

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
Trafficking in Persons Report 2017 - Country Narratives - Hungary
- **Publication date:**
27 June 2017
- **ecoi.net summary:** Annual report on trafficking in persons (covering April 2016 to March 2017) [ID 342518]
- **Countries:**
Hungary
- **Original link** <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271203.htm>

Recommended citation:

USDOS - US Department of State: Trafficking in Persons Report 2017 - Country Narratives - Hungary, 27 June 2017 (available at ecoi.net)
http://www.ecoi.net/local_link/342518/473294_en.html (accessed 07 December 2017)



Trafficking in Persons Report 2017 - Country Narratives - Hungary

HUNGARY: Tier 2 Watch List

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by amending its criminal code to allow for the seizure of assets held by traffickers, conducting training of prosecutors and judicial personnel, cooperating with foreign law enforcement on joint trafficking investigations, and increasing funding for public awareness and anti-trafficking efforts. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Investigations, prosecutions, and convictions decreased significantly from the previous reporting period. Services for victims remained scarce, uncoordinated, and inadequate. Specialized services for child victims (including shelter) did not exist and law enforcement arrested and prosecuted children exploited in sex trafficking as misdemeanor offenders, including sentencing 12 children to imprisonment based on their exploitation in sex trafficking. Shortcomings in security and services at state care institutions for children and in the identification of child trafficking victims remained widespread, resulting in high vulnerability of children and their re-victimization under state protection during and after their time in these facilities. The government also continued to have significant deficiencies in its victim identification and referral systems, as well as a comprehensive and reliable database on trafficking cases. Therefore, Hungary was downgraded to Tier 2 Watch List.

RECOMMENDATIONS FOR HUNGARY

Screen all individuals in prostitution for trafficking indicators and protect adults and children from punishment for crimes committed as a result of trafficking, including prostitution; increase provision of specialized victim services and provide sufficient funding to NGOs to offer victim care; increase law enforcement and judiciary efforts to investigate, prosecute, and convict the perpetrators of all forms of trafficking under the trafficking in persons law; take steps to prevent trafficking of vulnerable children residing in state-run child care institutions and individuals who leave these institutions; increase identification of and assistance for child victims exploited within Hungary; increase victim-centered training of law enforcement, prosecutors, and social workers; bolster protection for victims who face serious harm and retribution from their traffickers, including by developing longer-term care options to improve reintegration; enhance the collection and reporting of reliable law enforcement and victim protection data; bring the anti-trafficking law in line with international law by more precisely defining exploitation and requiring fraud, force, or coercion as elements of the core offense of adult trafficking; amend Hungarian law to extend trafficking provisions for everyone under 18 involved in prostitution regardless of the level of consent; increase efforts to raise awareness of trafficking among the general public and in at-risk populations.

PROSECUTION

According to statistical indicators, the government decreased law enforcement efforts against human trafficking, although data on these efforts was unreliable and efforts to address trafficking of children remained weak. Article 192 of the 2013 criminal code prohibits many forms of human trafficking, but is overly broad because it does not require the use or threat of force or fraud to prove the basic offense of trafficking in persons, instead establishing force, the threat of force, or fraud as aggravated elements resulting in enhanced penalties under article 192(3). The law defines exploitation as the abuse of power for the purpose of taking advantage of a victim. Prescribed penalties range from one to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Article 193 of the criminal code also prohibits forced labor, with sentences ranging from one to eight years imprisonment, while article 203 penalizes profiting from child prostitution, with penalties of up to eight years imprisonment. In October 2016 parliament amended the Criminal Code to authorize the seizure of assets from convicted human traffickers.

Law enforcement data remained unreliable, making it difficult to assess efforts. In 2016, police terminated 25 investigations, compared to 62 investigations in 2015 and 20 investigations in 2014. Of the 25 investigations, 21 were of forced labor and four were unspecified cases of trafficking. Officials prosecuted seven individuals (two for forced labor in 2016 and five for sex trafficking in 2017), compared to 18 in 2015 and 18 in 2014. Courts convicted seven traffickers in 2016 (22 in 2015 and 10 in 2014); two convictions were for sex trafficking and five were for forced labor. For the sex trafficking convictions, courts sentenced the traffickers to six years in one case and two years and four months imprisonment in the other case. For the forced labor convictions, one perpetrator received five years imprisonment for forced labor and another crime (cumulative sentence); one perpetrator received two years and six months of imprisonment for forced labor; one perpetrator received three years imprisonment for forced labor and another crime (cumulative sentence); one perpetrator received 12 years imprisonment for forced labor and other crimes (cumulative sentence); and one perpetrator received 10 years imprisonment for forced labor and other crimes (cumulative sentence). Although the 2012 criminal code removed a requirement that trafficking include a commercial transaction, reportedly judges continued to seek this evidence. National police generally limited their investigations to transnational trafficking cases, and local police to investigations of internal cases; NGOs criticized local police for lack of sensitivity toward trafficking victims. Observers raised concerns law enforcement regularly underreported trafficking offenses.

