

Act CXXXV of 2005 on Crime Victim Support and State Compensation

In the interests of ensuring, on the basis of the principles of social solidarity and equity, mitigation of the social, moral and pecuniary injuries of individuals who are the victims of criminal acts and whose quality of life has thereby been endangered, Parliament has adopted the following Act:

Chapter I

General Provisions

Scope of the Act

Section 1

(1) This Act shall apply to victims of crime committed in the territory of the Republic of Hungary and any natural persons who have suffered injuries as a direct consequence of criminal acts, in particular bodily or emotional harm, mental shock or economic loss (hereinafter referred to collectively as ‘victims’), on condition that they are

- a)* Hungarian citizens,
- b)* citizens of any EU Member State,
- c)* citizens of any non-EU country lawfully residing in the territory of the European Union,
- d)* stateless persons lawfully residing in the territory of the Republic of Hungary,
- e)* victims of trafficking in human beings, and
- f)* any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and the Republic of Hungary or on the basis of reciprocity.

(2) Declaration of the minister in charge of the judicial system shall prevail as to the existence of reciprocity.

(3) A victim of crime shall be entitled to crime victim support and state compensation (hereinafter referred to collectively as ‘victim support’) provided hereunder even if

a) charges are rejected, investigation is terminated, the proceeding is dismissed or the defendant is cleared of charges for reasons such as underage, mental incapacity, coercion or duress, mistake, lawful self-defense, extreme necessity or superior’s command,

b) charges are rejected or the proceeding is dismissed on any grounds for the termination of punishability as defined in Section 32 of the Act IV of 1978 on the Criminal Code (hereinafter referred to as ‘Criminal Code’).

Section 2

(1) A Hungarian citizen, habitually residing in Hungary, who has been victimized in a violent deliberate crime during his/her lawful stay in a foreign country shall also be entitled to victim support services provided under this Act (hereinafter referred to as ‘services’) if able to provide credible proof thereof.

(2) A crime victim shall be entitled to state compensation afforded under this Act (hereinafter referred to as ‘compensation’) under Paragraph *c)* of Section 1 (1) if he/she has a permanent residence or a habitual and lawful place of abode in any EU Member State. A crime victim may also be granted compensation if he/she holds a residence or immigration permit in Hungary.

(3) An individual with a habitual place of abode in Hungary shall be entitled to having recourse to the support scheme set forth in Chapter VI of this Act upon having been victimized in a violent intentional crime committed in another EU Member State.

Section 3

This Act shall not apply to persons prosecuted in criminal proceedings.

Chapter II

Services

Types of Service

Section 4

(1) When rendering victim support services, the State shall facilitate the protection of victims' interests, grant instant monetary aid and provide legal aid.

(2) With a view to facilitate the protection of victims' interests, the victim support services 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.

(3) The victim protection service shall provide, in the form of instant monetary aid, coverage for a victim's extraordinary expenses in connection with housing, clothing, nutrition and travel, medical and funeral expenses in the event where he/she is unable, as a consequence of being victimized in a crime, to cover such expenses. The maximum amount of aid shall be limited to a basic sum equaling 43 percent of the nationwide gross monthly average wage published by the Central Statistics Office of Hungary for the second year before the year in question.

(4) The State shall provide legal aid for crime victims in the forms of support set forth in the Act LXXX of 2003 on Legal Aid (hereinafter referred to as the 'Legal Aid Act').

(5) Promotion of victims' interests and the instant monetary aid shall be due to any crime victim free of charge irrespective of their financial standing. However, a crime victim shall be eligible for legal aid only in the event of meeting the criteria set forth in the Legal Aid Act.

Crime Victims Ineligible for Services

Section 5

The State shall not provide services for a crime victim who

a) has already been granted the support applied for in an earlier phase of his/her case,

b) had provided false information in a previous application for victim support services, for a period of two years following the operative date of the relevant resolution ,

c) obstructs the examination aimed at verifying the data furnished in his/her application for support,

d) had obstructed the examination aimed at verifying data furnished in a former application for support, for a period of two years following the operative date of the relevant resolution ,

e) has failed, although he/she would have been obliged, to repay to the State the amount of monetary aid or the fee of legal assistance granted hereunder.

