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**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

**ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS NATIONALES ET ÉTRANGÈRES : LÉGISLATION, RECONNAISSANCE ET EXÉCUTION, ET AUTRES RESSOURCES**

*proposé par le Bureau Permanent*

**\* \* \***

**DRAFT COUNTRY PROFILE – REVISED**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

*Document préliminaire No 4 B (révisé) de juin 2014 à l’attention*

*du Conseil d’avril 2014 sur les affaires générales et la politique de la Conférence*

*Preliminary Document No 4 B (revised) of June 2014 for the attention*

*of the Council of April 2014 on General Affairs and Policy of the Conference*

**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

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**\* \* \***

**DRAFT COUNTRY PROFILE – REVISED**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

**FOREWORD TO THE DRAFT COUNTRY PROFILE –**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

This Draft Country Profile was prepared in the light of a mandate given by the 2013 Council on General Affairs and Policy of the Hague Conference on the topic of “Recognition and enforcement of foreign civil protection orders”:

“The Council welcomed the work carried out by the Permanent Bureau and invited it to continue exploratory work, including further comparative research (such as a country profile) and investigation on the feasibility of a future instrument. The Permanent Bureau may, resources allowing, convene an Experts’ Group to assist in carrying out this work.”[[1]](#footnote-1)

Country Profiles have been developed under a number of Hague Conventions.[[2]](#footnote-2) However, the Country Profiles have in general been elaborated subsequent to the adoption or entry into force of a particular instrument. Contracting States, national authorities and others who are involved in the operation of Hague Conventions have found the Country Profile to be an invaluable tool to facilitate access to information on foreign law and procedures, as well as to other national information in relation to a specific Convention, with the goal of facilitating the effective operation of the instrument.

The objectives of this Draft Country Profile are two-fold. Firstly, if completed by individual States or jurisdictions, it will provide a comparative overview of this area of the law. The information sought on domestic law in the Draft Country Profile is based on responses received from Members of the Hague Conference to a 2012 Questionnaire on civil protection orders.[[3]](#footnote-3) Secondly, the Draft Country Profile seeks to provide necessary information for States, relevant governmental authorities (*e.g.*, members of the judiciary, enforcement officials), and also to individuals / members of the public, in order to facilitate the cross-border recognition and enforcement of foreign protection orders and international co-operation in this respect. A later version of this Draft Country Profile could be used as an implementation or operational tool in the context of either a binding or a non-binding international instrument or mechanisms on the subject of protection orders.

The initial version of the Draft Country Profile was produced as a discussion document for the attention of the meeting of the Experts’ Group on Recognition and Enforcement of Foreign Civil Protection Orders (12-13 February 2014). Specific sections of the Draft Country Profile were referred to in the agenda of the meeting in order to facilitate discussion among the experts.

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| **Identification** | |
| Name of State (or territorial unit, where applicable): | Hungary |
| **Information for follow-up purposes** | |
| Name and title of contact person: | dr. Ildikó Németh |
| Name of Authority / Office: | Ministry of Justice, Department of Private International Law |
| Telephone number: | +36 1 795 5393 |
| E-mail address: | ildiko.nemeth@im.gov.hu |

DRAFT COUNTRY PROFILE – national and FOREIGN PROTECTION ORDERS: legislation, recognition and enforcement and other resources

**PART I: CENTRAL AUTHORITIES[[4]](#footnote-4)**

|  |
| --- |
| 1. CENTRAL AUTHORITY contact details |
| a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d. Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2. OTHER cENTRAL AUTHORITY (IF APPLICABLE) |
| Please attach additional pages if there are more than two designated Central Authorities in your State  a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 3. LANGUAGE REQUIREMENTS | |
| 1. Does your State / jurisdiction require that any application and related documents submitted be accompanied by a translation? If so, in what language? | * Yes * Into official language of your State / jurisdiction. Please specify: * Into another language. Please specify: * No |

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| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 4. central AUTHORITY OPERATION | |
| Please provide answers for each Central Authority if there is more than one designated in your State (attach additional pages) | |
| 1. What are the working days and hours of the Central Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| 1. Can the Central Authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

**PART II: ENFORCEMENT[[5]](#footnote-5) OF NATIONAL PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

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| --- |
| 1. COMPETENT ENFORCEMENT AUTHORITIES |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of NATIONAL protection orders |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other. |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of NATIONAL protection orders (IF APPLICABLE) |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction  Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h Contact person(s): |
| i. Language(s): |

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| 1.3. competent ENFORCEMENT AUTHORITIES OPERATION | |
| Please provide answers for each Competent Enforcement Authority if there is more than one in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| **2. DOMESTIC PROTECTION ORDER CONDITIONS OF ENFORCEMENT** | |
| 2.1. Can domestic protection orders be enforced on the simple presentation of the protection order to the enforcement officer? | Yes, the protection order itself (*i.e.*, the decision establishing the protection order) |
| Comments: - enter text here - |
| No |
| Please specify how enforcement takes place: - enter text here - |
| 2.2. What kinds of penalties are applicable for breach of protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction) | Arrest (and detention / imprisonment) |
| Please specify: - enter text here - |
| Pecuniary measures |
| Please specify: - enter text here - |
| Other |
| Please specify: As a firt step penalty fine has to be paid by the agressor on his own. If he fails to do that, an inprisonment order is done according to which the agressor has to go to the jail. If he refuses to do that, police takes the necessary actions. Certainly if meanwhile violence takes place, the police proceeds. |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of protection orders? | Yes |
| Please specify: - enter text here - |
| No |
| 2.4. Does your State / jurisdiction utilise national, regional or local registers or electronic database(s) which register enforceable protection orders for the benefit of law enforcement officials or other authorities? | Yes |
| Please specify: The police stores the data of the persons affected by civil protection orders for a year after the order expired. |
| No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of protection orders? | Yes |
| Please specify: - enter text here - |
| No |

**PART III: ENFORCEMENT OF FOREIGN PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

**The responses to questions in Section 1 are the same as for Part II, Section 1 (if so, please go to Part III, Section 2)**

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| 1. COMPETENT Enforcement AUTHORITIES |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of FOREIGN protection orders |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of FOREIGN protection orders (IF APPLICABLE) |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.3 competent ENFORCEMENT AUTHORITIES OPERATION | |
| Please provide answers for each Competent Enforcement Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

