

## **RESEARCH RESULTS – 2012**

### **(Summaries of completed research)**

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## **I. RESEARCH PROJECTS INITIATED BY THE INSTITUTE – KEY RESEARCH DIRECTIONS AND RESEARCH PROJECTS OUTSIDE THE WORK PLAN**

### **THE FIRST MAIN FIELD OF RESEARCH: SOCIETY AND CRIME**

**Erzsébet Tamási – Orsolya Bolyky:**

#### **Criminological Analysis of Aggressive Behaviour in Children and Young People**

Within the framework of the interdisciplinary research started with Vadaskert Child Psychiatry Hospital and Foundation in 2009, the Hospital's objective was to carry out the Hungarian validation of the psychological test intended to measure the so-called *cold-indifferent attitude* typically affecting teenagers and which is considered as a precursor of adult psychopathy. We started our cooperation for the purpose of providing the required

criminal profile and with a view to carry out joint research on anti-social behaviour, which is generally considered as one of the factors leading to criminality.

We find it necessary from a legal point of view to analyse the judicial interpretation and use of psychiatric and psychological opinions requested during the investigation of criminal cases. For this purpose, on the basis of various questionnaires, we analysed the criminal files of juveniles (aged 14 to 17) and young adults (aged 18 to 24) who committed and then were convicted for willful murder between 2005 and 2010. The reason for our decision was that psychiatrists and psychologists in general are almost always involved in the investigation of homicide cases and so we could have access to the respective experts' opinions. With regard to juveniles, environmental studies, teachers' opinions and the witness testimonies of parents and friends are also available; in this way we can learn the most about the offenders from these documents. Our research sample included 165 offenders in 115 criminal cases.

The research report incorporates the general criminological analysis of the information made available on the offenders' social, psychological and biological backgrounds. Any further research would require an in-depth understanding of the relevant cases. Even if the completed study does not provide direct answers to the researched issue described above, but it does however give indirect answers, i.e. it contributes important information to a more profound understanding of the background to violent crimes.

The key findings, based on our results achieved so far, are as follows:

Premeditated murder committed for financial gain occurs most frequently in this age group, while sexual murders are relatively rare. The related acts are typically committed impulsively, from an outburst of anger. These types of crimes are often committed against elderly people living on their own. The majority of the offenders are youngsters with low intellectual abilities suffering from antisocial personality disorder or having similar deficiencies in their life skills; however, all the above do not influence their criminal responsibility with respect to homicide. In most cases these youngsters already had behavioural problems in their early school years. Most of them come from unstable and often criminogenic families; their parents are often poorly educated, unemployed, living in bad financial conditions and/or are alcoholics. The father figure is not present in the lives of most of these young offenders. Truancy, dropping out of school and a lack of parental control are typically present in their lives; many spend their free time hanging around in the streets in smaller gangs and committing petty crime. Weekends are typically spent partying, binge drinking and using drugs.

**Ágnes Solt:**

### **Correlation between Risk Exposure in Childhood and Deviant Behaviour among Young People**

The fundamental issues of the research are the recurrent questions stated below: What factors determine our choices? What factors determine the directions we take? Who is to bear responsibility for the course of our lives? What makes us choose the good or the bad?

The research seeks the reasons responsible for turning people into rule-followers or criminals, in other words the answer to the question of what factors determine whether a child suffering from cumulative disadvantages will be criminalised and start their criminal career by the time of reaching the age of adolescence or, by resisting the malicious effect of their surroundings, will leave behind this toxic environment and lead their life according to the socially accepted rules and morality. Is there any fundamental difference in the socialisation of the affected individuals, or we should rather think in terms of personal factors? Can we identify any

interventions and events that contribute significantly to the fact that a high proportion of young people at risk suffering from cumulative disadvantages do not follow anti-social behavioural patterns and the path of crime?

It is assumed that socio-environmental and mental health-related harms/character types/mentalities develop into specific patterns. We presume that there are certain socio-environmental and/or personal factors (relationships, life experiences, personality traits) that predominantly influence the individual's adaptation and attitude to socially accepted rules. Our assumption is that the way we see and understand the social reality around us and our position in that environment predominantly influences our attitude to life and shapes our behaviour repertoire and our goals. The path that we cover in our lifetime can be outlined against this background.

The research was focused on the consequences resulting from the interventions in the social sphere, in addition to mapping the risk factors and to the awareness and understanding of the chain of events, because the identification of risk factors of and protective factors against criminal deviancy was specified amongst the original objectives of our research.

This research process strived to provide a comprehensive review the related scientific literature, and it also integrated the findings of the researcher's empirical studies (*"Youth Wobbling on the Edge"* research project) carried out earlier, in 2003-2006. The completed study is a summary of the collation and rethinking of previous and current findings.

It can be noted in summary that the sensitivity to certain risk factors tend to change with the individual's age. Before the age of six, the most significant sources of risk include neuropsychological characteristics, bad parenting methods and structural socio-economic disadvantages. Between the ages of six and twelve, the factors related to the family and the living environment, whereas between the ages of twelve and eighteen the factors related to school and peer groups become predominant.

**Katalin Parti – György Virág:**

### **Cyberbullying - Surveying of the volume of online harassment in schools**

A test sequence focusing on the online abuse of children was started by OKRI in 2009; this year's programme is part of that larger project.

We found in our research that, in the area of online abuse, the classical situation of adult offender and child victim is not the typical case; it happens more often that both the offenders and the victims are children. One of the most obvious examples of this is when online acquaintances meet offline; neither the frequency, nor the contents of these encounters come close to the definition of criminal acts. With the widespread use of mobile communications devices, (apparently) minor cases of harassment and abuse with the online involvement of two or more parties seem to have gained predominance. The extent of offences suffered on community websites may grow exponentially with the increasing number of interactions. The morphology of crime against persons in close relationships is typically applicable to these cases, i.e. the frequent change of roles between offenders and victims and the repeated occurrence of the incidents. As online interactions generally take place within peer groups, the adults living near these children (parents, teachers) are not aware of the offences suffered. Children mostly discuss these issues with one another; however, they do not have the necessary faculties for handling these incidents properly. That was why we decided to implement a comprehensive research project.

In the first phase of the research we prepared (“trained”) the teachers and students (peer mentors) on how to recognise, handle and prevent online abuses. It was followed by the first panel survey with the involvement of an experimental and a control group. The “stimulus” intended for the experimental group took place during the interval between two inquiries; during this time period of a few months, the peer mentors held sensitivity training sessions at the experimental schools under the supervision of teachers participating in the preparatory training. The provision of stimulus was standardised by monthly monitoring questionnaires and the organisation of “mandatory” and recommended events. The second panel survey, as the closing module of the research project, was conducted in October. The analysed findings of the data acquisitions are planned to be published by 2013.

