

## TEMPLATE POLICY PAGE

<b>Category:</b>	<b>Domestic Violence</b>
<b>Country:</b>	<b>Hungary</b>
<b>Year:</b>	<b>/</b>

<b>Main policy page:</b>	<p>Domestic violence involves the constant ill-treatment of many children and women. Research shows that people who were ill-treated as children frequently show a tendency to violence themselves.</p> <p>The priorities of crime prevention were firstly defined by the National Strategy for Community Crime Prevention (2003) reacting to the actual challenges of crime. The Strategy had a separate chapter dealing with the prevention of domestic violence. According to the approach of the Strategy there are three effective means of preventing violence within the family: early recognition of abuse and neglect via an effective early warning system, special training for cooperating professionals, and operating an institutional protection system.</p> <p>The aim and concept was that the professional measures for handling family violence and the cooperation between organizations might break the recycling of violence from generation to generation. Services to provide physical and mental security for women, children, elderly people and invalids who have become victims of violence, issuing exclusion (protection) orders, providing crisis-intervention accommodations for victims and rehabilitation schemes for offenders reduce the chance of becoming subject to repeated violence.</p> <p>These aims have been carried out through the following measures in Hungary in the last ten years:</p> <ul style="list-style-type: none"><li>- Since 2005 <b>Crisis Intervention Centres</b> have been operating in order to help people seeking refuge because of domestic violence. Victims may stay here in safety and secretly for 30+30 days, they are provided with financial, psychological, social, legal support and get help in planning their everyday life in the future. The Crisis Intervention Centres are open for 24 hours a day and the non-stop <b>National Crisis Telephone Information Service (OKIT)</b> is organizing admission as soon as possible. In 2008 1300 persons have asked for and received asylum and practical support in these Centres.</li><li>- Since 2006 a state-funded <b>Victim Support Service</b> has been operating in Hungary. The Service consists of the Victim Support Unit of Office of Justice and local victim support services at county seats (all over the country). The Service can provide financial, legal, psychological and practical support - not only for domestic violence victims but also for victims of any other types of crime.</li><li>- Since 2006 the <b>Charity Sorsunk es Jovonk (Our Fate and Future)</b> is operating a shelter for abused persons.</li><li>- In 2008 the Ministry of Social Affairs and Labour launched a reintegration model-project for victims escaping from domestic violence. As a result there are</li></ul>
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	<p>half-way houses in the country where the assaulted and maltreated single women and families can start a new life.</p> <p>- There were <b>changes of great importance in relevant legislation</b>: there is a possibility for issuing a <b>protection order</b> during the criminal proceedings (since 2006 due to the amendment of the Act XIX of 1998 on Criminal Proceedings); also provisional preventive and <b>preventive protection orders</b> might be issued before or instead of criminal proceedings (under Act LXXII of 2009 on protection order because of violence among relatives); and finally the new Criminal Code of Hungary (Act C of 2012 on the Criminal Code which entered into force on the 1<sup>st</sup> July, 2013) introduced a <b>new statutory provision</b>: “Domestic Violence” (which was not a sui generis crime before that).</p> <p>The new national strategy of social prevention of crime elaborated by the National Crime Prevention Council has been brought into force on 18 October 2013 by Governmental resolution 1744/2013 on the <b>National Crime Prevention Strategy (2013-2023)</b>. One of the four priority areas of the Strategy is prevention of victimization and providing support for victims. This refers also to domestic violence victims.</p> <p>A <b>new parliamentary resolution</b> on the national strategic guidelines in relation to the fight against domestic violence has been prepared in 2015. According to <b>30/2015. (VII. 7.) Parliamentary Resolution on the national strategic goals concerning the effective combat against domestic violence</b> (adopted by the Hungarian Parliament on 30th of June 2015) Hungary undertakes inter alia:</p> <ul style="list-style-type: none"> <li>• to provide the necessary financial and human resources for the effective combatting against domestic violence according to the prevailing budgetary opportunities,</li> <li>• to enhance the cooperation between the public and the non-governmental sector in relation to the subject,</li> <li>• to put a priority emphasis on prevention, with special concern on young people,</li> <li>• to ensure the protection and support of victims in accordance with their special needs, with special concern on the interest of children victims (as direct or indirect victims),</li> <li>• to maintain and elevate the necessary number of shelters and half-way houses for the victims of domestic violence.</li> </ul> <p>(More information: <a href="http://www.bunmegelozes.info">http://www.bunmegelozes.info</a> )</p> <p>Contact details:  <a href="mailto:franciska.kovari@bm.gov.hu">franciska.kovari@bm.gov.hu</a> ; <a href="mailto:zsofia.toth@bm.gov.hu">zsofia.toth@bm.gov.hu</a>  (European Cooperation Department, Ministry of Interior, Hungary)</p>
<b>Relevant legislation:</b>	<p><b>Act C of 2012 on the Criminal Code</b>  (English translation exists, but available only in Hungarian on-line:  <a href="http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200100.TV&amp;celpara=#xcelparam">http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200100.TV&amp;celpara=#xcelparam</a>)</p> <p>The new Criminal Code of Hungary (Act C of 2012 on the Criminal Code which entered into force on the 1st July, 2013) introduced a new statutory provision (“Domestic Violence”) relevant in domestic violent cases.  (Previously, Act IV of 1978 on the Criminal Code did not contain a separate “sui</p>

