may not contact the victim directly) for data protection issues (the police may not hand over the victim's contact details to the victim support service without a written consent given by the victim).

² Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims

³ Source: Eurostat http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Minimum_wage_statistics (accessed on 18/4/2013)

It is experienced that only a moderate percentage of victims takes the trouble and calls or visits victim support services. In 2012, less than 8 % of registered crime victims became clients of the victim support service, the same as the year before.

The author of this report finds this a low figure, especially compared to Dutch data, where over 90 % of victims is reached, following a model where police transfers victims' contact data to Slachtofferhulp. However, it has to be mentioned, that transferring all victims' contact information to the victim support services, without ensuring sufficient HR conditions for them may cause severe problems in case handling and workload.

5. Please describe the role of medical institutions (hospitals, doctors) in identifying potential crime victims:

a. Is there practice of reporting case of victimization to police; social service; compensations agency, victims' support services or other?

Medical institutions (especially health visitors, general practitioners and family paediatricians) are part of the child protection system with a duty to make a signal to the child welfare services or (in severe cases) to the guardianship authority in case they notice that a child is endangered. Failing to do so has disciplinary consequences under Section 17 Subsection (4) of Child Protection Act 1997⁴.

There is a warning mechanism for the prevention of domestic violence too, in which medical institutions are also taking part. Under Section 2 Subsection (2) of Restraining (Domestic Violence) Act 2009⁵ medical institutions (among others, like the victim support services) must warn the guardianship authority if encountering the threat of domestic violence.

In both cases, the exposure to risk (of the child or the relatives) already justifies the warning, and the interest of the endangered child or adult overwrites medical confidentiality.

Section 171 Subsection (2) of Criminal Proceedings Act 1998⁶ states that "*members of the authority and official persons, further, if prescribed by a separate legal regulation, public bodies shall be obliged to lodge a complaint – also identifying the offender, if his person is known – concerning a criminal offence coming to their cognisance within their scope of competence. The means of evidence shall be attached to the complaint, or, if this is not practicable, their safekeeping shall be arranged for.*" Since neither medical institutions nor doctors are considered as authorities or official persons (but "persons performing public duties"), there is no general rule that expects them to report cases to the police or others.

There is no general regulation on referring further victims either, except in case of those of THB. Medical institutions are to be considered as identifying organisations and are therefore requested to carry out an identifying interview with everyone being possibly victim of THB.⁷ Should the interviewed be proven as THB victim and give his written consent, the medical institution must refer the case to the closest Victim Support Service.

Based on local cooperation or personal contacts, victims are referred to the Victim Support Service from the social services, but medical institutions have no such obligation.

⁴ Act XXXI of 1997 on child protection and the guardianship administration

⁵ Act LXXII of 2009 on restraining due to domestic violence

⁶ Act XIX of 1998 on Criminal Proceedings

⁷ Decree No. 354/2012. (13. December) of the Government

6. This research is grounded in restorative justice values and philosophy as a holistic response to crime at the same time remaining a healthy critical perspective. Could you please describe what restorative justice practices are available in your country and who provides them?

The main restorative justice tool in criminal matters in Hungary is victim-offender mediation, which has been part of the Hungarian criminal procedure since 1 January, 2007. It is applicable in cases of crimes against another person, traffic offences, or any crime against property punishable by imprisonment of up to three years. Another precondition of mediation is that the offender must admit his guilt beforehand. Crimes resulting in death, committed by multiple or habitual recidivists, or working within a criminal organization are excluded. Victim-offender mediation can be requested by both the victim and the offender, and either the public prosecutor or the judge can decide and order the suspension of the criminal proceedings for up to six months and refer the case to mediation. Before the referral, both the offender and the victim have to agree to participate.

Victim-offender mediation is provided by the county justice services, just like victim support, but by another, specially trained unit. Currently there are 53 active mediators in the country.

a-b. How are they perceived by society and other law enforcement agencies? Please provide any statistics if available.

