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Editorial Greetings

Hungarian Law Enforcement [Hungarian Law Enforcement] is the journal of the University of Public Service. The primary objective of the periodical is supporting the teaching of law enforcement at an academic level, publishing new scientific results and providing a professional scientific forum and opportunities for publication. Its discipline focuses on law enforcement and criminal sciences; furthermore, it also deals with the scientific results and interdisciplinary approaches from other special disciplines. According to the classification of the Department of the IX Economics and Law of the Hungarian Academy of Sciences, the journal is ordered in category "B", which publishes four issues annually. Our editorial office operates at the Faculty of Law Enforcement, and its publisher is the Ludovika University Press. The work of László Christián Pol. Brig. General, Associate Professor, Editor-in-Chief is supported by Zsolt Németh, PhD Ret. Pol. Colonel, Associate Professor, former Editor-in-Chief, Nóra Barnucz and Zsolt Lippai Pol. Colonel Assistant Lecturers. The issues reflect on our goals, since the published academic articles are given a versatile, thorough and authentic analysing of the law enforcement's theoretical and practical world. The lecturers have an outstanding role in this work, who respond to the editor's request without compensation and carry out their work responsively, guaranteeing that the academic writings meet the high quality requirements. We can offer a complimentary print edition to each author and editor. The preparation of the issue – the acceptance of the manuscripts, request for the proof-readers, management of the correction – has been carried out in the online electronic journal management system of Open Journal System since 2018, where all stages of the work of the authors, proof-readers and editors can be retrospectively tracked. A guide to the requirements of submitting manuscripts in English and Hungarian is available on our journal's website. With the expansion of the list of the online distribution, the national and regional heads of law enforcement agencies are informed about the electronic availability of our issues and the possibilities of publications as soon as our issues are published. By raising awareness of our online issue, we can reach nearly seventy thousand of our uniformed colleagues involved in law enforcement with the support of their leaders.

Review

Our previous issue, 2022(4) contains three major thematic sections; the first one being the National Laboratory for Security Technologies, which addressed innovation issues concerning public, municipal and private security challenges. A recommendation for the development of a strategy for municipal public safety

and crime prevention was set out in the second section, which can also be used as a teaching material, while the third major chapter contains a variety of studies for the jubilee of the institutional system of the Hungarian Prison Service. In addition to all this, the reader was given an insight into the criminal law of armed people trafficking, the aspects of forensic glass examination (fractography), the role of drones in law enforcement, the mindset of law enforcement students and finally the responsibility of media in the presentation and interpretation of criminal statistics. There were also conference reports on the fourth event of the traditional Diverse Faculty conference and the upcoming General Assembly and Scientific Symposium of the International Association of Private Investigators.

Comments on the present issue

Corrections. The Covid-19 pandemic had a considerable pressure on the national prison services all around the world so that they will monitor the impacts of the pandemic on closed prison environments. *Orsolya CZENCZER* examines the statements and recommendations of the most important bodies and committees of the Council of Europe, in parallel with the measures and solutions implemented in Hungary, in the light of the international recommendations (The Impact of the Covid-19 Pandemic on the Hungarian Penitentiary System and Its Transformation Processes).

Criminal Law. A comparative approach to the legal instruments used to combat corruption provides an opportunity to understand the emergence of the phenomenon and the social conditions under which it occurs. *Vasyl FRANCHUK* analyses the provisions of criminal law related to corruption offences in Ukraine and Poland (Criminal Law Means for Counteraction to Corruption in Ukraine and Poland. Similar and Distinctive Features).

Vince VÁRI's study describes the role of the prosecutor in the initial stages of the criminal proceedings. The relationship between the investigating authority and the public prosecutor's office is different in the exercise of the powers, duties, management and supervision activities authorised by the Criminal Procedure Act, depending on whether the case is at the detection or the investigation stage (Role of the Public Prosecutor in the Investigation).

Border policing. The joint strengthening of the security of the Danube is a key issue for the security of the European Union and the Schengen area. *Ádám KALMÁR* studied the bilateral and multilateral law enforcement cooperation among the member states along the Danube and the relevant international actors (Law Enforcement Officials' Opinion on the Security Situation and Cooperation on the Danube – Based on the "DARIF 2022" International Questionnaire Survey).

Lénárd ZSÁKAI reviewed the renewed Schengen evaluation mechanism in the light of the reforms. The aim was to explore the reasons, background and possible implications of the international intention to reform the functioning of the Schengen

area and to introduce a renewed Schengen evaluation mechanism, launched by the adoption of a new Council regulation (A Renewed Schengen Evaluation Mechanism in the Light of the Schengen Reforms).

Criminal psychology. Forensic psychology is one of the applied fields of criminal psychology. According to *Ákos ERDÉLYI,* psychological knowledge can be applied to the effective detection of crimes; therefore, a new tendency emerged regarding psychologists, to involve them in carrying out special criminal investigation activities, too. One of these activities is criminal profiling and another one is the development of interrogation techniques (Specific Criminal Profiling and Interrogation Techniques as Forensic Psychology Methods in Hungarian Law Enforcement).

Noémi Emőke BARÁTH – Mária Zsóka BELLAVICS – József HALLER studied the prevalence of self-injurious behaviour among the Hungarian juvenile offenders. Self-injury is very common in the correctional institutions; the need for further research on the topic is raised, for example to study the relationship between self-injury and a psychiatric history (Self-injury and Its Criminal Correlates among Hungarian Juvenile Offenders).

Criminology. Juvenile delinquency has been falling for years both in Hungary and internationally. *Noémi Emőke BARÁTH* assumes that the punishable deviant behaviour of children and juvenile population can be well managed with the help of appropriate institutions (Trends in Juvenile Delinquency from a Criminal Psychology and Criminology Perspective).

According to *Mónika FÜSTÖS,* in European public discourse, refugees and migrants are often associated with crimes, especially sexual crimes at the level of rhetoric. Especially socially marginalised offenders are automatically stigmatised and condemned by the media. The author examines whether this picture is confirmed or modified by the discourse in the media (Inside Victims, Outside Offenders: A Case Study on Crime Reporting).

Private Security Services. In almost all security systems, the deployment of security guards is essential to properly manage the risks of the systems. According to *Balázs Gergely TISZOLCZI,* most security managers meet this phenomenon during their careers (An Unsolved Dilemma: Contracted vs. In-House Guarding).

Attila TÓTH's study helps to develop a rating system for private security companies operating in Hungary. He presents the place of private security in Hungarian law enforcement and the practice of applying the rating system for private security companies internationally (Establishing the Evaluation Criteria System for Private Security Companies in Hungary).

According to *Levente TÓTH,* the development of technology has made it possible to monitor the public areas continuously and intensively. The author emphasises that high-quality footage can be used to detect crimes at a cost-effective price. The speed of deployment of these systems, the size of the infrastructure, the way they are supervised and used, and the purpose of deployment vary in Europe from country to country (The Evolution of Public Surveillance Systems in Europe).

Migration. The situations of people fleeing from Ukraine has changed a lot due to the socio-economic processes in Ukraine and the war that has broken out in the meantime. *Ferenc URBÁN* takes account of the changes in legislation and the social trends, with a special regard to the forced migration caused by the war (Characteristics of Migration from Ukraine to Hungary in the Last Decade).

Restorative justice. Different types of restorative methods should be used in cases of different types of domestic violence. *Laura SCHMIDT* looks at how they can be applied, highlighting their potential advantages and challenges. Professionals working with victims and perpetrators of domestic violence should cooperate more closely with experts in the restorative field (Is It Appropriate to Use Restorative Justice in Cases of Domestic Violence?).

Counterterrorism. The study of *Dávid KISS* attempts to present the development of the Hungarian counterterrorism capability, including the history of the units created specifically for counterterrorism tasks. He also briefly presents some of the weapons, equipment and uniforms used by the special police units (A Brief History of the Evolution of the Hungarian Police Anti-Terror Units 1987–2010).

Traffic policing. The study of *Erna URICSKA* introduces the concept of e-community policing, focuses on the visual content of digital police communication and the organisational communication goals of the police, namely how the police use images for accident and crime prevention purposes and how visual speeding messages can influence the followers, in this case Generation Z respondents (The Relationship between the Framing of Speeding Messages and Changes in Attitude of Generation Z Respondents).

The issue, once again, is a substantial one. Have a good read!

Budapest, 21 May 2023

Regards,

László Christián, PhD Pol. Brig.
General, Associate Professor
Vice Rector, University of Public Service
Editor-in-Chief

Búcsúzás Zsinka András ny. r. altábornagytól

JANZA Frigyes[1]

A *Hungarian Law Enforcement* szerkesztőbizottsága és szerkesztősége fájdalomtól megtört szívvel búcsúzik Zsinka András ny. r. altábornagy úrtól, a Belügyminisztérium személyügyi helyettes államtitkárától. Elhunyt munkatársunk, barátunk emléke előtt tisztelegve, változtatás nélkül közöljük Dr. Janza Frigyes ny. rendőr vezérőrnagy búcsúbeszédét.

[1] Dr. Janza Frigyes ny. rendőr vezérőrnagy, címzetes egyetemi tanár, a Belügyminisztérium oktatási főszemlélője.

Tisztelt gyászoló család!

Tisztelt egybegyűltek, tisztelők, barátok, munkatársak, ismerősök!

Nagyra becsült tisztek és rangok!

Összesodort minket a sors, hogy elbúcsúzzunk Zsinka András rendőr altábornagy, címzetes egyetemi tanár, sokszoros magyar bajnok sportoló, olimpikon, helyettes államtitkár úrtól, szeretett Andrásunktól, sokunknak Banditól, akit a Belügyminisztérium saját halottjának tekint. Jó okkal teszi ezt a Belügyminisztérium, hiszen túl a bajtársi kötelezettségen, a tárca vezetése a korelnökét, az 55 éve egy helyütt, a rendvédelmi szerveknél szolgáló társát veszítette el.

A búcsúztatón itt most megjelent gyülekezetben vannak, akik a szeretett társtól, testvértől, apától, nagypapától, dédpapától, rokontól köszönnek el, de itt vannak felekezeti és világnézeti megfontolások nélkül mindazok, akik a nagyszerű embertől, Zsinka Andrástól búcsúznak. Én a barátomtól búcsúzom a saját, a Belügyminisztérium vezetése és a pályatársak nevében. Itt állunk azok képviseletében, akik a hihetetlenül gazdag életút során kapcsolatba kerültek Andrással. Itt vannak a rendvédelmi szervek képviselői, a Magyar Atlétikai Szövetség munkatársai, az egykori iskolatársak, a Tábornoki Egyesület tagjai, az érdekvédelmi és az érdekképviseleti szervek tagjai, a tárca korábbi vezető beosztású munkatársai, a Hungarian Law Enforcementtudományi Társaság, a Rendvédelmi és Kormánytisztviselői Kar vezetői, a Polgárőrség, a Kormány és a Honvédelmi tárca képviselői is, de legnagyobb számban talán a belügyi személyügyi szervezetek munkatársai, akik nemcsak vezetőjüket, de atyai irányítójukat is tisztelhették és becsülhették az elhunytban.

Zsinka András életpályája nem mondható megszokottnak. Székesfehérvárott született, 1947. október 19-én. Édesapja rendőr volt, így András már családi kötelékek között megtanulhatta a közszolgálat, a haza tiszteletét, amit később át tudott plántálni gyermekeibe is. Távközlési technikumban érettségizett, de akkor már olyan európai szintű sporteredményeket tudott középtávfutóként felmutatni, hogy az Újpesti Dózsa sportolójaként, az akkori belügyi gyakorlat szerint, sportállásba került a Tűzoltóságnál. Akik akkoriban a munkatársai voltak, tisztelettel mesélték, hogy András ezt a kötelezettségét sem vette félvállról – mint tették más sportolók –, hanem rendszeresen bejárt dolgozni és maradéktalanul elvégezte a feladatát. Ezt a kötelességtudást szó szerint élete végéig megőrizte. Nem volt olyan feladat, amelyet ne vitt volna végig. Tudtuk: ha András elvállalt valamit, azt becsülettel teljesíti is. Nem hivatkozott a sporteredményeire, külső körülményekre. Szerény volt, és a feladattal szemben alázatos. Aki sportolt és versenyzett fiatal korában, az tudja, hogy milyen akaraterő és lemondás kell a sikerért. Az edzéseken átélt pillanat, amikor úgy érzed, hogy nem bírod tovább, elfogyott a levegőd, és mégis menni kell tovább, hogy a céljaidat elérd. Menni kell töretlenül,

és nem csak az önbecsülésünkért, hanem azért, mert a társaink bíznak bennünk, a vezetőjükben. Jól tudjuk a rendőri körökben, hogy tanítani szóval is lehet, de nevelni csak példamutatással.

Tavaly októberben, amikor András 75. születésnapját ünnepeltük, a Nemzeti Közszolgálati Egyetemen nekem jutott a megtisztelő feladat, hogy az egyetem dísztermében, ünnepi szenátusi ülésen, azután, hogy a Sándor Palotában átvehette altábornagyi kinevezését, köszönthettem az ünnepeltet, címzetes egyetemi tanári címének átvételekor. Előtte szót váltottunk a köszöntés súlypontjairól. András jelezte, hogy nagyon büszke a sporteredményeire, de ne ez legyen a köszöntés különleges szempontja, hanem az a sok évtizedes törődés, az a sok-sok személyügyi intézkedés, és az a sok-sok egyéni gond, amelyeket előbb személyzetisként, később már vezetőként megoldani igyekezett. Ő ezekre a sokszor jelentéktelen, de a munkatársak egyéni szempontjából talán sorsdöntő ügyekre volt leginkább büszke.

Hierarchizált szervezetekben nem szokás a szolgálati utakat megkerülni, de András bárki, bármikor felhívhatta telefonon, hogy segítségét kérje egyéni problémája megoldásában. És Ő mindenkinek segített is. Legendás volt az a baráti mosoly, amellyel a vendégeit fogadta. Ez az emberbaráti szeretet tette őt mindenkinél alkalmasabbá arra, hogy akár a szakszervezetekkel, akár más érdekvédőkkel eredményes tárgyalásokat folytasson. Minden tárgyaló fél tudta, hogy a döntés magasabb fórumokon fog megszületni, de a tárgyalóasztal másik felén ülők azt is tudták, hogy Államtitkár Úr tisztességesen fogja bemutatni és adott esetben képviselni az álláspontjukat. Így nemesedett ki az a mostani pillanat, hogy a tárgyalóasztalnál ellenfélként szereplő érdekviseletek és szakszervezetek képviselői is itt vannak közöttünk, mert a tisztelet okán ők is szinte saját halottjuknak tekintik Zsinka Andrást, az Embert.

Most már a telefonban sem halljuk a hangját: köszöntelek, mondta a megszokott rítus szerint. Néma lett a telefon, az a kapcsolat, amely korábbi pályatársak százait kötötte még nyugdíjasként is a Belügyminisztériumhoz. Ki máshoz is lennének bizalommal az emberek, ha nem azokhoz, akikkel, katonásan mondva, együtt húztak csizmát. De az élet rendje az, hogy mindig elmegy egy generáció. Áprily Lajos írja gyönyörűen a *Finálé* című versének utolsó strófájában:

„Csak csendre vágyok és komor követre
Barlang-homályba visszaroskadok
Míg zeng az erdő és forró ütközetre
Rohannak, boldog ifjú farkasok.”

E szívszorító pillanatban is csak azt mondhatom: Kedves ifjú farkasok, legyetek méltó utódai Zsinka Andrásnak!

András 1973-ban került hivatásos állományba. Folyamatosan tanult. Sportvezetői, pedagógusi, majd rendőri felsőfokú végzettségeket szerzett. Haladt töretlenül előre a ranglétrán, a rendfokozatokban, és ami egy személyzetisnél még fontosabb, a munkatársak általi megbecsülésben.

A hivatásos állomány esküt tesz a köz szolgálatára. Ez komoly elköteleződés, de egyúttal komoly lemondás is. Le kell mondanunk a polgári hívságok sokaságáról, a vagyonszerzésről, a vágyott kilengésekről, viselkedésünkkel védeni és óvni kell a közszolgálat, a testületeink tekintélyét. Egyéni elismerésünket csak szervezeten belüli előléptetésekkel és kinevezésekkel, jelek és kitüntetések adományozásával remélhetjük. Ezért bárki is mást állít, a rendvédelmi és fegyveres szerveknél óriási jelentősége van ezeknek az elismerési lehetőségeknek. András büszke volt az elért eredményeire, de szerényen elhárított minden ezzel kapcsolatos hivalkodást. A rendvédelmi szerveknél az altábornagyi kinevezés a legmagasabb elérhető rendfokozat. A vezérezredesi rendfokozat csak egy emberé lehet, a primus inter paresé. Zsinka András altábornagy úr felért a csúcsra. És úgy ért fel, hogy nem harcolt vagy könyökölt érte, hanem a vezetői tartották erre érdemesnek. Most mégis jólesik kimondani: altábornagy úr. Így lett szinte népmesei folyamat részeseként az egykori segédelőadóból állami vezető, helyettes államtitkár és altábornagy.

Nincs nemzedék a magyar történelemben, amelyik ne mondhatná el magáról, hogy nehéz időket élt át. Ilyen a mi korosztályunk is. Átéltük gyermekként a legyőzött és megszállt ország sorsát, a korai ötvenes évek törvénytelenségeit, ’56 lövedékeinek süvítését, voltunk óvóhelyen, az iskolában áram- és szénszüneteket tartottak, és visszajött a Kossuth-címer. Az írást még mártogatós tollal tanultuk. Aztán átéltük a hidegháborút, a beat korszakot, a ’68-as diáklázadásokat, a gazdasági reform korszakát, a belügyminisztérium katonai karakterének folyamatos oldódását, aztán a rendszerváltást. Megnyílhatott számunkra is a külföld, beindult a digitalizáció, a sokszínűség tombolása jellemezte a hétköznapjainkat. Aztán szövetségi rendszereket váltottunk, átéltünk gazdasági válságot, majd tömeges illegális migrációt, legutóbb járványt, háborút. Ebben a hektikus miliőben mi vezérelte az egyes emberek, az egyes hivatásosok gondolatait? Igen, az eskü.

Igen, mi esküt tettünk arra, hogy a közösséget szolgáljuk. Hosszú időnek kellett eltennie ahhoz, hogy a széles társadalom is elismerje ezt a törekvésünket. Ma már a rendvédelmi szerveket nem a politikai lojalitás, hanem a jogszabályok, a szakértelem és az emberi, közösségi jogok tisztelete vezérli. Ezt a sok-sok évig tartó folyamatot csak olyan egyéniségek vezérelhették, mint amilyen altábornagy úr is volt. Az Ő személyes képességei és tulajdonságai sok pályatársunkat igazított a helyes útra, a szolgálatra. Cselekvő részese, majd egyik irányítója lett a belügyi oktatás megújításának, a személyügyi munka teljes körű átalakításának, a tudományos tevékenység szervezésének, az érdekvédelmi szervekkel kapcsolatos párbeszéd fenntartásának.

Aki politizálni akar, menjen politikusnak, aki viszont a minden politikai és gazdasági cselekmény alapfeltételének számító rend iránt elkötelezett, az találja meg a hivatását a közigazgatási rendszerben. Hivatásos állományúnak, rendvédelmi dolgozónak lenni nem ideológiai szimpátia kérdése. A közigazgatási államtitkároknak, helyettes államtitkároknak a feladata a politikai döntések nyomán megszülető törvények végrehajtási rendeletekké formálása, átültetésük a gyakorlatba. Ezt a mi

esetünkben nevezhetjük rendmérnöki alkotásnak is. Ezt a folyamatot András kiválóan értette és művelte. A nehézséget mindig az okozza, hogy a szabályozás során kellő mértékben szükséges figyelembe venni a kialakult szervezeti kultúrákat, a megszokott gyakorlatokat, de csak olyan mértékben, hogy a megszokás ne álljon az új gyakorlatok bevezetésének útjába. Hihetetlen nehézségű feladata ez a parancsnokoknak, de leginkább a személyügyi szerveknek, kiváltképpen azok vezetőinek. Csak egyetlen iránytű marad: a tisztesség. A tisztességben benne van embertársaink tisztelete, benne van a hasznosság, benne van minden jobbító törekvésünk, benne van az erkölcs és benne vannak a több mint ezeréves történelmünk nagyjainak intelmei, a ránk hagyott örökséggel való becsületes sáfárkodás.

Ránk, rendvédelmi dolgozókra fokozattan igazak a Dalai Láma intelmei:

„A béke nem a konfliktusok hiányát jelenti: a különbségek mindig ott lesznek. A béke azt jelenti, hogy ezeket a nézeteltéréseket békés úton oldjuk meg, párbeszéden, oktatáson, tudáson keresztül, és humánus módon. A bolygónak nincs szüksége több sikeres emberre. A bolygónak égetően szüksége van több béketeremtőre, gyógyítóra, mesemondóra és mindenféle szerelmesre.

Ha a cél nemes, akkor nagyrészt lényegtelen, hogy életünk során megvalósul-e vagy sem. Ezért tennünk kell, hogy törekedjünk és kitartsunk, és soha ne adjuk fel. Függetlenül attól, hogy hívők vagyunk-e vagy agnosztikusok, hiszünk-e Istenben vagy a karmában, az erkölcsi etika olyan kódex, amelyet mindenki követhet."

Igen. Ez a bölcsesség és tisztesség vezette Zsinka András egész pályafutása során. Ez az életút igencsak változatos.

Távközlési technikusként végzett, sorállományúként matrózként szolgált, majd lett szerződéses alkalmazott. Hivatásosként tűzoltó főtörzsőrmesterként kezdett, majd rendőr törzszászlós lett. Közben harmincszor nyert atlétikai országos bajnokságot. 1972-ben olimpikon volt Münchenben, 1974-ben ezüstérmet nyert a grenoble-i fedettpályás Európa Bajnokságon. Később alhadnagy, majd hadnagy lett, folytathatnám a szabályos sort, az altábornagyig minden rendfokozatot végigjárt. Még Kiváló Határőr is volt.

Végig egy helyen, rendvédelmi szervnél szolgált, mégis három minisztériumban volt vezető. A BM-ben kezdte, majd az ÖTM-ben folytatta, aztán az IRM kitérő után visszaállt a Belügyminisztérium. Egyszer nyugdíjazták, aztán reaktiválták, hogy aztán közös megegyezéssel köztisztviselő legyen, aztán kormánytisztviselő, majd állami vezető. Elérve a nyugdíjkorhatárt visszaállt a rend: nyugállományú vezérőrnagy lett. Képletesen szólva, közben fel sem állt a székéből. Ez is a szakmatörténetünk.

Közben a beosztásai is változtak: volt előadó, főelőadó, kiemelt főelőadó, osztályvezető-helyettes, osztályvezető, főosztályvezető-helyettes, főosztályvezető, személyügyi szolgálatvezető, a BM Humánpolitikai Főcsoportfőnökség megbízott vezetője, aztán reaktivált rendőr dandártábornokként az ORFK Személyügyi vezetője, majd ismét a BM Főosztályvezetője, majd 2014-ben helyettes államtitkára.

Az előbbi felsorolásból könnyű a következtetést levonni: András nem a politikai szél reptette ide-oda, hanem az alkalmassága és tudása miatt került mindig olyan beosztásba, ahol a vezetői igényt tartottak a tapasztalatára. Láthattuk a felsorolásból, hogy András lépésről lépésre haladt előre a ranglétrán. Amit elért, saját szorgalmának, akaraterejének, képességeinek köszönheti. Tudásán, tapasztaltságán, víg kedélyén túl, rendelkezett a jó személyzetisek minden jellemzőjével. Jóindulatú volt és kompromisszumkész, becsületes és segítőkész. És ami a legfontosabb: nem fecsegett, a szavának súlya és hitele volt, de tudott hallgatni is. Nyoma sincs a karrierjében elvtelen pártfogásnak, személyes kapcsolatoknak. A jó összeköttetésekkel rendelkező emberek ritkán szokták végigjárni a ranglétrát.

Tisztelt gyászoló gyülekezet! Tisztelt Zsinka család!

Most, hogy András elment közülünk, megengedhetjük magunknak, hogy érdemei szerint dicsérjük elhunyt bajtársunkat. A felfokozott gyász pillanataiban talán nem a dicsérő szavaknak kellene túlsúlyban lenniük, de András életében, az Ő jelenlétében ezt nem tehettük meg, mert elvtelennek, törleszkedésnek tűnt volna. Talán több szót kellett volna ejtenem a család veszteségéről is, de aki már átélte hozzátartozójának halálát, az tudja, hogy a temetéskor elhangzó fájdalmas szavak csak súlyosítják az elhunythoz közel állók mély gyászát. Aztán azért is beszéltem András kiváló emberi tulajdonságairól, érdemeiről és életútjáról részletesebben, mert szeretném, hogy az utánunk következő nemzedékek úgy emlékezzenek Zsinka András rendőr altábornagy úrra, mint a szakmatörténet és a magyar biztonságpolitika történetének kimagasló alakjára.

Helyes gyakorlat, hogy élő személyekről nem nevezünk el intézményeket, nem adunk utcaneveket és nem emelünk szobrokat. Szeretnénk, hogy oktatási intézményeink névadással is emlékezzenek Zsinka András államtitkár úrra. Ez a szívből jövő gesztus András emlékét a mindennapokban is megőrizné, és minket is folyamatosan figyelmeztetne: a köz szolgálatára esküdtünk. Eskünket betarthatjuk tisztességgel, jó kedéllyel, töretlen elkötelezettséggel, úgy, ahogy András is tette.

András nem írt könyveket, tudományos dolgozatokat, de jól ismerte a tudományt. Munkájában is számtalanszor jelét adta annak, hogy szorgalmazza a hasznos tudományos kutatásokat. Ismerte a határokat, tudta, hogy mire van szüksége a gyakorló rendvédelmi szerveknek.

Az atommagok körül mértani értelemben messze keringenek az elektronok. Csak akkor tudnak majd az elektronok másokkal új, csodákat megvalósító kapcsolatba lépni, ha a magtól való állandó távolságuk megőrzi alkotó potenciáljukat. András volt az, aki vigyázott az irányító mag és a végrehajtó elektronok közötti szabályos távolság megtartására. Ha a vezetésnek az a kulcsa, hogy a munkatársak azzal foglalkozzanak, ami a dolguk, akkor a személyzeti munkának a folyamatos mérés, a szabályos távolságtartás, a humán rendszer csikorgásmentes működtetése, az elszántság

tüzének a táplálása, a rendszer indukálta humán redundanciák és akadozások megszüntetése, a születés és elmúlás törvényszerű aktusainak értékőrző folyamattá szervezése, a hagyományok ápolása és átörökítése, egyszóval a testület szervezeti kultúrájának fenntartása, gazdagítása a feladata. Napjainkban, amikor hazánk a legbiztonságosabb országok közé küzdötte magát, ma, amikor a lakosság rendvédelmi szervekkel kapcsolatos bizalmi indexe folyamatos javulást mutat, lassan megkezdhetjük a szervezeti kultúránk rendszerváltáskor elveszített intézményi kereteit is visszaépíteni. Ami az akkori politikai miliőben kiváltságnak tűnt, a jövőben visszanyerheti eredeti értelmét, a köz szolgálatáért vállalt lemondások ellenértékét.

Tisztelt gyászoló közösség! Tisztelt gyászoló család!

A Belügyminisztérium és a rendvédelmi szervek vesztesége a családéval vetekszik. Zsinka András, hosszú és töretlen pályafutásával nemcsak hozzájárult a rendvédelmi szervek modernizációjához, de örökséget is hagyott. Mára valamennyi személyzeti munkatárs gyakorlójává vált ennek az örökségnek. Igyekeznek minden téren támogatni a végrehajtó szervezeteket abban, hogy megfelelő felkészültségű, értékhordozó, tisztességes utánpótlást biztosítsanak a rend fenntartásának megtisztelő hivatásához. András úgy ment el közülünk, hogy nem hagyott szakmai űrt maga mögött. Generációkat nevelt a pedagógusi és a személyzeti munkára, fiatal tehetségeket emelt erejükhöz képest megfelelő pozíciókba és kinevelt egy felkészült vezetői utánpótlást is. Teljes munkát végzett ebben is. Biztos vagyok abban, hogy ez a gárda, a kellő tapasztalat megszerzését követően ugyanolyan eréllyel lesz képes a tisztességes humánigazgatási munkát végezni, mint ezt államtitkár úr tette. Lehet ennél szebb álma egy vezetőnek? Úgy elmenni, hogy rendezett teret hagy maga mögött? Neki megadatott, hogy végigvigye ezt a felemelő folyamatot.

Tudjuk a materialista történelemszemléletből, hogy nem a nagy emberek csinálják a történelmet, hanem a történelem csinálja a nagy embereket. Mi, humán területen dolgozók azonban jól tudjuk, hogy ez így nem igaz. Bizony, sokszor a nagy emberek igazgatják még a látható történelem alatti eseményeket is. Nem minden nagy ember lesz azonban történelemformáló vezető is. A nagy embereket nem a szándékaik és rangjaik teszik naggyá, hanem a céljaik, tetteik és emberi értékeik. Tehetséges emberek sokasága vesz körül minket, de hiába a tehetség, ha nincs mögötte tisztesség. A mi – András által ránk hagyományozott – feladatunk, hogy minél több tisztességes, a közösségi értékek iránt elkötelezett munkatárssal gazdagítsuk azt a személyi állományunkat, amelyik a polgárok közötti rend fenntartásán, a veszélyek elhárításán, megelőzésén őrködik. Felkészült, alapos tudással rendelkező vezetői csapatot nevelünk, olyanokat, akik nagyon jól ismerik a szabályokat ahhoz, hogy észrevegyék az érvényesülésüket akadályozó jelenségeket, akik képesek a sok szabály közötti harmóniát megteremteni, akik kritikus helyzetben képesek még

e szabályokon is felülemelkedni, közbátorságot, békét és közösségi egyensúlyt teremteni. András képes volt erre.

Búcsúzni jöttünk vezetőnktől, pályatársunktól, barátunktól. Mégis, jóformán csak a munkáról beszéltem. De Andrásnál csak két igazi szenvedélyt láttunk: a családja és a közösség érdekében végzett munka tiszteletét. Amilyen szeretettel a családjáról beszélt, amilyen féltő gondoskodással viszonyult hozzájuk, ugyanolyan elhivatottsággal fordult a hivatása felé. Marcus Aurelius, a Garam mentén táborozó császár írja: az ember alkatában első és leglényegesebb a közösségi szellem. Eszerint élt, munkálkodott Zsinka András is. Tisztelt Altábornagy Úr, kedves András, ígérjük, hogy megőrizzük ezt a szellemet.

Elérkezett a végső búcsú ideje.

Gyászolja a család a testvért, a férjet, az apát, a nagyapát és a dédapát.

Mi gyászoljuk a szeretett és tisztelt kollégát, bajtársat, barátot, és egy kicsit gyászoljuk magunkat is, mert ismét kevesebbek lettünk. Már megint kiszakított belőlünk a sors egy darabot. Fogyunk mi is. Visszük magunkkal egy rég volt világ emlékeit, egykori fiatalságunk bohém történeteit, a pályaválasztás, a családalapítás, majd a küzdelem éveit, a szakma szépségeit, az akkori kor nehezen leküzdhető kihívásait, vagyis mindazt, ami miatt mindenki számára oly szép a fiatalság.

Mindenkinek vannak emlékei, de mindenki másra, és talán egy kicsit másképpen emlékezik. Valamennyiünket áthat az igyekezet, hogy a családot és a bennünket ért veszteséget a legigazabb és legmagasztosabb szavakkal fejezzük ki. De akárhogyan igyekszünk is, csak az egyszerű szavak tolulnak elénk.

Kedves András!

Csak kötelességből tudnék államtitkárt mondani. Neked az volt a beosztásod, a munkád, de nekünk Bandi, a barátunk voltál, amíg éltél, és ezután is csak Zsinka Bandiként fogunk emlegetni. Köszönjük Neked, hogy voltál, és Általad mi is jobbak lehettünk. Átsüvített a fejünk felett a történelem, és csak keveseknek sikerült megkapaszkodniuk ebben a viharban, amelynek a szele szívünkben és reményeinkben is lökdösött minket jobbra és balra, de helyünkön maradtunk, mert a közösség szolgálatának a szeretete, amely szinte küldetéstudattal, hivatásszerűen kényszerített Téged is, minden más szempontot megelőzött.

Napjainkban is forr a világ. Nem engedhetjük, hogy a körülöttünk felizzó folyamatok veszélyeztessék országépítésünk békés folyamatát. Sajnos, ezek a háborúba torkolló, már-már pénzügyi és gazdasági bacchanáliáknak tűnő események hazánkat is érintik. Olyan intézkedések bevezetésére kényszerülünk, amelyeket sohasem kívántunk meghozni.

Tisztelt gyászoló gyülekezet!

Tisztelt gyászoló család!

Sokan, sokfelől jöttünk ma össze, hogy utolsó tiszteletünket lerójuk Zsinka András helyettes államtitkár, rendőr altábornagy úr ravatala előtt. Részvétünket fejezzük ki a családnak, a széles körű rokonságnak.

Tábornok Úr!

A rendészeti humánpolitika arisztokratája, Méltóságos Úr voltál. A Belügyminisztérium vezetése, a társtárcák, a barátok és a partnerek, a személyügyi rendszerünk munkatársai, közvetlen munkatársaid, volt szolgálati helyeid, a Kormány, a Miniszterelnökség, a Magyar Atlétikai Szövetség, a Rendészeti és a Kormánytisztviselői Kar, a Honvéd Vezérkar, a Bírósági Hivatal és a Tűzoltószövetség nevében is búcsúzom tőled. Búcsúzom azok nevében is, akik most nem lehetnek jelen. Államtitkár úr, altábornagy úr, mindenki Zsinka Bandija! Oly sok parancsot teljesítettél életedben, most teljesítsd az utolsót. Nyugodj békében! Emlékedet megőrizzük!

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The Impact of the Covid-19 Pandemic on the Hungarian Penitentiary System and Its Transformation Processes

Orsolya CZENCZER[1]

The Covid-19 epidemic has put significant pressure on national penitentiary services all over the world to control the impacts that the pandemic has on closed prison environments. The prison services of the member states of the Council of Europe have responded with incredible speed and effectiveness with preventive and administrative measures to prevent the spread of the virus. The objective of the Council of Europe, EuroPris and other international organisations, was to support the member states' responses to the situation in prisons by facilitating the exchange of information and best practices. The present study examines the statements and recommendations of the most important bodies and committees of the Council of Europe, in parallel with measures and solutions implemented in Hungary, in the light of international recommendations. The paper is based on a descriptive analysis of the Council of Europe expectations and recommendations and their applicability in the Hungarian prison system. Hungary has successfully processed and incorporated mostly all of the expectation of the international parties, in fact, he took further steps to make the pandemic's outreached contacts of prisoners and relatives more colourful and active. Prevention and control measures adopted in timely manner were effective also in Hungary, as well in other Council of Europe member state. This study highlights the critical importance of fast and reasonable actions of international control bodies and the open and cooperative response of the national prison services.

Keywords: *pandemic, Council of Europe, prison, detention, epidemiological measures*

Introduction

On the 30th of January 2020, following the recommendations of the Emergency Committee,[2] the World Health Organisation (WHO) Director General declared that the SARS-CoV-2 coronavirus disease constitutes a Public Health Emergency of

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[2] International Health Regulations.

International Concern. Soon, on the 11th of March 2020, due to the rapid increase in the number of cases outside of China, the WHO Director General announced that the outbreak should be considered a global pandemic. This day brought on significant changes in everyday life both in the free society and in our prison facilities.[3]

The Covid-19 epidemic also put serious pressure on national penitentiary institutions that endeavoured to control the impacts of the outbreak within closed prison environments. The penal organisations in the member states of the Council of Europe (EC) responded incredibly fast to block the spread of the virus by implementing both preventive and administrative measures. Various international participants, protecting the rights of people in detainment and those deprived of their liberty, also presented immediate responses to the news of the pandemic. The objective of the Council of Europe and its cooperative organisations was to support the reactions that endeavoured to deal with the situations within prisons by facilitating the exchange of information and best practices. The practice that is still in operation, was that the organisations of the EC: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the EC Commissioner for Human Rights, as well as the Working Group of European Prison Cooperation Committee (PC-CP WG) issued declarations and statements as advocates of human rights that are also fundamental during a pandemic. Furthermore, several partner organisations: the directives of Innovative Prison Systems (IPS) the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)[4] the information platform of the Association for the Prevention of Torture (APT)[5], the regular publications of Penal Reform International, the temporary guidelines of the European Regional Office of WHO, just as the network of European non-government organisations, and the interactive pandemic chart of the information network created by the European Prison Observatory (EPO) as well as its reports all contributed to the efforts of the penitentiary organisations in the member states of the EC to be able to handle detained communities during the pandemic in a most effective and humanistic manner. The objective of this present study – due to size limitations, in a non-exhaustive manner – is to introduce the directives of the penitentiary committees of the EC and their supervisory bodies, as well as the manifestos, statements and conclusions of their international joint organisations concerning the Covid pandemic.

The penitentiary committees as well as the experts of the Council of Europe (EC) – immediately lined up in the frontlines following the announcement of pandemic situation on the 11th of March, and started to formulate their helping and supportive Statements and Recommendations.

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[3] Lippai–Kaczvinszki 2021: 93–104.

[4] Subcommittee on Prevention of Torture.

[5] The Association for the Prevention of Torture created such an informational platform that summarises and organises the data related to imprisonment and Covid-19.

On the 7th of April 2020, the Secretary General of the Council of Europe issued its statement entitled *Respecting Democracy, Rule of Law and Human Rights in the Framework of the Covid-19 Sanitary Crisis* as "a toolkit for member states". According to the Secretary General, "the virus is destroying many lives and much else of what is very dear to us. We should not let it destroy our core values and free societies". The toolkit was intended to guarantee that the measures, which the member states implemented during the epidemic would not be disproportionate with the hazardousness of the situation and could only last as long as it is necessary. The document focuses on four key areas: the interpretation of the derogations from the European Convention on Human Rights in time of emergency; respect for the rule of law and democratic principles in times of emergency, including the limitations concerning the sphere and duration of emergency measures; as well as the respect of human rights including freedom of speech, the right to privacy, data privacy and the prohibition of discrimination of disadvantaged groups and the right for education. Finally, the last key area is the protection from crime and the protection of victims of crime, with special focus on sexual and gender-based violence.

Statements of the Committee of the Prevention of Torture

Meanwhile, the experts in the EC committees dealing with the rights of people deprived of their liberty tirelessly worked on the formulation of the recommendations concerning the situation of the group of people they represent. Thus, the first organisation to issue a statement of principles concerning the treatment of persons deprived of their liberty in the context of the global pandemic was the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In their statement, besides recognising the necessity of effective measures against Covid-19, the CPT raised the awareness of the member states to the complete prohibition of torture and inhuman, or degrading treatment. According to the statement, protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty. According to this, the statement contains an appeal that WHO guidelines on fighting the pandemic as well as national health and clinical guidelines consistent with international standards must be respected and implemented fully in all places of detention. At the same time, staff availability should be reinforced, and the staff should receive all professional support, health and safety protection as well as training necessary in order to be able to continue to fulfil their tasks in places of detention.

Regarding the pandemic, the CPT also raised awareness that any restrictive measure taken vis-à-vis persons deprived of their liberty to prevent the spread of Covid-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. It is of special importance that persons deprived of their liberty should receive comprehensive information, in a language

they understand, about any such measures. They also regulated the situation of detainees with special needs, highlighting that special attention will be required to the specific needs of detained persons with particular regard to vulnerable groups and/or at-risk groups, such as older persons and persons with pre-existing medical conditions. This includes, inter alia, screening for Covid-19 and pathways to intensive care as required.

According to the CPT statement, the persons deprived of their liberty should receive additional psychological support at this time. In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.

The statement considers that although it is legitimate and reasonable to suspend nonessential activities, still, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene and the right of daily access to open air. Furthermore, any restriction on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication. The statement also contains recommendations regarding further areas of jurisdiction, namely that concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. According to the perspective of the CPT, such an approach is imperative, in particular, in situations of overcrowding. Still further, authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation. Fundamental safeguards against the ill-treatment of persons in custody must also be seamlessly provided. Similarly, monitoring by independent bodies remains an essential safeguard against ill-treatment. States should continue to guarantee access for monitoring bodies to all places of detention, including places and persons that are kept under quarantine or other kind of isolation.

After the issue of the Statement on the 20th of March, on the 9th of July a follow-up statement was issued, in which the CPT particularly gave thanks for the constructive cooperation of member states in which they paid attention to each detail. According to their observations, the member states implemented particularly significant changes concerning the provisions that demanded deprivation of liberty, as several states used the diversionary or postponing arrangements recommended by the CPT. At the same time, the CPT welcomed the measurements introduced by the member states, which eased, facilitated and supported keeping contacts for the detained persons. The follow-up statement also highlights that several countries paid special attention for the improvement of sanitary measures and practices, not only in relation with the pandemic, but obviously inspired by it. The CPT raised the awareness of the member states that the pandemic provided excellent opportunities to implement several recommendations already suggested by the Committee. They particularly referred to their observations regarding the elimination of the reasons that cause

overcrowded conditions, but the review of certain legal institutions could also have actuality. Furthermore, they raised awareness that each limitation regarding the pandemic could only be valid until necessary. This was especially emphasised concerning the detainees' contact with the outside world and other activities that serve their reintegration.[6]

Besides recognising the necessity of the measures regarding the epidemic, both the original and the follow-up statement of the CPT attributed special importance to the absolute prohibition of torture, inhuman or degrading treatment. As both statements emphasise, no protection measure should result in the inhuman or degrading treatment of persons deprived of their liberty.

Statements of the Council for Penological Co-operation of the Council of Europe (PC-CP)

After the statements of CPT, the Commissioner of Human Rights and the Secretary General of the Council of Europe, the Council for Penological Co-operation of the Council of Europe (PC-CP)[5] also issued its statement. It is important to note that within the Council of Europe, the European Committee on Crime Problems (CDPC)[6] and the Council for Penological Cooperation of the Council of Europe are the responsible bodies for the principles the humanistic treatment of persons deprived of their liberty as well as for the representation of the role of personal staff and the effective and modern prison governmental methods. These two professional bodies create the opportunity for international cooperation and the necessary professional and technical background within the framework of the Statues of the Council of Europe and under the supervision of the Committee of Ministers. On the 17th of April 2020, and two later occasions, the PC-CP issued follow-up statements, in which they endeavoured to lay down guidelines concerning the physical and mental health of detained people and their keeping of contacts; raised awareness about the negative impacts of isolation while enlisting the tools for reducing these; and formulated practical recommendations in order to block virus outbreaks.

The first Statement was basically a shared resolution issued by the PC-CP, EuroPris (the European Organisation of Prison and Correctional Services) and CEP (Confederation of European Probation) together. In the framework of this, the three professional bodies raised awareness to the statements and recommendations of the Council of Europe, issued days earlier, as well as to the standards and practices, which could help the detention institutes and probation services in dealing with the coronavirus epidemic besides honouring the principles of the rule of law and human rights. The statement enlists the aspects that are to guide the detention institutes of the member states in the introduction of pandemic limitations, and in the

[6] Apóstolo et al. 2020.

sustainment of these until necessary. On this level, such principles are formulated, as detention places need to provide the same quality medical and health services that the rest of the members of free society receive. Through this principle, specific recommendations are also formulated, for example, as a part of the admission procedure, each detainee has to go through medical examination – considering medical confidentiality – in order to inter alia discover any illness, including treatable contagious diseases too. However, the isolation of a detained person with contagious disease can only be considered justifiable, if this isolation would also be applied in the free society for sanitary reasons. The isolation or quarantine of healthy detainees could only be legitimate, if their own health status – especially in case of the weakness of the immune system – is threatened to a level, where isolation is unavoidable. Detainees with severe musculo-skeletal disorders, end-stage illnesses and elderly people require special treatment; in their case the options of amnesty for medical reasons as well as early release from custody has to be taken into consideration. Similarly, special attention has to be attributed to the detainees in disciplinary confinement; the provision of daily health checks by the staff and if necessary, immediate aid during the duration of isolation is obligatory. The statement emphasises that although visits and other contact forms could be limited due to the pandemic, a mandatory minimum still has to be secured; the prison staff has to make sure that the detainees have an appropriate level of contact with the outer world. Regarding contacts, in case the detained person gets injured, seriously ill, or required hospital care – unless the detainee declares in a written form that it is against his will – a contact person (spouse, partner, or closest relative) has to be notified. In case of discharge from detainment, the detained person has to go through medical examination, with special attention concerning any mental or physical illnesses that could require further treatment. In case of any contagious illnesses, the detainment facility gets in contact with an outside healthcare institution, in order to continue monitoring or isolation after release if necessary.

In the framework of their shared statement, the PC-CP, EuroPris and CEP raised the awareness of the member states that clear information has to be provided orally and, if possible, also in writing to all inmates and their family as well as to staff and all efforts are to be made to provide all necessary explanations in relation to the pandemic and the measures related to it. Publication of FAQs on prison service websites and/or establishing a helpline to answer questions of families of inmates was recommended.[10] It was also an emphasised issue that at admission and before release inmates should be accommodated in single cells. Obviously, accommodation in single cells was a general recommendation for every inmate and should be provided as possible. The transportation of inmates to other institutions can only be executed if strictly necessary for security or other well-founded reasons.

Concerning the reintegration of the inmates, the PC-CP also formulated some specific recommendations. According to these, in prison facilities, where family visits are cancelled due to the pandemic, the prison services should provide free-

of-charge additional possibilities for phone or video calls or other means of contact and correspondence. In countries where inmates can no longer work and earn money, they should be paid a compensation for the loss of income. Where collective recreational or sports activities are cancelled, they are to be replaced by additional TV and other electronic entertainment options and additional out-of-cell activities while respecting social distancing. Concerning the education of detainees whose final exams are scheduled, or a special training is about to finish, educational courses should be offered through online media. This is especially important in the case of juvenile inmates.

According to the CEP, if probation offices are forced to cancel personal visits to the facility due to pandemic limitations, inside probation staff should take over their responsibilities in case of vulnerable inmates. In detainment facilities, where specific forms of visits are allowed (visits of lawyers, probation services or family visits to juveniles), the required distance and other protective measures are to be respected. Further on, the statement goes on to specify the recommendations concerning probation staff. The statement in detail specifies that if there isn't any opportunity for screening within the facility, the inmates are to be escorted to outside medical units for Covid-19 tests in case of requests or indication of contamination. Disinfectants and other sanitary equipment are to be provided and the staff has to wear masks, gloves and sometimes other protective equipment as necessary. At this point, body temperature of inmates, visitors and staff is to be taken on a daily basis. In order to minimalise the chance of outbreaks, the Statement also recommends that the staff should be divided in shifts/teams in a manner that the different teams/shifts do not come in contact with each other, and the duration of the shifts is to be shortened. Besides these, it strongly recommended to provide additional support by staff psychologists and counselling are offered to all staff in need. Finally, as a closing thought, it draws the attention of the stakeholders to the fact that a number of countries have introduced emergency measures aimed at decreasing prison numbers and reducing prison overcrowding, and that – in case of inmates who are deemed to be suitable for such – alternate ways of sanctioning were preferred in the course of the sentencing process.

In September 2020, in the framework of an online conference, the workgroup of the PC-CP analysed the impacts that the six months since the start of the pandemic had on the penitentiary system, as well as the observations made during the visits of the CPT and EuroPris. The conference concluded by the issue of a follow-up statement on the 28th of September, in which – seeing that the pandemic will be present in the life of the member states for a longer period of time – they formulated key principles and recommendations in order to deal with the long-term impacts of the pandemic.[7] The follow-up statement welcomed the efforts of the member states; that in spite of the serious pandemic situation they were able to provide early and

[7] Sivadó 2014: 235–242.

proportionate reactions by trying to restore previous, good practices, and by offering new arrangements to the limitations caused by the novel situation.

The statement highlighted, that the pandemic revealed, how important it is to provide high quality healthcare conditions and provision in prisons, therefore maintaining these standards would also be valid after the pandemic. The training of sanitary staff, ensuring sufficient stocks of necessary hygienic items and keeping the general healthcare rules all require special attention. According to their standpoint, the introduction of new technologies in prisons and by the probation services is a positive trend, which needs to be further evaluated and supported.

The follow-up statement in detail enlists the advancements and the new best practices that were introduced in an incredibly fast and effective manner in the prisons of several countries. Such advancement is the compensation of prisoners with free-of-charge phone calls and other means of communication, which according to the PC-CP should remain as a complement to normal face-to-face contacts even after the pandemic. Further on, the follow-up statement refers to the recently revised and updated (on the 1st of July 2020) European Prison Rules with special focus on points 53 and 60.6, which recommend paying extra attention to the mental and physical health of inmates who are in solitary confinement for disciplinary or other sanitary or safety reasons, while recommending that any such confinement should be coupled with counterbalancing activities, such as increased number of free-of-charge phone calls, books and other reading material, TV and other media, in-cell educational, training and recreational activities and others. The PC-CP raised special awareness that such periods of solitary confinement should be ended immediately with the end of the reason for their imposition. As a general rule, the PC-CP wishes to underline that any such restriction on rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time-span, and should be lifted as soon as the source for their introduction has ceased to exist.

Another remarkable impact of the pandemic was the decrease in the number of detainees in the member states. This process was achieved by different early release schemes (releases on parole, custodies to help reintegration), release of the perpetrators of minor acts of crime, change of judicial practices, applying the legal institutions of postponement and interruption of prison sentences as well as more frequent community sanctions. Although according to the PC-CP, this trend should be welcomed and maintained in the future, it should also be noted that this has led in many countries to pressure on the caseload of the probation services. The PC-CP WG therefore urged the national authorities to evaluate the impact of such measures on the work of prison, probation and police services and to ensure sufficient staffing levels and other resources, as well as other necessary measures, in order to allow these services to deliver quality work in the interest of public safety and reduction of crime levels.

During the pandemic, the general rise in suicide, domestic violence, sexual assaults, as well as the crimes related to substance misuse and addiction could be observed. In several member states the increase in the numbers of these acts has also been quite marked among the population in prison and under probation supervision. The PC-CP WG therefore urged the prison and probation services to pay specific attention to dealing with these problems, by offering additional responses, including services for victims, as well as medical and psychological treatment, cognitive behaviour therapy, addiction therapy and other interventions as appropriate, for offenders.

And finally, in the follow-up statement, the PC-CP WG urged the national prison and probation services, in case they have not yet done so, to evaluate the experiences they have had so far in fighting this pandemic and to agree and adopt crisis management plans which would help them deal with similar crises in the future in a coherent manner in full respect of human rights and the rule of law. These plans should include specific training of staff, appointment of a reference member of staff responsible for dealing with such situations and decision-taking procedures. The working group also urged the development of a strategy dealing with the media, including appointing and training staff members responsible for public relations and for providing transparent and regularly updated information to offenders and their families on the crisis situation.

Soon after the publication of the follow-up statement, on the 14th of October 2020, the PC-CP issued a revised version. In this issue, one recommendation – No. 14 – was modified, which dealt with the practice of quarantining new arrivals in the course of the reception process, and the soon to be released detainees during the process of release; emphasising that this measure is only due to the pandemic, and should not last more than strictly necessary.

International recommendations, domestic implementations

The outbreak of the coronavirus also brought the Hungarian penitentiary system into a situation of extreme challenges, as within a couple of weeks several such decisions had to be made and implemented, in which the Hungarian penitentiary system neither had any theoretic, nor practical experience. The Head Office of the National Prison Services continuously introduced preventive and limitation measures, which were adjusted to the spread and the characteristics of the epidemic, while, besides the protection of human life, they constantly focused on maintaining safe detention services and securing the rights of the detainees. Last, but not least, the organisation attributed special importance to the risk-mitigating measures that served the direct protection of the health of prison staff and the detained population. Since more than a year has passed, we can safely declare that the recommendations and measures included in the above introduced statements were outstandingly implemented

in domestic penitentiary circles during the management of the pandemic. Five action plans and their amendments were issued by the Operative Staff of the penitentiary system that pertained to the whole of penitentiary organisations, complemented by several letters that imposed certain tasks for specialised areas, as well as methodological guides and protocols that facilitated implementation, and information materials for the detainees and their contacts – that often (by date) preceded the statements of international professional bodies – endeavoured to cover the sensitive areas influenced by the pandemic, offering special solutions and arrangements in accord with international expectations.

For example, from the first appearances of Covid-19 in Hungary, the penitentiary system attributed special importance to provide information to detainees and their contacts, making use of up-to-date technical possibilities. Informal posters were created, video materials – created by the cooperation of detained participants – were aired through the closed prison video networks, and besides the national central homepage, every penal institute continuously raised awareness to the importance of prevention on their own homepages, while also providing information about the implemented safety measures. Furthermore, the penitentiary system created a so-called call centre, which provided authentic and up-to-date information on a daily basis for those who called, about the actual measures related to the pandemic situation.

International recommendations also imply that keeping track of the detainees' morale and their counselling became an accentuated issue. In Hungary, the pandemic situation and its joint measures had a negative impact on the inmates' morale, which required – simultaneously with dealing with the epidemic – immediate actions.[8] The area, in which the pandemic affected the inmates' life the most, was keeping contacts. The pertinent legal regulations – in case the existence of certain conditions – normally allow to keep contact between the inmates and their registered contacts in six different ways, which could even include leaving the penitentiary institution. The protection measures that were created due to the pandemic, terminated these, so – among others – finding a solution to bridge this issue became necessary. The Commander of the National Penitentiary Organisation ordered that in order to reduce the negative impacts of the limitations that arose due to the health crisis, the inmates are allowed to use every available electronic contact forms, regardless of their regime. The detainees are also allowed to initiate phone calls in a frequency and duration that excess the measures pertaining to the regime of their prison sentence; and if they do not possess the necessary financial deposit, upon request the penitentiary institute can take over the costs of the phone call as a unique decision; besides that, they can receive or send parcels on several occasions per month. The new measures provided bonuses for the inmates by the extension of making phone calls and sending parcels, and also by loosening the conditions of

[8] Sivadó–Lészkó 2018: 313.

keeping contact through Skype – as the latter was only available for detainees with irreproachable conduct and performance as well as low security risk classification. Regarding contacting through Skype, we have to mention contacting with the advocates, as Skype facilitated the full compliance of procedural rights concerning the keeping of contacts with these advocates.[9]

Another important and regular point of international statements is the cooperation with partner organisations, and the creation of appropriate sanitary and hygienic conditions. In the course of their constant evaluating and analytical endeavours, the Hungarian penitentiary organisation attributed special importance to getting in contact with the competent judicial, defensive and other partner organisations, which shortly after the outbreak of the pandemic could be executed. Regarding sanitary aspects, several measures became immediately operative, such as the 14-day-long isolation of new arrivals; the mandatory wearing of masks outside prison cells; the isolated joint allocation of inmates who are above 65 years of age, pregnant, or vulnerable due to their sanitary or mental conditions; regular disinfections; and several other sanitary measures.

In the light of international recommendations, Hungarian judicial authorities also considered the execution of various alternative reduction measures. Thus, the *ex officio* investigation of the application of custody for reintegration in order to reduce the number of inmates and thus the chance of infection, and the delay of new arrivals all contributed to the reduction of possible sanitary and safety risks. Furthermore, in order to reduce the load on the endpoints of distant trials and to minimalise the risks of the transportation of inmates to judicial trials and police interviews, meeting rooms were developed in several correctional facilities, while the existing ones were put into service.

Naturally, the field of probation services also could not remain untouched by new regulations. Electronic administration became a new, dominant form of contact, by which the probation staff was able to get in contact with competent professional bodies, organisations or institutions in order to fulfil their responsibilities.

Closing thoughts

Early on in the pandemic, the potential risk of Covid-19 outbreaks occurring inside prisons was highlighted. Indeed, owing to overcrowding and structural issues people in detention (PiD) and prison officers (POs) were considered at higher risk of acquiring Covid-19 infection.[10]

The impacts of the coronavirus epidemic on the operation and the legal framework of European penitentiary organisations as well as on prison population will remain

[9] Vókó 2010.
[10] Kovács 2021.

in the crosshairs of researchers, analytics and legislators for a long time. Since March 2020, the penitentiary organisations of the member states of the Council of Europe introduced several legal institutions while also making amendments for some existing ones. However, these amendments and innovations that were due to the pandemic, also led to new discoveries. Online contacting became widely used with success, extended e-learning possibilities became available in prisons, the sanitary support and toolkit of penitentiary facilities went through significant improvements, several alternative judicial arrangements were proven to offer effective and permanent solutions for overcrowding, and so on.[11]

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[11] Tóth 2020: 127–145.