generis” crime called “Domestic Violence”, but contained crimes to be regarded as a case of domestic violence if committed on a relative. These crimes were the following: *homicide, voluntary manslaughter, aiding and abetting suicide, battery, failure to provide care, coercion, violation of personal freedom, trafficking in human beings, harassment, illicit possession of private information, causing danger on the highways, changing of family status, changing of the custody of a minor, abuse of a minor, crimes with illegal pornographic material, rape, sexual assault, sexual abuse of children, incest, promotion of prostitution, living on earnings of prostitution, indecent exposure, public endangerment, acts of terrorism, public nuisance, taking the law into one’s own hands, robbery, vandalism.*)

The new Criminal Code contains the following rules on Domestic Violence and on the other most common crimes of it (Harassment, Battery, Abuse of a Minor and Public Nuisance):

### **Domestic Violence**

#### *Section 212/A.*

(1) Any person who, on a regular basis:

- a) seriously violates human dignity or is engaged in any degrading and violent conduct,
- b) misappropriates or conceals any assets from conjugal or common property, and thus causing serious deprivation, against the parent of his/her child, or against a family member, former spouse or domestic partner living in the same household or dwelling at the time of commission or previously, against his/her conservator, person under conservatorship, guardian or person under guardianship is guilty of a misdemeanor punishable by imprisonment not exceeding two years, insofar as the act did not result in a more serious criminal offense.

(2) Any person who commits:

- a) battery under Subsection (2) of Section 164 or slander under Subsection (2) of Section 227 against a person defined in Subsection (1) is guilty of a felony punishable by imprisonment not exceeding three years;
- b) battery under Subsections (3) and (4) of Section 164, or violation of personal freedom or duress under Subsection (1) of Section 194 against a person defined in Subsection (1) is guilty of a felony punishable by imprisonment between one to five years.

(3) Banishment may also be imposed against persons found guilty of domestic violence.

(4) The perpetrator of the criminal offense defined in Subsection (1) shall only be prosecuted upon private motion.

### **Harassment**

*Section 222.*

(1) Any person who engages in conduct intended to intimidate another person, to disturb the privacy of or to upset, or cause emotional distress to another person arbitrarily, or who is engaged in the pestering of another person on a regular basis, is guilty of a misdemeanor punishable by imprisonment not exceeding one year, insofar as the act did not result in a more serious criminal offense.

(2) Any person who, for the purpose of intimidation:

- a) conveys the threat of force or public endangerment intended to inflict harm upon another person, or upon a relative of this person, or
- b) giving the impression that any threat to the life, physical integrity or health of another person is imminent, is guilty of a misdemeanor punishable by imprisonment not exceeding two years.

(3) Any person who commits the act of harassment:

- a) against his/her spouse or former spouse, or against his/her domestic partner or former domestic partner,
- b) against a person under his/her care, custody, supervision or treatment, or
- c) if abuse is made of a recognized position of trust, authority or influence over the victim, shall be punishable by imprisonment not exceeding two years in the case provided for in Subsection (1), or by imprisonment not exceeding three years for a felony in the case provided for in Subsection (2).

**Battery**

*Section 164.*

(1) Any person who causes bodily harm to or injures the health of another person is guilty of battery.

(2) If the injury or illness caused by battery takes less than eight days to heal, the perpetrator is guilty of the misdemeanor of simple battery punishable by imprisonment not exceeding two years.

