

Comparative Juvenile Justice: An Overview of Hungary

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FACTS ABOUT HUNGARY

Area: Located in the center of Europe, in its eastern part. The country covers 93,030 sq. km. The area is referred to as the Carpathian Basin. The capital is Budapest (pop. 2 million). **Population:** Hungary is a republic with 10,043,000 inhabitants in 1999 (109 persons per sq. km.). Age breakdown: 17.1% people aged 1 to 14, 63.2% aged 15 to 59, and 19.7% in the age group 60 or older. Hungary is experiencing a rapidly aging population and a decline in child-births. Population growth rate is -0.5. Life expectancy for men is 66.32 and for women 75.13.¹ The majority of the population is atheist. While most of the religious population is Roman Catholic, with large numbers of Protestants and Jews, there are no precise figures available as the census does not contain reference to religious conviction. The number of people belonging to ethnic minorities is also estimated. The principal minorities

are Croat, German, Greek, Romanian, Serb, Slovak, and Slovenian. The Hungarian language can trace its origin back to the Finno-Ugric group of languages. **Climate:** Hungary has a continental climate with Mediterranean and Atlantic influences. Average temperature in January is -2° C and 23° C in July. **Government:** In 1990 the former single-party, Soviet-type communist system, termed a people's republic, was replaced by a freely elected multi-party parliament which consists of six political parties. A conservative coalition government emerged in the 1998 elections, replacing the former socialist-liberal one. The parliament has a single chamber with a powerful government and a less dominant president of the republic. The Constitutional Court has a major role in ensuring checks and balances of the branches of power.

In Hungary the trends in delinquency have been turning unfavorable over the past decade. This can be illustrated with the following:

- In the last 25 years the number of criminal offences has increased four-fold, and between 1988 and 1991 the number of offences doubled. Between 1995 and 1999 there was a 10% increase:*

- *Offences against property represented two-thirds of all cases in 1988, a little more than half in 1995, and 48.3% in 1999;*
- *The most significant change occurred between 1989 and 1992, but there is a growing fear that because of rapid and not readily "absorbed" changes, another crime wave may come within ten years;*
- *In 1990, 8.7% of all offenders were 14- to 18-years-old. In 1995 this number had decreased to 8.4% but increased slightly in 1999 (8.7%), indicating that the proportion of young persons has not changed. It is a much higher number if we include young adults aged 18 to 21, too; and*
- *Since 1987 the means of investigating cases have not kept abreast with the increase in crime. In 1999 less than 60% of all reported cases were investigated.*

The National Crime Prevention Program, 2000.

THE STATE OF JUVENILE DELINQUENCY IN HUNGARY

Even as we enter a new century, the general public in Hungary does not generally believe juvenile delinquency is related to young offenders' social and cultural background, their lack of family care, or their academic ability. Even professional public opinion continues to be divided. These facts combined with a lack of research, programs, and policy evaluation tend to promote emotionally based debates. However, such debates are not common in Hungary. Media attention is limited primarily to crimes, which have a news value, rather than focused on possible solutions, prevention, or professional responsibility. In cases involving brutal criminal offences by young persons—such as a taxi driver's killing or the murder of an 11-year-old child by her classmates (see Box 8.1)—the public is not interested in the complete history and background. Instead, it blames the parents exclusively and wants long-term lock-up, without knowing the possible influence and outcome of such actions.

This apparent lack of concern for juvenile crime and its correlates is reflected in the statistics. In 1999, 11,540 young individuals were accused of having committed offences. Of those, 35.2% (4,906) had their cases dismissed for various reasons. Due more to a lack of adequate resources than a rational model of juvenile justice, an overwhelming majority of juvenile delinquents (4,701 or 88.8%) are released on probation. In 1999, 191 (3.6%) of young offenders were sentenced to a term in a reformatory institute, while those who had committed more serious crimes (2,601 or 29.6%) were given juvenile prison terms. However, due to the lack of resources, 1,493 had their sentence suspended. The majority of juvenile crimes, however, are property-related offences (73.4% of all recorded juvenile offences in 1999). The rest are crimes against public order (15.7% in 1999), against individuals (4.9% in 1999) and traffic crimes (2.1% in 1999). And although representing a comparatively small per-

Box 8.1: Youth Violence and Accountability

Recently some killings committed by young persons raised the question of age limits again. Two children, a 14-year-old girl and a 12-year-old boy, murdered their 11-year-old girl classmate in a school for children with special needs. The question in Hungary is not about the possible ways of repairing the harm or helping these children to learn; rather, the intent is to punish them without questioning the effectiveness or the proper method of punishment. Comparisons were made to the Jamie Bulger case in England (see Chapter 5), and the lengthy punishment the offenders received. A couple of months earlier two girls (14 and 15 years old) beat a taxi-driver to death to rob his car. It is clear from the investigation that the girls had offered sexual services to him before they all went to a forest near Budapest where the girls killed the driver. The girls were sentenced to nine to ten years of imprisonment in a prison for adult women, and no one asks whether it would do them any good.

centage, there has been a growing number of serious crimes, gang-related crimes, and crimes involving adults contributing to the delinquency of a juvenile. A rapidly growing problem is drug-related crime (3.1% in 1999 compared with 0.12% in 1995).

Since the political change-over in 1990, there has been a sharp increase in the number of juvenile delinquents. This appears to be due to a number of factors, in particular the hiatuses of a structurally and professionally outdated child and juvenile protection system. As reflected in Table 8.1, juvenile and adult crime rates increased between 1975 and 1992, when we witnessed a small decline in the total number of juvenile offences. The recent decrease is partially attributable to the drop in the number of youth. Other explanations for the changing numbers include: the opening up of borders, an unexpected gap between living standards and potentials, and increasing unemployment rates. Finally, it has also been suggested that a lower level of efficiency of police detection and apprehension resulting from the fiscal restraints that arose during the transformation may also partially account for the recent drop in juvenile crime numbers.

As a result of the growing number of crimes committed by children and young juveniles, a growing number of people have demanded that the age limit of culpability (i.e., 14) should be decreased. Fortunately, however, their voice is not very strong. As for the administration of juvenile justice, because of limited resources and qualified manpower, and a lack of concrete objectives, there has been little effort put forth to lower the age limit, let alone adequately address the growing delinquency problem.

Contrary to point 1.1 in the 1984 Beijing Rules (see Box 1—Introduction), there has been no special attention paid to the juvenile delinquency problem.

Table 8.1: Adult and Youth Crime: 1975-1999.

Year	Total No. of Adult Crimes	Total No. of Juvenile Crimes
1975	72,049	7,268
1980	72,881	6,535
1985	85,766	9,449
1990	112,254	12,848
1991	122,835	14,307
1992	132,644	15,476
1993	122,621	15,001
1994	119,494	14,479
1995	121,121	14,321
1996	122,221	13,544
1997	130,966	13,955
1998	130,966	12,866
1999	131,658	11,540

Source: Statistical yearbook, 2000.

In fact, no major development has taken place since the beginning of the twentieth century, which at the time was highly progressive even by international standards. Very few of the rules laid down in international and United Nations agreements have actually been observed.

