

## RESEARCH RESULTS – 2011 (Summaries of completed research)

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## **I. RESEARCH INCLUDED IN MAIN RESEARCH TRENDS**

**LászlóTibor Nagy:**

### **Investigation of the situation of violent crimes in Budapest night clubs**

The key objective of the research was to assess the peculiar world of Budapest night clubs, primarily as regards the situation of violent crime, exploring the dangers threatening and promoting the safe entertainment of young people. In order to find this out, 14 operators of 24 various night clubs were interviewed. In addition, 662 questionnaires were completed to learn about the opinion of guests, and professionals dealing with the issue were consulted. The research results indicate that both Budapest nightlife and the entertainment culture of the young have undergone significant changes. Violent acts of a lesser weight occur more frequently, but authorities are unaware of a vast majority of these, because they are typically managed by the night club staff without police intervention. Though the security situation has improved somewhat since the tragedy at the West-Balkán night club, a number of places are still attended by a much greater number of visitors than permitted, creating a serious potential danger with regard to the technical and safety features of some buildings.

**Erzsébet Tamási:**

### **Incest and violence. Inter-disciplinary and criminological aspects of incest**

The research sums up the interdisciplinary explanations for incest, addresses the explanations given to incest by biology and sociology, pointing out that in certain cultures, incest taboos serve the purpose of retaining power, economic positions and property. In contrast, Freud considered the taboo of incest the first real human victory over desires.

Incest is punishable under criminal law, and/or incestuous relationships between ascendants and descendants as well as siblings are prohibited in the framework of marriage regulations. Criminal legislation serves the interest of the bodily and mental health of descendants, whereas civil legislation serves to preserve the unity and harmony of the family. Several legal disciplines address the problem of incest as a result of the disagreements and disputes about the origin and function of incest explored in natural and social sciences. The summary of research results is impeded by the emergence of new information and new questions to be answered in the various disciplines, which raised a number of ethical, moral and related legal dilemmas (such as epigenetics, neurology, the relationship between sperm banks and incest, etc.).

**Eszter Sárík:**

### **Latent juvenile deviance and age group results. Analysis of the value selection attitudes of pupils aged 12 to 17**

The research set out to present the relationship between the values of young people and minor crimes committed by them, relying on data from the ISRD-2 research. The research mapped out the bonding structure of the generation aged 12 to 17, as well as deviant conduct shown by the 2,200 respondents, including a number of behaviours deemed to constitute a crime under criminal law (theft, breaking into cars, robbery, etc.). There was an opportunity to attach a value questionnaire, based on the Rokeach scale and enhanced by Shalom Schwartz and validated for the age group, containing 34 values, which did not reach beyond the opportunities of the Hungarian survey. The aim of the research was to find out whether the values and the behaviour of the very young age group surveyed were interrelated. Can one talk about a coherent structure of values at this tender age, or does this leave no permanent lessons among those aged between 12 and 17?

Altogether 2,196 people aged 12 to 18 took part in the survey, of whom 1,073 were girls and 1,123 were boys. Values had to be scored on a scale of 1 to 9 in the survey. Factor analysis produced four types altogether based on our value research results. (1) “Dutiful/diligent” young people considered the following values to be the most important: “diligent”, “accommodating”, “tolerant”, “bright”, “obedient”, “helpful”, “honest” and “responsible”. (2) Those described as having a “mature” way of thinking opted for “true friendship”, “the feeling of belonging somewhere”, “balance/internal harmony”, “respect for the elderly and for parents”, “equality”, “self-discipline, fairness” and “spiritual and mental values”. (3) Children with “hedonistic” values voted for “good looks, power, making the most of everything, affluence, variegated life, values of daring”, while (4) the “familialist” embodying the classical Hungarian set of values identified the values of “health” and “honesty” to be the most important in addition to family wellbeing and family peace.

Value research in Hungary clearly indicates that while young people very firmly consider traditional values and safety to be important as core values, this attitude is not exclusive. Young people included respondents with a firm position in favour of postmodern values in the Inglehartian sense, such as equality, true friendship, fairness and balance/inner harmony. At the level of values, the key to postmodernity is precisely the point of connection found between traditional values and postmodern values. Research results made it clear that the behaviour of the young people asked could be divided in two groups, compliant and the non-compliant children. Non-compliant youngsters clearly adopted the materialistic values of modernity, while members of the decent group produced three sub-groups. These sub-groups all contained the values attached to the traditional set of values, such as family security, family wellbeing, obedience, accommodation and health, respect for parents and elders, and also the category of values that may be said to be postmodern, such as tolerance, belonging, equality and cleverness. However, the groups did not make up a homogeneous field, meaning that the three sub-groups contained the virtues located at the two extremes of the scale in a mixed manner as regards certain values. Therefore, children were different not only in respect of being non-compliant/deviant or decent and compliant in nature but also regarding their integration and bonding. Hirschi’s theorem, according to which social bonds, ties and participation in community/social activities have a significant impact on both an attitude that conforms with society and a behaviour to match that attitude has been confirmed.

**Eszter Sárík – Katalin Parti:**

**ISR2-2: Further utilisation of the outcome of the comparative study between the Czech Republic, Estonia and Hungary entitled ‘Latent juvenile deviance’ (policy proposals; conference organisation; compilation of a volume in English and Hungarian) (research supported by EUCPN)**

In the course of the research, the Hungarian-language comparative analysis submitted in November 2010 was extended and findings of the previous research were compared against data from other countries. The international project has already confirmed the hypothesis that Central and Eastern Europe’s countries show several similar traits also in respect of deviance. These data offer an excellent opportunity for developing joint prevention methods. The outcome of joint research was presented to the EUCPN’s thematic seminar by Zuzana Podana on 7 June 2011. The material was also published on the EUCPN website. In addition, to comply with obligations assumed for the beginning of the year, an English-language summary was also prepared (on 30 September 2011), to be published in the year’s last issue of the European Crime Prevention Network’s newsletter.

**Katalin Parti – Eszter Sárík – Judit Szabó:**

**“Effective environmental strategy for preventing alcohol addiction of youth in Europe”: secondary analysis and international comparison of the ISR2-2 research’s data related to alcohol and narcotics use (AAA-Prevent Project)**

Participation in the AAA-Prevent Project Phase I took place in connection with the secondary analysis and international comparison of the ISR2-2 research’s data related to alcohol and narcotics use. The first round of the AAA-Prevent research completed the mapping of alcohol and narcotics use habits and comparison of the data related to the 25 participating states by re-analysing earlier research results and taking into account the instructions of the Charles University of Prague and Verwey-Jonker Institute of Utrecht. Hungary completed its obligation to submit a country report by the end of February 2011.

The country report completed mapped up Hungarian patterns of use from a number of perspectives. On the one hand, it offered a picture on alcohol and narcotics use trends in general and, on the other hand, it performed ‘deep-drilling’ into the alcohol and narcotics use patterns of young people. The investigation focused on the problem of alcohol first and the analysis of drug issues was only a secondary focus, considering that - despite the actual ratio of problems - the issue of drugs receives undue attention both in public discourse and in the profession.

The country report warns that alcohol consumption considerably increases the risk of violent death (injury, accident) among those below the age of 35. In Hungary, much less attention is paid to alcoholics than drug users, although they considerably outnumber the latter group. Compared to the 150,000 drug users, two to two and a half million people may be considered as problem drinkers and one million to be alcoholics. Problem drinkers are not addicts yet, but regularly imbibe smaller quantities or consume more alcohol less frequently. The situation of the one million people who may be considered to be alcoholics is more serious. More and more of them are young, yet the group at most risk is those between 40 and 50. According to

WHO's figures, HUF 250 billion is spent on alcohol in Hungary each year, of which the government has an income of HUF 150 billion; on the other hand, the treatment of alcoholics, their dropping out of work and the auxiliary costs associated with this approach HUF 700 billion.

Drug use and the problems related thereto have evolved into a significant problem of society in Hungary after the political regime change. We have reached the European average as regards the spread of the phenomenon itself, whereas the occurrence and incidence of risk behaviours and contagious diseases associated with drug use remained well below that average. The use of illegal drugs by both adults and secondary school students is more widespread in larger cities, particularly in Budapest and county capitals.