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Criminal Law Means for Counteraction to Corruption in Ukraine and Poland

Similar and Distinctive Features

Vasyl FRANCHUK[1]

During the scientific research of any criminal-legal phenomenon or process, it is considered necessary to conduct an analysis of the origin of this phenomenon in a foreign country. This provides an opportunity not only to grasp the essence and understand the content of the subject of research, but also to develop effective countermeasures and borrow foreign experience. This becomes especially important in matters of combating corruption, when the criminal acts of officials reach not only domestic, but also international scales.

Scientists' positions, as well as the provisions of the current legislation in Ukraine and the Republic of Poland concerning the definition of the criminal law provisions for liability for corruption offenses are being researched, which is made on the relevant differences regarding the legislative enactment of the concept of "corruption" and its definition in the criminal law theory. Accordingly, a comparative approach to the methods of legislative consolidation of anti-corruption provides an opportunity to understand the social conditioning of the emergence of this phenomenon. Taking into account the integration processes in all spheres of life activity of society, the difference in the method of normative consolidation of actions forming such a phenomenon as corruption was revealed. This, in turn, not only indicates different forms of legislative fixation of the concept of the phenomenon, but also causes difficulties in the exchange of law enforcement practice, which causes a number of problems for both the relevant law enforcement agencies and ordinary citizens. A clear division and distinction between provisions on liability for corruption and corruption-related offenses was revealed.

Taking into account the position of the domestic criminal law doctrine, the analysis of the current Polish legislation provided an opportunity to formulate real options for borrowing foreign experience to solve the specified problems.

Keywords: *corruption, corruption-related offenses, criminal law means, features, legislation*

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Formulation of the problem

Among a number of ways to improve the criminal legislation of Ukraine, the use of the practice of carrying out this activity in foreign countries is recognised as an important condition. Undoubtedly, the experience of legal regulation of public relations in European states, compared to the domestic one, which is less than 30 years old (Ukraine gained independence in 1991), has a somewhat older history. For example, the criminal code of Germany is more than 100 years old, Italy is 80 years old, Switzerland is 70 years old, etc. The French Penal Code of 1992 replaced its predecessor, which had been in effect since 1810.

Scientists have repeatedly emphasised that issues of legislative establishment of liability for offenses should be based on the use of world experience, the most optimal legal solutions developed by the legal systems[2] and practice of other countries.[3] Valentyna Merkulova, for this reason, noted that this primarily concerns the regulation of liability for economic and service crimes, where countries with developed market economies have been polishing their own legislation for many decades in search of the most optimal option.[4] This is especially important in relation to issues of anti-corruption, because this dangerous phenomenon has no state and scientific boundaries, it absorbs with its influence almost all spheres of life, therefore, its study takes place comprehensively and consistently at the global level.[5]

Analysis of recent research and publications

The theoretical and methodological basis of the article were the scientific works of domestic and foreign scientists which are dedicated to the separate issues of corruption as an illegal behaviour, the consolidation of which is reflected in the legislation of foreign countries, the solution of which is possible only at the international level. Among Ukrainian scientists, it is worth highlighting the works of Maria Gilevska, Taras Ilyenok, Ivan Chemerys, Mykola Kamlyk, Mykola Melnyk; Polish works by Marcin Samochuk, Zbyslaw Dobrovolskyi, Anna Levitska-Stzhaletska, Jozef Ploskonka, Lukasz Shveikovsky.

The purpose of the article is to study the provisions of the administrative legislation of the Republic of Poland, which regulates responsibility for offenses related to corruption, determination of the best options for solving the problems related to the regulation of such liability, as well as possible ways of borrowing them.

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2 Kharchenko 2020: 112.
3 Konopelskyi–Merkulova 2021: 148.
4 Konopelskyi–Merkulova 2021: 302.
5 Kubiak 2003: 111.

Presentation of the main research material

In general, by analysing foreign legal norms, it seems to find out more about one's own legal prescriptions. Accordingly, the comparison of legislative approaches to solving specific issues will give an opportunity to establish common and distinct features, identify gaps, and therefore take into account the most appropriate options for solving specific problems. A scientific analysis of foreign legislation in the area of anti-corruption will allow not only to compare them with domestic laws norms, as well as to identify better options and propose promising innovations in domestic criminal law.

Accordingly, among the general list of European states with a continental legal system, the choice is made on the Republic of Poland taking into account:

- geographical location: the influence of border contiguity on the formation of a common history of formation
- the latest legislation: due to the refusal of command and administrative management, the formation of the legal systems of both countries is somewhat younger compared to, for example, Great Britain, Germany, Italy, France, Sweden, etc.
- means of regulating of social relations: the transition to a market economy led to the need for the accelerated formation of a new array of Ukrainian and Polish legislative prescriptions for the regulation of civil law relations
- new types of illegal behaviour: the emergence of new spheres of social relations also led to new forms of abuse, the experience of which the law enforcement system of Ukraine and Poland did not yet possess
- a lawmaker, realising the impossibility of making further changes in the criminal and legal sphere, came to the conclusion to adopt a new criminal code that would combine the prescriptions of modern criminal law; accordingly, in 1997, the Criminal Code of the Republic of Poland came into effect, and a new codification of criminal legislation in Ukraine took place in 2001
- scientific and applied interest: the phenomenon of Polish successes has repeatedly drawn the attention of Ukrainian scientists and government officials as an example of a harmonious combination of economic, social and political reforms

The specified list of justifications determined the expediency of choosing the legislation of the Republic of Poland in the anti-corruption section, based on the similarity of temporal and spatial factors in the formation of the legal systems of both countries. The obtained results of the research will determine the need to adapt the most optimal options of foreign experience to the domestic legislation to solve certain criminal legal issues.

First of all, it should be noted the opinions of Polish scientists, whose scientific interest is directed at the criminal-legal protection of public relations from corruption. Bypassing the description of the perception of the phenomenon of corruption by

Polish scientists in the times of socialism, we will limit ourselves to the fact that despite the ignorance of the then authorities, the phenomenon existed both before the change of the state system and after it.[6] In particular, the latest forms of its implementation have led to the conviction of Poles (66% of those surveyed) in the general prevalence of the phenomenon.[7]

Taking into account the diversity of the phenomenon, the modern meaning of the term "corruption" includes a wide range of features, summarising which, Polish authors define corruption in a broad sense as the use of state resources or their disposal for the purpose of illegal personal gain.[8] A similar interpretation was proposed by Marcin Samochuk,[9] namely: "...abuse of public authority or managerial functions in the private sector for personal gain". In his turn, Zbyslaw Dobrovolskyi[10] gives corruption the meaning of an illegal activity that consists in favouring private interests over state interests by using a special position to obtain political or economic benefit. Anna Levitska-Stzaletska[11] describes the phenomenon as the abuse of public office for individual or group benefit. The author distinguishes between corruption of the *higher* level, which is inherent in the top of the government, and the *lower* level, the participants of which are ordinary citizens when solving everyday needs.

Jozef Ploskonka defines two main types of corruption, namely:

- political – activities of individuals or groups of common interest, which occurs in providing material benefits to top-level officials in exchange for the creation of legal acts that benefit individual interested parties; the purpose of the described measures is to take control of the key levers of state administration
- administrative – bypassing or frivolous attitude of authorised persons to binding legal norms by using personal exceptions or favourable conditions for individual persons in exchange for obtaining the property benefit[12]

A more detailed classification of corruption was made by Lukasz Shveikovsky, distinguishing administrative, economic, electoral, political, legislative, territorial, concessional (creating artificial barriers), informational, in the sphere of public procurement and in the sphere of private procurement.[13]

In general, the following forms of committing corruption offenses are distinguished in the scientific literature:

- bribery, which is defined as giving, receiving or demanding property or personal benefit
- embezzlement or misappropriation of other people's property

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6 Act on the Prevention of Corruption of Ukraine of 14 October 2014 (editorial from 10/26/2022).
7 Chemerys 2009.
8 Kojder 2002: 234.
9 Iyer–Samociuk 2007: 347.
10 Dobrowolski 2006: 203–222.
11 Lewicka-Strzałecka 2007: 212.
12 Ploskonka 2003: 112.
13 Szwejkowski 2013: 10.

- paid assistance – cases of receiving property benefits in exchange for mediation and assistance in resolving issues
- abuse of official position to support relatives
- conflict of interests
- use of public funds in private interests
- waste of state funds[14]

The main difference between the everyday understanding of corruption and its definition in legal prescriptions is its legislative establishment, where the rule of conduct is clearly indicated in the hypothesis of a legal norm that is followed or, on the contrary, violated. The main domestic acts that regulate counteraction to this phenomenon are the Act on the Prevention of Corruption of Ukraine dated 14 October 2014[15] and the Criminal Code of Ukraine.[16]

According to the Act on the Prevention of Corruption of Ukraine, corruption – is the use by an official person of official powers or opportunities related to them for the purpose of obtaining an illegal benefit or accepting such a benefit or accepting a promise/offer of such a benefit for oneself or other persons or, accordingly, a promise/offer or granting of an illegal benefit to the specified person or at the request of other individuals or legal entities in order to induce this person to unlawfully use the official powers granted to him or the opportunities related to them. Considering the above, the Criminal Code of Ukraine does not specify the definition of corruption, instead it contains a list of corruption violations, namely:

- Art. 210. Inappropriate use of budget funds, implementation of budget expenditures or provision of loans from the budget without established budget allocations or exceeding them.
- Art. 354. Bribery of an employee of an enterprise, institution or organisation.
- Art. 364. Abuse of power or official position.
- Art. 364-1. Abuse of authority by an official of a legal entity of private law, regardless of the organisational and legal form.
- Art. 365-2. Abuse of authority by persons providing public services.
- Art. 368. Acceptance of an offer, promise or receipt of an unlawful benefit by an official.
- Art. 368-2. Illegal enrichment.
- Art. 368-3. Bribery of an official of a legal entity of private law, regardless of the organisational and legal form.
- Art. 368-4. Bribery of a person who provides public services.
- Art. 368-5. Illegal enrichment.
- Art. 369. Offer, promise or provision of an unlawful benefit to an official.
- Art. 369-2. Abuse of influence.

[14] Stawnicka 2013: 171.
[15] Act on the Prevention of Corruption of Ukraine of 14 October 2014 (editorial from 10/26/2022).
[16] Criminal Code of Ukraine of 05 April 2001 (editorial from 10/26/2022).

At the same time, in case of abuse of official position, the following crimes will also be defined as corruption offenses:

- Art. 191. Appropriation, waste of property or taking possession of it by abuse of official position.
- Art. 262. Theft, misappropriation, extortion of firearms, ammunition, explosives or radioactive materials or their possession by fraud or abuse of official position.
- Art. 308. Theft, embezzlement, extortion of narcotic drugs, psychotropic substances or their analogues or possession of them through fraud or abuse of official position.
- Art. 312. Theft, misappropriation, extortion of precursors or possession of them through fraud or abuse of official position.
- Art. 313. Theft, misappropriation, extortion of equipment intended for the production of narcotic drugs, psychotropic substances or their analogues, or taking possession of it through fraud or abuse of official position and other illegal actions with such equipment.
- Art. 320. Violation of established rules for circulation of narcotic drugs, psychotropic substances, their analogues or precursors.
- Art. 357. Theft, misappropriation, extortion of documents, stamps, seals, taking possession of them through fraud or abuse of official position, or their damage.
- Art. 410. Theft, misappropriation, extortion by a military serviceman of weapons, ammunition, explosives or other combat substances, means of transportation, military and special equipment or other military property, as well as taking possession of them by fraud or abuse of official position.

An appropriate definition of corruption has also been enshrined in the Polish legislation, where the main acts regulating the fight against this phenomenon are the Act on the Central Anti-Corruption Bureau of 9 June 2006 and the Criminal Code of the Republic of Poland. The first of them defined corruption as:

1. A promise, offer or gift made by any person, directly or indirectly, of any unjustified advantages to a person who performs public functions for him/her personally or for any other person in exchange for the performance or non-performance of his or her powers.
2. Demanding or accepting, by a person carrying out public functions, directly or indirectly, any unjustified advantages for himself or for any other person, or accepting an offer or promise of such a benefit in exchange for the performance or non-performance of their powers.
3. Actions taken in the process of carrying out economic activities, which involve the performance of obligations by a body or institution of public authority, which consists in the promise, offer or provision, directly or indirectly, to the person who manages the business entity, of any illegal benefits in exchange or

failure to fulfil his/her authority, which violates his/her duties and involves public harm.

4. Actions taken in the process of carrying out economic activities, which involve the fulfilment of obligations by a body or institution of public power and consist in a demand or acceptance by a person who manages a business entity that does not belong to the public finance sector or works in any other form in favour of such a subject, the offer or promise of any improper benefits, in exchange for the performance or non-performance of his powers, which violates his duties and contains public harm.[17]

Although the Criminal Code of the Republic of Poland does not contain a definition, it very clearly defines the phenomenon of corruption, reflecting its manifestations in the articles of Chapter XXIX *Crimes against the Activities of State Bodies and Local Self-government Bodies,* namely:

- Art. 228. Who, in connection with the performance of public functions, accepts a property benefit directly or its promise.
- Art. 229. Who provides or promises to provide a property or individual benefit to a person performing public functions in connection with the performance of that function.
- Art. 230. Who, referring to the influence of a state body, local self-government, international organisation, or a state or foreign institution endowed with public funds, or by causing the conviction of another person or by convincing him of the existence of such influence, carries out a property settlement in the jurisdiction of his promise.
- Art. 230a. Who provides or promises to provide property or individual benefit in exchange for mediation in a case in a state body, local self-government body, international organisation or a state or foreign institution, which is endowed with public means, which is illegal influence on the decision, action or inaction of a person who performs a public function in connection with the performance of that function.
- Art. 231. A public official who exceeds his authority or fails to perform his duties acts to the detriment of public or private interest.

In addition to the specified section, the Criminal Code of the Republic of Poland also provides for criminal liability for corrupt acts that go beyond the scope of the activities of state bodies and local self-government bodies, namely:

- Art. 250a. Who, having the right to vote, accepts property or personal benefit or demands such benefit for voting in the specified manner (electoral corruption).
- Art. 296. Who, having an obligation specified in the law, a decision of the relevant body or a contract, to deal with the financial affairs or economic

[17] Act on the Central Anti-Corruption Bureau of 9 June 2006.

activities of a natural or legal person, by exceeding authority or failure to perform duties with the aim of obtaining an illegal benefit causes significant property damage (management corruption).
- Art. 296a. Who, performing managerial functions in an institution that carries out economic activity, or being in an employment relationship with it, a contract for the performance of works or a contract, demands or accepts a property or individual benefit or its promise in exchange for the fulfilment of the obligations of the business an obligation that may cause property damage to the institution or constitutes an act of unfair competition or providing false preferences to the supplier or recipient of goods, services, benefits (corruption in the economic sphere).
- Art. 302. Who provides or promises to provide a creditor with a property benefit for actions that harm other creditors in connection with bankruptcy proceedings or bankruptcy prevention (creditor corruption).
- Art. 305. Whoever, with the aim of obtaining an unlawful benefit, obstructs the conduct of public auctions or colludes with another person, acting to the detriment of the owner of the property or the person or organisation for which the auctions are held (tender corruption).

It is worth noting that criminal liability for corrupt acts is also provided outside the Criminal Code of the Republic of Poland. In particular:
- Art. 128 of the Pharmaceutical Act dated 6 June 2001 – who, contrary to the law, within the limits of advertising of medicinal products, provides or promises to provide a material benefit to persons authorised to issue medical prescriptions or who deal in medicinal products.[18]
- Art. 54 of the Act on the Reimbursement of Medicines, Foodstuffs for Particular Nutritional Uses and Medical Devices of 12 May 2011 – who is engaged in the manufacture or circulation of medicines, special food products and medical goods to be funded from public funds, receives material benefits or receives material benefits or promise or demands such a benefit in exchange for conduct that affects:
  1. the level of circulation of medicinal products, special food products and medical supplies to be financed from public funds
  2. circulation or termination of circulation of specific medicinal products, special food products, and medical goods subject to public funding

Punishment is also subject to the following:
- who, having the authority to issue a prescription for medicinal products, special food products and medical products to be financed from public funds,

[18] The Pharmaceutical Act of 6 September 2001.

demands or accepts a financial benefit or its promise in exchange for issuing a prescription or withholding an order
- who supplies medicines, special food products and medical goods, or a person representing the supplier, demands or accepts a financial benefit or its promise in exchange for the purchase of medicinal products, special food products and medical products to be financed from public funds
- who gives or promises to give a property benefit in exchange to carry out the above-mentioned actions[19]

Broad legislative consolidation of responsibility for corrupt actions became possible after the adoption of the Act dated 13 June 2003 on Amending the Penal Code of the Republic of Poland and other legislative acts.[20] The changes in the provisions of the criminal legislation were implemented in accordance not only with the anti-corruption policy, but also with the international commitments made in connection with the accession of Poland to the European Union.

In particular, one of the requirements was to impose a penalty of at least one year of imprisonment on a person guilty of a corruption offense. The relevant requirement eliminates the need to look outside the criminal law for norms that would provide for liability for corrupt actions.

Conclusions

The foreign experience of Polish colleagues certainly deserves a deep theoretical research and practical implementation in the domestic anti-corruption policy. At the same time, borrowing and implementing the best practices of foreign countries and international standards requires unquestionable consideration of the specifics of the domestic features of state power, the legal system, and the functioning of the public relations sector in the context of military operations. Considering the revealed varieties of implementation of legal protection of public relations of the Republic of Poland from the studied phenomenon, it is considered appropriate to borrow experience regarding the regulatory increase in potential risks of corruption offenses. Therefore, legal protection of individual social relations will become a guarantee of resistance to possible forms of corrupt behaviour in the future.

[19] Act on the Reimbursement of Medicines, Foodstuffs for Particular Nutritional Uses and Medical Devices of 12 May 2011.
[20] Act on Amending the Penal Code and other legislative acts of 13 June 2003.

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The Role of the Public Prosecutor in the Investigation

Vince VÁRI[1]

The study describes the prosecutor's role in the initiation phase of the criminal procedure: in the preparatory procedure, the powers, tasks, management and supervision activities authorised by the Criminal Procedure Act are presented in detail. In the investigative stages following the preparatory procedure, the study includes an overview and precise delimitation of the conditions under which we can speak separately about the preliminary investigation and the inspection stage. This section emphasises the differences concerning the relationship between the investigating authority and the prosecutor's office, depending on whether it is a preliminary investigation or an inspection phase. At the end of the study, the prosecutor's guidance typical of the inspection phase will be described. Precisely fixing the specific powers of the Criminal Procedure Act, determined for the prosecutor to carry out the management tasks of the investigation effectively.

Keywords: *prosecutor, investigation, preparatory procedure, preliminary investigation, inspection, investigative authority*

Introduction

The prosecutor's task is to represent the public interests of the State in the administration of justice. This is more than a criminal law function since the prosecutor also monitors and improves conditions of life that cannot be measured by criminal law.[2] While recognising this, the prosecutor has always been and still is a critical player in applying criminal law. Based on the principle of officiality, the prosecutor's office also does this *ex officio,* independently of the will of others, in particular the victim, even if this is against the law, and to ensure that no one is unlawfully prosecuted, deprived of their liberty or subjected to unlawful deprivation, restriction or harassment.[3]

The public prosecutor's office conducts preparatory procedures to establish suspicion of a criminal offense in the cases specified in the Be. and supervises the legality of prior proceedings of other bodies. The prosecution oversees the legality

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[2] Szendrei 2005: 23.

[3] Lichtenstein 2018: 19–32.

of preliminary inquiries to establish the conditions for indictment, as defined in the Be., conducts inspections, and in some instances conducts prosecution investigations or conducts investigations with the investigating authority.[4] In the course of the review, the prosecutor's office disposes of the case and the tasks to be carried out during the investigation to conduct the criminal proceedings efficiently and as quickly as possible. During the preliminary investigation and the inquiry, the prosecutor's office, in the exercise of its rights as defined by law, takes all necessary measures to ensure that the preliminary investigation body or the investigating authority lawfully performs its activities, with respect for human rights, and in a manner suitable for determining the suspicion of a criminal offense or deciding on the question of prosecution. The public prosecutor's office is responsible for the measures regarding the preliminary investigation and the inspection, for the validity and legality of the procedural acts it performs, the actions it takes, and the decisions it makes.[5] The Public Prosecutor's Office shall examine any appeal lodged in the course of an investigation that falls within its remit. It ensures that the rights of the persons involved in the criminal proceedings are respected during the study. The activities of the Public Prosecutor's Office thus cover the whole spectrum of the investigation, from the opening of the case to the supervision of the legality of the execution of the sentence.[6]

The role of the prosecutor in the preparatory procedure and his/her relation to the initiating of criminal procedure

Unlike its predecessors, the Be. regulates the preparatory procedure as a separate part (Part Nine) and nine sections.[7] The initial procedure is a part, if you like, of the criminal proceedings as a separate section but not part of the investigation.[8] Before the investigation is ordered but already within the legal framework of the criminal proceedings, the provisions of the Be. allow for a short preliminary analysis. In contrast, both overt and covert measures of criminal procedure may be used to establish or terminate the suspicion of a criminal offense.[9] Therefore, the preparatory procedure may only be conducted if the available information is not sufficient to confirm the suspicion of a criminal offense and there are reasonable grounds to believe that the conduct of the preparatory procedure will lead to a decision as to whether a suspicion of a criminal offense exists.[10]

The following bodies may condense the preparatory procedure:

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4 This is the supervision of the investigation. Ütv. § 2 (1) a).
5 Ütv. § 17 (1) (a).
6 Vókó 2006: 412.
7 Be. § 339–347.
8 Nyiri 2018: 8.
9 Tóth 2018: 61.
10 Polt 2018: 29–38.

- the prosecutor's office
- the investigating authority
- the police department responsible for internal crime prevention and preparatory procedure
- the police counter-terrorism unit[11]

The legal grounds for initiating the preparatory procedures are as follows:

a) the authorities have become aware of it of its motion
b) rejection of the complaint
c) following the collection of secret information under the Ütv., the Act on the Police, the Act on the National Tax and Customs Administration, or the Act on National Security Services, may be ordered based on information contained in an initiative of the body conducting the collection of secret information[12]

From the prosecution's side, the rejection of the complaint is relevant, since only the case where the investigating authority finds that there is no suspicion and therefore does not order an investigation can be accepted as a ground for the preparatory procedure, for example, if there is no criminal offense or other grounds for excluding criminal liability, this cannot be a ground for the initiation of the preparatory procedure.[13] If the investigating authority informs the prosecution about the order of preparatory procedures, it must be clarified whether the rejection of a complaint preceded it, and the documents of the complaint must be obtained. Presumably, the legal ground for the rejection of the complaint was not that cases,[14] i.e. the lack of suspicion, the authorisation to request data or use of covert means must be refused, and the preparatory procedure must be terminated.[15] In the event of a refusal to file a complaint, the body which refused the complaint shall immediately decide to order preparatory procedures based on the information contained in the complaint if it has the power and competence to conduct preparatory procedures. The initiation and continuation of the preparatory procedure shall not be precluded if a complaint has been lodged against the rejection of the rebuke. Thus, if the prosecutor's office does not intervene in time, it is not lawful to order preparatory procedures. On the other hand, the prosecutor must screen out cases that are not suitable for prosecution for substantive or procedural reasons or do not require prosecution before a court.[16]

The prosecutor's office will generally only decide on a complaint made to the investigating authority if the investigating officer is not entitled to decide. Such a case is one where the person reasonably suspected of having committed a criminal offense cooperates in the preparatory procedure and evidence of the case or other

[11] Be. § 339 (2)–(3).
[12] Be. § 340 (3).
[13] Basic Instruction on the Supervision of Investigations, § 35 (1).
[14] Be. § 381 (b).
[15] NYER. § 95 (2).
[16] Jármai 2007: 57.

criminal case to such an extent that the national security or law enforcement interest in such cooperation outweighs the good in prosecuting the person reasonably suspected of having committed the offense.[17] In all other cases, the prosecutor's office will judge the decision of the investigating authority based on a complaint against a complaint lodged by an investigating officer that has been independently examined and rejected. It will exercise its right of appeal. The public prosecutor's office, therefore, acts correctly if it sends the complaint directly to the investigating authority which has the power and competence to examine it, with the investigating officer informing the persons entitled to do so of the outcome of the examination.[18] It may also decide that the complaint needs to be supplemented, in which case the note shall contain the order to increase the complaint, the name of the person responsible for completion, and the deadline for completion.[19] In addition, the note on the charge of the investigation shall indicate the offense which, in its opinion, is suspected.[20] If he decides to supplement the complaint, the purpose, content and means to be used for the tasks to be carried out,[21] shall be specified in a separate transcript for the investigating authority. In the manner of its choice, the public prosecutor's office shall verify whether the investigating officer has lawfully ordered the investigation or the rejection of the report. If the decision is in breach of the law, the public prosecutor's office will take action following the law. Preparatory procedures cannot be pursued for the act that is the subject of the supplement to the denunciation or the investigation, and the two are therefore mutually exclusive. The investigating authority may still reject the complaint after the supplementary report and decide to order preparatory procedures on that basis, but the two cannot be conducted in parallel.

As can be seen from the above, the preparatory procedure starts relatively without prosecutorial intervention, except in the case of a complaint.[22] The head of the body conducting the preparatory procedure decides on ordering the preparatory process and makes a record of it. The preliminary investigation is initiated by the performance of a procedural act that cannot be delayed. The authorised head of the body conducting the preparatory process shall record the initiation of the preparatory procedure within twenty-four hours. During the preparatory stage, it shall be clarified whether or not there is a suspicion that a criminal offense has been committed. It may not be possible to reach a clear decision on this question because the available information is insufficient to establish suspicion of a criminal offense. A suspicion of a criminal offense can be confirmed if, based on the information available and the facts communicated or observed, it is likely that a criminal offense has been committed. At this stage of the investigation, the evidence is

17 Be. § 382.
18 Following Be. § 375 (3) and § 381 (2).
19 In addition to the provisions Be. § 361 (2).
20 Basic Instruction on the Supervision of Investigations, § 33 (5).
21 Be. § 380 (2).
22 NYER. § 96 (1).

based on probability-based logical judgments, which are induced by the suspicion of a crime, and the investigating authority draws probability inferences from cause to effect by working backward along the thread of causality and by searching for and analysing evidence in this context. If suspicion exists, preparatory procedures cannot be initiated, but an investigation must be ordered. It is not excluded that prior proceedings may be requested for reporting an anonymous caller, but in such a case, increased care must be taken in analysing and evaluating the information received on the data obtained.[23] At the same time, information that is likely to lead to the commission of a criminal offense must come to the attention of the authority, which information must be verified. To achieve the objectives, not all means available in the investigation may be used, just as, for example, the bodies concerned by request are subject to restrictions.[24]

Where the available data originate from the collection of classified information, the bodies competent to conduct the preliminary investigation must decide within seventy-two hours of receiving the initiative from the body which has undertaken the collection of classified information, whether to order the prior procedure. When data have been obtained from other sources, the body competent to call the preliminary investigation shall not be bound by any time limit for ordering it. To establish suspicion of a criminal offense, the preliminary procedure may involve disclosing means or the gathering of information. The body conducting the preparatory process may use its powers to establish suspicion of a criminal offense. Thus, the preparatory procedure body takes steps:

- to cooperate in secret, to collect and verify information on the offense while keeping the real purpose of the proceedings secret[25]
- to conduct covert surveillance, monitor payment transactions, employ undercover investigators, and use a covert instrument subject to a court order
- may make a false purchase to obtain an object or a specimen of an object or a service that is likely to be connected with the offense[26]

The body conducting the proceedings conducts the preparatory procedure independently. Still, the investigating authorities, the National Defence Service (hereinafter: NVSZ), and the Counter Terrorism Centre (hereinafter: TEK) must inform the prosecution within twenty-four hours of the order of the preparatory process of the data on which the procedure is based and the means of disclosing the intended use of the planned procedural acts. If the authority becomes aware of information that gives rise to suspicion of a criminal offense, investigation must be

[23] NF. 1559/2019/11 point 15, Guidelines of the Investigation Supervision and Pre-Trial Preparation Division of the Office of the Prosecutor General (hereinafter: NF) and the Criminal Court Division (hereinafter: BF).
[24] Be. § 341–342.
[25] Be. § 64 (i) provides that in order to protect, involve and control a person cooperating with the police in secret, the police may collect information in secret.
[26] Nyeste 2019: 85–116.

ordered.[27] Mihály Tóth interprets both the concepts of *legality and officiality* as two sides of the principle of *ex officio* procedure, stating that while legality implies an obligation (the duty to enforce the state's criminal claim in the case of a suspected offense), *officiality* implies a right (whereby the state gives the investigating authority, the prosecutor and the court the power to enforce its criminal claim in the case of a suspected offense). The resulting files and data must be handed over to the investigating authority or prosecutor's office with jurisdiction and competence if an investigation is ordered.[28] The use of covert means in preparatory procedures, subject to judicial or prosecutorial authorisation, may be continued after the evidence has been collected without the need to apply for new approval. The duration of their use shall then be determined based on the date of the order in the preparatory procedure.

The preparatory procedure can usually last up to 6 months (for offenses where a covert instrument subject to judicial authorisation can be used, the time limit is nine months). If the public prosecutor's office does not carry out the preparatory procedure, the body informs the public prosecutor's office within 24 hours of the preparatory procedure being ordered:

- the data justifying the need for the preparatory procedure
- the covert means to be used, and
- the planned procedural steps (and informs the prosecution at least every two months after that)

If the information obtained during the preparatory procedure leads to the suspicion of a criminal offense, the investigation must be ordered. In such cases, the documents and data must be handed over to the competent investigating authority or prosecution without delay. The disclosed means used in the preparatory procedure, subject to judicial (prosecution) authorisation, may continue to be used without further approval.[29]

The preparatory procedure shall be terminated if:

- there is no suspicion of a criminal offense based on the information obtained
- no result is expected from the continuation of the preliminary investigation, or
- the deadline for the preliminary investigation has expired

In such cases, the data obtained cannot be used as evidence in criminal proceedings.

[27] Nyeste 2019: 93.
[28] Tóth 2017: 57.
[29] Fantoly–Budaházi 2020: 74–102.

Prosecutorial oversight in the preliminary investigation

Apart from the preparatory procedure, criminal proceedings start with an investigation. When there is a suspicion of a crime, the investigation must obtain and collect evidence, carry out the evidentiary procedures, and, based on these, establish whether a crime has been committed and who committed it.[30] The evidentiary process aims to clarify the factual issues, which can naturally be divided into two parts: those relating to the material aspect of the offense on the one hand and those relating to the subject matter on the other. The preliminary investigation aims to establish the content and personal grounds for suspicion and find and secure the means of proof. During the inspection (if necessary, by obtaining and examining evidence), the prosecution decides whether to close the investigation (terminate the proceedings or charge the offender). The interrogation of suspects separates the two phases of the investigation. The preliminary investigation aims to ascertain what crime has been committed, how it was committed and who is suspected of having committed it.[31]

The investigation shall be initiated based on information coming to the knowledge of the prosecutor's office or the investigating authority in the exercise of their official powers or the prosecutor or a member of the investigating authority in their official capacity.[32] The investigating authority's official powers relate to law enforcement and investigation. In contrast, the official capacity of a member of the investigating authority covers all activities referred by law to the investigating authority's responsibilities. The official capacity may therefore be used to obtain information, for example, in connection with the case under investigation, based on the data it contains. In contrast, the official capacity may be used to obtain information, for example, by carrying out control, searching clothing, or a vehicle. It may also be based on a report.

In the Hungarian criminal law system, as a general rule, anyone can report a prosecutable crime on public charges. Any submission to the authorities which contains allegations of facts suggesting that a criminal offense has been committed is considered a denunciation. It is irrelevant where the complainant's knowledge of the crime comes from (e.g. whether it is based on his perception or on what another person has said, or on what has appeared in the press, etc.), and it is also irrelevant whether the facts as described in the complaint correspond to the reality of the facts. The latter is precisely the task of the investigation. Generally speaking, the right to report and the obligation to report only exist if the failure to report is punishable by the Be. Thus, according to the provisions of the Be., the member of the authority, the official, and, if the law so provides, the public body are obliged to report the

[30] Tremmel 2006: 32.

[31] For the codification of the current Criminal Procedure Act, the Government has submitted to Parliament on 14 February 2017 Draft Bill No. T/13972 on the Code of Criminal Procedure (hereinafter: Bill).

[32] Under Be. § 375 (1).

offense which they become aware of within their jurisdiction and which is to be prosecuted. Failure to report the crime will render them liable to disciplinary action by any of these persons. The report may be made in writing, orally, by telephone, or by technical means.

In the context of investigations, one of the most important conceptual innovations of the Be. is the distinction between the preliminary investigation and inspection phases and the separation of prosecutorial roles along these lines. The investigating authority acts independently during the preparatory investigation and the preliminary investigation.[33] In contrast, during the inspection, it operates under the direction of the prosecution.[34] The content of independence is defined in the Be., for the inspection phase under the leadership of the prosecution office in that the investigating authority is obliged to report to the prosecution office afterward on the procedural steps carried out independently. It follows from the obligation to report ex-post that the prosecution service is – as a general rule – not informed in advance of the investigative acts carried out in the course of the independent procedure. The same approach can be read in the explanatory memorandum of the Minister, which states that "[…] the prosecution exercises legal supervision over these independent investigative acts of the investigating authority, which […] involves ex-post intervention, either as a result of legal remedies or as a result of the prosecution's control, but in any event. A further essential element of the supervision of legality under the law is that this ex-post intervention is typically based on the initiative of the persons involved in the criminal proceedings (complaint, objection, etc.) and may take the form of establishing possible violations of the law, or of annulling the decision that has infringed the law".

Therefore, the majority of cases are initiated by the investigating authority based on a complaint or its initiative. The investigating officer shall, in the course of the preliminary inquiry, examine in particular the facts relating to the material and substantive aspects of the offense, the facts necessary to establish the identity and whereabouts of the perpetrator, and the facts of particular relevance for the application of the legal penalty.[35] The investigating authority must therefore report to the prosecutor every six months on the state of the investigation. The investigating officer draws up an investigation plan in cases involving complex factual and legal issues in the event of establishing a joint investigation team or based on a decision by the head of the investigating authority authorised to do so. In such cases, it shall send it to the prosecution service to fulfil its reporting obligations. The report must contain a brief description of the historical facts of the offense under investigation, following the legal elements of the crime, and the classification of the offense under the Be., as well as a description of the scope, context and level of detail of the facts to be clarified. This has the specific character of probative value. The probative value

[33] According to Be. § 31 (2).
[34] Be. § 392 (5).
[35] According to § 133 of the NYER.

is the property of the means of proof under which it can influence the conviction of the prosecutor or the court.[36]

The prosecutor's office is therefore also entitled in its supervisory power to order an investigation for the investigating authority or to call it in itself. In such cases, the case files are sent to the investigating officer.[37] He considers the rules governing the powers and jurisdiction of the investigating authority, with the provision that the investigation documents are to be presented to the prosecutor. The documents of the investigation should be presented to the prosecutor after the detection of the perpetrator and the communication of the well-founded suspicion, failing which the deadline indicated by him, but no later than six months.[38] The management and supervisory powers of the public prosecutor's office and the autonomy of the investigating authority's proceedings are not affected if the public prosecutor's office itself carries out specific procedural steps in the investigation. Moreover, the public prosecutor's office may call in the inquiry in any case. The public prosecutor shall exercise the rights which belong to the public prosecutor's office where the public prosecutor is acting. The performance of a procedural act may be prohibited only by the senior prosecutor of the prosecuting authority. As explained above, the prosecutor cannot control the preliminary investment but must assess its legality and effectiveness. Supervision, therefore, implies that the prosecutor must evaluate the results of the investigation so far, take a position on the necessary investigative measures and assess the effectiveness of the investigating authority's action concerning them. If this is not satisfactory, the prosecutor's intervention is mandatory.[39] This approach is reinforced by the presence of the procedural acts provided.[40] The law also ensures the possibility of participation in the progress of the proceedings during the preliminary investigation. This possibility of presence is contrary to the view that the prosecutor's role in the preliminary investigation is limited exclusively to post-intervention and the decision on formal legal issues. The prosecutor is thus obliged to intervene in the preliminary investigation by stating his legal position in all cases where the investigating authority acts in violation of the law (e.g. lack of competence or jurisdiction, witnesses' testimony is verbatim or immunity has not been established, the act is not a crime or is otherwise qualified).[41]

Traditionally, the first custodian of forensic expertise is the investigating authority, while the other authorities (prosecution, court) are responsible for inspecting the legality and probative value of the evidence.[42] For this reason, it is advisable to carry out the procedural steps that are important from a criminal investigation point of view, such as the measures to identify the perpetrator, the obtaining of data

[36] Móra 1960: 664.
[37] Be. § 26 (2).
[38] Basic Instruction on the Supervision of Investigations, § 36.
[39] Be. § 26 (2) (e).
[40] Be. § 26 (2) (i).
[41] Basic Instruction on the Supervision of Investigations, § 37 (2).
[42] Bócz 2010: 71.

and documents, their seizure, the questioning of witnesses and victims, with less intervention by the prosecutor, at the preliminary investigation stage. Many coercive measures are also taken at this investigative stage, such as searches. All of these are carried out at the discretion of the investigating authority and are independent of the direction of the prosecutor, both in terms of planning and execution. There are, of course, many forms of action that are subject to the authorisation of the prosecutor, in which case the cooperation between the investigating authority and the prosecution is flexible and takes into account the objectives of the criminal proceedings. In particular, the prosecution acts with caution when authorising concealed devices subject to a prosecutor's license.[43] The obtaining of authorisations subject to judicial approval should only arise in the preliminary investigation stage about covert means because coercive judicial measures involving deprivation of personal liberty are already in the inspection stage since they can only be taken after the suspect has been questioned. In the preliminary investigation stage, it is possible but not the aim to seek to preserve all evidence, because this might be done in an unjustified, self-serving manner and might lead to a significant prolongation of the proceedings (Ministerial Explanatory Memorandum). Thus, the data covered by the testimony of witnesses and expert opinions can typically be clarified by less formal methods, data gathering activity, ties, data and collection, based on which the suspect can be questioned. These activities usually fall within the scope of preliminary investigation.[44] Depending on the suspect's defence, the preservation of evidence for court proceedings may also be initiated in justified cases.

There may also be a case when the prosecution establishes that the investigating authority ordered the investigation that violated the law. The subsequently obtained data do not allow the continuation of the investigation and call upon the investigating officer to terminate the proceedings, and if this is unsuccessful, end proceedings.[45]

The prosecution generally checks the legality of preliminary investigation, including the procedural acts performed, when and in respect of which the head of the investigative body or other participants in the criminal proceedings has initiated the action of the prosecution. The prosecutor's office reviews the case files submitted to verify whether the decisions and measures of the investigating authority comply with the legal provisions.[46]

During the preliminary investigation, the prosecutor and the investigating authority may make a written record of the procedural act, sometimes a continuous audio or video recording, and a note of the action. In criminal proceedings, only those records may be used as evidence that other authorities consider being no more than documentary evidence.[47] It specifies the investigative acts on which the prosecution

[43] Basic Instruction on the Supervision of Investigations, § 17 (2).
[44] Kovácsy 2003: 32.
[45] Be. § 26 (2) and 398 (1).
[46] According to Be. § 351 (2).
[47] Frech 1999.

and the investigating officer must decide. These can be formal matters (e.g. referral), decisions on the merits (e.g. dismissal of a complaint, suspension or termination of proceedings), and decisions on coercive measures and handling a complaint.[48]

Regarding the purpose and means of the investigation, there is no clear distinction between the preliminary investigation and the inspection phase, as there is between the investigation and the judicial procedure. The effectiveness of the investigation presupposes, in addition to a clear distinction of responsibilities and decision-making powers, continuous cooperation between the investigating authority and the prosecution, following the needs of the proceedings. The Bill does not rule out the possibility of such collaboration and suggests the need for it through the provisions mentioned above.[49] Precisely because the investigation is a complex profession requiring detailed knowledge and activities, which cannot be carried out on the side, alongside other public prosecution tasks, it is part of the dynamics of the investigation that, once the suspect has been questioned, the investigating authority must continue the procedure and continue to carry out its task.[50] This is necessary irrespective of the provision on the transmission of case files or the commencement of prosecutorial management.

The preliminary investigation ends with sending the investigation file to the prosecutor's office, which has eight days to respond. Based on the suspect's questioning, cooperation with the accused is possible. The investigating authority will report this to the prosecution service separately, or if there are difficulties in sending the case files before the investigation. The specific information on the possibility of the suspect's cooperation is intended to ensure that the means of expediting the proceedings are applied without delay. Concerning the institutions for cooperation in the inspection stage, the prospect of a decision or measure by the prosecution and, the plea bargain, the possibility has expressly created the Be.,[51] for these to be used during the initial questioning of the suspect by the investigating authority.

Contrary to the clear rigid delimitation, this presupposes flexible cooperation between the prosecution and the investigating officer, including the period before the initial questioning of the suspect, to ensure the practical application of the cooperation institutions. The legal instrument of plea bargaining remains fundamentally different from the Anglo-Saxon plea bargain. The facts of the case and the classification of the offense cannot be the subject of the agreement.[52] However, the prosecutor must still decide based on the evaluation and collation of the evidence gathered during the investigation. The law does not place the process and the possible content of the plea bargain as a separate procedure but within the

[48] Be. § 362.
[49] Proposal for a new Code of Criminal Procedure (hereinafter: Proposal) uploaded on 3 June 2016 and its Explanatory Memorandum Proposal, § 26.
[50] Láng 2003: 27.
[51] Be. § 405 (3) and § 407 (2).
[52] Szaktor et al. 2022: 1157–1175.

general practice rules, expressing that a plea bargain is possible in any case and for any offense.[53]

Prosecutorial direction in the inspection

In the investigation, the scope of the inspection is narrower. It is a statutory series of measures that involve establishing facts in cases of existing suspicion and the discovery of evidence relevant to the accused.[54] Four models of the relationship between the prosecutor and the investigating authority were known in the former Hungarian criminal procedural law:[55]

1. the investigating authority investigates independently, the prosecutor supervises the legality of the investigation
2. the prosecutor may also supervise the independent investigation of the investigating authority[56]
3. the prosecutor conducts the investigation[57]
4. the prosecutor conducts the investigation himself[58]

The most significant change in the Be. concerning the investigation is undoubtedly the subdivision of the investigation into a preliminary investigation and an inspection.[59] Under the Be., the investigation is the inspection stage following the preliminary investigation. This takes place after the suspect has been questioned. If based on the procedural steps taken during the preliminary investigation, a person is identified as a person who is suspected of having committed a crime. The investigating authority will question the suspect. This also means that the suspicion of the offense, which already existed when the investigation was ordered, i.e. that the facts as disclosed are such that, given the reality of the information available, the offense is likely to have been committed, are both clearly confirmed and has already been established. It is, therefore, a well-founded personal suspicion, the essence of which is that a link, supported by evidence, can be found between the offense which is the subject of the proceedings, and a specific individual, which gives rise to a substantial degree of probability – a reasonable suspicion – that that individual committed the crime.

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53 Kovács 2015: 138–154.
54 Tóth 2010: 304–305.
55 Fantoly–Gácsi 2014: 17.
56 This model is not regulated in the Act, but in the LÜ Instruction 11/2003 (ÜK. 7); therefore, enhanced supervision is nothing more than a special case of legality supervision outside the Act.
57 If, in connection with the investigation, he/she has exercised the rights specified in Be. § 28 (4) (a), i.e. ordered an investigation or a supplementary report, instructed the investigating authority to conduct the investigation, ordered it to carry out an investigative act, to conduct a further investigation or to complete the investigation within a specified period of time.
58 Prosecutorial dominance was most pronounced in this case. One subtype is the optional case under Be., § 28 (4) (e), i.e. where the prosecutor has taken the investigation into his own hands, and the other, mandatory case is the investigation of offences falling within the scope of exclusive prosecutorial investigation under § 29.
59 Lichtenstein 2017: 121.

The rights of a person who is reasonably suspected of having committed a criminal offense depend or not the suspicion has already been communicated.

In the course of the inspection, the investigating authority shall examine in particular the suspect's conduct in committing the offense, the suspect's state of consciousness at the time of the crime, the facts characterising the danger to society, the incriminating and exculpatory circumstances of the suspect, as well as aggravating and mitigating circumstances. The investigating authority may disregard the execution of the requests for evidence contained in the suspect's defence regarding evidence that is relevant to the evidence and which is already available to it. With the consent of the prosecution, the obtaining of further evidence may be waived in respect of facts that are the subject of the suspicion and the truth of which is accepted by the suspect in his statement and, if a defence counsel is involved in the proceedings, by the defence counsel. The investigating authority shall obtain the means of evidence and carry out the procedural steps in time to allow the prosecution at least three months to decide whether to close the investigation or suspend the proceedings. The investigating authority cannot complete its investigation within this period. Consequently, the prosecution shall, unless otherwise provided for, submit a proposal for an extension of the investigation's time limit together with the investigation plan's submission.[60]

In some cases, the case is quickly transferred to the inspection phase (because if the suspect is taken into custody, they must be questioned within 24 hours, and the documents must be sent within eight days). In the case of having a suspect, the preliminary investigation stage can essentially be omitted unless the perpetrator has just been the subject of a thorough preliminary inquiry. The catching in the act presupposes the detection of the offense; and, concerning that, the apprehension of the offender who has just committed the crime. Catching the perpetrator in the act of committing an offense is understood to occur when the crime is executed in full view and sight of the witnesses, in such physical proximity that they have a realistic opportunity to gain access to the offense, to reach and to pursue the perpetrator. All this constitutes the hot trace and offers the possibility of pursuit without losing time.[61]

The relationship between the prosecution and the investigating authority is transformed after the suspects are questioned. During the preliminary investigation, the investigating officers have to form their convictions. For this reason, the choice of criminal tactics, including interrogation tactics, is a competence of the investigating authority.[62] By contrast, if the prosecution appears to be justified, the prosecution must determine the scope and method of obtaining evidence during the inspection, bearing in mind the requirements of the evidentiary procedure to be followed in the judicial proceedings following the indictment. In the inspection phase, the

[60] NYER, § 150 (4).
[61] Decision of criminal principle No. 13/2013 (ECJ 2013.B.13).
[62] Katona 1990: 246.

prosecutor's office is therefore in a leading role, not supervising but determining the course and direction of the proceedings. Direction is a managerial activity exercised by the higher-level body towards the lower-level body, the effect of which is transmitted to the body being directed through direct management. The controller is outside the controlled organisation, above it. The controller exercises a fundamental influence on the managed organisation.[63]

As mentioned above, the relationship between the public prosecutor's office and the investigating authority will change, with the supervisory power becoming a management power.

Within the framework of management powers, the public prosecutor's office has the following specific powers toward the investigative authority:

a) take the measures specified in the scope of supervision
b) order the investigating authority to carry out a procedural act
c) prohibit the performance of a procedural act
d) alter or annul the decision of the investigating authority
e) order the investigating officer to make a decision
f) may instruct the investigating officer to prepare the findings of the public prosecutor
g) drive the performance of a procedural act or the taking of a decision subject to prior approval
h) require the investigating authority to give an account[64]

After questioning the suspect, the prosecutor's office examines the investigation file and may decide to proceed as follows:

- possible subject separation, merging, or transfer (not a decision on the merits)
- procedural acts must be carried out within the framework of the inspection
- may decide that a "diversion" is possible, i.e. that the proceedings are not pursued in the traditional criminal procedure (suspension of proceedings for a prosecution measure or decision, initiation of a settlement, suspension of proceedings for mediation, conditional suspension by the prosecutor)
- the procedure must be terminated
- charges must be brought

The time limit for the investigation is two years from the date of the suspect's interrogation (§ 351), which may be extended by the prosecutor's office (by the decision not subject to appeal) for a maximum of 6 months. The defence must be allowed to review the documents and influence the course of the investigation in a meaningful way during the investigation. To this end, the Be. provides that access to the case file must be granted at least one month before the end of the investigation

[63] Nyiri 2018: 12.
[64] Be. § 26 (3).

(but the defence may waive this right). This period may be shortened or waived (§ 828).

During the inspection, the Be. regulates the right to be present at procedural acts more broadly. Since the well-founded suspicion has already been communicated and the suspect has already been questioned, the rights of the defence to be present are also opened up as:

- the suspect and his lawyer may be present at the hearing of the expert, at the inspection, at the attempt to take evidence, and at the presentation for examination
- the defence counsel may be present at the examination of a witness they (the suspect they are defending) propose to examine and at the evidentiary hearing with such a witness

Even in these cases, the defence does not have to be notified if justified by urgency or other essential interests (e.g. the protection of a witness). Still, the defence must be informed within eight days of the procedural act so conducted.

The revival of the management role of the prosecutor's office should not mean that the investigating authority cannot carry out the necessary procedural acts. The investigating officer continues to conduct the investigation independently during the inspection until the prosecution has begun to exercise its powers of control. The investigating authority conducts the review following the measures taken by the prosecution in the exercise of its powers of control.[65] After questioning the suspect, the investigating officer shall, unless otherwise ordered by the trial, independently carry out the procedural steps already proposed and deemed necessary. In any case, the possibility of acting independently is preserved, i.e. no authorisation from the public prosecutor is required in cases where there is an urgent reason for doing so, such as issuing a warrant or a search warrant, or even a search operation. It can also act independently if it is necessarily linked to a procedural act ordered by the prosecution, i.e. one procedural act leads to another, for example, the questioning of witnesses following targeted data collection. The investigating authority must inform the public prosecutor's office of such a procedural act carried out independently during an inspection within eight days at the latest. The investigating authority shall inform the prosecution of the procedural act carried out independently during the inspection by sending the investigation plan unless otherwise provided by the prosecutor.[66]

In many cases, it is possible to separate offenses that have already been investigated from those in which only preliminary investigations are still being made into other offenders or other acts of the suspect. Therefore, the investigating authority carries out the procedural act independently during the inspection if it does not concern the

[65] Be. § 392 (1).
[66] NYER. § 151.

subject of the suspicion or is directed at the preliminary investigation of another perpetrator of the offense, which is the subject of the suspicion. In such cases, the prosecutor's office must report to the public prosecutor's office as ordered, but within three months at the latest. In the course of the inspection, the prosecutor's office will determine the scope of the investigation if the investigation carried out so far requires so. If necessary, it will indicate the means of evidence and the evidentiary acts to be obtained or carried out in further investigation. It shall give instructions to make the case file available in its entirety and to send it if the facts have already been discovered suitable for a decision on the case's merits.[67] The time limit for the inspection of the file shall be fixed in such a way as to enable the public prosecutor's office to examine the case every two months.[68] To decide on the merits, the prosecution shall set a time limit for the investigating authority to send the case file so that it can be made available to the suspect and his defence counsel and the decisions referred to in the Be.[69] If the public prosecutor's office upholds the complaint against the suspicion, it shall continue to exercise its powers of supervision of the preliminary investigation. In the course of the investigation, in addition to the above mergers of preliminary investigation and inspection, it is not excluded that the inspection is transformed entirely into a preliminary investigation. If the investigation has been terminated concerning the suspect, but only for the suspect, or if the suspect has ceased to be a suspect under the provisions on complaints against suspicion, the investigating authority will again act under the rules of preliminary investigation without prosecutorial guidance in the absence of other suspicions that could have given rise to the inspection. During the inspection, the prosecution continuously checks whether the case is suitable for a substantive conclusion or suspension, in the course of which it investigates:

- whether the facts of the offense have been subject to a preliminary investigation and proven
- whether the circumstances relevant to the imposition of the sentence or the application of the criminal measure have been established
- whether the legal provisions on the acquisition of evidence have been respected
- whether the rights of the suspect and the defence have not been unlawfully restricted
- whether a prosecution measure or decision should be envisaged[70]

The prosecutor's decision to terminate the proceedings is part of the investigation. There is no appeal against the prosecutor's decision, which is reached at the prosecutor's discretion.[71] According to some theories, for those working in

[67] Be. § 352 (1).
[68] Basic Instruction on the Supervision of Investigations, § 40 (2).
[69] Be. § 391 (1); § 351 (3) and (4).
[70] Basic Instruction on the Supervision of Investigations, § 36.
[71] Hack 2014: 5.

a hierarchical model characteristic of the continental legal system, discretionary power is merely a means of easing the workload but does not express autonomy.[72] His decision or failure to decide cannot be held against him, as he has no freedom. Given that the indictment is one of the ways of completing the investigation, the prosecution's decision to indict is also part of the investigation in procedural terms. The accusation is not an independent stage, nor is the investigation a separate stage from the charging stage, nor is it a different institution for the ordering of a further investigation. The investigation is closed by a decision after the investigation, not by a separate investigative decision to close the investigation. In the event of a conviction, the investigation is ongoing until the prosecution has brought charges, so no particular order for further investigative measures is required. At the same time, this allows the prosecutor to decide on the conclusion of the proceedings very quickly, immediately after learning of the cooperation of the investigating authority and after having access to the case file, without any further formal procedural steps. The end of the investigation is limited in time by the mandatory statutory rule on access to the file. The investigating authority must allow the suspect and the defence counsel to inspect all documents in the case file in their entirety at least one month before the indictment and to make their motions and observations.[73] However, the investigating authority may at any time request the suspect and the defence counsel to make a statement as to whether they agree to shorten or waive the one month.[74] This right of access to the case file generated after the consent shall be granted unless the suspect and the defence counsel also consent to the shortening or waiving of the period in respect of these case files.[75]

Summary

As mentioned earlier, the investigation consists of a preliminary investigation and inspection. The difference between them is that preliminary investigation involves delineating the facts of an event of criminal interest. In contrast, the inspection consists of establishing the reality of the facts involved. The two types of investigative work, considered in the context of evidence, are that an investigation must verify the truth of the point to be proved and the integrity of the alleged cause of proof. In particular, in the investigation phase, tasks may fall within the competence of the prosecutor or the court.[76] As the investigating authority conducts the investigation, the need for these becomes apparent. Among other things, this may be the use of disguised means, as defined in Section 214 (4)

[72] Hack 2010: 21.
[73] Be. § 352 § (1).
[74] NYER. § 55 (1).
[75] Be. § 352 (1)–(2).
[76] Bócz 2010: 12.

of the Be., which is subject to the authorisation of the prosecutor, as well as the use of disguised means, which is subject to the approval of the judge. Suppose the investigating authority deems it necessary to carry out a procedural act or to issue a decision within the competence of the prosecution or the court. In that case, the authorised head of the investigating authority shall submit a proposal to the trial. In the course of the investigation, the prosecution supervises its legality [§ 25 (2)]; in this context, it checks the legitimacy of the investigating authority's procedure, may set aside decisions that violate the law, call upon the investigating authority to remedy the violation of the law, adjudicate on applications for legal remedies, etc. [§ 26 (2)]. In the course of the inspection, the prosecutor's office not only supervises but also directs [Art. 25(2)]: it may take all supervisory measures, but in addition, it may expressly order the investigating authority to carry out or prohibit a procedural act, it may also change the decision of the investigating authority, or order the investigating authority to take a decision, require it to report, etc. [§ 26 (3)]. In addition to the above, the prosecutor has the right to issue instructions when conducting the investigation himself. In this case, he can instruct any investigating authority to carry out a procedural act in his jurisdiction and request the crime prevention and counter-terrorism authorities to carry out a procedural doing. As explained in the study, the Be. has made a significant distinction between the two investigative phases, particularly regarding the roles of the prosecutor and the investigating authority.

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Law Enforcement Officials' Opinion on the Security Situation and Cooperation on the Danube – Based on the "DARIF 2022" International Questionnaire Survey

Ádám KALMÁR[1]

The aim of the study is to analyse the bilateral and multilateral law enforcement cooperation between the Danube Member States and the relevant international stakeholders. A key issue for the security of the European Union and the Schengen area is the joint strengthening of the security of the Danube river. In the most important transnational maritime areas (Black Sea, Baltic Sea), there is a regulation based on the operation of a common centre for law enforcement coordination, which allows a rapid and efficient exchange of information between the Member States in order to combat organised crime. The Danube is one of Europe's most important waterways, but the absence of a multilateral international agreement on the cooperation and coordination signed by all the Member States to ensure continuous cooperation and exchange of information is believed to have a negative impact on border security. The research was carried out by an online questionnaire survey among 201 persons in staff from the participating organisations of 10 Danube Member States during the DARIF joint operation, which was conducted from 12–16 September 2022 and extended until 30 September 2022. The questionnaire was prepared in Hungarian, English, and in German, Slovak, Croatian, Serbian, Romanian, Bulgarian and Ukrainian languages, to encourage respondents to participate in the survey. The questionnaire survey among the Danube law enforcement agencies confirmed that the lack of a permanent Law Enforcement Coordination Centre and Cooperation Forum is a significant security deficit in the countries of the Danube Region. The creation of a network of national contact points specialising in international information exchange on the Danube is necessary; it is not sufficient to make better use of the existing network of direct information exchange channels (e.g. Police and Customs Cooperation Centres).