Prevention, probation, and follow-up care are in a critical situation. The number of so-called "social patrons" (supportive lay adults) has dropped drastically while that of "official patrons" (helping professionals) has not increased sufficiently. And even though relevant professional training was started in 1994 within the framework of fulltime and postgraduate training for social workers, the results of these programs may not be felt for some time in the juvenile justice system.

In essence, the recent history of juvenile justice in Hungary has not been a promising one. Along with the major social and political changes came a lack of attention to prevention and social work with the families of problem youth, who have become victims of the changes (see Box 8.2).

Social and Legal Definition of Delinquency

The current Hungarian Penal Code was adopted by Parliament in 1978. It has been amended several times, particularly after the political changeover in 1989/1990. According to the Penal Code, "a crime is a voluntary or involuntary act (in cases where the latter is penalized by law) which is dangerous for society and which by law involve a punishment" (Paragraph 1 of Article 10). An act is dangerous for society if it endangers the state, the social or eco-

Box 8.2: Delinquent's as Victims of Change

A group of teenagers in Győr, a Hungarian city near the Austrian border, regularly blackmailed and robbed school-aged children, took their money, stole their jackets and sport shoes, and even took lunch boxes. These incidents occurred over several months during the early 1990s. The children had to pay "protection money." If they failed to do so, the youngsters were often beaten. The victimized children were too afraid to come forward and tell their parents or teachers. The team leader of the youth "gang" was less than 14 years of age and all other members of the group were between 15 and 17. After finally being detected, all the youths were apprehended and placed in custody.

conomic order of the Republic of Hungary, and threatens, or infringes upon, the rights of citizens.

Unlike many Western countries, Hungary does not have a separate act for juvenile offenders. Instead, special provisions for juveniles are described in Chapter VII of the Penal Code. Having a separate act for juvenile delinquents would imply making a sharp distinction between adults and youngsters. To do so would make it possible to honor all the legal obligations stipulated and acknowledged under the international regulations (e.g., Beijing Rules). To undertake such changes would, at least, help to clarify how to handle youths under the age of 14, what kinds of preventive and care activities should be taken, and by whom and how. In addition, guidelines for the handling of young adults (ages 18 to 21) could be more clearly defined. Alternatively, however, handling the problems of adults and juveniles together could help spur reforms and enlarge the role of alternative sanctions. A notable lack of separation means that in Hungary both adults and juveniles are treated the same under our Penal Code even though young offenders need a "milder" approach.

In accordance with the relevant provisions in Article 107, a juvenile is a delinquent who is at least 14 years of age but has not reached 18 when committing a crime. A juvenile delinquent may be subject to punishment or to other legal measures as defined within the Penal Code. The primary intent of both forms of sanctions is correction. As stipulated under Article 108, prison sentences can be imposed only in cases where the intent of the punishment or measures cannot be realized in another way. However, under Article 109 a term in a correctional institution can be imposed. Penal substantive law contains a number of other alleviating provisions in the case of juvenile delinquents. For instance:

- The longest term of confinement for a juvenile who is 16 or over when committing an offence is 15 years, in the case of crimes that could involve life imprisonment if committed by an adult; and 10 years in the

case of crimes that involve imprisonment of adults for longer than 10 years (Article 110);

- A juvenile who is not yet 16 when committing an offence can be sentenced to a maximum of 10 years in the case of crime that can involve life imprisonment for an adult;
- All juvenile sentences must be served in a juvenile penitentiary institution (Article 111);
- Juvenile delinquents may be sentenced to pay a fine only if they have an income or possess the appropriate funds (Article 114);
- In connection with banishment, Article 116 prescribes that a juvenile who lives in an appropriate family may not be banned from the town/village in which his or her family resides;
- Limiting provisions of probation do not apply to juvenile delinquents. Probation is possible irrespective of the offence committed (Article 117);
- The court may rule that the juvenile delinquent be sent to a reformatory institution when it is believed necessary in the interests of the juvenile's corrective education. Such a ruling may prescribe a term of one to three years. In cases where the term is longer than one year, it is possible for the court to temporarily release the juvenile delinquent (Article 118);
- Juvenile delinquents who receive a suspended sentence can be placed on either probation or parole, or be temporarily released from a reformatory institution (Article 119);
- The entire duration of the pre-trial confinement should count towards the term in the reformatory institution. Consequently, each day of pre-trial confinement reduces the stay in the reformatory by one day (Article 120/B); and
- A juvenile delinquent will be exempted from the disadvantages attached to a criminal record earlier than an adult. Such a measure should be imposed only if the sentence is less serious than in the case of an adult (Article 121).

The provisions are grounded in the neo-classical school of criminological thought, which provides for judicial discretion, minimum and maximum sentences, as well as the principle of extenuating circumstances. The model of justice, in accordance with Figure 1 of the Introduction, could best be described as a crime control model. These are only assumptions, as there have not been any research or surveys conducted on the subject. However, based on media coverage and public opinion polls, it would appear that both the

media and public would like to see more serious punishment and prison sentences administered against juveniles.

The prevention versus punishment dilemma is a very difficult one, as prevention seems to represent an insecure investment with its exact costs and effectiveness unknown. In 1996 the Institute for Criminology began an evaluation project designed to assess the cost and effectiveness of prevention and punishment programs for juvenile delinquents in Hungary.

EVOLUTION OF JUVENILE JUSTICE IN HUNGARY

The two most significant documents in nineteenth century Hungarian penal law were the 1843 penal bills and the so-called *Csemegi Code* of 1878, the first Hungarian Penal Code. Neither, however, provided for the criminal liability of juvenile delinquents, as they both reflected the "classical school." Nevertheless, there are records showing that the necessity of different regulations for juvenile delinquents was raised in the committee preparing the 1843 bill on prisons, and a provision was put forth to introduce reformatory schools.

Following the German pattern, the *Csemegi Code* regarded juvenile delinquents as "little adults" and did not provide for criminal liability differently. However, it still contained formulations that could serve as the basis for less severe sentences in cases of 12- to 16-year-old delinquents.

Legislative Act No. XXXVI, known as the "First Penal Novel," or first penal code (1908), was enacted in the wake of criticism—a change of attitude as a result of increased juvenile delinquent activities. For the first time the criminal liability of juvenile delinquents was handled differently. This was also the first law to introduce the practice of suspended sentences. According to the preamble of the legislative act showing Dutch, Belgian, and American influence, "...it is not restoration but protection and education that should be the guiding principle when facing child and juvenile delinquents" (Lévai, 1994).

The age of juvenile status was determined as between 12 and 18 years. No procedure could be initiated against delinquents younger than 12, although "house discipline" (e.g., incarceration at school) was permitted. The "ability of discretion" was replaced by "intellectual and moral development." Although its range remained undefined, the opportunity to exercise some discretion in sentencing helped the judge. Instead of relying only on short-term imprisonment measures that were the most expedient and suited the character of the young delinquent, judges were now able to make judgements in accordance with the principle of individualization. The maximum term of reformatory confinement was not specified, but it could not extend beyond the delinquent's 21st year of age.

