

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2020)11

**Report submitted by the authorities of Hungary
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2019)07 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

Received on 16 October 2020

Ce document n'est disponible qu'en anglais.



MINISTRY OF INTERIOR

MÁTYÁS HEGYALJAI
Deputy State Secretary for EU and International Relations

Ms. Petya Nestorova
Executive Secretary

**Council of Europe, Group of Experts on
Action against Trafficking in Human Beings**

Strasbourg

Budapest, "16" October 2020

Dear Madam Executive Secretary,

Thank you for providing the opportunity to report on the implementation of the recommendations the Group of Experts on Action against Trafficking in Human Beings adopted in Hungary's second round evaluation.

Please find attached our full report in line with the Committee of Parties' request to have it submitted by October 18, 2020.

Hungary remains committed to the fight against human trafficking and we are looking forward to further cooperation opportunities with GRETA.

Yours sincerely,

Mátyás Hegyaljai





MINISTRY OF INTERIOR

Hungarian government measures related to the recommendations made in the second evaluation round of GRETA

The Hungarian Government remains committed to efforts to curb human trafficking. Protecting and assisting victims, preventing them from victimization, and bringing the perpetrators to justice is an effort supported by all political actors.

Since the adoption of the GRETA Committee of the Parties recommendations in October 2019, a number of significant advances have been made in the field of anti-human trafficking, as detailed below. Of these, it is particularly important that the Government adopted the National Strategy against Trafficking in Human Beings for the period 2020–2023, and Parliament unanimously voted in favour of Act V of 2020, which allowed for a number of amendments to the Criminal Code, and other regulations on child protection and offences.

According to the Unified System of Criminal Statistics of Investigative Authorities and of Public Prosecution (in Hungarian commonly abbreviated as “ENyÜBS”), between October 2019 and August 2020, the felony of trafficking in human beings was registered 25 times, involving in total 28 victims. During the same period, 24 perpetrators were prosecuted for trafficking in human beings.

By September 2020, in total 298 victims had been recorded in the online EKAT database operated by the Ministry of Justice, of which 174 were registered in 2020.

GRETA recommends that the Hungarian authorities take measures to address the following issues for immediate action identified in its report:

- 1. take all necessary steps to further develop the EKAT database and make it fully operational in order to be able to compile comprehensive and coherent statistical data on trafficking in human beings, including reliable data on measures to protect and promote the rights of victims of THB;**

The EKAT System is used by all representatives of the bodies entitled to identification pursuant to *Government Decree No. 354/2012. (XII.13.) on the identification order of victims of trafficking in human beings..* In addition, the Ministry of Justice has involved a number of civil society organisations in order to reach victims as broadly as possible, e.g. European Regional Organization (ERGO), Reformed Church Charity Service, Salvation Army, Hungarian Baptist Aid (hereinafter referred to as “HBA”). The EKAT system currently has 2578 users.

Thanks to the latest development of the EKAT System in 2020, the whole process of recording victims is carried out by the body that first met the victim, thus eliminating the possibility of data loss and achieving more comprehensive, coherent statistics.

In our experience, due to the many trainings, inquiries and the establishment of collaborations in the recent period, the EKAT System is being used by more and more stakeholders and is becoming an increasingly automatic administration mechanism among the helping professionals.

2. strengthen their efforts in the area of prevention of trafficking in children, in particular by:

A) sensitising and training staff working with children, including in residential care institutions, as well as other child protection professionals across the country;

The National Directorate-General for Aliens Policing (hereinafter: the Directorate General; at the time of the grant request held the name of Office for Immigration and Nationality, later between 1 January 2017 and 30 June 2019 Immigration and Asylum Office) organized training sessions for its staff in day-to-day contact with possible victims of child trafficking in the framework of an ISF-project entitled “*Successful identification of victims of human trafficking in the OIN procedures*”. Altogether 164 employees participated, including social workers of the reception facilities, asylum and immigration case workers. In 2018–2019 the training program went on with own funding (project maintenance period) with the involvement of additional 100 persons. They were given a comprehensive view of the legal framework of combatting trafficking in human beings, the recommended techniques of victim identification and the necessary steps of victim referral including the activities and contact details of the main public and civil society organisations in the field of victim support and the use of EKAT System.

In addition to the in-house trainings, the staff of the Directorate General participated in trainings entitled “*Interviewing Vulnerable Persons*” and “*Interviewing Children*” accredited by the European Asylum Support Office (EASO), the “*Identifying and Addressing the Harms of Domestic Violence and Trafficking in Human Beings*” training organized by the Family Friendly Country Non-profit Public Service Ltd. (in Hungarian commonly referred to as “CSBO”) and other training sessions related to human trafficking arranged by the International Organisation for Migration (IOM) and the European Union Agency for Law Enforcement Training (CEPOL).

In connection with the tasks of *Government [Decision No. 1125/2019 \(III.13.\) on the measures necessary to increase the efficiency of combatting human trafficking](#)* the National Police Headquarters draw young people’s attention to the dangers of sexual exploitation through drama pedagogy. The theatre play “*I Will Stand for You*” was put on stage 8 times in 2019, followed by 6 other performances this year. Their story reveals the dilemmas and vulnerabilities of youngsters growing up in child protection institutions, and the dangerous opportunities of making money easily. It aims to provide an alternative in a theatrical and interactive framework so as to avoid hazards and make the right choices.

All professionals working in social, child welfare and child protection fields are required to undergo further training. Within the framework of the priority projects entitled “*Development*

of *Social Human Resources*” (EFOP-3.8.2-16-2016-00001, VEKOP-7.5.1-16-2016-00001), a number of professional trainings are directly or indirectly related to the topic of human trafficking, such as:

- The e-learning “*Presentation of the signalling system. Prevention of child abuse*” is mandatory for those working in the field of primary child welfare and child protection;
- a further training programme for the treatment of the drug problem (prevention, treatment, therapy) for professionals working in primary child welfare, child protection and juvenile reformatory institutions;
- general competence development for those employed in professional positions in special children's homes and juvenile reformatory institutions;
- a 30-hour vocational training course under the title of “*Suppressing Child Prostitution, Trafficking in Children*” for child protection professionals, which by March 2020 had already been successfully completed by 821 people, and an additional 1,280 people applied for further training. (In view of the coronavirus epidemic, training requiring physical presence has been suspended; at the moment the curriculum for the prevention of child prostitution is supplemented with more detailed information on victim identification and the use of the EKAT system.)

In connection with this, the professional regulatory material “*Methodology on the treatment, suppression and prevention of child prostitution in specialized child care institutions, foster parents' networks and juvenile reformatory institutions*” was also compiled.

All these activities are expected to continue in the European Union support period 2021–2027.

B) raising awareness of THB and online safety among children, including those in residential care institutions;

Every year, on the occasion of Safer Internet Day (11 February), the Police hold a series of national events to draw children's attention to the safe use of the Internet.