Anti-trafficking experts reported police categorized children between the ages of 14 and 18 as “juveniles” instead of children and under Hungarian law this allows the courts to impose punishment for crimes and misdemeanors instead of treating them as victims, particularly in prostitution related offenses, and police generally failed to identify or remained reluctant to investigate certain trafficking cases involving child victims, including vulnerable children in state-run care institutions. There were no reported investigations, prosecutions, or convictions for official complicity; some observers, however, expressed concerns about potential police protection of suspected traffickers. There were no standard trainings on trafficking provided for law enforcement professionals and only ad hoc training courses were conducted. During the reporting period, national police cooperated with their counterparts from Belgium, France, Austria, and the Netherlands on joint investigation teams pursuing sex trafficking cases. The national prosecutor’s office organized training for 195 regional prosecutors on data collection, police investigations, victim identification, and indictments on trafficking cases. The judicial office organized trafficking training at the national and regional level for 840 judicial personnel. Officials extradited 52 foreign nationals accused of trafficking to other European countries. The government began to develop a new digital data collection system to gather victim-related statistical information.

PROTECTION

The government maintained insufficient protection efforts, as specialized services for child victims (including shelter) did not exist and law enforcement arrested children exploited in commercial sex as misdemeanor offenders, including sentencing 12 children to imprisonment based on their involvement in commercial sex. The victim assistance service of the Office of Justice identified nine victims (five males and four females, including two minors), compared with eight victims in 2015. Of these, three were victims of forced labor in the construction industry, five of forced prostitution and one of domestic servitude. The victims received the following care services: one person received information on legal assistance, four persons received financial aid, and three persons received psychological assistance. The national crisis management and information service registered 23 victims (10 men and 13 women), compared with 27 in 2015. Fourteen of the 23 victims received shelter. The national bureau of investigation identified one victim and Hungarian embassies abroad identified a total of 11 victims. Therefore, in total, the government identified 44 victims during the reporting period. NGOs reported assisting approximately 143 trafficking victims—77 female victims, 26 male victims, 40 minors (including indirect victims).

The government did not adequately identify victims among vulnerable populations, such as adults and children exploited in commercial sex, adults who previously lived in and children living in government-run institutions, and unaccompanied minors seeking asylum. In addition, the government did not effectively screen unaccompanied minors to identify potential trafficking victims. The government decree on the trafficking victim identification mechanism listed the institutions responsible for identifying victims, the questionnaire to be

completed with suspected victims, and procedural protocols. There was, however, a lack of clear legal definition and unified professional standards for identifying trafficking victims, as well as a lack of widespread dissemination of identification protocols among front-line responders. In early 2017, the government enacted a new asylum detention law that requires mandatory detention of all asylum-seekers until the final decision is issued in their cases; without proper screening, this may result in the detention of trafficking victims. During the reporting period, however, the government allocated 7 million forints (\$23,830) to improve the screening of trafficking victims among third country nationals and asylum-seekers.

All victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, access and referral to a shelter, however, victims were only eligible for state compensation if the crime was violent, committed deliberately, and caused serious damage to the victim's health. Victim assistance services remained scarce, uncoordinated, and inadequate, and risk re-victimizing the victim. Authorities did not report how many trafficking victims received state-ordered restitution in 2016. Experts also criticized the government's lack of harmonized guidelines on protective services for victims, noting the referral system was ineffective. Two government-funded, NGO-run shelters reported providing care for 64 victims (62 in 2015) during the reporting period, including 28 women (including one minor) and 11 adult men, as well as 25 dependent children accompanying adult victims. In addition, other NGOs provided housing for 40 female trafficking victims identified during the reporting period, nine male victims, two minor victims, as well as 12 dependent children. In 2016, the Ministry of Human Capacities developed a unified service protocol and set minimum standards for its human trafficking shelters. NGOs, however, noted a lack of trained staff, funding, and available accommodations and services, particularly for long-term needs such as reintegration. The government could provide Hungarians repatriated as trafficking victims with various victim support services and accommodation in shelters. These services, however, were insufficient because they did not provide victims with housing beyond six months and appropriate services for long-term reintegration were lacking. The Office of Justice issued a new protocol to provide practical guidance to local officials on the kinds of information to be provided to trafficking victims and guidance on avoiding secondary victimization.

Child victims could receive general care through the child protection system, but this system had insufficient staff or resources to provide tailored care or security, leaving victims vulnerable to being re-trafficked. Experts criticized the lack of assistance and specialized shelters for child trafficking victims. The government recognized repatriation of child victims is provided by state authorities but there were no appropriate reintegration facilities for children; secondary victimization of children was common. In 2016, the government set up a professional working group, including NGOs and relevant government agencies, to focus on research, protection, prevention, and victim assistance regarding child sex trafficking in state care institutions.

The government provided 19 million forints (\$64,681, the same as 2015) to two NGO-run shelters in 2016 that could reserve a total of 16 beds for trafficking victims. Victims generally were not allowed to leave the shelters unless accompanied by a chaperone. Authorities provided 2 million forints (\$6,809, the same as 2015) to another NGO to support its shelters providing services to trafficking victims. The government provided 1.5 million forint (\$5,106) to support the operation of the national crises management and information telephone service, which can be used for reporting trafficking. There was a lack of sufficient funding for victim assistance services.