## **THE SECOND MAIN FIELD OF RESEARCH: SECURITY, PUBLIC SECURITY**

**József Kó:**

### **Economic rationality of crime**

Experts investigating the economic implications of crime tend to accept more and more that crime cannot be treated as an isolated phenomenon. Crime cannot be viewed as a cluster of criminal acts committed on an ad hoc basis by some evil-hearted criminals, but rather it is a societal phenomenon, often wearing the hat of normal operation, that permeates the functioning of the economy as a whole. In many cases and in many aspects it may have a positive impact on the functioning of the economy and on economic growth.

The fact that crime is gradually becoming a concomitant risk of postmodern life and that the identity of criminals becomes faded also indicates that motivations and actions that have been considered as crimes so far gradually turn into normal matters, while crime is becoming an integral part of everyday life.

By the end of the 20th century, incorporating crime and its effects amongst the economic indicators, even if using rather simplistic methods, had gained legitimacy. It is either taken into consideration as a reduction factor, or attempts are made to regard it as a growth factor. Although the methodology is not fully developed, the impacts of crime on the economy certainly cannot be disregarded.

In economic terms, crime committed abroad has a clear beneficial effect on the domestic economy of the offenders. It has a positive impact on the rate of employment, generates higher tax revenues and GDP and results in greater domestic prosperity. Crime committed abroad clearly boosts the domestic economy. Even if such acts cannot be supported overtly, they are tacitly accepted in the offenders’ mother country.

While the whole of the economy is hit by setbacks and recession, the protection sector, representing 6-8% of the whole economy, is given a growing number of businesses and keeps increasing its influence. The increased activity of this sector mitigates the impacts of economic crisis. Consequently, an increase in crime gives a boost to the economy. The increase in crime and the fear it generates is apparently another burden on the population, which is already suffering from the effects of economic recession; however, as this sector works in reverse compared to the “normal” economy, it may mitigate the effects of the crisis and may support the process of economic recovery.

Depreciation arises from criminal acts and the properties affected by criminal transactions undergo depreciation. This fall in value may be considered as a transaction cost. Accordingly, although property crimes may be viewed as income transfers, there is however a

corresponding decrease in society's total assets due to the transaction costs related to such transfers, and social prosperity becomes impaired.

The economic analysis of the functioning of criminal networks is no different from the generally applied procedures used in economic analyses. The complete set of tools thus used are taken from the procedures of economic analysis. Initially, it was viewed as a novelty that this set of tools was used by the economic analysts in a field so far investigated to a lesser extent, but it has become gradually accepted that the legal and illegal acquisition of properties cannot actually be separated in properly functioning economies.

Taken as a whole, we can establish that economic models can be applied effectively to the analysis of criminal behaviours. The changes of the environmental effects come in realistic forms, and a material deficiency of earlier models could be successfully eliminated, namely the fact that the risk-taking attitudes of individuals do not have a significant influence on the functioning of the model. The shape of the mathematical function becomes uncertain in extreme situations only, in the event of absolute risk aversion and absolute risk undertaking, but these only refer to theoretical possibilities because in practice no one follows only one strategy.

The predominance of all factors applied in the field of crime prevention is totalled in a single effect in the related models by various economic analyses, and this factor stands for the criminal justice system. However, this approach should not be viewed as an exclusionary theory. Stern (1979) emphasised that criminological and economic approaches should not be applied in a mutually exclusive manner; it is more reasonable if they are used as complementary approaches.

**Erzsébet Tamási:**

### **The dilemma of regulating prostitution (second phase)**

Our research project, intended to analyse criminal policy and legal solutions targeting the regulation of prostitution, describes the potential regulatory solutions and their effectiveness. Of the existing regulatory models available today, the so-called *Swedish model* is the most strongly recommended penal regulatory system. However, the investigation of this issue required the analysis of the demand side of prostitution, namely the analysis of the information available on male clients. The research project summarises and evaluates the findings of international surveys focusing on prostitutes' clients. The empirical materials provide a contradictory and ambiguous picture of the demand side of prostitution. Within the framework of the research project, the statistical, demographic and sociological data of English and German-language studies focusing on the clients of prostitutes, the theoretical explanations of the various categories and the motives for buying sex were gathered and analysed. There are too many answers to the questions as to *why men are the ones who use the services of prostitutes and why only certain men are interested in buying sex*, i.e. there is no good and single explanation. The following facts challenge the validity of the quantified data found in the apparently vast background literature:

1. The surveys mostly use qualitative methods, namely in-depth interviews which are made with the clients and the prostitutes; additionally, self-completed questionnaires are handed out, and then apparently generally applicable and quantified conclusions are drawn on the whole phenomenon of prostitution from this partial information. The fundamental difference between the attitudes and opinions of those interviewed and their real intentions and behaviours causes difficulties in most research projects.

2. The majority of quantitative surveys are full of methodological problems. These surveys do not use control groups but work on the basis of a very low number of elements and are not representative; the investigations prepared by different methods make cross-references to one another rather erratic.
3. The most popular target groups of these investigations are the easily available female street prostitutes and their heterosexual male clients, who are reached through various official bodies (individuals turning up at the police authorities or healthcare institutions, or individuals approached by rights defenders, while others are accessed via the Internet).
4. The inspections of those involved in the sex industry, either legitimately or illegitimately, are typically chaotic and uncertain. The objectivity of the comparisons of the surveys prepared by different countries and international organisations are questionable, not only from a methodological point of view but also because of the political and ideological disparities.
5. In order to investigate this topic, the methodological validity of the clients' analyses is of critical importance. In addition to the above mentioned uncertainties, distortions are most frequently caused by the fact that researchers fail to acknowledge that client groups are just as heterogeneous as prostitutes.
6. Summing up the data collected during the studies, we may note that a new theoretical framework has been established, which incorporates all segments of prostitution. According to the research findings, clients can be divided into two large groups; the individuals in the first group visit prostitutes for uncomplicated sex, while those in the second group are willing to pay for the illusion of affectionate sex.

**Klára Kerecsi – József Kó:**

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

The research conducted amongst adolescent (aged 14) boys studying in Budapest was focused on crime-related phenomena. The young people involved in the study represent the population of students studying in Budapest in terms of school types and districts (N=2002). It can be established on the basis of the findings that young people can be divided into well-defined groups on the basis of their roles in criminal acts: (1) the “uninvolved”, (2) the “victims”, (3) the “offenders” and (4) the “criminalised”.

1. We considered the “uninvolved or normal population” as those youngsters who have not been victims of or who have not committed criminal acts more than once.
2. Those young people were classified into the “victims” group who have been victimised on more than one occasion, but have not committed any criminal acts.
3. We called those teenagers who have committed some type of criminal act on more than one occasion, but have never been victimised “offenders”.
4. Those youngsters who have committed some type of criminal act on more than one occasion and have also been the victims of and suffered from the consequences of such acts were classified into the “criminalised” group.

By looking at these groups, distinguished on the basis of their relationship with crime, we could see that these young people have different living conditions, social characteristics and can be characterised as having highly different value orientations.