(3) If the injury or illness caused by battery takes more than eight days to heal, the perpetrator is guilty of the felony of aggravated battery punishable by imprisonment not exceeding three years.

(4) The penalty for a felony shall be imprisonment not exceeding three years if the simple battery is committed:

- a) *with malice aforethought or with malicious motive;*
- b) against a person incapable of self-defense or unable to express his will; or
- c) against a person whose ability to defend himself is diminished due to his old

age or disability.

(5) The penalty shall be imprisonment between one to five years if the simple battery results in permanent disability or serious health impairment.

(6) The penalty shall be imprisonment between one to five years, if the aggravated battery is committed:

a) *with malice aforethought or with malicious motive;*

b) against a person incapable of self-defense or unable to express his will;

c) against a person whose ability to defend himself is diminished due to his old age or disability;

d) *causing permanent disability or serious health impairment;*

e) *with particular cruelty.*

(7) Any person who engages in preparations for the criminal act referred to in Subsection (3) or (6) is guilty of a misdemeanor punishable by imprisonment not exceeding one year.

(8) The penalty shall be imprisonment between two to eight years if the battery is life-threatening or results in death.

(9) Any person who commits aggravated battery by way of negligence shall be punishable for misdemeanor by imprisonment:

a) *not exceeding one year in the case defined in Subsection (3);*

b) not exceeding three years in the cases defined in Paragraphs b)-c) of Subsection (6);

c) not exceeding five years in the case of causing a life-threatening injury.

(10) The perpetrator of the criminal offense defined in Subsection (2) shall only be prosecuted upon private motion.

### **Abuse of a Minor**

#### *Section 208.*

(1) A person who is given custody of a minor to maintain and care for the person in his charge - including the domestic partner of the parent or guardian exercising parental custody, as well as any parent who has been deprived of the right of parental custody, if living in the same household or in the same home with the minor - and who seriously violates the obligations arising from such duty and thereby endangers the physical, intellectual, moral or mental development of the minor, is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person over the age of eighteen years who:

- a) persuades or makes any attempt to persuade a person under the age of eighteen years to commit a criminal or misdemeanor offense, or to engage in immoral conduct,
- b) offers a person under the age of eighteen years for the commission of a crime, is punishable in accordance with Subsection (1), insofar as the act did not result in a more serious criminal offense.

### **Public Nuisance**

#### *Section 339.*

(1) Any person who displays an apparently anti-social and violent conduct aiming to incite indignation or alarm in other people is guilty of a misdemeanor punishable by imprisonment not exceeding two years, insofar as the act did not result in a more serious criminal offense.

(2) The penalty for a felony shall be imprisonment not exceeding three years if public nuisance is committed:

- a) *in a gang;*
- b) *in a manner gravely disturbing public peace;*
- c) *by displaying a deadly weapon;*
- d) *by carrying a deadly weapon, or*
- e) *in a public event.*

### **Act XIX of 1998 on Criminal Proceedings**

(English translation exists, but available only in Hungarian on-line:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=99800019.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800019.TV))

The amendment of the Act on Criminal Proceedings which came into effect on the 1st July 2006 provides the possibility of issuing a protection order. Based on the decision of the court, the offender could be excluded from the victim's surroundings for at least 10 but maximum 60 days.

### **Protection order**

#### **Section 138/A**

(1) Protection order restricts the right of the defendant to free movement and free choice of stay. The defendant subject to the scope of protection order shall be obliged, in conformity with the rules provided in the relevant decision of the court, to

- a) *leave the specific dwelling and keep away from it for a period set by the court,*
- b) *keep away from the specific person, further, from the place of residence and place of work of this person, the pedagogical and pedagogical/educational*

institution visited by this person, the health institution frequently visited for medical treatment, the building frequently visited for practicing his religion, for a period set by the court,

c) abstain from getting, whether directly or indirectly, in contact with the specific person.

(2) Upon the reasonable suspicion of a criminal offence punishable with imprisonment, protection order shall be issued – provided the aims intended to be achieved by way of protection order can thus be ensured – if the pre-trial detention of the defendant does not need to be ordered, however, it is reasonably assumed – especially with regard to the nature of the criminal offence, the behavior of the defendant prior to and during the procedure, as well as the relationship between the defendant and the victim – that if the defendant were left in his residential environment

a) he would frustrate, complicate or endanger the evidentiary procedure by influencing or intimidating the victim or the witness, or

b) he would commit the attempted or prepared criminal offence, or would commit another criminal offence punishable with imprisonment against the victim.

