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If my claim is to be considered in this country

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Hungary



Hungary

For which type of crime can I get compensation by the State?

For an intentional violent crime against a person.

Which type of injury can I get compensation for?

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

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

Yes. In addition to the victim, the victim's ascendants or descendants, adoptive or foster parents, adoptive or foster children, spouse or civil partner may receive compensation if they were living with the victim in the same household at the time the crime was committed, and the victim's dependants may also qualify. In addition, compensation may be received by the person who arranged for burying the deceased victim.

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

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

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

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

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

Compensation by the Hungarian State may only be claimed in case of crimes committed in the territory of Hungary; however, if the crime took place in another country, you may submit your application for compensation

in Hungary. In such cases the Hungarian authorities will transmit the application to the Member State where the crime was committed.

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

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

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

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

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

The enforcement of a claim against the offender is not a condition for claiming compensation by the State.

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

Yes, an application for compensation may be submitted even if the offender has not been identified or convicted. Also in such cases, the documents supporting the extent of the damage, the cause-effect relationship between the damage and the act (e.g. invoice, receipt, preliminary quotation or other document) must be submitted.

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

As a general rule, compensation may be claimed within one year after the crime was committed.

Which losses and expenses are covered by the compensation?

For example, will the compensation cover:

a) For the victim of the criminal offence:

- Material (non-psychological) damage:
 - medical costs of injury (medical treatment — ambulant and hospital treatment, recovery)
 - additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, adaptation of housing, special aids, etc.)
 - permanent injury (e.g. invalidity and other permanent handicaps)
 - loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.)
 - loss of opportunity
 - expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs
 - compensation for stolen or damaged personal property
 - other
- Psychological (moral) damage:
 - psychological pain and suffering of the victim

b) For entitled people or relatives of a victim:

- Material (non-psychological) damage:

- funeral costs
- medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)
- loss of maintenance or of opportunity
- Psychological damage:
 - psychological burden and suffering of relatives or entitled people/compensation to survivors if the victim died

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

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

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

Compensation by the State is not due if it has been established in a final court decision that the victim's conduct contributed towards the crime or was the cause of the crime, or the victim's wrongful conduct caused the damage or contributed towards the damage. In the criminal proceedings opened due to the crime giving rise to compensation, further reasons for exclusion are a refusal to testify, refusal of the obligation to cooperate or the absence of a private motion. In addition, the victim may not receive compensation if, in the criminal proceedings launched due to the crime giving rise to compensation or in connection with the crime, the victim committed the offence of false accusation, misleading the authorities, giving false testimony, bribing of witnesses, hindering official proceedings or coercion in official proceedings, suppressing exonerating circumstances, aiding and abetting, breach of seal, assault against the offender or the offender's relative or a crime creating collective danger, and that offence has been established by final court decision.

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

Social need is not a condition for compensation by the State.

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

The Hungarian regulations specify cases where the victim is excluded from compensation (e.g. the victim has already received the aid in the case or did not repay to the State financial aid already received pursuant to this Act even though the victim was required to do so).

How will the compensation be calculated?

A crime victim may apply for a lump-sum cash payment as total or partial compensation for the economic loss he/she has incurred through the crime. The extent of the lump-sum compensation is not more than fifteen times the basic amount (in 2021: HUF 158 168).

A crime victim may apply for partial compensation for the loss in his/her regular income in the form of regular payments if the crime resulted in his/her disability to work for an estimated period of over six months.

The amount of compensation in the form of an allowance is: 75% of the loss of income supported by evidence if the victim is under the age of 18 or is dependent on assistance from others and 50 percent of the loss of income supported by evidence if the victim is not dependent on assistance from others.

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

There is no minimum amount. The amount of compensation will not exceed fifteen times the basic amount (in 2021: HUF 158 168), which is HUF 2 372 520 in 2021. The maximum monthly amount of compensation that may

be claimed in the form of an allowance is the basic amount, which is HUF 158 168 in 2021.

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

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

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

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

The State will reimburse the amount of damage supported by evidence, even if it may be recovered from another source. If the damage is recovered later on from another source, the amount paid as aid must be repaid up to the extent of the recovery . In that case, the compensation was provided by the State as an advance.

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

No. Compensation may only be awarded once.

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

- A certificate of the opening of criminal proceedings, if available (police, court, public prosecutor's office)
- the documents supporting the amount of damage suffered as a result of the crime and the cause-effect relationship (e.g. invoice, receipt, preliminary quotation or other document)

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

No, submitting the application is free of charge.

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

The Government Office of Budapest Municipality (*Budapest Főváros Kormányhivatala*) acts as the deciding authority in relation to compensation by the State.

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

The application may be submitted to the victim support service of any county government office (assisting authorities) or directly to the deciding authority (Government Office of Budapest Municipality – *Budapest Főváros Kormányhivatala*).

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

No.

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

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

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

Administrative proceedings may be brought before the courts against the decision delivered at first instance.

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

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

Is there a special helpline or website I can use?

24/7 Victim Support Helpline (*Áldozatsegítő Vonal*): 06-80-225-225 in Hungarian and English, and the website <http://www.vansegitseg.hu/>

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

Yes, assistance in completing the application is provided by the staff of both the local victim support services and the Victim Support Centres, who also provide legal advice in straightforward cases. Otherwise, legal aid is possible on the basis of Act LXXX of 2003 on legal aid.

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

Services to help assert your interests are available from any organisational unit of the victim support service, i.e. at the county and Budapest government offices and at the Victim Support Service Centres, where victim support advisors will provide practical assistance (for example: assistance in completing applications) and information to the interested parties. Victims may also turn to civil society organisations (for example: White Ring (*Fehérgyűrű*), Hungarian Baptist Aid (*Baptista Szeretetszolgálat*), etc.)

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