Chapter III

Compensation

Crime Victims Eligible for Compensation

Section 6

(1) A needy natural person

a) who has been victimized by a violent deliberate crime and, as a direct consequence thereof, suffered severe injury physically or mentally,

b) who is a direct relative, adoptive or foster parent, adopted or foster child, spouse or common-law spouse of the victim injured or died in consequence of a crime referred to in Paragraph *a)* above, and was living at the time of the crime with the victim as a domestic partner, and

c) whom the victim injured or died in consequence of a crime referred to in Paragraph *a)* above is or was obliged to maintain pursuant to the provisions of a legal regulation, an enforceable court order or official decision or a valid contract

shall be eligible for compensation.

(2) A crime victim shall be considered to be in need (and therefore hereinafter referred to as 'needy') when his/her net monthly income, or the per capita household income does not exceed the basic sum by a factor of two.

(3) A crime victim shall be considered to be needy irrespective of his/her earnings if

a) he/she receives regular social aid or social welfare payments provided for the elderly,

b) he/she is eligible for debt management services or home maintenance allowance,

c) he/she cares for a child in his/her family, whose eligibility for regular child protection allowance has been established,

d) his/her socially needy status and thereby eligibility for healthcare services is established on the basis of means test conducted by the mayor's office of the local authority,

e) he/she receives attendance allowance, public healthcare provision and invalidity allowance,

f) he/she is eligible for aid to the mentally impaired, personal annuity due to the blind and the visually impaired or increased family allowance,

g) he/she is a homeless person in need of temporary accommodation in lodging facilities or overnight refuge,

h) he/she is a person in need of temporary accommodation in a home for children or families,

i) he/she is a person whose application for asylum in Hungary is pending.

Forms and Amount of Compensation

Section 7

(1) Compensation shall be made available in the form of lump-sum cash payment or in regular monthly installments.

(2) A crime victim may apply for lump-sum cash payment as total or partial compensation for the economic loss he/she has incurred through the crime. The amount of lump-sum compensation shall equal:

a) 100 percent for any loss not exceeding the fivefold of the basic sum,

b) the fivefold value of the basic sum plus 75 percent for the portion over the fivefold thereof for any loss ranging in value between the fivefold and the tenfold of the basic sum,

c) the 8.75-fold of the basic sum plus 50 percent for the portion over the tenfold thereof for any loss exceeding the tenfold of the basic sum, in any case not to exceed the 15-fold of the basic sum.

(3) 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 6 months. The amount of allotment payable on a monthly basis shall equal:

a) 75 percent of the certified loss of income if the victim is below 18 years of age or is in need of care by others, or

b) 50 percent of the certified loss of income if the victim is not in need of care.

(4) The maximum amount of monthly allotment shall equal the basic sum. The allotment may be granted for a period of not more than three years.

(5) The payment of allotments to a victim shall be terminated if

- a)* the victim's eligibility for regular social services or pension insurance benefits has been officially established with a view to the crime, and disbursement of such benefits commenced,
- b)* the victim has been granted annuity payments for damages by a non-appealable court order, and disbursement of such annuity has commenced,
- c)* an insurance company starts disbursing annuity benefits to the victim,
- d)* the victim's disability to work came to an end, or
- e)* the victim was absent from the compulsory expert medical examination without proper justification.

