RESEARCH RESULTS – 2013
(Summaries of completed research)

Content

I. RESEARCH PROJECTS IN THE MAIN FIELDS OF RESEARCH

THE FIRST MAIN FIELD OF RESEARCH: SOCIETY AND CRIME

György Virág – Katalin Parti:

Cyber-bullying – Online contemporary offences among children of school age

The TABBY (*Threat Assessment of Bullying Behaviour in Youth*) on the Internet (JLS/2009-2010/DAP/AG/1340 AMG) was a panel research study; the same children were interviewed twice, in spring and autumn 2012. The survey was conducted with an online questionnaire to

assess involvement in the online and school versions of bullying (contemporary offences) and the process of becoming a victim or perpetrator. It became clear **during the first survey** that the offenders and victims groups cannot be separated, i.e., those claimed to be offenders also appear as victims on the other side and those identifying themselves primarily as victims may also take offender roles, primarily in online communities.

In our current analysis, we used the population involved in the **first survey** to identify the factors of becoming an offender and a victim. In relation to **becoming a victim in cyberspace** we concluded that the events listed in the questionnaire[1] occur in practice in relation to the same children, i.e., a clearly defined group of children, and, in general, one victim experiences almost all the events. The typical victims are female students who consider their study results good and who are somehow affected by the offences at school (i.e., in offline conditions), i.e., identified themselves either as victims or as offenders.

The picture of **offenders** is somewhat more complex. The offenders' conduct was classified into two categories: the first group of offenders ("active" online offenders – 31.2%) included those who sent indecent and obscene messages to each other, disseminated hurtful or cruel rumours or some other hurtful things about someone else and, by creating a false profile, posted messages in which they discredited their victims. The second group of offenders ("passive" online offenders – 22.7%) contains those who revealed to the public someone's personal secrets, or shared someone's photos on some internet site without the individual's permission and they themselves or their online group excluded someone. Such behaviour of the offenders typically involves all these features.

In the group of "*passive online offenders*", as pupils get older, they become significantly more intensive offenders; typically those children belong to this group who consider themselves popular among their online acquaintances. These children are victims or offenders at school, i.e., they are definitely involved in school bullying. Typically those children who are *also* bullies *at school* become "*Active online offenders*" and, according to the data, the other potential explanatory variables (including age, online popularity, intensity of internet use, school performance or whether cyberbullying is discussed at school or at home) cannot change that impact.

Perhaps only popularity at school (but not online!) is important in becoming **a victim of bullying at school**: the more a person considers himself popular at school, the less he was victim there. We could not identify groups of characteristics in the process of **becoming school bullies.** It needs to be noted that, contrary to assumptions, the discussion of safe internet use with parents and teachers reduces the intensity of bullying at school only insignificantly. Consequently, to make the programme successful, sensitivity building programmes need to be improved and adapted to local problems.

In terms of the **effectiveness of the programme,** we concluded that those who took part in the experiment and had been victims before were significantly less exposed to *bullying* (on average by -1.99 percentage points) by becoming a victim of *school bullying* (and the same effect equally applies to both genders and all age categories). However, the data did not confirm that participation in the experimental group also reduced the TABBY score (exposure to bullying) of the school bullies. Similarly, no change could be identified in the extent of becoming an online victim or the behaviour of passive or active online bullies as a result of the programme either. However, it should be noted that these data only do not reflect any significant correlation with the TABBY programme; however, exposure to school and online bullying is declining equally in both the experimental and the control group.

[1] They received messages that made them feel uncertain; someone disseminated hurtful or cruel rumours about them; someone wanted to make others believe that they are the victim by creating a false personal profile; someone disclosed their secrets; excluded from the online community.

Consequently, the TABBY programme did not exert a clear (significant) effect on school bullies, although such an effect could be identified on the victims.
The planned phase of the research was completed, but the TABBY programme is **continuing** in 2014. The survey is conducted again among students at the old schools to see the development of the behaviour of the students regarding cyberbullying. We also involved new schools, where sensitivity building training was provided to the teachers in the autumn of 2013 and contemporary mentor training was organised for students selected by the teachers. We then also asked the students of the schools joining the programme to complete the TABBY questionnaire. The subject material and the videos were completed via an online video game in spring 2014, which the teachers can use during the lessons and students can individually test the different roles in it. The video game teaches the conditions of proper behaviour and shows the feelings of the injured party caused by inappropriate conduct. The concept of the video game is that each player can take various roles (offender, injured party, outsider witness, etc.), thereby experiencing the feelings, inhibitions and conducts to be followed in relation to the roles. The teachers can also use the game during the lessons by allocating the roles to students and jointly discussing the experiences of the players.

Katalin Parti:

Selection criteria of criminal news

The research project set the **target** of *analysing the representation of criminal news* in online and printed *media*. On the one hand, it reviews the clearly identifiable selection criteria for criminal news and, focusing on an actual criminal event that took place in 2012, presents the illustration, genre, tone, credibility and other specificities of the two media through the Kata Bándy case. The research highlights the social discussions triggered by the selected news, which developed into separate issues independent of the news, including, e.g., the discussion on capital punishment, social disorganisation (including especially attempts to introduce more austerity in the Criminal Code as a tool for creating "order" within society), the "Roma issue" and violent crimes committed against male and female victims. The purpose of the research is to prove the strength of the online press, which makes it a competitor to the traditional press. The findings of the research are supported by interviews made with media workers (journalists, editors, news directors).
The main **research aspects** include the selection criteria for news, the selection steps, the repetitive components, the news dissemination dynamism, reliability and credibility of information and the conclusions relating to readers' comments. Journalists working for online papers underlined the timely nature of news among the selection steps. The online media can afford more to exploit the news of other papers in a dead season, yet they must pay more attention to the kind of news to which their public is receptive at a particular point in time. In early morning people tend to read news about accidents, which is later taken over by crime as the day progresses. Negative selection criteria were explained only by journalists working in the printed press, where the strongest aspect was the exclusion of a story due to its excessive coverage or tabloid origin. However, the expectations of supporting online news with visual information were not confirmed by the quantitative research (based on news observation). In terms of the selection steps, online journalists are more independent than their colleagues working for the printed media, both in defining the size of an article and the images, as well as in deciding the time of publication. However, readers' letters, i.e., online comments, have a much stronger impact on the dissemination dynamism of news online, because the number

and relevance of the comments will decide whether or not the particular news should be followed up.
The evergreen schemes and framework topics forming the subject matter of individual social discussions triggered by the news ensured the continued relevance of the news and public interest even after the zenith of news dumping. Such topics are dominated by Roma issues and anti-Roma attitudes. That reflects the importance of that social problem, yet the repetitive elements are less polarised in the online press and show a more homogeneous distribution. The online press provided a wider picture and reflected more opinions and views about the specific problem of society, and therefore the online coverage of any phenomenon may be deemed more complex than coverage in the printed press.
The dissemination dynamism of news is rather similar in both media; essential differences occur only in the timing of the news. While the information provided by the printed press remains relatively even from the event to the completion of the criminal proceedings, the online press concentrates its energy on breaking news.
There is a clear difference between the two types of press in their source of news. In the traditional environment (printed press) the journalists use their own sources to obtain 70-75% of the news, i.e., the majority of the information comes from authority spokespeople, former colleagues working in offices or through other personal contacts. On the contrary, the news in an online news portal originates from more official yet impersonal websites (Police.hu, MTI Híircentrum, etc.). The classic journalists refer to lawyers and possible contacts in prisons or in the underworld, i.e., the "dark side", among their sources of information. The printed media highly appreciate news obtained directly. However, the quantitative analysis (criminal news monitoring) showed that the predominant sources of information are in-house journalists for both online and printed media. Consequently, the quantitative analysis contradicts the statements of the interviews, according to which the online press prefers official online portals to personal contacts. That could be because the reviewed event was a crime and therefore it consisted primarily of information that could be obtained by the journalist of that particular paper, too. It indicates that a crime gives a more favourable opportunity to obtain more reliable information directly.
The quantitative phase did not confirm the statements of the interviews concerning the reliability of the two types of media either, according to which the news of the printed media was more reliable. On the one hand, both types of press products used tabloid sources relatively extensively and, on the other hand, the news conveyed by the online press turned out to be more reliable, despite the fact that they stemmed from non-official sources, indirect or non-regulatory sources in a greater proportion. It needs to be noted though that the distribution of the online press news on a scale of reliability was greater than that of the news published by the printed press. One of the reasons could be that it is their own source that brings a journalist close to the depicted people and content, and which undermines objective coverage.
By putting together the small details published one after the other in a specific crime and by summarising the pieces of evidence, their reputation, the defence of the suspect (accused) and witness statements, etc., the online media acts as a "conversation partner". The traditional printed press cannot do the same, partly due to the shortage of space and partly due to the limitations of its genre. All in all, the online press provides more objective and more extensive information to its interested audience. The overall picture is not distorted significantly, even by the articles that do not fit within the reliability domain.
Consequently, the future points to the coexistence of the two media rather than to the switch predicted by many, because they can both satisfy the needs of the public: the online media publish short news rapidly, while the printed media publish carefully written articles and journalist reviews that are read by people after being attracted to a particular topic by the

online media. Neither the printed nor the online media can provide comprehensive information. Both have their respective weaknesses, and therefore, in order to work, they have to complement rather than eliminate each other.