Figures show that mediation is getting more and more accepted by Hungarian law enforcement officials and therefore its 'popularity' is increasing, along with case numbers. In 2007, there were 2.456 cases were in process, whereas it rose up to 6.410 cases per year by 2012. That is 261 % rise in 5 years.

Referrals are typically derived from the prosecutors, the number of cases referred by court are low and rather stagnating. That means victim-offender mediation is used increasingly in an early stage of the criminal process, making it a real diversion tool.

The role of police officers is emphatic in preparation of the cases and in informing the parties on the possible application of mediation. The ministerial decree on the detailed rules for investigations⁸ has therefore been amended in 2010 to make it a duty of police officers to inform both the injured party and the suspect on mediation in cases where it is relevant.

Of the 6.410 ongoing cases in 2012, 4.660 were closed in that year. Of those 4.660 cases, 78 % terminated with an agreement. The success rate of the cases can be measured by the percentage of the fulfilled agreements, which is 92 %.

c. What other practices there are for community involvement?

When talking about mediation, both Criminal Code 1978⁹ and Criminal Code 2012¹⁰ has provisions about 'voluntary restitution', making it a ground for the termination of punishability. This open wording enables the use of restorative justice techniques other than mediation.

⁸ Joint Decree No. 23/2003. (24. June) of the Min. of Interior and the Min. of Justice

⁹ Act IV of 1978 on the Criminal Code

¹⁰ Act C of 2012 on the Criminal Code (coming into force on 1 July 2013)

Currently, there is an ongoing project on peacemaking circles by an NGO, Foresee Research Group, where the Ministry of Public Administration and Justice, the Office of Public Administration and Justice and the National Institute of Criminology are associate partners. In this project, mediators from four justice services have been trained in the methods of Peacemaking Circles and they are executing such circles together with Foresee's facilitators.

Also, some attempts were made to implement Family Group Decision Making, but with no large-scale results yet.

d. Are there any forms of collaboration between restorative justice and victims support services, please describe?

It has been the probation service that became responsible for victim-offender mediation, and mediators are still specially trained probation officers up to present times. With all due respect to the probation officers trained for mediation, this approach may be considered less victim-friendly. Regular and formalized co-operation between mediation services and victim support services does not exist yet.

7. Please describe the awareness level regarding the issue of secondary victimization among law enforcement agencies, NGOs, mass media, victims' advocacy groups, and larger public.

a. Is this issue being addressed on any level?

The issue of secondary victimisation is identified on many levels. Point 3.3 of Council of Europe Recommendation Rec(2006)8¹¹ declares that victims should be protected as far as possible from secondary victimisation. Section 2 Subsection (1) of the Police Act 1994¹² declares that police shall respect and guard human dignity and defend the rights of individuals. Also, Criminal Proceedings Act 1998 enables the presence of parents or guardians when interogating a minor.

There are some general victim protection tools in the Criminal Proceedings Act 1998 that enable law enforcement and judges to prevent secondary victimisation. One such tool is taking evidentiary actions by way of a delegated or requested judge. This means that if taking evidence is not feasible at the trial, or poses extraordinary difficulties, the court shall delegate its professional judge member (delegated judge) or – if required – request another court (requested court). That makes it possible for the victim for example not to appear before court where he would have to face the perpetrator in person, causing another trauma, but to be heard in a neutral place, avoiding risks of secondary victimisation.

If the witness is a minor under fourteen years of age and he has been heard by the court in the course of the investigation, he may not be summoned to the trial. If such witness has reached the age of fourteen at the time of the trial, he may be summoned to the trial in exceptionally justified cases.

¹¹ Council of Europe Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims

¹² Act XXXIV of 1994 on the Police

If a minor under fourteen years of age has not been heard by the court in the course of the investigation, but his hearing is inevitable, he must be heard by a delegated judge or a requested court.

Police has an inner regulation¹³ too on dealing with domestic violence cases and child protection, which contains instructions regarding avoidance of secondary victimisation.