Crime Victims Ineligible for Compensation

Section 8

(1) A crime victim shall be deemed ineligible for compensation if

- a)* any of the grounds for ineligibility set forth in Section 5 applies,
- b)* he/she failed to enforce his/her social security or other insurance claim arising from the crime, or he/she enforced his/her claim for damages or insurance claim and he/she was fully compensated for his/her damages (including payments made by any foreign state, insurance company or non-governmental victim protection organization) by the time of submission of the application for state compensation,
- c)* his/her behavior gave reason for the commission of the crime, or was instrumental in the occurrence of the loss as is established by the final court verdict,
- d)* his/her own actionable conduct caused the damage, or was instrumental in the occurrence thereof as is established by the final court verdict,
- e)* he/she declined to testify without cause in the criminal proceedings opened as a result of the crime giving rise to compensation, or failed to meet his/her obligation of cooperation in the expert examination, or a fine for contempt was imposed on him/her by a final judgment for non-compliance with summons,
- f)* he/she failed to meet his/her obligation of cooperation in the medical and professional examination conducted under the compensation proceedings or to furnish any requested supplementary information or was absent from the hearing without cause,
- g)* he/she failed to submit a civil motion that is necessary for the criminal proceedings,
- h)* he/she committed during criminal proceedings opened as a result of, or in relation to, the crime giving rise to compensation any of the following criminal acts:

1. false accusation (Sections 233 to 236 of the Criminal Code),
 2. misleading of authority (Section 237 of the Criminal Code),
 3. perjury (Sections 238 to 241 of the Criminal Code),
 4. subornation of perjury (Section 242 of the Criminal Code),
 5. obstruction of justice (Section 242/A of the Criminal Code),
 6. suppressing extenuating circumstances (Section 243 of the Criminal Code),
 7. aiding and abetting (Sections 244 of the Criminal Code),
 8. breaking of seals (Section 249 of the Criminal Code),
 9. violent offence or offence causing public danger against the offender or a relative of the offender
- as is established by final court verdict.

Chapter IV

General Rules of Procedure

Information

Section 9

(1) The victim support service shall inform its client on

a) the rights and obligations he/she has in criminal proceedings,

b) the forms of support available to him/her and the conditions for application therefor,

c) any available benefits, allowances and opportunities to assert his/her rights other than those provided for herein,

d) the contact details of state, local government, civil and church organizations involved in helping victims of crime, and

e) the opportunities to avoid secondary victimization with a view to the type of the criminal act.

(2) When the victim support service obtains knowledge of victimization of a natural person from another authority, body or organization, or from an application submitted to the service, it shall call the client's attention in writing, in addition to providing information, as described in Subsection (1), to the opportunity that he/she can be eligible for victim support services and, once his/her eligibility is established, he/she is allowed to submit an application for such support.

(3) The victim support service shall make a memorandum of the provision of information except for the case set forth in Subsection (2).

Section 9/A

If the assisting authority finds that a third-country national, turning to it for help, is victimized by trafficking in human beings, it shall inform him/her, besides providing him/her with information as per Section 9 (1), as follows:

a) he/she is given a month's time to think it over whether he/she intends to cooperate with the authorities investigating the related criminal act;

b) he/she is entitled to get a certificate of temporary stay for the one-month time to think and a residence permit for the period of cooperation with the authorities.

Application for Authorization of Support

Section 10

(1) A crime victim may submit an application to any victim support service.

(2) A crime victim shall apply for support through filling in and submitting the standard form (hereinafter referred to as the 'form') in one copy. The victim support service can provide help in filling in the form.

(3) An applicant shall furnish on the form the following information:

a) name, date and place of birth of the victim if he/she is a natural person, mother's name, address of domicile and nationality,

b) details of the offence constituting grounds for the application (description of the offence, scene and date of the offence and its material circumstances),

c) injuries suffered by the applicant through the offence described in Paragraph *a)*, in particular any bodily or emotional harm, mental shock or economic loss,

d) the type of support applied for,

e) whether the victim is subject to any repayment obligation towards the State in relation to any former support received,

f) whether there is any grounds for disqualification of the victim from the provision of support applied for.

(4) The victim shall attach the certificate described in Section 11 to his/her application if he/she has such a certificate. Should a victim fail to attach a certificate as per Section 11 to his/her application, the victim support service shall procure it immediately upon submission of the application. In the case set forth in Section 2 (1), a victim shall attach the appropriate documents to his/her application.

