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2020 Trafficking in Persons Report: Hungary

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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; therefore Hungary was upgraded to Tier 2. These efforts included investigating more trafficking cases, including international investigations; prosecuting considerably more traffickers; sentencing all convicted traffickers to significant prison terms; and extraditing more suspected traffickers. Additionally, the National Police appointed specialized trafficking investigators at each of its 19 county headquarters, as well as in the Budapest office. Furthermore, the government amended legislation to include a non-punishment provision and a general protection measure for child trafficking victims and reported identifying more trafficking victims. The government also adopted a national anti-trafficking strategy for 2020-2023 and allocated dedicated financial resources to its related action plan. 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 residence. As a result, government officials did not adequately screen for trafficking indicators or identify victims among third-country nationals, such as asylum-seekers in the transit zones, as well as other vulnerable populations, including domestic workers or children in state-run institutions. The government lacked a 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.

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 provide sufficient funding to NGOs to offer victim care. • Develop and fund protocols for identification and referral and enhance training for law enforcement and social workers on recognizing indicators of exploitation. • 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. • Increase law enforcement and judiciary efforts to investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms. • Train law enforcement, prosecutors, and judges on the severity of the crime and the irrelevance of a victim's consent for proving a trafficking crime. • Take additional steps to prevent trafficking of vulnerable children residing in state-run institutions and individuals who leave these institutions. • Increase victim-centered, trauma-informed training for law enforcement, prosecutors, judges, and social workers. • Bolster protection for victims who face serious harm and retribution from their traffickers, including by developing additional longer-term care options to improve reintegration. • 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.

PROSECUTION

The government increased prosecution efforts. Article 192 of the 2012 criminal code criminalized sex and labor trafficking, but inconsistent with the definition of trafficking under international law, it established the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime. The law broadly defined exploitation as the abuse of power for the purpose of taking advantage of a victim. The prescribed penalties for the base offense ranged from one to five years' imprisonment, while the penalties for trafficking crimes involving aggravated elements ranged from two to 20 years' or life imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes. 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. Article 203 criminalized profiting from "child prostitution" or "paying for sex with a child" and prescribed penalties of up to three years' imprisonment, which were not sufficiently stringent. 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. During the reporting period, the government adopted amendments to Article 192 of the criminal code that changed the penalty provisions for some trafficking crimes; these amendments will come into effect in July 2020.

For the second consecutive year, 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. This methodological change in reporting made it difficult to compare statistics from previous years. In 2019, police registered 49 trafficking crimes (47 in 2018, 95 in 2017)—34 crimes under Article 192, four under Article 193, and 11 under Article 203. Officials reported 88 prosecutions (72 under Article 192, six under Article 193, 10 under Article 203), a significant increase from 29 in 2018 and 14 in 2017 due in large part to the prosecutorial guidelines issued in 2018 that resulted in a number of pandering cases reclassified as trafficking cases. Courts convicted seven traffickers, compared with 11 in 2018 and three in 2017—six under Article 192 and one under Article 193. There were no convictions under Article 203 in 2018 or 2019; observers raised concerns that authorities regularly underutilized Article 203. All convicted traffickers received prison sentences,

which ranged from five to 10 years' imprisonment, a significant difference from 2018 when only three of 11 convicted traffickers served time in prison. The Hungarian government reported no knowledge of officials complicit in trafficking. The National Bureau of Investigations (NBI) trafficking unit investigated cases involving organized crime or an international connection. The NBI unit employed 11 people, which experts noted was insufficient given the magnitude of the problem. In 2019, NBI cooperated with foreign law enforcement agencies on 14 investigations and participated in one Joint Investigation Team, compared with three in 2018. The government extradited six suspected traffickers in 2019, compared with none in 2017 and 2018.

In 2019, the National Police appointed investigators, who specialized in trafficking, at each of its 19 county police headquarters, as well as in the Budapest office, and conducted a three-day training session for the investigators. The National Police produced an interactive e-learning curriculum on domestic legislation concerning trafficking and related crimes and victim identification. Training was mandatory for criminal staff involved in detecting trafficking crimes and victim identification. NBI conducted several training sessions throughout the reporting period. The government organized and funded a two-day sensitivity and awareness-raising training for investigators, prosecutors, and judges from three counties affected by trafficking. The Office of the Prosecutor General conducted training sessions for trainee, junior, and recently appointed prosecutors and mandatory courses for deputy prosecutor generals in charge of criminal cases with trafficking experts presenting case studies and practical methodologies. The Office of the Judiciary integrated a trafficking component into its central training program at the Hungarian Academy of Justice; as a result, one-third of criminal case judges received training in 2019.

