



IMPRISONMENT IN HUNGARY

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HUNGARY – GENERAL COUNTRY DATA

- Rapid and continuous decrease in the number of population:
- 10 million from the 70ies and 9 million and 896,000 in 2015.
- The official language is Hungarian – the largest spoken non- Indo-European language in the region.
- 12 official national minorities: Bulgarians, Slovaks, Germans, Romanians, Serbians, Croats, Poles, Greeks, Slovenians, Ruthenians, Armenians, Russians + ethnic minority: Roma.



HUNGARY – GENERAL COUNTRY DATA

- Religious features:
- 54,4% declare themselves Christians
 - All in all:
 - 39% Catholics (37,1% Roman Catholic, 1,9% Greek Catholics)
 - 14,2% Protestants: 11,7% Calvinists; 2,2% Lutherans)
 - Non-denominational: 18,2%
 - No response given: 27,2%



HUNGARY- ECONOMY

- Medium sized, upper-middle income
- Structurally, politically and institutionally open economy of the EU
- Underwent liberazation in the 90ies
- Member of OECD (Orginazation for Economic Co-Operation and Development) since 1995.
- Member of WTO (World Trade Organization) since 1996.
- Member European Union since 2004.



HUNGARY - ECONOMY

- Private sector accounts for more than 80% of the GDP
- Hungary's GDP was 224,5 billion USD
- In 2013 the estimated rate of the total population living below poverty line was **12%**
- Upon the DATA of Eurostat approximately **3,285** million people live from less than 236 USD/month
- The unemployment rate was **7,1%** in October, 2014.
- Inflation rate: 0,37%



THE SANCTION SYSTEM - HUNGARY

- „*The aim of the punishment is to prevent – in the interest of the protection of society – the perpetrator or any other person from committing an act of crime.*”
(Act C of 2012, On the Criminal Code. Section 79)
- The sanction system is currently broke up to **measure** and **penalties** .

- **Measures:**

Warning, conditional sentence, work performed in amends, probation with supervision, confiscation, confiscation of property, irreversibly rending electronic information inaccessible, involuntary treatment in a mental institution, measures against legal persons.



PROCEDURAL OPPORTUNITIES

- Postponing the indictment
- Criminal mediation
- The most important feature of these are:
 - The space given for authorities regarding the content are relatively broad:
 - Conduct rules
 - Evaluation of the crime, the criminal's personality, to cure the unhealthy situation caused by the crime



PENALTIES

- Penalties come as following:
- Imprisonment, custodial arrest, community service work, fine, probation to exercise professional activity, driving ban, prohibition from residing in particular area, ban from visiting sport events
- .
- **The 4 most popular are:**
 - Imprisonment
 - Community service
 - Fine
 - And driving ban.



PRISON SENTENCE

Convictions	Total	Imprisonment	Suspended imprisonment	Partly suspended
Adult	85162	8673	16302	25
Juvenile	5475	321	619	1
Total	90637	8944	16921	26
Average on 100, 000 inhabitants	918	90. 37	169	0.26



THE PROPORTION OF IMPRISONMENT IN HUNGARY

- The proportion of prison sentence is high: **29,3%** of
the convictions, but it is clear from the data that **two third** of the punishments are suspended.
- Juveniles: **25,9%** of the convictions are prison sentence, two third of them are suspended.
- But **50%** of juvenile cases are solved outside the court:
 - Within the prosecution system, using alternative measures
 - Or by the termination of the police



PRISON POPULATION

- The best available data source is: **Official Statistics of the National Prison Service. Data book/year.**
- Though **it is not open to public** but upon request they can be reached by:
 - Researchers
 - Students
 - Prosecutors



PRISON POPULATION – DATA ON THE 20TH OF MAY, 2015.

- There 32 prisons in Hungary
- **In prison:** 17834 people in prison:
 - 16,477 male
 - 1357 female
- **In preliminary detention:** -
 - 3707 men
 - 324 women
- **Custody arrest** imposed because of misdemeanors: 228 persons,
 - 195 male and 33 female

All in all the decisive majority of the persons incarcerated are male.



PRISON POPULATION – SECURITY LEVEL

- There are three general security levels:
 - Prison: 744
 - Medium security prison: 6784
 - High security prison: 3901
- Two stages for juveniles
 - Prison: 131
 - Medium security prison: 158
- Extra security level: actual life sentence: 52 (Szeged)



WORK AT THE PRISON

- 9674 prisoners live without work in the prisons
- 54,2% serve their punishment without productive tasks
- The average age for people in prison:
36 years and 10 months

That means that most of the persons in jail:

- Men
- In active age
- Without aims and goals.



