

## The Legal Framework of Child Prostitution in Hungary Summary by the Streetlawyer Association

Although all the acts and activities related to prostitution involving children have been criminalised in Hungary in accordance with The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Law on Petty Offences does not make a distinction between a minor and an adult offender as it criminalises prostitution activities.

The misdemeanour is committed if someone provides sexual services without a medical certification required; or at a place, where it is not allowed.

Despite the fact that under the age of 18 every person shall be considered as a child according to the Convention on the Rights of the Child and the Act on the Protection of Children, the children, who are older than 14 years, are culpable for the offence.

The court handles the case after a preparatory proceeding had been conducted by the police. A warning, a fine, community work or confinement can be imposed by the court. In the case of a child under the age of 16, community work can not be imposed. Since the children have no income of their own, the fine is not an option as well.

At the beginning of the proceeding both the police and the court are obliged to inform the child protection authorities about the child affected, but in fact there is no real and effective cooperation among the police and the child protection services in order to save the child from the sexual exploitation.

Instead of ensuring victim rights for sexually exploited children, the minors are treated as offenders, not as victims who must also be supported with the necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration.

After the final decision in a case where a fine was imposed to a child "offender" for illegal prostitution in 2017, the Streetlawyer Association (SLA) submitted a constitutional complaint to the Hungarian Constitutional Court (HCC) and an application to the European Court of Human Rights (ECtHR). The constitutional complaint addresses the deficiencies of the conducted procedure, and challenges the culpability of the child with regard to international law on the rights of the child. The submission to the ECtHR argues that Articles 3, 6, 8 and 13 of the European Convention of Human Rights and Fundamental Freedoms were violated. Neither the HCC nor the ECtHR has delivered its judgement yet.