

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

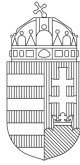


CP(2017)22

Report submitted by the Hungarian authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2015)3 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings

Received on 23 June 2017

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MINISTRY OF INTERIOR

Report on the measures taken to comply with Recommendation CP(2015)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Hungary

June 2017

Table of Contents

I. Executive Summary	3
II. Introduction	4
III. Prevention	5
A) Training programs on human trafficking	5
B) Awareness raising efforts	7
C) Addressing underlying social problems and supporting especially vulnerable groups	8
IV. Protection and assistance of victims	10
V. Prosecution	12
VI. Partnership.....	14

I. Executive Summary

The aim of the report is to give an overview of the measures taken to prevent and tackle human trafficking since the First Round Evaluation Report on Hungary was adopted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in March 2015.

During the planning process of the 2014–2020 programming period, the Hungarian Government allocated increased financial resources to anti-trafficking work. Consequently, numerous new projects were launched in 2017 or are currently under preparation. In the next few years, these measures will enhance the identification and referral of trafficking victims, and will further improve the victim assistance services available to them.

To promote the identification of victims, many professional sectors, such as consuls, labor inspectors, child protection professionals, teachers, immigration officials, judges, prosecutors, police officers and border police officers, benefited from training on human trafficking. The Hungarian Police Headquarters is currently implementing a large-scale, comprehensive anti-trafficking training program that will reach 600 professionals in 2017. As awareness raising is another important component of prevention, multiple awareness raising events targeting, amongst others, vulnerable groups and children were organized between 2015–2016. The first national level awareness raising campaign on human trafficking will be held in 2017–2018. Social programs addressing the underlying causes of victimization (such as poverty, early school leaving, violence against women) and promoting the well-being of vulnerable groups were implemented and will be continued in the future.

The two temporary shelters for trafficking victims will be complemented with two “half-way houses” each. Half-way houses will help the social reintegration of victims by offering a five-year stay and help from social workers, lawyers and psychologists. The opening of the four dedicated half-way houses will significantly improve the victim assistance services available to trafficking victims. A unified service protocol for the temporary shelters and half-way houses was also developed in 2016. The protocol summarizes the operational conditions of the two institutions and it guarantees the high quality of the services rendered to victims.

The Police's participation in victim assistance was strengthened, and a new unified protocol on providing information on victim assistance to victims was issued to the Police. Furthermore, the Ministry of Justice is currently developing a new IT system dedicated to the referral of victims, which will also improve the accuracy of the statistical data. The new system will be operational in 2017.

Effective detection, investigation and prosecution of human trafficking cases remain an important priority to the Hungarian law enforcement authorities. Active international cooperation is maintained both during investigation and asset recovery, and the Hungarian Police has participated in numerous joint actions and established several joint investigative teams with destination countries.

II. Introduction

The aim of this report is to give an overview of the measures taken to prevent and tackle human trafficking and to address the recommendations that were issued in the First Round Evaluation Report on Hungary adopted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in March 2015. The report therefore covers the time period from March 2015 to May 2017.

The anti-trafficking measures presented here are divided into four major themes: (1) prevention, (2) protection, (3) prosecution and (4) partnership. A separate chapter is dedicated to each of these themes. The report was prepared by the Ministry of Interior of Hungary, with the involvement of all relevant authorities and public administration bodies.

Based on the experience of the law enforcement authorities and the experience gained from international cooperation, Hungary remains a country of origin and transit for victims of trafficking within the European Union. The primary destination countries for Hungarian victims are the Netherlands, Belgium, Austria, the United Kingdom, Germany, Switzerland, and Italy. At the same time, the phenomenon of domestic trafficking is also present. Areas with high poverty rate, such as Borsod–Abaúj–Zemplén County, Szabolcs–Szatmár–Bereg County (northeastern part of Hungary) and Baranya County (southwestern part of Hungary) are the main source regions of victims of trafficking, but Tolna County (southwestern part of Hungary) and Békés County (southeastern part of Hungary) are also significant source regions.

The great majority of identified victims were women and were subjected to sexual exploitation. Girls living in child protection institutions and correctional institutions remain at high risk of becoming victims of trafficking and forced prostitution. Nevertheless, the number of male victims of labor exploitation appears to be growing.