Tünde Barabás – József Kó – Szandra Windt:

Preparation for a statistical reform in criminal justice

According to the research launched at the request of the Ministry of Public Administration and Justice (KIM), the currently used judicial form-based data collection system is not suitable for satisfying statistical data needs. National and international enquiries often cannot be fulfilled due to lack of data. Many of the applied codes are also obsolete, and therefore the data collection system had to be modernised. Modernisation should definitely be in line with the options and requirements of the currently generally used electronic data collection systems. By improving the IT system of the courts and making the data management systems of RobotZsaru available, the technical background of data collection will be in place, and the proposed modifications may be applied.
The expert team of OKRI was commissioned to identify the problem and to revise the data form by specifying the criteria for the new statistical data collection system.
In the course of the research, the specificities of operation of the currently used statistical system were analysed with the involvement of the respective experts. The proposed plan was prepared on the basis of the information collected and the requirements of the ministry. Our proposal concerned two areas:

1. The definition and enhancement of the data collected in the statistical system,
2. Possible interconnection of various data collection areas.

The draft contains proposals for potential transformation and modifications using the currently available form-based questionnaires and the system that is currently in use. With the most important modification, the presently used case-based records could be replaced by a system capturing the data of all acts. The key aspects of a case monitoring system were identified within the framework of a more comprehensive proposal.
As a result of the project, the statistical forms were designed according to the proposed data collection criteria and submitted to KIM within the deadline.

József Kó:

Options for measuring crime

Why is there a need to measure crime?
"Statistics on crime and criminal justice are indispensable tools for developing evidence-based policy at EU level. Impact assessments, evaluations of the implementation of EU legislation from the Member States and assessments of the effectiveness of new laws are only some examples of the use of statistical information. While the need for factual statistics has long been recognised by the Member States and the European Commission, there is still a lack of reliable and comparable statistical information."

(Measuring crime in the EU: statistical action plan 2011–2015)

Translating the statements of measurement theory to the issues of criminal measurements, it becomes clear why the decision of the European Council contains a statement according to which *"there is still a lack of reliable and comparable statistical information."*
According to its generally used definition: Crime is a continuously changing social mass phenomenon that refers to the crimes committed in a certain geographic area in a particular period and the perpetrators. Unfortunately, the injured parties are missing from the definition, although victims often have to be taken into account in the course of the analysis of crime. Let us just think of private prosecution crimes. Victims are the primary source of information for latent crimes, too. Consequently, while measuring crime, the victims also need to be involved in the analysis.
Criminal statistics are the most widely used tool for measuring the number of crimes. Apart from criminal statistics, the number of crimes may also be established using sociological and criminological reviews. The most widely used tools are victimology assessments. There are two types:

1. Residential assessments (classic victimology assessments)
2. Assessments performed among legal entities (for profit, non-profit organisations).

In addition, there is an increasingly popular tool for measuring crimes that cannot be detected or analysed in any other way. This tool is

3. self-report-based assessment.

Statistics reflect a distorted picture and the degree of distortion varies according to the type of crime. The biggest problem is that although we are aware of the distortion itself, we are unaware of its degree, and therefore we can only see that statistics do not show what we would like to see. By using other measuring tools, corrections may be made in certain cases and therefore we can get closer to a real understanding of crime, but criminal statistics data need to be handled carefully when one intends to make statements about overall crime. Naturally, it does not mean that criminal statistics are superfluous or their analysis is pointless. Statistical analyses can provide a lot of important information, where only the validity of that information needs to be considered: it does not relate to all crimes, only to the revealed crimes.
Finally, by using the available measurement tools, we developed a four-component model for measuring crime. The model is based on the theory that data collected using forensic or criminal statistical and criminological or sociological methods may only be interpreted together and the actual volume of crime may be estimated well, close to the actual figures, only if such data are aggregated.

Katalin Tilki:

Prosecution practice in environmental fines

The purpose of this research was to identify and present those prosecution measures that help in enforcing environmental regulations following an environmental fine.
In addition to classic theoretical methods (review of the technical literature dedicated to environmental subjects and of the legislative background), we also used a practice-oriented research method. In our research we studied documents received from the county prosecution offices of the seven regions of Hungary. The research focused on the legal instruments applied by the prosecutors between 2010 and 2012 in air quality management, noise and vibration protection, sewage and water contamination, nature conservation and waste fine cases. During our study, we therefore analysed the files of the resolutions adopted in 2010-2012. During our research we examined how cases were launched, the further proceedings

proposed and the measures used by the prosecutor and the issues that came up in each case. A round table discussion was also organised with environmental experts to discuss the problems and best practices in the field and to learn about their proposals. With that method we tried to overcome the "gap" between theory and jurisprudence.
Based on the documents, we concluded that in most cases the prosecutor issued orders and made requests during their preparation for the case and prior to its submission to the court, generally in relation to noise or water contaminant emissions over the respective limit values; in other cases they initiated further proceedings based on the bill of indictment or a final court judgment relating to the infringement of the waste management procedures, sent to them by the criminal prosecutor. The out of court orders and requests were successful because they made environment users stop their polluting activities, either through technical solutions or modifications or by discontinuing their operations that are harmful to the environment, and so the lawsuits were prevented. Consequently, public interest protection and the criminal sections cooperate effectively as a virtual team.
In total, we concluded that the prosecutors gave preference to those instruments provided by law that are the most effective in terms of both the importance of the time factor and the difficulties in implementation. The occasional hiccups in sectoral cooperation should be corrected to make cooperation more effective, which is of key importance not only for the exchange of information but also for joint control. The launch and execution of more indemnification lawsuits could be a possible trend for the future, with more stress put on bans and obligations.

THE SECOND MAIN FIELD OF RESEARCH: SECURITY, PUBLIC SECURITIY

Szilveszter Póczik:

Origin and function of political violence and terrorism and its trends and varieties in Europe – regional comparison

Based on the criticism of technical literature, we looked for a criminological response, embedded in the framework of political sciences, to the origin and function of political violence and political terrorism, which is a special form of political violence.
In the first step, we identified the disciplinary position of the problem of terrorism from taxonomic aspects and concluded that, contrary to any experiment conducted otherwise, the problem falls within the scope of political sciences, as its primary content is resistance to autocracy or, in a historic sense, the problem of "killing tyrants", which has been present in political thinking and in state and power philosophy. The other attempts to form a theory on terrorism were analysed from that point of view.
In the course of the analysis of traditional terrorism versus new terrorism theory, we concluded that the so-called new terrorism was global terrorism. In terms of organisation, the parallel activities or loose cooperation of isolated groups are replaced by global terrorist networks operating on a franchise basis. They target not only national and international civil or military objects, but also national and international large supply systems, especially the critical infrastructures. The clashes triggered by the new terrorism are high-intensity conflicts, wherein terrorism conducts a quasi real war in global, regional and local fields in order to achieve its complex social and political objectives. It is no longer aimed at keeping the number of victims low or exerting a huge impact on the media but its primary and most important objective is mass destruction (a large of secondary victims in addition to the already

high number of victims) for which it has the required instruments, ABC weapons, etc. In other words, new terrorism conducts an asymmetric war in a formal peace situation. However, during the critique of the concept of "new terrorism", we still maintain that the components of new terrorism already existed. The "etalon" of the main, currently predominating international terrorist trends, i.e., Islamist terrorism, is expanding in front of our eyes. It is not as much terrorism taking a new shape as adaptation to the conditions. Based on our conclusions, we tried to lay down the fundamental components of a general terrorism definition. In the uneven system of the globalised world, international political terrorism is not a temporary phenomenon but a necessary and existing system feature. Relying on metaphysically determined ideas and using centralised and volunteer military groups, certain weaker participants and/or emerging entities of the international power systems apply illegal and irregular military sources which they consider legitimate, through conspiracy, against the dominant actors of the system in a formal peace situation. On the basis of our subsequent analyses, we made projections about the far left, far right and Islamic violence trends in Western and Eastern Europe.

Szilveszter Póczik:

Far right political organisations, ideas and activities in Europe, especially in the new East European EU Member and Candidate States with special regard to the Baltic States and the Western sub-region of the Central and Eastern Europe region

In this research we compared far-right, xenophobic and anti-minority, as well as racist organisations operating in the new EU Member States, relying mainly on online sources. We concluded that they are social protest movements organised on the basis of generations and subcultures, which cannot become significant political forces yet respond to existing problems. However, at some point these organisations can find ideological collectivity with one another and with the majority of society: this is xenophobia and mainly Romaphobia.
In our research we studied Slovakia and Latvia, which are equally under pressure by the lack of the dreamt-of nation-state and the presence of minorities. In Slovakia, approximately 15 racist organisations are known of, which have around 5,000 organised hard-core members. They consider Hungary and the Hungarian minority in Slovakia an enemy for political reasons, and the Gypsies for racial, ethnic and social reasons. In addition, they strive towards the rehabilitation of the Slovak fascist state led by *Tiso* (1939–45). Despite their isolated political views, their anti-Roma ideas are shared by relatively large sections of society. The reports of international organisations regularly conclude that one of Slovakia's most important challenges is to combat racism and extreme political views, including especially the segregationist practices of its authorities. True extreme right radicalisation wave occurred in Slovakia after the turn of the millennium. Although in Slovakia national action plans have been prepared to combat racism since 2006, human rights defenders still constantly point out the threat of state nationalism and discrimination observed in almost all aspects of life. They strongly object to the anti-Roma slogans becoming an everyday component of public politics and a tool generally used to mobilise voters. Despite the official pro-integration statements, discrimination is increasing in the labour market, in education, in finding homes, the health services, involvement in politics, access to services, in the media and in the judicial system. The Latvian situation is similar yet more complicated, because there are two far-right movements facing each other: the local Latvian nationalists and Great Russian nationalism,

represented by the Russian minority that remained in Latvia after the break-up of the Soviet Union. Both movements have their basis in similar youth groups in society. Surprisingly, no major violent extreme right activity has developed, even despite the national division.

