



Strasbourg, 9 July 2018

GRETA(2018)15

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**Reply from Hungary**  
**to the Questionnaire for the evaluation of the implementation**  
**of the Council of Europe Convention on Action against**  
**Trafficking in Human Beings by the Parties**

**Second evaluation round**  
**(Reply submitted on 6 June 2018)**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## **A. Follow-up questions**

### **1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:**

- **the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);**
- **any changes in your country's laws and regulations relevant to action against THB;**
- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**
- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

### **Ministry of Interior**

Based on the experience of recent years and the feedback from international co-operation, Hungary remains a source and transit country within the European Union for trafficking in human beings. There was no change in the target countries or regions. Of the vast majority of identified victims, it is said that they have been victims of sexual exploitation in particular.

In areas of the country, where job opportunities are not readily available – typically Baranya, Szabolcs–Szatmár–Bereg, and Borsod–Abaúj–Zemplén counties –, and young persons have no prospect for the future, the vulnerability to human trafficking of young women living in extreme poverty is more prominent.

The Chance for Families 2005 Foundation noted that about 80 percent of prostitutes arriving to their shelters originated from Heves County, a rate unprecedented in previous years. Several of the victims in their care are single mothers, who were seduced by promises of a "child-friendly workload and excellent pay".

Traffickers in recent years have used violence less frequently; they typically choose a less visible form of breaking the victims' resistance or to persuade them to continue prostitution (e.g. threatening the victims or their families, especially their children, or making promises of possible higher earnings). However, the formation of emotional bonds remains dominant in persuading the victims.

Recent years have provided more information on the United Kingdom becoming a more and more preferred destination country among traffickers.

Since the last evaluation round there has been no significant change in the institutional framework for the fight against trafficking in human beings, the post of National Coordinator for National Anti-Trafficking in Hungary continues to be the Deputy State Secretary for EU and International Affairs of the Ministry of Interior. Following the 2018 parliamentary elections, ministerial structures are still under development.

The National Strategy against Trafficking in Human Beings for 2013-2016 has been adopted by the government on 29 May 2013 and the Government Resolution 1351/2013 (VI. 19.) was published on 19 June 2013.

Taking into consideration the complexity and the cross-border nature of the phenomenon, the need for international cooperation, the future vision of the strategy has been defined in accordance with the priorities of the EU strategy: Hungary endeavours to combat against all manifestations of human trafficking as efficiently as allowed by its means at the national level, and as a reliable partner at international level, respecting human rights, free of discrimination and giving special attention to the protection of children.

The strategy has a comprehensive approach towards the issue of trafficking in human beings, and focuses on national action. The strategy identifies five main priorities in the field of human trafficking:

- A. The operation of an appropriate and well-running victim identification, referral and protection system
- B. Efficient prevention, awareness building and awareness raising
- C. The detection and prosecution of perpetrators; the protection of the rights and interests of plaintiffs and victims
- D. Enhancing coordination with the relevant government, semi-governmental and civil organisations involved
- E. Mapping opportunities for safe return and reintegration at the government level; designing supportive action

For the period of 2013–2016 47 measures have been planned.

### ***Measures with the support of the Internal Security Fund***

In relation to the 2014-2020 objectives, all EU Member States had to submit a national program. Hungary's National Security Program for the Internal Security Fund was adopted by the European Commission on 5 August 2015. Hungary's 2014-2016 program contained 5 main measures that directly and specifically targeted human trafficking, but it has also enabled the enhancement of expertise (e.g. support for operational work, intensification of information, professional training, etc.) in the case of further horizontal developments.

#### Organizing victim protection training courses related to the fight against trafficking in human beings

The purpose of the measure is to ensure, as far as possible the sufficient training of the specialists involved in investigation, detection and prosecution, as well as the protection of victims of trafficking. In the framework of the implementation of the project, the target value of the duration of the training programs is 4800 hours, the target number of those successfully completing the training programs is 600. To achieve these goals, the following activities are supported:

- (a) activities related to the training, training plan, development, revision, adaptation and teaching material for combating trafficking in human beings;
- (b) organizing trainings on the fight against trafficking;
- (c) participation in expert exchanges (workshops, conferences) in order to organize and maintain victim training courses related to the fight against trafficking in human beings.

The project is implemented by the National Police Headquarters and the Immigration and Asylum Office, with a deadline no later than 30 June 2018.

#### Creation of a web-based system to assist in the referral of victims of trafficking and to monitor trends in human trafficking

The aim of the measure is to establish a data exchange IT platform linking the relevant government and non-governmental organizations involved in the fight against trafficking, possibly with the involvement of international organizations. Creating a single database that helps the screening of victims, their involvement in the victim protection system, and the provision of statistics, assessments and surveys on trafficking trends. The Office of Justice (now integrated into the Ministry of Justice) has submitted a successful application for the implementation of the measure; the online system was launched in September 2017.

#### Establishment of a transnational referral mechanism to support the fight against trafficking in human beings in relation to Switzerland

The aim of the measure was to develop a Hungarian–Swiss victim identification, referral, protection and assistance model, which is a part of an international victim-management mechanism of trafficking in human beings, with the involvement of government and non-governmental institutions in the country of origin and destination, and, where possible, international organizations. The project supported the following activities:

- (a) Creating working groups for the establishment of a victim identification, referral, protection and assistance model, and exchange of expert experience (workshops, conferences);
- (b) Preparation of a publication aimed at presenting a victim identification, referral, protection and assistance model.

The project was implemented by IOM and the National Police Headquarters, and the Ministry of the Interior participated as a partner. The final conference of the initiative took place in November 2017, and the results of the project on the related RAVOT-EUR website are currently being published.

#### Cooperation between public and civil society actors and relevant international communities, organizations and agencies to enhance the fight against trafficking in human beings

The aim of the measure is to stimulate cooperation and communication at regional and county level as part of a mechanism to help victims of trafficking and regular exchange of information between members of the National Coordination Mechanism, other governmental and civilian bodies, and relevant international organizations, communities and agencies. Implementation of the project is expected to facilitate more focused action, closer cooperation among experts at regional level. The National Police Headquarters submitted a successful application, and according to plans, a local level mechanism is being set up as a pilot in four counties – Szabolcs–Szatmár–Bereg, Borsod–Abaúj–Zemplén, Baranya, and Győr–Moson–Sopron.

#### Launching anti-trafficking programs in order to combat trafficking in human beings and to raise awareness and awareness of online awareness

The aim of the measure is to assess and improve on-line awareness through the organization of awareness-raising activities in the fight against trafficking in human beings. In the framework of the project, the following measures are supported:

- (a) Preparing a study to assess online awareness;
- (b) Enhancing awareness-raising activities and launching campaigns;
- (c) Developing information materials, and dissemination and communication plans on the phenomenon of exploitation and the prevention of victimization;
- (d) Creating and developing a web interface regarding the phenomenon of exploitation and the prevention of victimization;

- (e) Launching awareness-raising campaigns (traditional and on-line) on the phenomenon of exploitation and the prevention of victimization.

For the implementation of the application, IOM has submitted a successful application with the National Police, and the awareness raising campaign in this context is foreseen for 30 June 2018.

## **B. Cross-cutting questions**

**Gender equality** (Articles 1.1.b, 5.3 and 17)

**2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?**

**Ministry of Human Capacities, Department for Equality**

Ensuring gender equality is foreseen by both the Fundamental Law and Act CXXV of 2003 on equal treatment and promotion of equal opportunities. Equality has to be enforced in every policy.

**Non-discrimination** (Article 3)

**3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?**

**Ministry of Human Capacities, Department for Equality**

Hungary's National Social Inclusion Strategy II specified two actions associated with the area:

- research on the processes of becoming a victim of prostitution and human trafficking and organisation of education programmes;
- efficient prevention of human trafficking and promotion of public awareness.

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

Victim support (except for state compensation, which may only be granted to victims of violent intentional crimes against persons) is available not only for victims of trafficking in human beings but also for victims of any crime regardless of the victim's ethnic origin, sex, age or disability. Sheltered housing is a service established specifically for victims of trafficking in human beings.

The types of support provided to victims of trafficking in human beings under Act CXXXV of 2005 on Crime Victim Support and State Compensation (hereinafter: the *Ást.*) are the following:

- if the crime is committed in Hungary, the person identified as a victim of trafficking in human beings may be entitled to both victim support and state compensation (if the other conditions applicable thereto are met);
- if the victim of trafficking in human beings is a Hungarian citizen or a person having the right of free movement and residence, then sheltered housing may be provided to them, irrespective of the criminal proceedings;
- if the victim of trafficking in human beings is a third-country national, then they have the following options:

1. additional information: the victim receives, besides general information, additional information covering the following:
  - they have a 1-month reflection period to decide whether to cooperate with the authorities in detecting the criminal offence, and during that 1-month period they are entitled to receive a certificate of temporary residence authorisation;
  - in case of cooperation with the authorities, they are entitled to a residence permit for the duration of such cooperation.
2. The Victim Support Services initiate that a certificate of temporary residence authorisation be issued by the immigration authority.

Victim support procedures are free from any dues and charges. If a client does not understand the Hungarian language or, by reason of their disability, needs a sign language interpreter, all the costs of translation and interpretation are borne by the Victim Support Services. As regards applications for state compensation to be submitted to or received from another EU Member State, the translation costs incurred in connection with the completion of application forms are also borne by the Victim Support Services instead of the client who does not understand the language of the proceedings conducted before the decision-making authority of the Member State concerned.

Legal aid and legal representation may also be provided for victims of trafficking in human beings in order to enable them to initiate proceedings to eliminate any infringement of rights or any harm in relation to a criminal offence, and also to provide them with legal representation in those proceedings, irrespective of the victim's ethnic origin, sex, age or disability.

#### **4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?**

##### **Immigration and Asylum Office**

Well-prepared state officers constitute the key component to efficient victim referral. To this end, the Immigration and Asylum Office (IAO, formerly Office of Immigration and Nationality, abbreviated as OIN) delivered a sensitivity training in the framework of the project entitled „Successful identification of human trafficking victims during the OIN procedures“: altogether 120 employees took part in two-day training sessions arranged in there different venues. The participants are those who deal on a daily basis with third country nationals' possibly fallen victim to human trafficking, namely: case workers of the asylum and immigration authority and social workers serving in the facilities the Immigration and Asylum Office. The project was financed by the Internal Security Fund (ISF) of the European Union, with the co-financing of the Ministry of Interior of Hungary (domestic funding is 25% of the total amount) and carried out between 1 January 2017 and 31 January 2018.

In addition to the training courses, the Immigration and Asylum Office provides a booklet for its staff on the theme, offering a comprehensive view of the phenomenon, including the legal environment of combatting human trafficking, familiarizing with the recommended techniques of victim identification and the required steps of victim referral; domestic system of victim support is briefly presented as well.

Training material based on the lectures of the training courses is accessible for all colleagues (eg. new hires) on the intranet of the IAO.

In the context of the ISF project, there are already concrete attempts to identify victims of trafficking in the transit zones of Tompa and Rösztke. Since the physical completion of the project, a total of 14 identification conversations have been carried out following the identification sheet contained in Government Decree 354/2012 in the two facilities (no victims were identified).

For your information, please find attached forms filled out by the social workers of the reception centres.

### **Ministry of National Economy, Department of Employment Supervision**

According to Paragraphs i), r) and s) of Section 3 of Act LXXV of 1996 on the Labour Inspection, the competency of the labour authority regarding third-country nationals covers the inspection of the compliance with:

i) the legal regulations concerning the authorization of the employment of the third-country nationals in Hungary, as well as the employment of the third-country nationals and the persons with the right of free movement and residence,

r) the legal regulations concerning the declaration of the employment of the third-country nationals and the persons with the right of free movement and residence in Hungary,

s) the obligations of the employer set out in Subsections (1), (2) and (8) of Section 71 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals,

and the administrative labour procedure initiated on the basis of the labour inspection.

### **5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?**

#### **Ministry of Human Capacities, Department for Equality**

Temporary Shelters for accommodating and helping the victims of human trafficking accept both female and male victims.

#### **Immigration and Asylum Office**

Male, female and children victims are given the very same treatment and protection.

#### **Training of relevant professionals (Articles 10 and 29)**

### **6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

#### **Ministry of National Economy, Department of Employment Supervision**

A training program for labor inspectors and other professionals on the identification and referral of trafficking victims was implemented by the National Police Headquarters' project titled 'BBA-5.3.4-16 – Providing training programs on the protection of victims in relation to the fight against human trafficking'. The training is expected to enhance the efficiency of identification of victims.

The project was launched on 1 September 2016 and will be finished on 30 June 2018. The training will be organized in every county (19 counties and the Capital City Budapest). The program aims to reach every labor inspector in Hungary. The first training took place on 10 May 2017 in Salgótarján (Nógrád County). The last training is scheduled to take place on 13 June 2018 in Budapest.



## **Ministry of Foreign Affairs and Trade, Consular and Citizenship Department**

The Ministry requires all preparing diplomats to complete a tailor-made training plan before assuming their position at one of Hungary's foreign representations. Sensitizing on human trafficking is one part of this training plan, and future diplomats also complete a compulsory training program organized by the Department of Consular Affairs and Nationality. After the first module in 2016, a panel focusing on human trafficking was again part of the training plan in 2017. In July, several members of the Ministry of Interior's National Coordination Mechanism and NGO Roundtable (namely the Ministry of Interior itself, the Ministry of Justice, the National Bureau of Investigation, IOM, OKIT, the Chance For Families 2005 Foundation) presented several aspects of the issue to about 30 preparing consular officers. The participants and the Ministry of Foreign Affairs and Trade considered the training beneficial, since besides learning about the phenomenon, it provides an opportunity to establish good working relationships with the relevant organizations. The Ministry of Foreign Affairs and Trade is planning to continue this series of trainings, especially with regard to countries most affected by human trafficking in Europe.

**Special measures concerning children** (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

**7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.**

## **Ministry of Human Capacities, Department for Child Protection and Guardianship**

The Department of Child Protection and Guardianship of the Ministry of Human Affairs – as Central Authority designed with the Government's Decree 2031/2005. (III.8.) – is actively involved in the transfer of children of Hungarian nationality from abroad under Act XXXI of 1997 on the Protection of Children and the Guardianship Administration (hereinafter referred to as Child Protection Act) 101. § (2) (f) and Government's Decree 149/1997. (IX.10.) on Child Protection and Guardianship Procedures (hereinafter: Child Protection Decree) 167. § (4), in cooperation with the Hungarian Consulate of the country of residence.

Ministry of Human Affairs experienced that children of Hungarian citizenship from Austria had come to Austria where they were forced into prostitution in an organized form. Minors, whether enforcement can be justified or not, are considered by the Austrian authorities as victims of trafficking in human beings, and therefore no criminal or infringement proceedings are initiated against them.

The child protection guardians of children of Hungarian nationality in child protection system, who are absent from their place of care, and the children's homes and foster parents providing care immediately report the disappearance of the minors to the Hungarian police, so that, in addition to the domestic investigation, under the SIRENE system, in general, they also issue international search.

Cooperation between the Austrian and Hungarian child protection and police bodies is in place for the return and subsequent assistance of the Hungarian children who are absent without permission from the place of care designated by the guardianship authority and considered as victims of human trafficking by the Austrian authorities. Several reconsiderations have been made to bring back children to Hungary, often affected in prostitution, and, in order to be effective, elaboration of a procedure and a flowchart is in progress.

- 8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment<sup>1</sup> for them, including through:**
- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**
  - b. raising awareness of THB through education;**
  - c. training professionals working with children.**

### **National Police Headquarters**

#### ***b) In 2015***

In order to avoid victimisation, the Police Headquarters of Borsod-Abaúj-Zemplén County prepared the publication entitled *In the net of crime*, which is an integral part of the structure of the *On the threshold of crime and Beccaria* programmes. The number of primary, middle and secondary school students covered by the programme was nearly 120,000.

In its fight against human trafficking, the Police Headquarters of Baranya County carried out the project entitled *Are you sure you want this?*, launched in 2016, by contacting educational institutions and children's homes. Our staff were keeping contact with the target group, provided them with flyers, which contained the legislation affecting them and their activities, and answered the questions asked.

The Police Headquarters of Jász-Nagykun-Szolnok County held a series of presentations entitled *Slavery in the modern age: TRAFFICING IN HUMAN BEINGS* in the Child Protection Institute of Jász-Nagykun-Szolnok County and in the vocational and training secondary schools in their jurisdiction for a total of 894 students. The aim was to draw the attention of potential victims, educators and teachers to the frequency of offences and the possibilities and methods of avoidance.

In Veszprém County, in order to reduce human trafficking and sexual exploitation, a programme was conducted for secondary school students, which was recommended to secondary school dormitories in the county under the title *Dream or a nightmare*. Its subjects included working abroad, the hazards involved in finding a partner and dating online, human trafficking and prostitution.

#### ***In 2016***

Under the nationwide campaign entitled *Night of a Thousand Lanterns*, the Police Headquarters of Bács-Kiskun County drew attention to the hazards involved in working abroad and taking children abroad without authorisation in a prevention tent pitched at the event entitled *Ensure that all children find their way home* on 29 May 2016.

In 2016 the Police Headquarters of Somogy County organised an awareness-raising campaign on the topic of human trafficking (hazards of working abroad) in connection with the World Day for the Elimination of Violence against Women. It included the implementation of a 2-day programme and invited the following organisations to their event held in the Kaposvár Plaza on 24 November 2016:

- Borostyánvirág Foundation;

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<sup>1</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

- Justice Unit of the Guardianship and Justice Department of the Government Office for Somogy County;
- desk officer of the Equal Treatment Authority for Somogy County;
- Family, Opportunities and Volunteer House for Somogy County.

In order to overcome the hazards of working abroad and modern slavery and to receive equal opportunities, those interested could find information about possible assistance available from the attending organisations and could use free legal and psychological assistance. Case descriptions about women who had been abused and stories told by them were revived on puppets displayed by the police.

In three cities of Tolna County, Szekszárd, Paks and Bonyhád, the artistic performance entitled Alternative Art was presented five times in 2016. One of its elements drew the attention of the secondary school age group to the hazards awaiting them in terms of prostitution and human trafficking.

At the request of a local primary and middle school and residential homes, the Police Headquarters of Jász-Nagykun-Szolnok County gave a presentation on drug prevention, human trafficking (hazards of working abroad) and prostitution in Tiszakürt on 21 November 2016, which was attended by 53 children living in institutions.

### ***In 2017***

Presentations given and trainings offered by county police headquarters:

- In order to prevent the victimisation of persons raised in and leaving children's homes in their jurisdiction and secondary school students, crime prevention presentations were given, with one of their themes being the hazards of working abroad and night time entertainment in order for them to avoid becoming victims of sexual offences, human trafficking or even forced labour. During the series of presentations, information was provided to 14,005 students on 510 occasions, to 345 teachers on 30 occasions and to 1,717 parents on 61 occasions.
- In May 2017, prevention counselling was provided to several hundred children and adults under the programme entitled Night of a Thousand Lanterns.
- The attention of young people participating in music festivals held in their jurisdiction was drawn to the possible hazards of working abroad.
- Regular contact was maintained with the employment departments of county government offices (EURES adviser); as part of this, prevention training was held for people planning to work abroad, paying special attention to problematic cases and clients. If complaints were lodged, the victims received counselling and assistance to file a report with the police.
- Recommendations were also made under the ELBIR system (Electronic Information System for Residential Crime Prevention) in the themes of human trafficking, prostitution and working abroad. Newsletters are sent to local authorities, educational institutions, sister organisations, local crime prevention groups of citizens, NGOs and the general public in the counties.

Similarly to 2016, the Police Headquarters of Somogy County organised an awareness-raising programme on 27 and 28 November 2017 on the themes of the human trafficking (hazards of prostitution, hazards of working abroad and child prostitution) in connection with the World Day for the Elimination of Violence against Women, to which the following organisations were invited:

- Borostyánvirág Foundation;

- Justice Unit of the Guardianship and Justice Department of the Government Office for Somogy County;
- Family, Opportunities and Volunteer House for Somogy County.

Tolna County presented its artistic performance entitled *Alternative Art* four times in 2017. The performances were attended by nearly 2,000 students and 150 adults (teachers, mayors and child education specialists) in total.

On the occasion of the World Day for the Elimination of Violence against Women, the Police Headquarters of Szabolcs-Szatmár-Bereg County organised, with the support of the Local Government of the City of County Rank of Nyíregyháza, the screening of the film entitled *Killer on the Track* at the Krúdy Art Cinema on 23 November 2017 for specialists dealing with this subject in their work.

### ***c) Trainings in 2015***

Under the project announced under the title *Timeless slavery?* organised by the Police Headquarters of Bács-Kiskun County on 18 May, 26 May and 2 June 2015, which arose the interest of the civil sector, training was held three times for the specialists of members of the child protection warning system, among others, village and homestead stewards and the representatives of the Maltese Charity Service, and church and state child protection institutions. They were attended by 20 people in total. The project aims to widen the perspective of school and informal education, to renew its methods, and to promote the international practice and experience of global education in Hungary.

As part of the project, the Crime Prevention Unit of the Police Headquarters of Bács-Kiskun County, in cooperation with Anthropolis Non-profit Association, held a full day of training on 17 November 2015 attended by teachers, coaches, educators, college students specialising in youth assistance and interested professionals who work with the 11 to 18-year age group, a total of 30 people.

In continuation of the project, Anthropolis Association held prevention events under the title *Don't Be a Victim!* on 26 November 2015 for 150 students in total as part of a 2-hour interactive workshop for young people between [1]4 and 18 years of age at the Kodály Zoltán Singing and Music Primary, Middle, Grammar and Vocational Secondary School and Elementary Art School in Kecskemét and at the ÁFEOSZ Commercial and Economic Secondary School in Kecskemét.

In Szarvas, Békés County, the Baptist Charity Service organised a 3-day conference entitled *Details of human trafficking and exploitation between vulnerability and illegality*, where several bodies involved in the fight against human trafficking gave presentations and were represented, with a total of 35 participants.

### ***Trainings in 2016***

The Police Department of the 18th District of the Budapest Police Headquarters organised a specialist conference entitled *Our children are safe* on 8 June 2016 for specialists working in the district and dealing with children. The invited guests included the principals of all primary, middle and secondary schools in the district, staff working in the field of child protection, the representatives of the social field of the local authorities and also the leaders of religious communities.

The Police Headquarters of Komárom-Esztergom County held an event at a primary and middle school in Tatabánya on 25 May 2016, where the Clowns on the Horizon drama group and the Anonymous Paths Foundation were invited, which presented the interactive performance entitled *I'm standing up for you* covering the theme of human trafficking and child prostitution. The performance was attended by middle school students (aged 10 to 14), residents of residential homes in the county in the age group at risk, the representatives of the Children's Temporary Home and specialists active in the field of child protection, totalling about 100 people.

On 23 February 2016, the Police Headquarters of Pest County organised inter-professional training on the victims of human trafficking, focusing on the most common forms of human trafficking affecting Hungary and, when inviting the speakers, an effort was made to ensure that they have diverse experience with victims of human trafficking. The training was attended by the staff of children's welfare services, government offices and foster homes and local police officers, a total of 60 people.

The Police Headquarters of Somogy County organised a screening of the film entitled *Don't be fooled!* for secondary school students on 25 November 2016, which is a reconstructed story of girls misled by girl traffickers or recruited for a dance troupe through newspaper ads and forced into prostitution. In the film, specialists (psychologists, police officers and social workers) gave further advice to young people on how to identify and avoid hazards.

### ***Trainings in 2017***

Under the application of the National Police Headquarters (the 'ORFK') submitted in the theme entitled Organisation of victim protection training in relation to the fight against human trafficking under the 2014-2016 work programme of the Internal Security Fund, training was held for a total of 278 people at 9 locations in 2017. The project aims at organising training to be held for the purpose of successfully identifying and managing the victims for specialists involved in the detection of the offence of human trafficking, investigations, and the protection of and provision of assistance to the victims of human trafficking, as far as possible by involving specialists employed outside the law enforcement sector, for minimum 600 people until the end of the project (30 June 2018).

With the support of the Hanns Seidel Foundation, the ORFK organised training and presentations on two occasions.

Given that the majority of the victims of human trafficking and prostitution come mainly from children raised in children's homes and one of the source counties is Borsod-Abaúj-Zemplén County, a full-day programme was organised on 20 September 2017 for the educators and female residents between 14 and 18 years of age of child protection institutions in the territory of the county, 40 adults and 60 children in total. As part of the event, the programme of the Police Headquarters of Baranya County entitled *Are you sure you want this?* was presented. The programme is aimed to draw the attention of children living in children's homes, their environment and the specialists dealing with them to the hazards of prostitution and sexual exploitation, from the victimisation process up to the functioning of human trafficking. In addition, the play entitled *I'm standing up for you* was performed by the Clowns on the Horizon drama group, which, focusing on the victims of human trafficking, wishes to provide an alternative to the target group (primarily children raised in institutions) and to make them recognise the phenomenon and to transfer the knowledge of how to avoid hazards and to make the right decisions. To this end, we wanted to achieve the set goal by using the means of drama pedagogy, in a theatrical and interactive setting.

A conference entitled *Hazards affected minors raised in institutions* was held on 20 November 2017 with the objective of deepening the cooperation between the police, local authorities, social and child protection specialists, family helpers and NGOs. A total of 147 people attended the event. It was a high-priority task to explore the threatening factors through the age-specific characteristics of young people living and studying in institutions and to find possible solutions. We also aimed to draw the attention of minors, their environment and the specialists dealing with them to the hazards of prostitution and sexual exploitation, from the victimisation process up to the functioning of human trafficking.

The Police Department of the 18th District of the Budapest Police Headquarters organised, jointly with Anthropolis Association, a series of forums entitled *Timeless slavery* on the prevention of extreme exploitation in the Zugló Community Centre on 15 and 22 November 2017, attended by a total of 48 people.

The Police Department of the 11th District of the Budapest Police Headquarters organised a case discussion on child pornography on 7 September 2017 for the staff of the Újbuda Family Assistance Service, with the participation of 40 people.

The Police Headquarters of Kiskőrös (Bács-Kiskun County) organised a specialist day on child and youth protection on 23 May 2017 for members of the warning system cooperating in cases of youth protection, with 45 participants, who were informed about the current hazard factors and prevention alternatives available for potential victims.