Hungary is a possible transit country for asylum seeker and irregular migrant victims, however, so far, no victim of human trafficking has been identified among asylum seekers and irregular migrants. Two external factors are likely to limit the number of possible victims. First, the number of migrants arriving to Hungary or attempting to reach their destination country through Hungary has decreased in the recent months due to tightened border control. Second, human trafficking appears to be less prevalent on the Western Balkan Route.

III. Prevention

A) Training programs on human trafficking

Large-scale inter-professional training program on human trafficking

The National Police Headquarters is implementing a project, funded from the Internal Security Fund (ISF), that aims at providing a large-scale and comprehensive anti-trafficking training program with a budget of approximately 65,000 EUR (20 million HUF). The training program is expected to be attended by 600 professionals and is open to all organizations listed in Government Decree 354/2012 on the identification of victims. To ensure national coverage, a training event will be held in each county and the number of places will be evenly distributed between counties. The implementation period of the project started in January 2017 and will end in June 2018.

The project indicators are:

- total length of the training program: 4800 hours
- number of participants: 600 professionals
- number of teaching materials developed: 5

Training for labor inspectors

Since most victims of human trafficking are women subject to sexual exploitation, trafficking for labor exploitation was a less visible phenomenon for a long time. To change this, the Ministry for National Economy and the Ministry of Interior organized a training event on identifying victims of human trafficking for labor inspectors from the two largest county government offices (Budapest and Pest County) in April 2016. The all-day training maintained a good balance between practical and theoretical knowledge, and experts from the Police and relevant civil society organizations both contributed to the training with their experience.

The Labor Department of the Pest County Government Office received an anonymous report in November 2016 on a possible victim of labor exploitation. Although public administration bodies are not obliged to investigate anonymous reports by the law, the assigned labor inspector, who participated in the training earlier, noticed signs of human trafficking in the report. Consequently, the Labor Department decided to act on the report and carried out an on-site inspection with the involvement of the Police, which led to the identification of a victim of trafficking for labor exploitation for the first time in years.

The Ministry of National Economy is planning to expand the anti-trafficking training in the framework of a future EU funded project under preparation.

Training program for child protection professionals

A further training program for child protection professionals on child prostitution and child trafficking is being developed in the framework of the Human Resources Development Operational Program (EFOP). Once accredited, the training program will be continuously available to professionals.

Training program for immigration officers

The Immigration and Asylum Office is currently implementing an ISF funded project that will provide training on human trafficking for immigration officers. The training program will equip immigration officers with knowledge that will enable them to identify and refer trafficking victims. The training events are scheduled to be held in 2017.

Training programs for the Police

(1) The National Police Headquarters organized an international workshop on human trafficking with the support of Hanns Seidel Foundation in March 2015. The workshop allowed the exchange of experience between the Hungarian Police, the Bavarian Police, other relevant public administration bodies and NGOs.

(2) In 2016, the National Police Headquarters organized a two-day training for border police officers. Participants were provided with information about human trafficking and the indicators used to identify victims.

(3) The accreditation of a further training program for police officers titled "Using profiling during border control to identify victims of human trafficking" is underway. The further training program is expected to become available to border guards in June 2017.

(4) In 2015, the Frontex Guidelines for the identification of victims of trafficking in human beings were incorporated into the training of police officers provided by the National University of Public Service and the law enforcement schools.

Training programs organized by the Police

The Hungarian Police has significantly stepped up its training and awareness raising efforts. To ensure targeted outreach and a wide coverage, training and awareness raising programs were proactively organized by county police departments.

(1) Training for child protection professionals: Between May and June 2015, the Bács–Kiskun County Police held three training events on human trafficking for professionals that are part of the child protection warning system (village caretakers, the Hungarian Charity Service of the Order of Malta, state and church-run child protection institutions) with the participation of 20 experts in total. A separate training was then organized for teachers, professionals working with children between the ages of 11–18 and prospective youth workers. The training was attended by more than 30 people.

(2) Inter-professional training events: The Pest County Police organized an experience sharing program on identifying and helping the trafficking victims for professionals working at child protection institutions and the County Government Office in February 2016. Sixty people participated in the training.

Training for prosecutors

The Office of the Prosecutor General organized three training programs that provided information on human trafficking for prosecutors.

