



FRALEX

Thematic Study on the  
Rights of the Child  
(Child Trafficking)

Hungary  
NEKI and ETC  
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## Executive Summary

- [1]. Fact-finding for this study led the author to conclude that in Hungary the protection of child victims of human trafficking is developing, though much remains to be done. The National Strategy on Trafficking in Human Beings was launched and came into effect only in spring 2008. The National coordination mechanism is in place, the ministerial coordinator is analysing the current situation, and the National Plan of Action is expected to be published soon. These developments could result in a more conscious and more effective regulation.
- [2]. What further complicates the situation is that publicly available information, categories and data about the extent and the profile of the phenomenon, potential victims and the results of investigations do not exist or are sporadic, controversial or uncomparable. Experts' views differ even concerning the definition of child trafficking. There have been a few professional fact-finding, advisory, or sensitising programs so far aimed at preparation and information sharing, but the targeted social campaign and preventional work have not been sufficient. There is not enough information available about the rehabilitation and reintegration of children indentified as victims, and follow-up studies do not exist either. The present methods of data collection, documentation, and the official files of children do not make it possible to paint an accurate picture about victims of child trafficking.
- [3]. The reference period of 2000-2008 focused on complying and adapting to legal norms and professional standards in order to enhance compliance with the relevant international treaties and guidelines. Hungary has signed and ratified several important international treaties over the past years.
- [4]. The regulations of criminal law do not consistently define and systemize cases of child trafficking. Moreover, the concrete dispositions on trafficking, i.e. several technically separated provisions in the Penal Code, could each correspond to the international definition (or the working definition, in para 8 of the FRALEX Study Guide). Due to the allegedly high latency several difficulties arise during the criminal procedure despite the witness protection program, the access to temporary stay, or despite existing legal instruments which remain unused in practice.
- [5]. The fight against human trafficking has intensified since 2003, when several governmental measures were taken for crime prevention and the elimination of child poverty, as well as for victim support. According to publicly available information there is no separate budget to finance anti-trafficking – including anti-child trafficking – measures. Some targeted funds have been available. Last, there has been little funding available for research in this field.
- [6]. The National Referral Mechanism is relatively new and underdeveloped, although some cooperation agreements exist. One of the best cooperations is between the police and the Victim Support Service despite the low number of human trafficking cases. However, professional harmonization and the holistic view necessary for victim identification are completely underdeveloped. As a result, there is no policy of non-criminalisation, except for children under 14, who are in any case exempt from criminal liability.

- [7]. A complex training strategy and plan, training tools and materials have not been developed for the authorities and organisations partaking in treatment and prevention, or for potential victims. In Hungary children are not directly involved in awareness-raising campaigns.
- [8]. Due to the lack of comparable data and the analysis of trends it is hard to estimate the efficiency of the few prevention programs and the success of focusing on certain target groups.
- [9]. The protection of the interests and rights of the children is formally ensured, but there are no special requirements, training and case management protocols for legal guardians and lawyers.
- [10]. The relevant ministries (Ministry of Justice, Social Affairs, Foreign Affairs and the Ministry of Education and Culture) and non-governmental organisations through interdepartmental and civil cooperation deal with child trafficking. This is manifested in cooperation spreading from joint statements in anti-trafficking campaigns to the creation of the so called „safe houses”. International and EU level cooperation is prevalent in judicial matters or in connection with transnational migration.
- [11]. There is a clear need for extra methodological knowledge for the identification and adequate treatment of victims. Not even the Victim Support Service has a colleague specialised in issues relating to children, and there is no profile-designed methodological protocol to help this work efficiently. Case management is made even more difficult by the complexity, interests and motivation of victims.
- [12]. The institutional system has not been prepared to provide services dealing with the traumas suffered and other special needs including the question of accommodation, education, health, rehabilitation, integration and reintegration, although several types of care and financial measures are provided by law.
- [13]. The principle of the best interest of the child appears in Hungarian legislation and often in practice, too. The lack of formalised procedures ensuring that the best interests of the child are taken into account is a problem though, as this leaves too much discretion to the subjective opinion and moral approach of the officer in charge, as well as to loopholes within the system.
- [14]. In certain cases NGO measures have been taken on board by the Hungarian government as good practices. An outstanding example is the school in Debrecen that has developed a preparatory language program for refugee children on its own initiative and budget. After that, similar programs in other schools were financed by the Ministry of Education and Culture.
- [15]. The most burning question is, however, how to stop the vicious circle in which available safeguards and services are not developed on account of the low number of cases. As a result, victims who are vulnerable and uncertain anyway, are even less motivated in requesting help and cooperation as they rightly fear secondary victimisation and eventually, further reprisal.

# 1. General anti-child trafficking framework

[16]. Hungary has signed and ratified numerous international treaties connected to human trafficking.

- Conventions ratified:
  - UN Convention against transnational organised crime/Palermo Protocol to prevent, suppress and punish trafficking in persons (2000), ratified in Palermo, on 14.12.2000, proclamation: Hungary/Act No 102 of 2006/27.11.2006
  - ILO Convention Nr. 182 on the worst forms of child labour (1999), proclamation: Hungary/Act No 27 of 2001/
- Conventions signed:
  - UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) – Hungary signed on 11 March 2002
  - Council of Europe Convention on Action against trafficking in human beings (2005) - Hungary signed on 10.10.2007.
- Not signed:
  - Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (2007)

[17]. The responsible Ministry is of the view<sup>1</sup> that the Penal Code completely ‘transposed’<sup>2</sup> the UN Palermo Protocol even before ratifying it.<sup>3</sup> According to other sources,<sup>4</sup> the criminal law regulations in force apparently meet the requirements of international laws, although there is some confusion relating to the definition of the term ‘human trafficking’. Under Article 175/B of the Hungarian Penal Code ‘human trafficking’ is not connected with sexual exploitation or prostitution either in basic terms of facts or in special cases of underage victims, though it could have a more significant effect in terms of implementation, not to mention the fact that it would make data collection more accurate and transparent.<sup>5</sup> Moreover, under the relevant provisions of criminal law the acquisition of evidence may prove to be difficult too (e.g. realisation of sale, acquiring of testimony).

[18]. The law does not punish illegal adoption, prostitution or related actions (e.g. bawdry) as trafficking. There is a separate provision for human smuggling. On the whole, the regulation in force does not describe child trafficking within a separate provision but sparsely, in different

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<sup>1</sup> Information source: Website of the Ministry of Social Affairs and Labour  
<http://www.nedoljbe.hu/index.php?page=fooldal.php> (accessed on 16.06.2008).

<sup>2</sup> Hungary/Act No 4 of 1978 on the Penal Code /21.12.1978. Hereinafter referred to as Penal Code.

<sup>3</sup> Proclamation: Hungary/Act No 102 of 2006/ 27.11.2006.

<sup>4</sup> Study on *Implementing gender equality principles to combat trafficking and to prevent sexual exploitation of women and children* of the European Network Against Trafficking in Women (ENATW) project by MONA (Hungarian Women Foundation), 2007. Information taken from the website of MONA:  
<http://www.mona-hungary.hu/kepek/upload/2007-06/ENATW%20report%20final.pdf> (accessed on 08.06.2008).

<sup>5</sup> As we can learn from the above referred MONA’s research study (page 18), the official statistics of trafficking in persons does not include for example the victims of bawdry. We need a special request for this information to get the whole picture of victims.

provisions as a qualified criminal offence, or as broader, subsidiary/secondary type of criminal offence according to the Penal Code (e.g. under Article 174 as Coersion, under Article 175 as Violation of human rights, under Article 195 as Endangering children, under Chapter XIV as Sexual crimes, under Article 204 on Forbidden pornographic recordings, under Article 205 on Compelling or Promoting prostitution). The amendment to the Penal Code according to Framework Decision No 68 of 2004/22.12.2003 has not yet passed but a Draft has been prepared.<sup>6</sup>

- [19]. The National Strategy against Trafficking in Human Beings 2008<sup>7</sup> deals with the issues of definition as well. Essentially, it takes as a basis the Protocol to Prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol). In its commentary it says: *“It has to be noted that the Hungarian definition of trafficking in human beings found in Act No 102 of 2006 on the proclamation of the Palermo Protocol is heavily criticized by the public academic opinion as it contains ambiguous items that can be misunderstood – when compared to the English text. (E.g.: “robbery” instead of “abduction (of a person)”, “state in which the person is unable to protect himself” instead of “of a position of vulnerability”, “prohibited use of organs” instead of “the removal of organs” etc).”*
- [20]. The National Strategy underlines that the Convention of the Council of Europe (Warsaw Convention) on action against human trafficking gives a separate definition for “victim”, emphasising the victim-oriented approach of the Convention. It also highlights the fact that “further to the Palermo Protocol and the Warsaw Convention we could not talk about a real agreement even if the child had consented<sup>8</sup> and even if no preliminary action serving the purpose of trafficking had been taken against the child. The guardian or other legal representative of the child is not entitled to agree to any act of exploitation of the child.”
- [21]. The National Strategy defines “trafficking” in line with the above mentioned international documents (the Palermo Protocol and the Warsaw Convention), comprising three central elements:
- *action*: recruitment, transportation, transfer, harbouring or receipt of persons;
  - *means*: by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;
  - *aim*: exploitation shall include at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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<sup>6</sup> [www.prostitutio.hu/btk.modositas.kormanyjavaslat.2007.01.htm](http://www.prostitutio.hu/btk.modositas.kormanyjavaslat.2007.01.htm) (accessed on 08.06.2008).

<sup>7</sup> Hungary/Government Resolution No 1018 of 2008/26.03.2008 on the 2008-2012 National Strategy against trafficking in human beings, Annex I.5.point. Hereinafter referred to as National Strategy. Information source: Website of Ministry of Justice: [http://www.irm.gov.hu/download/emberker\\_strat\\_vegleges.doc/emberker\\_strat\\_vegleges.doc](http://www.irm.gov.hu/download/emberker_strat_vegleges.doc/emberker_strat_vegleges.doc) (accessed on 08.06.2008).

<sup>8</sup> Palermo Protocol Article 3d) and Warsaw Convention Article 4d): any person under 18 shall be regarded as a child.

- [22]. It is important to note the significance of alien policing, asylum and child protection legislation applying to unaccompanied underaged children. The national coordinator created by the National Strategy has the task of canvassing criminal law and related legal provisions and of drawing up proposals for necessary amendments.
- [23]. The separate offence of trafficking in human beings has been in effect since 1999 in the Penal Code, and was significantly amended in 2001. However, there was no separate offence of child trafficking introduced either before or after the amendment.
- [24]. No information is available on the case law of courts establishing the direct applicability of international standards on child trafficking. There is information which suggests that courts would apply international treaties relating to child trafficking that Hungary has signed and ratified. Standards contained in community law (directives) have been transposed into domestic law, whereas other pieces of domestic legislation contain international standards as detailed in Annex III.
- [25]. After the ratification of the UN Convention on the Rights of the Child (UN CRC)<sup>9</sup>, the priority of the primary consideration of the principle of the best interest of the child has been inserted in many areas in Hungarian legislation. Thus, between the basic principles of the Asylum Act<sup>10</sup> we can see under Article 4 (1) that when applying the Act, the best interest and rights of the child shall be respected. Furthermore, under Article 4 (3) of the Asylum Act, the special needs related to the situation of children and unaccompanied children in need of special care and treatment shall be respected.
- [26]. The elaboration by the Hungarian Government of the National Strategy<sup>11</sup> has been preceded by several measures<sup>12</sup> such as:
- “Better conditions for children!” – national strategy for 25 years against the elimination of child poverty, including a three-year action program (2003)
  - The National Strategy of Social Crime Prevention – favourably supports the prevention of children or underaged persons from becoming crime victims by providing for significant measures and programs aimed at victim support. The National Strategy of Social Crime Prevention,<sup>13</sup> and Annual Plans of Action provide significant financial support, as well as victim support programs, through which children and underaged persons are prevented from becoming victims of crimes. The interdepartmental National Crime Prevention Council (OBmB) is responsible for the coordination of communal crime prevention and the creation of strategies. The basic document of social crime prevention is the government resolution on

<sup>9</sup> Hungary/Act No 94 of 1991/09.1991 on UN CRC.

<sup>10</sup> Hungary/Act No 80 of 2007/25.06.2007 on asylum seeking. Hereinafter referred to as the Asylum Act.