**Szilvia Gyurkó:**

### **School climate**

The study conducted jointly with the Institute of Educational Sciences of the University of Debrecen encompassed the investigation of climates in two elementary schools in Hajdú-Bihar County. Methodology used during the research: focus groups (pupils, teachers), questionnaire on bullying drawn up in 2009 and completed with a sample of 1,000 people (pupils), EQ test (pupils), EQ and burn-out test (teachers), observation (photos and reports of school life, participatory observation performed by University students). Results were analysed separately for each school, but the aggregate database was processed to be compared against the county sample of 2009 and the HBSC database. Based on this, we found the following:

The data indicate that pupils in these schools enjoy themselves less than the average and are more frequently bored.

- Pupils in the schools have a slightly better than average bond with their school, but the learning and social climates are somewhat worse than the county average. Data were most favourable for the fifth grade and least favourable for eighth grade pupils. The county survey found a correlation between wellbeing and the level of violence detected in the class. The analysis of variables found that the most sensitive indicator of the climate was the statement “we learn interesting things in school”.
- Compared to the county average, pupils evaluated their own bullying activities to be slightly less frequent in one school and more frequent in the other. Girls are somewhat more sensitive, i.e. perceive all forms of bullying to be more frequent than boys, but the difference is not statistically significant.
- As regards teachers, survey results (focus group and EQ questionnaire) showed they found their school to be “in a difficult position”. Feedback indicates the reason for this is that they get no effective help for preventing and resolving everyday conflicts either within or outside of school. Components of “being abandoned”:
  - communication problems with parents;
  - failed attempts at and techniques for problem solving;
  - lack of support in special services and institutions outside school (pedagogical and psychological counselling, child welfare services, etc.)
  - the body of teachers still has not got over the trauma caused by the merger of schools (there is a fault line running between teachers, leading to conflicts at individual and organisational levels as well);

- severe lack of trust in potential external resources (child welfare services, pedagogical and psychological counselling, family assistance).
- The feelings of “being abandoned” and its partial consequence of being burned-out cause serious difficulties in everyday work, narrowing the opportunities for resolving conflicts. Teachers absolutely need to have supervision, burn-out prevention training and psychological support in this area. The internal and external resources available also need to be explored and activated.

**Szilvia Gyurkó:**

### **Efficiency and adaptation possibilities to prevent and manage violence in school**

The research was a follow-up study of the prevention and treatment programmes implemented in the course of the “School Violence” programme of the Mérei Ferenc Metropolitan Institute of Career Selection and Pedagogy. In contrast with the original plans, the Mérei Institute’s materials related to school violence were not used because the Institute’s school violence programme was terminated in May 2011 and materials were not made available to external experts. In order to balance this, the focus of the research (and study) shifted to the experiences of empirical research conducted in Hajdú-Bihar County and the analysis of international research results. Research output:

- The most typical projects within projects for the prevention/management of school violence are financed by tenders and executed over a maximum of 12 months. Pedagogy and psychological counselling services, other pedagogical services and institutional operators do not propose such programmes on their own.
- According to the OFI’s (Education Research and Development Institute) statistics, projects aimed at human resources development, improving school climates and preventing conflict situations in schools (at least indirectly) were conducted in 47% of education institutions between 2007 and 2011.
- The most frequent prevention and management programmes are non-violent conflict management (mediation, restorative techniques), information on child abuse, information on methodologies for developmental pedagogy, peer help training, anti-burnout training and team-building training.
- There is no solution for measuring the long-term effectiveness of individual programmes (education institutions fail to require it, and external participants - on the project implementation side - have no requirement for monitoring in excess of six months [the main reason being that it was not included in the project budget]).
- The rate of practical application of the techniques learned in the training programme is below 5% in the institutions surveyed (based on admissions by teachers and feedback from pupils in focus groups). This extremely low rate certainly deserves further analysis, but may be deemed to be a realistic figure when compared against international research results.

One of the key outputs of the research was the exposure of the lack of monitoring data, and demonstrating that effectiveness could not be measured in this way. The effectiveness assessment performed by CWDC (in the field of child protection) also supports practical utilisation below 5% if regular supervision and support is not provided to the professionals after the training.

**Klára Kerecsi:**

### **How long does active regret last? Assessment of crime repetition following mediation (in collaboration with the Judiciary Office)**

The research investigated two hypotheses: (1) compared against perpetrators who committed a crime of similar objective gravity not referred to mediation, a smaller proportion of perpetrators who have gone through mediation commit the same kind of crime again. (2) Perpetrators who have gone through mediation but then commit a crime again commit a less serious offence the second time than repeat criminals who have not been in mediation. The research investigated perpetrators referred to mediation in 2007. We intended to look at the repeat crimes committed by people accused of crimes similar to the cases included in the sample of crimes that went to mediation and which had a final and conclusive judgement of guilty in 2007, up until 31 December 2009. The base was composed of the 1,618 mediation cases substantially completed in 2007, of which every fourth case was included as a random selection of the cases picked by layered sampling. The research sample of 405 elements included 141 people for whom no data had been found in prosecution records during the prioritisation stage (although they certainly have been subject to criminal proceedings, as they have participated in mediation proceedings in 2007). As the information included in prosecution records were not available for answering certain questions that were fundamental for research purposes (such as data on new crimes and dates of perpetration) and could not be obtained from other sources, and because there were obstacles to selecting the control group as described above, it became impossible to perform the survey that constituted a substantial part of the research. Accessing data required a local inspection of data, but the necessary resources were not available. On the other hand, the archiving and registration system of the Probation Service was available and allows for searching certain types of cases. Therefore, we were able to determine whether perpetrators had a new case with the Probation Service between the date of mediation and 31 December 2010. Looking at the 405 people in the sample, the only mediation procedure included in the records was the procedure included in the research for 292 people (72.1%). Other cases which occurred for 113 people (27.9%), and 54 people (13.3%) were found to have cases in charge of the Probation Service also after mediation.

There are indications of criminal procedures instituted due to a new crime or another crime in the Probation Service's registration system for 42 people altogether (10.4% of the sample). However, based on the data available, it was not possible to determine exactly whether the perpetration dates of these cases preceded or followed the mediation session. Out of the 42 people, altogether 20 (5% of the total sample) have been heard as suspects in at least one case after having gone through mediation. Out of these 20 mediated cases, 19 people were male and one female; 14 (70%) were of full legal age and six (30%) were juveniles (in the cases that were subject to mediation). Crimes against property made up 95% of the crimes committed (that have gone into mediation). The agreement reached in mediation was fulfilled in 13 cases, was not fulfilled in 1 case and no agreement was reached in 5 cases. Distribution by the body ordering the procedure: Nine cases were referred by the court and 11 by the prosecution service. Though the research had limited results, it certainly indicated that the existing statistical system is not capable of analysing the efficiency and effectiveness of mediation procedures.

## **Detainee subculture and the internal order of the total institution**

The research applied both qualitative and quantitative processes. Forty-seven in-depth interviews were conducted and altogether 351 questionnaires were completed with the female, male and juvenile detainees serving final and conclusive sentences in five penal institutions. In spite of random probability sampling, the entire sample was not representative due to the method of being included in the sample. More educated people and people having committed more serious crimes were over-represented. A psychological test measuring aggression and frustration tolerance was also taken at the time of completing the questionnaires. Guards also provided information on the detainees included in the research by completing self-completion questionnaires (e.g. the status each of them held in the society of prisoners, their assertive abilities on various dimensions, the various kinds of capital they had).

