



EVALUATION REPORT

HUNGARY

Third evaluation round

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

Access to justice
and effective remedies
for victims of trafficking
in human beings

GRETA(2024)02
Published on 26 February 2024



Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

Table of contents

Preamble	4
Executive summary	5
I. Introduction	7
II. Overview of the current situation and trends in the area of trafficking in human beings in Hungary	9
III. Developments in the legal, institutional and policy framework for action against human trafficking	9
IV. Access to justice and effective remedies for victims of human trafficking	11
1. Introduction	11
2. Right to information (Articles 12 and 15)	13
3. Legal assistance and free legal aid (Article 15)	15
4. Psychological assistance (Article 12)	18
5. Access to work, vocational training and education (Article 12)	19
6. Compensation (Article 15)	20
7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)	23
8. Non-punishment provision (Article 26)	30
9. Protection of victims and witnesses (Articles 28 and 30)	32
10. Specialised authorities and co-ordinating bodies (Article 29)	34
11. International co-operation (Article 32)	35
12. Cross-cutting issues	37
a. gender-sensitive criminal, civil, labour and administrative proceedings.....	37
b. child-sensitive procedures for obtaining access to justice and remedies.....	38
c. role of businesses.....	39
d. measures to prevent and detect corruption.....	40
V. Follow-up topics specific to Hungary	40
1. Measures to prevent and combat trafficking for the purpose of labour exploitation ..	40
2. Measures to discourage demand	43
3. Identification of victims of trafficking	45
4. Assistance to victims	48
5. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking	51
6. Recovery and reflection period	55
7. Residence permits	55
8. Repatriation and return of victims	57
Appendix 1 - List of GRETA's conclusions and proposals for action	59
Appendix 2 - List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations	66
Government's comments	67

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

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

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Hungary has taken steps to further develop the relevant legislative and policy framework. The Criminal Code was amended in 2020 introducing, *inter alia*, harsher punishment for trafficking in human beings and criminalising the use of work or services of victims of trafficking. The Government adopted the National Anti-Trafficking Strategy for 2020-2023, which is complemented by biannual action plans. Further, the Office of the Prosecutor General has issued three guidelines to facilitate the detection and prosecution of human trafficking cases.

Hungary remains primarily a country of origin of victims of trafficking in human beings. The number of identified victims of trafficking has significantly increased compared to the period covered by GRETA's second evaluation report (754 victims in 2019-2022). The majority of the victims were women, while children represented around 16% of the victims. While sexual exploitation remains the predominant form of exploitation, an increase in the number of cases of trafficking for the purpose of labour exploitation has been noted.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

Information materials have been developed to inform victims of trafficking of their rights and the services available to them. Nevertheless, GRETA considers that the Hungarian authorities should take further steps to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and the services available to them, from their first contact with the competent authorities and in a language they can understand.

Following amendments to the Legal Aid Act on 1 July 2023, victims of trafficking are entitled to free legal aid, regardless of their income, in criminal, civil and administrative proceedings. However, the report notes that victims of trafficking have limited access to free legal aid in practice. GRETA urges the Hungarian authorities to ensure that victims of trafficking have unrestricted access to free legal aid by a professional lawyer with specialised knowledge of trafficking in human beings.

GRETA notes with concern that, although the relevant legal framework on compensation is in place and has been revised, very few victims of trafficking have been awarded compensation during the reporting period. GRETA urges the authorities to take steps to facilitate and guarantee victims' access to compensation, including by systematically informing them of their right to claim compensation and the procedure to be followed, making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation, and simplifying the application procedure for state compensation.

GRETA notes that the amended Section 192 of the Criminal Code does not fully correspond to the international definition of human trafficking and urges the Hungarian authorities to bring the national definition of human trafficking fully in line with Article 4 of the Convention, including by ensuring that all forms of exploitation are adequately covered and that the use of means is not required in case of child victims.

The number of prosecutions and convictions for human trafficking and related offences has increased compared to the previous reporting period. GRETA welcomes the efforts of the Hungarian authorities to improve the criminal justice response to human trafficking, including through the issuance of prosecutorial guidelines, the appointment of anti-trafficking senior supervisor police officers, as well as the establishment of a network of specialised prosecutors. However, a number of gaps remain. GRETA considers that the authorities should ensure that human trafficking offences for different forms of exploitation, including cases involving domestic servitude, are proactively and promptly investigated, and

are classified as human trafficking at the early stage of the proceedings in order to avoid delays in proceedings and ensure consistent application in practice.

There is still no specific provision in Hungarian law on the non-punishment of victims of trafficking for unlawful activities they were compelled to commit. While welcoming the amendment to the Minor Offences Act precluding the punishment of children for the provision of sexual services and the assessment of the application of the non-punishment principle carried out by the Office of the Prosecutor General, GRETA urges the Hungarian authorities to adopt a specific legal provision and/or guidance on the non-punishment of victims of trafficking, and to provide training to the relevant authorities.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. It welcomes the inclusion of labour exploitation into the definition of trafficking in human beings as well as the adoption of stricter rules concerning the registration and operation of temporary employment agencies, which corresponds to one of GRETA's previous recommendations. Nonetheless, GRETA considers that the authorities should make further efforts to combat trafficking for the purpose of labour exploitation, including by increasing the number of labour inspectors, proactively and thoroughly investigating cases involving persons exploited in domestic servitude, and strengthening multi-agency co-operation to facilitate the investigation and prosecution of cases of trafficking for the purpose of labour exploitation.

GRETA welcomes the steps taken to improve the identification of victims of trafficking, including the update of the list of indicators of trafficking and the development of a protocol outlining the steps to be taken by the bodies which identify presumed victims of trafficking. However, GRETA calls on the authorities to extend the application of the existing identification framework to third-country nationals without legal residence in Hungary, and to ensure that a proper identification procedure of victims of trafficking among asylum seekers and irregular migrants is in place.

Further, GRETA urges the Hungarian authorities to take measures to improve the assistance provided to victims of trafficking by allocating adequate financing to NGOs and other non-state actors to whom the provision of assistance has been delegated.

Although the number of identified child victims of trafficking has increased, GRETA is concerned by the lack of identification of victims among children in residential institutional care. GRETA calls on the authorities to take further steps to identify child victims of trafficking, including by setting up child-specific identification procedures and strengthening the training provided to front-line professionals, as well as to ensure that child victims of trafficking are provided with appropriate accommodation.

Noting that only one victim of trafficking has been granted a recovery and reflection period since 2017, GRETA urges the authorities to ensure that this period is defined in law and is granted to all persons for whom there are reasonable grounds to believe that they are victims of trafficking, regardless of whether they co-operate with the law enforcement authorities. GRETA further asks the authorities to ensure that renewable residence permits are issued in practice to foreign victims of trafficking, and that victims of trafficking have access to a fair and efficient asylum procedure.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Hungary on 1 August 2013. GRETA’s first evaluation report¹ on Hungary was published on 29 May 2015, and the second evaluation report² on 27 September 2019.
2. On the basis of GRETA’s second report, on 18 October 2019 the Committee of the Parties to the Convention adopted a recommendation to the Hungarian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the authorities was considered at the 27th meeting of the Committee of the Parties (4 December 2020) and was made public.³
3. On 24 June 2022, GRETA launched the third round of evaluation of the Convention in respect of Hungary by sending the questionnaire for this round to the Hungarian authorities. The deadline for submitting the reply to the questionnaire was 24 October 2022. Hungarian authorities’ reply was received on 28 October 2022.
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Hungarian authorities,⁴ the above-mentioned report to the Committee of the Parties as well as information received from civil society. Further, an evaluation visit to Hungary took place from 27 February to 3 March 2023 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Mr Sergey Ghazinyan, member of GRETA;
 - Ms Conny Rijken, member of GRETA;
 - Ms Asja Zujo, Administrator in the Secretariat of the Convention;
 - Ms Teresa Armengol de la Hoz, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation met Mr Mátyás Hegyaljai, National Anti-Trafficking Co-ordinator, and representatives of the Unit for Counter Trafficking and Horizontal Issues of the Ministry of the Interior. Consultations were also held with representatives of the Ministry of Justice, the Ministry of Innovation and Culture, the Ministry of Economic Development, the Ministry of Foreign Affairs and Trade, the Police, the National Directorate General for Aliens Policing, the National Crisis Management and Information Telephone Service (OKIT), the Office of the Prosecutor General, the Financial Intelligence Unit of the National Tax and Customs Administration, child protection and guardianship agencies, the National Office of the Judiciary and judges. Furthermore, the delegation met the Office of the Commissioner for Fundamental Rights and members of the Hungarian Parliament.
6. In addition to holding meetings in Budapest, GRETA’s delegation travelled to Győr where it met representatives of the Police, prosecutors, judges and social service officials.
7. The GRETA delegation held separate meetings with non-governmental organisations (NGOs) and met victims of human trafficking.
8. Meetings were also held with representatives of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

¹ <https://rm.coe.int/168070a5f3>

² <https://rm.coe.int/greta-evaluation-report-on-hungary-2nd-evaluation-round-/168098f118>

³ <https://rm.coe.int/cp-2020-11-hungary/1680a09ae4>

⁴ <https://rm.coe.int/reply-from-hungary-to-the-questionnaire-for-the-evaluation-of-the-impl/1680aa6ce2>

9. In the course of the visit, the GRETA delegation visited four shelters and safe houses accommodating victims of human trafficking in Budapest and in the north-western part of the country. The GRETA delegation also visited a children's home in Budapest that can accommodate child victims of trafficking, a support centre for victims of crime, including victims of trafficking, and a children's house (based on the Barnahus model).

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by the Hungarian authorities and in particular by the contact person appointed by them to liaise with GRETA, Ms Nóra Tamara Jakubovich, Head of Unit within the Department for European Home Affairs Cooperation of the Ministry of the Interior.

12. The draft version of the present report was approved by GRETA at its 48th meeting (26-30 June 2023) and was submitted to the Hungarian authorities for comments. The authorities' comments were received on 29 September 2023 and were taken into account by GRETA when adopting the final report at its 49th meeting (13-17 November 2023). The report covers the situation up to 17 November 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Hungary

13. Hungary remains predominantly a country of origin of victims of trafficking in human beings (THB) and is to some extent also a country of destination. The number of identified victims of trafficking has significantly increased compared to the period covered by GRETA's second evaluation report. According to statistics provided by the Hungarian authorities, 91 victims were identified in 2019 (82 women, 8 men and one person whose gender is unknown), 239 in 2020 (188 women, 49 men and two persons whose gender is unknown), 201 in 2021 (134 women and 67 men), and 223 in 2022 (154 women, 68 men and one person whose gender is unknown).⁵ Although the predominant form of exploitation remained sexual exploitation, the authorities have noted an increase in cases of trafficking for labour exploitation.⁶ The majority of the victims were women, while children represented around 16% of the victims, specifically, nine in 2019 (all girls), 34 in 2020 (29 girls and five boys), 37 in 2021 (28 girls and nine boys) and 41 in 2022 (37 girls and four boys). An overwhelming majority of identified victims were Hungarian nationals, some of whom had been trafficked to Western Europe (Switzerland, Germany, the Netherlands), while others were trafficked internally. Foreign victims trafficked to Hungary originated from other European countries (Romania, Slovakia, the Netherlands, Albania and Türkiye), as well as from Asia (China, Mongolia, Thailand, and Pakistan), Africa (Nigeria and Mozambique) and South America (Cuba).

14. Although the number of identified victims of trafficking has increased, which could in part be attributed to improvements in the data collection system, known as EKAT⁷ (see paragraph 172), there is concern that the above figures do not reflect the real scale of the phenomenon in Hungary. Trafficking for the purpose of labour exploitation appears to be underreported, particularly considering the incidence of domestic servitude in the country, which often affects homeless persons, persons with disabilities and the elderly (see paragraph 156). Increased recruitment of children accommodated in state care institutions, including through the internet, for the purpose of exploitation has also been reported. The lack of effective access to asylum procedure and the high number of pushbacks and removals of migrants have rendered the identification of possible victims of trafficking among this vulnerable group virtually impossible. Concerns have also been raised regarding the lack of identification of possible victims of trafficking among persons fleeing Ukraine, despite indications that they may be exposed to labour and sexual exploitation in Hungary.

III. Developments in the legal, institutional and policy framework for action against human trafficking

15. There have been a number of legislative developments relevant for combating trafficking in human beings since GRETA's second evaluation report. The provisions of the Criminal Code (CC) on trafficking in human beings (Section 192) and forced labour (Section 193) were merged pursuant to Act V of 2020 on the Amendment of Certain Laws to Prevent the Exploitation of Victims of Human Trafficking, which entered into force on 1 July 2020. Further, this law introduced certain changes to the definition of trafficking in human beings, as well as harsher punishment for different forms of the offence, and criminalised the use of services of victims of trafficking.

⁵ By way of comparison, during the period covered by GRETA's second report the number of identified victims of THB was 15 in 2015, 10 in 2016, two in 2017, and 55 in 2019 (until the end of May).

⁶ According to information provided by the authorities, in the period 2017-2022, 65% of the identified cases concerned sexual exploitation, 31% labour exploitation, and 4% other types of exploitation.

⁷ EKAT (Identification and Support for Victims of Trafficking in Human Beings - Emberkereskedelem Áldozatainak Azonosítása és Támogatása) is the digital platform for the identification and referral of THB victims which is operated by the IT department of the Ministry of Justice.

16. The above-mentioned law also amended Act XXV of 1999 on the Rules of Action against Organised Crime and Certain Related Phenomena to provide that persons under the age of 18 may not offer sexual services. Accordingly, a new section was added to Act II of 2012 on Minor Offences, Procedure and the System of Registration of Offences, stipulating that persons under the age of 18 shall not be punished for the provision of sexual services. Section 203 of the CC was also amended to increase the punishment for the exploitation of child prostitution. Additionally, amendments to Act XXXI of 1997 on the Protection of Children and the Guardianship Administration introduced the so-called 'general protection measure' which entails the placement of children in special institutions in order to protect them from exploitation in prostitution.

17. Pursuant to amendments to Act CXXXV of 2005 on Crime Victim Support and State Compensation (hereinafter "Victim Support Act") which came into force on 1 January 2021, the police shall refer a victim of a criminal offence to the competent victim support service which will offer assistance to the victim. Moreover, the amendments extended the deadlines for submission of applications for state compensation and instant monetary assistance for victims of crime. The Criminal Procedure Code (CPC) was also amended through Law CL of 2020 to introduce the so-called "grievance" award that can be claimed by victims in criminal proceedings.

18. The above-mentioned legal developments are discussed in further detail in later parts of this report (see paragraphs 71, 74, 83-85, 163, 164 and 213).

19. In 2021, children's houses based on the Barnahus model were introduced in Hungary through the establishment of the Hearing and Therapy Services within the Child Protection Services (see paragraph 138).

20. As regards the institutional framework for action against THB, the Deputy State Secretary for EU and International Affairs of the Ministry of the Interior continues to act as National Co-ordinator against Trafficking in Human Beings, and is supported by three full-time officials at the Unit for Counter-Trafficking and Horizontal Issue of the Ministry of the Interior. The National Co-ordinator chairs the National Co-ordination Mechanism on Human Trafficking, which brings together public sector actors, and the NGO Roundtable on Human Trafficking, which gathers representatives of NGOs with the participation of the UNHCR.⁸ Both the Co-ordination Mechanism and the NGO Roundtable meet twice a year, and they occasionally hold joint meetings depending on need. Strengthened co-operation between the two mechanisms is one of the objectives of the Anti-Trafficking Strategy. Representatives of civil society organisations met by GRETA generally considered the NGO Roundtable to be a useful forum for an exchange of experiences and reported good co-operation with the Ministry of the Interior.

21. There have been no developments with regard to the establishment of a position of National Rapporteur or other mechanism for monitoring the anti-trafficking activities of State institutions. The Hungarian authorities maintain the view that external evaluations, such as those carried out by GRETA, are the most efficient tools for assessing the government efforts and making recommendations in the field of combating THB. Nevertheless, **GRETA once again considers that the Hungarian authorities should examine the possibility of establishing an independent National Rapporteur or designating another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

⁸ See GRETA's second evaluation report on Hungary, paragraph 19.

22. In February 2020, the Hungarian Government adopted the National Anti-Trafficking Strategy for 2020-2023 through Decision No. 1046/2020. The Strategy has four pillars, namely, i) prevention, ii) identification, referral of victims of trafficking, and victim assistance, iii) judiciary, law enforcement, and iv) partnership. The Strategy sets out the strategic objectives to be achieved under each pillar based, *inter alia*, on the EU Strategy on Combating Trafficking in Human Beings (2021-2025), recommendations from GRETA's previous reports, and feedback from the members of the National Co-ordination Mechanism and the NGO Roundtable provided during the joint meetings held in 2019 and 2021.

23. The Anti-Trafficking Strategy is complemented by biannual action plans (2020-2021 and 2022-2023). Both Action Plans specify the responsible bodies, expected outputs, deadlines and funding for the implementation of measures under each strategic objective. The budget for the implementation of the Strategy was HUF 609,5 million (EUR 1,6 million) for the period 2020-2021 and HUF 353 million (EUR 941,471) for the period 2022-2023. Additional funding for certain objectives is provided by the EU and through the Swiss-Hungarian Co-operation Programme II (2023). GRETA was informed that the implementation of the Strategy is regularly discussed at the meetings of the National Co-ordination Mechanism and the NGO Roundtable. The members of these two bodies are asked to submit reports on implemented measures to the Ministry of the Interior every three months, which is used as the basis for the preparation of the reports on the implementation of the Action Plans submitted to the Government. **GRETA welcomes the adoption of the National Anti-Trafficking Strategy and the accompanying Action Plans, which reflect some of GRETA's previous recommendations, and stresses the importance of conducting an independent evaluation of the implementation of the Strategy and the Action Plans as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.**

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

24. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

25. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.⁹

⁹ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017.

26. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁰ the right to an effective remedy is considered to include restitution,¹¹ compensation,¹² rehabilitation,¹³ satisfaction¹⁴ and guarantees of non-repetition.¹⁵ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹⁶ and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime,¹⁷ which outline the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.

27. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

28. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.¹⁸

¹⁰ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹¹ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹² Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹³ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁴ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁵ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

¹⁶ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

¹⁷ Recommendation CM/Rec(2023)2 of the, Committee of Ministers to member States on rights, services and support for victims of crime, and its Explanatory report: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

¹⁸ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

29. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.¹⁹ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁰ and Justice at Last - European Action for Compensation of Victims of Crime,²¹ which aim to enhance access to compensation for trafficked persons.

30. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²² The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²³ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

31. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

32. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

33. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁴

34. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁵

¹⁹ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²⁰ <http://www.compactproject.org/>

²¹ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²² United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²³ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

²⁴ See Explanatory Report on the Convention, paragraphs 160 to 162.

²⁵ See 8th General Report on GRETA's activities, paragraphs 168 and 169.

35. In Hungary, pursuant to Government Decree No. 354/2012 (XII.13) on the identification order of victims of trafficking in human beings and the related "Protocol assisting the identification and referral of victims of trafficking in human beings in Hungary - Hungarian citizens and foreigners with the right of free movement and residence" (see paragraphs 172 and 173), the body which first comes into contact with a possible victim of trafficking shall conduct an identification interview, during which it shall provide the person concerned with basic information regarding the support available to victims of trafficking.

