

HUN-2000-3-009¹

a) Hungary / b) [Constitutional Court](#) / c) / d) 14-12-2000 / e) 46/2000 / f) / g) *Magyar Közlöny* (Official Gazette), 123/2000 / h) .

Keywords of the Systematic Thesaurus:

[5.2](#) Fundamental Rights - **Equality**.

[5.3.1](#) Fundamental Rights - Civil and political rights - **Right to dignity**.

[5.3.17](#) Fundamental Rights - Civil and political rights - **Right to compensation for damage caused by the State**.

Keywords of the alphabetical index:

[Compensation](#) / [Personal injury](#) / [Damage](#), loss of life / [Victim](#), [equal treatment](#).

Headnotes:

Since the most important constitutional consideration in the implementation of personal compensation was equal treatment together with respect for the equal dignity of persons, a provision which allocated HUF 30,000 to relatives of victims of state terror as compensation was unconstitutional because the sum was lower than compensation paid for false imprisonment.

Summary:

The petitioners requested the Court annul the rule which allocated HUF 30,000 to relatives of victims of state terror as compensation for loss of life, arguing it was humiliating and discriminatory compared to another stipulation which approves HUF 1 million for those imprisoned in the years of terror. Compensation for loss of life is paid to the next-of-kin and relatives of those who died during deportation or forced labour in the years of state terror.

In its previous decisions on compensation, the Court held that the legislature was not bound to grant compensation to those who had been deprived of life and liberty. The legislature has discretion both as to whether or not to give such compensation, and on how much money to set aside for this purpose. However, when regulating the question of compensation, the law should take into account the equal dignity of each person, and those affected by the law should be considered with equal care and fairness.

It is not unconstitutional if the legislature defines the amount of money to be used for compensation in harmony with the financial situation of the country and other financial responsibilities and tasks. The Constitution requires, however, that there should be no differences without rational reasons where compensation is granted for the same injuries. The sum of the compensation paid by the state should be proportionate with the damage caused by state terror.

¹ [http://www.codices.coe.int/NXT/gateway.dll/CODICES/precis/eng/eur/hun/hun-2000-3-009?fn=document-frameset.htm&f=templates\\$3.0](http://www.codices.coe.int/NXT/gateway.dll/CODICES/precis/eng/eur/hun/hun-2000-3-009?fn=document-frameset.htm&f=templates$3.0)

Since the sum given to the relatives of victims of state terror was lower than compensation paid for imprisonment, the Court annulled the challenged provision of the 1999 Budget Act. It further ordered the legislature to revise the stipulation and apply a new sum retroactively including to those who have already been paid HUF 30,000.

Cross-references:

Decision 1/1995, *Bulletin* 1995/1 [[HUN-1995-1-001](#)].

Languages:

Hungarian.