Certificate

Section 11

(1) The investigating authority, prosecutor or court competent to act in a particular phase of the criminal proceedings shall issue a certificate on the basis of the application submitted either by the victim or the victim support service. The certificate shall contain:

a) particulars of the victim as per Paragraph *a)* of Section 10 (3),

b) details of the offence constituting the subject of criminal proceedings (statement of facts and legal definition of the crime by the Criminal Code),

c) data relating to the criminal proceedings (name of the acting authority, case no., acts effected by the authorities in criminal proceedings, indictment if any, postponement of indictment or decision not to file formal charges, the applicant's position in criminal proceedings, whether or not there is/was any mediation procedure under way in the case).

(2) If criminal proceedings were initiated against a victim, in relation to the crime giving rise to compensation, for the commission of any of the criminal acts set out in Paragraph *h)* of Section 8, this fact shall also be indicated in the certificate.

(3) The investigating authority, prosecutor or court shall issue the certificate by the end of the office hours on the day following the date of receipt of an application.

(4) A certificate shall cease to have effect if the authority, competent to act in criminal proceedings initiated to investigate the crime described in the certificate, decides not to file formal charges for lack of crime, or suspicion thereof, and terminates investigation by a final ruling for lack of crime or evidence. A certificate issued at a victim's request shall also cease to have effect if the victim submits it, as an annex to his/her application for support, to the victim support service beyond 15 days of issue.

(5) The authority passing a decision on the termination of criminal proceedings shall inform, if a certificate was formerly issued in the case, the victim support service on the outcome of proceedings within 3 days.

Notification of Change of Data

Section 12

Unless this Act otherwise provides, a victim shall report to the victim support service any changes in data and particulars furnished in his/her application within 8 days of the effective date of such changes as long as the decision adopted on the merits of the application becomes final.

Verification of Application Data

Section 13

(1) For passing judgment on an application, the victim support service may hear the victim in person or consult, for checking the authenticity of data reported, the authorities keeping records of data of import in terms of eligibility for support, or is entitled to check authenticity of data indicated in an application in the home or place of residence of the victim.

(2) When contacted by a local victim support service for the purpose of making inquiries about fulfillment of the criteria of eligibility for support,

a) the tax authority shall provide confidential tax information,

b) the investigating authority, prosecutor or court shall provide information on the current state of relevant criminal proceedings,

c) the medical attendant shall provide confidential health data, and

d) the competent authority shall provide information on entitlements and eligibilities set forth in Section 6 (3).

(3) The victim support service shall record the findings of the hearing and examination in a report.

Section 14

Refund

Section 15

(1) A victim shall refund the amount of monetary support within 3 years following the date when the decision on the merits of his/her application for support was finalized if

a) the acting authority established by a final decision that the conduct constituting grounds for support was not a criminal act, except for the cases set forth in Section 1 (3),

b) the victim furnished false data in his/her application for support,

c) the loss or damage was fully or partly compensated from other sources, however, the victim's refunding obligation shall not exceed the amount of such compensation, or

d) a disqualifying reason occurred following disbursement.

(2) When any of the above reasons justify a victim's obligation to repay the amount of support, the competent victim support service shall pass a decision accordingly.

(3) A victim shall repay the amount of support in full to the Appropriation Chapter entitled 'Victim Support' within 30 days upon receipt of the final decision ordering repayment.

(4) The victim support service may grant, on request, forbearance on support repayment of not more than 6 months once, or installment facilities.

(5) Any support that is not repaid shall be treated as public debts enforced as taxes, and the victim support service shall contact the authority with competence to collect the amount of debt.

Registration

Section 16

(1) For the purpose of judging the applications for support, checking performance of the victims' obligation of repayment and for nationwide and county-level collection of statistical data, the victim support service shall keep records of all information supplied, applications received and amounts of support granted.