36. When a victim of trafficking is referred to support services for victims of crime, which include Victim Support Centres,²⁶ they are obliged to contact the victim within two days and inform him/her of the support available, including the right to accommodation provided through the National Crisis Management and Information Telephone Service (OKIT) (see paragraph 189). The information may be provided over the phone or in person, and victims are also entitled to receive information concerning legal proceedings from the lawyer at the Victims Support Centre (see paragraph 49). According to Sections 24, 25 and 26 of the Victim Support Act, representatives of victim support services shall provide victims with information on access to healthcare and compensation, as well as with contact details of state and local government agencies and civil society organisations providing assistance to victims of crime. Pursuant to Section 24 paragraph 3 of the law, third-country nationals who are victims of trafficking shall also be informed of their right to a one-month reflection period and a residence permit on the basis of their co-operation with the authorities (see paragraphs 223 and 228).

37. The Ministry of Justice has produced a leaflet for victims of crime with general information on the available services, as well as contact information of all Victim Support Centres and regional victim support services. Besides Hungarian, the leaflet is available in English, German and Ukrainian. The leaflet was displayed in the Victim Support Centre in Budapest visited by GRETA.

38. Pursuant to Section 51 of the CPC, the investigating authority, the prosecution or the court shall inform the injured party of his/her rights and obligations in criminal proceedings. Section 74 further provides that, in order to ensure that the victim understands the information, the relevant authority shall use simple and commonly understood language, taking into account the condition and personal characteristics of the injured party, and shall verify that the person understood the information providing additional explanation if needed. GRETA was informed that victims who are identified by the police receive the minutes of the interview which contain additional information about their rights, in a language that they understand, as well as a certificate of the initiation of criminal proceedings.

39. The Ministry of the Interior has produced an information card, the size of a business card, aimed at facilitating self-identification by victims of trafficking²⁷ and containing the telephone number for the OKIT hotline. The National Directorate General for Aliens Policing (Immigration and Asylum Office until 2019) has developed a leaflet specifically aimed at possible victims of trafficking, which provides information on governmental and non-governmental organisations providing support to victims of trafficking, including sheltered accommodation and legal assistance, and a brief description of the most common indicators of THB, with a focus on THB for labour exploitation. The leaflet is available in 11 foreign languages (English, French, Arabic, Dari, Farsi, Urdu, Pashto, Kurdish, Chinese, Serbian, and Ukrainian).

40. Child victims of trafficking are informed of their rights and the available assistance by the Child Welfare Service, which is one of the bodies entitled to identify victims of trafficking under the Decree 354/2012 and is responsible for operating the signalling system for detecting and reporting child vulnerability.

²⁶ The victim support services (under the Ministry of Justice), consist of county (capital) government offices, 11 Victim Support Centres and four Victims Support Points (see paragraph 189).

²⁷ The card contains the following message, "Freedom doesn't mean being able to do whatever you want, but that you should not be forced to do something against your will."

41. Victims of THB are also informed of their rights and the services available by specialised NGOs such as the Hungarian Baptist Aid and Chance for Families. Further, GRETA was informed that staff of the NGO Nane,²⁸ which assists victims of domestic violence, provide presumed victims of THB they encounter with information on how to file a complaint to the police online, before referring them to a specialised NGO.

42. GRETA was informed that if a victim of trafficking does not speak Hungarian, the costs of interpretation and translation are covered by the victim support services, from the budget of the Ministry of Justice. In criminal proceedings, injured parties who belong to a national minority are entitled to use their mother tongue throughout the proceedings (Section 8.1 of the CPC), while foreign victims will be provided with interpretation into a language they understand (Section 79 of the CPC). Translation of case documents shall also be arranged by the authority in charge of the proceedings. The costs of translation and interpretation are borne by the relevant authority.

43. GRETA was informed that arranging for interpretation can be a challenge and that, in practice, victim support services rely on staff members who speak foreign languages to serve as interpreters. Labour inspectors who come across presumed foreign victims of trafficking usually rely on fellow co-workers of the victim to serve as interpreters. GRETA further notes that the OKIT hotline is only available in Hungarian and English. A concern was expressed by some of GRETA's interlocutors regarding the lack of translation into languages other than English provided as part of the so-called embassy procedure (see paragraphs 180 and 231) which limits even further the likelihood of identifying possible victims of trafficking among asylum seekers and of informing them of their rights and services available.

44. GRETA considers that the Hungarian authorities should take further steps to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and the services available to them, from their first contact with the competent authorities and in a language they can understand. Law enforcement officers, other authorities in contact with victims of trafficking, as well as officials from foreign missions interacting with asylum seekers and Hungarian victims abroad should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided.

45. GRETA also considers that the Hungarian authorities should take additional steps to ensure the availability of professional interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking.

3. Legal assistance and free legal aid (Article 15)

46. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6, paragraph 3.c of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law²⁹ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

²⁸ The NGO Nane and the NGO Patent have a joint project as part of which volunteers assist victims of crime (mostly domestic violence) to file a criminal complaint.

²⁹ *Airey v. Ireland*, no. 6289/73, 9 October 1979.

47. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁰

48. In Hungary, victims of trafficking are eligible to receive legal assistance, in the form of legal advice, as well as free legal aid, which includes preparation of legal submissions and assistance in criminal, civil and administrative proceedings. Victims who contact the OKIT can receive advice with regard to their legal rights from a lawyer who is present in the OKIT office two days a week. GRETA was informed that, in the period 2018-2022, the OKIT lawyer assisted three identified and two presumed victims of trafficking, as well as two family members of victims of trafficking. Similarly, social workers met by GRETA stated that they advise victims of THB with whom they come into contact on their rights and relevant legal procedures. In most cases, however, victims in need of legal assistance are referred to the support services for victims of crime.

49. According to the Victim Support Act (Article 26/A), victim support services provide victims of crime with legal advice and assistance in order to help them obtain a remedy for the injury caused by the criminal act. The support provided includes general information regarding victims' rights and obligations in criminal proceedings,³¹ as well as help interpreting legal documents. GRETA was informed that victims do not need to have a residence permit in order to benefit from legal assistance offered by Victim Support Centres, nor is legal assistance conditioned upon the filing of a criminal report and/or the opening of an investigation.

50. Victims who require more extensive legal support, including representation in court proceedings, must apply for free legal aid, in accordance with Act LXXX of 2003 on Legal Aid (hereinafter "Legal Aid Act"). Legal aid is provided through the legal aid services, situated in local government offices, by lawyers and organisations which have concluded a contract with the Ministry of Justice. When registering with the Ministry of Justice, lawyers must indicate which area of law they specialise in. Since there are no lawyers specialised in trafficking in human beings, these cases are usually covered by lawyers specialised in criminal law. At the time of GRETA's visit, there were 125 criminal lawyers who are registered with the Ministry of Justice as free legal aid providers.

51. The Legal Aid Act covers both out-of-court free legal aid, which encompasses provision of legal advice and drafting of submissions (including claims for compensation), and legal representation in administrative, civil and criminal proceedings. Free legal aid can be granted to citizens and lawful residents of Hungary or another state of the EU/EEA, persons who have been granted a residence permit on humanitarian grounds (see paragraph 228), and asylum seekers,³² if their income does not exceed a certain amount prescribed by law or if they are considered to be a person in need for other reasons.³³ Following amendments to the Legal Aid Act of 1 July 2023, victims of THB are considered as persons in need and may receive legal aid regardless of their income. No proof of income is required (Section 9/A, Subsection 2).³⁴

52. The access of victims of trafficking, as injured parties, to free legal aid in criminal proceedings is also regulated by the CPC. Section 75 of the CPC provides that legal aid may be granted to injured parties in order to facilitate the exercise of their rights, provided that they are unable to cover the costs of the proceedings, in whole or in part, due to their financial situation.³⁵ According to Section 76, legal aid covers the costs of the state-appointed lawyer and other costs specified by the Legal Aid Act, as well as the procedural costs in cases where the injured party files a civil claim. Free legal aid is also available during enforcement proceedings in case the court grants the injured party's compensation claim. Section 77

³⁰ See 8th General report on GRETA's activities, paragraph 167.

³¹ Act LXXX of 2003 on Legal Aid, section 3(4).

³² Section 4 of the Legal Aid Act.

³³ Section 5 of the Legal Aid Act. The category of persons in need includes homeless persons, persons seeking a refugee status or temporary protection and stateless persons.

³⁴ Sections 9A, 15 and 19 of the Legal Aid Act.

³⁵ Free legal aid may be granted regardless of the income of the person concerned in other cases specified by law.

specifies that legal aid is granted by the legal aid service, upon request from the person participating in criminal proceedings.

53. In order to benefit from free legal aid, victims of trafficking must submit an application to the local legal aid service, accompanied by documents and/or official certificates in proof of eligibility (Section 22 of the Legal Aid Act). Child victims apply for free legal aid through their legal representative (parent or guardian). The legal aid service is obliged to issue a decision immediately or within a maximum of five working days when the application is submitted in person, or within 15 working days when the application is submitted in writing (Section 23 of the Legal Aid Act). If a victim approaches the legal aid service in person or over the phone, the relevant official shall inform him/her of the conditions for obtaining free legal aid and the procedure for initiating court proceedings, as well as provide information on less complicated legal matters depending on the case (Section 28 of the Legal Aid Act). GRETA was informed that victims receiving assistance from victim support services will be referred to a legal aid service if they need further legal support, and the official from the victim support service will help the victim with the application and will certify to the legal aid service that the person is a victim of trafficking.

54. GRETA was informed that the Ministry of Justice does not collect information on how many victims of trafficking have been provided with free legal aid. Neither is there information available on how many victims have received legal assistance from victim support services. GRETA was informed that the role of victims in criminal proceedings is usually limited to that of witnesses. The judgments in THB cases reviewed by GRETA do not contain any information on whether or not victims had legal representation.

55. Victims of trafficking can also obtain legal assistance, in the form of legal advice and assistance in interpreting documents from certain NGOs, such as the Hungarian Baptist Aid, Solwodi Hungary and Nane. The NGO Chance for Families has a lawyer who assists victims with legal documents and preparation of motions. In case further legal assistance is required, the NGO contacts a lawyer from the list of free legal aid providers. However, not many lawyers are willing to take on cases. Victims of trafficking may also be able to obtain free legal aid from the NGOs Patent and White Ring (Fehér Gyűrű), which provide legal aid to victims of crime and women victims of violence, respectively. However, GRETA was informed that these organisations do not have the capacity to assist many persons.

56. Victims of trafficking who are asylum seekers receive legal assistance from the Hungarian Helsinki Committee, with funding by the UNHCR. GRETA is concerned by the fact that, as of 1 January 2023, lawyers assisting asylum seekers can be held criminally liable in case the asylum seeker withholds certain information from the authorities at the time of the first interview.³⁶ Taking into account the fact that possible victims of trafficking may initially be afraid to share their experience with the authorities and that they may not be aware of the relevance of certain facts, the new provision would effectively deprive victims of trafficking of their right to legal assistance and it would even further reduce the possibility of their identification in the context of the asylum procedure.

³⁶ See more information on the criminalisation of lawyers assisting asylum-seekers at <https://helsinki.hu/en/wp-content/uploads/sites/2/2022/12/Criminalisation-continues.pdf>

57. While welcoming the fact that the legal framework for the provision of free legal aid to victims of trafficking in Hungary is in place, GRETA notes with concern the apparent limited access of victims to free legal aid in practice. **Recalling that access to legal aid is essential to guarantee effective access to justice for victims of THB, GRETA urges the Hungarian authorities to take further steps to guarantee accessible and effective legal assistance for victims of THB in practice, by ensuring that:**

- **legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of THB, before the person concerned has to decide whether or not to co-operate with the authorities and/or make a statement to the police;**
- **victims of THB have unrestricted access to free legal aid by a professional lawyer with specialised knowledge on THB cases in legal proceedings, including the enforcement proceedings and the proceedings on state compensation;**
- **training on human trafficking is provided to lawyers registered as free legal aid providers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer;**
- **NGOs which provide free legal assistance to victims of THB receive adequate funding;**
- **possible victims of trafficking among asylum seekers are provided with access to legal assistance and legal aid throughout the relevant proceedings. Legislation providing for criminal liability of lawyers in cases in which asylum seekers withhold information from the authorities should not be applied in a way which would prevent lawyers and NGOs from providing legal assistance to victims of trafficking and deprive possible victims of trafficking among asylum seekers of the rights guaranteed to them under the Convention.**

4. Psychological assistance (Article 12)

58. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.³⁷ In the case of trafficked children, specialist child psychologists should be employed.

59. In Hungary, victims of trafficking can receive psychological support from Victim Support Centres. Each centre has a full-time psychologist whose position is financed by the Ministry of Justice, while the Victim Support Centres in Budapest and Pécs also employ a child psychologist. Some of GRETA's interlocutors raised concerns with regard to the high turnover of staff in victim support services, including psychologists (partly due to low pay), as well as the fact that the services often hire psychologists with limited experience in dealing with persons who have experienced trauma. GRETA was informed that victims do not need to have a residence permit in order to have access to psychological counselling offered by Victim Support Centres. GRETA visited the Victim Support Centre in Budapest which employs three psychologists, one of whom speaks English, and has a separate room where the psychologists can meet with victims. One of the psychologists met by GRETA also offers counselling via video call or over the telephone. The psychologist holds between six and eight sessions with each victim, usually once or twice per week as needed.

³⁷ See OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

60. Victims of trafficking who participate in criminal proceedings may be accompanied by a support person, who may be a psychologist (see paragraph 115). Such support is usually provided by the NGO assisting the victim. In case the victim participating in criminal proceedings is under 18, the court may order a forensic psychologist to be present. A forensic psychologist is also present in the children's house during the interview of child victims of crime (see paragraph 139).

61. NGOs assisting victims of trafficking also provide psychological support, depending on available resources. Hungarian Baptist Aid has concluded contracts with several psychologists and they are also able to use the services of a psychiatrist with whom they have a long-standing relationship. Following GRETA's visit, the Salvation Army concluded a contract with a psychologist who is available to provide support to victims as needed. GRETA was informed that the NGO Chance for Families provides psychological support in its shelters for victims of trafficking on an ad hoc basis. However, victims who require psychiatric treatment must travel back to their registered place of residence in order for the costs to be covered by their health insurance. This exposes them to the risk of coming into contact with their traffickers. The NGOs Solwodi and Anonymous Ways do not have in-house psychologists, due to a lack of resources, but they are able to hire external psychologists if the victim requires this type of support. The NGOs assisting victims of trafficking also regularly use the services of mental hygienists which they find to be very beneficial for victims.

62. The NGOs met by GRETA stressed the importance of psychological counselling for victims of trafficking they assist, given the trauma they have experienced and the lack of support from their families. Many of the victims also suffer from addiction and serious mental health problems which may require hospitalisation and/or a stay in a drug rehabilitation facility. If this is the case, the victim will be assisted by the NGO only after they have completed the relevant treatment.

63. **GRETA considers that the Hungarian authorities should take further steps to guarantee timely access of victims of trafficking to psychological support, in the location where they are receiving assistance, and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion. Further, adequate human and financial resources should be guaranteed to those NGOs providing psychological assistance to victims of THB (see paragraph 206).**

5. Access to work, vocational training and education (Article 12)

64. GRETA was informed that the residence permit granted to foreign victims of trafficking (see paragraph 228) does not entail the right to work, but victims can apply for a separate work or study permit. Victims have access to vocational training which is mostly provided by the NGOs, typically to victims accommodated in half-way houses. In the period 2020-2022, the Ministry of Justice and the Hungarian Baptist Aid implemented a project entitled "Complex victim support services for victims of trafficking," which was financed by the EU Internal Security Fund and the Ministry of the Interior. Victims participating in the project were eligible to receive up to HUF 500,000 (EUR 1,300) of reintegration support, which could be used for vocational training. Job training is also provided by labour centres. Further, funding for vocational training programmes will reportedly be provided through the Swiss-Hungarian Co-operation Programme II to be implemented in 2023 (see paragraph 23). The Salvation Army also provides short-term (usually six months) vocational training to victims of trafficking (e.g. training for child care) which helps victims to find work. The services provided by the shelters run by Chance for Families Foundation also include assistance related to finding employment, using contacts with local businesses. However, due to the low level of education of the victims, there are difficulties in finding employment after they leave the shelter.

65. GRETA was informed that unaccompanied foreign children have the same access to education as Hungarian children. Foreign children who are migrants or asylum seekers must be provided with access to education after the initial three months of their stay in Hungary. Education is provided in the institution where the children are accommodated. However, GRETA notes that according to a recent report, almost all Transcarpathian Romani refugee children who fled the war in Ukraine were not enrolled in school/preschool, due to a complex administrative process and the requirement to provide a permanent address which they do not have.³⁸ **GRETA refers to the recommendation in paragraph 222 concerning putting in place measures aimed at preventing the trafficking of children belonging to vulnerable groups, including unaccompanied children who fled the war in Ukraine.**

66. **GRETA considers that the Hungarian authorities should strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.**

6. Compensation (Article 15)

67. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

68. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

69. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

³⁸ See Romaversitas Foundation, *The situation of Transcarpathian Romani families fleeing from Ukraine to Hungary* (2022), p. 37 to 41.

70. In Hungary, victims of trafficking can claim compensation from the perpetrator in civil proceedings or by filing a civil claim in criminal proceedings, in accordance with Sections 555-560 of the CPC. The victim is entitled to make a statement of claim regarding the harm suffered as a result of the criminal offence. If the statement is made prior to the filing of the indictment, it will be submitted to the court together with the indictment.³⁹ Otherwise, the victim must file a civil claim with the criminal court at the time of the first procedural act he/she is allowed to participate in under the rules of criminal procedure. In order to secure the compensation claim, the injured party may submit a motion for the seizure of the perpetrator's assets during the investigation. The court may decide to refer the injured party to pursue the claim "by other legal means" (i.e. in civil proceedings) for a number of reasons, including when the defendant is acquitted or the court deems that deciding on the civil claim would considerably prolong the criminal proceedings.

71. Prior to the amendments to the CPC mentioned in paragraph 17, victims of trafficking could only claim tangible (material) damages, including unpaid wages, from perpetrators in criminal proceedings, while compensation for pain and suffering (moral damages) was examined in civil proceedings where the victim had the burden of proving the relevant facts.⁴⁰ As of 1 January 2021, victims can claim a so-called 'grievance award' in criminal proceedings which constitutes a monetary compensation for the harm suffered as a result of a violation of personal rights, such as the right to life, health, bodily integrity, the right to privacy and family life, etc. If the perpetrator was convicted of the criminal offence by a final decision and no compensation was claimed or ordered before, the claim for the grievance award will be dealt with in an accelerated procedure, without the need to prove the moral damages, provided that the defendant does not contest the claim (Sections 571 (2b) and 556(6) of the CPC). If the criminal court decides to refer the civil claim and/or the claim for the grievance award to the competent civil court, in accordance with the rules referenced above, the claim will be dealt with by the civil court in summary proceedings regulated by Law LXX of 2020.⁴¹

72. In case the court grants a trafficking victim's compensation claim in criminal proceedings, the victim can ask the court to issue a certificate of enforcement based on the part of the judgment granting the claim, in accordance with the Act LIII of 1994 on Judicial Enforcement. This allows the victim to enforce the decision without further court procedure.

73. Victims of trafficking can also claim compensation from the state, in accordance with Act CXXXV of 2005 on Crime Victim Support and State Compensation. Compensation is awarded in the form of a lump sum or monthly instalments, and it shall not exceed the sum of HUF 2,830,350 (approximately EUR 7,370). According to Section 6 of the Act, a person is eligible for state compensation if he/she is a victim of a violent, deliberate crime, and has suffered a severe physical or mental harm as a result of the crime.⁴² State compensation can be provided to victims who are Hungarian nationals, including those who were exploited abroad, EU citizens victims of trafficking abroad if they have their habitual residence in Hungary and persons who were exploited in Hungary and have residence in Hungary or another EU country at the time of the request for state compensation.

