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2021 Trafficking in Persons Report: Hungary

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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 to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Hungary remained on Tier 2. These efforts included investigating significantly more trafficking cases; convicting more traffickers; and identifying and assisting significantly more trafficking victims. Additionally, the government opened a crisis intervention home, a new shelter and two halfway houses connected to the shelter, three victim support centers, and an interdisciplinary center for child victims and witnesses. The government and an NGO implemented a two-year reintegration pilot project and conducted research on the development of an institutional support system aimed at facilitating victims' reintegration and decreasing their chances of re-victimization.

Furthermore, 2020 amendments to the law entered into force, including a non-punishment provision and a general protection measure for child trafficking victims. However, the government did not meet the minimum standards in several key areas. 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, and penalized child sex trafficking 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 introduced a new asylum system that undermined access for those facing retribution or hardship in other countries and exacerbated the risks of trafficking among asylum-seekers, and extended again the "crisis situation due to mass migration" authorizing police to automatically remove third-country nationals, some of whom could be or could become trafficking victims, intercepted for unlawfully entering and/or staying in Hungary without screening for trafficking indicators.

PRIORITIZED RECOMMENDATIONS:

Screen for trafficking indicators and proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, children in state-run institutions and orphanages, domestic workers, and individuals in commercial sex. • 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 providing sufficient funding to NGOs for victim care. • Develop and fund protocols for identification and referral of victims and enhance training for law enforcement and social workers on recognizing indicators of exploitation. • Grant residence permits to asylum-seekers who could be or could become trafficking victims. • 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. • Bolster efforts to protect against the trafficking of vulnerable children residing in state-run institutions and of

individuals who leave these institutions. • Amend the anti-trafficking law to ensure that force, fraud, or coercion are not required for sex trafficking offenses involving child victims. • Investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Enhance the collection and reporting of reliable prosecution data. • Train law enforcement, prosecutors, and judges on the severity of trafficking crimes and the irrelevance of a victim's consent for proving a trafficking crime. • Develop a clear framework for and allocate dedicated resources to regulating foreign labor recruitment in Hungary. • Empower the labor authority to regulate labor recruitment agencies and impose fines or punishments on agencies that committed trafficking crimes. • Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and front-line workers. • Conduct public awareness campaigns on trafficking that target vulnerable populations, such as foreign and domestic workers and children in state-run institutions and orphanages.

PROSECUTION

The government increased prosecution efforts. Article 192 of the criminal code, in force since July 2020, criminalized all forms of labor trafficking and some forms of sex trafficking. Article 192 prescribed penalties of one to 10 years' imprisonment for offenses 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. The 2020 amendments 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 offense of adult trafficking. However, inconsistent with international law, the amended Article 192 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, thereby not criminalizing all forms of child sex trafficking. Article 203 of the criminal code, which criminalized offenses relating to the "exploitation of child prostitution," could be utilized to prosecute some child sex trafficking offenses that did not necessarily involve force, fraud, or coercion. Article 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, Article 193 criminalized forced labor, with sentences ranging from one to five years' imprisonment for offenses involving an adult victim and two to eight years' imprisonment for those involving a child victim. 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 2020, police registered 95 trafficking crimes (57 under Article 192, four under Article 193, 34 under Article 203), a notable increase from 49 in 2019 and 47 in 2018. Officials prosecuted 209 suspected traffickers (155 under Article 192, six under Article 193, 48 under Article 203), compared with 88 in 2019 and 29 in 2018. Courts convicted 10 traffickers (nine under Article 192, one under Article 193), compared with seven in 2019 and 11 in 2018. All 10 convicted traffickers received prison sentences, ranging from one year and eight months' to 12 years and six months' imprisonment; however, courts suspended four of those sentences. The more lenient sentences raised concerns about weakened deterrence and undercutting broader efforts to fight trafficking. For the third consecutive year, there were no convictions under Article 203; observers raised concerns that authorities regularly underutilized the statute. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. 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 10 investigations and participated in one Joint Investigation Team, compared with 15 in 2019. In October 2020, authorities from Hungary, Germany, and Romania investigated a group of Romanian traffickers who exploited Hungarian and Romanian citizens in forced begging in Germany. The government extradited two suspected traffickers in 2020, compared with six in 2019.

