

State policies and institutional procedures and practices addressing prostitution and sex trafficking of children in Hungary

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Abstract

The article, based on policy analysis, institutional interviews and community fieldwork, looks at why children in prostitution and victims of trafficking remain practically without state support and institutional assistance. It also explores to what extent the decriminalisation of the system assisting child victims of prostitution and trafficking, or the shift from the ‘punishment’ to the ‘welfare model’, has taken place. The ethnic aspect of the problem is addressed as well given that the majority of victims are of Roma origin. While Hungary has ratified all important international conventions that oblige the country to protect child victims, neither its policies and legislation nor its institutions including child protection, law enforcement and the judiciary, seem to have adequate structural frameworks and institutional practices to attend to these children and prosecute offenders. Policy gaps, institutional procedures and

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practices are identified and it is concluded that the country is still much closer to the 'punishment model'.

Key words

child protection, child trafficking, law enforcement, prostitution of children, Roma

Introduction

In 2011, Sándor Pintér, the Minister of Interior Affairs declared in a speech that there was no prostitution of children in Hungary, or, if there was any, it was voluntary prostitution. Researchers, experts and social service providers strongly claimed the opposite and highlighted the high incidence of prostitution and trafficking of children in Hungary (Commissioner for Fundamental Rights, 2011; *Heti Világ Gazdaság*, 2011). While the minister later reformulated his opinion, this statement remains a perfect illustration of the general governmental attitude toward the commercial sexual exploitation of children in Hungary as well as of the lack of knowledge and the consequential political unwillingness to combat prostitution of children and child trafficking.

Even though only a few cases of prostitution and trafficking of children appear in official statistics,¹ research (Commissioner for Fundamental Rights, 2011; Betlen, 2013; Sebhelyi and Varga-Sabján, 2016), including our observations during fieldwork, suggests that a large number of children become involved in prostitution every year.

Due to the elusive nature of the criminal activity behind prostitution and trafficking of children (Hardy et al., 2013) official statistics are unreliable, partly because the state neglects and avoids prevention, proper identification and intervention. Therefore the problem remains unsolved at the system level. It happens despite the fact that international protocols and directives – the United Nations Convention on the Rights of the Child (UNCRC, 1989), the Lanzarote Convention (2007), the Palermo Protocol (2000), the UN Convention against Transnational Organized Crime (2001), the EU Directive 2011/36 – of which Hungary is a signatory country, clearly state that children (persons under 18) involved in prostitution should be regarded as victims regardless of any circumstances (Barnett and Nicol, 2012).

We consider prostitution of children as a serious harm: a manifestation of unequal, patriarchal power relations, in which extremely vulnerable subjects, underage children, are sexually exploited. Children involved in prostitution may be, and commonly are, victims of trafficking. Human trafficking is a transnational crime, defined in international conventions, policies and in criminal law. The definition given in the Palermo Protocol refers to the

use of coercion, abuse of power, control over another person and exploitation. However, how the concept of trafficking can be applied in practice is highly debated among scholars and policy makers (Molland, 2013; Snajdr, 2013). The identification of victims of trafficking is dependent on institutional actors, who, as we will show in our article, are commonly unsuccessful in recognising exploitation and protecting children.

In fact, children are usually victims of multiple actors: of clients and, as commonly third parties facilitate the prostitution of children, of 'pimps', 'loverboys',² including peers, acquaintances, friends or family members (Bovenkerk and van San, 2011). However, as prostitution of children is a highly invisible phenomenon we cannot have exact knowledge of the precise involvement of third parties, and cannot clearly differentiate the cases of prostitution and trafficking of children. Therefore, we consider children involved in prostitution as potential victims of trafficking and use both terms, prostitution of children and child trafficking, in our research.

Children of colour and low-status ethnic groups everywhere have higher risks of becoming victims. Ethnicity as a vulnerability factor in prostitution and sex trafficking can be seen as 'a by-product of social global inequity' (Chong, 2014: 203) where human trafficking works as a vicious circle that further increases vulnerability. As Chong (2014) explains, ethnicity plays a significant role in trafficking because belonging to a marginalised ethnic group can increase the vulnerability of the subject as his/her ethnic identity is categorised as non-dominant. In Europe and in Hungary the Roma

'are particularly vulnerable to human trafficking due to poverty, multigenerational social exclusion, and discrimination including lack of access to a variety of social services, education, and employment' (Nelson-Butler, 2015: 1507). In other terms, the vulnerability of Roma women is the result of the multiple intersecting systems of differentiation, such as class, ethnicity, and gender. (Asztalos Morell, 2015)

In Hungary after the transition from state socialism to capitalism the poverty rate of the Roma has grown significantly, as they were the main economic losers in the process. Roma women are the most vulnerable social group: a big majority of them are undereducated, unemployed or inactive on the labour market, often living in patriarchal relationships, and experiencing different forms of oppression on the individual and structural levels, resulting in an ethnicised feminisation of poverty (Emigh et al.; 2001, Asztalos Morell, 2015).