(2) The record shall contain:

a) particulars of the victim as per Paragraph *a)* of Section 10 (3),

b) data as per Paragraph *c)* of Section 10 (3),

c) data as per Paragraph *c)* of Section 11 (1),

d) data relating to the support, such as

1. name of the competent victim support service ,

2. type of support applied for,

3. content of the service' decision,
4. date and place of judgment,
5. decision on request for legal remedies, date of the final decision,
6. data of new proceedings,
7. data relating to follow-up checks of support,
8. names of organizations involved.

(3) The victim support service shall retain and manage the data on records for a period of 10 years following the submission of applications.

(4) The victim support service shall, on request, provide the courts of law acting in the relevant criminal or civil cases, the prosecutors of criminal cases or the investigating authorities, as well as the persons providing legal aid for victims in such cases with information from its records .

(5) In order to prevent and fight children's exposure to the risks of victimization, the victim support service shall provide child welfare agencies and the competent guardian authority with information from its records indicating the circumstances of victimization and potential threats to juveniles.

(6) The records kept by the local victim support services shall comprise part of the nationwide database, based on which the victim support services shall prepare statistical reports on an annual basis.

Exemption from Duties and Charges

Section 17

Victim support and protection procedures shall be exempt from duties and charges. Instead of its clients not speaking Hungarian, the victim support service shall bear, to the debit of the Appropriation Chapter, all translation and interpretation-related costs.

Delivery

Section 18

In the event of delivery by mail, the documents sent shall bear the sign 'to the recipient's hands' only.

Coverage for Monetary Aid

Section 19

The victim support service shall disburse the amounts of instant monetary aid and compensation to the debit of the not maximized Appropriation Chapter entitled 'Victim Support'. Funds available under this Chapter may not be allocated for any other purposes.

Other Procedural Rules

Section 20

(1) Concerning issues not regulated herein, the provisions of Act CXL of 2004 on the General Rules for Administrative Proceedings and Services shall apply to the procedures of the victim support services.

(2) Each application shall be subject to a procedure settled by an official decision. When an application is allowed by the victim support service, its decision shall not necessarily contain reasons adduced.

(3) In addition to the victim and his/her representative, persons and authorities set out in Section 16 (4) and (5) may have access to the documents generated in a procedure.

(4)

(5) The victim support service shall not attend to cases subject to this Act by electronic means.

Chapter V

Special Rules of Procedure

Section 21

Deadline for the Enforcement of Claims

Section 22

(1) An application for facilitate the protection of victims' interest and legal aid shall be submitted within 6 months of the date of commission of the related crime.

(2) An application for instant monetary aid shall be submitted within 3 working days of the date of commission of the related crime.

Administrative Time Limits

Section 23

(1) The victim support service shall conclude each case of application by passing an official decision thereon within 8 days upon receipt of the certificate if such certificate is sufficient to verify the applicant's eligibility for support. When a victim attaches the certificate to his/her personally submitted application, the victim protection service shall immediately adopt a decision. A decision on the rejection of an application shall contain reasons adduced.

(2) When the victim support service finds an application incomplete, it shall invite the applicant to provide the missing information at short notice

Facilitate the protection of victims' interest

Section 24

(1) The victim support service shall, upon due consideration of any and all circumstances of a case, provide the victim injured in his/her rights through a criminal act with legal advice and assistance to help him/her get remedy for the injury.

(2) If, upon due consideration of the circumstances of the case, it is proved that the injury to a needy victim can only be remedied by means of legal aid and help defined in the Legal Aid Act, the victim support service shall forward the application to the competent legal assistance service, which shall, in return, immediately notify the victim support service of the decisions adopted and measures taken in relation thereto.

Section 25

(1) The victim support service shall, upon due consideration of any and all circumstances of a case, inform the victim on:

- a) available healthcare and health insurance provisions,
- b) healthcare services available with or without prior referral,
- c) addresses and contact details of the institutions providing such services,
- d) the patients' rights and obligations,
- e) the role, name and contact details of the patients' representative,
- f) the content of the health mediation procedure, and
- g) opportunities for enforcement of victims' rights other than those set out in Paragraphs e) and f).

