

## 2022 Trafficking in Persons Report: Hungary

### Hungary (Tier 2)

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore Hungary remained on Tier 2. These efforts included investigating more trafficking cases, convicting more traffickers, and funding programs in orphanages aimed at the prevention of child sex trafficking and treatment of its victims. Additionally, provisions to the Act of Criminal Procedures and related sectoral legislation entered into force, modifying the conduct of proceedings involving children, including child trafficking victims, to prevent re-traumatization during investigations and court proceedings. Furthermore, the government amended the Victim Support Act to allow victims of violent crimes, such as trafficking, to receive compensation regardless of the victim's income level, and it extended the deadline for claiming compensation from three months to one year. Moreover, the government and an international organization implemented a one-year return and reintegration project aimed at improving the provision of victim assistance for voluntary returns, sustainable reintegration, and preventing re-victimization. However, the government did not meet the minimum standards in several key areas. Authorities identified and assisted fewer trafficking victims. The government's trafficking victim identification mechanism did not apply to foreign victims without legal residency. As a result, government officials did not adequately screen for trafficking indicators or identify victims among third-country nationals, such as asylum-seekers, as well as other vulnerable populations, including domestic workers or children in state-run institutions. The government did not have a specialized framework for identifying, referring, or assisting child victims. Overall services for victims remained scarce, uncoordinated, and inadequate, especially for foreigners and children, for whom there were no dedicated shelters; these gaps left victims at risk of re-trafficking. Finally, the government re-extended the "crisis situation due to mass migration," authorizing police to automatically remove third-country nationals intercepted for unlawfully entering and/or staying in Hungary without screening for trafficking indicators; some of these third-country nationals could be or could become trafficking victims.

### PRIORITIZED RECOMMENDATIONS:

- Screen for trafficking indicators and proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, unaccompanied children, and children in state-run institutions and orphanages.
- Significantly increase the quality and availability of specialized victim services for adults and children, including by expanding the national referral mechanism (NRM) to formally include foreign victims without legal residency and allocating funding to additional NGOs for victim care.
- Cease the abrupt and violent removal of third-country nationals who could be or could become trafficking victims and train authorities to recognize indicators of trafficking among vulnerable groups.
- Bolster efforts to protect children residing in state-run institutions and of individuals who leave these institutions against trafficking.
- Implement the non-punishment provisions to ensure trafficking victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts their traffickers compelled them to commit.
- Amend the anti-trafficking law to ensure that force, fraud, or coercion are not required for sex trafficking crimes involving child victims.
- Enhance the collection and reporting of reliable prosecution data.
- Increase the number of police officers investigating trafficking crimes and train them to understand, recognize, and address all aspects of trafficking.

- Develop a clear framework for and allocate dedicated resources to regulate foreign labor recruitment in Hungary.
- Empower the labor authority to regulate labor recruitment agencies and impose fines or punishments on agencies that commit trafficking crimes.
- Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and front-line workers.

## PROSECUTION

The government increased prosecution efforts. Section 192 of the criminal code criminalized all forms of labor trafficking and some forms of sex trafficking. Section 192 prescribed penalties of one to 10 years' imprisonment for crimes involving an adult victim and five to 20 years' or life imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Legislative amendments from 2020 helped align the Hungarian definition of trafficking with the international definition by more precisely defining exploitation and including force, fraud, or coercion as an essential element of the base crime of adult trafficking. However, inconsistent with international law, the amended Section 192 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime, thereby not criminalizing all forms of child sex trafficking. Judicial officials continued to assert the law implicitly established that force, fraud, or coercion were not required to constitute child sex trafficking and that this therefore was not a barrier in successfully prosecuting and obtaining convictions in child sex trafficking cases.