Erzsébet Tamási:

An economic and moral approach to prostitution

Research hypothesis: Criminal policy regulations entail economic consequences, which also include an impact on the sex market. A decision on whether or not paid sex is acceptable is important, not only because it is a general moral issue but also because the different answers will have a clearly different impact on everyday life, the economy and legislation.
Questions asked in the research: What is the connection between the models currently used for regulating prostitution and what are their impacts on the sex market? Are the various applied control systems driven by economic factors, the interests of the sex market or a moral-legal approach to criminal policy? What is the impact of the relationship between demand and supply on various criminal policies? What changes will the modernisation of prostitution and the spread of the internet trigger in the moral evaluation of prostitution and the application of regulations?
Research methodology: Processing and analysis of the technical literature (in English and German) and the data collected during the field work conducted simultaneously in Hungary.
Research steps: Our previous research projects established the demand for prostitution, identified on the basis of international empirical analyses, and reviewed the effectiveness of different criminal policies. In this research we analysed the connections between different economic interests. Special attention was paid to changes caused by the e-sex revolution, prostitution and the online sex market.
Findings, results: According to some authors, restrictive regulations reduce the market and legalisation has a positive impact on it. Legalisation primarily reduces health risks and various side effects, although at the same time increases the size of the sex market. The reduction of risks through the liberalisation of various prostitution services, i.e., an increase in indoor sex work, is important not only on the supply, but also on the demand side. Others believe that restrictions do not have any reducing impact and that changes are caused mostly by the fall in demand. Economists try to use mathematical models to prove that a reduction in demand will lead to a reduction in the number of prostitutes, by using the risks and deviant causes of becoming a prostitute as starting points in their models. Their calculations are purely theoretical and lead to a conclusion that stricter punishment of clients and information to the girls will be effective.
Conclusions: From the correlation between regulations on prostitution and economic aspects:
Ban
A total ban reflects an obsolete morality and results in a failed criminal policy. As it does not fit the new sex market needs, prostitution flourishes in such places in both the grey and black economies. In the United States, which is unlikely to budge from its total ban on prostitution, the freedom of sex advertisements and the processes of Silicon Valley, i.e., the citadel of radical anti-prostitution, reflect flexible adaptation, i.e., the modernisation of prostitution.
Supported
The two “most modern” forms of regulation are better adjusted to the consumer world. No explanation is required for the model that interprets prostitution as a job: sex is a consumption article, produced with work and the service may be sold and purchased as any other goods.

The Danish, Dutch, German and Australian examples prove that it is not the perfect solution, either.

Ban-support

The other regulatory tendency is clearly schizoid, as it considers prostitute women to be victims, the phenomenon as violence and men as exploiters. The regulations cannot handle sex workers or the existence of the sex industry or the principle of sexual self-determination or the current needs of civil existence. This regulatory method, also known as the Swedish model, applies a moral approach that is clearly based on street prostitution, which stems from the historical world and Marxist philosophy, written in response to 19th century capitalism.

Tolerance-ban

Since 1985, Great Britain has been combating street prostitution in a very special way: the UK is the first country in the world where only the clients, i.e., men circulating by cars, are punished with a declared objective of protecting the peace of the street and residents. The attempt to reduce the harm is shown in the Austrian Act on Prostitution adopted in 2011. The Act mercilessly expelled street prostitution from the inner districts of Vienna, designated a few areas for the continuation of the business and, at the same time, granted major concessions and even support to the sex market taking place indoors.

In Hungary, the legal and policing uncertainties are handled in a "special Hungarian way". There is legislation, i.e., an Act. It regulates the place of prostitution, although there is no-one to enforce the legislation. There are no designated zones; the girls face uncertainties and daily harassment by the police and, for municipalities, the *ex lex* status seems politically more remunerative than cooperation and ending the hypocrisy.

Erzsébet Tamási – Gergely Vaskuti (external expert):

Developments in the management of prostitution in the 8th District (Józsefváros)

Hypothesis and objective of the research: To assess the size and nature of street prostitution in District 8 and to compare the policing and legal options with the opportunities of the district.

The district management intends to terminate street prostitution that disturbs the residents, i.e., to resolve the issue of prostitution for the residents of the district based on public policing (cleanliness, no noise), public security (no violence or crime) and public morality (elimination of deviant sexual behaviour) aspects. The research provides a status review for the municipality, analysing and assessing the regulatory measures taken so far and their effectiveness and identifying the inadequacies. It prepares a feasibility proposal/plan for eliminating street prostitution.

Research methodology: Collection and analysis of empirical research, review of the development of legal regulations in order to assess the current situation. Analysis of the conditions of using international regulatory models and strategies. Interviews with executive officers of institutions relevant in terms of prostitution and the collection and analysis of police data.

Research steps:

- *statistical and sociological data*: who and how many take part in prostitution and in what way?
- *Townscape knowledge*: where, in what areas, streets and near which community places does prostitution take place?
- *Policing information*: offence and crime data from the district concerning prostitution.

- *Information on prostitutes and clients* and the relationship between them.
- Description of the *attempts made to resolve the situation so far.*
- *Any previous research, document or survey conducted in any topic related to local security.*
- Assessment of the coordination of *statutory and legal requirements* and implementation options.

Findings: Based on the collection and analysis of empirical research dedicated to prostitution in Hungary, we can conclude that no statistical, quantitative or qualitative research has been conducted to assess the status of prostitution in the capital city based on which general conclusions, useful for the purposes of legislation, could be drawn, even on particular aspects.
The analysis of police data indicates regular checks on and punishment of sex workers; the approximately one hundred sex workers operating in the district are the subjects of regular petty offence proceedings. Most of them do not have valid medical papers and they do not operate in a place permitted by law. The number of complaints received from residents is negligible. According to the assessment of the conditions of sex workers, the most important problems for the girls are not the regular and frequent police checks, nor the absence of a designated "safe zone", but the total inadequacy of their working conditions. According to the leader of the interest group of sex workers, legislation may result in the enforcement of the law, i.e., designation of the zones and the supply of an infrastructure in them.
On the basis of our survey so far, we concluded that street prostitution cannot be resolved in only one district: only an overall solution could work, providing that districts are willing to cooperate. All participants agree that compliance with the law could be successful only if central ideas are developed and approved and cooperation is achieved in Budapest. There are similar views on the possibility of amending the law, i.e., on actions to terminate certain sections of the Treaty of New York (ban on brothels).
However, everything is based on the collection and analysis of the data pertaining to the whole territory of the capital city and a comparison of the options and ideas of the respective stakeholder organisations.
Results: Unfortunately, the promised funding was not granted for the research, and therefore the empirical research (household surveys, focus groups, etc.) could not take place.
Conclusions: A research project aimed at assisting the control of prostitution within and outside the legal framework may not be implemented without interviewing the respective authorities and NGOs, or experts preparing for the codification of former acts and other specialists involved in the subject, or without taking the attitudes of households into account. Considering that the research continues in Budapest, at the request of the Ministry of Interior and District 8, the project will be continued, along with the main ideas envisaged for it.

Ildikó Ritter:

Impact analysis of legislative changes made in 2011 to reduce sports hooliganism

In a study entitled *"Criminal Sociological Aspects of Violence in Football Stands in Hungary" in 2011,* we primarily analysed the criminal sociological characteristics of this phenomenon, however, we inevitably took under our scrutiny the comments and responses of fans and football experts given to the legislative amendment coincidentally approved by Parliament just then. Accordingly, the findings of the condition assessment conducted last year will be perfectly comparable to the findings of the impact assessment to be started soon (e.g. were the prognoses made by the fans and experts proven true?). According to Atkinson

and Young (2008) traditional and comparative deviance and crime theories may serve as good starting points for the analysis and interpretation of sport-related violence. They conceptualised 10 questions that supported their theory. Of those we considered the following full questions relevant for study:

1. What institutional mechanisms are used to combat sport-related violence, and what uniform explanation/definition do these mechanisms give with regard to acceptable and unacceptable behaviours?
2. When, why and who developed society's responses to this phenomenon?
3. At what point does the criminal justice system join in to combat sport-related violence and what acts of violence are considered to be criminal acts?
4. What practical "answers are given" by national or local law enforcement agencies to sport-related violence?

Method of the research: analysis of statistical data, in-depth interviews, document analysis.
The research **results** indicate that the amendment of the current legislation was too proactive, while reactivity was previously one of the greatest problems.
The current legislation set tasks and requirements for the respective organisations for which they were not prepared. It is therefore not accidental that the entry into force of certain provisions was delayed by almost two years and they are still not fully feasible. The legislators tried to adopt the provisions of the law of the EU Member States that have an advanced football culture and those formulated in international recommendations: this was the right approach; however, the Hungarian specificities of the phenomenon were omitted from the legal provisions.
The effect of the regulations are heavily "disturbed" by state interventions (see, e.g., the settlement of the debt of clubs), which in effect neglect the responsibility of the clubs in relation to compliance with the legal regulations. The main hindrance impeding the legal effect is the lack of compliance by the clubs. Clubs are not interested in complying with the respective Acts, which can nevertheless be enforced with difficulty.
The amended legislation would rely on the triangle of clubs-fans-built environment as the basis of handling the phenomenon, while the enforcement of implementation is concentrated mainly on the fans.