As suggested by research findings of studies on Roma communities (Kutálkova, 2004; Asztalos Morell, 2015), Roma women often suffer from both internal and external exploitation. Given the asymmetric patriarchal relationships characterising social and family relationships in certain Roma

communities, they are frequently exposed to higher risks of different forms of violence – domestic violence, forced prostitution, sex trafficking – and have much less chance to access protection. Forced prostitution is often perceived by the majority society as acceptable in Roma communities. This misinterpretation is due to the fact that because of their status, traditional values or taboos, Roma women usually do not ask for help. Many of these practices are understood by the authorities and institutions as part of the tradition of belonging to the Roma culture instead of seeing them as resulting from the patriarchal social reality of these communities. Violence and forced prostitution are thus relativised as cultural norms (Kutálková, 2004; Poucki and Bryan, 2014; Asztalos Morell, 2015).

The international requirements for combatting prostitution and trafficking of children are based on a human-rights-based comprehensive conceptual framework (Rafferty, 2013). However, according to the literature (Calder, 2001; Barrett and Melrose, 2003; Kittling, 2005; Phoenix, 2007; Mitchell et al., 2010; Barnert et al., 2016), countries historically tend to have approaches that criminalise prostitution, more precisely the person involved in prostitution, even in the case of under-aged persons. The move from criminalisation to the human-rights-based approach is a long and complex process and its effectiveness depends on the national context – political and social discourses and rhetoric, institutional set-up and traditions, etc. – in which the anti-trafficking and anti-prostitution legislation and policies targeting children are introduced. The passing of legislation and the implementation of policies combating prostitution and trafficking of children can be understood as a ‘paradigm shift from a “punishment” to a “welfare” model’ whereby ‘these young people should ... be responded to as “potential victims”, rather than as “wilful villains”’ (Barrett and Melrose, 2003: 375). In other words, the punishment model refers to ‘a criminal justice approach’ and the welfare model to the ‘one centred on child protection’. In the punishment model children are criminalised, ‘blamed for a situation not of their making and almost definitely not of their choosing. Similarly, they [are] categorised as “offenders”, rather than as “victims”’ (Barrett and Melrose, 2003: 379).

Countries have different approaches to how to move from the punishment to the welfare model, or decriminalise their legal and institutional system and establish trauma-informed and non-punitive approaches. In the UK, for example, government guidance entitled ‘Safeguarding Children in Prostitution’ was issued in 2000 (Phoenix, 2007), and in the USA the Safe Harbor laws were passed, the first one in 2008 (Barnert et al., 2016). In the UK, even the introduction of the 2000 guidance did not fully decriminalise prostitution of children as it stated that minors ‘who “persistently” and “voluntarily” return to prostitution should be processed through the criminal justice system’ (Barrett and Melrose, 2003: 376). It was thus at the discretion of the police and any other organisation dealing with children in prostitution to

decide whether they were victims or offenders (Phoenix, 2007). In the USA as well, it was found that not all practitioners involved in the implementation of the Safe Harbor laws agreed with the decriminalisation of juvenile prostitution, especially in cases where no alternative services or placements were available outside the justice system (Barnert et al., 2016).

This shows that the decriminalisation of the system to prevent prostitution of children and assist victims is a long and tedious process and even in countries where there have been significant policy efforts towards the paradigm shift from the punishment to the welfare model, the tensions between and contradictions of the aims and regulations of the child protection and the criminal justice system may long prevail.

In this article we argue that a post-communist, post-transition society like Hungary is even further away from this paradigm shift: its institutional set-up and practices addressing prostitution and trafficking of children are apparently closer to the punishment than the welfare model. To support this argument, we show that due to institutional and structural factors, as well as legal and policy failures, children involved in prostitution and trafficking are still criminalised and therefore rarely appear in statistics as victims, but more commonly as offenders. Our main research question is why institutions charged with the duty of protecting children from these forms of sexual exploitation do not regard and handle children as victims. We also look at the ethnic aspect of the problem and aim to reveal how issues related to Roma ethnicity – the multiple intersecting systems of differentiation, patriarchal community systems, cultural interpretation of certain values, etc. – appear in institutional practices and what implications and direct consequences these practices have on protecting Roma child victims.

