



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

GRETA(2018)26_HUN_rep

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

Third evaluation round

**Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings**

Reply submitted on 28 October 2022

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December 2018

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("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 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 (THB), 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. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

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, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different 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, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

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

Access to English translation of the main pieces of legislation referred to in the text:

- [Act C of 2012](#) on the Criminal Code
- [Act XC of 2017](#) on the Code of Criminal Procedure
- [Act V of 2020](#) on the amendment of certain laws to prevent the exploitation of victims of human trafficking
- [Government Decree No.354/2012.](#) (XII.13.) on the identification order of victims of trafficking in human beings
- [Government Decision No. 1046/2020.](#) (II. 18.) on the National Anti-Trafficking Strategy for 2020–2023 and the Action Plan to be implemented in the period 2020–2021
- [Government Decision No. 1228/2022.](#) (IV. 14.) on the Action Plan to be implemented in the period 2022–2023 of the National Anti-Trafficking Strategy for 2020–2023

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

Pursuant to *Act CXXXV of 2005 on Crime Victim Support and State Compensation* (hereinafter referred to as "Victim Support Act"), the state shall provide the following services to the victims after assessing their needs: facilitating the enforcement of interests (provision of information, legal advice, emotional help, case management), instant monetary aid, state compensation, certificate of victim status, witness care. The law also defines sheltered accommodation as a victim support service designated specifically for victims of trafficking.

Concerning the issue of trafficking in human beings, the enforcement of interests and the sheltered accommodations are considered the most relevant from this wide range of services. These are available without means testing and regardless of the initiation of criminal proceedings (police report). In line with this, the Victim Support Act also exempts the official of the victim support service from the obligation to report the case under the Section 376 Subsection (2)-(3) of *Act XC of 2017 on the Code of Criminal Procedure* (hereinafter referred to as "CPC") if the victim asks for help for the enforcement of interests or sheltered accommodation.

The victim support service is made up of three components:

- **County (capital) government offices** are mainly responsible for administrative procedures, e.g. payment of instant monetary aid and state compensation, requesting legal aid.
- **Victim Support Centres operated by the Ministry of Justice** offer a more informal environment with the presence of a psychologist as well. A total of 11 Victim Support Centres were established between 2017 and 2022, full nationwide coverage is expected by 2025.
- **Victim Support Line** (+36 80 225 225) is a green number available 24 hours a day.

Please find attached to the questionnaire the leaflets produced by the victim support service in English, German and subsequently also in Ukrainian in response to the current Russian–Ukrainian conflict (*Annex #1-4*).

General information relating to the rights and obligations of crime victims in criminal proceedings shall be provided by the victim support service. The role of the legal aid service is defined by *Act LXXX of 2003 on Legal Aid* (hereinafter referred to as "Act on Legal Aid"): it shall provide counselling on simple legal matters, provide information which court or authority has the competence to evaluate the client's applications and about the costs of initiating and conducting the procedures. If the client appeared in person, the legal aid service shall convey the information verbally - in person or over the phone - without taking minutes or other official notes about it, while the legal aid service shall provide written information if the client was making inquiries in writing. The services are provided free of duty and charge, without assessing the client's income and financial situation.

The Section 51 of CPC details the rights and obligations of the aggrieved party in criminal proceedings. According to Section 51 Subsection (1) e), f) and h), the aggrieved party shall be entitled to

- receive information about his/her rights and obligations in the criminal proceedings by the investigating authority, the prosecution service or the court;
- seek legal remedy;
- enforce a civil claim in the court procedure as a civil party, and submit a notice of his intent to do so during the investigation.

In this context, it is important to highlight Section 74 of CPC in relation to provision of information, advising and communication:

"Section 74 (1) Unless otherwise provided in this Act, the court, the prosecution service, or the investigating authority shall inform and advise the person participating in the criminal proceeding of his rights and obligations before the procedural act affecting that person.

(2) In the course of communicating with the person participating in the criminal proceeding, the court, the prosecution service, or the investigating authority shall strive to ensure that the person participating in the criminal proceeding understands the information provided to him and he is understood.

(3) To achieve the goal specified in paragraph (2), the court, the prosecution service, or the investigating authority shall, when communicating,

- a) use simple and commonly understood language,
- b) take into account the condition and personal characteristics of the person participating in the criminal proceeding, and
- c) verify that the person participating in the criminal proceeding understood the information provided to him orally, and explain the information if necessary."

Information on victim support services provided by the state is a mandatory part of police records to be prepared during a victim or witness hearing. In 2021, significant developments took place in this field: an amendment to the Victim Support Act introduced the so-called opt-out system of victim support in order to reach as many victims as possible. Upon the victim's consent, the police forwards data relating to the victim, along with the important data of the case to the victim support service which then directly contacts the victims and offers assistance according to his or her needs.

The Victim Support Act and *Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals* (hereinafter referred to as: "ARRTN Act") set out further specific provisions for third-country nationals: if the victim support service finds that a third-country national client is a victim of human trafficking, it shall also inform him/her that

- (a) he/she is entitled to a 1-month period of reflection to consider whether to cooperate with the authorities in investigating the crime;
- (b) he/she is granted a certificate of temporary stay for the duration of the reflection period and humanitarian residence permit for the period of cooperation with the authorities.

We also provide copies (*Annex #5-15*) of the information materials developed by the National Directorate-General for Aliens Policing for self-identification and referral of foreign victims of trafficking in human beings. In the first half of the one-page document contact details of the main support organizations (crisis centres, organisations providing free legal assistance, shelter organisations, victim support services

operating rehabilitation programmes, international organisations and NGOs) are listed, while at the bottom the common forms of exploitation are explained in plain language. The leaflet was translated to 11 foreign languages according to the usual composition of applicants of the National Directorate-General for Aliens Policing: English, French as world languages; Arabic, Dari, Farsi, Urdu, Pashto, Kurdish mainly for asylum seekers; Chinese (mandarin), Serbian and Ukrainian for clients of immigration procedures.

The leaflets entitled "SAFEmployment" (*Annex #16-19*) are also displayed in four languages (English, Russian, Ukrainian and Hungarian) at all premises of the National Directorate-General for Aliens Policing where third-country nationals turn up on a daily basis.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

In victim support procedures, the costs of translation and interpretation for victims who do not speak Hungarian language (or need assistance due to disability) is borne by the victim support service from the annual budget of the Ministry of Justice. This is the same appropriation without budget cap from which the instant monetary aids and state compensations are paid for crime victims. The CPC states the following in relation to the language of criminal proceedings and the right to the use of own language.

"Section 8 (1) Criminal proceedings shall be conducted in the Hungarian language. Members of a national minority living in Hungary and recognised by an Act may use their national minority mother tongue in criminal proceedings.

- (2) A person shall not suffer any disadvantage because he does not understand the Hungarian language.
- (3) Everybody shall be entitled to use his mother tongue in a criminal proceeding.
- (4) A hearing-impaired or deaf-blind person shall be entitled to use sign language in a criminal proceeding."

"Section 78 (1) If a person participating in the criminal proceeding wishes to use his mother tongue other than Hungarian, a national minority mother tongue, or other mother tongue specified in an international treaty promulgated by an Act, an interpreter, preferably one familiar with specialised legal language, shall be used.

- (2) A person who does not understand the Hungarian language shall be enabled, by using an interpreter, to use another language specified as understood by him if using his mother tongue would cause disproportional difficulties.
- (3) If the person to be interrogated is hearing-impaired, he shall be interrogated, upon his request, with the support of a sign language interpreter, or he shall be allowed to give a written testimony in place of being interrogated.
- (4) If the person to be interrogated is deaf-blind, he shall be interrogated, upon his request, with the support of a sign language interpreter.
- (5) If the person to be interrogated is speech-impaired, he shall be allowed, upon request, to give a written testimony in place of being interrogated.
- (6) If the person to be interrogated is unable to communicate or his capacity to communicate is considerably limited for a reason not specified in paragraphs (3) to (5), he shall be interrogated using a sign language interpreter, or communication shall be enabled by other appropriate means.
- (7) Translation for a case document to be served under this Act shall be arranged for by the court, the prosecution office, or the investigating authority which adopted the decision or issued the other case document.
- (8) Unless otherwise provided in an Act, a document to be served need not be translated, if the addressee expressly renounces such a translation."

Interpretation and translation fees are borne by the given authority conducting the procedure and added to the costs of criminal procedure (then, as a general rule, charged to the offender).

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

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

The victims become eligible for assistance under the Victim Support Act after formal identification procedure set out in *Government Decree No. 354/2012. (XII.13.) on the identification order of victims of trafficking in human beings* (hereinafter referred to as "Gov. Decree 354/2012"). The identification interview is conducted on the basis of the signs of victimization and the related methodology (Annex 1 of the Gov. Decree) by the body entitled to identification that detects first the case. If the client is proven to be a victim of trafficking, the victim support service shall be notified without delay through a web-based platform for the identification and referral of victims of trafficking in human beings operated by the Ministry of Justice (in Hungarian commonly referred to as "EKAT System"). If the identified victim is under the age of 18, the body entitled to identification shall also initiate the administrative procedure set out in Section 17 b) of *Act XXXI of 1997 on the Protection of Children and the Guardianship Administration* (hereinafter referred to as "Child Protection Act").

In practice, facilitating the enforcement of interest including legal advice, as referred to in Point 1.1. is a service to give information on simple legal matters related to victimisation. If the victim is in need of legal assistance under the Act on Legal Aid, victim support service certifies the client's victim status and forwards a request to the legal aid service to take action.

Under the current legal framework, the status of certified victim provides a more favourable treatment for the purposes of access to legal aid under the condition of social vulnerability. In the case of out-of-court assistance, where the victim of a crime needs the professional advice of a legal aid lawyer or the drafting of a pleading (claim, application, denunciation, indictment, etc.) to initiate proceedings to remedy the damage caused by the crime or harm to rights or interests arising from the crime, he or she should be allowed to receive the assistance free of charge under more favourable conditions than under the general rules.

Children can submit an application for proceedings under the Act on Legal Aid through their legal representatives (usually via their parents) and legal aid is also provided through them.

The Family and Child Welfare Service, available in all municipalities, is a body entitled to identification under Gov. Decree 354/2012 and is also responsible for operating the signalling system for detecting and reporting child vulnerability. The services shall inform the children about their rights, who, when and where they can get help, support and even legal assistance.

Pursuant to the Child Protection Act, the rights of children placed in child protection care, whether or not they are victims of a crime, are exercised by the child protection guardian as a legal representative, and further protected by the child rights representative.

The child protection guardian:

- represents the interests of the child, promotes the exercise of his/her rights,
- learns the child's opinion and convey it to the institution providing the care and the authorities dealing with the child's affairs,
- provides legal representation of the child, and
- initiates proceedings in matters defined by law,

The child rights representative:

- ensures the protection of the rights of the child receiving child protection care,
- helps the child learn about and assert his/her rights, as well as to learn about and fulfil his/her obligations,
- helps the child to formulate his/her complaint, initiates the investigation thereof,
- helps the child to access care appropriate to their condition.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Yes, victims of trafficking are entitled to legal assistance regardless of the form of exploitation. Legal assistance is, however, conditional on legal residence, which the authorities seek to ensure for third-country nationals as follows.

In line with *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* (hereinafter referred to as "EU Directive 2004/81/EC") third-country nationals identified as victim of trafficking in human beings are entitled to a reflection period of 1 month allowing them to recover and escape the influence of the perpetrators of the offences so that they can make an informed decision as to whether to cooperate with the competent authorities. Pursuant to Section 30 Subsection (1) e) of ARRTN the victim is granted, upon the initiative of the victim support service, a certificate of temporary stay by the immigration authority (National Directorate-General for Aliens Policing) for this period.

The next step is laid down in Section 29 Subsection (1a) db) of ARRTN: if the third-country national indicates his / her intention to cooperate with law enforcement, the immigration authority shall, upon the initiative of the investigating authority, prosecution's office or court, issue a residence permit for humanitarian purposes for a period of 6 months, renewable by 6 months from time to time.

It is important to underline that these are only complementary statuses, which are used when the victim would not be able to reside in the country under any other legal status.

It is also important to point out Section 4 Subsection (1) f) of the Act on Legal Aid stipulating that legal assistance is also available for those who have been the subject of a removal order by the immigration authority.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

All victims of human trafficking – including children – shall have access to state-subsidised free legal aid in extrajudicial cases, civil, administrative and criminal proceedings. Free legal aid is also provided to claim compensation except for the judicial execution procedure in relation to the compensation awarded by the court.

Extrajudicial legal aid according to Act on Legal Aid:

"Section 9/A Subsection (1): If a party presenting a request for aid under Section 3 Subsection (1) g) has been declared a crime victim upon the proceedings governed in specific other legislation, and that he/she is therefore eligible for victim support services, the provisions on need for aid as set out in Sections 5-9 shall apply subject to the exception that the Government shall cover the costs of legal services instead of the party if the available net monthly income of the party does not exceed 86 % of the national average of the gross monthly wage published by the Hungarian Central Statistical Office for the second year prior."

Legal aid in civil proceedings according to Act on Legal Aid:

"Section 15 Subsection (1) b): The following persons shall be considered in need in addition to those described in Section 14 b) the party to whom the conditions set out in Section 9/A apply, if declared a crime victim upon the proceedings governed in specific other legislation, and that he/she is therefore eligible for victim protection services and for compensation for the damage caused by the crime, or if he/she files charges to initiate a lawsuit for the prevention of any injury, legal or otherwise, stemming from the crime in question, except if the party in question is considered in need according to Section 14."

Legal aid in criminal proceedings according to Act on Legal Aid:

Section 19 Subsection (1) b): With the exception set out in Subsection (3), injured parties, private prosecutors, private parties and other interested persons shall be considered in need of the aid if:
b) they satisfy the criteria set forth in Section 9/A in terms of income and financial situation, and if declared a crime victim upon the proceedings governed in specific other legislation, and that he/she is therefore eligible for victim protection services.”

The CPC also contains relevant provisions related to legal aid:

Section 75 (1) Legal aid may be granted to the defendant or the natural person aggrieved party, party with a pecuniary interest or other interested party to facilitate the exercise of his rights, provided that he is unable to cover criminal costs, in whole or in part, due to his income and financial situation.

(2) In particularly justified cases, legal aid may be granted to an aggrieved party, a party with a pecuniary interest, or an other interested party, even if it is an entity other than a natural person if it is prevented from exercising its rights specified in this Act due to its financial situation, taking into account, in particular, the form of the company, its profit orientation, the financial situation of its members, and the capacity of its members to cover the necessary costs.

(3) Regardless of their income or financial situation, legal aid shall be granted to a) a natural person aggrieved party enforcing a civil claim, b) a defendant, an aggrieved party, a party with a pecuniary interest, and another interested party in a case specified by law.