The research covered the following topics:

A.) Prisoner mentality among detainees: comparison of the in-prison values and attitudes of women, men and juveniles. Characteristics of the groups outlined by value selection patterns. Research results indicate that female detainees are characterised by opting for peaceful conflict-solving, leading a sex life inside prison and the emergence of same-sex couples, as well as conformity and loyalty towards guards and a high rate of using legal drugs. Juveniles are characterised by an acceptance of violence and the cult of physical force. Oppression, retaliation, bossing around and bullying and forcing the weak into 'slavery' affords the greatest authority among juvenile detainees. However, the expression of being broken, frustrated and disillusioned does not injure their self-image and they openly show their shattered mind even though the cult of power prevails. Data indicate they are not typical drug or tranquilliser users. The male detainees surveyed resist supervision: they are mistrustful, clam up and are hostile, and most of the criminal procedures are launched in respect of adult males. The rate of emerging sexual relations is the lowest in this group, whereas homophobia is particularly popular. The expression of frustration and disillusionment is not typical, in contrast with their denial of having been broken. Drug abuse is the most widespread among men.

B.) Prisoner hierarchy, the form of prisoner network structure, dominant factors of configuration and status acquisition.

Survey results indicate that hierarchical ranking is determined primarily by physical strength, and then by intellectual performance. The capital of social networks strongly correlates with hierarchical ranking, but there is no clear causal relationship; it is merely a coincidence. Prison experience also helps to reach higher status, in contrast with financial position, which also correlates to status but to a very small extent. Looking at all detainees, we see no significant correlation between the position taken in the prison hierarchy and the relationship with warders. Quite unexpectedly, neither the crime committed, nor keeping contact, nor sexual orientation nor their attitude towards drugs have demonstrable effects on the status secured. Another typical distinction is that, while the formal and the informal hierarchies are closely interrelated for women, the same cannot be said for either males or the juvenile detainees.

C.) Differences in attitudes between Hungarian detainees of Roma and non-Roma origin.

The sample is not representative, and characterises only the 351 detainees serving final and conclusive sentences questioned. The questionnaires completed indicate that detainees in the



sample who profess to a Roma identity have a lower level of frustration tolerance, are more impulsive and are less capable of controlling their emotions than the non-Roma prisoners in the sample. Their attitude can be described by pessimism and a kind of resignation. They are less resilient vis-a-vis frustration and failure.

The research confirmed our hypothesis that the subcultures of female, male and juvenile detainees differ in respect of value selection and behavioural patterns. Furthermore, we also found significant differences as regards values and attitudes accepted/rejected and behaviours in each of the sub-groups created by division. Seeing the differences apparent in attitudes and typical behaviours, the question arises whether detaining these groups under nearly identical conditions, the rules and treatment applied in practice, really serve the goals of the penitentiary system, and whether the differences between the groups examined should be taken into account more in designing the conditions for detaining women, men and juveniles.

**Tünde Barabás – Szandra Windt:**

### **Mediation and Restorative Practices in Prison Settings III. – in the framework of an international consortium (Mediation opportunities in the course of serving sentence)**

The research, which commenced in 2009, looked at the possibilities for implementing mediation among detainees in two penal institutions in Hungary (Tököl Juvenile Prison; Balassagyarmat Prison and Penitentiary). The programme is conducted in international co-operation with the European Union's support, due to which the three years of research was characterised by a continuous exchange with and - supportive - criticism from international partners. In addition, the special feature of this exercise was that it allowed for a comprehensive methodology to be applied in the two Hungarian locations; our results rely on altogether 200 questionnaires, 100 in-depth interviews and the analysis of eight focus group discussions. Research phases were concluded in the third year of research, and theoretical and practical proposals were drawn up synthesising the research output obtained by various methods on the foundations of the first two years.

In 2011, the attitude of detainees vis-a-vis mediation was assessed in eight focus groups (including a total of 50 prisoners) in order to confirm the theoretical model compiled on the basis of the previous year's results, and answers were sought to clarify uncertainties that arose in respect of the factors that influence the willingness to go into mediation found during the 2010 survey.

The analysis of research results points out the distinct differences between the attitudes of young people and adults. Most of the juvenile detainees are not prepared for encountering the injured party at all. The dominance of violence and, the cult of physical strength are specific to their age group, which considerably weakens the chances of repentance, atonement and reparations. In order to survive, the majority try hard to comply with the official as well as the latent subcultural standards of prison, where honesty is not a value. Inmate attitude is characterised by a lack of empathy, diverting the idea of being guilty and blaming others or the environment. Mediation therefore cannot be recommended for juveniles without careful preparation. In contrast, an encounter with the injured party has a greater chance of being acceptable to adult inmates. The psychological assessment currently conducted on entry into a penal institution and the education plan prepared on its basis could help to get information on the capacity for mediation. Based on the "long-term approach" used in the United Kingdom, this could be extended to include psychological support, social work and the individual development required for developing a detainee. Changes in legislation in 2010 and the

subsequent amendments to the Criminal Code are expected to result in an increase in the number of prison inmates. Awakening conscience, accountability and promoting apology in the course of mediation carried out in prison may reduce internal conflicts, tensions, and may improve the chance of reintegration, thereby reducing recidivism.

In addition, in 2011, we also looked at the needs of people who were victims of crimes after they became victims. In order to do so, two fora on becoming victims were held at two locations, in the 3rd district of Budapest and in Székesfehérvár, with support from local municipalities. Ten in-depth interviews were also conducted with injured parties who had volunteered. A questionnaire was prepared to assess victim needs, which can be found on the OKRI website. People who have become crime victims have completed over 80 questionnaires by today. Although this survey cannot be deemed to be representative, the relatively high number of answers revealed victims often require support after suffering a crime, but do not get it in most cases. Most victims would find it helpful in recovering from the event if the perpetrator apologised, explained him/herself and/or repaired the damage caused, whether directly or indirectly.

A publication in Hungarian and English will be prepared on the research results, and an international conference will be held to conclude the project in January 2012.

**Szilvia Gyurkó – György Virág:**

### **Media and justice**

The research investigating the representation of violent acts and indictable actions committed by minors below the age of 18 in the media includes a secondary analysis of the empirical data closed in 2008 and the analysis of an extended sample containing more media than included in the 2008 assessment. Out of the original hypotheses, the one that associated the depiction of juvenile criminal deviance with the political affiliation of the given medium was found to be clearly wrong; on the other hand, the one that assumed tabloid media presented this kind of acts in greater proportions than political daily newspapers was found to hold true.

Major research findings:

- the press discusses acts of crimes in simplistic, paradigmatic messages/narratives, often contradicting itself;
- the proportion of news and reports concerning juvenile criminal deviance is the highest in tabloid media;
- general characteristics of child or juvenile criminals presented in the media: disorderly family background, school problems, contradictory personality;
- a retaliating and blaming approach; verbal ‘demonisation’ of perpetrators is typical. Having said that, the role and responsibility of society is often mentioned.

**Ildikó Ritter:**

### **Drug dealer careers II.**

In the course of the research, police officers and former police leaders were interviewed, and correlations between game theory and the narcotics trade were analysed in 2011. The operation of the narcotics trade and of the policies and institutions devised to combat the narcotics trade were investigated and statistical data were analysed using game theory as a

framework. A monograph on the subject is being prepared, which will approach the operation of the narcotics trade and of the policies and institutions devised to combat the narcotics trade using a game theory approach.

**Szilveszter Póczik:**

### **Sanctions for hate speech and holocaust denial and disputes around criminal law regulation in countries of Western and Eastern Europe**

In the framework of the research conducted in 2011, the relevant laws of Spain, Belgium, the Netherlands and France on hate speech, in particular inciting hatred and instigation in respect of groups of ethnic minorities, were investigated in the framework of the 2011 research. In Spain, denying genocide has been a crime until the Constitutional Court ruled otherwise in its decision of 7 November 2007, but arguments supporting and glorifying genocide are punishable by imprisonment. In Belgium, denying the holocaust has been a violation of the law since 1995, and a separate law called the Anti-Negationism Act contains the sanctions. In the Netherlands, however, denying the holocaust is not an explicit crime, but it is punished by courts as an act of hatred. In France, doubting the acts listed by the London Charter of 1945 as crimes against humanity are punishable under the Gayssot Act. Out of the new Eastern European Member States, in the Czech Republic, Article 24 of the Act on Fundamental Human Rights and freedoms and the Criminal Code penalise perpetrators of acts committed with a racist or other hate motivation. Similarly to the Czech Republic, Bulgaria has acceded to all important international and European conventions aimed at combating racism, racial discrimination, xenophobia and hate acts; the Constitution and the Criminal Code prohibit all forms of inciting hatred on ethnic, racial or religious grounds. On the other hand, the country receives severe international criticism due to the dissemination of ethnocentric violence. The system of legal institutions in the new states of the Balkans is being modernised rapidly but still has to catch up with the old and new Member States of the EU. In Albania, re-regulation of hate acts is expected to be put on the agenda at the time of becoming a candidate for EU membership. By contrast, the prohibition of genocide denial is on the agenda in Bosnia and Herzegovina, but the MPs of the Serbian minority are successfully obstructing the proposal.