Juvenile delinquents' courts were set up and regulated by Legislative Act No. VII of 1913. The spirit of this act, which was essentially an amendment to the Penal Novel, already reflected the awareness of the relationship between child protection and criminality. In this way delinquents' courts did more than perform mere judicial tasks, and they were the first European courts to involve patrons and patronage associations. On the other hand, the spirit of the law could not always be realized due to the lack of institutional systems for the handling and protection of young offenders.

During the short-lived, 133-day Commune in 1919, the Communists in power regarded juvenile delinquency as a product of capitalism (see Chapter 14 on Russia) and did not consider it justified to penalize young delinquents. Active child protection was proposed based on constructive school programs and education, and topped by a system of judicial child protection (i.e., a welfare model), which aimed at solving problems through juvenile education. According to Decree No. LWWII, "...after the necessary temporary measures, children and young people should be passed on to the general health care and educational child protection institutions..."

A fundamental change during the period between the two World Wars was the restoration of the First Penal Novel that had been in force prior to the Commune. It remained in force through 1948 with only minor amendments. Then, after a few basic changes in 1950 and 1951, the 1952 Law Decree No. 34 provided for penal law and penal procedures pertaining to juvenile delinquents. It was based on the principle that, although education is the focus of juvenile penal law, it was still essentially penal law. The age of juvenile status remained 12 to 18 years of age, while the old term "intellectual and moral development" was replaced by the following provision: if, owing to an underdeveloped intellect, the juvenile could not fully recognize the fact that his or her act was dangerous for society, then investigation could be refused, procedure terminated, and exemption could ensue.

Legislative Act No. 23 of 1953 divided juveniles into two groups; those aged 12 to 14 and those aged 14 to 18. The only forms of punishment applicable to the younger age group were admonishment, probation, reformatory education, and special education—a welfare approach. Special education as a sanction was a new feature and was applied to mentally handicapped individuals who were unfit for correctional education. As for those aged 14 to 18, the main rule stipulated penalization—a crime control approach. Educational measures could be applied only as a supplement. The shortest term of imprisonment was 30 days and the maximum length five years. In exceptional cases a longer sentence was allowed and even capital punishment was possible. Juvenile courts fell within the structure of the judiciary. The minister of justice

appointed the special judges and the court officials. The two lay assessors in the juvenile court included a member from the women's movement and a member from the teacher's trade union.

Legislative Act No. 38 of 1957 relegated social policy decisions to the authorities of local administration. To date this has settled the distribution of tasks: child and juvenile protection and juvenile crime prevention are the duty of the local system while the judiciary controls subsequent intervention.

Act V of 1961, the so-called first socialist Penal Code, did away with the relative autonomy of juvenile delinquents' criminal liability. Provisions that had formerly been codified in a separate decree were included in Chapter VI of the new act. This chapter dealt with juvenile delinquency. The act abolished capital punishment and put correctional education in the focus—a principle set forth under the Beijing Rules. It set the maximum term of confinement at 10 years and created better chances for reintegration into society by the institution of exemption. The act represented a shift away from crime control to a more *participatory/welfare* model (see Figure 1—Introduction).

In response to the inefficiency of juvenile protection inspectors, the minister of education issued a decree in 1970 that created positions for professional probation officers. And while the use of social patrons has not disappeared completely over the past 20 years, the number of probation officers has slowly been increasing. While there were 219 probation officers in 1994, there are no nationwide statistics as to the number of social patrons. But in 1994 there were 13,393 young people seeing probation officers, compared to 2,056 under the care of social patrons.

Preparation of Bill VI of 1978, the Penal Code, commenced in the early 1970s. By then a mass of new research information had accumulated and criminology had emerged as an area of study in Hungary. Heads of the justice administration, however, did not intend to change the concept or details of earlier regulations, and all codifying committees were of the opinion that the criminal liability of juvenile delinquents should be considered as criminal liability in the strictest sense. Consequently, the new act contained only minor changes, the most important being the abolition of remedial education as a separate category of measures. For example, Article 37 of the Penal Code stipulates the objective of penalization for all delinquents is "...with a view to the protection of society, preventing the perpetrator or other persons from committing another offence."

In spite of repeated 'tinkering' with the legislation, it did not provide the solution to countering the ravages of the economic and political chaos that dominated Hungary during the late 1980s and into the 1990s. For example, in 1994 there were 1,069 instances of fighting and rioting and 535 robberies. With

the exception of public disorder offences, the number of these offences has been nearly the same since 1988 (see Table 8.2). In 1995 spiralling juvenile delinquency rates, combined with the failures of a cumbersome judiciary, helped to bring about changes through the passing of Act XLI. The act also represents an attempt to align Hungarian standards of juvenile justice with those of its European neighbors. Some of the key elements include:

- Imprisonment of a delinquent young person is only allowed if the objective of punishment cannot be reached in any other way.
- The term of confinement to a reformatory institution is no longer indefinite, and the duration of pre-trial confinement should be considered as part thereof.
- Pre-trial confinement beyond the basic conditions stipulated by law can only be justified by the extreme severity of the offence.
- Juvenile delinquents should preferably be confined to a reformatory institution prior to their trial.
- In cases involving imprisonment of less than five years the prosecutor may suspend prosecution for a probation period of one to two years in order to give the juvenile delinquent the chance to develop in the right direction.

These measures represent another (legal) step towards embracing a more paternal/welfare model of juvenile justice in Hungary. In practice however, as we will see in the next section, the intent of the provisions has not been actualized.

ROLE OF THE KEY ACTORS IN THE ADMINISTRATION OF JUVENILE JUSTICE

Although there is a broad social safety net for juvenile offenders in Hungary, ranging from social workers to community work and alternatives to punishment, it plays a marginal role. This is largely due to the former ideological and political practice, the lack of professional debates, a weak sense of advocacy on the part of the delinquents and their helpers, and the lack of research and evaluation on the outcomes of various ways of dealing with juvenile offenders. In fact, only a very limited circle in Hungary knows foreign trends and practices. The entire field is not a prime subject of research and publication.

Mediation and restorative justice have only been recognized by a few academics in Hungary. In October of 1999 Paul McCold and Ted Wachtel of the United States ran the first training course. Since then, in one of the detention centers for boys at Aszod, newly sentenced younger offenders are asked to write a letter to their victim—if they wish—and there is an opportunity for them to send it. They may even take part in a conference, meeting their victim(s)

and the victim's supporters. Two law faculties are introducing a special course on mediation and restorative practices such as those used by the Police Academy in Budapest starting in 2001.