74. Pursuant to legislative changes introduced in 2021, the deadline for the submission of the application for state compensation was extended from three months to one year from the commission of the criminal offence, and the victim may submit a preliminary calculation to the deciding authority in order to prove the damage suffered. The application must contain, *inter alia*, information on the proof of indigence (e.g. information on the income), the form and amount of compensation claimed, whether or not the victim has recovered or expects to recover the amount of damages from the perpetrator or an insurance policy, and whether criminal proceedings have been instituted against the victim for any of the

³⁹ Prior to 2022, the prosecutor could submit the claim on behalf of the victim, whereas now the prosecutor's role is limited to forwarding the claim to the court.

⁴⁰ However, in case criminal proceedings had been conducted prior to the filing of the compensation claim in civil proceedings, the civil court was bound by the criminal court's findings regarding the defendant's guilt.

⁴¹ The court must decide on the claim in no more than 21 working days.

⁴² Close relatives of the victim who was harmed by or died as a result of the criminal offence and who were living with the victim at the time of the crime are also eligible to receive state compensation.

criminal acts specified in Section 8 of the Law (e.g. perjury, aiding and abetting, etc). Relevant documents, including evidence of the damages suffered and expert opinions and medical certificates shall be submitted with the application. Victims may be assisted by victim support services,⁴³ which shall provide all the relevant information regarding the documents needed and how to obtain them, or they may submit the application on their own. According to information provided by the authorities, following the legislative changes, the victim support service does not assess if the victim is indigent and a certificate on income status is no longer required. Further, it is now sufficient to submit a quotation in order to prove the damage caused by the crime, instead of attaching invoices. Nevertheless, NGO representatives met by GRETA noted that the procedure for state compensation remains complicated and that victims require assistance when submitting the application.

75. All applications for state compensation are processed by the Government Office of the City of Budapest. According to Section 35 of the Crime Victim Support and State Compensation Act, the latter must decide within eight working days whether additional information is needed and whether or not it will hear the applicant or any other person before deciding on the claim, and it must inform the victim of this as well as of the date when the decision on the merits is expected to be issued.

76. Victims are eligible for state compensation even if the criminal proceedings against the defendant are terminated. GRETA was informed, however, that the victim will be required under certain circumstances to reimburse the amount of compensation.⁴⁴ Moreover, any amount of compensation the victim receives from the perpetrator will be deducted from the state compensation award.

77. The authorities indicated that foreign victims could claim state compensation after being returned to their country of origin if the offence was committed in Hungary and if the claim for compensation was submitted within one year of the commission of the offence or of the offence being reported. The Government Office of the City of Budapest within the victim support service is responsible to process this payment. According to the labour authority, there have been no requests to foreign authorities to process the transfer of unpaid wages of Hungarian victims abroad.

78. GRETA was informed that no victims of trafficking have received compensation from the State during the reporting period. It would appear that only a few victims of THB have been granted compensation from perpetrators in criminal or civil proceedings. Only three judgments out of 27 cases of THB reviewed by GRETA mention that the victim filed a compensation claim during the criminal proceedings. In all three cases the court referred the victims to pursue their claims in civil proceedings, but no information is available with regard to the outcome of these claims. In their comments on the draft GRETA report, the Hungarian authorities referred to a case in which a Hungarian perpetrator arrested in 2021 paid damages within the framework of a prosecutor's settlement to two Hungarian victims, amounting to HUF 5 million (approximately 13,126 euros). Further, the authorities have referred to a judgment of the Regional Court of Szekesferervar of 2022, which upheld the civil claim filed by a victim of labour exploitation on the basis of the motion of the Fejer County Chief Prosecution Office. There has also been a compensation awarded in a case of an elderly woman who fell victim to a housing mafia and domestic slavery, by verdict of the Regional Court of Miskolc in February 2023.⁴⁵ The Office of the Prosecutor General has reportedly started developing guidelines for civil enforcement to assist in the investigation and prosecution of THB cases, including a template form to submit a civil claim.

⁴³ Pursuant to Section 40, the assisting authority shall also help victims who intend to apply for compensation in another EU Member State to fill out the application and shall forward the necessary documents to the competent authorities of that State.

⁴⁴ Article 15 of the Victim Support Act states that a victim shall refund the amount of monetary support if: a) the acting authority established by a final decision that the conduct constituting grounds for support was not a criminal act; b) the victim furnished false data in his/her application for support; c) the loss or damage was compensated from other sources or d) a disqualifying reason occurred following disbursement.

⁴⁵ <https://birosag.hu/aktualis-kozlemenyek/miskolci-torvenyszek-emberkereskedelem-minositett-esetei-miatt-itelt-el-egy>

79. GRETA notes with concern that, although the relevant legal framework is in place and has been revised, very few victims of trafficking have been awarded compensation during the reporting period. Consequently, **GRETA once again urges the Hungarian authorities to take steps to facilitate and guarantee effective access to compensation for victims of trafficking, including by:**

- **systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from their first contact with the competent authorities in order to exercise this right;**
- **enabling victims of trafficking to effectively exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;**
- **making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**
- **ensuring that victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;**
- **simplifying the application procedure for State compensation to make it more accessible to victims, as well as to ensure that all victims of trafficking who were exploited in Hungary are able to benefit from it regardless of the regularity of their stay in Hungary at the time of the request for state compensation.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

80. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

81. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g., by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

82. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

83. As mentioned in paragraph 15, as a result of amendments to the CC introduced in 2020, the criminal offences of trafficking in human beings (Section 192) and forced labour (Section 193) were merged in Section 192 (trafficking in human beings and forced labour). The new provision reads as follows:

“(1) A person who

- a) sells, buys, exchanges or hands over or receives another person as consideration, or
- b) transports, accommodates, harbours or, for another, acquires another person for the purpose of committing an act specified in point a)

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who, for the purpose of realising regular gains,

- a) induces another, by deception or by abusing his power or influence related to the education, supervision, care, or medical treatment of the aggrieved party, or any other power or influence over the aggrieved party, or by exploiting the vulnerable situation of the aggrieved party, or
- b) coerces another, by violence or threat,

to perform work, a work-like activity, other service or an unlawful act is guilty of a felony and shall be punished by imprisonment for two to eight years.

(3) A person who, for the purpose of committing an act specified in paragraph (2), recruits, hands over, receives, sells, buys, exchanges, or hands over or receives as consideration, or, for another, acquires, or transports, accommodates or harbours another is guilty of a felony and shall be punished by imprisonment for two to eight years.

(4) A person who commits the criminal offence specified in paragraph (2) or (3) for the purpose of engaging in a sexual act, or of the illegal use of a human body, is guilty of a felony and shall be punished by imprisonment for five to ten years.

(5) The punishment shall be imprisonment for five to ten years if a criminal offence specified in paragraph (2) or (3), or for five to fifteen years if a criminal offence specified in paragraph (4), is committed

- a) against a person who has not attained the age of eighteen years,
- b) by tormenting the aggrieved party,
- c) by a public officer using that capacity, or
- d) against multiple persons.

(6) The punishment shall be imprisonment for five to fifteen years if a criminal offence specified in paragraph (2) or (3), or for five to twenty years or life if a criminal offence specified in paragraph (4), is committed

- a) against a person who has not attained the age of twelve years, or
- b) causing danger to life or a particularly serious disadvantage.

(7) A person who commits preparation for trafficking in human beings and forced labour shall be punished by imprisonment for up to one year for committing a misdemeanour in the case specified in paragraph (1), or for up to three years for committing a felony in the case specified in paragraph (2) or (3) or for one to five years in the case specified in paragraph (4).

(8) A person who

- a) uses, or makes use of, the work, work-like activity, other service or unlawful act of the aggrieved party of trafficking in human beings and forced labour as specified in paragraph (2) shall be punished by imprisonment for up to three years,
- b) commits the criminal offence specified in point a) by using a sexual act, or for the purpose of the illegal use of a human body, shall be punished by imprisonment for one to five years.”⁴⁶

84. GRETA's interlocutors have noted positively the fact that the new provision specifically refers to different types of exploitation (through work, a work-like service or an unlawful act)⁴⁷, which is expected to facilitate the proper qualification of cases involving THB for the purpose of labour exploitation. In this context, GRETA notes that slavery, practices similar to slavery and servitude are still not included in the definition of human trafficking. In their comments on the draft GRETA report, the Hungarian authorities pointed out that even though Section 192 of the CC does not fully follow the wording of the Convention, according to the case-law analysis by the Criminal Law Collegium of the Hungarian Supreme Court (Kúria) "the framework includes any human activity from the performance of which the perpetrator benefits". Whereas the concept of abuse of a position of vulnerability previously appeared as a defining component of the notion of exploitation itself (previous Section 192(8)), it now features as one of the means in paragraph 2 of the new provision. It would appear from the text of Section 192 that the use of means is required when the offence is committed against children, which is not in line with the definition in the Convention.

85. Commission of an offence defined in paragraphs 2 and 3 for the purpose of sexual exploitation constitutes an aggravating circumstance in the new provision and incurs harsher punishment (five to 10 years of imprisonment). Certain changes were also introduced to the range of punishment prescribed for some of the other aggravating forms of the offence, defined in paragraphs 5 and 6 of Section 192.

86. The criminal provision on THB was the subject of analyses published in February 2022 by the Criminal Law Collegium of the Hungarian Supreme Court (Kúria), which analysed, *inter alia*, court practice prior to amendments to Section 192, and the Office of the General Prosecutor,⁴⁸ which focused on the effectiveness of the new THB provision. Both analyses noted that the overlap between THB and related offences (e.g. procurement) represents a problem for the relevant authorities.⁴⁹ Moreover, both looked at the concept of vulnerability,⁵⁰ with the Office of the General Prosecutor observing that the lack of definition of vulnerability⁵¹ in the new provision creates uncertainty with regard to whether or not certain situations would fall within the definition of THB. Judges met by GRETA were of the opinion that the new criminal provision on THB was clearer than the previous one and that it should lead to a more consistent application of the law. It was noted that many cases included in the above-mentioned analysis of the Supreme Court would have been classified as THB had the new provision been in force at the time of the criminal proceedings.

87. However, GRETA notes that the amended Section 192 of the CC is complex and still does not fully correspond to the definition of trafficking in human beings contained in Article 4 of the Convention. Although all three constituent elements of THB provided for in the Convention (action, means and purpose) are mentioned in Section 192, they appear in different paragraphs, which may result in inconsistent interpretation and application of the provision in practice. **GRETA urges the Hungarian authorities to bring the definition of THB in the Criminal Code fully in line with Article 4 of the Convention, including by ensuring that all forms of exploitation are adequately covered, including slavery, practices similar to slavery and servitude, as well as that the use of means is not required in case of child victims. Further, GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provision.**

⁴⁷ The previous provision only mentioned that the purpose of trafficking is exploitation.

⁴⁸ Office of the General Prosecutor, Julianna Huszár, Rethinking trafficking in human beings - The effectiveness of the provisions that entered into force on 1 July 2020 from a prosecutorial perspective, 5 February 2022. in *Belügyi Szemle*, 2022/2.

⁴⁹ GRETA was informed that the Supreme Court addressed the distinction between THB and the offences of procurement and endangering a minor in several decisions issued during the reporting period.

⁵⁰ In its analysis the Supreme Court also provides guidance to lower courts on the content of judgments in THB cases, including that the judgment should include a clear statement of facts regarding the vulnerability of the victim.

⁵¹ The analysis notes that, in the absence of a clear definition, prosecutors rely on the international definition (Palermo Protocol and EU Directive 2011/36/EC) stipulating that a position of vulnerability means that the victim has no real or acceptable choice but to submit to the exploitation. However, it is noted that there is uncertainty among prosecutors as to the meaning of "no real or acceptable choice."

88. Three guidelines have been issued by the Office of the Prosecutor General, in 2018, 2019 and 2023, in order to facilitate the detection and prosecution of THB cases, as well as a consistent application of the law in practice. The guidelines from 2018 (KSB. 3771/2018/5-I), which pertained to the old THB provision, specified that the consent of the victim, who is in a vulnerable position, to the exploitation is irrelevant. The guidelines issued in 2019 (KSB. 3771/2018/45-II), which concerned the identification of victims of trafficking and the criteria for the application of special treatment measures are described in more detail in paragraph 171. The guidelines from 2023 (KSB. 3771/2018/246) relate to the new THB provision and provide, *inter alia*, an explanation of the distinction between the offences of THB and procurement, with a focus on the element of vulnerability (e.g. in cases where the “loverboy method” is used), as well as the relationship between the offences in paragraphs 2 and 3 of Section 192. Further, the guidelines specify that extended confiscation of assets can be applied in cases of THB for the purpose of labour exploitation, and that in cases involving domestic servitude the value of the work performed should be determined with reference to the market value of similar work (e.g. housekeeping and caretaking jobs).

89. While the investigation of THB offences falls within the jurisdiction of county police headquarters, cases which have an international element are handled by the THB unit of the National Bureau of Investigations (see paragraph 119). County Police Deputy Chiefs and other relevant police authorities submit annual reports to the Chief of the Hungarian Police on the implementation of tasks related to the investigation of prostitution-related offences and human trafficking,⁵² which are taken into account when defining further tasks and training.

90. As noted in GRETA’s previous reports,⁵³ the police can use a range of special investigative techniques in the investigation of trafficking cases, in accordance with Act XXXIV of 1994 on the Police and Chapters XXXVI-XXXVIII of the CPC. These techniques include the use of informants and covert investigations, which do not require authorisation from the court, as well as secret searches and recording of events in private homes, and the use of wiretapping in cases with a transnational component, involving minor victims or organised crime, subject to court authorisation.

91. The freezing, seizure and confiscation of assets derived from or used in the commission of criminal offences, including THB, is regulated by Sections 72-76 of the CC and Instruction 20/2018 (V.31) of the National Police Headquarters on the Task of Tracing, Identifying and Securing the Proceeds of Crime and Other Property Related to Crime. Further, section 74/A of the CC allows for extended confiscation of assets acquired by a perpetrator of THB in the five years preceding the initiation of criminal proceedings, if the property or the lifestyle of the perpetrator is disproportionate to his/her verifiable income. Section 75 of the CPC stipulates that confiscated assets shall pass to the State, unless otherwise provided by law.

92. The Asset Recovery Office (ARO) of the National Bureau of Investigations (NBI) conducts financial investigations in THB cases with an organised crime element, and co-operates with law enforcement agencies of other countries in transnational cases. In the period 2019-2023, ARO sent out four requests to the authorities of Germany and Switzerland, and conducted 42 asset searches upon request from the authorities of other countries (Germany, the Netherlands, the UK and Switzerland). Most of the cases concerned THB for the purpose of sexual exploitation. The NBI also closely collaborates with the Hungarian Financial Investigations Unit (HFIU) of the National Tax and Customs Administration. GRETA was informed that the HFIU received 28 requests from domestic law enforcement agencies in THB cases in the period 2018-2022 (see also paragraph 129 with regard to international co-operation).

⁵² Pursuant to the Instruction No. 13/2014 (V.16) of the National Police Headquarters on the implementation of police tasks concerning prostitution-related offences and human trafficking.

⁵³ GRETA’s second evaluation report on Hungary, paragraph 184, and GRETA’s first evaluation report on Hungary, paragraph 197.

93. GRETA was not provided with statistics regarding the amount and type of assets confiscated during the reporting period. Out of the 27 reviewed cases (see below), confiscation of assets was ordered in 19 cases. The highest amount confiscated was HUF 198,055,640 (approximately EUR 530,000).

94. As noted in GRETA's second report,⁵⁴ legal persons can be held liable for criminal offences pursuant to Section 2 of Act CIV of 2001 on Measures Applicable to Legal Entities Under Criminal Law. GRETA was not informed of any cases involving the prosecution of legal persons for THB during the reporting period.

95. GRETA was informed of the increased use of the internet for the recruitment of victims of THB in Hungary, often through websites purporting to offer employment in Western European countries. The law enforcement authorities conduct open-source investigations and are planning to obtain the web-crawler software which would allow for more effective internet searches. Since most websites are located in other countries, the authorities often rely on international co-operation, including through EMPACT (see paragraph 154). Reportedly, they have also established a good co-operation with the private sector, such as the operator of a website who informs the police when a suspicious ad is published on the website.

96. There are reportedly many cases of domestic servitude in Hungary, most commonly affecting homeless persons, persons with disabilities and the elderly (see paragraph 156). Although the representatives of law enforcement and the prosecution met by GRETA recognised this as a problem, it appears that very few of these cases are investigated and prosecuted.

97. The number of prosecutions and convictions for THB and related offences⁵⁵ has increased as compared to the previous reporting period.⁵⁶ According to information provided by the Hungarian authorities, 500 offences were registered during the period 2019-2022, namely 49 in 2019, 95 in 2020, 132 in 2021, and 224 in 2022.⁵⁷ Prosecution was initiated against 391 persons during the same period, specifically: 40 in 2019 (27 men and 13 women), 85 in 2020 (55 men and 30 women), 86 in 2021 (61 men and 25 women), and 180 in 2022 (120 men and 60 women). While the majority of the alleged perpetrators were adults, some were aged 14-17. The number of persons convicted by a final judgment was 195, namely 46 in 2019, 24 in 2020, 58 in 2021, and 67 in 2022. Almost all were Hungarian citizens and around 60% were men. All but 19 persons were imposed sentences of imprisonment (79 sentences were suspended). The sentences ranged from less than six months to 15 years of imprisonment.⁵⁸

98. GRETA had access to anonymised judgments in 27 cases issued during the period 2019-2023, 23 of which concerned THB for the purpose of sexual exploitation, and four concerned other types of exploitation (forced begging, forced labour, forced marriage, and forced criminality). In seven cases involving THB for sexual exploitation, the victims were recruited in Hungary through the use of the loverboy method and were trafficked to Austria, Germany, Switzerland and Belgium where they were forced to engage in prostitution. A total of 52 persons were convicted of THB and were sentenced to imprisonment ranging from one year and eight months to 12 years and six months (two sentences were suspended). Most defendants were men, although some cases involved female perpetrators or couples. Most of the victims were women and girls, at least 15 of whom were younger than 18. Many of the child victims had been raised in state care. The men were mostly trafficked for the purpose of forced begging and either had a disability or were homeless. There is no information as to whether the victims, whose status was limited to that of witnesses, were informed of their rights as victims of crime, whether they

⁵⁴ GRETA's second evaluation report on Hungary, paragraph 168.

⁵⁵ The statistics cover the following criminal offences: trafficking in human beings (Section 192 of the CC), forced labour (Section 193 of the CC prior to 2020 amendments), and exploitation of a child in prostitution (Section 203 of the CC).

⁵⁶ See GRETA's second evaluation report, paragraph 180.

⁵⁷ The more detailed annual statistics for 2022 indicate that all but one defendant, who was from Romania, were Hungarian citizens. One half of the 224 offences investigated in 2022 took place in Hungary (Budapest and Somogy county) while the remainder of the offences were committed abroad. The majority of the offences concerned exploitation in prostitution (193) or other types of sexual exploitation, followed by exploitation for the purpose of labour exploitation (23).

⁵⁸ Specifically, one person received a sentence of six months or less, 19 persons were sentenced to six-12 months, 75 persons were sentenced to between one and two years, 20 persons were sentenced to two-three years, 49 were sentenced to three-five years, 63 were sentenced to five-eight years, 21 were sentenced to eight-10 years, and 11 persons were sentenced to 10-15 years of imprisonment in the period 2019-2022.

had legal representation or whether they were assigned any protective measures. Compensation claims filed by the victims are mentioned in only three of the 27 cases and all of the victims were referred to pursue the claims in civil proceedings.