**Szilveszter Póczik:**

### **Extreme right-wing political organisations, their world of ideas and activities in the new Eastern European Member States (Baltic States, Central and Eastern Europe, the Balkans)**

Informal and formal radical social and political organisations - often parties - are present in Europe as well, the activities of which go beyond the rate of populism still tolerable within a democratic setting. Their ideology, phraseology, symbols and principles of organisation reflect a far-reaching system of aggressive, racist, xenophobic and ethnocentric elements, and they often explicitly refer to their Fascist/National Socialist ties. The survey looked at Bulgaria, the Czech Republic and Lithuania. The initial assumption was that the extreme right-wing political structures present in these countries will be comparable but will also display differences. It could be found that the extreme right-wing movement was organised on essentially the same social basis, on similar organisational structures using similar ideological

components in all three countries, but the political and social effectiveness of these groups differ in degree, subject to the traditions and level of modernisation of the three countries. The social basis of the extreme right-wing and racist movements emerging in the three new Eastern European Member States consists of young people scared by the meltdown of traditional values and/or the increasing limitations on the opportunities available to them; they are aggressive due to their age or personality structure and belong to the lower middle classes. General characteristics include a subjective sensation of relative and perceived deprivation, deprivation of values and long-term life chances and vulnerability to the evil, over-powerful forces of domestic society and the domestic economy. However, these groups are unable to evolve into serious political forces, as they weave their ideology and symbolism out of obsolete and negative items or items that are at the least uninteresting for the majority of society. However, there is one element, through which these organisations can find ideological collectivity with one another and with the majority of society: this is Romaphobia. The Roma embody the lack of mass social integration throughout the entire region, thereby satisfying nearly all the requirements for generating a racist ideology.

**Erzsébet Tamási:**

### **The Dilemma of regulating prostitution**

The research looked the phenomenon of prostitution from three perspectives: (1) morals (evaluation from a human rights and an everyday point of view); (2) sexuality (differences between sexes, gender inequalities, sexual violence, sexually transmitted diseases); and (3) economy (exchange, interpretation as work, social inequality, poverty issue, migration, trafficking). The research looked at the background and potential impacts of the criminal policy and legal regulation of the issue, and reviewed two main methods of regulation. It looked at the Swedish model, the emergence of the prohibition of clients, the socio-political circumstances and the reasons for international dissemination of the method; as well as the ideological, political and legal background to, and the impact and experience in the application of prohibition and support, i.e. the dilemma of regulation of prostitution as work and prohibition, based on a comparison of German, Dutch and Nordic regulations.

**Tünde Barabás, Szandra Windt:**

### **The opinion of Budapest's inhabitants on crime and restorative justice 2. - validation**

In the summer of 2011, research on crime, punishment, becoming victims and restorative justice was conducted on a sample of 450 prisoners at the Tököl and Balassagyarmat penal institutions in order to validate our results received in 2010. The outcome of the survey, which may be considered to be representative in terms of sex and age, confirmed the main lines of our hypotheses produced during the 2010 survey and the results received. In line with our hypothesis and earlier results, respondents definitely consider crime to be a significant problem while being quite misinformed about the issue.

Only 6% could guess the number of crimes revealed in 2010 correctly; 29% considerably underestimated it, while two-thirds overestimated it by a smaller or larger margin. Overestimation was more typical among women. In addition, those who have been victims before typically guessed the number of crimes to be higher than actually, rather than lower.

Results for the questions investigating the relationship between a sense of safety and becoming a victim turned out similarly. Like the answers received in 2010 and the conclusions of research on the topic, the survey revealed those who have been victim of a crime at any time in their life consider their residential environment to be much less safe.

Of the respondents, 15% stated they had fallen victim in the course of the 12 months prior to questioning. In line with earlier research results, the proportion of those who have not reported the crime was high (29%). High latency was dominant among crimes of a lesser severity, committed against property. The main reason for failing to report crimes was the lack of trust in the police.

Compared to the previous year's results, people were more open to the use of restorative means of justice (71% in contrast with 43%), which is reason for hope. When specifying the most effective punishment, neither having been a victim earlier nor the kind of crime suffered were factors. In spite of the increased demand for deterrent or retaliatory punishment, the fact that those who have been victims earlier do not press for retaliation-type punishment more than those who have not gives reason for hope.

**Szandra Windt:**

### **The role of the human factor in situational crime prevention**

Effective results – entailing the reduction of occasions for crime – can be achieved with crime prevention only where the opportunities for socio-economic programmes arise in parallel with the renewal of a physical environment: this was recognised also by the second-generation CPTED. No new initiative can be effective or viable without involving and attracting the interest of the local residents.

The research consisted of two large parts: (1) the overview of professional literature and the characteristics and new approach of the second-generation CPTED, accompanied by the presentation of international and domestic best practices. (2) The research also analysed household opinions on perceived security via the secondary analysis of two surveys conducted earlier. The research re-evaluated the outcome of the following earlier surveys: (A) a survey conducted in the framework of the AGIS project by questioning 1,500 people and on a sample of 500 people living only in Budapest; and (B) information gathered in two community fora (conducted with the participation of altogether about 30 people) in the framework of the MEREPS project, where safety issues played an important role in addition to victimisation.

The research results presented also proved that, in addition to being capable of reducing crime and anti-social behaviour, community building and more effective social control may be successful in other fields as well. However, we should bear in mind that this approach should also be learned; the tools that may be helpful for implementation differ by location and by community; there is no single toolkit to be successfully used by anybody anywhere without local adaptation.

The research results were published in the *Városbiztonsági Kézikönyv* (Urban Safety Handbook) released by the Ministry of Interior in November 2011.

**Ferenc Irk:**

### **Criminal sociology of risk society: characteristics of social changes; social regulation; regulatory control techniques**

The research to explore the characteristics of risk society - relying on international professional literature and the outcome of OKRI research conducted in international co-operation over the past decade to a significant extent - presents the major factors determining the social changes typical in the second (reflective) modernisation era and the development of, as well as the possibility of influencing, crime at the turn of the 20th and 21st centuries. The basis for understanding current processes is becoming familiar with the major socio-economic changes of the last century, in particular the post-World War II era, and exploring the rules of deviance management techniques used in risk societies.

In analysing regulations and deviance, attention should be focused particularly on the following correlations: order, disorder and culture; quantitative and qualitative features of crime, with special regard to the distorting reflection by the media and its impact on public opinion; the relationship between punishment and culture and the consequences of the symbolic role of criminal law, and the Central and Eastern European characteristics of penalisation culture. The report concluding this part of the research offers guidance on the topics listed above.

**Imre Szabó:**

### **Criminalistics of computer crimes**

The purpose of the research was to assess the jurisprudence issues arising in the course of the investigation of computer crimes. After studying the professional literature, the topic was narrowed down to the specific area of obtaining electronic evidence. As a result of one month's research spent at the Max Planck Institute of Freiburg, the possibilities for investigation authorities to become aware of electronic correspondence, and source wire-tapping within the domain of online searching were put in the focus of analysis.