Due to the increased demand for prevention activities, the county (capital) police headquarters paid increased attention to Internet security prevention activities on 3-23 February 2020.

The Crime Prevention Unit of National Police Headquarters prepared infographics on the most important recommendations related to Internet safety, which was published by the Communication Service of the National Police Headquarters on the official Twitter and Instagram channels of the Police and shared on the "Internet consciously - Being Safe also Online" Facebook page.

Consciousness and awareness-raising among children placed in state care cannot be effectively pursued without the training of professionals working with them. Bearing this in mind, the measures of the Action Plan related to *Government Decision No. 1488/2016 (IX.2.) on the Creation of a Safe Internet Service for Children, Conscious and Value-creating Internet use and Hungary's Digital Child Protection Strategy* include the organization and

implementation of free media literacy training for those working in state care within the framework of the “*Development of Social Human Resources*” priority projects previously referred to in section 1/A for those employed in specific professional jobs. Digital Child Protection Training (DGYT) contains 50 hours (30 hours e-learning + 20 hours contact hours); the topics and curriculum have been completed, while the e-learning framework is currently being developed. As it stands now, the trainings can start in Q1 2021 in several locations and groups.

C) taking further measures to strengthen the prevention of THB through social, economic and other measures for groups vulnerable to THB;

[Hungary's National Strategy against Trafficking in Human Beings for 2020–2023](#), adopted by Government Decision No. 1046/2020 (II.18.) pays special attention to victims of trafficking in human beings under the age of 18; a separate chapter enumerates measures to prevent victimization, protect and assist them.

- Introduction and reinforcement of trainings on the prevention of trafficking in human beings for all staff working with children taken out from their families;
- Prevention programs in foster parenting networks, orphanages, group homes, juvenile reformatory institutions based on coherent thematic;
- Supporting the purchase and maintenance of additional rescue vehicles and allocating resources for the appointed institutions providing regional child protection special care services for the safe transportation of minor victims;
- Supporting the creation and operation of the infrastructural conditions required by further Barnahus model services in order to provide nationwide coverage, as well as support for related training, research, follow-up and methodological tasks.

The implementation of the measures included in the anti-human trafficking strategy is envisaged partly from central budget resources and partly from the European Union funding within the framework of the priority call scheme planned for the 2021–2027 support period. For example: the purchase of two rescue vehicles will be funded from the 2021 central budget; the development of two Barnahus services is being funded in 2020 from the chapter-managed appropriation of the Ministry of Human Capacities 20/18 “*Development of child protection services*”; additional resources are allocated for the implementation of the measures included in the strategy also from Phase II of the Swiss-Hungarian Cooperation Programme (public safety sub-segment).

3. ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for in the Convention, including by:

A. not requiring written consent from trafficked persons for them to be identified as victims and provided with assistance;

The personal data of the victims are recorded in the EKAT system in accordance with the data protection regulations in all cases with the written consent of the victim. In cases where the

victim does not consent to the disclosure of their personal data, the case is recorded anonymously, as the form of exploitation and the methods used serve as important data in all cases.

However, there should be no confusion between deliberate refusal to participate in victim support and inability to make a statement due to mental trauma and/or physical abuse. In the latter case, crisis intervention (health and psychosocial care) is provided in all cases and the victim is formally identified with the involvement of guardians/custodians or after the initial phase of rehabilitation.

B. adopting a framework for the identification of victims of THB among (illegally staying) third-country nationals without legal residence which ensures that victim identification is dissociated from the presumed victim's co-operation with the investigation;

Hungarian law grants a reflection and recovery period allowing third-country nationals who are victims of trafficking in human beings to decide whether to cooperate with the competent authorities in the detection and prosecution of the crime. The reflection period does not create a right of residence, i.e. for third-country nationals effective cooperation in criminal proceedings is a precondition for the right to remain in the territory and have access to long-term victim assistance.

At the same time, the Hungarian Government is currently working on the development of the victim support system, during which the above recommendation, i.e. the possibility of unifying the regulations on foreign victims, will also be examined.

C. improving the identification of victims of trafficking among asylum seekers and irregular migrants;

The refugee and immigration authority pays increased attention to the needs of vulnerable persons in its proceedings. The widespread sensitization of its staff to human trafficking indicators also serves this purpose. At the same time, we would like to point out that clients often leave to unknown places after lodging the asylum claim, which is why the procedure ends with termination of the application and no identification interview can take place.

D) organising regular and co-ordinated multi-agency inspections by labour inspectors, the Police and other relevant agencies in at-risk sectors;

The territorial labour authorities, which are units of the capital and county government offices, in cooperation with the relevant partner authorities, such as the labour protection authority, the Police, the National Directorate-General for Aliens Policing regularly carry out complex (aliens policing, labour, public order and public safety) inspections.

Every year, the Employment Supervision Department of the Ministry of Innovation and Technology orders random inspections in specific topics at capital and county government offices, in the framework of which the regional labour authorities examine the enforcement of

labour standards on the basis of pre-defined criteria. From 2020 onwards, the labour authority undertakes to pay special attention to the identification of potential victims of trafficking in human beings during all labour inspections carried out as part of random inspections.

The anti-trafficking unit of the Riot Police National Bureau of Investigation carried out joint actions in September 2020 within the framework of the EMPACT THB Labour JAD (Joint Days focusing on labour exploitation).

E) enabling specialised NGOs with experience in identifying and assisting victims of THB to have regular access to transit zones;

We would like to point out that on 20 May 2020 the Hungarian Government decided to terminate the operation of the transit zones, rendering the recommendation irrelevant.

F) ensuring that there are appropriate facilities in transit zones where asylum seekers can meet in privacy with persons of trust, including lawyers, employees of specialized NGOs, officials of international organisations and social workers;

See section 3/E.

4. take further measures to provide victims of THB with adequate assistance, and in particular:

A) ensure that all assistance measures provided for in law are guaranteed in practice to victims of THB, regardless of their migration status and whether they are in possession of a certificate on victim status; when the provision of assistance is delegated to NGOs as service providers, the State has an obligation to provide adequate financing and ensure the quality of the services delivered by all NGOs to whom the State refers victims of THB for assistance;

Pursuant to the personal scope provisions of *Act CXXXV of 2005 on Crime Victim Support and State Compensation* (hereinafter: Victim Support Act), persons identified as victims of trafficking in human beings are entitled to victim support services regardless of their nationality, provided that the conditions for legal residence are met.

If third-country nationals identified as victims of trafficking in human indicate their intention to cooperate to the authorities, after the expiry of the one month reflection period, during which they are entitled to certificate of temporary stay, the immigration authority shall issue a residence permit for humanitarian purposes for a period of 6 months, renewable by 6 months from time to time. Foreign victims can also be accommodated in sheltered accommodation according to general rules of referral.

Victim support services that fall within the scope of sheltered accommodation and advocacy can also be accessed without proof of victim status. A certificate issued by a court, prosecutor's office or investigative authority in criminal proceedings, at the request of the

victim or the victim support service, is only required for the payment of instant monetary aid and state compensation.

