

Hungary

Penal Code

(excerpts)

Article 175/B Trafficking in Human Beings (entered into force on 1 March 1999)

(1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offence and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years if the criminal act is committed

- a. against a person deprived of personal freedom,
- b. against a person under the age of eighteen,
- c. for the purpose of forced labour,
- d. for the purpose of sodomy or sexual intercourse, or to involuntarily engage in such with another person.

(3) The punishment shall be imprisonment between two to eight years if the criminal act

- a. involves two of the cases described in paragraph (2), or if the criminal act is committed
- b. as part of a criminal organization,
- c. against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator.

(4) The punishment shall be imprisonment between five to ten years if the criminal act

- a. involves three of the cases described in paragraph (2), or if the criminal act is committed
- b. against a person deprived of personal freedom, as part of a criminal organization,
- c. against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(5) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the criminal act is committed for the purpose of forced labour and sodomy or sexual intercourse, or to involuntarily engage in such with another person

- a. against a person deprived of personal freedom, as part of a criminal organization,
- b. against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(6) Any person making preparations to engage in trafficking in human beings commits a misdemeanor and shall punishable with imprisonment of up to two years.

[Section 204 of the Criminal Code penalising prostitution was abrogated in 1993. The exploitation of prostitution of others, however, remained a crime. Therefore, a definition of prostitution is provided for in Section 210 A/ *see below*]

Section 205 - Promotion of prostitution

1. The person who makes available a building or any other place for prostitution to another person commits a felony and shall be punishable with imprisonment up to three years.
2. The person who maintains, heads a brothel or makes available financial means to the functioning thereof commits a felony and shall be punishable with imprisonment up to five years.
3. The punishment shall be imprisonment from two to eight years if
 - a. any person who has not yet completed his/her eighteenth year of age engages in prostitution in the brothel,
 - b. prostitution is promoted as part of a criminal organisation.
4. The person who persuades another person to engage in prostitution shall be punished in accordance with subsection (1).

Section 206 - Living on Earnings of Prostitution

The person who lives wholly or in part on the earnings of a person engaged in prostitution commits a felony and shall be punishable with imprisonment for up to three years. Banishment may also take place as a supplementary punishment.

Section 207 - Pandering

1. The person who solicits another person for sexual intercourse or fornication for somebody else in order to make a profit commits a felony and shall be punishable with imprisonment up to three years.
2. The punishment shall be imprisonment from two to five years if the pandering is business like.

3. The punishment shall be imprisonment from two to eight years if the pandering is committed:
 - a. To the injury of a relative of the perpetrator or of a person under his education, supervision or care or who has not yet completed his/her eighteenth year of age.
 - b. With deceit, violence or direct menace against life or limbs;
 - c. As part of a criminal organisation.
4. The person who agrees on the perpetration of pandering defined in subsection (2) commits a felony and shall be punishable with imprisonment up to three years.

(...)

Section 210/A - Prostitution

1. Prostitution is pursued by the person who has sexual intercourse or fornicates striving to make regular profit.
2. For the purposes of this Title, fornication is: any gravely indecent act with the exception of sexual intercourse, which serves the stimulation or satisfaction of sexual desire.

Act LXIX of 1999 on "Violation of Administrative Rules"

(excerpts)

Section 143 - Prohibited soliciting

(1) If the prostitute violates provisions of prohibitions determined in Acts or Decrees of the local government by authorisation of Act, fine up to the amount of HUF 50,000 shall be imposed on him/her.

(2) Prostitutes shall be fined up to HUF 100,00° if

- a. the person invited by the prostitute is a minor under the age of 14, or invitation from a minor to engage in such activity has been accepted,
- b. the invitation to engage in act of prostitution is offensive,
- c. the prostitute does not have a medical certificate defined by separate provisions.

(3) In case defined in Paragraphs (1) and (2) the person who committed such violation of administrative rules may be subject to expulsion.

(4) Condemning proceedings for violation of administrative rules defined in Paragraphs (1) and (2) shall fall under the competence of the Police.

Section 144 - Prohibition of invitation to engage in act of prostitution

(1) Any person who invites another person to engage, for payment, in an act of prostitution or accept such invitation from another person within the territory of a protected zone determined in separate provisions shall be fined up to the amount of HUF 50,000.

(2) Conducting proceedings for violation of administrative rules defined in Paragraphs (1) shall fall under the competence of the police.

Section 145 - Prohibition of offering and advertising sexual services

(1) Any person who offers, advertises sexual services in written form, or through video, audio or other devices as well as who contribute thereto shall be fined up to the amount of HUF 50,000.

(2) Conducting proceedings for violation of administrative rules defined in Paragraph (1) shall fall under the competence of the Police.