An international problem with learning about electronic correspondence is whether copies of electronic correspondence can be inspected in the framework of house searches, seizures and/or undercover intelligence collecting. If somebody sends an e-mail, that e-mail is stored on the computers of service providers transmitting the communication, given the features of computer infrastructure. This makes it seem obvious that there is a possibility to learn about correspondence held in a computer system kept by the given service provider without the parties to the correspondence becoming aware of inquiries. There are two possibilities for this: the investigating authorities may acquire the data containing the messages in question by house searches and/or seizure, or through undercover intelligence collection.

Electronic correspondence is a form of communication, and is therefore subject to legal protection awarded to confidential communication under German law; it follows from this that the content of such communication – including messages sent to but not yet read by recipients – may be obtained using means for restricting this right only in the framework of undercover intelligence collection. The research describes in detail the debate arising out of competition between the two concepts of criminal law, which was resolved by the ruling of the German Constitutional Court, according to which only undercover intelligence collection may be applied.

The other part of the research addresses the issue of source wire-tapping and the constitutionality of online house searches. In this framework, the German Constitutional Court's decisions helping to decide the issue are presented. German jurisprudence currently sees a possibility for source wire-tapping (Skype, Windows Messenger) by stating that the right to the integrity of computer system is not violated if the Trojan programme – required for wire-tapping – serves solely to learn about the contents of communications and offers no opportunity for learning about any other information located on the computer system being wire-tapped.

**Szilveszter Dunavölgyi – Katalin Tilki:**

### **Enforcement of environmental protection rules from the statutory perspective**

The survey, which commenced in 2010, looked at the organisational changes, which may be said to be taking place constantly, and the frequent modifications to the legislative environment, present in both the field of environmental law, as well as the day-to-day work involved by the reduction of sources of funding taking place in parallel, and the effects of such changes on the effectiveness of activities. Our results indicate that the implementation of the apparently appropriate environmental and nature protection regulations is not consistent because the required (government) will and apparatus and financial resources are not in place; the situation is aggravated by the lack of environmental awareness in people, which may be said to be a general trend. We made a number of proposals for both legislation and jurisprudence in order to increase the effectiveness of the institutions and to preserve the *ultima ratio* role of criminal proceedings.

Some of these are: (1) As the first step concerning legislation, it should be investigated why the numerous means available under administrative, civil and criminal law concerning environmental protection are not fully utilised, and what steps could be taken in this respect. (2) A change in attitude is needed; instead of sanctioning the output of certain activities as seen until now, the inputs that determine the outputs should be sanctioned as the main rule. (3) In order to create an opportunity for increasing effectiveness, the solution currently in place for shifting jurisdiction between investigation authorities proceeding in crimes that damage or threaten the environment should be reviewed. We formulated detailed proposals for some specific sets of legal facts; for instance, changes concerning the legal concept of violation of the order of waste management should start from the side of legislation, taking into account practical problems: the term 'waste' should be defined accurately, perhaps even by listing and classifying various types, patterned on the Washington Agreement.

As regards jurisprudence, co-operation between authorities should be strengthened locally, in the spirit of the requirements of the Act on environmental protection; practical experts indicate a need to set up and operate an independent expert institution performing credible measurements, the activities of which could serve as the grounds for instituting and conducting civil litigation and administrative procedures substantiated by well-founded expert opinions; similarly to the investigation of traffic incidents, environmental modelling to be used in proceedings should be introduced on environmental matters as well (e.g. the Meadows model).

An important goal of the research was to learn about the practical activities of (civil, administrative and criminal) courts related to environmental damage, and to find out the impact frequent changes in legislation have on their work. However, this part of research

failed, because most of the courts officially contacted failed to respond, and two organisations were unable to send representatives at the time specified

**Gabriella Kármán:**

### **Automation options and impacts in forensic evidence**

The last, summary phase of the research that has been going on for years brought about the laying of theoretical foundations and in-depth correlations. Formulation of the key theoretical problems is followed by the background presenting evolution, the interdisciplinary theory of familiarisation with the topic, and the evaluation of forensic methods from the perspective of the law on evidence, covering current issues. After closing the theoretical section, a practical section is planned for next year.

**Ádám Mészáros:**

### **Topical issues of liability under criminal law 3.**

Research set the goal of providing assistance to drafters of the new Criminal Code for coming up with a wording that is consistent from a dogmatic point of view, at least as regards the basic categories of liability under criminal law. Two types of tools could be used to perform this task. On the one hand, solutions proposed over the past ten years were presented and evaluated. In doing so, the research basically reviewed the official drafts of the Ministry of Justice, in particular for the provisions concerning liability under criminal law (principles, the concept of crime, stages, wilful/negligent crime, perpetrators, obstacles to liability). It also made a reference to Imre A. Wiener and Katalin Ligeti's "unofficial" work. On the other hand, it devoted separate partial studies to individual problem areas of criminal liability, exploring, reviewing and evaluating the positions taken in connection with these areas, and even included a kind of proposed solution. The major areas in this respect were the concept of crime; the category of threat to society; the set of obstacles to criminal accountability; justified defence and justified preventive defence; and perpetrators.

The major criteria for the survey differed somewhat in respect of the two goals mentioned. In evaluating the drafts, the focus was on whether the planned measures corresponded to constitutional principles and the professional requirements of criminal law and/or legislation. As regards constitutional principles, the accurate and unambiguous definition of standards and the clarity of standards should be highlighted, which in turn sets the requirement that the new Act should set out prohibitions under criminal law in a way that can be easily understood by laypeople, and that these standards should be unambiguous and recognisably possible to interpret both by laypeople and by the judiciary [Resolutions of the Constitutional Court no. 11/1992. (III. 5.) AB; 42/1997. (VII. 1.) AB; 1/1999. (II. 24.) AB]. VII. 1.)

Out of the professional requirements of criminal law, the 130-year traditions of Hungarian criminal legislation and jurisprudence, compliance with modern criminal law principles and the applicability of provisions should be emphasised. Finally, it should also be noted that criminal law norms should be recorded in a form corresponding to the technical requirements of legislative editing, with particular regard to the criteria of comprehension, completeness, currency and coherence. The studies basically follow the method of criminal law dogmatics, meaning a critical assessment of provisions by interpreting the legislation in force and a comparison of legal provisions and the applicable judiciary practice. Having regard to the



experience gained from the evaluation of prior codification exercises and the overview of certain fields of criminal liability, the researcher concluded the study in the form of a draft wording for the liability rules of the general section of the Criminal Code, along with the related reasoning.

**Klára Kerecsi – József Kó:**

### **Analysis of young Budapest boys from the aspects of criminology**

The questionnaire to be used for the research to be completed in May 2012 was drawn up in the reporting year. Pilot interviews were held and, after finalising the questionnaire, it was used to question a sample of 2,000 young people from Budapest. Electronic data entry was completed. Data are currently being processed, and the closing study presenting the research results is being prepared.

**Andrea Borbíró – Judit Szabó:**

### **Desistance and prevention of repeat crimes: treatment programmes in Hungarian penal institutions. Empirical overview and evaluation**

The goal of the research is to map the programmes and activities of Hungarian penal institutions aimed at the rehabilitation and reintegration of criminals, and to explore and identify the sources of problems that prevent or impede the more effective enforcement of re-socialisation efforts. The first phase of research planned for this year was completed.

The theoretical background to research consisted of a structured overview of professional literature on desistance and tertiary prevention. In this framework we reviewed key scientific achievements concerning the criminological and psychological processes involved in a criminal career, crime repetition and desistance; presented the importance of risk and protective factors in preventing crime repetition; within that, we put particular emphasis on presenting the risk and protective factors at work during incarceration. A comprehensive method was applied to ensure credibility of information and that information was obtained from several sources: analysis of legislation and documents, working with professional literature and organising focus group discussions. In addition, semi-structured interviews were conducted in 10 penal institutions.

Out of the results of empirical research, it should be noted that both focus group leaders and the people interviewed attributed particular importance to the promotion of reintegration within the tasks of the penitentiary. In spite of this, participants and those questioned sense considerable disturbances in the definition of goals and tasks for the penitentiary. These are inconsistent as regards time (i.e. exposed to the fluctuations of current criminal policy), and the scarcity of actual opportunities may easily overwrite them; third, they may be strongly influenced by the expectations of the public.