The Ministry of Human Capacities provides annual funding for two 12-bed shelters (officially named “Temporary Accommodation”) run by A Chance for Families 2005 Foundation; the sheltered accommodation facilities receive only victims of trafficking in human beings for a period of 90 days, which can be extended once for another 90 days. 2-2 half-way houses (with a capacity of 4 people each) connected to temporary accommodation also form part of the complex assistance, which can be used for a maximum period of 5 years.

Accommodation in temporary accommodation can only take place on the basis of the victim's consent and request. Victims can be admitted to the half-way house, a service designed to establish and strengthen independent living, once they get over the crisis situation.

Until 2019, the Hungarian Baptist Aid also operated two shelters, one of which was purchased by Ministry of Human Capacities, with HBA’s maintenance obligation. Pursuant to point 4 of *Government Decision No. 1125/2019 (III.13.)* the Ministry of Human Capacities provided HUF 80 million from the 2019 budget to HBA for the establishment of a new sheltered accommodation facility. As Ministry of Human Capacities was able to offer a public property for free use to open this third temporary accommodation, a new form of victim support service could also be established in the first half of 2020: a so-called crisis intervention home with a capacity of 4 designed for victims in serious danger and shock for a period of reflection, while victim support specialists can thoroughly map the victim's situation, needs and vulnerability.

The new temporary accommodation, opened in September 2020 with a capacity of 12 people. In addition to providing basic services in the property, it can also host and operate an employment workshop for rehabilitation purposes. In December 2019, the Ministry of Human Capacities supported the equipment and furniture of the new temporary accommodation facility with additional HUF 15 million. The 2020 budget will ensure that two new half-way houses are connected to the new temporary accommodation facility, for the operation of which HUF 8 million is available.

Hungary's budget for 2021 provides an additional HUF 40 million for the purchase of two rescue cars to be used by sheltered accommodation facility maintained by A Chance for Families 2005 Foundation. In addition, within the framework of the project entitled “*Complex assistance to victims of human trafficking*” implemented in 2020–2022 from the Internal Security Fund of the European Union with domestic co-financing, the Hungarian Baptist Aid will also be able to operate a rescue car.

B) enable male victims of THB to benefit from all the assistance measures provided for in law, including safe accommodation;

A Chance for Families 2005 Foundation, which receives annual state support, provides rehabilitation and reintegration for identified victims of trafficking, regardless of gender. In addition, the expanded care system, described in Section 4/A, allows a shelter operated by the

Hungarian Baptist Aid to receive only male victims in the future. Preparations for this change have already begun.

In June 2020, the Ministry of Interior, in line with the National Strategy against Trafficking in Human Beings 2020–2023 published a call for proposals to assess the different needs and care options of victims of different forms of exploitation; the primary goal of the research is to increase the effectiveness of victim assistance among men fallen victim to labour exploitation.

During 2020, five special children’s homes maintained by the Directorate-General for Social Affairs and Child Protection were designated to receive minors who were (presumed) victims of human trafficking. One of the five institutions, the central special children's home in Kalocsa provides care exclusively for boys.

C) ensure that alleged foreign victims of trafficking are moved to a shelter for victims of THB as soon as there are reasonable grounds to believe that they are victims of trafficking;

If a victim of trafficking in human beings appears in any asylum or immigration procedures, the authority fills out the identification sheet and related forms in line with the applicable legislation and professional protocol, the superior of the acting caseworker and the victim support service through the EKAT system are notified and once the conditions of lawful residence are fulfilled, the victim is placed in sheltered accommodation with the involvement of the National Crisis Management and Information Hotline (in Hungarian commonly referred to as “OKIT”). The sheltered accommodation referred to above accepts both Hungarian and foreign citizens.

D) ensure that the legislation criminalising the promotion and facilitation of irregular migration is not applied in a way which would prevent NGOs from being involved in providing assistance to all victims of trafficking;

As indicated earlier, the National Directorate-General for Aliens Policing has established partnerships with several non-governmental organisations and grants them entry permits to reception facilities.

5. strengthen efforts to identify child victims of trafficking and to provide them with assistance adapted to their needs, including by:

A) setting up child-specific identification procedures which involve child specialists and take into account the special circumstances of child victims of trafficking;

Act V of 2020 amending certain laws necessary to combat the exploitation of victims of trafficking in human beings (hereinafter: Act V of 2020) laid the foundations for a child victim management regime by introducing a so-called general protection measure. In September 2020, an intersectoral working group was set up to work out the details of the practical application (e.g. improvements in infrastructure and human resources in the

designated special children's homes, drafting a decision template to be used by the police when it comes to general protection measure). In addition, the use of rescue cars can help child-friendly victim assistance: Such a vehicle has been available in the central special children's home in Esztergom since March 2020, and 4 more vehicles can be purchased from the 2021 budget, and through the Swiss-Hungarian Cooperation Programme referred to in paragraph 2/C (which also involves national co-financing on the model of EU projects).

Pursuant to Article 61 (2) of the Child Protection Act from 1 January 2019, the territorial child protection services shall provide services for the examination and therapy of neglected and abused children, including sexually abused children, and operate a hearing service for affected children upon official request. One possible method of this service provision is the Icelandic Barnahus model, launched in in November 2016 in the town of Szombathely. Taking into account the positive first experiences, three new Barnahus are currently being developed in Budapest, in the city of Miskolc and Debrecen (to be opened in 2021).

From March 2019 the Barnahus in Szombathely, as the Barnahus National Centre of Knowledge, is introducing the Barnahus model to child protection, justice and guardianship professionals within the “PROMISE 2” project funded by the Council of Europe and prepares in the framework of the same project the staff of the new Barnahus in Budapest, operated by the Metropolitan Centre for Child Protection and the Regional Child Protection Service.

According to the information provided by the National Office for the Judiciary, the children's hearing rooms in criminal cases were used 45 times in the first half of 2019 and 7 times in the second half of 2019. The low number of hearings of children in court criminal cases can be explained by the fact that pursuant to *Act XC of 2017 on Criminal Proceedings* (hereinafter referred to as Criminal Proceedings Act) children are no longer questioned by the investigating judge but by the investigative authority.

B) repealing legislation allowing the imposition of administrative fines on children engaged in prostitution and instructing police officers to consider all children (including those 14-18 years of age) who are engaged in prostitution as victims, including possible victims of trafficking rather than as offenders;

On 1 July 2020, Act V of 2020 amended, inter alia, *Act II of 2012 on Minor Offences, Offence Procedures and the Registration System of Offences* (hereinafter referred to as Act on Minor Offences) *Act XXXI of 1997 on the Protection of Children and the Guardianship Administration*, *Act LXXV of 1999 on the Rules of Action against Organised Crimes and Certain Related Phenomena, and on the Required Amendments of Law* (hereinafter referred to as Act on Organized Crime) and *Act C of 2012 on the Criminal Code*.