Methodology

The article is based on policy document analysis, interviews with professionals in institutions implementing laws and policies related to prostitution and trafficking of children, fieldwork in segregated Roma communities and foster homes. The research was conducted between 2013 and 2015 in three different localities in Hungary – in two middle-sized towns in disadvantaged regions with high rates of poverty, and in the capital city – where we found an above average number of officially registered³ or observed cases of children in prostitution or child trafficking for sexual exploitation.

Segregated Roma communities were chosen as poverty and social exclusion are among the main vulnerability factors in child victimisation while foster homes are where many of the endangered children are placed and where the prevalence of prostitution of children is very high (Beckett, 2003; Anghel et al., 2013; European Roma Rights Centre, 2011). Children in foster care are

one of the major risk groups in child trafficking and experts claim that most victims come from these institutions (Betlen, 2013). In addition, Roma children are overrepresented in state care and according to expert estimations 40 per cent of children in foster care are Roma while the total child population of the country is only 13 percent (Herczog and Neményi, 2007; European Roma Rights Centre, 2011; Asztalos Morell, 2015).

At each of our research sites we conducted semi-structured interviews with representatives of institutions (in total 33) and community members, victims' families and a few victims (in total 29). Three focus groups were conducted with participants from various local institutions and one focus group with community members.

Regarding ethical issues, we considered that, for institutional representatives, the interviews did not expose them to any hazards because they were acting within their professional capacity. However, this could involve risks for vulnerable families who might reveal information about child trafficking taking place in their community (e.g. on criminal activity, networks, and people involved in criminal activities). Therefore, interviewees were encouraged to reveal only the amount of information they felt comfortable with. Anonymity and confidentiality was secured. Participants were assured that their personal data and the information obtained during research were not in any way identifiable in the research publication. Names of interviewees were avoided in notes and transcripts as well. The research sites where the interviews were conducted were made anonymous. Interviewees were also informed about the storage and use of their personal data and were informed about who would have access to their data and how data would be processed. Original interview recordings are saved and kept in a place that is only accessible to the individual researcher. The interview transcripts have been anonymised. At the end of the project, original recordings were erased.

Gaps in policy making and legislation on combating prostitution and trafficking of children

The prevention and assistance of children involved in prostitution is regulated according to international treaties on the special rights of children such as the UNCRC (1989), and the Lanzarote Convention (2007), which have been signed and ratified by Hungary. The UNCRC declares that children in prostitution are always victims who are in need of protection by the state. Another relevant policy area is anti-trafficking. Hungary has also ratified several anti-trafficking conventions and protocols and implemented the counter-trafficking European Union Directive (2011). While experts have been critical of

failures in the implementation of the Directive (Group of Experts on Action against Trafficking in Human Beings, 2015; US Department of State, 2015; Sebhelyi and Varga-Sabján, 2016), there have been several improvements in anti-trafficking policies. However, the legal and institutional changes do not regulate the situation of minors.

Based on our policy document analysis (Child Protection Act, 1997; Belügyminisztérium, 2013), we revealed that one of the major challenges in Hungary is that there are no explicit policy instruments addressing prostitution and trafficking of children despite the obligations defined in the international conventions and the EU Directive. Not even the Child Protection Act of 1997 makes explicit reference to either prostitution or sexual exploitation, it only uses the loose category of protection of endangered children. Unlike the programmes specifically developed to support child victims of prostitution and trafficking in the USA and in the UK (Pearce 2011; Barnert et al., 2016), in Hungary there are no particular programmes or prescriptions for identification, prevention and the protection of victims. In principle, the child protection system is responsible for protecting children who are (potential) victims of prostitution and trafficking and assisting victims. However, as we will discuss, the system is far from prepared to address the needs of victims.

There is an additional policy gap that is the lack of ethnic data collection. Authorities avoid data collection by ethnicity, because many believe it is against the Data Protection Law. However, their aversion is based on a misunderstanding of the law. Generally, data collection on ethnicity is possible if the data collector ensures that the collected personal data will not be misused. As a result:

the failure to collect data disaggregated by ethnicity in the field of anti-trafficking constitutes a major barrier to tracing this human rights violation and consequently to developing appropriate policies on prevention and victims assistance. (European Roma Rights Center, 2011: 32)

Other organisations claim – as pointed out by our interviewees – that while human trafficking is a human rights, a women's rights and an economic (poverty) issue, it is not an ethnic one. They believe that indicating the ethnic background of victims may lead to false conclusions, especially as a result of the lack of reliable ethnic data. According to this argument, there is no need for the recognition of the ethnic origin of the victims in the assistance system. Similarly, institutions like child protection and law enforcement bodies can be characterised by ethnic neutrality (Čada, 2012; Kostka, 2015) or colour-evasiveness (Annamma, et al., 2017) concerning clients and victims. In the following we explore, besides the structural challenges these institutions face, what consequences the 'neutral' approach has on the everyday practices.