Keywords: *Danube, security, law enforcement cooperation, DARIF joint operation, security deficit*

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Introduction

The international professional literature has been focusing on key maritime security issues (e.g. illegal migration, stopping piracy at sea, combating terrorism and drug trafficking) for the last two decades, mainly due to transnational threats. It was also noted that, although much needed, a comprehensive EU Maritime Security Strategy has not yet been developed.[2] The Danube – which is Europe's second longest, but clearly the most important river, directly involving 10 countries but covering 14 by its catchment basin – has been overshadowed by maritime issues. This has happened despite the fact that a coherent regional strategy[3] has been in place since 2011 to develop some of the policies of the Danube countries, but its 'security' priority area, despite initial successes,[4] currently includes fewer and smaller projects than in other thematic areas, so that the long-term goals previously set (such as the establishment of a law enforcement centre linking all the countries concerned) have not been yet achieved.

Over the past decade, it has become clear that river waterways pose serious security challenges for law enforcement agencies. The geopolitical situation of the region, the increasing illegal migration from the Black Sea region towards the EU, global public health threats, the expanding cross-border organised crime using more and more new methods have found an important "arteria" in Danube navigation.[5]

Analysis of the law enforcement functions of Danube border control suggests that a significant proportion of crime committed at the river is linked to cross-border crime, making international police-customs cooperation a prerequisite for effective law enforcement. During large-scale joint law enforcement operations on the Danube, rapid and direct exchange of information is carried out in real time. Operational cooperation and the establishment of the Temporary Coordination Centre is a new dimension of international cooperation on the Danube, which will enhance the effectiveness of law enforcement.[6]

Hungary – as a full member of the Schengen Convention – is the first spot of border control and risk management on the Danube for threats coming from outside (from Serbia). Croatia is also a Schengen Member from the 1st of January 2023, which means that vessels entering from the south will not have to stop on the Danube again. Our law enforcement agencies working at the external water borders are experiencing a significant latency in detecting criminal activities on Danube vessels, coupled with a lack of specific cooperation frameworks. To compensate for this, border control should become more and more detection and risk analysis based in the close future.[7] (The European Union has also opted for early detection, analysis,

[2] Germond 2011: 563–584.
[3] European Parliament 2010.
[4] Koev 2014: 22–30.
[5] Balog et al. 2015: 6.
[6] Kalmár 2021: 293–301.
[7] Kalmár 2022: 121–138.

awareness raising, resilience building, prevention, crisis response, consequence management, which should be the focus of common policy in the next period.)[8]

All of the above may result in a kind of security deficit at the Schengen external border on the Danube controlled by Hungary, which should be eliminated as soon as possible by effective measures. The development of effective proposals for future measures requires an international perspective. Some studies have already looked at the relationship between the Danube shipping sector and law enforcement, only by asking the shipping community about the problems that slow down and complicate river trade. The researchers identified administrative obstacles mainly.[9] In addition, however, in a new study, the researchers found – based on interviews with representatives of shipping companies and freight forwarders – that even at the Schengen external border, the search of barges entering the area is not sufficiently effective, and then even less thorough, rather than random, as they move towards the internal borders. An officer of the Danube water police in Vienna admitted that "the only way to check vessels and goods is when they arrive at their final destination". Another interviewee said that "you can transport anything by barge, no one really knows what can be found under the bulk cargo".[10]

So, what are the reasons for the above opinions, what are the challenges and problems faced by the law enforcement agencies of the Danube countries and what are the possible solutions? Considering that the opinions of the law enforcement organisations involved in the control of Danube river transport have not yet been asked on these issues, the present study can be considered a missing piece.

As a police officer in Baranya County, I am one of the organisers of the annual joint Danube law enforcement operations organised by the Ministry of the Interior of Hungary since 2014. During these operations, each participating state delegates a guest officer to the Temporary Coordination Centre in Mohács and hundreds of police officers (mainly water, border police and customs officers) participate in coordinated controls along the entire stretch of the Danube during three days of operations. The operation, which took place in September 2022, provided a good opportunity to carry out an international questionnaire survey to get the opinion of law enforcement officers on improving water border control and security, cooperation and the efficiency of information flow. The result of the research is published for the first time here.

Before starting the research, four research questions arose. What is the risk of certain offences occurring on board of ships in the Danube Member States, and passenger or freight transport is more affected by crime? How can river safety be improved? What is the opinion of the law enforcement organisations of the Danube Member States on the possibilities for international law enforcement cooperation and information exchange, and the technical development? How can the organisation

[8] European Commission 2020.
[9] Pfoser 2018: 27–37.
[10] Scaturro–Kemp 2022: 48.

and implementation of the DARIF joint river operation be further developed in the future?

In the light of the above, I have associated hypotheses with the questions that I consider to be the most important, so that the results of the research can show their validity. In total, I set out to prove or disprove four hypotheses.

1. On the Danube River, crime is more prevalent in freight transport. The greatest risk is in the smuggling of excise goods. Cigarette smuggling detected on board ships has a very high latency and is generally considered a widespread phenomenon in all Danube countries.
2. Irregular migration linked to the river is present in the Member States, most of which share the same modus operandi.
3. Cooperation is the main condition for the effectiveness of law enforcement organisations in the field of river security.
4. Among the levels of cooperation, international cooperation is the weakest in the Member States and therefore the one that needs most improvement. The most important obstacles to its promotion are funding problems and political decision-making barriers. In the Danube Region, the lack of a permanent Law Enforcement Coordination Centre and Cooperation Forum is a security deficit. There is a need for a network of specialised Danube National Contact Points rather than better use of the existing direct information exchange channels and network of criminal cooperation channels.

Research method

The empirical research was carried out by filling in an online questionnaire and collecting anonymous data. Research permission was granted by the agreement (no. BMSZÜ/1413/2022) concluded with the Hungarian Ministry of the Interior on research within the framework of the traineeship programme.

The subjects of the questionnaire survey were law enforcement officers working in the Danube ports in Austria, Germany, Slovakia, Croatia, Serbia, Romania, Bulgaria, Ukraine, Moldova and Hungary. In the Danube Member States, a large number of professional and non-professional staff from various organisations are involved in the control of river vessels. They include police (border and water police, investigative and special services), border guards, customs, disaster management, but also in some countries staff of the transport authority, naval office, river inspectorate, fisheries inspectorate, port authorities or captaincies, public health and phytosanitary stations. Respondents included both female and male staff.

The data gathering was conducted between 12 and 30 September 2022. The questionnaire, which took 5–8 minutes to complete, was filled in by 201 people from 10 countries. All completions were full and valid.

The questionnaire was first elaborated in Hungarian and English. It was then translated into German, Slovak, Croatian, Serbian, Romanian, Bulgarian and Ukrainian, in order to encourage respondents to participate in the survey. The raw texts, translated by computer translation programs, were reviewed and corrected by guest officers delegated to the joint operation, in order to produce grammatically and lexically perfect questions and answers, excluding the possibility of different police officers in different countries interpreting any questions differently. The questionnaire was available to member countries in their own national languages (German for Austrian and German colleagues, Romanian for Moldovan and Romanian colleagues). The English version might be completed in any country.

Each questionnaire was uploaded to the free Google Forms program, which generated a link to each one. The links were distributed by the Ministry of the Interior, through the Secretariat of Priority Area 11 of the Danube Region Strategy, and with the help of liaison officers delegated to Hungary during the joint operation. The responses were sent anonymously to a password-protected Google account.

The questionnaire included several different types of questions. For the questions to be answered, it was possible to choose between two or three answers. For questions coded b2, b3, c2, d3, d4, e3 and f1, responses were on a scale of 1 to 5, with 1 meaning the weakest and 5 the strongest formulation. The questionnaire relied on attitude testing[11] for some questions. The experiences and personal perceptions, attitudes, professionalism of the participants in the survey were measured by rejecting or accepting evaluative statements to form a picture of the quality and intensity of evaluative attitudes.[12] Agreeing or disagreeing with statements was measured by responses to questions b4, b5, d5, on a 6-point scale.

The answers to the questions were entered in Google Forms software, after that they were downloaded by Microsoft Excel and the responds of the 10 countries were organised in one chart. For the scaled questions, scores from 1 to 5 were summed up and divided by the number of respondents to determine the average score of the response. Responses were then analysed in an Excel spreadsheet using IBM SPSS (Statistical Package for the Social Sciences) Statistics software and charts were created to illustrate each response, and conclusions drawn from them were used to prove or confute previously formulated hypotheses.

[11] Allport 1972: 179–198.
[12] Halász et al. 1979: 20.

The result of the survey

Demographic information

After the introductory sentences of the questionnaire, I asked for basic demographic data in the first part. The answers showed that 84% of the 201 respondents were male and 16% were female. Their distribution by country is shown in Table 1.

Table 1: Distribution of respondents by country

Country	Frequency	Percent
Austria	6	3.0
Bulgaria	27	13.4
Croatia	5	2.5
Germany	10	5.0
Hungary	79	39.3
Moldova	5	2.5
Romania	17	8.5
Serbia	16	8.0
Slovakia	15	7.5
Ukraine	21	10.4
Total	**201**	**100.0**

Source: Compiled by the author.

A significant proportion of the police officers who responded have a long professional experience, 73.1% of them having worked in a law enforcement agency or authority for between 11 and 30 years. A long career in river policing is generally typical of the members of the authorities that carry out river vessel inspections, which are predominantly based on experience and apply a permanent methodology.

Security threats, criminal risks in control of vessels

In the second section of the questionnaire, I asked about the risk of unlawful acts on board ships, each respondent of course drawing on their own experience based on their own stretch of the Danube.

88% of the respondents clearly see a higher risk of crime in freight transport compared to passenger transport. In the response to question b2, the risk of smuggling of goods was the most common of the offences listed, but high scores were also given to poaching and environmental damage, as well as assisting illegal immigration (smuggling of human beings, illegal employment) (Figure 1).

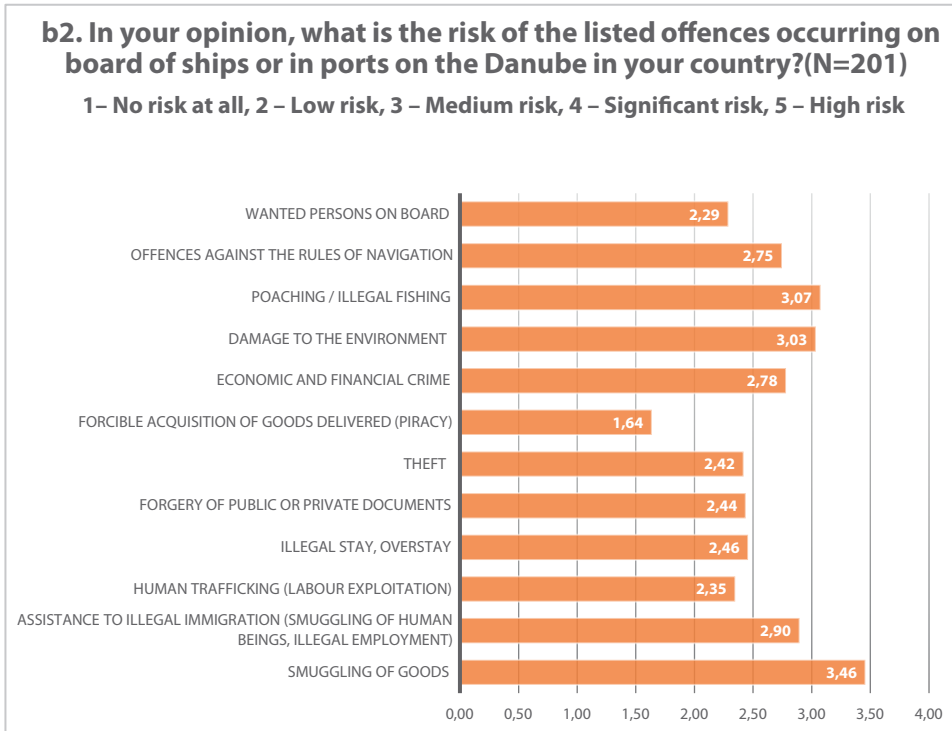

Figure 1: Risk of the listed offences occurring on board of ships or in ports on the Danube (average point)

Source: Compiled by the author.

It can be seen that the risk of smuggling is the highest on board ships. Subsequent responses from respondents also showed that the most frequently detected contraband (monthly) by law enforcement agencies is cigarettes and other tobacco products, while the detection of alcohol and fuel/heating fuel is also significant. There is hardly any illegal shipment of radioactive substances and artefacts (Figure 2).

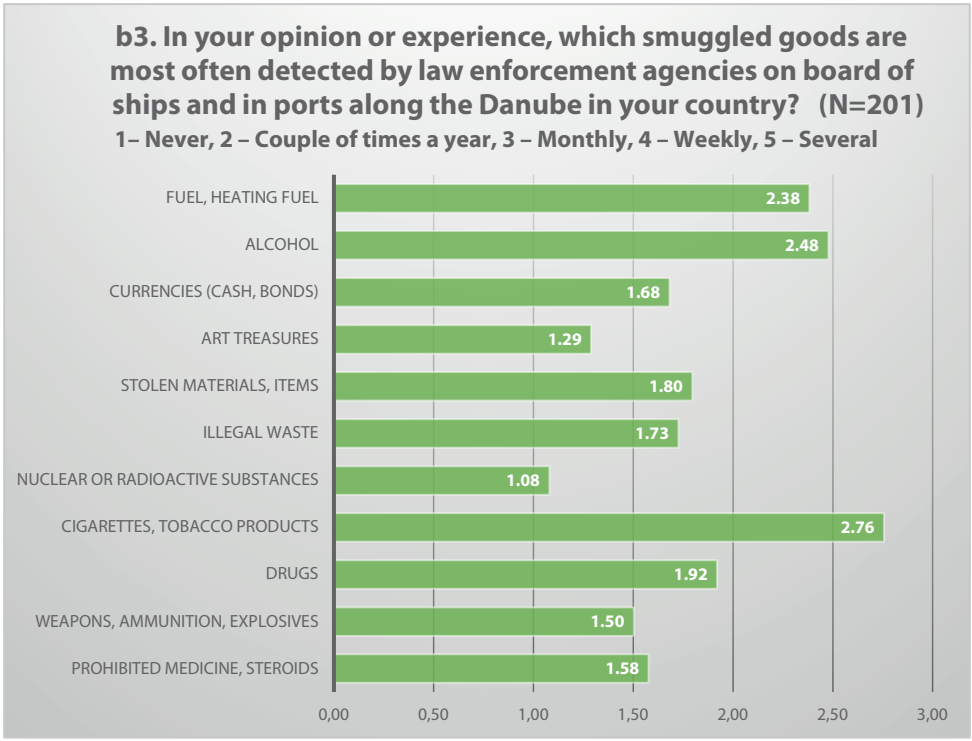

Figure 2: Frequency of smuggling of listed goods on ships and in ports (average point)
Source: Compiled by the author.

In addition, 64% of the respondents agreed with the statement that. "There is a very high latency rate for cigarette smuggling detected on ships." This means that some of these offences remain hidden from the authorities, according to the Hungarian experience, simply because the bulk cargo of large hulls cannot be searched by technical means, and the solution of unloading ports requires high levels of human intelligence and risk analysis to control them.[13]

Illegal immigration is also strongly present in the Danube Region. This phenomenon on board vessels is only typical in Romania, in the Danube Delta region, from the Turkish coast.[14] However, this research also confirms that irregular migrants also appear at the Danube borders of other Member States, mainly on their way entering a country (Figure 3).

[13] Kalmár 2022: 133–134.
[14] Kalmár 2022: 129.

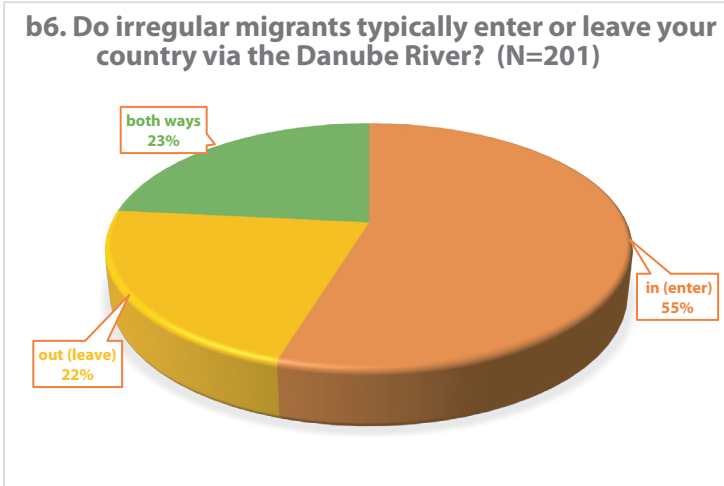

Figure 3: Distribution of responses to question "Do irregular migrants typically enter or leave your country via the Danube River?" (%)

Source: Compiled by the author.

More than 75% of law enforcement officers in the Member States found that irregular migrants crossed the river by boat, while other methods of irregular crossing – such as swimming across, using a ferry or hiding on the boat, or unauthorised inclusion of migrants on the crew list – were rare, accounting for around 4–7% (Figure 4).

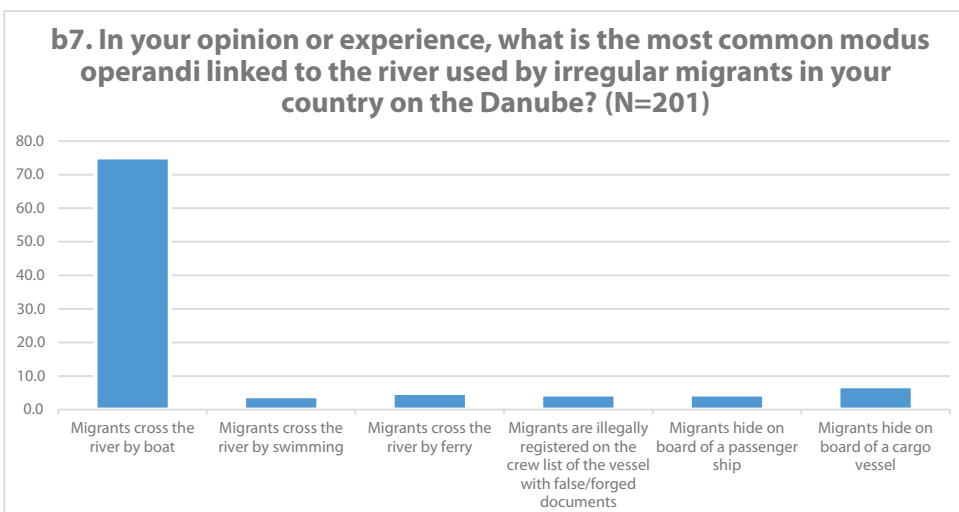

Figure 4: Common modus operandi linked to the river used by irregular migrants (%)

Source: Compiled by the author.

Increasing the security of the river

In the field of the security of the river, 38% of the respondents preferred the number of officers, 34% said cooperation was the most important factor for the effectiveness of law enforcement organisations, while 28% said technical equipment. However, the picture is nuanced by the fact that those Danube states demand it, where there are lower financial resources and negative fluctuation trends (e.g. Serbia, Hungary, Romania, Bulgaria and Slovakia), so they perceive human resources as a more important prerequisite, while increased cooperation would boost river security according to Austria, Germany or Moldova. According to the strong opinion of Ukrainian police officers, technical equipment should be improved, this could be explained by the fact that they have the highest proportion of smuggled goods hidden on board ships, which means they need advanced contraband detection equipment (Figure5).

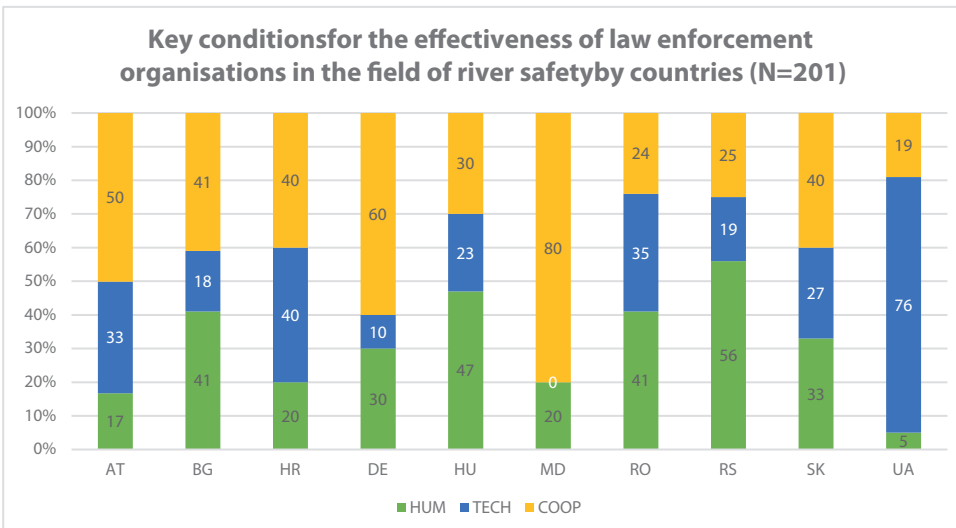

Figure 5: Percentage of responses to question "In your opinion, is the key condition for the effectiveness of law enforcement organisations in the field of river safety rather a question of human resources, technical capacity or cooperation?" by countries (%)

Source: Compiled by the author.

When asked what measures should be taken at national level to improve the safety of navigation on the Danube, the highest proportion of respondents considered the acquisition of modern searching equipment to be important, which shows that the applicable ship inspection equipment is outdated in most countries. This may be due to the fact that Member States concentrate their resources and equipment

mainly at land borders to prevent smuggling in human beings. The most important measures follow:

- modern patrol vessels for law enforcement agencies
- more intensive exchange of information between national authorities
- increasing the number of law enforcement officers (Figure 6)

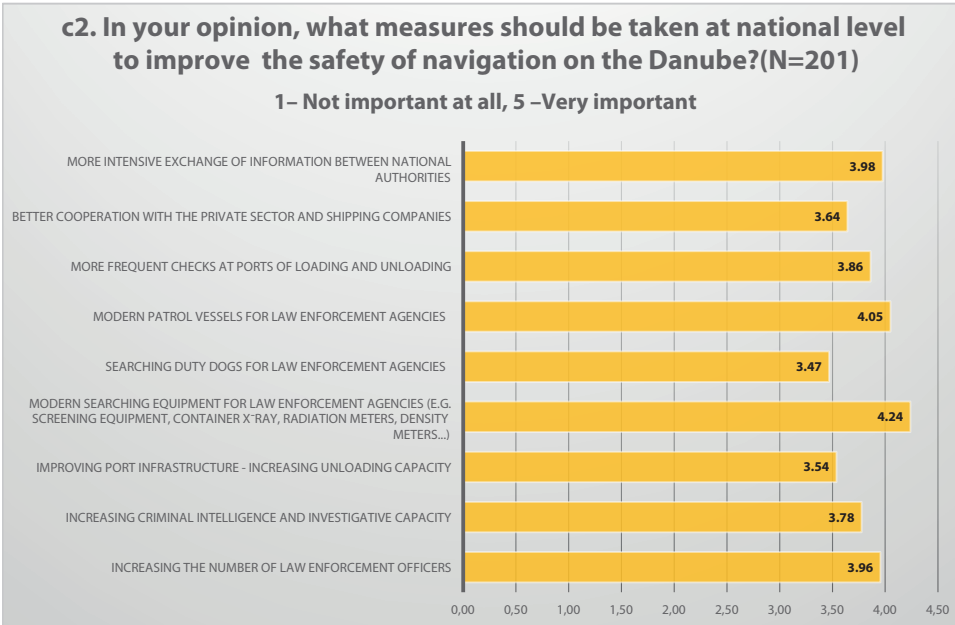

Figure 6: Percentage of responses to question "In your opinion, what measures should be taken at national level to improve the safety of navigation on the Danube?" by countries (%)

Source: Compiled by the author.

International Danube law enforcement cooperation and information exchange

According to the surveyed representatives of the law enforcement agencies of the Danube States, between three levels of cooperation (intra-agency, inter agency and international)[15] the latest needs the most improvement in the implementation of integrated border management, but the situation of the other two is not encouraging (Figure 7).

[15] European Commission 2010: 23–24.

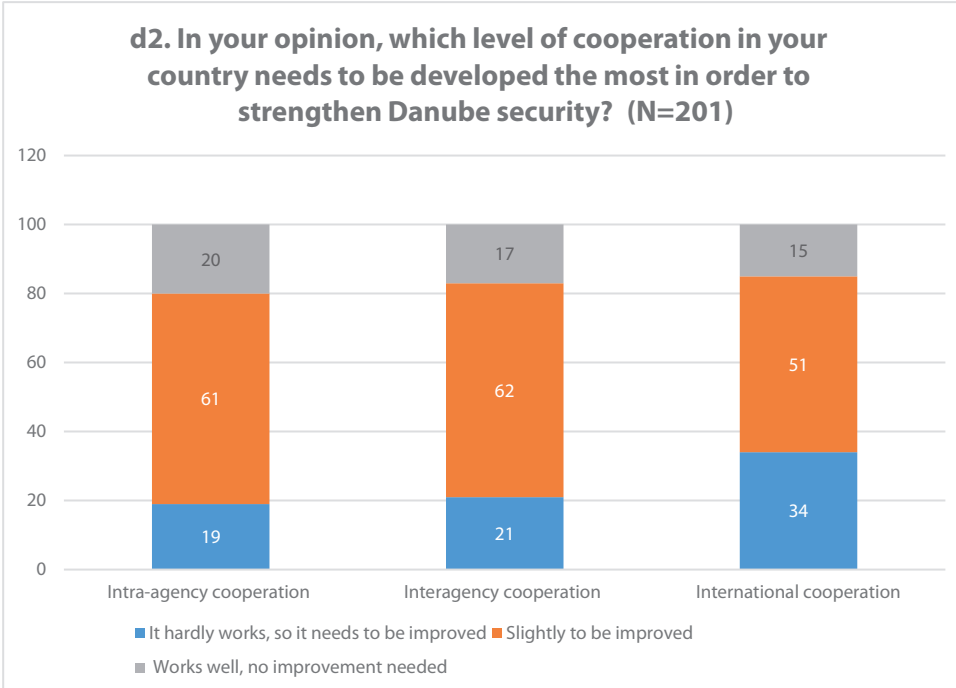

Figure 7: Percentage of responses to question "In your opinion, which level of cooperation in your country needs to be developed the most in order to strengthen Danube security?" (%)
Source: Compiled by the author.

According to the respondents' opinion and experience, their country cooperates with the neighbouring Danube country most in obvious activities such as management meetings, exchange of statistical data, radar and camera information at joint border contact points, and joint bilateral or multilateral law enforcement operations. International cooperation is more costly and time-consuming, so joint investigation teams, joint training and exchanges of experience, and joint risk analysis hardly ever formed (Figure 8).

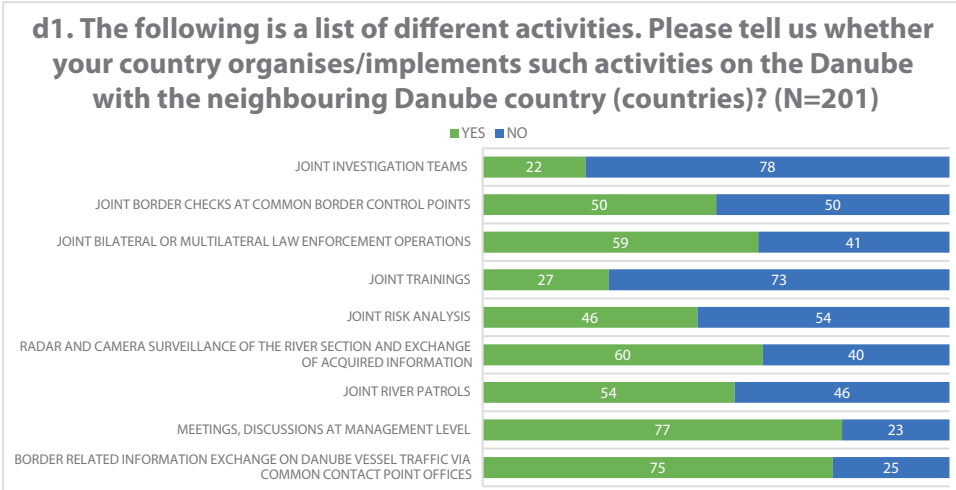

Figure 8: Percentage of responses to question "Please tell us whether your country organises/implements such activities on the Danube with the neighbouring Danube country (countries)?" (%)

Source: Compiled by the author.

When asked "Which factors are the main obstacles to the effectiveness of international law enforcement cooperation on the Danube?" the respondents complained mainly about slow political decision-making, the scarcity of financial resources and the lack of a permanent law enforcement coordination centre, which brings together all the Danube states (Figure 9).

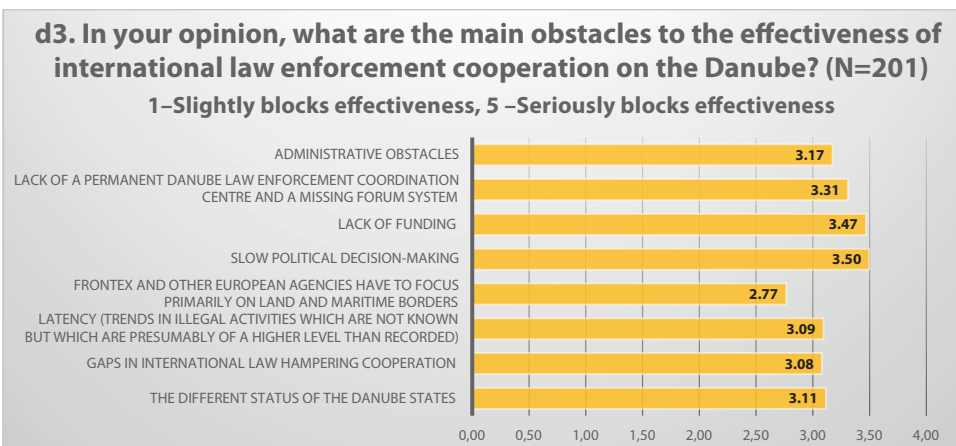

Figure 9: Percentage of responses to question "In your opinion, what are the main obstacles to the effectiveness of international law enforcement cooperation on the Danube?" (%)

Source: Compiled by the author.

I asked if they agreed with the following statement, examining the attitudes of the respondents: "The lack of a permanent Danube Law Enforcement Coordination Centre and Cooperation Forum (which would be similar to the Black Sea or the Baltic Sea Centres) causes a security deficit." Respondents are more likely to agree with the statement, but a large majority of them, 31%, fully agreed with it (Figure 10)!

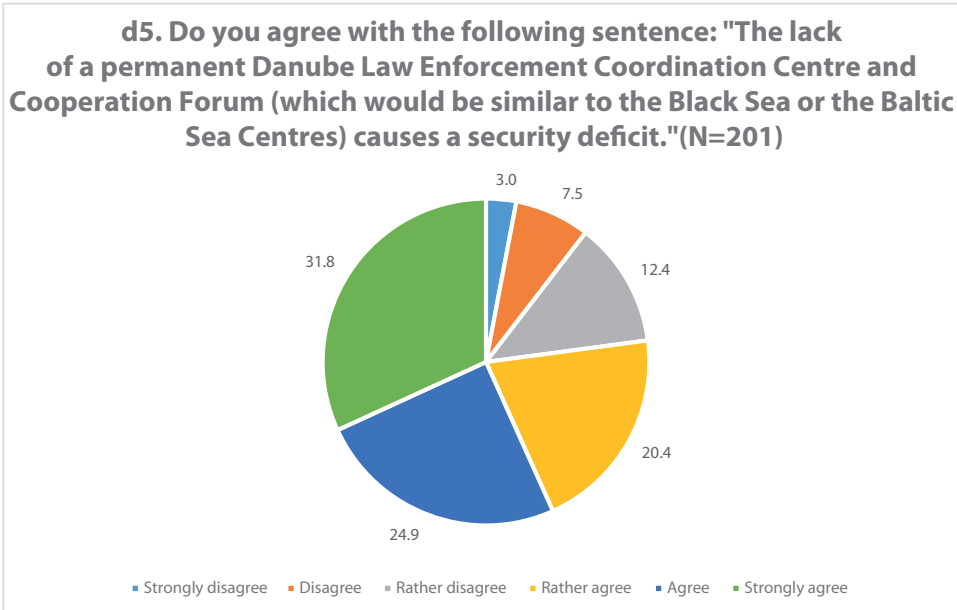

Figure 10: Do you agree with the following sentence "The lack of a permanent Danube Law Enforcement Coordination Centre and Cooperation Forum (which would be similar to the Black Sea or the Baltic Sea Centres) causes a security deficit" (%)

Source: Compiled by the author.

In this context, a significant majority – 149 out of 201 respondents (74.1%) – agreed that a specific network of special national contact points is needed for international

information exchange on the Danube, i.e. it is not enough to make better use of the existing customs-police–police cooperation centres (Figure 11).

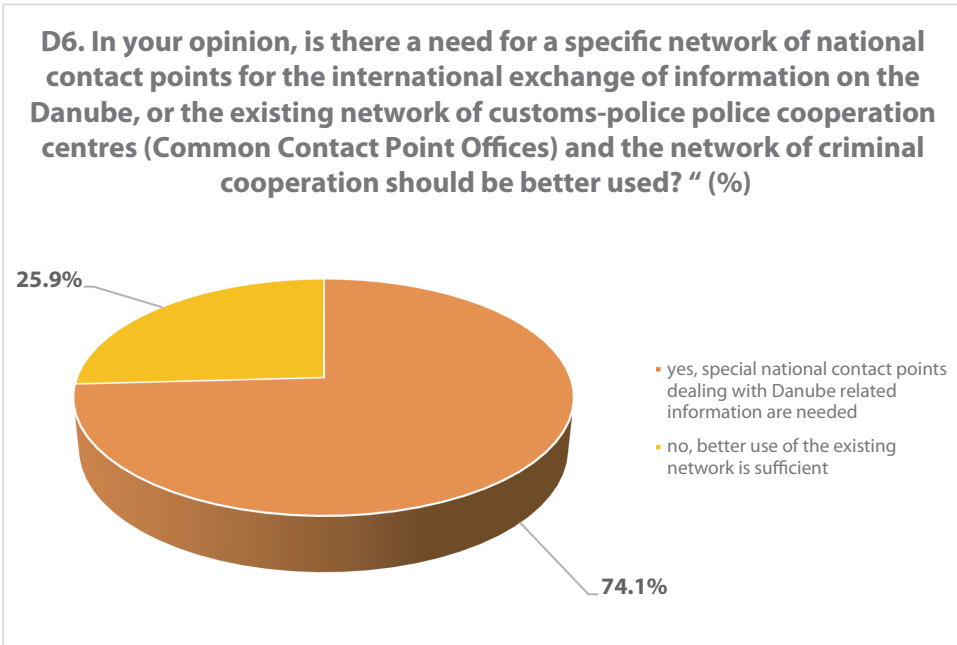

Figure 11:"In your opinion, is there a need for a specific network of national contact points for the international exchange of information on the Danube, or the existing network of customs-police police cooperation centres (Common Contact Point Offices) and the network of criminal cooperation should be better used?" (%)

Source: Compiled by the author.

Possibilities for the technical development of the Danube law enforcement

In the last part of the survey, I examined the ideas of how to improve water checks. To the first question, 157 people (78.1%) replied that this is an activity that will always require human supervision and intervention, automated systems completely cannot perform river border checks. These include, otherwise, the 'ABC' (Automated Border Control) gates, which carry out border checks based on biometric data and have already been tested on marine vessels, but these crossings are not fully feasible

at the only Schengen external water border crossing point on the Danube.[16] This is confirmed by the fact that the answers to the following question show that 59.2% of professionals believe that vessel searching technology will be able to be modernised to a greater extent than the control of a person's traffic.

In case of technical developments, experts believe that in the future, it is necessary to take into account primarily the physical characteristics of transport vessels, the characteristics of the goods transported and the level of risk of passengers and crew, and least of all to take into account the need to reduce human resources in any case (Figure 11), i.e. they recognise that this is and will remain a staff-intensive task. Preventing a reduction in the number of law enforcement officers is also justified considering the size and increasing traffic trends of passenger and cargo ships on the Danube.

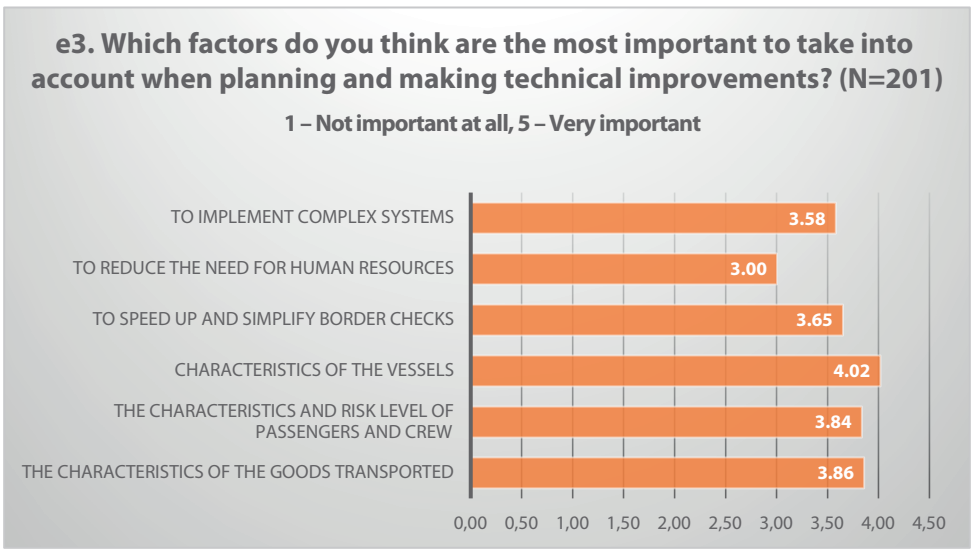

Figure 12: "Which factors do you think are the most important to take into account when planning and making technical improvements?" (average point)

Source: Compiled by the author.

The DARIF joint river law enforcement operation and its implementation, effectiveness

The organisation of the joint law enforcement operation DARIF 2022 is a joint responsibility of the Ministry of the Interior and the Hungarian Police, so I was

[16] Balla et al. 2021: 14–16.

curious to see what tasks the law enforcement specialists of 10 countries see as more important and less important in order to be able to work more efficiently in the future. The responses revealed that since there is no specific network of information contact points on the Danube, it is most important to maintain the existing liaison officer network of the operation. Although informal, it transmits information efficiently and quickly, which is gaining ground in law enforcement communications among end users.[17]

According to the respondents, it is also important to organise joint operation at the Danube at least once a year, covering all countries, and to support it by developing a special IT (Information Technology) application for the exchange of police and other law enforcement information (Figure 13).

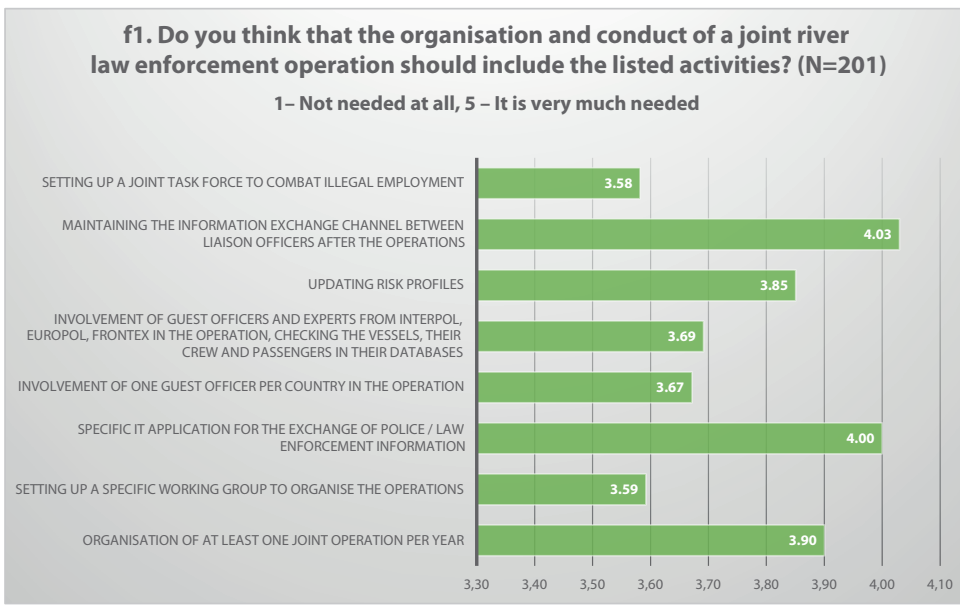

Figure 13: "Do you think that the organisation and conduct of a joint river law enforcement operation should include the listed activities?" (average point)

Source: Compiled by the author.

Conclusions

The results of the research showed that not only in Hungary, but also in the entire Danube section, on cargo ships, there is the greatest risk in the smuggling of goods,

[17] Kemény 2021: 118.

including cigarettes and other excisable products. Cigarette smuggling also has a very high latency, presumably an extremely small proportion of it is detected by the Member States, a widespread phenomenon in most Danube countries. Illegal migration infects shipping on the Danube to a small extent. Irregular migrants mostly see the river as an entry point and use rubber boats in almost all member countries. Other methods of committing illegal border crossing (e.g. hiding on a boat) are not really typical not only in Hungary, but also in other countries. Based on them, the correctness of the first two hypotheses was proved.

In most countries, the security of the Danube river is considered by a greater proportion of law enforcement agencies to be a matter of adequate human resources rather than cooperation or technical means. In this respect, opinions varied between countries according to the financing of border management and the ability to attract possible capacities. Countries with sufficient staff currently involved in the law enforcement controls of shipping see greater potential for developing cooperation than those where there are not enough border or water police or even customs officers. The above can be assessed as the fact that the third hypothesis was only partially verifiable.

Among the levels of cooperation in integrated border management, the development of international cooperation should be promoted in the future in order to increase efficiency. The exchange of law enforcement information on the Danube is currently mostly about management meetings and the exchange of simple border traffic data, radar and camera images, rather than joint risk analysis, joint investigations or joint training. The bilateral or multilateral joint operations carried out make law enforcement and law enforcement activities related to water transport on the Danube more efficient.

The lack of a permanent law enforcement coordination centre and cooperation forum creates a security deficit. To remedy this, it is not enough to make better use of the existing information exchange network (mainly bilateral police cooperation points) and, due to the current difficulties in channel selection, a specific national contact network specialising in the exchange of information on police control of navigation on the Danube would also be needed. Based on the foregoing, the correctness of the fourth hypothesis was also confirmed.

The findings of the research are comparable to the few previous results published on the subject. In cooperation with the ministries of the interior of Bulgaria and Germany, an EU-funded tender entitled *Establishment of the Structure of the Danube River Forum – DARIF* was implemented between 2013 and 2015 on the initiative of Hungary. Within this framework, expert working groups mapped the criminal risks inherent in water transport on the Danube, the functioning of law enforcement controls on passenger and freight transport, the functioning of data exchange and information systems and organised the first joint operations. According to the representatives of the ten countries participating in the DARIF project, the successful cooperation started should be continued, which could be based on the Danube River

Forum, which has been running for two years. They also stated that a network of national contact points for the safety of the waterway and a permanent coordination centre should also be established. It is necessary to eliminate shortcomings in international law and to apply the existing international treaty more effectively. The organisation of joint law enforcement operations and training should be supported. They also aimed to standardise and simplify documents and procedures, while building an IT system to support the activities of public authorities.[18]

The expert recommendations formulated at the end of this project show an essential correlation with the results of the research, the use of which in law enforcement can occur in several directions. On the one hand, when organising actions such as DARIF 2022 Joint Operation in the future, for their development, the present results can be taken into account. In addition, the results of the empirical research provide an excellent basis for the development of a transnational project proposal funded by the new Interreg Danube Region Programme 2021–2027.

Finally, it is important to point out that knowledge is somewhat limited by the fact that, although the questionnaire responses came from all ten Danube Member States, they were not numerically balanced, despite the linguistic incentives. The opinion of Hungarian law enforcement officers was present in almost 40%, while only 5–6 responses were received from some countries (Croatia, Moldova, Austria). Nevertheless, the opinion of 201 international experts dealing with policing on the Danube was extremely important, and their answers reveal opinions on the most important issues of river security in the Danube Region.

Different law enforcement agencies in the states bordering the Danube carry out checks of varying depths in inland navigation, yet they face the same criminal challenges, which are mainly induced by the fact that cargo shipping carries with it the latent, undercover nature of smuggling in huge tugboats and barges. This is also a risk due to the changing security situation in our current world, which is increasingly moving towards hybrid threats. In the opinion of the majority of the law enforcement society, the use of special information exchange channels would be necessary in order to develop the unsatisfactory international cooperation. The most difficult situation is Hungary on the Danube due to the surveillance of the Schengen water border, because the problems raised by the research are causing security deficits at the external border. However, taking effective measures to eliminate this is a shared responsibility of the ten riverside countries.

[18] Balog 2015: 61.

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A Renewed Schengen Evaluation Mechanism in the Light of the Schengen Reforms

Lénárd ZSÁKAI[1]

The aim of the study is to identify the reasons, background and possible impacts of the international intention to reform the functioning of the Schengen area and to introduce a renewed Schengen evaluation and monitoring mechanism turned on by adopting a new Council regulation. In this article, the author examines the report from the Commission to the Council and the European Parliament on the functioning of the mechanism. The complex report presents comprehensive and detailed results of the first multi-annual evaluation programme, prepared and published by the European Commission in 2021, taking into account the feedback of Member States and relevant cooperating agencies and EU bodies. The study also examined two important elements of the Schengen renewal process, the EU strategy towards a fully functioning and resilient Schengen area and the preceding points of the new Scheval Regulation, which entered into force on 1 October 2021. The research concludes that recurring national shortcomings and divergent practices between Member States are likely to result from inconsistent implementation of the Schengen rules, which may have an impact on the overall functioning of the Schengen area as a whole. In addition to many other demands for change in the Schengen area, the states and EU institutions concerned have decided that the Schengen evaluation and monitoring mechanism needs to be renewed and undergo significant changes for the future. From a scientific point of view, the author concluded that in the field of law enforcement sciences, and especially in border management research, the renewal of the Schengen evaluation mechanism should be followed closely, as it is synergistic with several other related research issues (e.g. border management, border management education, etc.). With thorough research in this field, scientific works and scientific representation, the Hungarian law enforcement science is expected to be strengthened in the international scientific dimension.

Keywords: *Schengen, Scheval, border management, European Union, law enforcement science*

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Introduction

More than 36 years ago, on 15 June 1985, in Schengen, a small town in Luxembourg on the banks of the Moselle River, the five Member States[2] of the (former) European Economic Community (EEC) signed an agreement[3] to gradually lift border controls along their common borders. As more and more EU countries have signed the Agreement during the years, there has been a general consensus that it should be integrated into EU procedures. The entry into force of the Amsterdam Treaty[4] in 1999 brought the Agreement and the related Schengen Implementing Convention[5] into the mainstream of EU law.[6]

Schengen, the name of the small town, has now become an international concept, as the Schengen area currently includes 26 European states and more than 400 million citizens, and is considered one of the most important achievements of the European Union, allowing the free movement of persons. The Schengen acquis is the body of rules and legislation – the Treaties, regulations, directives, decisions, delegated acts, implementing acts and Court of Justice case law – integrated into EU law, which allow the Schengen area to function properly, abolish border controls at internal borders within the Schengen area and regulate the strengthening of border controls at external borders.

In order to evaluate the practical implementation and functioning of the uniform principles of the Schengen area, it is essential to develop an evaluation mechanism that can provide a realistic picture of the activities of the Member States concerned and whether they really add value to the security of the Schengen area. The legitimacy of such a Schengen evaluation mechanism was already established at the same time as the creation of an area without internal borders – or more precisely, without internal border controls within Schengen.[7] The Schengen acquis was monitored in 2015 under a new (now former) regime, making a slight break from the previous practice of on-site visits in five-year cycles. Council Regulation (EU) No. 1053/2013[8] has become the main basis for this monitoring.

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2 Belgium, the Netherlands, Luxembourg, France and the former Federal Republic of Germany.

3 Schengen Agreement, 14 June 1985.

4 Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (97/C 340/01).

5 Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

6 Herczeg 2022: 1491–1506.

7 Balla 2018: 287–306.

8 Council Regulation (EU) No. 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

However, on 1 October 2022, the new EU Council Regulation[9] on the establishment and operation of a renewed Schengen evaluation mechanism entered into force, following nearly one and a half years of preparation with the active involvement of Member States, the Council of the Union, the European Commission and other stakeholders. The need for a new regulation was based on the principle of making the mechanism more efficient, more strategic and better equipped to deal with new realities and challenges.

In the light of the above, this paper focuses on exploring the causes and circumstances, as well as the main background and possible impacts, of the international will to reform the functioning of the Schengen area and to introduce a renewed Schengen evaluation and control mechanism.

Schengen reforms – EU-wide approach

The lifting of internal border controls is closely intertwined with a series of transnational challenges that initially led Member States to seek common and effective solutions at supranational level. The migration crisis that started in 2015 has been quite a test for Europe, both morally and in terms of practical responses to the problem. The crisis, which is still not over today, has raised a number of political, policy, diplomatic and administrative questions for the EU and non-EU European countries. One of its main lessons has been the need to step up coordinated, complex and joint action if Member States are to achieve effective and forward-looking results in the area of migration management.

One of the lessons learned from the migration crisis that started in 2015 is the question of its partial link to terrorism. In some cases, it has been identified that terrorists have entered the EU "mixed in" with other migrants and in many cases have used false documents to travel. The Paris and Brussels attacks[10] have clearly shown the link between terrorism and migration. The attacks were carried out by jihadist groups and claimed responsibility by the Islamic State.

Not even half a decade after the outbreak of the migration crisis in 2015, a global threat of unprecedented proportions emerged – the coronavirus epidemic. The pandemic, which started in China at the end of 2019, swept into Europe in a matter of moments. The coronavirus epidemic generated changes in many areas of health,

[9] Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No. 1053/2013.

[10] On the evening of 13 November 2015, a series of terrorist attacks were carried out in the evening of 13 November 2015 in Paris by terrorists armed with machine guns, who shot at innocent people and carried out several bombings in busy locations. On 22 March 2016, three bomb attacks took place in Brussels: two at the airport and one at the Maelbeek metro station. The attack killed 32 civilians, three of the perpetrators were also killed. The number of wounded was over 200. The terrorist organisation Islamic State claimed responsibility for the attacks (Grounds for Concern 2016).

market and business, technology and indeed all aspects of life, with unprecedented impacts on the functioning of the Schengen area. With the outbreak of the epidemic, Member States have routinely reintroduced, or rather re-established, border controls at their internal borders to prevent the spread of the virus through the movement of persons across borders. The legal basis for these measures is the Schengen Borders Code.[11]

The Pact on Migration and Asylum[12] contains a number of related legislative proposals and policy orientations proposed by the Commission in the areas of the Common European Asylum System, strengthening the protection of external borders, illegal migration and return, the external dimension of migration, ensuring legal migration channels, including resettlement of beneficiaries of protection and integration. The Pact identified ensuring free movement within the Schengen area and integrated border management as key policy tasks:

"Integrated border management is an indispensable policy instrument for the EU to protect the EU external borders and safeguard the integrity and functioning of a Schengen area without internal border controls."[13]

France chaired the Council of the European Union for six months from January 2022. In its Presidency programme, the French Presidency has indicated that one of its main objectives in the area of justice and home affairs is to make Europe more sovereign, as part of which it "will take action to proceed with the reform of the Schengen area".[14] The need for reforms for the whole area is not entirely new, since the creation of the so-called Schengen Forum[15] is in fact one of the origins of the renewal and development of the Schengen system, a forum at political level, whose creation was intended by the European Commission "to stimulating concrete cooperation on issues related to Schengen among all actors involved and rebuilding trust".[16]

Schengen Strategy

On 2 June 2022, the Strategy for a fully operational and resilient Schengen area (hereinafter: Schengen Strategy) was published, which takes stock of progress on these key pillars and other key measures to maintain the area of freedom, security

[11] Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

[12] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum [COM(2020) 609 final].

[13] Schengen Borders Code.

[14] PFUE 2022.

[15] The Commission announced in September 2020 the creation of a Schengen Forum to foster operational cooperation and stronger confidence in the rules (European Commission 2020).

[16] Report from the Commission to the Council and the European Parliament on the Functioning of the Schengen Evaluation and Monitoring Mechanism pursuant to Article 22 of Council Regulation (EU) No. 1053/2013 First Multiannual Evaluation Programme (2015–2019) (COM/2020/779 final).

and justice and proposes further measures to make the area without internal border controls fully operational and more resilient.[17]

With the measures proposed in the Schengen Strategy, the Commission intends to complete the range of instruments necessary to ensure the proper functioning of the Schengen area. This can strengthen mutual trust between Member States, so that all residents and economies in the area can once again fully benefit from a Schengen area without internal border controls.

In addition to the long situation assessments, the strategy focuses on adequate preparedness for future crises, highlighting the importance of compensatory measures (e.g. linked to police cooperation). Coordination is of paramount importance in addressing the challenges facing the Schengen area, as the measures taken by Member States should complement each other. In addition, it should be stressed that in exceptional cases (e.g. serious public health risks), Member States should be allowed to act immediately and autonomously, as this can significantly increase efficiency.

The Schengen Strategy contains a number of legislative proposals (e.g. amendments to regulations, new draft regulations), which, of course, directly affect Hungary through its membership of the EU.

Reform of the Schengen Evaluation Mechanism

New regulation

On 1 October 2022, the new EU Council Regulation[18] on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis (hereinafter: new Scheval Regulation) entered into force, after almost one and a half years of preparation with the active involvement of Member States, the Council of the Union, the European Commission and other stakeholders.

In principle, the main objectives of the new Scheval Regulation remain the same as those set out in the previous regulation. The purpose of the mechanism remains the overall evaluation and monitoring of the Schengen framework for those Schengen Member States, such as Hungary, which apply the acquis in full or in part. Moreover, Scheval also covers the monitoring of the fulfilment of the Schengen conditions by Member States that have not yet decided to apply the Schengen acquis in full or in part. The need for a new regulation was based on the principle of making the mechanism more efficient, more strategic and better equipped to deal with

[17] Communication from the Commission to the European Parliament and the Council: *A Strategy towards a Fully Functioning and Resilient Schengen Area* (COM/2021/277 final).

[18] Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No. 1053/2013.

new realities and challenges. The evaluations under the rules of the new Scheval regulation will apply from February 2023 on the basis of a multiannual evaluation programme prepared by 1 December 2022 and an annual evaluation programme with a detailed schedule of the evaluations due in 2023.[19]

The new regulation introduces a much more strategic orientation of the mechanism and simpler and more efficient evaluation and monitoring procedures, while strengthening cooperation with all relevant actors. In its recitals, it provides that "the forms of evaluations and methods should be made more flexible to increase the efficiency of the evaluation and monitoring mechanism and its capacity to adapt to new circumstances and legislative developments and to streamline the use of the resources".[20]

The legislative proposal for the new Regulation was presented by the European Commission on 3 June 2021 in the Council of the Union's Schengen Working Party, whose main task is to coordinate and discuss legislative issues related to the Schengen acquis evaluation mechanism and all legislative issues related to the application of the Schengen acquis, and to prepare high-level EU decisions. In addition to the presentation of the first draft, the proposal for a regulation was discussed 15 times by member states' delegations in the Council, with political agreement on the main orientations being reached among EU home affairs ministers in spring 2022.[21]

Article 70 of the Treaty on the Functioning of the European Union (TFEU) gives the Council exclusive power to adopt the Scheval Regulation (and many similar regulations), which allows it to adopt measures (in this case the Regulation) on a proposal from the Commission, as a basis for an objective and impartial assessment of the policies arising from the area of freedom, security and justice. However, a tripartite declaration between the Council, the Commission and the European Parliament[22] was already in place when the previous Scheval Regulation was adopted, to the effect that the proposal would be submitted to the European Parliament under a consultation procedure so that its opinion could be taken into account as fully as possible before the final text was adopted. A similar procedure was followed by the three EU institutions when the new Scheval Regulation was being drafted.

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19 *A Strategy towards a Fully Functioning and Resilient Schengen Area* (COM/2021/277 final), Article 31.