(2) The victim protection service shall, whenever so requested by a victim, render help in

- a) having access to the available healthcare services in the quickest possible way, and
- b) assertion of the right of complaint in relation to the health insurance provisions.

(3) In order to help victims have access to the most appropriate health care in the right place and in the easiest way, the victim support service may conclude a cooperation agreement with the health service provider active in its area of jurisdiction.

(4) The victim support service shall refer the victim, with his/her prior consent, to the health service provider. The victim support service shall primarily refer victims to its partner health service provider.

Section 26

(1) The victim support service shall, upon due consideration of any and all circumstances of a case, inform the victim on the forms of, eligibility criteria and the way how to apply for

- a) monetary and in-kind social benefits and social services,
- b) pension insurance benefits,
- c) unemployment benefits and job assistance subsidies,
- d) family support provisions,
- e) basic child welfare provisions, special child protection provisions and care as well as the addresses and contact details of the institutions providing such care and services.

(2) The victim support service shall, whenever so requested by a victim, render help in

- a) having access to the available provisions and services, and

b) assertion of the right of complaint in relation to the provisions and services.

Instant Monetary Aid

Section 27

After having established the victim's status, the victim protection service may, at the victim's request, decide to grant, under the principles of equity, immediately available monetary aid with a view to the situation that the victim should face as a consequence of the criminal act he/she suffered and upon due consideration and examination of any and all circumstances of the case, or to repay an aid granted by another authority in advance as per the relevant certificate.

Special Legal Assistance

Section 28

The legal assistance service shall provide the forms of support set out in the Legal Aid Act. In the course of such legal services, the provisions of the Legal Aid Act shall apply subject to the exceptions set out in this Act.

Chapter VI

Special Rules on Compensation

Section 29

(1) The compensation procedure shall consist of an assistance phase and a decision-making phase.

(2) In the assistance phase, the assisting authority shall help a victim in filling out the application form, provide guidelines for the subsequent submission of any missing information if he/she is requested to do so, procure such additional information if necessary, hear the victim and forward his/her application to the deciding authority.

(3) In the decision-making phase, the deciding authority shall then pass a judgment on the merits of the application for compensation.

(4) The victim shall address the application for compensation to the deciding authority. The victim may as well submit his/her application without relying on the help from the assisting authority.

Deadline for the Enforcement of Claims

Section 30

(1) An application for compensation shall, with the exceptions set out in Subsections (2) to (4) of this Section and Section 45 (2), be submitted within 3 months of the date of commission of the related crime.

(2) If an applicant encounters circumstances beyond his/her reasonable control preventing him/her from submitting his/her application for compensation, he/she shall be allowed to submit the same within 3 months after those difficulties are removed.

(3) When an act, formerly investigated in administrative proceedings, turns out to be a criminal act, the victim of that offence may submit his/her application within 3 months of the opening of criminal proceedings.

(4) If it subsequently comes to light that there is a relation of cause and effect between a serious injury to the victim's physical integrity or health and a particular criminal act, the victim of that offence may submit his/her application within 3 months of gaining knowledge thereof.

(5) Where Subsections (2) to (4) apply, no application may be submitted after five years following commission of the criminal act. When a victim applies for compensation pursuant to Subsections (2) to (4), he/she shall give the grounds therefor in detail.

Provision of Information

Section 31

Upon receipt of an application for assistance, the assisting authority shall immediately give the applicant victim all relevant information on compensation, documents required for an application to be accepted and on the way how to procure them.

The Application Form and Annexes

Section 32

(1) In addition to those specified in Section 10, the following information shall be given in an application for compensation:

a) data required for establishment of the status of indigence [income data, number and income of persons cohabiting with the applicant or data as per Section 6 (3)],

b) form of compensation claimed,

c) the amount claimed in the case of a lump-sum cash payment, or the monthly amount and term of disbursement claimed in the case of compensation in the form of an annuity,

d) whether or not the victim has an insurance policy that is expected to partly or fully cover the victim's damage,

e) whether or not the victim is expected to recover damages from any source other than that specified in Paragraph *d)*,

f) whether or not the victim recovered damages, in relation to a particular criminal act, from the offender or another source, and if he/she recovered damages, in what amount,

g) whether or not proceedings are brought against the victim and are under way on account of commission of the criminal act set out in Paragraph *h)* of Section 8.