Section 76 (1) Legal aid shall cover

a) in the case of a defendant, advancing and bearing the fee and expenses of the officially appointed defence counsel and the guardian ad litem by the State,

b) in the case of an aggrieved party, a party with a pecuniary interest, or another interested party, advancing the fee and costs of the legal aid lawyer by the State, as well as bearing such fee and costs in situations specified in the Act on legal aid and advancing the fee and expenses of the guardian ad litem by the State,

c) in the case of a civil claim submitted by the aggrieved party, the advance payment of the court procedural fee,

d) in the case of a private prosecuting party, advancing the fee and costs of the legal aid lawyer by the State, as well as bearing such fee and costs in situations specified in the Act on legal aid,

e) in the case of a substitute private prosecuting party, the fee deferral for one-time copies of case documents, and advancing the fee and costs of a legal aid lawyer by the State, as well as bearing such fee and costs in situations specified in the Act on legal aid.

(2) If the court grants a civil claim submitted by a natural person aggrieved party, the legal aid granted to the aggrieved party shall also apply, as cost deferral, to the enforcement procedure.

Section 77 (1) Legal aid shall be granted by the legal aid service upon request by a person participating in the criminal proceeding in accordance with the law.

(2) If modifying and withdrawing legal aid may be in order, the court, the prosecution service, or the investigating authority shall inform the legal aid service about all changes to the facts underlying the legal aid.”

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

The government only collects data on whether a lawyer represents clients in criminal or civil cases; we do not keep records on specific types of offences.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Payments relating to the financing of state-subsidised legal assistance and free legal aid for victims of human trafficking are made continuously from an appropriation without budget cap in the budget of the Ministry of Justice. The system of state-subsidised legal aid is essentially based on the bearing and advancing the costs by the state. According to the general rules of the Act on Legal Aid, victims do not have to pay a fee for obtaining state-subsidised legal aid or for initiating the related administrative legal aid procedure, while starting a legal action (lawsuit) is only free of charge if the court grants them legal aid (cost free).

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

According to the CPC, the aggrieved party shall be entitled to make a statement, at any time, regarding any physical or mental harm or pecuniary loss he / she suffered as a result of the criminal offence. This statement is a separate legal instrument, which can be possibly made already at the beginning of the procedure. Thus, during the investigation, a notice of intent to enforce a civil claim can be submitted by the aggrieved party and, to secure his / her civil claim, the aggrieved party may submit a motion for sequestration. Sequestration is subject to the discretion of the authority; it may be ordered in case it is reasonable to assume that enforcing the confiscation of assets, or satisfying the civil claim, would be frustrated.

If the prosecution service brings an indictment, the statement of the aggrieved party shall be, together with the indictment document, forwarded to the court.

During the court phase, the aggrieved party may file a civil claim to the court of first instance at the time of the first procedural act he / she is allowed to attend at the latest.

If no indictment is filed, mediation or conditional prosecutorial suspension may give the aggrieved party the possibility to be compensated for the harmful consequences caused by the crime. In the former case the perpetrator undertakes to compensate the harm caused by the crime in a manner and to an extent accepted by the aggrieved party, while in the latter case the perpetrator has to pay for the caused damage according to the decision of the prosecution service or provide for compensation to be given to the aggrieved party in another way. These legal instruments are not common in human trafficking cases, though.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

It is determined based on all circumstances of the case and statements of the parties.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

The purpose of a seizure in the CPC is to secure a means of evidence, or a thing or asset that may be subject to confiscation or confiscation of assets, in order to conduct the criminal proceedings successfully.

Besides seizure, another measure called sequestration can guarantee and secure the payment of damages. Sequestration may be ordered regarding a thing, scriptural money or electronic money, a financial instrument as defined in a separate piece of legislation, any other intangible property, or any other claim of marketable nature. Sequestration may be ordered if a procedure is conducted because of

criminal offence where confiscation of assets may be ordered, or its purpose is to secure a civil claim, and it is reasonable to assume that enforcing the confiscation of assets, or satisfying the civil claim, would be frustrated.

The judgment on the merits of the civil claim opens the way for judicial execution. Pursuant to *Act LIII of 1994 on Judicial Enforcement*, the civil party may ask the first instance court to issue a certificate on enforcement on the basis of the part of a verdict in a criminal case ruling in favour of the civil claim, and thus the civil party can reach the ordering of enforcement without other official or court procedure.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

If a crime involving a victim of any nationality took place in Hungary or a Hungarian victim has been victimized abroad, applications for state compensation are processed by the Government Office of the Capital City Budapest.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

According to Section 7 Subsection (1) of *Act CXXXV of 2020 on services and support measures aimed at promoting employment and the supervision of employment*, the compliance with the minimum requirements of the legal acts regulating the employment relationship by the employer is inspected by the labour authority. Section 7 Subsection (4) a) states that the labour authority is entitled to classify the relationship between the employer and the employee, as well as the legal relationship based on which the employee is hired out to perform work, and the actual relationship established on the basis of the actual employment.

The authority can order the employer to pay the previously unpaid wages. According to Section 11 Point a) of *Government Decree No. 115/2021. (III. 10.) on the activities of the employment supervision authority*, the labour authority obliges the employer to remedy the violation of law, the deficiency or the failure to fulfil the employment obligation, in order to terminate the violation, or in case the violation was found to have been committed. The non-compliance with the rules regarding the payment of the remuneration is one of these violations. If the amount of the remuneration cannot be determined, the amount of the mandatory minimum wage (HUF 200 000 per month in 2022, gross amount) should be the basis of the calculation of the amount of the remuneration in case of an employee employed in positions not requiring a secondary school diploma or advanced vocational training (or higher qualifications).

The victim of trafficking in human beings can also file a civil claim against the employer within the framework of a civil action taking into account the rules set out in *Act I of 2012 on the Labour Code*.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

With a view to further increasing the effectiveness of law enforcement, the Ministry of Interior launched a training series in 2019 jointly for investigators, prosecutors and judges. Lectures covered the sociological and criminological characteristics of trafficking in human beings, the new statutory definition in *Act C of 2012 on the Criminal Code* (hereinafter referred to as "CC") amended in 2020, rules on the special treatment of victims of trafficking, and the participants could also get an insight into the victim support system. In addition to general sensitization, the small group workshops are considered the key value of

these sessions where all actors of the criminal procedure are seated around the same table: they get to know each other's approaches, ways of thinking and rehearse practical cooperation through case studies, thus cases of trafficking in human beings and forced labour can move more smoothly from the investigative phase to prosecution and to the final judgment. Each time professionals from 2-4 counties participated, covering all counties and the capital of Hungary by summer 2021. The last training was held on 19-20 September 2022, bringing the total number of participants to 169.

In 2019, anti-trafficking senior supervisor officers were appointed in all county (capital) police headquarters so as to increase the detection of crimes related to trafficking in human beings, as well as to properly ensure the rights of the victims, as persons requiring special treatment. The National Police Headquarters have been providing their regular training ever since. Directorate General for Criminal Investigation of the National Police Headquarters continuously develops and shares professional material (manuals, tutorial video, legal norms) with all police officers also on the MyPolice intranet site to assist the high-level execution of the activities. In addition to the central-level trainings, county police headquarters also provide education and training for their own staff.

Government Decision No. 1046/2020. (II. 18.) on the National Anti-Trafficking Strategy for 2020–2023 and the Action Plan to be implemented in the period 2020–2021 paid special attention to the training of the border police staff and the medical staff of the immigration detention facilities for the appropriate screening, identification and referral to assistance of the potential victims. To this end, the National Police Headquarters developed a mandatory course for the designated staff of the border police branch of service; no less than 3301 persons successfully completed it until the end of 2021. *Government Decision No. 1228/2022. (IV. 14.) on the Action Plan to be implemented in the period 2022–2023 of the National Anti-Trafficking Strategy for 2020–2023* provided for the continuation of the training programme. The second round is therefore underway with the involvement, among other smaller branches, the patrol staff of the county police headquarters with Schengen internal border sections performing tasks related to border police and immigration control (e.g. in-depth checks).

The National Directorate-General for Aliens Policing (until July 2019: Immigration and Asylum Office) organized training sessions for its staff in day-to-day contact with possible victims of human trafficking during 2017–2019. A total of 164 employees participated, including asylum and immigration case workers, officers of the on-site inspection units as well as social workers of the reception facilities. In addition, the staff of the authority regularly participated in several trainings organized by EASO (EUAA), Frontex and CEPOL in the reporting period. Given that several years have passed since that training programme mentioned above, and there is a natural turnover of staff, the National Directorate-General for Aliens Policing is planning to provide repeated trainings in 2023.

The training plan of the Office of the Prosecutor General includes the topic of trafficking in human beings each year. In February 2023 the Prosecution Service will organize a four-day-long training for junior prosecutors with special focus on the rules of special treatment of victims of trafficking.

Trainings related to human trafficking have also been integrated into the training curriculum of the Hungarian Academy of Justice providing trainings for judges, court leaders, court clerks, judicial staff and witness caretakers. Training specifically related to victim's compensation took place in May 2018 and in March 2021.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

The scope of those eligible for state compensation is defined by Section 6 of the Victim Support Act as follows:

- a) victim of a violent intentional crime against person, whose physical integrity and health were severely damaged;
- b) person who is a direct relative, adoptive parent or foster parent, adopted or foster child, spouse, life partner of the injured or deceased victim in one household at the time of the offense;
- c) person to whom the injured or deceased victim was or is obliged to support on the basis of an enforceable court or official decision or a valid contract;
- d) person who has provided for the burial of the victim who died as a result of an intentional violent crime against a person.

Under the personal scope of the Victim Support Act in Section 1, the beneficiary is defined as a natural person who became victim of a crime or an offence against property committed in the territory of Hungary, or who as a direct consequence of a crime or an offence against property committed in the territory of Hungary suffered a disadvantage, in particular bodily or mental injury, emotional shock, or property damage if he or she is

- a) a Hungarian citizen;
- b) a citizen of any Member States of the European Union;
- c) a citizen of a state outside the European Union legally residing in the European Union;
- d) a stateless person legally residing in the territory of Hungary;
- e) a person identified as a victim of human trafficking;
- f) entitled to do so on the basis of an international agreement or reciprocity concluded among his state and Hungary.

The above shows that victims are entitled to state compensation regardless of their immigration status. As a general rule, the application for compensation can be submitted within one year of the crime being committed.

Pursuant to Section 8 of the Victim Support Act the victim cannot get compensation if

- a) there are grounds for exclusion against him/her;
- b) he/she has not made an insurance claim arising out of the crime or has made a claim or insurance claim and has been compensated for his/her loss (including benefits received from a foreign state, insurer or non-governmental victim support organisation) by the time the application for compensation is submitted;
- c) his or her conduct was the cause of or contributed to the commission of the offence and was established by a court in a final and conclusive decision;
- d) his or her wrongful conduct caused or contributed to the damage and was established by a final decision of a court or tribunal;
- e) he or she has unlawfully refused to give evidence or has failed to cooperate in the expert examination, or has been fined by the decision which has become final or cannot be challenged by way of further appeal;
- f) fails to comply with the obligation to cooperate in the medical or expert examination in compensation proceedings, fails to provide the additional information requested, or is absent from the hearing without justification;
- g) has failed to make a private statement necessary for the conduct of the criminal proceedings;
- h) has committed an offence as defined by law and the court has made a final decision on the case.

The victim is obliged to repay the state compensation in 5 years after the decision on the merits of the application has become final, if

- the application for assistance was submitted by the victim as a victim of a criminal offence and the court with jurisdiction has issued a final and conclusive decision or a decision of the prosecution or investigating authority terminating proceedings which cannot be further challenged, stating that the act on which the assistance is based is not a criminal offence,

- the damage or loss has been made good, in whole or in part, from other sources, up to the amount of the recovery.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

State compensation can be paid in a lump sum or as monthly allowances. As a lump sum, the victim can claim compensation for all or part of the financial loss suffered as a result of the crime. The amount will be based on the extent of the damage, as evidenced by the victim's invoice, receipt, preliminary quotation or other document. When calculating the amount, the victim support service will check whether the victim has insurance and whether the victim expects to recover all or part of the damage, either from the perpetrator or from other sources. The maximum lump sum compensation in 2022 is HUF 2 603 325.

In the event of the victim's incapacity for work due to a crime, if the incapacity for work is expected to exceed 6 months, the victim can claim partial compensation for the loss of regular income in the form of an annuity. The monthly rate of the allowance:

- 75 percent of the certified loss of income if the victim is under 18 or dependent on the care of others,
- 50 percent of the certified loss of income if the victim does not need the care of others.

The maximum amount of the allowance in 2022 is HUF 173 555 per month.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Yes, if the offence on which the compensation is based was committed in Hungary and the application for compensation is submitted within one year. The personal scope of the Victim Support Act and the role of the Government Office of the Capital City Budapest was presented earlier in this section.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Victim assistance procedures are free of charge, victims do not need to hire a lawyer to apply for and receive compensation from the state. Lawyers' fees incurred in the course of criminal proceedings may be taken into account by the authority when calculating the amount of state compensation, but the amount of state compensation is limited to an amount that increases each year (in 2022, HUF 2 603 325).

According to *Act CXVII of 1995 on Personal Income Tax* benefits received by the victim of a crime from the victim support service are tax exempt.

State compensation is not directly linked to social security or other benefits, but the payment of state compensation in the form of allowance must be discontinued, if

- the victim's entitlement to a regular social security or pension benefit in respect of the crime has been established and the benefit has started to be paid,
- the victim has been awarded an annuity by a final court decision and has started to receive it,
- the insurer starts to pay an annuity to the victim.

According to the general rules of the Act on Legal Aid, victims do not have to pay a fee for obtaining state-subsidised legal aid or for initiating the related administrative legal aid procedure, while starting a legal action (lawsuit) is only free of charge if the court grants them legal aid (cost free).

Our answers to Point 2.3. and 2.5., as a whole or in part, also apply regarding this question.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Act LIII of 2017 on the prevention and fight against money-laundering and financing of terrorism (hereinafter referred to as "AML/CFT Act") stipulates that the obliged entity shall suspend execution of the transaction if any data, fact or circumstance constituting grounds for reporting arises in relation to such a transaction, for the investigation of which the obliged entity deems that immediate measures by the financial intelligence unit of the National Tax and Customs Administration (NTCA FIU) are required. In this case, the obliged entity shall make a report without delay to NTCA FIU so as to check the well-foundedness thereof. The obliged entity may suspend the transaction also by suspending all transactions concerning the service engaged by the client decreasing the client's assets. In this case, the obliged entity shall call NTCA FIU's attention to this in its report. Such reports are considered as a special type of suspicious activity reports (SARs).