20 Schengen Borders Code, Recital 13.

21 European Council 2022.

22 Council Regulation (EU) No. 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen – Statement from the European Parliament, the Council and the Commission.

Reasons of renewal (strategic problems raised)

On 25 November 2020, the European Commission published its report[23] on the functioning of the Schengen evaluation and monitoring mechanism, which summarises and organises the lessons learned from the evaluations of the 2015–2019 monitoring period (first multi-annual evaluation programme) and makes proposals for reforming the system for monitoring Schengen obligations.

A notable feature of the report is that the very long duration of evaluations is a key challenge to the effectiveness of Scheval. While the number of evaluation visits exceeded 200, the European Commission adopted nearly 200 evaluation reports and more than 4,500 recommendations, only 45 evaluations were fully completed, and a large number of evaluation reports and recommendations for evaluations carried out in 2019 have not yet been adopted.

It has been concluded that the evaluations and proposals have focused too much on specific and detailed circumstances rather than on the basic dimensions and expectations of the Schengen acquis. This is coupled with a number of other problems, such as the important observation that migration is a very fast evolving area with constantly changing trends and composition of flows. In the case of migration management, it may be particularly true that overly prolonged checks do not provide an adequate solution to a measure proposed at a given time but implemented after a long period of time, as circumstances may constantly change.

Another recurrent bad experience in relation to on-site visits was that unannounced on-site visits did not prove as effective as originally planned.

In addition to the above, the report identifies the following major weaknesses:

- the inclusion of respect for fundamental rights in the evaluation was not sufficiently implemented in the evaluations
- slow implementation of commitments in Member States' action plans and excessive administrative burdens on Member States
- the lack of experts in some areas, such as data protection and visa policy, and the imbalance in Member States' offers (one third of the experts were nominated by the same Member States)
- the system did not ensure an adequate level of management of the Schengen situation and the involvement of the European Parliament was not systematic

In the report, which is largely based on the experience and opinions of the Member States, in addition to the comments developed by the Schengen Governance unit,[24] the Commission has made it clear that the Schengen evaluation and control mechanism needs to be renewed in the future:

[23] European Commission 2020.

[24] European Commission, Directorate-General for Migration and Home Affairs, Schengen Governance (HOME.B.2).

"It has [...] became apparent that for the mechanism to work fully effectively in the future it is essential to complement the operational improvements with legislative changes needed to bring clarity and reinforce existing rules and procedures."[25]

New keypoints and strategic elements

Article 2 of the new Scheval regulation, which contains definitions, summarises the elements of the mechanism already in place, including the notion of unannounced or thematic evaluation. However, a new feature is that it distinguishes between "revisit" and "verification"[26] visits, the former being carried out in cases of serious shortcomings and deliberate non-compliance with the Schengen acquis and the latter in general to verify the implementation of the action plan of any Member State evaluated. The Member State concerned is obliged to submit an action plan to the Commission and the Council with a view to remedying the shortcomings identified during the evaluation.

Regarding the forms of evaluations, the new regulation distinguishes between so-called first-time, periodic, unannounced and thematic evaluations. Unannounced visits could be carried out when the Commission has been informed in advance that systemic deficiencies in a Member State put the functioning of the Schengen area as a whole at risk, or when there is evidence of serious (and deliberate) negligence by a Member State of its obligations to implement the Schengen acquis, or when the Commission wishes to assess the level of compliance with fundamental rights obligations. Thematic evaluations may be carried out in the context of the practical implementation of new EU legislation, following changes to EU law.

In the case of unannounced evaluations, the visit will not have to be notified if it concerns a serious deficiency at internal borders, a serious deficiency in the functioning of the Schengen area, a commitment deliberately not fulfilled by a Member State or an abuse of human rights.

For multi-annual evaluation programmes, the five years under the previous scheme have been changed to seven years. An important change is the reference in Recital 8 of the Regulation to the evaluation of the activities of EU agencies involved in the implementation of the Schengen acquis within the framework of this

[25] European Commission 2020.

[26] "Serious deficiency" means a general assessment of the situation attributed to one or more non-compliant findings which concern the effective application of the Schengen acquis and which, individually or in combination, risk to constitute a violation of fundamental rights or which have, or risk to have over time, a significant negative impact on one or more Member States or on the functioning of the area without internal border control.

Regulation, which may also allow, for example, the monitoring of the activities of the Frontex[27] Standing Corps.[28]

In line with the experience gained during the Covid-19 crisis and the closures caused by the "Great Lockdown", a new element in the mechanism is to allow for simultaneous assessment of several Member States and, in exceptional cases, the possibility of remote assessment, in whole or in part.

The creation of a pool of experts from the Member States is a completely new component. Article 17 of the new Scheval Regulation stipulates that the European Commission, in cooperation with the Member States, must establish each year a pool of experts with expertise in the policy areas identified in the multi-annual evaluation programme. The Regulation requires each Member State to ensure that at least one designated expert is available in each policy area during a given calendar year. This is to ensure that a sufficient number of experienced experts are involved in evaluation and monitoring activities and that teams are set up in a faster and less burdensome way.

Over the years, it has become clear that Member States' expert input has not always been in line with needs. The number of experts available has sometimes proved too small for the needs of ongoing evaluations. The pool could provide both greater predictability and greater flexibility. The article lays down detailed rules and deadlines for the establishment of the pool and sets out the obligations of the Commission and the Member States. The expectation is that its members and national authorities (including the Hungarian authorities and administrations concerned) will respond positively to specific invitations, with refusals based only on serious professional or personal grounds.

One of the key elements of the evaluations carried out under Scheval is the so-called evaluation report, which is compiled by teams of experts on the ground. The content structure of the new system does not deviate significantly from the structure set out in the previous Regulation, so the findings may be good practices, areas for improvement or non-compliant elements that are contrary to the Schengen acquis. What is new, however, is that the Commission has four weeks to send the report to the Member State evaluated, instead of six weeks. In order to shorten the Commission's procedure, the consultation of the assessed Member State must take place within five working days of receipt of the comments.

A key feature of the new draft is that, in principle, recommendations reflecting identified shortcomings would be set by the Commission (in the report itself) rather than the Council, so that Member States would have to submit their action plans to the Commission and the Council within two months of the adoption of the report. In addition, the regulation would not make it compulsory to register evaluation reports

[27] European Border and Coast Guard Agency.

[28] The Frontex Standing Corps is composed of four categories of operational staff, namely official staff, staff seconded by Member States to the Agency for long-term deployment, staff seconded by Member States for short-term deployment and staff of the Rapid Border Intervention Teams.

as classified information (restricted distribution), but would create the possibility to do so if the Member State evaluated can justify this with good reason.

Unlike the former practice, the evaluation report adopted by the Commission would already contain specific recommendations, unless the Member State evaluated substantially contests the content of the draft evaluation report or the nature of a finding within 10 working days of the drafting meeting.

The new Scheval Regulation has a specific chapter on procedures following the identification of serious deficiencies. Where assessments reveal serious deficiencies, specific provisions should be introduced to ensure that corrective action is taken swiftly by the Member States concerned. In view of the risk posed by a serious deficiency, the assessed Member State should, as soon as it becomes aware of the serious deficiency, immediately start implementing measures to remedy the deficiency, including, where appropriate, the use of all appropriate operational and financial instruments.

Analysis results

The analysis on which this paper is based concluded that changing circumstances and the experience of the last five-year evaluation period have certainly justified an adjustment of the framework of the mechanism to reflect reality.

A review of the history of the new regulation found that a complete reform of the Schengen evaluation system was necessary for a number of reasons. The comprehensive report on the functioning of the mechanism was preceded by a research in 2019[29] which found that, while the evaluation system was considered adequate for monitoring regulations, there were key areas for improvement in the process of conducting evaluations, maintaining expertise and sharing best practices.

A major drawback of the mechanism, which will be overhauled from February 2023, was the lengthy process of adopting the evaluation reports and the recommendations based on them, which in practice made it completely unjustified to reduce the deadlines for action plans to correct recommendations on the most serious shortcomings. The practice developed over the past years has not allowed the serious shortcomings identified in the evaluations (sometimes jeopardising the normal functioning of the whole Schengen area or seriously affecting, for example, the right to free movement) to be discussed at political level.

[29] Kaasik–Tong 2019: 1–18.

Conclusions and summary

From a scientific point of view, the author concluded that in the field of law enforcement sciences, and especially in border management research, the renewal of the Schengen evaluation mechanism should be followed closely, as it is synergistic with several other related research issues (e.g. border management, border management education, etc.). With thorough research in this field, scientific works and scientific representation, the Hungarian law enforcement science is expected to be strengthened in the international scientific dimension.

The new Scheval Regulation has succeeded in drafting a text which, on the one hand, preserves the spirit and positive elements of the current mechanism, but which also reflects the new legal and practical environment and the shortcomings identified in the previous mechanism.

The study concludes with a hypothesis that is for the future to prove: the new mechanism will not in principle impose any additional burden on Member States, but will make the evaluation itself much more efficient, faster and better targeted. Further scientific research and exploration of the elements of this claim is fully justified, but will only be possible in due course from the start of implementation.

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Self-injury and Its Criminal Correlates among Hungarian Juvenile Offenders

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Self-injury is an important problem in incarcerated populations worldwide. This behaviour may be explained by circumstantial factors as incarceration per se may trigger stress responses that result in suicide and other forms of self-harming. On the other hand, certain psychiatric disorders are associated with an increased risk of self-injury and recent findings suggest that psychiatric disorders are highly prevalent in prison and reformatory populations. As a first attempt to study this issue in Hungarian underage criminals, we investigated the prevalence of self-injury and suicidal ideation in reformatory institutions. These were established in 84 incarcerated male juvenile offenders by the MINI KID structured psychiatric inventory. The study lasted 2 years. About one sixth (16.66%) of offenders had a suicidal history. More than half showed self-harming behaviour (N = 47, 55.95%) and 5 subjects reported suicidal ideation at the time of the assessment (5.95%). The suicidal tendency did not reach the level of actual life-threatening condition in any participant. These findings show that self-harming behaviour is rather frequent in the correctional system and requires further research, e.g. studies on the psychiatric antecedents of this behaviour. The findings of such studies may be applicable both in practice and in the education of law enforcement professionals.

Keywords: *juvenile offender, suicidal behaviour, self-injury, criminal psychiatry, criminal psychology*

Introduction

Self-injury is a major issue in correctional facilities. Although self-harming behaviour is often associated with suicidal tendencies, it is well known for the scientific society that self-injury can be triggered by other intentions besides the desire of death. In terms of self-injury both the incarcerated and adolescent population is considered to be high risk, hence juvenile offenders deserve an even greater attention in correlation to self-injury. In

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the present study we introduce the partial results of an ongoing study carried out among juvenile offenders with the aim to estimate the relevance of self-injury and its criminal correlates among underage detainees.

The term of suicide is surrounded by much misconception not only among laics, but sometimes practitioners of helping professions are not familiar with the actual nature of suicide and related phenomena. It has a great importance to emphasise the difference between non-suicidal self-injury and suicidal behaviour. In the first case the intentional self-directed violence has no suicidal goal. Even if the act of violence is so severe that it could lead to fatal consequences, if the intent of dying is not present, it cannot be treated as suicidal behaviour.[4] This difference between suicide and non-suicidal self-harm is very important to make clear, since some serious psychiatric conditions may come with self-directed violence that can be easily mistaken to suicidal behaviour, since the motivation of the act cannot be understood by simple logic.[5] Although non-suicidal behaviour may seem un-logical for many, it has been studied for several occasions and researcher discovered many potential triggers behind this odd behaviour. Affect regulation is one of the most common reasons for self-injury; some individuals, especially the ones with severe emotional deficit use self-injury as a tool of affection-control in the time of stress and acute negative feelings.[6] Other reasons of non-suicidal self-injury can be self-punishment, interpersonal influence or sensation-seeking.[7] In case of non-suicidal self-injury, the lack of the desire of death is conscious; the subject him(her)self denies the intention of dying. It sounds simple and gives the impression that recognising non-suicidal behaviour is easy, although one must remember: the motivation of self-injury is often manipulation and taking over control – and this has great significance in prisons.[8] Suicide on the other hand can be unconscious or if the subject is well aware of his will of dying, he may dissimulate it.[9] Therefore any kind of self-injurious behaviour require close attention and care. Suicidal behaviour includes further subcategories. Most authors distinguish suicide from suicide attempt. Suicide is a self-directed violent act that results in the death of the person. Suicidal attempt on the other hand does not end with the person's decease, although death is avoided despite the subject's intention. Suicidal behaviour can mean only suicidal ideation as well. In case of suicidal ideation, the suicidal intent is not definite. The subject may fantasise about his death or wish to die, but the actual decision has not been made yet. Suicidal ideation has different levels that indicate the severity of the person's condition. For example, when the suicidal ideation is only a phantasy about dying without specific details or planning, the condition is not so threatening. But when the person has already thought through the details of a potential suicide, e.g. the time and place, the surroundings should be alarmed.[10]

4 Andriessen 2006: 533–538.
5 Lee et al. 2021: 1696–1704.
6 Niedtfeld 2010: 383–391.
7 Klonsky 2007: 226–239.
8 Johannes–Konrad 2006: 370–385.
9 Pompili et al. 2012: 1–9; Freedenthal 2007: 57–70.
10 Klonsky et al. 2016: 307–330.

Self-injury is an important topic both for theoretical and practical professionals. During the last decades, several researchers targeted this subject, and they found the prevalence of self-injury – both suicidal and non-suicidal – is word-widely high.[11] Within the high rates of self-harming behaviour in normal population, the prevalence observed among adolescents is even higher. A systematic review that summarised the results of 52 empirical studies found that the prevalence of non-suicidal self-harm is around 18% in this special population.[12] Another systematic review reported a prevalence of suicidal attempts committed by adolescents within the range of 9.7–29.9% based on the results of 128 studies.[13] Self-injury is common in prisons as well. Some authors suggest that suicide attempts occur in the antecedent of 8.6% of male prisoners.[14] The number of prisoners showing non-suicidal self-harm have higher rates, it falls into the range of 15–35%.[15] Considering these findings, high prevalence of self-injury and suicidal acts can be expected among juvenile offenders and empirical findings suggest so. Some empirical data proved that about 20% of underage offenders committed some kind of self-harming act in their past and 11–26.8% had at least one suicide attempt.[16] In Hungary only a few studies aim to explore self-injury among underage offenders. An impressive study of them found that more than 20% of juvenile detainees commit non-suicidal self-injury in domestic underage population.[17]

Suicidal behaviour and self-injurious tendencies can manifest in various acts. The most common methods of suicide are self-hanging, drug poisoning, gas poisoning, chemical poisoning, self-immolation, suicide with weapon, drowning, stabbing and jumping from heights.[18] In the Hungarian population similar results have been found.[19] It is a widely known fact that the method of suicide differs by gender. For males violent and more fatal acts of suicide is characteristic such as suicide with gun-shot or self-hanging.[20] Non-suicidal self-injury is correlated with different methods than those self-directed violence triggered by the intent of death. Superficial skin-cutting is highly the most frequent non-suicidal self-harm method. It is followed by head-banging, scratching, hitting and burning.[21] As discussed above, inmates of correctional facilities are at a high risk of self-injury, both suicidal and non-suicidal. It is especially true to juvenile offenders. Therefore, numerous studies exploring the rates of self-harming behaviour used samples of underage detainees. They found that self-hanging is the most common method of suicide in correctional facilities as well. Drug and/or alcohol overdose, slashing wrist and other body parts, asphyxiation and head banging are also

11 Klonsky 2011: 1981–1986; Katz et al. 2016: 125–127.
12 Muehlenkamp et al. 2012: 1–9.
13 Evans et al. 2005: 239–250.
14 Favril 2022.
15 Dixon-Gordon 2012: 33–50.
16 Koposov et al. 2021; Stokes et al. 2015: 222–242.
17 Reinhardt et al. 2022: 226–244.
18 Morovatdar et al. 2013: 335–344; Thomas et al. 2013: 235–239; Lim et al. 2014: 1–4.
19 Elekes 1997: 151–169.
20 Callanan–Davis 2012: 857–869.
21 Cipriano et al. 2017.

common. Less prevalent suicidal methods were found as well such as self-immolation, drowning, starvation, jumping from a moving car or train and jumping from a height. Among non-suicidal self-injurious methods cutting the skin, cutting off oxygen, banging head against the wall and kicking/punching things, eating foreign objects, cigarette or lighter burns and biting of skin are common in underage-detainee population.[22]

The high prevalence of suicidal and non-suicidal self-harm among offenders may have significance by several aspects. One of these is the correlation between violence and self-injurious tendencies which have been proved for several occasions on empirical level. Aggression and personality traits correlated with violent tendencies increase the risk of self-injurious conduct significantly.[23] In a study, for example, violent institutional misconduct is associated with self-harm among prison inmates.[24] The association between violent crime and self-harm was observed as well. During a Danish cohort study childhood trauma – in this case loss of a parent – increased the risk of both violent crime and self-injury.[25] In another research not only the violent nature of the crime was examined, but the style of the act of self-harm as well, and results suggested that both violent and non-violent self-injurious methods are more frequent among violent offenders.[26]

These scientific data raise the need to make further efforts to have an insight to the self-harming behaviour of juvenile criminals. The knowledge about self-injury in juvenile prisons and reformatories can be fruitful both for the staff of correctional facilities and medical professionals during their work for the well-being of such a high-risk population. Although the high prevalence of self-harming behaviour and its relationship with violence is well known, there are only little data about the self-injurious tendencies of domestic juvenile offender population apart from a few examples.[27] The aim of the present paper is to investigate the prevalence of self-harm –both suicidal and non-suicidal – and its criminal correlates with special regard on the violent nature of the crime among juvenile offenders. For assessing self-harming behaviour a structured diagnostic interview was applied and completed with criminal data withdrawn from institutional record.

Method

The study included cross-over psychiatric assessment combined by retrospective data analysis.

[22] Kenny et al. 2008: 358–382; Moore et al. 2015: 243–254.
[23] Gvion–Apter 2011: 93–112; Pickard 2015: 71–90.
[24] Slade et al. 2020: 182–198.
[25] Carr et al. 2020: 1224–1232.
[26] Webb et al. 2013: 237–244.
[27] Farkas–Sófi 2020: 42–54; Kerezsi et al. 2008: 1–34.

Participants

The sample of the study consisted of 84 juvenile offenders. All of them were male between the age range from 13 to 20 year (M = 16.46; SD = 1.312). All of the subjects were inhabitants of the Reformatory of Budapest, Hungary. The participants were under detention awaiting a court hearing or spending their sentence in juvenile correctional care. The capacity of the facility is 100 people. Juvenile offenders stay there about two years – it depends on the nature of the crime and the judicial decision. The subjects participated in the research voluntarily. Before the assessment, oral and written information was given about the purpose and content of the study. Written informed consent was signed by all the participants and their legal guardians. Research data was treated confidentially and used only for scientific purposes. Juvenile detainees who refused to participate or were under any condition to hinder the cooperation or understanding the procedures were excluded.

Setting

Psychiatric assessment was conducted during a 2-year period between 2020 and 2021. To assess the levels of self-harm, the Hungarian version of the MINI KID was applied. While completing the psychiatric evaluation, basic criminal and socio-demographic data was drawn from the institution's record. The MINI KID semi-structured interview was conducted during a roughly one-hour long session by a trained psychiatrist. The sessions were being timed in the afternoon since the participants are still attending secondary school.[28]

Psychiatric evaluation – The assessment of self-injury

The Neuropsychiatric Interview for Children and Adolescents (M.I.N.I. KID 7.0.2) is a structured diagnostic interview based on DSM 5.[29] The MINI explores the mental condition through 25 modules that includes suicidal past, tendency and non-suicidal self-harming behaviour. The MINI has a high interrater reliability and validity and has been used for measuring psychiatric state among underage offenders for several occasions.[30]

[28] Sheehan et al. 1998: 22–33.
[29] American Psychiatric Association 2013.
[30] Sheehan 1998: 22–33; Balázs et al. 2014: 282–287.

Statistics

The results were analysed by SPSS version 26. Sociodemographic, clinical and criminal features were analysed by descriptive statistics. The self-injury prevalence was investigated by the same method. Cross-Tabulation Analyses were admitted to explore the association between self-injury and the type of crime.

Results

Socio-demographic and criminal feature

The participants aged 13 to 20 (M = 16.46, SD = 1.312). The juvenile detainees were admitted to the Reformatory of Budapest between March 2014 and November 2021. The legal status of the subjects fell into four categories; parents as legal guardian (N = 33; 39.3%), grandparents as legal guardians (N = 4; 4.8%), adult (N = 3; 3.6%) and court appointed guardian (N = 44; 52.4%). The types of crime in the sample were the following: murder, truculence with weapon, sacking, violence against people preforming public duty, burglary, mayhem, sexual violence, fraud, traffic with drugs, theft and blackmail. Table 1 below presents the distribution of the sample by the categories of the type of crime.

Table 1: Categories of the type of crime

	The type of crime	**Number of subjects**	**Percentage %**
Non-violent crime subgroup N = 18 (21.4%)	Fraud	1	1.2
	Traffic with drugs	3	3.6
	Blackmail	1	1.2
	Theft	13	15.5
Violent crime subgroup N = 66 (78.6%)	Murder	8	9.5
	Sacking	4	4.8
	Violence against people preforming public duty	2	2.4
	Mayhem	3	3.6
	Burglary	44	52.4
	Sexual violence	3	3.6
	Vigilantism	1	1.2
	Truculence with weapon	1	1.2

Source: Compiled by the authors.

Self-injury

47 (55.95%) participants showed some kind of self-injurious tendency, whether it was prior non-suicidal self-harm, suicide attempt or present suicidal ideation. 44 participants (93.6%–52.38% of the overall sample) committed self-injury without suicidal agenda prior to the examination and 14 (29.8%–16.66% of the overall sample) attempted suicide in the past, 12 (25.53%–14.29% of the overall sample) had both suicidal attempt and other form of self-harming behaviour in their antecedent. 5 young boys (10.6%–5.95% of the overall sample) reported suicidal tendencies that did not reach the life-threatening level and only 2 of them had attempted suicide before.

Based on the type of non-suicidal self-injury two subgroups were created; the first included the ones who hit their fist or head to a solid surface, e.g. wall, piece of furniture – hitting subgroup (N = 13; 27.7%) and self-cutting subgroup (N = 8; 17%), who had cut their skin – mainly on their wrist – without the will to die, and a third subgroup that included participants showing both types of self-harming behaviour – the mixed-group (N = 7; 14.9%). 25 participants (53.2%) explained the self-harming behaviour with anxiety and stress. In their case, self-injury could be considered to be an act of self-sooth. 22 (46.8%) underage detainees reported intensive anger behind their self-harming conduct, that could be taken as tension-releasing behaviour. None of the participants reported manipulative or attention-seeking agenda in relation to the self-injurer activity.

The 14 participants who committed unsuccessful suicidal acts in their past had 2.43 (St = 1.989) suicide attempts on average. The methods of prior suicidal attempts were the following: self-hanging, limb incision, stabbing in the chest, self-ignition, self-detonation, overdose with drugs and jumping from a height. The table includes the distribution of the methods of suicidal attempts.

Table 2: The distribution of the methods of suicidal attempts

The method of suicidal attempt	**Number of participants**
Self-hanging	7 (14.9%)
Limb incision	5 (10.6%)
Stabbing in the chest	1 (2.1%)
Self-ignition	1 (2.1%)
Self-detonation	1 (2.1%)
Overdose with drugs	5 (10.6%)
Jumping from a height	2 (4.3%)

Source: Compiled by the authors.

Self-injury and the type of crime

Two subgroups were created based on the type of crime – violent and non-violent – and were examined by the prevalence of self-injurious behaviour. Among non-violent juvenile offenders 7 (38.9%) committed some kind of self-harming act, 3 (16.7%) had suicide attempt in the past and 1 (5.6%) reported present suicidal ideation. Juvenile offenders with violent type of crime reported prior non-suicidal self-injury in 37 (56%) cases. 11 (16.7%) of them had committed suicide at least once and 4 (6%) suffered from suicidal ideation at the time of the assessment. In the table below we demonstrate the distribution of specific self-injurious behaviour by the type of the crime. Participants committed blackmail, fraud, violence against people preforming public duty and vigilantism did not show any kind of self-harming behaviour.

Table 3: The distribution of self-harm by the type of crime

Self-harm		**Violent crime**						**Non-violent crime**	
		Murder	Sacking	Mayhem	Burglary	Sexual violence	Truculence with weapon	Traffic with drugs	Theft
Method of suicide attempt	Self-hanging	0	0	0	5	1	1	1	0
	Limb incision	1	0	0	2	0	0	1	1
	Stabbing in the chest	0	0	0	1	0	0	0	0
	Self-ignition	0	0	0	0	0	0	1	0
	Self-detonation	0	0	0	0	0	0	1	0
	Overdose with drugs	0	0	0	3	1	0	0	0
	Jumping from a height	0	0	0	1	0	0	1	0
Type of non-suicidal self-harm	Self-cutting subgroup	1	1	0	6	0	0	0	0
	Hitting subgroup	0	1	2	7	0	1	0	2
	Mixed-group	0	0	0	4	1	0	1	1

Source: Compiled by the authors.

Discussion

The prevalence of self-injurious behaviour in the sample was high. More than half of the participants show some kind of self-harming behaviour. One third of the sample had at least one suicide attempt in the past and more than two third had deliberate self-injury without the will of dying. These values are outstanding on the international level. As we discussed before, among juvenile offenders the prevalence of suicide or non-suicidal self-injury is around 20%, which is much lower than our findings.[31] This difference could be explained by the high rate of suicide of the domestic population – some authors suggest that the Hungarian population is supposed to be affected greatly by suicide compared to other European countries.[32] This argument may seem logical, although the results of the aforementioned Hungarian study question its relevance. The rates of non-suicidal self-injury that was found during the work of the research team led by Reinhardt were much more consistent with the global tendencies of self-harming.[33] So, the explanation of our result may be found in the small size of our sample that is less than one third of that of the previous study. Either way, only further data collection can give an answer to the question of the vast difference between the prevalence of the two researches. Two major methods of non-suicidal self-injury occurred in the sample; hitting the wall or another solid surface with a limb or the head and cutting the skin. The first was 30% more frequent than the latter, which is not congruent with international results either. The most common non-suicidal self-harming method is usually self-cutting.[34] A little more than half of the young offenders explained their behaviour with self-sooth; the rest did self-injury with the aim of anger release. None of them admitted manipulative or attention-seeking goals behind their actions, which is a very important finding in the light of the misconceptions about self-harming behaviour shown by criminals. It is quite a common stereotype not only among laics but professionals as well that self-injury from the part of offenders always have some kind of deceitful motive.[35] Of course, deception certainly occurs in this population and one must count with the possibility of malingering – deliberate simulation of symptoms of psychiatric disorders or other disease for controlling purpose – when witnessing such behaviour.[36] But ignoring the probability of the presence of a psychiatric condition that manifests in self-harming tendencies is not only unprofessional but extremely dangerous. Empirical data refutes the widespread false idea that only those are in real danger of suicide who do not show alarming conduct or other signs of self-harming behaviour.[37] The methods of parasuicide were

[31] Koposov et al. 2021.
[32] Rihmer et al. 2021: 981–991.
[33] Reinhardt et al. 2022: 226–244.
[34] Kenny et al. 2008: 358–382.
[35] Sousa et al. 2019.
[36] Cassisi–Workman 1992: 54–58.
[37] Muehlenkamp–Gutierrez 2007: 69–82.

more congruent with international data. Self-hanging was the most common and findings from abroad suggest the same. Self-hanging was followed by limb incision and drug-overdose.[38]

The correlation between violence and self-injury was discussed afore. In our sample we tempted to estimate the levels of violence based on the nature of the offence. In our sample more than half of the violent offenders committed a self-harming act prior to the assessment and less than 40% of the non-violent subgroup. Although due to the small size of the sample there was no opportunity to measure the difference between the two types of offenders by more sophisticated analysis methods, hence the significance of the result is unknown. However, the seemingly big divergence between the two groups suggests that relevant results can be obtained by involving additional participants. The subtypes of self-harm showed a somewhat different tendency than the total score of self-injurious behaviour. Non-suicidal self-injury and suicidal ideation was more prevalent among violent offenders, but past parasuicide was almost as common. Altogether it seems that the relationship between violence and self-harm reflected the same trend that can be observed abroad.[39] The small diversion that was found in case of parasuicide can be attributed to the size effect of the sample.

Summary

In the present paper we examined the self-harming behaviour of juvenile offenders with the involvement of 84 underage offenders from Budapest, Hungary. The results were collected with a psychiatric assessment tool designed especially for scientific purposes. Our data suggested that self-harming behaviour, both suicidal and non-suicidal is a major problem in Hungarian underage offender population. The high rates of the prevalence of the phenomena in question suggested an even more serious situation, than it could be estimated based on foreign data. The potential correlation between violence and self-injury was measured, and the findings we obtained were correspondent to the empirical results that had been published before by international studies. Although the size of the sample was small and results should be treated accordingly, they certainly raise the need for further data collection and analysis. The scientific knowledge that can be gained due to such studies may enrich the insight to the criminal psyche of the domestic population that is only little so far. Expertise based on such research may support the work both of theoretical professionals and practitioners from several fields of law enforcement and healthcare.

[38] Kenny et al. 2008: 358–382.
[39] Carr et al. 2020: 1224–1232.

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Specific Criminal Profiling and Interrogation Techniques as Forensic Psychology Methods in Hungarian Law Enforcement

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One of the applied areas of criminal psychology, the forensic psychology presents how the knowledge of psychology can be applied in the most optimal way in order to effectively detect individual crimes. A trend has appeared in law enforcement agencies for psychologists to carry out special activities in the criminal field. One specific activity is criminal profiling and the other is the development of the most effective interrogation techniques. Now I attempt to present these two specific criminal tasks of psychology.
I present a literature review on how forensic psychology can be used during profiling and the planning of special interrogations.
Despite the fact that offender profiling is not new for law enforcement agencies, its clinical trend has begun to appear and spread independently in recent years. The application of psychology in the planning of individual interrogations is a much more researched field and used during weekday work.

Keywords: *forensic psychology, criminal profiling, interrogation techniques, sexual crimes*

Introduction

In relation to psychology, first of all we have to state that it is a multidisciplinary science: aspects of both natural and social sciences can be found. Its goal is the most accurate and complex understanding of human behaviour and establishing connections between human behaviour, reactions and personality.[2] It is also related to psychiatry, sociology, policing, criminology and law, as it has many aspects that can enrich the knowledge of these scientific fields.[3]

At the same time, it is not only the diversity of any scientific field that should be mentioned, but also the diversity within psychology, which would be almost impossible to list in its entirety. We are talking about clinical psychology, counselling

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[2] Farkas 2018: 13–22.
[3] Boros 2004: 5–19; Visontai-Szabó 2017: 291–302.

psychology, school psychology and other applied fields such as sports psychology, organisational psychology or work psychology. Among these applied fields there is criminal psychology, too, which has already been discussed by several Hungarian authors.[4] In 2009, a summary professional protocol[5] was created in the spirit of this diversity and in order to include it in a system-level framework, which tried to provide a framework for law enforcement psychological activity. In this protocol, among other things, the professional protocol of criminal psychology activity was recorded,[6] too.

The professional protocol of criminal psychology activity

The focus of criminal psychological investigations is very complex: it analyses the relationship between the offender and the victim; researches the issue of crime; becoming a criminal and the reasons for becoming a victim – all in a psychological context. When specifying qualifications, the protocol[7] sets very specific limits: the ideal person to perform criminal psychology tasks has a psychologist/clinical psychologist qualification.

Its forms of activity are very diverse. In order to psychologically support investigative work, you can use many tools. Criminal or offender profiling is such a special tool, which is essentially the acquisition, organisation and analysis of known evidence of a crime committed by an unknown perpetrator. The result of the profiling process is the offender profile, which includes and summarises the most characteristic behavioural and personality characteristics of the unknown offender.[8]

In addition to profiling, the field of application includes participation in the interrogation/hearing of witnesses and victims within the scope of the reconnaissance and investigation phase. The list of competences is significantly expanded by the authors of the professional protocol:[9] a psychologist/clinical psychologist qualification is not sufficient, but the psychologist should have experience in psychological tasks related to both children and adults, be familiar with general and pathological psychopathological processes, and be familiar with the criminal psychology aspects of all of these.

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4 Csernyikné Póth – Fogarasi 2006; Vilics 2020: 219–239; Haller 2020.
5 Vajger–Virág 2009.
6 Pásztor et al. 2009: 251–255.
7 Pásztor et al. 2009.
8 Pásztor et al. 2009; Nagy – Elekesné Lenhardt 2004: 51–65; Ivaskevics 2020: 111–148; Lehoczki 2021; Turvey 2022; Canter 2000: 23–46; Canter–Youngs 2009.
9 Pásztor et al. 2009.

Criminal psychology as an applied psychological field

Before going into any further detail about the procedures mentioned in the third section, it is important to clarify how much criminal psychology is a multidisciplinary field, with three known areas[10] – although it should be noted that there are other typifications as well.[11]

The task of *criminological psychology* is to examine the individual and social psychological factors of becoming a criminal. The focus of *forensic psychology* is the psychological support of certain stages of criminal proceedings. This includes procedures such as profiling, planning interrogation/interrogation strategies and sometimes polygraph testing. *Prison psychology* or *resocialisation psychology* focuses on the inmates and the enforcement staff at the same time. Its purpose is to support the resocialisation of prisoners and promote reintegration.[12]

The subject, applicability and place of forensic psychology in criminal proceedings

Forensic psychology is built from both clinical psychological and general psychological elements. Its methodology includes profiling, the development of interrogation techniques based on memory, and the use of methods that investigate psychophysiological changes, such as the polygraph procedure. In the following, I present the two most significant of the forensic psychological methods used: the offender profiling and the possibilities of planning interrogation tactics.

Criminal profiling

Criminal profiling is a dynamically developing applied investigation support procedure that has been present since the second half of the 1900s, although it appeared as early as the 1880s, when attempts were made to describe the personality of Jack the Ripper.[13] Since then, it has served as the basis for many researches, and many trends have been developed by specialists.[14] At the same time, it should also be noted that profiling is not the same as criminal psychology, as the latter is a much more complex field, and profiling is only a type of investigation support procedure.

Criminal profiling is undoubtedly one of the most promising procedure in criminal psychology, which includes knowledge of psychology, psychiatry, psychopathology

[10] Popper 2014.
[11] Canter–Youngs 2009.
[12] Popper 2014; Fliegauf 2012: 45–62; Koday 2019: 231–252; Korinek–Lévay 2013: 23–44.
[13] Ivaskevics 2020.
[14] Lehoczki 2021; Innes 2007.

and sociology. If we want to briefly grasp the essence of profiling, we can say that profiling is nothing more than a summary analysis of the personality, behavioural and sociodemographic data of the unknown offender.[15] The method is basically an analytical-evaluative activity characterised by a multidisciplinary approach. Its purpose is to support the investigation by providing assistance in the detection and identification of the unknown perpetrators by helping to narrow down the circle of suspects, through the analysis of the behaviour of the unknown perpetrator.[16]

Among the individual trends, the two theoretical approaches to profiling that appear in the foundations of the method, the inductive and deductive approach, should be highlighted.

Psychologist professor David Canter prioritised the inductive approach, the development of which draws on the knowledge of experimental and social psychology, criminology and forensic psychiatry. The criminal profiling process moves from the general to the specific as more and more information becomes available. Followers of Canter's investigative psychology broaden the scope of the profile's usability: they examine the effectiveness of interrogation strategies and the possibilities of geographic profiling.[17]

Brent Turvey's method is the opposite of that of the FBI and David Canter. Turvey believed in the deductive method. During the profile analysis, the goal is to reduce the internal subjective aspects to a minimum and to base it only on the objective facts provided by the evidence (this is why he named his theory behaviourist analysis). Among the basic theses of the deductive method, it should be highlighted that no two cases are alike, no one commits a crime without a motive, each crime is characterised by a specific motivational background and behaviour of the perpetrator, but at the same time, different criminals can behave very similarly.[18]

The possibilities of using the profile are very wide. American authorities basically use it when investigating serial crimes;[19] however, it is also effectively applicable in case of theft,[20] robbery,[21] homicide,[22] sexual crimes and sexual violence[23] and counter-terrorism.[24]

The location of profiling at the organisational level – as well as the application of the method's trends – differs in each country.

In our country, the criminal profiling process is one of the activities of the Criminal Analysis and Evaluation Department of the National Police Headquarters,[25] and its

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15 Lehoczki 2011.
16 Alföldi 2012: 980–987; Csernyikné Póth – Fogarasi 2006.
17 Innes 2007.
18 Turvey 2022; Innes 2007.
19 Innes 2007.
20 Ivaskevics 2020.
21 Petrétei 2020: 3–50.
22 Bellavics 2019: 24–30.
23 Petrétei 2020; Erdélyi 2022a: 155–171.
24 Szijártó 2014: 1–19.
25 Varga 2022; *Belügyi Szemle Hírlevél,* 11–12 June 2022.

use ranges across a very wide spectrum. Among other things, the renewed procedure includes the narrowing of the circle of suspects, the planning of interrogation strategies and psychological analyses. In the Netherlands, a special unit called National Police Office National Criminal Investigation Department Offender Profiling Unit was created, which is based on the theoretical model of the FBI, supplemented with a multidisciplinary approach. At the unit, psychologist statuses have also been established, who perform psychological tasks specifically in the criminal field. In addition to practical activities, great emphasis is also placed on scientific research activities.[26] The French model has not incorporated profiling into its police organisation. The request for psychological profiling is submitted not by the investigative authority, but by a separate investigation committee, and they also collect the evidence, and then hand over the procedural documents to the contributing psychologist or psychiatric expert.[27]

Interrogation strategies in the light of psychology

According to the professional protocol[28] the purpose of the interrogation is to clarify the facts as accurately as possible, through the narrative of the person being questioned. The result of the process is the confession, which is to be evaluated as a means of material evidence during the procedure.[29] Several strategies have been developed that can be effectively applied during interrogations – they will be presented below.

SAI – Self-Administered Interview

The Self-Administered Interview is based on cognitive psychology and strives for regular and accurate recall of information stored in memory during the interrogation. At the scenes of individual crimes, we can talk about several potential witnesses whose immediate questioning is not possible for some reason. The SAI is a paper-and-pencil-based interrogation technique, meaning that the eyewitness must fill out the SAI form on the spot after the event has occurred. These are collected after they are filled in, and after analysing and processing them, the person leading the investigation decides which witnesses and in what order it is necessary to question them personally.[30]

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[26] Innes 2007.
[27] Innes 2007.
[28] Pásztor et al. 2009.
[29] Bárány 2015: 93–114.
[30] Nyeste 2017; Sági 2016: 305–324.

PEACE Model

PEACE is an acronym that includes:

- **P**reparation and Planning
- **E**ngage and Explain
- **A**ccount
- **C**losure
- **E**valuate

The PEACE model was developed in Great Britain in the 1990s with the involvement of psychological experts. It is basically used when questioning criminal offenders, in two steps.

The *first step* is the stage of preparation and precise planning of the interrogation. In this stage, the purpose of the interrogation is determined, the questions to be answered are created and the available evidence is listed. The *second step* is the interrogation itself. At this stage, mutual attunement takes place, when the interrogator and the interrogated establish contact and create the psychological atmosphere. The interrogator clarifies why the interrogation is taking place, then explains the legal status of the interrogated person, and at the same time assesses the interrogated person's mental state. Empathy and non-judgment-attitude are important at this stage; if the interrogated person feels sympathy, he will cooperate with the interrogator. Empathy should be displayed at all levels of meta-communication – be it verbal expression or non-verbal communication. Undoubtedly, all these things help the confession. At the end of the testimony, the literature notes that positive feedback should be given to the interrogated due to the cooperation and shared information, and at this point it is advisable to summarise what was said.[31]

SUE – Strategic Use of Evidence

The SUE interrogation technique is based on knowledge of the known and available evidence collected, and the questions to be clarified are determined by this evidence. It is important, however, that this evidence should not come to the knowledge of the interrogated. The interrogation starts with open questions, then gradually targeted questions are formulated.[32]

[31] Nyeste 2017.
[32] Sági 2016.

CI – Cognitive Interview

Interrogations are focusing on bringing to consciousness information related to an act that took place in the past, or recalling it from memory. As with all cognitive functions in general, the temporality of memory must be taken into account here as well. The more time that passes between the event and the interrogation, the greater the risk that certain details about the event will disappear from memory or be recoded. Our memory tries to find a solution for those gaps that are lost, typically through confabulation: it fills in the missing parts with a created reality.[33] The negative atmosphere prevailing during the interrogation can worsen this confabulation, since the state of distress significantly impairs cognitive functions. To avoid this, professionals created the cognitive interview technique, which is based on four steps that stimulate cognitive functions.

As a first step, the emotional aspects experienced during the event must be reconstructed: situations must be created that recall the feelings and intuitions experienced at the time of the event. This is followed by the second step, when we ask the interviewed person to recall everything down to the smallest possible detail. This is followed by the third step, where the interviewee must establish a timeline of the events. The last step is a change of perspective, when the interviewee must reflect on what happened on the spot from another person's point of view. This change of perspective is necessary because an internal representation of why and how happened in the given situation appears during the cognitive processing of events. However, by changing the point of view, the internal representation expands, and thus new, relevant information can be brought to light.[34]

Discussion

In this present study, I attempted to point out how complex psychology can be present in practical life as well. Criminal psychology, as an applied psychological field, is a multi-layered, complex applied field in terms of knowledge and methodology, which can be effectively involved in all arenas of justice. The same is true for forensic psychology: in the investigative profession, it can help with all investigative actions, as it is effective in detecting the unknown person by making use of the specific offender profile analysis, it helps in planning the interrogation strategy, media consulting, communication strategies and operational actions. With regard to the future, it may be appropriate to develop a comprehensive criminal psychology methodology that, beyond the protocol,[35] reflects on the role of psychology in intelligence gathering and specific operational activities. In my opinion, such a comprehensive protocol would

[33] Erdélyi 2022b: 1025–1038.
[34] Csernyikné Póth – Fogarasi 2006; Erdélyi 2022b.
[35] Vajger–Virág 2009.

be effectively applied in all branches of law enforcement, especially in the detection of violent crimes.

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Trends in Juvenile Delinquency from a Criminal Psychology and Criminology Perspective

Noémi Emőke BARÁTH[1]

Juvenile crime has been showing a downward trend for years both in Hungary and internationally. Despite this, many young people are still caught by the authorities. In the study, we use the analysis of Hungarian and international statistical data to see what structural changes have occurred in the structure of crime in the past period. We assume that the – temporarily – punishable deviant behaviour of the child and juvenile population, in the absence of a suitable treatment system, turns from episodic perpetration into a series of acts. We will examine how the social, economic, demographic and legislative background influences juvenile delinquency and which psychological explanations help to understand and manage the path leading to the development of the situation.
It is also important to keep technological changes in mind, since there are an increasing number of juveniles among the perpetrators of cybercrimes. Data quality and statistical diversity also present challenges to researchers, we also try to synthesise these data in the article, which can provide an explanation for why other data can be found in some databases that are not in line with each other. The study partially covers the explanation of the criminological and criminal psychological reasons behind the commission of crime. The performed analysis can contribute to the more efficient functioning of the investigative authority and the welfare system dealing with juveniles, by providing a prismatic overview of the changing trends in this paper.

Keywords: *juvenile delinquency, criminology, criminal statistic data, interpretation*

Introduction

The level of crime shows a decreasing trend worldwide, a trend that is also true for Hungary. How is it possible that whereas crime rates are decreasing, there is an increasing number of inmates in prisons, what structural and formal changes emerge based on the statistical data? In the study, we examine domestic trends, focusing on juvenile offenders. It uses the time-series analysis of national and international

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statistics to determine the probability whether this favourable downward trend in crime will continue in Hungary.

Kerezsi (2020) states that developed countries are characterised by a decrease in crime, but there is no real/accepted explanation for this. Furthermore, she also emphasises that socio-economic changes should also be taken into account (decrease in unemployment, economic recovery, demographic changes, increased length of prison sentences and the application of the principle of selective neutralisation in the justice system). Among the explanations for the decrease are the spread of security devices and the reduction of opportunities to commit crimes. Emigration, as a crime-reducing factor, is also a determining phenomenon, which, according to Kerezsi (2020), can be explained by the fact that there are no men in the country who are in full force and can use their work skills abroad. Policy responses can also be examined, in the case of this study, we will narrow it down to the examination of child protection measures. According to Sherman (2013), targeting a limited number of neuralgic places with policing proves effective in reducing crime, or at least certain types of crime.

In order to understand the evolution of crime, we need to take a step back to get to know juvenile offenders better. And even though statistics are descriptive, we still need to look at how families have changed. Children who do not grow up in a family are more likely to become offenders than their peers who are raised in the family. And even among those, who are lucky enough to have families we can find circumstances that are insufficient for upbringing a child and parents often rely on the help of the state. The study does not examine the impact of the Covid epidemic on juvenile delinquency.[2]

In the following pages we will discuss the legislative background and the main stakeholders of the child protection system in order to gain a clearer view on juvenile crime statistics.

System for the protection of children

Act XXXI of 1997 on the Protection of Children and Guardianship Administration and Government Decree 149/1997 (IX.10.) on guardianship authorities and child protection and guardianship proceedings is the defining rule. The protection of children is an activity aimed at facilitating the upbringing of a child in the family, preventing and eliminating his or her vulnerability, and ensuring the substitution protection of a child who has left parental or other relatives' care.

[2] Buchanan et al. 2020.

The protection of children

- cash, in kind (regular child protection allowance; child catering; prevention of child support; home-building allowance)
- basic child welfare services in the framework of personal care (child welfare services; day care for children; temporary care for children; chance-enhancing services for children)
- specialist child protection services within the framework of personal care (home care; aftercare care; regional child protection services)
- as well as by official measures provided for in this Act

The operation of the child protection system is a state and municipal task.

Below I will briefly describe the official measures within the framework of child protection care, specifically pointing out what each measure covers.

Disadvantageous and cumulatively disadvantaged situation

Disadvantaged persons under the Child Protection Act: a child who is entitled to a regular child protection allowance and a child who has reached the age of majority and who has one of the following circumstances when applying for a regular child protection allowance:

- the parent or adoptive guardian has a low level of education, which means no higher than primary education
- the parent or adoptive guardian is in low employment (entitled to benefits for persons of working age or has been registered as a jobseeker for at least 12 months within 16 months prior to application)
- insufficient living environment or housing conditions of the child: if he or she lives in a segregated residential environment or in a semi-comfortable, comfortless or emergency dwelling

Cumulatively disadvantaged

A child entitled to a regular child protection allowance and a child who has reached the age of majority:

- who is in the case of at least two of the circumstances defined above
- the child in foster care
- a young adult receiving aftercare and having a student or student enrolment

The determination of a disadvantageous/cumulatively disadvantaged situation falls within the competence of the clerk of the municipality.

Protection revenue

The guardianship authority protects a child when the child is at risk: a condition resulting from an act, omission or circumstance by the child or another person that hinders the child's physical, mental, emotional or moral development. If the parent or other legal representative is unable or unwilling to eliminate the child's vulnerability by voluntarily using primary care, but there is a reasonable suspicion that with help the child's development in the family environment can still be ensured, the guardianship authority decides to include the child in child protection.

The most common problems that can lead to protection are: serious milieu conflicts within the family, life problems of parents, neglect, abuse, child deviating behaviour, truancy, etc.

During the protection, in order to continuously assist and organise the care of the child, to support parental education, the case manager of the child welfare centre and the family helper take care of the family in order to eliminate the risk on the basis of the individual care education plan. In this plan, they define the tasks, rules of conduct, use of necessary services and benefits that family members and children must use and comply with in order to diminish vulnerability. E.g. regular school attendance, termination of unjustified absences, use of dormitory care, mediation, psychological care, health services, use of life coaching, lifestyle changes, etc. In certain cases, e.g. neglect: the guardianship authority may decide to grant child benefit in kind, at the same time as appointing an ad hoc guardian.

The guardianship authority shall, at any time upon request, at least annually, ex officio, review the justification for protection. If vulnerability cannot be eliminated, it shall immediately take the necessary measures, e.g. family reception, temporary placement.

Family acceptance

The guardianship authority may consent to the temporary reception, care and upbringing of the child for as long as necessary by another family named by the parent because of the child's state of health, justified absence or other family reasons, provided that it is in the child's interest.

In the case of a parent exercising sole parental authority, the separated other parent shall also be heard during the proceedings. The adoptive parent(s) are appointed by the guardianship authority as adoptive guardians. During admission to the family, the parent's parental authority is suspended, but the maintenance obligation exists. Admission to the family is terminated by the guardianship authority if it is requested by the parent or adoptive parent or if its maintenance endangers the child's development.

Temporary placement

If the child is left unattended or his or her physical, mental, emotional and moral development is seriously endangered by his or her family environment or by himself/herself, and therefore immediate placement is required, the guardianship authority and the police, by a decision that can be immediately enforced, are temporarily suitable for his or her upbringing, it is placed with a separated parent, other relative or person or, if this is not possible, with a foster parent or child protection institution.

The following authorities can also decide on temporary placement: the aliens and asylum authority, the prosecutor's office, the court, the command of the penitentiary. The serious risk underlying this decision is the abuse or neglect of a child that puts his or her life in imminent danger, or cause significant and irreparable damage to its physical, mental, emotional or moral development. The referral body takes care of the child's transfer to the temporary care place. From the temporary placement, the parent's right to care and upbringing is suspended.

As a result of the review, the guardianship authority will terminate the temporary placement within 30 days if the conditions for it are not met. Within 45 days, he orders the child's upbringing and determines the place of care of the child. You can also file a lawsuit to change your child's placement, to remove parental controls, or to have them placed with a third party.

Upbringing (foster care)

The purpose of the upbringing is to provide the child's home-based care and legal representation until:

- the child's family will be able to readmit the child
- may be assigned a family guardian
- is adopted
- or reaches the age of majority

The guardianship authority will take the child into care if the child's development is endangered by his or her family environment and his or her vulnerability could not be eliminated by the services provided in primary care and by taking him or her into protection, or if no result can be expected from him. Foster care may take place if the guardianship authority has filed a lawsuit for the termination of the parental authority of the parent(s), or the parental authority of the parent(s) has been terminated by the court, or if there is no parent exercising parental authority for the child for any other reason. At the same time as ordering foster care, the guardianship authority designates a foster parent, a children's home, a home for the disabled or psychiatric patients as the place of care for the child. Since the parent's parental authority is suspended during the period of foster care, he or she assigns the

child a child protection guardian and a surrogate child protection guardian, decides on the regulation of contact with the parent or other relative. The guardianship authority shall review the need to maintain foster care every six months for the first two years after the decision has been taken, and annually from the third year onwards. In some cases, the review is different. The guardianship authority shall terminate the child's upbringing if the reasons for it no longer exist.

The institution of diversion

Vári (2019) draws attention to the fact that the Hungarian legislator correctly recognised the need to include expeditious elements in criminal proceedings already at the investigative stage. On 1 July 2018, the Code of Criminal Procedure (Be) entered into force. This means that diversion can be used during the investigative phase and thus speed up the procedure, reduce costs and better compensation for damages. This is a kind of diversion, the purpose of which is that the state renounces the conduct of criminal proceedings, after which the violation of the norm is officially admitted. In case of juveniles, the use of these diversionary devices is very important.

Criminal psychology aspect

Research has shown that it affects juvenile offenders at a much higher rate than the general population, also in Hungary.[3] Disruptive, impulse control and behaviour disorders, substance use disorders, attention deficit hyperactivity disorder, mood disorders, certain psychotic symptoms, and certain disorders of personality development are the most important of these. Among the mood disorders, major depression and bipolar affective disorder are the most typical for juvenile offenders.[4] Conduct disorder affects 80% of juvenile offenders.[5] Four types of behaviour can be identified in case of such persons: 1. use of aggression, threats, physical abuse; 2. lack of respect for other people's property, committing vandalism and burglary; 3. distortion of reality, with the purpose of manipulation, tendency to commit theft; 4. rules and people characterised by ignoring boundaries, neglecting school duties.

In addition, oppositional disorder can also be observed in many juvenile offenders. According to this, the persons concerned are opposed to the adult or authority figure. This can be interpreted as a rejection behaviour towards teachers, adult persons

[3] Haller et al. 2020: 119–135.
[4] Bellavics 2021: 97–109.
[5] Harzke et al. 2012: 143–157.

and parents in the school situation, but it is still a widespread behaviour disorder subtype.[6]

Intermittent explosive disorder is neglected in the literature on crime in our country. Someone with this behaviour disorder is typically violent and impulsive, which is a disproportionate response to the stress it causes. A provoking stimulus is usually a psychosocial impulse, which the patient over-sensitively reacts to. "The disorder manifests itself only in outbursts of anger, there are no noticeable symptoms between two tantrums. The disorder may manifest itself in verbal or physical aggression directed at other people's property, animals or people. Aggression involves damaging, destroying objects or causing physical injury. It should be emphasized that the outbursts of anger are spontaneous, that is, the patient does not plan them, they do not occur premeditated for a specific purpose. Repeated outbursts of anger cause significant suffering and distress for the person and the environment, and often prevent them from performing some important function", sums up Bellavics.[7] 14% of American juvenile offenders were able to demonstrate this.[8]

Another very characteristic difference is the proportion of young people affected by ADHD among criminals.[9] Juvenile delinquents with ADHD are one of the most important movement disorders in around 30% of the age group examined.[10] A symptom of a lack of attention can be inattention, frequent carelessness. The child cannot concentrate on details, he/she keeps making mistakes, for example, while writing his/her homework. She/he often has difficulty maintaining focus during tasks or play, and does not seem to pay attention when spoken to. She/he does not follow through on instructions and does not finish schoolwork. It makes it difficult for him/her to organise his tasks; has difficulty doing tasks that require thinking, often loses important things, is easily distracted by external stimuli, is forgetful. Hyperactivity and impulsivity exist when, for example, the child frequently moves his hands and feet, walks up and down or taps, or leaves his place in situations where this is not allowed.[11]

Drug and alcohol use disorders are particularly common among juvenile offenders. Among juvenile offenders, substance use disorder is one of the most common symptoms, in some studies the disorder existed in up to 75% of the sample. A correlation between drug abuse and a high crime rate was shown.[12] This type of crime can lead individuals, especially adolescents, to commit crimes to obtain drugs. Furthermore, drug abuse and the commission of economic crimes can also go hand in hand. According to the international literature, there is an identifiable association

6 Ellis et al. 2019.
7 Bellavics 2021: 97–109.
8 Coker et al. 2014: 888–898.
9 Retz et al. 2021: 236–248.
10 Sófi 2014; Young et al. 2015: 247–258; von Polier et al. 2012: 121–139.
11 Reimherr et al. 2020; Retz et al. 2012; Skirrow–Asherson 2013: 80–86.
12 Karofi 2012.

between robberies and especially heroin users.[13] Due to the limitations of the scope of the analysis of this topic from the point of view of juvenile offenders, I cannot engage in deeper analyses.

Method

We examine the evolution of crime descriptively by comparing criminal statistics and statistical data over time. Among the Hungarian statistics are the Central Statistical Office (KSH), the police Criminal Statistics System (BSR) and the Prosecution Service of Hungary (MÜ). We analysed the international data based on the information on the Eurocrime website.

During the collection of the data, we reviewed almost ten years of data from 2013. The choice of time interval can be explained by the fact that it is a time interval that shows how crime developed longitudinally. We paid attention to the trends appearing in the time series in order to reveal what kind of correlation there might be between the individual data examined and, based on this, what kind of future vision is emerging.

Among the Hungarian data series, the Police Statistical Data Service (BSR) is one of the main bases of our data. We collected the number of registered crimes, including the number of crimes committed in the capital, supplemented by how the number of perpetrators increased and the proportion of juveniles within it. We also looked at the age group distribution of victims and the evolution of the justice responses. The Hungarian justice service has five options for a criminal case: dismisses the prosecution, terminates the investigation, prosecutes, uses diversion, or otherwise closes the case with another type of conclusion.

Among the data of the KSH we can see the data of early school leavers, those entering specialist child protection care, children in protection, offenders collected along criminological variables, the number of long-term unemployed, the number of finally convicted persons, the disadvantaged and those placed in correctional facilities.

Discussion

Hungarian statistics clearly show that the number of registered crimes (Table 1) has decreased significantly since 2013. A continuous decrease was observed until 2021, and then a slight increase began in 2022. This trend can also be identified in the number of crimes committed in the capital. However, the number of offenders is inversely proportional to the number of registered crimes, that is, the number

[13] Green et al. 2016: 155–160.

of offenders has increased by nearly 50% in the last ten years. This can also be interpreted by the fact that the perpetrators are committing crimes in groups, so the police and the penal system are also working with an increasing workload. However, the number of juveniles within the population of offenders decreased.