When a young offender comes to the attention of the police, their actions are regulated by the Penal Code. Criminal and procedural matters were discussed above. Criminal procedures are provided for by the much-amended Act I of 1973. Specifically, Chapter XIII described the most important differences between how juveniles and adults are treated. Some of the key aspects include:

- The rules of criminal procedure against juvenile delinquents are still applicable for a person of juvenile age who has acquired adult status by marriage or has turned 18 after committing a delinquency.
- Provisions of Chapter XIII do not apply for those who committed the offence shortly before and shortly after reaching 18 years of age (Article 292).
- A juvenile delinquent cannot be forced to pay a fine without a trial.
- A juvenile prosecutor appointed by the supervisory prosecutor should undertake prosecution. The juvenile prosecutor is obliged to be involved in all the phases of the trial. A juvenile delinquent cannot be subject to (private) accusation (Article 295).
- In the case of trials for first- and second-time offenders (with the exception of trial by the Supreme Court) the court is appointed by the minister of justice and acts as a juvenile court. One of the lay assessors for first-time offenders should be a teacher (Article 296).
- A defence attorney is obliged to participate in procedures against juvenile delinquents (Article 298).
- The juvenile delinquent's guardian should be summoned as a witness so that the character, the level of intellectual development, and general background of the juvenile can be better revealed (Article 301).
- Pre-trial confinement of a juvenile delinquent is justified only in exceptional cases. Juvenile delinquents should be separated from adults during such confinement (Article 302). This is an open process where the media and the public are allowed to attend juvenile proceedings unless the court (i.e., judge) rules otherwise.
- The court may pass a sentence to confine the juvenile delinquent to a reformatory institution. The sentence, however, does not stipulate that the delinquent is guilty (Article 305).

For criminal procedures the interior minister's precept regarding investigation (Precept No. 40 of 1987 of the interior minister) is followed. Some of key procedural elements include:

- In Hungary culpability begins at age 14. Those 18 years of age and over are culpable as adults, not juveniles.
- Penal law considers those under 14 to be children. The status of child excludes criminal liability; therefore in such instances investigation should be denied or stopped and the local authority should be notified so that it can initiate protective measures.
- Rules pertaining to juvenile delinquents are applicable to suspects who have married or reached 18 years of age after committing a delinquency.
- If the juvenile delinquent has no defence attorney the police are obliged to call one in and ensure that the defence attorney be present at the first hearing.
- During the procedure the juvenile's legal representative (usually the parent) has the right to speak on behalf of the youth. In cases where the legal representative should be excluded from speaking on behalf of the youth (e.g., when the representative is deemed an unsuitable parent, or has a criminal record), the investigative authority should appoint a case guardian through the local guardianship authority.
- In juvenile criminal procedures the suspect's age, character, intellectual development, and living conditions are significant subjects of evidence.

To this end:

- The child's custodian should testify as to the conditions of the child's upbringing. No such testimony can be refused.
- A case survey should be prepared which provides a truthful picture of the juvenile's character and living conditions.
- Reports should be requested from the school and the employer.
- In case there is an indication or antecedence of mental disorder, the expert opinion of a psychologist or special education teacher should be obtained.
- The legal representative of the juvenile delinquent and, if needed, a psychologist or another expert, may be present at the hearing.
- In case the juvenile suspect is seriously endangered the juvenile should be taken temporarily to a state child and juvenile protection institution.
- In the event of confinement, the family or legal representative should be separated from adult criminals.
- A child, or juvenile person, who is found loitering should be taken to the nearest police station if their home is not closer or if they can not be handed over to their legal guardian.

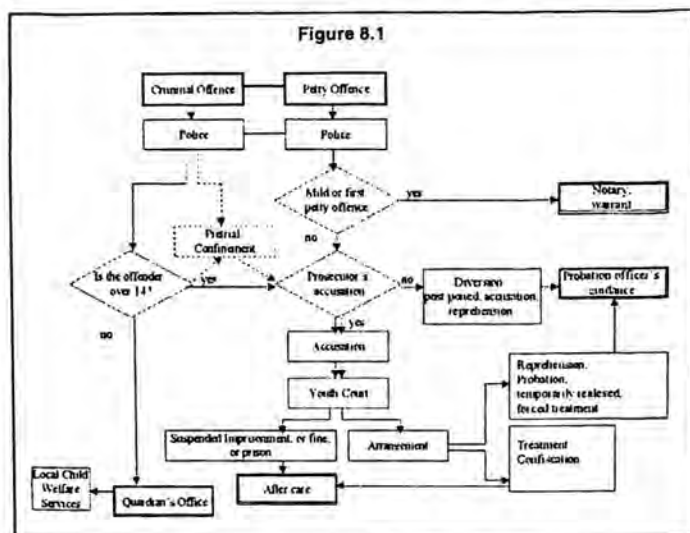
- In case the criminal procedure against a juvenile delinquent reveals an infringement in connection with the youth's education, employment, or other relevant activity, the relevant authority should be notified in accordance with Article 117 of the relevant decree of the interior minister.
- Upon release from a prison or reformatory institute, the offender is entitled by decree to support.

Collectively, the above points embrace some of the fundamental **corporatist** views, especially with reference to their general features, tasks, and objectives. This is partially due to financial constraints as evidenced by the lack of sufficient staff, automobiles, and time to address the caseloads. In addition, the rules are not taken seriously and the delinquents and their families are seldom aware of their rights. Therefore, only in a few cases are the regulations followed. This is possible since there is no monitoring system or regular supervision. Even in the known and reported cases the general response is: "theoretically it is alright, but the circumstances are inadequate to meet the standards." Consequently, our system functions perhaps as a crime control model more out of necessity than by design.

The Actors

As can be seen from the above description, the intent of the Ministry of Justice and the Ministry of the Interior is not only to hold juveniles accountable for their action but to provide special support. To this end there are literally hundreds of associations and foundations lawfully registered to address these needs. Unfortunately, these intentions remain unfulfilled. Nevertheless, it can be argued that the Hungarian judiciary system essentially conforms with the minimum standards stipulated by the Beijing Rules. In particular, the relevant laws in force provide for the special treatment of juvenile delinquents in terms of material, procedural, and punitive respects. However, on the basis of Hungarian legal material, legal application and correctional practices, it can be said that our penal judiciary system is an attenuated variation of the same system relating to adult offenders. In practice the juvenile system does not represent a separate system as is characterized by other modern social states (Lévai, 1994) (see Figure 8.1 for a graphic illustration of the Hungarian juvenile justice system).

As noted above, the law provides that juveniles be treated differently from adults when being investigated by the police. Unfortunately, police investigations very often do not observe the rules relating to the notification and presence of the legal representative or the guardian or the involvement of



a defence attorney. In fact, there is often no real connection between the social protection system and the investigators and procedure officers during the investigation and the criminal procedure. Therefore, contrary to the stated objectives, juveniles seldom have a chance to obtain professional help. Even the probation officer, who should be notified immediately after a youth has been charged, usually does not find out about the case until after the charge has been laid. In this way the probation officer is in no position to provide early assistance to either a released suspect or to a suspect held in pre-trial confinement.

So, contrary to Beijing Rule 1.3, the Hungarian model of juvenile justice does not provide adequate support for juvenile offenders. In fact some schools expel the student at even the slightest suspicion and stigmatization almost automatically occurs. At the same time, due to the underdeveloped local supply system, real family assistance stands no chance against this premature reaction, nor indeed, at any later stage. Overburdened probation officers and patrons, the lack of professional standards, and the scarcity of assistance reduce the efficiency of protective efforts.

Although no data exist, on the basis of the social and cultural background of the perpetrators, we can say that the defence attorney plays only a marginal

role in protecting the rights of suspected juvenile offenders. A defence attorney is called in only when families cannot provide their own attorney. As for the police, the number of convictions they obtain indicates their efficiency. The police have no vested interest in giving the juvenile suspect any opportunity to prove his or her innocence.