In order to protect the rights of the children and to comply with international law, it had to be made clear that persons under the age of eighteen offering sexual services are victims of prostitution (and not perpetrators) and deserve protection in this regard. The purpose of Act V of 2020 is to introduce a general prohibition on the offering of sexual services by a person who has not attained the age of 18. The concept of offering a sexual service is defined in

Article 4 k) of the Act on Organised Crime, which includes both active (verbal invitation) and passive (implicit conduct) offering, as well as acceptance of the invitation of a person wishing to use sexual services. Pursuant to Article 6 of Act V of 2020, the following paragraph (1a) is added to Article 9 of the Act on Organised Crime: *"A person under the age of eighteen may not offer sexual services."*

Act V of 2020 did not change the current legal facts of the offence of illegal prostitution. The amendment regulated the case, as a ground for non-criminalization (exemption from liability), when a person offering sexual services has not reached the age of majority, thus extending the grounds for non-criminalization under the Criminal Code and ordered to apply under Article 29 (1) h) of the Act on Offences Act (permitted by the introductory part of Article 29).

Based on the above, a person under the age of eighteen cannot be punished in an infringement procedure for offering sexual services, and the internal instructions concerning the Police have been amended accordingly. Pursuant to Act V of 2020, in order to protect a child who has not reached the age of eighteen and violates the prohibition on offering sexual services, the Police take a general protection measure.

Under the new legal provisions, a child under the age of eighteen who is in breach of the prohibition of offering sexual services is placed in a special children's home by the Police under the rules of temporary placement, on the basis of which the guardianship authority conducts its proceedings ex officio and examines the justification for the need of placing the child in a children's home or the reasons for other child protection authority action. A child who has previously been placed in temporary care or foster care will be transported by the Police to a special children's home.

The general protection measure introduced to protect children involved in prostitution is an immediately enforceable decision, of which the Police notifies the guardianship authority and arranges for the child to be accommodated or transported. This regulation ensures that a person under the age of eighteen is not exposed to the risk of further sexual exploitation impeding their physical, mental and moral development, in the ex officio proceedings of the guardianship authority it is duly examined whether the child's family is suitable for upbringing, and whether it is not against the child's interest to grow up in a family environment.

C) ensuring the timely appointment of trained guardians to unaccompanied or separated children kept in transit zones and enabling guardians to effectively fulfil their tasks by limiting the number of children for which each guardian is responsible;

If an unaccompanied minor is identified as a victim, the asylum authority shall send an immediate alert to the guardianship authority/child protection guardian and the Child Protection and Guardianship Department of the Ministry of Human Capacities; the child protection guardian shall be appointed immediately, and the Károlyi István Children's Centre in the town of Fót shall be designated as their place of residence.

As indicated in section 3/E., the Government decided, on 20 May 2020, to terminate the operation of the transit zones, so this part of the recommendation ceased to be relevant; the majority of persons placed in the transit zone of Röske and Tompa were transferred to an open reception institution by the asylum authority. The measure did not affect unaccompanied minors, as no such person was present in the transit zones at that time.

D) reviewing the age assessment procedures applied in the transit zones, with a view to ensuring that the best interests of the child are effectively protected and that the benefit of the doubt is given in cases of doubt, in accordance with Article 10, paragraph 3, of the Convention, and taking into account the requirements of the UN Convention on the Rights of the Child, General Comment No. 6 of the Committee on the Rights of the Child and the European Asylum Support Office (EASO) practical guide on age assessment. The National Directorate-General for Aliens Policing should be given sufficient time to involve expertise such as forensic medicine experts, psychologist and psychiatrists to carry out age assessment before having to assert a young person's age;

See section 3/E.

E) placing presumed child victims of trafficking in accommodation which has suitably qualified staff and is appropriate in terms of their specific needs, in line with Article 12(7) of the Convention;

As indicated above, five special children's homes maintained by the Directorate-General for Social Affairs and Child Protection were designated during 2020 to receive children placed under a general protection measure as (presumed) victims of human trafficking. (Foreign victims continue to be placed in Károlyi István Children's Centre.)

A professional-methodological working group has been set up to monitor the implementation of the so-called general protection measure, a new legal instrument. The working groups has commenced in September 2020, organized by the Directorate-General for Social Affairs and Child Protection with the involvement of the Ministry of Interior, National Police Headquarters, the Hungarian Baptist Aid, Child Protection and Guardianship Department of the Ministry of Human Capacities, the Child Welfare and Child Protection Methodology Department of the Directorate-General of Social Affairs and Child Protection and professionals from the designated special children's homes.

6. ensure that the recovery and reflection period, as provided for in Article 13 of the Convention, is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period to persons for whom there are reasonable grounds to believe are victims of THB, regardless of whether they are detected inside Hungary or in a transit zone;

Pursuant to Article 24 (1) of the Victim Support Act, the information provision within the framework of advocacy service shall mean that the Victim Support Service – after conducting needs assessment – informs all victims who turn to it of their rights and obligations in criminal and minor offences proceedings, the types of benefits available to them and eligibility conditions, other benefits, allowances, enforcement opportunities available to them in addition to the benefits specified in the Victim Support Act, the availability of state, local government, non-governmental organizations and religious communities in the field of victim assistance, and counsel them on how to avoid re-victimisation, taking into account the type of crime or property offence.

Pursuant to Article 24 (3b) of the Victim Support Act, the victim support service has an additional obligation to provide information to third-country nationals. If the victim support service finds that a third-country national is a victim of trafficking in human beings it also informs them that they have one month to decide whether to cooperate with the authorities in the investigation of the crime and that they are entitled to a certificate of temporary stay for the reflection period and to a residence permit for the duration of the cooperation with the authorities.

A third-country victim with a certificate of temporary stay may be accommodated in shelters for victims of human trafficking and in a community shelter operated by the National Directorate-General for Aliens Policing. The legal, psychological and health aspects of assistance to a third-country victim with certificate of temporary stay are available also in the latter case (personalized social work, psychologist or psychiatrist, medical care and vaccination, assistance in criminal proceedings etc.) during the one-month reflection period. Those services are therefore available for the victim before their residence permit is issued, independently of their cooperation in the investigation.

7. adopt measures to facilitate and guarantee compensation from the perpetrators for victims of trafficking, including by:

A) ensuring that victims of trafficking are systematically informed of their right to legal aid and to seek compensation and the procedures to be followed;

Within the framework of state victim assistance the legal assistance, which is the competence of government offices means that the socially disadvantaged may receive professional legal counselling, procedural representation in litigation during the enforcement of their rights, the settlement of their legal disputes, ..

Information on state victim support services is a mandatory content of the minutes of the witness (victim) hearing. Pursuant to the protocol of Government Decree No. 354/2012 the body entitled to identification shall immediately notify the regional victim support service by sending the completed identification sheet via the EKAT System together with the written consent of the identified person.