László Tibor Nagy:

Current issues of sports policing, with special regard to the activities of the Committee Reviewing Sports Events in Terms of Security

Purpose of sports: physical training, competition, entertainment, leisure activity, although sports have also been associated with other, often negative, phenomena during its history. The dissemination and increase in **sports hooliganism** (especially football hooliganism) is a major problem, which makes safety at sports events, already involving major risks and often attracting large crowds, more difficult and often unpredictable.
Over the last few decades disasters have occurred in football stadiums in numerous countries of the world, leading to tragic consequences, deaths and severe injuries, and there is news in the media on disorders caused by and clashes with football hooligans almost every day. In Hungary, no such event of such nature and with fatalities has occurred yet, although there are permanent activities disturbing the security or civilised atmosphere of sports events. Legislators, the police and sports clubs have strongly and increasingly radically responded to supporters recently, although some of the fans (visiting matches, mainly "ultras") strongly objected to these responses.

The research focuses on the most burning and relevant issues of sports policing: the application of legal regulations on crimes and minor offences; bans, exclusions and absolute bans on visiting sports events; entry authorisation systems; issues associated with the sale of tickets and fan cards; the activities of the police and security companies as well as guards (personal and property guards); views on the use of pyrotechnic instruments; and the handling of racist actions. We analysed separately the activity of the **Committee Reviewing Sports Events in Terms of Security** as a committee which is supposed to make decisions on the classification of spectator sport types under their scope of activity according to safety risks.
In the course of our research, we applied the methods of participant observation, a questionnaire-based survey conducted among sports policing experts and an analysis of the specialist literature.
In conclusion, it may be stated that although the security status of sports events has improved slightly recently, progress is still needed in numerous areas. It is not enough to install new, multifunctional, up-to-date technical solutions *(entry authorisation gates, high-resolution camera systems);* they need to be applied appropriately and effectively. The security service involving police officers needs to be reduced, although it requires *more rigorous and consistent checks on the organisers* and the elimination of those who operate unlawfully. It would be important to *develop* the ineffective *spotter network*, which may have a major role in obtaining information and in communication. *Consideration should be given to a three-degree security risk-based rating system (normal, increased, major)*, because at the moment the clubs having the fans that give rise to the greatest risk and cause the most problems are in the best position, because matches involving major security risks are secured by the police as a public task, i.e., free of any charge.

THE THIRD MAIN FIELD OF RESEARCH: CRIME CONTROL

György Virág – Katalin Parti – Judit Szabó:

Repeated sexual crime prevention measures in the justice system

Although, according to the criminal statistics, the perpetrators of sexual crimes make up only 5-6% of inmates and that, compared to other groups of perpetrators, the incidence of special relapse is the lowest among them, special prevention and management programmes are needed in order to prevent the repetition of crimes. However, the conditions of implementing such special programmes are not in place everywhere, especially not in the countries of Central and Eastern Europe. The reasons for that relate to the influence of populism on criminal law, the negative attitude of society towards sexual perpetrators and, last but not least, the crisis symptoms of the treatment ideology which can still be felt.
Consequently, there was a need for research dedicated to the legal and practical problems of handling sexual perpetrators and promoting international cooperation. Within its framework, the Max Planck Institute (MPI) and the National Institute of Criminology (OKRI) jointly organised a professional workshop with the title "*Developing sexual offender laws and treatment in Europe*", based on a joint research project with the working title *"Repeated sexual crime prevention measures in the justice system"* in Freiburg, Germany on 16-17 May 2013. The experts of various European countries attending the workshop, including the participants in the research in Hungary, i.e., György Virág, Katalin Parti and Judit Szabó, presented the repeated sexual crime prevention measures, the available legal, psychological and medical measures and the practices of their respective countries in the latter field.

The summary of the presentations delivered and the issues discussed at the workshop, as well as the plans for the future, was published in the 2013/3 issue of Börtönügyi Szemle (Prison Digest) in December this year. On the basis of the presentations delivered by György Virág, Katalin Parti and Judit Szabó at the workshop, the study under the title of *"Sex offenders in Hungary: Law, treatment and statistics"* will be published in 2014 in the special issue of the Monatsschrift für Kriminologie und Strafrechtsreform journal dedicated to sexual perpetrators. Our institute organised two sections at the annual conference of the European Society of Criminology (ESC) held in Budapest between 4-7 September 2013 under the title of *"Treatment of offenders: Approaches and Experiences of reducing recidivism"*. Both sections were completed successfully. The joint research is expected to continue; in order to continue our professional cooperation, we plan to form a research group in 2014 (Sex Offender Research Group), which would organise its meetings regularly within the framework of ESC as a "pre-conference".

Ildikó Ritter:

Impact analysis of the legal facts of drug abuse as a crime

The analysis was not intended to assess the effectiveness or ineffectiveness of the prevailing regulatory environment; we were interested in the effects of enforcing the laws. A secondary goal was to use our investigation findings to facilitate the exploration of the problems concerning the investigation, evidentiary and penal procedures and the management of such problems.
Research **methods**: document analysis, questionnaire-based survey and in-depth interviews.
The criminal justice system involves a relatively consistent practice in terms of the detection of so-called traditional crimes and procedures in that regard. It is because those actions have been punishable for a long time, clear definitions apply to the provisions of the material law and the material law and procedural law are consistent. By contrast, there are actions and deviances that were recently defined as crimes by society, making an attempt to regulate phenomena, the assessment of which still lacks social consensus, in relation to which the legislators themselves still "looking for a catch".
Drugs crimes typically relate to that category, and therefore it is no accident that the justice system finds it difficult to cope with them. This is the situation not only in Hungary but also in the developed countries.
Traditional instruments, techniques, knowledge and information are not enough to detect and prove those crimes. Even committing a complex crime requires special expertise. The justice system must also adapt if it intends to keep up with the illegal drug market and the perpetrators.
It is no accident that, according to the research results, the main problem in relation to the enforcement of the legal effect is evidence, more specifically, the legal provisions regulating the collection of information required for evidence and the practical application thereof.
It seems that, on the supply side, the difficulties of proving drug-related crimes stem from the relationship between the phenomena to be regulated and criminal justice and the interaction between the legislative organisations. The organisations involved in jurisprudence have little influence on the management of the problems of correlation but, in terms of interaction, an improvement in the quality of cooperation and communication and consistent interpretation of the law are reasonable and feasible objectives.
Proof is rather difficult in relation to drug-related crimes on the supply side, regardless of whether the problem occurs in a country with a continental or Anglo-Saxon legal system. One

of the basic problems of the proceedings is that there is no injured party reporting a crime or applying for the assistance of the authority. Consequently, the crime can generally be detected only by operational data collection. However, the disclosure of information originating from operational data collection does not necessarily mean that it can be used in the accusation procedure. As the operational investigation phase, realisation and the information obtained during the hearing of the first suspect are the dominant factors in such proceedings, the prosecutor has a very slim chance and very few opportunities to obtain any key new evidence during the prosecution phase.
These days, the majority of prosecutors proceeding in drug-related crimes on the supply side have a reactive role. The police presents the results of their detection *fait accompli* to the prosecutor, who often has very little information nor the possibility of being involved in the investigation - detection - activity. The prosecutor must have a proactive role, although that role must remain within their own scope and competences. The objective is not to preside over the various investigation tasks or roles or activities, or to take control, but to achieve cooperation and good-quality and effective coordination and communication between the police and the prosecution.

Ildikó Ritter:

Infections and fears in prisons

The *"Infections and fears in prisons"* research was launched in the autumn of 2012 as another research project, not included in the work plan, but it became part of the work plan for 2013 and was finished in 2014.
In Europe, one of the most frequent ways of propagating the hepatitis C virus is intravenous drug use. According to estimates, there are nearly one million people infected with HCV who injected some kind of drug earlier on.
In Hungary, by making references to personal rights, most screenings allowed to be ordered as mandatory were discontinued in 2003, including the HIV screening of prisoners.
Since 2007, pharmaceutical companies have organised anonymous screenings (HBV and HCV) on a regular basis in penitentiaries. Hepatitis screenings are available free of charge in prisons. Diagnostics and treatment costs are financed by the state.
The study intended to reveal inmates' concerns, the causes of such concerns and the opinions of convicts on HCV infections and infectious patients in prisons.
Research **method**: questionnaire-based survey (use of questionnaires completed by the respondents), among the inmates who took part in the screening; in-depth interviews.
According to the research **results,** and similarly to the findings of international studies, the HCV infection risk group within Hungarian prisons includes those intravenous drug users who used needles or syringes contaminated by blood either prior to being admitted to the prison or subsequently and those who applied needles contaminated by blood for a tattoo either prior or subsequent to being admitted to prison. For 39.4% of the HCV infected inmates included in the research sample, the source of infection cannot be identified clearly because they exhibited both risky conducts referred to above. However, 17.1%, i.e., every sixth HCV infected individual, stated that they had never used any drugs intravenously.
As such, the research results led to the conclusion that, although it is likely that more people were affected due to the use of intravenous drugs involving a contaminated needle/syringe than in relation to tattoos, there is a serious risk that HCV incidences will increase among the Hungarian prison population, often within the actual prison due to tattoos applied using shared needles, contaminated with blood. It is alarming that a number of people confirmed to

be HCV positive caught the infection in prison, with their screening results being negative in the preceding year. Annual screening can only be applied to 15-20% of the inmate population.