Before youths even get to court their basic rights are often dramatically compromised. The juvenile court judges further undermine the situation. Judges receive no special initial or in-service training; nor do they consider it their duty to explore areas beyond the scope of general law. Finally, specially trained probation officers, patrons, and social workers are few and far between; therefore, the preparation of cases and the exploration of circumstances is highly arbitrary.

Pre-trial

Pre-trial confinement takes place with only a few of the delinquents. In 1999, 4.1% of the juvenile suspects (N= 477) were subject to confinement. In accordance with the international agreements signed by Hungary, Act XLI of 1995 stipulates that after 1 July 1996, wings and units suitable for pre-trial confinement of juvenile delinquents would be set up in three reformatory institutions and a special children's home. A former detention center, a special children's home and a wing of the girls' reformatory school were transformed and modernized to fulfill this requirement. The manner in which the detainees are treated is determined by a well-designed educational and re-socialization model.

As the length of time is not predictable, only special programs apply. This is an important issue because pre-trial confinement is very often prolonged. Many juvenile suspects spend six to 12 months in confinement, and they previously had no access to a meaningful occupation or education during this period.

Despite the newly available accommodations, placement into an appropriate facility is usually accidental. It depends on the police and their "comfort," given the need for regular hearings or other reasons why the young person should be readily available. In accordance with the Beijing Rules promulgated in Hungary by Act LXIV of 1991, the signatory states should make every effort to "... take steps towards the handling of the suspect or guilty child's case without a judiciary procedure, while maintaining full observance of human rights and legal guarantees" (Paragraph 3 of Article 40 of UN Resolution 40/33/1985). Accordingly, young delinquents should be treated in accordance with their situation and the crime they committed—"the principle of proportionality."

The intent is to focus on the needs of the youth as opposed to exacting "just desserts." This, unfortunately, is by no means fully implemented in Hungary. This is particularly true of the lack of protection, guardianship, control, counselling, release on parole, family care, general professional educational programs, and non-institutional solutions. Moreover, not only is there a lack of institutions, professional experts, and financial resources; professional conviction and attitude are likewise non-existent.

Juvenile (In)justice

Owing to the excessive burdens on the police and courts, the investigation and trial of cases are highly prolonged. It is not infrequent for two or three years to elapse between the delinquency and the court ruling; therefore, any educational impact involved in the ruling is dissipated. Moreover, the juvenile delinquent who is 18 years of age and over can no longer be confined in a reformatory institution.

Until recently, the practice of adjudication was influenced by the fact that the duration of pre-trial confinement did not count towards the term of reformatory confinement. On 1 July 1996, the rule was changed. Until then judges generally felt that juveniles were at a disadvantage and therefore often passed sentences that allowed for immediate release. A direct consequence of this attitude was the extremely low number of delinquents referred to reformatory institutions.

Probation and patronage of young adults extend beyond the time when they reach adulthood. This is partly justified by the relevant provisions in force (e.g., the Penal Code increased the age of probation and patronage from 18 to 24 years). The best example is the fact that young adults in state care can remain in the relevant institution until they are 24 years old. This, unfortunately, marked the low level of efficiency of the system and a lack of professional insight. And even though point 3.3 of the Beijing Rules stipulates that provisions pertaining to juvenile delinquents should be expanded to so-called young adult perpetrators, Lévai (1994:343) notes: "The psychological traits and social position of a young person around 20 are closer to those of a 17- or 18-year-old than to those of an adult if only a few years older."

Nevertheless, it would be inexpedient to increase the upper age limit from the point of view of criminal policy, as the institutional system that serves for resocialization would thereby be extended to incorporate criminally active, sociologically and criminologically heterogeneous groups. If 21 years of age were the threshold of adulthood in Hungary, the authorities would have to "deal with 15,000 more juvenile delinquents per year" (Lévai, 1994).

Another major area confronting the proper handling of juvenile cases concerns probation, suspension of confinement, parole, and provisional re-

lease from a correctional institution, which involves a probation officer commissioned by the court. Aside from a general lack of proper training, there has been much debate within the judiciary about the role of probation. Foreign models of probation differ and there are several different approaches in Hungary. The most problematic weakness of the former system was eliminated with the introduction of the new *Child Protection Law* (XXXI/1997) in November 1997, and since then the employer of the probation officer is a county guardianship office. Unfortunately, their work is still not smoothly integrated with that of the local government and the court. The probation officers are still not working according to a formalized protocol, regulated by professional standards and responsible together with family social workers, local child welfare services, and the schools. Their respective responsibilities, perspectives and hierarchy are not clear. Even if one of the parties is in favor of cooperation, this cannot be forced, so the problem tends to go unaddressed and the responsibility to one another left unfulfilled. Despite of all the efforts made by the policy makers there is hardly any progress in jointly assessing, planning and evaluating their work.

Getting an education and finding a job and a place to live are objectives that are difficult to achieve under the current social and political environment in Hungary. This has been particularly true since the late 1980s. Earlier, being unemployed was in itself illegal ("penal idleness," punishable by 30 days imprisonment until 1989). Another handicap to efficient probation is the inadequate number of social service agencies. They have a limited scope of activity and lack the cooperation to manage this complex problem. Consequently, probation is arbitrary and dependent on the persons involved. Family assistance is generally not part of probation planning and is extended only in a limited way even if other problems (e.g., social and child safety) are involved in a case.

Correctional education takes place in one of the two reformatory institutions. One is for boys while the other is an old educational institute used for female offenders. The reformatories all come under the auspices of the Ministry of Welfare, but they perform their tasks in relative isolation. Therefore, it is not a surprise that they are able to provide only marginal re-socialization services and provide only a very limited chance of not going back to the unchanged harmful environment.

By international standards the average length of incarceration could be severe. With confinement averaging one-and-a-half years, their educational value is questionable. Contacts with the local social system are arbitrary and lack professional protocol. Juvenile delinquents in state custody are often "forgotten" by their former protection institution and their current local county

child and juvenile protection institute. Since the introduction of the child protection legislation in November 1997, all newly formed local child welfare services are supposed to provide the needed assistance and care to both the offender and his or her family.

Those formerly in care have almost no chance to find proper housing, education or employment. For them, rehabilitation is almost hopeless as most of them have nowhere to go and their family ties are uncertain or non-existent. While they are still in custody, escapes are frequent, and many escapees commit easily detectable offences while "on the lam." They escape and re-offend in order to prolong the confinement, for once they are released they have no home, no job, and no food. The number of those who would like to live there has been increasing while fewer of them are capable of leaving. And while the centers have a beneficial correctional educational impact on the youth, many experts question their location. One of the facilities is located in Budapest and the other on the outskirts of the city. In general, the lack of similar facilities in the rest of the country means that family contact and other opportunities for rehabilitation are very difficult. Furthermore, a lack of resources makes it difficult to allow weekend leave.²

In addition to a large number of juveniles classified as mentally challenged, underprivileged and undersocialized young persons are also overrepresented among the juvenile offender population. Romany ("Gypsy") youths (see Box 8.3) are also overrepresented. For political reasons this has remained a delicate issue, since they have not been officially recognized for the past 40 years. While there is no official data describing the size of the Romany population, it is a well-known fact that 60% of this group live below the poverty line. As most of them are unskilled, they were the first to lose their jobs as a consequence of the industrial crisis. The number of Romany juveniles who drop out of school is higher than the national average.