(3) If the criminal procedure is initiated on the basis of a private motion, protection order shall not be issued before submitting the private motion.

(4) The decision on protection order shall be made by the court. The court may stipulate in the decision that the defendant is ordered to report at the investigating authority proceeding in the criminal procedure that underlies protection order in pre-specified intervals.

(5) The court shall send the decision to the victim. The decision on protection order shall be sent to the prosecutor even if protection order was motioned by the victim, the legal representative of the victim or the legal representative of a minor living in a joint household with the defendant [Sections 138/B (2) d)-f)].

(6) Prior to the submission of the indictment the investigating authority or the prosecutor, and after the submission of the indictment the court shall take all the measures regulated in Section 128 prompt after hearing the defendant.

(7) If the court decides to issue or amend the decision on protection order, in its decision it shall define the rules according to Subsection (1) in a way that does not retain the defendant from practising his rights that are concerned by point b) of Subsection (1) in relation to the victim.

### **Section 138/B**

(1) The court can issue protection order for a period lasting from ten to sixty days.

(2) The protection order can be motioned by

a) *the prosecutor,*

b) *the private accuser,*

c) *the substitute private accuser,*

- d) *the victim,*
- e) the legal representative of the incompetent or partially incompetent victim, and
- f) the legal representative of the minor who lives in a joint household with the defendant.

(3) When during the term of keeping away the place of residence of the person designated in Section 138/A (1) *b*) changes or the changes taking place in the living conditions of this person or the defendant are so essential that require the amendment of the decision, the court may amend the decision on or terminate the protection order at the motion of the persons listed in subsection (2), the defendant and the counsel for the defence, and also ex officio after the submission of the indictment. The court shall proceed in the same manner when the coercive measure ordered for the defendant in the criminal procedure requires the modification or termination of protection order.

(4) When the court decides to amend or terminate protection order, it obtains its declaration that motioned the keeping away, as well as the motion of the prosecutor, the private accuser and the substitute private accuser. The court shall set a term to submit the declaration and the motion, and if the term has elapsed without result, it shall pass its decision on the basis of the data available. The court shall also send the decision to the person designated in Section 138/A (1) *b*).

### **Section 139**

(1) If the defendant violates the rules of the home curfew or house arrest, or fails to attend a procedural action when required by a subpoena without giving sufficient reasons therefore in advance or, after the cessation of the obstacle, fails to provide sufficient justification therefore without delay, the defendant may be taken into custody, furthermore, the order for his house arrest may be changed to pre-trial detention, and the order for home curfew to house arrest or pre-trial detention, or, if this is deemed unnecessary, a disciplinary penalty may be imposed.

(2) If the defendant violates the rules of protection order deliberately and fails to give reasons therefore subsequently, an order for his pre-trial detention may be issued or, if this is deemed unnecessary, a disciplinary penalty may be imposed.

### **Act LXXII of 2009 on protection order because of violence among relatives**

(Available in Hungarian on-line:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0900072.TV&celpara=#xcelparam](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0900072.TV&celpara=#xcelparam)

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The act came into effect on the 1st October 2009. It defines the persons and institutions having tasks related to the prevention of violence among relatives, e.g. district nurse, family doctor, child-welfare service, schools, guardianship authority, the police, the prosecution, the judiciary, probation service, victim support service, NGOs. The organization responsible for the coordination of family protection (namely the local guardianship authority) shall take the appropriate actions in order to prevent or interrupt the violence and inform the police. **The police** pass provisional preventive protection order **for maximum 72 hours** when all circumstances of the case lead to a well-established conclusion of violence. In



three days **the court** decides on issuing preventive protection order. According to the decision of the court, the offender could be excluded from the victim's surroundings **for maximum 60 days**.

**Act CXXXV of 2005 on Crime Victim Support and State Compensation**

(The act is available in Hungarian on-line:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0500135.TV&celpara=#xcelparam](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0500135.TV&celpara=#xcelparam))

The scope of the Act extends to the victims of domestic violence as well. It is the task of the Victim Support Service (which consists of the Victim Support Unit of Office of Justice and local victim support services at county seats) to provide free, fast and professional information on the rights and obligations of victims in criminal proceedings and on the health, insurance and social services the victims might obtain. Under the conditions specified by the Act victims can receive instant monetary aid, legal aid and state compensation.