In August 2017, the Police Headquarters of Békés County organised 3-day of 'Roma youth protection' camps twice with nearly 80 participants in the themes of victimisation and criminalisation, so the camp provided an opportunity for transferring the basic rules and information about working abroad, which they need to know for their safety.

In October 2017, the Police Headquarters of Komárom-Esztergom County held an interprofessional meeting with the participation of the staff of the Tatabánya Family Assistance and Child Welfare Service and experts from NGOs in Tatabánya, a total of 25 people.

The Police Headquarters of Pest County holds case discussions jointly with the Social and Guardianship Department of the Government Office for Pest County every two months, the themes of which also include child prostitution.

### **Anthropolis Anthropological Public Benefit Association**

b) Within the framework of the 'Timeless slavery? Extensive educational and awareness-raising program about contemporary slavery, with special focus on the forms affecting women and children' project - supported by the Norway Grant - Anthropolis Association had multiple outputs with raising awareness activities on the issue of contemporary slavery during the period of 2014-2016.

The Association has translated and adapted a teachers' resource book on how to discuss contemporary slavery with children (age 11-18) in formal and non-formal education. The teacher's resource book – Modern day slavery / Modernkori rabszolgaság – was then introduced to teachers, educators and trainers through 1-day educational programmes preparing them to tackle modern day slavery and related issues in the classroom and to use the resources (case studies and lesson plans) provided in the handbook.

The project also offered the opportunity to reach particularly endangered children and young people and to deliver prevention workshops for them (in primary and secondary schools as well as in child care homes). The 1.5-hour-long workshops were focused on safe interpersonal relations and working environments. The Association produced and disseminated prevention booklets among the children and youth.

The aforementioned activities directly involved 10 journalists, 100 teachers, educators and journalists, as well as 1000 young people the age of 11-20.

With the support of the Local Council of the XIV district, the Association delivered the preventive workshops for an additional 200 students in 2016 and adapted the workshop for the older generation, namely those who are over 65.

In 2017 another 100 students from several new schools were invited to the interactive workshops.

c) The 'Timeless slavery?' project also targeted - in the capital and in the countryside as well (Pest county, Szabolcs-Szatmár-Bereg county, Borsod-Abaúj-Zemplén county, Bács-Kiskun county) - professionals of the social services, crime prevention and law enforcement, and members of the child protection network to help form more effective regional networks to prevent slavery, and identify, assist

and protect victims in the mentioned four regions of Hungary. More than 80 professionals participated in these events.

In 2017 Anthropolis applied the same strategy to reach local professionals in the XIV. district of the capital. The Local Council of the XIV district contributed to organise networking for counter trafficking activities. Professionals from the XVIII district also joined the events. (Total number of participants was about 25.)

With the support of the Internal Security Fund, the Hungarian National Police Headquarters has produced guidelines for professionals of the social services, crime prevention and law enforcement and members of child protection network with the contribution of state actors and NGOs including Anthropolis. The consortium has delivered 20 training programs for 600 professionals from January 2017 until June 2018.

### **Hungarian Baptist Aid**

b) One of HBA's prevention program is implemented in elementary and high schools. The target group is between 1 to 19 years old children. We provide a 45 minutes playful presentation about trafficking emphasizing forced labour, labor and sexual exploitation. We usually reach 1500 pupils at the schools every year. We primarily target schools located to those regions where the majority of trafficking victims origin. The program can be repeated in some schools every year.

#### c) Trainings in 2014

##### Two-day Professional Training in Győr

A joint two-day professional training event was organized for March 31st and April 1st, 2014, together with the experts of the Austrian peer organization for professionals (policemen, consuls, lawyers, social workers, psychologists, members of healthcare staff) working in this or related fields with the objective of setting up a network of professionals. The necessity of holding the training event for the professionals involved is also borne out by the needs formulated in the 2013-2016 National Strategy Against Human Trafficking, approved by the Government of Hungary in 2013. Participants of the training received a full-scale picture of the situation of the victims, of the hardships they encounter and the treatment they receive. Our experts demonstrated the reasons for victimization and the low social and existential situation of potentially endangered groups. There were workshops, where the procedure for handling different cases was explained to the participants, and they also had the opportunity to work out these in practice. They were acquainted with the best practices of our Austrian partner organization, LEFÖ, for rehabilitating and integrating victims. The organization also presented an overall picture of their work, as well as of the Austrian referral mechanism. Victims will also be able to reach the participants later on, and they will maintain a contact with Baptist Aid's Centre Against Human Trafficking, as well.

#### Trainings in 2015

##### 1. Professional Day for Child Protection Professionals

On May 7th, staff members of Baptist Aid involved in the struggle against human trafficking held a whole-day vocational event for those working in child protection. Participants could hear about the situation concerning human trafficking in Hungary and the activities performed by Baptist Aid in this field, as well as the process of victimization. Besides these, we discussed the work going on in the protected houses and the practical experience we acquired in helping victims. The afternoon program consisted of a forum discussion; case studies conducted in groups, and jointly viewing the film about human trafficking, entitled *On the Highway of Broken Dreams*. The participants deemed the whole-day event to be very useful, and they find it important for prevention to begin as soon as possible among children exposed to potential victimization.

##### 2. Child and Victim Protection at the Police

The Crime Prevention Department of The National Police (ORFK) organized a professional training for local expert refers of child and victim protection country-wide from 3-5 December. The program was called "Child and Victim Protection at the Police".

The role of the civil organization on preventing victimology had a specially emphasised part of the three-day training. The civil sphere was represented by the Hungarian Baptist Aid on 5 December. The activities on assisting and preventing of the Organization was introduced by Agnes De Coll to the experts of the Police.

3. TEMVI - Trafficked and Exploited Minors between Vulnerability and Illegality Financed by the European Commission TOGETHER AGAINST TRAFFICKING IN HUMAN BEINGS Program.

As part of the TEMVI project HBA implemented a 6-day training session in different regions of the country about THB and the project ideas and research results in particular. Participants: School directors, teachers, Social workers, Child Protection Servicers, Prosecutors Leader, Family Assistant, NGOs, Social Service Providers, Social and Child Welfare Institute Leaders and service providers, Student of Social Studies, Street social workers, Social workers of Migrants, Pastors of Social Institutes, Guardians, Victim assistants and Legislation advisers

**9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?**

### **Immigration and Asylum Office**

The age of a person claiming to be a minor is determined with judicial-medical examination, in the presence of an appointed guardian ad litem. The decision does not depend on a mere visual inspection, but based on the Greulich-Pyle methodology, a method to assess the bone formation. Panoramic dental X-rays and pelvic radiograph can be further used. If the result falls within a certain margin of error, the applicant / victim shall be deemed a minor.

If there is any doubt, the applicant / victim is considered to be adult until the age determination procedure is completed. Once the minority is ascertained, the applicant / victim goes to the Hungarian child protection system.

### **National Police Headquarters, Border Police Department**

The alien policing authority of the police has to ascertain within the period of apprehension (8 + 4 hours) and detention (+ 12 hours) whether it regards the arrested person as an unaccompanied minor or an adult, considering that unaccompanied minors are subject to procedural rules different from those applicable to clients of legal age. If the foreigner does not have an identity document and there is doubt about their age, the alien policing authority will always make the decisions required in the procedure based on established medical opinion.

The police took a number of measures and initiated technical consultations in order to determine the precise age; however, it can be said that there is currently no medical method which is able to determine the exact age of persons. The current methods presume under the given circumstances whether the given foreigner is a minor or not.

In order to facilitate a lawful and well-founded official decision, a protocol has been developed by the forensic medicine experts of the National Expert and Research Centre, which provides recommendations for the doctors involved in the procedure for determining age, taking into account external body features, teeth and secondary sex characteristics.



In the alien policing procedure, the proceeding alien policing authority has to make a decision within the above-mentioned time limit. Within this period, it is not possible to involve a forensic medicine expert, in particular, a psychologist or psychiatrist, as the procedure is not compatible with the analysis of the environmental, social and cultural background either. On the subject of determining age, however, the presumption can be rebutted later, which both the client and the authority have an opportunity to do.

**10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>2</sup> are duly taken into consideration, in particular when it comes to:**

- a. identification of child victims of trafficking;**
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**
- c. locating the child's family;**
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**
- e. access to appropriate and secure accommodation, education and health care;**
- f. issuing residence permits for child victims of trafficking;**
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**
- i. special protection measures for children.**

**Ministry of Human Capacities, Department for Child Protection and Guardianship**

The issue is generally answered by the Department of Child Protection and Guardianship of the Ministry of Human Affairs as regards the placement and legal representation of unaccompanied minors, not exclusively of who have been victims of trafficking in human beings.

a) The Ministry of Justice informed the Ministry of Human Affairs that it participated in the BBA-5.4.1/2 "Implementing a web based system for management of victims of human trafficking and monitoring trends in human trafficking" funded by the Internal Security Fund. As a result of this project, an IT platform (EKAT) connecting the relevant governmental and civil organizations in the fight against trafficking in human beings has been completed, which is suitable for capturing data on victims, thereby carrying out statistical surveys and investigations. Government's Decree 354/2012. (XII. 13.) on the code of identification of victims of trafficking in human beings (hereinafter referred to as the THB), designs the service providing the personal care as the identification body. The Ministry of Justice has asked the Ministry of Human Affairs to provide information to the identification bodies on the rules of the procedure for identifying victims of trafficking in human beings for their duties related to the THB regulation that we have met.

b) and e) By Act XX of 2017 on the various laws related to the tightening of the procedure in the border area, the legislation on the placement and care of unaccompanied minors has been amended from 28 March 2017 in such a way that an unaccompanied minor who is 14 years of age and who is asylum-seeker at the time of a mass immigration crisis is placed in the transit zone. Accordingly, unaccompanied minors over the age of 14 do not receive child protection specialty services until they have received a request for refugee status (they are not covered by the Child Protection Act) and therefore do not have child protection status, which means that no child protection guardian can be ordered. Concerning the amendment of the Child Protection Decree, on the basis of the Civil Code, a temporary guardian will be

<sup>2</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

seconded for them. In the case of unaccompanied minors over 14 years of age in the transit zone, the temporary guardian may be assigned from the regional law enforcement agency acting in the legal assistance field in the transit zone, which ensures that the seconded legal representative is accessible to an unaccompanied minor in the transit zone.

If the asylum procedure results in the international protection of unaccompanied minors over the age of 14, the asylum authority shall immediately arrange the temporary placement of the child in the children's home providing child protection. Subsequently, the appointed guardianship agency will arrange for the appointment of a child protection guardian and the child's put into care, which will make the unaccompanied minor eligible for the same benefits as children of Hungarian nationality.

Unaccompanied minors under the age of 14 and unaccompanied minors who do not have a migrant background (left without accompanying for other reasons: parent accident, illness, criminal procedure, etc.) are also placed under the care of child protection services during a crisis of mass immigration (in the Károlyi István Children's Centre in Fót, hereinafter referred to as the Children's Centre, maintained by the Directorate-General of Social and Child Protection, hereinafter DGSCP) and their legal representation is provided by child protection guardians appointed by the guardianship authority within 8 days.

In the framework of the child protection professional service regulated by the Child Protection Act in accordance with the UN Convention on the Rights of the Child, unaccompanied minors are also provided with full home care. This provision includes, among other things, the provision of access to basic health care, specialist care, education, development, psychological support, access to useful and cultured leisure time, in addition to providing accommodation, meals, pocket money and clothing, with the same level of children with Hungarian citizenship, but taking cultural and religious differences into account, for example for meals.

Decree 52/2007 (XII. 11.) on the organizational structure of asylum regulations provide three daily meals for people in the transit zone and five daily meals for children under 14 years of age, from January 1, 2018 as amended by the Decree, five daily meals for all minors, pregnant women and nursing mothers placed in transit zones provided. At least 10900 Kjoules of energy must be provided per day, taking into account the health status, age and dietary requirements of their religion.

g) The child protection guardians who provide legal representation of unaccompanied minors in the child protection system have special knowledge, experience and language skills and are continuously trained, further trained and supported, so that specialists with specialized knowledge and experience can provide legal representation of unaccompanied minors ensures efficient performance.

### **National Police Headquarters**

h) and i) Pursuant to Act II of 2007 on the entry into and residence in Hungary of nationals of third countries, unaccompanied minors may only be expelled if the unification of their family or state or other institutional care is properly ensured in their State of origin or in another host State (Section 45(5) of Act II of 2007). No detention may be ordered against a minor third-country national, but detention may be ordered against a family with a minor child, taking into account primarily the best interests of the child, for maximum 30 days as a final measure (Section 56 of Act II of 2007). In carrying out the detention, other than spouses, men have to be separated from women and families with minor children have to be separated from the other detainees, by ensuring the appropriate protection of privacy. Minors in custody are also entitled to engage in leisure activities, including age-appropriate play and recreational activities, as well as age-appropriate education, has to be provided to minors in detention, depending on the duration of detention (Section 61 of Act II of 2007.).

Pursuant to Government Decree No 114/2007 of 24 May 2007 implementing Act II of 2007 on the entry into and residence in Hungary of nationals of third countries, the alien policing authority is obliged to examine in alien policing procedures whether the rules set out in Act II of 2007 and Government Decree

No 114/2007 and applicable to unaccompanied minors apply to minor third-country nationals. As part of this, it has to be established, in particular, whether the minor third-country national is a minor and whether there is any person who is obliged to keep custody of the minor third-country national under legislation or by custom. To protect the interests of unaccompanied minors, the alien policing authority is obliged to arrange forthwith for the appointment of a legal representative when a procedure is instituted. In order to place unaccompanied minors, the alien policing authority contacts the guardianship office and the consulate of the State of the nationality of the minor in the territory of Hungary (Section 72 of Government Decree No 114/2007).

In order to establish obstacles to expulsion specified in Section 45(5) Act II of 2007, the alien policing authority contacts the guardianship office forthwith to ascertain that the unification of the family or state or other institutional care is properly ensured in the State of nationality of an unaccompanied minor or in another host State and obtains information about the institutional care provided to minors in the State of nationality of the minor or in another host State. If an obstacle to expulsion defined in Section 45(5) of Act II of 2007 arises, the alien policing authority will contact the guardianship office forthwith in order to place the unaccompanied minor (Section 117 of Government Decree No 114/2007).

If a third-country national declares after the announcement of the decision ordering detention that he or she is a minor, the alien policing authority ordering the detention will urgently contact the healthcare provider with jurisdiction at its seat in order to determine their age. If it is established that the third-country national is a minor, the detention has to be terminated forthwith. If the third-country national detained declares during the detention that he or she is a minor, the head of the detention centre will notify the alien policing authority ordering the detention forthwith in order to contact the healthcare provider with jurisdiction at the location of detention. If it is established that the detained third-country national is a minor, the detention has to be terminated forthwith (Section 128/A of Act II of 2007).

A reception centre used for the separate placement of unaccompanied minors or, in its absence, a child protection institution, other accommodation maintained under a contract or a private accommodation may be designated as mandatory residence for unaccompanied minors. The unaccompanied minor may be placed at a private accommodation with their relatives not qualifying as their immediate family members if the relative agrees to provide accommodation, food and care for the minor in writing and, if it is obvious on the basis of a personal relationship of the minor and the relative that the placement is in the minor's interest (Section 130(4) of Government Decree No 114/2007).

### **Immigration and Asylum Office**

b) For the sake of the unaccompanied minors (UAM), the alien policing authority is obliged to take immediate action for the appointment of a guardian ad litem upon the launching of the proceedings. In order to ensure the legal guardianship of UAMs, the Immigration and Asylum Office seeks the Guardianship Division of the Government Office of the Capital City Budapest V. District Office.

f) Humanitarian residence permit may be issued by either the alien policing authority or asylum authority for a period of six months, that can be extended time after time for another six months, if the identified victim of human trafficking does not possess other legal ground / status to lawfully reside in the territory of Hungary.

h) Unaccompanied minors can only be expelled if the family reunification or state / other institutional care is properly ensured in the country of origin or other host country.

In order to make sure of the above conditions of expulsion, the immigration authority obtains country information and evaluates the institutional care of minors in the country of the minor's nationality or other host country. In practice, the family unification (search for parents), and – if it turns out to be impossible – the scrutiny of childcare system is performed through the International Organization for Migration (IOM). As regards the accommodation of an unaccompanied minor, the immigration authority

shall seek the local guardianship authority and the consular mission of the country of the minor's nationality in Hungary.

### **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

a) When performing its activities, the Victim Support Services place particular emphasis on ensuring during the victim support work that the system and professionals within the system respond sensitively to children's interests and rights, recognise the situations where those interests or rights are violated, and provide assistance for child victims through representing their best interests.

One such measure was the elaboration of a professional protocol which, by means of applying a comprehensive approach and reconciling professional considerations affecting several different specialist areas, combines the aspects and standards of child protection, psychology and children's rights with a view to providing useful help and guidance to all professionals working in the field of victim support.

The purpose of the child-friendly protocol is to ensure that a child, when getting in touch, either directly or indirectly, with the Victim Support Services, encounters an approach which responds appropriately to the special needs and age-specific characteristics of children and to the fact that children being children can only assert their rights, interests and needs through the involvement of adults.

A "Victim Support Manual" including the protocol referred to above has been drafted in order to prepare regional victim support staffs. Professionals working for the Public Victim Support Services take part in training that prepares them for the administration exam organised by the Law Academy of Judiciary Services. The two-hour training provides information about children's rights as well as the early warning system aimed at child protection and the prevention of violence among family members.

In the course of the identification procedure, it makes no difference whether the victim is a minor; however, in that case the presence of their statutory representative or, in lack of such a person, of a (legal) guardian appointed on an ad hoc basis must be ensured. The identification procedure is conducted in accordance with the provisions of Government Decree no. 354/2012 (XII. 13.) on the Rules of procedure of the identification of victims of trafficking in human beings.

e) Pursuant to Section 4 (2) of the Ást., with a view to promoting victims' interests, the Victim Support Services also help child victims, in a manner and to the extent they may require, to assert their fundamental rights and to have access to healthcare services, health insurance benefits, social benefits and other state aid. If a victim of trafficking in human beings does not have safe housing, the body performing the identification immediately notifies the National Crisis Management and Information Telephone Services operated by Family-friendly Country Non-profit Ltd. (Családbarát Ország Nonprofit Közhasznú Kft.), which provides a place for the victim concerned in a shelter. If the body performing the identification concludes that the person identified as a victim of trafficking in human beings is in need of medical care, it sends the victim to an institution providing primary health care.

f) Should the Victim Support Services conclude that a third-country national (including children) has fallen victim to trafficking in human beings, the Services will, in addition to the above, inform them that they are entitled to a 1-month reflection period to decide whether to cooperate with the authorities in detecting the criminal offence, and that they are entitled to a certificate of temporary residence authorisation during the reflection period, and a residence permit during their cooperation with the authorities.

Pursuant to Section 43 (3) of the Ást., once a victim support authority has provided the information set forth in Section 24 (3), it shall, simultaneously with notifying the investigating authority, the prosecutor or the court each acting in the given phase of the criminal proceedings, initiate immediately that a certificate of temporary residence authorisation be issued to the third-country national by the immigration authority.

g) Should a child victim who does not understand the Hungarian language turn to the Victim Support Services, the latter appoints an interpreter; in that case, pursuant to Section 17 of the Ást., all the costs of translation and interpretation shall be borne by the Victim Support Services and charged to the budget allocated to the Services. Free legal aid is also accessible prior to, during and after court proceedings. State compensation may be applied for in accordance with the general regulations.

i) All the services generally available to victims of criminal offences under the Ást. are also available to child victims of trafficking in human beings, however, the latter also have additional entitlements.

The Victim Support Services carry out two types of activities. One is promoting the assertion of victims' rights, and the other is striving to provide various customised forms of help focusing on victims' needs for victims in a situation that emerges as a consequence of criminal offences.

Thus, the type of the service to be provided in a given case depends on the nature of the criminal offence concerned, the effect that the criminal offence exerts on the victim, and the personal circumstances of the victim. The Victim Support Services evaluate those circumstances and the victim's needs, and adapt the services offered accordingly; in that way customised help can be provided.

The services that can be requested, whether or not criminal proceedings have been initiated, are providing sheltered housing and promoting the assertion of interests (and, within that, providing information, emotional support, legal advice and other kinds of help).

The services available immediately after the launch of criminal proceedings are immediate financial aid, the certification of victim status and witness care.

Victims of crime and offences against property, also including child victims, may receive legal aid enabling them to launch proceedings to remedy any damage caused by the criminal offence or to redress any violation of rights or interests that may have occurred in relation thereto, and receive representation in the course of such proceedings. Representation is available in all stages of the proceedings (investigation, indictment and court stage), and even after the closure of court proceedings if any other legal issues need to be settled.

In addition to the services referred to above, the Victim Support Services also provide help to a certain group of victims in the form of state compensation. State compensation may be granted to victims of intentional violent crimes against persons, to their relatives in the status specified by law (if they were living in the same household as the victim when the crime was committed), to the dependants whom the victim has or had a statutory duty to maintain, and to any person who arranged the burial of the victim whose death was caused by an intentional violent crime against persons.

In the event that a crime is committed in Hungary, the person identified as a victim of trafficking in human beings may be entitled to both victim support and state compensation (if the other conditions applicable thereto are met). State compensation may be applied for within three months from the date when the crime was committed. All persons subject to an asylum procedure in Hungary are entitled to state compensation without any means-testing.

In the context of the victim support activities, a Victim Support Line maintained by the Ministry of Justice (toll free number: +36 80 225 225) is available 24/7. The primary goal of the Victim Support Line is to ensure the continuous availability of the Victim Support Services in order that victims can get information and advice most suited to their specific situation at any time by dialling the free phone number.

The Ministry of Justice opened a victim support centre in Budapest on 21 June 2017, which was followed by the establishment of two other centres: one in Miskolc (on 19 March 2018) and another in Szombathely (on 26 March 2018). Their goal is to support the victims whose living conditions have changed as a consequence of having been victimised of a crime or an offence against property, i.e. to provide them with customised emotional support and information required to assert their interests.

## **Ministry of Justice, Department for Criminal Law Codification**

Act XC of 2017 on the Criminal Proceedings, which enters into effect on July 1. 2018., in the general provisions about the procedural acts, refers to the obligation of the procedural bodies (court, public prosecution service, investigative authority), that they shall ensure, that that no sensitive information handled in the criminal proceedings becomes publicly available more than it can be helped, or that it is not accessed by any unauthorized person, and that personal information is protected [section 98. (1)].

Chapter XVIII of the Act on Criminal Proceedings (section 107-110.) regulates the rules of providing information on the criminal proceedings. The court, the public prosecution service and the investigating authority may inform the public on the criminal proceedings. Also everyone has the right to receive information about a court trial through the media system.

Any person who requests information from the acting bodies to inform the public (including the authorization to make video, sound or video and sound recordings), has to indicate in his request his name, his contact details, and that through which media content provider or other services relating to the information society he provides the information. Any sound or video or sound and video recordings at the court trial, shall be subject to the permission of the court, and sound or video or sound and video recordings of persons present at the trial – with the exception of the members of the court, the keeper of the minutes, the prosecutor and the defender – shall be subject to the consent of the person concerned. The court can withdraw the authorization at any time.

The Act has a section about the restrictions of information to the public. The court, the public prosecution service and the investigating authority shall refuse to give information, or issue a permission to make sound or video, or video and sound recordings if

- any such recording might directly endanger the life, physical integrity, health or privacy of the persons participating in the proceedings especially including the persons requiring special treatment,
- it is inevitably necessary for the protection of the personal information of the persons participating in the criminal proceedings especially including the persons requiring special treatment,
- it is inevitably necessary in order that the persons participating in the criminal proceedings, including especially persons requiring special treatment, can exercise their rights and fulfill their obligations under this Act without intimidation and without being influenced,
- it is inevitably necessary for the protection of the interests giving rise to the exclusion of public in case of a trial held in camera,
- giving the permission might be contrary to the effectiveness of the criminal proceedings or certain procedural acts, or the continuous or uninterrupted conduct of the procedural act.

(Victims under the age of 18 are persons requiring special treatment.)

The procedural bodies can deny information or the authorization to make video, sound or video and sound recordings, in the cases mentioned above (necessity-proportionality).

On the basis of the Act on Criminal Proceedings, information can be given to any person having a legitimate interest in conducting the proceedings or the outcome thereof.

Section 436-438. of the Act on Criminal Proceedings regulates the publicity of the trial. The trial of the court shall be public; however the court may, *ex officio*, or at a motion exclude the public from the entirety or a part of the trial, and for ethical reasons, to protect a person requiring special treatment, or

to protect classified and other sensitive data shall order an in-camera trial. The exclusion of the public may be motioned for in any stage of the procedure.

Regardless of the exclusion of the public, the court may permit the presence of official persons performing tasks related to the administration of justice at the trial. (for example consular officer of the native country of a foreign citizen, a member of the authority of the foreign state). In the case of ordering an in-camera trial, the court shall advise those present that they are prohibited to provide information of the trial, and if necessary also warn of the consequences of misuse of classified data. The court shall pronounce the operative part of the decision passed at the trial in its entirety and the reasoning in public even when the public was expelled from the trial.

It is a universal regulation, that in order to enable the person concerned to exercise his rights or fulfil his obligations and to provide sufficient care for him, the court may exclude the public from the trial or a certain part thereof [section 85. (2)].

Finally we should mention the right of the media content provider to deny the testimony. If this person can unfold the identity of the person with the testimony, who gave him the information, he can deny a testimony, except the court obligated him to unfold the identity of the holder of the information. The court can oblige the media provider to unfold the identity of the person, who gave him the information, if the identity of the holder of the information is indispensable, in the case of an intentional offence, with a 3 year prison sentence. The testimony hindrance subsists after the end of the legal relationship, which it was based on.

The Act on Criminal Proceedings guarantees the information of the public in the criminal proceedings, and if it is needed, the restrictions of information to the public.

By the general provisions of the Act on Criminal Proceedings, criminal proceedings shall be conducted in the Hungarian language. However, no one shall suffer prejudice on account of the lack of the command of the Hungarian language. In criminal proceedings all those involved shall have the right to use their native language (section 8.).

If the person involved in the criminal proceeding wants to use his native language, which isn't Hungarian, he has the right for an interpreter. If the usage of the native language isn't possible (for example there's no interpreter, who understands the foreign language), than the usage of another language, which the concerned person understands, should be guaranteed through an interpreter. That court, public prosecution service, or investigative authority provides the translation of the documents, which authority issued the order, or which issued the other documents. The documents shouldn't be translated, if the person concerned passes up the possibility, of the translation of the documents.