Focus group participants sensed a considerable discrepancy between the means of reintegration they considered important and the actual weight they had within the penitentiary. In other words, while certain important components of tertiary prevention are not given sufficient support in Hungary's penal institutions, other elements, considered negligible for reintegration purposes, are given excessive emphasis. The difference was slightly smaller in the leader focus group than in the scientific and psychology focus group.

Our experience indicates the actual practice of tertiary prevention efforts are basically determined by the personal attitudes and convictions of institution leaders. Thus, institution managers committed to reintegration make significant efforts to prevent crime repetition despite objective difficulties.

The idea of reintegration often mingles with the reduction of harms caused by incarceration in other respects, too; in several cases, a programme considered to serve the purpose of reintegration serves to spend leisure time usefully and the institution's security criteria rather than reintegration. As regards the special deterrent function of prisons, both the staff and the detainees questioned expressed a general scepticism.

By international comparison, the Hungarian penitentiary is in a particularly disadvantaged situation based on a number of indicators that are key for tertiary prevention purposes. Such indicators include exhaustion of capacity, workload on penitentiary staff and daily spend per detainee. The general opinion is that the supervisory staff of the penitentiary are in a very bad condition as regards their financial position, professional skills and general atmosphere. Research indicates this may have direct repercussions on the quality of detainee programmes; this correlation was confirmed by the interviews as well.

The nearly total lack of follow-up programmes is a great problem. Interviews with the staff raised great demand for a consistent feedback system, which would be one means of ensuring that the penitentiary works more consciously on the preparation of perpetrators for freedom and their reintegration.

**Katalin Parti:**

### **Impact analysis of the Data Retention Directive in the EU COST research co-operation entitled “Living in Surveillance Societies/LiSS”**

The provisions of Directive 2006/24/EC of the European Parliament and of the Council are implemented in Hungary by Act C of 2003 on electronic communications, as amended. Implementation of the Directive's provisions prompted debates. The discussion focuses around stock keeping-type data collection practices (not linked to a particular target), the scope of data collected being too wide, the violation of the principles of need-to-know and proportionality, and an onerous infringement of privacy. In order to objectively assess the practical applicability of the Directive, an evaluating ‘model research’ will be conducted by looking at Hungarian and international practice; the research will ensure a methodology that may be reproduced by Member States and may be used to harmonise the various evaluation research exercises.

The research was planned for two years. The qualitative stage of the research was completed in 2011. During the reporting year, professional literature was processed, focus group discussions were held, and representatives of the professions involved were interviewed. The aim of focus group discussions and interviews was to explore the most important problems perceived by representatives of the professions queried from a perspective of fundamental rights and data protection. As part of the qualitative research stage, on 16 August 2011, a one-day international workshop was organised with the participation of the International Association of Internet Hotlines (INHOPE), German internet science association Eco.de, the Hungarian National Media and Infocommunications Authority, the Hungarian Association of Content Industry, Puskás Tivadar Public Foundation, the National Network Security Centre, CERT Hungary, the European Union Agency for Network and Information Security (ENISA), and representatives from the office of the commissioner for data privacy. The aim of the

workshop was to explain and compare the various data registration practices of Member States, and to exchange practical experience.

In 2012, the second research phase, prosecution files will be researched using the questionnaire developed in the qualitative phase. In connection with the issue, an international summary analysis was prepared in the framework of the research co-operation entitled “Living in Surveillance Societies” financed under COST, with the participation of dr. Luisa Marin (University of Twente), to be published in the special issue “Privacy and surveillance regimes” of the “Journal of Contemporary European Research” magazine. The special issue is expected to be published in the autumn of 2012.

**József Kó:**

### **Economic rationality of crime against property**

The analysis of professional literature planned for the purposes of the analysis scheduled for the first research year was completed. The study presenting interpretations of crime from a macro-economic point of view and economic views related to the topic was completed. The study presents the harmful, as well as useful, consequences of crime, interpreting economic considerations from a criminological perspective. Experts investigating the economic implications of crime tend to accept more and more that crime cannot be treated as an isolated phenomenon. Crime cannot be viewed as a cluster of criminal acts committed on an ad hoc basis by some evil-hearted criminals, but rather it is a societal phenomenon, often wearing the hat of normal operation, that permeates the functioning of the economy as a whole. In many cases and in many aspects it may have a positive impact on the functioning of the economy and on economic growth. However, professionals all agree that, although it adopts newer and newer – often more clandestine – forms and permeates the operation of the legal economy, crime remains a phenomenon that disrupts society and destroys welfare.

## **II. RESEARCH COMMISSIONED BY THE GENERAL PROSECUTOR’S OFFICE**

**Dávid Vig:**

### **Problems with measuring corruption, latency of corrupt practices. Practice of proposals for criminal proceedings by authorities entitled to control and supervise in respect of crimes of a corruptive nature**

The survey of corruption was a complex study, encompassing several partial topics and using a number of research methods, and had two main objectives. On the one hand, to develop and analyse the methodology and practice of measuring corruption that helps to devise a measurement method offering an opportunity to get a more realistic picture of corruption as a social phenomenon, using innovative tools. In addition to the theoretical goals, the research served practical purposes: it attempted to detect the problem nodes, the resolution of which will enable anti-corruption organisations to act more effectively than to date. This way, the research intended to help the jurisprudence work of organisations performing external and internal audits of public finances, certain law enforcement agencies, and the prosecution organisation in particular, in addition to providing new criteria and proposing new solutions for the methodology of measuring corruption-type crimes and bribery that remains latent. The

research formulated a number of recommendations that may contribute to more successful cooperation in criminal procedures. Some of them apply to the channels of co-operation between the bodies concerned, while another part serve to detect and prove corruption behaviour more successfully.

- The anti-corruption capacity of organisations dealing with external and internal audits needs to be assessed and analysed comprehensively in order to make it clear for the given organisations what their capacities, strengths and weaknesses really are. In addition to analysing the roles and responsibilities of the organisations, this capacity assessment should cover the analysis of available personal, physical, technical and financial conditions.
- Each auditing and supervisory body should conclude cooperation agreements with penal justice bodies in order to promote and accelerate data transfers after an investigation is ordered. Cooperation should preferably encompass the deadlines for providing information and data requested, as well as direct contact with the head of the organisational unit or group that coordinates the combat against corruption.
- Any contradiction between the Government Decree on internal audits and the rules on the obligation to file criminal complaints set out in the Code on Criminal Proceedings, and the internal procedures and deadlines for the internal procedures by which audit organisations file complaints should be clarified. The person(s) responsible for filing complaints within each organisation should be clarified.
- Jurisprudence problems related to negligent handling – with regard to the provisions of Resolution no. 4/2003. on the Unity of Criminal Law – should be clarified. In the course of cooperation between the bodies concerned, a common position should be reached on whether the rule set out in the Act on Public Finance, according to which property shall be managed responsibly and properly and such property management shall be controlled by the Parliament – by way of the State Audit Office – is sufficient for using as the basis of liability. As regards negligent treatment, the problem of complaints against unknown perpetrators also needs to be settled.
- In connection with the obligation to file complaints “without delay”, stipulated in the Code on Criminal Procedure, it should be arranged that the body engaged in discovery really files a complaint without delay based on sufficient information discovered, and makes available the evidence to the prosecution investigators together with the complaint, in order to avoid a situation in which the data obtained cannot be used in criminal proceedings.
- As regards discovery – and this applies not only to the fight against corruption – control of the justice bodies over discovery activities must be ensured, so that it meets the requirements of the rule of law in all respects. In addition to clarifying the intentions formulated in Opinion of the Criminal Justice Board no. 74, this may require ensuring a broader “overview” for justice bodies and creating the legislative environment and practice needed for this.
- In order to promote and support people not interested in corruption relations and not interested any more due to upsetting corruptive interest relations, consideration should be given to the possibility of creating an internet platform to which the people concerned may upload the evidence and other documents available to them by themselves.
- Regular training courses covering finance and accounting practices and information typically seen in the economy to unveil bribery should be organised for the staff of agencies interested and involved in detecting, discovering and investigating corruption, where they can acquire the techniques for detecting and unveiling corruption.