99. In all but five cases in which the offence had been committed before the entry into force of the new provision on THB (1 July 2020), the court found that the old THB provision was more lenient for the defendant and applied that provision accordingly, in line with the principle of non-retroactivity of criminal law. In eight of the analysed cases, the indictment had initially been filed at a district court for an offence other than THB (e.g. procurement and deprivation of liberty) and was later requalified as THB and moved to a competent regional court.⁵⁹ This resulted in a significant delay in the proceedings. Otherwise, the total length of the court proceedings in the analysed cases was between two and three years.

100. Six of the analysed cases, in which courts applied either the old or new THB provision, are presented in more detail below:

- In the first case, the victim, who had grown up in state care, met the first defendant in 2008 when she was 19. Six months after they moved in together the defendant persuaded her to travel to Austria and later to Switzerland in order to engage in prostitution. She transferred or handed over most of her earnings to him. When the victim told the defendant that she no longer wanted to engage in prostitution he physically abused her. Upon her return to Hungary in 2014, the victim reported the case to the police, but it was not investigated at the time. Criminal proceedings against the defendant were initiated in Switzerland and continued in Hungary. In 2022, the Court of Appeal of Győr (Case No. Bf.III.90/2022/6) confirmed the first instance judgment of the Székesfehérvár Regional Court (Case No. 17.B.17/2021) and convicted the first defendant of THB and money laundering. The Court overturned the suspended sentence of two years issued by the first instance court and sentenced him to three years of imprisonment. The court found that the defendant had used the loverboy method to persuade the victim, who was in a vulnerable position, to engage in prostitution. The court also found that the defendant had similarly exploited three other women in Switzerland. The court confiscated HUF 13,589,684 (EUR 36,000) from the defendant. The other five defendants (relatives of the first defendant) were convicted of money laundering, while the statute of limitation had expired for the sixth defendant.
- In the second case, in 2022, the Court of Appeal of Pécs (CBf.18/2022/12) confirmed the first instance judgment convicting two defendants of THB for the purpose of sexual exploitation. The court found that, by taking advantage of the vulnerable position of five girls who had absconded from a children's home, the defendants persuaded the girls to engage in prostitution. The girls did not have any relatives and had become emotionally and economically dependent on the defendants. The court opined that, although the girls had grown up in state care and were obviously in a very vulnerable position, "the sexual exploitation did not cause them any trauma since they had the same attitude towards prostitution as the traffickers". The court considered this as a mitigating factor resulting in the lowered sentences for the two defendants. The court applied the new THB provision (Section 192(2)(a), (4) and (5)(a) and (d)) which was assessed to be more lenient for the defendants. Whereas the first instance court had sentenced the defendants to, respectively, 11 years and 14 years and six months of imprisonment in a high security prison, the Court of Appeal lowered the sentences to eight years and 12 years and six months' imprisonment, respectively.

⁵⁹ Under the Hungarian court system, regional courts have the competence over more serious criminal offences, such as THB.

- In the third case, in 2022, the Court of Appeal of Debrecen upheld the first instance judgment in the case Bf.430/2022/9, convicting three defendants of trafficking in human beings and bodily harm and sentencing them to three years and six months of imprisonment (first and second defendant) and two years and six months of imprisonment (third defendant). The defendants, a husband and wife and the wife's father, had recruited nine homeless persons, one of whom had an amputated leg, by promising them room and board in exchange for housework. The victims were taken to various cities in Hungary and abroad where they were forced to beg. The defendants also took away the social benefits money that the victims received. The court confiscated the assets of the defendants in the following amounts: HUF 425,000 (EUR 1,140) from the first defendant, HUF 1,420,400 (EUR 3,800) from the second defendant, and HUF 2,250,000 (EUR 6,030) from the third defendant. No compensation claims were filed by the victims. It is of note that the defendants had initially been convicted of forced labour in 2015 by the first instance court. The appellate court confirmed the judgment but lowered the punishment. Subsequently, the Supreme Court annulled the judgment in 2019 and returned the case for a retrial. The prosecutor amended the indictment and qualified the offence as THB.
- In the fourth case, in 2022 the Court of Appeal of Budapest convicted one defendant (initially charged with coercion) of THB under the new CC provision (Section 192(2)(b) and 5(a), (b) and (d)) and sentenced him to two years of imprisonment in a correctional facility for youth, which was later suspended. The defendant, who was himself under 18 and living in a children's home, forced two younger children from the home who had a mental disability to beg and steal, by taking advantage of their vulnerable position and by beating them. One of the victims attempted to commit suicide as a result of the situation. The judgment notes that one of the victims was clearly distraught to meet the defendant during the trial and was not able to testify in his presence. There is no information as to whether any protective measures were applied to the victims who were underage and clearly vulnerable. The victims were represented by their legal guardians.
- In the fifth case, in 2021, the Court of Appeal of Szeged confirmed the judgment of the Regional Court of Szolnok convicting one defendant of THB and failure to provide care. The facts took place in the period 2015-2016 and concerned two victims. The defendant and his partner moved in with the first victim who had diabetes and other health issues, after she accepted their offer to provide daily care to her in exchange for access to her bank account and the title to her flat which would pass to them after her death. Soon after the victim signed over her flat to them and gave them her bank card, the defendants stopped taking care of her causing her health to deteriorate. The victim eventually contacted the police and was taken to a hospital where she passed away. The second victim was a person without a fixed income and residence whom the defendants moved into the first victim's flat and forced to perform work around the house and steal from the family with whom he had previously lived. Both victims were exposed to physical abuse. The Court of Appeal reduced the sentence imposed by first instance court (10 years' imprisonment) to five years' imprisonment based, *inter alia*, on the finding that the offence only lasted several months and was 'atypical' for the defendant who had previously been convicted of theft and fraud. The court confiscated HUF 144,000 (EUR 383) from the defendant.
- In the sixth case, in 2018, the Metropolitan Court of Appeal upheld the judgment of the first instance court convicting the first and second defendant of THB, and acquitting the third and fourth defendant of aiding and abetting THB. The two defendants were sentenced to suspended sentences of two years and one year and eight months' imprisonment, respectively. The Court of Appeal ordered the first defendant to serve her sentence. The first defendant (a Hungarian national), recruited three women in Hungary and persuaded them to travel to Cyprus in order to marry third-country nationals in exchange for money. She later contacted the women through fake social media accounts impersonating their intended spouses, in order to reassure them and convince them to travel to Cyprus. The victims were told that they could refuse to get married and return to Hungary at any time. With the help of the other defendants, the first defendant arranged for the women to travel to Cyprus where they were sold to third-country nationals for

EUR 1,000-1,200. Their passports were taken away and they were held in captivity. The court confiscated HUF 477,280 (EUR 1,600). One of the victims who had filed a compensation claim was referred to civil proceedings.

101. GRETA welcomes the efforts of the Hungarian authorities aimed at improving the investigation and prosecution of THB cases, including through the issuance of prosecutorial guidelines, the above-mentioned analyses of the Supreme Court and the Office of the General Prosecutor, the appointment of anti-trafficking senior supervisor police officers, as well as the establishment of a network of specialised prosecutors (see paragraphs 119 and 120). GRETA further welcomes the increased number of prosecutions and convictions in THB cases. However, a number of gaps remain. Although the amendments to the criminal provision on THB introduced certain positive changes, including harsher punishment for certain forms of the offence, the new definition of THB is not fully in line with Article 4 of the Convention and may lead to inconsistent application in practice. Moreover, it appears that special investigative measures are not used in THB cases.

102. **GRETA considers that the Hungarian authorities should take further measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:**

- **ensuring that human trafficking offences for different forms of exploitation, including cases involving domestic servitude (see also paragraph 162), are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;**
- **providing systematic and continuous training on the application of the amended provisions of the CC and other relevant legislation related to trafficking in human beings to police officers, prosecutors and judges;**
- **ensuring that trafficking offences are classified as such at the early stage of the proceedings, to the extent the circumstances allow this, in order to avoid delays in proceedings and ensure consistent application in practice;**
- **ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible.**

8. Non-punishment provision (Article 26)

103. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁶⁰ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

⁶⁰ See 2nd General Report on GRETA's activities, paragraph 58.

104. There is still no specific provision in Hungarian law on the non-punishment of victims of THB for unlawful activities they were compelled to commit.⁶¹ The Hungarian authorities have once again referred to general provisions of the CC, in particular Section 15, which provides, *inter alia*, that criminal responsibility may be fully or partially excluded if the perpetrator acted under coercion or threat. Section 19 of the CC further stipulates that any person who has committed a criminal act under coercion or threat, depriving him/her of the capacity to act according to his/her own free will, shall not be prosecuted, and that the punishment may be reduced without limitation if the coercion or threat limits the ability of the perpetrator to act in accordance with his/her own free will. According to the Hungarian authorities, the use of the means included in paragraph 2(a) and 2(b) of Section 192 of the CC (trafficking in human beings and forced labour), namely persuasion, coercion and violence or threat, shall result in the exclusion of criminal responsibility of the victim under Section 19, since the victim could not have acted in accordance with his/her own free will.⁶² The authorities also rely on Section 20 of the CC concerning exclusion of criminal responsibility in cases where a perpetrator committed the criminal offence based on a mistake of fact.

105. As noted in the second evaluation report,⁶³ persons engaged in prostitution outside a tolerated area designated by the municipality or without the possession of a health certificate, are charged with prostitution, punishable by a fine, under the Act on Minor Offences, Offence Procedures and the Registration System of Offences (hereinafter "Minor Offences Act").⁶⁴ The law provides that, if it can be determined that a person punished for illegal prostitution is a victim of trafficking, the court can either terminate the procedure or reduce the punishment. If a victim of THB indicates this circumstance after the punishment has been pronounced, the victim has the option of a retrial.

106. In its second evaluation report,⁶⁵ GRETA expressed concern that children aged 14-18 were considered as adults and could be fined for engaging in prostitution under the Minor Offences Act, and urged the Hungarian authorities to repeal this legislation and instruct the police to consider all children who are engaged in prostitution as victims, including possible victims of trafficking, rather than as offenders. A report of the Commissioner for Fundamental Rights on child prostitution in Hungary has also recommended that the relevant legislation be amended to prevent the punishment of children under the age of 18. As mentioned in paragraph 16, the recommended changes were introduced by the amendment to the Minor Offences Act from 2020, which explicitly provides that persons under the age of 18 shall not be punished for the provision of sexual services.⁶⁶

107. The authorities were not able to provide information on the number of cases in which the non-punishment principle was applied to victims of trafficking during the reporting period. Prosecutors met by GRETA during the evaluation visit recalled examples involving victims of trafficking who were forced to work on cannabis plantations and a victim who was initially suspected of being a trafficker, but the charges were dropped after it was discovered that she was a victim herself. GRETA was also informed that the Office of the Prosecutor General commissioned an assessment of the application of the non-punishment principle to victims of trafficking, and that all county chief prosecutors were asked to report on relevant cases from their jurisdiction. The assessment involved 60 cases out of which forced criminality (including minor offences) was identified in 15 cases. In the majority of the cases, no criminal proceedings were initiated against the victims and the traffickers were additionally charged and convicted as accessories. Most of the cases involved victims of labour exploitation, but there were also cases of victims of sexual exploitation forced to commit crimes against property. Prosecutors had to intervene to apply the non-

⁶¹ GRETA's second report on Hungary, paragraph 171.

⁶² See Report submitted by the authorities of Hungary on measures taken to comply with Committee of the Parties Recommendation CP/REC(2019)07 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, p. 18.

⁶³ GRETA's second evaluation report on Hungary, paragraphs 173 and 174.

⁶⁴ The Act on Minor Offences, Offence Procedures and the Registration System provides the punishments for lesser offences than those contained in the Criminal Code, which can be processed by the police without the need to involve a court.

⁶⁵ GRETA's second evaluation report on Hungary, paragraphs 116 and 129.

⁶⁶ GRETA was provided with an example from 2021, involving an underage girl who provided sexual services in exchange for money. In accordance with the amended provision of the Minor Offences Act, the girl was not fined for her activity, but was placed in a children's home and provided with assistance. There was no indication that she may have been a victim of trafficking.

punishment principle in a few cases. Taking into account the results of this assessment, the Office of the Prosecutor General highlighted the appropriate approaches at the national training held on 12 December 2022.

108. While welcoming the amendments to the Minor Offences Act precluding punishment of children who provide sexual services, as well as the assessment of the application of the non-punishment principle by the Office of the Prosecutor General, GRETA once again urges the Hungarian authorities to adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so⁶⁷ and/or to issue guidance to the police and public prosecutors on the application of the non-punishment principle, accompanied by training to police officers, prosecutors and judges on the application of the non-punishment principle to victims of trafficking.

9. Protection of victims and witnesses (Articles 28 and 30)

109. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

110. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

⁶⁷ See also the Report of the Special Rapporteur on trafficking in persons, especially women and children on the implementation of the non-punishment principle, UN SR (A/HRC/47/34), which provides in paragraph 57 that states are obliged to ensure that the non-punishment principle is applied to "any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed."

111. Chapter 14 of the CPC, including amendments which came into force on 1 March 2022,⁶⁸ contains provisions on the special treatment and protection of witnesses and victims in criminal proceedings. They include confidentiality of personal data, avoiding confrontation with the defendant, use of an aide,⁶⁹ testimony through audio-visual means, use of witness or victim statements recorded during the investigation in lieu of testimony, and exclusion of the public from the trial. The criteria for the application of special treatment measures are set out in Section 81 of the CPC and include age, physical and mental condition, relation to the defendant and violence suffered. The decision to apply special treatment measures is issued by the court, the prosecution or the investigative authority, upon request of the injured party. Children (see paragraph 137), persons with disabilities and victims of crimes against sexual freedom are automatically entitled to special treatment. GRETA was informed that that the special treatment measures, such as testimony through audio-visual means, are widely used in criminal proceedings.

112. The Ministry of Justice Decree No. 12/2018 on the rules governing certain acts and persons involved in criminal proceedings provides that the investigating authorities shall carry out an individual assessment of each witness/victim by filling out the information sheet on ensuring special treatment which is annexed to the Decree. The information sheet contains a check list of factors to be assessed, including the age of the person, presence of disability, and whether the person is a victim of a violent act. The application of special treatment measures is further elaborated in the Regulation on interviewing victims of crime (including THB victims and children) and the Prosecutorial Guidelines issued in May 2019 (see paragraph 171). In February 2023, the Prosecution Service organised a four-day training for junior prosecutors, with a special focus on the rules related to the special treatment measures for victims of THB.

113. Pursuant to Sections 90 to 93 of the CPC, upon the motion of the prosecutor, the court may grant a person requiring special treatment the status of a protected witness, if his/her testimony is related to substantial circumstances of a case of considerable gravity, there is no alternative to his/her testimony, and the life, physical integrity or personal freedom of the witness or his/her relatives would be threatened if the witness' identity or the content of his/her testimony were revealed. In addition to the measures mentioned above, the defendant and the defence counsel shall not be present during the testimony of a protected witness, the witness' identity shall be protected and all proceedings involving the witness shall be kept confidential.

114. Pursuant to Act LXXV of 2001 on the Protection Programme for Participants of Criminal Procedures and Persons Co-operating with the Criminal Justice, witnesses may be admitted into a witness protection programme in cases concerning serious crimes which bear the characteristics of organised or transnational crime, or which are connected with an act of terrorism, extortion, money laundering, trafficking in drugs or firearms, prostitution, paedophilia or a related violent crime. Measures taken can include relocating the person to a safe location, physical protection, and protection of personal data.

115. In addition to the protection measures mentioned above, witnesses in criminal proceedings can benefit from a service referred to as witness care, which is provided by judicial witness counsellors who inform witnesses about their procedural rights and obligations and provide support during their participation in criminal proceedings. GRETA was informed that there are 244 witness counsellors throughout the country, and most courts have several counsellors available. Victims of trafficking who participate in criminal proceedings may also have a support person who accompanies them in court. Under

⁶⁸ The following measures were introduced through the amendments: when using audio-visual means for the testimony of the injured party, it shall be ensured that the injured party can only see the proceeding member of the investigative authority, prosecutor or judge; following the indictment, all proceedings requiring the presence of the injured party shall be carried out by the court through a delegate judge or at a requested court; the right of persons present during the proceedings attended by the injured party to ask questions is limited – they may only propose that a question be asked; and the hearing during which the injured party testifies shall be closed to the public.

⁶⁹ Pursuant to Section 59(1) of the CPC, among the persons who may be designated by the victim to serve as an aide are a legal representative, guardian *ad litem*, the adult person providing care for the minor or the juvenile, an authorised representative, advocate, an adult person specified by an aggrieved party, an attorney-at-law representing a witness, a person protecting a person who participates in the Witness Protection Program, and a legal aid lawyer.

an agreement between the police and the NGO Hungarian Baptist Aid, the latter may provide psychosocial assistance to witnesses during court hearings.

116. GRETA was not provided with statistics regarding the number and type of protective measures that have been applied to victims of trafficking during the reporting period.

117. **GRETA considers that the Hungarian authorities should make full use of all existing provisions for the protection of witnesses and victims with a view to ensuring that victims are adequately protected from retaliation or intimidation before, during and after judicial proceedings.**

10. Specialised authorities and co-ordinating bodies (Article 29)

118. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

119. The THB unit of the National Bureau of Investigation, which investigates THB cases with an international element, became an independent unit as of 1 January 2021. Moreover, in 2019, anti-trafficking senior supervisor officers were appointed in all county/capital police headquarters in Hungary, in order to increase the detection of THB and related crimes and ensure the protection of the rights of victims. There are 40 anti-trafficking senior supervisor officers throughout the country, two in each county (one chief officer and one deputy). They receive regular training on THB from the Directorate General for Criminal Investigation of the National Police Headquarters as well as from the county police headquarters where they are located. Access to relevant manuals, tutorial videos and laws is also provided on the MyPolice intranet site.

120. A network of prosecutors specialised in trafficking in human beings, comprising one prosecutor from each of the 19 county and capital chief prosecution offices, including the Chief Prosecution Office of Investigation as well as the five regional appellate chief prosecution offices, became operational on 1 January 2023. The organisation and functions of the network are set out in the amended Instruction No. 9/2018 (VI. 29.) of the Prosecutor General on prosecutors' tasks relating to preliminary procedures, supervision and direction of investigations and closing measures, which provides that the designated specialised prosecutors shall ensure uniform processing of THB cases in their respective jurisdiction and assist the lower-level prosecutors in identifying potential THB cases among cases initially qualified as lesser offences. The specialised prosecutors shall also maintain contact with the other relevant authorities and civil society organisations. The names of specialised prosecutors have been sent to the competent police units and the network will have its own platform on the intranet site of the Prosecution Service. It held its first meeting on 21 February 2023. The topic of THB is included in the training programme of the Prosecutor General's Office.

121. In 2019, the Ministry of the Interior launched a series of joint training sessions for investigators, prosecutors and judges, covering topics such as the amended definition of THB, the rules on special treatment of victims and the victim support system. The training comprised both lectures and small group workshops in which the participants were presented with case studies. Representatives of up to four counties participated in each training, and all of the counties and the city of Budapest were covered by the summer of 2021 (a total of 169 participants). The last training was held on 19-20 September 2022.

122. Judges in Hungary specialise in a specific area of law (civil, administrative, labour, economic or criminal law) and the distribution of cases in the first-instance courts (Regional Courts) shows that usually the same judges try the cases of THB and forced labour. GRETA was informed that training on THB has been integrated into the training curriculum of the Academy of Justice. By way of example, the Justice Academy organised a training on THB, with a focus on international co-operation and special treatment measures in February 2022, which was attended by 85 judges, as well as an online training on the interpretation of the legal provision on THB in November 2022, in which 90 judges took part. At the time of GRETA's visit, 80 judges had applied for training scheduled to take place in 2023.