PROTECTION

The government increased victim identification but did not adequately screen vulnerable populations or provide adequate resources for victim services. The government reported 81 registered trafficking victims, a significant increase from 30 in 2018 and 33 in 2017. The government decree on the trafficking victim identification mechanism, which established the NRM, regulated the identification and referral of victims to assistance. The mechanism 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. Observers criticized the mechanism for lacking clarity and standards, for granting wide discretion to front-line officials, including the police, as well as for a lack of widespread dissemination of the protocols among officials. Furthermore, experts expressed concern that the decree did not apply to foreign victims without legal residence and criticized the government for not having an adequate referral mechanism in the transit zones. Subsequently, the immigration and asylum office did not identify any victims among third-country nationals, including asylum-seekers in the transit zones. NGOs had a minimal presence in the transit zones and did not have a formal role in the identification process. Experts reported that conditions in the transit zones were not conducive to creating an atmosphere of trust that would make it possible for victims to come forward and the persistence of collective expulsions conducted without pre-removal risk assessments. Additionally, experts expressed profound concern about children, including unaccompanied minors, in the transit zones. Unaccompanied minors younger than 14 years old were removed from the transit zones but did not have access to specialized services; children, including potential victims, between the ages of 14-18 could not leave the transit zones unless the government approved their asylum application. 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, unaccompanied minors, adults and children exploited in commercial sex, children living in government-run institutions, domestic workers, and foreign workers. In 2019, the government developed and distributed a handbook to assist front-line professionals in the identification and referral process for potential trafficking victims. 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 victims' assistance services.

Victim assistance services remained scarce, uncoordinated, and inadequate, and they exposed victims to the risk of re-victimization. All Hungarian and EU victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, and shelter. In 2019, NGOs reported assisting 58 trafficking victims (79 in 2018 and 66 in 2017)—29 adult females, 13 adult males, and 16 children. Forty-one of

the adult victims were Hungarian citizens, and one was a foreign citizen. While the NRM did not apply to foreign victims without legal residence, 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; the government did not report the number of cases in 2019. 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. The government did not report issuing any temporary residence permits, permanent residence permits, or exemptions from deportation for trafficking victims in 2018 or 2019.

At the end of the reporting period, the government passed anti-trafficking amendments to the criminal code, which included a non-punishment provision establishing that child trafficking victims not be penalized for committing offenses relating to offering sexual services. The amendments also included a general protection measure provision, which authorized police to place child trafficking victims in designated shelters for up to 60 days. These amendments will take effect in July 2020. Perennial issues persisted with protecting and providing assistance to 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. Some experts criticized the chronic lack of assistance and dedicated shelters for child victims and specialized services in state-run homes. Children in state-run homes or orphanages were vulnerable to trafficking, both while living in the homes and upon their required departure at age 18. EU and national requirements required child protection institutions and state-run homes to report all suspected cases of children exploited in sex trafficking; however, some law enforcement treated such children as criminals rather than victims. Law enforcement reportedly treated many persons accused of prostitution, including children, as criminals, charging them with related administrative penalties and misdemeanor offenses. 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—according to the government decree, authorities required victims' written consent for identification and access to assistance. Some experts said police generally did not understand that people in commercial sex were vulnerable to trafficking or that the non-punishment provision for crime victims could apply to them;

police rarely screened prostitution case defendants, including children, for trafficking indicators. In 2019, authorities penalized 30 children (54 in 2018, 67 in 2017), all of whom were girls, for prostitution offenses; 21 children received a warning, one received a fine, two received detention in a penitentiary, and six received community service. Experts questioned the accuracy of government data on child detention and estimated authorities held more than 200 children per year in detention for prostitution-related offenses. In 2019, the government gave an NGO 5.6 million forint (\$19,030) to assist child sex trafficking victims and conduct prevention activities for vulnerable children in three state-run children's homes, compared with five million forint (\$16,990) in 2018 and 5.9 million forint (\$20,050) in 2017.