(2) The following documents shall accompany an application when submitted:

a) certificate of income or a competent authority's certificate of eligibility as per Section 6 (3),

b) expert opinion, medical documents or the death certificate substantiating the serious injury caused to the victim's physical integrity or health.

(3) In the case of compensation claimed in the form of lump-sum cash payment, the victim shall also annex to his/her application documents, in addition to those specified in Subsection (2), that evidence the amount of damage caused to him/her (e.g. invoices, receipts or other certificates).

(4) In the case of compensation claimed in the form of annuity, the victim shall also annex to his/her application the expert opinion or medical certificate, in addition to the documents specified in Subsection (2), that certify the victim's incapacity and the expectable duration of his/her incapacitated condition.

(5) When a victim becomes eligible for compensation under Paragraph *b)* or *c)* of Section 6 (1), he/she shall also annex to his/her application documents that evidence cohabitation, kinship and obligation of providing support.

Reporting Obligation

Section 33

(1) A victim shall report within 8 days if

a) the court or investigating authority established by a final decision the occurrence of any of the disqualifying reasons set out in Paragraphs *c)* to *e)* and *h)* of Section 8,

b) he/she recovered damages, in relation to a particular criminal act, from the offender or another source.

(2) The victim's obligation of notification shall apply for a period of 3 years following the date, as of which the decision on the merits of his/her application for compensation becomes final.

Section 34

Measures of the Deciding Authority upon Receipt of an Application

Section 35

(1) The deciding authority shall adopt a decision, within 5 working days upon receipt of an application, on whether or not

a) the applicant victim shall furnish any supplementary data, or

b) the assisting authority shall hear the applicant or any other person.

(2) Having adopted a decision according to Subsection (1) hereof, the deciding authority shall immediately confirm receipt of the victim's application and provide, at the same time, information as to the administrator in charge of the case, the case file number and the date if possible, by which a decision is expected to be passed on the merits of the application.

(3) If criminal proceedings were opened against a victim, in relation to the crime giving rise to his/her claim for compensation, for the commission of any of the criminal acts set out in Paragraph *h)* of Section 8, the deciding authority shall suspend its procedure until a ruling is passed in conclusion of the criminal proceedings.

Section 36

Decision on the Merits

Section 37

(1) In passing its decision on the merits, the deciding authority shall examine:

a) the amount of damage caused to the victim or that of loss in his/her income,

b) the victim's status of indigence and eligibility for compensation,

c) the relation of cause and effect between the criminal act giving rise to the victim's claim for compensation and the damage or loss of income suffered.

(2) When passing a judgment of an application for compensation payable in the form of lump-sum cash payment, the deciding authority shall establish, on completion of the examination as per Subsection (1) hereof, the amount of damage and either determine, on this basis, the amount of compensation due to the applicant or reject his/her application.

(3) When passing a judgment of an application for compensation payable in the form of annuity, the deciding authority shall establish, on completion of the examination as per Subsection (1) hereof, the amount of decrease in per capita income and either determine, on this basis, the amount of annuity due to the applicant and the term of disbursement or reject his/her application.

Review of Annuity

Section 38

The victim protection service shall check eligibility for annuity at regular intervals as are set in the decision authorizing the annuity payments. During this check, the victim protection service may compel a victim to take part in any expert medical examination, except for surgical operations and other similar medical procedures .

Payment of Lump-sum Compensation and Disbursement of Annuity

Section 39

The victim protection service shall arrange for the amount of compensation to be paid or that of the annuity to be regularly disbursed. The service shall schedule payments to enable the recipient to receive the annuity payments by the 10th day of each month.