The victim can use their native language, or another language, which they understand in written and verbal form.

**11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?**

### **Immigration and Asylum Office**

The asylum caseworkers are aware of the fact that unaccompanied minors represent a highly vulnerable group in terms of human trafficking, and therefore those interviews are to be done with particular care: they are advised against direct question of the suffered abuse; on the other hand, it is encouraged to ask short and simple questions, and let the children share their story with their own words.

In the absence of a legal mandate to do so, the asylum authorities cannot prevent children under the age of 14 in from leaving to an unknown location.

No forced return took place among THB-victims.

### **National Police Headquarters**

Sections 73 to 79 of Government Decree No 114/2007 provide for the provision of care and support for third-country nationals who are victims of human trafficking. Its implementation falls within the competence of the Immigration and Refugee Office. Care for unaccompanied minors is provided by the guardianship office.

The third-country national victim of human trafficking may only be expelled during the reflection period provided to them if their stay in the territory of Hungary violates national security, public security or public order (Section 45(4) of Act II of 2007).

If the third-country national is a victim of human trafficking, a reception centre for the placement of the victims of human trafficking or other accommodation maintained under contract has to be designated to them (Section 130(5) of Government Decree No 114/2007). The reception centres are open, the occupants are free to leave, so it is not possible to prevent the disappearance of people.

### **12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?**

#### **Ministry of Human Capacities, Department for Child Protection and Guardianship**

In connection with the special care and the return of home-grown minors who are affected and endangered by prostitution, the Baptist Charity Service Foundation has received subsidies of HUF 5,897,000 for its activity from 1 December 2017 to 31 May 2018 in central MHA special children's homes (Esztergom, Kalocsa, Zalaegerszeg) with preventive and helpful work with children, individual therapeutic conversations, group mental health and psychodrama tools, preparatory sessions for staff working in the institution (psychological processes of victimization, vulnerability management, conflict management techniques, empathy and acceptance skills development), and long-term mentoring and follow-up of minor recipients.

If the child victim of trafficking in human beings or any other life situations cannot be raised in his or her family, the guardianship authority may provide for the provision and legal representation in child protection services, providing temporary accommodation, placement under care, thus drawn from the family.

The child, who is drawn from his / her family, especially the child under the age of 12, shall, in principle, be affiliated with the foster parent. Children with a foster parent or in a children's home are all under the guardianship of a child protection guardian who promotes proper care and education of these minors, arranges for them to be enrolled in the school and the need for the necessary health care.

The guardianship authority periodically reviews the need to maintain care, the possibility of repatriating the child, and, in the absence of this, in the case of younger children, the possibility of promoting adoption.

#### **Chance for Families 2005 Foundation**

The Foundation regularly holds classes in grammar schools and high schools, drawing attention to the phenomenon of trafficking in human beings. Due to legal restrictions, the Foundation is unable to receive child victims at the shelters they operate, except when the child victim is accompanied by their family.



## C. Questions related to specific articles

### Definitions (Article 4)

**13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.**

#### National Police Headquarters

The victims do not consider themselves victims, so they do not cooperate with the authorities either. In the event that they file a report with the police, it is difficult to prove the commission of the offence or and they often withdraw their testimonies later.

#### Ministry of National Economy, EURES National Coordination Office

EURES is a cooperation network formed by public employment services, with the objective to facilitate the free movement of workers within the European Union, European Economic Area and Switzerland. Consequently, its main task is to provide information and advice to jobseekers seeking employment on the European job market, assist them to find safe job opportunities, provide reliable information on living and working conditions. Due to this information-giving function, Hungarian EURES network is able to assume a prominent role in awareness-raising and prevention, counselling in the field of labour exploitation and trafficking in human beings to abroad, which means that we cannot report on any criminal prosecution case.

#### Office of the Judiciary

During the judgment of the two cases by the judges, it represented a difficulty that the victim-witness prostitutes were hard to be questioned due to their lifestyle and fear of the accused, they were interest- and fear-driven all the while they made their statements.

#### Office of the Prosecutor General

The detection of human trafficking causes difficulties because of cross-border, organised criminal behaviour. Typically, in addition to the suspect, the victim and the witnesses themselves also have to be investigated in the cases, and if they are abroad (and this is increasingly common), they can only be questioned as part of foreign judicial assistance in criminal matters.

#### *Difficulties of proof:*

An investigation into the offence of human trafficking committed to the detriment of a person deprived of their personal liberty, as part of a criminal conspiracy, involving the victim's torture, violating Section 192(2) and, subject to Section 192(3)(d) and (h), classified under Section 192(4)(b) of the Criminal Code, had to be terminated in the absence of any offence, because the credibility of the victim was undermined and it had been found that her representations regarding her kidnapping, detention, transporting abroad in a dazed condition and being forced to perform various jobs there did not correspond to the truth.

In the criminal proceedings due to the offence of human trafficking committed for the purpose of exploitation to the detriment of a person under 18 years of age, violating Section 192(2) and classified under Section 192(4)(a) of the Criminal Code, the victim changed her previous incriminating testimony. Later, she claimed that the suspect had not forced her into prostitution in any way. The information obtained as part of foreign judicial assistance was unsatisfactory, because the suspects and the

witnesses were not found at their known foreign residence, so the full investigation of the facts of the offence became impossible.

An investigation launched into the offence of human trafficking committed by assault, threat, deception and involving the victim's torture, violating Section 175/B(1) and classified under Section 175/B(3)(b) of Act IV of 1978 had to be terminated, because the victim had given contradictory testimonies as to the material circumstances of the case and the facts could not be clarified.

An investigation launched into the offence of human trafficking committed with deception, violating Section 192(1)(a) and classified under Section 192(3)(c) of the Criminal Code was terminated, because the victim had withdrawn her testimony given before, incriminating the suspect, and had claimed that she had not said the truth before as the suspect had not committed any offence to her detriment either in Hungary or abroad. The victim stated that she had travelled abroad with the suspect with the intention of working, where she had been left alone without money. In the absence of other job opportunities, she engaged in prostitution only and solely to earn money for covering the costs of travelling home. She said that she had filed a criminal report against the suspect in revenge. In respect of her injuries sustained, she stated that they had not been caused by the suspect, but had resulted from a fall.

It is difficult to provide evidence in a case where the victim forced to do forced labour is a person of low financial status with no family ties, who was also found during the proceedings to have a long criminal record and to be subject to psychiatric treatment. The suspect and the witnesses associated with him tried to undermine the credibility of the victim, while the victim's claim is not supported by direct evidence, only by indirect witness testimonies.

A judgment was passed on the offence of forced labour. The accused accommodated homeless people in their homes, who were expected, in return for minimum provisions due to their vulnerability, to beg and play music in the streets in Hungary and abroad and to hand over the proceeds. They had to perform the activities in bad weather conditions, too, as a result of which several victims suffered serious injuries. Providing evidence was difficult, because the accused who had been released from pre-trial detention attempted to threaten and influence the victims, some of whom still live with family members of the accused, so their dependency is maintained.

Proceedings due to the crime of human trafficking committed for the purpose of exploitation, classified under Section 192(2) of the Criminal Code, were terminated in several cases, because the victims had alleged that they had been forced into prostitution, but:

- the victim no longer maintained her statement during the criminal proceedings, none of the witnesses heard during the investigation could confirm all that, and no conclusion that could confirm the victim's primary statement could be drawn either from the other evidence obtained, such as bank account turnover data;
- as a result of the wide-ranging evidence procedure carried out, the commission of an offence could not be established beyond any doubt; thus
- the primary criminal information could not be substantiated during the investigation.

***Assessment of criminal liability:***

The accused aggressively forced the victim under guardianship limiting his legal capacity to work, by promising beating in the event of not performing the work, but the victim did not receive any payment for it, had to live in a shed unfit for housing and received a meal twice a day and water only at request. The court of first instance considered that coercion to work could not take place because the victim had been unsuitable, due to his mental state, for carrying out such major, excessive and/or complicated work for which his disagreement could have been considered. The court of third instance passed a judgment on the offence of forced labour committed involving the victim's torture, violating Section

193(1) and classified under Section 193(2)(a) of the Criminal Code, with the proviso that the situation of the victims could not be distinguished in terms of assessing the criminal liability of the accused. Due to the nature of the act exploiting the victim, eliminating or substantially restricting his freedom of action, the mental ability of the victim under guardianship limiting his legal capacity, which may limit his situation awareness, may not give exemption from holding the perpetrator liable.

**14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.**

#### **Ministry of Justice, Department for Criminal Law Codification**

By section 192. (2) of Act C. of 2012. on the Criminal Code, the special part of human trafficking regulates exploitation as a new part. Besides selling and purchasing, exploitation is also a relevant part of the offence.

Section 192. (8) stipulates the concept of exploitation. Exploitation shall mean the abuse of power or a position of vulnerability for the purpose of taking advantage of the victim who's forced or kept in such situation.

It is not necessary for the realization of the offence, to get a purchase price for the selling of the victim, or to take the income of the victim. Advantage is not only a financial benefit, rather any other allowance, ascendance, or favouring situation, which is related to the victims vulnerable position. A vulnerable position can be a factor, or the sum of factors, which are resulting, that the victim is vulnerable against the perpetrator. The vulnerable position is related to the perpetrators attitude, act, or it is independent from them. In the latter situation, the misuse by the perpetrator is related to the upholding of the vulnerable position (for example homelessness, futureless financial situation), or to hindering the recovery from a vulnerable position.

#### **Office of the Prosecutor General**

Exploitation aims to acquire a benefit by taking advantage of the situation of a victim who is put or held in a vulnerable situation (Section 192(8) of the Criminal Code).

According to Section 193(1) of the Criminal Code, any person who forces another person to work by taking advantage of the latter's vulnerable situation or through violence or threats commits the offence of forced labour.

#### ***Examples of vulnerable situations:***

In a criminal case due to the misdemeanour of making preparations for human trafficking committed for the purpose of exploitation to the detriment of a person under 18 years of age, violating Section 192(2), classified under Section 192(4)(a) of the Criminal Code and punishable under Section 192(7) of the Criminal Code, charges were laid. The accused offered the victim under 18 years of age, having run away from an institution and engaged in prostitution, for sale to someone else.

A final and non-appealable judgment was passed due to the offence of human trafficking committed for the purpose of perversion or sexual intercourse to the detriment of a person under 18 years of age, violating Section 175/B and, subject to Section 175/B(2)(a) and (d), classified under Section 175/B(4)(a) of Act IV of 1978, as well as due to the offence of human trafficking committed for the purpose of exploitation to the detriment of a person under 18 years of age, violating Section 192(2) and classified under Section 192(4)(a) of the Criminal Code. The accused agreed to sell the victim under 18 years of age for the purpose of prostitution.

A judgment was passed in criminal proceedings due to the offence of human trafficking committed for the purpose of exploitation, classified under Section 192(2) of the Criminal Code. The accused forced his then-minor cohabitee into prostitution on a regular basis. He took her to the client and took her income. If the victim refused to establish a sexual relationship, he regularly beat, hit and kicked her, broke her nose and later sold her. After she was sold, the victim was locked up in a darkened room, was given to eat once a day, was not allowed to wash herself, a narcotic drug was injected into her body, and she was regularly assaulted and forced into prostitution during her detention.

A judgment was passed due to the offence of human trafficking committed for the purpose of exploitation to the detriment of a person under 18 years of age, violating Section 192(2) and classified under Section 192(4)(a) of the Criminal Code. The accused bought the victim of 13 years of age when the offence was committed, who live under difficult financial conditions, from her father. After this, he kept the victim under his continuous supervision, assaulted her and forced her to have sexual intercourse with him, then he forced her into prostitution.

Charges were laid on grounds of the offence of human trafficking committed for the purpose of exploitation to the detriment of a person under 18 years of age, violating Section 192(2) and classified under Section 192(4)(a) of the Criminal Code. Fourteen years of age when the crime was committed, the victim lived in a temporary home, then in a children's home from where she kept running away. The victim became acquainted and had a romantic relationship with the accused, lived with him and, under his supervision, engaged in prostitution. The accused took the money so obtained from her and later even sold the victim. The accused of the case who bought the victim assaulted her and had sexual intercourse with her.

A judgment was passed on the offence of human trafficking committed to the detriment to a person deprived of her personal liberty by assault and threat, violating Section 192(2) and, subject to Section 192(3)(b), classified under Section 192(4)(b) of the Criminal Code. The victim was apparently slightly mentally challenged, naive, had a drifting personality, and was of the easily victimised type, without coping techniques. Pressing their hand against the victim's mouth, the accused forced her into their car, took her mobile phone, hit her and took her to their house, which they did not allow her to leave. They assaulted her when she wanted to escape. Being aware of the susceptibility to crime, controllability and vulnerable situation of the victim, the accused forced her into prostitution.

Charges were laid due to the offence of human trafficking committed in a business-like manner for the purpose of exploitation, violating Section 192(2) and classified under Section 192(3)(i) of the Criminal Code. The offences were committed in a criminal organisation. The accused had foreign victims arriving in Hungary, not speaking Hungarian, who were also in a financially vulnerable situation, work as prostitutes in a brothel operated by them. In return for the transport costs, they also demanded money from them, and the victims were not paid until they worked off their debts.

A judgment was passed on the offence of human trafficking committed for the purpose of perversion or sexual intercourse, violating Section 175/B(1) and classified under Section 175/B(2)(d) of Act IV of 1978. The accused organised the prostitution of a mentally challenged victim barely over 18 years of age, who was struggling with a number of health, mostly psychological, problems, for which the victim had to pay.

A judgment was passed on the offence of forced labour classified under Section 193(1) of the Criminal Code. The accused concluded a usury contract with the victim. Due to the usury interest, the victim's debt was increasing month after month, and finally he had to hand over all of his income. In addition, the accused forced him to perform chores around the house on a daily basis.

According to the details of the investigation launched into the offence of forced labour classified under Section 193(1) of the Criminal Code, the accused agreed with the victim that the latter would move in to their place, hand over his disability benefit and perform chores around the house. In return, he would receive support and food. Later, the victim could be exploited and also persuaded to engage in theft,

since he had no longer a place to go, because his house had been demolished. The accused assaulted the victim if he resisted.

**15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.**

**Ministry of Justice, Department for Criminal Law Codification**

In the Hungarian Criminal Code, forced marriage and illegal adoption aren't separate offences.

In the Hungarian criminal law, trafficking in human beings contains illegal adoption (when the adoption is connected to an illegal reward). The liability of the perpetrator for illegal adoption can be determined by section 192. (1) of the Criminal Code.

In case of forced marriage, the rules of duress apply, according to section 195. (any person who compels another person by force or by the threat of force to do something, or to refrain from doing something, and thereby causes a considerable injury of interest, is guilty of a felony punishable by imprisonment not exceeding three years).

However it is important to note, that this criminal offence is subsidiary. A more serious offence occurs, if there's a financial reward for a third party, besides duress. In this case, the the rules of human trafficking apply.

**Office of the Prosecutor General**

***Examples:***

1. Charges were laid in criminal proceedings conducted due to the offence of human trafficking committed in a business-like manner. Offering easy money and the possibility of a better life abroad, the accused persuaded the victims to travel abroad with him where, if they also wanted, could marry refugee men from Asia. These men would give them money for the marriage and would support them for years. The victims faced the fact abroad that they could not choose whether they wanted to contract marriage and the person whom they want to marry. Furthermore, they learned on the spot that they would receive no money for the marriage.
2. An investigation was launched on the basis of a report by an educational institution attended by minors that it was suspected that the parents of an underage girl had received money from a family in return for their underage girl being made marry one of the sons of the family according to the traditions.

**16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?**

**Ministry of Justice, Department for Criminal Law Codification**

Yes, one form of the intent of human trafficking is forced begging, and in this case the gaining of advantage with the exploit of the vulnerable situation can be determined [section 192. (2)].

The Criminal Code has more severe penalties for those cases (2-8 years imprisonment), when the exploitative human trafficking – also forced begging – is combined with a qualificatory circumstance, for example threatening with force [section 192. (3) b)]. Forced begging can be materialized only with obtrusive or threatening behaviour.

The level of penalties are growing further (5-10 years imprisonment or 5-20 years imprisonment), if the passive subject of human trafficking hasn't reached the age of 18, and he's forced to begging [section 192. (4) a)], and also when the exploitative human trafficking is combined with force or threatening, or with the crucifying of the victim, or it is committed in criminal association.

### **Office of the Prosecutor General**

#### ***Example:***

- The accused accommodated homeless people in their homes, who were expected, in return for minimum provisions due to their vulnerability, to beg and play music in the streets in Hungary and abroad and to hand over the proceeds. They had to perform the activities in bad weather conditions, too, as a result of which several victims suffered serious injuries. A judgment was passed on the offence of forced labour.

According to Section 193(1) of the Criminal Code, any person who forces another person to work by taking advantage of the latter's vulnerable situation or through violence or threats commits the offence of forced labour.

### **17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.**

#### **Ministry of Justice, Department for Criminal Law Codification**

Yes, any kind of exploitation can be a part of human trafficking, especially to concuss someone, to commit a crime, for example theft, illegal prostitution, or begging.

#### **Office of the Prosecutor General**

Coercion to commit a crime is not a specified facts element of the crime of either human trafficking or forced labour, but the exploitation defined in Section 192(8) of the Criminal Code can be established even if coercion is applied to commit an offence.

The following persons commit the offence of human trafficking:

- (a) those who sell, buy or exchange another person and transfer or receive another person as consideration; or
- (b) those who transport, accommodate or hide another person or acquire them for another person in order to carry out the acts defined in paragraph (a) or who sell, buy, exchange, transfer, receive, recruit, transport, accommodate or hide another person or acquire them for another person for the purpose of exploitation.

The offence of forced labour is committed by those who force another person to work by taking advantage of the latter's vulnerable situation or through violence or threats. Such an offence is punishable with imprisonment of 1 year to 5 years.

#### **Examples:**

- The accused forced the victims to work and, on several occasions, to engage in theft by beating or threatening with beating. In its judgment, the court found the accused guilty of the offence of forced labour and the offence of theft.
- According to the details of an investigation launched into the offence of forced labour, the accused agreed with the victim that the latter would move in to their place, hand over his disability benefit and perform chores around the house. In return, he would receive support and

food. Later, the victim could be exploited and also persuaded to engage in theft, since he had no longer a place to go, because his house had been demolished. The accused assaulted the victim if he resisted.

### **Prevention of THB (Article 5)**

**18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.**

#### **Ministry of Interior**

As part of the project to implement an awareness campaign headed by IOM and the National Police Headquarters, IOM wanted to base the planned awareness-raising and prevention campaigns with a related research. The aim of the research was to assess the awareness of the topic in Hungary, as well as the society's online awareness, and to formulate suggestions for the campaign based on the results. The research activity consisted of three parts:

- (1) Desk research: collecting and processing the results of surveys that may be found in this topic, presumably in other respects.
- (2) In-depth interviews: personal interviews with the topic's experts.
- (3) Nationwide representative research, omnibus method.

In addition to qualitative research, a nationwide public opinion survey aimed at adult population was conducted in parallel. In the omnibus-type research, the sample size was 1000, weighted by the internal composition of the Hungarian society, by gender, age, level of education, settlement type and regions.

**19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.**

#### **Ministry of Human Capacities, Department for Child Protection and Guardianship**

At the request of the State Secretariat for Social Affairs and Social Inclusion of the Ministry of Human Capacities, a working group was set up to assess the phenomenon of child prostitution of children in the child protection system, prevention and repression, and the development of methodological materials and proposals for assisting victims. The working group started functioning on 29 September 2016. In the working group, besides the management and coordination of the DGSCP Children's Welfare and Child Protection Methodology Department, 20 NGOs, ecclesiastical and public organizations and institutions were represented by 37 experts. In the framework of the working group, a wide-ranging assessment and analysis of the phenomenon of child prostitution was made, complemented by the collection of additional methods for collecting good practices and prevention. The result of the working groups research serve not only the knowledge and understanding of child prostitution in child protection institutions, but also help in determining the direction and goals of intervention. The working group has collected 22 innovative, niche-based methods and activities in the aspects of institutional protection in child protection that can help the institutions to perform their tasks in the prevention of endangerment of children in specialized care. The preparation of interventions based on the research results, the planning of programs for suppressing and prevention, and also the practical implementation of the proposals made by the working group are currently ongoing.

**20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?**

**Ministry of Interior**

According to the Hungarian government, illegal migration should be stopped. Additionally, legal migration can be supported only within the appropriate framework, and it is a priority for Hungary that the numbers in framework of – income-oriented – legal migration are defined on national level since it is considered as to be national competence.

In accordance with the needs of the Hungarian labour market, we are still promoting the employment of skilled workers from third countries. The source of legal migration primary originates from the neighbouring countries of Hungary. As long as the domestic labour reserve becomes eligible for employment in the private sector, jobs in which neither Hungarian, nor EU citizens are available, the Hungarian market players will continue to be able to employ nationals from third countries. However, the main objective of the Hungarian government is to manage the labour shortage by re-training and reintegrate currently inactive persons who are still considered as a reserve of Hungary.

**21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:**

- a. **the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**
- b. **the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**
- c. **the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

**Ministry of Human Capacities, Deputy State Secretariat for Tasks of the National Chief Medical Officer**

**a)** Act CLIV of 1997 on Health regulates transplantation (from a living person or from a dead body, tissue implantation), the consent to the removal of the organs of a patient in case of death, the granting of approval in exceptional cases of organ transplantation, the rules pertaining to non-Hungarian nationals, and the transportation of the organs abroad and from abroad to Hungary as follows:

*Section 19*

(1) The patient's written consent shall be required to the utilization of any of his cells, cell components, tissues, organs and body parts removed while alive in connection with an intervention for any purpose not related to the patient's provision. The patient's consent shall not be required for the destruction of these materials in the usual manner.

(2) Within the boundaries of this Act, the patient shall have the right to provide for any interventions regarding his corpse in the event of his death. According to the provisions of this Act, the patient may prohibit the removal of any organ and tissue from his corpse for the purposes of treatment, research or education.

*Section 156*

- (6) The roles of the hospital ethics committee shall be to
- c) grant approval in the exceptional cases involving organ and tissue transplants as set forth in this Act.



*Section 202*

d) organ and tissue transplantation: the removal of an organ or a tissue from one person and its transplantation to another live person.

*Section 203*

(1) Primarily organs and tissues removed from cadaver donors should be used for transplantation.

(2) Organ transplantation, while guaranteeing the quality and safety of the organ to be transplanted, happens by ensuring the highest possible level of protection of living donors.

(3) Organ and tissue transplants from live or cadaver donors that are steadily storable and may be transplanted shall be stored in organ and tissue banks.

(5) The Minister of Health shall stipulate the detailed regulations governing organ and tissue transplantation in a decree.

*Removal of organs and tissues from live donors (Section 204-2010/A)**Section 205*

(1) Removal of transplants from a live donor for transplantation to another person shall be restricted to the following organs or tissues:

- a) one of a paired organ whose removal will not result in severe and permanent disability,
- b) a part of an organ (organ segment) whose removal will not greatly alter physiological functions,
- c) renewable tissues.

(2) In case of Paragraph b) of Subsection (1) the regulations governing organ transplantation shall be applied.

*Section 206*

(1) Organs and tissues, with the exception of Subsection (5), may only be donated by a person with legal capacity.

(2) Donation of organs from a person with legal capacity shall be allowed only if the donor is:

- a) a lineal kin of the recipient,
- b) a sibling of a lineal kin of the recipient,
- c) a sibling of the recipient,
- d) a lineal kin of a sibling of the recipient.

(3) Donation of an organ may be possible in exceptional cases, when the stipulations as in Subsection (2) are not met. In this case the joint request of donor and recipient shall be considered by a hospital ethics committee. The hospital ethics committee shall give consent to the removal of the organ only after it has established that a close emotional relationship exists between the donor and the recipient, and the donation has taken place without consideration in return, force, duress, coercion or deception.

*Section 207*

(1) Donation of organs and tissues shall only take place without consideration given in return.

### *Section 208*

Before a transplant procedure of an organ or tissue is undertaken, the physician to remove and transplant the organ or tissue must document that the donor meets the conditions for organ or tissue transplant, there is no medical contraindication of the transplant, furthermore that the transplant is justified for the recipient, the conditions for the procedure are met and that the organ is suitable for transplantation.

### *Section 209*

(1) Before the removal of an organ or tissue is undertaken, the donor must be fully informed, verbally and in writing, and beyond the general rules as in Section 13, of all important circumstances related to the procedure, with special regard to the possible short-term and long-term consequences of organ or tissue removal, or the loss of an organ, and to the mandatory post-mortem that must be performed on a donor after death. The information of the donor shall be done by a physician who is not involved directly in the transplantation procedure.

(2) The donor's consent to an organ donation shall be incorporated in a public deed. Such public deed must contain, beyond the general requirements of a consent, the donor's declaration stating that the donation has taken place without force, duress, coercion or deception and that he gives consent to autopsy following his death.

(3) The donor's consent to a tissue donation shall be incorporated in a private deed having full probative force.

(4) The donor is at liberty to withdraw his consent any time until the removal of the organ or tissue without any formal restrictions. Even in case of a valid consent the physician must terminate the organ or tissue donation procedure if during the course of such procedure a situation has arisen that will endanger the donor's life or impair his health.

(5) The recipient shall be informed of all significant circumstances in connection with the procedure, pursuant to the general rules (Section 13), and especially of the following:

- a) the risks for the donor's health involved in organ donation,
- b) the requirement of mandatory post-mortem after his death,
- c) the origin of the organ or tissue to be transplanted into his body.

(6) The consent of the recipient to the transplant must be committed to paper.

### *Section 210*

If the donor sustains impairment to his health or bodily harm as a result of organ or tissue donation, excluding the harm inherent in the loss of an organ or tissue, becomes disabled or dies, and provided that it cannot be imputed to the healthcare worker carrying out the procedure, he or his dependent relatives shall be eligible to recompense by the state for all the damages that are not reimbursed under his social insurance coverage.

### *Removal of organs or tissues from cadaver donors (Section 211 – 214)*

#### Section 211

(1) Organs or tissues may only be removed from cadaver donors if the deceased did not make a declaration opposing donation during his lifetime.

*Organ or tissue implantation*

*Section 215*

(1) The patient, in whose case the organ or tissue transplantation is medically justified and meets legal requirements, should be included in the national waiting list compiled by organ and tissue type. The inclusion is initiated by a healthcare provider setting up the indication of organ or tissue transplantation.