**The responses to the questions in Section 2 are the same as for Part II, Section 2 (if so, please go to Part IV)**

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| **2. FOREIGN PROTECTION ORDER CONDITIONS OF ENFORCEMENT** | |
| 2.1. Can foreign protection orders be enforced on the simple presentation of the foreign protection order or the standard enforcement certificate published by the Hague Conference to the enforcement officer? Please specify whether prior registration of the foreign order is required. | 🞎 Yes, the standard Enforcement Certificate published by the Hague Conference |
| Yes, the foreign protection order itself (*i.e.*, the decision establishing the protection order) |
| Comments: - enter text here - |
| No |
| Please specify how enforcement takes place: - enter text here - |
| 2.2. What kinds of penalties are applicable for breach of foreign protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction). | Arrest (and detention / imprisonment) |
| Please specify: - enter text here - |
| Pecuniary measures |
| Please specify: - enter text here - |
| Other |
| Please specify: - enter text here - |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of foreign protection orders? | Yes |
| Please specify: - enter text here - |
| No |

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| 2.4. Does your State / jurisdiction utilise national, regional or local registries or electronic database(s) which register enforceable foreign protection orders for the benefit of law enforcement officials or other authorities? | Yes |
| Please specify: - enter text here - |
| No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of foreign protection orders? | Yes |
| Please specify: - enter text here - |
| No |

**PART IV: RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS**

|  |  |
| --- | --- |
| 1. relevant legislation | |
| Does your State / jurisdiction currently have laws (including rules of private international law) by which protection orders from foreign States are recognised and declared enforceable or registered for enforcement in your jurisdiction? | Yes |
| Please describe: - enter text here - |
| Please list relevant Internet weblink(s), if available: - enter text here - |
| Please comment on special features, if any, found in these laws which seek to quickly protect persons at-risk in cross-border settings:   - enter text here - |
| No (if not, continue to Part IV, Section 7) |

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| 2. COMPETENT AUTHORITIES |
| 2.1. contact details of COMPETENT AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders |
| Judicial Authority  Administrative Authority  Other Authority  a. Organisation: - enter text here -  b. Address:  c. Territorial or personal extent of functions, if applicable:  d. Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.2. contact details of OTHER competent AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders (IF APPLICABLE) |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdiction |
| Judicial Authority |
| Administrative Authority |
| Other Authority |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 2.3. LANGUAGE REQUIREMENTS for applications to competent authorities | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| 1. Does your State / jurisdiction require that a foreign application and related documents for recognition and declaration of enforceability or registration for enforcement be accompanied by a translation? If so, in what language? | * Yes   + Into official language of your State / jurisdiction. Please specify:   + Into another language. Please specify: * No |
| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 2.4. cOmpetent AUTHORITIES OPERATION | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| 1. What are the working days and hours of the Competent Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| 1. Can the authority be accessed outside of working hours in case of emergency? | 🞏 Yes  Please specify contact details, if different from above:   * No |
| 2.5. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help with an application for the recognition and enforcement of a foreign protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| **3.** **NECESSARY INFORMATION FOR APPLICATIONS FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS** | |
| 3.1. What information is required to be included in an application for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (Please check all which apply) | About the protected person (applicant):   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the person causing the risk (respondent):   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the issuing Authority:   * Name * Mailing address * Telephone, e-mail and other contact details * Internal reference number of the case * Other. Please specify:   About the protection order:   * Information on the types of the measures included in the protection order * Date of effect of the protection order * Duration of the protection order * Names of the parties to the protection order * Renewability of the protection order * Other. Please specify:   Other information:  Please specify: |
| 3.2. What documents are required for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | A complete text of the order |
| A complete copy of the order certified by the competent authority in the State of origin |
| An abstract or extract of the order drawn up by the competent authority of the State of origin, in lieu of the complete text of order |
| A document stating that the decision is enforceable in the State of origin |
| If the protection order was rendered in default of appearance in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or to appeal it on fact and law |
| Any other relevant document |
| Please specify: - enter text here - |
| 3.3. Does your State / jurisdiction have a prescribed or preferred form for an application to recognise and enforce a protection order? | * Yes, the standard form published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 3.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: - enter text here - |
| No |
| 3.5. What is the average expected time from the submission of the application to the finalisation of the recognition and declaration of enforceability or registration for enforcement procedure (excluding appeals)? | Within 24 hours |
| Within 2 to 3 days |
| Up to 1 week |
| 1 to 4 weeks |
| 4 to 6 weeks |
| Other |
| Please specify: - enter text here - |
| 3.6. Can the merits of the protection order be reviewed in recognition and declaration of enforceability or registration for enforcement procedures? | Yes |
| Please specify: - enter text here - |
| No |
| 3.7. Is recognition and declaration of enforceability or registration for enforcement of a severable part of a foreign protection order possible in your State / jurisdiction? | Yes |
| Please specify: - enter text here - |
| No |

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| **4. eligible APPLICANTs for recognition and enforcement** | |
| Who can apply for the recognition and enforcement of a foreign protection order? (check all which apply) | The intended protected person |
| A representative or advocate of the intended protected person. |
| Please specify any criteria:   - enter text here - |
| Any interested party |
| Other |
| Please specify: - enter text here - |

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| **5. TYPES AND FEATURES OF PROTECTION ORDERS WHICH MAY BE RECOGNISED AND ENFORCED IN YOUR STATE / JURISDICTION** | |
| * 1. Foreign protection orders addressing what types of behaviours can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Contacting or communicating with the protected person |
| in person |
| by way of a third party |
| by mail |
| by e-mail |
| by phone |
| by other means. |
| Please specify: - enter text here - |
| Approaching or being in physical proximity to the protected person |
| Distance requirement? - enter text here - |
| General harassment of the protected person |
| Molestation / annoyance of the protected person |
| Staying away from a certain place |
| Please describe: - enter text here - |
| Forwarding or disseminating personal data or photos of the protected person |
| Possession of weapons |
| Behaviours at the discretion of the judge or other competent authority in an individual case |
| Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| Other specific behaviours |
| Please specify: - enter text here - |
| * 1. Protection orders for the benefit of what categories of protected persons can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Married persons |
| Formerly married persons |
| Divorcing persons |
| Women only |
| Unmarried couples |
| Family members |
| Roommates / housemates |
| Children of the intended protected person |
| Other relatives of the intended protected person |
| Persons who are not in any kind of intimate or cohabitation relationship |
| Other individuals |
| Please specify: - enter text here - |
| * 1. Against whom can foreign protection orders be recognised and enforced in your State / jurisdiction? (please check all which apply) | An individual perpetrator or potential perpetrator |
| Family members of the principal perpetrator or potential perpetrator |
| Other individuals |
| Please specify: - enter text here - |

