OKRI Review

Improving correctional treatment of offenders in Hungary
Part 1: International experiences

BY ANDREA BORBÍRÓ

In 2010, the National Institute of Criminology launched a multi-year research project with the purpose of assessing the Hungarian prison correctional practice and formulating recommendations for more effective methods of recidivism prevention. The first part of this project aimed at reviewing the current body of knowledge on correctional treatment of offenders in an international context. We selected and reviewed a large body of program assessments in order to gain a clear picture on the state-of-the-art in corrections, as well as to identify the most relevant issues in the "what works" debate.

Research Results

Program efficiency is a dependent of a number of program features. In our review preconditions of efficiency were categorized into three major issues: program assessments were analyzed according to the programs' level of individualization, their voluntary or coercive nature, and their formal quality features.

Individual vs. structural interventions

In Hungary, the discourse on recidivism prevention is heavily dominated by structural approaches, meanwhile forms of individual treatment gain rather limited attention. However, in the review we found overwhelming evidence that treatment programs with individual correctional elements tend to be more effective than purely structural interventions. More precisely, structure-based programs seem to be more successful when combined with individual treatment. International program assessments reveal a strong need for individualized sanctions and treatments. The relatively strong empirical evidence on the Risk-Need-Responsivity approach suggests that taking into account the offender's risk level, criminogenic needs and learning/ cognitive might be crucial in effective recidivism prevention. The apparent effectiveness of cognitive behavioral approaches indicates that certain therapeutic methods – e.g. role playing, anger control, cognitive skills training – can play a significant role in diminishing the likelihood of recidivism.

Participation vs. coercion

The comparison between voluntary and coercive offender treatment programs showed that programs of integrative and participative nature are likely to gain more favorable results in recidivism prevention than those based mainly on deterrence and enforcement. Raising offenders' motivation should therefore be a salient part of treatment programs.

Program planning and implementation

Program quality also proved to be a significant precondition of effective correctional interventions. In the reviewed program assessments we could identify a repetitive pattern of the relevant aspects of program planning and implementation. Accordingly, among others, well-structured programs with well-defined specific aims and curriculum, research-based programs with high level of expertise, and programs with closely monitored implementation and feedback tend to show the most favorable results. Supportive institutional environment and positive prison staff attitudes are also crucial preconditions for effectiveness.

Proposals, recommendation

The review on the international body of knowledge on correctional practices outlined a solid background for the next phase of the Hungarian prison research. Some essential issues emerged regarding the desirable directions of the Hungarian correctional reforms. In 2011, the research continues with the empirical mapping the Hungarian treatment policies and practices, with the primary objective of identifying the institutional, organizational and financial preconditions for a broader adoption of international best practices.

Die Beweisgewinnung der elektronischen Beweismittel in die ungarischen Strafverfahren

VON IMRE SZABÓ

Über die Forschung

Die Forschung ist neben zwei Leitlienen verlaufen: (1) die Zusammenfassung der Ermittlungs-maßnahmen für die Beweisgewinnung der elektronischen Daten als Beweismitteln sowohl in der Feld der Verhütung von Straftaten, als auch in der Feld der Verfolgung von Straftaten; (2) die Un-tersuchung das bestehende Regime der Informations(rechts)hilfe für elektronischen Daten in Strafsachen. Der Ausgangspunkt für die beiden Leitlinien war der kritischen Untersuchung der ungarischen Regelung, insbesondere das Implementierung der Übereinkommen über Computer-kriminalität (ÜCK) des Europarates (Budapest, 23. XI. 2001).

Ergebnisse

Die Forschung hat die Unterschiede zwischen der Grunddefinition der ÜCK und ungarische Re-gelung erläutert, insbesondere die anfallende Daten der Telekommunikation (Inhaltdaten, Ver-kehrsdaten, Bestanddaten). Die Behörden haben in den Strafsachen verschiedene Ermitt-lungsmaßnahmen diese Daten zu erkennen. Die Differenzierung dieser Daten ist wegen die unionsrechtlicher und verfassungsrechtlicher Grundrechtsschutz, weil die verschiedene Daten brauchen verschiedene Methoden zum sammeln. Der Grund der Differenzierung kommt aus dem Grundrecht auf informationelle Selbstbestimmung. Die Behörden sollen mehrere Kriterien rechtfertigen (z.B. Verdacht eine schwere Straftat) um solche Daten, welchem dem Fernmelde-geheimnis unterliegen, erkennen zu können. Die Anwendung der Ermittlungsmaßnahmen hängt nicht nur von der Typ der Data, sondern der Dynamik der Data auch: man muss zwischen ge-speicherte und echtzeitliche Daten unterschieden.