NTCA FIU can also suspend transactions. It can carry out such a suspension on the basis of its own analysis, on the basis of the request of a foreign FIU and on the basis of the request of the investigative authority, public prosecutor. The suspension power is considered as a freezing measures in the AML/CFT context.

The field of asset recovery in the criminal investigations is regulated by the CPC 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*. The Police shall take the necessary measures to detect and seize the properties in order to secure the confiscation or a civil claim in any ongoing investigation related to asset generating crimes, including trafficking in human beings and forced labour; then the confiscation may be ordered by the court. Pursuant to the Instruction, asset recovery is an essential point in the investigation plan, and the summary report at the end of the investigation shall also specifically include the related measures (or the reason for the lack of asset recovery).

If there is a good reason to believe that enforcing the confiscation of assets would be frustrated, sequestration may be ordered in line with the CPC thus suspending the right of disposal over the affected thing. (Note: the legal instruments of seizure and sequestration are described more in detail at Point 3.3)

Under the rules of jurisdiction, investigations related to trafficking in human beings and forced labour are generally conducted by the county police headquarters. In cases with international elements, the Rapid Response Police National Bureau of Investigation has nationwide competence, within which a separate THB-unit as well as the Asset Recovery Office (ARO) can handle the trafficking cases.

The criminal intelligence and data gathering activities focusing on the legal income, living conditions and property conditions of the suspect and persons living with him/her or in the same household are continuously carried out by the proceeding authority. Data are gathered by consulting directly available systems and databases (vehicle registration system, real estate registry, company registration system) which is completed by on-site data gathering and internet-based OSINT methods. The Police may also contact financial institutions, investment service providers, pension funds and health funds, as well as request data from the National Tax and Customs Administration and the Hungarian State Treasury.

Should the suspicion arise that the crime was committed in an organized crime group, the asset recovery (for carrying out financial coercive measures) shall be extended to cover the whole duration of the existence of the OCG or in case of a given perpetrator, the duration of his / her participation in it.

If legal conditions for seizure, sequestration or confiscation of assets are met, the Police take immediate measures to carry out the financial coercive measures. If the available data of the investigation indicate that the asset originating from a crime is located abroad, the proceeding authority shall contact the ARO which keeps direct contacts with the asset recovery offices of other EU Member States.

It is also important to refer to rules set out in the Criminal Code. Pursuant to Section 74/A confiscation shall be ordered in respect of property acquired by the perpetrator of trafficking in human beings and forced labour (and several other serious crimes) in the five years preceding the initiation of criminal proceedings, if the property or the lifestyle of the perpetrator is particularly disproportionate to his or her verifiable income and personal circumstances. The law prescribes reverse burden of proof in such a case. Pursuant to Section 75 confiscation of property shall be ordered for a specific sum if the property to be seized subject to confiscation is no longer accessible or cannot be separated from other assets or it would impose unreasonable difficulties.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

At the end of a criminal proceedings, the judge shall decide in each case on the confiscation of criminal assets. Section 75 Subsection (3) of the CC stipulates that the ownership of assets subjected to confiscation of assets shall pass to the State, unless otherwise provided by an Act.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

According to the Section 382 Subsection (1) of CPC, the prosecution service may dismiss the crime report if the person reasonably suspected of having committed the criminal offence cooperates and contributes to detecting and proving the given or any other criminal case to such an extent that the national security or law enforcement interest in his cooperation exceeds the interest in establishing the criminal liability of the person reasonably suspected of having committed a criminal offence. However, the crime report may not be dismissed under paragraph (1) if the cooperating person can be reasonably suspected of having committed a criminal offence involving the killing of another person intentionally, or causing a permanent disability or serious degradation of health intentionally [Subsection 382(2) of CPC]. In all cases, dismissing the crime report presupposes the application of one of the following legal institutions:

- the prospect of avoiding the establishment of criminal liability (Section 219 of CPC)
- offering by a prosecutor a measure or a decision (Section 404-406 of CPC), or
- plea agreement (Section 407-411 of CPC).

It is important to point that the Hungarian regulations do not allow the bargaining to cover the facts. The qualification is a professional issue, which is the task of the prosecutor and the plea agreement must take place with regard to the actual crime. This is a significant difference between the Hungarian and common law systems. The subject of the plea agreement may primarily be the agreement on the sentencing and other additional issues. The parties can make an agreement taking into account the sentencing factors of the CC. Section 411 Subsection (6) of CPC also stipulates separately which issues the parties cannot agree on.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

In accordance with *Decree of the Minister of Justice No. 14/2002. (VIII. 1.) on Court Administration* priority administration of cases in the court is based on provisions of legal regulation, resolution of the National Judicial Council or order of the court's president. The president of the court can order priority administration at the client's written request. Prioritization means that the case will be excepted from ordinary procedure. In priority proceedings – unless otherwise provided for by law – each action shall be taken without delay. Section 79 Subsection (1) of the CPC prescribes priority procedure – inter alia – if the accused is subject to a coercive measure affecting personal freedom subject to judicial permission or the accused or the aggrieved party has not attained the age of eighteen years.

By virtue of the CPC it shall be considered in the course of criminal proceedings whether the aggrieved party is a person requiring special treatment based on particularly the personal characteristics, or the nature and circumstances of the criminal offence.

The legal instruments related to the special treatment are progressive in line with the disabilities. Applying special treatment measures, even in case of declaring the person concerned a specially protected witness, inclusion in the Protection Programme, is based on individual assessment.

Based the statistical database of the National Office for the Judiciary, the average length of first instance procedures concluded with final decisions in trafficking in human beings and other crimes aimed at exploitation was 15 months in the reporting period. In case of review, second instance procedures concluded in an average length of 6 months and third instance procedures in an average length of 3 months.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

Hungary is party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime* (hereinafter referred to as "Palermo Convention") as adopted within the framework of the United Nations on 14 November 2000 in Palermo, which was promulgated by Act CII of 2016 in Hungary, as well as to *Council of Europe Convention on Action against Trafficking in Human Beings*, which was promulgated by Act XVIII of 2013. The provisions of CC on trafficking in human beings are entirely in line with the requirements of the Palermo Convention and its Protocols and Council of Europe Convention. In addition, the Hungarian legislation complies with the provisions of the *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*.

The criteria of effectiveness, proportionality and dissuasiveness are already taken into account by the prosecution service when formulating the motions for the imposition of a penalty. And in the case of penalties that are not so severe as set out in the motion, it seeks to increase the severity by filing an appeal.

As set out in Section 80 Subsection (1) of the CC, the punishments shall be imposed within the framework provided for in the Act, having in mind its intended objective, as consistent with the severity of the criminal offence, with the degree of culpability, the danger the perpetrator represents to society, and with other mitigating and aggravating circumstances. Keeping in mind the aim of a punishment means that the court assures the protection of society during sentencing via general and special prevention.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The victim of trafficking appears in criminal proceedings as the aggrieved party and gives a testimony as a witness. The aggrieved party is authorized to make use of assistance of an aide in the procedure proceeding to represent and protect the rights and legitimate interests as well as to facilitate the exercise and performance of the rights and obligations of the aggrieved party. The aide is empowered to obtain information on the rights and obligations of the assisted person from the court, the prosecutor's office and the investigative authority. Pursuant to Section 59 Subsection (1) of the CPC, any of the following persons designated by the victim may participate in the criminal proceedings as an aide:

- a) legal representative, guardian ad litem,
- b) an adult relative of the defendant,
- c) a consular officer when the defendant, aggrieved party, or witness is a foreign national,
- d) the spouse or cohabitant of a defendant subject to compulsory psychiatric treatment,
- e) the adult person providing care for the minor or the juvenile,
- f) an authorised representative,
- g) advocate,
- h) an adult person specified by an aggrieved party or by the person reporting the crime,
- i) an attorney-at-law acting for a witness,
- j) an adult person who does not have an interest in the case and is authorised by a person affected by a search or who attends the search,
- k) an adult person specified by the person subject to a body search,
- l) an agent for service of process,
- m) a person protecting a person who participates in a Protection Programme,
- n) a legal aid lawyer.

As shown above, members of NGO specializing in the issue of trafficking in human beings could also assist victims in the course of criminal proceedings.

Minor victims of trafficking in human beings are considered to be persons requiring special treatment, and as a result, measures qualifying as special treatments specified in Chapter XIV of the CPC shall be applicable. In addition to the general rules, the law prescribes special rules for persons who have not attained the age of 18 or 14 if they become victims of sexual exploitation.

Amendments to the CPC and the related sectoral legislation entered into force on 1 January 2021 have introduced significant innovations related to children: it strengthens the cooperation between the judiciary and child protection in the performance of procedural acts, based on the Icelandic model of Barnahus. It enables the authorities to clarify all aspects of the case by carrying out crisis intervention, medical and forensic examination and police interview of a sexually abused child in one place, thus protecting him / her from the traumatising effects of multiple witness testimonies and other risks related to criminal proceedings (e.g. confrontation with the abuser, frustration caused by inappropriate interrogation). What the child says here, qualifies as procedural act (hearing) under CPC, carried out by the investigative authority with the involvement of a forensic psychologist or a consultant with special qualifications in the application of the method as defined in Section 61 Subsection (2) of the Child Protection Act.

The execution of a procedural act as described above requires a specific order of implementation, since in such a case the consultant is directly participating in the criminal proceedings. The role of the consultant goes well beyond interpreting the questions and other communication of the investigative authority; the consultant shall also use his / her professional knowledge, experience and methods to get answers to the questions put by the investigative authority.

The Barnahus Quality Standards on Multidisciplinary and Inter-institutional Solutions are built on operational practices and should therefore be considered as a guideline to facilitate the enforcement of justice of victims and witnesses of child abuse. The Barnahus model is ultimately based on the assumption that the child's narrative is a key to the detection and investigation of the crime. The research and clinical experience establishing the method clearly confirms that the combined effect of repeated interviews with different officers, in different locations and with different organisations, as well as inappropriate

interviewing methods can result in secondary victimization. Small unintended inconsistencies may also come up in the interviews conducted by persons with different levels of competency thus discrediting the child as a witness.

The Barnahus protocol allows the child to give as detailed account as possible, in a way that is in line with the rules of evidence gathering and the rights of the defence and, within this framework, ensures the quality and quantity of evidence obtained.

The Barnahus model has been incorporated into the portfolio of child protection services in Hungary under the name of Hearing and Therapy Service – for more information on the expanding network please see Point 8.6.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Legal remedies, the fora for appeals and complaints are provided for by Chapter LVIII of the CPC. The aggrieved party may file a complaint against a decision made by the investigating authority or the prosecutor's office, within eight days of its communication. A party reporting a crime may file a complaint only if his crime report is dismissed.

The investigating authority or the prosecutor's office that passed the decision shall examine the submitted complaint within eight days upon receipt, and, if the complaint is well-grounded, it shall set aside or amend the decision. If the investigating authority or the prosecutor's office considers it unfounded, it shall forward the case documents and its statement on the complaint within eight days to the prosecutor's office assessing the complaint.

A complaint against a decision of the investigating authority shall be assessed by the prosecutor's office, while a complaint against a decision of the prosecutor's office shall be assessed by the superior prosecutor's office within fifteen days after the receipt of the case documents. A complaint against a decision terminating the proceedings shall be assessed within one month. The prosecution office assessing the complaint shall set aside or amend the challenged decision if it considers the complaint well-grounded. No further complaint shall be made at this level against a decision assessing a complaint.

If the prosecution office assessing a complaint dismisses a complaint filed by the aggrieved party because his crime report was dismissed or the procedure was terminated, it shall inform the aggrieved party in its decision about the possibility and conditions of acting as a substitute private prosecuting party, including the rights and obligations of a substitute private prosecuting party.

That person shall be entitled to make a legal remedy statement in person who has capacity to act in criminal proceedings. The aggrieved party's capacity to act in criminal proceedings mainly relies on provisions of the Civil Code. Accordingly, the aggrieved party has capacity to act in criminal proceedings if he has full capacity under the rules of civil law.

In place of an adult who does not have full capacity to act under the rules of substantive civil law, his statutory representative shall be entitled to make a statement (e.g. a legal remedy statement) in criminal proceedings. An adult with partially limited capacity to act, whose civil law capacity to act is not restricted regarding the subject matter of the proceedings or an individual procedural act, may make a legal remedy statement in person.

Minors, considered by the law persons with limited capacity to act, may not make a legal remedy statement in person. The legal representative of the child shall act on behalf of him, except for cases provided for by Section 69 Subsection (3) and (4) of the CPC. By virtue of his status, the legal representative shall present the minor's interests and views (if the minor is unable to do so due to his lack of maturity, or due

to his condition etc.) during the criminal procedure, thus when a legal remedy statement is made. If the participation of a person under the age of eighteen is needed in a procedural act, the prosecution service ensures the effective enforcement of children's rights in the course of criminal proceedings, including children's hearings and the consideration given to their views as set forth, among other pieces of legislation, by the Fundamental Law of Hungary, United Nations Convention on the Rights of the Child and the national Child Protection Act.

It is also worth introducing here *Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter referred to as "CFR Act")* and the related services. Pursuant to Section 18 Subsection (1) h) anyone may turn to the Commissioner for Fundamental Rights, if in his or her judgement the activity or omission of the investigative authority or the organ of the public prosecutor's office conducting the investigation infringes a fundamental right of the person submitting the petition or presents an imminent danger thereto, provided that this person has exhausted the available administrative legal remedies, not including the administrative court action, or that no legal remedy is available to him or her.

The Commissioner for Fundamental Rights is authorised to review the investigation from the aspect of fundamental rights, with special regard to the enforcement of the right of fair procedure, as well as the enforcement of the rights of those who belong to vulnerable social groups. This may include, without being exhaustive, for example, controlling whether the report is handled in line with the statutory requirements, whether the right to complaint is ensured during the procedure, and whether the special needs of children or persons with disabilities are taken into account, or whether the requirement of non-discrimination is enforced.

Investigations into complaints related to police measures as the activities of the strongest coercive power of the state are especially important in the ombudsman's activity. From February 2020, pursuant to a new provision set out in Section 92 of *Act XXXIV of 1994 on the Police (hereinafter referred to as "Police Act")* the Commissioner for Fundamental Rights may conduct inquiries into any complaints concerning the police even before the final decision is adopted by the police in their authority procedure. In order to ensure the efficient fulfilment of the new responsibilities, a separate organisational unit called the Police Complaints Directorate has been set up at the Office of the Commissioner for Fundamental Rights. In addition to the tasks related to police complaint procedures, this separate organisational unit conducts inquiries related to all petitions submitted in relation to criminal proceedings and law enforcement. Thus, it is the Police Complaints Directorate that ensures the uniform ombudsman's control of the official activities that represent the exercising of law enforcement and official criminal authority.