Institutional procedures and practices leading to victimisation in the child protection system

The child protection system – among many other functions – is responsible for the prevention of prostitution and sex trafficking of children and for the protection and assistance of victims as well. The local child welfare services cater to children living with their families in each locality and have to ensure the children's well-being. Their task is to help families in need in order to prevent and intervene in cases of endangerment, abuse or neglect of a child (Barta, 2008). They also operate the child protection referral mechanism in cooperation with other institutions and service providers, including the police, schools, doctors and district nurses, non-governmental organisations (NGOs), churches, notaries, etc. The referral mechanism is responsible for monitoring child abuse and negligence and other types of endangerment of children. If there is a problem and it is not solvable within the family with the mentorship of the child welfare officers and the family care plan, or if there is a sudden crisis situation, the local child welfare service notifies the guardian's authority, which then decides about the removal of the child from the family and places him or her into out-of-home care (foster home or foster family) (Statisztikai Tükör, 2016).

The current system is highly inefficient in fulfilling its role of effective protection of children due to serious structural, personnel and financial problems. The challenges for the child protection system are linked to the structural problems facing all Central and Eastern European countries reforming and modernising their systems after the fall of communism in the early 1990s (Rácz, 2010; del Valle and Bravo, 2013; Anghel et al., 2013). Some of these challenges are identified as major obstacles in protecting victims of prostitution and trafficking.

Lack of precise definitions and protocols

In every modern child protection system, it is a crucial issue how the basic principles on which the system works are defined. While precise descriptions are needed, as Trocmé suggests (1998), the basic principles are still always in conflict, namely: the principle of the protection of children (from abuse and neglect), the best interests (promoting child well-being) and the least intrusiveness (family preservation). It is also often said that these are competing principles and in the different child protection systems the pendulum of whether the protection of the child or that of the privacy of the family is emphasised can swing from one end to the other in different historical times (Beckett, 2003). As Rácz (2010) suggests, in the Hungarian system decisions are often taken not on a professional basis relying on any of the principles but on a subjective basis, for there is a

lack of precise definitions and protocols. It is even hard to say where the pendulum stands after the post-communist modernisation of the system and how the competing principles play out in everyday child protection practices.

The conflict between the principle of protection and the least intrusiveness is a 'fundamental challenge' of child protection (Trocmé, 1998) – in general. In the current system in Hungary, we found that various risks weigh differently when deciding about protection or intervention (intrusiveness). Social workers intervene when they see drug abuse, school absenteeism, but the assumed involvement of the child in prostitution is not regarded as a reason for intervention. This is the case despite the fact that, in marginalised communities in Hungary and elsewhere (Saphira and Oliver, 2002), social workers know if their child clients are involved in prostitution.

We are informed by members of the neighbourhood that these young girls are suspected to be prostitutes. It seems that they do it out of their own will but it is obvious that there is always somebody behind them who coordinates these activities. So we try to talk to them about the dangers. We see these young girls starting to wear nicer dresses, use nicer make-up, have new cloths. They tell us they get this stuff from their boyfriends. We try to communicate to them how dangerous this can be, but we have no other means. Our words weigh nothing against the material goods they receive. (Social worker at child welfare service)

Since it is not defined straightforwardly that in the case of prostitution the child is endangered and should be protected, social workers choose to apply the principle of least intrusiveness. One subjective element in interventions is the 'least resistance' from the family:

My experience is that children are removed from families where the authorities meet the least resistance. Sometimes social workers have to be very brave to initiate the removal of children from the family. (Social worker in foster home)

The end result is that children get protection 'too late':

Children who are placed in our foster home are removed from the family too late. And these kids share certain characteristics. Girls are usually prostitutes. (Head of temporary foster home)

Usually by then they have been in prostitution for years and it already requires too complex treatments and measures to change their situation. One of these measures is trauma-informed care (Herman, 1992; Connors-Burrow et al, 2013) that is almost completely lacking in the system.