Die Computerdaten in Ungarn sind erkennbar mit der geheimen Informationssammlung mit oder ohne Genehmigung von dem Ermittlungsrichter (§§ 64. – 68/F. und §§ 69. – 74. Gesetz Nr. XXXIV. von 1994 über die Polizei [Rtv.]), mit der verdeckten Datenbeschaffung (§§ 200. – 206/A.). Gesetz Nr. XIX. von 1998 über das Strafverfahren (Ungarische Strafprozessordnung – uStPO), mit der An-frage (§ 71. und § 178/A. uStPO), mit dem Datenersuchen (§ 68. Rtv) und mit Zwangsmaßnahmen. Zu der Zwangsmaßnahmen gehören die Verpflichtung zur Verwahrung der durch ein informa-tisches System gespeicherte Daten (§ 158/A. uStPO), die Hausdurchsuchung (§ 149. uStPO) und die Beschlagnahme (§§ 151. – 156. uStPO). Einige Instrumenten gehören zu der Verhütung von Straftaten, die anderen zur Verfolgung. Vor der Untersuchung (bis zu der Anordnung des Ermitt-lungsverfahrens) können die Ermittlungsbehörden die Computerdaten mit dem geheimen In-formationssammlung mit Genehmigung von dem Ermittlungsrichter (Telekommunikation

süberwachung) und mit dem geheimen Informationssammlung ohne Genehmigung von dem Ermittlungsrichter (z. B. das Datenersuchen § 68. Rtv) erkennen. Die Ermittlungsbehörden können die Computerdaten von dem Beginn der Untersuchung bis zum die Bekanntgabe der Akte die verdeckte Datenbeschaffung, und mit dem geheimen Informationssammlung ohne Genehmigung von dem Ermittlungsrichter, nach dem die Bekanntgabe der Akte nur mit dem geheimen Informationssammlung ohne Genehmigung von dem Ermittlungsrichter erkennen.

Die Anordnung der Herausgabe (Artikel 18 ÜCK) passt zu der Anfrage (§ 71. und § 178/A. uStPO) und zum Datenersuchen (§ 68. Rtv). Die Durchsuchung und Beschlagnahme gespeicherter Computerdaten (Artikel 19 ÜCK) gehört zu der Hausdurchsuchung (§ 149. uStPO) und der Beschlagnahme (§§ 151. – 156. uStPO). Die Umgehende Sicherung gespeicherter Computerdaten (Artikel 16 ÜCK) und die Umgehende Sicherung und teilweise Weitergabe von Verkehrsdaten (Artikel 17 ÜCK) gehören zu der Verpflichtung zur Verwahrung der durch ein informatisches System gespeicherte Daten (§ 158/A. uStPO). Die Regelungen der Erhebung von Verkehrsdaten und Inhaltsdaten in Echtzeit (Artikel 20 und 21 ÜCK) sind in der geheimen Informationssammlung mit Genehmigung von dem Ermittlungsrichter (§§ 69. – 74. Rtv.), und in die verdeckte Datenbeschaffung (§§ 200. – 206/A. uStPO) implementiert.

Die Ermittlungsbehörden können nur mit diesen letzten zwei Instrumenten echtzeitliche Daten erkennen. Mit den anderen Instrumenten Sie können nur gespeicherte Inhaltsdaten, Verkehrsdaten, und Bestanddaten erkennen.

Danach die Forschung fasst noch zusammen die Instrumenten der Polizeiliche und Justitielle Informations(rechts)hilfe für elektronische Daten in Strafsachen, womit die Behörden die Informationen austauschen können.

Online sexual abuse of children – a research exploration

BY GYÖRGY VIRÁG – KATALIN PARTI

About the research

Our research (the Budapest study) aimed to assess the habits of Internet use of 16-year-old secondary school students, and the threats they face in online environments. The research was conducted in November and December 2009, on a sample of 1200 students from Budapest, representative both in terms of school types (grammar school, vocational school, technical college) and school-years assessed (grades 9 and 10). We used a self-administered online questionnaire under class-room conditions.