The government allocated 24.3 million forint (\$82,570), the same amount as in 2018, compared with 21.9 million forint (\$74,420) in 2017, to an NGO operating two temporary shelters. Both shelters could accommodate up to 12 adult victims each with accommodation, transport, psycho-social support, and legal information; 15 victims received accommodation in 2019 (31 in 2018, 20 in 2017). Additionally, the government allocated 24 million forint (\$81,550), an increase from eight million forint (\$27,180) in 2018, to operate four halfway houses that could assist four victims each with reintegration services. The government also provided 80 million forint (\$271,840) to another NGO for the establishment of a new temporary shelter projected to open in 2020 that could assist four victims and an additional 15 million forint (\$50,970) for equipment purchases. The Ministry of Justice (MOJ) victim support service provided financial aid, certificates of victim status, and witness care, if the government initiated criminal proceedings against the perpetrator. The government provided 338,230 forints (\$1,150) in financial aid to six victims, an increase from 43,000 forints (\$150) to one victim in 2018. The MOJ signed a public service contract in 2019 with an NGO to operate three victim support centers and assist the victim support line, with 115.2 million forints (\$391,450) for 2019 operations. The centers, designed to provide services such as customized psychological and emotional support and information on victims' rights did not report assisting any victims in 2019, compared with six in 2018. Experts criticized the centers for deficiencies in applying a multidisciplinary approach and for lacking means to provide comprehensive services, including accommodation, or a process for monitoring and evaluation. In 2019, the government repatriated four child trafficking victims and one adult victim. The government did not have a dedicated program to provide return a..d

reintegration assistance for Hungarian victims identified abroad. No victims received state-ordered restitution or compensation.

PREVENTION

The government moderately increased prevention efforts. The government allocated 159 million forint (\$540,280) to implement its 2019 action plan to combat trafficking, which included the purchase of a vehicle to transport child trafficking victims and open a shelter for victims. Additionally, the government adopted a national anti-trafficking strategy for 2020 to 2023, including an action plan that allocates 91 million forint (\$309,220) in 2020 and 518.5 million forint (\$1.8 million) in 2021 for anti-trafficking initiatives. The anti-trafficking coordinator chaired the national coordination mechanism, an entity including government actors, one international organization, and two NGOs. The NGO roundtable, also chaired by the national coordinator, complemented its work. While the government and the majority of NGOs considered these two forums effective for exchanging best practices, some NGOs criticized the system for having two parallel roundtables, saying it hindered the effective exchange of information. During the reporting period, the government conducted a number of awareness raising campaigns designed to educate youth and other vulnerable groups, such as Roma, about the dangers of trafficking. The Ministry of Finance and the National Police collaborated to produce “Preventing Labor Exploitation,” an online publication aimed at raising awareness about the dangers of working abroad and informing citizens of their rights and opportunities. In 2019, the government encouraged Ukrainian and other foreign nationals to work in Hungary due to the country’s labor shortages; however, the lack of a clear framework and dedicated resources to regulate labor migration exposed foreign nationals to 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. However, it could assess agencies’ compliance with regulations concerning temporary work; it 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. The government provided approximately 52.5 million forint (\$178,400), compared with 66.8 million forint (\$226,990) in 2018 and 2017, for the operation of the NGO-run national crisis telephone service (OKIT), a 24-hour hotline for assisting victims of domestic violence and human trafficking, with Hungarian and English languages

available. OKIT provided support to 56 potential victims and referred 16 victims to shelter (18 and 15, respectively, in 2018).

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 minors, 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 Hungarian men in labor trafficking in agriculture, construction, and factories domestically and abroad, particularly in Belgium, the UK, and the Netherlands. NGOs reported domestic labor trafficking is an increasing concern, particularly in rural areas, among Ukrainians and other third-country nationals who came to Hungary at the encouragement of the Hungarian government to assist with the country's labor shortage. Authorities noted a rise in forced labor in domestic service among homeless individuals, citing 150 cases in a village of 16,000 inhabitants. 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 when they leave these institutions. Hungarian women lured into sham marriages by third-country nationals within Europe are vulnerable to sex trafficking. 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. Traffickers exploit some Romani children in forced begging, child sex trafficking involving both girls and boys, and forced petty crime. Seasonal workers are at risk for labor trafficking in the agricultural sector.

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