THE NEW CODE ON CRIMINAL PUNISHMENTS

- The Act CCXL of 2013 on the Enforcement of Criminal Punishments, Measures, Forced Measures, and the Custodial Arrest imposed on Misdemeanors
- Came into effect on **the 1st of January in 2015.**
- New legislation, small practical feedback about the outcomes.
- **European, modern aims** are formulated in the Code.
- Reflecting directly on Convention for the Protection of Human Rights and Fundamental Freedoms.



THE NOVELTY OF THE CODE

- Peaking in the legal relationship between the state and convicted person.
- Broader rights but broader obligations.
- The detainee is not the subject of the imprisonment but the object of **the legal contract**.



FINANCIAL RESPONSIBILITY

- Damages, hurts caused on themselves on purpose
 - the damages must be payed by prisoners
- The prisoners are obliged to pay for gym, for using phone, for watching tv etc.
- It can evaluated in two aspects:
 - **Too much financial** responsibility on detanies
 - Education in the field of taking responsibility.



PRINCIPLES

- Legitimacy, gradualism and normalization
- But new Code reflects postmodern principles, such as:
 - Flexibility
 - Personalization
 - Individuation
 - Pragmatism
 - Minimizing the blighting influences



THE PRINCIPLE IN PRACTICE MEANS...

- Much more emphasize on:
- **Work**
 - The prison-system shall not rely on the state totally.
 - Convicts shall take part in production.
- **Education**
 - Scholarships for those who study and work parallel
 - Pay-back obligation if the convicts fail the exam
- **Leisure time**
 - sport programs (community sports etc.)
 - Religious activities, creative tasks



AVOIDING THE BLIGHTING INFLUANCES

- **Family relations** are to strengthen.
 - 1. Punishment can be preceded by public interest
 - 2. And by the interest of the convict.
 - a. Temporary leave
 - b. Interruption of the execution of the imprisonment.

These are provided upon request. Risk factors, the length of his/her punishment, mental status etc. should be considered.



JUVENILES, NOVELTIES

- **Educational reports:**

Compulsory to provide from previous school
(considering conduct problems, educational
career etc.)

- **Family consultation:**

- Consult about crime, the consequences of wrong
doing

- **Family therapy:**

- Psychological therapy, provided for the whole
family, building up bondings.



EDUCATION

- Compulsary education until the age of 16.
- For children with special education needs it can be obliged until the age 23.
- Most of the juveniles in prison are put to this category to lengthen their education period.
- In reformatories even much emphasize is put on education:
 - Children can be sent to reformatories from the age 12.
 - The goal is education and not punishment.



REINTEGRATION, REHABILITATION

- **Central Investigation and Methodological Institute**
- Risk assessment tasks,
- Categorization of detainees, based upon their risks they represent in society.
- **Classification** is based upon:
 - Official documents
 - Personal consultation
 - Observation (30 days, can be lengthened for another 30 days.)



REINTEGRATION CUSTODY

- **Available** for detainees who:
 - Prison or medium security prison
 - Not longer than 5 year
- **Volunteer**
- If the requirement are met the prisoner is allowed to spend the **last 6 months** of his/her penalty outside the prisonwalls, if
 - There is an appointed place
 - Electronic gadget is available
 - The convicted is allowed to work and study, but there are places he/she should avoid.



REINTEGRATION CUSTODY FOR JUVENILES

- Special requirements:
 1. The family took part in family consultation or therapy
 2. And signed a reception note.



CPT OBSERVATIONS

- Overcrowded prisons: 141% in 2014.
- Though it means 2% of decrease from 2013.
- Restrictions in contact with family members.
- Reporting the family members about the arrests is problematic.
- Reporting advocates lacks accuracy.
- Healthcare system and medical examinations were also subject of critics.
- Insults can not be objectively documented.
- Insults are more critical at the police than in the prison-system.



SUMMARY REMARKS

- Prison as a penalty is overrepresented.
- Mostly the convictions are suspended.
- The New Code contains modern, pragmatic and positive goals.
- The overpopulation still causes problems.
- There is a huge contradiction in general efficiency in indictments (96-97%) and in indicting in forced interrogations and insults (55.7 %in 2013, and 69.5% in 2014).





**THANK YOU FOR YOUR
ATTENTION!**