Tünde Barabás – Szandra Windt:

How to implement the peacemaking circle model in the countries operating on the basis of the principle of legality?

The international project entitled "How to implement the peacemaking circle model in the countries operating on the basis of the principle of legality?" was implemented by the Criminology Institute of the University of Leuven, the National Institute of Criminology and the Foresee Research Group in Hungary under the leadership of the Criminology Institute of the University of Tübingen (project number: JUST/2010/JPEN/AG/1609 30-CE-0429369/0090.).

The project intended to establish a model and best practices for the peacemaking circles method, a new procedure in restorative justice and not really applied yet in Europe, with the involvement of Germany, Belgium and Hungary. OKRI is responsible for conducting the research project in Hungary: to learn and understand the opinions and attitudes of prosecutors by using focus group methods and partially structured questionnaires, and on the basis of the foregoing, the institution is required to prepare a recommendation as to what legal and other professional conditions would be necessary to implement the peacemaking circle model in Hungary. In addition, the OKRI researchers joined the first Hungarian pilot projects implemented with the peacemaking circle method as participants and observers.

In the course of the focus group discussions, we analysed what prosecutors thought about the involvement of the representatives of the judicial service in case selection and participation in the circle. According to the opinions, during selection the prosecutor **cannot** propose the application of the peacemaking circle. According to the participants, in many instances the prosecutor does not even feel that the community could be involved in the case as an injured party. At present, the mediators involved in the mediation procedure are considered suitable for that task and, similarly, whether or not the peacemaking circle method is used in a case referred to mediation is also decided by the mediators.

The participation of a prosecutor in the meeting of the peacemaking circle is not required and, in fact, raises serious concerns in terms of the principle of legality. Thus, according to the opinions of prosecutors, the participation of prosecutors is limited (e.g., to guardianship procedures, in relation to individuals not otherwise punishable - e.g. juveniles).

The focus group discussions and the results of the pilot project clearly reflected the general opinion that the automatic adaptation of the Anglo-Saxon solution of peacemaking circles is a rather distant solution to the Hungarian legal system, which works along the principle of legality. However, in an appropriate legal regulatory framework, the method could also be applied within the framework of criminal proceedings. Under Hungarian conditions, it could be envisaged as an option in the direct mediation procedure between the injured party and the accused that could work well in certain cases. It would work similarly to the mediation procedure, although would allow for the restitution of a much wider group of injuries through conflict settlement and would simultaneously also serve preventive objectives. In that regard, the solution could be the extension of the parties involved in the mediation procedure, primarily with the involvement of representatives of the community.

Gabriella Kármán:

Automation options and impacts in forensic evidence: Importance of the accreditation of expert activities in evidence

In relation to forensic sciences, one of the most current issues across the world is the authenticity of forensic evidence and its factors and the specific actions to be taken to increase the use of such evidence. In the course of these reviews, consistent standards and accreditation of expert laboratory activities have a major role.

Research topic: In relation to the Hungarian classic forensic expert services, we already concluded in previous research studies that the related activities (trace, weapon, fingerprint and graphology reviews) are not based on natural sciences and therefore the internationally expressed doubts (subjectivity, lack of scientific foundation) need to be addressed here too. The question of how this process contributed to the elimination of objections in Hungary emerged in relation to the accreditation of the Hungarian Institute for Forensic Sciences (BSZKI) in progress (concluded successfully in most areas concerned).

Methodology, research steps: The experiences of our previous research studies were used as the starting point of the present study. We began working with the topic by reviewing the specialist literature, followed by consultations with the experts of BSZKI responsible for quality assurance and quality control concerning the accreditation process and its specificities. We reviewed the quality control documents of the organisational units that were relevant in terms of our topic, and then compared the information to the internationally defined factors of authenticity of expert services.

Key findings: Accreditation is a certificate proving that a particular organisation or natural person pursues an activity or provides a service of appropriate and consistent quality, in possession of all the requirements applicable to it. It is also an important requirement in criminal/judicial work. Accreditation is a prerequisite of equivalence and the international applicability of expert services. The availability of accreditation is included among the requirements of ENFSI membership.

Accreditation means the assessment and judgement of the required quality characteristics of laboratory services. Such institutions are certified according to the provisions of the ISO/IEC 17025 standard entitled General Requirements for the Competence of Testing and Calibration Laboratories. The standard consists of two main parts, organisational and specialist requirements. It regulates the procedure but does not necessarily cover the description or definition of the methods and pays even less attention to the factors in forming an opinion. The primary objective is to set the frameworks, which may include even variable and developing results.

Conclusions: Accreditation brought progress primarily in relation to the definition and documentation of work processes. Work performed according to protocols and its controllability has an important role in quality guarantee. The methods are assessed during the procedure of the national accreditation bodies. ENFSI does not take part in the accreditation process, does not set any specific requirements, and therefore the accredited methods are not consistent in several areas, even at the European level. ENFSI supports the development of the expert theory and the coordination of practices with other quality control methods (circular tests), research activities, the organisation of training courses and other professional form and conferences.

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

László Tibor Nagy – Orsolya Bolyky:

Analysis of multiple homicides

The most severe crime against life is multiple homicide, classified as an extremely severe crime of homicide. Apart from its increased danger to society, this crime had to be studied because there were several murders falling in this category which shocked the public, created live media interest and generated a parliamentary discussion over the recent period.
According to our **hypotheses**:

- most multiple homicides, committed on one occasion, or attempts thereof, are dominated by "extended suicide" type cases;
- most of the homicides committed by the same person at different times (serial murders) relate to homicides committed for profit, or include actions motivated by some ideology, a mistaken theory or sexual aberration;
- the facts are clear, and relatively easily detectable and provable; there are very few differences in the judgments of the courts of different levels and the classification stated in the accusation.

Research question: what legal and forensic characteristics may be used to describe multiple homicides? (Conditions and legal assessment of the crime, motives for commitment, social and psychological background of the perpetrators and categorisation of the injured parties.)
In Hungary, the **research** focused on the empirical analysis of criminal cases effectively concluded between 2000 and 2012 with a judgment by courts of any level establishing deliberate multiple homicides.
The sample consisted of a total of **184 criminal cases**, but our findings concerning the commitment of the crime were only based on the data of those cases, in which multiple homicide was stated in an ***effective judgment*** (**170 cases**). The other cases were used to assess the consistency of jurisprudence.
The **170 cases** involved in our criminal analysis included in total **202 perpetrators** and **428 injured parties**. Prosecution, court and investigation documents were also used for the analysis. We created a structured questionnaire about the crimes for the perpetrators and the injured parties, containing pre-defined answers. The collected data were aggregated using the SPSS program.
The results confirmed our hypotheses only in part. Although among the examined cases there was a large number of homicides committed on family members due to long lasting conflicts (43% of the cases), the proportion of various situational crimes was also similar: fights between generally drunk perpetrators and injured parties (22%) and one part of the crimes committed for gains. Without any exception, the **extended suicides** (5%) involved family members. Such crimes were the result of an emotional or existential crisis, coupled with blaming the environment. Homicides committed from **jealousy** (14%) were generally the result of a suddenly upset emotional state. Most of the actions motivated by potential **gains**, which represented a relatively lower proportion (16%), were committed against old couples, known by the perpetrator.
The majority of the perpetrators had low school qualifications, no vocational qualifications, were unemployed or had only occasional jobs and, as a consequence, an uncertain status in life. The general personal characteristics included low intellect, unstable emotions and tempers, sociopathic or psychopathic personal disorders, adaptation difficulties, an aggressive

response to tension and a low tolerance of frustration. Many were alcohol addicts or regular alcohol users, and many used simultaneously or abused prescription drugs (mostly sleeping pills and sedatives) and alcohol. There were very few illegal drug users or drug addicts in the sample.
In most cases closed with acquittals due to **a diseased mental state** (7%) the perpetrators were individuals suffering from *schizophrenia*, who in general committed their crimes against family members. **Mild limited capacity of action** was concluded due to *personal disorders* or *intellectual degradation* generally resulting from alcohol addition. An average degree of limitation of mind capacity and mind confusion as restrictive factors occurred very rarely. In most cases *mental retardation* is not deemed a factor restricting the capacity of action in relation to homicide, yet it occasionally is taken into account as a mitigating circumstance.
In the majority of cases, the perpetrators were caught within a short time (1 week) and they admitted the crime. In order to define the correct legal category, the evidentiary procedure covered the identification of the method and tools of the crime, the relationship between the perpetrator and the injured party, the identification of the perpetrator and the clarification of the antecedents. Differences occurred in many cases in terms of the ***legal categorisation*** (for 15% of the perpetrators); even the practice of the courts of the individual counties is not always consistent in terms of the definition and categorisation of certain actions.
The details of the background and circumstances of the analysed crimes are usually revealed during the criminal procedure. Consequently, a targeted crime prevention programme may be drawn up. The research results point towards the lack of consistent legal practices in certain issues of clear categorisation.