Observers continued to underscore that the government lacked experts working on trafficking cases and a sophisticated perspective on addressing all aspects of trafficking. In 2020, NNI approved four additional positions to the 11-person trafficking unit. Furthermore, a research institute within the PGO conducted two studies on criminological and sociological characteristics of trafficking; the Ministry of Interior (MOI) funded related training sessions for investigators, prosecutors, and judges on the studies' topics, as well as the victim support system and the new statutory definition of trafficking. The National Office for the Judiciary held trainings for judges on the amended law with 237 participants. Some judges believed the new law defined exploitation more clearly and provided better clarity as to the difference between voluntary commercial sex and sexual exploitation but noted labor trafficking cases remained difficult to try in court. The Curia (Supreme Court) set up a case law analysis group to learn about judicial practice in interpreting trafficking, and the PGO conducted a survey to better understand prosecutors' views on trafficking and victim cooperation. The National Police held an online training session focused on victim identification for 50 investigators from local police units. In the framework of an EU project implemented by the Ministry of Human Capacities, 48 police officers participated in a training focused on the identification and management of domestic violence and trafficking.

PROTECTION

The government increased efforts to protect victims. The government reported 188 registered trafficking victims (94 sex trafficking, 25 labor trafficking, eight sex and labor trafficking, 61 uncategorized), a significant increase from 81 in 2019 and 30 in 2018. Of these victims, 21 were children (seven in 2019). The government decree on the trafficking victim identification mechanism, which established the NRM, regulated the identification and referral of victims to assistance. 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. Experts expressed concern that the decree did not apply to foreign victims without legal residency. Experts also expressed concern about the lack of efforts made to identify trafficking victims among asylum-seekers and irregular migrants in Hungary. Overall, the government did not screen or adequately identify victims among vulnerable populations, such as asylum-seekers, domestic and foreign workers, unaccompanied

children, children living in government-run institutions, and adults and children exploited in commercial sex. Some experts noted the need for further training for local police on the vulnerability of individuals in commercial sex to trafficking, including children, screening for trafficking indicators, and applying the non-punishment provision to trafficking victims. Furthermore, the government often did not implement a 2011 EU directive requiring authorities to treat individuals subjected to sex trafficking as trafficking victims regardless of victim consent – per the government decree, authorities required victims' written consent for identification and access to assistance. According to NGOs, identification, referral, and assistance took place on an ad hoc basis, and NGOs and social service providers mainly based the process on their personal networks and connections. 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 lack of dedicated state funding for victim assistance services.

Victim assistance services remained scarce and uncoordinated, especially for foreigners and children, and exposed victims to the risk of re-victimization. In 2020, NGOs reported assisting 80 trafficking victims (58 in 2019, 79 in 2018) of which 13 were children (16 in 2019). Seventy-nine of the victims were Hungarian citizens, and one was a foreign citizen. 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; during the reporting period, the government assisted a sex trafficking victim from Mozambique. 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 2020, the government issued one temporary residence permit to the Mozambican, compared with zero in 2019.

Following the European Court of Justice's ruling that the automatic and indefinite placement of asylum-seekers in border transit zones constituted unlawful detention, the government moved nearly 300 people to reception centers around the country and closed the transit zones. The government introduced a new asylum system in which asylum requests could only be submitted through its embassies in Belgrade or Kyiv; requests required asylum-seekers to submit a statement of intent, including general questions but excluding trafficking-specific questions. While NGOs welcomed the closure

of the transit zones, they expressed concern that the new system restricted access to asylum and exacerbated the risks of trafficking among asylum-seekers. Additionally, the government once again extended the “crisis situation due to mass migration,” which authorized police to automatically remove third-country nationals, some of whom could be or could become trafficking victims, intercepted for unlawfully entering and/or staying in Hungary. Experts expressed concern that the new asylum system precluded those people already in the country’s territory and in need of international protection from applying, undermining access to asylum for those facing retribution or hardship in other countries.

All Hungarian and EU victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, and shelter. In 2020, the government allocated 24.3 million Hungarian forint (HUF) (\$81,880), the same amount as in 2019, to an NGO operating two temporary shelters. Both shelters could assist up to 12 adult victims each with accommodation, transport, psycho-social support, and legal information. Additionally, the government provided 80 million HUF (\$269,580) for the establishment of a crisis intervention home and a new shelter; both opened in 2020. The government allocated an additional 15 million HUF (\$50,550) annually for the operation of the new shelter, which could assist up to 12 victims. Two halfway houses connected to the new shelter also opened in 2020, for which the government provided 8 million HUF (\$26,960) annually. The Ministry of Justice (MOJ) opened three victim support centers in 2020 with the goal to open three centers per year until 2025, creating a nationwide network of victim support centers; trained the staff at the centers on identifying and registering trafficking victims; and allocated 450 million HUF (\$1.52 million) for the operation of the centers as well as the MOJ-run victim support hotline. Additionally, the MOJ provided financial aid, certificates of victim status, and witness counseling, if the government initiated criminal proceedings against a trafficker. In 2020, the government provided 781,900 HUF (\$2,630) in financial aid to 12 trafficking victims, compared with 338,230 HUF (\$1,140) in 2019, and courts provided witness counseling to 15 victims (one younger than the age of 14). The government repatriated one adult victim, the same as in 2019. The government did not have a dedicated program to provide return and reintegration assistance for Hungarian victims identified abroad. However, in 2020, the government and an NGO implemented 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 (\$84,240). Under the auspices of the project,