Despite the measures mentioned above, criminal proceedings concentrate almost solely on finding and convicting the perpetrators and all other aspects are subordinate to this goal, including the victim's personal regards. The author is therefore convinced that a change of attitude is needed at law enforcement personnel. Future police officers study interrogation techniques and tactics on the police academy but no interrogation psychology. Inefficient questioning, disrespect shown towards the victim and not believing what the victim says on what had happened to him: these are main causes for secondary victimisation and they happen quite often.

Victim Support Service has in recent years been taking part in the training of police officers who are on duty on police stations out of hours. One aim of the training has been the sensitization of these police officers. That is, however a small (yet significant) step towards a victim-friendly jurisdiction.

Victim Support Service has the right (based on Section 42 of Victim Support Act 2005) to request information on the enforcement of victims' rights at courts and offices, but there are no direct tools to force such authorities to implement changes, if deficiencies are discovered.

b. Is there any research done regarding the secondary victimization in your country? If yes, what are the key findings and conclusions?

Although all experts that pay attention to the topic are agreed that secondary victimisation should be avoided and victims should not be exposed to that, the author has no knowledge of any recent general research done regarding it.

One exception is a 2012 report¹⁴ of the commissioner for fundamental rights. This report on children's rights contains statements on secondary victimisation of children, identifying the lack of trainings and guides for professionals as main problem on the side of authorities.

c. Are there any practical measures to reduce or prevent secondary victimization, if yes what are they and by whom?

The Ministry of Public Administration and Justice has declared 2012 the 'Year of Child-friendly Justice' in Hungary. Among other measures taken, a ministerial decree¹⁵ has been issued that requires the national police to construct at least one child-friendly hearing room in each county. The term 'hearing room' is important, for children should be heard rather than interrogated to avoid their secondary victimisation.

The hearing rooms are to be adjusted to the specificities of children both in furnishing and equipment in order to ensure the children's psychical and physical security. The rooms must

¹³ Order No. 32/2007. (OT 26.) of the National Police Headquarters

¹⁴ report No. AJB-3070/2012.

¹⁵ Decree No. 32/2011. (18. November) of the Min. of Public Administration and Justice

be large enough for four persons, must have natural illumination through a window with a minimum of 1,3 m² glass surface and hidden cameras must be installed.

The rooms may not only be used for hearing children, but for victims with specific protection needs too (e.g. mentally disabled victims, elderly victims or those who had suffered sexual crime).

d. Can you mention any specific cases that would characterize the secondary victimization of crime victims in your country?

A recent article¹⁶ on major Hungarian online news portal index.hu was posted with the title '*This is how a witness is being humiliated*'. The post tells the story of a witness who saw how three teenagers rob two 14-year-olds. The perpetrators ran away when she interfered, but she could identify one of them, whom she had seen on a daily basis in an institution some years before. The identified perpetrator did not recognise her.

Police was immediately called and they were interrogating the witness for 40 minutes on the scene then took her to the police station where she was questioned again and again for another 5 hours, this all on what happened in those 5 minutes that afternoon. She could not go home until 11 p.m. (the crime was committed around 4 p.m.), her help (without what the perpetrators could not have been arrested) was not thanked by the police and she was even told to stay calm because witnessing is her duty as a citizen.

When she was summoned before court a couple of months later, the letter contained a lot of threats in case she does not turn up. Since she knew one of the perpetrators in person, she was afraid of meeting him in the court room, so she tried to talk to the judge beforehand. After she told the judge her concerns on telephone, the judge agreed to send out everyone from the court room during her testimony. But even so, she had to wait outside the court room on the same corridor together with the perpetrators and their family members. She had to hide her face behind her cap not to be recognised. When called in, she told the court she regretted she had to take part in the process. The prosecutor started to shout at her for saying that.

In this case, the witness has clearly been victimised, even though she was not an injured party of the crime. She was possibly a sensitive soul, but the system did not take this into consideration. She was not seen as a human being but only a tool providing evidence.

8. Please provide information on crime rates in your country. Is there any substantial research on reporting and not reporting crimes and reasons for not reporting?