The Commissioner for Fundamental Rights also pays special attention to that his responsibilities and competence, accessibility and the channels for submitting petitions become known in as wide a circle as possible, also to the members of the most vulnerable groups of society. Petitions may also be submitted electronically but some of the clients cannot use these opportunities in lack of the appropriate devices and knowledge. This is why, in relation to the extended ombudsman's activity, it was defined as a goal that the citizens be informed of the extension of the Commissioner's competence, on the one hand, and that the expanding circle of those concerned have a more direct and more flexible access to the Commissioner's activity, as close to their respective places of residence as possible, on the other hand. The Office of the Commissioner for Fundamental Rights (and the legal predecessor Office of the Parliamentary Commissioner) used to operate with its exclusive headquarters in Budapest, however, in 2022, it became possible for the clients to initiate the ombudsman's procedure in person, close to where they live, through the legal experts of the office who work in the six regional offices established in the different regions of Hungary.

The Commissioner for Fundamental Rights runs a special sub-page on his website, which is especially for children. The information materials that are written in a language that is easy to understand for children help them understand fundamental rights. The sub-page also allows the children to turn to the Commissioner for Fundamental Rights with their petitions or questions at an e-mail address maintained specifically for them.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

The mechanisms for lodging notifications or complaints are the same for all citizens (irrespective of being in custody or not); complaints and notifications may be lodged orally, in writing or by telephone. Furthermore, the clients can make a report and ask for assistance by contacting one of the victim support services or NGOs indicated on the information materials referred to below.

The National Directorate-General for Aliens Policing provides multilingual and up-to-date official information to persons fleeing from the Ukrainian-Russian war and other potential victims of trafficking, by means of information published on its website (www.oif.gov.hu/en) and leaflets available at the client services. (For more information, please see Point 1.1. and Annex #5-19).

In addition, a specific information material has been produced for unaccompanied minors, with the aim of providing them with information at an age-appropriate level. (For the English version, please use this [link](#)). The key messages of the "Be safe" awareness-raising campaign launched by the Special Representative Co-ordinator for Combating Trafficking in Human Beings of the Organization for Security and Co-operation in Europe (OSCE) has also been published on the website.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

THB victims can make a notification or complaint orally, in writing or by telephone for the actual or presumed omission of police measures. No state official was found responsible for engagement in trafficking in human beings and/or failure to prevent it or protect victims from the crime committed by third parties.

It is important to note that criminal responsibility is an individual responsibility, therefore criminal proceedings cannot be initiated against the state. If conduct of a public official adequate to the legal facts of trafficking in human beings and forced labour or any other criminal facts, criminal proceedings can be initiated against him or her personally.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The Office of the Prosecutor General supports the work of prosecutors by giving opinions on individual cases, as well as by sharing generally applicable experiences that can be drawn from individual cases and shapes the practice: it monitors the application of the law by the prosecution service in individual cases as well as through investigations conducted in wide fields, and within this it also monitors whether the individual organizational units of the Prosecution service exercising their powers of supervision and management, take the necessary measures in order to promote detection, as well as forming of the practice of imposing sanctions, and if necessary, provides guidelines relating to which cases are justified to submit legal remedy.

In the assessment of the application of the legal practice of the prosecution service related to certain crimes of exploitation of human trafficking and prostitution activities regulated by the chapter XIX of the Criminal Code, a fundamentally new situation was created through the guideline on the topic of the questions of legal application of human trafficking common issued with number *KSB.3771/2018/5-I.-NF.3889/2014/11.* on 5 October 2018 by the Department for Supervision of Investigation and Preparation of Indictments and Department for Priority, Corruption and Organized Crime Cases; its examination relating to its entry into force was carried out by the Prosecution service in 2019.

During the criminal procedure the victim of the human trafficking can be considered as a person requiring special treatment according to Section 81 of the CPC, while the victim who has not reached the age of eighteen - regardless of the nature of the crime - and the victim of a crime against the freedom of sexual life and sexual morality is considered as a person requiring special treatment by virtue of the law. The second common guideline of the Department for Supervision of Investigation and Preparation of Indictments and Department for Priority, Corruption and Organized Crime Cases issued with number *KSB.3771/2018/45-II.-NF.3889/2014/15-II.* on 21 May 2019 is about the application of victim identification and special treatment; its examination relating to its entry into force was carried out by the prosecution service in 2020.

Presently the third guideline is being prepared as a result of the comprehensive monitoring of the application of the new statutory provision of trafficking in human beings and forced labour entered into force on 1 July 2020.

There is also an ongoing review of the cases in which the victims of human trafficking were forced by the perpetrators to commit an illegal act by force or threats, by deception or the perpetrators induced the victims by abusing a position of power or influence, by taking advantage of his/her vulnerable position and by misusing of childhood. The Chief Prosecution Offices will finish their reports relating to cases in question by October 2022. After reviewing these and, if necessary, after direct examining some cases by the Office of the Prosecutor General, the decision may be justified that the practice should be properly shaped by an organizational management measure, or by sufficient guidelines given in individual cases.

Other crimes that usually arise in connection with human trafficking, such as procuring, living on the earnings of prostitution, sexual coercion, sexual violence, sexual abuse, facilitating prostitution, exploiting child prostitution, and the crime of child pornography, as well as crimes against the interests of children and against the family (Chapter XX of the Criminal Code) are also subjects of continuous analysis.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Section 192 of CC does not contain provision for the direct application of the non-punishment principle, however, based on the Hungarian criminal law rules, coercion and threat (Section 19 of CC) and mistake (Section 20 of CC) may be the reference basis to ensure the non-punishment of the victim as reasons for excluding or limiting liability to punishment.

If a person identified as a victim of trafficking in human beings seems to have committed an unlawful act, the Police duly examine the existence of coercion and threats or other effects bending his or her will.

One of the most significant achievements since the second round of evaluation is the adoption of *Act V of 2020 on the amendment of certain laws to prevent the exploitation of victims of human trafficking* in March 2020 (entry into force: 1 July 2020). The law amendment package voted by the Parliament in full unanimity comprehensively revised, among other things, the assessment of prohibited prostitution committed by a person under the age of 18.

- The amendment to *Act LXXV of 1999 on the Rules of Action against Organised Crimes and Certain Related Phenomena, and on the Required Amendments of Law* declared that persons under the age of 18 may not offer sexual services.
- At the same time, a new section was added to *Act II of 2012 on Minor Offences, Offence Procedures and the Registration System of Offences* as well: the violation of prohibition of offering sexual

services is not punishable any more if the offender has not attained the age of majority at the time of the commission of the act. In practice, it means that the minor is treated as presumed victim of trafficking in human beings by the law, instead of commencing an offence procedure against her (him).

- Lastly, the referral mechanism is laid down in *Act XXXI of 1997 on the Protection of Children and the Guardianship Administration*: the Police shall apply a so-called general protection measure and take the minor to the designated special childcare institution so as to protect her (him) from the further harmful effects of prostitution. In such a case, the guardianship authority is notified without delay, though the placement is an immediately enforceable decision, and is not subject to prior decision of the guardianship authority.

Concrete example of the non-punishment provision:

Police patrols took action against a minor at 10 a.m. on 19 November 2021 in a city in north-eastern Hungary because she was offering sexual services for money. Apparently no one forced her to provide sexual services, no one even asked her to hand over any money she earns, so she did it independently and of her own free will. On the basis of the provisions of the Child Protection Act referred to above, the child was transferred by police to the designated Special Central Children's Home, where she was then receiving long-term assistance.

Please note that other provisions of Act V of 2020 will be explained at Point 12.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Legal remedy of the CPC, as well as the rights of victims and perpetrators, are precisely defined. From this point of view, it can be stated that the perpetrator's right to legal remedy does not depend on the crime or the rights granted to the victim. The rights and obligations of the defendant and the victim (Section 39 and 51 of CPC) are as follows:

Section 39 (1) The defendant shall be entitled to

- a) get informed of the subject of the suspicion or the indictment, as well as any change thereto,
- b) be afforded adequate time and circumstances for preparing the defence by the court, the prosecution service, or the investigating authority,
- c) be informed by the court, the prosecution service, or the investigating authority about his rights and obligations in the criminal proceeding,
- d) authorise a defence counsel for his defence, or move for the official appointment of a defence counsel,
- e) consult his defence counsel without supervision,
- f) give or refuse to give a testimony,
- g) present pieces of evidence, file motions and observations, and address the court by exercising his right to the last word,
- h) be present at the trial and the sessions held relating to coercive measures affecting personal freedom subject to judicial permission, and to ask questions as provided for in this Act,
- i) seek legal remedy,
- j) inspect the case documents of the proceeding in their entirety, with the exceptions specified in this Act,
- k) initiate that a plea agreement be concluded or a measure or decision by a prosecutor be offered.

(2) The defendant in detention shall be entitled to

- a) get informed of the reason for his detention and any change thereto,
- b) have the court, the prosecution service, or the investigating authority inform one person selected by him about his detention,
- c) establish, and keep without control, contact in person, via post or by electronic means with his defence counsel and, in case of a foreign national defendant, the consular representative of his state,

d) keep supervised contact in person or controlled contact via post, or by electronic means with the person selected by him, in accordance with the instructions of the prosecution service before the indictment or the court after the indictment,

e) to keep contact with the person or authority specified in an international treaty promulgated by an Act in accordance with the international treaty.

(3) A defendant shall be obliged to

a) be present at procedural acts in accordance with the instructions of the court, the prosecution service, or the investigating authority and as specified in this Act,

b) inform the proceeding court, prosecution office, or investigating authority about his home address, contact address, actual place of residence, and service address, as well as any change thereto within three working days following the change.

(4) The court, the prosecution service, or the investigating authority shall advise the defendant of his rights and obligations at the beginning of his participation in the criminal proceeding. The information shall cover his right to request legal aid, the conditions for such legal aid, and the right to use his mother tongue.

(5) If the defendant is in detention, the proceeding court, prosecution office, or investigating authority shall inform the defendant about his rights also in writing. The information shall cover the period of detention as specified in the decision ordering the detention and the maximum possible period of detention as specified in an Act, the rules of extending, maintaining, and reviewing the detention, and the right to seek legal remedy against these decisions, as well as the right to file a motion for the termination of the detention.

(6) With a view to exercising the rights provided for under paragraph (1) b) and e), the court, the prosecution service, or the investigating authority shall postpone the beginning or performance of a procedural act for at least one hour, if the defendant did not have an opportunity, through no fault of the defendant or the defence counsel, to prepare for defence or to consult the defence counsel before the commencement of the procedural act concerned.

(7) When ensuring the exercise of the right provided for under paragraph (2) d), the court or the prosecution service may restrict or prohibit contact with a relative only to ensure the success of the criminal proceeding or protect the life or physical integrity of another person. The defendant or the defence counsel may seek legal remedy against a decision adopted on this matter.

(8) With the exception of paragraph (1) a), f) to h), j) and k) and paragraph (3) b), to the rights and obligations of the person reasonably suspected of having committed a criminal offence, the rules on the rights and obligations of the defendant shall apply accordingly.

Section 51 (1) The aggrieved party shall be entitled to

a) submit evidence, file motions and observations,

b) address the court in the course of closing arguments,

c) be present at the trial and other procedural acts specified by an Act, and ask questions as provided for in this Act,

d) inspect case documents produced in relation to a criminal offence that affected him, with the exceptions specified in this Act,

e) be informed about his rights and obligations in a criminal proceeding by the court, the prosecution service, or the investigating authority,

f) seek legal remedy as provided for by this Act,

g) make use of the assistance of an aide,

h) enforce a civil claim in the court procedure as a civil party, and submit a notice of his intent to do so during the investigation,

i) act as a private prosecuting party or a substitute private prosecuting party.

(2) The aggrieved party shall be entitled to make a statement, at any time, regarding any physical or mental harm or pecuniary loss he suffered as a result of the criminal offence, and whether he wishes the defendant to be convicted and punished.

(3) The aggrieved party shall be entitled to make a statement, at any time, that he does not wish to exercise his rights as an aggrieved party in the given proceeding any longer. Such a statement shall not prevent the proceeding court, prosecution office, or investigating authority from interrogating the

aggrieved party as a witness, and it shall not serve as relief from any of the obligations specified in paragraph (6) a). The aggrieved party may withdraw such a statement at any time. If the aggrieved party withdraws the statement, he may resume exercising his rights as an aggrieved party in the criminal proceeding after the withdrawal. (4) If the aggrieved party made a statement under paragraph (3), any submitted civil claim or corresponding declaration of intent shall be considered withdrawn.

(5) The aggrieved party shall be entitled to be informed, upon request, about any of the following concerning the criminal offence affecting him:

- a) release or escape of a defendant in pre-trial detention,
- b) release on parole or permanent release or escape of a defendant sentenced to imprisonment to be served, or an interruption of his sentence of imprisonment,
- c) release or escape of a defendant sentenced to confinement, or an interruption of his sentence of confinement,
- d) release or escape of a person under preliminary compulsory psychiatric treatment,
- e) release, leave without permission, or release on adaptation leave of a person under compulsory psychiatric treatment, and
- f) in case of special education in a juvenile correctional institution, any temporary or permanent discharge of the juvenile, leave from the juvenile correctional institution without permission, or interruption of his special education in a juvenile correctional institution.

(6) The aggrieved party shall be obliged to

- a) participate in procedural acts, including expert examinations, in line with the instructions given by the court, the prosecution service, or the investigating authority as laid down in this Act,
- b) inform the proceeding court, prosecution office, or investigating authority about his home address, contact address, actual place of residence, and service address, as well as any change thereto within three working days after the change."

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

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The investigative authorities ensure the protection of victims by applying the special treatment measures under CPC as follows: confidentiality of personal data (without disclosing them in case files), avoiding confrontation as a procedural act with the suspect, keeping the contact with the victim and planning the procedural acts in a prudent way, access to protection programme, ensuring personal protection. Protection needs are primarily assessed on the basis of the condition and statements of the victim and with a personal assessment form developed for this purpose. All these protection measures shall be initiated by the proceeding authority, while the proper implementation is monitored by the prosecution service.

Beyond the measures set out in CPC, the investigative authorities also take into consideration the possibility of placement in sheltered accommodation under the Victim Support Act.

In 2015, the Victim Support Act introduced the possibility of witness care in the courts. According to Section 4 Subsection (5) the witness summoned for a court hearing may turn to a judicial witness-counsellor who is a court official giving information to the witness in order to facilitate the testimony and the court appearance necessary for this purpose.

Witness counselling includes:

- providing appropriate information for the witnesses summoned for a court hearing,
- providing accommodation for witnesses during their waiting time and
- improving the conditions of the witness hearing process.

Most tribunals have appointed several colleagues as witness counsellors; at national level a total of 244 professionals are available currently.