NGOs continued to report that authorities sometimes penalized adult and child sex trafficking victims treated as criminals as opposed to victims; reportedly courts ruled to reimburse the victims for the criminal penalties they received. Furthermore, authorities penalized 88 children, including 85 girls and three boys, for prostitution offenses; 42 children received a warning, 17 received a fine, 12 received prison sentences, 13 were sentenced to community service work, three were sentenced to confiscation, and there was no information on the penalty of one child. The government has consistently failed to implement a 2011 EU directive requiring individuals under 18 years of age involved in prostitution be considered as trafficking victims regardless of consent.

Foreign victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for temporary residence permits during legal proceedings against their traffickers. The government did not issue any temporary residence permits, permanent resident permits, or exemptions from deportation for trafficking victims during the reporting period. NGOs remained concerned about inadequate government protection for victims who testified against traffickers; no victims participated in the witness protection program during the reporting period.

PREVENTION

The government increased prevention and coordination efforts. The government had an anti-trafficking coordinator who chaired the national coordination mechanism, an entity including government actors and civil society organizations. Coordination among these entities remained uneven. The government had a 2013-2016 anti-trafficking national strategy. Experts criticized the national strategy for not providing a clear definition of trafficking victims, not focusing on vulnerable populations such as child or Roma victims, and inadequate training of law enforcement officials; some were also concerned that officials did not encourage victims to avail themselves of victim services. According to experts, the government's training of labor inspectors remained

inadequate. The government did not release regular reports assessing its anti-trafficking efforts, but operated a government and social media site that provided information on government activities related to combating human trafficking.

The government contributed 25 percent of the funding for six trafficking-related projects awarded by the EU, worth a total of 137 million forints (\$466,383). Half of this funding, 70 million forints (\$238,298) went to an international organization to conduct a social media public awareness campaign on sex and labor trafficking. In addition, an international organization received 14 million forints (\$47,660) to establish a victim transnational referral mechanism between Hungary and Switzerland. The national police received 20 million forints (\$68,085) to provide trafficking awareness training for 600 police officers and front-line practitioners. The immigration and asylum office received 7 million forints (\$23,830) to improve the screening of trafficking victims among third country nationals and asylum-seekers. The Ministry of Justice received 18 million forints (\$61,277) to design a new digital platform to collect statistical information on trafficking victims across the government and NGOs. The national police received eight million forints (\$27,234) to set up regional coordination mechanisms in prevalent trafficking regions in the country.

Authorities continued multiple awareness campaigns on human trafficking for NGOs and government agencies involved in victim identification, as well as to teenagers, students, educational institutions, and foster homes. The government continued its labor trafficking awareness campaign to advisors, young adults, and NGOs connected to the European Employment Service Network (EURES) regarding safe employment abroad, and also to local and national labor departments. Human trafficking prevention programs, however, continued to lack a systematic approach, coherence, and cooperation among actors.

The government initiated modest efforts to reduce the demand for sex trafficking and forced labor. The government disseminated among its domestic tour operators the global code of ethics of the UN world tourism organizations and information on criminal sanctions within domestic law to sensitize tour agencies on child sex tourism. The government had no authority to impose fines or punishment on a foreign labor exchange agency that commits trafficking offenses, but it can inform the relevant foreign government if a problem arises. For the first time in 2016, 30 consular diplomats-in-training participated in a trafficking awareness session; existing Hungarian consular staff was also trained on human trafficking.

TRAFFICKING PROFILE

As reported over the past five years, Hungary is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, Roma, asylum-seekers and unaccompanied minors, and homeless men. Hungarian women and children are subjected to sex trafficking within the country and abroad, mostly within Europe—with particularly high numbers in the Netherlands, France, Belgium, Germany, Italy, Ireland, Austria, Switzerland, and the United Kingdom. Hungarian men and women are subjected to forced labor domestically and abroad, including in the United Kingdom, the Netherlands, Belgium, Ireland, Austria, Germany, and Canada. During the reporting period, press and NGOs also cited Turkey, Spain, United Arab Emirates, Australia, Iceland, and Sweden as other sex and labor trafficking destination countries for Hungarian women, girls, men, and transgender persons. NGOs have reported a new phenomenon of selling disabled victims for sex trafficking. Hungarians, particularly Romani women and girls and those from state care institutions, are exploited in sex trafficking in large numbers in Austria by Hungarians of Roma and non-Roma origin. A large number of Hungarian child sex trafficking victims exploited within the country and abroad come from state-provided childcare institutions and correctional facilities, and traffickers recruit them upon leaving these institutes. Hungarian women lured into sham marriages to third-country nationals within Europe are reportedly subjected to forced prostitution. There are strong indicators labor trafficking of Hungarian men in Western Europe has intensified in agriculture, construction, and factories. Trafficking victims from Eastern European countries transit Hungary en route to Western Europe. Hungary is a transit country for asylum-seekers and illegal migrants, some of whom may be or may become trafficking victims. Within the country, Romani children are exploited in forced begging, child sex trafficking involving both girls and boys, and forced petty crime.