Section 203 of the criminal code, which criminalized crimes relating to the "exploitation of child prostitution," could be utilized to prosecute some child sex trafficking crimes that did not necessarily involve force, fraud, or coercion. Section 203 prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent nor commensurate with penalties prescribed for other grave crimes, such as rape. Penalties under this provision increased only if a person was "supported partly or wholly by profiting" from such exploitation of a child or for maintaining or operating a brothel for the purposes of such exploitation of a child. Additionally, Section 193 criminalized forced labor, with sentences ranging from one to five years' imprisonment for crimes involving an adult victim and two to eight years' imprisonment for those involving a child victim. The 2020 amendments criminalized all forms of labor trafficking, including forced labor, under Section 192, thus superseding Section 193. However, authorities continued to prosecute and convict traffickers under Section 193 in 2021. Observers noted a gap in the law remained that could allow the prosecution of a victim if that victim consented to the crime without coercion. The Office of the Prosecutor General (PGO) instructed prosecutors not to prosecute such victims.

The government reported the number of registered crimes rather than the number of closed investigations because the data on closed investigations provided in previous years contained possible duplications. Despite the data on prosecutions also containing duplications, the government reported all prosecutions, thereby misrepresenting the number of suspected traffickers in the criminal justice system and making it difficult to assess efforts. Additionally, the government noted prosecutorial guidelines issued in 2018 resulted in a number of pandering cases reclassified as trafficking cases. In 2021, police registered 132 trafficking crimes (115 sex trafficking, 13 labor trafficking, four unspecified), an increase from 95 registered in 2020. Officials prosecuted 255 suspected traffickers (210 under Section 192, 45 under Sections 193 and 203), compared with 209 in 2020. Courts convicted 17 traffickers (15 under Section 192, two under Sections 193 and 203), an increase from 10 in 2020. All 17 convicted traffickers received prison sentences ranging from two years' to 12 years' imprisonment; courts suspended three of those sentences. In 2021, prosecutors investigated a police officer for labor trafficking; the investigation found no evidence of trafficking. The National Bureau of Investigations (NNI) maintained a specialized unit for investigating trafficking cases with an international or organized crime connection. NNI cooperated with foreign law enforcement agencies on six investigations, participated in two Joint Investigation Teams (one ongoing from 2020), and extradited two suspected traffickers in 2021. In one investigation, Hungarian and German authorities cooperated on a sex trafficking case involving a suspected trafficker of Mozambican origin who allegedly forced a victim also of Mozambican origin into commercial sex in Hungary, Germany, Cyprus, Italy, and France. Under the auspices of an EU security initiative to identify, prioritize, and address threats posed by organized and serious international crime, including trafficking, in November 2021, NNI coordinated a joint action day focused on detecting and prosecuting trafficking cases, which resulted in the apprehension of 12 suspected traffickers and the identification of 17 Hungarian victims.

Authorities noted numerous positive impacts from recent legal and operational reforms aimed at combating trafficking and enhanced government trainings but acknowledged that challenges, such as personnel shortages and pandemic-related restrictions, continued to limit progress. Recent criminal code amendments allowed authorities to confiscate traffickers' property, enabling more successful investigations and deterring convicted traffickers from continuing criminal activities. Additionally, the changes allowed prosecutors to pursue stronger punishments against traffickers.

Prosecutors appealed for harsher sentences for 33 defendants in eight first-instance rulings, including a case in which a child sex trafficker's prison sentence was increased from eight to 11 years. Furthermore, police credited enhanced training to shifting how officers viewed and approached trafficking, stating that police began to approach individuals in commercial sex as potential trafficking victims instead of suspects or criminals. Educational efforts supported by the government included trainings on detecting trafficking cases and victim identification and protection for probation officers, investigators, prosecutors, and judges. Despite the noted progress, police stressed the need for more resources, such as surveillance tools and personnel. National and local authorities reported police forces were stretched beyond capacity and did not have adequate personnel for all functions, including addressing trafficking. Moreover, media outlets reported significant dissatisfaction among police and emergency workers over more restrictive work conditions, partially due to the pandemic, including a ban on resignation or retirement, long hours, rotations at the Hungary-Serbia border to stem migrant flow, and noncompetitive wages. To address some personnel gaps, in 2020, NNI approved four additional investigative positions to the 11-person trafficking unit, but some of the positions remained vacant at the end of the reporting period. Observers continued to underscore the government needed more experts working on trafficking cases and a sophisticated perspective on addressing all aspects of trafficking.

