

TEMPLATE POLICY PAGE

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| Category: | Prostitution and Trafficking for Sexual Exploitation |
| Country: | Hungary |
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| | <p>Act C of 2012 on the Criminal Code</p> <p>In Act C of 2012 on the Criminal Code, which entered into force on 1 July 2013, the formulation of the new legal definition of the crime of human trafficking complies with the expectations of international conventions (Act CII of 2006 on the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, Act XVIII of 2013 on the Convention of the Council of Europe against Trafficking in Human Beings, 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).</p> <p>Under Section 192 of the Criminal Code, the particular legal definition of trafficking in human beings rules, by keeping the provisions formerly in force and at the same time complementing them, on trafficking with the purpose of exploitation as a new element. While the specific feature of the phenomenon of trafficking in humans was kept in view, the exploitation nature of the criminal act was given sufficient emphasis in addition to its transaction feature.</p> <p>Under the Criminal Code, trafficking in human beings with the purpose of exploitation is punishable by one to five years' imprisonment. In the case of perpetration through a criminal organization, the ceiling of punishment has risen to ten years' imprisonment. Under the Criminal Code, the central conceptual element of exploitation is the attempt to benefit from misusing the position of a victim brought into or kept in a vulnerable position. Thus, actually obtaining a purchase price by selling victim or depriving victim of their earnings or income are no essential criteria for an act to qualify as exploitation. Benefit does not only mean financial benefit; it means any other benefit, advantage or advantageous position that is gained by misusing the position of the victim.</p> <p>Vulnerable position may refer to a single factor or factors that make the victim vulnerable to the perpetrator. The vulnerable position may arise through the perpetrator's behavior or action, or irrespective of these. In the latter case, misuse is implemented by perpetrators through maintaining the existing vulnerable position (e.g. homelessness or financial plight) or by preventing the victims from recovering from it. The legal definition of human trafficking remains to be complemented in the system of the Criminal Code by provisions on what are referred to as</p> |

parasite crimes, related to prostitution, on sexual crimes and provisions serving the protection of children: **Section 143 Crime Against Humanity, Section 193 Forced Labour, Section 194 Violation of Personal Freedom, Section 195 Duress, Section 196 Sexual Exploitation, Section 200 Pandering, Section 201 Procuring for Prostitution or Sexual Act, Section 202 Living on Earnings of Prostitution, Section 203 Exploitation of Child Prostitution, Section 204 Child Pornography, Section 209 Child Labour, Section 356 Unlawful Employment of Third-Country Nationals.** Within the framework of sexual exploitation, crime committed with the purpose of child pornography is a priority area; the age of victims appears as a basic limitation: victims under 18 and 14 are provided special protection; further aggravating circumstances appear in criminal action against persons in perpetrator's foster care, surveillance, care or medical treatment or, as a new element, in action committed by the abuse of power or influence in relation to victim. As a result of these novel elements, the Hungarian criminal legislation is, through the transposition of the Directive 2011/36/EU, in accordance with international requirements.

Please find the Act under the following link:

http://thb.kormany.hu/download/7/ec/a0000/14_Act%20C%20of%202012%20on%20the%20Criminal%20Code.pdf

Act LXXV of 1999 on the rules of combating organised crime and certain related phenomena and connecting amendments of acts

(English translation does not exist, available in Hungarian on-line:

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99900075.TV&celpara=#xcelparam)

The act contains the public policy rules of regulating prostitution, it provides possibility to mark out zones where practicing prostitution is tolerated and defines the protected zones. Since ten years there has not been marked out any zones although non-governmental organizations are leading a campaign for it.

Act CXXXV of 2005 on Crime Victim Support and State Compensation

The act is available on-line under the following link:

http://kih.gov.hu/english_pages/victim_support_comp/-/asset_publisher/4frusdbuyVxX/content/act-cxxxv-of-2005-on-crime-victim-support-and-state-compensation

The scope of the act extends to the victims of trafficking in human beings as well. It is the task of the Victim Support Services under the Service of Justice of the Ministry of Public Administration and Justice to provide free, fast and professional information on the health, insurance and social services the victims might obtain. Under the conditions specified by the act victims can receive extraordinary financial aid and compensation.

