

RESEARCH RESULTS – 2014

(Summaries of completed research)

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I. PLANNED RESEARCH IN THE KEY RESEARCH TOPICS INITIATED BY THE INSTITUTE

THE FIRST MAIN FIELD OF RESEARCH: SOCIETY AND CRIME

György Virág – Katalin Parti:

Cyber-bullying – Online peer abuse among schoolchildren, 2014

Launched in 2011, *TABBY* (Threat Assessment of Bullying Behavior in Youth) *in Internet* (hereinafter: *Tabby in Internet*) is an international project involving eight countries (Italy, Greece, Cyprus, Bulgaria, Poland, Spain, France and Hungary). The topic of the research is to assess the volume of Internet bullying and offer comprehensive management of this phenomenon. The practical objective of the project is to train as many teachers and peer mentors as possible, from whom victims of the crime can seek help. As part of the project, a

questionnaire-based panel survey is used to ask children between 12 and 18 about their experiences of online harassment, how they have been involved in such activities and their ways of handling and resolving such situations. In between the twice-yearly questionnaire survey in the panel study, teachers and peer mentors have to organise events for adults and students to raise awareness. The follow-up review measures the effectiveness of this activity as a controlled stimulus.

In 2014, the programme had a total of 30 teacher members from 20 schools. The questionnaire sent out in December 2013 and May 2014 were completed by close to 1000 students in the 10–18 age group from the participating schools. The data were processed using a multiple regression analysis method, during which we attempted to establish correlations and significant links between gender, grades, popularity, school performance and the frequency of being involved in school or online bullying.

With regards to **becoming a victim in cyberspace**, it can be established that the cases listed in the questionnaire occur to virtually the same distinct group of children at the institutional level, and typically each victim has experienced all the events listed in the questionnaire. Victims are typically girls and mostly those who consider their performance in school as good and identified themselves as victims or perpetrators at schools. With regard to the group of **mildonline bullies**, it can be established that offender roles become more intensive with age and that these perpetrators are typically children who consider themselves to be popular in the online community space. In addition, they are either offenders or victims but are always involved in school bullying. With regards to **severe online bullies**, it can be established that these children are typically also perpetrators *at school*. However, the other possible explanatory variables (such as age, online popularity, intensity of Internet use, performance at school and whether they talk about cyber-bullying at school or at home) do not play any role. In becoming **victims of school bullying**, only school (but not online) *popularity* is significant: the more popular a child considers himself/herself popular at school, the less likely that he/she becomes a victim. No specific set of characteristics have been established in how someone becomes a **perpetrator of school bullying**. We must note that, despite common belief, parents and teachers talking with children about safe Internet use is not very significant in reducing the intensity of school bullying. Hence, it can be concluded that awareness-raising school campaigns and a conscious development and adjustment of programmes to the target age group is needed to allow these programmes to have an awareness-raising and preventive effect.

The Tabby programme produces no discernible effects on the perpetrators of school bullying; however, we were able to demonstrate a significant effect on the victims. This leads us to two conclusions: first, there is an underlying effect beyond the scope of our research and thus which cannot be taken into account as a factor either; second, the online video game to be developed in the next phase of Tabby will immerse players in the experience of various roles (victim, perpetrator and bystander) to develop their empathy skills, which will eliminate the shortcomings of the first phase of Tabby.

In 2015 the research will reach its passive stage when the available data will undergo an analysis based on different aspects.

Petra Bárd – Ágnes Solt:

Legal and institutional framework of effective prosecution of hate crimes, European standards I

Characteristics of hate crimes, reasons for research

Hate crime is primarily a criminological category. It is not about the specific facts of the case: any crime can be a hate crime if it is motivated by prejudice. Hate is a motivation for various crimes. Here, however, we do not talk about hate against an individual but hate when someone becomes a victim purely because of being a member of a specific group. Rephrasing the famous definition of *André Frossard*, member of the Académie Française, a hate crime is committed when someone is insulted because he or she was born. Since the perpetrators pick their victims often because of an innate, unchangeable characteristic or a definitive quality of identity, the crime may have especially severe effects on the victim, who feels vulnerable, exposed and helpless. The crime may intimidate not only the victim but also the relevant community and create or increase public tension. In and of itself, this justifies the special treatment of hate crimes, and even evaluating hate against a certain group as an aggravating circumstance or establishing the *sui generis* facts of the case. In addition to describing the nature of hate crimes, the research also sought answers to determine the extent Hungary has fulfilled its relevant international obligations.

Conclusions in terms of legislation

Regulations on hate crimes will reach their goal if the legislator carefully considers which groups are to be protected and why, faces the past of the specific state and the crimes the state has committed against its own citizens, generates a social debate and assumes political responsibility for the selection of groups to be provided with enhanced protection. In the other scenario, the legislator provides enhanced protection in practice to any group of individuals with a common characteristic. In an immature society, the legislator is not in the position to regulate the status of minority protection in a sensible manner if it is unpopular among the majority society.

Conclusions in terms of the dispensation of justice

Raising awareness of the facts of the case in hate crimes and especially of the results of victim protection research rarely occurs in real life if one out of three members of the minority group under examination has been a victim of such a crime in the past five years. The difficulties in applying the facts of the case are due to the lack of the legal awareness of victims, the ignorance of the investigative authorities, institutional discrimination and to the fact that the so-called “hate factors” detailed in international bodies of law, except for the words or phrases actually spoken or written, are not sufficient to prove beyond reasonable doubt the existence of hate against a group as a motive.

Ferenc Irk:

Criminological implications of abuse of power (dominant position) Corporate (business) crimes – Part 3

The literature limits the phenomenon of dominant position to business activities, even though it has a much greater scope as it is a key component of biological and social survival. Dominant market position creates an opportunity for the market player to limit effective competition in the relevant market. Those abusing this power are local, regional and intercontinental private companies, often with strong ties with government organisations.

In our interpretation, abuse of this dominant position is equal to the abuse of power. The extent to which it is realised depends on the environment, the opportunities and the person making the decisions. The means of abuse of dominant position include economic duress, misrepresentation, lobbying and using the option to resettle the potential consequential damage in a territorial (geographic) sense, exercising political pressure and taking advantage of the opportunities offered by loose local legal regulations and cultural norms.

With regards to the effects and consequences of abuse of dominant position, we must stress that the benefits are usually registered in the short run while the shortcomings show mostly in the long run but often in the short run. Therefore, new challenges require new answers – but the answers given are mostly old ones. Typical characteristics of *dominant position* and *abuse of dominant position* as malicious acts. The observations are valid for macro as well as micro criminality. This also means that the phenomenon and the reasons for the crimes open to be committed are not new, even though the substance and the form are different from the previous ones. Unfortunately, the response strategy fails to go beyond traditions and, therefore, is late or (mostly) inadequate or, typically, both. This is, in fact, where the social danger of abuse of dominant position lies.

THE SECOND MAIN FIELD OF RESEARCH: SECURITY, PUBLIC SECURITY

Idikó Ritter:

Youth crime prevention study among secondary school students in Budapest's 12th district

The purpose of the study was to explore and research the victimological exposure and characteristics of 10th grade secondary school students in Budapest's 12th district and the current status of crime prevention targeting the young. The study has been completed in cooperation with the leaders of Budapest Police Headquarters' 12th district.