(1) Training for the chief prosecutors of district prosecution offices

Topic: Compiling statistical data and administrative records on sexual exploitation of children, sexual abuse, human trafficking, hate crimes, corruption, money laundering, financing of terrorism

Date: 1 January 2016, 9 February 2016, 1 March 2016

Number of participants: 40 people / 36 people / 39 people

(2) Training for prosecutors responsible for the supervision of investigations and the preparation of indictments at second instance

Topic: Compiling statistical data and administrative records on sexual exploitation of children, sexual abuse, human trafficking, hate crimes, corruption

Date: 3 May 2016

Number of participants: 47 people

(3) Meeting of the deputy-heads of chief prosecution offices in charge of criminal law matters

Topic: The criminology and victims of sexual violence and abuse; the special situation, identification and treatment of victims of human trafficking in Hungary and Europe

Date: 17 October 2016

Number of participants: 33 people

Training for judges

The Hungarian Judicial Academy organized many training events and conferences on human trafficking and other closely related topics for judges in 2016. A training with 23 participants was held on combating human trafficking and protecting trafficking victims. Two conferences titled "Protecting human trafficking victims – tasks and achievements" were organized with the participation of 230 judges in total.

Another training was dedicated to the sexual abuse and exploitation of children and child pornography (23 participants). Conferences were organized on the avoidance of secondary victimization (115 participants), the protection of victims of crime (460 participants in total), the treatment of female victims in court procedures (115 participants), the treatment of child victims in court procedures (115 participants) and the protection of witnesses (115 participants). Two more conferences on the protection and assistance of victims are scheduled for 2017.

Training for consuls

Before taking up their position, newly appointed diplomats have to complete a comprehensive training course which encompasses awareness raising on human trafficking. On 27 June 2016, the general training course for diplomats was complemented with a dedicated anti-trafficking training event where senior experts from the Ministry of Interior, the National Bureau of Investigation, the Department of Justice Supervising and Methodology of the Ministry of Justice (previously called Office of Justice), the National Crisis Telephone Information Service, the International Organization for Migration (IOM) and the Chance for Families Foundation 2005 shared their experience and knowledge with the participants. Approximately 30 consuls participated in the training.

The Ministry of Foreign Affairs expressed its interest in holding a similar training in 2017, organization is to commence shortly. Such dedicated anti-trafficking trainings are planned to be made available on a regular basis for as many newly appointed consuls as possible, but at least for those who will be assigned to countries where Hungarian citizens are known to be victimized by traffickers.

B) Awareness raising efforts

National awareness raising campaign on human trafficking

The IOM will implement the first national level awareness raising campaign on human trafficking in the framework of an ISF funded project. The campaign will be running in 2017-2018 and will address the general population, as well as the especially vulnerable groups. The target reach of the campaign is 500,000 people.

Awareness raising among migrants

Within the framework of the Immigration and Asylum Office's ISF funded project referred to above, an information material for migrants and asylum seekers on human trafficking and the help available to them is planned to be developed. To ensure a wide outreach to potential victims, the information material will be translated to five languages. The stakeholders involved in the implementation of the project are the Embassy of the United States of America, the Embassy of France, IOM, UNHCR, the Ministry of Interior, the National Police Headquarters and several NGOs.

Awareness raising among children and children in especially vulnerable position

(1) In November 2015, the Anthropolis Foundation, with the help of the Bács–Kiskun County Police, organized interactive workshops titled "*Don't become a victim!*" for children between the ages of 11 and 18. More than a 150 students participated in the workshops.

(2) In 2015, the Jász–Nagykún–Szolnok County Police organized a series of lectures titled "Modern slavery: human trafficking" at local child protection institutions, secondary schools and vocational schools. The lectures called students' and teachers' attention to the dangers of becoming victims of trafficking and ways to prevent victimization.

(3) In 2016, the Csongrád County Police held two awareness raising events for university students on the dangers of working abroad (52 participants).

(4) In 2016 November, the Jász–Nagykun–Szolnok County Police organized an awareness raising event on the dangers of drug abuse, prostitution and human trafficking for children living in child protection institutions (53 participants).

(5) In 2016, the Komárom–Esztergom County Police, together with the Anonymous Ways Foundation, organized an interactive awareness raising program titled "I stand with you" with the participation of approximately a 100 students, children living in child protection institutions and child protection professionals. The program focused on the issue of human trafficking and child prostitution.