Lack of trauma-informed care

The system lacks generally available specialised training provided for social workers during their studies and further on results in their being unaware of the child's rights, legal regulations and specialist knowledge in general, such as psychological and psychiatric help or counselling on abuse, trauma, suicide attempts, mental health difficulties, or learning disabilities (Rácz, 2010). In addition, there has been a degradation of the quality of the workforce within the system because there have been no attempts to introduce new and adequate child caring methods, provide training, monitor the system and reduce the workload of social workers to a manageable amount (Anghel et al., 2013). We found that the need for training in trauma-informed care was rarely mentioned by our interviewees – they always mentioned the inadequate financial situation and lack of staff in institutions when identifying problems.

Open institutions

A further structural issue concerns a legacy of the communist era, when foster homes were strictly regulated institutions. In the new political system after 1989–90, the mainstream idea was to have open institutions. Children over 14, when they have the permission of their guardian, can officially leave their foster homes for a couple of hours but they have to return at the end of this leave. Having open institutions is regarded as a major progression in modernising the child protection system after the fall of communism. However, in practice, this freedom exposes children to criminalisation and victimisation. Many of the children – as revealed by our interviews – become victims of commercial sexual exploitation while being on their authorised leave. The 'pimps' are often waiting outside of the foster home for the children to come out and they immediately take them.

When she was here she surely had her clients. And when she was on leave she came back in new clothes. So she got something for her services. (Social worker in temporary foster home)

Another consequence of the fact that foster homes are open institutions is that it becomes very easy for children to run away and become involved in prostitution.

Children are found in the street as prostitutes and are taken back to the home but they are gone in an hour. (Social worker at child welfare service)

Perceptions of ethnicity by social workers

We also looked at how ethnicity plays out in the practices of the child protection system. First, it is important to see what the environment is like where these young girls come from. In segregated and impoverished Roma

settlements the risk of criminalisation of some parts of the population is very high. The typical social structure of such a neighbourhood is that almost the whole population is long-term unemployed, families live on social benefits and have odd jobs and work semi-legally or illegally, and poverty and social exclusion is trans-generational. Part of the local community is involved in criminal activities and that usually means different forms of exploitation (usury, 'pimping', drug dealing) of the fellow inhabitants or family members. Whole extended families might be involved in different kinds of criminal activities (Durst, 2002). Prostitution is often a family business, or a case of internal exploitation (Kutálkova, 2004; Asztalos Morell, 2015), where the prostitution of the female members of the family is accepted or even compulsory. When grown up, children from such families will most likely be part of the same exploiting structure either as victims or perpetrators.

Forcing girls to prostitution is often a family business. In the family, the head of the family, the father controls everything. He uses older boys for recruiting girls by courting them. They seduce them and then the father forces them to prostitution. They lock them up and give them drugs. They take all money from them. (Head of foster home)

Social workers see this reality and, as a result of a lack of protocols and knowledge on what psychological impacts abuse and violence can have on young girls, they are uncertain when, how and on what basis to intervene, and what to do in such situations. While institutional practices and regulations require staff to hold ethnically neutral views and act accordingly, often different perceptions of Roma guide their decisions and actions. These explanations can be socio-cultural or purely cultural.

It is common to hear [from social workers] that girls have boyfriends at the age of 14 according to the Roma traditions. And they are married at the age of 15 and 16 based on so called traditions. (Social worker at child welfare service)

It is considered very cool if a young girl can get abroad and work [as a prostitute] there. They come home as a baroness and boast of their fortunate situation. It is not shameful at all here in this [segregated] community. I was surprised myself to see that. Young children talk about their relatives or even their mothers who work as prostitutes as the most natural thing in life. (Social worker at child welfare service)

This comment of the social worker on the acceptance of prostitution within the segregated community shows her lack of awareness or sensibility towards the complex structural inequalities and coercions that such communities face. Her comment highlights an attitude of making such vulnerable communities responsible for their situation. Their stigmatising attitude towards Roma communities also defines their lack of intervention.

It is very hard to decide when there is violence or coercion and when there is not. It is a question that I have to pose to myself as a professional social worker: to what extent we should interfere with this different culture. (Social worker in foster home)

As these examples show, ethnic neutrality required from social workers, who nonetheless see cultural differences, results in an ethnicised perception of Roma families. This at the same time creates attitudes where blame is put on cultural traits leading to victim blaming. More than that, the ethnicised understanding of these problems are also used for justification for non-intervention.⁴

Law enforcement and the judicial system

Based on our research interviews we present some of the main difficulties and challenges in prosecuting child trafficking cases and procurement of minors by identifying the institutional challenges and the related everyday practices.