## PROTECTION

The government maintained protection efforts despite notable gaps. The government identified 171 victims (78 sex trafficking, 39 labor trafficking, 54 unspecified), a decrease from 188 in 2020. Of these victims, 24 were children (21 in 2020), and eight were foreign nationals (four in 2020). Government Decree no. 354/2012 on the trafficking victim identification mechanism, which established the NRM, regulated the identification of victims and their referral to assistance. Experts expressed concern that the decree did not apply to foreign victims without legal residency. The decree listed the authorities responsible for identifying victims, such as police, border guards, and health professionals; the questionnaire to be completed with suspected victims; and procedural protocols. In 2021, the government amended the decree to include an updated list of trafficking indicators and a flowchart to assist with the identification of trafficking victims and management of trafficking cases. The government also amended the Victim Support Act, which required the provision of services to all victims of a crime, increasing the number of victims who benefited from victim support services. However, under those amendments, which entered into force in 2021, victims automatically received access to support services unless they explicitly asked the authorities responsible for identification not to record their personal data into the government's digital victim support system (EKAT), which provided victims with information on support services, such as placement in shelters. At the beginning of 2021, only three institutions responsible for identification could access EKAT. As a result, by the end of 2021, authorities only identified seven cases.

NGOs said identification, referral, and assistance for the majority of victims took place on an ad hoc basis, and NGOs and social service providers mainly based the process on their personal networks and connections, while the Ministry of Interior (MOI) reported most referrals were made by the police. NGOs expressed the need for the government to allocate more effectively its resources, particularly in the identification and referral of victims. They also continued to criticize the law that required the State Audit Office to report on organizations that were "capable of influencing public life" and had a certain budget as it negatively impacted state funding for victim assistance. Overall, victim assistance remained scarce and uncoordinated—especially for foreigners and children—and exposed survivors to the risk of re-victimization. In 2021, government-funded NGOs reported assisting 91 trafficking victims, an increase from 80 in 2020, of which three were children, a notable decrease from 13 in 2020. The vast majority of the victims were Hungarian citizens; five were foreign nationals.

While the NRM did not apply to foreign victims without legal residency, the government granted ad hoc approval to a government-funded NGO to provide services, such as financial support, shelter, and health care, in cases when the NGO requested it. Foreign victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for a certificate of temporary stay for up to six months. Those who cooperated with authorities were entitled to a residence permit for the duration of their cooperation. In 2021, one Mozambican woman and her child held a humanitarian residence permit. The law required the government to provide 22,800 Hungarian forint (HUF) (\$70) per month for one year to third-country nationals who were trafficking victims. The law also required the government to provide trafficking victims who were identified during the asylum process with immediate psychological or psychiatric assistance through its reception facility and, if necessary, accommodation through victim support services. However, the government did not screen or adequately identify victims among vulnerable populations, such as asylum-seekers and unaccompanied children.

The Ministry of Justice (MOJ) oversaw the victim support system, which included victim support services, centers, and a hotline, and it allocated 934 million HUF (\$2.86 million) toward the system. These expenditures were for victims of domestic violence and other crimes, including trafficking. All Hungarian and EU victims were eligible for support services, including government-provided

financial support, psychological services, legal assistance, witness care, and shelter. Amendments in 2021 to the government decree revised the criteria for the provision of victim financial assistance by extending the deadline to apply for immediate assistance from three to eight days from the date of the crime and lifted the maximum time limit that victims could stay in shelters, allowing social workers to determine victims' length of stay on a case-by-case basis. In 2021, a government-funded NGO operated three shelters that provided accommodation, transportation, reintegration assistance, family care, financial management advice, and aftercare. The Ministry of Human Capacities funded a separate NGO and church to establish a new shelter for trafficking victims and their families; the shelter provided victims with accommodation and support services for up to three years. In December 2021, to help families reintegrate after moving out of temporary shelters, the Ministry of Human Capacities created accommodations at an existing facility for six parents who were victims of crimes, including trafficking, and their children.