123. GRETA welcomes the establishment of the network of prosecutors specialised in trafficking in human beings and the appointment of anti-trafficking senior supervisor officers in county/capital police headquarters, and considers that the Hungarian authorities should continue to develop the specialisation of the relevant professionals, including through the provision of regular trainings on trafficking in human beings.

11. International co-operation (Article 32)

124. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁷⁰ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

125. As detailed in GRETA's previous reports,⁷¹ Hungary participates in international co-operation in criminal matters in the area of THB, on the basis of Act XXXVIII of 1996 on International Legal Assistance in Criminal Matters, Act LIV of 2002 on the International Co-operation of Law Enforcement Agencies, Act XCII of 2012 on the Promulgation of the Police Co-operation Convention for Southeast Europe, and Act CLXXX of 2012 on Co-operation in Criminal Matters with the Member States of the European Union.

126. International co-operation in criminal matters is most often conducted through Europol and Eurojust. GRETA was informed that the Hungarian police regularly exchange information with their counterparts in other countries through the Secure Information Exchange Network Application (SIENA) system operated by Europol. The most frequent exchanges are established with the authorities of Belgium, Switzerland, Romania, Germany, Austria and the UK, where most Hungarian victims are trafficked. The number of exchanges sent and received during the reporting period was as follows: 307 sent and 687 received in 2019, 413 sent and 807 received in 2020, 451 sent and 878 received in 2021, and 265 sent and 526 received in 2022 (until 30 June).

⁷⁰ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

⁷¹ See GRETA's first evaluation report on Hungary, paragraphs 12, 13, 89-91, and GRETA's second evaluation report on Hungary, paragraphs 203 and 204.

127. The National Bureau of Investigation (NBI) is responsible for the more extensive, day-to-day international co-operation with the law enforcement authorities of other countries. This includes the use of International Letters of Request (ILOR) for mutual legal assistance in criminal matters and European Investigation Orders (EIO), as well as financial investigations involving NBI's Asset Recovery Office. GRETA was informed that in 2022, the NBI sent 10 EIOs to other EU Member States, concerning requests to obtain case files, interviews, searches and wiretapping, and it received five EIOs from other countries.

128. In complex cross-border THB cases, the Hungarian authorities co-operate with other countries through Joint Investigation Teams (JITs), which are co-ordinated and supported by Eurojust. The authorities participated in a JIT with the UK in 2018 and are currently participating in another one that was established in August 2022 and will last until the summer of 2024. JITs were also established with the authorities of Germany and Romania (2020-2022) in a case involving forced begging. At the time of GRETA's visit, the authorities were participating in a JIT with Switzerland which was prolonged for one year. A new JIT was set up with Belgium for a period of two years.

129. The Hungarian Financial Investigation Unit (HFIU) independently co-operates with financial investigation authorities of other countries, as well as with Europol, in accordance with Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing and the Egmont standards (Egmont Charter⁷² and Egmont Principles⁷³). The HFIU has also concluded nine MoUs with the authorities of third countries and one with an EU Member State. During the reporting period, the HFIU received 10 requests from international authorities in THB cases, namely four in 2018, one in 2019, two in 2021 and three in 2022. In addition, it engaged in two spontaneous disseminations of information in 2021 and two in 2022.

130. GRETA was informed that Hungary participates in the European Network on Victims' Rights (ENVR) and the EU network of contact points for state compensation, which facilitates the provision of assistance to victims of trafficking in cross-border cases.

131. The second phase of the Swiss-Hungarian Co-operation Programme was launched in November 2022. The programme, which has a budget of around HUF 40 billion (around EUR 100 million), is aimed at reducing economic and social disparities in Hungary, and provides support in eight thematic fields, including improving health and social protection, reducing youth unemployment, managing migration and supporting integration, as well as programmes for minority and disadvantaged groups.⁷⁴ One billion HUF (around EUR 2.6 million) is earmarked for action to combat trafficking in human beings.

132. GRETA welcomes the participation of the Hungarian authorities in international co-operation related to combating THB, including the setting up of JITs in human trafficking cases and co-operation in financial investigations, and invites them to continue their efforts in this respect.

⁷² <https://egmontgroup.org/wp-content/uploads/2021/09/Egmont-Group-Charter-Revised-September-2018-Sydney-Australia.pdf>

⁷³ https://egmontgroup.org/wp-content/uploads/2022/07/2.-Principles-Information-Exchange-With-Glossary_April2023.pdf

⁷⁴ [Thematic fields in the second Swiss-Hungarian Cooperation Programme \(admin.ch\)](#)

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

133. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁷⁵ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁷⁶ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁷⁷ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁷⁸

134. The Hungarian authorities have referred to Act CL of 2016 on the Code of General Public Administration Procedures, under which all government officials are required to exercise their authority impartially and in compliance with the principles of equality before the law and equal treatment. Moreover, pursuant to Section 89(1)(a) of the CPC, an injured party who requires special treatment may only be interviewed by a person of the same sex and a representative of the investigative authority who is of the same sex as the injured party shall also be present at all other proceedings in which the injured party participates.

135. GRETA notes the concern expressed in the Concluding observations on the ninth periodic report of Hungary recently adopted by CEDAW,⁷⁹ regarding "persistent barriers to women's and girl's access to justice, in particular for women and girls facing intersecting forms of discrimination who have limited access to justice owing to social stigma, the inaccessibility of the judicial system, gender bias among law enforcement officers, including the police." Civil society organisations met by GRETA pointed to the fact that the new Strategy on Strengthening Women's Role in Family and Society makes no mention of violence against women and limits the reference to women's rights only to the context of the family.

136. GRETA considers that the Hungarian authorities should promote a gender-responsive approach to access to justice for victims of trafficking, including through gender mainstreaming and training.

⁷⁵ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁷⁶ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁷⁷ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁷⁸ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁷⁹ CEDAW, Concluding observations on the ninth periodic report of Hungary, adopted in February 2023, paragraph 13.

b. child-sensitive procedures for obtaining access to justice and remedies

137. The CPC, including the amendments which came into force on 1 January 2021, provides for extensive protection measures for children in criminal proceedings. Pursuant to Section 82, persons under the age of 18 who appear as witnesses or injured parties in criminal proceedings are automatically entitled to special treatment measures further elaborated in Sections 87 and 88 of the CPC. Specifically, the investigating authority shall prepare an audio-visual recording of the interview whenever possible and may order a forensic psychologist and a 'special advisor' with the necessary qualifications as defined under Section 61(2) of the Child Protection Act to be present. The child shall be asked questions through the special advisor and no confrontation with the defendant may be ordered without the consent of the child. If the child has provided a statement during the investigation, the authorities should refrain from calling him/her to testify before the court (Section 89(5)). Section 88 of the CPC provides for additional protective measures for children younger than 14, including that the child shall be heard only if there is no alternative source for the evidence provided by the child, the interview shall be carried out in a room suitable for that purpose, all interviews shall be carried out by the same person, and the defendant and defence counsel shall not be present during the interview.

138. In addition to the above-mentioned measures, in 2021 children's houses based on the Barnahus model were introduced in Hungary through the establishment of the Hearing and Therapy Services within the Child Protection Services. At the time of GRETA's visit, there were five children's houses in the country, including the one in the town of Szombathely which had been opened in 2016 as a pilot project, one in Debrecen, another one in Gyula, and two in Budapest, which were opened in 2022. Another children's house is expected to be opened in Miskolc in 2024. The staff of the children's houses includes special advisors, mentioned above, who are employed by the Child Protection Services and are provided with the necessary training. GRETA was informed that there are 19 special advisors.

139. GRETA visited the children's house in Budapest which is located in the Child Protection Centre. In addition to the interview room, the children's house had a play room, a room for medical examinations, as well as a room with a bed where children could rest. The interview room was equipped with four cameras and there was an adjacent room from which the interview could be observed. GRETA was informed that prior to legislative changes introduced in 2022, interviews with child victims were usually conducted by a police officer in plain clothing, while now interviews can also be conducted by the special advisor or by a forensic psychologist/psychiatrist depending on the case. The child's legal guardian and a social worker may also be present in the interview room or observe remotely. Children have access to psychological assistance if needed, and they are supported by the social worker throughout the process. The interviews are conducted by a person of the same sex as the child. GRETA was informed that most of the children interviewed at the children's house are victims of sexual abuse and violence. Of the 164 children interviewed in 2022 (either as a victim of crime or a suspect) only one was a victim of THB.

140. The National Child Protection Service, which manages the Barnahus network, provides training to its staff. During the first round of training on the special hearing techniques adapted to child victims of abuse, supported by the Belgian embassy, 12 staff members (special advisors) took part in a 10-day basic training and received a three-day refresher course in 2022. Eight additional professionals were trained in 2022. Starting in 2023, the training of the special advisors will be provided by the National University of Public Service (NKE) in the framework of a two-semester course. In the first half of 2024, a training course on the application of the Barnahus method will be launched at the NKE and will be open to police and civil professionals. Training on communication with child victims of crime is also provided to the relevant professionals by the Office of the Judiciary, the Ministry of the Interior, and NGOs such as the Hungarian Baptist Aid.

141. If there is no children's house in the area in which a child victim of trafficking is identified, the victim can be interviewed in a designated room in the police station or in the children's interview room at the competent court. The Action Plan for the period 2020-2021 envisaged the establishment of a children's hearing room in every court, with a staff of more than seven. At the end of 2021, there were 64 such rooms at the regional and district courts across the country.

142. GRETA welcomes the establishment of children's houses (Barnahus) and the children's interview rooms at district and regional courts, as well as the training provided to the relevant professionals. **GRETA considers that the Hungarian authorities should ensure that child-sensitive procedures are consistently used when investigating, prosecuting and adjudicating cases of THB, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,⁸⁰ including measures to ensure that there is a sufficient number of child-friendly interview rooms across the country.**

c. role of businesses

143. In March 2022, a virtual roundtable discussion on trafficking in human beings, hosted by the FAST Initiative and the Hungarian Financial Intelligence Unit (HFIU) was organised for representatives of the financial sector in Hungary. The event aimed at raising awareness of THB among the participants and improving the reporting of suspicious activities⁸¹ that might be related to trafficking in human beings. A typology paper was developed as a follow-up to the roundtable discussion, presenting common indicators of trafficking in human beings as well as the international best practices with regard to the identification and tackling of THB in the financial sector.

144. The above-mentioned typology paper served as the basis for "Project Helena", initiated by the HFIU, which is focused on building better public-private partnerships and strengthening co-operation between the HFIU and law enforcement agencies in combating THB, through regular meetings and the inclusion of other stakeholders as needed.

145. GRETA was not provided with information with regard to any legislative or other measures aimed at preventing human trafficking in public procurement procedures and supply chains.

146. **GRETA considers that the Hungarian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁸² and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,⁸³ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.**

147. **Further, GRETA considers that the Hungary authorities should adopt legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation.**

⁸⁰ Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

⁸¹ According to the information provided by the Hungarian authorities, the HFIU received 14 suspicious activity reports (SARs) in 2021 and 10 in 2022, in relation to suspected cases of THB.

⁸² http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁸³ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

d. measures to prevent and detect corruption

148. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

149. In its Fifth Round Evaluation Report published on 9 June 2023,⁸⁴ GRECO recommends several measures to increase transparency and avoid undue influence in law enforcement, including with regard to the selection and appointment of high-level officials and managers in the Hungarian National Police and the National Protective Service (NPS), instructions by the Minister of Interior in individual cases, and donations to the NSP. It is recommended that the Code of Ethics for Law Enforcement be further elaborated and complemented by a confidential counselling mechanism, that a clear requirement for police staff to report integrity-related misconduct be established, as well as that the disciplinary regime of the police and the NPS be reviewed and the protection of whistle-blowers within these institutions strengthened. GRECO also recommended to increase the representation of women at all levels of the Police and the NPS.

150. Pursuant to the Police Act, the National Protective Service is responsible for detecting and investigating corruption within the official state bodies. GRETA was informed that no cases with a link between trafficking in human beings and corruption were identified during the reporting period.

V. Follow-up topics specific to Hungary

1. Measures to prevent and combat trafficking for the purpose of labour exploitation

151. As noted in GRETA's second report,⁸⁵ in addition to matters of labour law, health and safety, labour inspectors in Hungary control the migration status of foreign workers and employers' respect of their obligations. They can make unannounced visits at any work site, at any time. As of 1 January 2018, labour inspectors can also carry out inspections in private homes between 8 a.m. and 8 p.m., with the consent of the owner. Otherwise, they can only enter the front yard of a house if the gate is open. At the time of GRETA's visit, there were 170 labour inspectors in Hungary. GRETA recalls the importance of allocating sufficient human resources to ensure the effectiveness of labour inspectorates, and refers to the relevant standards established by ILO.⁸⁶

152. Labour inspectors participate in the identification of victims of trafficking in accordance with the Government Decree 354/2012, which contains an expanded list of indicators of THB for the purpose of labour exploitation. If a presumed victim is detected during a regular inspection, the labour inspector will conduct an interview with the victim and refer the victim through the Identification and Support for Victims of Trafficking in Human Beings (EKAT) system (see paragraphs 172-175). Labour inspectors participate in training on THB organised by the Ministry of the Interior and the identification of victims of trafficking is part of the exam for new recruits. Labour inspectors have also received training within the project "Development of Legal Employment", implemented in 2018-2022, which was aimed at enhancing the physical safety (occupational and health safety) and legal safety (compliance with labour law) of workers.

⁸⁴ <https://www.coe.int/en/web/greco/-/hungary-publication-of-5th-round-evaluation-report-and-4th-interim-compliance-report-of-4th-round>

⁸⁵ GRETA's second evaluation report on Hungary, paragraph 54.

⁸⁶ See ILO, Guidelines on general principles of labour inspection (2022), pp.20-21. See also ILO, Committee on Employment and Social Policy, Strategies and practice for labour inspection (2006) GB.297/ESP/3, paragraph 13.

153. In December 2021, the then Ministry for Innovation and Technology (now Ministry for Technology and Industry) and the National Police Headquarters signed a co-operation agreement on regular and co-ordinated labour inspections. The agreement envisaged one joint inspection to be conducted monthly in each county until the end of 2023, targeting high-risk sectors. In the first half of 2022, 267 employers and 947 employees were inspected, resulting in the identification of two victims of trafficking. GRETA was informed that in addition to labour inspectors and representatives of the police, the Directorate for Aliens Policing and the Tax Authority take part in the joint inspections.

154. Labour inspectors, together with the police and immigration authorities, participate in the EMPACT Joint Action Days against labour exploitation which in 2022 entailed the inspection of 74 sites and the control of 611 persons, and resulted in the interrogation of 19 suspects and the initiation of criminal proceedings in three cases involving eight victims of trafficking (five victims of sexual exploitation and three of labour exploitation).

155. According to statistics provided by the Hungarian authorities, 33% of the 796 victims of trafficking identified in the period 2017-2022 were victims of THB for the purpose of labour exploitation (including forced begging).

156. The labour inspectors met by GRETA indicated that domestic servitude, often involving homeless persons, persons with disabilities and the elderly, is widespread, particularly in the south-eastern part of the country (Békés county). This problem has been widely reported in the media. GRETA was informed of one media report which resulted in uncovering around 150 persons who were held in domestic servitude in the city of Szarvas.⁸⁷ Only one case was identified by labour inspectors in the Békés county during the reporting period.⁸⁸ NGOs met by GRETA referred to cases of persons who were held in domestic servitude for years, accommodated in poor conditions, deprived of food and not being paid. Many of them had suffered physical and psychological abuse. Nonetheless, most cases of domestic servitude go undetected, partly due to the limited ability of labour inspectors to inspect private homes as well as the fact that domestic servants have been used "historically" in Hungary. In their comments on the draft GRETA report, the Hungarian authorities pointed out that the investigating authorities had identified a number of cases of domestic servitude outside of the above-mentioned EMPACT Joint Action Days.⁸⁹

157. Persons fleeing the war in Ukraine may be at risk of becoming victims of labour exploitation. Although some of them have Hungarian citizenship (as members of the Hungarian minority in Ukraine) and despite the fact that Ukrainian refugees in the EU have been granted temporary protection which entails the right to work, GRETA was informed that many are employed in poorly paid jobs without benefits and sick leave, and are usually not aware of their labour rights.

158. GRETA was informed of an increasing number of workers from Mongolia, the Philippines, Serbia, Albania and Kosovo* who come to Hungary through employment agencies, mostly to work in the construction and meat processing industries. Some third-country nationals are employed in so-called "work hostels" in which they perform manufacturing work and are provided with room and board.

⁸⁷ See [Cselédként dolgoztattak egy férfit és egy mélyszegénységben élő hatfős családot Borsodban and https://abcug.hu/szarvason-mindenki-nev-szerint-ismeri-a-csicskakat/](https://abcug.hu/szarvason-mindenki-nev-szerint-ismeri-a-csicskakat/). See also <https://www.voanews.com/a/hungarian-filmmaker-tells-domestic-slave-story---and-helps-her-escape/4436508.html>

⁸⁸ The case involved three persons employed in construction work and as domestic servants at a private house, in exchange for room and board. Two of them were found to be malnourished and poorly dressed. The case was recorded in the EKAT system by the police.

⁸⁹ See <https://thb.kormany.hu/criminal-organisation-busted-in-papa>, <https://thb.kormany.hu/indictment-for-multiple-counts-of-human-trafficking-and-forced-labour> and <https://thb.kormany.hu/exploiters-could-face-charges-of-human-trafficking-and-forced-labour>

* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

159. The NGO Menedek, which assists migrants and asylum seekers, implemented a one-year project (May 2022 – May 2023) “SAFEmployment Hungary” with the goal of contributing to the fair and legal employment of persons fleeing Ukraine and supporting their integration in Hungary. Menedek and the Directorate General for Aliens Policing have also published a one-page leaflet aimed at foreign workers in Hungary, containing the message “Labour exploitation can affect anyone” and the contact details of the organisation. The Action Plan for 2022-2023 envisages a nationwide campaign aimed at raising awareness of the dangers related to employment abroad, which will be implemented by the Ministry of the Interior with funding from the Swiss-Hungarian Co-operation Programme II.

160. GRETA was informed that in 2022, the Hungarian Government adopted Decree No. 22/2022 (VI.28) on the registration and activities of employment agencies, which introduced stricter rules for the licensing and operation of temporary employment agencies. As part of the licensing procedure, the agencies undergo a national security screening and their work is supervised by the Ministry of Foreign Affairs and Trade which publishes the list of registered employment agencies.⁹⁰ There were 25 agencies registered at the end of May 2023. The Ministry also published a notice containing a list of third countries from which recruitment of workers can be done under a simplified procedure.⁹¹ In case of non-compliance with the applicable rules, a recruitment agency will be removed from the register and can only be reinstated after two years, subject to conditions stipulated by law. According to the Hungarian authorities, the new system is expected to prevent the flow of work force into the black and grey economy and significantly reduce the risk of workers becoming victims of human trafficking.