The main objective is obviously assisting in the fulfilment of the obligation to testify, and thus also promoting the timely completion of court proceedings. Witness counselling and victims support focuses on

- providing comprehensive and easily understandable information for the witnesses on their procedural rights and possibilities,
- facilitating the enforcement of their rights, including, without prejudice to impartiality and unbiasedness and
- supporting them in giving evidence without fear.

Sensitive treatment of witnesses manifests, *inter alia*, in the courts enabling the witness to wait and to be heard in a place separated from the accused and other parties to the proceedings.

The court system assists in the fulfilment of the obligation to testify also by striving to provide plain, intelligible and accurate information to the witnesses in the widest possible scope (in writs of summons, web pages, information brochures and press coverages). In addition to clarifying the rights and obligations, this extensive information often covers practical issues as well.

In addition to the client-oriented approach, there is also another benefit in the institution of witness counselling: namely, if courts come into contact with more and more witnesses aware of their rights and obligations, the number of witness submissions will show a decrease, meanwhile the willingness to appear at court will increase, which will, ultimately, promote the timely completion of court proceedings and result in a saving of our resources.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

Section 51 of the CPC sets out the rights of the victim to be guaranteed by the investigative authorities during the criminal proceedings. The person concerned shall be informed about his/her rights and obligations prior to the procedural acts. In the course of communicating with the person participating in the criminal proceedings, the authorities shall strive to ensure that he / she understands the information provided to him /her and to this end the authority shall

- a) put information in a simple and plain manner,
- b) take into account the condition and personal characteristics of the person participating in the criminal proceeding, and
- c) verify that the person participating in the criminal proceeding understood the information provided to him / her orally, and if it is necessary, further explain the given information.

The provisions of the law comply with *Directive 2012/13/EU of the European Parliament and Council on the right to information during criminal proceedings*. Compliance with the provisions of the directive and the law is ensured, on the one hand, by recording the provision of information to the victim in the minutes of the hearing or other procedural act, and on the other hand by the regular training of the officials who may come into contact with the victims during the procedures (as detailed at Point 3.6.)

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

As mentioned above, the CPC contains a separate chapter on the rules on special treatment. Section 81 Subsection (1) creates the possibility of individualization primarily for the aggrieved party and the witness, also specifying what kind of circumstances, related to the person or the nature of the criminal offence being prosecuted may give rise to the provision of the special treatment by the authority.

In the list of circumstances, the age of the party is mentioned at first place. In this context, in addition to the elderly, it is obviously the age group of young adults that needs to be highlighted, since the age of minority automatically entails the provision of special treatment. Concerning the measures to be applied, the legislator made a difference between general and specific rules. General rules give a mere suggestion for the practitioner on the possible measures and do not qualify as imperative norms. Specific rules, however, determine the possible measures assigned to each category requiring special treatment and set them out as obligatory or discretionary rules.

Three main groups of parties are automatically entitled to special treatment:

- persons under 18 years of age;
- persons under 14 years of age;
- victims of sexual offences.

For the protection in children participating in the criminal procedure (Section 87-88 of the CPC) please go to Point 8.6.

Section 89 of the CPC lays down further detailed rules for the victims of sexual offences. It provides, *inter alia*, that the aggrieved party may be interrogated only by a person of the same sex and at all other procedural acts attended by the aggrieved party a person, who is of the same sex as the aggrieved party, shall also be present from the proceeding investigating authority, furthermore, the investigating authority shall ensure that all procedural acts requiring the presence of the aggrieved party are carried out each time by the same person. The investigating authority may deviate from these provisions only upon motion by or with the consent of the aggrieved party or if doing so is indispensable to ensure the success of the proceedings. The confrontation of the aggrieved party may not be ordered without his or her consent. Section 89 Subsection (4) lays down specific rules for minor victims of sexual offences as detailed at Point 8.6.

In addition, the investigative authority, the prosecution service and the court shall order, upon a motion, the name, birth name, place and date of birth, mother's name, nationality, ID number, home address, contact address, the actual place of residence, postal address, and electronic contact details of the aggrieved party as well as the aide to the aggrieved party to be processed confidentially (restricted data processing).

Pursuant to Sections 90-93 of the CPC, the court may, at the motion of the prosecution service, declare a party in the criminal proceedings who requires special treatment to be a specially protected witness, if

- a) his testimony is related to the substantial circumstances of a case of considerable gravity,
- b) there is no alternative to the evidence expected from his testimony, and
- c) the life, physical integrity, or personal freedom of the witness or his relatives would be exposed to grave threats if his identity or the fact that he was interrogated as a witness would be revealed.

Only the following persons may attend the procedural act requiring the participation of the specially protected witness before the indictment:

- prosecutors and members of the investigating authority,
- keepers of minutes and, if justified, experts and consultants,
- aides to the specially protected witness, and
- other persons inevitably affected by the procedural act.

After the indictment, the court shall carry out procedural acts requiring the participation of the specially protected witness primarily through a requested court or a delegate judge; the defendant and the defence counsel may not attend such acts. The court may allow the specially protected witness to attend a procedural act by using a telecommunication device, provided that doing so does not pose any risk of revealing the identity of the witness. In this event, the court shall order the individual identifying characteristics of the witness to be distorted by technical means; the right to ask questions of the persons present shall also be limited to moving for asking questions.

A procedural act requiring the participation of the specially protected witness shall be recorded in a written minutes, which shall be handled confidentially. An extract of these minutes shall be produced. The extract of the minutes may only contain the name of the members of the court, the prosecution service, and the investigating authority, who attend the procedural act, as well as the fact that the witness was granted the status of a specially protected witness, and the description of the procedural act.

The member of the investigating authority, prosecutor or the proceeding judge shall ensure that no conclusion can be drawn from the performance of the procedural act or the extract of minutes of the procedural act regarding the identity, home address, contact address, or actual place of residence of the specially protected witness.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

No data available concerning witness protection measures specifically for victims of trafficking in human beings. According to the National Police Headquarters, there was no particular need to implement the specific provisions of *the Act LXXXV of 2001 on the protection programme for persons involved in Criminal Proceedings*; the sheltered accommodations offer the most suitable, trauma-oriented care for victims of trafficking. In addition, the proceeding investigative authorities ensure the protection of victims by applying measures of special treatment under CPC, taking into account the personal needs of the victim.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

In order to get over the traumatic experience related to exploitation, **sheltered accommodations** operated by NGOs provide a calm and safe environment and a wide range of services as follows:

- rescue and safe transport;
- housing in a safe location (equipped with security cameras and multiple security doors, designated escape route);
- full care (meeting physical needs, providing meals, clothing, bedding, medicine);
- taking over administrative costs (e.g. replacement of personal documents, postage fees and other duties, transport);
- availability of a team of professionals (social worker, psychologist, lawyer);
- medical care.

Half-way houses connected to the shelters are also part of the complex assistance, designed to establish and strengthen independent living. The subsidized housing means that the beneficiaries only have to pay utility costs, while they are exempt from paying rent or deposit. The assistance from social workers and, if necessary, psychologists and lawyers are still available for the victims at this stage.

There is also a so-called **crisis intervention home** designed for victims in serious danger and still in shock, giving them some time for recovery and respite, while victim support specialists thoroughly map the their situation, needs and vulnerability.

In 2020, the state provided a total of HUF 133 250 000 financial support for the shelter operators for the following services and developments:

- operation of two sheltered accommodations (each with 12 beds) maintained by the Chance for Families 2005 Foundation
- 2-2 half-way houses (each with 4 beds) connected to the shelters maintained by the Chance for Families 2005 Foundation
- establishment, furnishing and operation of a new sheltered accommodation (also with the capacity of 12) maintained by the Hungarian Baptist Aid

- established and operation of the crisis intervention home connected to the shelter maintained by the Hungarian Baptist Aid.

In 2021, the shelter operators were granted 40 250 000 HUF from the national budget for the following services and developments:

- operation of the three sheltered accommodations, half-way houses and the crisis intervention home referred to above;
- opening of two halfway-houses connected to the shelter maintained by the Hungarian Baptist Aid.

In addition to this, the government also financed in 2021 the purchase and maintenance of 2-2 **rescue cars** for both NGOs operating the state-funded shelters (total disbursement: HUF 40 000 000). The investment can significantly reduce the time lapse between identification and access to specialized treatment, thus it contributes to the more efficient functioning of the national referral mechanism.

In 2022, a total of HUF 82 300 0000 was given to the NGOs to maintain the services referred to above: three sheltered accommodations, the crisis intervention home, the six half-way house as well as the four rescue cars.

The National Crisis Management and Information Telephone Service (in Hungarian commonly referred to as "OKIT"), available free of charge 24 hours a days, helps victims of domestic violence and trafficking in human beings by providing information, telephone counselling and, in case of emergency situations, refers the victims to sheltered accommodation. In 2020, 2021 and 2022, the hotline operated with state funding amounting to HUF 202 500 000 each year.

The Police work in close cooperation with the above NGOs to rescue and support victims. The National Police Headquarters maintains regular contacts with management of the NGOs and carried out several joint trainings, awareness raising and prevention programmes in the reporting period. A Memorandum of Understanding has also been in force between the Police and the Hungarian Baptist Aid since 2014.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Under CPC, the aggrieved party under 18 years of age is considered a person requiring special treatment in the criminal proceedings without a separate decision, which entails enhanced legal protection and a set of additional rights. The investigative authority, the prosecutor's office and the court shall apply appropriate measures to protect and spare the person requiring special treatment and facilitate the exercise of the his / her rights, thus all procedural acts shall be conducted in line with the principles below:

- increased caution during communication
- privacy
- the immediate performance of the procedural act, with due preparation, so that
 - should not be repeated, if possible
 - avoiding unnecessary contact with the offender
- interrogation by trained personnel in a special interrogation room
- the exclusion of the public from the trial
- the limitation of the defendant's and defense's right to be present
- avoiding confrontation.

Section 87 of the CPC provides that, if possible, an audio-visual recording shall be prepared of procedural acts requiring the participation of a person who has not attained the age of eighteen years, and it may be ordered that the procedural act be attended also by a judicial psychologist expert or – as described more

in detail at Point 6.1. – a consultant and/or it be carried out with the assistance of such a person. The same section of the CPC requires the investigative authority, the prosecution service and the court to ensure that the rights of children are effectively enforced in line with UN Convention of 1989 (CRC). The CPC also prescribes as an obligatory rule that a witness under 18 years of age may not be subject to instrumental credibility examination (polygraph) and without his or her consent confrontation may not be ordered.

Concerning persons under 14 years of age, Section 88 of the CPC lays down further regulations: the procedural act may not be carried out, unless there is no alternative to the expected evidence; the procedural act, if possible, shall be carried out in a room used or made suitable for such act, the procedural act, if possible, shall be carried out each time by the same person during the investigation. In addition, the investigative authority, the prosecution service and the court must prepare an audio-visual recording of the procedural act, the confrontation of a witness who has not attained the age of 14 must not be ordered, and his or her hearing must not be attended by the defendant and the defence counsel in person.

For victims of sexual offences (e.g. exploitation in prostitution), the strictest protection rules are extended to all persons under 18 as indicated at Point 8.3. Section 89 Subsection (4) of the CPC provides that the procedural act, if possible, shall be carried out in a room used or made suitable for such acts, an audio-visual recording of the procedural act must be prepared by the investigative authority, the prosecution service and the court; the interrogation of the aggrieved party must not be attended by the defendant and the defence counsel in person; according to the amendment effective of 1 March 2022, when using a telecommunication device, it shall be ensured that the aggrieved party can only see the proceeding member of the investigative authority, prosecutor or judge; after the indictment, a procedural act requiring the participation of the aggrieved party shall be carried out by the court through a delegate judge or at a requested court; the right to ask questions of persons who attend the procedural act requiring the participation of the aggrieved party shall be restricted (they may only propose asking questions); lastly, the public must be excluded from parts of the trial where participation for the aggrieved party at the procedural act is mandatory.

Lastly, the regulation laid down in Section 89 Subsection (5) of the CPC, according to which, the court may refrain from hearing the aggrieved party as a witness, provided that the aggrieved party was heard during the investigation and the audio-visual recording of this procedural act is available, contrary to the previous regulation, not only to aggrieved parties under 14 years of age but also those under 18 years of age.

At this question, we would like to reiterate the training programmes presented at Point 3.6, as well as the adoption of Barnahus model detailed at Point 6.1.

Following the Barnahus in the town of Szombathely established on a pilot basis in 2016, the Hearing and Therapy Service was opened in Budapest and Debrecen in 2021. In addition, 5 more new Barnahus institutions are being established at present to ensure nationwide coverage. In 2021, the National Child Protection Special Service became operational in order to provide methodological support, coordinate the development of the network as well as to organize the training for its professional staff. The first round of the training of the consultants was carried out with the professional support of the National Police Headquarters and the Embassy of the Kingdom of Belgium in Budapest to properly learn the special hearing techniques adapted to the abused children. In 2021, 12 staff members of the Special Service completed the 10-day basic training. In July 2022, 8 more professionals completed the training, while the previous group was given three-day refresher training. From 2023 onwards, the training of the consultants will be conducted at the National University of Public Service (in Hungarian commonly abbreviated as "NKE") in the framework of a two-semester course. In the above-mentioned courses in 2021–2022 also the future trainers participated from the university.

The Action Plan to be implemented in the period 2020–2021 of the National Anti-Trafficking Strategy for 2020–2023 aimed to establish children's hearing room in every court building with a staff of more than 7. By the end of 2021, no less than 64 hearing rooms have been set up in the 20 regional courts and 113 district courts across the country. The National Office for the Judiciary also set up a Child-Friendly justice

working group in 2013, and later a permanent Children's Rights Cabinet, as well as adopted the "Child-friendly justice" programme to further enhance the rights enshrined in the CRC, the Council of Europe Guidelines and the related national legislation.

In addition to the trainings referred to in Point 3.6, the National Office for the Judiciary continuously organizes country-wide trainings on the proper conduct and communication when dealing with children.

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

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

We reiterate the robust capacity building at the county police headquarters by appointing anti-trafficking senior supervisor officers in 2019. The THB-subunit of the National Bureau of Investigation was elevated to an independent unit with its staff being expanded as of 1 January 2020; it can also significantly improve the effectiveness of law enforcement in the daily practice.

Technical means of resources are appropriately provided; currently there is a need to obtain special software solutions, to be funded from national budget and the Internal Security Fund of the EU.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

Note: the information given here should be read in conjunction with our answer at Point 5.1.

The National Bureau of Investigation always sends inquires to the National Tax and Customs Administration in order to map and trace the financial background of the target persons, also reaching out to the Hungarian Financial Intelligence Unit, and if all conditions apply, financial investigation (as a parallel proceeding) could be launched as well by the National Bureau of Investigation Asset Recovery Office (NBI ARO), focusing on the obtained criminal assets of the target persons. With the assistance of NBI ARO, there is a possibility to initiate international asset recovery on the target persons, tracing down the financial footprint of the facilitators abroad, in the destination countries. Domestic money remittance service providers (partners of the Western Union and MoneyGram global network), national financial institutions (banks) are also contacted to identify the registered, evidential financial status of the offenders. Please note that, for the sake of protecting the operational interests, we are not in the position to share more in detail the investigation techniques used by the Hungarian law enforcement agencies in these cases.