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| * 1. Can supplementary matters included in a foreign protection order, which may or may not be directly related to the immediate safety of the protected person, also be recognised and enforced in your State / jurisdiction? | Yes: |
| Temporary maintenance orders |
| Temporary child custody orders |
| Protection of property |
| Mandatory counselling |
| Monetary reimbursement of damages to the protected person |
| Seizure of property of the respondent |
| Other |
| Please specify: - enter text here - |
| No |
| * 1. Foreign protection orders of what duration can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Orders which have a minimum duration |
| Please specify: - enter text here - |
| Orders which have a maximum duration |
| Please specify: - enter text here - |
| Orders which are of a fixed duration |
| Please specify: - enter text here - |
| Orders which are of a duration according to judicial / other instituting authority’s discretion |
| Orders which are renewable |
| Please describe: - enter text here - |
| Orders which are not renewable |
| Please describe: - enter text here - |
| Lifetime or indefinite orders |
| * 1. Does your State / jurisdiction recognise and enforce foreign protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)? | Yes |
| Please describe any specific treatment of these types of orders: - enter text here - |
| No |

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| 6. grounds for refusal of recognition AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT of a foreign protection order | |
| What are the grounds for refusal of recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | Review of jurisdictional grounds of issuing competent authority |
| Please specify: - enter text here - |
| The recognition and / or enforcement is manifestly incompatible with the public policy (“*ordre public*”) of your State / jurisdiction |
| The protection order was obtained by fraud in connection with a matter of procedure |
| Proceedings between the same parties and having the same purpose are pending before an authority of your State / jurisdiction and those proceedings were the first to be instituted |
| The protection order is incompatible with an order rendered between the same parties and having the same purpose, either in your State / jurisdiction or in another State, and this latter order fulfils the conditions necessary for recognition and declaration of enforceability or registration for enforcement in your State / jurisdiction |
| In a case where the protection order was rendered in default of appearance in the State of origin, the respondent had neither proper notice of the proceedings and an opportunity to be heard, nor proper notice of the order and the opportunity to challenge or appeal it on fact and law |
| Other |
| Please specify: - enter text here - |

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| 7. PROTECTION ORDERS IN THE CONTEXT OF THE 1980 CHILD ABDUCTION CONVENTION AND THE 1996 CHILD PROTECTION CONVENTION | |
| 7.1. Is your State is a Party to the 1980 Child Abduction Convention?  *(Convention of 25 October 1980 on the Civil Aspects of International Child Abduction)* | Yes |
| No |
| 7.2. If your State is a Party to the 1980 Child Abduction Convention, please indicate the mechanisms that are used in your State / jurisdiction to recognise and enforce a protection order made in a foreign State to protect an accompanying parent upon the return of a child under the 1980 Child Abduction Convention(please check all which apply). | Mirror orders |
| Voluntary undertakings |
| Recognition and enforcement of foreign protection orders under another international instrument |
| Please specify: - enter text here - |
| Recognition and enforcement of foreign protection orders under domestic law (including rules of private international law) |
| Please specify: - enter text here - |
| Other |
| Please specify: If protection is needed the national court will decide on delivering a protecion order. |

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| 7.3. If your State is also a Party to the 1996 Child Protection Convention *(Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children),* are provisions of this Convention (*e.g.*, Art. 11 relating to necessary measures of protection in cases of urgency) utilised in order to protect an accompanying parent when a return order of a child is issued under the 1980 Child Abduction Convention by a competent authority in your State / jurisdiction? | Yes |
| Please specify: - enter text here - |
| No |