We opted for self-administered questionnaires as the study method. The sampling frame was made up of 10th grade secondary school students studying in Budapest's 12th district. The total sample comprised 344 students.

Key findings

Based on the 2013 criminal statistics of the district and this victimological survey, **latency** in the crimes committed against minors is approximately nine times higher, i.e. victims admitted being victims to crimes approximately nine times greater in number than those actually reported to the police.

This latency value only indicates, and it would be quite unfortunate to interpret it otherwise, that only a fraction of crimes are brought to the attention of the authorities. The younger the victim and the bigger the social gap between the perpetrator and the victim, the more likely that there is latency.

This does not reflect the ineffectiveness of law enforcement and law enforcement authorities, but rather that the general population or the victims themselves do not always require intervention by the authorities or that they cannot or do not want to report the case to the authorities for some reason.

Nonetheless, these findings raise awareness to the fact that, without victimological studies, intervention or prevention strategies based solely on criminal statistics are only ad hoc in their nature and are mostly ineffective and costly.

Nonetheless, the respondents in the sampling frame consider Budapest's 12th district safer than the average of all the districts of the Hungarian capital.

We studied personal involvement and victimisation experience on two levels. One was outside the school, during night time related to entertainment, while the other was at school.

The findings of the survey indicate that those respondents who identify themselves as crime victims were actually victims of actions that do not qualify as crimes under the currently effective criminal code. However, some of the respondents clearly felt victimised and experienced fear, anxiety, frustration and uncertainty.

The results indicate that, even though there are crimes or such actions at school that the victim believes or subjectively experiences as a crime, the following statements are NOT true regarding the population in the study:

- many crimes are committed at school,
- young people are too violent with each other,
- there is a high rate of drug consumption in schools.

Nevertheless, we must seriously think about why young people who become victims are the least willing to share their injuries with their teachers.

Over one-third of the survey respondents believe that there is a need for a **school police officer**. They mostly argued for increased sense of security. The other frequent arguments included discovering and sanctioning violations of norms. The question is whether a police officer would be able and capable of maintaining order at school and whether this activity could be added to the competency of police officers. Over 40% of respondents were uncertain whether there was a need for a police officer at schools but one in four (24.5%) believed there was not. Those rejecting the idea of a school police officer mostly argued that it was the *teachers' job* to maintain order at school.

Szilveszter Póczik:

Where intellect and terrorism meet: the Breivik affair – social causes and effects

The attack committed by Anders Behring Breivik and claiming the lives of many introduced a new era in European terrorism. In terms of ideas, Breivik fits into the tradition of Western European ethnocentric (semi-Fascist) political violence, yet it stands out both in terms of ideology and technique. Claiming a total of 77 lives, the massacres committed by Breivik on 22 July 2011 in the Norwegian capital and the Island of Utøya was a unique event in two respects. Breivik unites the intellect with extreme terror, which makes it especially dangerous. Contrary to media claims, the close to 1000 pages of documents authored by Breivik is not a collection of a troubled mind but rather a very narrow-minded yet consistent train of thought based on the idea of Norway's protection against Islam, liberalism, multiculturalism and capitalism unseen since Hitler's *Mein Kampf*. Fundamentally different from the perpetrators of other terrorist actions, Breivik, perhaps due to this combination of intellect and violence, has become an icon for a small group of people, causing the creation of a number of Breivik fan sites in the social media. One must keep in mind that those seemingly lone-wolf terrorists are, in fact, never completely alone but they rather represent public sentiment and, in their immediate social medium, they are surrounded by an environment motivating hatred and hate crimes and continuously sending reinforcements. The other innovation is the technical implementation. We have scarcely seen a lone offender committing a similarly highly organised and implemented terrorist action in Europe. Whereas lone wolves typically hunt for a single or a few victims at a specific location, Breivik's precisely planned action was executed in two locations, though using various means. At one place he employed explosives and at the other he used a firearm. The attack caused severe material damage and claimed a high number of lives. In terms of their magnitude, both are comparable to the amount of material damage caused and the number of victims killed by trained terrorist commandos (e.g.

the Carlos team). We cannot rule out the possibility that similar lone wolves will appear in far-right terrorism. (A total of 180 people (mostly immigrants) have been killed in Germany since 1990 in racist violence.) Accordingly, we must reinforce the intelligence activities of protecting law and order and preventing crime and conducting preliminary investigations, and conducting more work in community (subcultural) areas from where lone wolf offenders are likely to come. Even if all these tasks are completed, we cannot be certain that such perpetrators can be identified in advance. Public cooperation must be increased in counter-terrorism, because public reports are among the most important means of preventing similar actions. In that regard, it is worth noting that, in view of the Roma murders, we must consider lone offenders or those working in highly conspiratorial and small terrorist cells. We must therefore give up the illusion that Hungary has a low level of terror threat and accept that it is at best average or even above average in European comparison.

Szilveszter Póczik:

The experiences and effects of the Arab Spring on Islamic terrorism

The series of social and political transformations known as the Arab Spring has resulted in significant social changes in the greater Muslim region of the Middle East and changed the organisational and ideological basis of violent political efforts in the region. The purpose of the research is to discover the new developments in this regard and draw prognostic conclusions.

Known as the Arab Spring, the regime change process covering North Africa and almost all the states in the Middle East was a restructuring triggered by a spontaneous protest movement, but which was later planned and, to a significant extent, directed by the great power geopolitics of the Euro-Atlantic region. The primary stated purpose of the external political, intelligence and later military support for the protest movements and the resistance movement, which were first spontaneous and later well-organised, was to overthrow the otherwise effective dictatorships, authoritarian regimes and controlled democracies of the region and set those countries on the path of democratisation. This democratisation attempt, which relied on internal forces, however produced quite the opposite results as planned, as it threw the region stretching from Syria to the Maghreb into political and social chaos, a battlefield of rivalling warlords, tribal formations and concurrent shifts in power politics and, in parallel with that, it transformed the area into a new centre for Islamist terrorist organisations operating in the international arena. Consequently, a vast region of terrorism was created, in which the often overlapping, continuously changing and occasionally competing terrorist organisations were able to project their influence on the entire Sub-Saharan region. To illustrate the phenomenon, we studied the history and the activity of a single organisation in detail. This is the North African Jihadist al-Mourabitoun new militant organisation, the history of which originates in earlier organisations. The name Mourabitoun refers to the early history of Islam, i.e. the North African Empire of the Almoravids, which has served as a reference point for a number of modern movements, such as the Lebanese Sunnite militias or the Islamist global movement established by a British convert. The immediate roots of the Jihadist al-Mourabitoun reach back to the civil war following the democratisation attempt in Algeria. During the civil war, the leading power of Islamist armed resistance, the Armed Islamic Group (GIA) was able to unite the units fighting against the government's army for a short period of time, but soon it began to disintegrate. One of its strongest offspring was the Salafist Group for Preaching and Combat (GSPC), later known as the Al-Qaeda in the Islamic Maghreb (AQIM) acting as the North African representative of the international Al-Qaeda. One of the top leaders of AQIM, Mokhtar Belmokhtar, had created a widespread criminal network to provide for the finances of the organisation but later

departed due to internal struggles, then it merged with the Movement for Oneness and Jihad in West Africa (MOJWA) and created a new terrorist organisation in August 2013. Today, Belmokhtar is one of the most sought-after terrorists in North Africa; he is held responsible for a number of assassinations and kidnappings and is considered to be the mastermind behind the In Aménas hostage crisis. The primary operating area of al-Mourabitoun is the Sahel region and, even though they claim to be the umbrella organisation for all Jihadist movements in North Africa, the movement's future is hard to predict.