each victim was eligible for up to 500,000 HUF (\$1,680) in financial support; during the reporting period, three victims received payments. The government, in partnership with another NGO, conducted research on the development of an institutional support system aimed at facilitating victims' reintegration and decreasing the chances of re-victimization, providing 5 million HUF (\$16,850) in research funding.

During the reporting period, anti-trafficking amendments to the criminal code entered into force. The amendments included a non-punishment provision for child trafficking victims and a general protection measure provision authorizing police to place child trafficking victims in designated shelters for up to 60 days. Observers generally were optimistic about the new legislation, but some noted there remained a lack of awareness among professionals about the general protection measure, as information was not widely disseminated. In September 2020, the government formed an intersectoral working group to implement the measure among stakeholders, such as police and designated children's homes. There were five such homes (one exclusively for boys) designated in 2020 for the reception of child victims; the working group referred two child victims during the reporting period. Perennial issues persisted with protecting and providing assistance to child 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. Some experts criticized the chronic lack of assistance and specialized services in state-run homes. Experts continued to express concern that children in state-run homes or orphanages were vulnerable to 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. The failure to eliminate the requirement of force, fraud, or coercion from the anti-trafficking law for child sex trafficking offenses contributed to this inappropriate penalization. In 2020, authorities penalized 19 children (30 in 2019, 54 in 2018), all of whom were girls, for commercial sex offenses—11 children received a warning, six received a fine, and two received community service. 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. In 2020, the government allocated 31.5 million HUF (\$106,150) to the operation of a newly opened interdisciplinary center for child victims and witnesses in

Budapest, and 42.5 million HUF (\$143,210) for the operation of another center in Szombathely. Through the Ministry of Human Capacities, 2,447 child protection professionals received a 30-hour vocational training on child 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.

PREVENTION

The government maintained minimal prevention efforts. During the reporting period, the government adopted a 2020-2021 national action plan to implement the 2020-2023 national anti-trafficking strategy, allocating 91 million HUF (\$306,650) for the 2020 plan, a decrease from 159 million HUF (\$535,790) for the 2019 plan. The police conducted 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, providing approximately 202.5 million HUF (\$682,370), an increase from 52.5 million HUF (\$176,910) in 2019. The hotline provided services in Hungarian and English and assisted victims of domestic violence and trafficking. In 2020, the hotline assisted 51 potential victims and referred 19 victims to shelter (56 and 16, respectively, in 2019). The MOI researched the effectiveness of victim assistance among male labor trafficking victims and prepared the findings for publication and incorporation into the national strategy, allocating 1.8 million HUF (\$6,070) for this research. 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. 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 offenses. It could assess agencies' compliance with regulations concerning temporary work but did not report identifying any victims while conducting this type of inspection. The government did not make efforts to reduce the demand for commercial sex acts.

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, Roma,

single mothers, asylum-seekers, unaccompanied children, and homeless men. Traffickers exploit Hungarian women, boys, and girls in sex trafficking within the country and abroad, mostly within Europe, with particularly high numbers in Germany, Austria, Switzerland, and the United Kingdom (UK). Traffickers exploit Hungarians in labor trafficking in agriculture, construction, hospitality, and factories domestically and abroad, particularly in Belgium, the UK, and the Netherlands. NGOs report domestic labor trafficking is an increasing concern, particularly in rural areas, among Ukrainians and other third-country nationals who come to Hungary to assist with the country's labor shortage. Authorities note a rise in forced labor in domestic service among homeless or elderly individuals. Approximately 23,000 Hungarian children live in state-run childcare institutions, including 300 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 and correctional facilities, and traffickers recruit them when they leave these institutions. Trafficking victims from Eastern European countries, as well as asylum-seekers and irregular migrants, some of whom may be or may become trafficking victims, transit Hungary en route to Western Europe. Seasonal workers are at risk for labor trafficking in the agriculture and construction sectors.

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