Erzsébet Tamási – Eszter Sárik – Orsolya Bolyky:

Risk factors along the way leading to homicide among youths and young adults

Research hypothesis: The study was based on the prior assumption that there was significant correlation between an anti-social and cold and insensitive attitude in young people and homicides. Apart from the basic hypothesis, we also had additional assumptions in the research, which will be described among the results.
Research methodology: This study was the continuation of the study begun in 2010 under the title of "*Analysis of aggressive behaviour among children and young people in terms of criminology"* and relied on the data of that research. In 2010 and in 2011, we analysed homicide cases, which effectively established the culpability of juvenile perpetrators and young adults between 2005 and 2009 (age group of 14-24). The original objective of the research was to conclude whether there is any relevant correlation between crimes and anti-social, more specifically, cold and insensitive attitudes. With a slight diversion from the original plan and reducing the research base, our analysis concentrated on homicides, considering that we assumed that the criminal files containing the most severe crimes contained forensic psychologist and psychiatrist expert opinions and that we would find data concerning the incriminating symptoms.
Research steps: The 115 cases, which covered all the crimes of the particular period committed by the age group referred to above, were analysed in detail with the help of five questionnaires, using the wide range of information contained in the available criminal files. The file analysis enabled us to review in detail the legal, sociological and psychological facts concerning homicides. We analysed the legal classification of the act, the sentencing practice, the conditions of the crime, the relationship between the accused and the injured party, the

social-economic background of the young people committing the homicide, their previous deviant conducts, the atmosphere of the trainers and the psychological specificities of the perpetrators.
The psychological expert opinions were analysed in detail and the data were compared to the American analysis made by *David Farrington* and *Rolf Loeber* in 2013. The foreign research examined 1,500 children at risk in the Pittsburgh sample (*Philadelphia Youth Study*), using the follow-up method. In the examined sample, 37 young people between the age of 15 and 29 committed homicides. The conclusions of Farrington and Loeber applied to 37 people. At first sight, the American research seemed to be very far away from the Hungarian sample. The Farrington research stressed at several points that generally the Pittsburgh youths committed their crimes against similar young people and that the injured parties had almost the same specificities as the perpetrators themselves (poor, disadvantaged Afro-American males, living on illegal markets). The majority of the homicides took place within small communities in Pittsburgh and generally involved firearms. Based on the analysis prepared last year and in 2011, we knew that gang wars were not a typical characteristic feature of the Hungarian sample and that the Hungarian cases did not typically involve weapons or harsh revenge, usually in relation to drugs.
However, considering the fact that the crime and the age group were identical, the comparison of the results seemed feasible and desirable. Another reason for the comparison was our conclusion that the underlying factors were not as different as the research methodology or the methods of the crime reached after the analysis of the explanatory and behavioural factors. According to both studies, the victims of homicides were typically young people facing social disadvantages and suffering from family problems, who also had individual psychological characteristics. In other words, we were able to analyse the factors established by Farrington and Loeber in our own example, focusing on the different features.
Apart from the international comparison, the cold and insensitive attitude was also analysed this year. The research concluded that the characteristics of the ASPD behaviour were strongly present in criminal cases (in the analysis of the injured party by an expert) and that there was significant correlation between the perpetrator's behaviour during childhood and learning disorders. It needs to be noted that even the cold and insensitive attitude was not a dismissible factor, considering that the sample contained 53 injured parties who showed the two characteristic features, i.e., made up almost one third of the examined sample.

THE FIFTH MAIN FIELD OF RESEARCH: "FREEDOM, SECURITY, LAW" – EUROPEAN FRAMEWORK OF CRIME CONTROL

Petra Bárd:

Traps in criminal cooperation or why is Ciaran Tobin still free?

The **purpose of the research** was to understand the Tobin case and to recognise the differences in cooperation between EU Member States in criminal cases, to provide additional data on the distribution of the branches of power and their correlation in a scientific discussion and to prove that the legal practices of courts is of major importance in incomplete constitutional systems, including especially the development of EU legislation and specifically the criminal law of the European Union.

The **research methodology** involved comparative jurisprudence, which was preceded by the review of primary and secondary sources of law and the processing of secondary literature.
Research steps: First we reviewed the historical development of the framework decision on the European arrest warrant between 2002 and 2012 and then we looked at the same legal concept in the light of the Treaty of Lisbon. Special emphasis was put on the different implementation of the framework decision stemming from the specificities of the continental and Anglo-Saxon legal systems. In the second step we summarised our previous findings concerning the judgment adopted in the Tobin case in 2007, refusing the handover, and then we prepared a detailed analysis of the 2012 judgment, which again refused the handover. In the third step we looked at the contribution of the court judgments to the more exact implementation of the EU law, the understanding of each other's legal system and strengthening of mutual confidence.
As a **result of the research** we concluded that the Member States were mostly hesitant to give up their punitive power, which was considered the core of national sovereignty in the course of European integration, and therefore cooperation between the Member States of the European Union in criminal cases involved the cumbersome aspects of intergovernmental actions and ad hoc regulations until the Treaty of Lisbon entered into force. The EU legislator intended to compensate for it by introducing legal principles to promote cooperation in criminal cases with due flexibility. However, the legal regulations and legal principles fully respecting the differences between the sets of values and cultural traditions of the Member States also have serious risks. They are too tight and too wide at the same time. They are too tight because the minimum rules representing compromise harmonisation add almost nothing to the national and international norms, already binding on the Member States, and they are also too wide because they assume a degree of confidence between the Member States, which in fact is not there and also allow for major differences in implementation, which may also lead to results that are contrary to the intentions of the EU legislator due to the differences in the legal systems. In that paradox situation, only jurisprudence, i.e., the courts, representing a branch of power without political responsibility, is able to remedy anomalies that stem from the intention to protect national sovereignty, capable of enforcing the legislator's will through a dialogue between various national and international courts and teleological interpretation.

II. RESEARCH COMMISSIONED BY THE GENERAL PROSECUTOR'S OFFICE

1. Research commissioned in 2012

Klára Kerezsi – Inzelt Éva (external expert):

Corruption crimes in the light of criminal justice, with special regard to the statutory preconditions of detecting and effectively depriving any advantage resulting from corruption

The **purpose of this research** is to examine the capacity of the Hungarian criminal justice system in terms of the types and number of corruption cases and the specific reasons behind them (bribery and abuse of office) in order to improve the effectiveness of fight against corruption based on the results. The basic issue of the research is why the Hungarian criminal

justice system is able to handle only such a small number of corruption cases, while perceptions related to corruption indicate that this conduct is rather widespread within society. In the study, the files of perpetrators effectively convicted in 2010, for bribery and abuse of office were analysed, involving 284 files concerning convicts and 177 prosecution files.

The files were collected in two phases between July 2012 and March 2013. We decided not to process the files of twelve convicts because their cases were being renewed or reviewed. In the end, the sample consisted of data of 272 convicts. To process the files, we prepared a questionnaire with almost 80 questions and coding instructions for entering and processing data. We relied a great deal on the MS Office Excel program to calculate the descriptive statistics and prepare figures. The results of the questionnaire were evaluated using mathematical statistical methods.

The **first hypothesis** of the research, i.e., that criminal justice was able only to handle minor corruption cases, was proved by the research results. In 64.3% of the cases, the unlawful gain did not exceed HUF 200,000.

The second hypothesis was based on the assumption that the characteristic features of the perpetrators of corrupt actions were different from the average characteristics of perpetrators included in the criminal statistics. That assumption was also proved. Among those effectively convicted of corruption in 2010, 82% were men, aged between 31–60 years, 44.1% were married or lived in a relationship (16.2%), 57.7% had matriculated and had technical qualifications and 71.7% had a clean criminal record.

Our third hypothesis, according to which the unlawful gain appeared primarily as money, was also confirmed in 84.6% of cases. The unlawful gain was handed over in 170 cases and partially transferred in 20 cases. However, assets were confiscated only in 75 cases. The degree of asset confiscation varied between HUF 2,500 and HUF 2 million and was identical to the volume of the unlawful gain obtained in every case. The method of document analysis, applied in this research, could not provide an answer to why, in the further 115 cases when the facts stated in the judgments clarified the amount of the gain and also found its transfer proved, confiscation and asset confiscation was still not ordered. Further methods of deprivation of unlawful gains included seizure (in 15 cases) and confiscation (8 cases). Banknotes, mobile phones, alcohol, cheese and cigarettes were seized. Regarding the actual cases, seizure was ordered when the perpetrator was caught in the act and when money was offered to the proceeding police officers or finance guards, which they refused, and therefore the offered banknotes were confiscated. The court either maintained the seizure or confiscated the seized items. On 64 occasions, a promise was made, the gain was not transferred and therefore its deprivation is theoretically impossible.

According to the **research results,** the majority of bribery cases related to the authorities (67%).

According to the available data, 44 cases involved secret information collection and 47 cases involved secret data collection. The results made it much easier to prove the facts. In 109 cases the confession of the accused also made it easier to conclude their liability under criminal law.

52.2% of the perpetrators received a suspended prison sentence, 25.7% were fined and 18.4% were sent to prison.

The motives of the perpetrators included financial gains (111 cases) and the avoidance of punishment or regulatory/minor offence proceedings (83 cases).

The research results confirmed that these crimes did not have any direct injured parties because they resulted in a situation, favourable for both parties, therefore the cases involved conspiracy and secrecy. The authorities learn about the cases when they are revealed during some control procedure; when either party does not wish to take part in the action or trust is shaken between two parties for any reason.

The minor corruption cases and major cases pose different challenges to the criminal investigation agencies. While, with regard to the former, in our opinion, it is very difficult to use the instruments available under the criminal law, with the latter, increased internal and external control mechanisms at both public agencies and economic organisations could contribute to the effective detection work of the criminal investigation authorities.