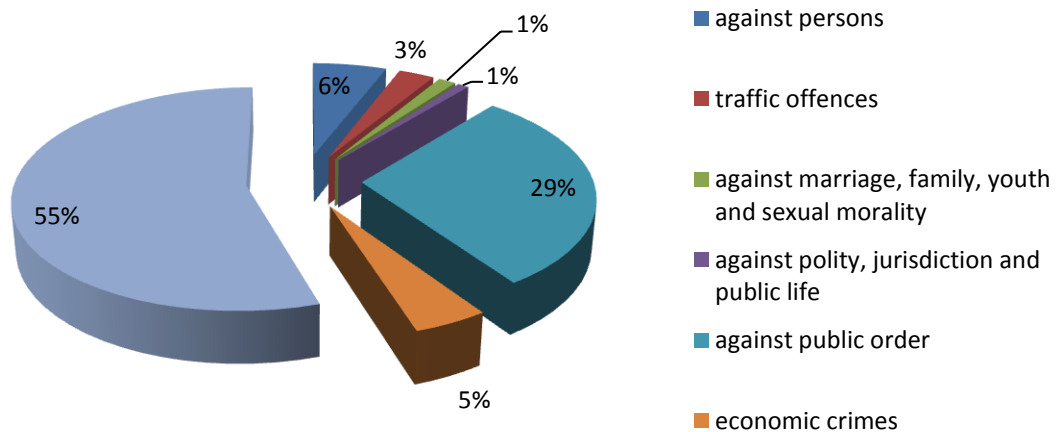
According to the criminal statistics of 2012 there were approximately 248.170 natural person victims in Hungary. In 2012 Victim Support Service contacted altogether 18.207 victims, and the 24/7 free of charge Vicim Line received 8.097 calls.

This means 7,3 % of victims were helped and supported by the Victim Support Service in 2012 (10,6 % if the calls received by the Victim Line are also counted, but it may be misleading because many callers became afterwards clients of Victim Support Service and are therefore counted double then). In 2006 when the Service started its activity, this rate was 4 %, 5 % in 2007, 5,7 % in 2008, whilst it rose to 9,24 % in 2009.

¹⁶ http://index.hu/belfold/2013/04/12/igy_alaznak_meg_egy_tanut/ (accessed on 19/04/2013)

The total number of crimes committed in Hungary in 2012 was 451.512 (including crimes against natural persons and others as well), 4,5 % higher than the previous year. The distribution of the types are shown on the next diagram:

registered crimes committed in 2012 (Hungary)



a. Is there a research on the level of latency?

The author of this report has no knowledge of current or recent researches on the level of latency. However, National Criminology Institute expert Tünde Barabás' study¹⁷ from the beginning of the millennium must be mentioned. She made a research on 10.000 people, which is 1 ‰ of Hungary's whole population. Her study found that the main reasons for not reporting crime are: -

- dissatisfaction with and mistrust towards the police (43 %),
- low or no damage occurred (28,6 %),
- the perpetrator was an acquaintance (8,7 %),
- lack of proof (6,8 %),
- no will to bother with reporting (4 %).

Where the respondents gave more than one answer, the most common second answer was dissatisfaction with and mistrust towards the police (45,6 %).

The 2004 study diagnosed that the level of latency was 60 %, that is only 1 in 3 cases were reported to the police. Mostly minor cases are not reported, where the disadvantages of a criminal proceeding exceed possible advantages. However, in cases where there is a certain outcome of the report (e.g. the insurance company will only pay for the stolen car if the case is reported), the level of latency is low.

¹⁷ Barabás, T.: Általános viktimológia, latencia (Common victimology, latency) In: Irk, F. (ed.): Áldozatok és vélemények I. (Victims and opinions I.) OKRI, Budapest, 2004. p198

Mistrust towards the police is the main reason of latency, but it is an outcome of past decades' bad experience, not necessarily the fault of present law enforcement. Namely, if a report had been made, 55,4 % of victims were actually satisfied with the performance of the police. Still, 33 % were grading it absolutely not satisfactory, which has a clear message.

b. Is not reporting an issue, are there any initiatives to address that?

Law enforcement officials are aware of the issue of non-reporting. Albeit no direct campaign addresses the topic in general, police crime prevention units constantly remind the audience on the importance of reporting crimes at the occasion of conferences, public fora and community programs.