The proportion of Romany children in child protection institutions varies significantly from county to county, from a low of 25% to about 80%. One reason for the great variation is that as a result of forced assimilation, Romany identity and culture were never emphasized, and masses of children come from families where everyday customs and education differ from "the good Hungarian practice." The risks for criminalization in these instances are very high. As a result they become marginalized and lose the protection of a community.

Furthermore, because of social and cultural isolation, many Romany youths lack proper family socialization. In fact many Romany delinquents are considered by psychologists to be mentally handicapped although it is merely the consequence of their social deprivation. Their problem is not solved by probation or correctional education; quite the contrary. Prejudices are tangible and

almost impossible to prove. On the other hand, special care and assistance are not provided. Nor is there any affirmative action in theory or in practice. Equity before the law inevitably recreates inequalities.

Box 8.3 The Romanies In Hungary³

According to the work of a German philologist in 1780, the Romanies appear to have originated from India around 1000 A.D. By the late 1400s most Europeans knew them as vagabonds, fortune-tellers, singers, dancers, and charming tricksters. Unlike in many other countries, the Romanies were never ostracized in Hungary until more recently. Today the Hungarian government wants to punish those families whose children do not attend school regularly. Instead of forming "child-friendly" and "Gypsy-friendly" school environments, the government tries to financially control or even punish the parents. Data shows that schools try to get rid of "unpleasant" children and form special "Gypsy" classes. In this manner the government and schools exclude children in a discriminatory manner which in turn tends to lead to problems with these youth in the community. Nevertheless, there have been calls for specific programs for Romany children that can address their unique needs.

RECENT DEMOGRAPHIC TRENDS

The number of offences committed prior to the age of culpability (i.e., in childhood, rather than at juvenile age from the point of view of penal law) is an indication of the future trend of juvenile delinquency. But first, in order to have a basis of comparison for juvenile offence rates, it is necessary to provide a sense of crime trends in the general population.

In Hungary, the number of offences involving public indictment was 120,880 in 1975. In 1993 this number increased to 400,935 (an increase of 231.7%). In 1975 the number of known perpetrators of offences involving public indictment was 72,049, while in 1993 the same figure was 122,621 (an increase of 70.2%). There are two possible explanations for the delinquency rate changes from 1975 to 1993. First, the number of those who committed multiple delinquencies has increased, and secondly the efficiency of detection may have decreased, thereby enabling youth to commit multiple offences.

Meanwhile, Gönczöl (1995) suggests that the increase in delinquency may be a by-product of the new market economy of the early 1990s and all the social problems it created (e.g., unemployment, and the loosening of social bonds as both parents entered the work force).

Child Delinquency

The number of child delinquents increased from 2,557 in 1975 to 4,128 in 1993 (an increase of 61.4%). The increase was 13.2% in 1990-1991 and peaked in 1992 with 4,492 delinquents. In 1996, 3,689 children committed crimes as

opposed to 4,133 in 1999. Most of the young offenders tend to carry out their crimes with other young offenders. As evidenced in most countries, the most common offences committed by children are property-related offences. Since 1990 property-related offences have constituted approximately 90% of all offences committed by child delinquents, a 138.8% increase between 1975 and 1995. Similarly, the number of child delinquents involved in fighting and rioting grew from 97 in 1990 to 212 in 1996 (see Table 8.2). The other major delinquent activity areas include theft and burglary involving stealing. In recent years, 60 to 70 young persons have been charged with assault-related offences.

As indicated in Tables 8.2 and 8.3 offences against persons have been increasing in recent years. In addition, there are more and more criminal cases where children are involved together with adults and/or young persons. Altogether 7,737 such cases have been recognized above and beyond the ones committed by the children on their own, of which 80% were against property, and 8% sexual abuse cases.

Juvenile Delinquency

The number of juvenile delinquents increased from 7,258 in 1975 to 14,321 in 1995, dropping back to 11,540 in 1999 (see Table 8.3).⁴ This is a significantly higher increase than that of the number of adult perpetrators. And while the proportionate rate of increase when compared to the entire delinquent population was not as extreme (i.e., from 10.1% in 1975 to 12.2% in 1993, and 8.7% in 1999), the absolute numbers can be significantly higher, as the rate of detection of juvenile delinquents dropped significantly between 1975 and 1999 (see Table 8.4).

The number of juvenile delinquents per 10,000 juvenile inhabitants was 161 in 1985 and increased to 217.4 by 1994, and 225.9 by 1999. The differing rate of increase is due, in part, to the fact that the increase followed the general demographic upswing, which peaked as a result of two successive demographic interventions (in 1950 to 54 and 1972 to 76). Consequently, the juvenile population peaked at the turn of the 1980s and the early 1990s. This demographic asymmetry has its primary impact in the high number of young adult delinquents.

Finally, as is the case in most other parts of the world, youth crime in Hungary has been increasing at an uncomfortable rate. And while the specific indicators may vary somewhat, the primary causes reflect a lack of social control, lack of conformity and uniformity, as well as a general condition of social upheaval—a state of anomie. Furthermore, it would appear that little progress has been made in adopting a social welfare model of juvenile justice. This has been reflected in the police data that indicate an increase in more violent be-

Table 8.2: The Number of Children Delinquents and Percentages According to Criminal Actions

Number and Rates of Children Delinquents

	1990		1994		1996		1998		1999	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	3,744	100.0	4,188	100.0	3,689	100.0	3,864	100.0	4,133	100.0
Against Persons	76	2.0	128	3.1	95	2.58	93	2.41	105	2.54
Manslaughter	2	0.1	3	0.1	4	0.11	1	0.03	3	0.07
Bodily Harm	52	1.4	94	2.3	63	1.71	66	1.71	78	1.89
Traffic Crime	75	2.0	94	2.3	89	2.41	113	2.92	118	2.86
Against Moral	34	0.9	55	1.3	17	0.46	16	0.41	39	0.94
Sexual Abuse	6	0.2	12	0.3	6	0.16	5	0.13	10	0.24
Fighting and Rioting	97	2.6	249	6.0	212	5.75	237	6.13	282	6.82
From this: Rioting	46	1.2	130	3.1	86	2.33	106	2.74	103	2.49
Against Property	3,457	92.3	3,640	87.3	3,270	88.64	3,384	87.58	3,566	86.28
From this: Stealing	1,835	49.0	1,904	45.7	1,761	47.74	1,822	47.15	2,000	48.39
Break in	1,026	27.4	1,062	25.5	880	23.85	865	22.39	827	20.01
Robbery	100	2.7	151	3.6	126	3.42	147	3.80	166	4.02
Other	5	0.1	2	0.0	6	0.16	21	0.54	23	0.56

Table 8.3: The Number of Young Delinquents and Percentages According to Criminal Actions