(6) In 2016 May, the Somogy County Police organized a screening of a short film ("*Don't fall for it!*") picturing individual stories of girls who were forced into prostitution for high school students. After the screening, the students were given advice by a psychologist, a social worker and a police officer.

Other anti-trafficking awareness raising campaigns

(1) On the occasion of the 10th EU Anti-Trafficking Day, the Ministry of Interior, together with the White Ring Public Benefit Association and the Anonymous Ways Foundation held a two-day conference on 17–18 October 2016. On the first day of the event, the focus was on victim support, while the second day was dedicated to the fight against human trafficking. The participants of the conference were professionals from social services, NGOs and government agencies involved in victim identification. Following the conference, participants had the possibility to visit the interactive exhibition titled "How Much Are You Worth?". The two-day conference attracted almost 140 professionals.

(2) In August 2016, the Ministry of Interior was present at the Sziget Festival, running a campaign that called the attention of festivalgoers to the problem human trafficking. The campaign offered information on the prevention of victimization, but at the same time also strived to discourage the demand for the services of trafficking victims. The campaign reached close to 1400 young people. The Ministry of Interior will attend the Sziget Festival with its anti-trafficking campaign in 2017 as well.

(3) In 2016, the Somogy County Police organized a two-day event in a local shopping mall to raise awareness on the danger of working abroad, violence against women and human trafficking. The event also provided an opportunity to receive legal and psychological counsel.

C) Addressing underlying social problems and supporting especially vulnerable groups

The Government adopted the 2015-2017 Action Plan of the 2011-2020 National Social Inclusion Strategy II in September 2015. The 2011-2020 National Social Inclusion Strategy II contains 142 well-coordinated measures and its main target areas are:

- developing the availability, quality and efficiency of child care and child protection services (17 measures);
- preventing the reproduction of poverty and social exclusion (3 measures);
- improving the access of Roma children and children living in extreme poverty to education (14 measures);
- decreasing early school leaving (17 measures);
- business and economy development to promote the employment of disadvantaged people with low qualifications (14 measures);
- eliminating segregation (16 measures)
- improving the health of the Roma population, people living in extreme poverty and children.

The implementation of the Strategy is evaluated by the Government in annual, publicly available monitoring reports.

The following statistical data shows the effectiveness of the measures targeting poverty and promoting social inclusion:

- the number of people at risk of poverty and social exclusion decreased by 3.6% in 2015;

- the number of people living in low work intensity households decreased to 7.1% from 9.7%;
- the number of Roma people living in low work intensity household almost halved in 2015 compared to 2013 (45% in 2013, 27% in 2015);
- the number of people living in severe material deprivation decreased to 19.4% from 24% and the decline among Roma people and families with small children was above the average.

Addressing the vulnerability of Roma women

(1) In the framework of two EU funded projects (*TÁMOP-5.3.1.B-1-11/1* and *TÁMOP-5.3.1-B-2-12/2*), more than an 1100 Roma women acquired qualification as childminder, infant and early childhood educator, child and youth supervisor, nurse, social work assistant or social care provider and nurse, and 499 of these women got a job in the social and child care system. The project ended in 2015.

The project is continued by two new, three-year projects helping Roma people, especially Roma women, that were launched in April 2016 and March 2017. The new projects help 1000 Roma people to acquire a qualification and 800 Roma people to gain employment.

(2) To prevent early school leaving, 260 Roma girls received support in the form of mentoring in the framework of a project titled "Preventing early school leaving among Roma girls". Mentors not only work with the girls and their families, but they also closely cooperate with the schools and local child care professionals.

A new two-year project on preventing early school leaving among Roma women is being prepared. The planned budget of the project is 2 billion HUF and its goal is to involve 1320 Roma girls under the age of 25.

Addressing the vulnerability of children living in poverty to trafficking

(1) The number of institutions providing "Tanoda" school programs increased five-fold between 2012 and 2015. By offering complex extracurricular activities and tutoring, the Tanoda program helps disadvantaged children with their school work, skill development and learning difficulties. Tanoda also contributes to preventing early school leaving among Roma children. Between 2012 and 2015, 178 Tanoda programs provided services to approximately 5000 children in the framework of a 5.3 billion HUF project. A total of 5 billion HUF was allocated to the upkeep of the Tanoda programs in 2015.

The Tanoda program will continue and the number of participating children will be increased to 7000. The new related projects have a budget of more than 7 billion HUF in total.