<sup>11</sup> Hungary/Government Resolution No 1018 of 2008/26.03.2008 on the 2008-2012 National Strategy against trafficking in human beings. Information taken from the website of the Ministry of Justice and Law Enforcement: [http://www.irm.gov.hu/download/emberker\\_strat\\_vegleges.doc/emberker\\_strat\\_vegleges.doc](http://www.irm.gov.hu/download/emberker_strat_vegleges.doc/emberker_strat_vegleges.doc) (accessed on 08.06.2008).

<sup>12</sup> Information source: Website of the Ministry of Justice and Law Enforcement: <http://www.irm.gov.hu/?mi=2&katid=2&id=331&cikkid=4458> (accessed on 08.06.2008).

<sup>13</sup> Hereinafter referred to as NSSCP.

the NSSCP.<sup>14</sup> The objectives mentioned in the Strategy state that annual plans of action are set up and annual reports are prepared to evaluate the implementation of tasks and deadlines with a view to inform the government.

- A statement on the principles of the National Strategy about Prostitution and Trafficking in Persons<sup>15</sup> was signed with the leadership of the Department for Equal Opportunities.
- An Internal Measure Plan was adopted in June 2005 on action against trafficking in human beings by the former Ministry of Interior, for the National Police Headquarters (ORFK), the former Border Guards and the Office of Migration and Nationality (BÁH). The ORFK prepared their relevant internal rules. The upgrading order of ORFK No 46 of 2007 (OT 30.) on violent acts related to prostitution and the performance of the police tasks related to handling trafficking in human beings was adopted on 20 December 2007.
- As a member of the Hungarian-American Working Group against Trafficking in Human Beings set up on the initiative of the Ministry of Foreign Affairs, the Ministry of Social Affairs and Labour made a framework agreement about the functioning of the ‘referral system’. Its aim was to create a system of referring victims of human trafficking to shelters (2004).

[27]. The documents usually use the term ‘human trafficking’ and they include the cases of underage persons at risk and victims in the concept.

[28]. The most important elements of the National Strategy are:

- Background: As the National Strategy states beyond the aforementioned Hungary does not have synchronized, regulated, measurable action, regular monitoring or evaluation despite international and EU level requirements. Furthermore, domestic practical experience shows high level latency, a low number of victims who receive assistance, little knowledge and information provided to experts and the general public. It is necessary to finetune and coordinate the existing ambitions and initiatives. This could assure financial rationalisation, as well as the isolation of programs and development, as deadlines are nearing.
- Relevant principles:
  - respect for human rights, with special respect for children’s rights
  - protection of persons in vulnerable situations in line with trafficking

[29]. Protective measures for underaged persons are laid down under the *Specific objectives of the National Strategy*.

[30]. First, they are given particular attention under the heading ‘*Developing victim support*’ and then ‘*Developing the identification of victims*’. For example, during the reflection period complex help is to be provided for victims besides safe accommodation. Whenever trafficking in human beings affects children, it is necessary to identify and meet the special requirements and needs of child victims. The Guidelines of UNICEF for the Protection of the Rights of Children Victims of Trafficking issued in September 2006 have to be considered when providing help to

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<sup>14</sup> Hungary/ Parliamentary Resolution No 115 of 2003/28.10.2003.

<sup>15</sup> Information taken from the website of : <http://www.prostitutio.hu/nemzeti.strategia.alapelvei.2004.05.28.htm> (accessed on 08.06.2008).



child victims. The same level of help needs to be provided to victims inside the country as well as beyond the borders.

- [31]. Second, the actors involved in the system of identification shall be organisations specialised in child welfare and child protection.
- [32]. Third, children represent an especially vulnerable target group (those living in child protection centres and those coming from them) within the development of prevention. Another important priority is to focus on the special needs (identification of the reasons and conditions that lead to their becoming victims) of victims who are extremely vulnerable (under the age of 18). In Resolution No 1018 of 2008, the Government calls upon the Minister of Justice and Law Enforcement to propose an action plan implementing the national strategy against trafficking in humans. The Action Plan shall include the following: elaborate the necessary professional, organizational solutions and programs; present the trends of trafficking in human beings; examine and evaluate the relevant national legislation, and – if necessary – identify the need for amendments, as well as specify the duty of bodies under the Minister’s management, as well as the requests to the participants and the persons responsible for implementation. The deadline for the elaboration of the Action Plan is 31.08.2008.
- [33]. Considering the fact that the National Plan of Action relating to the National Strategy does not yet exist, its impact cannot be evaluated.
- [34]. The official crime statistics are collected and published by the Central Statistical Office (KSH), or the Universal Police, Prosecution and Court Statistics (ERÜBS). Asylum and alien policing data are collected by the Office of Immigration and Nationality. Information on Child Protection is collected by KSH from local and regional authorities (child welfare services, child protection institutions) and a central organisation, the Institute of Social Affairs and Labour. The aspects of data collection are fixed by law, but there is no separated data collection focused on child trafficking and there is no overlap between data or standards among the different mechanisms of data collection. At present, data are collected on the types of criminal offences, victims, (eg. KSH, ERÜBS), the types of cases and authorities – e.g. in asylum cases the category monitored is that of unaccompanied children, whereas in child protection procedures the category used is of child at risk – as opposed to unified categories with information on sex, age, region, measures and sanctions taken.
- [35]. The data collection on asylum seekers and children in protection are not harmonized with data collection on criminal statistics, which hampers effective communication within the indication system.
- [36]. According to the National Strategy:<sup>16</sup> "When examining the data above it has to be emphasized that at present we only have the police statistics and the data of ERÜBS, which means that we have no figures related to those crimes that avoided the scope of law enforcement. The investigation of latent cases as well as the detailed collection of figures related to the victims is

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<sup>16</sup> Hungary/Government Resolution No 1018 of 2008/26.03.2008 on the 2008-2012 National Strategy against trafficking in human beings, Annex II. point. Information source: website of Ministry of Justice and Law Enforcement: [http://www.irm.gov.hu/download/emberker\\_strat\\_vegleges.doc/emberker\\_strat\\_vegleges.doc](http://www.irm.gov.hu/download/emberker_strat_vegleges.doc/emberker_strat_vegleges.doc) (accessed on 08.06.2008).

missing, and so are the examinations of the groups in especially endangered situation. Therefore a much wider spectrum of data collection and processing is needed in the interest of accurate quantitative and qualitative examination of trafficking in human beings. If we wish to gain complete data to describe and understand the figures of trafficking e.g. trafficking with the purpose of prostitution, the related crimes (status of fancy, bawdry, supporting prostitution, prohibited use of human body) cannot be disregarded.”

- [37]. An independent monitoring system has not come into existence yet. Those concerned in anti-trafficking actions are particularly ministries, international governmental and non-governmental organisations and domestic NGOs providing legal aid. In Hungary there is no independent body eg. ombudsman for children’s rights. The Parliamentary Commissioner for Civil Rights has the mandate to deal with children’s rights. However, between 2000 and 2007 he has not investigated any cases related to human trafficking including child trafficking.<sup>17</sup> Complaints and examinations theoretically related to this topic were: 1. need for a special police hearing room for under-aged victims of sexual assault, 2. rejection of a refugee student’s application for student credit, 3. protection support for children with foreign nationality and with unclear legal status, and their chances for adaptation. The number of official representatives for the protection of children’s rights<sup>18</sup> working in a national network is around 30. One representative alleges<sup>19</sup> that child victims of trafficking are almost invisible for the system. Even if there is a strong suspicion of e.g. forced marriage, the guardianship authority ignores it in most of the cases as being or feeling powerless. The recently adopted National Strategy appoints a national coordinator, the state secretary of the Ministry of Justice and Law Enforcement. His scope of responsibilities at the moment includes the preparation of strategy related tasks and the elaboration of an action plan. There has been no national rapporteur appointed with a mandate for regular and elaborate data and information collection and analysis on child trafficking.
- [38]. There is no National Referral Mechanism (NRM) as such for those affected in child trafficking. The relevant authorities (alien policing authority, asylum affairs, border guards, inspection service, child protection institutions, judges, victim support services) have their own method of procedure, data collection, protocol for human trafficking. Their activity and principles are partly coordinated. They cooperate via a framework agreement.<sup>20</sup> The most organised cooperation in this regard, i. e. the Hungarian-American Anti-Trafficking Working Group, has recently held five meetings. Its members are the relevant Hungarian governmental bodies (Ministry of Justice and Law Enforcement, of Foreign Affairs, of Social Affairs and Labour),

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<sup>17</sup> Information source: website of the Office of Ombudsman: [www.obh.hu](http://www.obh.hu) (accessed on 13.06.2008).

<sup>18</sup> Information source: website of the Public Fund: <http://www.jogvedok.hu/old/jogvedok.hu/gyermekjogi-k.htm> (accessed on 13.06.2008).

<sup>19</sup> Personal communication on 14.06.2008.

<sup>20</sup> An inter-departmental agreement was planned in 2005 between the Ministry of Social and Labour Affairs and Ministry of Foreign Affairs in order to set up a referral system of nationally standardised support provided to victims of human trafficking, creating the special procedure that has not existed so far. The support system includes the support provided to Hungarian victims in the horizon of foreign authorities and to foreign victims in Hungary. The system emphasises the fact that Consular aid is essential to help the victims to get home, and so is Interpol, as well as the work of non-governmental organisations participating in victims support. The Social Ministry aimed to make an agreement with the non-governmental organisation supporting victims. The agreement was on referring victims to shelters, and on cooperation between the ministry and the non-governmental organisation.

the National Police Headquarters, International Organisation of Migration, the Border Guards Office, Baptist Social workers and the American Embassy.

- [39]. Moreover, the so called national coordination system also operates with the purpose of elaborating and implementing the National Strategy of which the participants<sup>21</sup> are the Ministry of Foreign Affairs, the Ministry of Education and Culture, Ministry of Social Affairs and Labour, Ministry of Justice and Law Enforcement, Hungarian Police, National Justice Council, the Attorney General's Office, the National Institute of Criminology, the International Organisation for Migration<sup>22</sup> – Central and South-East European Regional Representation, Baptist Social workers and the White Ring Public Benefit Organisation.
- [40]. In practice, the following bodies participated in the creation of the strategy: Relevant Departments of the Ministry of Justice and Law Enforcement, National Police Headquarters, National Bureau of Investigation, The former National Headquarters of the Border Guards, Office of Immigration and Nationality, Defence Service of Law Enforcement Agencies, Police Academy, National Institute of Criminology, National Justice Council, Attorney General's Office, Ministry of Social Affairs and Labour, Ministry of Foreign Affairs, Non-governmental organizations concerned. The National Strategy has been reviewed by IOM.
- [41]. Before the National Strategy was adopted, there had been some scattered initiatives related to human trafficking in terms of training, education and professional development. According to the American Embassy's report<sup>23</sup> on human rights in February 2005, the Border Guards compiled their own training handbook. In 2004, 750 students followed a course on human trafficking in further education institutions including trainee teachers and social workers. At the Crime Prevention Academy, this topic has been continuously taught involving concerned international participants, e.g. police officers from Romania and the Ukraine. In further education (Police Academy, Faculties of Law) provides participants with a course on human trafficking as well as a handbook on the topic.<sup>24</sup> Non-governmental organisations also published booklets and handbooks on this topic, like the *FIONA handbook for girls*<sup>25</sup>, a documentary book on human trafficking for sexual purposes written and edited by the *Way Out With You Aid Organisation*.<sup>26</sup> There is also an education program and handbook for secondary schools entitled *Don't get taken!*<sup>27</sup> written by Judit Forrai. This program reached 100 schools and 800 students and teachers with practical pieces of advice.

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<sup>21</sup> Information taken from the website of Ministry of Justice and Law Enforcement: <http://www.irm.gov.hu/?mi=2&katid=2&id=331&cikkid=4456> (accessed on 13.06.2008).

<sup>22</sup> Hereinafter referred to as IOM.

<sup>23</sup> Information source: website of the US Embassy: [http://hungarian.hungary.usembassy.gov/uploads/images/KNMZLL0K-Rv6QqBPKq\\_83Q/human\\_rights2004\\_hu.pdf](http://hungarian.hungary.usembassy.gov/uploads/images/KNMZLL0K-Rv6QqBPKq_83Q/human_rights2004_hu.pdf), (accessed on 11.06.2008).