We can clearly declare, on the basis of the research findings, that it is not by chance why a certain teenager falls into a specific group. The uninvolved young people (Group 1) and the youngsters having several crime-related experiences (Groups 2, 3 and 4) can be described by

significantly different characteristics. The three groups (No. 2, 3 and 4 in the list above) affected by criminality also demonstrate different characteristics.

The youngsters in the “**victims**” group (No. 2) are forced to live with multiple handicaps. The teenagers in this group and their families live under straightened financial circumstances, and typically belong to large families. Their school performance lags behind that of their peers. Their social relationships are limited to a narrow circle of people; they have fewer friends or do not have any friends at all. Their leisure activities can be characterised by withdrawal, and they prefer individual recreational activities to hobbies pursued in groups. They rarely go out. They are often shunned both at school and during recreational activities outside of school. Their thinking and scale of values also separate them from their peers. Deviant behaviour and even violence are acceptable according to their scale of values, despite the fact that they frequently become the victims of violence. It seems that even at this young age they have already accepted their role as a victim; they do not rebel against situations that are disadvantageous for them but they choose to withdraw instead. Their detachment and vulnerability is almost like a “call to action” to the others. Their behaviour, thinking and social situation all doom them to the role of the victim. This group is in the greatest need for external support to be able to tackle their problems and to leave their disadvantageous situation behind.

The youngsters in the group named “**offenders**” (No. 3) have committed some type of crime or minor property-related offence on more than one occasion. The members of this group can also be characterised by a different social background and way of thinking. Teenagers with several siblings are overrepresented in the offenders’ group. These youngsters tend to resolve the potentially higher number of conflict situations arising from their larger family size in an active or, if necessary, a violent manner. The number of those having above-average financial conditions is the highest in the offenders’ group. Although their performance at school is also below the average, they nevertheless lead very active lifestyles. If they have friends, they enjoy their time at school, and they typically have more extensive social relationships than their peers. They spend more time watching television and playing computer games than the average, but a higher proportion of them prefer active leisure activities. They play more sport and go out more often than their peers. Perhaps this active way of living contributes to the fact that they find themselves in conflict situations more often. However, it arises from their way of thinking and scale of values that they often use violence in these situations. Violence and promotion of their own interests are typical characteristics of this group. In uncertain situations they choose the solution more favourable to them, even if that happens to be illegal. They have extensive networks of social relationships and great assertive skills. Although the members of this group have already committed some type of offences or infringements, there is a chance that these remain merely youthful indiscretions. With the help of their social capital and family support, the majority of these youngsters will most probably be fully integrated into society. Problems are caused by those members of this group who do not have strong or do not have any social network, and another risk is if their group of friends becomes criminalised.

Of all four groups, the group called “**criminalised**” seems to be the most problematic. Its members can be both offenders and victims; however, the characteristics of the group cannot be viewed as a mixture of that of the other two groups. This group has its own specific features, which are significantly different from those of the others. The youngsters in this group have less favourable financial conditions than those in the offenders group. They typically do not live in large-sized families; the situation is mostly limited to one parent and one child. Parents with a low educational level are present in the highest proportion in this group. The members of the group are marginalised in several respects. The boys classified into this group demonstrate the weakest performance at school. They do not like school due to

their weak performance and they are often subject to exclusion. They have few friends and those friends are usually not from school. They often get into conflict both with their peers and their teachers. They respond to conflict situations with violence that further escalates their already precarious situation. Very often they are the victims as well as frequently provoking these violent acts. They spend lots of time watching television or video films; active leisure time is not characteristic of this group. A lower proportion of them do some sports; however, they spend lots of time outside their homes. Despite being only fourteen years old, they often go to discotheques, and they have some evening entertainment almost every weekend. Their free time activities often mean hanging around with their close friends. Their frequent visits to dangerous places may also contribute to their greater incidence of victimisation. They demonstrate more adult-like traits in terms of their scale of values and their way of thinking than the rest of their peers. As a consequence of their greater independence, they often become outsiders amongst their peers and have more conflicts with their environment. Violence and deviant behaviour are viewed as fully acceptable conduct by the members of this group. Empathy is unknown to them; they only judge any situation from the aspect of their own personal interests, and they act without taking any other aspects into account. Their societal characteristics and scale of values are very similar to the characteristics observed in convicted juvenile offenders. These youngsters are in the greatest need for external intervention because, in the absence of that, there is a high probability that they will become offenders.

The most important result of the research is that we could successfully distinguish the specific groups affected by criminality. The data collected clearly demonstrate that young people at the age of 14 can be classified into groups that have well-defined scales of values. Their relationship with criminality is not accidental. By looking at their social situation and scale of values it can be easily determined who belongs to what group. These groups also orientate the affected youngsters to predictable courses of life. If no intervention is made, the roles that can be clearly defined, even at this age, will become stabilised, and it will most probably determine their whole course of life. However, in the event of potential interventions, the perceivable and clearly evident value orientations must not be neglected. Any method of intervention that is not adapted to the particular world perspective and mindset of these youngsters is doomed to fail.

**Szilveszter Póczik:**

### **Far right political organisations, ideas and activities in Europe, especially in the new East European EU Member and Candidate States (II)**

The far right, xenophobic and anti-minority and racist organisations, movements and party-like formations arising in the new East European EU member states are practically social protest movements organized on the basis of generations and subcultures, which, although they cannot become significant political forces, respond to existing problems. Despite the cumulative effects of several factors, so far these organisations have not been able to gain real political significance, since they build their ideological and symbolical system from dated and negative elements that are not interesting for the majority of society or are consciously held below a certain threshold (e.g. anti-Semitism). However, there is one element, through which these organisations can find ideological collectivity with one another and with the majority of society: this is Romaphobia. Roma communities demonstrate the lack of mass social integration throughout the whole region, and present a clearly identifiable group on the bases of race and ethnic features, who demonstrate cumulative and intentional anti-social behaviour



which, considering the group's ascriptive or objective negative features, satisfy almost all the requirements for the formation of a racist ideology. Within the framework of the research programme, we examined two countries with strong nationalist traditions, Romania in the Balkans and Poland in Central Eastern Europe. It can be established in both cases that the existing far right ideologies and organisational systems have grown out of historical traditions; any other external extremist ideologies, e.g. the ideas of national socialism, play only a subordinate role and are popular with a very limited circle of people only. Both countries have a polished and anti-discrimination legislative system built on solid and extensive legal bases, which provide long-term guarantees for the democratic stability of these countries founded along the principles of equal opportunities: however, they fail to provide a hundred per cent protection for individuals and for small communities against racist and ethnocentric manifestations. As such, these systems require further fine-tuning and the consistent implementation of good practices.

