

[National Laws](#)

Legislation of Interpol member states on sexual offences against children

Hungary - Hongrie - Hungría

Budapest

The information on this page is up to date as of spring 2006

I. Ages for legal purposes

Age of simple majority

The legal age of simple majority is 18 years. According to the article 107 (chapter IV) of 1978 from de Penal Code of Republic of Hungary 'minor is the person who in the moment of the infringement is over 14 but under 18 years of age'.

Age of consent for sexual activity

The age of consent for sexual activity is 14 years.

Age of consent for marriage

In general the age of consent for marriage is 18 years, but with the consent of the parent or tutor marriage can be concluded at the age of 16 years. Any marriage concluded before age of 16 years, with or without consent of the parent or tutor, is invalid.

II. Rape

Section 197 Rape

1) A person who by violent action or direct menace against life or limb forces a woman to have sexual intercourse, or uses the incapacity of the woman for defence or for the manifestation of her will for sexual intercourse, commits a felony and shall be punishable with imprisonment between 2 and 8 years.

2) The punishment shall be imprisonment from 5 to 10 years if:

- a) the victim is under 12 years of age
- b) the victim is under the education, supervision, care or medical treatment of the perpetrator
- c) more than one person have sexual intercourse with the victim on the same occasion, knowing about each other's acts

3) The punishment shall be imprisonment between 5 to 15 years if the provisions of paragraph b) or c) of subsection 2) also apply to rape committed against a victim under 12 years of age.

III. Other forms of child sex abuse

Section 195 Endangering a minor

1) The person obliged to conduct the education, supervision of or care for a minor, who seriously violates his obligations arising from such duty, and thereby endangers the physical, intellectual or moral development of the minor, commits a felony and shall be punishable with imprisonment between 1 to 5 years.

2) Unless a graver crime is realized, that major person shall be punishable in accordance with subsection 1), who induces or tries to induce a minor to the perpetration of a crime or to the pursuance of a dissolute way of life.

3) Any person of legal age who has forced labour conducted by a minor commits a felony offence and shall be punishable with imprisonment between 2 to 8 years.

Section 198 Assault against decency

1) A person who by violence or direct menace against life or limb forces another person to engage in sodomy or to the endurance there of, or uses for sodomy the incapacity of another person for defence or for the manifestation of will, commits a felony and shall be punishable with imprisonment between 2 to 8 years.

2) The punishment shall be imprisonment from 5 years to 10 years, if:

a) the victim is under 12 years of age

b) the victim is under education, supervision, care or medical treatment of the perpetrator

c) if several persons sodomize the victim on the same occasion, knowing about each other's act.

3) the punishment shall be imprisonment between 5 to 15 years if the provisions of paragraph b) or c) of subsection 2) also apply to the sexual assault committed against a victim under 12 years of age.

Section 199 Fornication against nature

A person who has committed 18 years of age, who fornicates with a person of identical sex younger than that age, commits a felony, and shall be punishable with imprisonment of up to 3 years.

Section 200 Forceful fornication against nature

1) A person who by violence or direct menace against life or limb forces a person of the same sex to engage in sodomy or to the endurance thereof, or uses his/her incapacity for defence or for the manifestation of will for sodomy, commits a felony, and shall be punishable with imprisonment from 2 to 8 years.

2) The punishment shall be imprisonment from 5 to 10 years, if:

a) the victim is under 12 years of age

b) the victim is under education, supervision, care or medical treatment of the perpetrator

c) several persons sodomize the victim on the same occasion, knowing about each other's acts.

3) The punishment shall be imprisonment between 5 to 15 years if the provisions of paragraph b) or c) of subsection 2) also apply to sexual assault committed against a victim under 12 years of age.

Section 210

For the purposes of Section 197, 198 and 200, the person who has not yet completed his 12th year of age shall be deemed as incapable of defence.

Section 201 Seduction

1) The person who has sexual intercourse with a person who has not yet completed his 14th year, as well as the person who has completed his 18th year and engages in fornication with a person who has not yet exceeded his 14th year of age, commits a felony and shall be punishable with imprisonment from 1 to 5 years.

2) The person who has completed his 18th year and strives to persuade a person who has not completed his 14th years, to have sexual intercourse or to fornicate with him, commits a felony and shall be punishable with imprisonment of up to 3 years.

3) The punishment shall be imprisonment from 2 to 8 years, or from 1 to 5 years, respectively, if the injured party of the crime defined in subsections 1) or 2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator

Section 202

1) The person who induces a person who has not yet completed his 14th year to have sexual intercourse or to fornicate with another person, commits a felony and shall be punishable with imprisonment from 1 to 5 years.

2) The person who has completed his 18th year and strives to persuade a person who has not yet completed his 14th year, to have a sexual intercourse or to fornicate with another person, commits a felony, and shall be punishable with imprisonment of up to 3 years.