<sup>24</sup> Information source: website of the US Embassy: [http://hungarian.hungary.usembassy.gov/uploads/images/KNMZLL0K-Rv6QqBPKq\\_83Q/human\\_rights2004\\_hu.pdf](http://hungarian.hungary.usembassy.gov/uploads/images/KNMZLL0K-Rv6QqBPKq_83Q/human_rights2004_hu.pdf), page 19 (accessed on 11.06.2008).

<sup>25</sup> Information source: website of FIONA: [http://www.fiona.org.hu/downloads/Fuzet\\_small.pdf](http://www.fiona.org.hu/downloads/Fuzet_small.pdf) (accessed on 13.06.2008).

<sup>26</sup> Information source: website of : <http://www.prostitutio.hu/Healy-OConnor.hu.pdf> (accessed on 13.06.2008).

<sup>27</sup> Judit Forrai; International Organisation for Migration (IOM) Budapest, :Regional Office in Budapest of the International Organisation for Migration, 2001.

- [42]. Two recent programs are worth mentioning due to their strategic significance: the special training for the staff of the Crisis Management and Information Helpline in 2005-2006, and the Prevention Program<sup>28</sup> against Trafficking in Human Beings in Hungary in 2007. The latter was realised in cooperation between the Ministry of Social Affairs and Labour and IOM, and included training for experts working in the countryside, a 2-day course in Budapest to become trainers for two experts, as well as a national campaign against human trafficking.<sup>29</sup> The training was multi-sectoral and multi-professional and covered topics such as the Hungarian and international legislation related to human trafficking, the experiences of the programs performed by IOM, the global and national mechanisms of human trafficking (recruitment techniques, opportunities of self-defence), the role of law enforcement and judicial bodies.
- [43]. The program's outstanding strategic aims included the flow of knowledge and increase in efficiency in order to provide psychological support to victims of human trafficking and increase the capacity of ministries, non-governmental organisations and the media dealing with the problem. It also provides training in order to respond to the problem in an appropriate way and to provide multiplier training programs. In the follow-up, a website ([www.nedoljbe.hu](http://www.nedoljbe.hu)) has been created. A publication on child assault and abuse, on necessary care and case management<sup>30</sup> providing general methodological support for child welfare workers has come out with the support of the Child Protection Department of the Ministry of Social Affairs and Labour.
- [44]. In 2007, the governmental tender of the Ministry of Justice and Law Enforcement provided special training for employees of police administration and non-governmental organisations, in terms of regional cooperation. The purpose of this training – organised by the Victim Support Organisation of Komárom-Esztergom County<sup>31</sup> – was to identify victims of trafficking in human beings and to deal with them properly.
- [45]. The report<sup>32</sup> of the National Crime Prevention Council states that in Hungary the phenomenon is almost only connected to prostitution and prostitution compelling. Previously, Order No 4 of 2006/26.01.2006 of the National Police Headquarters<sup>33</sup> (ORFK) regulated this phenomenon. However, following the merging of the internal police and the border control police which resulted in the reform of the entire internal system, its eventual modification became necessary. This need is met by the internal norm in force since 1 January 2008, which serves as a methodological guide about the implementation of the responsibilities of the Police on handling trafficking in persons and on breaching the law on prostitution. Financed from a tender, the Office of Immigration and Nationality organised training on the identification of victims of

<sup>28</sup> For details see the website of the campaign.: <http://www.nedoljbe.hu/index.php?page=hasznos.php> (accessed on 11.06.2008).

<sup>29</sup> "Don't get taken!" is the title of the national campaign on prevention of trafficking in human beings and awareness-raising of young adults.

<sup>30</sup> GYEJOSZ Methodological Booklet (Information source: website of the Association: [http://www.mogyesz.hu/index.php?option=com\\_docman&task=cat\\_view&gid=18&Itemid=30](http://www.mogyesz.hu/index.php?option=com_docman&task=cat_view&gid=18&Itemid=30) (accessed on 13.06.2008).

<sup>31</sup> Information source: website of Victim Support Service: [http://www.kih.gov.hu/data/cms10132/2007\\_beszamolo.pdf](http://www.kih.gov.hu/data/cms10132/2007_beszamolo.pdf) (accessed on 11.06.2008).

<sup>32</sup> Information source: website of OBmB: [http://bunmegelozes.easysthosting.hu/obmb/2008\\_majus/honlap\\_TBNS\\_kormhat\\_jelentes\\_2008.doc](http://bunmegelozes.easysthosting.hu/obmb/2008_majus/honlap_TBNS_kormhat_jelentes_2008.doc) (accessed on 24.06.2008).

<sup>33</sup> National Police Headquarters (ORFK) Order No 4 of 2006/26.01.2006.

trafficking for high ranking asylum and alien policing officials. The participants gained knowledge on trafficking in persons to Hungary and transiting through Hungary, especially on trafficking in women and children, as well as on sexual and economic exploitation. They were also familiarised with the related principles and framework agreements of the Council of Europe.

- [46]. Non-criminalisation of children victims of trafficking is ensured by domestic criminal law and law enforcement. On the basis of the Penal Code<sup>34</sup> and the National Strategy, the ORFK prepared their relevant internal rules: Order No 46 of 2007 (OT 30.) on violent acts related to prostitution and the performance of the police tasks related to handling trafficking in human beings, as well as a methodological guidebook about the implementation of the responsibilities of the Police. The guidebook contains a detailed protocol for the treatment, priorities, and the interviewing of victims. However this policy and method can only function once a child had been identified as a victim of trafficking. If their victim status is not clear upon the first contact – ie. in case of illegal migration – then they can become subject to a criminal investigation for their involvement in unlawful activities. Certainly, investigation is suspended as soon as victimisation is uncovered.<sup>35</sup>
- [47]. There is no information available on the relevant actors' budget earmarked for anti-trafficking measures in general.
- [48]. There is no information available on the relevant actors' budget earmarked to support research on child trafficking (causes, impact on victims, dimensions, routes, impact on government efforts etc).

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<sup>34</sup> Articles 22, 32 on general conditions for non-punishment.

<sup>35</sup> Based on interview with the head of Organized Crime Division- Trafficking in Human Beings Dep. of National Bureau of Investigation.

## 2. Prevention of child trafficking

- [49]. Several awareness-raising campaigns have been organised recently. The movement called “For a Hungary without prostitution” launched the program “Beware of the man!” During the program numerous signature-collection actions were organised and provocative posters were displayed.<sup>36</sup> One version of such posters was displayed in male lavatories of malls in Budapest and in leisure centres between 7 April and 7 May 2006. The campaign targeted the users of sexual services and potential victims, and focused on securing wider public support in order to influence political decision-makers. The Ministry of Social Affairs and Labour and IOM co-organised the campaign “Don’t get taken” in 2007 in order to prevent human trafficking and to raise the awareness of young adults by developing a curriculum at schools, creating information websites, displaying awareness-raising posters and organising trainings. Free crisis management helplines were implemented by both campaigns.
- [50]. The latter of the above-mentioned campaigns was implemented in cooperation with governmental and international non-governmental organisations, while the other one was a program of an NGO whose primary goal is to lobby, with a focus on women victims and child prostitution, as well as trafficking. No further evidence of direct participation is available.
- [51]. There is no evidence about the direct involvement of local communities and minority groups in preventive measures.
- [52]. The department in charge of victim protection within the National Police Headquarters (ORFK) has created an information guide for staff on policy and protocol pertaining to the prevention of trafficking in persons. This guide has been sent to all regional police headquarters. The national crime prevention policy and strategy, and the recently published Government Resolution No 1035 of 2008/30.05.2008<sup>37</sup> on tasks to be implemented under the NSSCP in 2008 states that a highly essential task is the publication and distribution of information guides on the risks of becoming victims, on enhancing self-defence against crimes, and on the prevention of falling victims of such crimes. Moreover, information campaigns and programprograms are to be organised for the potential victims of trafficking in humans and related crimes. Analysis is to be done within public authorities and supporting institutions in order to make the social and criminal context of international trafficking in persons – child trafficking in particular – more widely known in Hungary. The information gathered is to be applied in support and protection programs. The research will commence on 31 July 2008.

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<sup>36</sup> Information source: website of: <http://www.prostitutio.hu/lse.htm> (accessed on 13.06.2008).

<sup>37</sup> Newsletter of National Crime Prevention Committee (ObmB), information taken from the website of OBmB: [http://bunmegelozes.easyhosting.hu/obmb/2008\\_majus/honlap\\_TBNS\\_kormhat\\_jelentes\\_2008.doc](http://bunmegelozes.easyhosting.hu/obmb/2008_majus/honlap_TBNS_kormhat_jelentes_2008.doc) (accessed on 13.06.2008).

### 3. Appointment of legal guardian

- [53]. If an asylum procedure precedes the temporary child protection measures, the asylum authority asks for an appointed guardian<sup>38</sup> from the child protection department. The legislation in force<sup>39</sup> stipulates that a child under 18 asking for refugee status shall be interviewed in the presence of his/her legal guardian. Furthermore, the asylum seeker shall be informed about the hearing in advance, about how to prepare for the hearing and about its consequences. If the underaged asylum seeker does have a legal guardian but his/her appearance at the hearing would impede the clarification of the situation, the asylum seeking authority must ask for the appointment of an ex officio guardian. In case the appointed guardian fails to appear at the hearing, the hearing is to be held at another date and the guardianship authority providing the guardian needs to be informed. In case the legal guardian fails to appear at the hearing despite several summons, the asylum authority – for the protection of the interest of the underaged asylum seeker – appoints a guardian. In case the aliens policing authority that deals with the underaged person first – under the relevant legislation<sup>40</sup> – the authority must check if the legislation for unaccompanied children from a third country can be applied. If this is the case, the aliens policing authority must ask for the appointment of a guardian immediately at the beginning of the procedure, for the protection of interests of the unaccompanied child. In order to accommodate the unaccompanied child, the aliens policing authority refers to the relevant guardianship authority, as well as to the relevant consul in Hungary. Based on such a referral, temporary guardianship measures must be adopted, ensuring that the child is accommodated in a temporary, maximum 30-day long accommodation in a temporary foster care home run especially for children. According to an official report published in 2002, in practice accommodation in children's homes has not been preferred, as such homes had not been prepared for the accommodation of the special needs of foreign child victims. Consequently, there have been a lot of escapes registered.<sup>41</sup>
- [54]. The child protection authority needs to examine bilateral international treaties on reciprocity and legal aid related to the child's country of origin and needs to proceed accordingly. In lieu of such a treaty, a legal guardian<sup>42</sup> must be appointed immediately, who is generally a private attorney.
- [55]. If the child – not eligible for international protection – is a victim of domestic trafficking or has Hungarian nationality, following his/her identification as a victim, the child is dealt with under the general child protection protocol. Depending on the level of danger and the nature of action the following measures shall be taken in these instances: *crisis-intervention, counselling, therapy, family care, separation from the family, referral, provision of information, personal support, representation, out-of-home care, temporary accommodation in homes*. The rules pertaining to the appointment of an ex officio guardian have been simplified as the guardianship authority automatically appoints an ex officio guardian for children at temporary placement.

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<sup>38</sup> Hungary/Government Decree No 24 of 1998 Article 14(2).

<sup>39</sup> Hungary/Government Decree No 301 of 2007 /09.11.2007 on the execution of the Act No 80 of 2007 on Asylum, Article 74-76.

<sup>40</sup> Hungary/Government Decree No114 of 2007/ 24.05.2007 Article 72.

<sup>41</sup> Summarising Report on the execution of Ministry of Internal Affairs Direction No 34 of 2002 (BK 24).

<sup>42</sup> Hungary/Act No 4 of 1959 on Civil Code/30.07.1959, Article 225(2) and Government Resolution No 149 of 1997 on the execution of Child Protection Act No 31 of 1997, Article 136(2).

The guardian is the head of the care institution, or the foster parent. There is no need to have a special consent for this appointment from the competent authority of the country of origin.