Erzsébet Tamási – Gergely Vaskúti:

A law enforcement study on prostitution in Budapest (Continuation of the study on street prostitution in Budapest's 8th district in 2013)

Running for two years, the research project was launched at the request of the district municipality of Józsefváros in 2013. The primary objective of the municipality was to eliminate street prostitution disturbing the public, i.e. to settle the issue of prostitution in the interest of local residents in terms of public law enforcement, public safety and public morals. At the end of the first research year, it became clear that the law enforcement aspect of prostitution does not end at the district boundaries, so we expanded the research project to include the whole of Budapest, because we had to gain an overall picture of the extent and manifestations of prostitution activities in the districts of the capital. We needed an overview of the prostitution-related activities, tasks and issues of the district police departments, to collect the possible modes of legal regulation of prostitution and compare those to the information collected. We needed an assessment of the situation that would explore prostitution in the district in detail, employing scientific measures and based on scientific aspects. The stigmatised nature of prostitution, coupled with the lack of data and databases, determined the mixed methodology of the research project. The scientific methods of the research had to be adjusted to the information sources to be obtained and so a study of case files, statistical data collection and analysis, interviews, questioning and even observations were among the technical solutions employed.

The study focused on the period between 2012–2014 and was adjusted to the quantity and type of the data available in the field to be studied. We have conducted interviews with prostitutes (25 altogether) regarding their status, circumstances, needs and plans for the future. Data were collected using the following methods: random selection from the 2012–2013 court files of petty offences of PPKB (100 cases), questionnaire-based interviews in prisons (37 persons), questionnaire surveys of the police departments of 23 Budapest districts and observation in a group supporting former prostitutes. In addition, interviews were made with experts from non-governmental organisations, the relevant municipalities, the Budapest Police Headquarters (BRFK) and the Ministry of Interior (BM). All statistical data on petty offences related to prostitution were collected (Central Authority for Public Administration and Electronic Public Services [KEHKK], National Office for the Judiciary [OBH], BRFK, the National Police Headquarters [ORFK], Uniform Crime Investigation Authority and Prosecution Statistics [ENYÜBS]) and statistics from the Budapest files on prostitution-related crimes (59 cases) created in the period under review were processed.

The first step was to determine the direction of research and the points the research may include, to assess the available opportunities and identify adequate research methods. The second step was to acquire the statistical data and contact the relevant authorities.

It was clear at the start of the research that information had to be collected from all parties involved in prostitution. However, the dispersion of the information resources, the slow operating tempo of the relevant agencies and the attitude of caution towards prostitution prevented the organisation of “logical” research steps.

This is the first research study to employ scientific means to discover the extent of prostitution in Budapest. No such research has been conducted inside OKRI or in Hungarian social studies for the past 30 years. The quantity of collected data could serve as a basis for a small monograph and is beyond the limitations of length and time for one research report. Additional data processing can shed light on a number of key details.

The research focus is on the petty offence implications of prostitutes, especially the consequences of the new regulatory order in 2012 on spot fines, which placed this on-the-spot fine procedure into the competence of the police and introduced the notion of accelerated proceedings. The consequence is fines amounting to billions and fragmented payment, i.e. stricter regulations in vain, which consumed more human resources, finances and time of the police departments, and prostitutes consider these proceedings as harassment. The cause is that the provisions of the law on the municipality is bypassed and not enforced, which is referenced in the orders issued by the petty offences courts. The huge fines have a term of limitation of two years; prostitutes flee abroad from these fines, from where they often return as victims of trafficking. The research agrees with the experts, in that the law on prostitution must be reconsidered, as well as the methods of the petty offences act on prostitution. This, however, is not a professional matter but one of political will.

Erzsébet Tamási:

Special forms of prostitution: child prostitution and male prostitution

Prostitution of children and men is fundamentally different from heterosexual adult prostitution in terms of who pays for what kind of sex. In heterosexual prostitution the genders are different, whereas the prostitution of children and men is more about age, i.e. sexual maturity. The formula of prostitution is no different: sex, exchange, morality. The first step on the path to understanding the complex issue of child prostitution and the failure of the global fight against it is in the operation of human sexuality. The next stage is an understanding of the historical and social relations of adults towards children, from which the forms of physical, mental and sexual abuse of children may be deduced. We hardly talk about serious social grievances in terms of male prostitution. Instead, moral considerations and the link to organised crime give rise to concern. In both cases, it is the secrecy and the shame or lack of intimacy that cause the difficulties in detection and the presentation of evidence.

The research cannot rely on Hungarian empirical evidence or statistical analysis due to the ad hoc or haphazard nature or lack of availability of registered data. As such, we can get a feel for the issues based on international and secondary Hungarian sources. The statistics I have reviewed (the information on petty offences and criminal offences) have no more than illustrative value. The specific data and information on organised crime and trafficking are very rare and are mostly limited to putting in writing some wishes, plans and observations. The research has discovered international literature, statistics and empirical research projects. Based on the figures, the prostitution of children and men should not be an issue on the social level. The very existence of child sexuality, and not only in terms of adults, is a serious issue for the adult population. Even the definition of a child, the age of a juvenile, stirs up debates. The legal and practical limits do not correspond. A mature teenager is considered a “child”, even though sexual life begins around the age of 13 and 14 worldwide. Studies show that children begin prostitution around 13–16 years of age, mostly through agents, and they are mostly residents of foster homes or members dysfunctional who want to get away from home. One of the serious issues of juveniles becoming prostitutes is the inconsistent or even contradictory nature of the law. The prostitution of children has become a separate fact of the case in the new Criminal Code of 2013, which illustrates the importance of the issue. However, even though the Criminal Code limits child prostitution at the age of 18, the petty

offences act rules that the facts of the case of illegal prostitution also apply to persons between 14 and 18. All this means that if a person under 18 violates the regulation of minor offences he or she is processed as an offender. The low rate of effectiveness of sex education and victim protection accurately reflects the lack of understanding towards the world of children and the concern. Consequently, the protection of children is a priority issue; any sexual advance towards them is prohibited and falls under severe legal consequences, whereas the prevention and treatment of child prostitution continues to be an administrative issue and mostly undetected. Function and original content are discussed completely separately in terms of both forms of prostitution. Child prostitution cannot be understood and managed without an understanding and exploration of paedophilia, just as homosexuality is not independent from the prostitution of men. Based on an overview of the literature and Hungarian empirical materials, it can be established that these two special cases of prostitution are only managed on a theoretical level, and even though it is a central issue in international recommendations, at conferences and in appeals, no effective methods are found in judicial practice or crime prevention. Due to its low rate, the prostitution of men does not pose a direct social threat and thus is an issue that is ignored in all its aspects (legal, victim protection, political, etc.).