(2) The Sure Start Program provides help for disadvantaged children in their earliest years by facilitating their physical, mental and social development and preparing them for a successful school education. Currently there are 112 Sure Start Children Centers providing services to 4000 disadvantaged children.

Sure Start Children Centers will be developed and expanded. Settlements with a population of 1000 to 4000 people where the proportion of disadvantaged children is high can apply for funding to establish or continue the operation of a Sure Start Children Center. The new related project will run for four years with a budget of 5.5 billion HUF.

Addressing violence against women and domestic violence

Hungary has now a policy against violence against women and domestic violence in place that applies a comprehensive approach, covers multiple areas of intervention and creates synergies between the different measures. The support services available to victims have been expanded and improved, and special attention is given to prevention, awareness raising and the training of professionals who come into contact with potential victims. Efforts have been stepped up to prevent and tackle violence against women, which is also reflected in the enhanced financial resources.

The budget of the domestic violence crisis centers has increased by 50% since 2016. Moreover, subsidies to safe houses helping domestic violence victims whose life is in danger and who suffered grave abuse were doubled. The augmented financial resources allowed the opening of a new crisis center and two new „half-way houses" in 2016. Half-way houses help social reintegration of victims by offering a five-year stay and help from social workers, lawyers and psychologists.

Furthermore, approximately 410,000 EUR (126 million HUF) was allocated to crises centers for the purchase of equipment (e.g. cars used to save women from crises situations) and IT equipment. Budget for an awareness raising campaign and research on domestic violence was also earmarked.

IV. Protection and assistance of victims

Developing the assistance available to human trafficking victims

(1) The Ministry of Human Capacities provides funding for the maintenance of two Temporary Shelters. Each shelter can provide services for 8 people for 90 days. The duration of stay can be extended once with additional 90 days if requested.

The two shelters, similarly to the domestic violence crisis centers, will be complemented with two half-way houses each which will help the social reintegration of victims by offering a five-year stay and help from social workers, lawyers and psychologists. The opening of the four dedicated half-way houses will significantly improve the victim assistance services for trafficking victims.

(2) A unified service protocol for the Temporary Shelters and Half-way Houses for victims of human trafficking was developed in 2016. The protocol summarizes the operational conditions of the two institutions and it guarantees the high quality of the services rendered to victims.

Improving the National Crisis Telephone Information Service (OKIT)

The project on the development of crisis management services (EFOP-1.2.4-VEKOP-16-2016-00001) was launched in February 2017 and it is expected to improve mental health in Hungary, reduce suicide rates, improve action against and indirectly mitigate bullying, domestic violence and human trafficking. The training of OKIT is planned for 25 hours in 2018, and public procurement is currently underway both with regard to the training and teaching materials, and to the organization of the training itself. During the implementation phase of the project, a coach is going to assist the work of OKIT, public procurement is also underway. IT development is expected to take place in Q3 of 2018, public procurement is in progress.

Additionally, since 1 February 2017, a lawyer colleague contributes to the work of OKIT 20 hours a week.

Improving statistics and the referral of victims

The Department of Justice Supervising and Methodology of the Ministry of Justice is currently developing a new IT system dedicated to the referral of victims which will also improve the accuracy of the statistical data. The new system is expected to be operational in 2017.

Improving the Police's participation in victim assistance

(1) The legislative package transposing the 2012/29/EU directive entered into force on 1 November 2015. Decree of the Ministry of Interior No. 65/2015 *on the victim support tasks of the Police* introduced the requirement of the individual assessment of victims in order to determine specific protection needs. The Criminal Procedure Act was also amended so as to introduce the term "victims with specific protection needs" and to prescribe the requirement to continually assess the victim's individual situation throughout the whole criminal procedure.

In every case, the Police will individually examine whether the victim has specific protection needs by using the checklist in the annex of the Decree. According to the Decree of the Minister of Interior No. 64/2015, victims of human trafficking and forced labor are considered to be victims with special protection needs.