- [56]. In case the forensic expert is unable to define the age more precisely than estimating it between 16 and 20, in accordance with the professional practice for age assessment the person examined is to be considered as a child (principle of the benefit of the doubt). In 2000, a report on the program '*Children separated from their Parents in Europe*'<sup>43</sup> suggested that this professional practice should become law. According to the legislation in force<sup>44</sup>, in case the asylum seeker fails to cooperate, he/she may not benefit from the doubt relating to his/her age.
- [57]. The guardian receives no special training for the task. Furthermore, there is no detailed job description.
- [58]. Likewise, there is no special training for attorneys who can be appointed as legal guardians. There is no legal provision imposing special tasks or methods pertaining to children in special situations. The tasks and duties of an appointed legal guardian are not bound by professional requirements, such as experience gained in a given area, minimum number of cases, abilities etc. There is no legal or professional protocol to ensure an appropriate timeframe or personal contact with children in order to prepare for proceedings. In practice minors and legal guardians meet each other for the first time right before the hearing, which in general takes place within a couple of hours following the legal guardian's appointment.<sup>45</sup>

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<sup>43</sup> Information taken from the website of Save the Children:  
[www.savethechildren.org.au/separated\\_children/publications/assessments/native/assess\\_Hungarian\\_nat.pdf](http://www.savethechildren.org.au/separated_children/publications/assessments/native/assess_Hungarian_nat.pdf)  
(accessed on 13.06.2008).

<sup>44</sup> Hungary/Act No 80 of 2007/25.06.2007 on asylum under Article 44 (1): "In case there is doubt about being underage of a person to be registered, forensic expert's opinion can be utilised to define the age. The examination can be done only with the consent of the person to be registered or their legal guardian or guardian ad litem if he/she is in a state of unable to make an official statement.  
(3) If the person to be recognised, the legal guardian or the guardian ad litem do not give their assent to the examination by the forensic expert, the resolutions for children – except for the involvement of the legal guardian and the appointment of the guardian ad litem – cannot be applied."

<sup>45</sup> Information based on the verbal statement of a representative of the Hungarian Bar Association (Magyar Ügyvédi Kamara).



## 4. Coordination and cooperation

- [59]. The Government has entrusted the Minister of Justice and Law Enforcement to provide for the operation of a co-ordination mechanism with the participation of state actors, non-governmental, church and international organisations responsible for tasks related to the fight against trafficking in human beings. Set up by the Ministry of Foreign Affairs – in order to efficiently combat trafficking in human beings – the relevant Hungarian governmental bodies, non-governmental organizations, the Embassy of the United States in Budapest and the regional office of IOM in Budapest take part in this mechanism. Prior to this mechanism, the Hungarian-American Working Group against trafficking in human beings had been working on this issue and in 2004 it was launched the Department against Trafficking in Human Beings within the National Bureau of Investigation.
- [60]. There are also examples of cooperations of special significance. In 2007, an information and training campaign was launched in cooperation with the Ministry of Social Affairs and Labour and IOM. The cooperation of the Ministry of Justice and Law Enforcement with the Hungarian Red Cross and the Protection Foundation of Mercy aimed at creating a crisis home and shelter.
- [61]. The Parliamentary Commissioner for Data Protection is responsible for the general task of personal data protection. At present there is no independent institution for the monitoring of personal data protection of victims of child trafficking. The collection, administration, monitoring and data protection is based on general legal provisions.<sup>46</sup>
- [62]. There is no detailed information on the existence of special support programs – neither as part of Member States’ international development assistance in countries of origin nor within the EU. The Hungarian Police participates in e.g. Twinning projects under the CARDS program.

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<sup>46</sup> See Act No 80 of 2007 on asylum seeking, Part 10, or Act No 2 of 2007 on the entry in country and residence of third country nationals, Part 10.

## 5. Care and protection

- [63]. Pursuant to Article 9/A a and b of Act No 135 of 2005 the victim support service must inform the victim about the 30-day reflection period and the temporary residence permit.<sup>47</sup> Act No 2 of 2007 on the entry and residence of third country nationals<sup>48</sup> mentions the reflection period in several respects. Under Article 30 (1) third country national victims of human trafficking must be provided with a temporary residence permit for the duration of the reflection upon the victim support service's initiative. Under Article 45 (4-5) the third country national victims of human trafficking can only be deported during the reflection period, if their residence in the country threatens national or public security or safety. Unaccompanied children can only be deported from the country if family reunification and state or other institutional care is properly provided in their country of origin or in other receiving state.
- [64]. Given that Hungary lacks a special data collection mechanism for such purposes or fails to gather information on the background of the child at the beginning of the placement procedure, the number of children being granted temporary stay on grounds of trafficking is unknown. Data are available on the number of all children in temporary placement, on the number of unaccompanied children, or on the referrals. However, these data are neither exact nor relevant indicators of little trafficking in children.
- [65]. The Third country nationals Act expressly prohibits the following measures: 1. Under Article 56(1) immigration or detention pending deportation cannot be imposed against underage nationals of a third country, whether they are victims of child trafficking or not. 2. The type of detention is described in detail in the Ministry of Justice and Law Enforcement Decree No 27 of 2007/31.05.2007 on the rules of execution of detention imposed in aliens policing procedures. Government Decree No 114 of 2007/24.05.2007 Article 130(4) states that a shelter especially established/separated within a reception center must be the compulsory place of residence of unaccompanied children. In lieu of such a separate quarter, unaccompanied children can be placed in a child protection institution, accommodation with lease or in private accommodation. The unaccompanied children can be accommodated at a private accommodation at a family member other than next of kin, if that family member provides a written agreement of the child's accommodation, provision and care, or if it is obvious that the accommodation benefits the interests of the child based on the personal relationship between the child and the family member. 3. Under Article 77(1) of the Decree No 114 of 2007, if a third country national is identified as a victim of human trafficking, he/she can be accommodated at a special shelter for

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<sup>47</sup> Hungary/Act No 135 of 2005/29.11.2005 on victim support (hereinafter referred to in the body text as the Victim support Act), Article 9/A a and b: „If the victim support authority identifies a third world national as a victim of trafficking in persons, they inform them about  
a) they are entitled to one month reflection period to decide whether they cooperate with the police in the investigation of the case;  
b) is entitled to temporary residence permit for the reflection period and residence permit for the time of cooperation with the police.”

<sup>48</sup> Hungary/Act No 2 of 2007/18.12.2006 on the entry the state and residence of third country nationals. Hereinafter referred to in the body text as the Third country nationals Act.

victims of trafficking or at another accommodation on the basis of a contract (so-called safe house).

- [66]. Article 4 Asylum Act stipulates as a general principle that the best interest of the child must be respected. It imposes a prohibition on return as well (under Article 45). Government Decree No 301 of 2007 Article 4(1) on the execution of the Asylum Act states that in case of an unaccompanied child, the asylum authority must search for the person responsible for the care of the child except if it is presumed that: a) there is a clash of interest between them b) searching for the responsible person is not in favour of the best interest of the child. The measures taken during the search cannot be contrary to Article 42(1) of the Asylum Act, i.e. the Hungarian police or court cannot contact the country of origin or a country that presumably sends information to the country of origin or a person or organisation that is presumed to have persecuted the applicant or would persecute the applicant or would send information to the persecutors of the person to be recognised, if, as a result of such contact, the persecutors would learn that the person had applied for protection, or as a result of such contact the freedom or safety of the person asking protection or that of a family member living in the country of origin would be endangered.
- [67]. Act No 140 of 2004 Article 27 on the general rules of the administrative procedure and services<sup>49</sup> stipulates that as a form of international legal aid, during the search the asylum authority can turn to the asylum authority of an EU Member State or to that of a third country, or can benefit from the support of the UN High Commissioner for Refugees, the International Committee of the Red Cross, the International Union of the Red Cross and Red Crescent and of other international relevant organisations for assistance in cases of people in need of asylum, subsidiary or temporary protection and in cases of refugees and persons with subsidiary or temporary protection. The Tracking Service of The Hungarian Red Cross is one of the most active ones. The protocol on child protection (not on asylum seeking) states that the return to the family, the change in accommodation or the adoption of a child in danger of eventual child trafficking or related actions and therefore in need of temporary accommodation, temporary or permanent care is regulated by the child protection law<sup>50</sup> within the plans for care and the regular and compulsory supervision of accommodation. Under Article 7(4-5) of Child protection Act No 31 of 1997 it is possible to search for the biological family and to establish contact.
- [68]. The first home, established for unaccompanied children in particular opened in Békéscsaba, in 2003. It is called Protection Youth Home and is run by an NGO with state support. It can accommodate 20-30 people.<sup>51</sup> This home is a special institute where children are provided with special support. In the first year of its operation, the number of residents was high (39 people), but in their report of 2006, they only mention 10 accommodated children. Children are either referred here by the regional branch of the Office for Immigration and Nationality (BÁH) or a guardianship authority. All the occupants come from the city's education institutions with a

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<sup>49</sup> Hungary/Act No 140 of 2004/20.12.2004, Article 27 on the general rules of the administrative procedure and services.

<sup>50</sup> Hungary/Act No 31 of 1997/22.04.1997 on the protection of children and on guardianship management, Article 73 (3,4), Chapter 7, 10, 11, Articles 82, 83 . Hereinafter referred to in the body text as the Child protection Act.

<sup>51</sup> Information taken from the website of: <http://www.oltalom.hu/docs/egesz.pdf> (accessed on 13.06.2008).

view to integration and can benefit from basic Hungarian language courses, support, therapy and rehabilitation. The organisation provides support for family reunification as well. The nationalities of the children who receive such support vary.

- [69]. Services for Hungarian children have been available as well since 2004. Children of Hungarian nationality are basically 2-10 years old, while foreign nationals are 16-18 years old. Their legal status is also varied: children pending asylum or aliens policing procedures, returnees, permanently settled, refugees, nationals. These children either go to a reception center or to other youth homes and child protection institutions. Some return home, some are placed in the care of foster parents, others are transferred to a temporary family home or they escape.
- [70]. The Hungarian Red Cross maintains the other Youth Home especially run for unaccompanied children, where it cares for nearly 50 children in the town of Nagykanizsa. According to the current legislation, separate accommodation must be available for unaccompanied children at a shelter where it is feasible.<sup>52</sup> Under Article 33 of Government Decree No. 301 of 2007 in case an asylum seeker is in need of special care and treatment – including victims of child trafficking – and his or her individual situation so warrants, then she or he is to be provided with separate placement at the reception center. Given that during the reception period the best interest of the child shall be taken into account, the child's physical, mental, emotional and moral development shall be enhanced; food corresponding to his or her age, clothes, mental health and health care, education and accommodation shall be provided.
- [71]. Article 33 (4) of Government Decree No 301 of 2007 stresses that unaccompanied children must be accommodated in shelters for children. The accommodation can change only in special cases, while the child's interests shall be respected. The Article 33(7) emphasises an important principle: in case children stay without an adult family member, siblings are to be accommodated together. Homes established for children with special needs operate within the child protection institutions – e.g. for victims of crimes, gambloholics, child offenders, children with behavioural problems – and there are also a few specially trained official foster parents with whom children can be placed. Homes for children with special needs have been established for children over ten with severe integration, behavioural or learning difficulties, children in temporary or permanent care. They can be assigned to these institutions by the guardianship authority pursuant to the recommendation of the child's guardian and based on the necessary expert opinions – such as the Departmental Child Protection Expert Council or the National Child Protection Expert Council – obtained by the Regional Child Protection Professional Services. Theoretically, children become eligible if they need special therapy that cannot be provided at their place of residence or at the current care place and also those whose separation from their surroundings is absolutely necessary in their own interest. Following the decision from the guardianship authority on the modification of the caring place, the guardian ensures within 30 days the transportation of the child to the institution. If there is no available place, the child goes to a waiting list.<sup>53</sup> The official statistics show that in 2005 there were 384 places and

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<sup>52</sup> Information source: website <http://www.leanynevelo-esztergom.axelero.net/inditas2.htm> (accessed on 13.06.2008).

<sup>53</sup> Information source: website <http://www.leanynevelo-esztergom.axelero.net/inditas2.htm> (accessed on 15.06.2008).

317 children placed.<sup>54</sup> Considering the child's interest the guardianship authority can change the indicated care place ex officio or upon the request of the child, the parent, the legal guardian of the child, the carer, the leader of the foster parent network, the child protection representative, and the regional child protection professional service according to Government Decree No 149 of 1997/10.09.1997 on child protection and guardianship procedures. In order to change the place of care, a proposal is needed from the child protection service with a suggestion about the care place of the child. The decision can be based on the significant change of circumstances, conflict with the best interest of the child. If the interest of the child is highly endangered by his or her previous accommodation, the change must take place immediately.