161. As mentioned in paragraphs 15 and 83, labour exploitation was incorporated into the definition of trafficking in human beings under the 2020 amendments to the CC. Judges met by GRETA opined that this would make it easier to prosecute cases of THB for the purpose of labour exploitation (see paragraph 86).⁹²

162. GRETA welcomes the inclusion of labour exploitation in the definition of trafficking in human beings as well as the adoption of stricter rules concerning the registration and operation of temporary employment agencies, which corresponds to one of GRETA’s previous recommendations. **GRETA considers that the Hungarian authorities should make further efforts to prevent and combat THB for the purpose of labour exploitation, taking into account GRETA’s Guidance Note on combating trafficking for labour exploitation⁹³ and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation.⁹⁴ This should include steps to:**

- **ensure that continuous training is provided to labour inspectors to enable proactive identification of victims of human trafficking;**
- **increase the number of labour inspectors and ensure that their mandate enables them to be proactively engaged in the prevention and detection of THB;**

⁹⁰ <https://kormany.hu/dokumentumtar/minositett-foglalkoztatok-listaja>

⁹¹ Notice of the Ministry of Foreign Affairs and Trade published in the Official Gazette (Issue 42 of 2022, p. 71), available at <https://magyarkozlony.hu/dokumentumok/85103685d73450dec8ba02ebaf8d61bbdfa07425/megtekintes>

⁹² Previous Section 192 referred to exploitation without specifying different types of exploitation, and exploitation was defined as “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.”

⁹³ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

⁹⁴ Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and Explanatory Memorandum, adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies.

- **proactively and thoroughly investigate cases of THB for labour exploitation involving persons exploited in domestic servitude, ensuring that any possible victims of trafficking among them are identified in a timely manner and are offered appropriate assistance;**
- **ensure that during joint inspections, a clear distinction is made between labour inspection and immigration control functions;**
- **raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation, including domestic servitude;**
- **strengthen co-operation between law enforcement officers, labour inspectors, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation.**

2. Measures to discourage demand

163. As noted in paragraph 83, Act V of 2020 on the amendment of certain laws to prevent the exploitation of victims of human trafficking introduced a new paragraph 8 to Section 192 of the CC (trafficking in human beings and forced labour), which criminalises the use of services of victims of trafficking, as follows:

“A person who

a) uses, or makes use of, the work, work-like activity, other service or unlawful act of the aggrieved party of trafficking in human beings as specified in paragraph (2), shall be punished by imprisonment for up to three years.

b) who commits the criminal offence specified in point a) by using a sexual act or for the purpose of the illegal use of a human body, shall be punished by imprisonment for one to five years.”

164. In the event where the victim is a child, Section 203(2) of the CC (exploitation of child prostitution) already criminalised the use of services of children engaged in prostitution, but the amendment introduced in 2020 increased the maximum penalty of imprisonment from three years to up to eight years. The Hungarian authorities have referred to the cases described below. It is not clear whether all of these cases were qualified as exploitation of child prostitution and some of them appear to contain elements of trafficking in human beings.

- Three men currently standing trial coerced girls into prostitution for financial gain in Budapest. They threatened and abused their victims, blackmailing one of them of posting a compromising video on the internet. One of the victims was only 12 years old and two of the defendants were also underage at the time the offence was committed. The Chief Prosecution Office of Budapest also brought charges (exploitation of child prostitution) against one of the clients, who was demonstrably aware of the age of the child who had provided sexual services to him on several occasions.
- A man abused verbally and physically his girlfriend, who used to live in a foster home, sent her begging and forced her to have casual sex with his acquaintances for money. In December 2022, the Regional Court of Kaposvár sentenced the perpetrator and a man who had sex with the victim to imprisonment of six and three years respectively. The Appellate Chief Prosecution Office of Pécs appealed the judgment requesting an increase in the perpetrator's sentence, as well as a different qualification of the offence. The judgement has become final.

- On 7 November 2022, the Győr-Moson-Sopron County Chief Prosecution Office filed charges against several perpetrators, including pimps and two clients, who were aware of the vulnerability of the victims who were persuaded and forced to provide sexual services. The case is ongoing, and the first instance judgment has not been delivered yet.
- Seven men suspected of using sexual services of a 15-year-old girl victim between March and August of 2022 were interrogated at the Police Station of Tiszavasvári. They negotiated on the phone the conditions of the services to be provided and paid them for the services in advance in cash. The victim received the money and handed it over to the pimps. The clients were identified by the police using covert means (interception of the phone or covert surveillance) and the conversations served as evidence. The indictment was expected to be filed in October 2023.

165. In accordance with Law 75/1999 on Organised Crime, prostitution is legal in Hungary in case it is exercised in the so-called "tolerance zones", which are designated by local municipalities with over 50,000 inhabitants. Pursuant to the amended Section 9 of this law, persons engaged in prostitution must be at least 18 years old. Running brothels, procuring or providing a place for prostitution, pandering, or living on the earnings of other people's prostitution are illegal practices criminalised by the CC.

166. Both the 2020-2021 and the 2022-2023 National Action Plans envisage awareness-raising activities to discourage demand. The former included an awareness-raising campaign on trafficking in human beings which was implemented by the IOM within the framework of the project "Don't let it happen, don't make it happen!". This nation-wide campaign, which ran between December 2022 and March 2023, focused, *inter alia*, on the demand side of trafficking and was financed by the Internal Security Fund of the EU with domestic co-financing. It involved intensive social media presence, collaboration with influencers, press conferences and releases, radio spots and four short movies. More than one million citizens were reached in four months. Visits were organised to schools for children aged 12 to 18, who were introduced to the phenomenon of trafficking. Further, 42 drama pedagogy sessions focusing on the topic of sexual exploitation were organised in children's homes.

167. In addition, the National Police Headquarters, the National Crime Prevention Council, IOM and NGOs have organised activities to discourage demand and raise awareness of the risks of engaging in prostitution and taking up employment abroad. These activities include training with the participation of survivors, school education programmes, drama pedagogy sessions and media activities with influencers.

168. **While noting positively the measures adopted since the second evaluation, GRETA considers that the Hungarian authorities should take further steps to adopt and strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions, the private sector and the media, including by:**

- **raising awareness, among men and boys in particular, of trafficking and other forms of sexual and gender-based violence linked to prostitution;**
- **raising awareness of the risks of human trafficking, including recruitment through the internet and social networks;**
- **working closely with the private sector, in line with the Guiding principles on Business and Human Rights.⁹⁵**

⁹⁵ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

3. Identification of victims of trafficking

169. As described in GRETA's previous reports,⁹⁶ the formal identification procedure of victims of trafficking and their referral to assistance are described in Government Decree No. 354/2012 (XII.13.) on the identification of victims of THB, which entered into force on 1 January 2013. This Decree established a National Referral Mechanism (NRM) for victims of THB which has been operational since 2013. The Decree is applicable to Hungarian citizens trafficked internationally or within the country and to foreign nationals who are EU citizens or have legal residence in Hungary. It still does not apply to third-country nationals without legal residence in Hungary.

170. Since GRETA's second evaluation report, the list of THB indicators in the identification data sheet included in Annex 1 of Decree 354/2012 has been updated, as envisaged by the Action Plan for 2020-2021. This update includes the expansion of the indicators under the category of "personal circumstances" to better identify victims of domestic servitude. These indicators are used by all bodies performing victim identification, including civil society organisations.

171. Another development is related to the issuing of guidelines by the Office of the Prosecutor General's Office in May 2019 (KSB. 3771/2018/45-II) on the identification of victims of trafficking and the criteria for the application of special treatment measures to them in the course of the investigation. A review of the guidelines was conducted by the Prosecutor General's Office in 2020. It covered all ongoing proceedings for the crime of THB, both in the investigative and the judicial stages. The key conclusions provided to GRETA by the Hungarian authorities relate to the performance of an identification interview in all cases of presumed THB, and an individual assessment to be carried out *ex officio* in all cases where the victim is deemed to require special treatment (pursuant to Section 81, Subsection 1 of the CPC).

172. Further, in 2021 a "Protocol on the identification and referral of victims of trafficking in Hungary – Hungarian citizens and foreigners with the right of free movement and residence" was incorporated as the second Annex to Decree 354/2012. The Protocol consists of a detailed flowchart, with guidance on possible different scenarios, outlining the steps to be taken by the bodies which identify presumed victims of trafficking. The body performing the identification must conduct an interview with the victim and obtain the victim's written consent for the transfer of his or her data to the EKAT data collection system on presumed victims of THB. If the victim refuses to have his/her data included in the EKAT system, there is still an obligation to report the information to the police or the Labour Inspectorate if the available information suggests the existence of other victims at the same place of exploitation. According to the Hungarian authorities, the absence of a written declaration of consent does not lead to a refusal of necessary health or social services to presumed victims of THB.

173. According to the Protocol, the bodies entitled to conduct the identification (namely, health-care providers, personal care providers, public educational establishments, the police, the Labour Inspectorate, consulates, border guards, the Office for Immigration and Nationality - which in July 2019 became the National Directorate General for Aliens Policing, victim support services, probation services and legal aid services) shall immediately notify the victim support service by sending the identification data sheet containing the presumed victim's written consent through the EKAT system. The EKAT system is linked to the National Crisis Telephone Information Services (OKIT), which is available 24 hours a day and is used to refer victims to a shelter. The data entered in the EKAT system is accessible in its entirety only to the Ministry of Justice, and the bodies entitled to perform identification can only access the data they enter. According to the authorities, the system of notifications to the competent authorities works smoothly. However, some NGOs and staff of the shelters GRETA visited noted that there were delays in entering victims' data and overlaps in the collected data (see paragraph 174), and that the referral of victims to shelters is often done through direct contacts with NGOs rather than through the EKAT system.

⁹⁶ See paragraphs 124-128 of GRETA's first report on Hungary and paragraphs 85-87 and 110 of GRETA's second report on Hungary.

174. Further, front-line professionals and NGO representatives noted that there are several systems in use to collect information about victims of THB. In addition to the EKAT system, there is a system used by social services and the Robotzsaru/Robocop opt-out system. The latter is an integrated case management and processing system that has been operational since 1 January 2021 and is used by the police to refer data of crime victims to the case management system of the victim support service thanks to an interface set up between both systems. In parallel, the police includes data of presumed victims of THB they have identified in the EKAT system. GRETA's interlocutors highlighted the need to merge the different data collection systems in a single one to avoid double reporting and improve the efficiency of the identification and signalling systems. GRETA notes that, while the EKAT system is widely used, there is room for improvement to further develop it into a comprehensive data collection system linked to the NRM. According to the authorities, an improvement, expansion and interconnection of EKAT with the other systems is planned.

175. According to information from EKAT and the Victim Support Centre in Budapest, the body that identified the highest number of victims during the reporting period was the police, followed by NGOs and the victim support service.

176. Despite the increase in the number of identified victims of THB compared to the previous reporting period (see paragraph 13), GRETA notes that the number of identified victims does not reflect the real scale of the phenomenon of THB in the country, due to certain deficiencies in the identification system. In particular, there is a lack of identification of possible victims of trafficking among foreign nationals at the borders with Serbia and Ukraine (see paragraph 181) and of victims of labour exploitation, including domestic servitude. Several civil society organisations met during the evaluation visit highlighted that many cases of trafficking go undetected.

177. One action envisaged by the Action Plan 2020-2021 was the provision of training on victim identification to the Border Police. To this end, the National Police Headquarters developed a mandatory course that was completed by more than 3,300 police officers in 2021. In 2022, a total of 2,497 police officers completed the training of the Border Police. More training is envisaged in the Action Plan 2022-2023 with the involvement of the patrol staff of the County Police Headquarters working on border police and immigration control.

178. Further, the National Directorate General for Aliens Policing (NDGAP) participated in training on human trafficking organised by the IOM, Frontex and the European Union Agency for Law Enforcement Training (CEPOL). Additionally, its staff was enrolled in a training on interviewing vulnerable persons accredited by the European Union Agency for Asylum (EUAA) and another one on identification and assessment of the harms of domestic violence and THB.

179. GRETA carried out an urgent procedure visit to Hungary in December 2017 and in the report published after that visit in April 2018, GRETA urged the Hungarian authorities to adopt a clear procedure for the identification of victims of trafficking among asylum seekers and their referral to specialised assistance. According to the authorities, in the period 2019-2022, no victims of trafficking were identified as part of the asylum procedure nor among beneficiaries of international protection. In their comments on the draft GRETA report, the authorities indicated that since 2018 the asylum interview template includes questions specifically on the detection of sexual and labour exploitation, and trafficking-related questions have also been recently added to the letter of intent for submitting an asylum application.

180. After the closing down of the transit zones in May 2020,⁹⁷ a new asylum system was introduced making it impossible to lodge an asylum application in Hungary under the so-called "embassy procedure" which obliges all persons intending to seek international protection in Hungary to contact the Hungarian Embassy in Belgrade or Kyiv (see paragraph 231).

⁹⁷ Following the Grand Chamber Judgement C-924/19 of the Court of Justice of the European Union (<https://curia.europa.eu/juris/liste.jsf?num=C-924/19>), which ruled that placement in transit zones constituted unlawful detention.

181. As a result of this restrictive procedure, the number of asylum applications has continued to drop (468 applications in 2019, 92 in 2020, 46 in 2021 and 40 in 2022). These low numbers contrast with the 198,243 individuals pushed back at the border with Serbia and the 300,236 removals which were reported by the Hungarian Border Police⁹⁸ during the reporting period. GRETA notes with grave concern the pushbacks and forced removals of migrants and asylum seekers at the border with Serbia, as well as the absence of a proper asylum application procedure in place, which virtually eliminate any possibility of detecting and identifying possible victims of trafficking among this vulnerable group, and further increases the vulnerability of those individuals to become victims or to be re-trafficked. GRETA recalls Hungary's positive obligation under the Convention to identify victims of trafficking, to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of *non-refoulement*.

182. In the context of the humanitarian crisis provoked by the Russian aggression against Ukraine, GRETA was informed that there was no proper reception system for Ukrainian refugees, including a large number of unaccompanied children. This makes it difficult to identify possible victims of trafficking among persons fleeing the war in Ukraine. In this context, GRETA refers to its Guidance note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis.⁹⁹

183. As mentioned in paragraph 156, the use of domestic servitude, often targeting homeless persons and persons with disabilities, is widespread, particularly in the south-eastern part of the country (Békés county). However, the authorities lack the capacity to identify victims of domestic servitude and as a result, the majority of the cases go undetected.

184. GRETA notes positively the revision of the list of indicators of THB, the inclusion of the Protocol on identification and referral of victims of trafficking as an annex to the Government Decree No. 354/2012 (XII.13.), as well as the development of additional prosecutorial guidelines. However, despite these improvements, GRETA is concerned that there is still no framework for the identification of victims of trafficking who are third-country nationals without legal residence in Hungary. Moreover, specialised NGOs still do not play a formal role in the identification process. **GRETA urges the Hungarian authorities to make further efforts to ensure that all victims of THB are identified as such and can benefit from the assistance and protection measures provided for in the Convention, including by:**

- **not requiring written consent from trafficked persons for them to be identified as victims;**
- **extending the application of the existing framework for identification of victims of THB to third-country nationals without legal residence in Hungary;**
- **proactively detecting and identifying victims of human trafficking for all types of exploitation, including those subjected to domestic servitude (see paragraph 162);**
- **ensuring that a proper identification procedure of victims of trafficking among asylum seekers and irregular migrants is in place;**
- **duly conducting individualised risk assessments prior to any forced return of irregular migrants or failed asylum seekers from Hungary, fully assessing the risks of trafficking or re-trafficking on return.**

185. **Further, while noting positively the efforts made to improve data collection on victims of THB, GRETA considers that the Hungarian authorities should make further efforts to improve the EKAT data collection system in order to ensure that there are no discrepancies between the data collected by different identification bodies and no duplication with other data collection systems.**

⁹⁸ <https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa>
⁹⁹ <https://rm.coe.int/guidance-note-on-addressing-the-risks-of-trafficking-in-human-beings-r/1680a663e2>

186. **GRETA also considers that the authorities should continue to train all relevant actors, including first-line professionals throughout the country to better identify potential victims of trafficking, including among victims of domestic servitude.**

4. Assistance to victims

187. As noted in GRETA's previous reports, the provision of assistance to victims of trafficking is regulated by Act CXXXV of 2005 on Crime Victim Support and State Compensation (hereinafter referred to as the "Victim Support Act") and Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.¹⁰⁰ According to Section 4, Subsection 1 of the Victim Support Act, victim support services include facilitation of the enforcement of rights (access to public health, social benefits and other state aid, legal advice, emotional support and other assistance) instant monetary aid, certification of victim status, witness care and access to a shelter. The latter is also specified in Government Decree No. 354/2012 (XII.13) on the identification order of victims of THB (see paragraph 196).

188. As explained in GRETA's second report,¹⁰¹ pursuant to Section 10 of the Victim Support Act, all victims of crime, including victims of THB, need to submit an application (standard form) in order to obtain assistance. This application for assistance needs to be accompanied by a police crime report and a certificate delivered by the competent investigating authority, prosecutor or court, or failing that, procured by the victim support service. The certificate provides information on the victim, the crime and the ongoing criminal proceedings and for its issuance, the initiation of a criminal or administrative procedure is mandatory. GRETA was informed that, in practice, the victim is not always asked for the certificate in order to be assisted.

189. Assistance to victims is provided by support services for victims of crime and civil society organisations. The victim support services consist of government offices in each county and in Budapest (which are in charge of administrative procedures), 12 victim support centres (VSCs), four victim support points and the Victim Support Line. The latter is a green number available 24 hours a day for victims of crime since 2011. Another telephone helpline service that should be mentioned is OKIT, which seeks to provide immediate assistance by phone to victims of domestic violence and THB in the country or abroad. Its staff are trained to conduct supportive interviews, provide information, offer legal advice and arrange the referral of victims to a shelter. From 2020 to 2022, annual state funding amounting to HUF 202,500,000 (approximately EUR 539,738) was dedicated to maintaining this telephone service.

190. According to the Hungarian authorities, it is expected to open VSCs in all counties by 2025. As indicated in the second report,¹⁰² the VSCs provide advice and assistance to victims of all types of crime, regardless of whether there are criminal proceedings underway. The total budget allocated by the Ministry of Justice for the establishment and maintenance of the Victim Support Line, VSCs and the support points in 2022 was HUF 1,077,000,000 (about EUR 2,888,976).

191. In the course of the visit, GRETA went to the VSC of Budapest. The staff of the centre informed GRETA that the Centre uses the protocol on the identification and referral of victims of trafficking and that victims are provided with assistance including help on how to find a shelter as well as psychological support (see paragraph 59). It was also mentioned that the majority of the victims are referred by the police.

¹⁰⁰ See paragraphs 137 and 144 of GRETA's first report on Hungary and paragraphs 99-102 and 110 of GRETA's second report on Hungary.

¹⁰¹ See paragraph 102 of GRETA's second report on Hungary.

¹⁰² See GRETA's second report on Hungary, paragraph 103.

192. Instant monetary aid is part of the victim support services, covering expenses in connection with housing, clothing, nutrition, travel, medical treatment and funeral expenses. The amount of money provided as a single payment per person has increased and is now HUF 188,690 (about EUR 505). As of 1 January 2021, the time limit for applying for this financial assistance was extended from five to eight days after the commission of the offence. The Hungarian authorities reported that in the period 2019-2022, 44 victims of THB received instant money aid amounting to HUF 4,081,075 (about EUR 10,967).

193. The two main NGOs running shelters for victims of THB are the Hungarian Baptist Aid (HBA) and Chance for Families 2005 Foundation. Each of them operates two shelters. A shelter that used to be run by Anonymous Ways Foundation was closed in 2021, due to the lack of resources, but it is planned to reopen it in the summer of 2023 with a capacity for four victims. The Salvation Army also provides accommodation to victims of THB (see paragraph 201).

194. In theory, sheltered accommodation is intended only for adult victims of trafficking. However, in practice, victims' children can be accommodated with their parent(s) in the shelters, the majority of which have a child-friendly environment.