Police treatment of minors in prostitution

In Hungary, prostitution is legal in ‘tolerance zones’ designated by local governments. However, under the Act on Petty Offences (2012), one can be prosecuted for prostitution if offering sexual services outside the zone. In reality, local governments tend to refuse to designate tolerance zones within their jurisdictions; thus, prostitution takes place mostly illegally (Fehér, 2009; Sebhelyi and Varga-Sabján, 2016). When minors are endangered, institutions which are part of the referral system (including the police) should intervene by notifying the child protection system. However, it is not only because of the lack of clear reference to prostitution as a case of endangerment in the Child Protection Act that the police refrain from their obligation of notifying the child protection system. It is because the police do not treat children between 14 and 18 as minors. They have separate categories for children (age 0–14) and youth (age 14–18), treating this latter age group the same way as adults. Thus, in case of minors between 14 and 18 found on the street or taken into custody for prostitution, police proceed according to the Act on Petty Offences, treating children as offenders for providing sexual services outside of designated zones. Thereby this practice of the law enforcement criminalises children in prostitution.

Lack of investigation

In the criminal code various offences are defined that may lie behind prostitution of minors such as crimes against humanity, forced labour, violation of personal freedom, coercion, sexual coercion, sexual violence, child

endangerment, child labour, pandering, promotion of prostitution, procuring, exploitation of prostituted children, illegal use of the human body, illegal employment of a third country national (Sebhelyi and Varga-Sabján, 2016). Even though children involved in prostitution may be victims of these crimes police prosecute relatively few offenders.

The first major obstacle to prosecuting offenders is that to start an investigation in prostitution or trafficking of children victims have to press charges. As our interviewees with the police explained, this rarely happens and if victims refrain from filing a complaint police cannot intervene.

A policeman can see, everyone can see, that a girl is standing in the street and 100–150 meters away her pimp is sitting in a car. And if the policeman asks the pimp why he is sitting in the car, then he says he is looking after the girl. And if we ask the girl whether she knows the man, she says he is her boyfriend and he is looking after her. Then we cannot do anything as looking after someone is not against the law. (Police officer)

The second problem is that the testimonies of victims are the primary proof of procurement or trafficking in judicial proceedings. Conducting a successful criminal procedure against ‘pimps’ or panders requires a lot of time, financial effort and human resources and without thorough evidence collection and effective preliminary investigation, such complicated cases cannot be efficiently prosecuted (Czine 2011). In fact, because the success of the investigation is not guaranteed and the police – according to one of our interviewees – have to reach target numbers in successful cases, the required time and resources are not invested. At the end, the testimonies are the only evidence, and these are, for many reasons, unreliable, e.g. different actors have different views on the same story:

These criminal offences have the disadvantage that there is a victim who makes a statement, and there are several perpetrators who also make statements. Therefore providing evidence in such criminal offences is very difficult. It is difficult to prove them, because I can only prove them with personal evidence. (Police officer)

Moreover, victims commonly refuse to testify against procurers or traffickers for several reasons, mostly resulting from their subjugated position and exploited situation. They are in a vulnerable position: children are often under the control of, or threatened and blackmailed by, their procurers or traffickers, or their parents or other family members involved in the process. If a family forces a child into prostitution, close emotional ties and loyalty, despite the harmful relationships, constitute a strong obstacle in cooperation with the law enforcement.

What we can do is to offer them [the victims] these opportunities. We tell these girls that there are shelters. These girls know that precisely. But they are so

dependent on their pimps, and I think they are so threatened by them that they don't dare to take any steps. (Police officer)

In addition, victims often perceive prostitution as their own voluntary decision and commonly accept and internalise the normality of unequal, exploitative and abusive relationships they previously had in their childhood or later with 'pimps' or other third parties in prostitution. They generally do not see themselves as victims. Children are even less aware that they are victims of exploitation, and that their rights were abused by their exploiters.

Furthermore, the lack of a victim-focused approach, or even victim blaming, results in practices which do not treat children as victims and make it even less likely that offenders behind prostitution and trafficking of children are prosecuted.