**László Tibor Nagy – Ildikó Ritter:**

**Criminal sociology aspects of grandstand violence. I. Characteristics and groups in Hungarian football fan subculture. II. Analysis of fears, experience and opinions related to football hooliganism using a household sample of 1,000 people (subject to the availability of funds in application)**

The goal of the two-year survey launched in 2011 was to explore the organisational sociology characteristics of the population who attend soccer matches in Hungary, and within that, primarily the criminal sociological traits of football hooliganism. However, the schedule of the planned research was changed. We were forced to reconsider our research plan and research goals, partly for financial reasons (the application submitted to the Hungarian Scientific Research Fund was unsuccessful) and partly due to the organisational and legal restructuring that took place in the field to be investigated in 2011. In the absence of funding, the research moved away – for the time being – from questioning households and shifted the focus of attention to the impacts of legal changes taking effect in the summer and autumn of 2011. An impact analysis exercise was started for the purpose of analysing the following through the legislative response given to football hooliganism in three time frames (short term, medium term, long term):

- a) the enforcement of the effect of law;
- b) characteristics of organisational behaviours and responses arising out of legal compliance, or a lack thereof, at fan and club level;
- c) social effectiveness; and
- d) the effectiveness of enforcing the legislative environment.

The first phase of research primarily analysed the impacts of legal changes effective from September 2011. Opinions of experts on the issue were consulted, and the qualitative survey planned with fans also commenced. It can be found that the evaluation of the relevance and possible ways of managing the phenomenon by fans is fundamentally different from that of authorities and the football association.

**Szilveszter Dunavölgyi – Katalin Tilki:**

**Criminality, criminal and civil law aspects of environmental (industrial) disasters, with particular regard to the possibilities and limitations of compensation**

The research was completed with the preparation of the final study. The survey reviewed – primarily Hungarian – legal regulations related to the management of cataclysms, environmental and other damage; analysed prior studies on the issue from a social studies perspectives, which were found to be rather scarce; and the various investigation materials related to actual events including the red sludge flood in the area of the Ajka Alumina Factory. In the absence of professional competence, the investigation did not include a review of the special technological, chemical etc. materials available in a rather large volume.

The reports prepared and findings made by the parliamentary commissioners for future generations and for citizen's rights were used, and theoretical issues of risk management applicable to disasters were reviewed. The report completed describes the basic EU standards related to protection against disasters and the effective Hungarian regulation, and the rules taking effect from January 2012 and the concept of this regulation and the requirements

applicable to liability for consequences and compensation requirements, as well as the applicable ideas.

As a result of the survey, we found that – in spite of the special importance of protection against disasters – regulations are deficient and contradictory and the industry oversight tasks – including those applicable to hazardous operations – are not harmonised. Basic information required to eliminate extraordinary events and action plans for risk management are not available at the competent authorities, although a good ten years have passed since their establishment. Risk identification is incomplete, as a result of which there is no disaster elimination concept providing a framework corresponding to current needs, requirements and tasks and the related legal regulations in place. The concept should comply with the principles of Council Decision 2001/792/EC (Euratom), such as prevention, the capacity of quick response, and a better harmonisation of assistance. Expert training programmes for assessment and/or coordination teams, the creation and operation of the Common Emergency Communication and Information System (CECIS) for emergency situations and the completion of an appropriate status analysis are the most important tools.

**Judit Utasi:**

**Analysis of hate crimes. Theoretical and practical judiciary problems  
(Investigation of criminal cases instituted for manslaughter and assault and  
battery for nefarious reasons or purposes; violence against a community  
member and inciting against a community)**

The research investigated the documentation of 11 acts violating Article 174 of the Criminal Code concluded with final sentences and 10 acts violating Article 269 of the Criminal Code concluded with final sentences between 2008 and 2010 based on the information obtained from the “V” forms of the Prosecution Information System. The aim of the research was to evaluate whether action against hate crimes attacking minorities turned out as the legislator intended, and whether the extension of the legal facts sanctionable by law indeed afforded a broader scope of protection against hate crimes. Were procedures instituted in cases with a racist motivation indeed instituted for violence on a racist basis, and did courts actually sentence perpetrators for racist acts or did they qualify such cases as only personal disagreements? The Consolidated Statistics of the Investigation and Prosecution Authorities show a very low number of crimes motivated by hatred, and looking only at the present research, even official data overstate it. On the other hand, it should be seen that if mistaken elements enter the system in the course of data collection, other hate crimes not included in the research may also “float”, classified in other categories, let alone the fact that civil associations record many more cases than those in which authorities have proceeded. The Consolidated Statistics does not allow for recording hate motivations or victim groups. The number of complaints received per year concerning crimes with a racist motivation is unknown, because complaints cannot be distinguished from complaints received in connection with anti-Semitic or homophobic assault.

The research also investigated whether procedures instituted in cases with a racist motivation were indeed instituted for violence on a racist basis, and whether courts actually sentenced perpetrators for racist acts, or they qualified such cases only as personal disagreements. There was no disputed case among the assault and battery cases reviewed. On the other hand, it seems reasonable to conduct a survey on acts violating the rules on vandalism, as it is highly likely to bring cases with an unclear evaluation into the limelight. However, really in-depth

results could be achieved by monitoring police complaints, because it is more than probable that a considerable portion of complaints are “stuck on first base”.

**Ágnes Solt – Szilvia Antal:**

### **Investigation of detainee subculture (priorities and values), and the relationships between the subculture and extraordinary events among men and women**

The research analysed the sample taken in connection with the subculture research, and 507 daily reports on extraordinary events made available by the Prosecutor General’s Office. As a result of the research conducted using questionnaires, it may be found overall that acts that violate or threaten the order and safety of serving sentences of imprisonment are mostly conducted by juvenile or adult male detainees. They are the ones who maintain their resistance and outsider approach vis-a-vis both each other and the penal institution, and voice this position during incarceration. Women are much more willing to live up to expectations, so extraordinary events are absolutely untypical among them. It is also possible to demonstrate a correlation between the time spent in prison (prison experience) and an increase in the number of events to be reported, just as there is a linear correlation between discipline cases and extraordinary events. The analysis of daily reports indicates clearly visible negative trends. The number of violent acts among detainees is on the rise, and the increasingly crowded institutions, the low levels of staffing and the low qualifications of the staff all project a jump in the number of extraordinary events unless a change is made to the existing processes.

**Szilvia Gyurkó:**

### **Comparison of the provisions of Act CLXXXIII of 2010 on juvenile courts against the expectations set out in the international convention**

The research commissioned by the Prosecutor General’s Office found that the amendment to the Code on Civil Procedure set out in Act CLXXXIII of 2010 on juvenile courts was contrary to the principle and requirement of the judiciary system “specifically applicable to children” set out in Article 40(3) of the UN Convention on Children’s Rights. According to para 3 of comprehensive commentary no. 10 to the Convention on Children’s Rights, the States Parties shall develop and set up an independent, separate judiciary system for juveniles – accordingly, an organisation (partly) separated in the investigation and prosecution stages of proceedings is not sufficient. A separate set of institutions consisting of specially trained professionals covering all fields is required in all stages of cases concerning juvenile suspects. The aim of legal amendment is to accelerate proceedings, which the comprehensive commentary no. 10 to the Convention on Children’s Rights explains as follows: “Deadlines applicable to children should be much shorter than for adults. On the other hand, decisions without delay should be adopted as a result of a process that fully respects the human rights of children and legal securities.” Accordingly, speed and the principles and rules governing juvenile courts in international and national legislation may not be competing values. Both need to apply together and not one to the detriment of the other.