195. The shelters hosted a total of 54 victims of trafficking in 2020, 72 in 2021 and 82 in 2022. In addition, the number of victims' children accommodated in the shelters was 11 in 2020, 10 in 2021 and 31 in 2022. Out of the 82 victims in 2022, 52 were women and 30 men; all but one victim were Hungarian.

196. Access to a shelter takes place on the basis of the victim's request. According to the Hungarian authorities, assistance provided by shelters can be accessed without proof of victim status. GRETA was informed that Government Decree 354/2012, which stipulated that victims of trafficking could stay at a shelter for a period of 90 days, renewable once, was amended in December 2021, allowing the manager or social worker of the shelter to determine the length of victims' stay on a case-by-case basis.

197. The two shelters for victims of trafficking operated by Chance for Families Foundation, which were visited by GRETA, are located in the north-western part of the country, with a capacity to accommodate 12 victims each (women, men and any children they may have). At the time of the visit, there were eight victims living in one of the shelters and seven in the other. The victims were Hungarian women trafficked for sexual exploitation abroad and men trafficked for the purpose of labour exploitation or domestic servitude abroad and in Hungary. Living conditions in the shelters were very good, including single or double-occupancy bedrooms, communal facilities and gardens. Staff employed in the two shelters include carers, social workers and social pedagogues. In 2021 the shelters received state funding to purchase two vehicles to enable the transportation of victims and reduce the time lapse between identification and access to assistance.

198. The HBA runs a shelter for victims of trafficking in Budapest (with a capacity of 12 places), and another one in the south-eastern part of the country divided into two separate houses (with a capacity to accommodate separately six women and six men). GRETA visited the shelter in Budapest, which provided very good living conditions, with seven rooms for victims and any children they may have, communal facilities and a garden. At the time of the visit, there were eight women, including one foreign victim, who have stayed two years on average in the shelter.

199. In addition, state funding has been allocated to the HBA for the establishment of a crisis intervention centre in Budapest, with a capacity of four. This new form of victim support service is intended for victims in serious danger and in need of a reflection period, with the possibility to receive support from specialists in the light of the victim's particular situation, needs and vulnerability.

200. Further, victims can be admitted to half-way houses for a maximum period of five years. This service is designed to support their social reintegration process and to prepare them for independent living. The half-way houses are located near the shelters to make it possible for the victims to move from the shelter to the half-way houses and vice versa depending on their specific needs and circumstances. Victims do not pay rent for the accommodation and have to cover only the utility costs. The NGO Chance for Families runs two half-way houses (each with a capacity of four), two autonomous apartments with one victim in each, and six apartments accommodating four families in total. The HBA also operates two half-way houses in Budapest, with a capacity of four victims each. At the time of GRETA's visit, one of these two half-way houses was accommodating Ukrainian refugees. While the state provides the funding for the half-way houses, the funding for the apartments comes from private donors.

201. Furthermore, several civil society organisations run specialised accommodation facilities and day-centres for the protection and psycho-social support of victims, including victims of THB. The Salvation Army operates a day-centre for homeless people and an apartment for victims of THB (with a capacity of four), both located in the same building. The GRETA delegation visited these facilities in Budapest. The apartment was operational but no victims were admitted directly as the Salvation Army is not part of the NRM, and the facility does not comply with certain security and safety requirements. The staff working at the facilities include carers, social workers and full-time doctors.

202. During the visit, GRETA met victims of trafficking who pointed out the great difficulties they face in reintegrating into society. The staff of the NGOs supporting victims of THB also stressed the need for greater social inclusion and the importance of the long-term follow-up support. In this respect, see the recommendation in paragraph 66 concerning access to work and education.

203. Victim assistance includes access to health-care services, health insurance benefits and social welfare services. GRETA was informed that if victims need special medical treatment, the NGO will cover the costs until the state reimburses the final amount.

204. The funding for victim assistance provided from the national budget amounted to HUF 133,250,000 in 2020, HUF 40,250,000 in 2021, HUF 76,300,000 in 2022 (the equivalent of EUR 200,000) and HUF 120,000,000 in 2023 (approximately EUR 309,639). The victim service provider receives funding from the Ministry of Culture and Innovation on the basis of a one-year contract granted after a selection process via a public tender in which it has to accredit the fulfilment of certain minimum standards.¹⁰³ The state funding is supposed to cover all services provided to victims of trafficking (including medical and psychological support), building maintenance and the setting up of new shelters, half-way houses and crisis intervention centres. However, GRETA was informed that state funding allocated to assist victims of THB is insufficient to cover all the needs and is supplemented by donations.

205. In addition, the two NGOs operating shelters for victims of THB expressed concern about the administrative burden that the public tender procedure creates and the difficulty to retain staff who can be hired only on short-term contracts. GRETA is concerned that the annual periodicity of the public procurement for shelters undermines the sustainability of the assistance provided, in particular the full-time availability of specialised and qualified staff in the shelters.

¹⁰³ Including safety and security requirements such as keeping their address secret or having an emergency exit.

206. **While welcoming the assistance provided by the victim support centres, GRETA once again urges the Hungarian authorities to take further measures to provide victims of THB with adequate and effective assistance, and to ensure that all assistance measures provided for in law are guaranteed in practice to victims of THB, regardless of their immigration status. When the provision of assistance is delegated to NGOs or other non-state actors as service providers, the State has an obligation to provide, through an effective system of allocation, adequate and consistent financing to ensure quality human resources, services and assistance delivered.**

5. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

207. Children in residential care institutions and children living in poverty, many of whom are Roma children, are particularly vulnerable to human trafficking. An increased use of the internet for the recruitment of children has been noted, but GRETA was also informed that it is not uncommon for children to be approached by adults in front of the residential home in order to be recruited for trafficking and exploitation. In this regard, the National Action Plan for 2022-2023 envisages the implementation of prevention programmes in the foster care network, children's and group homes, as well as juvenile correctional institutions. Although the number of unaccompanied and separated foreign children has decreased due to Hungary's restrictive immigration policy, this group also remains vulnerable to trafficking. Concerns have been expressed with regard to unaccompanied children from Ukraine who were left unsupervised and exposed to contact with strangers.

208. GRETA was informed that the new position of social worker working on prevention was created in the district child and family welfare services in September 2018. There is one social worker for every 1,000 children registered in public education institutions. This position shall recognise and avert risks in children's development as early as possible and provide effective assistance, including activities aimed at preventing and treating aggression, peer bullying, as well as reinforcement of parental competences. They may also mediate between the children and the parents/teachers. A training consisting of 24 hours of content that includes the topic of THB was developed in 2022, and it started to be provided to all persons working in these positions in 2023. In addition, a professional guide was published on identifying and addressing vulnerabilities, including to THB, in kindergartens. According to the Department of Social and Child Welfare Services, as of April 2023, there were 1,142 full-time social assistants in kindergartens and schools, 33 other social assistants are working in six-hour shifts and 40 in four-hour shifts.

209. The National Police Headquarters has carried out a number of activities aimed at raising awareness of THB among children, in co-operation with the HBA and the IOM. By way of example, a play entitled "I will stand for you", which addresses dangers of sexual exploitation faced by children in state care institutions, was shown to 5,000 children during the reporting period. The police also organise a series of national events each year on the occasion of the Safer Internet Day (11 February). Information materials aimed at unaccompanied children have also been produced.

210. There is no separate identification procedure for child victims of trafficking. The authorities apply the procedure described in paragraph 172, which includes an identification interview with the presumed victim. In case a person under the age of 18 is identified as a victim of trafficking, the relevant actor will inform the child protection services pursuant to the Child Protection Act¹⁰⁴ and the child may be placed in a special residential home in accordance with the procedure described in paragraph 213. According to the authorities, a children's home and a new pilot service in a Temporary Home for Children will be established in 2024.

¹⁰⁴ Act XXXI of 1997 on the Protection of Children and the Guardianship Administration.

211. Training has been provided to professionals involved in the identification of victims of trafficking. By way of example, the National Directorate General for Aliens Policing has organised training on the identification of victims of THB for 164 staff members, including social workers in reception facilities and asylum and immigration workers. The staff of the Directorate also took part in a training on identifying and addressing the harms of domestic violence and THB, organised by the Family Friendly Country Non-Profit Public Service Ltd. (CSBO).

212. The number of identified child victims has increased during the period 2019-2022: nine in 2019 (all girls), 34 in 2020 (29 girls and five boy), 37 in 2021 (28 girls and 9 boys) and 41 in 2022 (37 girls and four boys). Among the 41 child victims identified in 2022, 19 were placed in special children's homes under general protection measures; of them, 12 had absconded from children's homes, while seven were believed to be living with their own families at the time of the identification. All of them were Hungarian nationals.

213. As mentioned in paragraph 16, the Child Protection Act was amended in 2020 to introduce the so-called general protection measure (GPM) pursuant to which children, including victims of trafficking, can be placed in a special children's home¹⁰⁵ in order to protect them from exploitation in prostitution. The immediate placement may be ordered by the police in co-operation with the guardianship authority, subject to subsequent approval by a Child Protection Expert Committee, which includes teachers, psychologists and other expert professionals. While such committees exist in every county, all decisions regarding suspected child victims of trafficking are made by the National Child Protection Expert Committee. The Committee must assess the case and issue a recommendation on the final placement of the child within 60 days from the placement of the child in a special home by the police. The examination of the case by the Committee is conducted as a matter of priority. The procedure for the application of the general protection measure includes an assessment of whether the child has suffered physical abuse and whether he/she requires psychiatric treatment. The Guardianship Authority shall issue an administrative decision on the basis of the Committee's opinion. The authorities have developed a special guide for children's homes entitled "Reception and inclusion – steps for inclusion of children who are potential victims of trafficking."

214. GRETA was informed that since 1 July 2020, the general protection measure has been applied to 21 child victims of THB, of whom four were admitted into the child protection system for the first time, while the remaining 17 had already been in the system. All of the children were assigned a guardian.

215. In order to monitor the practical application of the general protection measure, an intersectoral working group¹⁰⁶ was set up and started working in September 2020. The working group was tasked with developing a protocol of cooperation to manage all cases of child victims of THB, analysing cases of children placed in special residential homes, and monitoring the functioning of the care and assistance system within the GPM. GRETA was informed that the intersectoral working group was replaced in 2022 by a professional forum on child trafficking organised by the National Police Headquarters, in co-operation with the National University of Public Service, in which all relevant actors participate (police, child protection authorities, social services, NGOs, the victim support branch of the Ministry of Justice, representatives of healthcare and educational institutions). The forum held its first meeting in October 2022.

¹⁰⁵ Children who are older than 12 can be placed in a home, while younger children are placed in foster care.

¹⁰⁶ It is organised with the involvement of the Ministry of Interior, the National Police Headquarters, the Child Protection and Guardianship Department, the Child Welfare and Child Protection Methodology Department of the Directorate-General of Social Affairs and Child Protection, the National Committee of Child Protection Experts, the National Institute for Social Policy, professionals from the designated special children's homes and Hungarian Baptist Aid.

216. Children who are placed in a children's home are assigned a guardian who acts as their legal representative. As noted in GRETA's second evaluation report,¹⁰⁷ pursuant to Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, the competent guardian authority must appoint a guardian for an unaccompanied child within eight days of receiving a request from the Immigration and Asylum Office (currently known as the National Directorate General for Aliens Policing). Guardians are employed by the child welfare system and are required to have a higher education degree and be qualified in one of the following areas: public administration, law, education, child care or health care. In practice, many guardians are social workers or teachers. On 31 December 2022, there were 674 guardians responsible for a total of 21,175 children. One guardian can be assigned a maximum of 35 children. However, GRETA was informed that in practice this number is higher.

217. GRETA was informed that in 2020 five special residential homes in Hungary, operated by the Directorate General for Social Affairs and Child Protection, were designated to receive child victims of trafficking. As of 1 January 2023, four more special children's homes have been designated. The cities where the nine residential homes are located are Esztergom, Kalocsa, Budapest, Szigetvár, Pusztottlaka, Ópusztaszer, Szolnok, Tiszadob and Mátészalka. As a general rule, the designated institutions must provide children with housing, education, health care and age-appropriate care to promote their emotional, intellectual, physical and moral development as well as services necessary for their recovery, rehabilitation and therapy. Special children's homes have a higher number of professionals than regular children's homes (one more educator, a psychologist and a special education/development teacher). According to the authorities, none of the facilities can be considered as closed. However, Sections 81/A-B of the Child Protection Act allow for the restriction of the freedom of children if they engage in behaviour that directly endangers their own life or that of others. Unaccompanied foreign children who are 14 or younger continue to be placed in the Károly István Children's Centre in Fót.¹⁰⁸ After the Russian aggression against Ukraine in February 2022 and in the context of the refugee crisis, 40 unaccompanied children were placed in the Károly István Centre. At the time of GRETA's visit there were five unaccompanied boys (three from Ukraine and two from Romania) accommodated there. Two more boys had left the centre without permission. None of the children at the children's centre had been identified as victims of trafficking.

218. Professionals working in children's homes have been provided with training on human trafficking. By way of example, a 30-hour course entitled "Suppressing Child Prostitution and Trafficking in Children" was provided to 2,591 child protection and juvenile reformatory professionals by June 2022.

219. GRETA visited a children's home for girls in Budapest which operates under the Directorate of Social and Child Protection and which is adjoined to a juvenile correctional institution for girls (the only such institution in the country). The children's home has the capacity to receive 78 children aged 12-18, including young mothers and their children. At the time of GRETA's visit, there were 24 girls in the home, including two young mothers with their babies. Five girls had been placed in the home pursuant to the general protection measure. GRETA was informed that between 60 and 70% of the girls placed in this home had experienced THB or exploitation in prostitution. The home employs a full-time paediatrician, psychiatrist and psychologist, as well as nurses. Children attend school and follow vocational training at the home as it is a closed facility and children cannot leave it without permission. They have access to phones and the internet under supervision. GRETA notes that closed premises are proven to be traumatic for victims and have a detrimental effect on their (psychological) well-being. GRETA stresses the importance of ensuring compliance with international standards on the rights of the child, in particular as regards the deprivation of children's liberty as a measure of last resort and for the shortest appropriate period of time.

¹⁰⁷ GRETA's second evaluation report on Hungary, paragraphs 120 and 121.

¹⁰⁸ For more details about the centre, see paragraphs 37-43 of the GRETA's urgent procedure report on Hungary.

220. Representatives of child protection services met by GRETA during the visit were of the opinion that special children's homes, which often accommodate children with psychiatric problems and drug addiction, are not appropriate for victims of trafficking and are not tailored to their needs. The Hungarian authorities are therefore planning to establish a new accommodation facility for child victims of trafficking, which would be able to receive 12 children (six girls and six boys). The project is financed within the framework of the Swiss-Hungarian Cooperation Programme. The first six places are expected to become available in the second half of 2024, and the remaining six places at a later stage of the project.

221. GRETA welcomes the introduction of the general protection measure for children and the centralised position of the National Child Protection Expert Committee in assessing the needs of presumed victims of trafficking, as well as plans to establish a separate accommodation facility for child victims of trafficking. On the other hand, GRETA notes with concern the lack of identification of possible victims of trafficking among children in residential institutional care, despite indication that they are being actively recruited directly and online.

222. **GRETA urges the Hungarian authorities to take further steps to identify child victims of trafficking and to provide them with assistance adapted to their needs, including by:**

- **sensitising and training staff working with children, including in residential care institutions, as well as other child protection professionals across the country, on THB, its indicators, prevention measures and where to refer presumed child victims for assistance;**
- **raising awareness of THB and online safety among children, including those in residential homes;**
- **putting in place measures aimed at preventing the trafficking of children belonging to vulnerable groups, including Roma children and unaccompanied children who have fled Ukraine;**
- **setting up child-specific identification procedures which involve child specialists and take into account the special circumstances of child victims of trafficking;**
- **ensuring that relevant actors take a proactive approach to identifying child victims of THB, including by paying particular attention to children accommodated in special residential homes and unaccompanied foreign children;**
- **strengthening the training provided to front-line professionals on the identification of child victims of trafficking, including police officers, prosecutors, and legal guardians;**
- **reviewing the new measures introduced in the Child Protection Act with a view to ensuring compliance with international standards on the rights of the child, in particular as regards the placement of child victims of trafficking in closed facilities;**
- **taking measures to ensure that child victims of THB are provided with an accommodation which creates a safe and enabling environment for children, paired with a sufficient number of staff.**

6. Recovery and reflection period

223. In its second report,¹⁰⁹ GRETA urged the Hungarian authorities, *inter alia*, to ensure that the recovery and reflection period, as provided for in Article 13 of the Convention, is specifically defined in the law. No legal changes have been made in this respect. As explained in previous GRETA reports,¹¹⁰ Section 24 of Act CXXXV of 2005 on Crime Victim Support and State Compensation and Government Decree 114/2007 (V24) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals provide the conditions for third-country national victims to be granted a recovery and reflection period. After being identified as a victim of trafficking, the third-country national is proposed a 30-day period to consider whether to co-operate with the authorities in the investigation of the crime. If the victim has no legal residence, a certificate of temporary stay will be issued for the duration of the recovery and reflection period by the National Directorate General for Aliens Policing (NDGAP).

224. The statistics provided by the Hungarian authorities show that only one recovery and reflection period has been granted since 2017 to a female victim of THB (in 2021). Only people who have been recognised as victims through the formal identification process can be granted this period.

225. GRETA stresses once again that the Convention provides for a recovery and reflection period to be granted not only to identified victims of trafficking, but also to those persons for whom there are reasonable grounds to believe that they are victims of trafficking. Pursuant to the victim-centred approach of the Convention, whether or not a victim co-operates with the authorities should not be a factor in the decision to grant a recovery and reflection period, as such a period should be offered to all possible victims of trafficking in order to recover and escape the influence of the traffickers together with the provision of protection and assistance measures.

226. GRETA once again urges the Hungarian authorities to ensure that the recovery and reflection period is defined in law in compliance with Article 13 of the Convention, and that all possible foreign victims of trafficking are granted a recovery and reflection period when there are reasonable grounds to believe that they are victims of trafficking, regardless of whether they cooperate with law enforcement authorities or not.

7. Residence permits

227. In its second evaluation report, GRETA considered that the Hungarian authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right to obtain a renewable residence permit.¹¹¹

228. The legal framework for granting residence permits to victims of trafficking described in GRETA's previous reports remains unchanged. The Victim Support Act,¹¹² complemented by Government Decree 114/2007 (V24) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, stipulates the process through which legal residence permits are granted to third-country national victims. Third-country nationals who agree to co-operate with the investigating authorities can benefit from a renewable six-month residence permit during the period of co-operation in the criminal proceedings. Third-country nationals may also be granted a residence permit on humanitarian grounds for "substantial national security or law enforcement reasons", upon initiative of a public prosecutor, court, national security or law enforcement agency, or the investigating arm of the National Tax and Customs Authority, if they have cooperated with the authorities in a criminal investigation and have provided significant assistance to gather evidence. Further, a residence permit on humanitarian grounds can be

¹⁰⁹ See paragraph 137 of GRETA's second report on Hungary.

¹¹⁰ See paragraph 159 of GRETA's first report on Hungary and paragraph 134 of GRETA's second report on Hungary.

¹¹¹ [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006.](#)

¹¹² Section 43(3) of the Victim Support Act transposed the Council Directive 2004/81/EC on the residence permit issued to third-country nationals (sections 5 and 6).

issued to third-country nationals who have been subjected to particularly exploitative working conditions, or to third-country nationals under 18 years of age who were employed illegally without a valid residence permit or other authorisation to stay. The Hungarian authorities have indicated that this provision could apply to victims of human trafficking who do not co-operate with the authorities.