[72]. According to the Hungarian non-governmental organisation campaigning against prostitution, the child protection system should be made accountable for the children in care in order to prevent and avoid prostitution. The quota due from the government for each child in care in the institution should be withdrawn from the day the child escaped.<sup>55</sup> In the referral documentation of the regional child protection services supervising children's care and accommodation, there is no or only minimal information about the risky background of the child, about the non-primary causes of placement, and there is no documentation about victims of trafficking or about children under the threat of trafficking. In lieu of such documentation, only general preventive strategies can be set up, e.g. to prevent escape. *About the latest data on escaping children see Annex 2.*

[73]. Government Decree No 301 of 2007/09.09.2007 Article 15(1)b on the execution of the Asylum Act stipulates that the separated children of foreign nationals are entitled to healthcare. The asylum authority shall provide information on rights and possibilities related to the care. The Decree in Articles 26-28 regulates the use in detail: if the asylum seeker does not have national health insurance, he or she is entitled to the following services free of charge:

a) general examinations and treatments;

b) medicine and bandages used during the examinations and treatments;

c) emergency treatment for in-patients and medical treatment prescribed by the doctor during that time – including operations, and the used medical supply and prosthetics-, medical treatment, medicines, bandages and food used for treatments;

d) out-patient and in-patient treatments, after-care treatment and treatments to stabilise the conditions of the patient

da) the necessary treatments and examination,

db) non-replacable medicines, therapeutic aid used for administering the medicine except free or supported medicine;

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<sup>54</sup> Information source: website of Institute for Social Affairs and Labour:  
[http://www.szmi.hu/images/dok/9\\_11fej05gyv.xls](http://www.szmi.hu/images/dok/9_11fej05gyv.xls) (accessed on 18.06.2008).

<sup>55</sup> It must be stated that the child registered in child protection care is entitled to a normative support, as states the Ministry of Public Welfare Decree No 15 of 1998/ 30.04.1998 on the responsibilities of persons and the conditions of operation of child welfare and child protection institutes providing personal care. The child is entitled to pocket money financed from the institute's budget. However under the Article 82(3) the temporarily assigned child is not entitled to pocket money pending escape.

- e)* other therapeutic aids prescribed by the doctor and reparation of those;
- f)* emergency dental treatment and restorative dental treatment in the cheapest category;
- g)* pregnancy and maternity care, and abortion under the act on the protection of the foetus;
- h)* by separate provision of law: medicine and bandage free of charge for those “entitled to free NHS treatment” and of 90% or 100% support by ”medical legislation”;
- i)* transportation in case of specific treatments if transportation is not possible for the medical status of the patient;
- j)* age-related compulsory vaccination.

- [74]. Treatments considered basic care and carried out by general practitioners take place at the shelter or at the local General Practitioner’s surgery. Medical care can be available at the medical service of the given location. Under Article 29(2) AA, persons in need of special care beyond the general health care services are entitled to free treatment matching their specific needs.
- [75]. Furthermore, under Government Decree No 301 of 2007 Article 34(1) asylum seekers are entitled to free health care services: rehabilitation, psychological, and clinical psychological treatments, as well as psychotherapeutical treatments. Emergency medical treatment must be provided in case of withdrawal or refusal of the asylum application. According to the Annual Report<sup>56</sup> of the special home in Békéscsaba 30 children out of 39 were in need of tranquilizers and psychological care. Suicide attempts and sleeping difficulties are frequent as well. Children otherwise endangered and child victims under child protection care receive medical service through the regional child protection care. The exact number of trafficked children receiving such services is not known, as we do not have official statistical on this particular issue.
- [76]. The separated child is entitled to some care and financial support pending asylum proceedings. Under Government Decree No 301 of 2007 Article 15 the financing of school-related costs and costs to start school are covered. Accommodation and care provided at the shelter for a child over five includes a preparatory language training for public education, if his or her asylum application is investigated on the merits. This support cannot be withdrawn. The asylum authority refunds the costs of education in primary school, vocational school, secondary school, art college, remedial education, and conductive education, as well as the costs of accommodation in dormitories. Moreover, the asylum authority refunds the cost of food provided in schools, tickets or passes on local or short distance public transport enabling travel to schools, and the cost of text-books and exercise books certified by schools.
- [77]. The legal guardian of the asylum seeker studying in the above educational institutions can apply for educational support (for textbooks, school equipment, stationary and clothing) with the asylum authority once in a term. The sum of such support amounts to the sum of a retirement pension (approximately 119€ in 01.01.2008,). As the authority refunds costs in arrears by receipts, the receipts of textbooks, school equipment, stationary and clothing must be enclosed with the application.

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<sup>56</sup> Information taken from the website of: <http://www.oltalom.hu/docs/egeszesz.pdf> (accessed on 18.06.2008).

- [78]. Notwithstanding these regulations<sup>57</sup>, research<sup>58</sup> shows that half of the children seeking asylum do not attend school, and that the reason is only partly the distance between the school and their home. A new problem has emerged: given the stricter legislation impeding on the movement of asylum seekers from one EU country to another, the need for secondary education opportunities rose in the original receiving countries, including Hungary. Subsidised from the European Refugee Fund, in 2006 for instance 15 refugee teenagers could start their studies in the school of Dob Street in Budapest. During this pilot project, the youths were studying from material especially designed for foreigners. The exact number of trafficked children receiving such education or training for the period of 2000-2007 is unknown. Information is available on the number of non-Hungarian children receiving different forms of education.
- [79]. According to the Victim Support Act, the Victim Support Centres<sup>59</sup> are also entitled to provide support to victims of human trafficking. However, few victims of human trafficking request their services<sup>60</sup>, so there is no formal or substantive cooperation with institutions that have regular contact with victims. After the Third Country Nationals Act entered into force on 01.07.2007, the Victim Support Centre has had the special task to inform the victims of human trafficking on the one-month reflection period, their access to temporary residence permit during this period, and their access to residence permit during the period of cooperation with the authorities. In these cases, the Victim Support Centre itself may immediately plead for such residence permits.
- [80]. The legal basis for the provision of access to legal support are the Ministry of Justice and Law Enforcement Decree No 17 of 2007 on victim support tasks of the police and of the border police, the Government Decree No 301 of 2007 on the execution of the Asylum Act, as well as the Act No 80 of 2003 on legal support.<sup>61</sup>
- [81]. Under Article 68 (2) of Decree No 301 of 2007 the authority holding the third country national in custody shall allow access for the relevant legal aid service or NGO. The aim of such access is to inform the asylum seeker about the asylum procedure and the free legal support available during the procedure. During the asylum procedure the documents sent to the asylum seeker shall also be sent to the legal guardian, the appointed guardian, or the person by proxy. The person authorised to represent the asylum seeker shall prove his or her right to representation by a written authorisation. The police shall hand over written information to the victim during their

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<sup>57</sup> Hungary/Act No 79 of 1993/12.07.1993 on public education, Article 110 says that nursery and school service are accessible with the same conditions for Hungarian and other children under asylum seeking procedure or for refugee children. Hereinafter referred to as the Education Act.

<sup>58</sup> Information source: website of UNHCR: [http://www.unhcr-budapest.org/hungary/index.php?option=com\\_content&task=view&id=118&Itemid=56](http://www.unhcr-budapest.org/hungary/index.php?option=com_content&task=view&id=118&Itemid=56) (accessed on 18.06.2008).

<sup>59</sup> National institutional network of victim support based on the Hungary/Act No 135 of 2005 on supporting victims of crimes, and on reducing damage by the government.

<sup>60</sup> Information source: website of Victim Support Centre: [http://www.kih.gov.hu/alaptev/aldozatsegito/projektek/2007\\_projektek/reg\\_osszef\\_ek.html](http://www.kih.gov.hu/alaptev/aldozatsegito/projektek/2007_projektek/reg_osszef_ek.html) (accessed on 18.06.2008). According to their report (see footnote 47) considering the official prosecution statistics, in 2007, 231,059 people were identified as victims of crime out of which 11,501 received assistance from Victim Support Organisation. Eighty-six victims were nationals from other EU member states and 19 were nationals from non-EU countries. One person – not a child – was a victim of trafficking in human beings.

<sup>61</sup> Hungary/Act No 80 of 2003/20.10.2003 on legal support. Hereinafter referred to in the body text as the Legal support Act.

first encounter, inform them about their access to the victim support service and to prepare a certificate necessary for victim support. A note about handing over written information and the provision of all relevant information shall be attached to the document. The police cooperates with the central and regional victim support services and with diplomatic and consular representations. Furthermore, methodological help is provided by the National Police Headquarters (ORFK). Regional and national headquarters shall report yearly on the number of cases in which victims claimed their rights.

- [82]. The Legal Support Act provides the victim with support for pre-trial preparation (file editing, legal advising). In civil court procedures, an attorney can also be appointed to represent the victim. In criminal cases, underaged victims are entitled to support independent of their income. If a victim has had the costs of legal representation pre-paid or has been represented by another state support, then he or she cannot receive support under this scheme. If the victim seeking legal support is a child, support is not dependent on the complexity of the case, legal incompetence or the efficiency of enforcement.
- [83]. The application for legal assistance shall be made to the legal support service that decides on the request no later than three working days. Written applications are decided on within 15 days. Clients can also apply for immediate or short-term (2-4 hours) legal consultation of a lawyer. In these cases the support is authorised in arrears. In case of representation, clients shall authorise their lawyer within 60 days from the time they receive the decision confirming the allowance of state support. In criminal cases lawyers are only allowed to represent their clients in court.
- [84]. Only officially registered lawyers can be engaged. The special fields of expertise and their knowledge of languages shall be indicated. NGOs, especially those providing legal protection may also be service providers, as well as law faculties and bureau of lawyers under certain conditions. Moreover, it is worth mentioning that the judicial countersignature of the administrative decision on victim support is free of charge.<sup>62</sup>
- [85]. Article 17 of the Child protection Act<sup>63</sup> lists the organisations dealing with victim support and compensation, shelters which accept asylum seekers, and temporary shelters for asylum seekers as well as authorities responsible to prevent the child from being endangered. These authorities are members of a warning system that can facilitate access to services. Particularly, the tasks of the child welfare service<sup>64</sup> is to enable such access, provide information about children's rights and support for child development, facilitate access to support and manage official cases. They have the duty to eradicate risk, among others by initiating health and social care, police intervention, separation from the child's family, appointment and transfer to a shelter. Experiences show that child welfare services (e.g. street workers or social workers in schools) are often the first to meet potential or real victims of child trafficking, and also the first to learn about trafficking. Their role is pivotal in decreasing the latency of trafficking, in identifying victims and in making legal support available.

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<sup>62</sup> Hungary/Act No 93 of 1990 /24.12.1990 on taxes.

<sup>63</sup> Hungary/Act No 31 of 1997/22.04.1997 on the protection of children and on guardianship management. Hereinafter referred to as Child protection Act.

<sup>64</sup> Article 39 of Act No 31 of 1997.



- [86]. The specialised children's rights representative acts on behalf of children living in child protection care – i.e. children under protection living with foster parents, and temporary/permanently accommodated – as well as children benefiting from after-care treatment. This network assists children with their complaints, as it is entitled to initiate the examination of complaints. It also provides help to children in securing care in accordance with their status. Children receiving care – including young adults up to 21 years of age – are regularly visited at their foster care home by these legal representatives in order to solve their actual problem.<sup>65</sup>
- [87]. Given that data are lacking about the number of trafficked children in the child care and asylum systems, the report can only provide general information about rights due to such children. Articles 70/D(1) and 67(1) of the Constitution declare the right to proper physical, mental and moral development, and the right to be protected. In the Child Protection Act special needs and care are ensured, e.g. under Article 58 and 59 via accommodation in children's home. The basic rights of the child are violated if he or she is not provided with care corresponding to his or her needs or if his or her development is at risk. Accommodation in special children's homes/groups is only possible pursuant to a decision of the guardianship authority based on the opinion of a committee of experts. A children's home is a special care home with individualised programs. Article 9 of the Child Protection Act emphasises that children shall receive full care that provides stability and emotional security corresponding to their age, etc.
- [88]. Based on the principle expressed in Article 7(3) of Child Protection Act, while protecting a separated child, his or her freedom of conscience and religion, as well as national, ethnic and cultural belonging shall be respected. The competent authorities shall document in the file the special needs of the child – e.g. his or her language needs – and in the individual plan the type of care and services.<sup>66</sup> The realisation of the individual plan shall be regularly monitored.
- [89]. According to Article 10 (3) of Act No 79 of 1993 on public education, pupils have the right to education corresponding to their situation and personal ability, and at any age they can seek help from pedagogical institutions. Under Article 30(7) of the Education Act pupils with adapting, learning or behavioural problems are entitled to a rehabilitation program facilitating their integration. For children of school age with a minority ethnicity or language the education system cannot always ensure Hungarian language training that could make their integration more successful. Children accommodated at the reception center in Debrecen<sup>67</sup> serve as a good example: in lieu of an adequate education program nearly 50% of the children failed to attend school, although town schools should have enrolled them..
- [90]. In asylum procedures the need to accommodate special needs is mentioned in several respects. For instance, during the hearing under Article 66(1) Government Decree No 301 of 2007, if the asylum application is submitted orally by a non-Hungarian speaker, the asylum authority must

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<sup>65</sup> Information taken from the website of of the Public Foundation for the protection of patients, people in care and children (Betegjogi, Ellátottjogi és Gyermekjogi Közalapítvány) : <http://www.jogvedok.hu/> (accessed on 19.06.2008).