### **THE THIRD MAIN FIELD OF RESEARCH: CRIME CONTROL**

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

#### **Effective environmental strategy for preventing alcohol addiction of youth in Europe: Secondary analysis and international comparison of ISRD-2 data on alcohol consumption and drug use (AAA-Prevent II)**

There was a personnel change as Eszter Sárík joined the Budapest 1-12th District Public Prosecutor's Office as of 31 January 2012, so she has not been involved in the research work since. As in the first phase (2011) of the AAA-Prevent programme, we prepared a country report on domestic alcohol consumption and drug use status. In 2012, in the second phase of the project, we presented the programmes focused on young people's drinking habits. The country reports of the second phase were discussed at conferences organised for project participants, similarly to the method followed last year. Judit Szabó represented the Hungarian research group in the workshop (March 2012, Prague) and at the conference (September 2012, Ghent) organised within the framework of the project. Our country report was prepared on the basis of interviews made with experts in the field and related research work. We found that there were very few programmes in Hungary focusing on the prevention of alcohol consumption and abuse by children and adolescents. We are not short of initiatives targeting the prevention of using illegal substances; however, of the drug prevention programmes, only one part is focused on the prevention of using legal substances. An additional problem is that, in most cases, effectiveness is not measured and, in the absence of such control mechanisms, no concepts have been formed for further consideration and continued actions. Consequently, prevention programmes cannot be developed without conducting impact assessments and, as a result, their effectiveness cannot be improved either. Furthermore, while there is a wide range of initiatives and services implemented in (mainly secondary) education establishments, community-level projects are mostly started as ad hoc initiatives and are not based on a strict methodology; these programmes are characterised by segmentation instead of applying a holistic approach.

The AAA-Prevent research programme has closed now, although a closing conference is expected to take place in Brussels sometime in 2013.

**Tünde Barabás – Szandra Windt:**

### **Mediation and restorative practices in prison settings III. (within the framework of an international consortium, empirical analysis)**

Tünde Barabás, Lead Researcher, and Szandra Windt, Methodology Expert, have been involved in the international project supported by the European Union's Criminal Justice programme and analysing the feasibility of mediation amongst convicted detainees since December 2009.

A special feature of the programme, in addition to its international nature, was the methodological complexity of the domestic research: 200 questionnaires, 100 in-depth interviews, focus group analyses and public information forums were conducted.

Based on the findings of the previous year, in 2011 we continued the analysis of detainees' attitudes to mediation (involving 50 detainees) in 8 *focus groups* in order to confirm our theoretical model and we also intended to clarify the uncertainties surrounding the idea of mediation, which we explored during our investigation in 2010.

According to our analysis, prison mediation used in conflicts between detainees and prison staff is inconceivable and unfeasible for the time being. Mediation is not feasible for all detainees and in all conflict situations, either.

In the case of juvenile convicts analysed using multiple methods by our researchers, the chances of mediation were worse than for adult convicts. Mediation involving the injured party should be organised with due circumspection and in well-prepared situations only. The victims approached by our researchers were open to such an initiative; however, they were not willing to make any efforts to facilitate mediation. Consequently, mediators would have even more responsibilities. Mediation requires mental and emotional preparation, both on the side of the offenders and of the victims.

This type of procedure could be conducted most effectively and within the shortest time in the event of conflicts between detainees, naturally with the avoidance of duplicate procedures and according to a well-defined process. The attitude of the prison staff is very important in enabling a restorative approach to be applied to the resolution of everyday conflicts between detainees. The pilot programme, which started in the prison in Balassagyarmat as a result of the research project, has become self-sufficient owing to the training provided during the investigation programme and functions properly.

In January 2012 we organised an international closing conference with the attendance of 120 participants and with the support of the National Office for the Judiciary, where we presented both our domestic and international results. The domestic attendees at the conference included the representatives of the affected professions; in this way, prosecutors, the employees of the Hungarian Prison Service Headquarters, judges, mentors and mediators could learn about and give feedback to our research findings. Our research findings were summarised in an English-language publication in the spring of 2012. The professional and the financial reports of the research programme were approved by the European Union's Programme Support Office.

**György Vókó:**

### **Prevention of torture and any other inhuman treatment**

Torture and any other inhuman treatment or any conduct violating human dignity are expressly forbidden by international treaties, the Fundamental Law of Hungary, the Criminal Code of Hungary and many other regulations, as well as by international and domestic

judicial practice. According to our research, however, such conduct is still pursued and exists even in the most advanced democracies. To prevent such treatment the United Nations and the Council of Europe have taken relentless measures for decades. It is also perceivable in the efforts of the Hungarian authorities over the last three decades.

Such infringement is particularly significant with regard to people with restrictions on their freedom due to any law or judicial decision, since they are more vulnerable to such conduct and to possible misuse of power by certain staff from the authorities.

On the basis of our research project, we can draw the conclusion that, in every case when an individual's personal freedom is constrained, the state must provide protection to the person held accountable for whatever reason against any unlawful treatment, and the right to human dignity and treatment should be fully guaranteed. This is a continuous responsibility of all managers and supervisors; staff members must attend not only related training but also proper educational programmes on preventive methods. The operation and functioning of an extensive, rule of law-based guarantee system (legal supervision by prosecutors, free access to justice, court jurisdiction on detention-related issues, free access to the ombudsman services and to international human rights organisations) are essential requirements, as are the regular and more frequent inspections of the penal institutions and the organisation of audiences for detainees by the competent authorities. Our study confirmed that the more developed, multi-faceted and dynamically functioning is a rule of law-based guarantee system and stronger is the related control, the higher is the probability that potential infringements are prevented, or the offences suffered are remedied.

The method of treatment applied with regard to people with constraints on their freedom is the best indicator of the extent to which a given state respects human dignity in its everyday practice.

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

**Géza Finszter – Ádám Mészáros:**

### **Experiences of investigation of organised crime**

The National Police Headquarters started a research programme in conjunction with the National Institute of Criminology in 2011 to set the theoretical foundations of the police's strategy to combat organised crime.

In preparation of the research, we carried out a preliminary review of the strategy completed by the Criminal Directorate of the National Police HQ in May 2011 and studied the Directorate's assessment reports on organised crime compiled in the last four years. In addition to making some recommendations with respect to strategic planning, the purpose of our preliminary study was to describe the domestic and international backgrounds of this topic. On the basis of the above, in the summary of our interim report we recommended continued research.

During our research work we collected the recommendations of the related literature intended as a toolkit in the fight against organised crime:

- the term and definition of organised crime and a criminal organisation should be clearly specified in the relevant legislation
- rational treatment of criminological concepts and terms: the terms consisting of too many elements may become the obstacle to the successful provision of evidence

- human rights must be observed and compliance with the principles of criminal law must be ensured
- when using the tools of clandestine investigation, the following requirements should be observed:
  - enforcement of the necessary guarantees
  - prosecutor's and judicial control
  - direct access to the judicial system
- general prevention
  - supporting and improving the situation of young people, since they are viewed as potential future offenders
  - inclusion and integration of socially disadvantaged groups
  - internal and external control mechanisms
  - establishment of regulatory systems that prevent "money laundering" in terms of wealth derived from criminal acts and facilitate the tracking of such wealth
- special prevention: reform of the penal system, since:
  - prisons are overcrowded
  - the most dangerous criminal elements organise themselves in gangs while imprisoned
  - those released earlier start the preparations for large-scale actions
  - they may be integrated into international criminal organisations at any time
- elimination of the purposes of organised crime
- organisation of special investigation teams
- establishment of an internationally integrated law enforcement network
- strengthening communication between the official organisations
- intensification of international cooperation
- development of a common terminology
- harmonisation of norms
- closer cooperation during the data acquisition stage
- education, training for professionals, the number of specially trained, internationally experienced officials with unique knowledge and skills should be increased
- involvement of external experts: the key objective is to eliminate the sources and routes of profits derived from organised crime, which requires the assistance of people capable of analysing complex economic processes
- improvement of the standard of witness protection
- effective actions against corruption which reduce the possibility of bribery.