Pursuant to Article 4 (1) of the Victim Support Act, the state shall provide the following services to the victim after assessing their needs: facilitating the enforcement of interests; instant monetary aid; certificate of victim status; witness care; sheltered accommodation. The individual needs are assessed by the victim support service on the basis of a questionnaire compiled in accordance with Article 1(1) of *Government Decree No. 420/2017 (XII. 19) on the Procedure Related to the Authorisation of Support Provided to Victims of Criminal Acts and on the Detailed Rules on the Disbursement and Reimbursement of Financial Aid*.

A crime victim is not required to make a police report in order to access the victim support services as described above. This is supported by the general rule laid down in Article 10 (5) of the Victim Support Act, according to which it is not mandatory to attach to the application for the victim support service a report or a document certifying the filing of a police report, a certificate pursuant to Article 11, a decision rejecting the application or terminating the proceedings for the reason specified in Article 1 (3), or the conclusive decision or a copy thereof. The cited legal provision only specifies this as an option for the victim if he/she is in possession of such a document.

Among the victim support services presented above, the promotion of advocacy and the provision of sheltered accommodation are particularly relevant for victims of trafficking in human beings. It is important to emphasize that these services can be used by victims of trafficking regardless of the police report, which is in line with Article 4 (8) of the Victim Support Act that exempts the official acting on behalf of the victim support service from the (notification) obligation as per Article 376 (2)-(3) of the Criminal Proceedings Act in the event that the victim turns to the victim support service for the promotion of advocacy or for sheltered accommodation.

B) enabling victims of trafficking to effectively exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;

Under *Council Directive 2004/80/EC relating to compensation to crime victims* all EU Member States are obliged to operate a state compensation scheme.

Victims of intentional violent crimes against persons may claim state compensation to compensate or mitigate their property damage. In addition to them, the indirect victims of the crime, such as some close relatives, dependents of the victims, and those who have seen to the burial of the deceased victim, may also be eligible. In the case of state compensation, the existence of physical or mental injury healing beyond eight days must be proven. The maximum amount of state compensation in 2020 is HUF 2,128,125. State compensation can only be granted to a victim who meets the conditions of need. A victim is considered to be socially in need if his/her monthly net income does not exceed twice the basic amount (in 2020: HUF 283,750). Victim Support Act specifically names cases where the victim is deemed to be in need without having to examine their income situation, e.g. if they are entitled to active age benefits or receives old-age pension, or who cares for a child in his/her

family who has been established to receive regular child protection benefits, is a person under asylum in Hungary or a victim of terrorist act, etc.

An application for compensation can be submitted within three months of the commission of a criminal offence, with an application for a certificate though, the objective time limit for claiming compensation is up to five years.

The description of the institution of state compensation and instant monetary aid is an integral part of the trainings related to human trafficking.

C) review the legislation concerning State compensation so that all victims of trafficking are able to benefit from it regardless of their nationality or the regularity of their stay in Hungary or in any other country;

The National Strategy against Trafficking in Human Beings for the period 2020–2023 adopted in February 2020 envisages a number of measures related to victim compensation.

The 2020-2021 Action Plan of the strategy aims to review the forms of support, care and reintegration provided to victims of trafficking, to examine the development of regulations that allow the authorities to transfer victims' data to eligible support organisations, and to allow victims to be compensated from the proceeds of crime and seized property.

8. take the following steps as regards the repatriation and return of victims of trafficking:

A) duly conduct pre-removal risk assessments prior to forced removals of irregular migrants or return of victims of trafficking or failed asylum seekers from Hungary, fully assessing the risks of trafficking or re-trafficking on return;

The immigration authority is obliged to examine the applicability of the non-refoulement principle in the procedure related to the ordering and execution of return or expulsion.

Pursuant to Article 51 of the Immigration Act return or expulsion is prohibited to a country, which is not considered a safe country of origin or a safe third country; in particular where the third country national would be in likely danger of persecution based on race, religion, nationality, membership of a particular social group or political opinion; the prohibition to return or expel a TCN to the territory of a state or a frontier of an area where we have good reason to believe that the foreigner will be subject to ill-treatment is laid down in Article 14 (2) of the Fundamental Law (constitution) of Hungary as well.

In line with the *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals* (Return Directive) the immigration authority is in favour of voluntary return. In case some necessary conditions are not met, the immigration authority orders the expulsion with official escort. The execution of the expulsion is supervised by the prosecutor.

Voluntary return is provided by the National Directorate General for Aliens Policing within the framework of the IOM Voluntary Return Programme. The project continues to include a reintegration component, thus voluntary returnees belonging to vulnerable groups (such as identified as victims of trafficking) or with a chronic health problem may receive reintegration counselling. Based on a preliminary needs assessment and a reintegration plan, in total 16 voluntary returnees can receive a non-refundable in-kind reintegration assistance of up to EUR 700; and an additional 6 applicants from vulnerable groups may receive a one-off assistance of EUR 700 per person. In addition, 6 people, selected on the basis of their business plan, can receive a complex reintegration assistance, under which they are entitled to a reintegration assistance in kind of up to EUR 2,500 to promote gainful employment.

B) give full consideration to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people;

See the response to recommendation 3/E., 5/C., 8/A.

C) ensure that the repatriation of trafficking victims is carried out with due regard for their rights, safety and dignity and preferably on a voluntary basis and in compliance with the obligation of non-refoulement. This requirement includes the provision of information to victims on existing support programmes and protection against re-victimisation and re-trafficking;

See the response to recommendation 8/A.

D) make sure that the best interests of the child are effectively respected, protected and fulfilled, inter alia, through an assessment of risks and safety carried out, prior to any removal measure, by specialised bodies in co-operation with the competent contacts in the country of origin, especially for unaccompanied children; this assessment must also enable the child to properly exercise his/her right to education and measures to secure adequate care or receipt by the family or appropriate care structures;

See the response to recommendation 8/A.

Pursuant to Article 45 (2) of *Act LXXX of 2007 on Asylum*, in the case of an unaccompanied minor, the non-refoulement also prevails if the family reunification or any state or other institutional care cannot be ensured either in their country of origin or in another state admitting them. In order to establish an obstacle to expulsion, country information is obtained with regard to institutional care of minors in the country of which the minor is a citizen or in any other admitting state. In practice, the authority relies on the contribution of the International Organisation for Migration (IOM) for family reunification (search for parents) and, when it is not possible, for institutional care.