2. Research commissioned in 2013

Research manager: Petra Bárd
Researchers involved: Tünde Barabás , Orsolya Bolyky, Gabriella Kármán, Klára Kerezsi, Tamás Kovács, Ádám Mészáros, Katalin Parti, Szilveszter Póczik, Eszter Sárik, Judit Szabó and György Virág

Legal-philosophical background of the Anglo-Saxon justice system and characteristics of its operation

The **research objective** was to provide a descriptive summary of the legal and philosophical background and operation of the Anglo-Saxon criminal procedures primarily based on British and American literature and secondly based on Hungarian authors.
In the first step of the **research,** Director Dr. György Vókó presented the assignment in January 2013. Following the appointment of the researchers responsible for specific aspects of the research, a list of specialist literature was prepared from which we were able to understand the volume of the assignment, the issues concerned and the legal institutions suitable for the legal comparison. All researchers prepared a draft of their respective chapter in the future study and then presented verbally the specialist literature pertaining to that area. The specific partial studies were prepared by also relying on each other's experiences. The studies were coordinated by the appointed chapter editors. The research manager edited the final study which, following proofreading, editing and typography works, was completed by the deadline of 1 July 2013.
The **study resulting from the research** consists of twelve related chapters. The introduction is followed by chapters describing the history, the Anglo-Saxon justice system and a theoretical chapter dedicated to the characteristic features of Anglo-Saxon criminal procedures. The chapter describing the sources of law, the system of institutions and the common law criminal procedure was prepared on the basis of the effective law. In line with the traditions of the Anglo-Saxon law, we analysed the rules pertaining to the evidentiary procedure used in the common law procedures separately. The issues of the intersection of human rights and criminal law are also discussed in a separate chapter. Finally, cross examination, the right to remain silent, the use of evidence, plea bargaining and the bail system were used as examples to study the possibilities of law approximation, which were then summarised in the final chapter.
As a **result of our research,** we concluded that the impact of the Anglo-Saxon legal system on the continental law was clearly present in the examined legal institutions to a different degree, primarily through the standardisation mechanism of the international courts and also in view of effectiveness considerations. However, concerning the legal and dogmatic basic issues the lawyers of the continental legal system retained their legal traditions and do not give up their convinced theory about the purpose of criminal procedures and existence of material truth; they consider the extensive right of disposal of the injured party, which may influence the outcome of the lawsuit a concern, insist on the traditional distribution of tasks among the judge, prosecution and defence and finally accept the rules of Anglo-Saxon origin

pertaining to the evidentiary procedure only to a very limited extent. Simultaneously, another process also started in a contrary direction, according to which the accusationary components were slightly eased in the British law. The sensible adaptation of the approach applied in the two main legal systems, as well as certain effectively functioning legal institutions under appropriate conditions could be practical, but it may never turn into automatic copying totally disregarding legal and dogmatic traditions.

Ádám Mészáros:

Practical problems of the application of the reversed burden of proof [Section 77/B (4) of the Criminal Code]

The main purpose of the study initiated by the Office of the General Prosecutor was to identify the practical problems that occurred in relation to confiscation of assets due to the reversal of the burden of proof.

In order to make the **research** successful, we had to study the specialist literature pertaining to the confiscation of assets, easements applied in the evidentiary procedure and especially the application of the reversed burden of proof, focusing specifically on the concerns raised about the guarantee requirements of criminal procedures. In addition, we also had to cover the new provisions of Act C of 2012 on the confiscation of assets and the respective reasoning. Then we were able to achieve the goal of the research in the course of discussions held with practical experts (prosecutors).

The **research methods** included the analysis and interpretation of legal regulations, comparison to a certain extent and round table discussions, attended by delegates of major prosecution offices.

Unfortunately, there is very little practical experience in relation to the reversed burden of proof but considering that very few cases involve crimes committed by a criminal organisation and confiscation of assets are not involved in each of them either because of the nature of the crime (e.g., violent crime against people) or because the total claim under the civil law is higher than the size of the seized and blocked assets.

There are numerous problems concerning evidence. Proving the existence of criminal organisation itself is difficult. According to practical experience, although the criminal authority finds it relatively easy to conclude the existence of a criminal organisation, the prosecutor must be able to prove it convincingly to the court unless he wants to raise accusations without foundation.

In terms of the interpretation of the time of participation in the criminal organisation, the prosecution, as well as the legal science, are divided: there are some views according to which it should not be interpreted narrowly, others agree with the extensive interpretation of the Supreme Court (Curia), and others would connect participation in a criminal organisation to facts specified in the Criminal Code. Nonetheless, the difficulty is that even if the last crime involving the perpetrator can be proved, it is more difficult to prove that the perpetrator continued to be a member of the criminal organisation without performing any active action.

The identification and the proof of assets to be confiscated are the responsibilities of the investigation authority and the prosecutor. In order to apply the reversed burden of proof, i.e., enable the accused to prove which assets do not originate from crime, the nature of the assets must be proved. However, in certain cases it is not easy and raises various practical problems:

a) if the assets cannot be insured at the beginning of the investigation, they will be concealed very soon;
b) in some cases perpetrators invest the money into assets, which are difficult to trace;

c) as often the enterprise or property is not in the perpetrator's own name, it is difficult to conclude that it is their own assets and therefore even seizure cannot be ordered.

It was proposed that the same research be repeated at a later time when data are available about effective court judgments.

Erzsébet Tamási – Orsolya Bolyky:

Conditions of the practical application of restraining orders

Research hypothesis: The currently effective Acct LXXII of 2009 on restraining orders applicable due to violence among the relatives was adopted in order to prevent violence within families and to make restraining orders more effective. Pursuant to the Act, "violence between relatives includes any act or negligence committed by the harming party against the harmed party severely and directly imposing a threat to dignity, life, sexual self-determination and mental and physical health." The Act and its reasoning do not specify the conducts that fall in that category and trust the police or judge proceeding in the particular case to adopt their judgment.

Three types of restraining orders are regulated in three different aspects of the law, thus providing a special combination of the practical implementation of restraining orders. Taking out the harming party from the family and keeping them away from the harmed individuals demand careful coordination of civil out-of-court and criminal constraint measures both from the legislator and from the parties involved in jurisprudence.

The purpose of the research is to assess the extent to which the three legal concepts of restraining orders have been able to achieve the set objectives since they were introduced. The research focused on the collection of the legal problems occurring during the application of the law, the identification of the components impeding harmonious operation and the establishment of the degree of effectiveness. The parties applying any type of restraining order, the number of occasions of application and the actual frequency of application were also important issues.

The research method primarily involved the analysis of the information obtained from the criminal files created during the relevant period, the collection and evaluation of publications on the practice of restraining orders and the summary of the lessons learnt from discussions and interviews conducted with experts applying any form of restraining order.

Research steps: The first task was to obtain detailed statistical data about the three types of restraining orders. The statistical data were not only collected with different methods but also according to different criteria, and therefore they often revealed inexplicable contradictions.

In the course of the review and analysis of the specialist literature, we concluded that the civil judges responded most frequently to contradictions in the practice of restraining orders as the majority of the articles were written by them.

In the third phase of the research, we collected prosecution files concerning restraining orders based on the analysis of statistical data, with random sampling, from three areas (Szabolcs-Szatmár-Bereg County, Budapest and Győr-Moson-Sopron County). We made that choice because restraining orders under the criminal law were issued most frequently in those areas during the reviewed period (2011-2012).

The research extended to the collection of the legal, dogmatic and procedural law anomalies of restraining orders, the identification of the problems arising from the operation of the three legal instruments and the criminological aspects of the effectiveness of restraining orders.

Key findings:

1) There is no continuous agreed or logical connection among the three legal instruments.

2) In the practice of all three legal instruments, most problems are caused by the short time and subjective human factors.
3) The statistical records of all three restraining orders were prepared according to different and contradictory aspects, and therefore we do not have a clear picture about effectiveness or frequency.
4) The primarily objective of restraining orders is to remove the harming party fast and to stop violence. The temporary, preventive and preventive restraining orders are different in practice according to the relationship in the different areas (counties) between the parties involved in the judicial procedure and the qualifications of the experts cooperating in the cases. In some counties (e.g., Borsod-Abaúj-Zemplén County) the instrument works well, while elsewhere it hardly functions. The same can also be concluded about the restraining orders issued under the criminal law.
5) The restraining orders in criminal cases are issued almost without any exception during the interruption of relationships or directly after the breakup. The perpetrators are men and they do not live together with the injured parties. The most frequent accompanying crimes include harassment and physical harm. The most important reason for applying a restraining order relates to the distribution of assets, maintaining contact with children and child maintenance.
6) There are no arranged or regular controls for the violation of restraining orders. The violation of temporary restraining orders is a minor offence, entailing detention and generally sanctioned with a fine. However, in Borsod-Abaúj-Zemplén County the officers in charge of the local police stations and in courts agreed to apply arrest as a punishment more frequently in line with the severity of the cases, which seems successful as a deterrent. The violation of restraining orders in criminal cases is not very frequent according to the analysed files.
7) According to the files there is no solution for harassment cases that do not involve any personal contact, violence or threats, yet the perpetrator observes, follows or harasses the injured party with electronic means. No restraining orders may be issued in such cases.