On the basis of provisions of the AML/CFT Act, the financial intelligence unit of the National Tax and Customs Administration (NTCA FIU) is authorized to obtain a wide range of information that can be used in the framework of its operative analysis. Section 42 entitles NTCA FIU to be acquainted with any sort of data including the listed types of securities handled (stored) by the obliged entity. NTCA FIU is authorised to send a request to the obliged entity within its own competence as well as upon the request of a foreign FIU.

As regards the access to administrative information, the Section 43 entitles NTCA FIU to be acquainted with and to manage the records of central administrative authorities, the courts, the National Bank of Hungary, the NTCA itself, the Chamber of Hungarian Auditors, the regional chambers of the lawyers and public notaries, and the Authority of Trade and Commerce). According to the same section NTCA FIU has access to the information regardless obtaining such information is an internal initiative or it is necessary to meet the request of a foreign FIU.

Regarding law enforcement information, within the framework of its analysis and assessment function delegated under the AML/CFT Act and based on the Section 44 of the AML/CFT Act, NTCA FIU is entitled to be acquainted with and to manage data handled by investigative authorities, public prosecutor's offices, national security services, the internal affairs division that investigates professional misconduct and criminal acts (National Protective Service) and anti-terrorist organisations (Counter-terrorism Centre). In addition, NTCA FIU is entitled to obtain data from the database of investigative body of NTCA with direct access.

In case of indirect access to relevant information the Section 45 of the AML/CFT Act determines the timeframe within NTCA FIU should be provided with the information (answer). Accordingly, NTCA FIU may set a deadline of 8 to 30 days, in the event of transaction-suspension NTCA FIU is authorised to set shorter deadline.

NTCA FIU is entitled to independently exchange information and to cooperate with foreign FIUs on the basis of Section 49 which provides the opportunity to obtain and handle information from the SAR databases of the foreign FIU and to obtain and handle financial, company, administrative or law enforcement information from the foreign country (in accordance with the relevant data protection provisions).

NTCA FIU has access to the following databases, records and information:

- **Financial information**

Direct access: SAR database

Indirect access: Obtaining information from the records of obliged entities.

- **Administrative information**

Direct access:

- Databases of the Tax Authority (Primary Database, Tax Returns Database, Visualisation tool for the business relations, Tax Accounts Database, VIES, Database on the administrative controlling activity, Risk Analysis Database);
- Customs Database (export – import information);
- Cash Control Database;
- Company Register;
- The Annual Financial Statements of the Companies Database;
- Motor Vehicle Database;
- Land Register;
- Personal Data and Home Address Register;
- World Check Database.

Indirect access:

Databases of the government agencies or any sort of administrative, data, documents held by courts, records of the competent supervisory bodies determined by the AML/CFT Act.

- **Law enforcement information**

Direct access:

- NTCA Investigative Authority databases (full access, reports, minutes, orders etc.);
- Police databases (access to essential information on which basis the persons, the case numbers, the exact investigative authority can be identified);
- Criminal Records Database;
- Wanted Persons, Stolen Vehicles and ID documents Databases.

Indirect access:

- Covert Investigations' Database (NTCA and Police);
- Public Prosecutors' Data;
- databases of the National Security Services;
- databases of the Counter Terrorism Centre;

- databases of the National Protective Service.

NTCA FIU is also able to obtain the beneficial ownership information from the adequate sources. Other authorities do not have direct access to information held by NTCA FIU.

NTCA FIU can disseminate the information for the purpose of combating money laundering and financing of terrorism and for the purpose of facilitating the prevention, detection and investigation of criminal offences including THB. As a result of the dissemination, NTCA FIU forwards all of the information at its disposal, not only the incoming data but also the data obtained in the course of the operative analysis, as well as the findings and conclusions of NTCA FIU.

NTCA FIU may restrict the use of the disseminated information for the sake of the protection of the information obtained via the international information exchange. The reason for restricting the use of data stemming from international cooperation is the way of respecting the restrictions applied by the foreign counterpart FIUs. If the foreign FIU restricts the use of data in terms of the purposes of the dissemination or the recipient authority to which the data can be disseminated, NTCA FIU will comply with such a restriction and disseminate the case to domestic authorities accordingly. This mechanism is materialised in Hungarian legislation as follows: NTCA FIU may prohibit, restrict or bind to condition the use of information obtained within the framework of the international information exchange when it comes to domestic dissemination. Limiting the use of information for intelligence purposes (not for evidentiary use) is the most frequent example of this restriction.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

In such a case, the labour authority sends inquiries to the competent foreign authorities. Due to the relatively low number of cases, the labour authority cannot show established practice in this field.

On the other hand, Hungary participates in several European networks dealing directly with victims' rights issues in order to ensure that they receive the appropriate assistance in cross-border cases too. These networks aim to promote the rights of all victims in general. The expert network called ENVR (European Network on Victims' Rights) as well as the EU's network of contact points for state compensation allows for a rapid exchange of information to provide assistance. State compensation and instant monetary aid can be paid to victims abroad by bank transfer.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The county (metropolitan) police headquarters most typically engage in international cooperation for exchange of criminal information via the SIENA system operated by Europol. The sent and incoming messages are shown in the table on the right. Information was most frequently exchanged with the authorities of Belgium, Switzerland, Romania, Germany, Austria and the UK.

Exchange of criminal information in trafficking cases 2019–2022				
	2019	2020	2021	2022*
<i>Sent</i>	307	413	451	265
<i>Received</i>	687	807	878	526
* until 30/06/2022				

The National Bureau of Investigation (NBI) is responsible for the more extensive, day-to-day international law enforcement cooperation, including with Europol. The THB-unit within NBI launches parallel investigations with foreign counterparts, sends and complies with International Letters of Request (ILOR) for mutual legal assistance in criminal matters and European Investigation Orders (EIO), as well as carries out financial investigations involving NBI’s Asset Recovery Office. In complex cross-border cases, however, the most effective tool is the establishment of Joint Investigation Teams (JITs) with the affected countries. Basic data on the successfully completed and ongoing JITs are shown in the table on the right.

Joint Investigation Teams with the involvement of Hungarian law enforcement agencies 2015–2022		
Year	Partners	Status
2014-2017	NL-BG	completed
2015-2017	NL	completed
2015-2017	FR	completed
2017-2018	NL	completed
2017-2018	UK	completed
2018	UK	completed
2020-2022	DE-RO	ongoing
2022	CH	ongoing
2022	UK	JIT agreement to be signed

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

In this respect, the Hungarian authorities do not keep statistics going back to recent years. In 2022, the National Bureau of Investigation has sent 10 EIOs to other EU Member States so far; most of them are seeking to obtain case files, carrying out interrogations, house searches, wiretapping.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

Since sexual and labour exploitation of Hungarian victims may take place abroad, we attach great significance to international cooperation. In complex cases of trafficking in human beings the Hungarian authorities prefer forming JITs to the traditional tools of Mutual Legal Assistance (MLA) or European Investigation Orders (EIO). While JITs allow a faster, closer and more flexible cooperation with common investigative goals to be established, if the cooperation is limited, for instance, to the issuing of EIOs, there is a risk that those criminal activities not known about in the issuing country escape prosecution and in general, it is difficult to keep pace with the traffickers this way. In the course of the past years, the Hungarian Police participated in several JITs as shown at Point 10.2.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

There are very few such cases to speak of established practice. In general, if a foreign victim took part in the whole criminal proceedings, probably he / she prefers to stay permanently. The process of ensuring legal residence of a third-country national victim is presented at Point 2.2. Of course, when the victim is ready to embark on the path of social reintegration, he / she may also request residence permit for the purpose of study or employment according to the general rules.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

As regards international cooperation, the National Bureau of Investigation is the designated competent authority. If the offender turns out to be a Hungarian national, the Hungarian Criminal Code applies to him/her and consequently, in case of a well-founded suspicion, criminal proceedings will be commenced against the perpetrator.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

The Hungarian criminal law rules do not make difference between victims based on their citizenship status or level or type of exploitation. Furthermore, our answer in Point 2.2 is also relevant to this question.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

According to Subsection (2) b) of Section 2 of *Act CL of 2016 on the Code of General Public Administration Procedures*, when exercising its powers, the authority shall comply with the requirements of equality before the law and equal treatment, without undue differentiation and partiality. This principle applies to, among other bodies, the procedures conducted by the labour authorities.

Concerning the application of special treatment measures, the CPC obliges the proceeding authorities to

- ensure that the person concerned may exercise his / her rights and perform his / her obligations despite all obstacles that may arise from the circumstances serving as grounds for special treatment;
- proceed with special care to protect the privacy of the person concerned in the course of conducting the criminal proceedings;
- providing enhanced protection for personal data of the person concerned that serve as grounds for special treatment;
- facilitating the use of an advocacy organization by the person concerned as aide.

The above provisions ensure that possible disadvantages and obstacles arising from gender aspects are duly taken into account.

Criminal responsibility of the perpetrator does not depend on the gender of the victim either.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

The special treatment provisions as well as the adoption of Barnahus methodology provide adequate basis for the best interests of the children to prevail during criminal proceedings. For details, please see our answer at Point 8.6.

In addition, we would like to inform the Council of Europe about the newly launched professional forum on child trafficking organized by the National Police Headquarters, in cooperation with the National University of Public Service where all the stakeholders participate (police, child protection, social care, NGOs, victim support branch of the Ministry of Justice, healthcare, educational institutions). It will significantly enhance the joint activities of these inter-dependant fields, thus contributing to the reduction of the victimization rate of minors and young adults, the successful detection and investigation of the crime and the proper referral of the victims to the organizations responsible for their protection, care and social reintegration. The first meeting took place in October 2022.

All actors of the criminal proceedings (police, prosecution service, judiciary) have been placing a lot of emphasis, under the lead of the Ministry of Interior and in the framework of their internal training programmes, on developing the right attitude towards child victims. To this end, child protection professionals a criminologist dealing with crimes against children are also regularly invited to give lectures on these sessions.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

There is no legal possibility to establish the criminal liability of a legal person in connection with human trafficking under the current legislation, therefore victims of human trafficking can only receive compensation from a natural person convicted of this crime by means of submitting a civil claim.

In March 2022 a virtual roundtable discussion hosted by the [FAST Initiative](#) and the financial intelligence unit of the National Tax and Customs Administration (NTCA FIU) was held for the financial sector in Hungary on the issue of trafficking in human beings. Above all, the event aimed at raising awareness and improving the reporting of suspicious activities to NTCA FIU that might relate to trafficking in human beings. In Hungary, like in many other countries around the world, the number of suspicious activity reports (SARs) on this crime is relatively low.

As a follow-up to the roundtable discussion a typology paper was compiled: it provides information on current state of play in Hungary, presents the typical indicators of trafficking in human beings as well as the international best practices to recognize and tackle the crime in the financial sector. The typology serves as a basis for "Project Helena" initiated by NTCA FIU.

The objective of the project is twofold. On the one hand, it focuses on building better public-private partnership, so the project will hopefully encourage the identification of the financial footprint and strengthen the collaboration against money laundering of assets deriving from trafficking in human beings and related crimes. NTCA FIU is expecting SARs from the reporting entities in relation to any indication or suspicion of trafficking, and when submitting such a SAR the reporting entity is requested to indicate "Project Helena" in the report.

On the other side, the project focuses on the strengthening of the cooperation of NTCA FIU and the law enforcement agencies on trafficking cases, by regular meetings and, if needed, with the inclusion of other stakeholders.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Pursuant to the Police Act, the National Protective Service is responsible for detecting and investigating corruption within the official state bodies. During the reporting period no links between human trafficking and corruption offences were found.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

In Hungary, the most common form of trafficking in human beings continues to be sexual exploitation, but the share of labor exploitation among the identified victims is gradually increasing. According to the statistics retrieved from EKAT System, there was about 65 percent of exploitation related to prostitution of the total of 703 victims between 2017–2022, while trafficking for the purpose of labour exploitation accounted for 31 percent.

Law enforcement statistics (Unified System of Criminal Statistics of Investigative Authorities and of Public Prosecution – in Hungarian commonly referred to as “ENyÜBS”) show an increase in the number of victims aged between 25-59. It is linked to the rise of labour exploitation, in particular domestic slavery among all victims; the related proceedings are always registered with domestic crime scene. In international cases, the main destination countries still include Austria, Germany, Switzerland, the Netherlands and the United Kingdom.

The vast majority of victims continued to be Hungarian citizens. In our experience, vulnerable population includes minors living in state care, young unqualified adults with an unstable family background, those who live in extreme poverty, single mothers with financial difficulties as well as homeless people and people with disabilities.

During the reporting period, the COVID-19 pandemic significantly affected the trends of exploitation in prostitution. In March 2020, the German and Dutch authorities temporarily closed down brothels in an attempt to contain the disease. Some of the prostitutes then continued their activities illegally, mainly in boarding houses, in more disordered and even more vulnerable conditions than before. On the other hand, many returned home. In the last two years, accordingly, also victims of sexual exploitation were mainly identified in Hungary, although most of them have previously been involved in prostitution abroad.

The decline in street prostitution had already begun, the epidemic has only accelerated this trend. Private (rented) apartments, massage parlors, workers' hostels and boarding houses are becoming the typical locations for providing sexual services. At the same time, arrangements for prostitution (recruitment, advertisements) are increasingly being shifted to online platforms. In each case, minor victims are advertised as adults on the websites.

Traffickers also prefer to recruit girls between the age of 16-25 from their own family and living environment. The so-called „loverboy” method seems to be quite typical: the offender seduces the victim with kindness and small gifts, making her emotionally dependant, then gradually isolates her from her social contacts and/or persuades her running away from the children’s home, and then, on the pretext of temporary financial problems or the establishment of a common future, asks the girl to engage in prostitution.

Contrarily, in the case of recruitment on the Internet (or occasionally through newspaper advertisements), prostitution as expected work is not evident at the beginning, only erotic job opportunities (erotic massages, escort services, dancing in a nightclub) are mentioned without further details.

The Hungarian authorities also observed that pimps who are not working abroad offer their prostitutes to traffickers operating foreign networks in order to transport them to the destination countries and look after them, and they just wish to take a cut of the profits.

Concerning the victim profile of labour exploitation, mainly middle-aged or older men with daily life struggles (unemployment, homelessness) are affected. Their vulnerability is further exacerbated in almost all cases by some forms of addiction (mainly alcoholism, sometimes drug addiction and gambling). The exploitation usually includes work around the house and in the agriculture, without decent pay, if any, housing in extremely poor conditions and little food. During the period under review, other forms of exploitation, except for few cases of forced begging, did not come to the attention of the Hungarian authorities.

- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);

In this section the provisions of Act V of 2020 concerning the Criminal Code are outlined, while all other amendments are presented at Point 7.1.

The legal definitions of trafficking in human beings (Section 192) and forced labour (Section 193) were merged since it's conceptually a part to whole relation, while the penalty rates significantly increased. There are several basic cases of the renewed criminal offence, some of which are associated with qualifying circumstances that are more severely punished.

The first basic case in Subsection (1) continuously stipulates the sale of another person as a thing to be punishable. At the same time, the ministerial justification that shall be taken into account for the law enforcement stipulates as a related requirement that the sale of another person necessarily presupposes some kind of power relation.

In contrast to the previous law, in the second basic case in Subsection (2) the exploitation activity itself is precisely defined. At this point the law clarifies what criteria of vulnerability are only required as a factual element, thus creating a clear and consistently applicable normative law. Exploitation, according to this, is always aimed at some kind of victim activity and for either personal or property gain. As it appears in the normative text, the factual situation between the victim and the perpetrator roots in a subordination of power, ranging from adult-minor or other similar power relations to violent or threatening coercion. The former statutory definition of the forced labour is also included in this section, so it is more severely punished.

The second basic case of the new offence is linked to acts of a preparatory nature in Subsection (3). All transactions of a buying and selling nature that are carried out for the purpose of exploitation are severely punished.

In Subsection (4) the legislator defined it as a qualifying circumstance, if the offender commits the crime for the purpose of engaging in a sexual act or the illegal use of a human body. Further qualifying circumstances in Subsection (5) relate to perpetration to the detriment of a minor or multiple persons, tormenting the aggrieved party or using official powers. Subsection (6) provides for imprisonment up to fifteen years or, under certain conditions, even life sentence, if trafficking in human beings is committed against a minor under the age of 12 or causing danger to life or a particularly serious disadvantage.

Lastly, in line Article 6 of *Council of Europe Convention on Action against Trafficking in Human Beings* Hungary criminalized the conscious use of services exacted from victims of trafficking in beings in general, while the already existing punishment of the demand side included in the felony of exploitation of child prostitution (Section 203 of the CC) was significantly tightened. The above-mentioned regulations read as follows:

“Section 192 (8) Any person who:

a) uses or utilizes the work or activity similar to work, service or any unlawful act of a victim of trafficking in human beings and forced labor described in Subsection (2) is punishable by imprisonment not exceeding three years,

b) commits the criminal act described in Paragraph a) through sexual activities or for the purpose of illegal use of human body is punishable by imprisonment between one to five years.”

“Section 203 (2) Any person who gives money or any other form of remuneration for sexual activities with a person under the age of eighteen years is punishable by imprisonment between two to eight years.”

As indicated earlier, all these regulations of Act V of 2020 entered into force on 1 July 2020.

After that, *Instruction 13/2014 (V.16) of the National Police Headquarters on the implementation of police tasks concerning prostitution-related offences and human trafficking* was also modified to bring it into line with the law. The instruction details the police duties to be performed in order to ensure the impunity and protection of a person under the age of eighteen who violates the prohibition of offering sexual services. It also defines the tasks related to the identification of the victim and set out the obligation to examine the need for criminal preparatory procedure or an investigation in all cases.

Significant progress has also been made at the legislative level to protect victims. As referred to at Point 1.1, amendments to the Victim Support Act, effective from 1 January 2021, introduced the so-called opt-out system of victim support. The concept aims to reach to as many victims as possible. To this end, the Police inform the victim of the range of support services provided by the state and forward his or her personal data and contact details to the victim support service, in case the victim does not object to it during the hearing. Then the Victim Support Centres shall directly contact the victim with two workdays and offer assistance according to his or her needs.

At several points, access to financial support provided by the victim support service has been facilitated:

- the time limit for applying for instant monetary aid has been increased from 3 days to 8 days after the offence;
- the previous 3-month deadline for claiming state compensation has also been extended to 1 year, and a preliminary calculation may also be submitted to the deciding authority to prove the damage;
- similarly to instant monetary aid, state compensation may now be provided without a means test.

The Action Plan for 2020–2021 of the National Anti-Trafficking Strategy ordered the comprehensive review of the existing provisions of Gov. Decree 354/2012. In addition to some technical amendments, the identification data sheet (Annex 1) has been extended so as to take better account of the specific situation of victims of domestic slavery. A typical sign of victimization may be if the given person lives in a family but is eating separately from them or receives social benefits but the payment is being taken over by someone else or has to be handed over to another person immediately. In addition, the victim's alcohol or drug dependence may be an important indicator in all types of exploitation, especially if the presumed perpetrator has consciously established or maintained this addiction.

During 2021, the Ministry of Interior drew up detailed victim referral protocols for two most common cases of victimization. The "[basic protocol](#)" applies to citizens of Hungary and the European Economic Area (EEA) identified in Hungary, while identification of Hungarian victims abroad is included in a separate flow chart. The new protocols grasp the different scenarios and victim pathways as much as possible: they provide guidance for members of the signaling system from the early suspicion to the social reintegration of the victim, supplemented by, in case of identification abroad, the safe return procedure.

A significant added value compared to the previously existing flowcharts is the display of the Victim Support Centers operated by the Ministry of Justice and other low-threshold services, as well as the obligation of the signaling system members to report to the Police if the victim is ready to testify at an early stage or the available pieces of information imply the presence of other vulnerable, exploited persons in a given place. The basic protocol has been published as a new Annex to Gov. Decree 354/2012, while the procedure assisting the management of Hungarian victims identified abroad can be accessed on the [governmental website](#) of the fight against human trafficking.

It is important to highlight that each legislative amendment and methodological improvement has been worked out in close cooperation with all stakeholders involved in the fight against trafficking in human beings in Hungary (National Coordination Mechanism and NGO Roundtable, as described at the next point).

Lastly, a minor amendment to *Decree of the Minister of Justice 22/2010 (XII. 28.) on the examination of probation officers, government officials and government administrators working for the body*

designated as a probation, legal aid and victim support service and compensation authority included the issue of trafficking in human beings as a key mandatory element to the curriculum and examination requirements of probation officers, legal aid workers and the staff of the victim support service.

- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

In Hungary, the Ministry of Interior (MoI) is responsible for coordinating the fight against human trafficking. The Deputy State Secretary for EU and International Affairs of the Ministry acts as the National Anti-Trafficking Coordinator, assisted by the Unit for Counter Trafficking and Horizontal Issues. In 2008, the MoI set up the [National Coordination Mechanism](#), consisting of the ministries and other state bodies involved in the fight against human trafficking.

The work of the National Coordination Mechanism is complemented by the NGO Roundtable, which brings together all non-governmental and dealing with prevention and victim support. Country or regional offices of some international organizations are also included in the NGO Roundtable (IOM, UNHCR, Terre des Hommes).

The two formations meet at least twice a year. Since the meaningful dialogue between state bodies and NGOs is a key to combat trafficking in human beings, the Ministry of Interior has started to organize joint meetings in recent years. The purpose of these events is to establish the framework for cooperation, brief on recent activities, as well as discuss current professional issues and future goals, such as the progress of the National Anti-Trafficking Strategy for 2020–2023, and provide information on available calls for proposal.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

In February 2020, Government Decision No. 1046/2020 adopted Hungary's National Anti-Trafficking Strategy for 2020–2023. It sets out the main priorities and areas of intervention for a longer period, while the detailed measures (responsible bodies, means and indicators of implementation, funding, deadline) are included in action plans. Action Plan for 2020–2021 was published together with the Strategy, while the Action Plan for 2022–2023 was adopted by a new Government Decision in April 2022.

The Government Decision allocated for the implementation of the Strategy HUF 609.5 million in 2020–2021 and an additional HUF 353 million in 2022–2023. Besides, each ministry and other state body implements measures from its own budget. As highlighted in the Action Plans, some other programmes are being funded by the European Union with domestic co-financing, and from 2023 the financial support of the Swiss–Hungarian Cooperation Programme II will also be available to further enhance the fight against human trafficking.

The Strategy and the related Action plans are based on the four pillars of the “4P” paradigm: prevention activities, protection of victims, prosecution and partnership. In addition to this sectioning, three sets of sources were taken into accounts during the drafting processes in 2019 and 2021.

- International dimension: the priorities set out in the new anti-trafficking strategy of the European Union for 2021–2025 as well as the recommendations made for Hungary in the regular evaluation cycles (CoE GRETA, US TIP Office, etc.).
- Secondly, the Ministry of Interior as the responsible body for the policy coordination built on the proposals made by the relevant ministries, other state bodies as well as the non-governmental organizations involved in victim assistance. Stakeholder consultations took place in autumn 2019 and 2021 in joint plenary sessions of the National Coordination Mechanism and NGO Roundtable, working group meetings focusing on specific topic and

involving smaller groups of stakeholders, as well as bilateral communication between the MoI and the partner organizations.

- Recent researches conducted in the field of anti-human trafficking also provided a robust background for strategic planning.

Since adolescents living in state care as well as any people living in extreme poverty (especially girls and women with Roma origins) are particularly vulnerable to exploitation, the strategy placed a strong focus on them by raising awareness and improving the quantity and quality of the care services. The legislative amendments referred to earlier, the ongoing activities in schools and children's homes, the nationwide campaigns as well as the adoption of the Barnahus method are all contributing to this objective.

- recent case law concerning THB for different forms of exploitation.

Please note that translating the case law would result in an immense workload, but we are ready, if requested, to share some court decisions with the members of GRETA in the original language.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- Make further efforts to prevent THB for the purpose of labour exploitation, including ensuring that labour inspectors are properly resourced and provided with continuous training, separating immigration enforcement functions from labour inspectorate roles, and strengthening the monitoring of recruitment and temporary work agencies

In line with the Action Plan for 2020–2021 of the National Anti-Trafficking Strategy the Ministry for Innovation and Technology* and the National Police Headquarters signed a co-operation agreement in December 2021 on regular and coordinated labor inspections. Based on the agreement, the Ministry's employment supervision department plans an average of one joint inspection per county in a month until the end of 2023. When selecting the inspection sites, government officials seek to target the high-risk sectors and environments specifically. In the first half of 2022, a total of 267 employers and 947 employees were inspected, resulting in two successful victim identifications.

**Note: in the new government formed in the spring of 2022 the Ministry for Technology and Industry took over the related tasks and responsibilities.*

Similarly to the previous years, the Hungarian authorities, under the lead of the THB-unit of the National Bureau of Investigation, participated in the EMPACT Joint Action Days (JAD) against labour exploitation in June 2022. The county police headquarters also played an active role by preparing own action plan in their areas of jurisdiction and organizing the participation of partner organizations, namely the labour and immigration authority and NGOs. The on-site inspections covered businesses, hotels, service sector premises such as massage parlours, as well as construction sites, farms and agricultural land. Police interrogated 19 suspects and commenced three new criminal proceedings on the suspicion of trafficking in human beings and forced labour. In relation to these, eight victims of trafficking were identified, five of whom were involved in sexual exploitation and three of whom suffered labour exploitation.

It is also worth mentioning that a priority project entitled "*Development of Legal Employment*" was implemented with EU-funds and domestic co-financing between 2018–2022 aiming to enhance physical safety (occupational safety and health) and legal safety (compliance with the labour law) of the workers. Professional trainings and conferences have been organized in the framework of the project, and specialised materials have been prepared for the labour inspectors.

In response to the other part of the recommendation, we believe that the competencies of the labour authority shall not be further extended or otherwise strengthened. According to Section 15 of *Government Decree 118/2001 (VI. 30.) on the operation and registration of private staff leasing and recruitment agencies* the inspections are carried out by the county (metropolitan) government offices with jurisdiction by reference to the place where the temporary work agency or the recruitment agency is established or located. In case of any irregularities, labour fines are imposed as set out in the sectoral legislation.

- 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 and the media.

As regards legislation, please see the earlier parts of this section describing the criminalization of the conscious use of services provided by exploited victims.

In the framework of the project entitled „*Don't let it happen, don't make it happen!*“, financed by the Internal Security Fund of the EU with domestic co-financing the country office of the International Organization for Migration is implementing a nationwide media campaign this autumn which, for the very first time in Hungary, seeks to address the “demand side”, or in other words, the possible users of the services exacted from victims of trafficking.

In addition, there are a number of school education programmes, drama pedagogy sessions, cooperation with influencers, etc. conducted by, for instance, the National Police Headquarters, the National Crime Prevention Council, the country office of IOM as well as NGOs in order to raise awareness to the dangers of prostitution and foreign working opportunities. These activities inherently convey the message that a righteous man does not buy a woman's body for money.

- Ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for in the Convention, including by improving the identification of victims of trafficking among asylum seekers and irregular migrants, and ensuring that victim identification is dissociated from the presumed victim's co-operation with the investigation;

We confirm that in accordance with Gov. Decree 354/2012 the formal identification and referral to assistance of victims of trafficking in human beings is unconditional. But, of course, the victim has to consent to the processing of his or her personal data in order to take further action.

For the completed, ongoing and planned trainings of the staff of the border police as well as the immigration and asylum authority please see our answer at Point 3.6.

- Ensure that the recovery and reflection period, as provided in Article 13 of the Convention, is specifically defined in law and that the measures of protection and assistance are made available during this period to persons for whom there are reasonable grounds to believe they are victims of THB;

Hungary has fully incorporated EU Directive 2004/81/EC into the national laws (transposition). For the detailed regulations, please see our answers at Point 2.2.

In addition to the written rules, we would like to show the practical application as well. At the same time, it must be pointed out that the third-country nationals identified as victims of trafficking in human beings are often reluctant to accept the victim support services, and interested in a decent, declared workplace only, because their families in the country of origin greatly rely on their remittances. The case study below, however, presents all stages of the victim support process and, in particular, the roles of the immigration authority, law enforcement, victim support service of the state and NGOs as well as their cooperation between each other.

In this case, a 26-year-old **third-country national** was forced into prostitution by a criminal gang. In March 2021, she was formally identified as a victim of trafficking at the Victim Support Centre of Budapest and referred to one of the shelters operated by **an NGO**. In parallel, the victim support service requested the immigration authority to ensure her right to reside in Hungary on the grounds that she is a victim of trafficking. As a first step, the immigration authority issued a certificate of temporary stay for the reflection period. Before the end of this 1-month reflection period, the victim expressed her intention to testify, so the National Bureau of Investigation requested the immigration authority to provide her and her daughter with humanitarian residence permit. This is renewable from time to time with 6 months until the end of the criminal proceedings. Later she will be also entitled to residence permit for the purpose of study or employment according to the general rules. At present, she is still staying in a shelter and cooperating with the investigative authority.