|  |  |
| --- | --- |
| 8. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS | |
| 8.1. Please list any additional bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which cover the recognition and enforcement of foreign protection orders (in addition to legislation listed in Part IV, Section 1): | To reflect the differences in the Member States’ national protection measures, which can be of civil, criminal or administrative law nature, the EU legal framework consists of several instruments: a Regulation for civil law protection measures and a Directive for criminal law protection measures. Due to separate legal bases in EU law for mutual recognition of civil law measures and criminal law measures, two separate instruments were required. This framework is supplemented by existing Regulations with a more general scope. Together these instruments will ensure the free circulation of the most common types of protection measures within the EU.  Regulation (EU) 606/2013 on mutual recognition of protection measures in civil matters ("the Regulation") has been adopted in 2013. It provides for a mechanism, by which victims of (in particular domestic) violence can rely on restraining or protection measures issued against the person causing the risk in their home country - a Member State of the European Union - when they travel or move to another Member State. The Regulation is a legal act of the European Union that becomes directly applicable as law in all Member States on 11 January 2015. Thus the provisions of Regulation (EU) 606/2013 do not need to be transposed into national law by means of implementing measures and upon its date of coming into application it will override national laws dealing with the same subject matter.  Regulation (EU) 606/2013 supplements Directive 2011/99/EU of 13 December 2011 on the European protection order, which applies to protection measures adopted in criminal matters. This Directive needs to be transposed into national law by 11 of January 2015. This means that by this date the EU Member States should give force to its provisions by passing appropriate implementation measures. |
| 8.2. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: | 1. Regulation (EU) 606/2013:  • Automatic recognition based on the presentation of a certificate -– On substance, Regulation (EU) 606/2013 is based on the procedures commonly used in other EU instruments on mutual recognition of judicial decisions in civil and commercial matters as well as in family law, such as Regulation (EC) No 44/2001 (Brussels I) / Regulation (EC) No 1215/2012 (Brussels I recast) and Regulation (EC) No 2201/2003 (Brussels IIa) . It provides for automatic recognition based on the presentation of a certificate. A key element of the Regulation is the EU-wide standard certificate, adopted by the Commission on 2 September 2014, containing all necessary information so that the protection measure is recognised and can be enforced without the need for any special procedures upon simple presentation of the certificate to the competent authority of the Member State of recognition.  • Scope and closed list of measures - The Regulation (EU) 606/2013 applies to three types of protection measures obliging the person causing the risk to refrain from or regulating the following behaviours: (a) entering the place where the protected person resides, works or stays regularly; (b) contacting, in any form, the protected person, including by phone, electronic or ordinary mail, fax or any other means; (c) approaching the protected person closer than a prescribed distance.    It does not provide for the recognition of measures prohibiting other specific behaviours provided in national legislations or by discretion of the judge (e.g. dissemination of information or images of a person at risk) neither to supplementary matters relating to safety (mandatory counselling or therapy, protection of property of the protected person or possession of weapons). Since it appeared that the type and scope of protection measures vary considerably in the Member States, to facilitate quick and speedy circulation, only the three above types of measures which are known in all Member States and, presumably, cover most of the situations will be covered by the Regulation. The same approach was already chosen by Directive 2011/99/EU dealing with protection orders in criminal matters.  The Regulation applies to protection measures existing under national law to protect an individual person at risk against an individual person causing the risk regardless of their civil status or degree of relationship. However, the recognition of protection measures falling within the scope of a separate Regulation - Regulation (EC) 2201/2003 (Brussels IIa) - such as protection measures issued between parents and their children, is excluded from the scope of the Regulation in order to preserve the acquis of Brussels IIa.  The Regulation does not enumerate the actions or harmful behaviours covered by the scope (as domestic violence, stalking, trafficking in human beings etc.) but generally refers to all measures "with a view to protecting a person when there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk".  The Regulation also applies to protection measures issued in ex-parte procedures, provided that the person causing the risk is informed of the measure issued so that he can arrange for his defence.  As far as the nature of the authority is concerned, the Regulation covers protection measures issued by judicial and non-judicial authorities, provided that, for the latter, the decisions have similar force and effects to those of a judicial authority on the same matter and provided that certain guaranties to satisfy the fundamental rights' requirements are met (particularly impartiality of the authority and possibility to appeal to a judicial authority) .    • Concept of "Adjustment" of certain protection measures by the authority of the Member State of recognition - The competent authority in the Member State of recognition will be allowed to adjust the factual elements of the protection measure (such as the specific address of the place of residence or work or the distance the person causing the risk must keep from the protected person) where such adjustment is necessary for the practical implementation of the measure.  • Procedural safeguards, simplified notifications and concentration of procedures in the issuing Member State - The Regulation balances the efficiency of procedures for mutual recognition with procedural safeguards for the person causing the risk by providing the following procedural elements: notification of the protection measure to the person causing the risk as a condition for issuing a certificate, simplified methods of notification of the certificate and of any adjustment, procedure to rectify or withdraw a certificate which contains factual errors and application for refusal of recognition or enforcement on a limited number of grounds (see below).  • Limitation in time of the effects of recognition - The duration of protection measures varies considerably in the legal systems of the Member States: from 48 h measures to judicial decisions which are unlimited in time. This divergence has called for an innovative concept of recognition. For the first time in an EU instrument on mutual recognition the effects of recognition are limited in time to period of 12 months counting from the moment of the issuance of the certificate..  • Limited grounds for the refusal of recognition or enforcement - In line with other EU instruments in civil matters, a limited number of grounds for refusal are provided (public policy and irreconcilability with another judgment).  The Regulation does not allow for an appeal against the issuing of a certificate and does not allow for a review as to the substance of the protection measure in the Member State of recognition.    • Minimising the need for translation - With a view to minimising the need for translation, the Regulation provides for the use of a multilingual standard form for the certificate that contains only very few free text fields and that will be available online in a dynamic form. This standard form was adopted in September 2014 and provides an efficient and user-friendly tool for practitioners and victims, which also takes into account the urgency in which most of the protected persons may find themselves when asking for the certificate. The dynamic and multilingual version of the certificate will be operational on the EU judicial cooperation networks (European e-Justice Portal) from January 2015 (a non-dynamic version of the certificate is attached to the reply).  • Respect of the autonomy of the protected person - The Regulation does not provide for a centralised/EU-wide database of the enforceable protection measures or issued certificates but foresees that the relevant information on legislation and procedures concerning national protection measures and on the type of competent authorities will be made publicly available in the portal of EU judicial cooperation networks. Likewise, with a view to preserving the autonomy of the protected persons, the Regulation does not provide for a direct transmission of the enforceable protection measure between the authorities concerned but leaves it entirely to the protected person whether or not to present the certificate to the authority in the Member State of recognition thereby invoking the protection there.  • Complementarity and crossover between civil and criminal systems of protection measures - The national legal systems of the EU Member States provide for a variety of civil protection measures. There are civil protection measures which are issued in civil proceedings as well as measures which arise from criminal proceedings or are enshrined in criminal law. There are even measures that have a hybrid nature.    To assure that all persons at risk who are in possession of an enforceable protection measure in one Member State benefit from protection throughout the Union, the EU needed to have a legal framework which addresses the recognition of the most common types of protection measures, irrespective of whether they are civil, criminal or administrative in nature. However, due to constraints resulting from a separate legal basis for the field of civil matters and the field of criminal matters and with a view to respecting the wish of the Member States to maintain their well-working national instruments, the EU framework for the recognition of protection measures will consist of two separate legislative acts: the Regulation and Directive 2011/99/EU on the European Protection Order. These two legislative acts are intended to be complementary but mutually exclusive.  This complementarity of legal acts allows that a protection measure issued under the jurisdiction of a Member State that provides for purely criminal measures is recognised in another EU jurisdiction even if the latter in its national law knows only protection measures of civil nature and vice versa. The limitations of the legal basis in civil matters have consequences on the scope of the instrument: the Regulation deals only with the recognition of the obligation imposed by the protection measure. It does not regulate the procedures for implementation or enforcement of the measure, nor does it cover any potential sanctions that might be imposed in case of a breach of the protection measure in the Member State of recognition. Both enforcement and possible sanctions are left to the law of that state. In accordance with the general principles of Union law, each Member State has to ensure that recognised protection measures can take full effect in its territory.  2. Directive 2011/99/EU on the European Protection Order  Like Regulation 606/2013, Directive 2011/99/EU applies to three types of protection measures obliging the (potential) perpetrator to refrain from or regulating the following behaviours: (a) entering the place where the protected person resides, works or stays regularly; (b) contacting, in any form, the protected person, including by phone, electronic or ordinary mail, fax or any other means;(c) approaching the protected person closer than a prescribed distance.    In order to be considered a protection measure "in criminal matters" and to fall within the scope of the Directive, the original measure has to be adopted in accordance with the national law of the issuing Member State with a view to protecting a person against a criminal act by another person which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity, following criminal conduct, or alleged criminal conduct.  The mechanism of recognition is different from the civil law Regulation since, instead of two steps, it involves a three-step procedure: (i) issuing of a national protection measure in the victim’s home country; (ii) the protected person requests the home Member State to issue a "European Protection Order"; (iii) the Member State which receives the European Protection Order (transmitted by a competent authority), instead of simply recognising and executing the foreign protection measures, adopts a new national protection measure which corresponds to the best extent to the protection granted in the victim’s home Member State. To this end, the second Member State can use all types of measures available domestically: criminal, civil or administrative.  The Directive also contains provisions to ensure the respect of the procedural rights of the person causing the danger. It requires that this person causing danger should be given the right to be heard and the right to challenge the protection measure before issuing the European Protection Order.  As other criminal law instruments, the Directive provides for a number of grounds that can constitute a basis for refusing recognition of European Protection Order.  In case of breach, the second Member State applies the sanctions attached to its national protection measure adopted on the basis of the European Protection Order. |

part V: protection order regimes / types of orders available in your State / jurisdiction and applicationS for establishment of National protection orders