In addition to the facts stated above, the purpose of the recommended continued research establishing a police strategy against organised crime would have been to examine what tools were required to make the investigation and evidentiary procedures really effective in proceedings initiated by the suspected delicts related to the term of organised crime. During the course of this research, it would have been inevitable that the problems related to clandestine investigation versus open investigation would have been revealed, as well as conceptualising the initiatives intended to improve the legal, organisational and professional conditions for legitimate and successful investigation activities.

We conducted the research together with Szilveszter Dunavölgyi and Géza Finszter; however, Szilveszter Dunavölgyi was promoted to another position by the Chief Prosecutor, while Géza Finszter retired during the process. The C-type national security screening of the participants was a prerequisite of the research project; as such, alternative researchers could not join this project. However, it was not even necessary, as there was a change in leadership at the Criminal Directorate of the National Police HQ, and some additional organisational

restructuring processes were also implemented, which primarily affected the professional fields of this research project. Presumably this was the reason we could not receive the necessary information from the National Police HQ, and this explains why we did not receive any response from the establishment for our initiatives included in our partial report. Accordingly, we were unable to complete the analysis related to the above-mentioned purposes of the research project.

**Ádám Mészáros – Katalin Tilki – Gabriella Kármán – József Kó:**

### **Assessment of the risks related to money-laundering and the financing of terrorism in Hungary**

The fight against money-laundering has gradually come to prominence in Hungary in the past few years. It is partly this fact that convinced the Ministry for National Economy to engage the National Institute of Criminology to carry out a research project entitled “*Assessment of the risks related to money-laundering and the financing of terrorism in Hungary*” The research project was included in the 2012 work plan of OKRI upon the approval of the Chief Prosecutor’s Office.

OKRI’s research has a multiple of novel and, we hope, useful features. Money-laundering has been mainly approached theoretically by most domestic studies, which all proved to be very useful for learning a lot of information on the concept and techniques of money-laundering and on domestic and international regulations. However, in most cases these studies did not include actual information on the real situation in Hungary, since their authors did not have any empirical experiences regarding this type of crime.

OKRI’s research wished to fill this gap, amongst others, as the researchers undertook to investigate and demonstrate the domestic cross section of money-laundering by presenting its crime statistical characteristics, as well as to describe the practical features and problems of these delicts, and to describe the procedure that follows the reporting of a suspected money-laundering case until a possible conviction is made. In addition to the above, the research project lays emphasis on the investigation, delineation and characterisation of the basic act of money-laundering on the basis of the behaviours and methods concerned.

The researchers used diverse methods, i.e. crime statistical analysis, round table discussions, focus group discussions, interviews and file processing (criminal files and files of the Hungarian FIU unit) based on questionnaires.

Our recommendations, conceived at the end of the research project, were as follows:

- organisational and authority-related questions,
- codification issues,
- taking account of the distinctive features of our country
- use of cash,
- the question of burden of proof,
- bank account registration system,
- enhancement of the prosecutor’s and judicial application of law,
- recovery of assets and property,
- establishment of an integrated statistical system.

In the project summary, we expressed our opinion that the issues of personal and material resources, of appropriate training and the problems of data collection and exchange should be treated as part of the general strategy. Nevertheless, a properly functioning system very much requires that its effectiveness is measured frequently, it is given feedback by Hungarian and

international entities and that there is frequent communication between the affected professional fields.

## **THE FIFTH MAIN FIELD OF RESEARCH: “FREEDOM, SECURITY, LAW” – EUROPEAN FRAMEWORK OF CRIME CONTROL**

**Petra Bárd:**

### **Development of the former third pillar after the entry into force of the Lisbon Treaty**

The Treaty of Lisbon superseded all previous primary sources of law, and named two treaties as the quasi-constitutional basis of the European Union. The first one is the Treaty on European Union (hereinafter TEU), and the other is the Treaty on the Functioning of the European Union (TFEU). The Charter of Fundamental Rights of the European Union that entered into force at the same time as the Treaty of Lisbon under Article 6 of the TEU is viewed as the third pillar of the new constitutional structure. The purpose of the research was to review the future of EU criminal law in the light of this tripartite constitutional structure of the European Union. The first extensive part of the study outlines the path to the ratification of the Treaty of Lisbon from the aspect of cooperation on criminal matters, while the second extensive part describes the achievements, innovations and possible weaknesses of the Treaty of Lisbon. In this part of the study we pay particular attention to the substantive, procedural and penal laws of the European Union, as well as to the links between human rights and criminal justice.

The spirit of the Treaty of Lisbon is well reflected by the introductory sections of TEU and the first article of Title V of TFEU. Article 3 of TEU interprets the former fields falling under the first and third pillars as two sides of the same coin. In one part it provides EU citizens with an area of freedom, security and justice without internal borders, and free movement within that territory, which is supported by strong external border control, asylum and migration policies, as well as by crime prevention and criminal investigation schemes. The concept of the area of freedom, security and justice is outlined in more detail under Title V of TFEU, which incorporates areas that formerly fell under the third pillar. The culture of the EU's fundamental rights is reflected in one of the first sentences of the Treaty's introductory provisions [Article 67.(1)], according to which the Union “*shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States.*”

The Treaty of Lisbon ended the pillar structure of EU legislation. Technically speaking, the pillars were not merged, but the Treaty of Lisbon actually integrated the areas of the third pillar into the first pillar. Accordingly, in principle the same norms are applicable to the matters formerly subject to the third pillar (such as judicial cooperation and police cooperation in criminal cases), as to those applicable to the internal market. The right to initiate legislation and codification clearly reflects the duality of this area, i.e. the end of the pillar structure and the implementation of supranationalism in principle; however, as an exception, the principle of intergovernmentalism has been reintroduced. From the aspect of criminal law subject to the rule of law, perhaps one of the most important reforms is that the EU and national measures provided for in these areas may be taken under judicial review by the competent courts. The Treaty of Lisbon makes it possible to create a European Public Prosecutor's Office, which has been delayed for years and has failed to be outlined so far.

According to Article 10 of Protocol No. 36 on transitional provisions, five years after the entry into force of the Treaty of Lisbon, the Court and the Commission shall have full powers with respect to the existing achievements of the legislation falling under the former third pillar. Consequently, the fundamental reforms adopted in the field of EU criminal law, summarised and critically evaluated in our study, will become effective as of 1 December 2014.