THE THIRD MAIN FIELD OF RESEARCH: CRIME CONTROL

Judit Szabó:

Tertiary prevention and exiting among juveniles on probation

The purpose of this qualitative research was to explore how the objectives and practice of tertiary crime prevention are applied in the implementation of probation supervision. The research is based on relevant international literature, legal and documentary analysis and empirical data from semi-structured interviews, a questionnaire a focus group. In the research report I provide an overview and analysis of the normative and practical implementations of Hungarian probation officers' work on preventing recidivism and facilitating desistance, as well as probation officers' perceptions, experience and attitudes towards probation supervision. The first two years of the planned research project involved processing the relevant literature and the development of research methods. The empirical work was completed in the first half of 2014, during which a focus group was organised, 12 personal interviews were conducted with probation officers, 41 personal interviews recorded with probationers, and 30 probation officers completed the structured questionnaire relevant to their activity. The results of this exploratory qualitative research may serve as the starting point of future research projects aimed at a more differentiated and methodologically more complex study of the role probation officers play in preventing recidivism and returning probationers to civilian life. I also trust that the research findings will serve as feedback to probation officers and the competent decision makers to ensure that the many opportunities offered by this system can be realised more effectively.

József Kó:

Ethnic registry in international criminal statistics

The analysis primarily uses international examples to illustrate the role and significance of ethnic registries. By introducing these registries, it proves that statistics are neutral. What can actually cause problems is their utilisation. There are examples of positive and abusive use of

such registries as well. Through the legal practice of the various countries, we can track the issues related to the registration of visible and invisible minorities. The analysis primarily focuses on methodological difficulties and the possible ways of solving them, but it cannot completely avoid the political and ideological issues in such a sensitive area. Criminal registers are a particularly sensitive component in ethnic statistics. Using the methods presented, the methodological issues raised may be resolved or kept within certain limitations. It is, however, a different issue whether such statistics are worth keeping or should be kept.

József Kó:

Methodological issues in victimological studies among legal entities

The research objective is to ensure that the volume of crimes committed in a certain area within a certain time period can be estimated. A significant share of criminal offences are committed against organisations with legal personality. Without exploring this area, no realistic estimates can be made as to the number of crimes committed. Nonetheless, there are neither Hungarian, nor international examples of victimological studies covering the entire area. This area is the *terra incognita* of criminology.

Due to the special target group, traditional means may only be employed to a certain extent and with limitations. The purpose of the research was to establish a methodology that would enable an effective and valid study of this field. Reliable studies on this special field are the likely outcome of using the derived theoretical model and complying with the rules laid out. The model presented is only a theoretical construction, to be subjected to the test of reality.

Gabriella Kármán:

Factors determining the international usability of criminological expert opinions

The increased importance of expert opinions in the evidential procedures of criminal justice proceedings has elevated the questions of what factors make an expert opinion in the evidence phase credible and how the different expert fields comply with these requirements into the centre of attention among the professional public worldwide.

The requirements for scientific grounds, due to their nature, are currently subject to international debate. In addition to the natural science considerations in obtaining and using evidence in criminal cases involving several states, optimising the legal solutions is still an issue.

The research objective is to study and summarise the international legal aspects of a comprehensive study of the set of conditions on the credibility of criminologists' expert opinions. The opportunities for criminal cooperation are currently changing, and taking a snapshot of the current situation may provide valuable information regarding the application of the law.

Research steps

The starting point was to compare and contrast the characteristics of different criminal procedural and evidential systems. The principles of cross-border investigation and recording of evidence were discussed based on European and international legal sources up to Directive 2014/41/EU of the European Parliament and Council (3 April 2014) establishing a comprehensive evidence and recording system. From there follows an analysis of the less

frequently discussed conditions for the use of evidence in international legal documents, with special emphasis on expert opinions.

Key research findings and conclusions

International cooperation in criminal cases was initially limited to criminal legal assistance. The principle of mutual recognition appeared in Europe at an early stage but it was slow to gain ground. The directive on the European investigative decisions adopted this year is based on the principle of mutual recognition, and its primary objective is to create a quick and simple evidential records system and the replacement of a previously fragmented system with a unified procedure. Foreign use of evidence is hardly discussed in European documents. The concept of “European Forensic Science 2020” may be the next step in the process: it aims at creating a uniform area where forensic work carried out for the purpose of law enforcement is equal in terms of using evidence. Implementation of the actions and conditions required to achieve the objectives has begun.

Tünde A. Barabás – Szandra Windt:

**Opportunities for research on correctional system personnel
(TÁMOP 5.6.3 priority project)**

Two research projects were made possible within the framework of the TÁMOP-5.6.3. project entitled “*Multi-stage social and labour market reintegration of inmates and their intensive follow-up care*”. Within that context, Tünde Barabás A. and Szandra Windt, two researchers from the National Institute of Criminology, were requested to join the work group as external experts in preparing the block entitled “*A Study of the Staff of Correctional Facilities*” and implemented by the Hungarian Prison Service (BVOP).

A number of international studies detail the breaking points and stress areas between certain positions (primarily security and pedagogical personnel) within the correctional organisation. These breaking points often go beyond prison walls. Organisational anomalies of this type have an impact on the effectiveness of performing tasks and may adversely affect the status of direct communications between personnel inside the organisation and with inmates. This tension has been registered by the inmates themselves, which may generate additional issues in performing their work. The purpose of the research is to study the general attitude and motivation of the personnel in correctional facilities (those with direct contact with inmates) and their cooperation with specific professional groups (correctional educational officers, unit chief supervisor, unit supervisor, security supervisor), the effectiveness of the communication between them and their collegial relationship, as well as their perceptions related to inmates, means of communication, motivational and mobilisation techniques and their positions within the institutional structure. Phases of the research planned for three years include a literature study, focus groups, a nationwide representative study, the establishment and evaluation of the operation of a so-called model unit and preparation of a final study. The purpose of forming a model unit is to enable the effects resulting from staff attitudes and the organisational structure, the resulting dysfunctions and the types of alternative solution to be modelled. The purpose of the four focus group discussions conducted at OKRI in May 2013 was to discover the problem areas that would prepare for the questionnaire-based survey conducted in 2014. OKRI researchers participated in the preparatory work on the questionnaire and the resulting interview-based research among the personnel from the correctional organisation, which was implemented by BVOP via an external contractor. Parallel with that, detailed interviews were conducted with those working in the designated model unit of the Szeged Penitentiary and Prison.

Anna Kiss:

The prosecutor's role in holding offenders accountable and in protecting citizens' rights

The research is aimed at exploring the multiple facets of the prosecutor's role in criminal procedures.

The study based on the research reviews the tasks of the prosecutor, most specifically its dual role in bringing charges and the protection of citizens' rights based on the amendments to Act XIX of 1998 and the phases of criminal procedure.

As a public prosecutor, the prosecutor, in line with the principle of legality, is required to bring charges as a rule of thumb but more increasingly the principle of opportunity and the related principle of discretionary prosecution results in the division of judicial power and the reinforced position of the prosecutor in the administration of justice. The study also includes a detailed analysis of the related legal institutions.