9. include the different types of exploitation mentioned in the Convention, including slavery, practices similar to slavery and servitude, in the definition of THB in the Criminal Code;

Article 192 of the Criminal Code orders the punishment of human trafficking. Act V of 2020 amended the statutory elements of this offence, with effect from 1 July 2020, in particular with a view to enact a stronger reproduction of the regulatory expectation – ie. the essence of trafficking in human beings and forced labour – set out in the Council of Europe Convention on Action against Trafficking in Human Beings and *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* that the trafficking in human beings is permeated by the motive of gainful intent in such a way that the perpetrator exploits a power relationship with the victim that enables the perpetrator to strip the victim from his/her humanity besides violating the foundations of human dignity. Not only the content but also the title of the the legal definition has changed: trafficking in human beings (Article 192) and forced labour (Article 193) are now merged as a reasonable simplification of the regulation, since it's conceptually a part to whole relation (the new title has become trafficking in human beings and forced labour).

Article 192 (2) of the Criminal Code, which is the second basic case of a criminal offence, reflects the essence of trafficking in human beings in practice, i.e. exploitation and the pursuit of gain, in addition to setting out the forms of offence under the Directive, which embody some form of power over the victim.

Exploitation in itself presupposes a kind of permanent, longer-term state, i.e. a kind of regularity, or at least a striving for it, and can be based on any act, such as work or service. All this is important because while in the previous regulation exploitation was only an intent, in the new provisions effective from 1 July, exploitative behaviour itself became punishable.

Unlike the previous regulation, the legislator also reflected the vulnerable situation in the new provisions [Article 192 (2a) of the Criminal Code]. This is important since it is considered to be the most comprehensive, the most common form of offence, it can be established without exception for victims of trafficking in human beings.

With the new provision, it has become clear that trafficking in human beings is exploitation in itself; persuading or coercing a person in any vulnerable position to engage in an activity or to tolerate something for the purpose of regular gain. Article 192 (2) of the Criminal Code also names regular gainful conduct that, in the case of trafficking in human beings, constitutes exploitation itself ('inducement or coercion to work, perform work-related activities, provide other services or engage in an illegal act'). It can be seen that the new text of the law defines essentially any human activity, even illegal activity, as being subject to trafficking in human beings.

The new wording also makes it clear that a vulnerable situation can not only be the result of human intervention, but can also develop on the basis of circumstances independent of human

behaviour. In the latter case, the perpetrator does not cause the victim a vulnerable situation, but exploits it.

10. adopt a specific legal provision on non-punishment of victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so and/or to issue guidance to the Police and public prosecutors on the application of the non-punishment principle;

If the Criminal Code does not contain a reason for excluding or limiting liability to punishment, neither the police nor the prosecutor's office may be given instructions or guidance in lower-level legislation that call for deviations from cases not regulated in the Criminal Code, which option is implied as an alternative in the recommendation.

It should be emphasized that Article 19 (1) of the Criminal Code lays down a ground for exclusion of criminality, according to which a person shall not be liable to punishment if he/she commits a punishable act under coercion or threat which prevents him from acting in line with his/her own will, and under Paragraph (2), the punishment may be reduced without limitation if the coercion or threat limits the ability of the perpetrator of a criminal offence to act in line with his own will. Pursuant to Article 20 (1) of the Criminal Code, a perpetrator shall not be liable to punishment for a fact of which he was not aware at the time of commission or who commits the punishable act in the erroneous assumption that it is not dangerous to society and has a good reason for this assumption. However, liability to punishment shall not be excluded by error if the error is due to negligence, and negligent commission is punishable under Paragraph (3) of the referred legislation.

As a general rule, Article 16 of the Criminal Code also provides for impunity for perpetrators under the age of 14, with the exception of the most serious crimes.

The referred general provisions of the Criminal Code regulate the procedure, in accordance with the recommendation, in case the victim of human trafficking commits a criminal offence as a result of coercion or threat, and Article 192 (2) of the Criminal Code contains circumstances which constitute a crime committed by a victim of trafficking subjective side, so that they have an mitigating or exclusionary effect in relation to their guilt, such as the expressions 1-7 of the basic case regulated in Paragraph (1a) and in both expressions of Paragraph (1b) and in the qualified cases provided for in Paragraphs (5)-(6), in the case of the preparation provided for in Paragraph (7), and in the case of a new basic case introduced on 1 July 2020, ordering the punishment of the demand side, the full or limited exemption of the victim from liability (possibility of unlimited mitigation) is expressly provided.

Although the consent of a passive subject may preclude the unlawfulness of the act in certain cases, in the case of human trafficking the right to human freedom, dignity and self-determination as a protected legal subject is violated. These are fundamental rights inherent in human existence, which, like the right to life, cannot be validly waived. Therefore, human trafficking is illegal even with the consent of the passive subject, so that criminal responsibility exists anyway. This principle has been present in case law for a long time, as

- the Supreme Court (Curia) took this legal position in several decisions when it did not accept the argument of the defence that the crime of trafficking in human beings was not committed by the accused because the victim was handed over or received with their consent (see Bf.III. 1881/2000/3; Bf.III.2419/5), and
- The guidelines of the General Prosecutor's Office on the crime of human trafficking also state the following: 'It should be emphasized, in particular, that a victim in such a vulnerable situation may not give a valid consent to the commission of a crime against their human dignity or personal freedom; a reference to the voluntary nature of the vulnerable victim or their own decision cannot absolve the perpetrator from liability for the crime of human trafficking (alone).'

The offending behaviours (persuasion, coercion) pursuant to Article 192 (2a) and (2b) of the Criminal Code explicitly reinforce the above regulatory principle, as it can be concluded from both behaviours that due to the vulnerability and power situation justifying the persuasion and coercion, the victim did not have, could not have a decision-making ability, i.e. he/she did not agree with the conduct that he/she has been showing. In addition, these behaviours are based on the grounds for exclusion from criminal liability under Article 19 of the Criminal Code. Article 19 (1) stipulates that a person who commits a punishable act under the influence of coercion or a threat which renders him/her incapable of acting in accordance with his/her will – i.e. the consent cannot be taken into account – is not punishable.

11. take measures to ensure that THB cases are investigated proactively, prosecuted and result in effective, proportionate and dissuasive convictions, including by:

A) identifying gaps in the investigation and prosecution of THB cases;

According to the Unified System of Criminal Statistics of Investigative Authorities and of Public Prosecution, the number of investigations on human trafficking completed in 2019 showed a significant increase compared to previous years: 10 crimes were registered in 2017, 4 in 2018, and 34 in 2019). In order to raise the professional standard of the procedures, trafficking in human beings senior supervisor officers were appointed and trained in the county (capital) police headquarters to conduct THB-related investigations as well as provide professional support and supervision of the criminal work of local police stations related to human trafficking and prostitution.

Pursuant to *Instruction No. 13/2014 (V.16) of the National Police Headquarters on the implementation of police tasks concerning prostitution-related offences and human trafficking*, the County Criminal Police Deputy Chiefs, the Deputy Criminal Director of the Airport Police Directorate and the Director of the Riot Police National Bureau of Investigation shall prepare an annual evaluation report on the implementation of the tasks specified in the instructions, on the experience of investigating the crimes within their competence and affecting the phenomenon, which shall be submitted to the Criminal Deputy Chief of the Hungarian Police by 1 February each year. After analysing and evaluating the

experience, the National Police Headquarters take measures to eliminate possible deficiencies. The findings are taken into account when defining the tasks and planning the trainings.