(2) The patient shall be kept informed of all significant circumstances in connection with his name being put onto the waiting list.

(3) Recipients shall be selected from the waiting list exclusively on the basis of professional rules.

*Section 219*

(1) The deceased person shall be subject to autopsy, irrespective of whether the death occurred in an inpatient healthcare facility or elsewhere, if

c) the deceased was a donor or recipient of a transplanted organ or tissue.

*INTERNATIONAL PROVISIONS*

*Section 243*

(4) Removing blood, other tissue, or organs from the body of a non-citizen, or transplanting organs or tissue harvested from a Hungarian citizen or the body of a Hungarian citizen into the body of a non-citizen, shall occur in accordance with the provisions for Hungarian citizens."

(6) Organs and tissue shall be transported from Hungary to another country or from another country to Hungary only

a) for transplant,

b) for treatment of the patient transporting the organ or tissue,

c) for diagnostic purposes or

d) for research

if this is made possible by an international agreement or covenant. Another condition for transporting an organ to another country under Paragraph a), is that there shall be no suitable recipient within the borders of Hungary.

(6a) The requirement of paragraph 6 may be waived if:

(a) a contract or agreement concluded by the National Blood Supply Service diverges, or

(b) an organ was brought into Hungary from abroad and transplanted, and by international treaty or agreement, and an organ of the same type was transported abroad for the purpose of reciprocating this organ donation. The obligation of reciprocation arises at the time of the transplantation of the organ in Hungary and expires at the time of the delivery of the donated organ abroad.

(7) The prerequisite for the validity of a contract concerning the transport of organs or tissue, other than blood, blood products, and gametes, to another country or from another country to Hungary, other than

when said contract is in the form of an interstate or intergovernmental agreement or covenant – with the exception of agreements and covenants concluded by the State Blood Service –, is the agreement of the state body responsible for health administration.

(7a) The health administration body shall deny its agreement if it can be determined that the contract under Paragraph (7) involves profiting, and inform the applicant about its decision. In case of an urgent and single tissue or cell import, the health administration shall examine the Convention or agreement under Paragraph (7) in an expedited procedure. There is no legal recourse against a decision of the health administrative body. The health administrative body shall keep a registry contracts or agreements under Paragraph (7).

(7b) The prerequisite for the import of tissue and cells under Paragraph (7) for the purposes set out in Paragraph (6) points a) and b) other than agreements under Paragraph (7) – with the exception or urgent and single imports – is an import licence issued by the health administrative body and specified in the decree of the Minister.

Additionally, the detailed rules of organ transplantation are contained in the Ministry of Health Decree 18/1998 (XII. 27.) on the implementation of the measures of Act CLIV of 1997 on organ and tissue transplantation and storage, and histopathological examinations.

### ***Concerning transplantations from living donors:***

The rules for approvals of the living donation centre are generally laid down in Government Decree 96/2003 (VII. 15.) on the general conditions for the exercise of health care services and operating authorization procedures as follows.

#### Section 7

(1) The licensing procedure and the issuance of an operating license for the provision of a healthcare service fall within the remit and responsibilities of the state health administration as defined in paragraphs (2) to (5) and (7). The health administration administers the operating license on a motion or on its own initiative in cases specified by this Decree or by law. The rules of this Regulation shall apply *mutatis mutandis* to the own-initiative proceedings.

(2) Unless otherwise provided by law, the issuance of an operating license is the responsibility of

(a) the Chief Medical Officer in case of health service providers providing in-patient care, rescue, blood supply, haemodialysis, cell and tissue banking, biobanks, in vitro fertilization, clinical genetics, genetic counselling, molecular genetic laboratory diagnostics, day and outpatient care – including diagnostic services – regardless of the number of establishments the services are offered at.

#### Section 11

(1) The health administration issues the operating license for a profession or for certain services within the profession. Based on the application and the review findings, if the applicant

a) fully complies with the requirements of Section 9, the operating license is issued in accordance with the contents of the application;

b) only meets certain requirements of Section 9 concerning certain activities within the profession the operating license is issued for these activities.

**b)** Health service providers with operating licenses under Government Decree 96/2003 are responsible for the supervision and control of donors and beneficiaries/recipients' medical care and recovery.

The central waiting list, including the waiting list for organ transplants, is managed by the National Blood Supply Service, which is supervised by the Chief Medical Officer.

Pursuant to Section 215 of the Act on Health, a patient whose organ or tissue transplantation is medically justified and meets the requirements of separate legislation shall be included on the national waiting list managed by organ and tissue type. Recording is initiated by a healthcare provider setting up the indication of organ or tissue transplantation. The patient shall be kept informed of all significant circumstances in connection with his name being put onto the waiting list. Recipients shall be selected from the waiting list exclusively on the basis of professional rules.

The provisions related to the waiting list can be found in Government Decree 287/2006 (XII.23.) on the detailed rules of services provided on basis of a waiting list.

### Section 3

(1) The central waiting list, with the exception of the PET/CT waiting list as defined in Section 12 (1), is operated by the National Blood Supply Service by the cooperation of Transplantation Committees as provided for in Paragraph (2). The transplant waiting list, with the exception of the bone marrow transplantation list, is part of an international waiting list maintained by an organ exchange organization (hereinafter referred to as the organ exchange organization) involved in an agreement concluded by the National Blood Supply Service.

(2) The Transplantation Committees shall be established in accordance with the following healthcare services:

a) heart transplantation: Cardiac Transplantation Committee,

b) liver transplantation: Liver Transplantation Committee,

c) pulmonary Transplantation: Lung Transplantation Committee,

d) kidney transplantation; combined kidney and pancreas transplantation: Regional Kidney Transplantation Committee, Regional Kidney–Pancreas Transplantation Committee,

e) Bone Marrow Transplantation: Children's Bone Marrow Transplantation Committee; Adult Bone Marrow Transplantation Committee.

(3) The healthcare provider may provide the healthcare set out in Paragraph (2) only on the basis of a transplant waiting list.

The National Blood Supply Service operates under a license issued by the Chief Medical Officer.

**c)** Hungary is represented by the National Blood Supply Service in the Council of Europe's organ transplantation expert committee. Within this framework, a number of recommendations and measures have been taken in the fight against organ trafficking and transplant tourism, which require Member States' actions and in which Hungary is also actively involved.

Last year, in the framework of the European Council Guidelines on Data Collection on Renal Transplantation, the National Blood Supply Service provided information to all 7 heads of Hungarian Transplant Centres and reported to the Hungarian Transplantation Society. Since this year's data collection covers all types of organs, the inclusion of more centres (heart, lung, liver) is warranted or is taking place. Among the measures taken against trafficking in human beings, effective measures against organ trafficking and transplant tourism are specifically provided by the following legal provisions. The National Blood Supply Service operates a record of all stages of the organ donation and transplantation process, which ensures the traceability of cases.

Ministry of Health Decree 18/1998 provides for the following.

#### Section 16/D

(1) In order to protect donors and recipients, the monitoring of all distributed and transplanted organs should be ensured in accordance with this Decree.

(2) By providing a unique ID, the National Blood Supply Service will ensure the unique identification of each donation and the organ and recipient associated with it in accordance with the legal requirements for the protection of donor and recipient health and identity data. The system must ensure that no unauthorized access can be made to these data, and no unauthorized use of this data may occur.

(3) The National Blood Supply Service operates the National Organ Donation and Transplantation Registry and a register of living donors for organ donation, which, according to the National Blood Supply Service's procedures, records the data provided by the health care providers.

(4) In the case of an organ, the information required for traceability is maintained by the National Blood Supply Service for 30 years after the donation. Data can also be kept in electronic form.

All deceased potential organ donors are reported to the Organ Coordination Office of the National Blood Supply Service, since under Government Decree 323/2006 (XII. 23.) on the National Blood Supply Service, the National Blood Supply Service performs coordination activities related to the organization of organ donation.

Section 15/A of Government Decree 18/1998 provides that for the approval of organ exchange with third countries it is necessary for the organs to be traced from the donor to the recipient or the recipient to the donor and to comply with the quality and safety requirements of the Decree.

All organ transplants are recorded in the National Organ Donation Registry, and Section 16/F of Government Decree 18/1998 provides that "The National Blood Supply Service

(a) participates in the network of competent authorities and coordinates the contribution to the network's activities at the national level,

(b) keeps records of the activities of the transplantation centres containing the aggregate number of living and deceased donors, as well as the types and quantities of organs removed and transplanted or otherwise disposed of,

(c) makes annual reports on the activities referred to in point (b) and publishes it on its website,

(d) ensures that, in the case of organ exchanges between Hungary and a Member State of the European Union, the organ and donor data under Annex 9/a are forwarded to the Member State concerned by the organ exchange,

(e) monitors the effectiveness of organ alerts and analyses the national situation of transplants."

Section 219 of Act CLIV of 1997 on Health stipulates that "(1) The deceased person shall be subject to autopsy, irrespective of whether the death occurred in an inpatient healthcare facility or elsewhere, if

(c) the deceased was a donor or recipient of a transplanted organ."

In the process, care, including immunosuppressive therapy for patients, drug monitoring, biopsy and rejection therapy, is carried out exclusively in transplantation centres.

All of the above together provide tracking and control over all steps of the process.

## Measures to discourage the demand (Article 6)

### 22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;
- b. information campaigns and involvement of the media;
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. involvement of the private sector.

### IOM Budapest

#### b) Know about it! – Campaign to Counter Trafficking in Human Beings (BBA-5.4.4-16)

The aim of the project is to raise awareness of the phenomenon of sexual exploitation and labour exploitation in order to prevent victimization and trafficking in human beings both in Hungary and internationally. The goal is a better-informed society whose members are aware of the phenomenon of human trafficking, the tools most commonly used by criminals, and where they can turn for help. Increased awareness reduces the likelihood of becoming a victim. The project, on the one hand, targets people who can easily become victims of trafficking and, on the other hand, members of the Hungarian society who are indirectly affected by the problem.

The project seeks to achieve the objective of increasing the awareness of the Hungarian society about the phenomenon of exploitation and trafficking, and also intends to strengthen the means of the most vulnerable groups to counteract their own victimhood. The project is being implemented in partnership with the National Police Headquarters.

### Anthropolis Anthropological Public Benefit Association

a) Related education programme of Anthropolis is available under Question 8.

b) In the second year (2016) of the 'Timeless slavery? Extensive educational and awareness-raising program about contemporary slavery, with special focus on the forms affecting women and children' project of Anthropolis, the main aim was to raise the awareness of the general public through performances and a travelling exhibition/installation in Budapest, Kecskemét, Miskolc and Nyíregyháza.

The concept of the exhibition/installation: 'The Trap' is based on incompleteness. Based on phrases taken out of context, the viewer of the installation has to figure out what happened to the victims/survivors. It catches visitors' attention and empathy.

The concept of the performance: To draw the attention of general public and the media with thought-provoking performance using artistic approach, involving local volunteers and creating an environment which imitates a slave market.

With the support of the Local Council of the 14<sup>th</sup> district, the travelling installation were exhibited at further venues locally.

The awareness raising activities were covered by the media and reached approx. 10.000 people.

c) Anthropolis Association contributed to the following preventive measures:

- proposal of a decision for the Hungarian Parliament on a counter slavery strategy (LMP, 2015): <http://www.parlament.hu/irom40/10341/10341.pdf>;

- annual report on human rights of the European Parliament (2016) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0485+0+DOC+XML+V0//HU>)
- submission of a request on the investigation of child prostitution in Hungarian child care homes (2016) – connected report of the ombudsman (2018): [http://www.ajbh.hu/documents/10180/2805034/Jelent%C3%A9s+a+gyermekprostit%C3%A3ci%C3%B3+elleni+fell%C3%A9p%C3%A9s%C5%91l+1485\\_2018/aa4cd113-7062-a8b6-8ae7-253c4ef33352?version=1.0](http://www.ajbh.hu/documents/10180/2805034/Jelent%C3%A9s+a+gyermekprostit%C3%A3ci%C3%B3+elleni+fell%C3%A9p%C3%A9s%C5%91l+1485_2018/aa4cd113-7062-a8b6-8ae7-253c4ef33352?version=1.0)

## Hungarian Baptist Aid

### *a) 2018*

In the Children's Homes maintained by the Social and Child Protection DG, Ministry of Human Resources: **Anti-trafficking Complex Program**

The Hungarian Baptist Aid is involved in the process of supplying minors who are involved in or are potentially at risk of prostitution. The project has implemented in the Special Children's Home Centre, Elementary and Specialized School in Esztergom (for girls) and Kalocsa (for boys). It is supported by the Ministry of Human Resources.

The program is about preventing victimisation in sexual exploitation. It is designed for minors belong to the child protection service system and for those who are already involved in prostitution, it also supports and train the experts who work with them.

The program contains the following elements:

1. Preventive and Assisting children, individual therapeutic conversations, Group Mental Hygiene and Psychodrama group sessions

In the stated institutions in Esztergom and Kalocsa, in every two weeks, two hours a sessions led by 1 person with mental health and 1 person with a psychology degree

The aim of the mental health team is to prevent re-victimization, to strengthen the personality structure, to develop the ability to say no, to handle conflicts, to develop problem-solving techniques, adapting to the needs of the target group. In mentally-hygienic groups, we also help with mentally-hygienic group tools to pull the self-boundaries, strengthen identity, learn the strengths, and build the inner handholds for the young.

Our group thematic is a complex facility- and skill developing program that contains psychoeducation, the development of the self-esteem, assertiveness, and effective problem-solving strategies, acquiring assertive communication techniques, delivering constructive stress and conflict management techniques.

2. Psychodrama group conducted by 1 criminal psychologist and 1 mental health expert.

Our psychodrama group works with young girls, who are specifically involved in sexual exploitation, in a therapeutic group. We try to solve their personal trauma with psychological tools, psychotherapy in a therapeutic process.

Our specialists provide psychodrama sessions, so that young people can see their personal lives more clearly and their self-defense mechanisms could work better as well. We help participants using their own experiences to find their place in the society and their environment and practice to solve their problems in an effective way.



In addition to the mental hygiene and psychodrama groups, it is essential to provide individual therapeutic conversations for the minors. Group sessions provide the opportunity to build up trust among team members and team leaders. We want to supplement this work by providing individual therapeutic conversations for the minors in order to process their traumas, their self-esteem and their self-validation skills.

Individual therapeutic conversations are conducted by two mental-hygienic / psychologist staff members of the group.

3 Preparatory work for colleagues in the institution (psychical processes of victimization, vulnerability management, conflict management techniques, empathy and acceptance skills development)

Hungarian Baptist Aid have many years of professional experience and practice in conducting trainings about the phenomenon of trafficking in human beings, and sensitizing trainings about the psychological background of victimization.

We educate experts in the institutions with training elements. The training is divided into two parts. In the first module, we talk about the phenomenon, the techniques of perpetrators, the psychology of victimization, the personality traits of the victims, their behaviour. We practice through situational exercises. It is important to reach that group work is interactive and provide a deeper understanding and acceptance.

The first module is conducted by a professional, who works with victims in our anti-trafficking program for five years now.

The second module is about knowledge, to understand the psychology of victimization, and to develop effectively minors experiencing vulnerability. It also provides effective conflict management techniques in mental health groups and develops empathy and acceptance skills.

The purpose of the work with the staff of the institution is to make them able to:

- build a trustful relationship with minors who are affected by trafficking and prostitution
- ensure the assertiveness of educational work with minors
- perform effective conflict management
- be empathetic and sensitive towards minors' attitudes to prostitution

4. Long-term mentoring and follow-ups

Long-term mentoring and follow-ups are essential part of our effective work. It is important to personalize the length of the support. It is important to define the similarities of mentoring and follow-ups together with the institutions' specialists. This joint work is based on our activity in Esztergom.

Assistance through mentoring improves the sense of security and social relationships of the minors, and increases the efficient utilization and development of internal resources, that improves the minors' self-esteem. Trust is indispensable for the success of the mentoring activity, and it's foundation comes from the group and individual therapeutic activities.

Follow-up is a longer-term but less tight maintenance relationship. Once, group and individual therapeutic conversations are over, it is important to support minors with secure stability they can count on.

Our mentoring and follow-up activities involve a social pedagogue. She participates in the individual therapeutic conversations. Therefore, in this way she is in touch with the minors involved in the mental health group sessions and the staff of the institution as well. Consequently, it adds-on service providing, mentoring assistance and follow-up in training sessions for peer, social, and social relationships.

## **2015–2016**

### **1. Child-Home-Safety preventive programs in children’s homes (2015-2016)**

Our preventive program stands on two elements.

The first element is a peer helping training, while we trained 20 young people between 16-18 about the phenomenon of human trafficking and exploitation.

The second element of the program we led preventive programs in children’s homes, where the 20 trained people and the Villanások Mental playback Theatre helped us.

The playback theatre is an alternative theatrical genre and an art therapy method at the same time. The child stepping out from the ‘audience’ is sharing her own story, her connection to the phenomenon, and this situation will be played out with improvisation techniques, the peer helpers through their own personality reflect it, with highlighting the emotions after the act. The training starts with short films about the phenomenon of human trafficking, and this is based on the processing of the experiences.

Through our preventive program we reached out to almost 150 children in children’s homes.

### **2. Program against the sexual exploitation of children and minors out of Child Protection Care and/or jeopardized (mainly Roma) (1 July 2015 – 15 December)**

Budapest Child Protection Centre and Regional Child Protection Service

Alföldi street, Shelter Home, Abigél group

Creative preventive and self-knowledge activities

During the experience therapy program, the participants of the group (14-18 year old girls) participated in fine arts, drama and theatre, video sessions. The activities got closer to the phenomenon of trafficking in human beings and sexual exploitation through various self-knowledge and situational games. From the exercises, the children made videos, which made it possible to learn more about themselves and their operation. By the end of the program, a seven-minute summary short film was made with the help of the children.

The team leaders emphasized the need to present (sexual) exploitation and methods of perpetrators to prevent, with the use of situational practices and improvised scenes. In connection with this, children provided scenes for improvised scenes on specific themes and situations.

Elements of the Therapeutic Program against human trafficking and sexual exploitation:

- watching short films, literary texts, interviews about the phenomenon and processing them with dramatic pedagogical elements about the subject with the help of an art therapist
- creating montage self-portraits to deepen self-knowledge and strengthen the ability to say no
- playback theatre activities to process traumas and negative experiences

The program strengthen the children in these areas:

- development of self-knowledge
- development of personality
- strengthen the ability to say no
- self-validation ability
- strengthen their self-defense mechanisms
- increasing their social competences
- preventing them from victimization
- supporting their integration
- strengthen the connection to the majority of the society

### ***b) 2016***

#### **V4 SAFE project (IOM, PL, La Strada CZ a PL, Hungarian Baptist Aid)**

Financial support of the project: IVF and Embassy of the Kingdom of the Netherlands, BeeSafe

Mobile application SAFE was created as a preventive tool of trafficking in human beings mainly for the youth, the general public and the professionals in area of prevention. Besides true stories (with changed names) the mobile application consists of important information about safe travel, work abroad and useful contacts in case of emergency. The mobile application is designated for non-commercial use only and in the area of prevention and education.

Mobile application does not substitute other available sources of information about prevention of trafficking of human beings and does not serve as rescue in an emergency.

By downloading of the mobile application the user undertakes to not to use the application in the way that could harm the third party, break the law or spread harmful content on the internet (viruses, hoaxes, etc.).

Mobile application was developed within the project SAFE – smart, aware, free, enjoy informative campaign for prevention of human trafficking and is available in five language version: Slovak, Czech, Polish, Hungarian and English. International Organisation for Migration, La Strada in Czech Republic and Poland and Hungarian Baptist Aid participated together on the project with the financial support of International Visegrad Fund and Embassy of the Kingdom of the Netherlands.

Copyright for the mobile application belongs solely to the International Organisation for Migration.

**23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.**

#### **Ministry of National Economy, EURES National Coordination Office**

In Hungary, activities of private employment agencies are regulated by the Government Decree 118/2001 on the registration and pursuit of private recruitment activities. We always suggest our clients to use exclusively the services of registered companies and avoid uncontrolled individuals or fictitious companies acting as recruiters and draw attention to the fact that registered private employment agencies in Hungary cannot charge any fee from the jobseeker. According to our experience, typical and

serious misuses are linked to advertisements published in Hungarian language on free online portals; this is why we do not recommend job search on similar sites, only from safe resources (EURES websites, public employment services' websites).

### **Ministry of National Economy, Department of Employment Supervision**

According to Paragraphs i), r) and s) of Section 3 of Act LXXV of 1996 on the Labour Inspection, the competency of the labour authority regarding third-country nationals covers the inspection of the compliance with:

i) the legal regulations concerning the authorization of the employment of the third-country nationals in Hungary, as well as the employment of the third-country nationals and the persons with the right of free movement and residence,

r) the legal regulations concerning the declaration of the employment of the third-country nationals and the persons with the right of free movement and residence in Hungary,

s) the obligations of the employer set out in Subsections (1), (2) and (8) of Section 71 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals,

and the administrative labour procedure initiated on the basis of the labour inspection.

### **Border measures (Article 7)**

#### **24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:**

- a. identification of possible victims of THB in the context of border control;**
- b. identification of possible perpetrators of THB offences;**
- c. gathering of first-line information from victims and perpetrators;**
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.**

### **National Police Headquarters, Border Police Department**

a), b), c), d) The Border Police Department of the Directorate-General for Police of the ORFK published the Hungarian version of the Manual for the identification of potential victims of human trafficking at the Schengen external borders, including risk profiles, by Frontex, in 2014.

After the 2013 Schengen evaluation report, Hungary agreed to make the subject of human trafficking part of the training in order to be the executive staff have some knowledge of the magnitude of the victims of human trafficking arriving in the European Union and their identification methods.

In 2012 FRONTEX prepared a survey by involving the EU Member States concerned, on the basis of which it could be reconstructed from the cases revealed who recruited the victims exploited as prostitutes, domestic workers, illegal workers, beggars, etc. in countries of origin at the time and how, then how they made them travel to the European Union. After this, risk profiles were prepared from the typical cases, on the basis of which the group of travellers in the case of whom at least a more thorough interrogation or investigation is required can be relatively well identified in the first and second line at the external border crossing points.

The Manual presents the most typical third-country nationals, who enter through the external borders. It systematically draws attention to the major routes in the case of every nationality category, and provides information about the countries of origin, the social background of the victims, the criminal rings procuring them and their activities carried out in the target countries.

The risk factors that can be identified in the first and second line are processed according to a colour chart on the basis of what was the most typical in the cases so far (red) and what was also typical of the victims, but to a lesser extent. The most cardinal elements of the risk factors are what documents the potential victims try to use for their entry in the European Union (not always false or forged), how they behave during border control, what they declare about the purpose of entry and how, with whom and how they arrive at the border crossing point, and who is waiting for them (especially at an airport).

It is important to emphasise that generally there should be at least three or four risk factors at the same time out of the various considerations in order for the case to be typifiable; that is, for example, a false document in itself does not yet imply human trafficking, but should give rise to suspicion together with other risk elements. However, it is also important to emphasise that the coexistence of multiple circumstances does not necessarily mean either that a victim of human trafficking is involved. Nevertheless, it is advisable to examine such cases at a separate place.

The situation is made more difficult by the fact that the victims do not cooperate with the authorities, since they are victims of deception or threat, so no meaningful information can be expected from them about the actual purpose of entry or their procurers at the border. It is therefore important to provide appropriate preparation to both first and second line staff about the risk factors and to ensure that there is always a person on duty in the second line who is aware of basic interview techniques and tactics.

**25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?**

**Ministry of Interior**

On 14 and 15 October 2015 a training was organized on the fight against trafficking in human beings in cooperation with the US Airline Ambassadors International NGO for airport workers. Several employees of Budapest Airport Zrt. and six members of the Airport Police Directorate participated in the training.

Considering the involvement of Hungary in the fight against trafficking and the cross-border nature of the phenomenon, it is of utmost importance that the passenger traffic in Hungary, especially at the international airport, is adequately controlled.

The training aimed to improve the ability of the professionals to identify victims, to expand their knowledge and to present proactive and problem-oriented working methods. The trainers of Airline Ambassadors International shared their multi-year experience with cabin crews with the participants, showing the organization's operation, the phenomenon of trafficking, the victim identification process and the victims' personal story. In the framework of the training, the representative of the National Crisis Management and Information Telephone Service presented the activities of the service in the area of trafficking in human beings, prostitution, child abuse and related violence. The purpose of the training was to sensitize airport staff so that they can reports suspected cases of trafficking to the Airport Police Directorate.

**Ministry of National Development<sup>3</sup>, Deputy State Secretariat for Transport Matters**

As regards to cabin crew, the Civil Aviation Authority (Licencing Department) supervises training and examination of cabin crew as well as issues Cabin Crew Certifications in accordance with EU regulation. We have to comply with EU regulations regarding basic education, examination and certification.

In the crew of passenger ships,

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<sup>3</sup> Now the Ministry for Innovation and Technology

- in inland waterway transport, there has to be qualified passenger ship expert, according to the Article 23.12.1 of the code of floating establishments, published in the 2. attachment of the ministerial decree 13/2001. (IV. 10.) KöViM,
- on seagoing vessels, there has to be qualified seafarers with designated security duties, according to the Section A-VI/6 of the STCW 1978 code as amended, which was published in the XIX. Act of the year 2012,

who are able to take the necessary action.

There is no such statutory provision within the competence of the Railway Authority Department. According to our knowledge, cross-border issues are handled by the railway companies within their own security management system, in co-operation with border control authorities.

If the transport authority notices signs of trafficking in human beings during roadside or other checks, it shall inform the competent authority.

Please be informed that the whole staff of the former National Transport Authority attended lectures organized by the Constitution Protection Office and the Counter Terrorism Center on topics related to the official tasks of the authority.

**26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.**

#### **National Police Headquarters, Border Police Department**

In 2017 under the application project entitled Protecting Children in the Context of the Refugee and Migrant Crisis in Europe of the International Organisation for Migration (the 'IOM'), conflict management and intercultural training was held for the designated staff working at the alien policing unit of the police, at detention centres and in transit zones, who have to take measures and proceed in the case of unaccompanied minors during their activities. During the training, the participants became familiar with the challenges of child protection procedures involving unaccompanied minors, the rights of children affected by migration, intercultural issues and trauma management.