With regard to the other role of the prosecutor, the study discusses international recommendations aimed at protecting citizens' rights.

The prosecutor's tasks also include the enforcement of human rights, which is also among the subjects of the research as are the efforts made to hold offenders accountable.

THE FOURTH MAIN FIELD OF RESEARCH: OUTSTANDING OR DANGEROUS CRIMES AND PERPETRATORS

László Tibor Nagy – Orsolya Bolyky:

A study of multiple murder cases concluded by terminating or suspending the proceedings

Purpose of the research

Supplementing last year's research entitled "*A study of multiple murders*", this year's research will analyse multiple murders that never reached the judicial proceedings phase because the investigation was terminated due to the death of the accused or a failure to declare the accused guilty, or the investigation was suspended because the offender could not be identified. The sample presented in the research covered a study of the cases closed between 2000 and 2012. A total of 28 criminal cases were added to the sample.

According to our hypothesis, the majority of the cases closed with the death of the offender were extended suicide, i.e. where the offender mostly killed one or more family members before committing suicide. In those cases when the killer was not identified, the victims were mostly foreigners, especially Chinese or Arabs.

Research process and method

We have processed the available documents, with help from law students, using a questionnaire-based method and, after aggregating the results using the SPSS program, we prepared an analysis.

Research results

The cases studied may be grouped as follows in terms of the decision on terminating the proceeding: proceedings terminated due to the death of the offender (16 cases), proceedings terminated or suspended because the perpetrator is unknown (8 cases), termination of the investigation on the grounds of lawful defence (1 case); termination of the proceedings due to lack of evidence (3 cases).

In terms of *case types*, the most frequent were criminal offences such as extended suicide (57.1%) followed by conflict-based, situation-based and those murders where the motive was unknown. During the period under review, a total of 11 cases were closed without establishing criminal liability, either because the offender remained unknown or because it was impossible to prove that the suspect committed the crime.

Identified perpetrators in the reports (22 in total) belonged to the following groups: deceased (16), suspects (3) and potential offenders whose name appeared during the investigation but were not even identified as suspects (3). Of the deceased offenders, 12 “successfully” committed suicide, 2 committed attempted suicide after the crime and died shortly after, during their psychiatric treatment, for reasons unknown. One perpetrator probably died in an accident and another lost their life while in detention pending trial for reasons also unknown.

The percentage of victims by offender motives were as follows: jealousy or revenge (42.5%), the offender’s despair or crisis (15%) and the offender’s paranoid insanity, typically schizophrenia (12.5%). With the exception of two cases, the resolved cases were not committed with help from an accomplice.

A total of 65 victims were registered in the studied cases. In most cases, there were two victims of the crime (75%) and typically homicide was carried out in both cases. Most of the victims were in the 31–49 age group, probably because this is when family conflicts reach their peaks (most often crimes were committed within the family). In 47.7% of the cases a firearm was used in the murder, as opposed to “only” 16.3% in those cases closed with a conviction. This may be an explanation for the high proportion of completed homicides with the perpetrator remaining unknown. Possession of a firearm can definitely increase the chance of accidental murder without a reason.

Eszter Sárík – Orsolya Bolyky:

A study of homicides committed by juveniles and young adults where the case ended with acquittal or the closing of the investigation

Purpose of the research

A study on the criminal files of cases of voluntary manslaughter by juveniles and young adults (14–24 years old) where the defendants were found guilty was completed last year. As a sequel to that project, the current research focused on the same type of cases but which ended with acquittal or closing the investigation. The evidential procedure deserves primary attention in cases terminated due to the lack of evidence or the lack of a crime.

Research hypothesis

We assume that, in the cases closed with acquittal, the offenders did not have criminal liability at the time the crime was committed, i.e. the offenders were not in control of their mental capacities. We assume that the investigations were closed due to the offender’s death or the lack of evidence.

Research process and method

We submitted our request to be able to interrogate the files in January 2014. Once the files were received, we completed the questionnaire also used for the basic research and then recoded the data in an Excel sheet based on the documents found in the files (sentences, interrogation protocols, expert opinions). After entering the data in tables, we summarised the correlations and our observations in a research report.

Research results

During the research period (2005–2009) and among the studied age group (offenders between 14 and 24), proceedings against 13 offenders in 12 cases were terminated or the offenders were acquitted. As seen from these figures, these crimes were not typically committed using an accomplice, with only one case involving a female companion assisting the male offender.

Of the accused persons, 3 were juveniles (17 years old) and 9 adults. In 4 cases the victims died, i.e. the homicide was completed, and in the rest of the cases were of attempted manslaughter.

Most of the accused had full criminal liability, four were not in control of their mental capacities and one offender had slightly limited criminal liability. With regards to the motives of the crimes committed, an equal number of homicides were committed for pecuniary gain, resulting from the offender losing his temper, in self-defence and through delusion. Except for one where there is no data available, all the accused in the study were, similar to the basic sample, “problematic” children regularly skipping school and struggling with behavioural and learning disorders. The risk factors surrounding them indicate that, even though that they were acquitted for lack of evidence or on the grounds of lawful defence, there is still a high risk of them being involved in a situation resulting in a criminal offence.

Conclusions

Our research indicates that Hungarian judicial practice is consistent in that no person is declared guilty without direct evidence. On a number of occasions, the evidence was found inadmissible due to the behaviour of the investigating authority. The effectiveness of the hired defence attorney, of course, is unquestionable in terms of the outcome of the specific case. Based on our general impressions from the research, we can establish that prosecutors tend to decide on the more severe one of the available classification options related to the facts of the case, but under certain circumstances the prosecutor would switch to a lesser crime based on new evidence discovered during the trial stage.

II. RESEARCH COMMISSIONED BY THE GENERAL PROSECUTOR’S OFFICE

1. Research projects initiated by the General Prosecutor’s Office

Klára Kerezi – Judit Szabó:

The role of probation supervision in crime prevention (part 1)

As another detailed study on the role of the Probation Service in preventing recidivism and the factors hindering this role was completed at the National Institute of Criminology in 2014, this research project focuses on some key changes in the Probation Service, including a preventive probation service and risk assessment. Both preventive probation and risk assessment raise a number of legal and professional questions that have an impact on the role of the probation service in crime prevention. We are reviewing and analysing these questions and problematic issues in our research report. In addition to a **systematic review** of the relevant Hungarian and international **literature**, we also use the method of *dogmatic analysis* and *historical method*.

After an introduction to the new regulations on the preventive probation service, effective as of 1 January 2015, and the history of the institution, we offer a brief overview of the hottest problems regarding the institutional system of child protection and justice, provide an overview of the relevant international regulations and trends, and investigate how the specific institution fits into the Hungarian legal system and crime prevention. In order to outline the methodological background of risk assessment, we review, based on the international literature, the evolutionary steps of this practice, the types of risk assessment tools and the legal and methodological concerns.