Table 1: Development of registered crimes and perpetrators in Hungary

Year	Number of registered crimes	Number of registered crimes committed in Budapest	Number of offenders	Number of juvenile offenders
2013	377,829	109,562	109,797	10,471
2014	329,575	97,018	108,474	8,806
2015	280,113	76,035	101,429	7,872
2016	290,779	66,364	100,933	7,675
2017	226,452	65,081	92,896	6,492
2018	199,830	60,094	53,460 + 58,130	3,697 + 3,045
2019	165,648	45,293	136,669	7,863
2020	162,416	36,807	138,950	8,064
2021	154,012	36,280	146,688	7,666
2022	167,774	42,344	143,979	7,942

Source: bsr.hu.

The number of victims of crimes has shown a changing picture in recent years. The victimisation of children ranges between 2–3 thousand people, juveniles became victims of crime at a rate one third higher than children. Becoming a victim of crime can be a critical life event.[14] The impact of the severity of crime is important, for example, between sexual assault and theft.[15] The victims have different coping strategies[16] and if the individual skills are not the best the victim can become offender.[17] And the state's response to crimes is also decisive as it is important from the perspective of the victim. In the following, we will present the evolution of the responses of the justice service.

The answers of the Hungarian justice system also gives a shade itself to the processes behind the criminal statistics. Table 2 examines over a period of ten years how the rejection of reports, the termination of the investigation, the indictment, other terminations and the use of diversions developed. In the event that the report was rejected or the investigation was terminated, it means the strong use of the investigative authority, the indictment is made in the case of a well-founded suspicion and crime. Diversion can be called a progressive, alternative method in the Hungarian justice system.

[14] Ejrnæs–Scherg 2022.
[15] Shapland–Hall 2007.
[16] Agnew 1985.
[17] Cuevas et al. 2007.

Table 2: Changes in the processes of the administration of justice

Year	Prosecution rejection	Investigation rejection	Accusation	Other type of closing	Diversion	Drug abuse
2013	32,527	101,908	163,035	182,609	16,384	1,787
2014	37,456	101,286	152,439	142,729	16,760	1,147
2015	36,718	97,868	135,250	113,510	16,018	311
2016	34,897	87,672	162,922	97,073	15,961	74
2017	32,887	80,527	114,628	83,969	15,437	28
2018	18,815	47,422	65,285	37,421	9,777	31

Source: bsr.hu.

As it can be seen, the coverage of prosecution rejections decreased significantly in the last (known) year, i.e. the investigating authority worked on the detection of more and more complaints. Investigative terminations also nearly halved after 2017. And the number of indictments and diversions has also halved. The decrease in the number of crimes may raise the idea that the number of offences may have increased. However, there has been a downward trend in recent years (Table 3). Every two years, the number of offenders spikes and then recedes. If we accept the established trend, we should expect growth again in 2023. However, it is certainly positive for society that there are 5 times more offenders among citizens than offenders.

Table 3: Number of people who actually committed a misconduct

Year	Number of offenders
2017	604,607
2018	593,439
2019	548,418
2020	615,263
2021	606,607
2022	508,421

Source: bsr.hu.

Men are also overrepresented among the perpetrators, (Table 4). In 2022, 80 thousand fewer people were violators. And the number of underage youth has halved since 2017. There has been no significant change in the number of female offenders, in fact, their proportion has increased among juveniles. Overall, the reduction in the number of offences, including the criminal danger of teenage girls, should be borne in mind!

Table 4: Misconduct trends

	2017	2018	2019	2020	2021	2022
Male	496,687	492,228	453,859	506,740	494,891	410,897
Juvenile	10,176	8,731	7,778	9,324	9,883	5,086
Female	106,968	100,277	93,435	107,212	110,495	95,885
Juvenile	2,117	1,837	1,598	2,051	2,836	1,309
Unknown	1,052	934	1,124	1,311	1,221	1,639
Total	604,607	593,439	548,418	615,263	606,607	508,421

Source: bsr.hu.

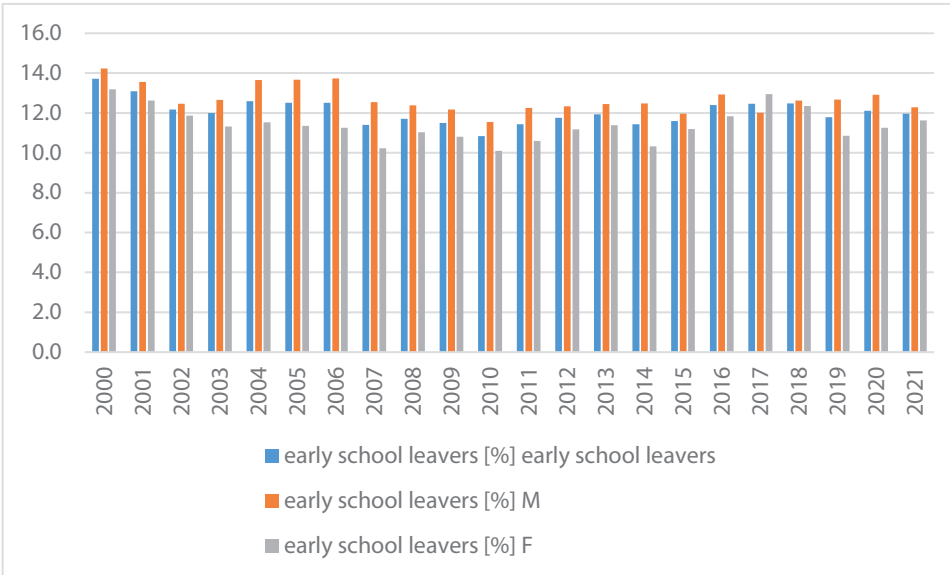

Figure 1: Early school leavers

Source: ksh.hu.

In Hungary, the upper age limit for compulsory education is 16 years. Those who do not meet this privilege before this age are considered early school leavers. In the recent period, 12–13% of school-age students have decided not to sit in the school bench. This, in turn, poses an increased risk in terms of becoming a criminal, as it also affects their situation on the labour market, they are more exposed to economic effects, as the school safety net disappears, the family no longer receives support from the state and does not make progress in the minors' studies. It is typical of these children to ring the bell, drink alcohol and drugs and even commit crimes in order to sustain themselves. School leavers are still being helped and protected by the system. Since 2008, the number of children who have been placed in protection has been over 20,000. Among the reasons, it is because of the behaviour of a parent

or child that the state interferes in the life of the family. Due to child abuse, fewer and fewer people (300–400 people) are taken into protection every year, and ten times as many for environmental reasons (KSH).

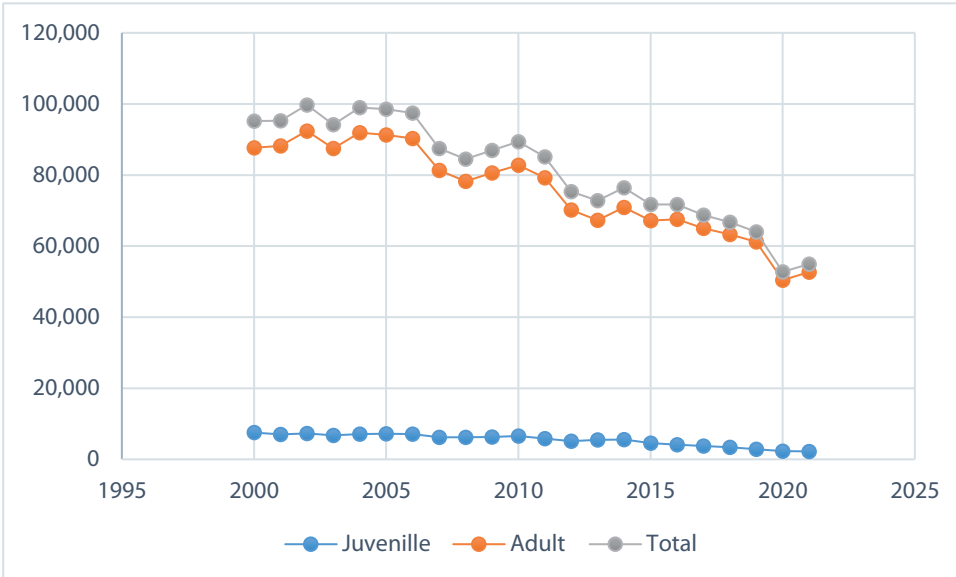

Figure 2: Sentenced Hungarian population

Source: ksh.hu.

Offender numbers among juvenile offenders in Hungary (Figure 2) and in the U.S. (Figure 3) are also steadily declining, as shown in the chart below. Statistical summaries also reported a decrease in crime.[18]

In addition to the characteristics discussed, in the absence of data, we have not included in the data one very important aspect, which is trust in the criminal justice system, which can also have an impact on crime statistics. The social support can be defined as a risk according to Bonoli (2007). The investment in the education system can enhance cognitive and social skills.[19]

Due to low self-control, the number of offenders will increase in the future. The inner and outer containment counteract pull the juveniles toward delinquency.[20]

[18] Hockenberry–Puzzanchera 2020.
[19] Hummelsheim et al. 2011.
[20] Janssen et al. 2022.

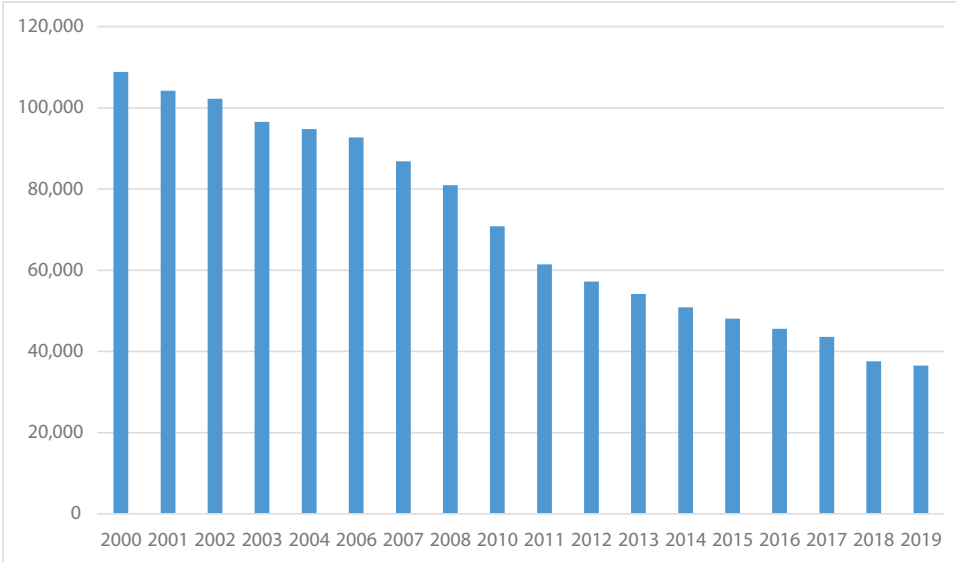

Figure 3: U.S. juvenile offenders

Source: ojjdp.gov.

"The role of the family as a primary socializing environment is imperative in fighting against juvenile delinquency. Parents are mostly a social model that has a decisive influence on children as regards shaping their life conception, how they behave and how they relate to social values and norms. The family climate is crucial regarding children personality development, so, the child needs a general framework at home for feeling safe. His parents must be calm, understanding, affectionate and flexible. At the same time, they should be interested in the problems the child faces, showing real empathy" summarises Delcea et al.[21]

Summary

When analysing the Hungarian data, we looked at a number of homeland statistics and revealed a crime rate with a rather downward trend, which is starting to rise. The criminal justice system is very busy, despite the fact that the number of offenders is less, it is carried out with the involvement of more offenders. Based on the criminal psychology approach of juvenile offenders, we could see that the mental health of those involved needs support, and this is experienced by those working in the school and child protection system, but they are still unable to provide a truly supportive environment and help to a young person who may struggle with anger

[21] Delcea et al. 2019:370.

management difficulties and substance use disorders. However, the results indicate that there is a risk of increasing involvement in the criminal procedure for young girls. It is important that the education system keeps children in the system as long as possible, so that they can obtain a profession and a high school diploma so that they can find a place in the labour market and thus their earnings will be secured. It is also important that young people coming out of families receive professional help and pay close attention to them from a crime prevention point of view. Although the figures show that crime is falling, the current economic recession foreshadows a deterioration in the indicators.

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Inside Victims, Outside Offenders: A Case Study on Crime Reporting

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In political and media rhetoric throughout Europe, migrants and refugees are often linked to crime; especially to gender-based crimes. This paper, focusing on Hungary, examines whether media discourses perpetuate this image and to what extent do other attributes of offenders (such as ethnicity and class) influence the way the media represent those involved in rape cases. The 720 articles sampled for this study were analysed using qualitative content analysis and critical discourse analysis, with Lindgren and Lundström's model on inside victims/offenders and outside victims/offenders and Nils Christie's theory on ideal victims being applied to the findings. Results show that the media in Hungary is more likely to grant victim status to those who are insiders (Hungarian, white, middle class) when their offenders are outsiders (migrant, Roma, lower class), while socially marginalised offenders are automatically externalised. The paper also shows that marginalised people are externalised collectively, while insiders are externalised individually. The application of Christie's theory further strengthens the relational hypothesis that the ideal (or outsider) offender makes the ideal victim.

Keywords: *crime reporting, media, discourse, victim, offender*

Introduction

Migrants and refugees in political and media rhetoric are often linked to crimes, and especially to rape, sexual harassment and violence against women. This rhetoric was particularly marked in Hungary after 2015. The national narrative, presuming a connection between migration and sexual violence, occurred in a particularly divisive political space, where events in Hungary further exacerbated this narrative. In 2016 a referendum was held in Hungary which asked: "Do you want the European Union to be able to mandate the obligatory settlement of non-Hungarian citizens in Hungary without the approval of the National Assembly?"[2] Campaign posters and adverts across the country displayed the following slogan: "Did you know that since the beginning of the migration crisis, harassment against women in Europe increased dramatically?"[3] Hungarian government politicians regularly

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[2] The Orange Files 2016.

[3] Balogh 2016.

connected migration to crime and danger.[4] Hungarian-language media framed mass migration as a threat to Hungary and Europe.[5] However, there is a clear disconnect between the political and media narrative and the experienced reality in Hungary. According to official Hungarian statistics, in 2016 249 rape cases were reported, of which 13 listed the offender as foreign.[6] Four of 244 total reported rapes were committed by foreign perpetrators in 2015 and 10 of 163 in 2014.[7] In Hungary, as is the case globally, rape cases are vastly underreported, only 0.6% of the victims report sexual assault and these cases are usually committed by someone the victim knows, not strangers.[8] When sampling cases for this research in 2017, only two cases were reported in Hungary where the perpetrators were migrants. Also both cases took place in the beginning of 2017, meaning that the 2016 campaign was based on the fear of potential cases, rather than actual negative experiences with refugees/migrants in Hungary. It is this paradox that inspired me to research this field further and to gain a deeper understanding of the mediated representation of rape cases with offenders with different ethnic or national background than the majority (foreigner, Roma). Accordingly, this paper seeks to answer the research question: How do ethnicity and nationality impact on the media characterisation of victims and offenders in recent Hungarian rape cases?

Theoretical perspectives

When analysing the representation of crime, victims and offenders, Niels Christie's (1986) canonical work on *ideal victims*[9] serves as a useful starting point. He identifies six attributes to describe the circumstances of a crime where a legitimate victim status is likely to being granted:

1. the victim is weak
2. the victim carries out a respectable activity when they are attacked, e.g. visiting friends or family members, caring for the elderly, instead of doing something deviant, like drinking, taking drugs, etc.
3. the victim is not to be blamed for what has happened
4. the offender is big and bad
5. the offender and the victim do not have a personal relationship
6. the victim has power and sympathy to claim victim status

[4] Köves 2015: 73–82.
[5] Bernáth–Messing 2017: 33–53.
[6] The precise definition of 'foreign' is not set out in the Hungarian statistics, rather the designation of a 'foreign' offender may include tourists, expats, migrants and refugees, etc.
[7] Index, 1 April 2017.
[8] Van Dijk et al. 2007.
[9] Christie 1986: 17–30.

Such idealisation of victims and demonisation of offenders are problematic victimologically and criminologically.[10] Christie's theory also implies that attributes of the offender contribute or withhold in granting a person victim status.

Lindgren and Lundström[11] in their outstanding paper published in Social Semiotics in 2010 set up four theoretical categories: 1. inside victims; 2. outside victims; 3. inside offender; and 4. outside offender. This model is particularly applicable to use when characterising the victims and offenders in rape cases when represented in the media. Insiders in Lindgren and Lundström's model are those who are typically 'Swedish' or 'normal' in the sense that they are born Swedes, white, middle class; opposed to outsiders who are migrants, low-class, leading deviant lifestyles. In rape cases, the media often portrays both the victim and the offender in very detailed terms and examining these characterisations, in light of Lindgren and Lundström's model, can help find discursive patterns in media representation. By analysing the patterns, it will reveal whether ethnicity and nationality make any difference when characterising and granting a victim status to someone who had a crime committed against them?

Methods

Qualitative content analysis and discourse analysis offer especially fruitful ways to examine media articles and to address the research question: how do ethnicity and nationality impact on the media characterisation of victims and offenders in recent Hungarian rape cases? When conducting this analysis of representation in Hungarian media, I examined how individual victims and offenders are portrayed in a select number of chosen cases. I searched for words and phrases intended to describe the characteristics of victims and perpetrators, e.g. adjectives which work as modifiers or attributes, synonyms, and any other language use or phrase which are intended to portray the victim and the perpetrator. All the words intended to characterise the victim or the offender were collected, categorised and analysed.

Case selection

Although the data collection for this article took place in 2017, this is the first publication of the research which is part of a larger project. When selecting the cases, I focused on incidences over the last fifteen years: 2005–2017. Although from a criminological point of view, very few rape cases occur by a foreign perpetrator in a public place, in the case of migrant offenders, however, often this is the case.

[10] Christie 1986: 17–30.
[11] Lindgren–Lundström 2010: 309–324.

Therefore, I examine cases where the offender barely knew the victim for the sake of comparability. I discuss cases involving sexual intercourse carried out against a person without that person's consent. To further refine the sample, I selected the most discussed cases, using the archives of the official Hungarian News Agency (MTI). Considering the news values[12] in different stories, news editors use tags to be able to search and identify the topic easily. Tagged stories are the most-publicised cases, therefore, I have chosen cases with their own tags. I used three expressions which denote rape/sexualised violence/to rape ("szexuális erőszak", "nemi erőszak", "megerőszakolt") and found nine[13] tagged rape cases. Five were excluded either because of the lack of Hungarian dimension (i.e. they did not take place in Hungary), or the time frame (i.e. they occurred before 2005, the start point for this research), or because the case was about domestic violence. This approach leaves us with a selection of four primary cases which together enable us to address the question: how do ethnicity and nationality impact on the media characterisation of victims and offender in Hungarian rape cases? In three cases the perpetrators are white, Hungarian citizens, in one the offender had a Roma background. To be able to answer the research question fully, I will also analyse cases about offenders with migrant background. When doing so, I will construct a synthetised "case" which is made of articles from the selected media outlets on rape cases with migrant offenders.

Sampling

I examined three different media outlets. All three represent a distinct genre. The first MTI is the official news agency in Hungary. MTI has a vast influence on Hungarian media products both in terms of agenda and content since most of the news sites use it as a source and they often publish the articles without any changes. Second, Index.hu was a market leading political online news portal at the time of the data collection (before its reorganisation in the summer of 2020) with significant resources to cover stories in more depth than the more minimal information provided by the news agency (MTI). The third is Blikk Online, one of the most read tabloids in Hungary, also has significant human resources and an extensive reporter network to gather information on crimes. When sampling articles for each case, different search words were needed at different media outlets, since all have their own archiving system.

[12] News values are "those criteria that influence, often implicitly, the selection, production and prioritization of events as news. Key news values include drama and action, immediacy, violence, celebrities, and sex" (Greer 2007: 26).

[13] The 2010 Roland Damu rape case, where a well-known Hungarian actor was found guilty of rape in Budapest, also occurred during this period. However, it was not included in the sample as articles on the case were not tagged by editors.

- Case 1. When searching articles for the Nóra Horák case, I used the phrase "murder in Kiskunlacháza" ("kiskunlacházi gyilkosság"[14]) in every sampled media outlet.
- Case 2. To find articles covering the case of Kata Bándy, I used "Bándy Kata" in the MTI and Index.hu archive and "Bándy" in Blikk.hu.
- Case 3. For the freshmen camp rapist case I used "freshmen camp" ("gólyatábori") in MTI, "freshmen camp rape" ("gólyatábori erőszak") in Index.hu and "freshmen camp" ("gólyatábor") in Blikk.hu.
- Case 4. When sampling coverage of the Zsanett case, I used "Museum Boulevard" and "police" ("Múzeum körút; rendőr"[15]) in MTI, "Zsanett case" ("Zsanett ügy") in Index, and "police" and "Zsanett" ("rendőr; Zsanett") in Blikk. In the latter, I also applied the snowball method – sampling the articles found linked in the articles I found.
- Case 5. Finally, for the synthetised *migrant case,* I used "raped" ("megerőszakolt"), "rape" ("nemi erőszak") and "sexualised violence" ("szexuális erőszak") as searching words in MTI and collected from the findings all articles with "illegal migration" tag which is used by the editors for all articles concerning migration. In Index.hu I used "migrant" and "sexualised violence" ("migráns; szexuális erőszak") "Syrian" and "sexualised violence" ("szír; szexuális erőszak") and "Afghan" and "sexualised violence" ("afgán; szexuális erőszak"). In Blikk.hu I used the same searching word combinations as in Index.hu supplemented with "migrant, rape" ("migráns, nemi erőszak").

For all five cases, the period being sampled was reports from 4 May 2007 – 17 March 2017; altogether I extracted 720 articles to examine (see Table 1 below).

Table 1: Numbers and distribution of articles sampled for each case analysed

Case No.	Case title	MTI	Index.hu	Blikk Online	Total
1	Nóra Horák case	46	19	30	95
2	Kata Bándy case	57	60	59	176
3	Freshmen camp rapist case	25	47	42	114
4	Zsanett case	73	86	48	207
5	Offenders with migrant background	38	32	58	128

Source: Compiled by the author.

[14] Kiskunlacháza was the Hungarian village where the murder of Nóra Horák took place.
[15] The rape of Zsanett occurred on the Museum Boulevard and was committed by members of the Hungarian police.

Analysis

Nóra Horák case

The Nóra Horák case was a sexually motivated pedicide. The corpse of Nóra Horák, a 14-year-old female was found on 23 November 2008 in the woods near the local community centre in Kiskunlacháza, a village near Budapest. She was raped and then strangled. Seven months later, on 26 June 2009, the suspect whose ethnic background was white Hungarian was taken into custody and he confessed the murder. He was later sentenced to life imprisonment. During the seven months of the investigation, it was rumoured that three juveniles – all three from the Roma ethnic community of Hungary – had committed the crime. While the police denied that the three Roma juveniles were involved in Nóra's murder, the rumour could not be stopped and the case had a significant role in the spread of the "Gypsy criminality" as a phrase in the public discourse.

The victim

Nóra Horák was represented by the media in contradictory terms; on the one hand she was portrayed as an innocent child, a little girl, on the other hand, a tempting young woman. While she was often referred as the *14-year-old*, the *schoolgirl,* the *teenager,* the *girl,* the *little girl* and the *poor little girl,* she was also represented as someone *who attracts men*.[16] It was claimed that she looked *much older than her age;*[17] the perpetrator "was shocked when he figured out that she was only 14".[18] Also, the tabloid attached pictures to the articles where she was posing and was deemed to look sexy. Index.hu wrote that she was an *excellent hip-hop dancer* and "impressed *men*"[19] (not schoolboys) as she was *strikingly pretty, attractive, beautiful, friendly* and *popular.* It revealed that despite her young age she had an ex-boyfriend for ten months and had recently been in love with another. *More boys played around her,* wanted to *escort her home* and *someone kissed her at the party.* She went out with her friends regularly and smoked, but apparently, she had respected her parents who told reporters that they had a *harmonic, honest relationship.*[20]

16 MTI, 6 March 2009.
17 Index, 6 March 2009.
18 Blikk, 4 August 2009.
19 Index, 6 March 2009.
20 Blikk, 22 April 2010.

The offender

The perpetrator in the Nóra Horák case was described as *scruffy* and *smelly,* he had a *difficult childhood* and a *tragic life,* he had lost his family. According to the tabloid, Blikk Online, this was the reason why *he was on the wrong track*.[21] His life was *lonely* – he only had one short-term girlfriend in his entire life and never let anyone in his home which was in a *dilapidated* condition, *dirty* and *full with trash*. He had *low self-esteem,* he was also *anxious* and was *afraid that he was found to be stupid, ugly or crazy*. He was represented as an *alcoholic* who was always in a pub where he was seen as a *quiet, calm, decent, aloof* and *tongue-tied young man*. The media also quoted a psychologist who claimed that he had personality disorders and an *unstable personality,* but was totally compos mentis. He was said to live a *double life:* he was *calm* and *quiet* in his daily life but in his own fantasy world he was *violent*. In addition, he had *inferiority complex* coupled with a *desire for power*. According to a criminal expert, he may have had some *sexual aberration* as he had a collection of women's panties. Negative attributes, such as *cruel, brutal, tragic, outrageous* and *bestial* (used 26 times in total), were most often used to describe the murder but not the murderer himself. He himself was called *cruel* and *satyr*[22] only once. The media – led by the tabloid, Blikk Online – described him as miserable rather than dangerous. However, the media was not entirely consistent with this characterisation as some phrases used did make him look dangerous; one expert quoted in the reports stated that he had *pleasure when murdering,* he was *hunting* and he was *prone to aggression*. He was also called *unashamed* and a *brigand* once. He had *a strong physique,* being 180 centimetres tall and weighing 100 kilograms and this represented a *significant dominance* in comparison to the victim. Nonetheless, he was afraid of *tough guys* in prison.

Kata Bándy case

25-year-old police psychologist, Kata Bándy was on her way home from a nightclub when she disappeared in the city of Pécs, in southern Hungary. Her body was found after a countrywide search lasting 3 days. Based on DNA samples found on the body the police identified a potential offender. Four days later, the suspect was captured while trying to escape the country; shortly after his capture, both his identity and his ethnic background (Roma) became publicly known. The suspect, László Péntek, was taken into custody where he confessed the murder. According to his confession he was drunk and under the effects of synthetic drugs when he committed the murder. He confessed that he wanted to have sex with the victim, but she refused and resisted. The attacker started strangling her and she rolled into a ditch during

[21] Blikk, 19 April 2010.
[22] Satyr is metaphorically used for men whose sexual desire is stronger than their sense of decency.

the scuffle. He stated in his confession that when he left the scene, he did not realise that the victim was dead. In the court of first instance, Péntek was sentenced to life imprisonment. He later appealed and was sentenced to forty years imprisonment.

The victim

Kata Bándy possessed everything to qualify as an ideal victim; she was pictured in the media as *very pretty, charming, good-looking, strikingly beautiful, likable, kind, smiling, happy, vivacious, young girl*. Her personality was described as *shy, solid, quiet* but *direct* and *definite*. The Minister of Human Capacities, Zoltán Balog claimed that she was *gentle, loved people, and God created her to help*.[23] She had a secure family background with a select few people who she was really close to, *she lived her life conservative, in her intimate relationships she was faithful, she did not live a wild life* and *was not a party animal*.[24] She was also represented as very intelligent and this was described in several ways: *she was the reason and prudence herself,*[25] *she was fighting for her life by her intelligent, not by force,*[26] *she was exceptionally clever,*[27] *aimed to gain doctorate,*[28] *she was the smartest among everyone and solved all situations*.[29] Immediately after her disappearance, thousands of people all over the country tried to help to find her[30] and when they found her body the nation began to mourn. In media she was explicitly called "one of us".[31]

The offender

The adjectives and synonyms used to describe the perpetrator, László Péntek, remained the same before and after his identity was revealed: *cruel, cold blooded, aberrant, sex offender, satyr,* "pleasure murderer" *(kéjgyilkos)*. Yet later the intensity and specificity augmented – he was also called *prisoner, rapist, 'Roma criminal', womaniser* and *criminal*. Beyond these attributes and synonyms which referred to the crime he committed, his character was described in very detailed terms. It was mentioned that *he lived through traumas in his childhood, he was also said to be affectionless (but not neurotic),* all these, however, seemingly did not serve as an excuse to be on the wrong track, in contrast to the perpetrator in the Nóra Horák case. In fact, he was said to be

[23] Index, 23 July 2012.
[24] Blikk, 10 July 2012.
[25] Blikk, 10 July 2012.
[26] Blikk, 30 December 2012.
[27] Blikk, 19 February 2013.
[28] Blikk, 19 February 2013.
[29] Index, 10 July 2012.
[30] Index, 10 July 2012.
[31] Index, 19 July 2012b.

"like this" *(bad, evil) from his childhood,*[32] *someone else claimed that it began in fourth or fifth grade*.[33] He lived in poor conditions (*as a squatter; the house was in terrible state*) and this was represented as his fault. The media represented him as unemployed, he only had *occasional works as an unskilled worker on constructions, lumberman, tattoo maker and he* "collected metals" *(vasazott)*.[34] He also had stolen and robbed from people, "he had stolen from his own girlfriend".[35] He had "alarmingly empty everyday life".[36] He was represented as a drug user who also drank a lot. He was represented as *a totally useless member of the society;* the judge in his trial overtly said this and called him an *unscrupulous criminal;* he was said to be someone who is *incapable of normal, civilised coexistence*.[37] He was also said to be a womaniser, he had many partners and was proud of his sex life. He was represented as someone *who cannot stop his instincts* (cf. the migrant offenders)*, has no moral brakes, and has outbursts*. He was portrayed as if he were born to be a criminal: "eleven times convicted man" phrase was used as an epithet and the media concluded that he "had the opportunity to get to know law enforcement and justice system"[38] since he spent years in prison earlier. Some of the synonyms used for him were the *man previously convicted, experienced criminal, prisoner* and he was said to be *the cool kid in jail*. He was represented as someone bound to be in prison: "While he was outside, he was in bad shape, was scruffy with musty smell but he bloomed in custody, he arrives to his trials relaxed, muscular, freshly shaved, with styled hair, wore pretty watch and branded shoes."[39]

Not only was he represented as *aggressive* and *dangerous* but his family were also; his mother was seen to trivialise domestic violence when she said a couple of slaps are normal in every family when talking about him beating his ex-girlfriend. In addition, according to the media, his cousin was also investigated and he was similarly represented as a violent person who threatened, beat and choked his ex-girlfriend. Representing the offender's family as a violent one could have been interpreted as a part of his own trauma, but media representations did not explain his experiences of family violence through this lens at all, rather the portrayal suggested that violence is normal within Roma families. Indeed from the very outset, as his ethnic background was revealed at the time of his capture, the media represented him using negative ethnic tropes: he was called a "Gipsy criminal" by a (far-right) politician, and Péntek himself stated that the police told him: "You stinky Gypsy, Kata would have never talked to you."[40]

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[32] Index, 19 July 2012a.
[33] Index, 19 July 2012a.
[34] Metal collecting is a typical economic activity among very poor people and in Hungary mostly done by Roma people, where they collect iron and bring it to waste recovery centres for payment.
[35] Index, 19 July 2012a.
[36] Index, 19 February 2013.
[37] Index, 5 April 2013.
[38] Index, 18 February 2013.
[39] Blikk, 28 August 2013.
[40] Index, 18 February 2013.

Freshmen camp rapist case

In August 2014, a female first year university student (a freshman) was raped at a freshmen camp in Hungary. According to the victim she was looking for a friend when she ran into the camp photographer, then she had a blackout. Later when she regained consciousness, she had anoxia as a result of strangling and her eyes and jaw were badly bruised. She reported the attack and the 40-year-old photographer was taken in custody. It was subsequently revealed that he took pictures of the attack with the intention to blackmail the victim. According to the prosecution he attacked, choked, punched, threatened and raped the student. Two additional offenses were made against the attacker as the photos of her were made without her permission and with the intention of blackmailing her. He was sentenced to nine years in prison. After this case became public, two other cases were revealed from other freshmen camps in Hungary.

The victim

In the freshmen camp rapist case, the audience received surprisingly little information on the victim, she was not blamed nor questioned. Nonetheless, in the media coverage of the case the blame was put on the freshmen camps, and the organisers, but the freshman victim herself was not blamed for being there explicitly.

The offender

The freshmen camp rapist's character was discussed in more detail than the victim's, but not as much as the offenders in the other cases examined here. He was referred as *the freshmen camp's satyr, rapist, suspected photographer, perverted photographer, recidivist sex offender, a real sex predator.* On the one hand, he was represented as an *aberrant, sick person* who has a *dark past;* he was punished two times previously for rape and sexual assault, had spent five years in prison where he behaved *exemplarily.* According to Blikk.hu, he seemed to get back on the right track and started a new life but now he *let space to his perverted desires again.*[41] On the other hand, he was represented as a *popular, party face* who was a *good lover* and had a *very nice, cool* and *joyful personality.* He was said to be *a good actor, a manipulator who easily gained people's trust* and *mesmerised* those in his environment.

[41] Blikk, 2 September 2014.

Zsanett case

Zsanett E. was a 21-year-old female who reported that she was raped by two police officers on the 4th of May 2007. She claimed that she was stopped by five officers for a roadside check in Budapest. The officers took her in a dark alley and two of them raped her while the other three watched. After the rape, she was escorted home and twenty thousand forints (about 50 Euro) was taken from her. She filed a complaint against the unknown police perpetrators. It soon turned out who was on duty in the particular area at that time and Zsanett E. was able to identify the five police officers involved. After the identification, the offending officers were suspended, yet in January 2008 they were all reinstated. Ultimately, the prosecution dismissed the case before going to trial due to a lack of evidence that a crime had been committed. Zsanett brought the case to court anyway as a private prosecution. After multiple trials, the Court acquitted the five officers from the accusations of sexual crime, violations of personal freedom, extortion and bribery. According to the Budapest Capital Regional Court of Appeal, there was a lack of evidence to prove the claims of Zsanett E. or the claim of the police officers. Meanwhile, criminal proceedings were brought against Zsanett E. for false accusations. Her case was later suspended and eventually dropped.

The victim

Despite the vast coverage of the case, readers were given very little information on Zsanett and her private and professional life was entirely unrevealed. It is also surprising that the media did not use direct adjectives to characterise the victim but rather to describe her character. However, despite the fact she was the victim, she was often referred as the *accused* or the *suspect*. The news outlets found out that she had "embezzled"[42] from her former working place and this story featured many times. Similarly, the story of her allegedly threatening a witness kept repeating in media coverage. In connection to the case, she was repeatedly accused in the press of making false accusation. In contrast, the accused police officers were referred to as *innocent* ten times. During the months of the investigation, the media systematically dismantled Zsanett's credibility. Headlines and sub-headings questioning her credibility dominated the coverage: "She likes to be in focus",[43] "Not even her ex-boyfriend believes in Zsanett's story",[44] "Fantasy on the rape",[45] "Controversial story of Zsanett".[46] Also, authorities gave statements to corroborate that she was lying:

[42] Blikk, 8 October 2012.
[43] Blikk, 21 January 2009a.
[44] Blikk, 21 January 2009b.
[45] Blikk, 21 January 2009c.
[46] Blikk, 21 January 2009c.

"That could not happen, none of the police would do such thing"[47] (a police officer); "I wish we had so many patrols that five of them could sit in one car"[48] (police chief); "I heard that she is the girlfriend of the pop-band called Hooligans, which is considered to be against the police. This is nonsense, she must hate the police for some reason"[49] (an accused police officer). Not only was her credibility questioned but also the reporting of rape more widely was undermined: "The alleged violence begins with consent"[50] (the lawyer of an officer); "If this goes on, not one boss, teacher or grumpy grandfather will be safe, because crowds of women will begin to accuse rape."[51] (Havas Henrik, a celebrated media person); "I would look behind to check who is fucking me from behind"[52] (András Bánó, reporter). Moreover, Zsanett's personal morality was attacked again and again by characterising her as promiscuous. From the very beginning, her own sexual attitude was at stake: the lawyer of one officer said that "the lady [Zsanett] is not famous for what the English ladies are".[53] The night she was raped, she was with a member of a band called Hooligans. She was interpreted as a groupie who had *some sex, flirt* and a *short romance* with a celebrity.[54] Finally, in her case the details of the rape were made public. "I was raped from behind while forced to engage in oral sex with the other officer"[55] (Zsanett). These technical details both alienate the victim from the "normal" but also objectify the victim discursively. This objectification evolves distance between the readers and the victim[56] by the gaze.[57]

The offenders

The portrayal of the police officers changed during the process; at the beginning they were represented as *brutal* officers, but when they and their fiancées started to talk to the press (mostly the tabloid news outlet – Blikk Online) they suddenly became ordinary people who had been *slandered.* They were represented as *model officers,*[58] *exemplary fathers*[59] and *fiancés*[60] who lived an ordinary life; one officer, a father, *used to watch football games with his son,*[61] three of them *were planning their weddings,* they

47 Index, 5 June 2007.
48 Index, 31 May 2007.
49 Index, 17 November 2008.
50 Index, 1 June 2007.
51 Index, 25 June 2007.
52 Index, 25 June 2007.
53 Index, 20 September 2007.
54 Blikk, 21 January 2009b.
55 Index, 17 May 2007.
56 Lindgren–Lundström 2010: 309–324.
57 Sartre 1966.
58 Blikk, 21 January 2009e.
59 Index, 19 May 2007.
60 Blikk, 21 January 2009e.
61 Index, 19 May 2007.

went to church for preparation.[62] They testified and claimed in the press that they were *innocent*. The five officers were taken to pre-trial detention and were suspended. As a result their *normal, harmonic family life* was overturned, they became unemployed and thus had to endure a *lower standard of living, spend the money they saved for the wedding,*[63] *take the help of their families,*[64] etc. On reflection, it seems there was a discernible turning point in the public and media discourse. Meanwhile Zsanett was represented as guilty, incredible, promiscuous and deviant, the *brutal* police officers were repainted as likable, common people who *spent the holidays by the sea,*[65] *liked to eat homemade stuffed chicken,*[66] just like 'us'.

Cases of migrants

This last case is a little different than the previous ones since this *case* was compiled from many cases where the media identified or labelled the offender as being a migrant.[67] This was necessary as only two cases happened in Hungary during the time period being analysed and both cases only resulted in two short articles, not sufficient for an in-depth analysis. Therefore, I decided to collect other cases which have connections to Hungary (e.g. a Hungarian victim) or were just interesting for the Hungarian media for some reason. As expected, none of the characters of either the offenders or victims were discussed in detail; in fact, usually only the age and the nationality of both were revealed. This lack of detail is not surprising since when a criminal case becomes a newsworthy topic, reporters try to uncover new details as the story goes on. However, in this instance, it is not a concrete case we are dealing with, rather an issue or a phenomenon – the assumption of a connection between migration and sexual violence – that was in focus and as such the newsrooms were reporting on multiple cases concurrently. It was not the details of those involved in the cases per se, but the issues invoked by the cases that was deemed newsworthy. Consequently, most articles classified in the *news* genre which aim to answer the five basic questions: what, who, when, where and why in a shortest possible way.[68] Nevertheless, I used the same methodology in this case as well and collected adjectives, synonyms and phrases concerning the perpetrators, the victims and the crimes.

In Hungary, there were only two reported rape cases during the sampling period (4 May 2007 – 17 March 2017) where the perpetrator was a migrant. Nonetheless,

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62 Blikk, 21 January 2009e.
63 Blikk, 21 January 2009d.
64 Blikk, 21 January 2009e.
65 Blikk, 21 January 2009e.
66 Blikk, 21 January 2009e.
67 I followed the media definition of migrant for this, in that I did not set out with a pre-set definition of migrant, rather I included cases where media reporting labelled the offender as being a migrant.
68 Horsti 2007: 145–161.

stories about rape cases with migrant offenders are common in Hungarian news as the media often reports about international cases, mostly focusing on German rape and sexual assault cases. The Hungarian media, however, barely pays attention to international cases concerning to violence against women in general, only if the perpetrator has migrant background.

The victims

The victims in the sampled articles were usually young (students, teenagers or sometimes even underage), very old or in vulnerable position (e.g. a victim used a wheelchair). The fact that the victims' ages vary greatly, and no other information is available reinforces the feeling that any one of "us" can be a victim of migrants.[69] Their innocence was emphasised as well as their defenceless. Some attributes referred to the victim status, for example *brutally beaten, bloody, left in her panty and a towel, having physical and mental injury, shocked, depressed, broken, intimidated, crying.* Their background was discussed in quite general terms: one child victim lived in poor conditions and used to be in state care, one woman worked as a cleaner, one young girl was a volunteer working with refugees, lived in a Christian dormitory and her father was a lawyer at the European Commission, another victim was a worker of the Red Cross, one mother of three was victimised too, one Hungarian victim worked in Malta, another victim was on her way home from work. Again, this suggests that every one of "us" could be victimised.

The offender

In the case of perpetrators, the most common attributes that were reported were their age and nationality. Nevertheless, it seemed to be irrelevant where they were actually from, more important is that they were foreign, aliens, outsiders; they were often described as *Muslim-looking* or *North African-looking*, or just "hell knows where they came from".[70] Migrants and refugees were portrayed as unemployed idlers who are "sitting around bored and tamping their phones".[71] There were a surprisingly high number of juvenile offenders, but none were represented as being underage or described as being a teenager or a child. In fact, most adjectives and attributes referred to danger caused by them: they were said to be *rough, violent, disrespectful with police, they look angry* and *dangerous,* they form *furious, unrestrained, aggressive crowds*[72] and

[69] Lindgren–Lundström 2010: 309–324.
[70] Blikk, 13 February 2017.
[71] MTI, 23 September 2016.
[72] Blikk, 7 January 2016.

violent, unbridled hordes,[73] once even *policemen were forced to flee*.[74] Also, the places they were staying at were considered to be *suspicious neighbourhoods*.[75] Offenders with migrant background were often portrayed as drunk whose *sexual instincts is out of control*.[76] Synonyms used are *foreign, alien, offender* and *monsters*.

When discussing the cases, the media stated that they are *shocking, astonishing, severe, disgusting, reprehensible, brutal, shameful, chaotic, particularly cruel, scandalous, horrid, disgraceful, terrible, horrible, indescribable* and *indignation generating*. Blikk.hu further dramatised the incidents; they wrote about *migrant trouble,*[77] *suspended civilisation,*[78] *Austrian panic,*[79] statistics which were *so formidable as if it were in a war zone*.[80] According to Blikk.hu the *fear in Malta was justifiable* after the rape of a Hungarian woman which is a worrying sign: *from now on Maltese must calculate with such cases and prepare the changes in the holiday paradise,*[81] *they can now see the dark side of migration*.[82]

Discussion

A substantial number of articles were analysed for this study, as discussed in the *Methods* section; however, this selection only covers three media outlets in Hungary. The outlets were chosen carefully to represent a range of genres, but they are far from the whole media representation of these cases. Furthermore, the media is just one of the actors shaping and influencing discourses on these matters. Another limitation of this research is that there are other determinants affecting the representation of these cases. For example, the cases happened in different years and public sentiment changes over time. To mitigate this effect, I chose the cases within a 10-year time frame. While determinants other than ethnicity, nationality, class could be analysed, these were chosen because there is both theory and empirical research about the effect of these determinants. Indeed, as discussed below, the findings of this research are consistent with both theoretical and empirical findings about how ethnicity, nationality and class shape media representation of rape cases.

As the analysed cases show, the characterisation of victims and offenders has many different angles. While these characterisations may differ from article to article, from case to case and across media outlets, one can still find discursive patterns when reading the articles together and carefully. Greer claims that the media have learned

[73] Blikk, 7 January 2016.
[74] Blikk, 26 January 2016.
[75] MTI, 2 September 2016.
[76] Blikk, 4 September 2016.
[77] MTI, 27 January 2016.
[78] Blikk, 7 January 2016.
[79] Blikk, 5 May 2016.
[80] Blikk, 5 February 2016.
[81] Blikk, 9 February 2016.
[82] Blikk, 9 February 2016.

to "do race" but not yet *class*.[83] In the media representation of the examined cases, journalists never connect offenders' ethnic background to the crime, only when citing some politicians or other actors. Such statements about class work in more complex ways, as will be discussed shortly. Individual journalists may or may not consciously intend to construct such narratives, indeed in some articles they are even self-reflective on these representations. Nevertheless, applying critical discursive analysis can show how hegemonic patterns are protected in media discourse. With Thompson's terms, media works ideologically when supporting solidified patterns of power and certain hegemonic interests.[84] Media and journalists have their own agendas determined by newsworthiness,[85] commercial and other market interests so to some extent they must meet mainstream social expectations, for these reasons journalists cannot greatly differ from mainstream discourse.[86] Giving an example from the above cases, none of the media outlets tried to portray Kata Bándy's killer differently. It would be unacceptable to even suggest that he is not born evil – this became and was the mainstream narrative and thus all had to adhere to it.

As mentioned earlier, Lindgren and Lundström set up four categories (inside victim, inside offender, outside victim, outside offender) to show how discourses maintain hegemonic patterns. In the authors' terms, outsiders (both outside victims and outside offenders) are those people who can be collectively distanced from average Swedes, from what "normal Swedish" is, insiders (inside victims and inside offenders), however, are people who are normatively part of the Swedish society.[87] When applied to the Hungarian context, insiders are those who are of white Hungarian ethnicity, middle class, leading a "normal" (non-deviant) life, while outsiders are migrants, Roma, lower class, deviants. Offenders are typically represented in externalised tropes, while "victim images are constructed in terms of inclusion".[88] Accordingly, the media has no problems when it comes to cases with inside victims and outside offenders – they fit the expected pattern. Inside offenders and outside victims, however, challenge hegemonic patterns and the socio-economic interests associated and embedded in this hegemony; media outlets themselves are beholden to the socio-economic interests that pay, fund or own them directly or indirectly, etc. Since inside offenders cannot be put in a role where they can collectively be judged to be outsiders, media discourses alienate these offenders individually by representing them as people who live double-life, "normal" on the surface but actually rather deviants.

The Hungarian case studies above support Lindgren and Lundström's theory perfectly. In the five cases there are two outside offenders; the migrant offenders and László Péntek, the rapist and killer in the Kata Bándy case. In the synthesised

[83] Greer 2007: 20–49.
[84] Thompson 1990.
[85] Davies 2011: 36–62.
[86] Thompson 1990.
[87] Lindgren–Lundström 2010: 309–324.
[88] Lindgren–Lundström 2010: 309–324.

migrant case, the nationality of the offenders was stated in every article if it was known. If it was not, they were referred as 'Muslim-looking' or 'North African-looking'. They were represented as dangerous aliens as a group who are unable to control their sexual instincts, thus being a general threat to European women. So migrant offenders were collectively distanced. The same distancing happened in the Kata Bándy case where the offender had a Roma background. While his victim, Kata Bándy, became the most idealised victims of all the cases, he was represented as the incarnate evil. The contrast between victim and offender was so sharp that is, the media narrative made it impossible not to sympathise with the victim and to hate the offender. It is more striking when comparing the case to the Nóra Horák case. Both storylines are very similar; a female disappeared, within few days their bodies were found, both cases ended up with murders followed by nationwide chase for the offenders. However, there was a significant difference – the victim in the Nóra Horák case was underage. Theoretically, this would raise her to the top of the *hierarchy of innocence*[89] and as such to the top of the *hierarchy of victims*.[90] Nevertheless, her story received much less attention than Kata Bándy's. As the analysis above shows, the contrast between Nóra Horák and her offender was not as distinct as in the Kata Bándy case. Since, the offender was an average Hungarian man, the media had harder time to alienate him. When doing so, the offender's personal circumstances were highlighted rather than his origin (ethnicity, nationality, culture). Nóra Horák was 14 years old but she was rather represented as an attractive woman than a child or a teenager, the offender, on the other hand, was represented more often as being miserable than evil. Thus, the polarisation of the two characters was not so contrasting as in the Kata Bándy case.

In the freshmen camp case, the method of distancing the offender was very similar to the Nóra Horák case. The freshmen camp rapist was an educated, middle class, white man. While, distancing migrants and the Roma offender was more straightforward, alienating Nóra Horák's offender was harder since he was a white, Hungarian man; however, he was uneducated and low class thus the media constructed the liminal image of him as miserable, defective rather than evil. For the media to externalise the freshmen camp rapist was rather more challenging. He was represented as a pervert, not evil like László Péntek in the Kata Bándy case, nor miserable like Nóra Horák's killer. In the freshman rapist case, the responsibility was shifted slightly to the organisers of the camp, and generally the sexualised and sexist vibe of these camps. Indeed, none of the other offenders in the other cases were able to talk in the media and give their own point of view, other than the freshman rapist and the police officers. Thus, it seems that the media, editors and journalists overtly sympathise and identify with middle class people regardless how they act while excluding lower class people by not giving them the chance to represent themselves or their side of

[89] Moeller 2002: 36–56.
[90] Greer 2007: 20–49.

the story. As such, the media reproduces marginalisation, instead of fulfilling its normative role and representing the various social, economic and cultural levels of society, bearing in mind different interests and points of view.[91] When Greer claims that media have learned to "do race", he also argues that "not yet *class*".[92] This is also shown in this analysis; the more socio-economically marginalised an offender is, the worse they are portrayed in the media and vice versa. The Zsanett case is extreme even within this framework of interpretation. The offenders were five police officers who had the backing of various tiers of authority and possessed the access and the power to present themselves as innocent. The media did not even try to distance the officers, yet they did repeatedly with the victim by characterising her as unreliable, promiscuous, guilty and by silencing her story from the narrative. While the officers were talking to the press about their daily routines, eating habits, wedding, marriage and average lives, Zsanett was silenced and her credibility was questioned again and again. While representing the officers as "one of us", the media depicted the victim as promiscuous, incredulous and guilty, someone who is capable of being a false witness. The officers were recast from dangerous predators to exemplary citizens step by step, meanwhile the victim was totally alienated from what is thought to be the "normal" Hungarian female. She went through a similar externalisation[93] as the inside offenders did in the other cases. Therefore, this case is extreme in that sense that externalisation happened to the victim not the offenders and the process of democratisation[94] happened to the offenders not the victim.

When considering the attributes connected to victim status[95] that Christie discusses, the results are similar to those shown in Lindgren and Lundström's model: the more externalised the offenders are, the more idealised the victims become. When Christie describes the ideal victim, he mentions the offender in half of the attributes. The offenders need to have some (negative) attributes themselves for the audience to be able to sympathise with the victims. In other words, the ideal offender makes the ideal victim and vice versa. The media representation and construction of victims is relational to that of their offender.

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91 Thorbjørnsrud–Figenschou 2016: 337–355.

92 Greer 2007: 20–49.

93 With Thompson's terms, externalisation is done to groups or individuals that can threaten dominant groups.

94 Democratisation is the opposite of externalisation in this manner. Lindgren and Lundström define it as "tendencies to discursively move identities or subject positions that are initially permeated by otherness closer to the collective subject position of the hegemonic 'us'" (Lindgren–Lundström 2010: 322).

95 1. the victim is weak; 2. the victim is engaged in a respectable activity at the time; 3. the victim is not to be blamed for what has happened; 4. the offender is big and bad; 5. the offender and the victim do not have a personal relationship; and 6. the victim has power and sympathy to claim victim status.

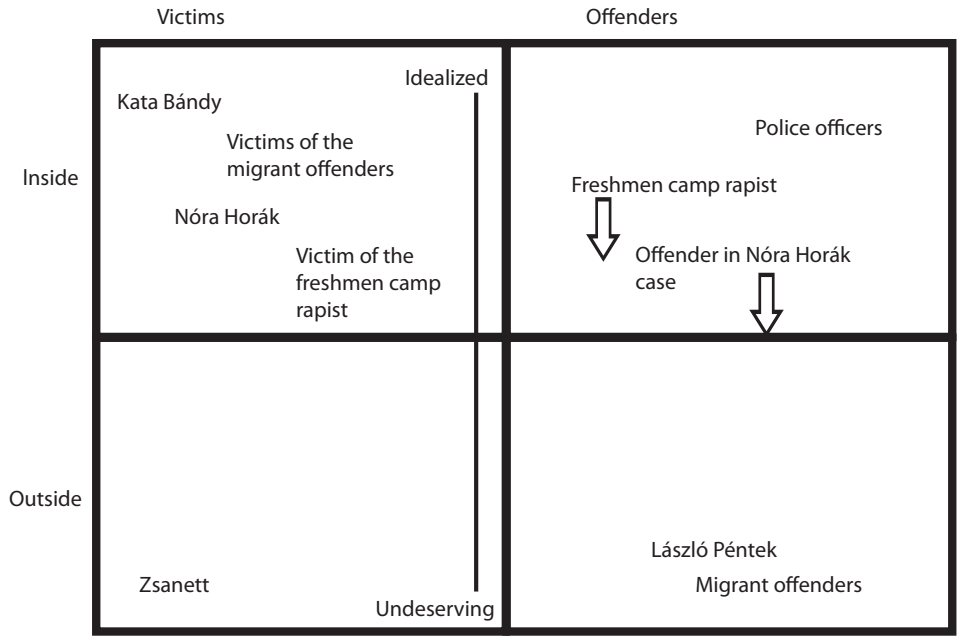

Figure 1: Diagram showing the Placing of Hungarian Rape Cases within the Inside/ Outside – Victim/Offender Matrix

Source: Compiled by the author.

The most idealised victim in the examined cases is Kata Bándy, she had everything from the attributes herself and her attacker was a "perfect match" in that manner. He was an easy target to portray as big and bad and evil not only because of his act but also because of his ethnic background and low class status. Similarly, considering their cultural background, the offenders with migrant background were easily portrayed bad and dangerous despite most of them being juveniles. Yet because they are distanced from what "normal" Hungarian or "normal" European is and they represent a foreign culture, their very presence is formidable and risky. Nóra Horák had all the attributes to qualify an ideal victim and she was even underage. Yet, she was not idealised as much as Kata Bándy since her attacker was not represented as a really bad person, rather a miserable character and victim of his circumstances. The victim of the freshmen camp rapist was not so idealised yet her character was not really questioned either so she still qualified a victim. This was in contrast to Zsanett who not only failed to qualify as an idealised victim, but she even failed to be a considered a victim per se. In this case, the narrative of victim/offender was inverted – Zsanett was represented as guilty and her attackers as victims. To sum up, the more successfully media can construct the offender's narrative, the more idealised the victim will be. In other words, being an ideal victim requires to be attacked by an "ideal offender". "Ideal offender" in this manner is someone who is an

easy target to be played off (e.g. foreign, migrant status, ethnic background, low class status, etc.). The more distanced the offender is from what is normatively considered to be "normal", the easier they become the "ideal offender". In other words, idealised victimhood moves together with inside victimhood which is strongly connected to the offenders' outsider status (see Figure 1).

Conclusion

The representation of crime in the media is influenced by politics not only in terms of its agenda but also by solidified patterns of power and hegemonic interests as discussed above. This paper has shown that the media is more likely to grant victim status to those who are insiders when their offenders are outsiders. Moreover, marginalised offenders are automatically and collectively externalised by the media, while *insiders* are externalised individually by represented as deviant persons. In doing so, the media reproduces marginalisation. While these findings might paint a negative picture of the media, nonetheless, the intention of this article is not to demonise media but raise awareness of hidden discrimination in discourses. To put it in another way, I do not argue that the media intentionally or voluntarily further marginalises the marginalised, rather that media discourses are intimately connected to hegemonic power structures. In Hungary, determinants such as ethnicity, nationality and class matter for how one relates to the hegemonic binaries of victim/offender, guilt/innocence, insider/outsider, etc. and ultimately who is marginalised and how this occurs. However, why marginalisation occurs and precisely how this occurs, i.e. how exclusionary discourses work in practice, lie beyond the scope of this paper and there is certainly need for further research into this in the Hungarian context.

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An Unsolved Dilemma: Contracted vs. In-House Guarding

Balázs Gergely TISZOLCZI[1]

There are questions in the field of physical security that are hard to answer. One such existing dilemma is whether to choose contracted or in-house guarding. Deploying security officers is a must in almost every security system to appropriately handle system-related risks, so most security managers meet this problem during their careers. Since there is no "one size fits all" solution to this problem, in this article, various points of view are shown to help security professionals decide between the two types of service when the question is on the table.