National Crime Prevention Strategy of Hungary (2013-2023)

The new national strategy of social prevention of crime elaborated by

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| | <p>the National Crime Prevention Council has been brought into force on 18 October 2013 by Government Decree 1744/2013 on the National Crime Prevention Strategy.</p> <p>The priorities, measures, intervention areas specified in the Strategy contribute to the achievement of the objectives, as well as to the reduction of vulnerability of children and youth, to the reduction of victimization and the avoidance of repetition of offences.</p> <p>4-Year Plan Document Related to the Directive against Human Trafficking and the European Strategy towards the Eradication of Trafficking in Human Beings and Replacing the National Strategy against Human Trafficking 2008-2012</p> <p>The National Strategy against Trafficking in Human Beings (2013-2016) mainly addresses victim identification, investigation, prosecution, prevention and providing assistance to victims. The essential objective of the strategy is to roll back all manifestations of violence present in Hungary as a destination country, source country or transit country, from the external or internal points of view, including the comprehensive specification of tasks and challenges arising from the government's responsibility for the victims of human trafficking and the finding of the suitable responses to these. Please find the strategy under the following link:</p> <p>http://thb.kormany.hu/download/0/0d/a0000/17_National%20Strategy%20against%20Trafficking%20in%20Human%20Beings%202013-2016_EN.pdf</p> |
| <p>Trends:</p> | <p>Hungary is fundamentally a source and transit country within the European Union. The victims are exploited mainly with the aim of sexual exploitation, but labour exploitation is also present.</p> <p>The main destination countries are the Netherlands, Switzerland, Austria, Belgium, Germany and the United Kingdom. Hungary maintains close cooperation with these countries to counter trafficking. The principle countries of origin for victims of trafficking through Hungary are Romania and Bulgaria.</p> <p>In the light of experience over recent years and on the feedback from international cooperation Hungarian persons becoming victims abroad are primarily deriving from Borsod-Abaúj-Zemplén County, (North-Eastern part of Hungary) Szabolcs-Szatmár-Bereg County (North-Eastern part of Hungary) and Baranya County (South-Western part of Hungary) but Tolna County (South-Western part of Hungary) and Békés County (South-Eastern part of Hungary) are also significant source regions.</p> <p>Victimization in Hungary has several root causes like poverty, high unemployment, and inequality in the labour market. In the counties on the map indicated by red - especially the North-Eastern region of Hungary - unemployment rate is quite huge which one of the reasons for</p> |

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| | <p>victimization is.</p> <p>Regarding the suspected traffickers it can be established that they have low educational background, they are repeat offenders or already have criminal records, or tend to live solely from criminal activities. They are usually 25 – 30 years old and the older family members traditionally transmit their “occupation as pimps” to the sons</p> |
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| <p>Contacts:</p> | <p>National organisations:</p> <p>Ministry of Interior http://www.kormany.hu/hu/belugyminiszterium</p> <p>Ministry of Justice http://www.kormany.hu/hu/kozigazgatasi-es-igazsagugyi-miniszterium</p> <p>Ministry of Human Capacities http://www.kormany.hu/hu/nemzeti-eroforras-miniszterium</p> <p>National Police Headquarters http://www.police.hu/megelozes/bunmegelozes</p> <p>Office of Justice of the Ministry of Justice http://kih.gov.hu/</p> <p>National Telephone Service of Crisis Intervention and Information http://www.bantalmazas.hu/</p> <p>International Organization for Migration, Regional Office Budapest http://www.iom.hu</p> <p>Office of the Public Prosecutor http://mklu.hu/hnlp14/</p> <p>Metropolitan Court of Budapest http://fovarositorvenyszek.birosag.hu/</p> <p>National Bureau of the Courts http://www.birosag.hu/en</p> <p>National Employment Service http://en.munka.hu/</p> <p>Hungarian Baptist Aid http://www.baptistasegely.hu/</p> |
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