As a result of the research, we came across with questions that require answers:

1) How can distinction be made between violence in a relationship and violence between relatives, not covered by the Criminal Code?
2) Where is the borderline between an action or negligence imposing a severe threat to the human dignity, life, physical or mental health of the injured party and violence in a relationship committed with humiliation or severe neglect?
3) What procedure law instruments could be used to turn the three types of restraining orders into a consistent process in order to make sure that it works properly as a legal instrument?
4) What legal and other information tools could be used to inform citizens of the possibilities of restraining orders and to make sure that they are applied in line with the real objectives of the restraining orders (without being abused)?

Conclusion: The research prepares for the possible analysis of information gained from the data of restraining orders, the most typical cases when this measure can be applied and points out the limitations of application. It is clear that in the case of all three legal instruments human and subjective factors (professional competence, legal knowledge, life experience, practice, etc.) determine the effective operation of the instruments at least to such an extent as the anomalies stemming from the available financial means and the legal regulations.

Katalin Tilki:

Measures available in actions against acts harmful to the environment

Compliance with the legal regulations protecting the environment is one of the major interests of society. Parallel with the increase in the number of legal regulations, the measures available in actions against acts harmful to the environment also need to be transformed and be made more sophisticated. The measures available in actions against acts harmful to the environment are included in the constitutional law, public administration, civil law, minor offences and the criminal law.

In the course of our research, we reviewed the legal environment, the applicable specialist literature and our previous research results, as well as the latest specialist literature. Then we presented in detail the measures available in actions against acts harmful to the environment. We present and analyse the environmental policy of the European Union, the respective provisions of the Fundamental Law and the Act on Environmental Protection and the instruments available under the administrative law, with special regard to measures imposing obligations and environmental fines; as well as environmental provisions concerning the law pertaining to minor offences and criminal law. In addition, the following civil law instruments are also important in environmental protection: legal protection of people, neighbour rights, property protection and liability for damages caused outside contracts.

To a brief observer, it may seem that the measures available in actions against acts harmful to the environment consist of the scattered rules established in various areas of the law. However, our research pointed out that it involves a lot more; specifically a set of special environmental instruments that exceed the specificities of a particular aspect of the law and consists of complex and overall regulations, connected on the basis of the protection of environmental values and actions against acts harmful to the environment.

According to our conclusions in an ideal case the environmental laws should be adopted with parallel development of instruments for actions against acts harmful to the environment instead of making additions to the missing sanctions. Another conclusion is that instead of increasing the number of environmental regulations, they should be simplified and rules should be adopted that properly express the importance of the environmental values and contain also situational analyses, impact studies of the expected consequences and reflect the opinion of the parties applying the law; the parties applying the law would be expected to have a flexible approach to each case and to use the legal instruments in the possible most complex way and finally, more attention should be also be paid to the consistent implementation of the legal regulations.

III. OTHER RESEARCH ASSIGNMENTS, COMPLETED OUTSIDE THE PLAN

Requesting institution: Scientific Council of Internal Affairs
Research manager: Géza Finszter
Researchers involved: Irk, Ferenc, Kó, József, Ágnes Zsolt, Szandra Windt

Impact of globalisation and crime projections in Hungary until 2020 research programme: study dedicated to Immigration, refugees and alien policing

In 2013, the presence of illegal migrants became stronger in Csongrád County, situated on the southern borders of Hungary, as in April 2013 alone, 353 people were caught around Mórahalom and on some weekends the police stopped 100 individuals. As a result of the changes in the legislation, more and more foreigners arriving in Hungary illegally submit an application for asylum. While in the EU the number of people applying for international protection increased by 7% in 2012 since the previous year, the respective figure is 27% in Hungary. In the first two months of 2013, the figure rose by 170% over the same period of the preceding year.
How did we get to this situation? What are the underlying reasons? Who and how could prevent the process? What could we expect in Hungary and in Europe for the future? These are the questions that we tried to answer when we made our projections.
Concerning migration, at the moment the pressure caused by illegal migration is the greatest problem for the police. Legal migration is not (yet) significant in Hungary, but that phenomenon may change in the long term.
The most important fact is that the decrease of the Hungarian (and European) population cannot be stopped with the instruments of natural demographic movements. Although to increase the number of births serious political decisions and well founded family and social policy are required, immigration is another important factor. At the same time, the question is who should be let into the country and from where, for how long and under what conditions. Sooner or later we must also prepare ourselves to replace the workforce, and the emigration from Hungary, the volume of which is already worrying, also calls for concerns and effective and fast responses.
The changes of international migration will clearly be reflected in the specificities of Hungarian migration and if we accept that "Africa will be Europe's fate", Hungary should also prepare itself for it.

The mathematical analysis of the data of registered crimes provides several options for future trends. The models were calculated with projections for twenty years. Mathematically, the most accurate trend is an exponentially increasing curve, where R^2 is the highest ($R^2 = 0.84$). However, according to experience, such a dynamic increase is unlikely. Although this model complies with the currently available data, it would be difficult to interpret it in terms of contents. There are no signs in society indicating such a significant change and crime cannot be separated from the underlying factors of society. Thus we do not consider the feasibility of this option likely either.
Another model indicating an increasing straight-line trend also shows a good match ($R^2 = 0.8$). More arguments could be raised for that scenario. The data after the millennium also

suggest the continuation of the slightly increasing straight-line trend, which lasted until the end of the 1980s. The only problem there could be the steepness of the trend. Due to the major difference (the data suggesting approximately 200,000 crimes in the 1980s vary around 400,000 after the millennium), the increase is also very steep. That model projects around 600,000 registered crimes by 2022. The probability of the occurrence of the model cannot be disregarded, yet there are some factors that work against that increase.
One of such factors is the increase of the limit of minor offences to HUF 50,000. As a result of the amended legislation, the number of registered crimes is likely to drop by at least 30,000-35,000 in the subsequent year. And the same reducing effect can be felt for some more years.
A third exponential model projects a significantly slower growth, but the match in mathematical sense is smaller in it ($R^2 = 0.6$). Nonetheless, the improvement in the detective activities of the investigation authorities give some probability to that model as well. The effectiveness of detection slightly deteriorated over the last few years. Even with an increasing number of crimes, the number of detected perpetrators decreased, but the same tendency could hardly be maintained for a long term. According to the experiences to date, the increasing number of detected perpetrators is connected with the lower number of crimes revealed in the subsequent years.
According to our opinion, the actual data are likely to be between the figures projected in the second and third models, to be followed by the registration of 450,000-500,000 revealed crimes around 2020.
The future will decide which of the tendencies presented here will actually take place. In conclusion, we should definitely point out that during the analysis we could only rely on the data of registered crimes. In order to understand the actual criminal situation and prepare a more accurate projection, regular victimology analyses should also be conducted in order to be able to study the latent crimes, which are currently hidden and are not included in the statistics.

Gabriella Kármán:

Forensic graphology tests in view of the current issues of forensic evidence

The completed study summarises the experiences of many years of research. It is new that it presents the methodology of forensic graphology tests, which has practically not changed for decades, in view of the actual requirements, and calls attention to development in progress. Forensic graphology tests take a special place among forensic expert reviews. The object to be studied is different, because in this case the physical trace is not relevant, or at least the task is not to identify the trace in a traceological sense. Any handwriting reflects the operation of the brain and in fact the whole personality mainly through the writing tool and the medium. Handwriting is a tool in personal identification and a special subject of investigation because due to its dynamic nature its individualism is especially difficult to grasp; and that the expert's opinion is of key importance in defining and comparing its specific features.
Hypothesis: There are current tendencies in forensic evidence that aim at increasing the authentic nature of expert opinions and seek its guarantees, which are clearly present in graphology studies. Due to the definition and relatively permanent nature of handwriting, its variability has been a challenge to graphologists and also to IT experts working with modern measurability. Research indicates that an IT system developed on a new foundation can provide more effective and scientifically better founded support to the experts.

Methodology (research steps): In the course of the research, the researcher also processed the classical specialist literature of forensic graphology tests and has been monitoring Hungarian and international research in that field for several years in terms of professional aspects and methodology, as well as evidentiary and legal aspects. The empirical research conducted in 2000 was one of the main sources of this research in terms of expert opinions in that regard. The changes and current experiences were studied during interviews conducted with the experts of BSZKI. The topic selection and subsequent processing were defined by the previous research into the studies conducted in the same discipline and the researcher's participation in a project developing an automated handwriting testing system.
Key findings, results: There are numerous attempts to eliminate the limitations of consistently developed, mainly manual and empirical graphological reviews, which are used very similarly across the world. The generally accepted and institutionalised way to that stretches from the definition of a tighter framework of the traditional method of the use of more objective opinions (through verbal scales). However, there is a wide scale of measuring methods that more decisively divert from the classical instruments and rely on imaging procedures or artificial intelligence research, as well as the mathematical and statistical methods relating to them and supporting evaluation. All these outline a structure of expert investigation procedures.
Conclusions: The application of the solutions known from research in the justice system requires numerous prior work phases in this field. The first and most important requirement is for experts to change their attitude and to be open to the new approach. Even after the lengthy testing and protocol development phase, adaptation to the purposes of the justice system, information facilitating evaluation and, ultimately, regular collection of experiences and their feedback into the system in order to have effective and well founded operation are still important. This assumes well coordinated cooperation between IT and specialist experts and other specialists, supplemented by the presence of parties understanding and applying the law. Until then, we must continuously strive towards the integration of the latest results of the discipline satisfying the requirements into the applied methodology and the objective definition of the evidentiary value of the opinions.