Often the victims are also responsible for becoming victims. They behave in a provocative way, they draw the attention of perpetrators. (Police officer)

Another aspect of the presence of a victim-blaming approach is that, if children are substance users or have committed minor offences, they are afraid to report anything to the police because of the fear of legal repercussions regarding their own actions. As our interviewees often pointed out, victims usually had negative previous experiences with the police. Police officers often humiliated and maltreated victims. Moreover, victims considered the legal process very risky, long, complicated and incomprehensible. On top of that, child protection institutions, because of the lack of a direct reference to prostitution as endangerment in the Child Protection Act and previous bad experiences of cooperating with the police, often decide not to report cases of prostitution and trafficking of children to the police. Several social workers told us that they see going to the police as pointless, because they do not conduct investigations properly in cases they report.

We report the case in vain, they [the police] just don't follow up. (Social worker in foster home)

One of our interviewees pointed out the importance of informal relationships with police officers as a way of prompting them to put more effort into investigation work.

You have to have a personal friend at the police, a detective, in order to have a correct investigation with a result. ... If I don't go there personally and talk to a friend, the police close the file. It works the same at the public prosecutor's office. If I have a personal contact with a prosecutor, he will be of help but if I don't then the office automatically passes on my file. (Head of foster home)

Police corruption

Police corruption as serious allegations concerning the non-prosecution of child trafficking and prostitution also emerged in our interviews. While police corruption cannot be proved, our interviewees had stories, which convinced them of its widespread presence. For example, social workers in one Roma community claimed that a major problem affecting many children was drug abuse. Drug dealers were usually the major ‘pimps’ in these communities. As our interviewees told us, drug dealers and local ‘pimps’ were often on good terms with police officers, who greeted them instead of conducting any intervention. Consequently, nobody has ever been arrested for drug dealing or ‘pimping’ in the community. Some women in one of our communities told us a story when two policemen approached the ‘pimp’ of a young woman, who later turned out to be under 18:

‘She is 5,000 Forints.’

‘And what if we are the police?’

‘Then you can take her for free!’ (Focus group – women)

Perceptions of the ethnicity of victims and perpetrators by the police

In our interviews with police officers we found that ethnicity of both offenders and victims was mentioned, in most cases in a matter-of-fact way.

The rate of Roma is very high, especially among the street-based prostitutes. Among the escorts, the rate of Roma is much lower, because of economic reasons.⁵
(Police officer)

They explained the overrepresentation of Roma children in street-based prostitution by economic rather than ethnic or cultural reasons. Regarding offenders, it was said that the ‘pimps’ of these girls are typically Roma men. As to the social background of these youngsters, police officers were aware that a high proportion of them come from state protection institutions:

The good majority of these girls come from foster homes and these girls are mainly Roma. (Police officer)

While in these interviews conducted specifically for our study police officers talked in a rather neutral way about the role of ethnicity in prostitution and trafficking, our interviewees at NGOs and in the child protection system

claimed that the ethnic prejudices and racist attitudes of the police are very common.⁶ They argued that these attitudes are responsible for the criminalisation of minors in prostitution and the lack of investigation in such cases. In general, the non-intervention of the police in crime-ridden communities and foster homes where victims come from can also be attributed to these attitudes.

Conclusions

We have addressed the question of how to explain the enormous gap between the low number of registered cases of prostitution and trafficking of children, and of offender prosecution in contrast to the high number of cases reported by research, including our own. According to these sources, the phenomenon has been steadily growing both in Hungary and globally (Abu-Ali and Al-Bahar 2011). We have pointed out that international conventions and protocols, to which Hungary is a signatory and ratifying country, declare that children in prostitution or trafficking for sexual exploitation are always victims and states are obliged to protect them. Nonetheless, many countries, including Hungary, do not comply with these international requirements and children in prostitution are not protected, and even criminalised.

These international conventions and protocols urge signatory countries to make policy efforts to facilitate the paradigm shift from the punishment to the welfare model (Barrett and Melrose, 2003) by redirecting 'child victims of commercial sexual exploitation and child sex trafficking from the criminal justice system ... into the child welfare system' (Barnert et al., 2016: 249). Such a shift does not happen overnight and whether it happens at all, or when and how, depends on a whole range of governmental and institutional factors, legal regulation and institutional practices. In our article we identified the most important of these factors.

We also looked at the ethnic dimension of prostitution and trafficking of children knowing that the majority of victims come from the most impoverished, socially excluded ethnic group, the Roma. We wanted to see how ethnicity is perceived and interpreted by institutions and what consequences ethnic neutrality (Čada, 2012; Kostka, 2015) or colour-evasiveness (Annamma, et al., 2017) have on practices and whether these practices influence the multiple intersecting systems of differentiations Roma child victims are determined by (Asztalos Morell, 2015).