Act V of 2020 amended the legal regulation of the crime of human trafficking in the Criminal Code on 1 July 2020. With the amendment, the legislator intended, among others, to achieve the goal that the Hungarian legislation would be more fully in line with international expectations than before, and that criminal responsibility and the application of a legal disadvantage with sufficient deterrent effect would take place in all justified cases.

Given that a short time has elapsed since the entry into force of the amended (in many respects new) legal definitions, well-founded conclusions regarding the practical application of existing substantive criminal law cannot yet be drawn, but possible shortcomings and inaccuracies may arise during the application of the law and - taking into account the recommendations formulated by GRETA - can only be corrected through legislation. In order to establish a uniform law enforcement practice and to ensure that the legal classification of acts which are the subject of criminal proceedings is lawful, even at the investigative stage of the proceedings, it is necessary for the departments of the General Prosecutor's Office to review the guidelines issued earlier in connection with the substantive regulation of criminal law, and to revise them in accordance with the new statutory definitions.

The Prosecutor General's Office assists the work of prosecutors by developing resolutions in individual cases and by sharing generally useful experiences that can be drawn from individual cases: monitor the application of the law of the prosecution (and thus the investigating authority) in individual cases and through extensive investigations, including whether each prosecution unit, in the exercise of its supervisory and management powers, takes the necessary measures to facilitate detection, and the evolution of the practice of imposing legal disadvantages and, if necessary, provide guidance on in which cases it is appropriate to seek redress.

Administrative experience with human trafficking can currently be reported in connection with the previous legal definition.

The guidelines on trafficking in human beings jointly issued by Office of the Prosecutor General, Department for Supervision of Investigation and Indictments Preparation and the Department for Priority, Corruption and Organized Crime Cases under No. KSB.3771/2018/5-I.-NF.3889/2014/11 on 25 October 2018, and then by Department of Criminal Court Affairs under No. Bf.1301/2018/2-I adopted a new approach to prosecutorial law enforcement judgment of human trafficking and certain crimes related to the exploitation of prostitution, regulated by Chapter XIX of the Criminal Code.

Other crimes normally associated with human trafficking, such as procuring, living on the earnings of prostitution, sexual coercion, sexual violence, sexual abuse, facilitation of prostitution, exploitation of child prostitution and child pornography, as well as criminal offences violating the interests of children and criminal offences against family (Chapter XX of the Criminal Code) are also the subject of continuous analysis.

On the initiative of the Prosecutor's Office, the Supreme Court (Curia) has addressed in several recent decisions the delimitation of human trafficking and procuring, as well as the related offence of endangering a minor (Curia Bhar.III.111/2019/8.).

In criminal proceedings, a victim of the felony of human trafficking may be given special treatment under Article 81 c) of the Criminal Proceedings Act, while a victim under the age of eighteen – irrespective of the nature of the crime –, and a victim of a crime against freedom of sexual life and sexual morality is a person in need of special treatment by law [Article 82 a) and c) of the Criminal Proceedings Act]. A second Guideline KSB.3771/2018/45-II.-NF.3889/2014/15-II issued on 21 May 2019 jointly by the Department for Supervision of Investigation and Indictments Preparation and the Department for Priority, Corruption and Organized Crime Cases, covers the topic of victim identification and the application of special treatment.

B) providing further training to police officers and prosecutors to investigate and prosecute cases of THB for different purposes of exploitation, including through co-operation with other relevant actors, such as child protection services and labour inspectors;

It's worth reiterating here that trafficking in human beings senior supervisor officers were appointed in all county police headquarters (at the criminal or investigative or detection department) in 2019 to conduct, direct and supervise THB-related investigations. With a view to increasing the efficiency of law enforcement they were given a comprehensive three-day training on 11-13 November organized by the Crime Prevention Unit of the National Police Headquarters. The event included general sensitization and up-to-date knowledge of human trafficking (the use of special investigative techniques, international investigations and asset recovery in particular).

The Office of the Prosecutor General's 2020 training plan also includes training on human trafficking, as it did in 2018 and 2019. The trainings are based on the two guidelines mentioned in Section 11/A, the first of which - for the first time in the practice of the Hungarian judicial authorities - stated that victim consent has no role and significance in the assessment of human trafficking in accordance with international standards, and which guidelines have greatly contributed to making human trafficking visible in Hungary. The implementation of the second guideline on victim identification and the need for special treatment for victims of trafficking is currently being evaluated.

In recent years, the Office of the Prosecutor General has paid increased attention to the issue of human trafficking in the field of training activities as well, including the training of prosecutors, junior prosecutors, clerks of the prosecution offices and deputy chief prosecutors in charge of the criminal law field ; there have been a number of presentations by prosecutors and guest lecturers.

Procedural rules on special treatment is incorporated into the annual training curriculum of prosecutors acting in juvenile cases, junior prosecutors and deputy prosecutors, as well as the ongoing basic training of prosecution clerks; in 2019, the further training of prosecutors

acting in juvenile cases included a presentation on the substantive legal and evidentiary issues of human trafficking, as well as the aspects of legal application.

Finally, a series of awareness-raising trainings organised by the Ministry of the Interior for police officers, prosecutors and judges is worth mentioning. This is a unique format that we gladly recommend as best practice to the member states of the CoE: in addition to general sensitization, the key value of these sessions that – between and after the lectures – workshops are held where all actors of the criminal procedure are seated around the same table. During these events, they get to know each other's approaches, ways of thinking and rehearse practical cooperation through case studies, thus trafficking cases can move more smoothly from the investigative phase to prosecution and the court phase. The last training was held on 9-10 September 2020 for investigators, prosecutors and judges from three counties of Hungary largely affected by trafficking in human beings and it will continue on online platform in October.

C) ensuring, as far as possible, that THB investigations or charges are not re-qualified into other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation;

Taking into account the guidelines KSB.377/2018/5-I. – NF3889/2014/11. and KSB.3771/2018/45-II. – NF.3889/2014/17-II of the Prosecutor General's Office in 2018 and 2019, in each criminal case, it is also necessary to examine, in determining the classifications and in the investigation process, whether the perpetrator has committed the offence in pursuit of profit by taking advantage of the power position or the vulnerable situation of the victim.

The above-mentioned guidelines (and the examination of their implementation, as well as requiring their application in individual cases) are intended to ensure that all facts, data, circumstances and information that come to the fore during the detection phase of the investigation, which is necessary to prove the more serious crime of human trafficking and to establish well-founded charges to this end. The first guideline also provides guidance on classification issues and sets out practices to be followed by prosecutors in connection with the financial investigations, asset recovery, and the typical features of human trafficking, such as money laundering and operation of organized crime groups.