Keywords: *physical security, in-house guarding, outsourcing, pros and cons, decision*

Introduction

Manned security guarding is the focus point of personal and property protection. It is considered one of the oldest forms of protection activity. Mechanical protection and electronic security appliances are also essential parts of a complex security system with their delaying, detecting and signalling capabilities, but only professional security guards can effectively react and respond to specific events that need to be addressed immediately,[2] such as malicious acts and emergencies in addition to the operation of the aforementioned technical systems. They can verify the authenticity of an alarm, assess the threat and act accordingly. For all these reasons, the role of the live force in an interdependent security system is decisive. However, they can also be the weak chain link in the system's elements. Manned security guarding can be realised in numerous forms, e.g. by the owner, the in-house security department (through employment) and contracted security services (through business relationships). Here, at this point, only the in-house and contracted protection forms are being discussed. There can be many advantages and disadvantages between the two types, and from a security manager's point of view, making the right and most appropriate decision is always critical.[3]

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[2] Regényi et al. 2022: 123–137.

[3] Dobos 2019: 63–69.

Regardless of the final verdict, choosing between in-house and contracted security services means a long-lasting commitment, and such commitments are, with no exceptions, preceded by business decisions. Allowing for some necessary simplifications and not discussing the complex strategic decision-making methods and processes, at this point, at least two cornerstones should be considered: the priorities and the financial constraints regarding the service. In-house guarding is generally considered more expensive than contracted services. However, if money is not an issue, and one has clearly defined requirements (for example, high loyalty and low staff turnover rate), in-house guarding is the best solution. Making the right choice for customers who have financial considerations and want to find the best form of service and the best value for money is where this article can help. The following suggestions are based on the professional experiences of the author as well as Hungarian laws and regulations. For that reason, making the final decision requires readers' discretion as to what extent they implement and how they adapt them to their businesses.

Expansion of working hours and personal skills

The first and one of the most important considerations while comparing the pros and cons between the two types of services is the efficiency of adaptation when extra working hours are needed or there is a lack of proper personal or professional competency for some guarding tasks. In case of outsourcing, when there is a deficiency in some required competency (that cannot be made up by training) or when some significant change in competency requirements occurs (e.g. a new business process with unique guarding attributes has been implemented), the necessary personnel changeover becomes much more flexible and happens within the time period determined by the SLA.[4]

As for in-house staff members, their rights are enforced by Act I of 2012 on the Labour Code (hereinafter: Labour Code). The Labour Code determines how and under what circumstances an employee can be made redundant, and those rules make the in-house service more difficult to adapt to a rapidly changing environment. Moreover, outsourcing provides faster backup for unforeseen circumstances that have an impact on guarding requirements. These backup capabilities mean that deploying extra security personnel can be implemented quickly, and these officers added to the regular staff can be on duty even for a short period. Nevertheless, there is a chance to temporarily increase the number of personnel under the scope of the Labour Code. However, numerous restrictions emerge in working hours, day

[4] SLA: Service Level Agreement, that helps you to formally set the expectations of the service you get from your provider, including the quality, nature and scope of the service. The performance of the service level can be measured against key performance indicators (KPIs), such as cost, responsiveness and quantity (Johnson 2017).

offs, holidays and free periods between two shifts. While performing standby jobs,[5] which is a popular form of service among security personnel, some basic rules have to be followed (among other important ones), such as:

- the maximum working hours cannot exceed 72 in a week
- the employee is eligible to get at least two days off a week
- work schedule shall be made known at least seven days in advance
- at least an 8-hour free time has to be kept between two shifts

Outsourcing means buying "guarding hours" instead of hiring employees, so the rules above have to be followed by the service contractor. It is much easier for them because their service operation is optimised to support such demands.

Personal and professional competencies

It is possible to supervise the recruiting process while building an in-house team. Thereby it is guaranteed that employees whose competencies meet the requirements of the organisation get hired. A contracted service, however, has its limitations regarding competencies. Even if the contract has concrete parameters in connection with the required personal and professional competencies of the staff, there is no guarantee that the security personnel will meet the professional requirements expected. Additionally, the staff turnover rate is usually higher, and their commitment to the company is generally lower. By employing security personnel, a higher level of staff loyalty and commitment for the company can be effectively achieved.

It is an interesting fact that an in-house staff member does not need to have a license[6] issued by the control authority (the Police in Hungary) to perform guarding activities, as well as no need to take part in periodic retraining. Nonetheless, meeting these license and retraining requirements is compulsory for a security guard working for a contracted company. A private security contractor and a licensed guard are under the supervision of the local police department, so their activity is controlled and checked by them at least annually. However, this control does not exist when facilities and other assets are protected by employees under the Labour Code. In such

[5] 'Standby job' shall mean where: due to the nature of the job, no work is performed during at least one-third of the employee's regular working time based on a longer period, during which, however, the employee is at the employer's disposal; or in light of the characteristics of the job and of the working conditions, the work performed is significantly less strenuous and less demanding than commonly required for a regular job (Act I of 2012 on the Labour Code).

[6] According to Act CXXXIII of 2005 on the personal and property protection and the private detective activities (Security Services Act), the security personnel working for a security service provider need to have a valid license issued by the local police department to be allowed to work in that field. That is not the case when somebody is a security guard at a company that does not provide contracted security services.

a case, there is no supervision by authorities, and as a result, less legal and quality control is enforced over their activities.

Price of the service

As was mentioned before, a contracted workforce is more flexible and easier to deploy. Moreover, the expenditures are better calculable and less expensive, which is relevant for every company. Prearranged and fixed amounts of money have to be paid for every post, and there are no extra expenses, such as overtime wages, shift bonuses for extended service hours, paid holidays and sick leaves. Service fees are increased at the intervals and in the manner specified in the business contract, while some government regulations, e.g. an annual increase in the guaranteed minimum wage, imply an automatic and proportionate increase in the salaries in case of in-house staff.

When hiring, the surplus costs, such as the costs of recruitment, accounting fees, the pre-recruitment medical examination, clothing and equipment (including personal protective equipment and communications), training, etc. also need to be covered by the employer. Some companies provide a cafeteria and at least partial commuting travel expenses and guarantee other benefits in collective agreements that can also be costly. Furthermore, a line manager has to be employed above a certain number of workers, and electronic control needs to be applied, such as electronic guard tour systems, to adequately organise and supervise the duties of the staff.

Rules of liability

As for a service contractor, it is the contractor's responsibility to command the staff professionally and legally. Thereby all the responsibility and the main reputational risks in connection with negligence of professional or legal requirements befall the contractor. On the other hand, following this so-called 'chain of command' can be a bit inflexible in some cases. However, under the rules of the Labour Code, companies have the right to give direct instructions to employees, which can significantly accelerate their work while keeping responsibilities. Directly instructing your employees means a broader scope for other activities not related to the guarding tasks, but these tasks should not compromise the secure delivery of the guarding service.

Service providers are required by the law to have relatively high-value liability insurance that provides a significantly greater level of return compared to the compensation under the rules of the Labour Code in case of damages caused by a security officer. Moreover, as a customer, the company – with some exceptions – is

not obliged to take any action when a work-related accident happens while one is on duty, but an employer is required to pay compensation for the loss and suffering to the person concerned (if the employer is not relieved of liability according to the related rules of the Labour Code). One of these exceptions derives from Act XCIII of 1993 on Labour Safety (Labour Safety Act). According to that, "at workplaces where the employees of several different employers are employed simultaneously, work shall be coordinated to avoid exposing the employees and other personnel in the immediate work area to any danger. Coordination shall be the responsibility of the employer designated by the parties in the contract, or in the absence of such clause, any other person or body who/that exercises actual control or who/that is mainly responsible for the workplace in question, or if there is no such person or body, the party on whose property the work is performed". It means that without extensively describing the rules of liability in the contract, the customer can also be obliged to pay for the costs of a work-related accident or an occupational disease.

Other considerations

In some cases, the characteristics of a company, such as its geographical locations (e.g. a company with numerous premises at different sites) or the unique aspects of the sector in which they provide their services, can also significantly contribute to the final decision. It is typical for a construction firm to have numerous contemporary construction projects running on remote sites. At these sites, it is challenging to employ their own security guards because the company usually does not have recruitment capabilities to rapidly replace the security officers in case of heavy staff turnover and effectively supervise all the areas. Under these conditions, a security contractor with personnel deployed at various worksites can be a legitimate solution because they can provide the necessary workforce instantly.

As was discussed before, in-house guarding units bring a greater ability to build teams and invest in enterprise culture.[7] Nonetheless, besides its many advantages, there are some drawbacks, too. These security unit members cannot work in a vacuum within the company; they should be closely integrated with other departments to create a more direct relationship between these departments. This creates a sense of loyalty among the security staff members, and the company's remaining employee population is more likely to see them as part of their team. However, this is a double-edged sword because security officers may become more loyal to the other employees than to the company. This phenomenon causes a potential conflict of interest in enforcing company regulations and procedures amongst the employee population or in the event an employee is suspected of doing wrong.[8]

[7] Finkel 2019.
[8] AASA s. a.

One of the main reasons why some organisations prefer the in-house security arrangement is the fact that the retention of internal information is easier to track and better ensured. Working with a contracted provider means that not only do the guards answer to you as their company's customer, but they also answer to their own security company. Guard post orders, actions, logs and reports are scrutinised by both the customer and the company; thus, some serious information may leak.[9]

Finally, company reputation should be considered during the decision-making process. Private security services, especially guarding, are one of the most populous sectors in Hungary, and the so-called black economy is also heavily present in this segment.[10] Contract fees that customers are willing to pay for the services are generally low, and a vast majority of the security companies try to 'optimise' their expenditures by avoiding paying taxes and employer contributions. For due-diligence reasons, a customer should carefully vet the bidding companies before signing a contract between the two parties. This pre-contract checking process should cover financial and professional background inspections and the service provider's reliability based on their references. Omitting this pre-contract process, a customer company may expose itself to high reputational risks if the service provider is under inspection or has been fined by the enforcing authorities.

Reputational risks can also derive from malicious or non-professional acts of employees. Ethical conformance must be ensured by open-source background checks, requesting references from previous employers, and requiring a 'certificate of good conduct' before signing the employment contract.

Conclusion

Every enterprise has its unique possibilities, constraints and preferences. In this article, the conclusion of whether a contracted service or an in-house staff is the most proper solution, in general, has not been drawn. However, some pros and cons of both services have been discussed to help security managers to see their options.

Confidentiality, more control over security tasks, loyalty, reliability and lower staff turnover rate are all factors to be considered when choosing in-house staff over contracted service providers. Nonetheless, in-house staff means higher costs, less flexibility and more liability for on-duty actions.

Occasionally, the most cost-effective solution for a company is to mix the two types of services along the lines of some aspects. Some functions can be kept in-house while others can be outsourced, or the division may be based on geographical considerations. A so-called understaff contract can help managers make the high

[9] AASA s. a.
[10] Dobos 2019: 63–69.

turnover rate much smoother, as they can hire the required number of security guards from a contracted service provider until they fulfil a vacant position.

The dilemma the article's title suggests cannot be solved easily; there will always be a challenge for security managers to find the most appropriate guarding solution that meets the requirements and possibilities of their companies.

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Establishing the Evaluation Criteria System for Private Security Companies in Hungary

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The study was prepared for the research on the creation of the certification system for private security companies operating in Hungary. I hereby present the place of private security in the Hungarian law enforcement system and examine the operation of the certification system for private security companies in international practice. Based on international experience and taking into account laws applicable to businesses, I have developed a criteria system for the pre-certification of businesses. I have also created separate evaluation criteria systems for assessing the financial stability, size, market share and quality of services provided by companies.

Keywords: *private security, certification, criteria system, categorisation*

The aim of establishing the evaluation criteria system

The aim of the development of an evaluation criteria system for private security companies in Hungary that operate with security guards, security technology and remote alarm monitoring centre is to provide an objective evaluation and categorisation of the companies. The evaluation criteria should take into account the weighted components of the evaluation system.

The place of private security in the Hungarian law enforcement system

The Hungarian literature refers to the group of private security companies, local government law enforcement agencies, and civilian self-defence organisations as complementary law enforcement in the law enforcement system.[2] The actors of complementary law enforcement perform their activities in market conditions or

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[2] Christián 2022.

in volunteer-based civilian organisations, supporting and assisting the activities of state law enforcement agencies.

These companies provide security guards, security technology design and installation, and private investigation services. The manned security services are performed within the legal and professional guidelines set by the companies. Their tasks include preventing illegal activities, protecting people, events, objects, assets, service systems and elements of critical infrastructure, operating remote surveillance systems and providing on-site response services.[3] The activity is assisted by security technology systems. The security technology systems are protective solutions that increase the physical security of the protected object, the regime measures regulating their operation and information systems. Physical security is provided by mechanical protection devices, electronic property protection systems, including electronic intrusion alarm, access control and video surveillance systems, and various hardware and software solutions for information security (IT[4] security).

Private security companies in Hungary work exclusively in the civilian sector under the framework of a civil law contract, and their activities are regulated by Act CXXXIII of 2005 on Personal and Property Protection and Private Investigation Activities. They do not perform military tasks and are not subject to regulations for Private Military Companies (PMCs), Private Security Companies (PSCs) and Private Military and Security Companies (PMSCs).

Certification of private security companies working in the field, international outlook

The certification of private security companies operating in the field is based on voluntary participation in the countries being examined. The acquired certification expires after a specified period of time in all examined systems, and needs to be renewed. In some systems, regular annual reviews are required. As a result of the regular reviews, companies continuously improve the quality of their services, which is achieved through upgrading their technical equipment, training their employees, increasing their staff size and improving their salary standards. If during a review (supervisory audit), expert auditors encounter too many deviations, they are recorded in a report and the elimination of the shortcomings is prescribed. If a company does not eliminate the revealed shortcomings by the set deadline, its certificate will be revoked. The strict requirements and consistent inspection system guarantee the elimination of unreliable, organisationally undeveloped, insufficiently experienced and high-risk companies.

[3] Boda 2019.
[4] IT: Information Technology.

The United Kingdom

The Security Industry Authority (SIA) started its operations based on the 2001 Private Security Industry Act in the United Kingdom, a state agency created by the Ministry of the Interior of the United Kingdom.[5] The SIA is responsible for regulating certain activities in the private security industry in England, Scotland, Wales and Northern Ireland.

The SIA issues licenses for people working in the private security field. Only individuals over 18 years of age with adequate training and qualifications for the job may receive a license. The activities that can be performed with the license are regulated by British national standards.

In addition to issuing permits for individuals, the SIA also deals with the certification and approval of businesses in the private security sector. The SIA Approved Contractor Scheme (ACS) ensures that the audited business is capable and appropriate (from a criminal perspective) to carry out private security tasks and performs its duties in accordance with specified quality requirements.

The acquisition of ACS certification for businesses is voluntary. Being a member of the ACS system is a business advantage for approved businesses, as it shows to customers ordering their services that the business is a company certified by an independent auditing organisation and committed to providing quality services. Certified organisations are entitled to use the ACS accreditation trademark on their stationery, clothing and websites. The accredited organisations are listed and published on the SIA's website.[6]

Certifying organisations are independent and impartial. Such a certifying organisation is the National Security Inspectorate (NSI) or the Security Systems and Alarm Inspection Board (SSAIB). NSI is an independently accredited certifying organisation by the United Kingdom Accreditation Service (UKAS), which certifies private security providers in the United Kingdom[7] and Ireland.[8]

Their certification requirements comply with police guidelines (in England, Wales, Scotland, Northern Ireland and the Republic of Ireland), and their issued certificates are also accepted by insurance companies. In the event of a loss, insurance companies must be satisfied that the client has taken all reasonable precautions to reduce the risk. If a client operates a Security Systems and Alarms Inspection Board (SSAIB) certified system or uses SSAIB certified services, they are demonstrating that they acted in good faith and took all reasonable precautions.[9]

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5 For more information see www.legislation.gov.uk/ukpga/2001/12/contents
6 Security Industry Authority 2023.
7 The number of companies approved by the NSI in the United Kingdom reaches 1,800.
8 For more information see www.nsi.org.uk/about-nsi/
9 For more information see www.ssaib.org/

Germany

The Verband der Sachversicherer e.V. (VdS), founded in June 1948, is the umbrella organisation of the German insurance industry. It deals with all areas of corporate security. It performs risk assessments, site inspections, product certifications and certifies businesses and professionals in the areas of property protection, fire and occupational safety, and cyber security. The VdS certificate is recognised in professional circles throughout Europe and increasingly represents reliability and security on global markets.[10]

The private security services standard series (SDL – Sicherungsdienstleistungen) is the DIN 77200[11] which was published in November 2017. The security provider demonstrates its capability to design and provide security services according to the DIN 77200 in a professionally qualified manner according to the standards requirements through certification.

In terms of security systems, the VdS not only certifies security products but also the installers of these systems. The German police emphasise that improper installation of security devices is often the reason for successful break-ins. Certified security system installation companies by the VdS can obtain certification for the installation of intrusion alarm systems, automatic fire alarm systems and video surveillance systems. The certification is valid for four years and must be renewed after that. Approved businesses guarantee to comply with the VdS design and installation guidelines (VdS Schadenverhütung GmbH).[12]

The VdS also certifies companies that install mechanical security devices, such as those who install security grates after the fact, perform glazing and grating on doors and windows, manufacture grates and install blinds. In addition, they certify service companies that carry out maintenance, repair and modification of safes (based on VdS 3529 guidelines), carriers of money and valuables (based on DIN 77210-1), alarm receiving centres (based on DIN EN 50518), and also certify airport and air transport security providers (according to DIN EN 16082).

[10] For more information see https://vds.de/ueber-vds

[11] The DIN 77200:2008 was the predecessor standard, which was transformed into a three-part standard during the 2017 revision.

[12] In case of intrusion alarm systems, the VdS 2311, for automatic fire alarm systems, the VdS 2095 and for video surveillance systems, the VdS 2366 (https://vds.de/kompetenzen/security/zertifizierung/errichterunternehmen-fuer-elektronische-und-mechanische-sicherungstechnik).

Italy

In Italy, private security service providers are certified based on the UNI[13] 10891:2022[14] standard by independent certification bodies. One such independent certification organisation is the Swiss–Italian SI Cert Group, established in 2000, which deals with the certification of management systems, products, services and business processes.

The UNI 10891:2022 standard defines the mandatory minimum requirements for the control of services provided by private security service providers. The activities of the certifying organisation are performed based on ISO/IEC 17065:2012.[15]

In the certification process, the certification body performs a certification audit to verify the compliance of the company's system with the standards. Prior to the certification audit, the company may request a pre-audit, where the auditing body examines the suitability of the company's management systems for the certification audit. Upon successful certification audit, the company will receive a certificate issued by the accredited certification body. Following this, the certification body will carry out annual surveillance audits at the company to maintain the certificate. After two surveillance audits, a renewal audit will follow in the third year after the acquisition of the certificate. The UNI 10891 standard fully integrates with the ISO 9001 standard and can be fully integrated into quality management processes.

Russia

In Russia, certification of private security companies is also carried out by accredited certification organisations based on the ГОСТ Р 66.9.04-2017[16] standard. Application for certification is voluntary.

The certification process consists of two parts. In the first part, the processing of information provided by the organisation and the audit of the submitted documents takes place. In the second stage, a site inspection takes place. During the site inspection, compliance with the inspection requirements is determined and the qualifications and professional experience of the company's employees, as well as the company's financial stability are examined. The site inspection is always carried

[13] UNI – Ente Italiano di Normazione [Italian Standardisation Institute], founded in 1921. Since its establishment, they have published over 49,000 standards.

[14] UNI 10891:2022 Servizi – Istituti di Vigilanza Privata – Requisiti [Services – Private Security Institutions – Requirements].

[15] The ISO/IEC 17065:2012 standard outlines requirements that ensure certification bodies conduct their certification activities competently, consistently and impartially. This is necessary for the recognition of the certification body and acceptance of certified products, processes and services nationally and internationally. Evaluation of Conformity – Requirements for certification bodies regarding products, processes and services (https://store.uni.com/p/UNI1604602/uni-108912022-506493/UNI1604602_EIT).

[16] ГОСТ Р 66.9.04-2017 Оценка опыта и деловой репутации охранных организаций [Evaluation of the experience and business reputation of security organisations] Russian national standard.

out by a team of at least three expert technicians with expertise in private security operations. After the evaluation, the certified company is given a certificate and a rating, which increases in proportion to the company's experience and reliability, based on a 100-point scale. The rating is calculated based on the experience of the site inspection, by the expert team, according to the ГОСТ Р 66.9.04-2017 standard, Annex "B".

On-site inspection examines the management of the private security organisation, the qualifications and professional experience of the employees, the compliance of the service equipment, communication equipment, vehicles and various technical resources based on the data provided in the previously submitted request.

The goal of the company certification according to the standard is to screen out unreliable private security businesses that do not have sufficient professional experience and adequate resources. An additional objective is to require standard-compliant company certification in tenders issued by government agencies and large private companies.[17]

Ukraine

In Ukraine, a rating system for private security companies was introduced in 2015. The system was developed by a team of experts from the Українська Федерація Професіоналів Безпеки [Ukrainian Federation of Security Professionals, UFPB].[18] On 19 October 2015, the Добровільна оцінка відповідності послуг з охорони [Voluntary Compliance Assessment for Security Services] was approved. This is a rating system aimed at providing objective information to customers ordering security services about the reliability and scope of services provided by security companies.

The certification of companies in Ukraine is based on voluntary applications. The assessment is carried out by a team of experts based on the documents submitted by the company. After the audit of the documentation, the experts carry out an on-site audit. During the on-site audit, objective evidence is collected to verify the facts mentioned in the submitted documents and statements made by the company. After successful completion of the certification process, the company will receive the Сертифікат відповідності послуг охорони Української Федерації професіоналів безпеки [Certificate of Compliance of Security Services of the Ukrainian Federation of Security Professionals] and be posted on the UFPB website.

In the examined states, the certification of private security companies works in practice and databases of certified companies are available. Generally, it can be

[17] Шарвонова 2017.

[18] Українська федерація професіоналів безпеки (УФПБ). It was established on 5 May 1995. The organisation consists of Ukrainian businesses specialising in providing security services. In 2019, they represented more than 450 companies (https://ufpb.kiev.ua/реєстр-сертифікованих-компаній/).

concluded that obtaining certification presents a challenge for companies, however, they gain market advantages when they have it.

In the examined countries, the certification process is based on voluntary commitment. The acquired certification expires after a specified period in all examined systems and must be renewed. In some systems, regular annual review is required. As a result of the regular review, companies continuously improve the quality of their services by upgrading their technical equipment, training their employees, increasing their staff numbers and improving their salaries. If expert auditors find too many deviations during a review (supervisory audit), they are recorded in a minutes and the correction of deficiencies is ordered. If a company does not eliminate the revealed deficiencies by the specified deadline, its certificate will be revoked. The strict requirements and the consistent monitoring system guarantee the elimination of unreliable, poorly organised and risky companies lacking professional experience.

In the certification system in the United Kingdom, not only companies but also employees are certified based on their qualifications and the work they are intended to perform.

The certification system in Russia differs from other examined systems in that companies do not receive certificates of equal value, but are certified by an index number on a hundred-point scale. The size of the index number is proportional to the company's reliability, professional experience and market power.

The establishment of a certification criteria system in Hungary

When creating the certification criteria system, I took into account the evaluation requirements of the company certification systems outlined in international standards.

In international practice, certification of businesses takes place on a voluntary basis through an application process where applicants undergo a preliminary screening. Only businesses that meet a minimum entry requirement are certified. This is how the SIA certification system operates in the U.K., where companies applying for the ACS certificate undergo a few-point inspection by an accredited certification organisation. During the inspection, the accredited certification organisation examines the company's compliance with the law, whether its employees are eligible to provide the certified service, whether they have a live service contract and have been operating for at least a year. A business that does not meet any of the preliminary screening requirements cannot be certified.

Based on the above, I have created several questionnaires. Using the questionnaires, I examine the eligibility of the companies for certification, their financial and economic stability, the quality of the service they provide, the technical

and professional level of the service as well as the qualifications and professional experience of their employees.

Pre-certification of businesses

In the planned certification system, certification of businesses will take place on a voluntary basis. Applicants must first undergo pre-certification. In pre-certification, the businesses must meet five criteria to start the certification process. If any of the five exclusions are present, the applicant business cannot be certified.

The exclusions apply to both companies specialising in live security and security technology. The exclusions only include conditions that are necessary for lawful operation and that are determined by the Procurement Act[19] in relation to applicants in procurement procedures.

The exclusions are:

- the business is not registered with the company court
- the business does not comply with Act CXXXIII of 2005, 5 § (1)–(2) and 5/A § (1)–(3)
- the business is not considered a transparent organisation Act CXCVI of 2011, 3 § (1)
- one of the exclusions of 62 § (1) a)–h), k)–l), n) and (2) of the Procurement Act exists against the company
- the company has not been operating for at least three years

In the event of any of the listed five exclusionary conditions, the applicant business cannot be qualified.

The determination of minimum operating time is important because it is characteristic of the life cycle of businesses that suffer from a lack of initial capital, and they primarily finance their operating costs from their founders' savings, family loans and loans from friends.[20] In this initial period, they often pay little attention to marketing and market research. The difficulties of starting up deplete the available capital of many businesses, the initial momentum decreases, which leads to the collapse of the business.[21] The literature dealing with the corporate life cycle refers to this early failure as "infant mortality". In Hungary, start-up businesses spend an average of 3.3 years in infancy, similar to businesses in Western market economies.[22]

[19] Act CXLIII of 2015 on Public Procurement (Procurement Act).
[20] The triple capital sources of founder, family and friends are often referred to as 3F in the literature.
[21] Rekettye 2016.
[22] Salamonné Huszty 2008: 19–44.

Evaluation system for the financial stability of businesses

- Is the business listed in the Public Debt-Free Taxpayers Database?
  Based on Act CL of 2017 on the Tax System. The operation and publication of the Public Debt-Free Taxpayers Database, the state tax and customs authority publishes it on its website. The taxpayer can be listed in the database if they meet the following conditions as of the last day of the month preceding the publication:
  - according to the taxpayer's declaration, there is no recorded net debt or public debt with the state tax and customs authority
  - the taxpayer has fully satisfied or will fully satisfy their due declaration and payment obligations
  - there is no bankruptcy, liquidation, compulsory cancellation or seizure procedure underway
  - there is no outstanding value-added tax debt
  - there is no corporate tax debt
  - there is no overdue tax debt

    The registration of a company in the tax debt-free taxpayer database is not mandatory, however, it provides convenience for the invitators to tender in terms of checking the tenderers listed in the database.
- Has the company been under bankruptcy, liquidation or execution proceedings or had its tax number deleted in the last three financial years?
  This is an evaluation criteria if the conditions are no longer in place at the time of application from the candidate for certification. If the conditions are still in place at the time of application, then it is a disqualifying factor for the business certification.
- Has there been a pending item on the current account in the last three financial years?
  This is a criteria for certification indicating financial stability.[23]
- The proportion of own capital to the total amount of the balance sheet (own capital/total resources)*100 (%)
  One of the most commonly used structural indicators that shows the proportion of equity within the total capital. It is also referred to as equity coverage. The higher the value of the indicator, the more financially stable the business is considered to be. A high equity coverage indicator means that the business finances its operating costs from its own sources and is not dependent on investors or lenders.[24]

[23] Insolvency/queueing (negative data): Insolvency of business current account, queuing of claims on current account. On the business current account, due to a lack of cover, a claim of over one million forints generated (queueing) after more than thirty days (for more information see www.bankszovetseg.hu/fogalomtar/f.cshtml).

[24] Paár et al. 2021.

If the proportion of equity within all resources of the business does not reach 30%, then it can be considered financially risky for the business.[25]

- Average salary (wage cost/number of employees)
  The wage cost includes not only the basic salaries but also various allowances, bonuses and premiums. The number of employees refers to those employed on a full-time or part-time basis. Part-time employment reduces the average salary. An increase in the average salary suggests a well-managed and profitable business that strives for lawful employment.[26]
- The ratio of workers employed in full- or part-time employment (number of workers employed/number of sub-contractors included in performance, including those working under a contract for services and temporary workers)
  Increasing the ratio of workers employed in employment serves the objective to whitewash the industry. Workers employed this way perform their work integrated into the employer's organisation, which is regular and continuous. The employer has broad monitoring, instructing and management rights over a worker employed in employment, during which they can determine the method of work.[27]
  Increasing the prestige of the profession is one of the important elements of creating transparent employment conditions.[28] Employment in employment provides security for both the employer, the employee and the service client.[29]
- Customer base
  The customer base is the number of customers of a qualifying business that has a live service contract. The more services a business provides to its customers, the more stable it can be considered. In case of businesses with few customers, the termination of a customer contract may lead to the termination of the business.

A certification system established to examine the size of the company, its market share, and the size of its service area

- Net revenue from personal and property protection activities
  The net revenue size is generally proportional to the size of the company. To filter out exceptional annual revenues, the average revenue of the three years prior to certification should be taken into consideration on the certification data form.[30] If the company also deals with product sales or security technology

[25] Zéman–Béhm 2017.
[26] Paár et al. 2021.
[27] Matiscsákné Lizák 2016.
[28] Christián 2022.
[29] CoESS – UNI-Europa 2014.
[30] Certification data form: A form filled out by the company applying for certification, in which the filler provides answers to the evaluation criteria of the certification evaluation system.

installations, the value of these services will also be included in the net revenue, so only the three-year average net revenue from personal and property protection activities should be displayed on the certification data form.

- Number of full-time employees
  This signifies the number of employees working in full-time or part-time employment. It is a certification criterion aimed at reducing subcontracting chains typical of the sector, forced entrepreneurship, black market employment and employment through labour rental companies, in order to whiten the sector.[31]
- Number of subcontractors involved in performance
  This means the number of subcontractors involved in the performance of the service on a permanent or occasional basis (this includes those who work under a contract of mandate).
  The number of employees in full-time employment and the proportion of subcontractors involved in the performance give the proportion of full-time or part-time employees in terms of the company's financial stability.
- Size of service area (nationwide, regional, county or local level)
  A small business operating in a local or county service area cannot meet the needs of a customer who has multiple locations nationwide or operates a nationwide branch network. The diversification of such a type of caller for bids is an important evaluation criterion. The degree of diversification is an important part of the corporate strategy as a wide service area requires a higher number of employees, more equipment and vertical development of the organisation, thus requiring a greater organisation.[32]
- Number of people with security guard, and property protection system installer, as well as designer-installer certificates
  At companies engaged in live security, only those with security guard certificates can perform property guarding activities, while property protection system installers perform the installation, maintenance and repair of security systems, and those with property protection system designer-installer certificates perform the design of security systems. The certificates are issued by the Competent Police Headquarters Administration Department according to the place of residence, based on proof of no criminal record and appropriate educational attainment, vocational training or qualification.[33] The number

[31] Felméry 2018.
[32] Chikán 2008.
[33] The provisions in paragraphs (1)–(6) of section 10/A of BM regulation 22/2006 (IV.25.), which governs the implementation of Act CXXXIII of 2005 on Personal and Property Protection and Private Investigation Activities, specifically lists the necessary qualifications and competencies required for performing personal and property protection, private investigation, and security technology activities. According to the regulation, which came into effect on 6 July 2018, these qualifications and competencies are acceptable for obtaining the certification for personal and property protection personnel, private investigators, those who design and install property protection systems, and those who install such systems.

of employees who work on a full- or part-time basis and have the necessary certificate issued by the police authority for performing property protection activities.

- Operation period of a company
  Companies follow a similar path during their lifespan. After starting, they enter the uncontrolled growth stage, followed by the control and delegation period. The uncontrolled growth stage is characterised by rapid development, where overheated companies seize every opportunity, accept every job and embark on everything. If companies do not pay enough attention to the development of their organisation, the regulation of processes and do not balance their income and expenses during this stage, it can lead to a control crisis, which, in the worst case, can result in the collapse of the company. When they get past the control crisis, they enter the control and delegation stage. During the control stage, companies slow down their operations and focus on profitable operations rather than increasing their income. Hungarian experiences show that companies do not slow down their operations, instead, they focus on increasing both revenue and profit while trying to regulate their processes and make their operations more organised. At this stage, first, they usually establish a linear-functional structure and then some companies form independent organisational units (divisions).[34] Businesses spend different amounts of time in development phases, then after the management and delegation phase they move into the coordination phase and finally the cooperation phase. In the delegation phase, the leaders of autonomous organisational units of the strengthened businesses have independent decision-making powers within their divisions. They often do not coordinate their decisions with the rest of the organisation. At this point, upper management may feel that they are starting to lose control over the company. It would be a bad decision for the company leadership to return to centralised management and try to intervene directly at all levels in the company's operations. The proper answer to that lies in introducing new solutions, special coordination techniques and strengthening teamwork.[35] Organisations are constantly developing and growth demands greater regulation, documentation, performance evaluation and internal control. In case of a sudden growth of the business, such a high degree of organisation may not be possible due to the little timeframe. Therefore, the length of time the business operates is an important evaluation criterion.
- Number of sites
  The number of sites or branch offices can be important in case of companies with a nationwide service area. Providing services with their own employees is possible in several parts of the country either by starting from the central

[34] Salamonné Huszty 2008: 19–44.
[35] Greiner 1998.

location or by employing employees who live near the location of service provision. In the first case, it means significant additional costs for the service providers in terms of the time spent traveling and travel expenses for the company's workers.[36] It is also very important to note that in cases that require immediate intervention, the time for withdrawal can also be much longer. In the second case, it can be problematic to integrate remote employees into the organisation's processes. Organising their regular training and monitoring their work takes more time and causes additional costs.

In case of multiple sites, the above problems can be avoided, but the operation of multiple sites can only work for organised and large companies with a high number of employees. Increased fragmentation increases the importance of coordination of communication and the implementation of an integrated perspective.[37]

A grading system designed to evaluate the quality of the service provided

- The company operates an ISO 9001[38] quality management system and carries out its activities accordingly

  The basis of quality service is a committed company management. If the company management is committed, quality-oriented processes can be developed, which can be executed by properly trained, quality-conscious employees. The execution must be regularly checked, corrective and preventive activities must be carried out based on any non-conformities found, and the results must be checked back. The conformance of the end product is "checked" by the customer. Customer satisfaction is very important information, as modifications can be made to the production processes and procedures based on the customer's opinion. Collecting customer opinions requires proactive approach from manufacturers. In case of services, the service provider has direct contact with the customer who orders the service and can be informed of their needs on a daily basis, based on which it can develop its service activities.[39]

  The operation of the quality management system is not just about obtaining a certificate. The company's commitment to quality can be assessed during the system audit. The audit is always carried out by an accredited auditor

[36] The providers summarise the time spent on travel based on the utility rate. The disembarkation fee is the sum of the working fee for the time spent on travel and the travel expenses (mileage fee).

[37] Borgulya Istvánné Vető 2017.

[38] According to the MSZ EN ISO 9001:2015 Quality Management Systems. Requirements (ISO 9001:2015) standard.

[39] Némethné Pál 2000.

organisation independent from the company,[40] which collects objective evidence of compliance with the audit criteria during the audit.[41]

- The company operates an ISO 27001[42] information security management system and carries out its activities accordingly

  Today, information represents significant value and must be protected like our assets. Private security companies deal with the protection of individuals and assets, and during their services, they may obtain important information that supports their client's business operations. If this information falls into unauthorised hands, it can put the private security company and the client company in a difficult situation. The information security management system designed and operated according to the MSZ ISO/IEC 27001:2014 standard, preserves the confidentiality, integrity and availability of information through a risk management process.[43]

  The information security management system is part of the company's processes and can be fully integrated with the company's quality management system. It uses the same terminology and its points are in line with the ISO 9001 standard. When introducing the information security management system, the risks inherent in the company's processes are assessed and procedures for managing the risks align with the company's objectives are developed and implemented. The results of the procedures are evaluated, checked and the results of the check are transmitted to the management for review. Based on the review results, corrective and preventive actions are developed and introduced into the company's processes.[44]

  The company that operates an ISO 27001 information security management system assumes that it has created personnel and material conditions during its operation, in which it can safely preserve information received from its clients. To achieve this, it constantly ensures compliance with laws and standards for secure data handling.

- The company operates an ISO 14001[45] environmental management system and carries out its activities accordingly

  Environmental regulations and social awareness encourage companies to improve their processes by integrating an environmental management system. The introduction of an environmentally focused management system at the

[40] In Hungary, the accreditation of certification bodies is carried out by the National Accreditation Authority, based on the MSZ EN ISO/IEC 17011 standard. The National Accreditation Authority and the accreditation procedure are regulated by Government Decree 424/2015 (XII.23.) and the Accreditation Council by Government Resolution 1956/2015 (XII.23.) (www.nah.gov.hu/hu/oldal/mi-az-akkreditalas/).

[41] Hungarian Standards Institution 2018.

[42] MSZ ISO/IEC 27001:2014 Information Technology. Security Techniques. Information security management systems. Requirements according to the standard.

[43] Tiszolczi 2019: 233–249.

[44] Fogarasi–Szűcs 2021: 1–13.

[45] MSZ EN ISO 14001:2015 Environmental management systems. Requirements with guidance for use (ISO 14001:2015) according to the standard.

company reflects to clients that the company considers the environment important. This type of operation is positively evaluated by clients.[46]

- The company operates an ISO 37001[47] anti-bribery management system and carries out its activities accordingly
  Accepting bribes, embezzlement, money laundering, collusion, abuse of power and accepting gifts of a value greater than permitted are ethical and corruption risks that every company must fight against. Undiscovered corrupt activities harm the atmosphere of the organisation and encourage even those leaders who never thought of corruption before. The introduction of an anti-corruption standard demonstrates the company's commitment to preventing corruption and introduces processes into its operating system that support these efforts.[48]
  The anti-bribery management system is also a standard known as the High Level Structure (HLS)[49] which means that its structure is uniform with ISO management systems, they share basic requirements, use common expressions and definitions. The harmonisation concept is included in the Annex SL.[50] This harmonisation allows for full integration into the company's quality management system.
- The time for introducing a quality management system
  The operation of a quality management system drives companies to continual improvement. This is ensured, for example, by the requirement that the organisation must set new, measurable goals for itself each year, which are checked during management reviews by the company's leadership. If the set goal is achieved, a new goal is set, and if not, the reason for the failure is investigated and either the goal is modified or the path to achieving it is revised. The continuous improvement is ensured by the actions taken to address and prevent deficiencies identified during daily operations and system audits. If a company does not encounter any deficiencies during its operations, it is highly likely that it is not operating its quality management system.
  The longer a company has been using its quality management system, the less likely it is to have significant quality-affecting deficiencies, but if they do occur, they can be detected and corrected in a timely manner.
- Other standard certificates
  A certificate that attests to the compliance with additional professional standards that determine the quality of the service also affects the quality of the service. Such a standard-compliant certificate includes, among others, the NATO AQAP 2110[51] standard-based quality management system certificate, which is well integrated into quality management system standards and used

[46] Bakosné Böröcz 2016.
[47] MSZ ISO 37001:2019 Anti-bribery management systems. Requirements with guidance for use.
[48] Koczisky–Kardkovács 2020.
[49] Structure introduced by the International Organization for Standardization (ISO).
[50] International Organization for Standardization 2022.
[51] NATO AQAP 2110 NATO Quality assurance requirements for design, development and production.

in military quality control, or the EN 50518[52] European standard certificate for the certification of alarm receiving-monitoring centres.

Further tasks related to the development of the certification system

The planned certification criteria system will consist of five main categories, each category will contain six to eight evaluation criteria. The categories are: financial stability of the company (economic considerations); size of the company, market share, size of the service area; quality of services provided; professional level of service; and the education and professional experience of the employees.

The quality of services provided by businesses is influenced to varying degrees by the evaluation criteria of the certification criteria system. To minimise the impact of criteria that have a smaller impact on the quality of the service on the final company certification, weighting of the evaluation criteria is necessary.

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The Evolution of Public Surveillance Systems in Europe

Levente TÓTH[1]

Video surveillance systems are used today in many parts of the world in public spaces. Although most publications date the appearance of the systems in public spaces to the 1980s, the use of the systems by the British police dates back 60 years. However, the actual spread of these systems has only been significant since the 1990s, as the development of technology made it possible to produce images of a quality that can be well utilised for the suppression and detection of crime through constant and intensive surveillance of public spaces at a cost-effective price. The speed of spread, size of infrastructure, mode of supervision and use, and the purpose of installation of the systems vary from country to country in Europe. This is mainly determined by the political, social, criminal, economic and legal context of the country.

Keywords: *CCTV, video surveillance system, public surveillance system, camera, privacy*

Introduction

Video surveillance systems have become an important component in ensuring security. Security, as a complex concept, is a protected state free from the harmful influencing effects and risk factors of existence and operation.[2] Security can also be considered a state that "inherently encompasses the absence of threat to economic, cultural, and moral goods".[3] Video surveillance systems, as part of the electronic alarm system, play an important role in creating physical security. The resources used to create physical security, the sum of protective systems in physical space define physical protection. Therefore, this definition places video surveillance systems in the physical protection category. It does not provide physical protection on its own, but its preventive and deterrent role, among other functions, has been proven.[4] In public and private security applications, their use is usually primarily "post factum", i.e. serving as a legal tool for tracking potential lawbreakers and reconstructing the chain of events.

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[2] Boda 2019: 66.

[3] Christián–Rottler 2019: 13.

[4] Gill–Spriggs 2005.

The evolution of video surveillance systems in Europe

The cameras of video surveillance systems were initially developed using the electronic foundations and technical innovations of cameras used in television broadcasting. Later, tracking development ceased and the security camera manufacturing industry developed into a stand-alone industry. The first camera to produce moving images[5] for security purposes was used in 1927, two years after the first experimental wireless television broadcast. At the beginning of that year, the CTO[6] in the Soviet Union commissioned physicist Leon Theremin[7] to design a special "remote viewing" device for the border guard. The device had strict requirements: it had to work in daylight and have sufficient resolution to identify the subject's face and be able to track the movement of a moving object, which was a significant challenge considering the state of television research at the time. By June 1927, the secret fourth version of the "remote viewing" device was completed and was presented to officials in the Kremlin. Kliment Vorosilov, the People's Commissar for Military and Fleet Affairs, led the committee examining the project. The first test was conducted in his office in the presence of Stalin and some high-ranking officials to examine the possibilities of observation. The portable receiver of the system was placed in the secretary's office next to Vorosilov's office so that the commissioner could keep track of visitors to the Kremlin. A scanning-transmitter camera installed on a tripod outside the building was rotated by an operator to follow people passing by in the courtyard, at a distance of 30 to 48 meters from the camera.[8] The first video surveillance system using an electronic-scan system camera was installed in Peenemünde, Germany under Nazi occupation in 1941 to monitor the launch of long-range guided ballistic missiles. The installation team was led by Walter Bruch, an engineer from Siemens AG. The October 1942 launch was watched by two cameras, and the images were transmitted to a concrete bunker 2.5 km away via cable.[9] A year later, in 1943, the Remington Rand[10] company developed the Vericon Television System for a similar military task, visually controlling the disassembly of military missiles in the United States. The signal transmission was through a coaxial cable, and the camera image could be transmitted to up to 10 different observation locations. The portable-sized system did not require complex installation or operation knowledge.[11] In 1953, a temporary CCTV system was used in the United Kingdom during the coronation of Queen Elizabeth II. During this time, cameras appeared on the streets throughout London and were used for security reasons at events where members

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5 Paul Nipkow, a German inventor, patented the basic idea in 1883, based on which the so-called mechanical television operated, where the image was produced by mechanical scanning.

6 СТО (Совет труда и обороны) – Council of Labour and Defence.

7 Leon Theremin (born: Lev Sergeyevich Termen), Russian physicist and inventor (1886–1993).

8 Glinsky 2000: 45–47.

9 Abramson 2007: 6.

10 An American manufacturing company formed in 1927.

11 Military Notes 1949: 65.

of the royal family appeared.[12] A few years later, in 1960, before the visit of the Thai royal family, the British Police borrowed two cameras from EMI[13] and installed them on a temporarily built stand in Trafalgar Square. In 1964, the Liverpool City Police experimentally fitted hidden cameras at various locations. The four cameras were also borrowed from electronic companies in this case.[14] In 1969, the London Metropolitan Police used two temporary cameras in Trafalgar Square to observe Guy Fawkes Day events.[15] In 1985, a year after the Brighton bombing, the first significant public camera system was built in Bournemouth with the participation of the local council. From the late 1980s, the camera system became increasingly central to the crime prevention program. The real breakthrough came in 1994 when the ruling Conservative government made surveillance camera systems an integral part of its "law and order" policy and financed them with significant financial support.[16] The government announced the "City Challenge Competition", in which two million British pounds[17] of central government money was earmarked for the public video surveillance system. Out of a total of 480 submissions, 106 projects were supported and the budget was increased to five million British pounds.[18] The competition was repeated between 1995 and 1998 and a total of 85 million British pounds[19] was provided to finance 580 CCTV systems. In 1999, as part of the ambitious crime reduction program of the new Labour government, 153 million British pounds[20] was earmarked for supporting the dissemination of CCTV. There were 1,550 applications for the two rounds of the program; and nearly 450 of these were funded. The government also significantly supported the implementation of video surveillance systems in schools, hospitals, and transportation facilities. It is estimated that by 2005, over 500 million British pounds[21] in central and local government funding was allocated for the implementation of video surveillance systems. At the same time, it is estimated that approximately 4.5 billion British pounds[22] was spent from private sources for the installation and maintenance of video surveillance systems.[23] The exact number of cameras or systems cannot accurately be determined, although it was estimated in 1999 that in the U.K., on a busy day in an urban environment, one person's image might have been recorded by more than 300 cameras from over 30 different CCTV systems. Based on a survey conducted in a London borough by Norris and McCahill, it was estimated that there could be as many as 4.2 million

12 Hologa 2013: 224.
13 EMI Group Limited, a British transnational conglomerate founded in 1931.
14 Williams 2003: 27–37.
15 Doyle et al. 2013: 219.
16 Williams et al. 2014: 170–171.
17 Approximately 3.6 million pounds, or 1.7 billion forints at current value.
18 Approximately 9.1 million pounds, or 4.4 billion forints at current value.
19 Approximately 156 million pounds, or 76 billion forints at current value.
20 Approximately 257 million pounds, or 125 billion forints at current value.
21 Approximately 768 million pounds, or 373 billion forints at current value.
22 Approximately 5.3 billion pounds, or 2,603 billion forints at current value.
23 Norris 2012: 252.

cameras equipped for public and private security purposes in the U.K., or one camera for every 14 residents.[24] Another estimate from 2011 put this number at only 1.85 million, meaning one camera for every 32 residents.[25] The large discrepancy can be explained by the differences in estimation methods. In both cases, cameras were counted in a given area and then extrapolated to the entire country. After 2013, the BSIA[26] published the latest report at the IFSEC International Exhibition in May 2022. According to this, the number of cameras, which was nearly 6 million in 2013, grew to 21.1 million by 2022.[27]

In 1956, the police in Hamburg started the first street camera system was in a trial run. Although the devices were not installed for public safety reasons, but rather to monitor the increased traffic flow. With the help of the "remote eyes" or "Fernaugen" (as the cameras were called), the police hoped to better monitor traffic situations and possible congestion. With the help of the system, a person sitting in the central control room could decide in real-time whether the traffic lights should be controlled by pre-programmed settings or whether manual intervention was necessary. The system was presented to the local and national press at a press conference held in a small dance hall in June that year. The television used for the presentation was called the "Zauberspiegel", or magic mirror. Despite the successful presentation, the Hamburg system only operated temporarily.[28] It was not until the opening of the Munich traffic control centre in 1958 that cameras became a part of public space.[29] The Munich system had nineteen traffic cameras by 1965, referred to as "Verkehrsfernsehanlagen" in German.[30] These cameras were already movable and referred to as PTZ[31] cameras. In 1959, Hannover used the CCTV system regularly only during the annual industrial fair. Radio frequency was used to transmit the images. In 1961, the Hannover police equipped a helicopter and a Volkswagen Beetle with technology for recording and transmitting video images. The converted Volkswagen was not actually used at the fair, but at the May Day events.[32] In the following years, more and more cities installed permanent surveillance camera systems, including Stuttgart, Hamburg and Nürnberg. In the 1960s, police propaganda related to CCTV began to change. Cameras were no longer exclusively tools for monitoring traffic flow, but also took on public surveillance and enforcement functions. In 1960, the Frankfurt police introduced the first "photographic and automatic red light surveillance" to prove violations of traffic regulations. The use of cameras was also supplemented by monitoring large crowds, rallies, outdoor gatherings, possible

[24] Norris et al. 2004: 112.
[25] Lewis 2011.
[26] British Security Industry Association.
[27] Moore 2022.
[28] Kammerer 2009: 43–47; Der Spiegel 1956: 42–44.
[29] Martin 1959: 503–507.
[30] Luther 1965: 46–51.
[31] Pan-Tilt-Zoom, it refers to a type of camera that can move both horizontally (pan) and vertically (tilt) and has the ability to zoom in or out (zoom) on an image.
[32] Birken 1962: 161–164.

strikes and disturbances. As a result, the functions of traffic control and crowd control gradually began to merge during the planning phase. In November 1964, the Munich police started using a mobile camera equipped with a telephoto lens and a vehicle equipped with an image recording device, which not only made local observation of images possible, but also enabled the images to be transmitted to the operational centre through a wireless connection.[33] In December 1976, the Hanover police, with years of experience in the field of fairground surveillance systems, created Germany's most modern and largest surveillance system at the time, with a cost of 7 million marks, using nineteen PTZ cameras to monitor the city centre. The images from the Bosch cameras were transmitted via a wired network to the observation centre located in the police headquarters building. In an interview with *Der Spiegel,* Peter Schweizer, the director of the "Bosch" manufacturer said that the surveillance system's camera images are enhanced through amplifiers, "so the image at night is sometimes better than the original. So far, fourteen kilometers of cable have been laid, but this distance will be quadrupled and the number of cameras will be more than doubled".[34]

Even though the first closed-circuit television system equipped with electronic-scan system cameras was installed in Germany, the development speed of the country's public camera system in the 1980s and 1990s lagged far behind than that of the United Kingdom's. The U.K.'s uncodified constitution[35] does not contain strict provisions regarding the right to privacy. Until the incorporation of law on human rights into British law, there was no legal provision for the protection of privacy, and thus no legal or constitutional basis to impede the spread of video surveillance systems or to give legal opportunities to opponents of surveillance systems. In contrast, in Germany, the Constitutional Court already declared in 1983 that "it is of fundamental importance for the democratic society and the autonomy of citizens to be aware that they are under surveillance and why and by whom".[36]

Similarly, in Denmark there is a general legal skepticism towards the surveillance of public spaces by private organisations, and the police's recording of images is also strictly regulated. In Norway, where the rights related to private life are constitutional, there is also a strong data protection system in place, which deals explicitly with the regulation and mandatory authorisation procedures of the public camera system.[37]

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[33] Kistler 1965: 166–168.
[34] Der Spiegel 1977: 52–53.
[35] The European Convention on Human Rights defines the minimum declaration of rights to be protected in each of the signatory states. In relation to state surveillance, the right most clearly threatened is the right to respect for private life, which is contained in Article 8.
[36] Töpfer et al. 2003: 6.
[37] Wiecek–Sætnan 2022.

The 2004 UrbanEye[38] survey of six European capitals clearly shows that the number of cameras in the U.K. at the time exceeded by far that of other countries'. At that time, there were no public camera systems in Denmark, Sweden and Austria. In Norway, there was only one (consisted of only six cameras), 14 in Budapest and 15 in Germany. In contrast, there were already more than 500 systems operating in the U.K. It is important to note that in other European countries not included in the UrbanEye survey, we can also find a larger number of public space camera systems.[39]

In France, the installation started in Levallois-Perret, a suburb of Paris, in 1991.[40] The public surveillance caused great outrage among the population. In 1995, the parliament passed the so-called Pasqua law,[41] which allowed the installation of public surveillance cameras in crime-ridden areas. This step legalised the Levallois-Perret system. By 1999, more than 200 French cities had received permission[42] to install public video surveillance systems.

Similarly, in the Netherlands, between 1997 and 2003, more than 80 municipalities out of 550 used video surveillance systems on public spaces.

In the Republic of Ireland, the first CCTV system was installed in Dublin in the mid-1990s and was expanded in 1997. In 2004, the Irish Minister of Justice announced funding for the establishment of additional public surveillance camera systems at 21 different locations.

In response to growing concerns about crime in Italy, the Ministry of the Interior announced plans to install CCTV in 50 Italian cities.[43]

After 2004, the accelerated spread of publicly funded street video surveillance systems in Western Europe was catalysed by the Madrid and London terrorist attacks. In Spain, Law 4/1997 came into effect on 4 August 1997, "regulating the use of video cameras by security forces and agencies in public places". The installation of the street surveillance system had to be approved by the local autonomy government representative.

In Belgium, the 2000 UEFA[44]-organised European Football Championships provided an opportunity for cameras to appear in the vicinity of the Heysel stadium and the small ring road surrounding the historic district, but the real breakthrough came in 2003, when the Brussels regional government allocated a budget of 1.5 million euros for the development of street video surveillance systems by local governments. 17 out of 19 mayors submitted applications for 157 cameras, which were supported

[38] The research project supported by the European Commission, which was completed in 2004, brought together criminologists, philosophers, political scientists, sociologists and urban geographers from six countries.

[39] Hempel–Töpfer 2004.

[40] It is likely that Hyères, a seaside resort on the Côtes d'Azur, was the first settlement to install a CCTV system in the late 1980s.

[41] Loi d'orientation et programmation relation à la sécurité no 95–73 (LOPS). The proposal was put forward by Charles Pasqua, a conservative interior minister.

[42] The systems must be approved by the prefects of each county after consulting with a special local body called the Commission Départmentale de Vidéosurveillance.

[43] Hempel–Töpfer 2002.

[44] Union of European Football Associations.

by the regional government. By the end of the 2000s, the street surveillance systems (excluding Koekelberg) under the control of the local government were transferred to the police. By 2015, the number of cameras had nearly reached 1,000.[45]

In 1980, in the town of Hobro in Denmark, a local commercial organisation installed a system consisting of multiple cameras and a recording device to combat vandalism in the streets. The images from the cameras were not monitored continuously, but were recorded only between 11:00 p.m. and 4:00 a.m. If there was no disturbance during the recording time, the recordings were deleted, otherwise they were handed over to the police. Although a survey conducted the following year found that 65% of the population supported the public cameras, the local cameras were soon discontinued due to pressure from the local opinion.[46] A more recent survey conducted by YouGov[47] in 2017 found that more than half of the population would like the previously installed 500,000 surveillance cameras to be expanded.[48] The Danish Industrial Association, SikkerhedsBranchen, estimated in 2021 that this number has increased to approximately 1.5 million, of which about 300,000 are cameras that ensure the safety of public transportation and public space surveillance monitored by the police.[49] Up until 2020, local governments did not have the legal authority to operate camera systems. The amendment to the law in May 2020 lifted this restriction, and in justified cases, private individuals were also given the opportunity to monitor public space within a 30-meter radius from the entrance of their property.[50]

Public surveillance systems in Portugal were only deployed after 2005. This was due to the fact that earlier, video surveillance of public spaces was considered an exceptional measure, as its application could only be justified under exceptional circumstances due to its potential violation of privacy and its impact on democratic rights and freedoms. At that time, video surveillance was limited to private spaces and private spaces open to the public, and was only monitored by private security companies. In January 2005, the adoption of Law 1/2005 created the opportunity to install video systems in public spaces. The law granted the police[51] and the National Republican Guard[52] the authority to monitor and store images from public cameras. Due to the complexity of the authorisation process, only ten applications were submitted for video surveillance of public spaces between 2005 and 2010, of which only five systems were approved by the authorities. By the end of 2010, only three of these systems were fully operational in tourist areas of Porto, Coimbra and Lisbon.

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45 Keersmaecker–Debailleul 2016: 2.
46 Lauritsen–Feuerbach 2015: 528–538.
47 YouGov is a British international internet-based market research and data analysis company.
48 The Local 2017.
49 Lasse 2021.
50 Folketinget 2020.
51 Officially known as Polícia de Segurança Pública [Public Security Police], Portugal's national civilian police force.
52 Officially known as Guarda Nacional Republicana, Portugal's national police force.