Exploring the most important legal and policy gaps which explain why children in prostitution and victims of trafficking remain practically without state protection (Betlen, 2013), it has been suggested that the foremost reason is that prostitution and trafficking of children are not addressed explicitly in any policy fields. The Child Protection Act does not mention prostitution of children, while the police and the judiciary criminalise child

victims. In the meantime, the anti-trafficking policy leaves the duty of prevention, protection and assistance of child victims to an unprepared child protection system.

The child protection system applying non-intrusiveness or intervening too late, given the structural problem of lack of protocols on the one hand, and the cultural narratives used by social workers on the other, often leaves these children in their abusive environment. Importantly, while young Roma girls in prostitution suffer from multiple systems of intersecting as well as internal and external exploitations (Kutálkova, 2004; Asztalos Morell, 2015), the attitude of many of the social workers puts the blame on ethnic and cultural traits leading to victim blaming. Although ethnic neutrality is the norm for social workers, the perception of differences, be it culturally and ethnically formulated, influences their decisions, namely non-intrusiveness and non-action in case of prostitution of children. If eventually these girls are removed from the family and placed in out-of-home care, the fact that they are or have been abused and forced into prostitution is not handled with professional care and their needs are hardly met, as trauma-informed care is missing from the system. However, without effective treatment victimisation or re-victimisation and relapsing into the trafficking cycle happens unavoidably (Pearce, 2011; Abu-Ali and Al-Bahar 2011). In addition, most of these children are placed in open institutions where they are not protected from 'pimps' so their sexual exploitation continues.

As indicated in the literature, the role of law enforcement and the judiciary is decisive whether children in prostitution are seen and treated as victims or delinquents (Mitchell et al., 2010). As a major practice, the police criminalise children in prostitution by applying the Act on Petty Offences to children between 14 and 18 thus treating them as offenders providing sexual services outside legally designated zones. The lack of a victim-focused approach as well as alleged police corruption lead to non-prosecution of offenders and, as suggested by some of our interviewees, racial prejudices may also be behind the non-intervention of the police.

Concerning our question of how the Hungarian system could be described regarding its position on the punishment versus welfare model, our analysis confirmed that the lack of relevant and effective policies leads to structural challenges for the child protection system and the law enforcement and judiciary with regard to how children in prostitution and trafficking are handled. These institutional structural challenges and the everyday institutional practices as well as the ethnicised views or even racial prejudices, consequences of institutional ethnic neutrality, on children involved in prostitution cannot but result in criminalisation of children and the non-prosecution of offenders, all pointing towards the punishment model. So the possibility of a paradigm shift mainly depends on whether the child protection system can truly be modernised with the introduction of appropriate definitions and protocols and other systemic changes as well as child protection principles penetrating

law enforcement and the judiciary. As we have seen, this takes much more than signing and ratifying international conventions and protocols (Svevo-Cianci, et al., 2011).

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Notes

1. The Ministry of Interior Affairs relies on the following databases: the Unified Statistical System of Investigations and Prosecutions, the Internal police database, the National Crisis Management and Information Service, and the Consular Services. Based on these databases the Ministry published the following data: total number of children identified as victims of trafficking: 2010: 4, 2011: 12, 2012: 4, 2013: 0, 2014: 1, 2015: 3, 2016: 0. Number of persons convicted of trafficking in persons (preferably convicted at first instance) (final court judgment): 2010: 0, 2011: 9, 2012: 18, 2013: 29, 2014: 12, 2015: 7; 2016: 0. Unified Statistical System of Investigations and Prosecutions: total number of offences that lie behind prostitution: 2013: 29 (offences: crimes against humanity, forced labour, violation of personal freedom, coercion, sexual coercion, sexual violence, child endangerment, child labour, pandering, promotion of prostitution, procuring, exploitation of child prostitution, illegal use of the human body, illegal employment of third country national).
2. Men who recruit girls by pretending to be in love with them while commercially sexually exploiting them.
3. Source: see data in note 1 above.
4. Our research focused on perceptions and attitudes of social workers based on their narratives rather than analysing cases of intervention or non-intervention and revealing procedures, and the personal and institutional motivations behind them. Therefore, our conclusions should be regarded as merely potential explanations for understanding these actions.
5. Escorting has a much higher prestige than street-based prostitution reflecting the same hierarchy as in the society, where Roma are at the bottom.
6. The discrepancy between what we found and what was reported by our interviewees about the police may be attributed to a distortion in our sample: getting access to the police to do interviews was very difficult. The ones whom we could finally interview were more sensitive to the topic than the average.

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