**Governmental resolution no. 1744/2013 (X.17.) on the National Crime Prevention Strategy (2013-2023)**

(available in Hungarian on-line:

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=164284.250601](http://njt.hu/cgi_bin/njt_doc.cgi?docid=164284.250601);

a short summary in English is available here: <http://eucpn.org/strategies/index.asp>)

**Trends:**

Domestic violence was not included as a separate "sui generis" crime in the system of the Criminal Code until the promulgation of the new Criminal Code of Hungary (Act C of 2012 on the Criminal Code) on the 1st July, 2013. Crimes of this category could be selected from the data recorded by the Uniform Register of Criminal Statistics according to certain criteria.

Family researchers have found that violence is an accepted means of resolving conflicts in families. Alcohol and alcoholic lifestyle are "natural" attendants of sustained family conflicts.

Between 1996 and 2001, the number of homicides of relatives and partners grew from 179 to 180. Of the 377 homicides committed in 2001, 47.7 per cent of the victims were members of the offender's own family. In 2001, every third act of serious battery was committed on a relative or partner.

In 2005 recorded family violence was committed in 7 113 cases, this number is 53,6 per cent higher than it was in 2001 (4 629 cases). Battery, abuse of a minor and public nuisance are the most common crimes against family members: these crimes were committed in 76 per cent of the recorded cases in 2005.

The number of recorded batteries against family members in 2005 (2 859) shows 26 per cent rise comparing to the year 2001. 70 per cent of the batteries were serious.

The number of the recorded cases of abuse of a minor in 2005 (1 484) has grown with 150 per cent since 2001. Whereas abuse of a minor was committed in 13 per cent of the domestic violence cases in 2001, in 2005 this rate was already 21 per cent.

The number of recorded public nuisance in 2005 (1 058) has grown with 46 per cent since 2001.

The statistical data on domestic violence cases showed a slight regression

between 2005 and 2007. In 2007 the number of reported domestic violence cases was 5527 which is 22.3 per cent lower than the number of these cases in 2005.

From 1 January 2008 the range of crimes to be considered as domestic violence when committed on a relative was widened with the crime of “Harassment” (stalking), which was incorporated in the Criminal Code to criminalize those most typical milder conducts which can lead to more serious acts of domestic violence.

In 2009 – as it can be read from the chart below – there was a huge increase in the number of these cases (8 081). Since then the number of domestic violence cases has been around 8 800-9 000 in every year until 2014 (except for 2010 with 9 591 cases as the highest pitch).

	All cases of domestic violence	Battery	Abuse of a minor	Public nuisance
1996	4115	2204	481	440
1997	4624	2403	543	564
1998	4889	2363	665	651
1999	4897	2388	526	745
2000	4678	2247	554	762
2001	4629	2259	593	724
2002	5043	2355	633	857
2003	5939	2587	925	1015
2004	6796	2850	1393	1100
2005	7113	2859	1484	1058
2006	6546	2504	1313	886
2007	5527	2274	1270	819
2008	6192	2497	1289	858
2009	8081	2573	1727	730
2010	9591	3125	1768	1047
2011	8931	2781	1812	789
2012	8890	2796	1487	812
2013	8829	2802	1296	855
2014	8940	3037	1239	876

**Contacts:**

**National organisations:**

Ministry of Interior –  
<http://www.kormany.hu/hu/belugyminiszterium>

Ministry of Justice –  
<http://www.kormany.hu/hu/igazsagugyi-miniszterium>

Ministry of Human Capacities –  
<http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma>

National Police –  
<http://www.police.hu/hirek-es-informaciok/bunmegelozes/aktualis>

Office of Justice, Victim Support Unit –  
<http://kih.gov.hu/information-in-other-language>

National Crisis Telephone Information Service (OKIT) –  
<http://www.bantalmazas.hu/>

Amnesty International Hungary –  
<http://www.amnesty.hu>

NGO ESZTER (Ambulance – Help for Victims of Sexual Violence) Foundation –  
<http://eszteralapitvany.hu/>

NGO Nane (Women for Women Together Against Violence) Association –  
<http://www.nane.hu/>

NGO Sorsunk és Jövőnk Szeretetszolgálat (Our Fate and Future Charity) –  
<http://www.sorsunk-jovonk.hu>

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