The key conclusions of our research are as follows:

- Establishing preventive probation as a correctional-justice institution is contrary to children’s rights and the guarantee of the presumption of innocence in criminal proceedings.
- In terms of its set of instruments, preventive probation cannot fit into the intervention forms outlined in the international regulatory system and, in terms of its target group, it does not fit into the profile of the designated managing institutions.
- In this form, preventive probation may only be interpreted as an *emergency public administrative measure*, the implementation of which is expected to result in severe problems in terms of jurisdiction and the institutional system.
- Creating the instruments suitable for statistically-based risk assessment would require empirical results built on strict methodological foundations and originating from longitudinal research, which are currently not available in Hungary. Hence, the reliability of future practice is questionable, which raises legal concerns in addition to methodological issues.

We close our research report with an overview of the planned changes in international practice, hoping that the proposals aimed at improving the effectiveness of the probation service in crime prevention will fall on good ground in Hungary, too.

Ádám Mészáros – Petra Bárd:

The conceptual and practical problems of lawful defence

The purpose of the research initiated by the General Prosecutor’s Office was to explore the conceptual and practical problems found in the application of lawful defence. The research topic fits into the process that began in 2008, when OKRI added to its work plan the research project “*Current issues of criminal liability. Social danger and anti-criminal law*” and then, in 2010, in order to continue the research project and in view of the changes in legislation (Act LXXX of 2009), the research project entitled “*Current issues of criminal liability 2. Preventive lawful defence.*” As the latter attempted to react to the legislative change as soon as possible, there was no opportunity to study the practice and putting into effect of the new rules, either in the basic case of lawful defence or with regard to preventive lawful defence. Act C of 2012 upheld the results of the 2009 amendment, and also established a legislative assumption for cases of so-called situation-based lawful defence (Article 22 (2)). The partially new regulation created not only the opportunity but also the need for comprehensive research. According to the research hypothesis, the modified rules on lawful defence had to be applied, including with regard to preventive and situation-based lawful defence, during the four years after the amendment in 2009. Therefore, the purpose of the empirical stage of the research is to study the cases opened or judged in the field of lawful defence, preventive lawful defence and situation-based lawful defence since Act LXXX of 2009 came into effect. Of the research findings, the lack of uniform interpretation of the law and legal practice is the most striking, especially in the following areas:

- the role and interpretation of proportionality with regard to lawful defence,
- the obligation to avoidance and the obligation to use the rules of situation-based lawful defence with due consideration to the time constraint included in the Criminal Code,
- decisions closing the investigation against an unknown offender or the unaccused (under the title of lawful defence),
- classifying the protective act as vandalism or the relationship between vandalism and physical assault in terms of lawful defence.

The research paid special attention to the institution of preventive lawful defence. In 2009, the Hungarian legislator, in order to limit the criminal liability of property protection assets, created a new legal institution called “preventive lawful defence introduced among the

provisions of an amendment to the Criminal Code designed to improve the protection of victims under criminal law. Ever since its introduction, no defendant has ever successfully invoked this institution as a reason excluding criminal liability, nor has it ever saved anyone from being held liable under criminal law. The study examined the reasons for the failure of this legal institution to operate and concluded that the legislator only superficially fulfilled the social demand that, in the event of the failure of law enforcement, the protecting person is granted the option of crime prevention and defence. The solution designed to compensate for the impotence of law enforcement has been limited so that it would not endanger the state's monopoly on violence. The legislator has no other option in a constitutional state and any other solution to the contrary would have ratified private revenge. This way, however, the legislator rendered the solution to the problem practically useless, and its failure will not reduce but rather increase social frustration due to the powerlessness of law enforcement.

Research manager: Anna Kiss

Researchers involved: Tünde A. Barabás, Ádám Mészáros

Solutions replacing trials and their effectiveness in Hungarian and European criminal proceedings. Opportunities for diversion

There is increasing pressure in Europe to expedite and simplify criminal proceedings and so the individual states are opening up the opportunity to utilise legal institutions to make the procedure more efficient. With regard to solutions replacing court proceedings, the prosecutor plays the key role (terminating the procedure, cautioning, diversion from or postponement of prosecution, mediation procedure, waiver of the right to trial). There are other legal institutions that do not bypass the trial phase but simply eliminate the traditional trial to simplify/expedite the procedure (no standing before the court, negotiation, mediation used by the court).

There are a number of reasons that these solutions to replace trials are being sought after. As a traditional criminal procedure is typically a complex and lengthy process, it violates the requirement for a procedure within reasonable time as stipulated in the European Convention on Human Rights and it is also very costly. The question on the efficiency of the procedure raises the issue of the feasibility of simplifying and expediting legal institutions. In addition, the interests of the victims placed in the foreground and the demand for restorative justice also brings about solutions that simplify the proceedings and make it possible to involve the injured party in the initial stages to eliminate the need for a regular court trial and judgement. Some of the solutions replacing trials are made possible by employing the principle of opportunity while others are feasible within the context of an expedited procedure.

The procedural stages with opportunities for diversion vary in different countries; most of them take place before the court trial but some may even come into play at a later stage.

The research studies the issue from multiple angles, including criminal procedural law, criminal law and criminology. The research also covers the possible methods of diversion and the solutions used in various European countries. It also introduces the latest European results and trends. The research also highlights that expediting criminal proceedings, in and of itself, is not sufficient to implement effective law enforcement; the ability to discover and prove the facts also plays a role and the state's obligation under international law to respect and guarantee human rights also limits the available options.

2. Research projects initiated by the offices of the County Prosecutor

Erzsébet Tamási:

Difficulties in providing evidence in prostitution-related crimes

The objective of the research was to collect the difficulties in providing evidence in prostitution-related crimes, and establish what changes had taken place and what other changes are possible to ensure that more of the perpetrators of prostitution-related crimes receive sentences. The study is built on the concept according to which provability is not an issue in cases concluded with prosecution and sentencing and so the research project must aim at terminated cases and their reasons.

Research method

We have selected the in-house and investigative documents of 59 prostitution-related criminal cases in Budapest in 2012 and 2013, resulting in a total of 40 files. In addition to processing these files, we also performed a statistical analysis with a countrywide comparison. We have also summarised the effects of the relevant changes in the Criminal Code in 2013. We have conducted a number of interviews with professionals with practical expertise in legal dogmatics and the application of the law as well as staff members of BRFK.

Research steps

The research investigated the problem of provability for the criminal offence of prostitution:

- 1) Possible effects of the changes of the law in terms of provability for prostitution-related criminal offences.
- 2) The provability process of prostitution criminal offences committed in Budapest in 2012-2013 based on the files.
- 3) The opinions of theoretical and practical professionals (police officers, prosecutors and legal experts) on the provability of these criminal offences.

Research results and conclusions

The study conducted on the provability of prostitution-related crimes registered in Budapest in 2012 and 2013 concluded the following:

- 1) According to statistics, the number of these registered crimes has dropped over the past one and a half to two decades. The number of cases terminated is roughly the same as those concluded with formal accusations, which does not prove that these crimes are not committed but only that latency now and ever is a key characteristic stemming from the secret nature of prostitution.
- 2) Provability is questionable even in the first phase of the cases, and half of the cases are terminated in the investigative phase. The consequence of latency is the lack and low efficiency of detections and reluctance to report such cases.
- 3) The failure of investigations is due to the fact that witness testimonies cannot be verified, are uncertain and often withdrawn or changed. Detailed investigation requires time, human resources and money and undercover investigations, even though more likely to succeed, are hardly ever possible.
- 4) The legal framework, i.e. the new Criminal Code of 2013, does not hinder provability, the dogmatic structure and system of the facts of the case do not prevent the implementation of a more effective practice. The only exception is the under 18 age group where it is a known fact that the mixed state recorded in multiple facts of the case influence the separation and classification of the facts of the case and may cause trouble when sanctioning.