(2) Decree of the Minister of Interior No. 64/2015 *on the victim support duties of the Police* entered into force in 13 December 2015. The Decree provides that the Police shall hand over an information material on the rights of victims and the support available to them to all victims when they first come into contact with them. The information material is to be prepared by the by the local county government office. The

Police shall also inform victims orally about their right to victim support, as well as the possibility to receive a copy, free of charge, of the minutes and the documents proving that a report was made to the Police, as well as the use of these documents in receiving victim support. Victims are also informed that the Police can issue a certificate necessary to receive certain types of support and that the certificate can also be obtained through the victim support services. By signing the minutes, the victims declare that they received this information both in writing and orally.

The National Police Commissioner and the county police commissioners shall prepare an annual report on the promotion and protection of victim rights. The report is then sent to the Ministry of Justice, the local County Government Office, the local district government offices (where the local victim support service operates), the Office of the Prosecutor General, and the local county prosecution office.

The Department of Justice Supervising and Methodology of the Ministry of Justice, with the involvement of county government offices, conducted a survey into the efficiency of the current system of providing information about victim support to victims by the Police. The results showed that more could be done to ensure that victims receive adequate information by the Police about the help available to them. The Ministry of Justice therefore issued a protocol titled "Increasing the efficiency of disseminating information by the Police about victim care services" in 2016. County government offices, the Police, child protections services, churches, local governments and NGOs were involved in the development of the protocol. The new protocol offers practical guidance on "when" "what" and "how" information should be provided to victims by the Police. The protocol also helps to avoid secondary victimization.

Protection of victims and witnesses during court procedures

The National Office for the Judiciary launched its child-centered justice administration program in 2012. The aim of the program is twofold, on the one hand it ensures that the best interest of children is safeguarded, and on the other hand it prepares judges for working with child victims. As a result, now all regional courts are equipped with a specialized child-friendly interviewing room. Many judges have participated in training events or conferences on the best care and treatment of child victims. Furthermore, a working group on child-centered justice administration was established in 2016.

Special attention is paid to the protection and support of witnesses, and the National Office for the Judiciary put numerous measures in place to his aim. For instance, the technical conditions necessary for conducting a hearing through video-conference and the recording of statements and interviews were established, and protected witness interviewing rooms and separate waiting rooms were created.

Protection of unaccompanied minor victims

According Section 2 (t) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, unaccompanied minors and children in vulnerable position fall into the category of 'persons eligible for preferential treatment'. Therefore the Hungarian authorities give special attention to preventive and protective measures affecting these children, as well as to the promotion of the best interest of children.

To promote the protection of the rights and interests of unaccompanied minors, the relevant regulation was changed so as to ensure the timely appointment of a guardian. The competent guardianship authority now must appoint a guardian within 8 days after receiving a request to this effect from the Immigration and Asylum Office. Furthermore, the case management and guardianship of unaccompanied minors were centralized in October 2015. The District V. Guardianship Department of the Budapest Government Office was tasked with the case management of all unaccompanied minors residing in Hungary, and the Metropolitan Child Protection Service was made responsible for providing guardianship to all unaccompanied minors. This centralized arrangement means that all the case workers and guardians working with unaccompanied minors have the necessary specialized knowledge and experience. To meet the increased workload, sufficient financial and personnel resources were also provided. Consequently, the staff of the District V. Guardianship Department of the Budapest Government Office was increased by three people, while the staffing of the Metropolitan Child Protection Service increased by 10 people.

While the „state of crisis caused by mass immigration“, a special state of emergency, is in place, unaccompanied minors above the age of 14 are placed in the transit zone. The timely appointment of a guardian is ensured in this case as well, however, guardians are not appointed in a child protection procedure but under the relevant civil law provisions. Once the asylum request submitted by an unaccompanied minor above the age of 14 is granted, s/he will be placed in a child protection institution.

GRETA recommended in its Evaluation Report that Hungary „take effective measures to address the problem of disappearance of unaccompanied minors by providing safe accommodation“. In our experience, unaccompanied minors leave the accommodation of their own volition therefore the problem does not lie in the safety of the accommodations. Unaccompanied minors naturally cannot be placed in detention, thus the problem of disappearance cannot be remedied in practice.

V. Prosecution

A) Legal framework

Following the adoption of GRETA's First Evaluation Report on Hungary, the Hungarian authorities carefully examined the criminal legislation in force in order to determine whether the legislation is in compliance with the relevant international and EU standards.

This deliberation led to the conclusion that the current legislative framework is in line with international instruments and the relevant EU directive, and therefore its amendment is not warranted.