- 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;

Please see our answer to the previous question. In this context, we would like to repeat that the residence permits granted on the grounds of the victimization can be converted later to regular residence permit when the victim starts to lead an independent life and wishes to stay in Hungary.

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

As described at Point 8.5, the government provides annual state funding to the operators of the sheltered accommodations. The Police also work in close cooperation with the NGOs to rescue and support victims.

The NGO Roundtable as a regular consultation forum organized by the Ministry of Interior brings together all NGOs dealing with the issue of trafficking in human beings (shelters, low-threshold services, etc.). As referred to earlier at Point 12, the members of the NGO Roundtable were all included in the drafting of the National Anti-Trafficking Strategy and the related Action Plans, as well as the legislative changes and methodological improvements made on the basis of the Strategy.

The Ministry of Justice granted access to the EKAT System for all these NGOs, the terminology of Gov. Decree 354/2012. refers to them as voluntarily collaborating bodies.

In the last two years, the Ministry of Justice (MoJ) has also concluded cooperation agreements with a number of churches and civil society organisations in order to improve the assistance of victims and protect their rights. In the period under review, the MoJ also implemented a project aiming to increase the quality and quantity of services for victims of trafficking in consortium partnership with the Hungarian Baptist Aid. The project entitled "*Complex Victim Support Services for Victims of Trafficking*" financed by the Internal Security Fund of the EU with domestic co-financing allowed to introduce a wide range of new services: rescue and safe transport, family care, good money management, financial support for reintegration purposes, low-threshold assistance (administrative and psychosocial support outside the shelters), aftercare. The key indicator of the project was to provide sheltered accommodation and/or the above services to at least 50 victims between 2020–2022. By the end of the implementation period, 31 July 2022, a total of 68 victims were included.

It is important to point out that the so-called rescue cars were first used to transport the victims in the framework of this project, on a pilot basis; and since it proved to have a huge added value, in 2021 the sheltered accommodations were permanently equipped with rescue cars as written at Point 8.5.

Also the child protection and guardianship branch of the Ministry of Human Capacities* established long-standing partnership with the Hungarian Baptist Aid, as the only charity in Hungary with extensive experience in caring for victims of human trafficking and working with vulnerable children in general. Since 2017, the Hungarian Baptist Aid has been implementing programmes for minors placed in central special children's homes as well as for their educators to prevent trafficking in human beings and, in particular, child prostitution.

There is also another major infrastructural development on the horizon: the Action Plan for 2022–2023 of the National Anti-Trafficking Strategy aimed to create a new children's home exclusively for victims of trafficking. The investment is being prepared by a feasibility study, which has also been commissioned from the Hungarian Baptist Aid.

**Note: in the new government formed in the spring of 2022 the Ministry of Interior took over the related tasks and responsibilities.*

Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2015**, where available disaggregated as indicated below:

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

Number of identified victims of trafficking in human beings 2017–2022							
<i>Breakdown by year</i>				<i>Breakdown by citizenship</i>			
	2017	9			Hungarian	678	
	2018	33			Chinese	6	
	2019	91			Mongolian	4	
	2020	239			Romanian	4	
	2021	201			Pakistani	3	
	2022*	130			Mozambican	2	
	TOTAL	703			Algerian	1	
					Dutch	1	
<i>Form of exploitation</i>					Nigerian	1	
	Sexual exploitation	65%			Thai	1	
	Labour exploitation	31%			Turkish	1	
	Other	4%			Slovakian	1	
Gender composition				Share of minors			
<i>Year</i>	<i>female</i>	<i>male</i>	<i>N/A**</i>	<i>Year</i>	<i>girls</i>	<i>boys</i>	<i>Total</i>
2017	9	0	0	2017	3	0	3
2018	20	13	0	2018	2	3	5
2019	82	8	1	2019	9	0	9
2020	188	49	2	2020	29	5	34
2021	134	67	0	2021	28	9	37
2022*	81	49	0	2022*	10	3	13
TOTAL	514	186	3	TOTAL	81	20	101

* Half-yearly figures, until 30/06/2022

Data retrieved from **EKAT System** operated by the Ministry of Justice. The bodies entitled to identification (=members of the signalling system) fill in the identification data sheet electronically and refer the victims to assistance through this web-based platform since 2017.

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

During the period under review, the Hungarian authorities did not identify victims of trafficking as part of the asylum procedure.

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

Since 2017, a total 138 victims of trafficking have been given assistance by the victim support service (e.g. provision of information, legal advice, emotional support, case management, instant monetary aid), including 2 foreign nationals and 15 minors.

Placement in sheltered accommodation initiated by the National Crisis Management and Information Telephone Service (OKIT) 2020–2022					
		2020	2021	2022*	
Total number of beneficiaries		33	36	36	
Victims of trafficking		23	27	27	
<i>Gender composition</i>	Women	20	20	19	
	Men	3	7	8	
<i>Breakdown by citizenship</i>	Hungarian	23	26	27	
	Foreigner	0	1	0	
<i>Form of exploitation</i>	Sexual	19	20	19	
	Labour	4	7	8	
<i>Place of victimization</i>	Hungary	20	25	27	
	Abroad	3	2	0	
Indirect victims (children)		10	9	9	
Persons admitted and assisted by the sheltered accommodations 2020–2022					
		2020	2021	2022*	
Total number of beneficiaries		64	82	89	
Victims of trafficking		53	72	77	
<i>Gender composition</i>	Women	42	45	49	
	Men	11	27	28	
<i>Breakdown by citizenship</i>	Hungarian	52	71	76	
	Foreigner	1	1	1	
<i>Form of exploitation</i>	Sexual	34	31	32	
	Labour	19	41	45	
<i>Place of victimization</i>	Hungary	43	70	73	
	Abroad	10	2	4	
Indirect victims (children)		11	10	12	
<i>* Data provided until 31/08/2022</i>					

- Number of child victims of THB who were appointed legal guardians.

As of 1 July 2020, *Act V of 2020 amending certain laws necessary to combat the exploitation of victims of trafficking in human beings* introduced the so-called general protection measure and laid down a new referral mechanism. Presumed victims of trafficking in human beings under the age of 18 are placed in designated special children's homes by the Police so as to protect them from the further harmful effects of exploitation and ensure the specialized care and therapy according to their needs. The placement is an immediately enforceable decision, and is not subject to the prior decision of the guardianship authority. The National Child Protection Expert Committee shall decide on the final placement of the affected child (e.g. long-term placement in the special children's home, return to the previous institution or the family) within 60 days.

Since 1 July 2020, the general protection measure has been applied to a total of 21 minors, of whom 4 were admitted to the child protection system for the first time and assigned a child protection guardian accordingly, while the remaining 17 minors were already in child protection system before the measure, under the legal representation of a child protection guardian.

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

In March 2021, Hungarian authorities identified a then 26-year-old **third-country** national involved in prostitution as a victim of trafficking in human beings. Her legal residence was subsequently guaranteed under *Act II of 2007 on the entry and residence of third-country nationals*, in line with the rules laid down in *EU Directive 2004/81/EC*.

At the request of the Victim Support Centre in Budapest operated by the Ministry of Justice, the National Directorate-General for Aliens Policing (immigration authority) provided the victim with certificate of temporary stay for 30 days, who then during the reflection period expressed her intention to cooperate with the investigative authority.

- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).

The victim involved in the above case was granted humanitarian residence permit by the immigration authority at the initiative of the Rapid Response Police National Bureau of Investigation for the duration of her participation in the criminal proceedings. As an immediate family member, humanitarian residence permit was issued to her minor child as well and subsequently to her sister, who was also identified by the Police as a victim of trafficking at a later stage of the investigation in October 2021.

It is important to note, however, that the certificate of temporary stay and humanitarian residence permit for victims of trafficking are complementary statuses. The other third-country nationals included in the statistics held valid residence permit (e.g. for the purpose of study or employment) at the time of their identification, so it was not necessary to issue a residence permit to them on the grounds that they had been trafficked.

In addition to the **abovementioned** victims, the immigration authority provided humanitarian residence permit to the mother of **another third-country national victim** involved in child prostitution, whose participation was essential in the criminal proceedings conducted by the Budapest Police Headquarters for acts committed against the minor.

- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).

During the period under review, the Hungarian authorities did not identify victims of trafficking among beneficiaries of international protection.

- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).

In this respect, the Ministry of Justice does not keep data broken down by the type of offence.

- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.

To heal the crisis situation following a crime or a misdemeanour against property, the victim support service provides, without a means test, instant monetary aid to the victims. From 1 January 2021, it can be requested within 8 days of the offence, instead of the previous 5 days, for six possible purposes (food, housing, clothing, travel, medical treatment or expenses related to funeral). The maximum amount of the instant monetary aid is increased year by year in a manner defined in *Act CXXXV of 2005 on Crime Victim Support and State Compensation*.

Instant monetary aid for victims of trafficking 2016–2022				
	<i>Year</i>	<i>max. amount (in HUF)</i>	<i>number of beneficiaries</i>	<i>disbursements (total, in HUF)</i>
	2016	102 211	3	231420
	2017	106 605	0	0
	2018	113 164	2	180000
	2019	127 717	2	103400
	2020	141 875	12	781880
	2021	158 168	14	1379805
	2022*	173 555	9	934490
	TOTAL		42	3 610 995
<i>* Half-yearly figures, until 30/06/2022</i>				

The Ministry of Justice and the Hungarian Baptist Aid implemented the project entitled "[Complex victim support services for victims of human trafficking](#)" in 2020–2022 from the Internal Security Fund of the EU, with domestic co-financing provided by the Ministry of Interior. Victims participating in the project were eligible for reintegration support up to HUF 500,000, typically spent on vocational training, medical treatment (e.g. dentistry) and renting apartment.

Reintegration support for victims of trafficking 2020–2022				
<i>in the framework of the project implemented by the MoJ and the Hungarian Baptist Aid</i>				
	<i>Year</i>	<i>max. amount (in HUF)</i>	<i>number of beneficiaries</i>	<i>disbursements (total, in HUF)</i>
	2020	500000	12	8391465
	2021	500000	14	8490680
	2022	500000	18	10368413
	TOTAL		44	27 250 558

The [“Complex return and reintegration programme for victims of trafficking in human beings” implemented by the country office of International Organization for Migration \(IOM\)](#) is currently underway from the Internal Security Fund of the EU, with domestic co-financing provided by the Ministry of Interior. In the framework of this project, safe return of 12 Hungarian citizens who have been trafficked abroad was completed until 30 June 2022. Then the victims are entitled to several types of financial support under an individual reintegration plan:

- immediate support upon return according to the needs: one-off maximum HUF 37,640;
- pocket money: total HUF 227,300 (paid weekly, fortnightly or monthly);
- reintegration allowance: one-off max. HUF 1,070,000.

The total amount of payments as of 30 June 2022 was HUF **1,978,928**. Victims are helped to learn good money management by a so-called moving social worker employed in the project.

In the case referred to above, the immigration authority paid the **third-country national** victim a cash allowance for 12 months from July 2021, the amount of which is determined by *Government Decree 114/2007. (V. 24.) implementing Act II of 2007 on the entry and residence of third-country nationals* at the same amount as the employment benefit (HUF 22,800).

- Number of victims of THB who received free legal aid.

In this respect, the Ministry of Justice does not keep data broken down by the type of offence.

- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).

During the period under review, no third-country national who had been a victim of trafficking was subject to coercive measures (detention, expulsion, deportation) in aliens policing procedures.

- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).
- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).

Note: the definition of trafficking in human beings as laid down in the Council of Europe Convention on Action against Trafficking in Human Beings corresponds to the following articles of the Criminal Code: **192. §** Trafficking in human beings and forced labour; **193. §** Forced labour (until 30 June 2020); **203. §** Exploitation of child prostitution.

Trafficking in human beings – registered criminal offences

2017	57
2018	47
2019	49
2020	95
2021	132
TOTAL	380

Persons brought into formal contact with the Police because they have been suspected of trafficking in human beings

Year	Total	Gender composition		Age of suspects	
		Men	Women	18+	14-17
2017	21	15	6	19	2
2018	45	37	8	39	6
2019	47	30	17	42	5
2020	94	61	33	87	7
2021	255	197	58	250	5
Σ	462	340	122	437	25

Persons against whom prosecution was commenced for the felony of trafficking in human beings

Year	Total	Gender composition		Age of defendants	
		Men	Women	18+	14-17
2017	20	14	6	18	2
2018	43	36	7	38	5
2019	40	27	13	36	4
2020	85	55	30	78	7
2021	255	197	58	250	5
Σ	443	329	114	420	23

Data retrieved from the Unified System of Criminal Statistics of Investigative Authorities and of Public Prosecution (in Hungarian commonly abbreviated as "ENyÜBS")

- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).
- Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.
- Number of judgments in THB cases resulting in the confiscation of assets.
- Number of convictions of legal entities for THB.

Note: the definition of trafficking in human beings as laid down in the Council of Europe Convention on Action against Trafficking in Human Beings corresponds to the following articles of the Criminal Code: **192. §** Trafficking in human beings and forced labour; **193. §** Forced labour (until 30 June 2020); **203. §** Exploitation of child prostitution.

Final court judgments in trafficking cases

	2017	2018	2019	2020	2021	2022*	TOTAL
Persons convicted	27	56	46	24	58	40	251
Imprisonment	24	51	38	23	56	40	232
<i>Enforced imprisonment</i>	16	28	31	17	36	31	159
<i>Suspended imprisonment</i>	8	23	7	6	20	9	73
Other punishment or measure **	3	5	8	1	2	0	19
Confiscation of property	5	17	8	6	21	20	77

* Data provided until 31/07/2022

**E.g. imposition of a fine, placement in juvenile reformatory institution, conditional sentence as an alternative to imprisonment.

Duration of imprisonment

	2017	2018	2019	2020	2021	2022*	TOTAL
<i>0-6 months</i>	0	1	0	0	0	0	1
<i>6-12 months</i>	2	10	4	0	1	1	18
<i>1-2 years</i>	8	13	11	7	22	9	70
<i>2-3 years</i>	0	5	6	3	1	2	17
<i>3-5 years</i>	6	8	5	6	9	5	39
<i>5-8 years</i>	4	9	6	6	13	18	56
<i>8-10 years</i>	4	4	5	0	6	2	21
<i>10-15 years</i>	0	1	1	1	4	3	10
<i>15-20 years</i>	0	0	0	0	0	0	0
<i>20+ years</i>	0	0	0	0	0	0	0

Data on convicts						
<i>Breakdown by citizenship</i>		<i>Gender composition</i>			<i>Age groups</i>	
Hungarian	248	Men	201		14-17 years	19
Chinese	2	Women	50		18+ years	232
Romanian	1					
<i>Data retrieved from the statistical database of the National Office for the Judiciary.</i>						