The Prime Minister's Office funded two NGOs to operate protected shelters that provided secure accommodations and a range of services, including medical assistance and transportation, to victims. The MOJ continued to build a nationwide network of victim support centers by opening three more in 2021 with the goal to open three centers per year until 2025, and it trained workers on identifying and registering trafficking victims. In areas where the centers were unavailable, the MOJ opened victim support "hot-spots" (two in 2021) to facilitate implementation of victim support. The centers and "hot-spots" assisted victims of domestic abuse and other crimes, including trafficking. Observers reported most staff working in the centers had a legal background but lacked social care skills and experience with victim support. Observers also reported staff allegedly misrepresented individuals with intellectual disabilities and those who were homeless as trafficking victims in order to justify the centers' existence and reach target numbers. In 2021, the government and an NGO continued to implement a two-year pilot project aimed at providing 50 potential trafficking victims with reintegration support. The government partially funded the project, contributing 25 million HUF (\$76,610). Under the auspices of the project, each victim was eligible for up to 500,000 HUF (\$1,530) in financial support; during the reporting period, 14 victims received payments. Additionally, in 2021, the government and an international organization implemented a one-year return and reintegration project co-financed by the Internal Security Fund of the European Union and the Hungarian MOI. The project aimed at improving and consolidating the provision of assistance to victims for their voluntary returns and sustainable reintegration and preventing re-victimization. Further amendments to the Victim Support Act allowed victims of violent crimes, such as trafficking, to receive compensation regardless of the victim's income level and extended the deadline for claiming compensation from three months to one year. In 2021, the MOJ reported victims received 11.5 million HUF (\$35,240) in state compensation; however, the statistics included victims of all types of crimes, including trafficking.

Provisions to the Act of Criminal Procedures and related sectoral legislation entered into force in 2021, modifying the conduct of proceedings involving children—including child trafficking victims—by strengthening cooperation between child protective services and the judiciary. The government based this new approach on the Barnahus method—a multidisciplinary and interagency model offering child victims a coordinated and effective response to prevent re-traumatization during investigations and court proceedings. The government maintained two interdisciplinary centers based on the Barnahus method for child victims and witnesses. To implement the general protection measure authorizing police to place child trafficking victims in designated shelters for up to 60 days, the government maintained an intersectoral working group among stakeholders, such as police and designated children's homes. There were five such shelters (one exclusively for boys) for the reception of child trafficking victims; the working group referred 10 child victims. Perennial issues persisted with protecting and providing assistance to child victims. Experts criticized the chronic lack of assistance and specialized services for child trafficking victims. The government lacked a framework for identifying, referring, or assisting child victims other than the general child protection system and state-run homes, which had insufficient staff and resources to provide appropriate care or security, leaving victims at risk for re-trafficking. Experts continued to express concern that children in state-run homes and orphanages, especially children with disabilities, such as girls with special needs or dual needs, were particularly vulnerable to sex trafficking—approximately 23,000 children lived in state-run institutions, including 300 younger than three years of age. EU and national requirements required child protection institutions and state-run homes to report all suspected cases of children exploited in sex trafficking; however, according to observers, some law enforcement did not treat them as victims. Unlike previous years when authorities penalized child trafficking victims for unlawful acts their traffickers compelled them to commit, in 2021, authorities implemented the non-punishment provision for child victims; however, in one instance, authorities reported issuing a warning to a girl for a commercial sex crime. Experts questioned the accuracy of government data on the penalization of children, noting children were most likely detained by authorities for short periods of time. Through the Ministry of Human Capacities, child protection professionals received a 30-hour vocational training on child trafficking and recent legislative changes. Additionally, the Ministry of Human Capacities provided 16.6 million HUF (\$50,870) to an NGO to provide programs in orphanages for the prevention and treatment of child sex trafficking. The government operated a 24-hour child protection hotline, which received three alerts in connection with a potential child sex trafficking victim in state care.