Research results

We analysed the data in comparison with the numerous studies conducted in the field, including the recent Eurobarometer surveys on the use of Computer Mediated Communication (CMC). Our *comparison* shows clearly that children living in countries joined the EU recently are exposed to greater risks during Internet use, due to the following factors:

– There is a greater digital divide between the adult and the underage population than in older member states of the EU;

– Parents are less aware of the threats as users, so they do not, or do not fully prepare their children for the risks of Internet use;

– The drastic spread of Internet use, its integration into people's daily lives can still only be witnessed among primary and secondary school children, and happened too quickly for any awareness-raising programmes or campaigns to be drawn up (e.g. Bulgaria, Romania, Estonia, Greece, Poland, Portugal, Hungary);

– Education on safe Internet use started later in countries that joined the EU recently (or is still missing completely), children receive mostly only technical help at school, but the development of their social skills is not up to par.

At the same time, children in recently joined countries of the EU are driven to greater independence in solving any problems related to Internet use, be they technical or related to encountering illegal or harmful content, because their parents are lagging behind in Internet skills.

As for the *dangers of Internet use*, the media can illustrate and support these with numerous news items, but based on research data, we cannot say that the Internet is any more dangerous than other media. The Internet is certainly significantly different from earlier media and these

differences also explain the special nature of its threats. One significant such difference is the main feature of CMC, interactivity. This is at once a source of disadvantages and advantages.

The Budapest research supported the outcome of other surveys in claiming there are just a few cases when online acquaintanceship leads to an offline abuse. As for the research results, 65% of the answerers were befriended by strangers on the Internet, and 34% of them met the stranger offline. 12% of those who met the stranger offline had sex with him/her offline deliberately, only 5.3% of them were sexually harassed offline and 1.6% answered that they were sexually abused offline.

We do not wish to pretend that Internet use is free of all dangers, or that this new medium does not conceal new or increased risks and damaging influences. But it should not stir moral panic or force us to ban our children from online activities. Rather, fully aware of the actual dangers and without hysteria, we strive to find the right conditions for doing what we do safely, find suitable rules, education and means of protection.

We believe that the Internet is no more dangerous than riding a bicycle, and may be less dangerous than living in a family. As elsewhere, we believe that probing to find out about reality and the evidence-based programmes and interventions that rely on the findings are important. In this way, we can help our children surf the World Wide Web freely and safely.

Resources:

Virág, Gy. – Parti, K.: Szemérmetlen tájékozottság. A kelet-európai gyerekek nethasználatának speci-fikumai. In: Kölcsönhatások. Az iskolai agresszió megelőzésének és kezelésének többszempontú megközelítése. Published by Mérei Ferenc Fővárosi Pedagógiai és Pályaválasztási Tanácsadó Intézet, 2010, pp. 118–135

Virág, Gy. – Parti, K.: Sweet child in time. Online sexual abuse of children – a research exploration. In: M. Ramirez (Ed.): The Open Criminology Journal. Bentham Science Publishers [In press]

Virág, Gy. – Parti, K.: A szájbergyerek és a bicikli. A kelet-európai gyerekek nethasználatának speci-fikumai. In: Virág Gy. (Ed.): Kriminológiai Tanulmányok Vol. 48 (2011), OKRI, Budapest, pp. 5–21, URL: http://www.okri.hu/content/blogcategory/63/169/

Other OKRI research projects in 2011:

– Male offenders in domestic violence
– Incest and violence

– Latent juvenile delinquency and age-group values. Examination of the attitude to choice of values amongst young students (aged 12-17)
– 'Effective environmental strategy for prevention of juvenile alcohol addiction in Europe'
– School climate

– How long does active regret last? Study on recidivism following mediation
– Prison subculture and the internal regulations of the total institute / Prison narratives of female and male prisoners / Complete study of a penal institute for women: mapping the relationship between prisoners and the statuses and roles that have formed
– Mediation and restorative practices in prison settings

– Careers of drug dealers
– Dilemma sin regulation of prostitution
– UPACUS – Understanding a changing world: new criminal behaviours and new perceptions. Particularities and contradictions of urban security
– Human factors – legal processes – environmental risks

– The forensics of cybercrime
– Economic rationalization of crime against property