	Juvenile Delinquents' Number and Rates								
	1990	1995	1997	1998	1999	Number %	Number %	Number %	Number %
Total	12,848	14,321	13,955	100.0	12,866	100.0	11,540	100.0	100.0
Against Persons	849	829	579	731	641	4.98	564	4.89	
Manslaughter	31	20	0.14	24	33	0.26	32	0.28	
Bodily Harm	613	652	4.55	527	489	3.80	425	3.68	
Traffic Crime	713	540	3.77	344	403	3.13	239	2.07	
Against Moral	145	113	0.79	120	111	0.86	84	0.73	
Sexual Abuse	55	35	0.24	36	28	0.22	18	0.16	
Fighting and Rioting	862	1,593	11.12	1,616	1,764	13.71	1,814	15.72	
From this: Rioting	643	1,047	7.31	846	825	6.41	800	6.93	
Against Property	9,955	11,017	76.93	10,953	78,49	9,691	75.32	8,582	8.582
From this: Stealing	5,160	5,327	37.20	5,566	39,89	5,252	40.82	4,555	39.47
Break in	2,690	3,739	26.11	3,467	24,84	2,913	22.64	2,324	20.14
Robbery	409	546	3.81	546	3.91	406	3.16	399	3.46
Other	324	229	1.60	191	1.31	256	1.99	257	2.23

Table 8.4: Juvenile Delinquency 1985-1999

Year	All known delinquents	If 1985= 100.0%	Number of Delinquents /10,000 Inhabitants	Juvenile Delinquents	If 1985 =100.0	Delinquen/ 10,000/ juvenile Inhabitants	Number of childe delinquents	If 1985 = 100.0%
1985	85,766	100	80.5	9,449	100.0	161.0	3,745	100.0
1986	93,176	108.6	87.6	10,554	11.3	179.5	4,064	108.5
1987	92,643	108.0	87.2	9,887	10.7	168.0	3,302	88.2
1988	82,329	96.0	77.6	8,667	10.5	146.4	3,652	97.5
1989	88,932	103.7	84.0	9,661	10.9	154.8	3,723	99.4
1990	112,254	130.9	108.2	12,848	11.4	136.0	3,744	100.0
1991	112,835	143.2	118.6	13,508	11.0	143.0	4,240	113.2
1992	132,644	154.7	128.3	15,476	11.7	163.8	4,488	119.8
1993	122,621	143.0	118.9	15,001	12.2	158.8	4,128	110.2
1994	119,494	139.3	116.3	14,479	12.1	153.2	4,168	111.3
1995	121,121	107.90	118.22	14,321	11.82	111.46	4,168	111.32
1996	122,221	108.88	119.68	13,544	11.08	105.42	3,689	98.53
1997	130,966	116.67	128.72	13,955	10.66	108.62	4,287	114.50
1998	130,966	116.67	129.22	12,866	9.82	100.14	3,864	103.21
1999	131,658	117.29	130.46	11,540	8.77	89.82	4,133	110.39

havior. The lack of preventive programs at schools and in the community limit the chances of such an approach being readily adopted.

Child and Juvenile Victims of Crime

In Hungary victimization data on juvenile crime has only been collected since 1988. In that year, 105,532 offended parties were registered, of whom 2,000 were children, and 3,876 were of juvenile age. The number of offended parties increased to 230,915 by 1993 (an increase of 118.8%), of whom 2,626 (30.8%) were children and 7,160 (84.7%) of juvenile age. While the total number of offended parties was highest in 1991, the number of offended children was highest in 1990 and the number of offended juvenile parties has increased steadily since the beginning of the period under examination.

Examining the victims of particular offences, it can be stated that:

- The number of offended parties involved in crimes against sexual morals was 445 in 1988, 412 in 1993, and 608 in 1999. Between 1988 and 1999 there has been a steady increase in the number of offended parties who were children (16.9% vs. 19.8%). Meanwhile, the same figures for offended juvenile parties have declined since 1988 from 20.7% to 19.3% in 1999.
- Offended parties involved in manslaughter or attempted manslaughter numbered 398 in 1988 and 464 in 1993. The rate of offended children was 11.6% in 1988 and 5.8% in 1993, while the same figures for offended juvenile parties were 1.8% and 1.3% respectively.
- The number of parties offended in intended bodily harm cases totalled 5,580 in 1988 and 8,181 in 1993. Children offended constituted 2.4% in 1988 and 1.7% in 1993, while the same figures for offended juvenile parties were 4.5% and 5.5% respectively.

Examination of the relationship between juvenile perpetrators and offended parties reveals that most of them are not acquainted with each other. Those who are acquainted are predominantly schoolmates or related as parent and child.

CURRENT AND PROJECTED TRENDS

Future Directions:

There are three major factors that influence the image of delinquency in Hungary:

1. The proportion of the population consisting of youth from the ages of 14 to 18;

2. The legal definition of a juvenile offender. While the current lower age limit is 14 there has been much debate about lowering it to 12, and
3. The response of society and the state. How will the state choose to respond to the growing sense of insecurity and anger towards young offenders as well as adult offenders?

The first item pertains to demographic issues that cannot be affected by criminal policy or by general crime prevention. The second factor is subject to debates on codification that are greatly influenced by the attitude taken towards the third point. At the same time there is a growing number of crimes being committed by youth between the ages of 12 and 14. This trend had prompted many to call for legal reforms.

In our opinion young offenders should be separated from adults, as the underlying causes of their offences are basically different. Aggressive and brutal crimes, which undermine the system of values of society and the stability of the legal system, should be handled entirely differently from other types of crimes. Here the principal task is to protect the integrity of the legal system and its underlying values.

Those delinquent acts that do not harm or endanger life or that involve theft not motivated by financial gain should be treated separately by society. On the other hand, when crimes result in public harm or are motivated by financial gain, individuals should be held criminally responsible. Each type of crime reflects a different causal relationship and demands suitable responses that are in conformity with the legal norms. Nonetheless, we believe that juvenile offenders from all three classifications could be handled appropriately with the new restorative justice techniques.

Potential developments and changes currently being considered by Hungary are measured against the country's efforts to be a full member of the European Union and meeting the requirements of the Council of Europe. As a signatory of a number of international agreements, Hungary has undertaken adherence to, and promulgation of, all the contracts and conventions adopted by the developed world (Beijing Rules, Riyadh Guidelines, UN Rules regarding the support of juvenile delinquents in confinement, Convention on the Right of Children). However, there is still a significant discrepancy between the provisions of these agreements and Hungarian legal practice. Nonetheless, on the whole the most up-to-date and widely accepted trend is to increase the necessity of legal intervention. The challenge to develop sensitivity to human dignity and embrace the basic liberties of the individual will require the adoption of special laws and procedures. In addition, it will require the establishment of

special authorities and institutions and favors problem management that excludes court procedure. It seems to be a very slow process despite what numerous foreign research studies have shown. Should Hungary be able to embrace these, its model of juvenile justice would be more in keeping with the UN recommendation that all countries adopt a social welfare model, and the Council of Europe recommendation on the introduction of mediation.

It is encouraging to see the shift from criminal accountability towards providing education and resocialization. Similarly, prevention has become more empathic, as has the use of alternative programs to incarceration. Some of these include: a renewed probation system, co-operation with the supply system (school, local government, family services and other service providers), and the modernization and differentiation of juvenile confinement institutions.