Due to problems with financing operating costs, this number decreased further, and by the end of 2012 only two systems remained operational.[53]

According to the data protection guidelines issued by the Greek data protection authority in 2000, closed-circuit video surveillance systems could only be installed for traffic monitoring and protection of goods, with a proper purpose and taking into account the necessity and proportionality. The country's first video surveillance system, consisting of hundreds of cameras and including the first public space, was installed for the safe conduct of the 2004 Olympic Games. However, after the event, the data protection authority did not agree to the continued operation of the system. The prosecutor's office who lobbied for the easing of the strict data protection law achieved that the 1997 data protection law was amended in 2007, allowing for the installation of public space surveillance systems. However, the amendment raised serious questions and concerns about the constitutional right to protect personal data.[54]

In Poland, as in most of the former socialist countries, the sudden increase in the number of crimes after the change of system can be attributed to the complex changes in the political, social and economic system that followed the fall of communism. The social order, the fundamental value of civil rights, and the role and social function of the police were redefined. The first public video surveillance systems were introduced in 1999 in Gdansk, Radom and Wrocław and between 2000 and 2002 in Kalisz, Poznan, Płock, Krakow, Kielce, Katowice and Warsaw. There is no uniform solution in terms of installation and supervision. The police, the municipal police,[55] the railway guards[56] and civilian employees participate in the surveillance.[57]

The installation of a camera system in the Czech Republic began in Prague in 1997. The development concept was approved by the Prague City Council on 5 October 2000, with Resolution 22/13. The initially seven-camera system grew to 34 in 2000, 279 in 2005 and doubled to 570 by 2010. In order to improve the utilisation of the investment, a multi-user access large-city camera system will be installed, which can also use the cameras of the Prague Transport Company and the Prague Technical Directorates of Communications video surveillance system. This means that the system not only provides services to the police at both city and district levels in Prague, but also provides images to the fire and rescue service,[58] the medical rescue

[53] Frois 2011: 35–53.
[54] Mitrou et al. 2017: 128.
[55] Officially known as Straż miejska [City Guard].
[56] Officially known as Straż Ochrony Kolei [Railway Security Guard].
[57] Lewandowski–Matczak 2015: 126–143.
[58] Officially known as Hasičský záchranný sbor České republiky [The Fire and Rescue Service of the Czech Republic], whose primary mission is to protect the life and health of the population, the environment, animals and property from fires and other extraordinary events and crisis situations.

service,[59] the city crisis management authorities, the transport company and the communications technical directorates. The placement of cameras is based on the needs of the Prague districts, the Czech Republic Police and the Prague City Police.[60]

Generally speaking, throughout Europe, by 2009 Austria, Bulgaria, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland and the United Kingdom all boasted public video surveillance systems.[61]

The emergence of surveillance systems in Hungary

The first mention of cameras in relation to security in Hungarian media was in the *Magyar Híradástechnika* magazine in 1959. "An industrial television camera is placed on the highest point of the small boats for safer port navigation, and the ship can be navigated more safely based on the transmitted image than if only watched from the command bridge."[62] At this time, the term "industrial television camera" or simply "industrial TV" was used, taken from television technology.[63] In 1963, the term "closed-circuit industrial TV" appeared in György Ligeti's article on Production Control Devices in the *Népszerű Technika* magazine.[64] The appearance of the term in Hungary was induced by the CCTV term used from the mid-1940s abroad. A little later, the term "industrial TV chain" can also be found, which can be read in the article "Industrial TV Chain Spreads" published in the *MTI Népszabadság* in 1965. The article reports that "the Híradástechnika Ktsz. is now preparing for the premiere of the industrial TV chain of the Ferihegy airport".[65] The CCTV term and its explanation can be found in the 1966 issue of the *Technika* magazine. "The conquest of industrial television is unstoppable: it has become an important helper not only in many areas of industrial activity, but also in many branches of scientific research and medicine. That is the reason why it's better to call it closed-circuit television (the English and Americans use the closed-circuit television, CCTV name instead of industrial television)".[66] One year later, in 1967, the term "surveillance camera" first appeared in the *Magyar Nemzet* newspaper, Daily Chronicle column. A short article says "as an experiment, the traffic office's television screen shows the incoming or departing buses with a surveillance camera, so the traffic officer can always take

[59] Officially known as Zdravotnická záchranná služba hlavního města Prahy [The Medical Emergency Service of the Capital City of Prague], the cooperating organisation and operator of emergency medical services in the capital city of Prague.
[60] Wolf 2010.
[61] Norris 2009: 8.
[62] Hargitai 1959: 32.
[63] Kép- és Hangtechnika 1959: 50.
[64] Ligeti 1963: 271.
[65] Népszabadság 1965: 4.
[66] Technika 1966: 12.

action according to the situation".[67] Subsequently, the domestic literature alternates in using the various expressions listed so far, and even a simplified "TV camera system" expression appears in the *Zalai Hírlap* newspaper published on 26 October 1980. In this newspaper, the author of the article "Winter Shopping Centre in the BNV area" writes: "The security of the goods is provided by the TV camera system."[68] The first public but only traffic-supervising cameras were installed in Budapest in 1979. As a result of a joint investment by the Budapest City Council and the Police, 30 non-movable black-and-white cameras were installed.[69]

In Hungary, the 1994 Police Act paragraph 42 provided legal authority for the placement and recording of public area cameras. After the law came into effect, the installation of public area camera systems began throughout the country within half a year. The first system, consisting of three cameras, was established in Zalaegerszeg in early 1995 and was constantly monitored by the police. A few months later, public surveillance cameras were put into operation in Siófok to prevent prostitution, pickpocketing and car theft. In the summer of 1996, three cameras were installed in Kaposvár to reduce vandalism, offenses and the increasing number of car break-ins. 80% of the cost of the system's installation and operation was financed by the local government, while the remaining 20% was financed by the police. At the same time, a three-camera system was being tendered in Tatabánya.[70] During a mass demonstration organised by MIÉP[71] on 22 October 1995, the police used ten temporarily set up surveillance cameras in Budapest. Although similar image recording had previously occurred during police security at other peaceful events that exercised the right to assembly, this was the first time that the data protection ombudsman initiated an investigation on a citizen's complaint. His conclusion was that the placement of the cameras was lawful, but he developed recommendations for the retention period of the images.[72]

On 27 October 1997, Budapest's first public video surveillance system consisting of five PTZ cameras was handed over. The 30.5 million forints[73] investment was financed by the municipality, while the operating costs were covered by the public safety foundation.[74] By the end of May 1999, the Józsefváros public area surveillance system started with 14 cameras. During the three-week trial period, three car break-ins and one burglary were caught with the help of the surveillance system. The setup of the system cost a total of forty-eight million forints.[75] The costs were borne by the Budapest Police Headquarters, from the 225.5 million forints budget

67 Magyar Nemzet 1967: 6.
68 Kaiser 1980: 4.
69 Népszabadság 1999: 29.
70 Dusza 1996: 18.
71 Magyar Igazság és Élet Pártja [Hungarian Justice and Life Party].
72 NAIH 1997: 103–104.
73 Approximately 114 million forints at current value.
74 Tenczer 1997: 3.
75 Approximately 133 million forints at current value.

provided by the capital's municipality the previous year, among other things, for the installation of surveillance systems and alarm systems in endangered public areas.[76]

The installation of the systems was catalysed by Act LXIII of 1999 on Public Space Supervision, which provided the opportunity for the public space supervision to place cameras in the public space for security and crime prevention purposes, and to make recordings. Subsequently, the Budapest districts joined the development of surveillance systems using local government funds. On 7 November 2000, a 12-camera surveillance system was handed over in the 19th district, followed by a 16-camera system in Óbuda three days later. By this time, the installation of public surveillance cameras was already underway in the 10th, 11th and 15th districts.[77] A 10-camera public surveillance system, funded by local government but operated by a private security company, was handed over in the 13th district in mid-December 2000.[78] By 2003, the expanded system had 111 cameras. The monitoring and recording of public camera images was carried out by a private security company for several years in an illegitimate manner.[79] Unfortunately, this solution was not unique, and the involvement of a private security company was also used in the monitoring of cameras in the 10th district system in the fall of 2000.[80]

By 2002, the number of surveillance systems in Budapest had increased to nine.[81] In 2004, the Association for Civil Liberties (hereinafter: TASZ) human rights association sent an 80-question inquiry to the Budapest district police headquarters, which covered the installation, technical conditions, legal and economic background, public attitude, monitoring, personnel and training of public surveillance cameras. However, the response compiled by the BRFK did not contain many data, so TASZ filed a lawsuit for the release of public data. In March 2007, the Supreme Court of Hungary obliged the BRFK, among others, to transfer the statistics of the operation of the surveillance system, the relevant impact study and the documents on the location of the cameras.[82] Based on the transferred documents, 17 districts, with a total of 430 cameras, were already monitoring the public spaces of Budapest.[83] Along with the Budapest investments, the installation of public surveillance cameras also started in several other large cities in the countryside. Upon the opening of the 2009 academic year of the Police Academy, the Prime Minister announced a 10-point public safety program called Order and Security. Its sixth point was to double the number of surveillance cameras, which were already equipped with approximately 1,500 cameras, using domestic and EU funds.[84]

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76 Sándor 1999: 39.
77 Magyar Hírlap 2000: 15.
78 Népszava 2000: 20.
79 Pilhál 2003: 17.
80 Népszabadság 2000: 36.
81 L. László 2002: 8.
82 A Magyar Köztársaság Legfelsőbb Bírósága 2007.
83 Nagy 2007.
84 L. László 2002: 8.

Summary

The technology of video surveillance systems has been continuously evolving since the 1920s. For much of the past hundred years, the development of surveillance cameras has primarily focused on improving image quality, increasing sensitivity, and enhancing the physical and software capabilities of the camera hardware. The gradual spread of public space cameras is characterised by the initial establishment of systems focused on specific local problems in the central business, sports and leisure areas of the city. Then, based on these specific local successes, it spread to all publicly accessible areas in the city centres and streets. In Europe, the financing of installation and operation of the systems is mostly borne by local governments, while the monitoring of camera images, i.e. the operation of the system, varies from country to country. It can be observed that in countries where relatively stable, welfare-oriented governments have operated, such as Austria, Germany, Norway and Sweden, the spread of public space cameras is more limited. The other influencing factor is the legal/constitutional environment, which has hindered the spread of open street surveillance cameras in many countries. In countries where there are weak constitutional guarantees for the protection of privacy and where data protection laws are less strict, the spread of public space video surveillance systems has also taken place more quickly. In addition, in different countries, at different times, certain events such as serial killings, terrorist attacks, increasing drug trade or increasing concerns about crime have catalysed the deployment of public surveillance systems.

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Characteristics of Migration from Ukraine to Hungary in the Last Decade

Ferenc URBÁN[1]

The article analyses the changing characteristics of migration from Ukraine to Hungary, also looking at the period before 2010, but mainly at the period between 2010 and 2022. Migration from Ukraine has undergone a number of changes during the period under study due to the socio-economic processes in Ukraine and the war that has broken out in the meantime. Of course, changes in the legal and economic characteristics of Hungary have also had an impact on migration between the two countries. In the course of the analysis, the article takes stock of the changes in legislation and social processes that have taken place and illustrates the impact of these changes on migration with statistical data, highlighting forced migration triggered by the war.
The data show that migration from Ukraine has been one of the most important factors influencing the overall migration process in Hungary.

Keywords: *migration, labour migration, asylum applications, simplified naturalisation procedure*

The topicality of the subject

The press informs us daily about the latest developments in the Russian–Ukrainian war. At the time of writing (end of November 2022), the war has been going on for almost nine months, starting with Russia's attack on Ukraine on 24 February 2022, which some say was unexpected, while many experts have subsequently argued was predictable.

There were several signs of the start of the war, ranging from the deployment of forces near the Russian–Ukrainian border to the disruption of gas supplies from Russia to Europe, all of which could only have been signs of a military exercise, and which were intended to increase Russia's potential for blackmail.

The war has highlighted the migration flows from Ukraine to Hungary and, in particular, their markedly changing nature since 2010. The aim of this study is to

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present the characteristics of migration flows from Ukraine and its changes between 2010 and 2022.

The main source of migration from Ukraine to Hungary

The most significant source of migration from Ukraine to Hungary is the Hungarian minority population of Transcarpathia, according to the data of the first and last Ukrainian census in 2001, 151.5 thousand persons in Transcarpathia declared themselves Hungarians – 158.7 thousand of them native Hungarians – which accounted for 96.8% of the total number of Hungarians[2] in Ukraine, i.e. 156.6 thousand. During the relatively peaceful period of the 2000s, the number of Hungarians in Transcarpathia decreased by about 10,000,[3] while other authors estimate the decrease to be almost double, at 15–20,000,[4] the difference between the two figures being due to the difficulty of counting migration statistics. According to data from 2017, the number of Hungarians living in Ukraine was 130,000.[5]

However, Hungarians in Ukraine are only one of the main factors of international migration from Ukraine to Hungary. It can be said, however, that Ukrainian Hungarians have been the most significant driving force behind migration between the two countries, as in their case the geographical and cultural distance was not so great as to make geographical mobility and integration difficult. Since 2010, however, there have been a number of legislative and geopolitical changes that have had an impact on this migration and have made the country an attractive destination for migrants from more distant regions of Ukraine.

The last decade has brought significant changes in the characteristics of international migration from Ukraine to Hungary.[6] On the one hand, the size of the Ukrainian community in the latter country more than doubled in the 2010s, growing faster than in Europe as a whole (244% vs. 114%).[7] On the other hand, together with geopolitical developments in the region and Hungarian labour market and kin-state policies, migration flows from Ukraine have undergone a significant transformation in terms of their ethnic and socio-demographic composition.[8]

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2 Tátrai et al. 2018: 5–29.
3 Molnár–Molnár 2005.
4 Karácsonyi–Kincses 2010a: 31–43.
5 Kovács–Rovács 2021: 61–83.
6 Malynovska 2020: 169–186.
7 Based on United Nations 2020.
8 Gödri–Csányi 2020: 483–510.

Drivers of Ukrainian migration

Two groups of factors influencing migration from Ukraine can be distinguished, one of them being external events from Ukraine, which can be defined as a pull factor according to classical migration theory. The other factor can be classified as a push factor, which typically takes the form of some type of socio-economic factor, such as a political change or a war event.

In 2010, the Hungarian Parliament amended Act LV of 1993 on Hungarian Citizenship,[9] introducing the possibility of simplified naturalisation, and the geopolitical events since the end of 2013, first the political-social changes related to Euromaidan, and then in 2014 the annexation of Crimea to Russia, the war in Eastern Ukraine and the related economic downturn, have had a significant impact on international migration from Ukraine.

Even before the events of Euromaidan, Ukraine's economic performance had not reached its pre-1991 level, stagnating at 60–65%[10] in 2014, and Ukraine is the second poorest country in Europe after Moldova in terms of GDP per capita.[11] Ukraine's western neighbours have also become the main destination countries for emigration, as social and cultural capital and the economic benefits derived from it play a more important role in Ukrainians' migration decisions than individual profit maximisation.[12]

However, the situation of the Hungarian minority community in Transcarpathia is positively influenced by the fact that, as a result of economic support from Hungary, the Hungarians living there are the only Hungarian community abroad where mixed marriages result in Hungarian assimilation gains.[13]

For Ukraine, the pull factor is the change in the structure and performance of the Hungarian economy between 2013 and 2021. During this period, the Hungarian labour market showed signs of the labour shortage typical of Western European countries and to counteract this, the government first allowed the preferential employment of nationals of neighbouring countries in certain shortage occupations, and later extended this possibility to other third-country nationals [according to Article 15 (1) 26 of Government Decree 445/2013 (28.11.), the occupations in which third-country nationals may be employed without a permit were defined].[14]

In the early 2020s, however, migration processes turned upside down. Covid-19 resulted in a negative migration balance in the migration flows of Ukrainians (for the first time since migration flows have been measured in Hungary). Although the second year of the Covid-19 showed signs of a recovery of the pre-

[9] Act LV of 1993 on Hungarian Citizenship (https://net.jogtar.hu/jogszabaly?docid=99300055.tv).
[10] Kincses 2020.
[11] The World Bank 2022.
[12] Kincses 2020.
[13] Kovács–Rovács 2021: 61–83.
[14] Hungarian Gazette (Hivatalos Értesítő 2016/30).

plague migration patterns, the Russian–Ukrainian war brought a different level of uncertainty about the future of the migration system.

Characteristics of Ukrainian migration processes before 2010

In order to understand the processes in more detail, it is necessary to briefly review the migration processes before 2010.

Apart from geographical proximity, Transcarpathia is undoubtedly the most important source area for migration from Ukraine to Hungary, also for linguistic-ethnic reasons. The migration balance of Carpathians became negative already after the regime change, with around 2.5 thousand more people leaving the county each year than arriving.[15]

Between 2008 and 2015, according to the Ukrainian Statistical Office, the population of Carpathians decreased by about 9,100 people, which is largely due to the negative migration balance,[16] making Transcarpathia the region with the worst migration balance in Ukraine. International migration for Ukraine is mainly emigration, international immigration is not significant, only the level of migration from CIS countries is significant.

However, there were also significant differences between districts within Transcarpathia in terms of administrative units. The balance of international migration was negative for all cities and districts, with only the district of Nagyberezna having a migration balance of 0‰. It was characteristic that a higher proportion of emigrants moved abroad from the Hungarian-populated lowland settlements. In 2015, 60% of emigrants from Berehove and Berehove district moved abroad, while 45% from Uzhhorod and Oghivske district moved abroad.[17]

Emigration is mainly concentrated in counties populated by Hungarians, so it can be concluded that Hungarians are moving abroad, mainly to Hungary, at a higher than average rate. Historical data show that slightly more than 84% of emigrants to Hungary were of Hungarian nationality. According to data from 2003, 22% of emigrants to non-CIS countries were Hungarians, and in 2005 and 2007, 31% and 35% of emigrants respectively were Hungarian.[18]

The western oblasts of Ukraine have relatively favourable demographic characteristics within Ukraine; it is the most favourable county in Ukraine in terms of the age composition of the population, the dependency ratio[19] and the ageing index.[20] The 2001 census data also highlight the relative youthfulness of

[15] Tátrai et al. 2018: 5–29.
[16] State Statistics Service of Ukraine, 2016 (www.ukrstat.gov.ua).
[17] Tátrai et al. 2018: 5–29.
[18] Tátrai et al. 2018: 5–29.
[19] Old age population and young age population/active age population.
[20] Old age population/young age population.

Transcarpathia.[21] The youthful population composition also means that a mobile population was available, which could leave its place of residence to study or work abroad in order to achieve its goals.

Since the 1990s, seasonal emigration has been even more widespread than migration, a type of emigration that was already common in the Soviet era, with masses of people from the labour-surplus areas of the Maramures districts leaving in the summer for Russia and eastern Ukraine, where they found work in agriculture and construction. Following the break-up of the Soviet Union, the loss of jobs led to an increasing number of Ukrainian citizens looking for work abroad.

Neighbouring countries, including the Czech Republic and Hungary, were popular destinations for Ukrainian migrant workers in the 1990s. The economic boom in the early 2000s saw many people find jobs in Ukraine and Russia, but deteriorating relations with Russia and economic difficulties have led to a return to Western and Eastern European countries as the main destinations for Ukrainian emigrants by the early 2010s.

Part of the labour migration can be classified as illegal migration, which of course cannot be monitored by statistics.

Estimates show that in the early 2000s, the number of guest workers from Transcarpathia was around 100,000, while in the early 2010s the number of people from Transcarpathia who were working abroad was estimated to be between 125,000 and 250,000.[22]

The number of Ukrainian workers working in Hungary can be assumed to be better reflected in Hungarian statistics after the entry into force of the NGM[23] decree in 2016, which allowed them to work under preferential conditions. The facilitation of their employment in Hungary also meant that their employment became documented, as they have no interest in concealing their residence and employment.

Three determinants of Ukrainian migration to Hungary

The introduction of simplified naturalisation, the facilitation of their access to employment and the war in Ukraine were the main factors influencing migration from Ukraine to Hungary during the period under review. In the following, I will take stock of these phenomena and illustrate the impact of these factors on the migration of Ukrainians with statistical data.

[21] Karácsonyi–Kincses 2010b: 334–349.
[22] Karácsonyi–Kincses 2010b: 334–349.
[23] Ministry of National Economy.

The impact of the introduction of preferential naturalisation on Ukrainian–Hungarian migration

The migration flows from Ukraine to Hungary were significantly influenced by Act LV of 1993 on Hungarian Citizenship, which allowed for preferential naturalisation in its amended § 4. In principle, Hungarian citizenship can be acquired by birth or later, after birth, by naturalisation. Act XLIV of 2010 introduced significant changes in the regulation of the acquisition of Hungarian citizenship. Under the Act, Hungarian citizenship can be acquired by naturalisation or by re- naturalisation. Naturalised persons are those who acquired Hungarian citizenship when they were born as foreign citizens, and recon naturalised persons are those whose former Hungarian citizenship has been terminated and who have become Hungarian citizens again.

The preferential naturalisation procedure introduced under the Act from 1 January 2011 allows foreign citizens with Hungarian ancestry to acquire Hungarian citizenship without having to establish Hungarian residence. The legislative changes have also facilitated the naturalisation of some foreigners living in Hungary. In the migration statistics, two types of flows of naturalised persons are reported according to the place of naturalisation:

1. those naturalised in Hungary in the given year, received their Hungarian citizenship in Hungary and have a Hungarian address, or
2. naturalised immigrants acquired their Hungarian citizenship abroad and subsequently migrated to Hungary in the given year (only the latter group can be considered border crossers, i.e. international migrants, provided that the criterion of having established a habitual residence is also met)

The number of immigrant foreign citizens naturalised abroad was low throughout the 2000s, and after the introduction of preferential naturalisation, the vast majority of foreign-born immigrant Hungarian citizens were those who moved to Hungary after acquiring citizenship abroad.[24]

In the year following the amendment of the legislation, the number of immigrant Hungarian citizens born in Ukraine was around 1,000, peaking in 2015, when just over 9,000 people immigrated to Hungary through this route, with the number of naturalised Hungarian citizens reaching around 2,000 in 2021. Of course, the number of naturalised persons born in Ukraine but living in Hungary has also been steadily increasing, from 25,000 on 1 January 2012 to around 68,000 in 2022.[25] Hungarian citizens born in Ukraine (as well as in the Soviet Union) and Ukrainian citizens together are referred to as the Ukrainian-bound population.

[24] Gödri–Horváth 2021: 227–250.
[25] Stock data.

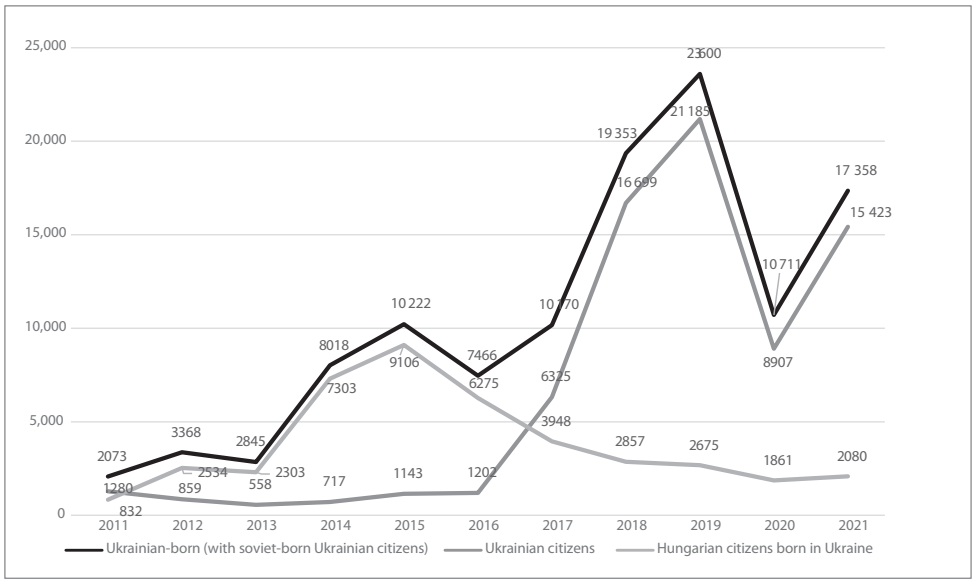

Figure 1: Ukrainian (with Soviet-born) and Hungarian citizens emigrating from Ukraine to Hungary

Source: Compiled by the author based on the Demographic Tabulation Application of the Hungarian Central Statistical Office (HCSO).

Factors affecting migration: Employment situation in Hungary

For the first time this summer (2022), the number of people in employment exceeded 4.7 million for two consecutive months (June and July), the highest level since the change of regime in 1990. The employment rate was 74.6%[26] in the third quarter of 2022, according to the Central Statistical Office (HCSO). In around half of the economic sectors, the number of jobs decreased compared to the pre-epidemic period, with growth mainly in the service sector.

According to the latest Labour Force Survey data (HCSO Q3 2022), domestic unemployment has fallen again to a record low of 3.6%,[27] implying an increased depletion of labour reserves. The domestic labour market has become tighter following the epidemic, with competition for labour between firms intensifying again.

[26] KSH 2022.
[27] KSH 2022.

The labour shortage rate as a share of employment has risen from 1.5% to 2.5% in the competitive sector at the level of the economy. Signs of labour shortages in the Hungarian economy started to emerge after 2015 and the Hungarian Government has taken measures to alleviate them, first by significantly easing the rules for nationals of neighbouring countries to work in Hungary.

Employment of Ukrainian citizens in Hungary

A significant change in the employment of Ukrainian citizens in Hungary and thus in their residence in Hungary occurred in 2016 (see: legislation regulating the employment of foreign nationals[28]), when, in order to alleviate the labour shortage in Hungary, the Ministry for National Economy issued a Notice[29] simplifying the rules for the employment of third-country nationals from neighbouring countries by defining the scope of professions that may be exempted from the permit requirement under Article 15 (1) 26 of the HKR.

The scope of the professions defined at that time has been extended since then, so that the 93 professions defined in 2016 have been extended to 128 professions in 2019. This amendment of the Regulation has had a pull factor effect on Ukrainian workers, as their numbers in our country have visibly multiplied in statistics since 2017. The labour absorption power of the economy as a pull factor and the difficult economic and social situation in Ukraine as a push factor have been simultaneously present, thus inducing a significant number of Ukrainian citizens to immigrate to Hungary.

Due to the emergency situation related to the Covid-19 pandemic, a number of laws had to be applied differently from the non-emergency legal regime: from September 2021, qualified employers could employ nationals of countries specified by the Minister of Foreign Affairs and Trade in shortage occupations specified by the Minister without portfolio.

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[28] Act IV of 1991 on Job Assistance and Unemployment Benefits (https://net.jogtar.hu/jogszabaly?docid=99100004.tv); Act II of 2007 on Entry and Stay of Third-Country Nationals (https://net.jogtar.hu/jogszabaly?docid=a0700002.tv); Government Decree 114/2007 (V.24.) on the Implementation of Act II of 2007 (https://net.jogtar.hu/jogszabaly?docid=a0700114.kor); Government Decree 355/2007 (XII.23.) on the Transitional Rules Applied by Hungary to Persons Enjoying the Right of Free Movement and Residence in Connection with the Free Movement of Labour (https://net.jogtar.hu/jogszabaly?docid=a0700355.kor); Government Decree 445/2013 (XI.28.) on the Authorisation of the Employment of Third-Country Nationals in Hungary on the Basis of a Non-Aggregated Application Procedure (https://net.jogtar.hu/jogszabaly?docid=a1300445.kor); Government Decree 226/2022 (VI.28.) on the Registration and Activity of Qualified Labour Force Hiring Agencies (https://net.jogtar.hu/jogszabaly?docid=a2200226.kor).

[29] Notice of the Ministry of National Economy (https://net.jogtar.hu/getpdf?docid=A16K0302.NGM&targetdate=fffffff4&printTitle=NGM+k%C3%B6zlem%C3%A9ny&referer=http%3A//net.jogtar.hu/jr/gen/hjegy_doc.cgi%3Fdocid%3D00000001.TXT).

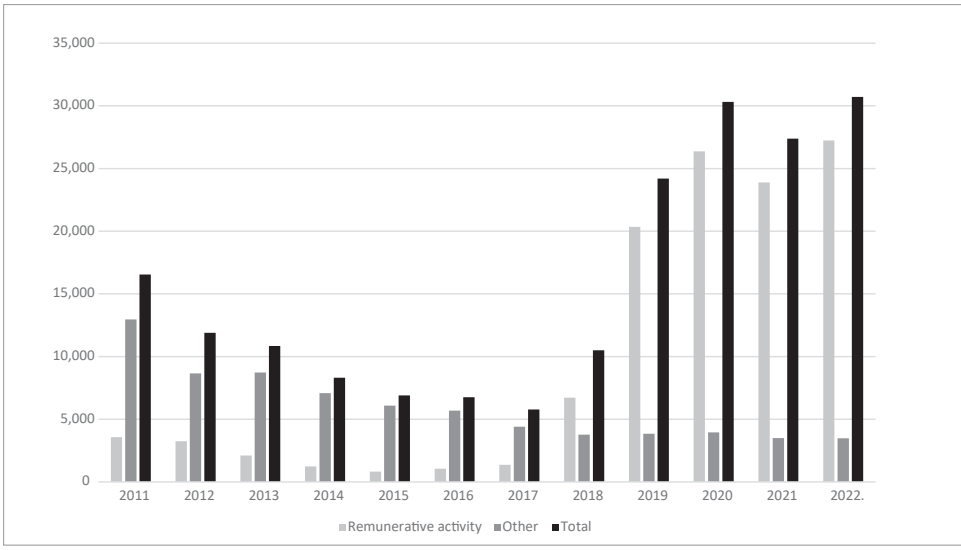

Figure 2: Ukrainian citizens residing in Hungary by purpose of arrival 2011–2022
Source: Compiled by the author based on the Demographic Tabulation Application of the Hungarian Central Statistical Office (HCSO).

As the Covid-19 emergency ended on 1 June 2022, it had to be determined which rules would apply to the subsequent legal relationships: the normal or the emergency regime. The legislator transferred several of the exceptional measures to the normal regulatory environment, for example, the relaxation of the permit-free employment of temporary agency workers who are third-country nationals was maintained.

The amendment of Act IV of 1991 on the Promotion of Employment and Unemployment Benefits, which entered into force on 1 June 2022, introduced some relief (or transposed existing special arrangements) in this area, in particular by allowing the Government to grant by decree an exemption from the work permit requirement in case of employment by qualified loan providers (see HCR).

Currently, two separate Communications of the Minister of Foreign Affairs and Trade list the occupations and countries for which a work permit is not required when the worker is employed by a qualified workforce hiring agency.

The number of workers of non-Hungarian nationality, including Ukrainian nationals, has visibly increased in the statistics after 2016. In 2022, the number of Ukrainian citizens residing in the country for employment purposes is nine times higher than in 2011, increasing from 3,500 to 27,000 in the period in question. A particularly significant increase can be observed in 2017 and 2018.

The impact of the war in Ukraine on migration flows

Since the outbreak of the Russian–Ukrainian war, migration experts are no longer in a position to develop sound theories on the Hungarian–Ukrainian migration system. Although sporadic statistical data on related issues such as daily border crossings and the number of applications for temporary protection in Hungary are available, they are often contradictory and lack the depth necessary to draw more far-reaching conclusions.

Figure 4 shows daily border crossings from Ukraine based on the Hungarian Police border traffic statistics. From 24 February to 2 November, there were a total of 3.2 million border crossings from Ukraine, 1.7 million across the Ukrainian–Hungarian border and 1.5 million across Romania. After the very high numbers in the first weeks of the war (peak of 33.6 thousand crossings on 11 March), the number of daily entries stabilised at around 10 thousand.

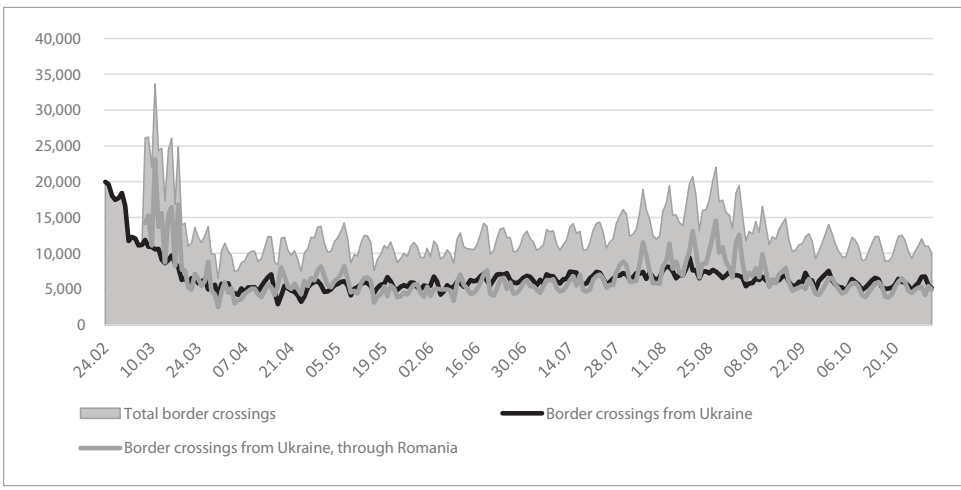

Figure 3: Number of border crossings from Ukraine to Hungary February 2022 – November 2022

Source: Compiled by the author based on daily statistics www.police.hu/

It is important to note that these figures do not represent persons but border crossings, without reference to nationality. Furthermore, there is no information available on those leaving Hungary or returning to Ukraine, i.e. there is no evidence available to make any judgements about how many of those fleeing the war actually remain in Hungary.

People arriving in Hungary from Ukraine have several options for staying. Hungarian citizens from Ukraine may enter and reside in Hungary without restrictions (but are excluded from temporary protection). Data on persons who

establish usual residence (registered address) in Hungary is collected by the Hungarian Central Statistical Office (HCSO).

Ukrainian citizens holding a valid biometric travel document may stay in the country for up to 90 days, but no public data are – and will not be – available on them. Third-country nationals may also apply for a valid residence permit for short or long stays.

Another option for non-Hungarian nationals coming from Ukraine is to apply for temporary protection, which allows for stays of up to 12 months, but can be extended, and provides benefits for protected persons. Sporadic data on applications and decisions on temporary protection are already published by the National Directorate-General for Aliens Policing (NDGAP), Eurostat and UNHCR.

By the end of November, around 32,000 persons had applied for temporary protection, the vast majority of whom had already been granted temporary protection status. The number of applications for temporary protection was at its peak at the beginning of the conflict and has been on a steady downward trend, with monthly applications reaching around 1,000 since the summer of 2022. It is assumed that some of the asylum seekers are no longer in Hungary – some may have emigrated back to Ukraine or sought protection in another EU Member State – or at least the duration of their stay in Hungary cannot be clearly established.

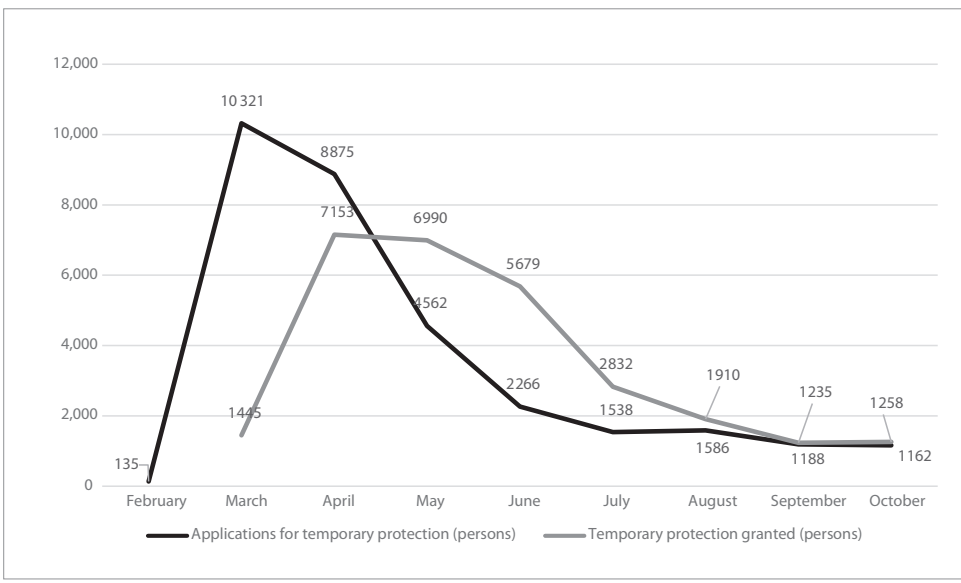

Figure 4: Number of applications for temporary protection and persons granted temporary protection February 2022 – October 2022

Source: Compiled by the author based on the Demographic Tabulation Application of the Hungarian Central Statistical Office (HCSO).

Summary

The year 2020 is a clear break in the migration flows trend between Ukraine and Hungary. The Hungarian Government's policy of increasing labour migration in the second half of the previous decade and the introduction of simplified naturalisation on the Hungarian side were of similar importance, further stimulating migration between the two countries.

Subsequently, the Russian–Ukrainian war that broke out in 2022 had a significant impact on further migration flows to Ukraine. The impact of the war in Ukraine is still highly uncertain. On the one hand, the low number of applications for temporary protection (only 1% of daily border crossings) suggests that few Ukrainians wish to stay in Hungary for a longer period. On the other hand, however, the relevant data needed to draw firm conclusions on this issue are not yet available, or are incomplete in terms of quality, timeliness and depth.

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Is It Appropriate to Use Restorative Justice in Cases of Domestic Violence?[1]

Laura SCHMIDT[2]

Domestic violence (DV) is sometimes called a hidden crime because in many cases victims do not report the offence to the police. DV includes child abuse, intimate partner violence and elder abuse and comes in many forms, such as physical, sexual, emotional or financial abuse.[3]
Using restorative justice (RJ) methods in cases of DV is a highly controversial topic.[4] *However, in many countries around the world restorative practices are used in these cases with appropriate safeguarding in place.*[5]
The aim of this article is to explore the different types of RJ methods and the different types of DV cases where these methods might be used with the potential benefits and challenges being discussed.
Relevant articles and case studies were analysed to present previously conducted research on the topic of DV and RJ.
The available literature shows that certain RJ practices are appropriate in certain types of DV cases but they need to be evaluated on an individual basis as these types of cases are very complex and need to be screened thoroughly before any kind of intervention. However, in addressing the concerns surrounding the use of RJ in DV cases, it is vital to listen to the victims themselves, by first giving them a voice.
In conclusion, professionals working with victims and offenders of DV cases need to work more closely with others who work in RJ in order to make the process safer and to utilise the potential benefits of the process.

Keywords: *restorative justice, alternative conflict resolution, domestic violence*

Introduction

Whilst domestic violence (DV) is a global phenomenon, the definition of DV and therefore the legislation can vary from country to country. When we hear about cases of DV, they are most commonly cases of intimate partner violence and specifically

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[3] Stover 2005: 448–454.
[4] Edwards–Sharpe 2004.
[5] Dissel–Ngubeni 2003; Goel 2000.

violence against women by male perpetrators. However, nowadays the legislation recognises that there is violence against men, as well as between family members and so on. This is not only important in terms of reporting the offense but also in terms of possible treatment options as well because traditionally only women currently being in an abusive relationship had the opportunity to seek any treatment for their trauma and shelter.[6] Throughout this article, when we refer to DV, we will mostly be referring to intimate partner violence, unless stated otherwise.

Michael Paymar defines DV as "the use of physical violence in an intimate relationship. The term also includes emotional, psychological, and sexual abuse, as well as any other behaviour one person in a relationship uses to control the other".[7] According to Ellen Pence and Michael Paymar, the other behaviour referred to in the definition can be, among many other things, using coercion and threats, using intimidation, using emotional abuse, using isolation, minimising/denying/blaming, using children, using male privilege or using economic abuse.[8]

Going through the traditional criminal justice system might not be the answer to some victims of domestic abuse. For them, restorative justice (RJ) might provide a better alternative.

There are many different definitions of RJ but one of the most widely accepted is attributed to Tony Marshall and throughout this article this is what is meant by RJ: "Restorative justice is a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future."[9]

The article will discuss the specificities of DV cases before investigating the potential benefits and concerns of using RJ in DV cases. Then, it will also be explored how DV cases are typically dealt with and how they might be dealt with using RJ practices.

Why are DV cases so complex?

In this section, it will be explored why it might be difficult for DV victims to seek help and what verbal and behavioural indicators we need to look out for when we are dealing with a domestic abuse situation.

There are many factors that could explain why it is difficult to acquire accurate statistics on DV. When we gather data about reoffending rates from the police, we need to be aware that many people do not report these cases to the authorities and the precise number of DV cases is most likely higher than what we are aware of. It might be more meaningful to interview victims directly about their reasons for not

6 Mills et al. 2019: 1284–1294.
7 Paymar 2000.
8 Pence–Paymar 1993: 3.
9 Marshall 1998: 37.

reporting these offences, however, studies suggest that victims tend to drop out of these studies at a higher rate.[10] Victims might be afraid of retaliation; they might blame themselves or they might think that they will not be believed if they go to the police. This pattern of abuse can be observed for years without anyone in the victim's environment finding out about the situation as victims usually try to hide any evidence of abuse for many reasons such as feelings of shame or self-blame.

As mentioned already, DV is usually not just a one-off event but is an ongoing situation that victims could stay in for years. There are many components of DV like verbal abuse or isolation from friends and family that legally do not count as criminal offences but are all essential elements of understanding how domestic abuse affects all aspects of life. When people are isolated and distanced from their friends and family, they might feel that there is no one they can turn to for help especially when the offender is telling them that they will not be believed by anyone. Manipulating the victim is also an indicator of emotional and psychological abuse, making them believe that they are doing something wrong to deserve the abuse and maltreatment. It is also very common that the abuser is the only person with an income and that the only way the victim can have access to money is through the abuser. Abusers do this to gain power and control over their victims and to make it harder for them to leave the relationship.

Domestic abuse and specifically intimate partner violence has gained lots of media coverage in recent years. The Covid-19 pandemic and the consequent regulations to isolate caused a surge in the number of people seeking help from domestic abuse in many countries around the world.[11] In Hungary, the number of people who called a support line doubled in the first wave of the pandemic. As everyone was asked to stay at home and people feared getting sick and also losing their job, many women found themselves in a domestic abuse situation from which they could not escape.

In addition to physical violence, there are many other forms of abuse such as psychological and emotional abuse or financial dependency that make DV cases extremely complex offences where we need to pay special attention to victims' needs in order to protect them from being revictimised and retraumatised.

The potential benefits of using RJ in cases of DV

This section will focus on the potential benefits of using RJ practices in cases of domestic abuse, specifically what the positive implications might be for victims to take part.

There have been many studies exploring the benefits of taking part in a restorative process as a victim. These, among other things can include receiving an apology

[10] Stover 2005: 448–454.
[11] Patthy 2020; European Institute for Gender Equality 2021.

from the offender, learning more about the offender and thus becoming less angry and fearful of them, participating in the process and the outcome of it or feeling empowered. However, certain benefits might not apply for victims of DV as the offender is someone well-known to the victim and sometimes the two parties are still in a relationship at the time of the restorative process which complicates things further.[12] I would argue that facilitators making the decision whether a DV case is appropriate for RJ need to be aware that referring the case for therapy might be the most appropriate thing to do instead of having a victim–offender conference (a face-to-face meeting between a victim and an offender with a facilitator being present).

As mentioned above, some victims find peace when they receive an apology from the offender. However, in cases of DV, many victims report that the offender apologises for their behaviour but then after some time passes, the abuse starts again so facilitators need to pay attention not to put too much emphasis on the apology throughout the restorative process.[13] As Julie Stubbs describes it, "apology is a common strategy used by abusive men to attempt to buy back the favour of their abused partner".[14]

In addition, reintegration can happen without the victim forgiving the offender as "pressure to forgive places the victim in an untenable position of once again subordinating her own needs to those of the abuser".[15]

In South Africa, victim–offender conferences may be used in DV cases. It was found by a project in South Africa that victim–offender conferences were used mostly in cases where the victim and the offender knew each other (in 33% of the cases the victim and the offender were at the time or used to be intimate partners). The authors also interviewed 21 women victims who have taken part in mediation (1 female offender and 20 male offenders). Most respondents stated that they felt safe during mediation and were not concerned about their safety when returning home with the offender. However, there was one respondent who was concerned about her safety as the offender abused her physically multiple times, but she was reassured by the fact that the case would go back to court if they did not come to an agreement and also when the mediators did not tolerate the offender making threats throughout the mediation, she felt it allowed her to speak her mind about the terms of their separation.[16]

There were some pilot victim–offender mediation processes completed in Austria in the 1990s in cases of intimate partner violence. The pilot mediation sessions were considered to be successful and participants reported feelings of empowerment and a decrease in violent offences. The model is supported by decades of research

12 Stubbs 2007: 169–187.
13 Walker 1989.
14 Stubbs 2007: 173.
15 Coker 2002: 148.
16 Dissel–Ngubeni 2003: 293.

conducted by Christa Pelikan in order to prevent victims from further trauma and harm.[17]

In addition to hearing the offender take responsibility and accountability for their actions, some victims want to meet the offender face-to-face to seek closure and to ask questions that only the offender can answer.

The concerns of using RJ in cases of DV

After discussing the potential benefits, the concerns of using RJ in cases of DV will be explored in this section.

How can we ensure that victims are safe throughout the restorative process and what happens once the process is over? How do we make sure that victims are safe then?

If the person accused of the offence is acquitted then there is a possibility that the abuse will get worse or more severe as a consequence of the trial but if they are sentenced to prison, then their separation from the family might create serious financial issues. As a result of this dilemma, many victims might not wish any punishment on the offender, they just wish for the abuse to stop.

One of the biggest concerns of using RJ in cases of DV is about the safety of the victim, both physically and psychologically. Many people voice their concern that victims might be revictimised and retraumatised if they go through an RJ process where they have to relive the offence(s) and face the offender. Contrary to one of the main concerns about the victim being revictimised and retraumatised, RJ might give the victim the power to regain her agency as she can speak up and make decisions for herself.[18]

Another common concern critics usually mention is the fact that there is a power imbalance between the victim and the offender and that the facilitator cannot help the victim to act as an equal partner because they have to be neutral and impartial at all times. Critics will say that the offender–victim power imbalance prevents the victim from speaking freely about what they want because they are used to complying with the offender hoping that the abuse will stop then. However, in a study by Amanda Dissel and Kindiza Ngubeni, 21 women victims were interviewed, who reported that they felt they could talk to the offender as an equal partner throughout the mediation process. In addition, in all cases where the parties stayed together, the victims reported an improvement and no further abuse in their relationship a year after the victim–offender conference.[19] I would argue that facilitators need to be aware that there is a power imbalance between the victim and the offender, but it

[17] De Campos – de Oliveira 2021: 146–157; Pelikan 2002: 1–21; Pelikan 2010: 49–67.
[18] Jokinen 2020: 37–52.
[19] Dissel–Ngubeni 2003.

does not mean that with the right facilitation, victims are oppressed or silenced if they take part in a victim–offender conference.

One of the main concerns of using RJ in DV cases is that it is too easy of a process for offenders to take part compared to going through the criminal justice system and that it is also a process that is easy to manipulate.[20] However, facing someone that you offended is not an easy thing to do, it takes a lot for someone on either side of the conflict to come face-to-face with the other party concerned. Offenders are also screened before any meeting to assess their suitability and motivations for taking part. Another way to prevent RJ being called an easy process is to use restorative practices as an alternative to the traditional criminal justice system and not as a substitute.

Facilitators need to be aware of any verbal or behavioural triggers that might result in the victim being retraumatised or revictimised. In cases of DV, it is especially important for the offender to take accountability and responsibility so that there is no blame put on the victim for the abuse.

How are DV cases usually dealt with?

How difficult is it to arrest or convict someone of a DV offence? What programmes are available for domestic abuse offenders and can victims play any part in these programmes? This section will try to give an answer to these questions.

Duncan McPhee et al. analysed 400 reported incidents of DV and abuse in two police forces in England in 2014. The DV cases were all between intimate partners. When looking at the attrition rate (meaning looking at the case from reporting the offence to a conviction), the results show that only 7.25% of the observed cases actually resulted in some kind of conviction and even less cases, 0.5% of the reports resulted in the offender having to serve a custodial sentence. The data also shows that approximately 2/3 of the cases drop out before there is even an arrest made and that police are more likely to record criminal offenses and undertake arrests when the domestic abuse involves physical violence.[21]

In the United States of America (USA), when offenders are convicted of DV, batterer intervention programmes (BIPs) and cognitive behavioural therapy (CBT) are the most commonly used interventions.[22] CBT can be an element of BIP or used on its own. Typically, BIPs are designed for male offenders who committed offences against female victims, and they highlight the importance of taking responsibility and learning non-violent ways of dealing with conflict. The teachings of this method are built on the basis that there is a gender imbalance between men and women and

[20] Acorn 2004.
[21] McPhee et al. 2022: 963–980.
[22] Mills et al. 2019: 1284–1294.

the constant need for the offender to be in power and in control of the victim comes from this.

In the USA, these treatment programmes are offered to groups of offenders and sometimes there are female facilitators as well. The programme length depends on the state's regulations but on average, they are for around 24–26 weeks with the sessions being 1–2 hours long. Victim participation in DV treatment is illegal in some states and strongly discouraged in others. On the other hand, RJ could be the program that gives victims a chance to take part in the process and communicate their feelings and thoughts if they wish to do so.

Linda G. Mills et al. conducted a study in Utah, where circles of peace (CP) were used to treat DV offenders.[23] The authors call CP a restorative-informed approach instead of RJ partly because, as stated previously, victims are not allowed to take part in some states but also because offenders are required to participate. Still, 42% of victims chose to participate in the CP sessions. The parties in a CP session include the offender, support people for the victim and offender, a trained volunteer community member and trained circle keepers.

The offenders in this study were randomly assigned either to an 18-week long BIP treatment or a 12-week long BIP treatment and a 6-week long CP. The sessions lasted 90 minutes and male and female offenders were included as well. The results suggest that the BIP treatment with CP is more effective than the BIP treatment on its own, reducing the likelihood of reoffending (including DV offences) after 2 years of random assignment but even when offenders reoffended, the crimes were less severe than before.

There are many countries around the world where RJ can be used in DV cases in some way: Austria, Canada, Hungary, New Zealand, Norway, United States (e.g. Arizona, Utah) and South Africa, for example.

The outcome measured in this study was whether offenders reoffended. However, the success of a restorative method is not based solely on recidivism, for example victim satisfaction was not measured in cases where victims participated in the process.

In conclusion, the majority of DV offenders who are processed through the traditional criminal justice system are not charged and even when they are charged, the chances of them being convicted for their crimes is low.[24] However, when there is physical violence included, then the case is more likely to be a criminal case.[25]

In the USA, there are programmes specifically for DV offenders such as batterer intervention programmes, cognitive behavioural therapy or circles of peace. However, even though these programmes have been found to be effective, they are not necessarily accessible worldwide and there is seldom any focus on the victims.

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[23] Mills et al. 2019: 1284–1294.
[24] Hester 2006: 79–90; Hartman–Belknap 2003: 349–373.
[25] McPhee et al. 2022: 963–980.

How can RJ work in cases of DV?

This section delves into the question of how RJ can and could work in cases of domestic abuse.

Every RJ process should begin with a thorough evaluation and assessment of the victim and the offender, their motivations for taking part and their attitudes about the offence. The preparation should also include explaining the whole process and what it entails, preparing the parties for the other party dropping out of the process or the possible obstacles or difficult questions they might face. By preparing the victims for these scenarios and situations, we can minimise the chances of them being revictimised or retraumatised. It is also important for the facilitator to know whether the parties are seeking closure or whether they wish to stay in a relationship with each other as this might influence the suitability of the case and might mean for example that the case should be referred to therapy instead of RJ.

RJ is a very flexible method and it can be tailored to the specific needs of victims. In a traditional criminal justice proceeding, the victim might not be called as a witness to testify against the offender, they might just ask for a victim impact statement. However, this limits the topics and the way victims can talk about what happened to them and how they feel about it. RJ allows the victim to express, in their own way, what they want to communicate to the offender.

Most RJ processes also require the offender to take some responsibility for the offence in order to take part in a process. This helps to screen out offenders who refuse to take accountability for what happened and want to put the blame on the victim. On the other hand, it is crucial for the facilitators to be aware that manipulation is a technique used by many DV offenders and to prevent this, many RJ centres have a policy that complex cases (such as DV cases) can only be facilitated by two facilitators, who have had special trainings on the subject of domestic abuse. Another safeguarding could be to have regular supervision meetings with the facilitators where they can discuss the case in detail with a senior facilitator who has great expertise in DV cases.

Canadian Aboriginal women experience DV at a higher rate than the general population.[26] Sentencing circles are used to rehabilitate Aboriginal offenders and bring harmony to the community. They are considered to be restorative in nature because they include the community (the victim's and offender's families as well) and the offender has either been found guilty or pleaded guilty to the offence. It is argued that the sentencing circles are offender-centred because the aim of them is to understand why the offender did what they did and to stop them from reoffending. Therefore, victims seem not to have a main role in these processes. It is suggested that the process should be more victim-focused in order to allow victims to have a true voice throughout the process.

[26] Goel 2000: 293.

There was a study that looked into the practices of one police force in the United Kingdom that used restorative methods for all offence types, including DV cases.[27] According to the national guidelines, there are 3 levels where RJ can be used. Level 1 refers to minor cases where RJ works as an alternative to the criminal justice system. Level 2 is where an on-street disposal would be inappropriate and a more formal response is needed. These cases can be used in addition or instead of the criminal justice system. Finally, level 3 cases take part in addition to the criminal justice system (mostly following sentencing) and they are used in more serious and complex cases. On all three levels, offenders need to take responsibility for their actions, victims or affected parties need to take part in the process, the process needs to cover what happened and how people have been affected and also what could be done in order to repair the harms caused by the offender and the offence.

In the police force where the study took place, all police officers were trained in RJ and encouraged by senior officials to use RJ practices in their day-to-day lives.

In Brazil, in the state of Rio Grande do Sul, restorative practices were introduced in 2002 for cases involving a youth offender.[28] Then, in 2015, there was an initiative to further train restorative practitioners and to introduce restorative practices in DV cases. There are three different practices designed specifically for DV cases: a peace-making circle for women victims, a program aimed at men offenders and a circle designed for couples who wish to stay together. However, Carmen Hein de Campos and Cristina Rego de Oliveira argue that the RJ practices used in DV cases in Brazil are problematic due to the lack of evidence and analyses.

Many professionals in the field have come to the conclusion that victims need to feel safe (both physically and psychologically) in order to take part in an intervention voluntarily and meaningfully.[29] It has been suggested that in order to achieve safety, the whole community and professionals who come into contact with the victim and the offender need to collaborate.

It is essential for the facilitators to make sure that victims know who they can reach out to following a restorative meeting, in case the abuse starts again. A follow-up meeting should also be considered, to reach out to the victim and the offender a couple of months after the meeting to check if the agreements are adhered to. If appropriate, the parties could be referred to further services after the RJ process, such as therapy.

Conclusion

We can look at RJ conferences as a first step on the road to a more improved life. One restorative meeting with a victim might not be enough to change the offender's

[27] Westmarland et al. 2018: 339–358
[28] De Campos – de Oliveira 2021: 146–157.
[29] Stover 2005: 448–454.

behaviour completely but it might be enough to start him on that journey. In addition, if family members, friends, members of the community also participate in the meeting, the effect of them on the offender cannot be questioned. They are a major part in shaping someone's life and helping the offender stay on the right path.

DV cases need to be prepared well with both the victim and the offender before a meeting and professionals need to make sure that the participation of the victim is completely voluntary and they understand the process and the consequences of taking part. Safety should be at the forefront of the process to make sure that the victim is not put in any more danger due to taking part in a RJ process.

It is also crucial for facilitators to be well-trained and trained specifically in the complexities of DV cases to understand the psychology behind the offence and how offenders can manipulate victims.

It can be difficult in these cases to stay impartial but for the integrity of the process, facilitators need to make sure they are not favouring one party over the other. However, victims in these cases might need a little more support than victims of other offences so facilitators should also be able to even out the power imbalance whilst staying impartial.

After the RJ process ends, it is crucial to do a follow-up after a couple of months have passed to make sure that the abuse did not start again and that the agreement is being complied with. It might be appropriate in some cases to further refer victims and offenders to different services like therapy or anger management courses.

Coker suggests that the word restoration implies that before the abuse there was a healthy state of the relationship that should be reinstated. However, she claims that this is not true in many cases and therefore the focus should be on transformative justice rather than RJ.[30]

Paul Gready and Simon Robins define transformative justice "as transformative change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes and the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level".[31]

Using RJ in cases of DV should never mean decriminalising DV. Victims should know that they can rely on the police when they are in danger. However, restorative and transformative justice can be used with formal justice processes to help victims and offenders with transformation of behaviour and communities.

[30] Coker 2002: 129.
[31] Gready–Robins 2014: 340.