<sup>66</sup> Government Decree No 235 of 1997/17.12.1997 on personal data handled by guardianship authorities, regional child protection services, child welfare services, authorities and persons providing personal care.

<sup>67</sup> Information taken from the website: <http://infovilag.hu/hir-9699-menekult-gyermekeknek-az-legjobb-ha.html> (accessed on 19.06.2008).

provide an interpreter in the asylum seeker's first language or another language he or she speaks. Asylum seekers shall be informed about the asylum procedure in their first language or in another language they speak. (under Article 3 Government Decree No 301 of 2007).

- [91]. During the placement procedure the children shall be informed about their rights and obligations under the rules of the house in their first language or in another language that they speak.<sup>68</sup>. Moreover, the rules of the house shall be displayed in the shelter in at least five languages including English and French. The rules of the house include for instance religious practices.
- [92]. During the asylum procedure the special preparation of the experts and officers involved in the hearing, care, administration and integration is of particular importance. Thus, under Article 1(3) of Ministry of Justice and Law Enforcement Decree No 52 of 2007<sup>69</sup> the Office of Migration and Nationality (BÁH) shall provide regular training for officers. Such training shall ensure that officers have access to the special knowledge needed to accommodate the particular needs of asylum seekers, refugees, and protected foreigners.
- [93]. In Hungary there are several hotline services indirectly and directly targeting victims of child trafficking (Telephone witness, Szilvia line, Help-witness protection, Blue line: 116 000 and 116 111).<sup>70</sup> The television program Csellengők, which offers other two helplines (06-80/205-520 or 06-1-4380858) has showed run-away children on two TV channels since 1994. According to the editors' experiences<sup>71</sup> 25,000 missing persons per day are traced in the country by the prosecution services, courts, the police, the guardianship authority and other competent authorities, as well as by the Csellengők TV program. Out of these missing persons there are as many as four to five thousand children. At present there are twice as many missing persons as at the launch of the program. The 20-minute show is broadcasted to several foreign countries. Feedback has already come from the United Kingdom, Sweden, the Netherlands and Spain.<sup>72</sup> The Csellengő Club<sup>73</sup> is another program with a focus similar to the shows. The same public announcements are made via an internet website.

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<sup>68</sup> Hungary/Ministry of Justice and Law Enforcement Decree No52 of 2007/ 11.12.2007 Article 4(4) coming into force 01/01/2008.

<sup>69</sup> Hungary/Ministry of Justice and Law Enforcement Decree No52 of 2007/ 11.12.2007 Article 1(3).

<sup>70</sup> Information taken from the website of Blue Line: <http://www.kek-vonal.hu/index2.php?mod=segelytelefonok> (accessed on 13.06.2008).

<sup>71</sup> Information based on the interview with senior editor of the TV program, and taken from the website of SULINET: <http://www.sulinet.hu/tart/fcikk/Kfeb/0/11451/1> (accessed on 13.06.2008).

<sup>72</sup> Information taken from the website of SULINET: <http://www.sulinet.hu/tart/fcikk/Kfeb/0/11451/1> (accessed on 13.06.2008).

<sup>73</sup> Information taken from the website of "Csellengő" Club: <http://csellengo.network.hu/> (accessed on 13.06.2008).

## 6. Best interests determination and durable solutions, including social inclusion/return

- [94]. In the procedures relevant for this study – i.e. immigration, asylum, child protection, judicial proceedings and the protection of victims – the obligation to consider the best interest of the child is demonstrated in different ways. Every procedure has its own focus, which can collide with the child’s interests at times. Authorities receive little methodological help and guidance on which legal provisions to apply as legal principles in cases are not directly linked to child trafficking. In immigration and asylum cases the priority in the identification of the best interests of the child are the examination of risks of security and of non-refoulement. In relation to temporary measures there is a need to ensure adequate accommodation and care. At the initial stage the approach and the practice are relatively universal. Once a child is identified as in need of temporary care, including temporary accommodation, the child protection system also becomes engaged with its particular approach. The practice of selecting and transferring between care homes strives to balance between the best interest of the child and the availability of accommodation – i.e. in temporary or special accommodation, specially-trained foster parents or shelters. The question of repatriation of the child may also arise, the practice of which is extremely varied: contacting the country of origin and the family, and securing family reunion would often be reasonable steps. However, with regard to unidentified victims there are no run-in standards to balance the safety risk. At this stage of the proceedings integration is a question arising early, dividing expert opinions, and facing limited opportunities. Does care serve the children’s best interests in provisional or temporary forms, bearing in mind their language, cultural experience, local social tolerance, etc? The durability of status management is questionable when it is obvious that there are a lot of children with uncertain legal status – without refugee or other status – or without a guardian. It is often problematic or impossible to provide foster parents speaking the right language and sharing the required cultural identity. During the adoption procedure – i.e. during decision making, the matching process, preserving the child’s identity, placement and approval of adoption – the interests of the child are balanced individually, based on detailed and elaborated standards.
- [95]. In case the child has not gone through an asylum procedure but is registered with the child welfare service – where the child is taken into provisional or temporary care – numerous pieces of information are needed even for a decision on his or her accommodation. The best interest of the child is examined by the child protection authority and the competent professional services at the so-called “placement meeting”, where the conditions and the state of the child’s personality are examined. Such meetings shall, if possible, be held with the involvement and presence of everybody concerned, and participants shall be given the opportunity to express their opinions. If the child does not have a child protection history (documentation, registration as being endangered, protected, etc), and is not affected in an asylum procedure, but e.g. is identified as a victim of child trafficking, then he or she will take part in a criminal procedure. In these instances the safeguarding of the child’s best interest does not only depend on his or her nationality, the nature and the severity of the crime, the role of the traceable family or the regulations/protocols, but on the skills and attitudes of the experts involved.

- [96]. According to the Asylum Act, Hungary provides subsidiary protection to foreign nationals – including unaccompanied children - who are not recognised as refugees, but are at risk of suffering serious harm upon their return to the country of origin and are unable or – based on fear – unwilling to claim protection of their country. According to the UNHCR,<sup>74</sup> the Asylum Act declares several beneficial changes for persons under international protection (in terms of employment, health and social care or education), and that persons enjoying subsidiary protection will have the same rights in the future as refugees. On the other hand, the act makes it possible to withdraw the protection from asylum seekers having fake passports. UNHCR is concerned about the possibility of refusing accommodation, food and clothing from asylum seekers, thereby severely breaching the rules of the shelter where they live. However this rule does not pertain to children as they are persons with needs for special treatment).<sup>75</sup> UNHCR finds this treatment humiliating and dangerous especially if it affects families with children or persons in special need.
- [97]. The right to participate in procedures relevant to our topic (victim support, judicial, asylum and child protection procedures) is regulated by several legal provisions. Under EC Directive No 81 of 2004 the relevant procedures must be adjusted to the age and maturity of the child victim, e.g. the reflection period relating to the cooperation with an authority can be prolonged if it serves the best interest of the child. Under Article 74 and 75 of Government Decree No 301 of 2007 on implementation of Asylum Act, during the asylum procedure the applicant shall be interviewed, for which he or she needs to be prepared. During the interview applicants shall be given the opportunity to express their opinion coherently about the reasons of seeking asylum, as well as about the conditions of their arrival in Hungary. The asylum authority, the appointed guardian and the authorised representative of the applicant can ask further questions. The hearing in person must extend to recording the applicant's marital status, place and date of birth, schooling, address in the country of origin, and the address or accommodation in Hungary. The hearing can be deferred if the asylum seeker is not fit to be heard for long standing reasons beyond his or her control. In case of doubt the asylum authority is allowed to ask for forensic medical and psychological experts' opinions to justify such a state. If the person cannot give an oral statement, a written testimony can also be accepted and the officer can hear others in the case.
- [98]. During the investigation of the merits an extra possibility is available to hold a hearing on request. In some cases professional examinations have particular significance (e.g. age assesment), of which the asylum authority informs the applicants clearly – in their first language or another language they speak – including the examination to be done, the importance of its result and about the consequences of refusing to submit to it. If the results are controversial, the applicant can ask for another expert examination. The Government Decree No 114 of 2007 on implementation of Third country nationals Act provides further details: the minutes of the hearing must be signed by the applicant, by the interpreter, and by the appointed guardian of unaccompanied children.

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<sup>74</sup> Information taken from the website of UNHCR:  
[http://www.unhcr.sk/hungary/index.php?option=com\\_content&task=view&id=102&Itemid=72](http://www.unhcr.sk/hungary/index.php?option=com_content&task=view&id=102&Itemid=72) (accessed on 15.06.2008).

<sup>75</sup> See Act No 80 of 2007 on Asylum seeking, Article 30(2).

- [99]. A child having the power of judgement<sup>76</sup> – a child who is able to understand the essence of facts and decisions concerning his or her case in accordance with his or her age, mental and emotional development – can be involved in child protection procedures. The child should be heard directly or e.g. through the child welfare service. In guardianship procedures – including e.g. temporary measures – the hearing can be deterred if any delay would result in inevitable damage or danger.
- [100]. The guardianship authority shall always hear the child directly, if it is requested by a child having the power of judgement. The guardianship authority can hear the child without the presence of his or her legal guardian if it serves the child's best interest, and in a locality other than his or her official address, if necessary.
- [101]. The participation, intervention, or involvement of children play a significant role during placement, e.g. when transferring to a foster care home, or during the preparation and supervision of an individual care plan. The practical implementation of this principle is described step by step in the professional programs of child protection institutions.
- [102]. The first significant tender in the reference period was published by the Office of Immigration and Nationality (BÁH) in 2003. NGOs, shelters for asylum seekers, community shelters and local governments were eligible to apply. It was financed by the European Refugee Fund in the sum of Euro 769,561,01.<sup>77</sup> The major themes included: regular psychological support in shelters for asylum seekers and in community shelters, access to the internet, training of trainers, workshops for asylum seekers, protected foreigners and refugees, the accommodation of unaccompanied children, refused asylum seekers, protected foreigners and refugees, their social and mental health care, intensive Hungarian language instruction in shelters, establishing integration and information centers, investments for shelters enabling self-support, supporting the voluntary repatriation of rejected asylum seekers, refugees, and protected foreigners.
- [103]. According to Article 3 of the Government Decree No 114 of 2007 on implementation of Third country nationals Act protected foreigners or victims of human trafficking are entitled to medical care, financial support, etc. With a view to integration, under Article 81 of Government Decree No 114 of 2007 protected foreigners and third country nationals falling victims of trafficking can apply for a single relocation support if they move to private accommodation within six months after their first residence permit is issued. The notice on moving out, a certificate of possessions and income, and the tenancy agreement or the certificate accepting the moving out by the landlord, and a proof of an address must be enclosed with the application. The decision depends on the social conditions, but the support can be provided only once. The amount for adults is 300% of the minimum amount of the old age pension (357 €). For children under the age of 18 it is 170%. However, it cannot in any case exceed six times the amount of the minimum of the old age pension (max.714 €). Moreover, the regional directorate can provide support for rent and accommodation costs. Accommodation support can be provided for maximum 18 months after the first conditional residence permit is issued, its amount is 50% of the rent or accommodation cost justified by the landlord. Last, the final repatriation or definite relocation to a third country is also supported.

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<sup>76</sup> Hungary/Government Decree No 149 of 1997/10.09.1997.