(1) GRETA recommended to Hungary to include at a minimum the different types of exploitation mentioned in the Convention, including slavery, practices similar to slavery and servitude, in relation to the definition of trafficking in human beings of the Criminal Code.

Section 192 (2) defines human trafficking for the purpose of exploitation as follows “for the purpose of exploitation sells, purchases, exchanges, supplies, receives, recruits, transports, harbors or shelters another person, including transfer of control over such person“. It is important to highlight that nor the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as Convention), neither the 2011/36/EU directive defines “exploitation“ but rather they provide a minimum list of exploitative practices that must be criminalized. Indeed, it would not be possible to list all exploitative practices and that is why international instruments resort to the use of the “at least“ formula.

The Hungarian Criminal Code opted for a broad and sufficiently abstract definition of exploitation, namely “the abuse of power or of a position of vulnerability for the purpose of taking advantage of the victim forced into or kept in such situation“ [Section 192 (8)].

The main conceptual elements of this definition are the abuse of vulnerability and the intention to gain benefit. Vulnerability can be the consequence of one or multiple circumstances, and a situation of vulnerability can either be created by the perpetrator or it can be inherent to the victim (e.g. homelessness, extreme poverty). In the latter case, maintaining the vulnerable position of the victim or preventing the victim from changing his/her situation constitute exploitative behavior. Exploitation already materializes when the perpetrator endeavors to gain benefit. In other words, the criminal offense of human trafficking is committed even if the perpetrator does not actually gain benefit from the crime (for example by taking the payment of the victim). Moreover, benefit is not limited to a pecuniary advantages, instead it encompasses any kind of advantage or favorable situation that arise or can arise from the exploitation of the vulnerable position of the victim.

Thus, the Criminal Code of Hungary not just ensures the criminalization of the most common types of exploitative practices that are listed in international instruments, but allows for the prosecution of all forms of exploitation. By not resorting to a non-exhaustive list of exploitative practices, the legislation in force eliminates the risk of omitting certain forms of exploitation.

It should also be noted here, that a minimum list would not meet the constitutional requirement of legislative clarity in Hungary.

In conclusion, the Hungarian authorities maintain that the Criminal Code is in compliance with the relevant international and EU instruments on human trafficking and its amendment is not warranted.

(2) GRETA invited the Hungarian authorities to keep under review the effectiveness and dissuasiveness of the penalties provided for in section 192 paragraphs 2 and 3.

The basic definition of human trafficking is punishable up to three years of imprisonment. Human trafficking for the purpose of exploitation is punishable by imprisonment from one to five years. Aggravated instances are punishable by imprisonment 2-8 years, 5-10 years, 5-15 years, 5-20 years or lifelong imprisonment depending on the gravity of the offense. The attempt is also punishable by imprisonment up to two years.

The sanctions are proportionate and range from two years to lifelong imprisonment in case of human trafficking committed for the purpose of exploitation. Moreover, increasing the sentences in the case of Section 192 (2) and (3) would upset the balanced and proportionate system of sentences applied throughout Section 192. Therefore we believe that increasing the sentence with regards to Section 192 (2) and (3) is not necessary, neither possible.

(3) GRETA also recommended to Hungary to take further steps to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of THB.

Section 19 of the Criminal Code provides that "any person who has committed a criminal act under undue influence by coercion or threat, depriving him of the capacity to act according to his own free will shall not be prosecuted". This provision, in our opinion, is fully in line with Article 26 of the Convention. The above cited provision applies to the victims of trafficking if they acted under coercion or threat, therefore including a dedicated THB non-punishment provision is unwarranted.

(4) GRETA considered that Hungary should explicitly exclude trafficking in human beings from the scope of section 29 of Act C on Active Repentance.

With regards to human trafficking, active repentance is only possible for the offenses described in Section 192 (1) and (2). The possibility of active repentance is excluded in the case of graver forms of trafficking. To benefit from active repentance, the perpetrator must confess his/her crime before being indicated and has to provide restitution that is accepted by the victim in the framework of a mediation procedure. A mediation procedure can only be initiated if both the perpetrator and the injured party agrees to it (Criminal Procedure Act Section 221/A). The legislation in force thus establishes adequate conditions and guarantees regarding active repentance.

B) Investigation and prosecution

The number of criminal offenses relating to prostitution and exploitation for sexual purposes has not changed significantly in the recent years. Hungarian criminals have generally moved their activities to countries where prostitution is legal, and only recruitment and part of the transportation is done in Hungary.