#### **Identification of the victims (Article 10)**

**27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.**

Yes, the list of bodies entitled to identification was amended with the Victim Support Services (and also the victim support centres as parts of the Victim Support Services), probation services, and legal aid services.

**28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?**

Yes, see the answer below.

**29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.**

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

With respect to a person's appearance, personal circumstances and conditions of work, there are three categories of signs indicative of victimisation: signs indicative of a high, medium or low degree of likelihood.

Pursuant to the applicable Hungarian statutory regulations, it is presumable "on reasonable grounds" that a person has become victimised of trafficking in human beings if, in the given category, two signs indicative of high likelihood, or one indicative of high and one indicative of medium/low likelihood, or two indicative of medium and one indicative of low likelihood are cumulatively present. The person subject to identification is likely to be a victim of trafficking in human beings if the likelihood of victimisation persists in all three categories.

Appearance		
Sign indicative of high likelihood	Sign indicative of medium likelihood	Sign indicative of low likelihood
minor age, injuries, physical disability, signs of malnutrition, pregnancy	untidy clothes, exhaustion, clothes typically worn for performing sexual activities	extreme nervousness

Personal circumstances	
Sign indicative of high likelihood	Sign indicative of medium likelihood
he has no document establishing his identity; signs indicative of restriction to free movement	his workplace and accommodation are at the same location, and he does not know their address; constantly changing places of accommodation,

Conditions of work	
sign indicative of high likelihood	sign indicative of medium likelihood
retention of the salary, in whole or in part, by the employer, long working hours, he does not know the address of his workplace	no employment contract concluded, all terms and conditions of work stipulated by the employer, the victim thinks he has a debt, constantly changing places of work

In 2017, a victim of trafficking in human beings identified by the Győr District Office was brought before that authority because of suspected labour exploitation. The victim did not have an employment contract, and his employer also deprived him of his personal liberty, which is a sign indicative of a high degree of likelihood in the identification process. The 63-year-old victim received immediate financial aid, which helped him buy food and clothes and cover his medical expenses.

In another case, a 32-year-old woman was victimised of sexual exploitation and kidnapping. She was brought to the attention of the authority by the Baptist Aid, a service for victims of trafficking in human beings, which provided sheltered housing for her. The District Office granted immediate financial aid to her.

**30. What measures are taken in your country to encourage self-identification of victims of THB?****Ministry of National Economy, EURES National Coordination Office**

EURES plays a preventive role in the phase preceding working abroad, its competence is to check the employer, recruitment agency, job vacancy, and help to avoid precarious foreign employment situations. In all cases, EURES advisers draw attention to the dangers threatening highly vulnerable groups who lack mobility key skills (language skills, qualification), trying to keep them from potential victimization. The Hungarian EURES network's flyers, posters on secure job search and against misleading advertising also support customer information.

In the case of a request for help from victims of scam, we inform them on the opportunity to make contact with the relevant authority or other means of on-site assistance available in the Member State (e.g. legal aid service).

**Immigration and Asylum Office**

Self-identification may theoretically have some relevance in case capacity problems at the competent authorities prevent the efficient screening; however, we are supposed to promote self-identification in a way, that will not result in fraudulent claims (status, benefits). It should also be noted that most THB-victims are unaware of being a crime victim, not to mention its definitional delimitation. An information material (leaflet) has been elaborated in this spirit for the third country nationals in the framework of the project entitled „Successful identification of human trafficking victims during the OIN procedures”: in the first part of the one-page document contact details are listed of the major state organizations and non-governmental organizations dealing with victim support, while at the bottom the common forms of exploitation are explained. Translation has been ordered in 11 languages according to the usual composition of applicants at the premises of the Immigration and Asylum Office: English, French as world languages; Arabic, Dari, Farsi, Urdu, Pashto, Kurdish mainly for asylum seekers; Chinese (mandarin), Serbian and Ukrainian for clients of alien policing procedures.

From January 2018 the information material is displayed at all relevant facilities of the Immigration and Asylum Office.

Please find attached to this report the English and French version.

**31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?****Immigration and Asylum Office**

We expect the foreigners who had been exploited to be screened (and then channelled into the victim support system) during the refugee determination procedure from the project outlined at question no. 4.

The sensitivity training enabled 57 asylum caseworkers to discern the typical signs of being a THB-victim. The itemized list of Government Decree No. 354/2012 includes also the Immigration and Asylum Office among the identification bodies, thus it is the duty of the asylum and immigration authority to conduct identification conversation if an applicant shows some signs of being a THB-victim. Smooth connection with victim support service (which function is provided by district branch offices of government offices) is ensured through [emberkereskedelem.im.gov.hu](http://emberkereskedelem.im.gov.hu) web page, where as a general rule, the identification sheet is submitted. All the caseworkers of the asylum and immigration authority



have access to the system. The authority may conduct the procedure with the involvement of diplomatic missions, and in the field of victim management, it is in contact with the National Crisis Management and Information Hotline, the primarily responsible institution to arrange the stay in shelters.

### **Protection of private life (Article 11)**

**32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?**

#### **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

Pursuant to Section 8 (2) of Act CXII of 2011 on Informational Self-Determination and Freedom of Information, effective as from 1 October 2015, an appropriate level of protection of personal data is ensured if

- a) such is stated in a binding legal act of the European Union;
- b) there is an international agreement in force between the third country and Hungary containing guarantees for enforcing the rights of data subjects to manage, rectify and delete or block their personal data, and safeguard regulations on their rights to remedies, and for the independent supervision of data management and data processing operations; or
- c) the data management or data processing takes place in accordance with binding organisational rules.

Pursuant to Section 2 (2) Government Decree No. 354/2012 (XII. 11.) on the Rules of procedure of victims of trafficking in human beings, effective from 1 January 2018, if the body that performs the identification is not the District Office (Budapest-Capital District Office) acting as the victim support services of Budapest-Capital Government Office or a County Government Office with territorial jurisdiction over the temporary place of stay of the person involved in the identification conversation (hereinafter: the "regional victim support services"), and the body performing the identification concludes that the person involved in the identification conversation is presumably a victim of trafficking in human beings, it shall immediately notify the regional victim support services of that fact, and shall at the same time transmit the identification data sheet to the regional victim support services through a national uniform web-based system operated by the Ministry of Justice (hereinafter: the "EKAT system"). The regional victim support services also enter all the identification data sheets received from sources other than the EKAT system as well as those drafted by themselves during the identification procedure into the EKAT system immediately. Entering any data sheet into the EKAT system is always subject to the written consent of the data subject.

Data management and data processing take place in accordance with mandatory organisational rules.

There is no conflict of interest between the Code of Professional Conduct of Hungarian Government Officials and the obligation to notify crimes.

### **Assistance to victims (Article 12)**

**33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:**

- a. **funding;**
- b. **victim's safety and protection;**

- c. **standards of assistance and their implementation in practice;**
- d. **access to medical treatment, psychological assistance, counselling and information;**
- e. **translation and interpretation, where appropriate?**

### **Ministry of Human Capacities, Department for Equality**

Temporary Shelters for accommodating and helping the victims of human trafficking are operated from state funds by an NGO. The Ministry of Human Capacities enters into a grant agreement with the organisation every year, ensuring the continuity of the performance of tasks. The victims' safety and protection and the high standard of assistance are ensured by a technical protocol conforming to international standards and binding on the NGO operating in Temporary Shelters. The protocol includes the scope of services to be mandatorily provided by the Temporary Shelters, such as access to medical care, psychological support, legal counselling and assistance with social work tools. The protocol requires that each of these services be provided for all persons cared for. During the provision of care, emphasis is laid on the provision of appropriate information to the victims; this is borne in mind by all the staff and helpers working in the institutions.

One of the important principles of the provision of care is to ensure equal access and, therefore, institutional leaders arrange for interpreting, where necessary.

### **Ministry of Human Capacities, Department for Child Protection and Guardianship**

As regards the provision of child protection services for unaccompanied minors, it is generally a public task, which cannot, however, be provided by a non-governmental (church, civil) organization based on a supply contract concluded with the public service provider (DGSCP). Non-governmental institutions are granted central budget support as defined in the central budget law and operate on the basis of the professional standards as the state-owned institutions, as defined in the Child Protection Act and its implementing regulations. Currently, only state-run institutions provide child protection services for unaccompanied minors.

### **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

a) The obligations set out in Article 12 of the Convention are fulfilled by state actors, with the involvement of non-state actors. Non-state actors may submit an application for support to the Ministry of Justice to finance their operations related to victim support as well as various projects, and, after their applications are assessed, they may receive state funds. It is mainly Fehér Gyűrű Közhasznú Egyesület (White Ring Association) and ERGO European Regional Association (ERGO Európai Regionális Szervezet) that have filed applications for support with the Ministry of Justice in recent years, and the benefits under Article 12 have also been provided by means of the support granted to them.

b) If a victim of trafficking in human beings does not have safe housing, the body performing the identification immediately notifies the National Crisis Management and Information Telephone Services operated by Family-friendly Country Nonprofit Ltd. (Családbarát Ország Nonprofit Közhasznú Kft.), which provides a place for the victim concerned in a shelter.

c) With a view to carry out certain tasks of the Victims Support Services much more effectively and in a more focused manner, the Ministry of Justice established victims support centres in Budapest, Miskolc and Szombathely.

By establishing the victim support centres, the Ministry of Justice aimed to enable victims to become more aware of their rights and the options available for them, and gain information on what to do and whom to contact for further assistance in a wider geographical area. The most important duty of the victim support centres is to offer support to victims who turn to them for help, to accept and listen to them, and to offer appropriate - customised - help for them.

d) In addition to what is called helping conversation, which is also provided by victim support professionals working in the public victim support system, the Ministry of Justice provides individual psychological crisis intervention in the victim support centres. The staff working in the victim support centres endeavour to reveal the kind of assistance that the national they are advising needs. They strive to provide support adjusted to the actual wishes and needs of victims within the shortest possible time.

If the body performing the identification concludes that the person identified as a victim of trafficking in human beings is in need of medical care, it sends the victim to an institution providing primary health care.

The Deputy State Secretariat for Judicial Methodology-based Governance of the Ministry of Justice has no information on access to medical care and information.

e) Should a child victim who does not understand the Hungarian language turn to the Victim Support Services, pursuant to Section 17 of the Ást. all the costs of translation and interpretation shall be borne by the Victim Support Services and charged to the budget allocated to the Services, which provide for the appointment of an interpreter.

**34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their cooperation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?**

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

The scope of the Ást. also covers the persons identified as victims of trafficking in human beings [Section 1 (1) e) of the Ást.], who, therefore, may be entitled to victim support benefits. Pursuant to Section 4 (6) of the Ást., the State shall provide sheltered housing - where appropriate - to all persons identified as victims of trafficking in human beings who are Hungarian nationals or persons having the right of free movement and residence, whether or not criminal proceedings have been launched for a criminal act defined as such by law. A sheltered house is an institution that receives persons identified as victims of trafficking in human beings and provides them with the care specified by the applicable law. In addition, the law also stipulates that if the victim support services find that a third-country national turning to them for support is a victim of trafficking in human beings, then - as part of their services of pursuing the interests of victims - they also inform them on the fact that they have a one-month reflection period to decide whether to cooperate with the authorities in detecting the crime. The victim is entitled to a certificate of temporary residence authorisation for the duration of the reflection period, and a residence permit for the duration of their cooperation with the authorities [Section 24 (3) of the Ást.]. Pursuant to Section 43 (3) of the Ást., once the victim support services have provided the information set forth in Section 24 (3), they shall, simultaneously with notifying the investigating authority, the prosecutor or the court each acting in the given phase of the criminal proceedings, initiate immediately that a certificate of temporary residence authorisation be issued to the third-country national by the immigration authority. Receiving victim support is not conditional upon agreeing to give evidence.

**35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?**

**Ministry of Human Capacities, Department for Child Protection and Guardianship**

In the framework of the child protection professional service regulated by the Child Protection Act in accordance with the UN Convention on the Rights of the Child, unaccompanied minors are also provided with full home care. This provision includes, among other things, the provision of access to basic health care, specialist care, education, development, psychological support, access to useful and cultured leisure time, in addition to providing accommodation, meals, pocket money and clothing, with the same

level of children with Hungarian citizenship, but taking cultural and religious differences into account, for example for meals.

### **Ministry of Human Capacities, Department for Equality**

The two Temporary Shelters are suitable for accommodating 12 people each. The two institutions provide assistance to both exploited workers and prostitution victims, whether they are single victims or victims who are fleeing together with their children or even complete families. Admission of minor victims is possible with parental accompaniment.

Families and individuals are accommodated in separate rooms, and each room has a private bathroom. The kitchen and the lounge can be used jointly by the victims cared for. Both institutions are accessible to the disabled. During the care process, an individual action (care) plan tailored to the needs and situation of the victims cared for are prepared for all of them.

### **36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?**

#### **Ministry of Human Capacities, Department for Equality**

All victims cared for receive information about the services provided by the Temporary Shelter before admission; they decide whether to move in or to refuse the opportunity of assistance. After the first interview, the social worker devises a cooperation plan jointly with the client, which will form the basis of the assistance work.

#### **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

The Hungarian victim support system is an opt-in system. This means that in the vast majority of the cases victims turn to the Victim Support Services on the basis of the information received from the Police. As prescribed by law, the Police must provide information for all victims both orally and in writing on the availability of the services and the support offered by the Victim Support Services. Relying upon the information received, victims themselves may decide whether they wish to avail themselves of the assistance of the Victim Support Services.

With a view to promoting victims' interests as laid down in Section 24 (1) of the Ást., the regional victim support services - after assessing victims' needs - provide all the victims turning to them with customised information on, among others, their rights and obligations in criminal and infringement proceedings, the types of support available to them, and the conditions of eligibility for support. Furthermore, they provide information on any other care, benefits and law enforcement options that are available to victims, and the contact details of state agencies, local government bodies, civil organisations and religious communities engaged in the provision of victim support.

As a priority group, persons identified as victims of trafficking in human beings may receive victim support benefits. As regards a certain group of those victims (third-country nationals), the Victim Support Services have a duty to provide additional information as set out in Section 24 (3) of the Ást. Should the Victim Support Service conclude that a third-country national has fallen victim to trafficking in human beings, the Services will, in addition to the above, inform them that they have a 1-month reflection period to decide whether to cooperate with the authorities in detecting the criminal offence, and that they are entitled to a certificate of temporary residence authorisation during the reflection period, and a residence permit during their cooperation with the authorities.

### **37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

## **Ministry of Human Capacities, Department for Equality**

After leaving the Temporary Shelter, the clients' later fate can be monitored by a domestic warning system, but this also requires the victim's cooperation. As of 2018, four halfway houses receive victims who leave crisis care. Half-way houses provide housing for up to 4.5 years as well as legal and psychological counselling and assistance by social workers, as needed.

## **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

Relying on the information included in the Form for Assessing the Victim's Individual Needs, of the forms of support that can be provided under the Ást., victims are entitled to assert their interests without any further conditions attached, whether or not criminal proceedings have been launched in the case. Although the certification of a victim status is conditional upon the commencement of proceedings in connection with the criminal act, there is no time restriction on the use of the service, i.e. the issuance of a certificate of the victim status can also be requested after the completion of criminal proceedings. The certificate might be of help if any authority or any other body makes entitlement to the benefit, service or support provided by it conditional on whether the person applying for the benefit, service or support concerned qualifies as a victim. In possession of the certificate, victims have access to legal aid on preferential terms in connection with the criminal acts against them prior to the commencement of, during or after the criminal proceedings, and they may also receive a replacement for any stolen document free of charge.

We have no information on the monitoring of victims after termination of the support programme.

## **Hungarian Baptist Aid**

There is no limitation for the length of stay at HBA's shelters. We design our rehabilitation and reintegration program for the specific needs of the victims of trafficking and work on an action plan together. The lengths of the process depends on the victims' health and psychological condition and his/her possibilities to get involved to the labour market. Follow up of the victim is essential part of our work, we stay in contact with our sheltered victims after they leave the house. During this time we provide help for legal assistance, administration management, occupation and work advices. The length of the follow ups are also personalized, meetings decrease from regular occasions to specific issues. However, our victims can ask for any kind of assistance after their reintegration and follow up time period are over.

## **Recovery and reflection period (Article 13)**

**38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.**

## **Immigration and Asylum Office**

Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals and Act CXXXV of 2005 on Crime Victim Support and State Compensation provides that foreign victims of human trafficking shall have a reflection period of one month to decide whether to cooperate with the law enforcement authorities in the detection of the crime. For the reflection period a certificate of temporary residence is issued by the immigration authority upon the proposal of the victim support service, which entitles the holder to stay exclusively in the territory of Hungary without the right to freedom of movement (hence it is to be returned upon exit). At the end of the reflection period, if the willingness to cooperate exists, the immigration authority shall issue humanitarian residence permit valid for the duration of the cooperation.

## **Ministry of Human Capacities, Department for Equality**

The Temporary Shelters may keep the victims in crisis care for 90 days. This care period may be extended once, by maximum 90 days. The services of the halfway house may be used for 4.5 years. The Temporary Shelters receive both Hungarian and foreign citizens.

In addition to protected accommodation, the Temporary Shelters provide complete physical care, as needed (provision of meals, clothing and medicine). Protection is also guaranteed outside the Temporary Shelters during the care period. (The staff accompany the clients to the doctor, hearings and police questioning.)

If the psychological and physical condition of the victims allow, the clients may start working; they may save up some of their money and may use its other half at their own discretion. It sometimes presents a difficulty for the victims that they lack money, which is typical in the initial period of the care process. At that time, conflicts would arise from the difficulty of purchasing excise goods, such as cigarettes, which are not provided by the Temporary Shelter.

## **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

Pursuant to Section 24 (3) of the Ást., should the victim support services conclude that a third-country national has fallen victim to trafficking in human beings, in addition to outlining their rights and obligations in criminal and infringement proceedings, the types of support available to them and the conditions of eligibility for that support, the contact details of the state agencies, local government bodies, civil organisations and religious communities engaged in the provision of victim support, and the options of avoiding to become a victim again, the services also inform them on the following:

- a. they have a 1-month reflection period to decide whether to cooperate with the authorities in detecting the criminal offence;
- b. they are entitled to a certificate of temporary residence authorisation during the reflection period, and a residence permit during his cooperation with the authorities.

As laid down in Government Decree 354/2012 (XII. 13.) on the Rules of procedure of the identification of victims of trafficking in human beings, if, during a procedure falling within its remit or otherwise, the body that performs the identification learns from public sources or detects otherwise that there are reasonable grounds to believe that a Hungarian citizen, or a person having the right of free movement and residence, is a victim of human trafficking, it conducts an identification conversation with this person. If during the identification conversation the body that performs the identification finds that the victim does not have safe housing, the body immediately notifies the National Crisis Management and Information Telephone Services operated by Family-friendly Country Nonprofit Ltd. (Családbarát Ország Nonprofit Közhasznú Kft.).

Sheltered housing means that persons identified as victims of trafficking in human beings are placed in a safe house. Sheltered houses provide the following to persons identified as victims of trafficking in human beings for the period required to take the actions necessary for starting the social reintegration of the person identified as a victim of trafficking in human beings, however, in no case longer than for 90 days:

- safe housing free of charge, and also food, clothes and personal hygiene products as well as mental health care where appropriate,
- contribution to promoting the interests of persons identified as victims of trafficking in human beings, and to arranging for the measures needed for their social reintegration.

## **Residence permit (Article 14)**

**39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.**

N/A

**40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?**

## **Immigration and Asylum Office**

Paragraph (1) e-f) of Article 29 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals provides that in the absence of usual residence conditions laid down in the law, humanitarian permit shall be granted due to serious law enforcement or national security interests upon a motion put forward by a public prosecutor, court, law enforcement or national security body, as well as the detective unit of National Tax and Customs Administration for those third-country nationals who make meaningful contribution to obtain evidence and investigate a crime; close relatives may be included.

**41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?**

N/A

## **Compensation and legal redress (Article 15)**

**42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:**

- a. **access to information on the relevant judicial and administrative proceedings in a language the victim can understand;**
- b. **access to free legal assistance and legal aid during investigations and court proceedings;**
- c. **compensation from the perpetrator;**
- d. **compensation from the state;**
- e. **compensation for unpaid wages to victims of trafficking.**

**Please provide examples of compensation awarded and effectively provided to victims of THB.**

## **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

a) Pursuant to Section 17 of the Ást. effective from 1 November 2015, if a client does not understand the Hungarian language or who, by reason of his disability, needs a sign language interpreter, all the costs of translation and interpretation shall be borne by the Victim Support Services. As regards applications for state compensation to be submitted to or received from another EU Member State, the translation costs related to filling in the form are also borne by the Victim Support Services instead of the client who does not understand the language of the proceedings conducted before the decision-making authority of the Member State concerned. The provisions of Act CL of 2016 on General Public Administration Procedures ensure that the client does not suffer any legal disadvantage by reason of the fact that they do not speak the Hungarian language.

b) By virtue of the amendment of Act LXXX of 2003 on Legal Aid, which entered into force on 1 November 2015, contrary to the former regulations, legal aid is available to victims, private prosecutors, private parties, other interested parties and substitute private prosecutors including victims of trafficking in human beings not only in court proceedings but also in the investigative and indictment stages of proceedings. Should a victim of trafficking in human beings request legal aid, then the translation and interpretation costs of the party who has been granted legal aid are borne by the State.

d) The scope of the Ást. also covers the persons identified as victims of trafficking in human beings [Section 1 (1) e) of the Ást.], who, therefore, may be entitled to victim support benefits and state compensation if such is justified by the personal circumstances of the victim and the type and nature of the criminal act committed against them. Pursuant to Section 17 of the Ást., all victim support procedures including the procedure for state compensation are free from any dues and charges.

### **Office of the Judiciary**

No compensation was awarded and provided to the victims of human trafficking in any case. There was no civil action dealing with personality rights in connection with these criminal cases.

Please note that no effective compensation awarded to the victims of human trafficking could be a question on a conceptual level since the protected legal interests of the trafficking in human beings cover personal freedom on the one hand and public order and safety on the other. The prejudice to the former that is, the personal freedom cannot appear as damage to property so the concerned victim could not enforce it as an individual.

### **43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?**

#### **National Bureau of Investigation**

An important part of investigations related to human trafficking is to assess the pecuniary situation of the perpetrators and the persons associated with them (accomplices and family members) in order to identify the increase of wealth and to identify and secure assets derived from offences. This can be done as part of the main proceedings, but it is also possible to conduct parallel financial investigations or to order asset recovery procedures separately regulated in Act XIX of 1998 on criminal proceedings in more complicated cases or cases committed in a criminal organisation or involving more than one country. This procedure is conducted by the Asset Recovery Office of the Intervention Police of the National Bureau of Investigation (the 'KR NNI') at the request of the investigating body.

On the basis of the provisions of Act XIX of 1998 and Act C of 2012 on the Criminal Code (the 'Criminal Code') in force, assets derived from offences and equipment used or intended for committing them have to be confiscated. The confiscation of property may include assets owned by perpetrators and third parties (even business associations). In the case of procedures conducted due to human trafficking, it is also possible to apply the extended confiscation of assets against perpetrators. Property acquired over 5 years prior to the institution of the procedure may be taken from perpetrator if their increase in wealth, lifestyle and verifiable income are disproportionate. In this case, the burden of proof is reversed and the perpetrator is required to provide proof of the lawful origin of the assets.

In order to ensure compensation for the damage caused to the victims, it is also possible to order coercive measures of pecuniary nature. In this case, however, the measures may only extend to the assets owned by the perpetrator causing the damage or injury.

### **Office of the Judiciary**

No measures have been put in place in any case, thus, in particular, the precautionary seizure or detention of the property of the traffickers as compensation.



In some criminal cases, the court applied confiscation of property against the accused. However, the confiscation of property is not due to the victim – arising from its nature, the unlawfully acquired property is transferred to the State in the absence of a civil action – thus the property of the traffickers could not serve as the basis of the compensation owing to the specificities of the Hungarian legislation.

**44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.**

This greatly depends on the destination countries' inner law.

However, in relation to Hungary, Act CXXXV of 2005 on Crime Victim Support and State Compensation states that any EU citizen habitually residing in Hungary, who has been victimized in a violent deliberate crime during his/her lawful stay shall be entitled to victim support services if able to provide credible proof thereof.

A crime victim shall be entitled to state compensation if he/she has a permanent residence or a habitual and lawful place of abode in any EU Member State. A crime victim may also be granted compensation if he/she holds a residence or immigration permit in Hungary.

**Repatriation and return of victims (Article 16)**

**45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?**

**Immigration and Asylum Office**

The immigration authority always applies the non-refoulement principle in return / expulsion orders and during the execution of such decisions. Pursuant to Article 51 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals 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 law establishes a 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 as laid down in Paragraph (2) of Article 14 of the Fundamental Law (constitution) of Hungary (non-refoulement).

Pursuant to Paragraph (2) of Article 45 of Act LXXX of 2007 on Asylum non-refoulement principle establishes an additional barrier to the return of unaccompanied minors: it is forbidden if the family reunification or state / other institutional care is not properly ensured in the country of origin or other host country.

In line with the Return Directive (EU) 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 (supervised by the public prosecutor).

The International Organization for Migration (IOM) Budapest office is running the project „Hungarian Assisted Voluntary Return, Reintegration and Information Programme for Migrants” in cooperation with the Immigration and Asylum Office between 1 July 2016 and 30 June 2018 (maximum number of beneficiaries: 670). It has a reintegration component with the aim of assisting 60 vulnerable returnees

and returnees with chronic medical condition with reintegration counselling and financial support up to 650 EUR per capita (in-kind benefit).

### **IOM Budapest**

We provide full information to the victim about the possibility of returning home. If the victim is a minor, we will contact the competent Hungarian authorities and the designated guardian and inform the victim about the possibility of returning home. We will contact the parents or family members or the competent authorities on the receiving side. We also carry out a risk assessment of returning home and an environmental study is also being prepared about the receiving institution. These are done in cooperation with the local IOM office, who have good local knowledge and facilitate the contact and communication with local authorities.

**46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?**

### **Immigration and Asylum Office**

As indicated earlier at question no. 11, no forced return took place among THB-victims.

### **Corporate liability (Article 22)**

**47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.**

### **Ministry of Justice, Department for Criminal Law Codification**

Regarding human trafficking, there were no amendments in relation to the liability of legal persons.