**Petra Bárd:**

## **The Stockholm Programme**

The Stockholm Programme sets out the European Union's priorities for justice and internal affairs for the period between 2010 and 2014. Since the establishment of the area of freedom, security and justice established by the Treaty of Amsterdam, the Stockholm Programme is the third multiannual programme that regulates this field. The document is built around five priorities, where special attention is given to the cooperation of the Member States on criminal matters and the harmonisation of criminal law. The first part of the study summarises the key statements, requirements and principles of the Stockholm Programme, while the second part discusses in more detail the sections having relevance to criminal law. In the third part of the study, we evaluated the Internal Security Strategy established upon the authorisations given by the Treaty of Lisbon and the Stockholm Programme. The study serves multiple purposes. First, we wished to make a review of those sections of the Stockholm Programme that are relevant for criminal lawyers. The second objective of the study was to provide a critical evaluation of the Stockholm Programme, by measuring its effectiveness on whether the Council of Europe has managed to accept the criticism given in response to earlier five-year programmes, i.e. there is an apparent antagonism between freedom and security. The third objective of the study was to serve as background study document to a parallel research project (No. A.5.19) focused on the criminal law provisions of the Treaty of Lisbon.

The document's starting point and basic requirement is that the objectives set out by the Stockholm Programme should be integrated with the Union's fundamental rights. The document conceives an unusually outspoken and open criticism of the principle of mutual recognition set forth in the Tampere Programme. An important finding of the analysis is that the Stockholm Programme strives to create a sense of mutual trust, which was the assumed cornerstone of numerous documents adopted after 11 September 2001 advocating mutual recognition. The sluggish implementation of these instruments, mainly framework decisions, clearly indicates that the assumption of mutual trust was somewhat premature. The procedural guarantees and victim protection paradigm advocated by the Stockholm Programme are intended to establish the foundation of that non-existent trust. The chance for legal harmonisation is still the highest in the fields of the prevention and investigation of cross-border criminal activities and of the most serious crimes. The Stockholm Programme suggests that the fields of human trafficking, the sexual exploitation of children and child pornography, cybercrime, economic crime and corruption, drugs, the fight against terrorism and illegal migration are those crime groups where cooperation seems to be the most feasible, and not least in respect of which the Union's legislators have had more explicit constitutional authorisation since the Treaty of Lisbon's entry into force. By reading the Stockholm Programme together with the Internal Security Strategy, we can conclude the Council of Europe reacted to earlier criticism regarding the previous programmes as far as the language of the Stockholm Programme is concerned; however, its ethos is still constrained to the

security paradigm, which subordinates everything to citizens' unsatisfiable demand for security, and it even intensifies this demand by generating new fears. This approach is recognisable both in the field of criminal law and in the treatment of migration issues.

**Szilveszter Póczik:**

### **Politically driven hate speech and holocaust denial in criminal law – a comparison of the countries of Western and Eastern Europe (III)**

The basic feature of hate-driven crimes is that such unlawful acts subject to criminal sanctions are committed for motives of hatred arising from the characteristics or assumed qualities of a certain group, mainly the affected individuals' ethnicity, religion or sexual orientation. Although in most cases the injured party is victimised as an individual, the target is always the group itself or the group-like nature of the individual. With certain restrictions, depending on their motives, hate speech, certain crimes regulated by international law and apartheid also come under this heading, in addition to certain discriminatory acts. At this stage of the research project, we analysed countries, such as Great Britain and the Nordic countries, where incitement of hatred is considered as aggravating circumstances in other crimes. Accordingly, they do not have separate laws sanctioning holocaust denial. In Great Britain two laws have been applied to address the sanctioning of hate crimes since 1998, i.e. the Act on Justice and Public Order and the Act on Criminal Justice; however, the process of law evoking the greatest debate on history at the turn of the 20th/21st centuries was fought over the Defamation Act. The Swedish legislation's response to the growing trend in hate crimes from the end of the 1980s led to the strengthening of the Swedish criminal code in 1994, and the Riksdag extended the scope of protected groups to sexual identity and orientation by an amendment of the constitution in 2002. The Danish legislators, with regard to possible societal development in the future, have maintained the possible addition of "other group" and any other identity-building elements. In Norway hate motives are also considered as aggravating circumstances in certain crime categories, in particular, if protected groups are involved; however, the European Commission Against Racism and Intolerance of the Council of Europe (ECRI) still found shortcomings in the Norwegian legal environment and in the implementation of the Commission's recommendations.

## **OTHER RESEARCH TOPICS**

**Gabriella Kármán:**

### **Legal instruments in action against counterfeiting cultural assets**

Various research projects focused on the abuse and misuse of cultural assets have been going on since 2000. The research work analysing the counterfeiting of objects of art and the identification of works of art was started in 2010. OKRI's recommended initiative, according to which the issue in question should be analysed within the framework of professional collaboration, has been undertaken by the National Board Against Counterfeiting since 2011. As a result the issue was given increased emphasis, and at the same time the spectrum of available tools has been extended. OKRI is represented in the Board's activities by Gabriella Kármán.



The set of measures used in the actions against counterfeiting works of art is based on multiple professional areas. The relevant legal regulations rely on cultural heritage provisions; in addition, it may also be approached from the aspect of copyrights and from the direction of criminal sanctions. Counterfeiting, falsifying and jeopardising cultural assets are set forth in the Criminal Law as independent statutory definitions. The related acts can be defined according to the statutory definition of fraud, which does not necessarily provide a good solution for all types of criminal activities.

Although the risks poised to society by counterfeiting cultural assets and the increasing number of organised actions would justify the application of criminal law instruments, in the view of the related professionals, first of all the public administration regulations in this special area have to function properly. In addition, the necessity of an independent statutory definition against the counterfeiting of works of art has also been raised, which was analysed in conjunction with the debate on the new Criminal Code of Hungary. We did not submit any recommendations with regard to the independent statutory definition of counterfeiting objects of art. The possible development of an independent statutory definition should be preceded by clarifying the related terms, determining the relevant scope of the objects as regards counterfeiting cultural assets and a critical review of the public administration regulations from the aspect of the relevant topic, as well as an analysis of the possible solutions available at this level.

The additional key directions in the action against counterfeiting that were given increased attention during the research on this topic included the means of managing the existing counterfeited objects of art as well as preventing it. On the basis of international experience and according to the opinion expressed by domestic experts, the registry of counterfeited or disputed objects of art may be integrated into the above-mentioned concept. The purpose of the original concept of the above registry system was to record disputed works of art in a database, with a view to removing them from the market until their authenticity is proven satisfactorily. We carried out an extensive data acquisition process in relation to the database criteria of and the conditions of its establishment. In the event of the emergence of an emerging consensus, the next step will be the implementation of the initiative.