In response to the inflow of Ukrainian refugees fleeing Russia's full-scale invasion of Ukraine, the MOI printed and distributed 90,000 flyers in Ukrainian and Hungarian at border crossings, shelters, major train stations, and municipal governments, as well as online, raising awareness about potential schemes by traffickers and risks of trafficking. Additionally, the government launched a new hotline with information in Hungarian, English, and Ukrainian on the application process for temporary protected status. In the three counties along the border, the government set up temporary shelters capable of accommodating 28,000, with backup capacity for up to 120,000. To provide healthcare, the government designated nine hospitals with capacity to care for 11,300 patients, including pandemic isolation. The Budapest Municipality set up accommodations for refugees who decided to remain in Budapest, converting two homeless shelters and a retirement home into refugee reception centers with a total capacity of 440 beds. However, observers reported the lack of Ukrainian-speaking social workers hindered the municipality's ability to properly assist with the psychosocial needs of the many children staying at the shelters. Furthermore, several NGOs raised concerns about registration and assistance, particularly for unaccompanied children and other vulnerable populations, and noted a lack of translated outreach materials, limited access to forms and instructions, and difficult to impossible requirements, such as needing a registered address in Hungary to access assistance or educational services. Ukraine's ambassador to Hungary asserted in an April 2022 interview that the Hungarian government was not providing regular updates about Ukrainian refugees arriving to the country and had no information on the whereabouts of 53 Ukrainian unaccompanied children who had crossed the Hungarian border. As of April 2022, authorities issued approximately 100,000 30-day temporary residence permits to Ukrainian citizens. As of March 2022, the MOI reported that it had identified no trafficking victims among refugees.

## PREVENTION

The government maintained prevention efforts. The National Anti-Trafficking Coordinator facilitated anti-trafficking efforts domestically and internationally and chaired the National Coordination Mechanism, which monitored the implementation of the national anti-trafficking strategy. The government continued to implement the 2020-2021 national action plan for the 2020-2023 national anti-trafficking strategy. In 2021, the prime minister's office provided 5 million HUF (\$15,320) to support a research project aimed at assessing whether shelters, support services, and social institutions could provide effective assistance to trafficking victims and prepared the findings for incorporation into the national strategy. The MOI cooperated with Hungarian universities to integrate trafficking into their social work curricula, and as a result, in the fall semester, systematic education on trafficking began at several universities. The police continued to conduct an awareness campaign designed to educate children about the dangers of trafficking. The government supported the operation of an NGO-run, 24-hour national hotline, allocating approximately 202.5 million HUF (\$620,560). The hotline provided services in Hungarian and English and assisted victims of domestic violence and trafficking. In 2021, the hotline assisted 55 potential victims and referred 24 victims to shelter (51 and 19, respectively, in 2020). The government did not make efforts to reduce the demand for commercial sex acts. The MOI concluded a research project on the effectiveness of victim assistance among male labor trafficking victims and published a handbook on the findings.