3) The punishment shall be imprisonment from 2 to 8 years, or from 1 to 5 years, respectively, if the injured party of the crime defined in subsections 1) or 2) is a

relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator

Section 203 Incest

- 1) The person who has sexual intercourse or fornicates with his relative in direct line, commits a felony and shall be punishable with imprisonment from 1 year to 5 years.
- 2) The descendant shall not be punishable, if he has not yet completed his 18th year of age on the perpetration of the act.
- 3) A person who has sexual intercourse with his or her sibling shall be punishable for a misdemeanour offence with imprisonment of up to 2 years.

Section 208 Obscenity

A person who exposes himself before another person in an indecent way for the satisfaction of his or her sexual desire, commits a misdemeanour, and shall be punishable with imprisonment of up to 2 years, labour in public interest, or a fine

IV. Child prostitution

Section 205 Promotion of prostitution

- 1) The person who makes available a building or another place for prostitution to another person, commits a felony and shall be punishable with imprisonment of up to 3 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 of up to 5 years.
- 3) The punishment shall be imprisonment from 2 to 8 years if:
 - a) any person who has not yet completed his 18th year engages in prostitution in the brothel
 - b) prostitution is promoted as a part of a criminal organization.
- 4) The person who persuades another person to engage in prostitution, shall be punishable 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 engaging in prostitution, commits a felony, and shall be punishable with imprisonment of up to 3 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 profit, commits a felony, and shall be punishable with imprisonment of up to 3 years.

2) The punishment shall be imprisonment from 1 to 5 years, if the pandering is business- like.

3) The punishment shall be imprisonment from 2 to 8 years, if the pandering is committed:

a) to the injury of a relative of the perpetrator or of a person under this education, supervision or care or who has not yet completed his 18th year of age

b) with deceit, violence or direct menace against life or limbs

c) as a part of criminal organization.

4) The person who agrees on the perpetration of pandering defined in subsection 2) commits a felony and shall be punishable with imprisonment of up to 3 years.

Section 210/A

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.

Section 175/B from de legislation on trafficking in human beings

1) Any person who sells, purchases, conveys or receives another person or exchanges a person from another person, in addition to any person who recruits others for the above purpose, or transports, hides or appropriates a person for another party, commits a felony offence and shall be punishable with imprisonment of up to 3 years.

2) The punishment shall be imprisonment between 1 to 5 years if the criminal act is committed:

a) against the person under the age of 18 years;

b) against a person deprived of personal freedom;

c) for the purpose of labour;

d) for the purpose of sodomy or sexual intercourse;

e) for an illegal use of the human body;

f) as an organized criminal act, or

g) in return for a payment.

3) The punishment shall be imprisonment between 2 to 8 years if the criminal act is committed:

- a) against the person under the tutelage, guardianship, supervision or medical treatment of the perpetrator;
- b) as described in points c)-e) of paragraph 2) if the perpetrator uses:
 - 1) violence, or threatens
 - 2) deceives
 - 3) and tortures a person.
- 4) The punishment shall be imprisonment between 5 to 10 years if the criminal act is committed
- a) against a person described in points a)-b) of paragraph 2) or in a point a) of paragraph 3) for the purposes defined in points c)-e) of paragraph 2), and in a manner described in sub-points 1-3 of point b) paragraph 3), or
- b) for the purposes of making illegal pornographic pictures.
- 5) The punishment shall be imprisonment between 5 to 15 years or life imprisonment if the criminal act is committed against person under the age of 12
- a) for the purpose defined in points c)-e) of paragraph 2)
- b) in a manner described in sub-points 1-3 of point b), paragraph 3), or
- c) for the purpose of making illegal pornographic pictures
- 6) Any person making preparations to engage in trafficking of human beings commits a misdemeanour offence and shall be punishable with imprisonment of up to 2 years.

V. Child pornography

Section 195/A Misuse of prohibited pictures

- 1) A person acquiring or keeping pornographic pictures of a minor by video, film, photograph or by any other means, commits a felony and shall be punishable with imprisonment of up to 3 years.
- 2) A person offering or adding pornographic pictures of a minor by video, film, photograph or by any other means, commits a felony and shall be punishable with imprisonment of up to 5 years.
- 3) A person making, distributing or trading pornographic pictures of a minor by video, film photograph or by any other means, or makes such picture available for big publicity, commits a felony and shall be punishable with imprisonment between 2 to 8 years.
- 4) A person having a minor participating in a pornographic show shall be punishable as set forth in subsection 3).
- 5) The person providing financial means and thus assisting in the commission of the crime defined in subsection 3)-4) shall be punishable with imprisonment between 2 to 8 years.

6) In the application of subsection 1)-4) pornographic picture or pornographic show is the act or display of sexuality in a gravely indecent manner of exposure specifically arousing sexual demeanour.