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

**Ádám Mészáros – Judit Szabó – Katalin Tilki – Tünde Barabás:**

### **Solutions accelerating the procedure and increasing efficiency in the organisation and work of European prosecutions**

The 2011 work plan of the Institute set the examination of the timeliness of investigations and the acceleration of criminal proceedings as an objective. The results yielded by this research of the past year served partly as a basis for this year's research, examining the issue of prosecutors' work organisation, and specifically the extent to which it affects the efficiency of criminal proceedings. The main research objective is to review factors which are relevant for the acceleration of criminal proceedings and increasing their efficiency, as regards the principles of work organisation, framework and practice of European prosecutors' offices. Our aim is to provide assistance for rationalising prosecution work in Hungary by summarising the experience and formulating proposals on the basis thereof.

The research method involved recording data via a questionnaire. The questionnaire included questions on statistics, organisation, work arrangements and procedures. Questionnaires in English were sent to 28 Member States of the European Union and the Council of Europe, all having continental legal systems. Our request was granted by 20 countries, and the questionnaire was also filled in by the General Prosecutor's Office in respect of the situation in Hungary. The responding states were as follows: Austria, Bulgaria, Czech Republic, Estonia, Finland, Germany, Greece, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Switzerland, Sweden and Ukraine. In the second phase of the research, a round table discussion was organised, focusing expressly on the Hungarian situation and collecting relevant experience.

A detailed comparative analysis was performed in order to summarise the data, and our proposals to improve the efficiency of prosecution work organisation and thus to improve criminal proceedings were formulated on the basis of the results of such analysis, the conclusions of the focus group discussion with the involvement of Hungarian prosecutors and the results of the past year's research. Our proposals primarily refer to the order of signatures, the sequence of processing cases (and the freedom thereof), the establishment of special prosecutors' working groups, liaising with the courts and the investigating authorities, training, and not least, recourse to legal assistance. In our opinion, monitoring and review of the work arrangements of prosecutor's offices of various levels by an independent, possibly "external" company could provide further useful – and specially objective – information to help rationalise and increase the efficiency of prosecution work.

**László Tibor Nagy:**

### **Jurisprudence issues and practice of securing sports events**

Although times are gone when football matches with 70-80,000 fans attending were anything but infrequent, it is still a major task to secure sports events. A special problem is posed by the presence of a criminogenic phenomenon, overshadowing sports events: sports hooliganism, especially football hooliganism. Research studies included the theoretical and practical aspects of securing sports events, the regulatory environment, changes to it, neuralgic issues arising and possible ways and means of tackling them. The causes of disturbances and hazardous situations at sports events were analysed, together with the operations and practices of the Committee Reviewing Sports Events in Terms of Security, regulations concerning matches of various levels of security risk (normal, increased, priority), as well as the security rules of the Hungarian Football Federation. Regulations on disturbances in the new Criminal Code (entering into effect on 1 July 2013) were reviewed, including their development and various dilemmas. The deadline of entry into effect of the regulations on stadium security systems (admission systems) was modified to 1 July 2012 by Act LXXXI of 2012, amending Act CIV of 2011 on the amendment of certain acts as required in order to combat the phenomenon of sports hooliganism, and so the operation and effectiveness of these systems can be the subject matter of future research only. At the same time, the issue of the so-called *ustawka* (pre-arranged mass brawls) was discussed as a new phenomenon present in Hungary as well, judgement of which raises questions for criminal law, criminal investigation and law enforcement too. During an *ustawka*, the fight between two groups of equal numbers goes on under strict rules and previously agreed conditions. The most important rule is that the opponents fight each other without aid, bare-fisted only, and that fans becoming unfit to fight or giving up the fight are not allowed to be attacked any more. Fights usually take place at hidden locations, only between and with the consent of the

interested parties; they are considered as some sort of sports event, but actually they involve serious hazards and in our opinion they can rather be considered as criminal acts.

**László Tibor Nagy – Valéria Gedeon – Eszter Sárík:**

### **Safety issues of youth entertainment. Hungarian and international experience**

Night life and youth entertainment culture have changed considerably in recent years. Places of entertainment have been transformed, in terms of quantity, structure, and quality as well. Youngsters demand carefree entertainment at night, and parents worry about the physical integrity and safety of their children left unattended, “going wild” in the night. These worries have been intensified by some tragic cases related to night life. In the course of the research, we attempted to reveal the features of places of nightlife entertainment, the opinions of operators and young guests and the standpoints of experts investigating this issue, as well as regulatory practices in EU Member States. In the framework of participant observation, 34 places of night entertainment were visited; interviews were made with 14 operators; 662 questionnaires were filled in to get to know the opinions of guests and the regulatory practices of 13 EU Member States were studied. In addition, two professional consultations were organised at the National Institute of Criminology with prominent specialists well-versed in the subject. Youngsters are exposed to basically five hazards in entertainment: they can be victims of crime (mainly assault, affray, looting, robbery, theft, sex offenses); they can commit crimes in their excitement, frequently in an altered state of mind (e.g. drug abuse, drink driving, affray, sex offenses); excessive crowds also represent a risk factor; health hazards can occur as a consequence of alcohol consumption or drug use; and they are exposed to accident hazards, particularly when going home (so-called disco accidents). Today’s party culture is characterised by the fact that parties start increasingly later; participants are getting younger and younger and they go to places of entertainment after some boozing to start with most of the time. Conflicts are mostly triggered by alcohol and drugs, and by sensation seeking. Binge drinking is spreading in Hungary as well. The objectives of prevention can only be achieved in the long run by consistent adherence to the rules and the enforcement of such adherence; only by ongoing and unexpected checks as opposed to inspection campaigns and raids. It is important that only properly qualified security guards should provide duty service. In addition, the surroundings of places of entertainment, the neighbouring public areas, often involve more serious hazards than indoor premises under control. In order for guests to avoid becoming victims, it is important that they should not be alone but in company if possible, taking care of each other and avoiding crowded locations and provocative situations. Last but not least, it is essential for parents and teachers to pay attention.

**Tünde Barabás – Szandra Windt:**

### **Criminality, sanctions and imprisonment of young offenders in Hungary**

Juvenile crime is a projection of problems in society. A criminal’s career nearly always starts from youthful “lapses”. This is why juvenile crime deserves attention and dealing with it can be particularly important in breaking criminal careers.

Responses of youngsters to processes in society are manifested in figures as well. The number of young offenders aged 14-18 was estimated around 11,000 on average between 2001 and 2010; by 2010, their number had decreased by 3% compared to the base year. The number of registered juveniles was the lowest in 2009 during the decade under scrutiny, but numbers increased by 12% in 2010.

*Punishments becoming stricter is also reflected in figures.* About one third of young offenders were sentenced to imprisonment by courts between 2006 and 2010; their proportion grew from 26% to 30%, meaning that about one in every three convicted youngsters was sentenced to imprisonment in 2010. This increase in the number of youngsters sentenced to imprisonment typically included an increase in the number of those sentenced to serve their imprisonment. 21% of all punishments were suspended imprisonment, and those to be served were 6% on average. As regards the breakdown of punishments, the proportions of both suspended and custodial sentence increased.