In 2021, the government introduced temporary legislation for the employment of foreign nationals, allowing them to work in a broad range of jobs without a permit, including architectural engineers, chefs, social workers, service staff, and bus drivers, for the duration of the pandemic. While the law prohibited recruitment fees by private employment agencies, the government did not have a clear framework and dedicated resources to regulate foreign labor recruitment, which exposed foreign nationals to the risk of exploitation. In 2021, the government adopted new legislation to regulate employers' compliance with labor laws; a separate decree detailed the law's enforcement by the labor inspection authority, including punitive administrative sanctions prohibiting the further employment of workers and fines. Moreover, the labor authority did not have the competency to inspect labor recruitment agencies or impose fines or punishment on foreign labor exchange agencies that committed trafficking crimes, but it could assess agencies' compliance with regulations concerning temporary work. According to a 2021 cooperation agreement between the Ministry for Innovation and Technology and the National Police targeting the identification of labor trafficking victims, the police and labor inspectors conducted an average of one joint unannounced inspection per month in each of Hungary's counties. Additionally, in June 2021, labor inspectors and officials of the Alien Policing authority conducted joint inspections in each county aimed at identifying all forms of labor exploitation.

Media and international organizations alleged authorities indiscriminately and often violently deported asylum-seekers; a 2021 report on protecting rights at borders criticized the government for violent pushbacks of refugees and migrants into Serbia. The European Court of Human Rights ruled that automatic pushbacks of asylum-seekers carried out by the Hungarian authorities were in breach of the prohibition of collective expulsion enshrined in the European Convention on Human Rights. Furthermore, UNHCR "deplored" the government's decision to extend the "crisis situation due to mass migration," which authorized police to automatically remove third-country nationals who had

been intercepted for unlawfully entering and/or staying in Hungary; these individuals could be or could become trafficking victims due to their increased vulnerability. Experts expressed concern the decision denied people—already in the country and in need of international protection— access to asylum. After the closure of the transit zones in 2020, the government required asylum-seekers to submit asylum requests through its embassies in Belgrade or Kyiv; requests required asylum-seekers to submit a statement of intent with answers to general questions that did not include trafficking-specific questions. NGOs expressed concern that the system restricted access to asylum and exacerbated the risks of trafficking among asylum-seekers.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Hungary, and traffickers exploit victims from Hungary abroad. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, single mothers, asylum-seekers, people with disabilities, children living in state-run institutions, homeless men, and Roma. Roma, the country's largest ethnic minority, make up a significant proportion of those identified as trafficking victims. During the second half of 2021, police reported an increase in cross-border organized trafficking activity, suggesting that traffickers adapted to work under pandemic-imposed circumstances. Traffickers exploit Hungarian women, boys, and girls in sex trafficking within the country and abroad, mostly within Europe, with particularly high numbers in Austria, Germany, the Netherlands, Switzerland, and the United Kingdom. Sex trafficking remains the most common form of trafficking in Hungary. Traffickers exploit Hungarians in labor trafficking in agriculture, construction, hospitality, and factories. NGOs report domestic labor trafficking remains a concern, particularly in rural areas, among Ukrainians and other third- country nationals who come to Hungary to assist with the country's labor shortage. While seasonal workers are at risk for labor trafficking in the agriculture and construction sectors, the majority of victims are Hungarian citizens, particularly adult men who are exploited by family members and acquaintances in domestic servitude and agricultural work, such as cleaning, landscaping, and farming. Approximately 23,000 Hungarian children live in state-run childcare institutions, including 300 children younger than three years of age, who are vulnerable to trafficking. A large number of child sex trafficking victims exploited within the country and abroad come from state-run institutions, orphanages, and correctional facilities, and traffickers recruit them when they leave these institutions. The government reports adolescent girls with mild intellectual disabilities and/or special needs, including dissocial behavior, psychoactive substance abuse, or psychiatric conditions, who are living in state-run institutions, are the most vulnerable to sex trafficking. Trafficking victims from Eastern European countries, as well as asylum-seekers and undocumented migrants, some of whom may be or may become trafficking victims, transit Hungary en route to Western Europe. Thousands of foreign nationals and Ukrainian refugees, predominantly women and children, who are fleeing Russia's full-scale invasion of Ukraine and crossing the Hungary border seeking sanctuary, are highly vulnerable to trafficking.

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