Regarding section 2. of Act CIV. of 2001 on criminal provisions against legal persons, it is possible, to impeach a legal person. The liability of legal persons is a possibility, if the legal person (for example a business company) has a connection individually or through a subcontractor to forced labour or to human trafficking.

### **Office of the Prosecutor General**

Act CIV of 2001 on criminal law measures applicable to legal persons provides for the punishability and liability of legal persons. The Act has been in force as of the date of entry into force of the Act promulgating the International Treaty of Accession to the European Union and has been amended several times by the National Assembly since then.

### **Aggravating circumstances (Article 24)**

**48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.**

### **Office of the Judiciary**

There was no prosecution in any case related to trafficking in human beings where the commission on the part of the official person/civil servant during the performance of their duties was an aggravating circumstance.

## **Non-punishment provision (Article 26)**

**49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.**

### **Ministry of Justice, Department for Criminal Law Codification**

Yes, the Criminal Code regulates the exclusion of punishability. By section 15, the criminal responsibility can be totally or partially exempted, if the victim – among others, the victims of human trafficking - was coerced or threatened to commit a crime.

By section 19. (1), any person who has committed a criminal act under undue influence by coercion or threat, depriving him of the capacity to act according to his own free will, shall not be prosecuted.

(2) The penalty may be reduced without limitation if the coercion or threat deprives the perpetrator from the capacity to act according to his own free will.

Duress and threatening has an impact on accountability, and voluntary behaviour.

The Criminal Code doesn't explain the concept of duress; it is force, or a physical impact. Threatening is a psychological impact. Force can be will breaker or will bender.

Threatening by the Criminal Code is the foreshadowing of a serious disadvantage, which is able to ignite fear in a threatened person. An essential part of threatening is the foreshadowing of a serious disadvantage. The law enforcement adjudicates the disadvantage. The disadvantage is very serious, if it is on its own, an offence (for example threatening with physical force or with the abuse of assets). However, the foreshadowing of a lawful behaviour can be a serious disadvantage, if the perpetrator uses it, to force an unlawful demand (for example threatening the perpetrator of a misdemeanour, with prosecution). An essential part of threatening is that the foreshadowed serious disadvantage can ignite a serious fear in the threatened person. In this case, it is essential, to uncover the circumstances. The seriousness of fear isn't necessarily scare, panic or an unusual physical or psychological state. However the threatened should consider the foreshadowed serious disadvantage, and he should take action, to avoid the disadvantage. Threatening with a serious disadvantage is against the threatened person, or someone close to him/her.

The fear, caused by duress or threatening should exclude or restrain the threatened persons will, and it should connect to the act caused by fear. The scale of influence is connected to the degree of impact, and the qualities of the affected person.

If the duress or threatening excludes the accountability, the person, who uses duress or threatening, is an indirect perpetrator, in relation, with the offences committed by the threatened person, and he's also liable for the offence, which was committed during the use of force or duress (for example battery, extortion). The act, which was committed under duress or force, and which restrains accountability, is an offence. However, the penalty of the perpetrator is unlimitedly reducible.

### **Office of the Judiciary**

It cannot be established from the data collected by the National Judicial Office and other courts whether the accused of the particular crime was a victim of the trafficking in human beings. No prosecution was brought against the victims involved in the cases; they appeared in the criminal proceedings as witnesses.

In addition, however, it must be emphasised that Section 22(c) of Act IV of 1978 (former Criminal Code) and Section 15(c) of Act C of 2012 (Criminal Code) state that if the accused commits the crime under

duress or threat, it is a ground for the preclusion or termination of punishability. Pursuant to Section 6(3c) of Act XIX of 1998 on criminal proceedings, no criminal proceedings may be initiated, and criminal proceedings in progress shall be terminated or a verdict of acquittal be rendered if – with the exceptions set forth in this Act – grounds for the preclusion or termination of punishability exist, but the investigated cases did not include such circumstances.

### **Office of the Prosecutor General**

In connection with point 17, it was explained that coercion to commit a crime was not a facts element of the crime of either human trafficking or forced labour. Coercion and threats are reasons excluding or limiting punishability (Section 19 of the Civil Code).

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

**50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.**

### **National Bureau of Investigation**

According to Section 3(a) of the Criminal Code, the Hungarian criminal law has to apply to offences committed in Hungary. This, of course, does not exclude the case where a foreign victim files a report with the police in their country of residence. In this case, however, it is conceivable that the given country orders an investigation itself and the Hungarian authorities become aware of it only later.

The authorities of the countries concerned may agree on conducting the procedure and, if necessary, may offer a procedure. There was no such example during the period under review. Hungary is primarily an issuing country, so there are many more examples of offences committed to the detriment of Hungarian citizens abroad.

**51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:**

- a. setting up specialised investigation units and the number of staff involved;**
- b. exchange of information with, and obtaining evidence from, other parties;**
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;**
- f. use of joint investigation teams (JITs).**

### **National Bureau of Investigation**

a) In Hungary, on the basis of Annex 2 to Decree No 25/2013 of 24 June 2013 of the Minister for Interior on the competence and jurisdiction of the investigative authorities of the police, the Intervention Police of the National Bureau of Investigation performs the tasks of investigations conducted in the cases of the offence and misdemeanour of human trafficking, the offence of procurement and the offence of pimping, where they are of an international nature. In respect of the latter, the definition of 'international nature' set out in Act CI of 2006 on the promulgation of the United Nations Convention against Transnational Organised Crime and the Protocols Thereto adopted in Palermo on 14 December 2000 has to be taken as a basis.

According to it, an act is of an international nature if it is committed in more than one State; or it is committed in one State, but a significant part of its preparation, planning, control and monitoring is carried out in another State; or it is committed in one State, but an organised criminal group participates in it which is engaged in criminal activities in more than one State; or it is committed in one State, but it has significant impact on another State.

Thus, the unit of the KR NNI specially vested with these responsibilities performs its law enforcement activities on the basis of the above in the above offence category (a total of 11 people). In addition, the regional branches of the KR NNI may also carry out the investigation of such offences.

The Asset Recovery Office of the KR NNI is entitled to conduct the previously mentioned asset recovery procedures. The same unit is the national contact point with the ARO network of EU Member States and the CARIN network of third countries, and it performs inquiries about the foreign assets of perpetrators for any investigative authority. The staff of the unit was doubled to 72 people last year.

b) Act XXXIV of 1994 on the police, Act XIX of 1998 on criminal proceedings and the classified instructions of the Minister for Interior on the subject regulate in detail the legal possibilities of interception and secret data gathering and the rules for their implementation. It is typical in acts of an exploitative nature that the victims do not contact the authorities with their complaints for a variety of reasons, and thus they are characterised by very high latency. Therefore, interception and secret data gathering are frequently applied before or simultaneously with the open procedures.

c) In the period under review, there was no case in which this kind of website would have been blocked; however, websites suitable or used for relevant intermediation are examined in each case. A Cyber Crime Department was set up within the KR NNI organisation last year, which, in addition to its other activities, pays particular attention to detecting and identifying online exploitation, in particular, the online sexual exploitation of minors.

d) See Question 43.

e) Hungary's law enforcement authorities had to recognise that in the middle of Europe we now have a central role also in the fight against organised crime, since Hungary is firstly a transit country (smuggling and trafficking in human beings and drug trafficking), is secondly a target country and a buyer's market (drug trafficking, bank card fraud and cybercrime) and is thirdly an issuing country (human trafficking).

For this very reason, Hungary is actively participating in the EU's fight against serious and organised crime. An example for this is the European Multidisciplinary Platform Against Crime Threats (EMPACT), an Europol-coordinated high priority EU project. We participate in almost all priorities in this project, and the fundamental objective of all sections is to increase the number of joint investigations and joint investigation teams.

For all these reasons arising from social and international expectations, it had to be recognised that letters rogatory and mirror procedures, which appear to be much more rigorous and rigid, did not provide enough efficiency. An essential negative feature of the former is that if a new circumstance arises in an investigation, it is necessary to send supplementary letters rogatory, which can significantly extend the procedure and may lead to unnecessary loss of time during the investigation, jeopardising its success.

Since 2009, a total of 21 joint investigation teams have been set up, of which 9 due to the offence of human trafficking, while the others due to smuggling in human beings, drug trafficking, VAT fraud, child pornography, fraud, participation in criminal organisations and money laundering.

Of those, seven joint investigation teams are active at present, three of which are linked to human trafficking.

**52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?**

N/A

**Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

**53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.**

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

Pursuant to Section 62/C (1)-(5) of Act XIX of 1998 on Criminal Proceedings (hereinafter: the "Be."), the court, the prosecutor and the investigating authority shall examine throughout the proceedings whether the victim – in light of the facts and circumstances characteristic of their personality and living conditions, the nature of the crime against them and the circumstances of how the crime was committed – is a person with special needs in criminal proceedings. Should a victim requiring special treatment take part in criminal proceedings, then the court, the prosecutor and the investigating authority shall show utmost forbearance towards the victim requiring special treatment in the proceedings.

Pursuant to Section 237 (3) of the Be., in the interest of a victim requiring special treatment or in order to protect a witness, the court may - ex officio or at the motion of the prosecutor, the accused, the defence counsel, the victim or the witness - exclude the public from the entirety or a part of the trial in a decision explaining the reasons therefore.

Pursuant to Sections 1-3 of Decree 34/2015 (XI. 10.) IM of the Minister of Justice on the establishment of hearing rooms for defendants or witnesses under 14 years of age and victims requiring special treatment, a special room for hearing shall be established, designed and equipped in a manner that it is adapted to the needs of victims requiring special treatment, regardless of their age and sex, and in a manner that strengthens their feelings of mental and physical safety. A special room for hearing can be used after a certificate of eligibility has been issued, at the proposal of the Chief Commissioner of the Hungarian Police, by the Minister of Justice in agreement with the Minister of the Police Forces.

The Budapest Police Headquarters and each county police headquarters must establish at least one special room for hearing in the area over which they have territorial jurisdiction. The central body of the authority established for performing the general duties of the police must establish at least one special room for hearing in the area over which the individual police stations have territorial jurisdiction if such is reasonably possible.

Pursuant to Section 4 (6) of the Ást., the State provides sheltered housing - where appropriate - to all persons identified as victims of trafficking in human beings who are Hungarian nationals or persons having the right of free movement and residence, whether or not criminal proceedings have been initiated for the crime. A sheltered house is an institution that provides accommodation for persons identified as victims of trafficking in human beings and that provides them with the care prescribed by law. We have no information on the number of instances where special measures were taken to protect the safety of victims of trafficking in human beings and the witnesses.

We do not have any information on the difficulties encountered in connection with the creation of a safe environment needed for the involvement of victims and witnesses in investigations and prosecution, and

for victim and witness protection, or on the measures, if any, taken in order to offer efficient and appropriate protection to non-governmental organisations providing victim support.

### **Ministry of Justice, Department for Criminal Law Codification**

The Act on Criminal Proceedings has a separate chapter (Chapter XIV.) about the rules for the persons, who require special treatment. The goal of the rules is to take account of the special needs of the participants of the criminal proceedings. If the court, the public prosecution service, or the investigating authority detects, that there are special requirements regarding the person involved in the criminal proceedings, they decide, that he's a person, who requires special treatment. After the decision, a special toolkit opens up, which can handle the special requirements of the person concerned. The main point of special treatment is, that there's a need for the protection, discretion, and attention regarding the persons, who require special treatment.

Primarily the victim and the witness can be a person, who requires special treatment. The natural person victim and the witness qualify as persons requiring special treatment if owing to their personal characteristics or the nature and circumstances of the crime subject to the proceedings, they are impaired, in understanding or making themselves understood, in exercising the rights or performing the obligations set out in this Act, or in their efficient participation in criminal proceedings. Circumstances giving rise to special treatment include especially, the age of the person concerned, the physical, mental or health condition of the person concerned, the extremely violent nature of the act which constitutes the subject-matter of the proceeding, or the relationship of the person concerned with other persons involved in the criminal proceedings. The word „special“ implies that by the individual evaluation of the procedural bodies, other circumstances can establish special treatment.

The court, the public prosecution service and the investigating authority shall examine ex officio as from getting into contact with the person concerned, or upon the motion of the person concerned whether he qualifies as a person requiring special treatment. The procedural bodies shall establish the need for special treatment by using case-based assessments as stipulated by law, may apply measures facilitating, preserving and protecting the exercise of the rights and fulfilment of the obligations of the person concerned, and shall decide on those measures upon the motion of the person concerned or ex officio.

The most important provisions regarding special treatment are the defensive measures (section 86.). By this, the court, the public prosecution service and the investigating authority shall provide protection for a person requiring special treatment

- if their life, physical integrity or personal freedom is endangered in connection with their participation in the criminal proceedings, or
- so that he can exercise his rights and fulfil his obligations under this Act without intimidation and without being influenced.

The court, the public prosecution service and the investigating authority shall provide protection for a person requiring special treatment

- shall ensure that the person concerned can exercise their rights set out in this Act and perform their obligations properly in spite of the impediments resulting from the circumstances giving rise to special treatment,
- shall take the utmost care in the course of maintaining contact with the person requiring special treatment,
- shall take the utmost care during the criminal proceedings in order to have regard for the privacy of the person concerned,

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- shall provide enhanced protection for the personal data of the person concerned which relate to the circumstances giving rise to special treatment including especially their medical data,
  - shall enable the person concerned to avail themselves of the assistance of a helper,
  - when planning and performing procedural acts, they shall take account of the personal needs of the person concerned, and carry out any procedural act requiring the participation of the person concerned without delay,
  - shall prepare any procedural act requiring the participation of the person concerned in a manner that obviates the need for the repetition of the procedural act;
  - shall ensure that the person concerned will not encounter any other person involved in the criminal proceedings in the course of and at the location of the procedural act unless such is absolutely necessary, especially if the reason for special treatment is their relationship with that person,
  - shall carry out the procedural act in a facility designed or adapted for that purpose provided that the person concerned could not exercise their rights or fulfil his obligations and no sufficient care could be provided for him otherwise or through other measures,
  - may make voice and video recordings of any procedural act requiring the participation of the person concerned,
  - may ensure the presence of the person concerned at the procedural act through telecommunications devices, in addition
  - in case of using means of telecommunication, order that the special characteristics that could help identify the person concerned should be distorted by technical means,
  - in case of making a voice, or voice and video recording of the procedural act, order to make a copy of that recording which distorts the special characteristics whereby the identity of the person concerned could be established by technical means,
  - restrict the right of the accused or the defender to be present at the procedural act, in accordance with the provisions of this Act,
  - restrict the right of the persons present at the procedural act carried out in the presence of the person concerned to ask questions, by allowing that a motion for asking questions be submitted,
  - waive the confrontation of a witness requiring special treatment,
  - ex officio order the confidential handling of the personal data of the person concerned,
  - initiate to order the personal protection of the person concerned,
  - declare the person concerned as a specially protected witness, or initiate to declare them as such,
  - motion that an agreement on the participation of the person concerned in the Witness Protection Program should be signed with the person concerned.

There are special rules in the scope of special treatment, regarding persons, who hasn't reached the age of eighteen and fourteen. In case of a procedural act requiring the participation of a person under the age of eighteen, the court, the public prosecution service and the investigating authority shall make



sound and video recordings if possible; may order that a forensic psychologist also be present at the procedural act; shall ensure, in connection with the criminal proceedings, the effective enforcement of the rights of the child. Testimony of a witness under the age of eighteen may not be examined by a technical device designed for verifying testimonies, and confrontation of a witness under the age of eighteen may only be ordered with his consent thereto.

In case of a procedural act requiring the participation of a person under the age of fourteen, the procedural act may only be carried out if the evidence that it is expected to produce cannot be obtained otherwise; the procedural act must be carried out in a facility designed or adapted for that purpose provided that the person concerned could not exercise his rights or fulfil his obligations and that no sufficient care could be provided for him otherwise or through other measures; in the course of the investigation, the investigating authority shall ensure that a procedural act is always carried out by the same person unless such compromises the effectiveness of the procedural act; the court, the public prosecution service and the investigating authority shall make sound and video recordings of the procedural act. Confrontation of a witness under the age of fourteen may not be ordered, and the accused and the defender may not be present in person on the spot of the procedural act requiring the participation of a person under the age of fourteen. If the examination of a witness under the age of fourteen was motioned by the accused or the defender, the procedural bodies may provide that the accused submitting the motion and his defender may be present in person at the procedural act requiring the participation of the witness.

Furthermore, we should mention the possibility, to pronounce someone as a specially protected witness (section 90-93.). On the motion of the public prosecution service, a witness requiring special treatment may be declared by the court as a specially protected witness if their testimony relates to the substantial circumstances of a particularly serious case, the evidence that it is expected to produce cannot be obtained otherwise, the disclosure of the identity of the witness or his being questioned as a witness would seriously jeopardize the life, physical integrity or personal freedom of either the witness or their relatives. If someone is pronounced as a specially protected witness, the Act on Criminal Proceedings lays down the rules, that who can participate on the procedural acts, and that the identity of the specially protected witness can't be uncovered.

The institution of personal protection is also very important (section 94.). The court acting in the case, the public prosecution service or the investigating authority may - on its own motion or on the application of the person requiring special treatment - initiate that the person requiring special treatment, or another person in consideration of the person requiring special treatment, be protected as specified in legal regulations.

### **National Bureau of Investigation**

There was no such example during the period under review. In the procedures, the KR NNI always examines the circumstances of the victim, with special regard to personal threats and placement or other needs. Under an agreement between the ORFK and the Baptist Charity Service, the KR NNI may use this kind of support of the Charity Service and its psychosocial assistance during the hearing of witnesses.

### **Office of the Judiciary**

As a special protective measure, in three cases they ordered confidential treatment regarding the personal data of the witnesses, except for their names. In one procedure they regularly requested police backup (occasionally dog patrols) for the time of the court hearings which was not limited only to the policing inside the court building but it also extended to the public area around it.

In one case a specially protected witness and a specially protected witness named by the accused requested their admission to the witness protection program which they did.

Also, in one case two witnesses requested to make their statement in the absence of the accused which the court fulfilled.

**54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?**

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

The Victim Support Services are available to all victims in each stage of the proceedings i.e. during investigations and in court proceedings as well.

Public Victim Support Services include the promotion of the pursuit of interests, within the framework of which the services - after assessing victims' needs - provide customised information to victims on, among others, their rights and obligations in criminal proceedings and infringement proceedings, the types of support available to them, the conditions of eligibility for support, the types of care, benefits and law enforcement options available to them in addition to the support provided, and the contact details of the state agencies, local government bodies, civil organisations and religious communities taking part in the provision of victim support. The regional services of the Public Victim Support Services maintain close professional relationship with the most significant non-governmental bodies providing victim support with a view to facilitate the accessibility of as many services as possible for victims.

Witness care (along with sheltered housing is a public responsibility set out in the Ást., and is to be provided in court proceedings by the National Judicial Office rather than the Victim Support Services. The staff of the Victim Support Services informs clients involved as witnesses in criminal proceedings of that option. The person taking care of witnesses at court is an administrator of the court who gives information to witnesses on giving testimony in conformity with the applicable law, with a view to encourage their appearance before the court so that such testimony can be given. Witness care does not include providing information for witnesses on the case concerned, and it may not influence witnesses.

The elements of witness care at court comprise providing appropriate information for witnesses, improving the facilities provided for witnesses appearing in court to testify and the facilities where witnesses are heard, and upgrading the infrastructure of witness protection.

As regards the promotion of the pursuit of interests and witness care, no deadline for submitting applications has been set out in the Ást., i.e. those services may be received repeatedly where appropriate.

The Victim Support Services offer emotional support for all clients turning to them, also including victims of trafficking in human beings. The staff of the Public Victim Support Services operating in district and urban district offices are typically social workers and lawyers. In lack of a psychologist available locally at the regional services, psychological support is provided under a cooperation agreement entered into with the local service provider where appropriate.

Pursuant to Section 1 (2) of Decree 29/2017 (XII. 27.) of the Minister of Justice on the regulations applicable to the content and completion of applications for victim support services and on certain issues pertaining to the non-administrative procedures related to the provision of such services, the minister responsible for victim support provides information for clients by phone through the victim support centres, or personally in the centres to clients visiting those centres, and ensures the availability of emotional support in the centres. In July 2017, the Ministry of Justice established the first victim support centre in Budapest as its own organisational unit, and in March 2018, further victim support centres were opened in Miskolc and Szombathely. The staff of the victim support centres is responsible for

offering customised assistance to victims so that they can leave behind the situation that has emerged as a result of the crime committed against them as soon as possible. Psychologists provide emotional support for clients turning to the centres and help victims to deal with the mental consequences of the injury to them. Emotional support also plays a key role in furthering investigations, since the testimony of victims or indirect victims is likely to contain valuable information on the circumstances of how the crime concerned was committed and on the identity of the perpetrator. Obviously, a person in a stable mental condition can give better information for the police.

### **Ministry of Human Capacities, Department for Equality**

It is not a condition for getting admission to a Temporary Shelter to file a criminal report with the police. Experience shows that many victims decide to file a criminal report with the police as the care process progresses. If the victim recalls some new information during the help conversations, the specialists will indicate it to the competent authority. If necessary, the Temporary Shelter provides appropriate space and conditions for questioning by the police and the public prosecutor's office. If the client has to leave the institution temporarily, the helpers will provide protection to them.

### **Office of the Judiciary**

The strategic goals of the director of the National Judicial Office include among others the simplification of the access to the court which means with regard to the witnesses that the courts advance the performance of witness duties: they help them by informing the witnesses of their procedural rights, with the sensitive treatment of the witnesses and testimony without fear. Testimony is the most important evidence of lawsuits; it is a significant interest of justice to obtain this evidence. For that reason, it is essential to strengthen the trust of witnesses towards courts.

Sections 60, 62 and 62A of Be. (Act on Criminal Proceedings) specify those principles based on which the authority shall fulfil its obligation to inform during its procedural acts related to the persons concerned, in particular as regards the participants with special needs. Alongside these legal provisions they prepared such information material and forms that are issued simultaneously with the summoning of a witness, and they are available on the court's website. The supporting materials provide clear and accurate information related to the procedural rights and obligations which considerably resolve the uncertainty and aversion of the nationals to the judicial proceedings.

Sections 59 and 59A of Be. enables the order of an aide for the victim and the witness to facilitate the procedure. If the victim of the trafficking in human beings is questioned as a witness, the lawyer acting on their behalf can be present to inform them of their rights and obligations. Of course, this lawyer can be provided by any civil society organisation. The Hungarian procedural rules do not offer an opportunity for the representative acting on behalf of the victim to "join the criminal proceedings as a third party".

Section 85(5) of Be. states that the "authority may permit the witness to make a written testimony following or in lieu of the oral questioning".

Section 95 of Be. states that "in order to protect the life, physical integrity or personal freedom of the witness as well as to ensure that the witness fulfils the obligation of giving testimony and the testimony is given without any intimidation, the witness shall be provided protection" with the following tools:

- confidential treatment specified in Section 96 of Be.
- to declare them as specially protected under Section 97 of Be.,
- personal protection provided for in Section 98 of Be.,
- witness protection program laid down in Section 98/A of Be.

The court may exclude the public from the trial (in-camera trial) for the protection of the witness or for ethical reasons on the witness' side (Section 237 of Be.) but even without this it may exclude the accused from the courtroom for the duration of questioning if their presence may disturb the witness in the course of the questioning (292(2) of Be.)

Based on Section 213(4) of Be. the investigating judge may order the recording of the examination of the witness by an audio and video recorder, but the recording shall not substitute the minutes.

Section 244/A of Be. makes it possible to hold the hearing via a live link if it is justified by the interest and condition of the witness.

In addition to the above, the courts also took measures in the judicial organisation to help and protect the victims in proportion to the function of justice (while maintaining impartiality and independence) and one of the national programs of the National Judicial Office deals particularly with witness protection and victim protection. Measures of that kind include that the courts seek to provide separate waiting, create separate waiting room or a separate corridor for the witnesses so that the accused and victim summoned to the hearing are not forced to be in the same place. Furthermore, the institution of witness care has been introduced in all courts of the country, and witness carers have been appointed from among the judicial staff. Within the framework of the witness care, the witnesses may receive detailed information from the court about their rights, obligations and they can become familiar with the criminal proceedings. The courts put particular emphasis on providing more information for the witnesses also on their websites.

The National Judicial Office does not keep any record whether the victims participate in any victim support program or focused assistance other than the criminal proceedings.

## **Jurisdiction (Article 31)**

**55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).**

### **Ministry of Justice, Department for Criminal Law Codification**

In Hungary, section 2. (1) of the Criminal Code regulates the temporal scope. Offences - except the cases set out in subsections (2)-(3) - shall be adjudicated under the criminal law in effect at the time, when they were committed. This is the restraint of retrospective scope. There are two exceptions:

- If an act is no longer treated as a criminal offence at the time of adjudication, or if it draws a more lenient penalty under the new criminal law, the new Criminal Code shall apply.
- The new Criminal Code shall apply with retroactive effect, in relation to acts, which are criminalised under universally acknowledged rules of the international law, if such acts did not constituted as an offence under Hungarian criminal law at the time, when they were committed.

Section 3. (1) a) regulates the territorial scope. The criminal authority of Hungary expands over every crime, committed on its territory, irrespective of the nationality of the perpetrator.

The quasi territorial scope expands the scope of territoriality [section 3. (1) b)]. The offences which are committed on a commercial ship, or on an aircraft flying under Hungarian flag outside the territory of Hungary, are punished the same, as offences committed on Hungarian soil. This kind of use of territorial scope is in correspondence with the international legal practice.

Section 3. (1) c) regulates the personal (active personal) scope. Hungarian criminal law shall apply to any act of Hungarian citizens committed abroad, which are criminalized in accordance with Hungarian law. The active personal scope is unrestricted. Hungarian citizens abroad should observe the rules of the Criminal Code, and if they commit a crime, they're accountable for it.

According to section 3. (2) Hungarian criminal law shall, furthermore, apply: a) to any act committed by non-Hungarian citizens abroad, if: aa) it is criminalized as a criminal offence under Hungarian law and in accordance with the laws of the country where it is committed, ab) it is recognized as an offence against the State, excluding espionage against allied armed forces and espionage against European Union institutions, regardless of whether or not it is criminalised in accordance with the law of the country, where it is committed (rule of state self-defence), ac) it constitutes a criminal act under Chapter XIII or XIV, or any other criminal offences, which are to be prosecuted under an international treaty ratified by an act of the Parliament (rule of absolute criminal authority).