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| 1. Relevant legislation on NATIONAL protection orders | |
| * 1. Does your State / jurisdiction currently have protection order regime(s) in force?   (Please attach additional pages if there is more than one type of protection order available in your State / jurisdiction) | No |
| Yes |
| Pleaseprovide a reference to the protection order regime, with the date and title of legislation(s) or a reference to relevant case law: Act Number LXXII of 2009 on stay away measures among realitves ordered because of violence |
| Please list any Internet weblink(s) to the legislation or case law, if available:   - enter text here - |
| The protection order regime, from the perspective of your State / jurisdiction, is considered to be of the following character: - enter text here - |
| Civil |
| Administrative |
| Criminal |
| Other |
| Please specify: In Hungary there are both civil and criminal protection measures. In the present country profile details of the civil protection measures are given. The main characteristics of the criminal and civil protection measures are attached on additional pages. The main rules of the criminal stay away measures are to be found in Act Number XIX of 1998 on the Criminal Procedure Code (138/A.§-139.§). |
| * 1. If protection order regime(s) exist in your State / jurisdiction, are modifications of the existing regime(s) contemplated? | Yes |
| Please specify: - enter text here - |
| No |
| * 1. If there is no protection order regime in force in your State / jurisdiction, are there plans to legislate in this area in the future? | Yes |
| Please specify: - enter text here - |
| No |

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| 2. COMPETENT AUTHORITIES RESPONSIBLE FOR establishing national PROTECTION ORDERS | |
| 2.1. Which courts or authorities are competent to issue protection orders? (please check all which apply) | Family courts |
| Courts of general jurisdiction |
| Specialised domestic violence courts |
| Civil courts |
| Criminal courts |
| Administrative authorities. |
| Please specify: - enter text here - |
| Police authorities |
| Other |
| Please specify: - enter text here - |
| Comments: The temporary preventive stay away measure is established in an administrative proceeding by the police ex officio or upon a notification. This measure is established by the police immediately on the spot and is in effect for 72 hours. In parallel the police informs the local court about this measure and initiate the establishing of a preventive stay away measure. Its infringement constitutes a minor offence.  The preventive stay away measure is established in an out-of-court proceeding where mainly the rules of the Civil Procedural Code are applicable. This proceeding is initiated on request or ex officio upon notice of the police having established a temporary preventive stay away measure. This measure is established by the court and is in effect for maximum 30 days. |

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| **2.2 CONTACT DETAILS OF COMPETENT AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL** **PROTECTION ORDERS** |
| a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.3. contact details of OTHER competent AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL PROTECTION ORDERS (IF APPLICABLE) |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdiction  a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.4. organisations /bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there organisations / bodies that will help applicants with filing applications for the establishment of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| 2.5. LANGUAGE REQUIREMENTS FOR applications to competent authorities (ESTABLISHMENT APPLICATIONS) | |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.3 (if so, please go to next Section) | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What language does your State / jurisdiction require for any application and related documents for establishment of a protection order? | * Official language of your State / jurisdiction. Please Specify: * Other languages are accepted. Please specify: |
| b. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 2.6. cOmpetent AUTHORITIES OPERATION | |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.4 (if so, please go to next Section) | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the Competent Authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| **3. TYPES AND FEATURES OF DOMESTIC PROTECTION ORDERS** | |
| 3.1. What types of behaviours do protection orders in your State / jurisdiction obligate an individual to refrain from or to do? (please check all which apply) | Contacting or communicating with the protected person |
| in person |
| by way of a third party |
| by mail |
| by e-mail |
| by phone |
| by other means. |
| Please specify**:**  Direct and indirect communication with the protected person is prohibited. |
| Approaching or being in physical proximity to the protected person |
| Distance requirement? - enter text here - |
| General harassment of the protected person |
| Molestation / annoyance of the protected person |
| Staying away from a certain place |
| Please describe: Stay away from the immoveable property used for living. |
| Forwarding or disseminating personal data or photos of the protected person |
| Possession of weapons |
| Behaviours at the discretion of the judge or other competent authority in an individual case |
| Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| Other specific behaviours |
| Please specify: - enter text here - |
| 3.2. For whom are protection orders available (*i.e.*, who are the intended protected persons)? (please check all which apply) | Married persons |
| Formerly married persons |
| Divorcing persons |
| Women only |
| Unmarried couples |
| Family members |
| Roommates / housemates |
| Children of the intended protected person |
| Other relatives of the intended protected person |
| Persons who are not in any kind of intimate or cohabitation relationship |
| Other individuals |
| Please specify: Guardian, person under guardianship, custodian, ward. |
| 3.3. Against whom are the protection orders available? (please check all which apply) | An individual perpetrator or potential perpetrator |
| Family members of the principal perpetrator or potential perpetrator |
| Other individuals |
| Please specify: - enter text here - |
| 3.4. Please indicate who in your State / jurisdiction is able to apply for / initiate the establishment of a protection order (please check all which apply). | The intended protected person (*i.e*. the victim or potential victim who will be protected by the order) |
| Family member(s) of the protected person |
| Please specify: - enter text here - |
| Public prosecutor |
| Police officials |
| A judge *ex officio* |
| Other public authority or official |
| Please specify: - enter text here - |
| Other advocate for the protected person |
| Please specify: - enter text here - |
| Other |
| Please specify: Ex officio the following can initiate a civil protection order: health care institution, family aid service, educational institute, public guardianship authority, police, public prosecution, judge, probation officier, refugee officer, non-governmental organisation, foundation. For his/her own initiative anyone can initiate such an order (however the unfounded launch of a proceeding can constitute minor offence). |
| 3.5. If possible, please indicate the actions or potential actions in response to which the protection orders are put in place (please check all which apply). | Domestic and family violence |
| Sexual assault |
| Dating violence |
| Stalking |
| Forced marriage |
| So-called “honour crimes” |
| Human trafficking |
| Other general criminal or harmful behaviour |
| Other behaviours / situations |
| Please specify : Violence which can be committed by the following two ways:  - by an act by which the abuser seriously and directly endangers the dignity, life, right of sexual self-determination, physical and psychological health of the victim,  - by a default by which the abuser seriously and directly endangers the dignity, life, physical and psychological health of the victim. |
| 3.6. Can supplementary matters, which may or may not be directly related to the immediate safety of the protected person, be included in a protection order? | Yes; |
| Temporary maintenance orders |
| Temporary child custody orders |
| Protection of property |
| Mandatory counselling |
| Monetary reimbursement of damages to the protected person |
| Seizure of property of the respondent |
| Other |
| Please specify: It can established that the custody and access rights of the person causing the risk are suspedned while the temporary stay away measure is in force. The person causing the risk is warned that the temporary stay away measure does not affect his/her maintenance obligations towards children or other persons as well as his/her obligation to maintain the immoveable used together with protected person. |
| No |
| 3.7. Please specify whether the protection orders (which are *not* of an interim or emergency nature) in your State / jurisdiction (please check all which apply): | Have a minimum duration |
| Please specify: - enter text here - |
| Have a maximum duration |
| Please specify: 30 days |
| Are of a fixed duration |
| Please specify: - enter text here - |
| Are of a duration according to judicial / other instituting authority’s discretion |
| Are renewable |
| Please describe: - enter text here - |
| Are not renewable |
| Please describe: - enter text here - |
| Lifetime or indefinite orders |
| 3.8. Generally, what is the expected time from the submission of an application to a final order (excluding appeals)? | Within 24 hours |
| Within 2 to 3 days |
| Up to 1 week |
| 1 to 4 weeks |
| 4 to 6 weeks |
| Other |
| Please specify: The first instance order shall be delivered within 3 days, then there are 15 days to submit an appeal and after that there is no time limit for the duration of the procedure at second instance. Therefore a fix priod on the whole procedure cannot be provided. |
| 3.9. Does your State / jurisdiction offer protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)? | Yes |
| Please describe the main features of these orders, including information as to when the respondent is notified and has an opportunity to be heard and / or challenge such an order and until when these orders are effective: The temporary preventive stay away measure is established in an administrative proceeding by the police ex officio or upon a notification. This measure is established by the police immediately on the spot and is in effect for 72 hours. In parallel the police inform the local court about this measure and initiate the establishing of a preventive stay away measure. Its infringement constitutes a minor offence. |
| No |