The icing on the cake in terms of the current difficulties related to prostitution is the so-called Prostitution Act (Act LXXV of 1999). The municipalities have failed to designate the tolerance zones required by law. Therefore, it is mostly street prostitutes who lack a safe operating area equipped with an infrastructure and they are exposed to continuous police

checks, huge fines and even incarceration. The common interests between prostitutes and “parasites” are fostered, their defencelessness increases, and thus they hardly ever turn against their “employers” who take advantage of them or against their clients.

In 2014 it was clear that prostitution has been restructured and street prostitution has moved to various closed institutions and abroad to a great extent. In the age of the Internet, prostitution has taken up forms much harder to follow by the justice system, including massage parlours, night sex clubs and the traditional private home system. The critical point of the law is the question of brothels. With reference to the New York Convention, this enterprise level, business institution of prostitution could not exist openly but only in covered and hidden forms.

The research participants agree with the interviewed expert in that the current situation could be improved by revisiting or even rewriting the provisions of the currently effective law on tolerance zones and their infrastructures and then enforcing the newly established rules. It is no surprise that all participants recommend a review of the provision of the New York Convention on brothels.

Szandra Windt:

A theoretical analytical study of criminal cases in human trafficking

Over the past decades, as an unintended by-product of stringent migration policy, illegal migration and human trafficking impose an increasing burden on Hungarian law enforcement agencies and the institutional system of criminal justice.

Judging illegal activities related to illegal migration and official action against them raises a number of issues in terms of finances and procedural law, and requires special skills both from the investigator as well as the prosecutor. Cross-border crime has surpassed the limits of national criminal law, which is especially true regarding the subject of this research, i.e. human trafficking: its organisation normally occurs elsewhere, but Hungary, as a transit or “resting” country, suffers the consequences. International evaluations (by EUROPOL, SELEC, and the EU security strategy) clearly point out that illegal migration will remain a lasting source of problems in the European area, with Greece and Turkey as the typical poles. Due to its geographical location, Hungary is likely to remain an important transit station for illegal migrants travelling through Southeast Europe to the European Union.

We sought answers to these questions at a roundtable discussion of prosecutors and investigators held on 6 May 2014. A fundamentally important and exceptionally influential development for the Hungarian authorities is that Subotica (Szabadka) in Serbia has become the new European “distribution” point. Many illegal immigrants hide in the woods around Subotica waiting to cross over to Hungary and travel on to other EU member states.

Currently, the pressure of illegal migration causes a serious problem to the police officers, prosecutors and judges of the Hungarian counties along the state border. A successful conclusion of the criminal cases launched for the criminal offence of human trafficking requires a high level of knowledge from the acting members of the investigative authority (these cases are so complex that the facts of the case are typically not clear and there is a shared interest between the human traffickers and the people they smuggle, etc.).

III. RESEARCH COMMISSIONED BY THE SCIENTIFIC BOARD

Eszter Sárík:

The dividends in crime prevention of the relationship between the Roma population and religion

Research hypothesis: The preliminary assumption of the research was that a belief in God and religiousness affect the value system of young people at risk, and through that their behaviour. Under the original research plan, we would have compared participants in religious communities with non-participants in terms of their values and committing crimes. However, the fundamental research question was reversed in 2014 and the research sample was broadened. As such, the empirical study focused on two sample groups: young people at risk and under the care of the child welfare service and juvenile offenders sentenced to placement in a correctional institution. The fundamental question of the research was whether there was a significant difference in terms of the value system and religiousness between those young people at risk and juvenile offenders in the 14–18 age group, and whether the respondent's ethnic background was a relevant factor in terms of their difference in values. One of the fundamental hypotheses of the research was that religiousness was more important among the young Roma population than in the majority population.

One of the connecting elements of the research was the interviews I have made over the course of the year with the desk officers of the reformed churches and religious communities not qualified as churches. The purpose of the interviews was to learn about the missionary activities of the reformed churches among the Roma population and to clarify the hypotheses on the value systems.

Research method: The methodologies of the two stages of the research project were different. The empirical survey meant data entered from questionnaires, each completed by approx. 250 respondents. We used two questionnaires: in addition to the demography-based data, Data Sheet 1 focused on the risk factors in the background of committing a crime and the background factors affecting one's value system. Data Sheet 2 probed the youths' value system and checked their religiousness and ethnicity. Due to the age group involved, we obtained a parental consent statement from each respondent. In the interviews conducted with the pastors of the reformed churches, I used an unstructured interview method.

Findings and conclusions: When analysing the results, we must remember that the 513 respondents form a homogeneous sample in a sociological sense. Of them, 76% received welfare benefits and the employment status of their parents was heterogeneous: salaries and regular income were insignificant among their revenues, and the educational level of the parents, just like their interviewed children, was low. No stable family background was found among those interviewed (the primary educators change on a regular basis), quarrels were typical in half of the families, fights were regular in "only" one quarter of the families, and 29% of the young respondents were abused in one way or another.

One of the key conclusions of the research was that there was no difference in the value system of the young adults within the sociologically homogeneous group, if the population is examined along the dimension of ethnicity. The other hypothesis of ours, i.e. there is a marked difference in the religiousness of Roma and non-Roma juveniles, has been validated. Secularisation is stronger among Hungarians in many respects: when asked the questions on membership of a religious community, believer/non-believer and certain other dimensions of religiousness, it turned out that religion was more important for the Roma than for Hungarian youngsters in the same social layer. Our third hypothesis related to the substantial relationship between religiousness and value system was also validated: religion does in fact affects a

person's value system, even if it does not affect their behaviour as the first step or automatically. The young adults who considered themselves religious calibrated all positive, i.e. socially accepted, values higher than the other respondents. The so-called classic Christian values (*forgiveness, to live a life that pleases God, etc.*) and small community values (*acknowledgement by neighbours and relatives*) are more significant among religious young people than among those who are not religious. This statement is also relevant because, knowing that religion is more popular and relevant among young people identifying themselves as member of the Roma ethnic group than among the non-Roma, religion may become not only a spiritual tool but also a factor in fostering small communities and developing positive minority identity.

It is advisable to conduct the 2015 research in the same age group but not among young people at risk and then compare the results.

Tünde A. Barabás – Szandra Windt:

An empirical study of situation-based crime prevention among the perpetrators of burglaries (a joint research project with ORFK [The National Police Headquarters of Hungary]: “Burglary risk assessment of Hungarian buildings with the cooperation of offenders”)

Member of the Scientific Council Prof. Dr. László Korinek has outlined a research proposal entitled *“Burglary risk assessment of Hungarian buildings with the cooperation of offenders”*. Commissioned by the National Council for Crime Prevention, the National Institute of Criminology conducted an empirical survey in January–February 2014 regarding the risks associated with and prevention methods against burglaries. Conducted in seven correctional facilities for the first time in Hungary, the research involved interviews with 139 inmates sentenced for burglary: they were asked about the crimes they had committed and they were shown photographs of 100 buildings (grouped in 9 categories) to assess what characteristics a burglar considers when selecting the target and what are the key criteria to consider, i.e. the things that scare them off or attract them to a certain building.