In 2016, the National Bureau of Investigation carried out 10 joint actions with the Austrian authorities in order to identify Hungarian victims among the prostitutes working in Vienna. As a result, three criminal procedures were started in Hungary. To drive back human trafficking for labor and sexual exploitation, two further joint actions with the Austrian authorities were conducted with the coordination of EUROPOL in October 2016. The officers checked the identity of 91 Hungarian women in Upper Austria, Lower Austria, Salzburg, Burgenland, Carinthia, Vorarlberg and Vienna. It can be concluded that there is an increased activity of Hungarian criminal groups in Austria.

The National Bureau of Investigation also established three joint investigation teams between 2015 and 2016. The JIT named "*Goulash*" aims at tracking and eliminating a Hungarian criminal group engaged in sexual exploitation in Belgium. The JIT named "*Isopix*" was established together with the UK to investigate human trafficking with the purpose of sexual exploitation. Finally, the JIT called "*Fortune*" was formed between the Hungarian and the French authorities to fight human trafficking with the purpose of sexual exploitation.

At the same time, the National Bureau of Investigation continues to make full use of special investigative techniques and the possibility to trace, freeze and confiscate assets originating from criminal conduct.

C) Asset recovery

The National Bureau of Investigation has a separate unit for asset recovery. Ensuring good international cooperation is very important for the Hungarian Police. In the case of international asset tracing, the Hungarian Asset Recovery Office traces and identifies assets based on a request from another country and forwards information to the requesting country.

The Hungarian Asset Recovery Office provided the following statistics on assets traced and identified in international human trafficking cases.

2015

Requesting country	Number of cases	Assets identified
UK	3	2 bank accounts, 5 vehicles, 9 real estate
Belgium	1	unsuccessful
Netherlands	7	cash, 14 bank accounts, 15 vehicles 1 carriage, 13 real estate, works of art
Romania	1	2 bank account, 6 vehicles, 5 real estate
Germany	2	3 bank accounts, 10 vehicles, 6 real estate

2016

Requesting country	Number of cases	Assets identified
UK	1	unsuccessful
Belgium	1	3 bank accounts, 4 real estate
Netherlands	2	2 real estate

1 January 2107 – 9 May 2017

Requesting country	Number of cases	Assets identified
UK	2	unsuccessful

Two ISF funded projects strengthening the capacities of the Asset Recovery Office are being implemented at the moment. The projects will enable the Bureau to procure equipment of the value of approximately 300.000 EUR (90 million HUF). Moreover, approximately 115.00 EUR (35 million HUF) will be spent on providing training programs and organizing workshops and study visits.

VI. Partnership

Establishing county level coordination mechanisms

The National Police Headquarters is implementing an ISF funded project aimed at establishing a county level coordination mechanism in four counties. The four participating counties (Baranya County, Borsod–Abaúj–Zemplén County, Győr–Moson–Sopron County, Szabolcs–Szatmár–Bereg County) are particularly affected by human trafficking. The county level coordination mechanisms will involve the county-level branch of public administration bodies (the Police, the guardianship and victim support departments of the county government offices, the judiciary, the prosecution service, labor inspectors, the Immigration and Asylum Office, educational institutions), NGOs and churches, as well as local and county governments.

Establishing county level coordination mechanisms will contribute to

- the identification, referral and assistance of victims,
- the prevention of human trafficking,
- the protection and assistance of victims,
- the efficient reintegration of the victims.

The main project activity, that is the establishment of the county level coordination mechanisms, will be complemented with three study visits to the Netherlands, Belgium and Austria. Participants will learn about the victim support system and the coordination mechanism in place in the given country by visiting the local Police, shelters, local governments and other organizations performing THB related activities.

The project has a budget of approximately 9 million HUF; and its implementation period is January 2017 to June 2018. The project indicators are:

- number of involved counties: 4
- number of expert meetings held: 13
- number of experts participating at the meetings: 60
- number of reports, studies: 5

The county level coordination mechanisms will be maintained for at least two years after the project ends.

Establishing a coordination mechanism with Switzerland

IOM, with the involvement of the Ministry of Interior and the National Police Headquarters, is implementing an ISF funded project that will establish an international referral mechanism between Switzerland and Hungary.