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| 4. Availability of protection orders for visitors to your State / jurisdiction | |
| Can an individual in need of protection while temporarily visiting your State / jurisdiction obtain a protection order in your State / jurisdiction for the duration of his / her visit? | Yes |
| Please specify: Individuals in need of protection obtain civil portection order under the same conditions as residents. |
| No |
| Comments: - enter text here - |

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| 5. Jurisdictional Grounds and law applicable to protection orders in your State / jurisdiction | |
| 5.1. Please specify the grounds upon which domestic competent authorities may assume jurisdiction for the establishment of protection orders (check all which apply). | Physical presence in the State / jurisdiction of the person seeking protection |
| Future physical presence in the State / jurisdiction of the person seeking protection |
| Physical presence of the defendant in the State / jurisdiction |
| Other |
| Please specify: |
| Comments: We do not have jurisdictional rules especially established for protection orders, the general jurisdictional rules are applicable according to which Hungarian courts shall have jurisdiction in all cases in which the defendant's domicile or residence or, if the defendant is a legal person (or de facto corporation), its registered address is in Hungary (unless its jurisdiction is precluded by the Law-Decree No 13 of 1979 on International Private Law). |
| 5.2. Please specify what law will be applicable to the establishment of a protection order in your State / jurisdiction. | Law of the forum |
| Other law |
| Please specify, indicating relevant conflict of law rules: We do not have special conflicts of laws rules for protection orders, it is therefore the law of the forum which is applied by the authorities. |

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| 6. necessary information for appLICATIONs FOR establishment of NATIONAL protection orders | |
| 6.1. Does your State / jurisdiction have a prescribed or preferred form for an application to establish a protection order? | * Yes, standard form for establishment published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 6.2. What information is required to be included in an application to establish a protection order? | About the applicant:  🞎 Full name   * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the respondent:   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   Other information:  Please specify: |
| 6.3. What documents are required for an application to establish a protection order? Please specify. | There is no special document that is required for an application - any document or other evidence is accepted that can justify the application. It has to be clear that there is an application for the procedure, the reasons of the application shall be given, short explanation of the case and the backgrounds shall be given, the applicant's name and address shall be indicated as well as data to identify and locate the person causing the risk. |
| 6.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: - enter text here - |
| No |

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| 7. APPLICATIONS TO MODIFY protection orders | |
| 7.1. In addition to application contents specified in Section 6.2, what information is required in order to process an application to modify a protection order established in your State / jurisdiction? | About the applicant:  Please specify:  About the respondent:  Please specify: |
| 7.2. What documents are required for an application to modify a protection order established in your State / jurisdiction? (please check all which apply) | Complete text of the existing protection order |
| Other / additional documents |
| Please specify: See point 6.3 |
| 7.3. On what grounds can an application be filed for modification of a protection order established in your State / jurisdiction? (please check all which apply) | Changed circumstances of the protected person so as to justify the modification |
| Changed circumstances of the person causing the risk so as to justify the modification |
| Other |
| Please specify: Protection orders in Hungary are valid for maximum 30 days that implies that there is no time to have significant changes in the circumstances of the persons involved. A question of prolongment of the the protection order is more relevant. |

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| 7.4. Does your State / jurisdiction have a prescribed or preferred form for an application to modify a protection order made in your State? | * Yes, standard form for modification published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 7.5. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| No |

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| 8. RESPONDENT’S RIGHTS | |
| Please answer questions in this section for the protection order regimes in your State / jurisdiction which are not considered to be of an interim or emergency nature (covered in Section 3.9., above) | |
| 8.1 Does the respondent have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | Yes, always |
| It depends upon the particular case and is at the discretion of the judge / authority hearing the case |
| Please specify: - enter text here - |
| Other |
| Please specify: - enter text here - |
| 8.2 Is the respondent given notice when a protection order is rendered or modified? | Yes |
| No |
| Comments: - enter text here - |
| * 1. Please describe any other important features of respondent rights. | The rules of the Civil Procedural Code are used generally, the respondent rights are the same as in other civil procedures. |

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| **9. APPLICANT’S RIGHTS AND SUPPLEMENTARY SERVICES** | |
| 9.1. Does the intended protected person have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | Yes, always |
| It depends upon the particular case and is at the discretion of the judge / authority hearing the case |
| Please specify: - enter text here - |
| Other |
| Please specify: - enter text here - |
| 9.2. Is the protected person or his / her representative given notice when a protection order is rendered or modified? | Yes |
| No |
| Comments: - enter text here - |

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| 9.3. Are there any support services available in your State / jurisdiction for victims of domestic violence or other crimes / behaviours (*e.g.*, such as those described in Section 3.5., above)? | Yes. Please complete Annex I describing services and providing contact details. |
| No |
| If existent, are these services also available for non-nationals or non-residents of your State / jurisdiction? (*i.e.*, are they also available to foreigners?) | Yes |
| No |
| Comments: We have a special Act on the assistance of vicitims of crime and their compensation by the State (Act. No CXXXV of 2005). It is applicable for crimes commited in the territory of Hungary against Hungarian citizens or citizens of the EU, or citizens of a third country legally staying within the territory of the EU, or stateless persons staying in Hungary, or vicitims of human trafficking or citizens of a state with which Hungary has an agreement or reciprocity. |