### **III. RESEARCH COMMISSIONED BY THE SCIENTIFIC BOARD**

**Anna Kiss – Ádám Mészáros – Géza Finszter:**

#### **Timeliness of investigations, accelerating investigations**

Recently, increased emphasis has been put on seeking solutions aimed at accelerating criminal procedures. In doing so, new legal concepts were created to “short cut” criminal proceedings in order to ease the workload on courts, granting a particular role to the prosecution’s work, and existing measures were “modernised” to help achieve the goal set. Researchers set the goal of identifying the factors that lead to lengthy procedures, and those that can be changed. They also set the goal of looking at the extent to which the goal of accelerating procedures *per se* is justified, and the limitations or obstacles to such acceleration.

**Szilveszter Dunavölgyi – Anna Kiss – Imre Szabó, Géza Finszter:**

#### **Clarification of system theory concepts related to law enforcement**

The closing study presented German law enforcement sciences, the initial phases of which included sociological research on law enforcement topics. The independent discipline of integration law enforcement science started its evolution in the wake of the failure of sociological research; the study details the stages of this evolution. It addresses separately the development of the concept of enforcement science and the methodological aspects of law enforcement theory, as well as the placement of enforcement sciences within theoretical science. The research also presented an analysis of social factors, given that participants in academia – researchers of individual disciplines – play a determining role in the placement and acceptance of the new discipline in the system of sciences. Due to this, the sources of conflicts currently affecting the evolution of law enforcement sciences in Germany were mapped up.

The project also overviewed the scope of using (“disturbances in the application of”) enforcement and law enforcement terms included in the legal rules effective as of February 2011 without any commentary. The outcome of the investigation was that terminology was used rather inconsistently and eclectically. As found by Szamel and Finszter earlier: As law enforcement has become a normative term elevated to the rank of a constitutional law since the amendment to the Constitution proclaimed by Act CIV of 2004, its content needs to be defined. Definition is a task for theory and not for legislation. Legal science has a concept for law enforcement, according to which it is the branch of public administration protecting society, by statutory force, from human conduct deemed to violate the law. For law enforcement, public order is, on the one hand, the subject matter of protection, the order it has to safeguard and on, the other hand, the form of protection to be complied with by all law enforcement officers. (The protection of public order may not infringe the standards associated with public order.)

However, the terms for enforcement and law enforcement are often confused in the effective legislation. The two terms are used as synonyms in law enforcement literature, although fans of the classical enforcement definition have to admit that the amendment made to the Constitution in 2004 described in the study prefers the term law enforcement.



**Ágnes Solt – Szilvia Antal – Andrea Borbíró:**

### **Conflicts, problem-solving strategies and integration achievements of coexistence between Roma and non-Roma**

The need for this study arose in the meeting of the Scientific Board held on 2 February 2011. Ágnes Solt, Szilvia Antal and Andrea Borbíró were assigned to conduct the survey. To start the survey, Ágnes Solt and Szilvia Antal identified the field of research – in theory as well as in physical space – where sampling may take place and that allows for coming up with the most comprehensive answers to the questions indicated in the Scientific Board meeting. To continue the work, Ágnes Solt drew up three potential research plans, which were submitted to Zoltán Balog, state secretary in charge of alignment, who promised to consider funding the research. The research plans encompass three exercises of different magnitudes, so the funding required for each version is different. No answer was received from Zoltán Balog. Another project undertaken by the researchers offered itself as an alternative solution; in that other project, results of 351 questionnaires were available for investigating groups of the Roma and of the non-Roma from a criminological perspective, and it was possible to compare detainees who professed a Roma and a non-Roma Hungarian identity. Given the lack of financing for the original research plans, the alternative solution was realised, and Roma research took place in the framework of the research on detainee subculture (see section A/9 of this work plan report).

#### **IV. RESEARCH NOT INCLUDED IN THE WORK PLAN**

**Ildikó Ritter:**

#### **“Exclusion, school, deviance”**

The aim of research was to investigate the characteristics of school exclusion among the secondary school students and teachers of the towns of Vác and Ipolyság. In the course of the quantitative survey, self-completion questionnaires were used to assess the experience, involvement in and opinion on school exclusion and discrimination among 1,003 young children in grades 9 and 11, and 84 teachers. Based on the survey results, in the secondary schools of Vác and Ipolyság:

- Hungarian-Slovak and Slovak-Hungarian conflicts, hostilities and discrimination are not typical;
- prejudice against the Roma appearing on a verbal level is strong among both pupils and teachers, although it is manifested in everyday school life rather infrequently;
- pupils in Ipolyság are more tolerant and accepting of each other’s “different” nature in practice than in Vác; on the other hand, pupils in Vác like to go to school more and are more accepting of their teachers than in Ipolyság;
- deviant behaviour occurs frequently among excluded students;
- the lack of symbols of consumer society, or to put it more simply, “visible poverty”, as the reason for exclusion can be detected among Ipolyság pupils but emerges more dominantly among Vác pupils;
- both voluntary and involuntary exclusion can be found in school, although typically involuntary exclusion turns into voluntary marginalisation and social exile;

- both teachers and pupils most frequently mentioned school uniforms, the creation of more homogeneous school groups and joint programmes with the excluded people as the means for reducing exclusion from schools.

**Klára Kerezi:**

**“Confrontation and compromise: the role of restorative justice in public policy”**

In November 2011, the researcher submitted an application to the Hungarian Academy of Sciences in order to obtain a “Doctor of the Academy” degree by submitting her paper entitled “Confrontation and compromise: the role of restorative justice in public policy” (and by performing a considerable amount of paperwork).

At the beginning of the 21st century, there is a dual process taking place in the field of penal justice: new techniques and problem-handling methods are turning into concepts while criminal policy approaches grow stricter. However, a considerable part of the new techniques is new only for the modern judiciary, as they are nothing but the conflict-solving methods used by primitive peoples for centuries, in a new cloak. The most important aim of the research is to expose some dominant traits of the contradictory processes taking place in criminal policy and penal justice. The main guideline selected was the juxtaposition of tradition and restorative justice, which offers a suitable framework for investigating new phenomena in crime control. The research exceeded the scope of investigating only penal justice and interpreted the theory and practice of restorative justice as a framework for interpreting the handling of social problems in Hungary. The paper relied on the two pillars of criminal policy and social policy, where it interpreted the possibilities for restorative justice.

The paper consists of four main chapters. Part I exposes the social conditions for restoration by analysing the relationships between conflicts and trust. Part II looks at the ever-growing role and importance of emotions, and defines the limitations to the competence of restorative justice. Part III deals with the social environment for restoration, including the conflicts that need to be resolved in order to put an end to the process of political regime change, and the groups in society with which a community dialogue needs to be conducted in order to achieve peace in society. Chapter IV addresses the set of conditions for a society running on the principle of making peace, and sums up the steps to be taken for this purpose.

**Petra Bárd:**

**“Local and regional good practices of victims’ rights. Background material for legislation for the European Commission’s victim protection package”**

In August 2011, the Brussels-based Center for Policy Studies asked two of the Institute’s researchers to prepare a legislative background paper for the victim protection package being prepared for the Committee of the Regions taking part in the European Union’s legislation work; the package will consist of a directive, a regulation and a communication.

The assignment was to review the European legal documents on victim protection, as well as regional and local practices. The study completed summarises the national models of legal regulation, presents best practices that help to enforce victims’ rights, issue by issue, and formulates recommendations for the legislation package being drafted.

**Judit Szabó:**

**“The psychometric features of the Buss-Perry Aggression Questionnaire  
and certain factors related to aggression  
in the Hungarian prison population”**

The applicability of the BPAQ (Buss-Perry Aggression Questionnaire) in a prison population was investigated in conjunction with the sociology survey entitled “Detainee subculture and the internal order of the total institution (It.III/A.3.3.)”.

In addition to the most important psychometric characteristics, the survey looked at the relationship between aggression as a trait and certain demographic variables and variables related to prison. Our results indicate that reliability indicators were appropriate only for physical aggression and the anger scale, whereas the reliability of the other two scales was questionable. On the other hand, our results on the relationship between the scales and the demographic and behavioural variables allow for concluding that the questionnaire – in particular, the two former scales – gives good differentiation of the groups created along various criteria, such as perpetrators of crimes and the normal population.

The report concludes by discussing the limitations of the research and potential further directions.