Procedure for Applications for Compensation Submitted to or Received from Other EU Member States

Section 40

(1) For applications for compensation submitted to or received from other EU Member States, the provisions of this Act shall apply with the exceptions contained in Subsections (2) and (3).

(2) When a victim intends to submit an application for compensation to another EU Member State's competent authority, the assisting authority shall make the application form used in that State available to him/her and render help in filling out the form. The assisting authority

shall forward the application for compensation and the substantiating documents to the deciding authority of the Member State with territorial jurisdiction over the crime site within the shortest possible period of time.

Chapter VII

enforcement of Victims' Rights

Promotion of Enforcement of Victims' Rights

Section 41

(1) The victim support service shall arrange for the bodies, institutions and authorities getting in contact with crime victims to become familiar with, and properly enforce, victims' rights.

(2) The victim support service shall compile a Guide with essential information for crime victims. It shall deliver the Guide to all bodies, institutions and authorities getting in contact with crime victims in its area of jurisdiction.

Monitoring of Enforcement of Victims' Rights

Section 42

(1) The victim support service shall monitor the enforcement of victims' rights and request relevant information from the authorities, institutions and bodies getting in contact with crime victims. The victim support service shall sum up experiences drawn in annual analytical reports.

(2) Using its analytical reports, the statistics mentioned in Section 16 (6) and notifications from the legal assistance service mentioned in Section 24 (2) as data sources, the victim support service shall compile annual summary and analytical reports for the Government.

(3) Besides presentation of the current state of victims' rights, the victim support service shall also make proposals in its annual reports on measures to improve the effectivity of the enforcement of victims' rights .

Cooperation and Contacts

Section 43

(1) During performance of its tasks, the victim support service shall cooperate and have contacts with the victim protection network maintained by the Police, investigating authorities, prosecutor's offices, courts, the Office of Immigration and Nationality, the consular service, local authorities and local minority self-government bodies, health institutions, youth protection organizations, child welfare and child protection institutions providing personal care, family assistance agencies, basic and specialized social service providers and social institutions, institutions of public education, the civil guard, non-governmental organizations and churches.

(2) Whenever the victim support service obtains knowledge of a minor exposed to threats of crime, it shall immediately call the attention of the child welfare agency with territorial jurisdiction over the minor's actual place of residence to the minor in question. If the circumstances disclosed by the service seem to expose the minor's life or physical integrity to serious threats or risks, the victim support service shall simultaneously initiate the proceedings of the guardian authority.

(3) Once it provided the information set forth in Section 9/A, the assisting authority shall immediately initiate, simultaneously with notification to the investigating authority, prosecutor or court each acting in a particular phase of criminal proceedings, measures to be taken by the immigration authority in order to provide the third-country national in question with a certificate of temporary stay.

Chapter VIII

Closing Provisions

Entry into Force

Section 44

This Act shall enter into force on 1 January 2006.

Transitional Provisions

Section 45

Authorizations

Section 46

(1) The minister in charge of victim support services is hereby granted authorization to decree,

a) the detailed rules on the submission of applications for authorization of support provided hereunder, the method of certifying the status of indigence, detailed rules of the disbursement and refund of monetary aid, as well as the rules relating to the filing system,

b) the qualification requirements for the employees of the victim support service,

c) the victim protection-related tasks of bodies and agencies under his/her direction, and forms of their cooperation with non-governmental organizations.

(2) The minister in charge of law enforcement is hereby granted authorization to decree the victim protection-related tasks of bodies and agencies under his/her direction, and forms of their cooperation with non-governmental organizations.

(3) The Government is hereby granted authorization to decree the victim support service/services, including the assisting authority/authorities and deciding authority/authorities.

Compliance with the Acquis

Section 47

(1) This Act contains regulations that may be harmonized with Council Directive 2004/80/EC of 29 April relating to compensation to crime victims.

(2) Section 9 (1) of this Act contains regulations that may be harmonized with Article 4 of the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings.

(3) Sections 9/A and 43 (3) of this Act contain regulations that may be harmonized with Articles 5 and 6 of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.