<sup>77</sup> Information taken from the website of BÁH: <http://www.bmbah.hu/content.php?id=92> (accessed on 24.06.2008).

- [104]. When the asylum procedure ends, recognised refugees move to the town of Bicske, where they can spend six months. During this time they can take part in different integration programs: they can attend Hungarian courses, and receive support for job-hunting and finding rented property. Following the reorganisation of shelters in 2008, asylum seekers preferred to move to rented property from the so-called integration station, struggling to stand on their own feet, thus surprising the asylum authority and indicating potential resources, rather than moving to shelters too far from the capital with bleak prospects for integration<sup>78</sup>.
- [105]. The experts of the UNHCR visited two shelters in May 2008 to learn about the situation of asylum seekers and refugees. The visit confirmed that the local integration of refugees must start as early as possible and more active participation of the local population is needed for the integration of and closer cooperation with refugees beyond the services provided by the authorities. UNHCR found<sup>79</sup> that the shelter accepting refugees for the purposes of integration provided adequate opportunities for integration. The official point of view is that integration shall start at this stage. However, efforts made in shelters at integrating asylum seekers have not been considered satisfactory, either from the aspect of available programs or of adaptation to the local community. According to the UNHCR, a serious deficiency results from the lack of trainings and courses organised for asylum seekers, as most of them stay at the shelter for a period exceeding a year – especially if their application is refused by the authority and they lodge an appeal against it.
- [106]. The state provided a budget for tenders to advance educational and cultural integration in 2007 on behalf of the Ministry of Education and Culture via the Directorate of Support entitled: “Educational integration support of refugee children living in shelters”. Primary schools in towns where shelters are run were given an important role as well as non-governmental organisations dealing with asylum seekers. The tender aimed at supporting the educational integration of immigrant children living in shelters or other homes, elaborating individual programs based on the intercultural pedagogical program in the educational institutions receiving the children. The activities included the following: catch up in Hungarian language for immigrant children, developing the curriculum, providing cultural programs, acquiring means and services supporting studies and compensating social disadvantages, travel and social support; providing school stationary and services for students in need. The available sum for this tender was: 9,500,000 HUF (39,583 €) Primary schools educating immigrant children were eligible to apply, given that they fulfilled the following conditions:
- The school provides Hungarian language training for its immigrant students at least twice a week;
  - The school provides preparation for subjects based on individual development plans at least twice a week for its immigrant students who have already acquired the Hungarian language at an adequate level;

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<sup>78</sup> Information taken from the website of UNHCR: [http://www.unhcr-budapest.org/hungary/index.php?option=com\\_content&task=view&id=125&Itemid=56](http://www.unhcr-budapest.org/hungary/index.php?option=com_content&task=view&id=125&Itemid=56) (accessed on 24.06.2008).

<sup>79</sup> Information taken from the website of UNHCR: [http://www.unhcr-budapest.org/hungary/index.php?option=com\\_content&task=view&id=130&Itemid=0](http://www.unhcr-budapest.org/hungary/index.php?option=com_content&task=view&id=130&Itemid=0) (accessed on 25.06.2008).

- The school takes part actively in preventing the unjustified dropping out of immigrant students;
  - The pedagogical program of the school includes the intercultural educational concept published in the Education Gazette by the Ministry of Education in September 2004, based on the pedagogical program of intercultural education - about receiving, educating and integrating foreign students.
- [107]. Non-governmental organisations could apply under strict conditions for programs compensating for cultural and social disadvantages, e.g.:
- Creating cultural programs based on the needs assessment of the children
  - Must provide cultural programs for children – at least six types of programs at least every two weeks
- [108]. There is one school among the winners (with a program in Békéscsaba), and two well-known NGOs (Artemisszió Foundation, Menedék and Hungarian Association for Migrants) operating at all three shelters. The integration project Artemisszió provided regular clubs for 15 refugee children involving drama teachers, teachers and psychologists with experience in this field. In the project, deficiencies were remedied by other activities usually provided by a family, e.g. puppet's show, visit to the zoo. Moreover, children became familiar with Hungarian traditions and holidays e.g. egg painting at Easter and visiting the open-air village museum in Szentendre. The cooperation of experts in drama clubs and workshops in the community art center of Bicske was the most significant. One of the most refreshing experiences of the project was the presence and the activity of many volunteers.<sup>80</sup>
- [109]. Beyond the above mentioned, there are no integration or reintegration programs specially designed for victims of child trafficking. Some NGOs specialise in providing support for the rehabilitation and reintegration of victims of human trafficking, but sadly there is no data available on the extent and type of the cases they deal with.
- [110]. Regarding availability of asylum/subsidiary protection for child victims of trafficking, as well as special needs for children with different ethnic backgrounds or with disabilities, see paragraphs 87-92.

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<sup>80</sup> Information taken from the website of the Foundation: <http://www.artemisszio.hu/hirek64.htm> (accessed on 24.06.2008).

## 7. Prosecution

- [111]. **Child-sensitive procedures.** During investigation, secondary victimisation shall be avoided. Detectives and prosecutors can cause harm, but difficulties in communicating can also easily arise if the investigator is of different gender than the victim. Police officers engaged in victim protection have had to take part in aptitude/competence tests since 2005, as this activity requires an empathetic attitude, considerable helpfulness and other characteristic features which an average police officer does not necessarily have. Twenty-seven tests out of 199 were below the requirement levels. Psychologists involved in the program organised clubs for individuals and groups. The so-called follow-up aptitude tests will be conducted every second year, which can guarantee quality development.<sup>81</sup> Victim protection legislation aims at minimising secondary victimisation in criminal proceedings. However, there are no special methodological means to facilitate the hearing of victims of family violence, except for the guide published by the National Police Headquarters (ORFK) on combating trafficking in humans. If it is necessary and the conditions are ensured, the testimony of the traumatised victim must be recorded on video with the involvement of a psychologist under special conditions, in a so-called “children’s interview room”.<sup>82</sup> A specially equipped interview room is available to victims, which is however not used in every case and is available only in certain police stations. Victims can use their first language during cross examination, but there is no general requirement on how to formulate the questions.
- [112]. **Alternatives to direct confrontation.** The prosecutor can interrogate victims under the age of 14 in order to establish facts that would be difficult or impossible to establish at a later date. Since 2003 victims under the age of 14 have been heard by investigator judges instead of police officers. The purpose of this amendment is to ensure that the child is interviewed only once if possible. Media sources<sup>83</sup> consider this solution less efficient, charging that previously children had been heard by experienced (and possibly female) police officers, while now they are interrogated in the middle of a trial room before a judge, a prosecutor and witnesses. Article 244/A-D of Act No 19 of 1998 on Penal Procedure Code<sup>84</sup> ensures separation, i.e. witnesses under the age of 14 can also be heard in court via a closed broadcasting network. In most of the court buildings victims and perpetrators have to wait in the same corridor. If the victim is embarrassed by the presence of the defendant, the defendant is asked to leave the place, however, this is not a rule.
- [113]. **Witness security and protection.** Under Articles 95 and 96 of the Penal Procedure Code witnesses shall be protected and their data shall be kept confidential on request. Under adequate

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<sup>81</sup> Information taken from the website of the Police:  
[http://www.police.hu/megelozes/bunmegelozes/bmgs\\_beszamolok/aldved\\_2005.html?query=gyermekkor%C3%BA%20s%C3%A9rtettek%20kihallgat%C3%A1sa&pagenum=1](http://www.police.hu/megelozes/bunmegelozes/bmgs_beszamolok/aldved_2005.html?query=gyermekkor%C3%BA%20s%C3%A9rtettek%20kihallgat%C3%A1sa&pagenum=1) (accessed on 23.06.2008).

<sup>82</sup> Hungary/National Police Headquarters (ORFK) Provision No 13 of 2003/27.03.2003.

<sup>83</sup> Information taken from the website of “Magyar Narancs”:  
<http://www.narancs.hu/index.php?gcPage=/public/hirek/hir.php&id=14880> (accessed on 23.06.2008).

<sup>84</sup> Hungary/Act No 19 of 1998/10.03.1998 on Penal Procedure Code. Hereinafter referred to in the body text as the Penal Procedure Code.



conditions the Act also ensures special protection to witnesses whom the offender can only question in writing. Article 98 provides for personal protection, while Article 98/A refers to the witness protection program regulated in details by Act No 85 of 2001<sup>85</sup>. Witness protection is available during the criminal procedure.

- [114]. However, a study<sup>86</sup> on the operation and services of the organisation responsible for victim support concludes that special protocols on procedural rules in case victims are threatened or warned are missing, and so are the detailed rules of special victim support service.
- [115]. Provisions<sup>87</sup> relating to victim support and legal aid elevate the Office of Justice (IH) as the major agent. The Victim Support Service (ÁSZ) strives to cover the whole array of victim support. The regional legal aid organs have been providing out of court legal support for victims in need since 01.01.2007 and legal aid to maximum 50 clients in criminal and civil cases since 01.01.2008. Access to legal services (financial support or compensation) is provided in the form of legal advice and the preparation of legal briefs, in accordance with the Ministry of Justice and Law Enforcement Decree No17 of 2007/13.03.2007 on victim support. This provision obliges the Police and the Border Guards to hand over to victims the brochure about victim support and inform victims about the possibility of support, as well as about the access to it. This information/advice must be registered when given. Lawyers, NGOs, legal clinics, etc. can also take part in legal services.<sup>88</sup>

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<sup>85</sup> Hungary/Act No 85 of 2001/12.11.2001 on witness protection.

<sup>86</sup> By Klára Kerecsi- József Kó: Efficiency-analysis of the Victim Support Organisation, 2008, Budapest, Information taken from the website of OBmB: [http://bunmegelozes.easyhosting.hu/dok/ald\\_seg\\_szolg\\_hatekonysagvizsgalata.doc](http://bunmegelozes.easyhosting.hu/dok/ald_seg_szolg_hatekonysagvizsgalata.doc) (accessed on 23.06.2008).

<sup>87</sup> Hungary/ Act No 135 of 2005/29.11.2005 on supporting victims of crimes and on reducing damage by the government, and the Ministry of Justice Decree No 1 of 2006/ 06.01.2006 on the rules of claiming victim support services.

<sup>88</sup> Under Article 64 of the Act No 80 of 2003 on legal support provides that legal service out of court by the act as a legal supporter and act as a probation lawyer is possible for those in the register by the legal support authority. It acts as an associate member: legal aid organisation, foundation, minority government, university of law, lawyer, lawyer's office, and the European Community lawyer, notary public permanently operating in Hungary.

## 8. Miscellaneous

- [116]. **Child prostitution on the streets.** A recently published article<sup>89</sup> of a leading daily journal investigates the rising number of child prostitutes. The article quotes NGO's estimates about the rising number of child prostitutes in the face of stricter sanctions, i.e. since 2007 purchasing sexual services from a teenager younger than 18 but older than 14 is considered a crime. Still, there has been no evidence of offenders being identified or arrested. As the newspaper states the fight against child prostitution is expensive, given the amount of work needed to achieve small results. Pinching of a client requires long time and caution as getting pinched is not in the interest of any parties. The leader of the "Way out with you" Organisation charges that run away children live in the underground stations and channels sometimes in groups of 20, but they also often appear in less busy streets. The majority of these children had run away from home care, but there are children running away from families that are often aware of their activities. Lieutenant-colonel Szónyi said that his colleagues were continuously present in the underground stations but that they could not really do anything. They are aware of what is happening but their hands are tied as "standing by or walking" is not a crime. The police can carry out identity checks and if it turns out that a child has escaped from e.g. a children's home, he or she should be brought back. The police officer believes that in many instances the older children persuade the younger ones that prostitution is an easy way of making money, and sometimes they even become pimps. He recounted the story of a 15-year old who had been instructed by other children in the childcare home that he should ask for 15,000 HUF (63 €) per occasion. He thought it too much and only asked 5,000 HUF (21 €) from his clients. Not even the police know the exact number of underage girls and boys "working" as sex workers.
- [117]. For the first time in 2007, the Ministry of Foreign Affairs of the United States gave Hungary the best qualification in its annual report on combating trafficking in human beings. The report states that Hungary had made a significant step forward in supporting and protecting victims.
- [118]. In the same year the Report of the Committee on the elimination of all forms of discrimination against women<sup>90</sup> called on Hungary to harmonize the legal definition of human trafficking and the definition used in the relevant political measures and plans with Article 3 (a) of the UN's International Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Furthermore, Hungary shall accelerate the process of elaborating the National Strategy against trafficking in human beings, and shall guarantee within fixed deadlines the efficient launch of measures combating trafficking in human beings as well as set up and put into force an efficient verification and evaluation system. The Committee has urged the government to collect and analyse the necessary data from the police and international sources in order to ensure the protection of the human rights of the female victims of trafficking in human beings. The

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<sup>89</sup> Information taken from the website of the Internet-journal: <http://www.nol.hu/cikk/496700/> (accessed on 25.06.2008).