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| 10. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS generally addressing protection orders[[6]](#footnote-6) | |
| 10.1. Please list any bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which address protection orders generally: | 1. Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime provides that every victim is offered protection measures during criminal proceedings in accordance with their needs. Under this new instrument, all victims (and to a certain extent also their family members) will have an individual assessment to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings. In particular:  Article 4 requires that Member States shall ensure that victims are offered, without unnecessary delay and from their first contact with a competent authority, information about how and under what conditions they can obtain protection, including protection measures.  Article 18 requires that Member States shall ensure that "measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members".  Member States have to comply with this Directive by 16 November 2015 by adopting the necessary national provisions.    2. Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I) provides for recognition and enforcement of judgments with the exception of ex-parte measures which have not been served on the defendant. A judgment can be enforced once it has been declared enforceable (‘exequatur procedure’). A recently adopted recast of the Brussels I Regulation (Regulation (EU) No 1215/2012 of 12 December 2012, which applies from January 2015) has abolished the exequatur procedure.  Some of the civil law protection measures at issue may fall under the Brussels I Regulation and may continue to do so after the entry into force of the Regulation on the mutual recognition of civil law protection measures, since the latter is allowing for time-limited recognition only.  3. Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels IIa) provides for as a rule, enforcement of a judgment once it has been declared enforceable (‘exequatur procedure’). However, certain judgments concerning rights of access and certain judgments which require the return of the child following abduction benefit from the abolition of the exequatur procedure.  Civil law protection measures taken in a parent-child relationship may fall under the Brussels IIa Regulation. Chapter II of this Regulation contains a number of uniform grounds of jurisdiction which designate the competent court in matrimonial matters and matters of parental responsibility. Additionally, Article 20 of this Regulation enables a court to take provisional, including protective, measures in accordance with its national law in respect of a person on its territory even if a court of another Member State has jurisdiction as to the substance of the matter. |
| 10.2. Please provide relevant Internet weblink(s), if available: | - enter text here - |
| 10.3. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: | - enter text here - |

part VI: other general information on NATIONAL protection orderS and recognition and enforcement of FOREIGN protection orderS

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| 1. Legal representation and assistance | |
| * 1. Is legal representation required in proceedings concerning national protection orders or for the recognition and enforcement of a foreign protection order? | Yes |
| No |
| No, but recommended. |
| Comments: - enter text here - |
| * 1. If legal representation is required in proceedings, can those other than lawyers represent the parties? | Yes |
| Please specify: - enter text here - |
| No |
| * 1. Is free or reduced rate legal assistance available to an applicant for a protection order or for its recognition and enforcement in your State / jurisdiction? | Yes, free legal assistance |
| Yes, reduced rate legal assistance |
| No |
| Comments: Legal assistance is available both for the applicant and for the respondent, its charge (i.e. it is free or reduced rate, or its charges are advanced) depends on the financial situtation of the party concerned. |

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| * 1. If free or reduced rate legal assistance is not available, in what other ways can your State / jurisdiction assist an applicant financially? | There is a system of costs ordering the respondent to pay |
| Pro bono legal assistance |
| Other |
| Please specify: see comments in point 1.3 |
| Not at all |
| * 1. Is free or reduced rate legal assistance available to the respondent? | Yes, free legal assistance |
| Yes, reduced rate legal assistance |
| No |
| * 1. Please indicate on what basis free or reduced rate legal assistance may be available. | Income of the applicant |
| Please specify: - enter text here - |
| Assets of the applicant |
| Please specify: - enter text here - |
| Age of the applicant |
| Please specify: - enter text here - |
| Country of residence of the applicant |
| Please specify: - enter text here - |
| Likelihood of success of the proceedings |
| Other |
| Please specify: Act LXXX of 2003  On Legal Aid  Section 4.  (1) Aid may be granted to a party if  a) the party is a Hungarian citizen;  b) the party is requesting legal aid in connection with obtaining a visa, obtaining authority to reside or permanent resident status, or in a naturalization case, if the party’s ascendant is or has previously been a Hungarian citizen, furthermore, if the party is engaged in repatriation or an asylum procedure,  c) the party is not a Hungarian citizen and their state has concluded an international agreement to this effect with Hungary or reciprocity exists between their state and Hungary;  d) the party has the right of free movement and residence in accordance with the Act on Admission and Residence of Persons with the Right of Free Movement and Residence;  e) the party falls under the scope of the Act on the Admission and Residence of Third-Country Nationals who is domiciled or has a habitual and legal residence in the territory of Hungary, in any Member State of the European Union, or in any State that is a party to the Agreement on the European Economic Area, furthermore, in any other country whose citizens are enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area by virtue of an agreement between the European Community and its Member States and a State that is not a party to the Agreement on the European Economic Area;  f) the party falls under the scope of Act II of 2007 on the Admission and Residence of Third-Country Nationals, however, he/she has no permanent residence or habitual and legal residence in the territory of Hungary, and who is subject to expulsion ordered by the immigration authority under Subsection (1) of Section 42 or Subsection (2) of Section 43 of Act II of 2007 on the Admission and Residence of Third-Country Nationals;  g) the party has been granted residence permit on humanitarian grounds.  (2) The statement of the minister in charge of the judicial system (hereinafter referred to as “minister”) shall be authoritative in regard to the existence of reciprocity.  (3) The provisions of this Act pertaining to the Member States of the European Union shall not apply to Denmark.  Section 5.  (1) The State shall pay a party's legal services fees if the party's monthly net income (wage, pension, or other regularly paid cash allowances) does not exceed the current minimum retirement pension (hereinafter referred to as the "minimum pension") established on the basis of the period of employment, and the party has, in consideration of the provisions of Section 9, no property.  (2) Irrespective of their income and financial situation, the following persons shall be considered in need:  a) a party who is eligible for benefits provided to persons of active age, or if living in the same household with the close relative - as specified in Act III of 1993 on Social Administration and Social Welfare Benefits - of a party who is eligible for benefits provided to persons of active age;  b) a party who receives public healthcare or whose entitlement to medical services has been established; or  c) a party who is a homeless person spending nights at temporary lodgings;  d) a party who is a refugee or temporarily protected person, or a person seeking refugee status or temporarily protection or stateless status and, on the basis of their statement regarding their income and financial situation, is entitled to the care and benefits they have been granted,  e) any party who is requesting legal aid in connection with obtaining a visa, obtaining authority to reside or permanent resident status, or in a naturalization case, whose ascendant is or has previously been a Hungarian citizen, furthermore, if the party is engaged in repatriation procedure.  f) a party who cares for a child in his/her family who has been declared eligible to receive regular child welfare subsidies.  g) any party who is requesting legal aid in connection with the proceedings referred to in Article 56 of Council Regulation (EC) No. 4/2009 by way of the entitlement described under Article 46.  h) any party covered by Paragraph f) of Subsection (1) of Section 4.  (3) Furthermore, the State shall pay a party’s legal services fees if the party in question is single, and considered poor according to the criteria contained in Section 9, and his/her available income does not exceed one hundred and fifty per cent of the prevailing minimum pension.  Section 6.  The State shall advance the party's legal services fees if the monthly net income available to the party does not exceed 43 per cent of the national average of the gross monthly wage published by the Central Statistical Office for the second year prior, and the party has - in consideration of the provisions of Section 9 - no property.  Section 7.  (1) When calculating available income, the income of persons living in the same household with the party shall be included in the monthly income, except when such persons are adverse parties in a legal dispute or government procedure with the party and that amount shall be divided by the number of persons living in the same household with the party.  (2) The following shall be deducted from the aggregate income of persons living in the same household when determining available income:  a) the amount of alimony or allowance payable by them pursuant to legal regulation; and  b) the amount of the monthly payment they have paid on loans disbursed by a financial institution (employer) for housing purposes if, at the time the loan was taken out, the dwelling satisfied the criteria stipulated in specific other legislation for reasonable housing requirements.  Section 8.  (1) Need must also be established in cases in which the party's available income exceeds the amount limit prescribed for persons in need, but  a) the party is prevented from exercising the right of disposal of their income to an extent that makes it impossible to use legal services;  b) it is impossible for the party, even with such an income, to use legal services because of their other personal circumstances - such as their disability or the high costs of living in the state of their domicile or habitual residence; or  c) the party is compelled to spend their income for purposes other than legal services whose neglect would provide an imminent threat to the life, limb, health or livelihood of the party or other persons living in the same household.  (2)  Section 9.  (1) Need cannot be established if the party's available income does not exceed the amount limit prescribed for persons in need and the party has a property that could be used (sold, mortgaged etc.) to cover the costs of legal services. Property whose use would entail a loss that disproportionately outweighs the advantages to be derived from using legal services cannot be considered for the purpose of this rule.  (2) The following, in particular, may not be considered property as specified in Subsection (1):  a) customary necessities and furnishings;  b) real properties of the party that serve as housing for the party and their dependants;  c) vehicles used by motor-disabled persons and vehicles without which the party would not be able to practice their profession; and  d) property necessary for earning the income not exceeding the amount limit prescribed for persons in need.  Section 9/A.  If a party presenting a request for aid under Paragraph g) of Subsection (1) of Section 3 has been declared a crime victim upon the proceedings governed in specific other legislation, and that he/she is therefore eligible for victim protection services, the provisions on need for aid as set out in Sections 5-9 shall apply subject to the exception that the Government shall cover the costs of legal services instead of the party if the available net monthly income of the party does not exceed 86 per cent of the national average of the gross monthly wage published by the Central Statistical Office for the second year prior. |
| * 1. Which costs are covered by free or reduced rate legal assistance? | Translation |
| Interpretation |
| Service of documents |
| Court fees |
| Lawyer fees |
| Other |
| Please specify: - enter text here - |
| * 1. Does your State / jurisdiction have a prescribed or preferred form for an application for free or reduced rate legal assistance? | Yes |
| Please attach a copy of the form or provide a website link or both: http://www.google.hu/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CCUQFjAB&url=http%3A%2F%2Fwww.kemkh.hu%2Fdoc%2Fhirdetmenyek%2Figazsagugyi%2520szolgalat%2Fkerelem-01.doc&ei=5jYhVNCiG-H-ywPA-oHYDQ&usg=AFQjCNF2LH-OCYY4UZEEM4v4x\_7doUW47A |
| No |
| * 1. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: - enter text here - |
| No |