Young people living in bad circumstances, many times facing multiple disadvantages and frequently coming from families with a delinquent background, have no chance in prison to find assistance for change as being in prison is not a replacement for deficiencies in their lives until then. It is not possible, either, to face their offence and the pain they caused. “Miniature” societies coming into existence during imprisonment are dominated by violence, with frequent instances of victimisation, defencelessness and a lack of perspectives; it is therefore not surprising that many people commit further crimes after they are released – paving their way to adult imprisonment.

In addition to an analysis of the regulatory background and criminal statistics figures, the secondary processing of MEREPS research results related to juvenile inmates imprisoned at Tököl was completed and new empirical research was also conducted. In the summer of 2012, semi-structured interviews were made at the Rákospalota Corrective Educational Facility and Special Children’s Home. A total of 22 interviews were made; 13 of the interviewees were serving their corrective sentence, and 9 girls were in pre-trial detention, waiting for their judgement of first or second instance. Our results confirm the conclusions of earlier research. Young offenders typically come from families with bad financial circumstances, low prestige and many children. Characteristic features include the parents’ low levels of qualification and unemployment, frequent alcohol consumption or drug use and possibly their criminality. The style of such parents raising their children in neglect, with frequent assaults, does not ensure emotional security for the children.

Juvenile crime is therefore the result of a long development process. This “development path” typically starts with serious emotional deficits arising from the dysfunctionality of family life, which cannot be offset, even by various agents of socialisation. Therefore, institutions for family and child protection and a properly operating signalling system would play a major role in prevention as regards youngsters.

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

Requesting institution: European Union Agency for Fundamental Rights

Researchers involved: **Petra Bárd and Andrea Borbíró (OKRI), and Sergio Carrera and Nicholas Hernanz (Center for European Policy Studies, CEPS)**

#### **Legal Thematic Study on Victim Support Services – Umbrella Organisations working at EU level**

With directorial approval, Petra Bárd took part in a victim protection research project on request by the European Union Agency for Fundamental Rights, conducted in cooperation with Brussels-based CEPS. OKRI was represented by her and Andrea Borbíró, and CEPS by professor Sergio Carrera and research assistant Nicholas Hernanz. (Cooperation with CEPS has a long history: Earlier on, Petra Bárd published studies on EU criminal law in volumes issued by this organisation, and was invited to their conferences as a presenter; then we had the opportunity to return the invitation at the international conference in honour of the 50th anniversary of OKRI, with invitees including professor Elspeth Guild from CEPS. While on maternity leave, Petra Bárd assisted the work of CEPS in two victim protection projects; this way she could contribute to their studies by reviewing and reporting on them and she could also follow recent European developments.)

In the framework of the research project on umbrella organisations of victim protection working at EU level, contacts were established with general collection organisations of victim protection and with special organisations focused on certain victim groups or types of crime. We reviewed their capabilities for networking and coordination and their lobbying powers, intending to get a picture of the status of victim protection in the EU, as well as the state of implementation of EU legislation by Member States, and the results and quality thereof.

The first part of the study describes the paradigm shift in victim protection, placing this research of practical relevance into such a theoretical setting; then the multiple objectives of the research project are expounded in detail. Furthermore, the first part discusses problems of definition and methodology, a particularly sensitive area in research for legal comparisons, as our results can only be interpreted in the light thereof. The selection method of organisations and experts involved in research is also an important aspect of understanding the limitations of conclusions. The second part details the umbrella organisations directly relevant to the research objective, subjecting them to our sophisticated evaluation system. The third part elaborates on the interview results with representatives of the umbrella organisations and leading experts in this area. Although it was not previously included in our objectives, the research work also made us face the dark side of the new victim protection paradigm. The critique is summarised in the fourth part. Research results are confidential; the study submitted is not allowed to be disclosed to the public. Interview materials are particularly sensitive, therefore neither audio files nor the typewritten text of interviews are included in the study; nevertheless, they can be made available if necessary as evidence.

Requesting institution: Office of the Commissioner for Fundamental Rights  
Researchers involved: Orsolya Bolyky, Klára Kerezsi, Ágnes Solt, Judit Szabó

## **Report on childhood and juvenile crime**

### **General features of juvenile perpetrators**

It is evidenced by both domestic and international research that juvenile crime is driven by belonging to deviant peer groups. This is confirmed by the fact that juvenile crime is mainly characterised by perpetration in groups.

Other risk factors can be classified into two groups, factors *outside individuals* and factors *inherent in individuals*. *Factors outside individuals* include family background and deviancy within the family. Even as early as from conception on, there are risk factors that may cause problems in the mental and physical development of a child later on. These include very young mothers and the low educational levels, alcoholism or drug addiction of the parents. In respect of bringing up children, mention should be made of weak parental control and little attention paid to children, as well as physical and mental neglect. Family conflicts and parents getting a divorce bring about financial difficulties in addition to psychological afflictions, giving rise to further tensions and substantially deteriorating the relationship between parent and child. The appearance of criminals as family members increases the chances of children becoming criminals (Farrington, 1986). Connections between truancy and crime are clear-cut: they mutually generate each other (Graham, 1988). The quality of the *home environment* is a decisive component in the development of children's attitudes. *Factors inherent in individuals* include, in particular, low intelligence levels and weak cognitive abilities (Farrington, 1989; 2000). Furthermore, youngsters are more likely to turn into perpetrators if they see that the rules and values of society are not relevant to them.

### **Juvenile crime as reflected by statistical data**

Although the number of crimes committed by youngsters and the number of perpetrators has been more or less constant in the past 10 years, the proportions of various types of crime have changed. The number of *perpetrators of crimes against persons* is firmly increasing. In respect of *violence against public officials and persons performing public duties*, the number of perpetrators ranged between 220 and 270 until 2009, but afterwards it increased to 320–350. The number of juvenile perpetrators of *sex offences* has also increased. There is some reduction in *crimes against property*. A relatively large proportion of juvenile crimes includes *crimes against public order*. The number of *traffic crimes* has surprisingly decreased in recent years. With regard to crimes involving drug abuse, perpetration is typically directed to small amounts of drugs. There are also few drug addicts in the age group examined.

**Ferenc Irk:**

## **Criminal sociology of risk society**

Since the last decades of the 20th century, a worldwide process has been going on, the outcome of which is absolutely unknown as yet. One thing is for sure, though, a brand new world is to come, which will be completely different from the one we are accustomed to. This era is termed by social scientists as the period of second modernisation.

By examining natural and social processes collectively, it can also be clearly perceived that the majority of powers with the greatest impact on the formation of societies, including

politicians and business executives, make their decisions by providing tried and tested, habitual solutions in response to new challenges - full of confidence most of the time. Those who have spent more than forty years conducting social research are well aware of this. And they can even allow themselves the luxury of doubt, since they have an arsenal of surveys available, conducted on risk society and second modernisation worldwide, to respond to their frequently unanswered questions. The author makes reference to about 430 of these sources. The monograph, including research results, was produced as a result of the thematic processing of these research works.