<sup>90</sup> Information taken from the website of: <http://www.noierdek.hu/home/node/64> (accessed on 24.06.2008).

Committee has called for further efforts at improving the economic situation of women, thus eliminating one of the causes of human trafficking and the vulnerability of women to human traffickers. It has also asked for measures of rehabilitation and integration of women and girls victims of human trafficking.

- [119]. **Reception shelters, refugee camps.** 2008 has brought big changes<sup>91</sup> for nearly 150 asylum seekers and refugees, who had to move from their previous accommodation to other shelters. The reason for this move is a profile change affecting refugee camps in Hungary. While previously all the homes accepted asylum seekers and refugees, from 2008 on persons with different legal status are accommodated in different shelters. As of 2008, Békéscsaba receives only newly-arrived asylum seekers who will undergo medical check-ups and preliminary examinations. Debrecen, Hungary's biggest reception center provides accommodation and care to asylum-seekers pending asylum procedures. Those who are granted refugee status or subsidiary protection are accommodated in Bicske, where they are offered assistance in adapting to living in Hungary. The Office of Immigration and Nationality (BÁH) believes that the operation of camps will be more efficient this way, and it will be easier to provide targeted services to persons with different legal status and conditions.

## 9. Good practice

- [120]. **Victim support.** Article 1 and 3 of the Ministry of Justice and Law Enforcement Decree No 17 of 2007/13.03.2007 on the tasks of the police and border Guards in assisting victims imposes the obligation on the police and border Guards to hand over to victims the brochure about victim support and inform them about the possibility of support, as well as about the access to this support. This information/advice must be registered when given. The legal provision is only the first step in creating the "matched service method" that must be strengthened with collective trainings which would ensure that informing victims is not a simple formality, as information on the rights of the victims is essential, but it the recognition of the services provided by other organisations. The efficiency of cooperation, cooperative communication and referral has positive results. As the report and the assessment of the victim protection service shows most of the people concerned are informed by the police and border guards about victim support and seek assistance from the service as a result of such information.
- [121]. **Street children.** Under Article 40(3) of Child protection Act states that it is obligatory to run "street children" programs in places where the population exceeds 40,000 and in the biggest town of each county. Such programs include social work on the street, in residential areas and the paediatric and maternity departments of hospitals to help neglected and abused children and mothers in social crisis.
- [122]. **Crisis hotlines.** In 2007, based on the Crime Prevention Plan of Action the government supported the National Cooperation of Child and Youth Telephone Services (10 million HUF, 42 000 €), the Mental Aid Service (20 million HUF, 84 000 €) and the Blue Line (17 million

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<sup>91</sup> Information taken from the website of UNHCR: [http://www.unhcr-budapest.org/hungary/index.php?option=com\\_content&task=view&id=125&Itemid=56](http://www.unhcr-budapest.org/hungary/index.php?option=com_content&task=view&id=125&Itemid=56) (accessed on 24.06.2008).

HUF, 70 834 €)). Three very useful services<sup>92</sup> of the Blue Line are noteworthy: 1. Send a message home!; 2. Are you safe or you got lost? Lost children; 3. Safe Internet.

[123]. **Brand new integration programs.** Under Article 8 and 9 of the Ministry of Education and Culture Decree No 9 of 2008/29.03.2008 on claiming support for equal opportunities and catch-up in the context of supporting the education of foreign students, local governments, higher education institutions and maintainers of non-governmental institutions can claim support for their students who:

- are recognised as refugees, are asylum seekers, hold a humanitarian residence permit, are homeless, unaccompanied/separated children, victims of human trafficking from a third country or
- are non-Hungarian speakers.

[124]. **Campaign.** *Don't get taken!* – campaign and website<sup>93</sup>, and training for secondary school students and *Look for the man!*, poster campaign against prostitution, mental first aid and hotline.<sup>94</sup> (See also paras 40 and 47.)

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<sup>92</sup> Information source: website of Blue Line, [www.kek-vonal.hu/index2.php?m=42](http://www.kek-vonal.hu/index2.php?m=42) (accessed on 15.06.2008).

<sup>93</sup> Information source: website of the campaign, [www.nedoljbe.hu](http://www.nedoljbe.hu) (accessed on 23.06.2008).

<sup>94</sup> Information source: [www.prostitutio.hu](http://www.prostitutio.hu) (accessed on 24.06.2008).

## Annex 1 – Tables and Statistics <sup>95</sup>

	2000	2001	2002	2003	2004	2005	2006	2007
Number of children being granted temporary stay on grounds of trafficking – not available								
Number of unaccompanied children (information taken from BÁH and Ministry of Justice and Law Enforcement)	No data	No data	658	190	59	41	61	73
Number of trafficked children receiving full health care services, including psychosocial care and rehabilitation (e.g. not just emergency treatment) – not available								
Number of trafficked children receiving education/training, in particular secondary education and vocational training - not available								
Number of trafficked children receiving legal assistance (e.g. for claiming compensation) - not available								
Number of final convictions based on child trafficking cases, per year – not available (The National Justice Council collects information on cases on the basis of the National Program for Statistical data collection. For information on special issues – e.g. child trafficking convictions – a special request is necessary. At the moment information is not available as courts are on vacation.)								
Total sum of compensation paid to trafficked children, per year – not available								
Average sum of compensation paid to trafficked children, per year – not available								

<sup>95</sup> Information contained in the tables of Annex I has been requested from the following authorities: *Bevándorlási és Állampolgársági Hivatal (BÁH)* [Office of Immigration and Nationality], *Igazságügyi és Rendészeti Minisztérium (IRM)* [Ministry of Justice and Law Enforcement], *Szociális és Munkaügyi Minisztérium (SZMM)* [Ministry of Social Affairs and Labour]. All statistics provided by the authorities are indicated in the tables and thus the information below represents all available statistics in the context of the recent study.

available								
Range of amount of compensation paid to trafficked children, per year – not available								

## Annex 2

Number of escapes from child home care in 2005.<sup>96</sup>

Place of care	Homes with maximum capacity of 40 children	Homes with maximum capacity of 12 children	Home for children with special needs	Residential Home for children within primary school and college	Youth Home (18-21)	Total	Girls
Number of children	932	657	149	114	1	1853	840

<sup>96</sup> Information source: [http://www.szmi.hu/images/dok/9\\_11fej05gyv.xls](http://www.szmi.hu/images/dok/9_11fej05gyv.xls) (accessed on 18.06.2008).

## Annex 3

International standard based on treaties ratified and signed by Hungary: Palermo Protocol, 2000, ILO Convention No 182, 1999, UN Optional Protocol on Sale of Children, 2000, CoE Convention on Action against trafficking in human beings, 2007	Corresponding Hungarian legal provision
<p><b>Non-criminalisation of children victims of trafficking, CoEC Article 26 – Non-punishment provision</b></p> <p>Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.</p> <p><b>Cooperation and communication between the interested authorities,</b> have an agreed conventional definition on qualifying for offender or victim status for eg. illegal migrant</p>	<p>Act No 4 of 1978 on the Penal Code Art.22, 32</p>
<p><b>Measures for prevention of secondary victimisation</b></p> <ul style="list-style-type: none"> <li>- adoption of such legislative or other measures to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.</li> <li>- recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. During this period, the Parties shall authorise the persons concerned to stay in their territory.</li> <li>-The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.</li> </ul>	<p>Act No 2 of 2007 on third country nationals Article 30 (1)e) on reflection period</p> <p><b>Act No 135 of 2005 on Victim Support, Article 9/A.</b> on reflection period and temporary stay, and residence permit during cooperation</p>
<p><b>Subsidiary protection,</b></p> <ul style="list-style-type: none"> <li>- to provide effective and appropriate <b>protection from potential retaliation or intimidation</b> in particular during and after investigation and prosecution</li> <li>- to ensure and to offer various kinds of protection. This may include physical protection, relocation, identity change and assistance in obtaining jobs</li> </ul> <p>A child victim shall be afforded special protection measures taking into account the best interests of the child.</p> <p>Child-sensitive procedures, in accordance with the conditions under its internal law and, in the case of child victims, by taking special care of children’s needs and ensuring their right to special protection measures.</p>	<p>Act No 80 of 2007 on Asylum, Article 12 <i>on subsidiary protection</i>, - Gov.Dec. No 301 of 2007 Art. 67 on information on status of unaccompanied child</p> <p>Act No 4 of 1978 on the Penal Code, Articles 95-96, 98, 98/A <i>on personal protection</i></p> <p><i>Act No 85 of 2001 on Witness protection program</i></p> <p><b>Act No 80 of 2007 on Asylum, Article 35.(3)</b> competency for the administrative procedure , appointed guardian</p>
<p>To ensure that victims <b>have access</b>, as from their first contact with the competent authorities,</p>	<p><b>Act No 80 of 2007. Article 37 (1)</b> on information on legal proceeding, right</p>



<p><b>information</b> on relevant judicial and administrative proceedings in a language which they can understand. counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;</p> <p>Decrees granting compensation to child victims. ensure that all child victims of the offences have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible,</p> <p>To ensure translation and interpretation services, right to legal assistance and to free legal aid for victims under the conditions provided by its internal law. Ensure to any group, foundation, association or non-governmental organisations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings</p>	<p>and duties via appropriate language in writing</p> <p><b>Act No 135 of 2005 on Victim support, Article 24</b> (1) on legal assistance</p> <p>- <b>Act No 135 of 2005 on Victim support, Articles 25, 26.</b> on health care, <i>services, acces , social care benefits and services, childcare services</i></p> <p>- Government Decree No114 of 2007<b>Article 87</b>(1) on contracted <i>services for accomodation, protection, social and menthal care, legal aid</i></p>
<p>As soon as an unaccompanied child is identified as a victim, each Party shall provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;</p>	<p>Act No 80 of 2007 Art 35(6) on appointed guardian</p>
<p>Standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance; measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences</p>	<p><b>Gov. Dec. No 114 of 2007 Art. 77,</b> 130(5) on special accomodation Gov.Dec. No 301 of 2007 12§(4) on special home for unaccompanied children <b>Act No 31 of 1997 Art. 45.</b> (1)on temporary stay. 73(3) on family reunification, adoption, guardianship</p>
<p>- Adapting procedures to recognize their special needs, including their special needs as witnesses, CoEC access to education for children.+ Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.</p> <p>- Providing appropriate support services to child victims throughout the legal process, and shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery,</p> <p>- Access to emergency medical treatment</p>	<p>-Act No 2 f 2007 Art 29(7) and Gov. Dec. No114 Art. 73-76 on care and services, 53(3) on special care for children, education, integration,rehabilitation -Act No 31 of 1997 Art.45 (2)on special needs</p>
<p>- Adopt such legislative or other measures as may be necessary to establish repatriation programmes, involving relevant national or international institutions and non governmental organisations. These programmes aim at avoiding re-victimisation. Each Party should make its best effort to favour the reintegration of victims into the society of the State of return, including reintegration into</p>	<p><b>Gov.Dec. No 301 of 2007 4.</b> (1) on family tracing <b>Act No 80 of 2007.Art. 45.</b> (2) special non-refoulment rule for unaccompanied child</p>

<p>the education system and the labour market, in particular through the acquisition and improvement of their professional skills. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures. Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child</p> <p>- With due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay., return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.</p>	
<p>- Adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.</p> <p>- Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims</p>	<p>2007. II. Chapter X. on data handling  <b>2007.LXXX.</b> Chapter X. on data handling  1997.XXXI. 139, 140§ the registration of foreign national children  2001.LXXXV. 37-38§ on protected data  14/2007 government decree Chapter IX. on data handling</p>
<p>- Ensure in the treatment by the criminal justice system of children who are victims: the best interest of the child shall be a primary consideration</p>	<p>Act No19 of 1998 on Penal Procedure  Art. 9, 64/A, 86(1)</p>