At the same time, it is important to note that in the course of law enforcement activity, in view of the facts of the case to be established in criminal proceedings, a conclusion can be drawn as to which criminal offence constitutes the statutory facts, so it is not a discretionary right of the prosecuting authority. If, on the basis of the information in the proceedings, the perpetrator's conduct constituted legal elements of human trafficking, their criminal liability should be established solely for this criminal offence (and not for any other less serious one). In the Criminal Code, the legal factual elements of criminal offences differ from each other, so in the case of a given perpetrator's conduct; only the one of the criminal offences that can be matched to the legal factual situation can be established.

D) strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation;

In order to apply the correct classifications, investigations should also be performed with regard to labour exploitation, taking into account the provisions of the previous section.

As of 1 July 2020, Article 192 of the Criminal Code contains the legal facts formerly known as “trafficking in human beings” as “trafficking in human beings, forced labour”, since Act V of 2020 incorporated the former Article 193 of the Criminal Code (forced labour) into Article 192 [new Paragraph (2)], so it is now punishable for human trafficking if anyone – in order to realise regular gains – induces another person by deception or by abusing his power or influence related to the education, supervision, care, or medical treatment of the aggrieved party, or any other power or influence over the aggrieved party, or by exploiting the vulnerable situation of the aggrieved party, or coerces another person, by violence or threat to perform work, a work-like activity, other service or an unlawful act.

Compared to the statutory definition of the previous forced labour, the punishments increased in both the basic case [Article 192 (2)] and the qualified case [Article 192 (5)-(6)]. With the amendment of the law, the legislator expressed the special material weight of the crime, the enforcement of which is the utmost obligation of law enforcement bodies.

E) encouraging the Police not to react only to complaints but to be proactive in investigating possible THB offences, including when presumed victims of THB do not consider themselves as victims;

The *Instruction No. 13/2014 (V.16) of the National Police Headquarters on the implementation of police tasks concerning prostitution-related offences and human trafficking* was amended in July 2020.

According to point 12/A of this internal regulation, a preparatory procedure or an investigation shall be ordered in respect of minors who are presumed victims of human trafficking. This is also applicable in those cases when the presumed victims do not consider themselves victims.

The prosecutor's office, through its organisational units, ensures, by means of the appropriate supervision of the detection phase of the investigation, that the criminal proceedings are effective even with subjective non-recognition of the victim status. The prosecutor acting in a given case may determine that the investigator shall present the documents of the case and the progress of the case to the supervising prosecutor on a monthly basis. Prosecutors make regular use of this and, by expressing their views and submitting their observations, orient them in a case under detection (without a suspect), while instructing the investigating authority in a case under investigation (after incrimination communicated to the suspect).

F) ensuring that units investigating THB offences are properly resourced and make use in practice of special investigation techniques;

In the cases indicated in the previous recommendation (in the absence of recognition of being a victim), the use of covert means regulated by the Criminal Proceedings Act may lead to more effective investigation. To this end, the Office of the Prosecutor General places emphasis on the use of covert devices as widely as possible. Practical experience has shown however, that applying covert devices and the use of the results of the application are not sufficiently effective yet. This can be solved by high-quality trainings, including case studies, which has been integrated into the training plan of the Office of the Prosecutor General.

G) carrying out financial investigations into THB cases in order to effectively locate, seize and confiscate criminal assets related to this offence;

In ongoing proceedings for the crime of trafficking in human beings, efforts are made to compensate victims without exception, as well as to carry out the detection and detention of property necessary to secure a civil claim or the confiscation of property. At the Anti-Trafficking Unit of the National Bureau of Investigation, measures are taken to detect and seize the proceeds of crime in all proceedings. In addition, a separate Asset Recovery Office (ARO) operates within the organization of the Riot Police, the activities of which include three tasks in the event of a crime of human trafficking:

- **International asset recovery;** acting as a National ARO (Asset Recovery Office) as part of CARIN (Camden Asset Recovery Inter-Agency Network). On the one hand, in the proceedings conducted by foreign partner authorities, at the request of the partner offices, it explores the assets in Hungary, implements the necessary property coercion measures within the framework of a European investigation decision, an application for international criminal assistance or participation in a joint investigation team (JIT); on the other hand, it searches for foreign assets that become necessary in the proceedings of the domestic investigative body through its partner offices, and coordinates the implementation of related property coercive measures. The ARO of the National Bureau of Investigation has direct criminal co-operations with about 200 EU and non-EU Asset Recovery (ARO/CARIN) contact points.
- **Domestic asset recovery proceedings** (parallel financial investigations);
- **Property search:** in case of non-voluntary execution of confiscation of property included in a final court order, or in case of failure of execution by the National Tax and Customs Administrations, the prosecution initiates proceedings at the National Bureau of Investigation ARO in order to detect the assets.

The statistical data for the period from 18 October 2019 can be summarized as follows:

- **International asset recoveries:** 3 (request from the Netherlands, outgoing requests to Germany and Serbia).
- **First level asset recovery procedures:** in 19 cases, a total of HUF 256,465,800 worth of property was detained.

- **Second level asset recovery procedures** (parallel financial investigation according to EU terminology): 1 case, worth HUF 35,500,000 (confiscation of cars, real estate and business units).

12. build strategic partnerships with civil society actors with the aim of achieving the purpose of the Convention, and to review any legislation which may impede the work of specialised anti-trafficking NGOs to ensure that all such NGOs have effective access to adequate funding and are enabled to participate in the prevention of THB, identification of victims and their protection and assistance, as envisaged in Articles 5, 10 and 12 of the Convention.

As indicated in Section 4/A, the Ministry of Justice and the Hungarian Baptist Aid are implementing the ISF-project “*Complex assistance to victims of human trafficking*” in a consortium partnership. The primary goal of the project is to provide comprehensive victim support services to at least 50 people who have fallen victim to human trafficking. The Ministry of Justice as the governing body of the methodological and professional management of the state institutional system of victim assistance, prioritises the provision of personalized support to victims of human trafficking by providing financial assistance, compensation, facilitating the advocacy of victims, and contribute to it with the provision of psychological and legal assistance. Another key goal is to reach the victims and integrate them into the support network with sufficient efficiency.

HBA provides transportation, rescue, accommodation care for victims, and additional services (reintegration assistance, family care, financial management counselling), direct assistance and aftercare. It begins assistance with the rescue and operational escort of victims along its own developed protocol. The Hungarian Baptist Aid also maintains three sheltered houses in various parts of the country, where it has been providing the process of reintegration for nearly ten years.

A key goal of the Project is to reach the potential victims and to inform them about the availability of accessible assistance services. During the implementation, we wish to reach the broadest possible strata of society primarily through a communication campaign in order to increase social awareness, to sensitize and raise the awareness of citizens about the topic. In our view, the joint work of state bodies and civil society organisations can lead to a complex system of services and assistance for victims of human trafficking, which, in addition to coordinating service management and networking, can be able to provide safety, appropriate assistance and facilitate their reintegration into society.