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A Brief History of the Evolution of the Hungarian Police Anti-Terror Units (1987–2010)

Dávid KISS[1]

This paper will attempt to cover the history and evolution of the Hungarian anti-terror capability and the evolution of the dedicated Hungarian police anti-terror units from 1987 up to 2010 from a historical perspective. By using interviews and memoires of former unit members, contemporary manuals and media sources, and presenting the legal background, this paper will attempt to highlight the historical significance, the cultural heritage, and the tactical methodology behind the evolution of the Hungarian stance on terrorism and anti-terrorism from its most acute aspect, the boots on the ground and the operators behind the orders. This paper also includes a brief history and description on the different uniforms, equipment and weapon systems, highlighting the changes in tactical approaches, and varying opportunities in obtaining or developing more modern and advanced technology.

Keywords: *Komondor, history of terrorism, special police units, criminal activity, counterterrorism*

Terminology

Counterterrorism in general includes the whole spectrum of national and international measures against domestic and/or international terrorism, thus it is important to define terrorism itself, and search into its history.

Terrorism itself is difficult to define, as its different aspects could be highlighted by a plethora of organisations, departments, researchers and political actors, by their individual tasks, goals, methods, and other factors, in various different approaches. The other problem lies in the vastly diverse nature of the groups and individuals, categorised as terrorist organisations or terrorists. This problem could be easily explained by comparing the goals, methods and members of the radical Islamist Islamic State (ISIS), and the radical environmentalist movement Earth Liberation Front (ELF), and the nationalistic-Islamist Moro Islamic Liberation Front (MILF), with the former Red Army Faction (RAF). This short list contains both nationalist,

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internationalist, religious and atheist individuals, fighting for, or against political forces, or even each other.

The visible confusion around the task of establishing a clear and universal terrorism concept could be traced in its professional literature too. A 2013 edition of the *Encyclopedia of Terrorism* edited by Peter Chalk, states:

"First, terrorism is a political activity. Whatever group we are talking about, the presence of underlying political objectives is a common characteristic."[2]

On the contrary, Marie Helen-Maras in her book entitled *Theory and Practice of Terrorism* states:

"Terrorism is not political activism, and is not a freedom fight."[3]

In addition to these two conflicting definitions there are more than 200 officially established definitions on the topic of what we are calling terrorism.[4] This sheer number clearly demonstrates how difficult it is to reach a common stance on the topic itself. Thus, for the sake of the coherency of this paper, we must introduce a new, temporary definition, using the main common points found in the professional literature of the topic.

By this need we will address terrorism, as a political-social phenomenon, which is generated by individuals, or a group of individuals, who see violence as the most effective way of enforcing their will. This violence targets those non-combatants, and/or symbolic objects, or institutions, which, when under attack, could generate distress, panic and widespread outcry, thus inflicting pressure on those, who are opposing the ideologies of the terrorists. By this means the terrorists could achieve that their opposition would not do, or tolerate something which would be normally against their views.

It is important to clarify the meaning behind the title, and highlight some differences between police and military special forces, and their role in counterterrorism. First of all, military counterterrorism is, at least on a strategic level, an offensive capability. While soldiers of these special units could be used as a deterrent, and part of a defence system, their skills are best used offensively, behind enemy lines, inflicting proportionally larger damage and casualties amongst the enemy forces, than the size of the unit involved in the actions.

On the other hand, police special units are strategically defensive forces, capable of high-intensity raids for a limited period of time, on domestic soil, always responding to a threat or concluding an investigation by the use of special means. The main goal of a special police unit is to prevent, or de-escalate a potentially dangerous or unlawful situation, while upholding the law and order of a peacetime society.[5]

In this context, the largest difference is that a member of a police special unit always has to avoid the excessive use of force, especially the use of lethal force, while

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2 Chalk 2013: 10.
3 Maras 2016: 31.
4 Serbakov 2019: 87.
5 Pap 2007: 87–88.

a soldier in the special forces, in wartime, is obliged to kill an enemy combatant. As the July 10th issue of the Hungarian newspaper called *Heves Megyei Hírlap* from 1995 words it:

"Domestic police commandos say that they are law enforcement officers and they are proud of it. Their reasoning is that a classic commando unit first and foremost undertakes military operations abroad, and their methods are lacking the protection of life. If a commando enters a building, they first throw in a hand grenade, and rush across the ruins. Officers of the police special forces are first calling in about their presence. Then they do everything in their power to subdue a criminal without causing serious injuries."[6]

Short history of terrorism

History of terror attacks is a long and bloody tale. Generally it is a tool used by the weaker side of a conflict to reach political goals by violent means. One of the first sources mentioning this behaviour, and giving a vague picture of a terrorist organisation is from the ancient Roman historian, Josephus Flavius. His work entitled *The Jewish War* (De Bellum Iudaico) includes his first-hand account of the anti-Roman uprising between 67–70 BC in and around Jerusalem. In his work Flavius, a former Jewish rebel leader himself, introduces the reader to the zealots, a radical Jewish movement, waging a guerrilla war against the Romans.[7]

One of their highly dangerous, and secretive operatives were the sicarios (sicarii), whose Greek-influenced name simply translates as "men with knives", or "assassins". Flavius recalls their tactics as follows:

"In Jerusalem there emerged other types of evildoers, calling themselves the sicarios. They have carried out their murderous trade in broad daylight, in the middle of the city, especially using festivities, to blend in with the crowd, using hidden, small daggers, concealed in their garments, to stab their enemies. As their prey have fallen to the ground, these murderers would cry out for justice the loudest of all, using this deception, to avoid being caught. […] day by day came murder after murder, making the fear higher, than the damage these deeds caused."[8]

In the end, the last of the sicarii have been cornered by the Roman army at the fort of Massada, resulting in the mass suicide of these controversial fighters.[9] Their method of knife attacks would survive the ancient times, as Empress Elisabeth, wife of Emperor Frantz Joseph, ruler of the Austro–Hungarian Empire, has been murdered by an Italian anarchist, Luigi Lucheni on the 10th of September 1898.[10]

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6 Heves Megyei Hírlap 1995: 4.
7 Flavius 1948: 495.
8 Flavius 1948: 50.
9 Flavius 1948: 429–430.
10 Schreck 2003: 2.

By the spread of anarchist and revolutionary movements, and by witnessing the more and more cruel ways of organised crime gangs, at end of the 19th century, slowly, new police forces have been established, aiming to counter these new types of crime by force if necessary.

The first model of these police special units would be the Reserve and Sharpshooter Unit of the Shanghai Municipal Police (RSU-SMP) established in 1925. Both capabilities would be used in the ethnically diverse and crowded city, ruled by different criminal gangs, and agitated by often-violent demonstrations, strikes and clashes. Thus, the unit had to deal with crowd and riot control and close-quarters-combat situations alike.

Special tactical situations require special tactical training, allowing the RSU-SMP members, to train in unarmed fight, martial arts, using and countering knife attacks, and developing a unique training method for small arms and pistol drills, practiced in a specially built and highly modular tactical building called the "Castle of Wonders". This special training, incorporating the real life experiences acquired on the streets, gave the unit a city-wide fame and helped to develop future military and police forces around the world.[11]

5th of September 1972. A new chapter in the history of terrorism. Armed Palestinian men broke into the Olympic Village in Munich, West Germany to capture and kill Israeli sportsmen in front of the eyes of the international media. Their mission has been a success, as the ill-equipped and ill-prepared local police forces were unable to de-escalate the situation. This tragic event bolstered the international efforts amidst the Cold War, by both sides, to establish specially trained military, or police units capable of dealing with the ever-growing threat of various terrorist groups. These special units have called themselves "anti-terror" or "counterterrorism" forces.[12]

Historical precursors – Special police units in Hungary after 1945

The lawless conditions after the end of the Second World War brought up the need for a specialised police unit in Hungary, as Budapest, the war-torn and ruined capital has become a growing and vibrant nest for lone bandits and armed groups of criminals. These criminals, some of them are former soldiers, with combat experience, had easy access to military grade weapons and explosives lying on the streets, and obtainable from the black market.

A prevalent criminal activity, shedding light on the financial state of the period, had been the so called "stripping", when the victims were forced by pistols, rifles and submachine guns to undress on the streets, and let go only bare naked. Their clothes

[11] Mackay 2007: 33–34.
[12] Maras 2016: 42.

and personal belongings found their way into the ever-growing black market, as base of exchange for food, weapons and ammunition.

To stop these street bandits, in January 1946 the Budapest Police Department established the so-called "R-Group" or Raiding Group. The police force called them their own "fire brigade",[13] while the criminal underworld simply referred to them as "monsters of the night".[14]

As police Colonel Andor Fóti remembered, their training came from the lessons learned on the streets, and from the urban combat experiences of the Soviet soldiers, reinforcing the "R-Group".[15] The contemporary media has covered the evolution of the "R-Group" as follows:

"The new R-Group would be the pride of any larger cities in the world. The group consists of the bravest, most dedicated, and most experienced detectives. Those, who have not been part of the Group yet, receive special training. The R-Group utilizes eight motorized vehicles, equipped with automatic weapons, radios, and bright searchlights. Every vehicle has ten policemen on board, and five motorbike police escort per trucks. These R-Groups are patrolling the city streets day and night, and in constant radio contact with the dispatch centre of the police department."[16]

The unit mainly consisted of detectives, thus during daytime they have investigated the cases, leading to spectacular actions by night. This unique police unit, protecting the nights of Budapest has been the precursor to the modern special police units in Hungary.

Fight against domestic and international terrorism – Hungarian anti-terror units during the Cold War

In addition to the attack in Munich in 1972, a hostage situation in Balassagyarmat, Hungary has also helped to open the eyes of the Hungarian authorities to the urgent need of a special police anti-terror unit.[17] The hostage situation started on the 7th of January 1973, when two sons of a border guard officer stole the service weapons of their father and occupied a high school dormitory, taking 20 students as hostages. The girls had to endure five days of psychological abuse, before the Hungarian state authorities could resolve the situation by the use of police marksmen, who shot and killed the older brother on site.[18]

In response to the events in Balassagyarmat, the Hungarian police leadership has decided about the establishment of the so-called action platoons, on the model of the Rapid Reaction Police Regiment, (from 1981: Revolutionary Rapid Reaction

[13] Fóti 1968: 16.
[14] Magyar Rádió 1947: 8–9.
[15] Fóti 1968: 22.
[16] Huszadik Század 1946.
[17] Szórádi–Faragó 2002: 178.
[18] Finta 2007.

Police Regiment) an elite police force, designed for riot control, disaster recovery, close protection and guard duties of high-value targets.[19] These platoons, consisting of the best, hand-picked volunteer police officers of each battalion of the regiment, in a total number of 60–65 men, had access to the earliest form of special police training. They have served in this function in addition to the core mission of the unit, acting as a special police force if necessary, used by local police commanders demanding the services of the platoons.[20]

As, in this time, there were no existing anti-terrorist training manuals in Hungary, the members of these action platoons had to use military-style training, and their own imagination and experiences, to accumulate some kind of a special police training system. This system heavily used the military long range recon training, unsuitable for police work, emphasising physical endurance and military discipline.[21] As one of them underlined the outlines of the "action platoons":

"The first platoons – which had been the best of the company – one could only enter with prior sport experiences after special evaluation. […] We had close order drills, climbed rocks, had live firing exercises, and most importantly beat up each other frequently during training."[22]

The problem of this system lies in the interruption of special training by patrol and guard duties, which made the five week long anti-terrorist training period, interrupted by ten weeks of everyday police duties, unsuccessful. Members of the action platoons viewed this as a contra productive and dangerous practice, as they needed to switch between "normal" service and "special" service mind-sets, while losing the anti-terror capabilities obtained by hard work, and re-train themselves after each shift on the streets as a patrolman.[23]

Action platoons were equipped with special camo coveralls in "oak leaf" camo pattern, obtained from the border guard, wearing Soviet and Hungarian-made helmets, and utilising Soviet ballistic vests, in limited quantities.[24] Some members of the unit tried to obtain pieces of equipment from hunters, and even Soviet soldiers, with various outcome.[25] Weapons of the unit consisted of Czechoslovakian Vz. 61 "Scorpion" machine pistols in 9 × 19 mm Parabellum, Hungarian Pa-63 pistols in 9 × 18 mm Makarov, AMD-65 assault rifles in 7.62 × 39 mm and Soviet Dragunov scoped rifles in 7.62 × 54R calibre.[26] These weapons and equipment has been designed for military use, with a limited to no use for police capabilities and in peacetime circumstances.

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19 Ministry of the Interior 1972: 4.
20 Szórádi–Faragó 2002: 178–179.
21 Interview with László Kiss (22nd of November 2013).
22 Szórádi–Faragó 2002: 190.
23 Interview with László Kiss (22nd of November 2013); Ambrus 2008: 160.
24 Interview with László Kiss (22nd of November 2013).
25 Interview with László Kiss (22nd of November 2013).
26 Szórádi–Faragó 2002: 191; Interview with László Kiss (22nd of November 2013).

Interesting, and worthy of the big screen is the tale how the Hungarian anti-terror units obtained a more suitable weapon for their tasks. Reconstructed by memoires of former unit members, as early as 1986, the Hungarian anti-terror unit has received some Italian-made Beretta M12 submachine guns in 9 × 19 Parabellum. These weapons had their serial numbers grinded down. The weapons, according to the memoires, came straight from the cache of Carlos "The Jackal", an international terrorist, secured by the Hungarian secret services. As one of the officers remembered:

"[…] back in the day Carlos and his crew rested here after some of their attacks. […] Surely, they needed weapons, which came into Hungary via airplanes. The big cache waited for weeks, at the Ferihegy airport, and in the meantime the secret services found a way to get rid of the group, then seized the weapons too. After that they have destroyed the serial numbers, and gave us the weapons for testing. We have shot some of those until they have fallen apart. It was in 1986, so the action platoons have signed for the pieces, and put those in the inventory too. Mine was number 012. It fired 9 mm ammo, found it to be powerful, and simple to use."[27]

Vehicles of the action platoons consisted of RAF–2203 "Latvija"[28] vans, IFA[29] trucks[30] and from 1974 a platoon of FUG D44[31] amphibious reconnaissance vehicles, which has been upgraded to D-944 PSZH[32] armoured personnel carriers in 1977.[33] These military-grade, amphibious vehicles were suitable for the protection of the officers, against small arms fire, while providing acceptable means of transportation for rapid deployment. Air capabilities consisted of Mil-Mi-2[34] helicopters of the police force, used for rappelling exercises.[35] In 1979, for the better co-ordination of the action platoons, an anti-terror subdivision had been established in the Revolutionary Rapid Reaction Police Regiment.[36]

Up to 1987, this structure remained intact, with minor changes. The action platoons have conducted direct actions against armed and dangerous individuals and groups. One of these actions occurred on the 26th of July 1985, in Csordástanya, near Lake Balaton. In this situation a mentally unstable corrections officer barricaded himself with his service weapons, and 100 pieces of ammunitions. He established a firing position in a house, and fired precise shots towards the police patrol officers. The anti-terror unit, in co-operation with the Hungarian People's Army, closed in on the building around 16:30, and in the constant gunfire of the perpetrator, jumped

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27 Interview with István Szórádi (18th of May 2021).

28 Made in the Latvian Bus Factory (Rīgas Autobusu Fabrika – RAF) and capable of transporting 12 people.

29 Made in East Germany by the Industrieverband Fahrzeugbau – IFA.

30 Interview with István Szórádi (28th of May 2021).

31 Felderítő Úszó Gépkocsi [Amphibian Reconnaissance Vehicle] Hungarian-made lightweight, armed and lightly armoured personnel carrier capable of carrying up to 7 soldiers.

32 Páncélozott Szállító Harcjármű [Armoured Transportation Combat Vehicle] Hungarian-made armed and armoured personnel carrier, able to transport up to 9 soldiers.

33 Forró 2011: 44.

34 The Mil-Mi-2 helicopters (NATO code: Hoplite) are Polish-made light transport helicopters, capable of transporting up to 8 passengers.

35 Hegedűs 2010: 54.

36 Ambrus 2008: 160.

out of their PSZH. The police officers used tear gas grenades before entering the house, where they found their target dead. The former corrections officer committed suicide.[37]

The attempt of an unsuccessful assassination of the Ambassador of the Republic of Columbia, Enrique Parejo Gonzales on the 13rd of January 1987 in Budapest once more made it clear that international terrorism could and would target Hungary, too.[38] Thus, on the 1st of October 1987, a new unit was established, called the "Komondor" Anti-Terror Service. The name came from a Hungarian breed of dogs, known for its loyalty, endurance and bravery.[39] One of the founders of the unit recalled this event as follows:

"The Komondor Anti-Terror Service was established in October 1987 with a hundred specially trained policemen. I was one of them! Our mission was to liquidate domestic terrorist attacks, and apprehend violent perpetrators. On top of it, our unit was capable of providing other special capabilities too."[40]

Its first commander was Police Lieutenant Colonel Imre Gundinger, nicknamed by his men "Gundi". An old-school police officer, starting his police career in 1952.[41] One of his subordinates remembered him like this:

"I did not know him well, but he was the hardened soldier type, who rooted out any opposing views by start. Someone who made you stand at attention from a mile."[42]

Tasks of the "Komondor" Anti-Terror Service was:

- forced interruption of terrorist acts
- protection of national festivities and VIPs
- securing the deportation of foreign nationals
- escorting confiscated drugs
- special police assistance in criminal cases

The unit, consisting of 100–120 men, was divided into six Tactical Operational Units (TOU), with TOU I–V being combat ready, while TOU VI being the training element of the unit. Every TOU got an assault element, a sniper team and a K9/technical element.[43] The Bomb Squad of the Revolutionary Rapid Reaction Police Regiment was also incorporated into the unit.[44]

The training of the unit has still been dominated by lack of information, replaced by improvisation. As one of them remembered:

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37 Tóth 1995: 41.
38 Kelet-Magyarország 1987: 4.
39 Szórádi–Faragó 2002: 211.
40 Szórádi–Faragó 2002: 213.
41 Interview with László Kiss (22nd of November 2013).
42 Interview with László Kiss (22nd of November 2013).
43 Szórádi–Faragó 2002: 216.
44 Hegedűs 2010: 54.

"Training started with something bad happening in the world. Then we tried to replicate it, as if it would be in Hungary."[45]

These news came from the highly censored media, while there has been no appropriate manuals for a complex anti-terror training on the tactical level. Thus, it would not be rare to use contemporary magazine articles and action movies as inspiration. One of the officers remembers like this:

"The craft has been really embryonic. We have modelled tactical situations on a hand-drawn layout by using coins [...] pushed those around as if we were moving on a corridor. Not much like a 3D animation. Then we have picked ideas from movies [...] and tried them out. Many times we have held hands with danger. Sometimes for fun."[46]

The first widely publicised action of the "Komondor" Anti-Terror Service occurred in 1987, in Pestlőrinc, Hungary, where an armed gang of criminals had to be detained, as they were wanted for violent criminal activities, ranging from robbery to murder. One of the former members of the unit recalls the action as follows:

"[...] the scene had been surrounded, the perpetrators [...] were called out to surrender. They refused to co-operate. Thus, it became necessary to enter by force, we smashed the door and the windows, and for the first time in Hungary, we deployed teargas and pyrotechnic devices. [...] These measures could not bring the targets to move out, they applied different protective devices, like wet rags and stockings. We had to go in, and without any use of lethal force, we were able to apprehend them."[47]

Another memorable action occurred on the 28th of November 1990 in Pusztaszabolcs, Hungary. There, an ex-convict had to be detained, after he armed himself and shot a cab driver with a hunting rifle. The target was hiding in the house of his father.[48]

Members of TOU III arriving on scene, after brief reconnaissance, were ordered to intervene immediately, as it was possible that the perpetrator would take a hostage, or start a firefight. During the raid two of the anti-terror officers were shot. As one of them recalls:

"It was not our decision, we had to go in [...] I was Number Two in the line. At the house, we broke in the lower part of a glass door, and swiftly slipped in. On the ground floor there was a kitchen, where an older man opened the door. The father of our target. [...] When I secured him on the floor, came in our Number Three, who started to guard him, and I proceeded inside, after our Number One. At this moment we were shot at."[49]

Another participant of the action remembers like this:

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45 Interview with László Kiss (22nd of November 2013).
46 Kiss s. a.
47 Ambrus 2008: 160.
48 Tóth 1995: 60.
49 Ambrus 2008: 104.

"The operation in Pusztaszabolcs was a mistake made by the observers and recon element, not our fault, yet we were sent in by chance. We were given the wrong layout plans. In reality there was a door instead of a wall, and instead of the door on the plans, there was nothing but walls. The perpetrator fired twice through a closed door, one hit in the hip, the other in the shoulder, where the bulletproof vest protects nothing."[50]

Though the armed gunman wounded their colleagues, the special police unit worked to apprehend the violent criminal unharmed. He was prepared for the arrival of the anti-terror unit, sleeping in daylight and being awake at night, all the time next to his loaded weapon. He fortified the house, making it harder for the police to storm it.[51] After the incident, and their hospitalisation, both of the police officers continued their service in the unit.

The secretive special unit could not stay in the shadows for long. They became frequent front-page stories in magazines, appeared in the news, and even in some movies and film series, as extras. The media started to use exaggerated nicknames for the unit, like "super cops", "elite commandos", "Hungarian A team", and the like. As one of them remembers:

"At this time we were pouring from even the taps. Television, radio, newspapers all trumpeting how cool guys we are. Finally, our little country has got an outstanding team. It meant a lot to be recognised."[52]

This media highlight called for a solution, thus a new, unofficial team was established for representations. They were simply called the "rep team", tasked with directing and choreographing spectacular demonstrations for high-level leaders and civilians. A former officer of the unit recalls one of the most memorable demonstrations:

"Another demo that I am really fond of has been a very special event. It was organised for children [...] kids with disabilities. When the news came down about it, everyone wanted to be part of the team. [...] We did a gig, like never before. Gave it our best for these kids. Then we went over to them. I put my helmet on the head of one of them, someone gave his vest to another kid, then we put them in our cars, and cruised around and around. We have never been in the presence of such a happy and grateful audience. After an hour we were still playing hide and seek with them."[53]

In August 1990, a brutal crime shocked and divided the public opinion staining the positive picture of the "Komondor" Anti-Terror Service. Two members of the unit were charged with murder for profit, and found guilty. They were hired by a local businessman, to "persuade" his partner about signing a contract. The unfolding

[50] Interview with László Kiss (22nd of November 2013).
[51] Ambrus 2008: 103–104.
[52] Szórádi–Faragó 2002: 220.
[53] Kiss s. a.

events ended in the death of the victim, whose body the two policemen tried to burn to cover up the evidences.[54]

The two former officers were promptly apprehended, one of them sentenced to death, his life was saved by the abolition of death penalty. He said, his motivations came from his financial situation.[55]

News of the murder shocked other members of the unit. The deeds of their former colleagues hurt their self-esteem as a professional law enforcement unit.[56] The scandal cost a lot both in professional circles, and in the eyes of the public. As one of the members of the unit stated:

"[…] from that moment on, we became filthy murderers, assassins, and criminals […]."[57]

The botched action in Pusztaszabolcs and the assassination scandal did enough damage to the reputation of the "Komondor" Anti-Terror Service to make the decision-makers uncomfortable about it. Fortunately their skills had been deemed useful, and after a strict transformation, in the first half of 1991[58] a new unit was established by the amalgamation of several counterterrorism experts under the name of Police Special Force (PSF).[59] As an official pamphlet stated:

"The reason of establishing the Force was the change of the situation regarding the degree of terrorism in Hungary. Hungary's new political system brought about new viewpoint and juridical means in the fight against terrorism."[60]

New system, new crime – The Police Special Force

The new unit continues its mission, with a selected staff and re-evaluated personnel. The first and most important novelty is independence, and nationwide authority in cases of terrorism, and other special police capacities. The new commander of the unit is a former member of the Hungarian National Handball Team, the then 48 years old Police Colonel Ferenc Berkesi,[61] known by his nickname only as "Papa" by his subordinates. His second-in-commands were the law graduate, former officer of the State Security Department, Colonel József Csatári, PhD and Lieutenant Colonel József Boda, the former Chief of Staff of a special long range reconnaissance battalion.[62]

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54 Vezda 1990: 37–42.
55 Blikk 2009.
56 Vezda 1990: 57.
57 Szórádi–Faragó 2002: 220.
58 Some sources claim that the exact date is the 31st of May 1991 (http://girititamas.atw.hu/rksz/rksz.html).
59 Interview with Ferenc Berkesi (19th of February 2016).
60 Zsaru Magazin 1996: 1.
61 Balogh et al. 1993: 55.
62 Balogh et al. 1993: 56–57.

The new unit started its operations with a reformed and re-screened cadre, achieving independence and nationwide jurisdiction. "Papa" tried to get the best men from around the armed forces he could get. One of them, a former long range recon soldier remembered his transfer to the police force:

"We agreed that I will start my training with them, but the army would not let me go. They rejected my transfer request three times on grounds of wrong spacing, or out of regulations font. During this time the PSF started its basic training and Papa was curious about my whereabouts. I told him that I was in Szolnok, at the firing range, and no one cares about my case. So Ferenc Berkesi, commander of the Police Special Force called the Minister of Defence, telling him that he wants Zsolt Kiss moved from Szolnok under his command. In three days I became a police officer."[63]

The renewed PSF faced new opportunities and new challenges at the same time. New criminal activities, organised crime, and the escalating Yugoslav Civil War on the southern border of Hungary frequently gave work for the police special forces. These events, combined with the advancement of technology asked for a new training method for the 100–110 strong unit.[64]

Thus first of all, the commanders of the unit visited similar police special forces in Germany, then in France to exchange ideas and build co-operation. Both countries have greeted the Hungarian delegates with open arms and armouries. Members of the delegation found the methods and training of the French units more flexible and modular than the stricter German practice.[65]

PSF had priority in terms of modernisation too, thus new weapons, protective equipment and even uniforms started to pour in. German, Israeli and even US-made weapons started to find their way into the unit, while new equipment, like the OMER-1 rappelling gear was used widely during descending from buildings or helicopters, using the old Mil Mi-2 as an aerial platform[66] while utilising the newly acquired McDonnell Douglas MD-500E light helicopters[67] for touch-down and low altitude insertion.[68] During this training the PSF co-operated heavily with the pilots and crew of the Air Command of the Rapid Reaction Police.[69]

In addition to air transportability, the PSF also included a Bomb Squad, frequently stationed at the Ferihegy International Airport, Budapest, securing the flights of the Israeli El-Al company, and conducting routine luggage checks with specially trained police working dogs.[70]

The PSF had the following tasks and responsibilities:

- countering the hijacking of aerial vehicles

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63 Interview with Zsolt Kiss (21st of February 2019).
64 Interview with Ferenc Berkesi (19th of February 2016).
65 Interview with Ferenc Berkesi (19th of February 2016).
66 Ministry of the Interior 1994: 39, 66.
67 US-made commercial light utility helicopter capable of carrying four policemen on its landing skids.
68 Ministry of the Interior 1994: 73, 74.
69 Hegedűs 2010: 55.
70 Hegedűs 2010: 54.

- securing the deportation of foreign nationals
- de-escalation of hostage situations
- co-operation with military prosecution (apprehension of military and law enforcement personnel wanted for criminal activities)
- escorting confiscated drugs
- special police assistance in criminal cases and assisting secret services
- special security details (in co-operation with the Governmental Guards)
- close protection of VIPs[71]

The structure of the PSF changed minimally during its active years. Two main components were the tactical element and the operational support element. The tactical division had 4, then 5 TOUs with around 12 men in each, carrying out direct actions.[72] The support element had a Training Centre, and a Finances Department planned the everyday life of the PSF, while the Secretariat and the Counterterrorism Coordination and Supervising Department worked on the big picture, providing a professional background.[73]

During this period the civilian population of Hungary would see a new form of counterterrorism. Professional law enforcement experts, clad in black uniforms, wearing black ski masks and wielding western weapons hit their targets day and night. One of the former operators of the unit remembers the newly found fame as follows:

"The black uniforms we started to use from around 1992 were only seen in the movies before. So when we jumped out of cars on the street, and arrested our targets, it always became a large spectacle. Sometimes there was loud cheering, like during football matches. People waved to us, hanging out of windows of trams; they have just witnessed a special forces action, which, to them, has been a fantastic novelty."[74]

In addition to the positivity of the law abiding citizens, some of the criminals, apprehended by the unit saw their downfall as a defining event. Those, who had been caught by the PSF tried to gain respect from the fact that they were "important", or "tough" enough to be escorted around by anti-terrorist guards. As one of the commanding officers of the unit noted:

"We have also experienced that even the criminals have highly respected us. It is a kind of prestige, honour that we have caught them. […] Our level of appreciation is way higher than of an ordinary patrolman."[75]

From 1990 onwards, similar tactical units have been established countrywide, with the primary task of enclosing and securing the area of operations, and commencing intelligence gathering on the tactical situation. These small-sized units

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71 Interview with Ferenc Berkesi (19th of February 2016).
72 Ambrus 2008: 29.
73 Zsaru Magazin 1996: 2–10.
74 Interview with Zsolt Kiss (21st of February 2019).
75 Ambrus 2008: 41.

were trained and supervised by the PSF.[76] Training of these units have included the training of police snipers, as ideal tools of reconnaissance and rapid, yet precise action if necessary.[77]

Until the end of the 1990s, PSF officers had a lot to do. A good example could be one of the contemporary notebooks of a member of the unit, which captured the number of operations conducted by the PSF in the year 1994. This notebook states and categorises 365 independent cases, when the capabilities of the unit was utilised.[78] The numbers are the following:

- 1 terrorism-related action
- 78 criminal investigation support (72 people detained)
- 7 public security actions
- 22 VIP close protection
- 77 Israeli events
- 62 convict escort details
- 52 deportation of foreign individuals
- 14 emergency services

From this list it is visible that the schedule of the PSF was crowded. Fortunately, not every officer had to be present at every operation, thus there was time for training, and self-development, which was a large part of the requirements in the unit, not only for those in combat roles, but also for members of the support element. This policy was enforced by the commander of the unit as a way of team-building and mutual understanding between different members and departments of the unit.[79] One of the unit members, coming from a military special forces unit remembered the training as follows:

"Basic training in the PSF was the most brutal in the country, I have ever seen. I am not sure what the SAS[80] or the Navy SEALS[81] are capable of, but Hells Week[82] for us lasted for six months. From Monday to Friday, you almost died three times a day, due to physical exhaustion. On top of it there were live fire exercises, rappelling, climbing, until our gloves and skin on our palms just tore off. After the first month I said, thank you very much, I am going back to the Long Range Recon Battalion in Szolnok for some rest. In this time I lived with my older brother [...] I told him that I am not made for this, I want to go back to the military special forces instead, as this police special unit is too much for me to handle. My brother has always been a very professional individual, so he agreed to help me train. From that day on we

[76] Ambrus 2008: 30–31.
[77] Ministry of the Interior 1990: 28.
[78] Notebook of László Kiss from 1994 (in possession of the author).
[79] Interview with Ferenc Berkesi (19th of February 2016).
[80] Special Air Service: A regiment-sized special forces element of the British Army.
[81] U.S. Navy Sea Air Land Teams: Special forces units of the United States Navy.
[82] A week long pre-selection course for the SEAL training, used extensively by other military special forces units around the world.

have practiced tactical movements with toy guns in his flat, which was very useful. So when my shift at work was over, a second dose of training started at night. This helped to mentally secure the patterns of movements, and the way of thinking for a police special forces officer."[83]

Under new management – Counterterrorism Service of the Rapid Reaction Police Regiment

In 1994, a new commanding officer was appointed in the person of Colonel István Bökönyi, PhD who brought with himself a new system and structure.[84] In the following four years, the Police Special Force slowly integrated back into its mother department, until 1998, when the anti-terror capabilities once more became part of the structure of the Rapid Reaction Police (RRP).[85] Its new name is Counterterrorism Service (CTS).

CTS had in its ranks no more than 120 specially trained police officers, in a refurbished structure. The new structure concentrates on the tactical capabilities of the service, instead of its independent financial and training capacities, which transfer to the RRP as in the case of the Finances Department, or continue to work in a significantly smaller size than before like the Training Centre, becoming the Supervising and Training Subdivision.[86]

Tactical capabilities represent four TOUs (call signs: A, B, C, D) with a separate Technical Surveillance and Engineer Unit, a Sniper Team and a K9 Unit, amalgamating the different specialised skillsets of the service.[87]

This new unit had one of its most famous actions against the criminal and serial bank robber nicknamed the "Whisky Robber" on the 27th of October 1999, when the hiding place of the fugitive criminal was discovered.[88] Most of the actions and details of the unit remain highly secretive up to this day, but from the memoires and contemporary news it is possible to put together the picture of a highly effective law enforcement tool, with years of combat experience under its belt. From the memoires of former commanders it is visible that the greatest setback came from a complex financial and investigative deficit, which these specialists could see during international SWAT[89] competitions.[90]

Another example of a highly exposed action of the unit happened on the 4th of May 2007. During this period, since 2004, the CTS had been part of the renewed

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83 Interview with Zsolt Kiss (21st of February 2019).
84 Zsaru Magazin 1996: 1.
85 Hegedűs 2010: 55.
86 Structure and Roster of the Counterterrorism Service from 1998 (in possession of the author).
87 Structure and Roster of the Counterterrorism Service from 1998 (in possession of the author).
88 Origo 1999.
89 Special Weapons and Tactics: an international umbrella term for police special forces.
90 Interview with László Kiss (22nd of November 2013).

Directorate of Law Enforcement and Security Departments (LESD), the successor of the RRP, under the Directorate of Special Services. During the action, members of the special unit had to use their firearms to neutralise the armed bank robber, who had taken hostages inside a bank office. The circumstances are narrated through the memoir of Colonel István Lantos, operative director of the unit at the time:

"When we arrived on the scene, naturally it was our first intention to know if there are any demands, how many perpetrators are inside, and every similar circumstance giving us the ability to plan for different scenarios. […] Every single plan had a guarantee that the perpetrator would be caught in the end, or in some form would be separated from the hostages. […] When my men went in, I knew what they were up against, I knew what briefing they had, what orders they were given. […] I was not prepared to hear them shooting in the building, it was a bit strange. […] When I went in and saw the situation myself, I have relaxed. My men had no other choice but to fire, and they did."[91]

Present days and a conclusion

The LESD–CTS was disbanded in 2008, and a new concept, rooted in the early 1990s about an independent, fully self-reliable, yet rapid-response-capable counterterrorism centre has been outlined. By issuing Government Decree 295/2010 (XII.22.) on the selection and detailed regulation of a counter terrorism organisation by legal means, the Counter Terrorism Centre (CTC) was established.[92] Amalgamating several other special police and law enforcement units, and with a wider field of responsibilities, the CTC could be seen as the end of a decades-long evolution, in organisational terms. Training, research and information gathering remains just as important as in the beginning, in 1945, on the ruined streets of Budapest, when from the unheated, war-torn offices a small unit moved out night after night to fight crime with special weapons and tactics. From this small, but determined unit, a new, better-equipped team, the system of action platoons spawned. By combatting international terrorism, in spite of the lack of adequate training and tactical equipment, these policemen concentrated in the "Komondor" Anti-Terror Service, have pioneered the modern counterterrorism tactics in Hungary. The Police Special Force, with widespread popularity and firm financial and political support showed a right path in a changing world, which was continued by a less independent, Counterterrorism Service. With four major reorganisation during its history, the Hungarian counterterrorism capability has shown that it is a must to change with the changing tactics of the criminals and terrorists, and be there not just as a deterrent, but also as a force to reckon.

[91] Ambrus 2008: 36–37.

[92] 295/2010. (XII. 22.) Korm. rendelet a terrorizmust elhárító szerv kijelöléséről és feladatai ellátásának részletes szabályairól (https://net.jogtar.hu/jogszabaly?docid=a1000295.kor).

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The Relationship between the Framing of Speeding Messages and Changes in Attitude of Generation Z Respondents

Erna URICSKA[1]

Police communication with the public is a vital process, and it should be considered a key area of research in the digital era. Until the 2000s, police messages reached the community through traditional media channels. Nowadays, there is an opportunity for e-community policing: to identify problems in the online sphere, propose solutions and improve police-community relations through the appropriate use of social networking sites. This study is a pioneering one as no research has yet been carried out that analysed the visual effects of Hungarian police communication on social media. The observed sample was collected by systematic sampling and, using the perspective of emotions as frames, a questionnaire survey was conducted among Generation Z members to investigate the elicited emotions and their persuasive effects. The aim of this empirical research is to demonstrate that visuals created by the police may be of particular importance in crime prevention.

Keywords: *police communications, social media, e-community policing, visual communication, visual rhetoric, framing images, crime prevention, speeding*

Introduction

According to the analyses of Traffic Safety *(Közlekedésbiztonság)*,[2] based on data of the Hungarian Central Statistical Office (KSH) and police reports, one of the major causes of traffic road accidents is exceeding the speed limits, namely speeding. Vehicle drivers under 25 years cause slightly more accidents with speeding being the leading cause in this age group; however, it becomes less common as they get older. One of the European Union's transport policy objectives is *Vision Zero approach*,[3] a global initiation that aims to reduce road fatalities to zero, and technological innovation can play a crucial role in this. Speed limiters, now fitted in all new cars, can make

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[2] G. I. 2022.

[3] Vision Zero Challenge s. a.

road traffic safer. But how can digital police communication add something new to enhance these technologies?

Police communication with the members of the community is a vital process, and the way they communicate with citizens should be considered a key area of research in the digital era.[4] Today, police forces use social media on a regular basis, but often they simply broadcast information.[5] In this study, social media is defined as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, which allows the creation and exchange of user generated content".[6]

The term *e-community policing* is the own term of the author. It is a set of problem identification and solutions generated by police units through communication activities in the online sphere, aimed at maintaining and improving the relationship between the police and community members, and developing and implementing organisational strategies to improve this relationship in line with the principles of traditional community policing.

This research examines how visual representations of speeding are presented on a digital communication platform, namely on the Instagram profile of the Hungarian Police (police_hu), and what emotions are triggered by the visual representation of these crime prevention messages, as well as what content respondents find convincing enough to alter their attitude and behaviour. With a mixed-method approach, and by comparing two visual representations of the topic, the study aims to explore the differences between the emotions evoked, which result from the different message framing and the self-awareness required by Generation Z. This age group was deliberately chosen because they follow the profile on Instagram in large numbers. The Hungarian Police was relatively late to appear on social media: police_hu, the Instagram profile of the Hungarian Police was launched in 2019, and its Facebook page in 2020.[7] Due to the short period of online presence, little academic literature can be found on how the police use these platforms. It is useful to know the target audience regarding the verbal and visual content shared. According to statistics,[8] the number of Instagram users in Hungary is 2.6 million. Of these, 860,000 users are aged between 18 and 24, and 770,000 are aged between 25 and 34 years. The number of registered users of over 55 years is 139,000. According to the two interviews with former site administrators of the Hungarian Police,[9] 70% of the site's followers were aged between 18 and 34 in 2021. Therefore, the Hungarian Police have a huge

4 Lippai–Csaba 2021: 6–7.
5 Bullock 2018: 245–258.
6 Kaplan–Haenlein 2010: 61.
7 Uricska 2021: 1529–1547.
8 Marketer 2023.
9 Interviews were carried out with both former administrators of the Instagram profile of the Hungarian Police in 2021.

potential to use these sites for crime prevention as well as for recruiting prospective personnel, building a brand and boosting their reputation.[10]

These organisations have a common interest to improve the (digital) communication skills of their social media operators and to encourage them to do their best to ensure safety. Sharing appropriate digital audio-visual content on Instagram or Facebook is of paramount importance to create a safe community environment, in this case by educating Generation Z members.[11] The aim is to prove that, in the long term, digital communication activities must be regular and deliberate on the profiles of law enforcement units.

Speeding and framing

Speeding is still considered the most common and widespread form of traffic violation amongst drivers worldwide and one of the major causes of road traffic accidents.[12] After the turn of the 20th century, Fleiter and Watson explored factors that reduce speeding, and they listed social, personal, legal as well as situational characteristics in their findings.[13] "Factors that significantly predicted the frequency of speeding included: exposure to role models who speed; favourable attitudes to speeding; experiences of punishment avoidance; and the perceived certainty of punishment for speeding."[14] Identifying, analysing and understanding these factors should be considered to be the most effective means of developing more targeted countermeasures to reduce speeding by drivers. In the 21st century, audience-centred (human-centred) strategies and design have become increasingly important and should be developed in the future because of the changing cultural specificities of our digital age. Therefore, digital police communication can also play a vital role to reduce the number of traffic road accidents caused by speeding through those messages that are posted on various social networking sites.

The term *framing* was first used by Bateson who "defined psychological frames as a spatial and temporary bounding of set of interactive messages".[15] Framing does not mean that the communicator portrays a choice or outcome as good or bad but refers to whether a communicated option or possibility can lead to positive or negative consequences. According to Rothman and Salovey,[16] "messages framed to highlight either the benefits of performing a behaviour (i.e., gain framed) or the consequences of not performing a behaviour (i.e., loss framed) lead to different

[10] Uricska 2021: 1529–1547.
[11] Uricska – Vinczéné Fekete 2022. The original idea was born on a course at the Communication Science Doctoral Program, Corvinus University of Budapest.
[12] Touahmia 2018: 2417–2421.
[13] Fleiter–Watson 2006: 23–30.
[14] Fleiter–Watson 2006: 24.
[15] Bateson 1972: 197.
[16] Rothman–Salovey 1997 in Suka et al. 2018.

decisions", attitudes and types of behaviour. Nabi and co-authors mention four types: "When gain-loss frames combine with kernel states, such as the attainment or avoidance of certain outcomes, there are four possible frames: (1) reaching a positive outcome (gain-framed), (2) avoiding a negative outcome (gain-framed), (3) suffering a negative outcome (loss-framed), and (4) missing out on a positive outcome (loss-framed)."[17]

Visual rhetoric studies visual elements for their communicative and persuasive properties.[18] It uses images as the main tool of persuasion and it is the most widely used approach.[19] Visual images are more than a simple representation of a painting or picture because the viewer transforms the message into a symbol by cognitive processes.[20] However, according to Foss, visual images must meet three criteria to be called rhetoric: "1) symbolic interaction, (2) human intervention, and (3) presence of an audience."[21] In this study, the third criterion bears vital importance, i.e. whether the perception and the coded meaning of a visual image reach the aim, accordingly visual rhetoric is suitable for shaping public relations and dealing with social problems.

Visual content is an important part of media communication, but framing is usually "examined in textual contexts".[22] "Visual framing can be defined as the process of choosing certain aspects of a »perceived reality« and emphasising them more than others through the mode of visual communication."[23] According to the *Mediation model,*[24] which was used in political communication, framing of media content affects emotions about political opinions or perceptions, and therefore, affects attitudes and behaviour as well. The model can also be useful in police communication. Media content transfers the stimulus. Elements that convey news frames can trigger emotions. By measuring emotions, they can be detected. At the same time, emotions play a mediating role and, with the right measurement, changes in opinions and attitudes can be measured.

The predictive power of seeing emotions as frames has been supported in recent research.[25] In addition, there are controversies in the relevant literature on gain- and loss-framed messages as "there seems to be some contexts in which loss-framed messages are equally or more effective than gain-framed messages".[26] Chaurand and colleagues stated that gain-framed messages can be more efficient in promoting safe behaviour in speeding than loss-framed ones.[27] Therefore, it is uncertain which

[17] Nabi et al. 2020: 1109.
[18] Owens Patton 2020: 124–138.
[19] Barnhurst et al. 2004: 616–644.
[20] Owens Patton 2020: 124–138.
[21] Foss 2004: 144 in Owens Patton 2020: 128.
[22] Geise 2017: 1.
[23] Parveen–Showkat 2020: 7.
[24] Schuck–Feinholdt 2015: 6.
[25] Nabi et al. 2020: 1107–1130.
[26] Suka et al. 2018.
[27] Chaurand et al. 2015: 37–44.

message frame motivate people more to avoid speeding or to prevent car accidents by means of digital police communication.

The visual images about different types of crime and crime prevention used by the police as a communication tool on social media have the same potential.[28] Although the literature on the topic of framing is abundant, "little is known about the affective dimension of gain and loss framing and its potential impact on persuasion"[29] in digital police communications.

Given the potential for visual interventions to improve citizens' attitudes and behaviour for crime prevention purposes, digital visual communication is one of the components of policing that can provide the appropriately structured information needed for effective, modern and innovative policing. Therefore, individuals and communities can make better decisions about their own attitudes and behaviour. Effective and goal-oriented digital police communication can lead to positive changes in users' behaviour towards crime prevention and safety.

Research questions

Based on the theoretical background and literature on visual rhetoric and framing, the current study has three main aims:

1. to identify the negative messages that can change the speeding behaviour of Generation Z members
2. to identify the triggered emotions that participants mentioned, and which they believed worked in relation to preventive messages
3. to determine whether there is a need for anti-speeding messages for Generation Z members on digital platforms

Research design and methodology

Method

In this preliminary study, an observed visual sample of speeding was selected by systematic sampling and a questionnaire survey was conducted among Generation Z members (N = 16), using the emotions-as-frames perspective to examine the triggered emotions and their impact on persuasiveness. The study was embedded within a broader project, and only the variables specific to this report are being described.

[28] *Abdelhai 2016: 33–42.*
[29] Suka et al. 2018.

The current preliminary study aims to examine affective and cognitive responses given to speeding as part of a longer questionnaire,[30] but it is planned that the results regarding drunk driving and drug use will be published in detail in following works.

The aim of this study is twofold: first, to code the titles of visual images and then to measure the emotions evoked by the images presented by the Hungarian Police on Instagram, and second, to observe how visual framing works in police communication in the case of speeding under different outcomes. Respondents' opinions and emotions were observed by using a self-report questionnaire on the perceived emotions and their convincing power (N = 16).

Measures

Data collection was performed in multiple stages. First, systematic sampling was carried out to search for images on three topics on three police communication platforms: Instagram, Facebook, and the official website of the Hungarian Police. In the first case (Experiment 1), pictures of vehicles involved in an accident, pictures of a speedometer or a police officer at a road check were the most common, so two images were chosen for the *drive carefully* verbal frame.

The aim was to explore the emerging trends using visuals in police social media, and the study used quantitative and qualitative semiotic approaches. Generally, quantitative content analysis focuses on surface-level content, while qualitative approaches aim to examine the hidden meanings in content.[31] As it can be unique how to interpret the meaning of visual images, both approaches can be applied to fully understand a complex issue represented by them. Using a quantitative approach, the complexity of every single image can provide an opportunity to focus on the manifest, surface-level, while the qualitative approach offers an opportunity to see more than a sheer image, and search for latent meaning.[32]

The two images illustrate speeding and its possible consequences: an image about a car crash and a speedometer are presented. The first image presented speeding in an unusual way, which has become known worldwide as the *Tetris challenge*. First posted by a police patrol in New Zealand in November 2018,[33] the campaign became extremely popular on social media from 2019. All over the world, in Hungary as well,[34] service providers such as police officers, fire fighters and ambulance departments lay down next to their patrol car, surrounded by the equipment they use in their work in order to participate in the new project. The main messages of the

[30] Uricska 2022.
[31] Krippendorff 2013; Neuendorf 2017.
[32] Krippendorff 2013; Neuendorf 2017.
[33] New Zealand Police 2018.
[34] Magyar Rendőrség 2019a; Magyar Rendőrség 2019b.

new campaign are to involve citizens in prevention, to warn them not to exceed the speed limits, and to reduce the number of traffic road accidents.

Even public administration organisations with strict hierarchical structure took part in the initiative, presenting their profession in an innovative and creative way, as traditional authoritarian forms of education and communication are not achieving their goals in the 21st century.[35] Generation Z members do not accept authoritarian communication style, they witness that the necessity of human skills are replaced by automation and digitalisation,[36] online education, social media and social networking sites[37] are also integrated into the higher education with the presence of the members of Generation Z.

Image 1: Tetris challenge

Image 2: Speedometer

Source: Magyar Rendőrség 2019a; Magyar Rendőrség 2020.[38]

Following image selection, a questionnaire was completed, in which three main factors were observed:

- a possible title for both images
- the first emotion evoked in both images
- their persuasive power in the expected outcome, namely changing attitudes towards speeding

The participants applied voluntarily from the Generation Z acquaintances of the author. They were asked to express their opinion about the visual representation of the type of crime they saw. The respondents were asked to give a short title for each image, and to decide what emotions they evoke and what content might affect attitude and behaviour, which in turn would influence them in preventing or avoiding such incidents. The evoked feelings were measured through self-reported responses, and in the third phase of the research, the responses were analysed and coded in line

[35] Barnucz–Uricska 2020: 53–63; Barnucz–Uricska 2021: 4–48.
[36] Valintine 2019: 1–16.
[37] Uricska–Suták 2022: 107–119.
[38] The hashtag #hogymindenkihazaérjen (approx. #gethomesafely) was removed from this research, but it can be interesting to research further how the results change with the gain-framed verbal message.

with the research questions. In the future, the research will be extended for a larger sample size.

Results

Participants

The questionnaire was administered to members of Generation Z of both genders, mainly from Hungary, however, there were respondents from Germany and Austria as well. There were eight female (n = 8), and eight male (n = 8) respondents with an average age of 17.6 years, as only those born between 1995 and 2008 were asked to participate.

Speeding

Having provided some background information (age, gender), the respondents were asked to give some titles to the visuals. The consequences and possible outcomes of speeding are also indicated. After looking at Image 1 *(Tetris challenge),* the respondents' answers were coded according to the suggested titles. The first code was 'accident', and six members wrote this word, one member wrote the synonym 'crush' in Hungarian and one in English. The following answers were coded: accident (4 times), 'karambol', 'crush' (with a spelling mistake in the intended meaning in English, when the participant meant *crash*). There were two additional responses that included the word *accident,* but adjectives were also added, these are *fatal accident* and *tragic accident.* Only one title referred to the driving manner of the drivers in the word *nuts.* The other responses expressed complete phrases and opinions referring to the driving style and its consequences. The majority of respondents stated that they had felt sorrow (10 cases). Fear (3 cases), anger (2 cases) and contempt (1 case) were the least common.

The second was a neutral image (Image 2) – a speedometer – as the police are usually criticised when they use speedometers as a tool to prevent speeding. The results suggest that the type of message frame controls "the emotional response elicited in the audience, with gain frames inducing positive emotions and loss frames inducing negative emotions".[39] Participants' answers suggest that negative representations triggered mainly negative emotions. The verbal message *drive carefully* can be seen as gain-framed (see sub-section *Measures*); the participants want to avoid a negative outcome.[40] "Investigating the specific influence of negative

[39] Nabi et al. 2020: 1107.
[40] Nabi et al. 2020: 1107–1130.

emotions would provide crucial information to better understand how negative emotions can influence risk-seeking behaviors in the framing effect."[41] According to the literature, the two anticipated emotions were anger and fear.[42] However, the majority (62.5%) felt the emotion of sadness when viewing the *drive carefully* framed image. The results indicate that directly delivered educational messages, embedded in shocking content will have a much greater impact.

The results also prove that the type of message frame influences the emotional response caused in the audience:[43] when the police are portrayed as an authority, the messages mostly evoke astonishment (56%); however, when the police are portrayed as a service provider, respondents feel sorrow (62%), and their aim is to avoid a negative outcome. These messages can be considered gain-framed, as Nabi and colleagues highlighted in the second type of framed messages.[44] According to the self-reports, the emotion of sadness can influence attitude and behaviour, and generate a sense of responsibility among Generation Z members. In response to the question about which picture was more convincing, 14 respondents (87.5%) chose Image 1 *(Tetris challenge)* and only 2 chose (22.5%) Image 2 *(Speedometer).* When they were asked to justify their choice, this persuasive strength also emerged in the answers: "Seeing what a huge tragedy can be caused just by driving even a little faster, I think I will be more careful to avoid terrible accidents like this one" and "deterrent example" or "it discourages many people from speeding." However, the police are usually attacked because of the application of the speedometer in preventing speeding, the effectiveness of this tool is also demonstrated by responses, e.g.: "Nowadays, I think people are more affected by the sight of a speedometer than by an accident, which they see or hear on the news or radio and they feel nothing but pity and sadness. But with a speedometer, they know it is there, so they slow down […]."

After coding the responses based on the first image, the most frequent nouns were *consequence, deterrent, accident* and *victim,* and the most frequent adjectives were *serious, visible* and *convincing,* suggesting that through cognitive processes, the image had a persuasive power on the respondents. Results also suggest that albeit both images were loss-framed messages visually, the first one elicited the avoidance of a negative outcome (gain-frame) by evoking the emotion of sadness, which has the potential to change attitude and behaviour, and create a sense of responsibility among Generation Z members. The possibility that participants may get hurt shows a strong relationship with perceived levels of persuasion to avoid accidents.

41 Habib et al. 2015.
42 Habib et al. 2015; Lewis et al. 2007: 203–222.
43 Nabi et al. 2020: 1107–1130.
44 Nabi et al. 2020: 1107–1130.

Ethical considerations

Because the images and themes are sensitive, traumatic experiences or involvement in them may trigger heightened emotional reactions. Participants should be asked beforehand if they have had any traumatic experiences related to road accidents, speeding or drug use. It is also essential to warn them that the images may disturb their peace of mind.[45]

Future research and limitations

As more and more citizens will use digital platforms in the future, continuous research is needed on how to present best both visual and verbal information that is not only present-day and relevant but also educational.[46] If digital visual police communication is designed correctly, digital crime prevention messages can present content in a way that can enhance a change in the attitude and behaviour of citizens, therefore they may prevent accidents. While this study might be a pioneer one to promote social networking sites used by police forces for crime prevention purposes, and to analyse the emotional impact of speeding messages on attitude change among Generation Z members, further research is needed. In the future, repeated and extended research would be advantageous, using more images and a larger sample to understand better how the presented content influences the attitudes of Generation Z respondents.

Conclusion

The present study has aimed to investigate the relationships between emotions and negative road safety messages that often appear in road safety advertising and that govern emotions and behavioural change. The focus was mainly on the visual content of digital police communication and the organisational communication goals of the police, namely how the police use images for crime prevention purposes and how visual speeding messages can influence the followers, in this case Generation Z respondents.

In response to RQ1, both visual and verbal message framing may influence emotional responses to crime prevention messages; however, in connection with Image 2, the original content should be examined in parallel with Image 1 *(Tertis challenge)* and Image 2 *(Speedometer)* but with the gained-framed verbal message. The crime prevention content created by law enforcement agencies may also influence

[45] Before sending the questionnaire to Generation Z respondents, the author of the article sent a message about the issues and images of the questionnaire and asked them whether they wanted to participate in the research.

[46] Barnucz–Uricska 2021: 4–48; Barnucz 2022: 183–196; Dominek–Barnucz 2022: 1–7.

the willingness to see further messages, raise awareness and promote attitudinal and behavioural change. The results suggest that an image with a visual hook in crime prevention messages is persuasive among Generation Z members. The main purpose is to capture the attention of the audience by a visual image and maintain their interest.[47] "The visual hook as being a decisive element in framing stories"[48] has a potential to grab the audience's attention, as in the experiment (Image 1).

In response to RQ2, loss-framed images make people think about these problems and leave deeper imprints on memory that are otherwise forgotten in everyday life. Such images have an awareness-raising function and may trigger a change of attitude and behaviour in Generation Z respondents in order to avoid accidents. This has resulted in a stronger preference for risk-avoidance behaviour, and the exercise could therefore provide valuable information for public administration organisations.

In response to RQ3, the study aims to present the emotions that are triggered by police news frames, which use visual representations of crime prevention messages. Preliminary results show that respondents believe that it is necessary to use visual content in crime and accident prevention (81.5%) and that the emotions may play a key role.

These findings confirm that emotional responses can provide a pathway through which gain- and loss-framed messages exert persuasive influence, and police communications is vitally important in crime prevention by applying audience-centric strategies on social media in the future. This study has integrated the results of a preliminary study on digital police communications with the perspective of emotions as frames, and the topic offers a number of explorable avenues for future research.

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[47] Dhanesh–Rahman 2021: 1–11.
[48] Dhanesh–Rahman 2021: 5.

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Appendix: Some opinions given about the images[49]

Image 1	**Image 2**
It foreshadows the possible consequences.	Nowadays, I think people are more affected by a speedometer than an accident, because they see one, or hear about it in the news and feel nothing, but pity and sadness. But, when they see a speedometer, they know it is there, so they slow down.
Deterrent example.	
Seeing what a huge tragedy can be caused just by driving even a little faster, I think I will be more careful to avoid terrible accidents like this one.	
It is much more descriptive.	
It discourages many people from speeding.	
It has a much deeper effect on emotions.	
Because the consequence is visible.	

[49] As the issue is sensible, and the main aim of the article is to focus on prevention, only those answers are listed that are relatively neutral and might not hurt the feelings of the possible readers of the Journal.

Contents