Based on criminal statistical data, the highest number of burglary cases are registered in Budapest for obvious reasons, as this is where 20% of the Hungarian population live. Nonetheless, the respondents of the survey serving time in prison for burglary selected apartment buildings, flats in housing estates or condominiums only in small numbers. These buildings were picked mostly those from the capital with local information, as well as residents of big cities. Only 1 or 2 people living in villages picked these buildings. For the most part they argued that it would have been too risky because of the large number of tenants and neighbours and, because of the limited number of escape routes, it was not worth “going in”. Close to 35% of those living in the capital picked apartment buildings or condominiums as their potential targets. *“I live in this environment, I know the locks are old, it's easier to get in; people go out and have fun, or 20 August is the most ideal date.”*

It is clear that there is a direct link between the prisoner's habitat and the potential targets he selected, regardless of whether the respondent was a professional or less skilled in his trade. Family houses were at the top of the priority lists of all groups. Farms are the most popular among, as can be expected, those living in villages, although it is also visible that people living in all other settings marked farms as one of the potential targets. After analysing the interviews, the research was concluded by formulating specific crime prevention recommendations.

IV. OTHER RESEARCH ASSIGNMENTS, COMPLETED OUTSIDE THE PLAN

Research manager: László Fügedi

Researchers involved: Tamás Bódi, Éva Czillinger, Henriette Fügedi, Erzsébet Tamási

Social inclusion of people disadvantaged and victimised by criminal offences (within the framework of the project of the Ministry of Human Resources)

Purpose and hypothesis of the research

Fehér Gyűrű Közhasznú Egyesület, a Hungarian NGO, has researched the status of victims and the opportunities and problems in helping victims in two special areas: One was the status of the victims of assault and harassment, the other was the most debated and also ignored area: the relationship between prostitution and victim protection. Erzsébet Tamási was given two tasks from the research project: to analyse the relationship between prostitution and victim protection, and compile and edit the closing publication of the research project.

Research method

The empirical part of the research was conducted at the National Correctional Facility of Pálhalma with 37 women serving their term for banned prostitution, offering sexual services and other procedures, in the form of a questionnaire on regulation and assistance and in a group discussion. The other study was designed to elicit information and data about the victims of street prostitution in Budapest via police inquiries and reports, interviews with prostitutes and professionals involved in the assistance programme. Interviews were made with victim protection experts, prostitutes and NGO leaders, and first person experience was gained via monitoring a support group. The analysis also presented the lessons learnt from the relationship between Austrian prostitution and victim protection, similar to that of Hungary, and the consequences of the Viennese regulations in 2011.

Research results and conclusions

The relationship between prostitution and victim protection is burdened with ideological and theoretical debates, thus losing those most in need due to their sufferings. Victim protection with regard to prostitution is undoubtedly and clearly limited to human trafficking and child prostitution but does not include any other group of prostitutes.

The research has provided an overview of the current status of the relationship between prostitution and victim protection, detailed the contradictions one after the other, the roles of the prostitute as a perpetrator and also as a victim, the impact of moral judgement, and also assessed the available supporting solutions. According to the study, legal uncertainty, the lack of supporting organisation, the inability of the existing organisations to cooperate with each other and the abortive theoretical debates render the situation of and support for prostitutes increasingly impossible.

According to the summary of the findings of the research by Fehér Gyűrű Közhasznú Egyesület, the social reintegration of and support for crime victims can be facilitated by increasing the number of professionals, primarily psychologists, improving the willingness to cooperate among organisations and via teaching and information exchange. There is a fundamental need to clarify the legal and theoretical situation and to conduct a fresh and nationwide scientific survey, including all criminal offences, without which we cannot get closer to the needs of the victims or even the victims themselves. These, of course, are all general conclusions mostly made some time ago, but the specific implementation methods must be developed one by one and in detail by a number of civil and state-operated victim protection organisations.

Petronella Deres:

Certain questions in the history of regulating the crime of physical assault

With regards to the study of crimes against individuals and persons carried out between 2005 and 2013, it can be established that each year approximately 50% of these cases qualify as physical assault. It was reasonable, therefore, to prepare an overall analysis of the changes in the history of regulating these facts of the case and certain high-profile theoretical and practical issues.

The objective **of the research project** was to provide an overview of the criminal law regulations of physical assault and a comparative study of certain periods based on Hungarian legal sources and with a focus on the theoretical and practical viewpoints regarding physical assault causing a life-threatening situation.

Research steps:

The starting point is a description of the beginnings of Hungarian regulations on physical assault, an overview and analysis of the provisions of the 1878 Criminal Code (Csemegi-kódex) and the relevant practice of application of the law of over one century, with special emphasis on the assessment of causing life-threatening injuries.

Next, or rather in parallel with the above, I studied the relevant guidelines of the Supreme Court and the Curia and the provisions of Act IV of 1978 and Act C of 2012, as well as the challenges presented by these provisions in legal practice, with due attention to introducing and phrasing the *de lege ferenda* proposals.

Key research findings and conclusions:

With regards to physical assault causing a life-threatening situation, the legislator fails to provide a solution, even though we cannot deny that, despite the mandatory directions of the instruments designed to ensure legal unity, there is still some uncertainty in judicial practice regarding the facts of the case of physical assault causing a life-threatening situation as established in 1978. Perhaps inserting the phrase “committed using life-threatening equipment” could eliminate the legal grounds for false legal interpretation. However, this solution would require those applying the law to face new challenges when separating certain crimes against life or health.

This is the viewpoint of those arguing for the recognition of the preterintentional form of physical assault causing a life-threatening situation; however, I agree with the summary opinion by László Kóhalmi, who said that it is only pure chance that prevents the victim from dying of a life-threatening injury. In my opinion, the circumstances, along with that highly developed medical science can prevent a victim from dying of life-threatening injuries the offender directly or intentionally caused, do not change the legal consequences deduced from the study of the content of consciousness.

Tibor Zinner:

László Rajk and his peers (and those sentenced in the so-called secondary trials) before the People’s Court of Budapest and its legal successor and the military tribunal

I have conducted additional archival research for the second volume of the two-volume monograph. Saxum Kiadó published the first volume on 15 October 2013, and the second

volume was issued by the same publisher on 24 April 2014 (“*A nagy politikai affér*” – a Rajk–Brankov-ügy” II., p. 702).

Resumé

The two-volume work presents the Rajk–Brankov Case, the most well-known criminal case of the total dictatorship introduced in Hungary, in a national and international setting (including overseas) with its background and its consequences even up to now. A credible discovery of the past is ensured by recalling as many available contemporary investigation and court protocols and details of the proceedings as possible. The book argues that Hungary, being a part of the Soviet bloc, was the cause behind the deformation of criminal sentencing practice after 1945. It uncovers how, as a consequence of the legal politics resulting in the world of prisons, protests on legal grounds, renewal of cases after reviews, various partial and general pardons, and the nullification laws after 1989 were all necessary. The book studies the criminal trial along with the related secondary trials.