229. The NDGAP is in charge of issuing all types of residence permits to third-country nationals. Representatives of the NDGAP met by GRETA stated that humanitarian residence permits can be followed or replaced by a residence permit for the purpose of employment or study.

230. According to information provided by the Hungarian authorities, the total number of humanitarian residence permits issued on the grounds of human trafficking during this reporting period was five: one in 2020 (a girl from an African country, victim of sexual exploitation), three in 2021 (a girl from an African country, one of her family members and another woman) and one in 2022 (the mother of the girl who was granted the permit in 2020, and who significantly cooperated with the authorities in the case of her daughter). The NDGAP informed GRETA that during this reporting period seven foreign victims of trafficking who were eligible for a humanitarian residence permit at the time of identification were not granted this permit due to the fact that they received a permit for the purpose of employment. In addition, one more victim, of Chinese origin, was identified but refused to be registered as a victim and therefore was not granted a residence permit.

231. As mentioned in paragraph 180, a new asylum system was introduced after the closing down of the transit zones in May 2020.¹¹³ In order to submit an asylum application, persons seeking international protection in Hungary have to make an appointment in person at the embassy in Belgrade (Serbia) or Kyiv (Ukraine)¹¹⁴ to submit their declaration of intent, which has to be approved by the NDGAP within 60 days from its submission. GRETA was informed that, in the majority of cases, the declaration is rejected via an email informing the applicant about the rejection without any justification. If the declaration is approved, which could take up to six months according to NGOs assisting asylum seekers, a single-entry permit will be issued to lodge the asylum application and start officially the asylum procedure.¹¹⁵ The so-called "embassy procedure" has been considered to be contrary to EU law by the Court of Justice of the EU¹¹⁶ as well as criticised by the Council of Europe Commissioner for Human Rights.¹¹⁷

232. GRETA recalls that, according to Article 40, paragraph 4, of the Convention, the fact of being a victim of trafficking in human beings cannot preclude the right to seek and enjoy asylum and State Parties must ensure that victims of trafficking have appropriate access to fair and efficient asylum procedures. According to the authorities, in the period 2019-2022, there were no asylum/international protection applications made by victims of trafficking.

233. Representatives of NGOs met by GRETA considered that the very low number of residence permits issued to victims of THB is a direct consequence of the increase, since 2020, in the withdrawal of or refusal to grant or extend residence permits on the grounds of national security without any compelling justification and an indirect consequence of the absence of a fair and effective asylum procedure which prevents migrants to enter Hungarian territory. GRETA is concerned that the residence permits are granted only to a small number of victims for a short period, which does not ensure the needed stability and does not provide them with a durable solution.

¹¹³ Following the Grand Chamber Judgement C-924/19 of the Court of Justice of the European Union (<https://curia.europa.eu/juris/liste.jsf?num=C-924/19>), which ruled that placement in transit zones constituted unlawful detention.

¹¹⁴ GRETA was informed that after the Russian aggression against Ukraine in February 2022, the Hungarian Embassy in Kyiv stopped receiving asylum applications.

¹¹⁵ GRETA was informed that those whose declaration is approved are placed in open reception centres.

¹¹⁶ <https://twitter.com/EUCourtPress/status/1339490322661990402/photo/1>

¹¹⁷ <https://rm.coe.int/submission-by-the-council-of-europe-commissioner-for-human-rights-unde/1680a7a4d0>

234. **Recalling the recommendation made in its second report, GRETA considers that the Hungarian authorities should ensure that renewable residence permits are issued in practice to foreign victims of THB, in compliance with Article 14 of the Convention, and taking into account the victims' personal situation.**

235. **Further, GRETA urges the Hungarian authorities to provide foreign victims of trafficking with access to a fair and efficient asylum procedure, giving full consideration to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection.¹¹⁸**

8. Repatriation and return of victims

236. The project "Comprehensive return and reintegration programme for victims of trafficking" was implemented in 2021 - March 2023 by the IOM office in Budapest in partnership with the Ministry of Foreign Affairs and Trade and the Ministry of Interior, and with co-funding from the EU Internal Security Fund and the Hungarian Government. Until 31 March 2023, 21 Hungarian victims trafficked abroad were provided with safe return and reintegration. All of them were registered in the EKAT system. As part of an individual reintegration plan within the project, all victims were entitled to financial support (one-off payment in the form of reintegration allowance, pocket money and another allowance for immediate support upon return according to their needs). A social worker assisted them in managing the economic support and in the reintegration process. The project also aimed at improving the international co-operation between Hungary and the main countries of destination for Hungarian victims of THB with regards to their identification, referral, return and reintegration. According to the authorities, both the IOM Office and the Ministry of Interior are committed to continuing the project from 2024 onwards.

237. Another project implemented in 2020-2022 by the Ministry of Justice and the HBA was entitled "Complex victim support services for victims of human trafficking". Its area of focus was victim reintegration and it was funded in the same way as the IOM project. Victims participating in this project were eligible for reintegration support of up to HUF 500,000 (approximately EUR 1,300) which was spent in the majority of the cases on vocational training, medical treatment and renting apartments.

238. During the evaluation visit, the Hungarian authorities informed GRETA that the countries from which the largest number of Hungarian victims of trafficking returned to Hungary were Switzerland, Austria, Germany, the United Kingdom, the Netherlands, Italy and Sweden.

239. According to the statistical data provided by the authorities, in 2019-2022, 31 foreign victims of trafficking (27 women and 4 men; 21 victims of sexual exploitation, 4 victims of labour exploitation, 1 victim of forced begging, 2 victims of domestic servitude, and 3 victims combining different forms of exploitation) were provided with assisted return to their countries of origin. The majority of them (83%) were assisted by the IOM.

240. **GRETA considers that the Hungarian authorities should continue providing assistance to Hungarian victims of trafficking who are returned from other countries, providing them with information on the services and organisations which could assist them and supporting their social (re)integration.**

241. Further, GRETA considers that the Hungarian authorities should ensure that programmes for the repatriation of foreign victims of trafficking to their countries of origin and/or residence are conducted with due regard for their rights, safety and dignity, are preferably voluntary and comply with the obligation of *non-refoulement*. This includes informing foreign victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the Hungarian authorities should take further steps to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and the services available to them, from their first contact with the competent authorities and in a language they can understand. Law enforcement officers, other authorities in contact with victims of trafficking, as well as officials from foreign missions interacting with asylum seekers and Hungarian victims abroad should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided (paragraph 44);
- GRETA also considers that the Hungarian authorities should take additional steps to ensure the availability of professional interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking (paragraph 45).

Legal assistance and free legal aid

- GRETA urges the Hungarian authorities to take further steps to guarantee accessible and effective legal assistance for victims of THB in practice, by ensuring that:
 - legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of THB, before the person concerned has to decide whether or not to co-operate with the authorities and/or make a statement to the police;
 - victims of THB have unrestricted access to free legal aid by a professional lawyer with specialised knowledge on THB cases in legal proceedings, including the enforcement proceedings and the proceedings on state compensation;
 - training on human trafficking is provided to lawyers registered as free legal aid providers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer;
 - NGOs which provide free legal assistance to victims of THB receive adequate funding;
 - possible victims of trafficking among asylum seekers are provided with access to legal assistance and legal aid throughout the relevant proceedings. Legislation providing for criminal liability of lawyers in cases in which asylum seekers withhold information from the authorities should not be applied in a way which would prevent lawyers and NGOs from providing legal assistance to victims of trafficking and deprive possible victims of trafficking among asylum seekers of the rights guaranteed to them under the Convention (paragraph 57).

Psychological assistance

- GRETA considers that the Hungarian authorities should take further steps to guarantee timely access of victims of trafficking to psychological support, in the location where they are receiving assistance, and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion. Further, adequate human and financial resources should be guaranteed to those NGOs providing psychological assistance to victims of THB (paragraph 63).

Access to work, vocational training and education

- GRETA considers that the Hungarian authorities should strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 66).

Compensation

- GRETA once again urges the Hungarian authorities to take steps to facilitate and guarantee effective access to compensation for victims of trafficking, including by:
 - systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from their first contact with the competent authorities in order to exercise this right;
 - enabling victims of trafficking to effectively exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;
 - making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - ensuring that victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
 - simplifying the application procedure for State compensation to make it more accessible to victims, as well as to ensure that all victims of trafficking who were exploited in Hungary are able to benefit from it regardless of the regularity of their stay in Hungary at the time of the request for state compensation (paragraph 79).

Investigations, prosecutions, sanctions and measures

- GRETA urges the Hungarian authorities to bring the definition of THB in the Criminal Code fully in line with Article 4 of the Convention, including by ensuring that all forms of exploitation are adequately covered, including slavery, practices similar to slavery and servitude, as well as that the use of means is not required in case of child victims. Further, GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provision (paragraph 87);

- GRETA considers that the Hungarian authorities should take further measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:
 - ensuring that human trafficking offences for different forms of exploitation, including cases involving domestic servitude (see also paragraph 162), are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;
 - providing systematic and continuous training on the application of the amended provisions of the CC and other relevant legislation related to trafficking in human beings to police officers, prosecutors and judges;
 - ensuring that trafficking offences are classified as such at the early stage of the proceedings, to the extent the circumstances allow this, in order to avoid delays in proceedings and ensure consistent application in practice;
 - ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible (paragraph 102).

Non-punishment provision

- While welcoming the amendments to the Minor Offences Act precluding punishment of children who provide sexual services, as well as the assessment of the application of the non-punishment principle by the Office of the Prosecutor General, GRETA once again urges the Hungarian authorities to adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so and/or to issue guidance to the police and public prosecutors on the application of the non-punishment principle, accompanied by training to police officers, prosecutors and judges on the application of the non-punishment principle to victims of trafficking (paragraph 108).

Protection of victims and witnesses

- GRETA considers that the Hungarian authorities should make full use of all existing provisions for the protection of witnesses and victims with a view to ensuring that victims are adequately protected from retaliation or intimidation before, during and after judicial proceedings (paragraph 117).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the establishment of the network of prosecutors specialised in trafficking in human beings and the appointment of anti-trafficking senior supervisor officers in county/capital police headquarters, and considers that the Hungarian authorities should continue to develop the specialisation of the relevant professionals, including through the provision of regular trainings on trafficking in human beings (paragraph 123).

International co-operation

- GRETA welcomes the participation of the Hungarian authorities in international co-operation related to combating THB, including the setting up of JITs in human trafficking cases and co-operation in financial investigations, and invites them to continue their efforts in this respect (paragraph 132).

Gender-sensitive criminal, civil, labour and administrative proceedings

- GRETA considers that the Hungarian authorities should promote a gender-responsive approach to access to justice for victims of trafficking, including through gender mainstreaming and training (paragraph 136).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA considers that the Hungarian authorities should ensure that child-sensitive procedures are consistently used when investigating, prosecuting and adjudicating cases of THB, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, including measures to ensure that there is a sufficient number of child-friendly interview rooms across the country (paragraph 142).

Role of businesses

- GRETA considers that the Hungarian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 146);
- GRETA considers that the Hungary authorities should adopt legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation (paragraph 147).

Follow-up topics specific to Hungary

Developments in the legal, institutional and policy framework for action against human trafficking

- GRETA once again considers that the Hungarian authorities should examine the possibility of establishing an independent National Rapporteur or designating another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 21).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA considers that the Hungarian authorities should make further efforts to prevent and combat THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation¹¹⁹ and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:
 - ensure that continuous training is provided to labour inspectors to enable proactive identification of victims of human trafficking;
 - increase the number of labour inspectors and ensure that their mandate enables them to be proactively engaged in the prevention and detection of THB;

- proactively and thoroughly investigate possible cases of THB for labour exploitation involving persons exploited in domestic servitude, ensuring that any possible victims of trafficking among them are identified in a timely manner and are offered appropriate assistance;
- ensure that during joint inspections, a clear distinction is made between labour inspection and immigration control functions;
- raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation, including domestic servitude;
- strengthen co-operation between law enforcement officers, labour inspectors, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation (paragraph 162).

Measures to discourage demand

- GRETA considers that the Hungarian authorities should take further steps to adopt and strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions, the private sector and the media, including by:
 - raising awareness, among men and boys in particular, of trafficking and other forms of sexual and gender-based violence linked to prostitution;
 - raising awareness of the risks of human trafficking, including recruitment through the internet and social networks;
 - working closely with the private sector, in line with the Guiding principles on Business and Human Rights (paragraph 168).

Identification of victims of trafficking

- GRETA urges the Hungarian authorities to make further efforts to ensure that all victims of THB are identified as such and can benefit from the assistance and protection measures provided for in the Convention, including by:
 - not requiring written consent from trafficked persons for them to be identified as victims;
 - extending the application of the existing framework for identification of victims of THB to third-country nationals without legal residence in Hungary;
 - proactively detecting and identifying victims of human trafficking for all types of exploitation, including those subjected to domestic servitude (see paragraph 162);
 - ensuring that a proper identification procedure of victims of trafficking among asylum seekers and irregular migrants is in place;
 - duly conducting individualised risk assessments prior to any forced return of irregular migrants or failed asylum seekers from Hungary, fully assessing the risks of trafficking or re-trafficking on return (paragraph 184);
- GRETA considers that the Hungarian authorities should make further efforts to improve the EKAT data collection system in order to ensure that there are no discrepancies between the data collected by different identification bodies and no duplication with other data collection systems (paragraph 185);

- GRETA considers that the authorities should continue to train all relevant actors, including first-line professionals throughout the country to better identify potential victims of trafficking, including among victims of domestic servitude (paragraph 186).

Assistance to victims

- While welcoming the assistance provided by the victim support centres, GRETA once again urges the Hungarian authorities to take further measures to provide victims of THB with adequate and effective assistance, and to ensure that all assistance measures provided for in law are guaranteed in practice to victims of THB, regardless of their immigration status. When the provision of assistance is delegated to NGOs or other non-state actors as service providers, the State has an obligation to provide, through an effective system of allocation, adequate and consistent financing to ensure quality human resources, services and assistance delivered (paragraph 206).

Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

- GRETA urges the Hungarian authorities to take further steps to identify child victims of trafficking and to provide them with assistance adapted to their needs, including by:
 - sensitising and training staff working with children, including in residential care institutions, as well as other child protection professionals across the country, on THB, its indicators, prevention measures and where to refer presumed child victims for assistance;
 - raising awareness of THB and online safety among children, including those in residential homes;
 - putting in place measures aimed at preventing the trafficking of children belonging to vulnerable groups, including Roma children and unaccompanied children who have fled Ukraine;
 - setting up child-specific identification procedures which involve child specialists and take into account the special circumstances of child victims of trafficking;
 - ensuring that relevant actors take a proactive approach to identifying child victims of THB, including by paying particular attention to children accommodated in special residential homes and unaccompanied foreign children;
 - strengthening the training provided to front-line professionals on the identification of child victims of trafficking, including police officers, prosecutors, and legal guardians;
 - reviewing the new measures introduced in the Child Protection Act with a view to ensuring compliance with international standards on the rights of the child, in particular as regards the placement of child victims of trafficking in closed facilities;
 - taking measures to ensure that child victims of THB are provided with an accommodation which creates a safe and enabling environment for children, paired with a sufficient number of staff (paragraph 222).

Recovery and reflection period

- GRETA once again urges the Hungarian authorities to ensure that the recovery and reflection period is defined in law in compliance with Article 13 of the Convention, and that all possible foreign victims of trafficking are granted a recovery and reflection period when there are reasonable grounds to believe that they are victims of trafficking, regardless of whether they cooperate with law enforcement authorities or not (paragraph 226).

Residence permits

- Recalling the recommendation made in its second report, GRETA considers that the Hungarian authorities should ensure that renewable residence permits are issued in practice to foreign victims of THB, in compliance with Article 14 of the Convention, and taking into account the victims' personal situation (paragraph 234);
- GRETA urges the Hungarian authorities to provide foreign victims of trafficking with access to a fair and efficient asylum procedure, giving full consideration to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 235).

Repatriation and return of victims

- GRETA considers that the Hungarian authorities should continue providing assistance to Hungarian victims of trafficking who are returned from other countries, providing them with information on the services and organisations which could assist them and supporting their social (re)integration (paragraph 240);
- GRETA considers that the Hungarian authorities should ensure that programmes for the repatriation of foreign victims of trafficking to their countries of origin and/or residence are conducted with due regard for their rights, safety and dignity, are preferably voluntary and comply with the obligation of non-refoulement. This includes informing foreign victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 241).

Appendix 2 - List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
 - Mr Mátyás Hegyaljai, Deputy State Secretary for European Union and International Affairs and National Anti-Trafficking Co-Ordinator
 - Unit for Counter Trafficking and Horizontal Issues
- Ministry of Justice
- Ministry of Innovation and Culture
- Ministry of Economic Development
- Ministry of Foreign Affairs and Trade
- National Police
- National Directorate General for Aliens Policing
- National Crisis Management and Information Telephone Service (OKIT)
- Office of the Prosecutor General
- Financial Intelligence Unit of the National Tax and Customs Administration
- Child protection and guardianship agencies
- National Office of the Judiciary
- Office of the Commissioner for Fundamental Rights
- Hungarian Parliament

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

NGOs and other civil society actors

- Anonymus Ways
- Chance for Families 2005 Foundation
- Hungarian Baptist Aid
- Hungarian Helsinki Committee
- NANE
- Salvation Army
- Solwodi
- Terre des Hommes
- Women's Lobby

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Hungary

GRETA engaged in a dialogue with the Hungarian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Hungarian authorities on 19 December 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 5 February 2024, are reproduced hereafter.



MINISTRY OF INTERIOR

MÁTYÁS HEGYALJAI

Deputy State Secretary for EU and International Relations

Ms. Petya Nestorova

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

Strasbourg

Budapest, “ ” February 2024

Dear Madam Executive Secretary,

I would like to thank you that the clarifications and additions made by the Hungarian authorities have been included in the draft text. We are also grateful that you providing the opportunity for final comments on the draft report on Hungary by the Group of Experts on Action against Trafficking in Human Beings. We have received and reviewed the final report with the involvement of the organisations concerned.

Please find attached our final comments on the third evaluation report of GRETA on Hungary in English.

I would like to kindly ask you to take note of the attached remarks and to consider publishing them in their present form together with the final report.

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



Yours sincerely,

Mátyás Hegyaljai



MINISTRY of INTERIOR

Hungary's final comments on the third round evaluation report of GRETA

Paragraph 123

National Police Headquarters

In order to increase the efficiency of labour inspections, share experiences, and promote communication between partner services, the Criminal Department of the Criminal Directorate General of the NPH initiated a consultation with the Public Order Department of the Directorate General of Law Enforcement of the NPH and proposed the appointment of senior supervisor officers delegated from the regional police forces. The primary purpose of appointing senior supervisor officers is to ensure that training is carried out efficiently. The designation of officers at the National Police Headquarters and the county police headquarters was completed on 29 August 2023.

Paragraph 174

In connection with this paragraph, we would like to clarify that RobotZsaru (as an IT system) was already in operation before 2021. Following the introduction of the opt-out system for direct access to victims on 1 January 2021, the support system-system connection between RobotZsaru and the Victim Support IT system was established and launched on 1 November 2022.

Paragraph 188

In connection with this paragraph, we would like to point out that, among the victim assistance grants, the „certification” (a police crime report and a certificate delivered by the competent investigating authority, prosecutor, or court) is required only in the case of instant monetary aid, proof of victim status and state compensation. However, this certificate is not the same as the certificate issued by the victim support service (certification of victim status).

Paragraph 206

Protected accommodation does not have to be applied for every year by the hosting organisations. Every year, the central budget provides the necessary subsidies for the operation of protected accommodation services, which have been increased almost every year.