The provisions for jurisdiction of the Criminal Code regulate the passive personal scope. Hungarian criminal law shall, apply to any act committed by non-Hungarian citizens abroad against a Hungarian citizen or against a legal person or unincorporated business association established under Hungarian law. The offences should be criminalised under the Hungarian law. The passive personal scope enables the impeachment of non-Hungarian citizens, whom commit an act abroad against a Hungarian citizen or against a legal person or unincorporated business association, however their act isn't criminalised under the law of the perpetration. In this regard, double criminalisation isn't a requirement of jurisdiction [Criminal Code 3. (2) b)].

## **International co-operation (Article 32)**

**56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.**

### **Ministry of Interior**

The project "Referral of and assistance for victims of human trafficking in Europe (RAVOT-EUR)" was implemented in close cooperation by the Hungarian Ministry of Interior, the Dutch Ministry of Security and Justice, and the Belgian NGO Payoke between 1 February 2014 and 31 January 2016.

The main purpose of the project was to assist in the return and reintegration of victims of sexual or labour exploitation, as well as the creation of an online interface and the compilation of a comprehensive reference manual. An additional central element was to enhance cooperation between professionals involved in the fight against trafficking in human beings.

During the project, three expert meetings were held in the three partner countries, where best practices and the different needs, conditions and circumstances of the countries were discussed. Experts also attended study visits, where they could directly experience the work of the Hungarian, Dutch and Belgian authorities, the quality of the services provided and the practical operation of the victim management mechanisms.

As a result of the project, the website [www.ravot-eur.eu](http://www.ravot-eur.eu) was developed, which contains the most important information on the participating countries and return, as well as a comprehensive handbook on trafficking that can also be found on the website.

Following the spirit of the RAVOT-EUR project the Hungarian Government included the task of mapping and improving Swiss-Hungarian referral mechanism in the National Strategy Against Trafficking in Human Beings (2013-2016) and it was also included in the national work programme of the Internal

Security Fund. Following the favourable decision of the Responsible Authority, the project was launched on 1 April 2017, and it was implemented by the International Organization for Migration (IOM) Budapest in partnership with the Hungarian Ministry of Interior, the Hungarian Police, the Federal Office of Police of Switzerland (fedpol) and IOM Bern.

During the project implementation, the existing national coordination and referral mechanisms have been mapped and a comprehensive database of services and service providers has been compiled. Identification, referral, assistance and protection practices for victims of trafficking have been outlined in partnership with governmental, non-governmental and international organizations in both the country of origin, Hungary and the country of destination, Switzerland. The aim of the project was to facilitate mutual understanding, cooperation and information exchange among professionals working in various fields related to the fight against trafficking and to establish the cornerstones of the Swiss-Hungarian transnational referral mechanism.

This aim was achieved through study visits in Hungary and in Switzerland organized for Swiss and Hungarian counter-trafficking experts delegated by the most relevant organizations and authorities involved in counter-trafficking activities. Based on the results of the information exchange between the experts, the existing database of the RAVOT-EUR website has been extended.

### **Measures related to endangered or missing persons (Article 33)**

**57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.**

#### **National Bureau of Investigation**

Hungary is primarily a source country and, as such, it maintains continuous contact with the destination Member States and third countries.

Our country's investigative authorities can take measures in a short time to forward relevant information through the Europol Liaison Office, Interpol liaison officers and bilateral liaison officers. Where necessary, a direct contact person is appointed in each case, who is able to take or coordinate immediate measures. Act XIX of 1998 on criminal proceedings regulates the rights of witnesses to protection, which may be at different levels. This is served by the fact that the witness may testify in writing and may request that their personal data be handled confidentially, an attorney-at-law may act in their interest, and it is also possible that the identifier remains hidden during an identity parade or confrontation is even dispensed with. Where appropriate, the investigative authority may also decide to provide personal protection, in particular, to grant protected status or admission to a protection programme. There was no such example during the period under review.

**58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?**

## **Ministry of Human Capacities, Department for Child Protection and Guardianship**

Cooperation between the Austrian and Hungarian child protection and police bodies is in place for the return and subsequent assistance of the Hungarian children who are absent without permission from the place of care designated by the guardianship authority and considered as victims of human trafficking by the Austrian authorities. Several reconsiderations have been made to bring back children to Hungary, often affected in prostitution, and, in order to be effective, elaboration of a procedure and a flowchart is in progress.

### **Co-operation with civil society (Article 35)**

**59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.**

### **Ministry of Interior**

Hungary's National Anti-Trafficking Coordinator ensures the co-operation between various public bodies and non-governmental organizations, and coordinates Hungary's anti-trafficking efforts at the international, European and national level, and also represents Hungary in these forums. The Ministry of Interior's National Coordination Mechanism, chaired by the National Coordinator, provides a forum for all relevant ministries and state actors, and the NGO Roundtable contains non-governmental organizations involved in the fight against trafficking.

The coordination mechanism and the roundtable aim to increase the effectiveness of the fight against trafficking, provide opportunities for networking and dialogue between the national coordinator, relevant governmental and non-governmental bodies, including sharing information on each other's activities, mapping common opportunities for action, cooperation areas, the thematic examination of professional issues, and the elaboration of opinions and suggestions.

### **Relationship with other international instruments (Article 40)**

**60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.**

### **Ministry of Interior**

Hungary and Macedonia signed an agreement on police cooperation on 20 March 2018 in which the two Parties agreed to exchange information and experiences gained from the fight against illegal migration, trafficking in human beings and smuggling of migrants.

**61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.**

### **Immigration and Asylum Office**

No such recognition took place in the reporting period.

## **D. Final questions**

**62. Which bodies and organisations contributed to responding to this questionnaire?**

**63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?**

Mr. Mátyás Hegyaljai, Deputy State Secretary for EU and International Affairs of the Ministry of Interior

## **E. Statistics on THB (per year, starting with 2010)**

**Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

**Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

### **Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

The Ministry of Justice established the web-based system Identification and Support of Victims of Trafficking (Emberkereskedelem Áldozatainak Azonosítása és Támogatása, EKAT) under the project BBA-5.4.1/2-2016-00001. The EKAT system, on the one hand, promotes the identification of victims and thus provides for their care in a smoother way than before, and on the other hand, the collection of data may become a practical mechanism, providing a more comprehensive tool for action by the Ministry Interior, as well as the participants of criminal cases.

Under Government Decree 354/2012 (XII. 13.), both public authorities and non-governmental organisations shall record victims of trafficking in human beings in the EKAT system.

To date, a total of 2060 accounts have been created. Since the operation of the EKAT system, six people have been recorded as victims of trafficking; three of them by the Victim Support Service, and three victims were identified by the Consulate General in New York. Owing to the EKAT system, we will be able to identify a larger number of victims (including governmental organizations and NGOs identifying victims) in the future.

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

### **Immigration and Asylum Office**

Due to mass migration the asylum authority had diminished capacity to carry out due screening among asylum seekers, thus the Immigration and Asylum Office hasn't granted those statuses / permits so far, and there's no record of relocation / return among THB-victims between 2010-2018.



**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

**Ministry of Justice, Deputy State Secretariat for Justice Methodological Management**

**2013**

Number of victims:	25
Place of exploitation:	Hungary: 7 Foreign country: 5 Unknown: 13
Nationality:	Hungarian: 24 n/a: 1
Sex:	n/a
Form of exploitation:	Sexual: 10 Work: 2 Other: 13

**2014**

Number of victims:	21
Place of exploitation:	Hungary: 11 Foreign country: 2 Unknown: 8
Nationality:	Hungarian: 21
Sex:	Female: 13 Male: 7 n/a: 1
Form of exploitation:	Sexual: 10 Work: 7 Other: 4

**2015**

Number of victims:	15
Place of exploitation:	Hungary: 12 <sup>4</sup> Foreign country: 4
Nationality:	Hungarian: 11 Unknown: 4
Sex:	Female: 8 Male: 3 n/a: 4
Form of exploitation:	Sexual: 0 Work: 8 Other: 7

<sup>4</sup> In that case, one victim was exploited in more than one country.

**2016**

Number of victims:	10
Place of exploitation:	Hungary: 6 <sup>5</sup> Foreign country: 6
Nationality:	Hungarian: 8 Foreign country: 1 n/a: 1
Sex:	Female: 6 Male: 4
Form of exploitation:	Sexual: 8 <sup>6</sup> Work: 5

**2017**

Number of victims:	2
Place of exploitation:	Hungary: 1 Foreign country: 1
Nationality:	Hungarian: 2
Sex:	Male: 1 Female: 1
Form of exploitation:	Sexual: 1 Work: 1

**Ministry of Human Capacities, Department for Equality****Age distribution of recorded victims at Temporary Shelters I and II from 2014 to February 2018**

0-3 years of age:	25 persons
4-10 years of age:	36 persons
11-18 years of age:	21 persons
19-25 years of age:	27 persons
26-40 years of age:	52 persons
41-50 years of age:	20 persons
Number of persons over 50 years of age:	22 persons
<b>Total:</b>	<b>203 persons</b>

Total number of victims, 2014 to February 2018	203 persons
<b>male</b>	28 persons
<b>female</b>	86 persons
<b>child</b>	89 persons
<b>Hungarian citizen</b>	200 persons
victim of prostitution	67 persons
child prostitute	3 persons
exploited worker	45 persons
<b>victim from Hungary</b>	182 persons
<b>Hungarian victim from abroad</b>	18 persons
foreign victim	3 persons

<sup>5</sup> In that case, one victim was exploited in more than one country.

<sup>6</sup> In that case, some victims were subject to various forms of exploitation.

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

#### **Immigration and Asylum Office**

Due to mass migration the asylum authority had diminished capacity to carry out due screening among asylum seekers, thus the Immigration and Asylum Office hasn't granted those statuses / permits so far, and there's no record of relocation / return among THB-victims between 2010-2018.

**Number of victims given refugee status and subsidiary/complementary protection.**

#### **Immigration and Asylum Office**

Due to mass migration the asylum authority had diminished capacity to carry out due screening among asylum seekers, thus the Immigration and Asylum Office hasn't granted those statuses / permits so far, and there's no record of relocation / return among THB-victims between 2010-2018.

**Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

N/A

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

#### **IOM Budapest**

The number of Hungarian victims returned to Hungary with the assistance of IOM between May 2014 and April 6, 2018 was 48.

36 of them were women and 12 men; 34 cases of sexual exploitation and 12 cases of labour exploitation, and 2 cases with unknown motivation.

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

#### **IOM Budapest**

The number of victims returned to another country from Hungary was 2.

In both cases the victims were minor girls, one of them Bulgarian national (16 years old), and the other Bosnian (12 years old).

The Bulgarian girl was a victim of sexual exploitation in Germany. She was stopped at the Hungarian-Serbian border by the police, and was identified as a victim of trafficking by the Bulgarian consul.

The Bosnian girl was forced to commit crimes in Italy and Austria. She was stopped at the Hungarian-Croatian border by the police, and was identified as a victim by the Bosnian consul.

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**Number of investigations into THB cases.****Ministry of Interior**

Based on data retrieved from the Single Law Enforcement and Prosecutorial Statistical System, between 2014 and 2017, a total of 5718 investigations were closed in cases of human trafficking or related crimes (of which a total of 76 were initiated for trafficking in human beings).

**Number of prosecutions of THB cases.****Office of the Prosecutor General**

According to the details relating to the period from 1 January 2014 to 31 December 2017:

- number of charges laid in cases relating to human trafficking: 11
- number of charges laid in criminal proceedings due to forced labour: 13

**Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.**

Please refer to the attached document provided by the Office of the Judiciary.

**Number of judgments resulting in the confiscation of assets.**

Please refer to the attached document provided by the Office of the Judiciary.

**Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.****Office of the Judiciary**

The records of the National Judicial Office do not include such data and the published Collection of Judicial Judgments do not cover any decision either on the application of any criminal sanction against a legal person for offences relating to trafficking in human beings.

**Number of convictions for the use of services of a victim of THB.****Office of the Judiciary**

No judgment have been delivered yet regarding the use of services provided by the victims of the trafficking in human beings. Within this scope please be informed that the use of "the services provided by the victims of the trafficking in human beings" – that is, the sexual activity of prostitutes in the examined cases – is a minor offence in Hungary, no penal judgment may be delivered.

**The number of persons receiving assistance at the shelters operated by the Hungarian Baptist Aid**

<b>Gender</b>	<b>Country of Origin</b>	<b>Date of Arrival to HBA</b>	<b>Destination Country (Exploited)</b>
<b>2011</b>			
male	Hungarian	2011 July	UK
family	Hungarian	2011 December	Hungary
male	Romanian	2011 December	Hungary
female	Hungarian	2011 December	Hungary
<b>2012</b>			
female	Hungarian	2012 February	Hungary
female	Hungarian	2012 June	Italy
female	Hungarian	2012. July	Switzerland
female minor	Hungarian	2012 July	Netherland
female	Hungarian	2012 August	Switzerland
female	Hungarian	2012 September	Hungary
female	Hungarian	2012 December	Switzerland
female	Hungarian	2012 December	Switzerland
female	Hungarian	2012 December	Switzerland
<b>2013</b>			
female	Hungarian	2013 January	Hungary
female	Hungarian	2013 February	Switzerland
female	Hungarian	2013 February	Switzerland
female	Hungarian	2013 February	Switzerland
female	Hungarian	2013 February	Hungary
female	Hungarian	2013. February	UK
female	Hungarian	2013 March	Arab Emirates
family	Hungarian	2013 March	Hungary
female	Hungarian	2013 March	Switzerland
female	Hungarian	2013 April	Switzerland
female	Hungarian	2013 May	Hungary
female	Hungarian	2013 May	Switzerland
female	Hungarian	2013 May	Germany
female	Hungarian	2013 June	Switzerland
female	Hungarian	2013 June	Germany
female	Hungarian	2013 June	Hungary
female	Hungarian	2013 June	Hungary
female	Hungarian	2013 June	Switzerland
female	Hungarian	2013 June	Hungary
female	Hungarian	2013 July	Spain
female	Hungarian	2013 July	Hungary
female	Hungarian	2013 October	Hungary
female	Hungarian	2013 October	Hungary
female	Hungarian	2013 November	Hungary
female	Hungarian	2013 November	Belgium
female	Hungarian	2013 November	Italy
male	Hungarian	2013 November	Hungary
male	Hungarian	2013 December	Hungary
female	Hungarian	2013 December	Italy
<b>2014</b>			
female	Hungarian	<b>2013</b>	stayed sheltered
female	Hungarian	<b>2013</b>	stayed sheltered
female	Hungarian	<b>2013</b>	stayed sheltered
female	Hungarian	2014. January	Germany
female	Hungarian	2014. January	Canada
female	Hungarian	2014. April	Sweden
female	Hungarian	2014. April	Italy
female	Hungarian	2014. April	Hungary
female	Hungarian	2014. April	Hungary

female	Hungarian	2014. May	Switzerland
male	Hungarian	2014. June	UK
female	Chinese	2014. June	Hungary
female	Chinese	2014. June	Hungary
female	Chinese	2014. June	Hungary
female	Chinese	2014. June	Hungary
female	Chinese	2014. June	Hungary
female	Chinese	2014. June	Hungary
female	Hungarian	2014. June	Switzerland
female	Hungarian	2014. July	Switzerland
female	Hungarian	2014. August	Island
female	Hungarian	2014. August	Hungary
female	Hungarian	2014. August	Hungary
male	Hungarian	2014. August	UK
male	Hungarian	2014. August	UK
male	Hungarian	2014. August	UK
male	Hungarian	2014. August	UK
male	Hungarian	2014. September	UK
female	Hungarian	2014. October	Hungary
female	Hungarian	2014. October	Germany
female	Hungarian	2014 October	Hungary
female	Hungarian	2014 November	Hungary
<b>2015</b>			
female	Hungarian	2015. January	Switzerland
male	Hungarian	2015. January	UK
male	Hungarian	2015. January	UK
male	Hungarian	2015. January	UK
female	Hungarian	2015. February	Hungary
female	Nigerian	2015. February	Hungary
female	Hungarian	2015. February	Hungary
female	Hungarian	2015. February	UK
female	Hungarian	2015. March	Hungary
transgender	Hungarian	2015. April	Austria
female	Hungarian	2015. June	Switzerland
transgender	Hungarian	2015. June	Germany
female	Hungarian	2015. June	Germany
female	Hungarian	2015. July	France
female	Hungarian	2015. August	France
female	Hungarian	2015. October	Switzerland
female	Hungarian	2015. October	Switzerland
female	Hungarian	2015. December	Switzerland
female	Hungarian	2015. December	Hungary
male	Hungarian	2015 December	Cambodia
female	Hungarian	2015 December	Hungary
<b>2016</b>			
female	Hungarian	2016 January	UK
female	Hungarian	2016 March	Germany
female	Hungarian	2016 March	Switzerland
female	Hungarian	2016 February	Switzerland
female	Hungarian	2016 March	Switzerland
female	Hungarian	2016 March	Germany
female	Hungarian	2016 April	Switzerland
male	Hungarian	2016 May	Hungary
male	Hungarian	2016 May	Hungary
female	Hungarian	2016 June	Hungary
female	Hungarian	2016 June	Hungary
female	Hungarian	2016 June	Hungary
female	Hungarian	2016 June	Austria
female	Hungarian	2016 June	Austria
male	Hungarian	2016 July	Hungary
female	Hungarian	2016 July	Switzerland

female	Hungarian	2016 August	Hungary
male	Hungarian	2016 August	UK
female	Hungarian	2016 September	Germany
female	Hungarian	2016 October	Austria
female	Hungarian	2016 November	Switzerland
<b>2017</b>			
female	Hungarian	2017. február	Germany
female	Hungarian	2017. február	Hungary
male	Hungarian	2017. február	Hungary
female	Hungarian	2017. március	Hungary
female	Hungarian	2017. március	Hungary
female	Hungarian	2017. március	Hungary
female	Hungarian	2017. április	Hungary
female	Hungarian	2017. május	Hungary
female	Hungarian	2017. május	Hungary
female	Hungarian	2017. június	Hungary
male	Hungarian	2017. június	Hungary
male	Hungarian	2017. június	Hungary
female	Hungarian	2017. június	Hungary
female	Hungarian	2017. június	Hungary
female	Hungarian	2017. június	Hungary
female	Hungarian	2017. október	Hungary
female	Hungarian	2017. december	Hungary
female	Hungarian	2017. december	Austria
female minor	Hungarian	2017. december	Austria
female minor	Hungarian	2017. december	Austria
female	Hungarian	2017. december	Austria
female minor	Hungarian	2017. december	Austria
female minor	Hungarian	2017. december	Austria
<b>2018</b>			
female	Hungarian	2018 January	UK
female	Hungarian	2018 March	UK

## 2012. évi XIX. törvény

### **a tengerészek képzéséről, képesítéséről és az őrszolgálat ellátásáról szóló 1978. évi nemzetközi egyezmény 2010. évi manilai módosításaival egységes szerkezetbe foglalt szövegének kihirdetéséről**

#### *Regulation VI/6*

#### *Mandatory minimum requirements for security-related training and instruction for all seafarers*

1. Seafarers shall receive security-related familiarization and security-awareness training or instruction in accordance with section A-VI/6, paragraphs 1 to 4 of the STCW Code and shall meet the appropriate standard of competence specified therein.

2. Where security awareness is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course in security awareness training.

3. Every Party shall compare the security-related training or instruction it requires of seafarers who hold or can document qualifications before the entry into force of this regulation with those specified in section A-VI/6, paragraph 4 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

#### **Seafarers with designated security duties**

4. Seafarers with designated security duties shall meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8 of the STCW Code.

5. Where training in designated security duties is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training for designated security duties.

6. Every Party shall compare the security training standards required of seafarers with designated security duties who hold or can document qualifications before the entry into force of this regulation with those specified in section A-VI/6, paragraph 8 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

IMO Convention on Standards of Training Certification and Watchkeeping of Seafarers adopted a new set of amendments in Manila in 2010 called "The Manila Amendments".



**Act C of 2012**  
**on the Criminal Code**

JURISDICTION IN CRIMINAL MATTERS

**Temporal Scope**

*Section 2*

(1) Subject to the exceptions set out in Subsections (2)-(3), criminal offenses shall be adjudicated under the criminal law in effect at the time when they were committed.

(2) Where an act is no longer treated as a criminal offense, or if it draws a more lenient penalty under the new criminal law in effect at the time when it is adjudicated, this new law shall apply.

(3) The new criminal law shall apply with retroactive effect in connection with acts which are punishable under universally acknowledged rules of international law, if such acts did not constitute a criminal offense under Hungarian criminal law at the time when they were committed.

**Territorial and Personal Scope**

*Section 3*

(1) Hungarian criminal law shall apply:

- a)* to criminal offenses committed in Hungary;
- b)* to criminal offenses committed on commercial ships or watercraft sailing, or aircraft flying under Hungarian flag outside the territory of Hungary;
- c)* to any act of Hungarian citizens committed abroad, which are criminalized in accordance with Hungarian law.

(2) Hungarian criminal law shall, furthermore, apply:

- a)* to any act committed by non-Hungarian citizens abroad, if:
  - aa)* it is punishable as a criminal offense under Hungarian law and in accordance with the laws of the country where committed,
  - ab)* it is recognized as an offense against the State, excluding espionage against allied armed forces and espionage against European Union institutions, regardless of whether or not it is punishable in accordance with the law of the country where committed,
  - ac)* it constitutes a criminal act under Chapter XIII or XIV, or any other criminal offenses which are to be prosecuted under international treaty ratified by an act of Parliament;
- b)* to any act committed by non-Hungarian citizens abroad against a Hungarian national or against a legal person or unincorporated business association established under Hungarian law, which are punishable under Hungarian law.

(3) In the cases described in Subsection (2) criminal proceedings are opened by order of the Prosecutor General.

GROUNDS FOR TOTAL OR PARTIAL EXEMPTION FROM CRIMINAL RESPONSIBILITY

*Section 15*

The perpetrator may be totally or partially exempted from criminal responsibility, or an act may be fully or partly exempted from criminalization on the following grounds:

- a)* being below the age of criminal responsibility;

- b)* insanity;
- c)* coercion and threat;
- d)* mistake;
- e)* justifiable defense;
- f)* means of last resort;
- g)* statutory authorization;
- h)* other grounds defined by law.

## **Coercion and Threat**

### *Section 19*

(1) Any person who has committed a criminal act under undue influence by coercion or threat, depriving him of the capacity to act according to his own free will shall not be prosecuted.

(2) The penalty may be reduced without limitation if the coercion or threat deprives the perpetrator of the capacity to act according to his own free will.

## **Human Trafficking**

### *Section 192*

(1) Any person who:

- a)* sells, purchases, exchanges, or transfers or receives another person as consideration; or
  - b)* transports, harbors, shelters or recruits another person for the purposes referred to in Paragraph *a)*, including transfer of control over such person;
- is guilty of a felony punishable by imprisonment not exceeding three years.

(2) Any person who - for the purpose of exploitation - sells, purchases, exchanges, supplies, receives, recruits, transports, harbors or shelters another person, including transfer of control over such person, is punishable by imprisonment between one to five years.

(3) The penalty shall be imprisonment between two to eight years if trafficking in human beings is committed:

- a)* against a person held in captivity;
- b)* by force or by threat of force;
- c)* by deception;
- d)* by tormenting the aggrieved party;
- e)* against a person who is in the care, custody or supervision of or receives medical treatment from, the perpetrator, or if abuse is made of a recognized position of trust, authority or influence over the victim;
- f)* for the unlawful use of the human body;
- g)* by a public official, acting in an official capacity;
- h)* in criminal association with accomplices; or
- i)* on a commercial scale.

(4) The penalty shall be imprisonment between five to ten years, if:

- a)* the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years;
- b)* the criminal offense provided for in Subsection (2) is committed against a person held in captivity, and either of the aggravating circumstances under Paragraphs *b)-i)* of Subsection (3) apply; or

*c)* the criminal offense provided for in Subsection (2) results in particularly great damage or danger to life.

(5) The penalty shall be imprisonment between five to fifteen years if:

*a)* the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years;

*b)* the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years, and either of the aggravating circumstances under Subsection (3) apply;

*c)* the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years, and results in particularly great damage or danger to life; or

*d)* the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years for the purpose of child pornography.

(6) The penalty shall be imprisonment between five to twenty years or life imprisonment if:

*a)* the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years, and either of the aggravating circumstances under Subsection (3) apply;

*b)* the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years, and results in particularly great damage or danger to life; or

*c)* the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years for the purpose of child pornography.

(7) Any person who engages in preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment not exceeding two years.

(8) In the application of this Section, 'exploitation' shall mean the abuse of power or of a position of vulnerability for the purpose of taking advantage of the victim forced into or kept in such situation.

## **Duress**

### *Section 195*

Any person who compels another person by force or by threat of force to do, or to refrain from doing, some act, and thereby causes a considerable injury of interest, is guilty of a felony punishable by imprisonment not exceeding three years, insofar as the act did not result in a more serious criminal offense.

## **Act CIV of 2001**

### **on the criminal measures applicable against legal persons**

#### *Section 2*

### **The conditions for applying measures**

(1) The measures defined in the present Act are applicable to a legal person in the event of committing any intentional criminal offence defined in the Criminal Code, if the commission of the criminal offence aimed at or resulted in the legal person gaining benefit, or the criminal offence was committed with the use of the legal person and by

*a)* the legal person's executive officer, or its member, employee, officer, managing clerk entitled to represent it, its supervisory board member and/or their representatives, within the legal person's scope of activity,

*b)* its member or employee within the legal person's scope of activity, and the criminal offence could have been prevented by the executive officer, the managing clerk or the supervisory board by fulfilling his/her/its supervisory or control obligations.

(2) Other than the cases defined in Paragraph (1), the measures defined in this Act shall be applicable even if committing the criminal offence resulted in the legal person gaining benefit, or the criminal offence was committed with the use of the legal person and the legal person's executive officer, or its member, employee, officer, managing clerk entitled to represent it, or its supervisory board member had knowledge on the commission of the criminal offence.

### **Act XC of 2017 on Criminal Proceedings**

#### **Language of the criminal proceedings and the right to use native language**

**Section 8** (1) Criminal proceedings shall be conducted in the Hungarian language. Members of national minorities living in Hungary and recognized by law shall have the right to use their minority native language in criminal proceedings.

(2) No one shall suffer prejudice on account of the lack of the command of the Hungarian language.

