As of 1 January 2015 in Hungary, the Commissioner for Fundamental Rights operates as the national preventive mechanism (hereinafter: NPM) pursuant to Article 3 of the Optional Protocol on the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: OPCAT). The NPM has mandate to visit regularly places of detention in order to examine the treatment of persons deprived of their liberty and make recommendations to the State’s authorities regarding their treatment and conditions of detention. The NPM carries out its inspections in various types of places of detention (penitentiary institutions, police detention facilities, psychiatric institutions, detention centers for refugees, children’s homes, social care institutions, and assisted living centers for the elderly).

In children’s homes (Reménysugár Children’s Home of Debrecen, case No. AJB-373/2015; Zita Home for Children with Special Needs, case No. AJB-704/2016; Cseppkő Children’s Home, case No. AJB-1603/2016), according to the institution’s staff, there were grounds for suspecting that children who left the Home without permission could be engaged in prostitution. The NPM stated that it might cause a fundamental-rights-related impropriety if the institution’s staff members failed to comply with their notification duty when there was a risk of child prostitution, and recommended the he Ministry of Interior to develop a comprehensive crime prevention and victim support strategy in connection with the sexual exploitation of children and child prostitution.

The Ministry of Human Capacities’ Special Children’s Home Centre, Primary School and Trade School, located in Esztergom, is a facility designated to treat only girls with special needs. At the time of the visit, there were 4 girls placed there who became victims of crimes (e.g. human trafficking). In his report (case No. AJB-18/2020) the NPM highlighted that there is a long waiting list, the admission to the Home Centre regularly took several month. The maintainer of the institution informed the NPM that in order to remedy the situation there will be an extension of capacity concerning the placement of girls with special needs.

Pursuant to the provisions of the Act II of 2012 on minor offences, offence procedures and the registration system of offence, prostitutes under the age of 18 might have been punishable by being placed in custody. The Commissioner within the frameworks of performing his general fundamental-rights-protections duties published a report on child prostitution (case No. AJB-1485/2018), stating that the prosecution and punishment of a child for prostitution instead of treating him/her as a victim causes fundamental-rights-related improprieties related to the in connection with the right of the child to protection and care and the right to human dignity, and also violates the country's international obligations. Pursuant to this report, the legislator amended the regulations, and excluded the possibility of punishing minors for the violation of the prohibition of offering sexual services. The legislator also created a general protection measure by amending the child protection law (Act No. XXXI of 1997 on the protection of children and the administration of guardianship affairs), enabling the temporary placement of the suspected victims of human trafficking into designated special children’s homes. These amendments entered into force in 1 July 2020.