In 2012, Ministry of Public Administration and Justice launched their campaign 'You must be the voice! Dare to do it!'¹⁸ concerning children suffering from domestic violence and sexual abuse. Such children are usually afraid and puzzled, not knowing how they may get help, often feeling ashamed for being victims. The campaign aimed to raise the awareness level of the society in order to report domestic violence cases if they experience such in their environment.

9. Is protection and support for victims of crime a political priority and consequently priority of the criminal justice system? Please elaborate.

One cannot write about the Hungarian approach on victim support without mentioning the Budapest Roadmap. This has been adopted in the first half of 2011 when Hungary held the Presidency of the Council of EU. The roadmap has created the possibility of dealing with victim protection and support on a European level. The progress that got a boost by the roadmap resulted in adopting Directive 2012/29/EU by the European Parliament and of the Council. This directive is establishing minimum standards on the rights, support and protection of crime victims.

The commitment of politicians towards the issue of victim support and victim protection can also be seen in the erection of the working group that is coordinated by the Ministry of Public Administration and Justice focusing on children in many aspects, including their status in criminal proceedings as victims.

The Ministry of Interior has also been active, especially in the fight against THB. Efforts are made to lower latency on this field and amendments have been made on Victim Support Act 2005 in order to optimize the protection of THB victims.

The National Crime Prevention Council has been appointed a new president recently which indicates progress on this field as well.

The campaigns and programmes mentioned previously in this paper have also been aiming the support of crime victims.

As it can be seen from the examples, the present Hungarian administration has held victim's rights in focus. The commissioner for fundamental rights has also been involved in some inquiries making important remarks and pointing out deficiencies of the system.

¹⁸ <http://www.merdmegtenni.eu/>

10. What other countries such as Latvia that is lacking a substantial victim's support mechanism can learn from your country, both positive and negative experiences?

Hungarian Victim Support Service has a history of 7 years. Despite this short time, some good practices are to be found here:

Instant monetary aid

Neither Council Framework Decision 2001/220/JHA nor Directive 2012/29/EU of the European Parliament and of the Council expects member states to give financial support within the frame of victim support services. Since crimes against property are most commonly committed against victims, sometimes leaving them without any sources for living, this form of support is essential, especially because it is given within a maximum of couple of days after the crime was committed.

Nationwide availability

Parallel to Victim Support Service, NGOs are also taking part in assisting victims of Hungary, and their work is also important. But none of them has the potential to cover the whole country with trained and accountable professionals.

Victim Line

The free of charge telephone line with 24/7 availability is definitely a positive example. There are victim help lines in many countries in Europe but most of them are either not free or not available all around the clock.

The past years have also revealed some weaknesses of the Hungarian system:

Predomination of lawyers

About 90 % of Victim Support Service staff consists of lawyers, only the rest being psychologists or social workers. Lawyers are efficient and successful in dealing with the official aspects of the cases, but this makes it difficult to give emotional support and psychological help for victims. Based on his personal experiences, the author of this paper believes that an ideal victim support unit would consist of at least two social workers, two lawyers and a psychologist.

Reluctance of law enforcement

Victim Support Service can help those only who ask for their help. If people do not have access to information about their rights they won't have access to help either. Past years have shown that front line police officers are the bottleneck for victims in reaching the Services. If they are not putting an emphasis on informing the victim, they will not get support even if they needed it. A lot of effort must therefore be made to train and sensitize law enforcement officials.

Lack of personnel

Due to the economic crisis, austerity on behalf of the state is resulting in hiring freeze and even job cuts. Since Victim Support Service is not generating any state revenue but requires plenty of resources, it is no surprise that hiring new personnel has recently become less possible. Ways have to be found therefore to generate revenues e.g. from perpetrators to contribute to the maintenance of Victim Support Services. There are examples for that in the UK, Belgium or Luxemburg.

Budapest, 23/04/2013

dr. Gábor Veisz
Head of Victim Support Unit
Office of Public Administration and Justice
veiszg@kimsz.gov.hu