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| 2. challenges / Appeals | |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be appealed? | Yes |
| Please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made:  The rules of the Civil Procedural Code are applicable for the appeals. |
| No |
| Comments: - enter text here - |
| * 1. Who can initiate the appeal process? | Either applicant or respondent |
| Other |
| Please specify: - enter text here - |
| * 1. On what grounds can an appeal be initiated? Please specify. | - enter text here - |
| * 1. Is leave to appeal required? | Yes |
| No |
| In certain circumstances |
| Please specify: - enter text here - |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be suspended (*i.e.*, ‘stayed’) pending an appeal? | Yes, a protection order or recognition and enforcement is *automatically* suspended pending an appeal |
| Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party |
| Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party and after determination by the judge / authority |
| Please specify : - enter text here - |
| No |
| Comments: Temporary stay away measures are not provisionally enforcable unless that is specially ordered. They can be enforced after their entry into force when there is no more possibility to appeal. |
| * 1. Is there a time limit by which an appeal must be filed? | Yes |
| The time limit: 15 days |
| From when the time limit starts to run (*e.g.*, from the date of the order, from the date the parties were notified of the order, etc.): from the notification of the order |
| No |
| * 1. Generally, what is the expected time within which appeals are filed and decided? | Less than 1 month |
| 1 to 3 months |
| Longer than 3 months |
| Comments: There are no time limits for the court of second instance to decide on the appeal. |

**ANNEX I**

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| support services available for victims of domestic violence and other CRIMINAL OR HARMFUL BEHAVIOURS (*e.G.*, see Part V, Section 3.5) in your state / jurisdiction |
| Please attach additional pages as necessary if there are more organisations that offer support services for victims in your State / jurisdiction |
| 1. contact details of organisation offering support services |
| a. Organisation: - enter text here - |
| b. Description of services offered: - enter text here - |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: - enter text here - |
| h. Contact person(s):  i. Language(s): |
| 2. contact details of organisation offering support services |
| a. Organisation: - enter text here - |
| b. Description of services offered: - enter text here - |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: - enter text here - |
| h. Contact person(s):  i. Language(s): |
| 3. contact details of organisation offering support services |
| a. Organisation: - enter text here - |
| b. Description of services offered: - enter text here - |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: - enter text here - |
| h. Contact person(s):  i. Language(s): |

1. Conclusion and Recommendation No 9 of the Conclusions and Recommendations of the Council on General Affairs and Policy of the Conference (9-11 April 2013) (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-1)
2. For example, in relation to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (developed during the negotiations of the Convention), the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* and the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (available on the Hague Conference website at < www.hcch.net > under “Conventions”). [↑](#footnote-ref-2)
3. “Questionnaire on the Recognition and Enforcement of Foreign Civil Protection Orders,” Prel. Doc. No 4 A of November 2012 for the attention of the Council of April 2013 on General Affairs and Policy of the Conference (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-3)
4. The areas marked in dark grey highlight could be utilised under a possible future Convention or other international co-operation mechanisms on protection orders. [↑](#footnote-ref-4)
5. *I.e.*, including the application or threat of sanctions for the violation or potential violation of a protection order. [↑](#footnote-ref-5)
6. *E.g.*, the *Council of Europe* *Convention on preventing and combatting violence against women and domestic violence* (adopted 7 April 2011). Art. 53(1) of this Convention requires that all States Parties “ensure that appropriate restraining orders or protection orders are available to victims of all forms of violence covered by the scope of [the] Convention.” [↑](#footnote-ref-6)