(3) In criminal proceedings all those involved shall have the right to use their native language.

(4) In criminal proceedings persons with hearing impairment as well as deafblind persons shall have the right to use sign language.

## CHAPTER XIV

### ENSURING SPECIAL TREATMENT IN CRIMINAL PROCEEDINGS

#### **Establishing the need for and the general rules of special treatment**

**Section 81** (1) The natural person victim and the witness qualify as persons requiring special treatment if owing to their personal characteristics or the nature and circumstances of the crime subject to the proceedings, they are impaired,

- a) in understanding or making themselves understood,
- b) in exercising the rights or performing the obligations set out in this Act, or
- c) in their efficient participation in criminal proceedings.

(2) Circumstances giving rise to special treatment include especially:

- a) age of the person concerned,
  - b) physical, mental or health condition of the person concerned,
  - c) extremely violent nature of the act which constitutes the subject-matter of the proceeding,
- or
- d) relationship of the person concerned with other persons involved in the criminal proceedings.

(3) The court, the public prosecution service and the investigating authority

a) shall examine *ex officio* as from getting into contact with the person concerned, or upon the motion of the person concerned whether he qualifies as a person requiring special treatment,

b) shall establish the need for special treatment by using case-based assessments as stipulated by law,

c) may apply measures facilitating, preserving and protecting the exercise of the rights and fulfilment of the obligations of the person concerned, and shall decide on those measures upon the motion of the person concerned or *ex officio*,

d) may order to handle the documents relating to the initiation of establishing the need for special treatment and the examination thereof in strict confidence.

(4) In order to facilitate, preserve and protect the exercise of the rights and the fulfillment of the obligations of the person requiring special treatment, the court, the public prosecution service and the investigating authority shall apply measures that are appropriate under the circumstances giving rise to special treatment and proportionate to such circumstances. Save as otherwise provided by this Act, the application of a measure falling within the scope of special treatment may not entail any infringement of the procedural rights of other persons involved in criminal proceedings.

(5) The court, the public prosecution service and the investigating authority shall decide, without adopting a decision,

- a) on establishing the need for special treatment,
- b) save as otherwise provided by this Act, on the application of a measure falling within the scope of special treatment, and
- c) on rejecting a witness' motion for establishing the need for special treatment.

(6) In case of Section 5 (c), the investigating authority shall inform the public prosecution service on the rejection of the motion immediately.

(7) The court, the public prosecution service and the investigating authority shall reject the victim's motion for establishing the need for special treatment by adopting a decision thereon.

**Section 82** The following persons shall qualify as a person requiring special treatment without any specific decision:

- a) any person under the age of eighteen,
- b) any disabled person as defined in the Act on the Rights and Equal Opportunities of Persons with Disabilities, and any person who might qualify as such a person, and
- c) any victim of the criminal offense against sexual freedom and sexual offenses.

### **Refusing special treatment**

**Section 83** (1) A person requiring special treatment may - upon receiving appropriate information - refuse the establishing of the special treatment, or certain measures falling within the scope of special treatment.

(3) A person requiring special treatment may not refuse the mandatory provisions for carrying out certain procedural acts or applying measures falling within the scope of special treatment.

### **Review of special treatment**

**Section 84** (1) The court, the public prosecution service and the investigating authority may terminate the special treatment if, as a consequence of any change in the circumstances giving rise to special treatment, the conditions of special treatment are not met.

(2) The court, the public prosecution service and the investigating authority shall,

- a) in case if the person concerned is the victim, adopt a decision on the termination of special treatment,

- b) in case if the person concerned is the witness, decide without adopting a decision.

(3) In case of Section 2 (b), the investigating authority shall inform the public prosecution service on the rejection of the motion immediately.

### **Measures falling within the scope of special treatment**

**Section 85** (1) In view of the interests of the procedure, the court, the public prosecution service and the investigating authority shall help the person in need of special treatment to exercise his right and fulfill his obligations and shall provide sufficient care to such person through applying the following measures as much as such is reasonably possible. They

a) shall ensure that the person concerned can exercise his rights set out in this Act and perform his obligations properly in spite of the impediments resulting from the circumstances giving rise to special treatment,

b) shall take the utmost care in the course of maintaining contact with the person requiring special treatment,

c) shall take the utmost care during the criminal proceedings in order to have regard for the privacy of the person concerned,

d) shall provide enhanced protection for the personal data of the person concerned which relate to the circumstances giving rise to special treatment including especially his medical data,

e) shall enable the person concerned to avail himself of the assistance of a helper,

f) when planning and performing procedural acts, they shall take account of the personal needs of the person concerned, and carry out any procedural act requiring the participation of the person concerned without delay,

g) shall prepare any procedural act requiring the participation of the person concerned in a manner that obviates the need for the repetition of the procedural act;

h) shall ensure that the person concerned will not encounter any other person involved in the criminal proceedings in the course of and at the location of the procedural act unless such is absolutely necessary, especially if the reason for special treatment is his relationship with that person,

i) shall carry out the procedural act in a facility designed or adapted for that purpose provided that the person concerned could not exercise his rights or fulfill his obligations and no sufficient care could be provided for him otherwise or through other measures,

j) may make sound and video recordings of any procedural act requiring the participation of the person concerned,

k) may ensure the presence of the person concerned at the procedural act through telecommunications devices.

(2) In order to enable the person concerned to exercise his rights or fulfill his obligations and to provide sufficient care for him, the court may exclude the public from the trial or a certain part thereof.

(3) The court, the public prosecution service and the investigating authority may also apply other measures under this Act in order to enable the person in need of special treatment to exercise his rights or fulfill his obligations.

**Section 86** (1) The court, the public prosecution service and the investigating authority shall provide protection for a person requiring special treatment

a) if his life, physical integrity or personal freedom is endangered in connection with his participation in the criminal proceedings, or

b) so that he can exercise his rights and fulfill his obligations under this Act without intimidation and without being influenced.

(2) In addition to the measures set out in Section 85, in order to protect the person requiring special treatment, the court, the public prosecution service and the investigating authority may,

a) in case of using means of telecommunication, order that the special characteristics that could help identify the person concerned should be distorted by technical means,

b) in case of making a sound, or sound and video recording of the procedural act, order to make a copy of that recording which distorts the special characteristics whereby the identity of the person concerned could be established by technical means,

c) restrict the right of the accused or the defender to be present at the procedural act, in accordance with the provisions of this Act,

d) restrict the right of the persons present at the procedural act carried out in the presence of the person concerned to ask questions, by allowing that a motion for asking questions be submitted,

- e) waive the confrontation of a witness requiring special treatment,
- f) *ex officio* order the confidential handling of the personal data of the person concerned,
- g) initiate to order the personal protection of the person concerned,
- h) declare the person concerned as a specially protected witness, or initiate to declare him as such,
- i) motion that an agreement on the participation of the person concerned in the Witness Protection Program should be signed with the person concerned.

(3) In case of applying a measure to protect a person requiring special treatment, the case files relating to the motion and examination of establishing the need for special treatment must be handled in strict confidence.

### **Special rules of the measures falling within the scope of special treatment**

**Section 87** (1) In case of a procedural act requiring the participation of a person under the age of eighteen, the court, the public prosecution service and the investigating authority

- a) shall make sound and video recordings if possible,
- b) may order that a forensic psychologist also be present at the procedural act,
- c) shall ensure, in connection with the criminal proceedings, the effective enforcement of the rights of the child set out in the Fundamental Law, in the Convention on the Rights of the Child as promulgated by Act LXIV of 1991 and Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship as well as other Acts.

(2) Testimony of a witness under the age of eighteen may not be examined by a technical device designed for verifying testimonies.

(3) Confrontation of a witness under the age of eighteen may only be ordered with his consent thereto.

**Section 88** (1) In case of a procedural act requiring the participation of a person under the age of fourteen,

- a) the procedural act may only be carried out if the evidence that it is expected to produce cannot be obtained otherwise,
- b) the procedural act must be carried out in a facility designed or adapted for that purpose provided that the person concerned could not exercise his rights or fulfill his obligations and that no sufficient care could be provided for him otherwise or through other measures,
- c) in the course of the investigation, the investigating authority shall ensure that a procedural act is always carried out by the same person unless such compromises the effectiveness of the procedural act ,
- d) the court, the public prosecution service and the investigating authority shall make sound and video recordings of the procedural act.

(2) Confrontation of a witness under the age of fourteen may not be ordered.

(3) The accused and the defender may not be present in person on the spot of the procedural act requiring the participation of a person under the age of fourteen.

(4) If the examination of a witness under the age of fourteen was motioned by the accused or the defender, the court, the public prosecutor service or the investigating authority may provide that the accused submitting the motion and his defender may be present in person at the procedural act requiring the participation of the witness.

**Section 89** (1) In case of a victim requiring special treatment under Section 82 (c), in the course of the investigation

- a) the victim may only be questioned by a person of the same sex, and in case of a procedural act carried out with the participation of the victim, a person of the same sex as the victim must also be present on behalf of the investigating authority acting there, and

b) the investigating authority shall ensure that the procedural act requiring the participation of the victim is always carried out by the same person.

(2) The investigating authority shall have the right to depart from the provisions of subsection (1)

a) on the victim's application or with his consent,

b) if it is inevitable for the sake of the effectiveness of the procedure.

(3) Confrontation of a victim requiring special treatment under Section 82 (c) may only be ordered with his consent.

(4) If the victim requiring special treatment under Section 82 (c) is under the age of eighteen,

a) the procedural act must be carried out in a facility designed or adapted for that purpose provided that the person concerned could not exercise his rights or fulfill his obligations and that no sufficient care or protection could be provided for him through other means,

b) the court, the public prosecution service and the investigating authority shall make sound and video recordings of the procedural act,

c) the accused and the defender are unable to be present at the location of the procedural act requiring the participation of the victim,

d) when applying means of telecommunications, it must be ensured that the victim can only see the judge, prosecutor or member of the investigating authority acting in the case,

e) after indictment, the court may carry out any procedural act requiring the participation of the victim through an appointed judge or a requested court,

f) the right of the persons present at a procedural act requiring the participation of the victim is restricted; they can only submit a motion to ask questions,

g) public must be excluded from the part of the trial where the victim's participation at the procedural act is mandatory.

(5) Should the victim requiring special treatment under Section 82 (c) is under the age of fourteen, in order to protect the victim the court may - ex officio or upon motion - waive questioning him as a witness if he was already questioned during the investigation in accordance with subsection (4) (b) hereof. In that case, the testimony made by the victim during the investigation may be used as an evidence.

### **Specially protected witness**

**Section 90** (1) On the motion of the public prosecution service, a witness requiring special treatment may be declared by the court as a specially protected witness if

a) his testimony relates to the substantial circumstances of a particularly serious case,

b) the evidence that it is expected to produce cannot be obtained otherwise,

c) the disclosure of the identity of the witness or his being questioned as a witness would seriously jeopardize the life, physical integrity or personal freedom of either the witness or his relatives.

(2) No appeal shall lie against the court decision ordering that a witness shall be declared as a specially protected witness; rejection of the motion may be appealed by the public prosecution service or the witness.

(3) The documents relating to motions for granting a witness a specially protected witness status must be handled in strict confidence among the case files until the motion is passed. If the court orders that a witness be granted a specially protected witness status, the documents relating to the motion for declaring the person as a specially protected witness, the procedural acts carried out with the participation of the witness before he was declared a specially protected witness, and the procedural acts carried out with the participation of the specially protected witness must be handled in strict confidence among the case files unless provided otherwise in this Chapter.



**Section 91** (1) The court shall terminate the specially protected witness status

- a) on the motion of the specially protected witness,
- b) on its own motion or on application of the public prosecution service, if the conditions of the specially protected witness status are no longer met, or
- c) on its own motion or on application of the accused, the defender or the public prosecution service, if the specially protected witness behaves in a way that is obviously incompatible with the legal institution of the specially protected witness.

(2) No appeal shall lie against the rejection of the motion and the decision terminating the specially protected witness status under subsection (1) (a) hereof.

(3) Simultaneously with the termination of the specially protected witness status, the court shall also terminate the confidential handling of all the documents relating to witness the specially protected witness status.

**Section 92** Before indictment, only

- a) the prosecutor, members of the investigating authority,
- b) the keeper of the minutes , experts and expert advisors,
- c) the helper of the specially protected witness, and
- d) any other person necessarily affected by the procedural act may be present at the procedural act.

(2) After the indictment, the court shall carry out any procedural act requiring the participation of a specially protected witness primarily through the requested court or an appointed judge where the accused and the defender may not be present.

(3) If it does not entail the disclosure of the identity of the specially protected witness, the court may also ensure his presence through means of telecommunications at the procedural act. In that case the court shall order the distortion by technical means of the unique characteristics whereby the identity of the witness can be determined, and the right of the persons present to ask questions shall be restricted i.e. they can only submit a motion for asking questions.

(4) When carrying out a procedural act requiring the participation of a specially protected witness, it must be ensured that his identity cannot be established.

(5) In the course of the examination of a specially protected witness, the credibility of the witness, the reliability of his knowledge and the circumstances that may influence credibility of the testimony must be revealed and verified. The data thus obtained shall be indicated in the minutes taken during the questioning.

(6) If the presence of the specially protected witness is ensured by means of telecommunications as set out in subsection (3) hereof, the witness may refuse to give testimony regarding data that imply his identity, home address, mailing address or place of stay.

(7) Written minutes shall be drawn up of the procedural act requiring the participation of a specially protected witness, and it must be handled confidentially. An abstract shall be prepared of the minutes.

(8) The abstract of the minutes shall only indicate, from among the ones present, the name of the members of the court, the public prosecution service and the investigating authority present at the procedural act, the fact of designation as a specially protected witness, and the description of the procedural act. If the presence of the specially protected witness is ensured by means of telecommunications as set out in subsection (3) hereof, the abstract of the minutes shall only indicate, from among the ones present at a separate location, the name of the members of the authority set out in point c) or d) of Section 123 (1), the fact of designation as a specially protected witness, and the description of the procedural act.

(9) The judge acting in the case, the prosecutor or the member of the investigating authority shall ensure that the identity, home address, mailing address or place of stay of the specially

protected witness cannot be inferred from the fact of carrying out the procedural act or from the abstract of the minutes drawn up on the procedural act.

**Section 93** If the public prosecution service intends to use the testimony of a specially protected witness or the results of any other procedural act carried out with his participation as means of evidence, the court shall advise the accused and his defender that

a) they can file a motion for terminating the specially protected status of the witness only in case set out in Section 91 (1) c),

b) they can file a motion for asking questions from the specially protected witness in writing but those questions may not be directed towards revealing the identity and place of stay of the specially protected witness.

### **Personal protection**

**Section 94** (1) The court acting in the case, the public prosecution service or the investigating authority may - on its own motion or on the application of the person requiring special treatment - initiate that the person requiring special treatment, or another person in consideration of the person requiring special treatment, be protected as specified in legal regulations.

(2) The court, the public prosecution service or the investigating authority shall decide on the application within eight days upon the date of submission thereof. No legal remedy shall be available against a motion for personal protection. The person submitting the motion may resort to legal remedy against rejecting a motion.

(3) The documents pertaining to personal protection, with the exception of the application, the decision rejecting it, and the decision regarding the ordering and termination of the personal protection, shall be handled in strict confidence.

### **Participation in the Witness Protection Program**

**Section 95** (1) The court acting in the case, the public prosecution service or the investigating authority with the agreement of the public prosecution service may - on its own motion or on the application of the person requiring special treatment - initiate that an agreement on participation in the Witness Protection Program defined by law is entered into with the person concerned.

(2) The court, the public prosecution service or the investigating authority shall decide on the application within three days upon the date of submission thereof. No appeal shall lie against the decision.

(3) Participation in the Witness Protection Program shall not affect the respective rights and obligations of the participants of the Witness Protection Program related to the criminal proceedings. In respect of the participants of the Witness Protection Program, the provisions of this Act shall apply with the following derogations:

a) all documents relating to the participation in the Witness Protection Program shall be handled confidentially,

b) persons participating in the Witness Protection Program shall be summoned or notified by way of the body responsible for his protection, and official documents to be served on such persons may only be delivered by way of the body responsible for their protection,

c) persons participating in the Witness Protection Program shall state their original personal identification data in the criminal proceedings, but give the address of the body responsible for their protection instead of giving their home address, mailing address or place of stay,

d) the personal information of all participants of the Witness Protection Program shall be handled confidentially,

- e) only the persons holding the permission of the body responsible for the protection of persons participating in the Witness Protection Program may have access to or may be given information on the confidential documents containing the personal data of such persons,
- f) costs incurred in connection with the appearance and participation of persons participating in the Witness Protection Program shall not qualify as cost of criminal proceedings,
- g) the body responsible for the protection of the persons participating in the Witness Protection Program may be present at all procedural act where the protected person is present,
- h) persons participating in the Witness Protection Program may refuse to give testimony regarding data that imply their new identity, new home address or place of stay.

### **Other persons affected by certain provisions**

**Section 96** (1) In order to help the accused to exercise his rights and fulfill his obligations, the court, the public prosecution service or the investigating authority may apply the measures set out in Section 85 (1) if the accused

- a) is under the age of eighteen,
- b) is a disabled person as defined in the Act on the Rights and Equal Opportunities of Persons with Disabilities, or may qualify as such, or
- c) it is justified considering his relationship with another person involved in the criminal proceedings.

(2) In order to help an accused under the age of eighteen to exercise his rights and fulfill his obligations , the court, the public prosecution service or the investigating authority may apply Section 87 (1) and (2) accordingly.

(3) If the accused is under the age of fourteen, in order to help the accused to exercise his rights and fulfil his obligations, the court, the public prosecution service or the investigating authority

- a) shall apply the provision laid down in Section 88 (1) d) hereof,
- b) may order confrontation of the accused only with his consent thereto.

(4) If the conditions for applying personal protection are met regarding

- a) the victim or the victim's helper,
  - b) the accused, the defender, the expert, the expert advisor, any person financially interested in the case, or their helper,
- or another person in consideration of any of the persons listed, the provisions of Section 94 shall be applied accordingly.

(5) If the conditions of participation in the Witness Protection Program are met regarding the accused then the provisions of Section 95 shall be applied accordingly.

(6) In the event of subsections (4) and (5), in order to protection a person concerned, the court, the public prosecution service or the investigating authority may apply the measures set out in Section 85.

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## PROTECTION OF THE INFORMATION PROCESSED IN THE CRIMINAL PROCEEDINGS

### **Legal basis of processing and data protection**

**Section 98** (1) The court, the public prosecution service and the investigating authority shall ensure that no sensitive information handled in the criminal proceedings becomes publicly available more than it can be helped, or that it is not accessed by any unauthorized person, and that personal information is protected.

## PROVIDING INFORMATION ON THE CRIMINAL PROCEEDINGS

### **General rules of providing information to the public**

**Section 107** (1) The court, the public prosecution service and the investigating authority may inform the public on the criminal proceedings.

(2) Information shall be provided, prior to the conclusion of the investigation, by the member of the investigating authority authorized to do so and by the public prosecution service; during the court procedure - also including the court procedure prior to indictment -, by the person authorized by the Act on the Legal Status and Remuneration of Judges and by the public prosecution service.

(3) Any person who requests information from the court, the public prosecution service or the investigating authority for the purpose of providing information to the public, also including the authorization to make sound or video or sound and video recordings, has to indicate in his request his name, or designation in case of an entity, and his contact details, and the manner how he informs the public especially including the media content provider or other services relating to the information society, through which he provides the information.

### **Providing information to the public on a court trial**

**Section 108** (1) All shall have the right to receive information about a court trial through the media system.

(2) Any sound or video or sound and video recordings at the court trial, to be made for the purpose set out in subsection (1) above, shall be subject to the permission of the single judge or the presiding judge, and sound or video or sound and video recordings of persons present at the trial – with the exception of the members of the court, the keeper of the minutes, the prosecutor and the defender – shall be subject to the consent of the person concerned.

(3) Restricting the number of the audience may not lead to an infringement of the right of the general public to receive information.

### **Restrictions of information to the public**

**Section 109** (1) The court, the public prosecution service and the investigating authority shall refuse to give information, or issue a permission to make sound or video, or video and sound recordings if

a) any such recording might directly endanger the life, physical integrity, health or privacy of the persons participating in the proceedings especially including the persons requiring special treatment,

b) it is inevitably necessary for the protection of the personal information of the persons participating in the criminal proceedings especially including the persons requiring special treatment,

c) it is inevitably necessary in order that the persons participating in the criminal proceedings, including especially persons requiring special treatment, can exercise their rights and fulfill their obligations under this Act without intimidation and without being influenced,

d) it is inevitably necessary for the protection of the interests giving rise to the exclusion of public in case of a trial held in camera,

e) giving the permission might be contrary to the effectiveness of the criminal proceedings or certain procedural acts, or the continuous or uninterrupted conduct of the procedural act.

(2) The court, the public prosecution service and the investigating authority may refuse to give the permission to provide information or make sound or video, or video and sound recordings only for the reasons set out in subsection (1), to the extent and up to the time required to achieve or secure those purposes.

(3) Applying subsections (1) and (2) accordingly, the court may revoke the permission referred to in Section 108 (2).

(4) The court, the public prosecution service and the investigating authority may forbear to decide on the application for a permission to make sound or video, or video and sound recordings if the person submitting the application has failed to comply with his obligation set out in Section 107 (3).

### **Other information**

**Section 110** (1) Besides the persons specified in the provisions on the inspection of the documents of the case as well as on the information to the public, information may be provided on the proceedings to any person having a legitimate interest in conducting the proceedings or the outcome thereof.

(2) Prior to the indictment it shall be the head of the public prosecution service who has the right to permit the inspection of the documents or provide the information requested, while after indictment the presiding judge shall have the right to do so, both after certifying the legitimate interest therein.

### THE PUBLICITY OF THE TRIAL

**Section 436** (1) The trial of the court shall be public.

(2) In order to ensure the proper conduct, dignity and security of the trial, or due to lack of space, the single judge or the presiding judge may determine the number of the audience.

(3) Persons under the age of fourteen may not be among the audience of the trial, and the single judge or the presiding judge may exclude from the audience youth under the age of eighteen.

(4) The court may, ex officio, or at the motion of the prosecutor, the accused, the defender, the victim or any person having financial or other interest in the case, exclude the public from the entirety or a part of the trial in a decision explaining the reasons therefore, and

a) for ethical reasons,

b) to protect a person requiring special treatment, or

c) to protect classified and other sensitive data

shall order an in-camera trial (hereinafter "in-camera trial").

(5) The exclusion of the public may be motioned for in any stage of the procedure.

**Section 437** (1) The decision concerning an in-camera trial shall be announced by the court at a public trial. No appeal shall lie against the decision concerning an in-camera trial.

(2) Regardless of the exclusion of the public, the court may permit the presence of official persons performing tasks related to the administration of justice at the trial. In the event of a procedure instituted against a foreign citizen accused, or due to a criminal offense committed to the injury of a foreign citizen victim, the presence of a consular officer of the native country of

the foreign citizen, or, pursuant to an international treaty promulgated by law, a member of the authority of the foreign state shall be allowed.

(3) In the event that the public has been excluded, a victim having no representative or an accused having no defender may motion for allowing a designated person – with the exception of a person to be examined at the trial – present at the location of trial to attend the trial. If the court excludes the public for the reason of protecting classified data, no such motion may be submitted. No appeal shall lie against the decision pertaining to the motion.

(4) In the case of ordering an in-camera trial, the court shall advise those present that they are prohibited to provide information of the trial, and if necessary also warn of the consequences of misuse of classified data. The advice shall be included in the minutes.

**Section 438** (1) The trial shall be made open to public when the reason for an in-camera trial no longer exists.

(2) The court shall pronounce the operative part of the decision passed at the trial in its entirety and the reasoning with the restriction written in subsection (3) in public even when the public was expelled from the trial.

(3) The court shall not pronounce information forming part of the reasoning in public, if making them public resulted in infringing the interest for which the in-camera trial was ordered by the court.

BBA-5.3.4-16-2016-00001 – “successful identification of human trafficking victims in the IAO procedures”

Information for potential victims of human trafficking		
<b>Hungarian Baptist Aid</b>	+36-1-466-5978 info@baptistasegely.hu http://www.hbaid.org	shelter, crisis centre
<b>White Ring Hungary Public Benefit Organisation</b>	+36-1-312-2287 fehergyuru@t-online.hu http://fehergyuru.eu/en/home	victim support, legal aid
<b>Ministry of Justice Victim Aid Centre</b>	+36-80-225-225 aldozatsegitokozpontbudapest@im.gov.hu aldozatsegitokozpont.im.gov.hu	legal aid, victim aid, damage mitigation
<b>Kék Vonal (Blue Line) Child Crisis Foundation</b>	+36-1-354-1029; +36-1-116-111 info@kek-vonal.hu www.kek-vonal.hu/index.php/en/	Aid for children and adolescents
<b>Lehetőség Családoknak (A Chance for Families) 2005 Foundation</b>	+36-80-205-520 csaomovar@vsi.hu http://csaomovar.hu/	shelter
<b>International Organisation for Migration (IOM Hungary)</b>	+36-1-472-2500 iombudapest@iom.int http://www.iom.hu/	supports voluntary return to country of origin
<b>Névtelen Utak (Unnamed Roads) Foundation</b>	+36-70-664-9497 nevtelenutak@gmail.com http://nevtelenutak.hu/	shelter, rehabilitation programmes
<b>National Crisis Management and Information Hotline</b>	+36-80-205-520 (24/7 free hotline) okit@csbo.hu http://www.bantalmazas.hu	directs abuse victims to the appropriate support organisation
<b>Segítő Kéz (Helping Hand) 2003 Welfare Organisation</b>	+36-30-958-1264 http://segitokez2003.hu/	prevention, consulting
<b>Terre des Hommes</b>	+36-1-266-5922 contact@terredeshommes.hu http://tdh-europe.org/	medical assistance, child protection

If, in the course of your journey to Hungary, you were held captive against your will, forced to work, or denied the pay you were promised for your work, you may be a victim of human trafficking, and therefore entitled to special protection.

Similarly, you may be a victim of human trafficking entitled to special protection if your Hungarian employer limits your freedom of movement, or if your shelter, pay and working conditions are less favourable than previously promised by your employer and/or recruiter, or if you are denied a significant portion of your pay.



**BELÜGYI ALAPOK**  
Militáris és biztonság

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Az Európai Unió támogatásával