Unfortunately, because of the economic recession and transformation in the wake of the political changeover, many of the above objectives will remain conceptual dreams for a long while. Our "prematurely born welfare state" has exceeded the load-bearing capacity of the Hungarian economic situation since the 1990s. Furthermore, since the media tend to focus on shaping public opinion by offering biased coverage that concentrates primarily on the scandalous aspect of youth's behavior, the public is not likely to be sympathetic to the plight of young people. These circumstances are further undermined by the social problems that have emerged after the introduction of the market economy. Overall, it is questionable when and to what extent the justice administration and the parliament will be prepared to implement full-fledged reform. For example, the bill on child protection that was passed in 1997 after 10 years of proverbial political "ping-pong," while considered good in many ways, has been met with considerable controversy (see Box 8.4).

Therefore while initiatives are slowly being introduced it appears that change and acceptance will be slow in coming. However, given the international agreements mentioned above, there is an obligation for legislators to move towards honoring international conditions and standards. The need to embrace the agreement is perhaps best conveyed in the following note:

The penal system of juvenile delinquency in itself is incapable of offsetting the unfavorable social and economic processes, the disturbances of the child protection system and the lack of social policy measures and institutions to prevent juvenile delinquency (Lévai, 1994:345).

SUMMARY

Hungary, while a small country, has a long history of being a tenacious survivor. It has survived attacks from the Tartars, Turks, Habsburgs, and Rus-

Box 8.4: The Law on the Protection of Children

After 96 years of working with an outdated law on the protection of children, in April 1997 the Hungarian Parliament passed new legislation which came into effect 1 November 1997. The new law is in accordance with the UN Convention on the Right of the Child and follows all the relevant international standards and guidelines regarding the needs and interests of children. The law guarantees the right for children to be brought up in a non-abusive environment, a right to proper living conditions which include proper shelter, food, education, as well as respecting their religious and ethnic identity.

The new law was accompanied with the establishment of child welfare services for all cases. The aim of these services is to provide needed information for families and co-ordination of service provisions to ensure the needs of children are properly dealt with.

The new law further provides for the establishment of foster and residential care facilities, and there are clear guidelines as to how children can and will be placed. Priority is given to placement with extended family who become eligible for financial assistance.

Unfortunately, the new legislation has been met with some difficulties. The primary problem is a lack of financial resources and enough professionally trained staff. And while the intentions are thought to be good, there is considerable skepticism as to whether the new legislation can live up to its billing. In the interim, an assessment and outcome measurement system, designed in England and used in many other countries, has been introduced to monitor the new legislation.

sians. Hungarian history and character are best exemplified in our national anthem, which describes Hungarians as "people torn by fate."

After the Soviet army liberated the country in 1945, the Communists quickly gained power and eliminated free elections and subjected Hungarians to various atrocities. Then in 1956 there was a revolution against Stalinism—and there are still harsh debates after ten years of political transition about whose revolution it was and what its aims were—which failed after ten days. Although the uprising was defeated by Soviet troops, Janos Kadar promised democratic socialism. However, it was not until 1990 that the Communist party voluntarily gave up its autocracy. The people of Hungary are often upset because their dreams of democracy and freedom are far from the current realities. One of the many by-products of the struggle appears to be the steady growth in crime and delinquency rates, although analysts say that it is still far from the Western average. An increasing number of Hungarian scholars also believe that the crime and delinquency problem has been triggered by the breakdown of society and the inability of the state to respond in any concrete way.

As the realities of the economic, political and social transition in Hungary play a major role in the everyday operation of juvenile justice administration, it

should be noted that point 1.5 of the Beijing Rules or the UN Convention on the Rights of Children acknowledges that international agreements can only be implemented within such a context. And even though Hungary has agreed to move towards a social welfare model, the politicians do not take this move seriously. Since there is no strong advocacy, research and evaluation are almost non-existent, and scandals are investigated only within a limited circle and are considered as isolated instances. In this way there is little chance of influencing public opinion and decision-makers. Therefore, it is anticipated that, like many social issues in Hungary, the plight of young offenders will receive only token attention for the near future.

It was also shown in this chapter that delinquency in Hungary is closely linked to social and cultural status (e.g., education, housing, income, and lifestyle). This is particularly evident with the Gypsy population, but it has also been found to be true of most poverty-stricken areas throughout the country. Since 1988 delinquency rates have increased and the incidence of violent crime has grown most dramatically. Gönczöl (1995:13) reports that, when compared to a half-dozen Westernized countries, Hungary offered "the least to the young in terms of long-term prospects."

The contributing factors to delinquency in Hungary fit some classical sociological indicators found in most textbooks on the subject. Most criminology scholars in Hungary are gradually recognizing the breakdown in social bonds and the sense of anomie. But these perspectives were not commonly known and accepted prior to the transition in 1989. The social, cultural and political price has been great. Nevertheless, we believe that we cannot return to the punitive and oppressive regime of the past. Rather, Hungarians must recognize they have endured many "storms" and this is but one more challenge that we must rise above. Through bringing into effect the agreements signed and through discussion with other countries we can, and must, begin to systematically introduce comprehensive social policy to meet the general aim of promoting juvenile welfare.

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HELPFUL WEBSITES

www.okri.hu This is the homepage for the National Institute of Criminology in Hungary. It includes a range of information including some on juvenile offenders.

<http://eurochild.gla.ac.uk> This site is dedicated to the protection of children's rights. It includes documents from the Council of Europe's Program for Children. In addition, it includes a wide array of information on juvenile delinquency throughout Europe. Although not specific to Hungary, it does offer some information on delinquency in Hungary.

KEY TERMS AND CONCEPTS

anomic	corporatist view
crime control model	Csemegi Code
insecure investment	neo-classical school
participatory/welfare	Romany
welfare approach	paternal/welfare model

STUDY QUESTIONS

1. What are the key elements of the Hungarian juvenile justice system? How do they compare with other European countries?
2. Based on the discussion around the use of alternative measures and restorative elements in Hungary, how successful and effective do you think Hungary will be? Based on the efforts of other countries covered in this text, what recommendations might be offered?
3. How would you describe and characterize the different actors in the Hungarian juvenile justice system? Address such aspects as their impact on social-, health-, education-, and justice-related matters.
4. How do the youth age categories in Hungary compare to those in other countries? Should they be changed? Clarify your answer.
5. As Hungary does not have a separate juvenile justice system, what do you consider to be the strengths and/or weaknesses of how the formal agencies deal with juvenile offenders?

NOTES

- 1 This figure is very low by international standards—even by East European standards.
- 2 From an organizational perspective it has been questioned whether these correctional institutions should belong to the Ministry of Justice, the Ministry of Education, or the Ministry of Welfare. The argument revolves around who should be responsible for the welfare of juvenile delinquents whose problems are professionally considered to be social problems that are similar to those of children.
- 3 For a comprehensive review of Romany youth you can view a report prepared by the United Nations Interregional Crime and Justice Research Institute in Turin, Italy at: www.unicri.it/html/rromani_youths.htm
- 4 This is a higher increase than that of the number of adult perpetrators (from 72,049 in 1975 to 122,621 in 1995 and 131,608 in 1999).

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