

EÖTVÖS LORÁND UNIVERSITY  
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**The prospect of prevention of juvenile delinquency in  
the Hungarian child protection system**

THESIS OF DOCTORAL DISSERTATION

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# 1. The Objectives of the doctoral dissertation

## 1.1. Problem statement

During the doctoral research I aimed to explore the crime prevention potential of the Hungarian child protection system. The starting point of the work is that there is a very strong connection between age and criminality. The examination of the perpetrators has clearly shown that criminality usually starts emerging in the early adolescence, reaches its peak in the middle-late adolescent years, then it shows a decrease in the young adult years. The age pyramid of the perpetrators unambiguously illustrates that while the time of the crime commitment is usually limited to the juvenile ages, some of the perpetrators continue committing crime in the later stages of their lives as well (Csemáné 2016). Due to this connection, the expectation in the developing countries is very high to put particular emphasis on the prevention of juvenile crime. The UN Committee on the Rights of the Child (CRC) has also brought attention to the fact that the criminal policy aimed at young adults which lacks actions on prevention is insufficient<sup>1</sup>. The Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) accepted by the UN General Assembly in 1990 contains the minimum rules of crime prevention<sup>2</sup>. The Guidelines state that the aim of the prevention serves as provision of the proper social conditions and participation in education of children and young adults. Using the Riyadh Guidelines, a document also published by the UN General Assembly which contains model strategies and practical measures<sup>3</sup>, apart from the number of crime prevention actions, the General Assembly also highlights the reinforcement of the existing child protection systems in order to effectively prevent juvenile delinquency. This effort could be emphasized by research data which proves that the crime rate is significantly lower in those countries where the social care systems function well and the welfare measures are strong (Howe 2008, Allen 2009, Winterdyk – Antonopoulos – Corrado 2016). *The main intention of my thesis is the examination of the crime prevention potentials in the Hungarian child protection system.* The proper operation of child protection system can be an effective tool for crime prevention embedded in social policy.

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<sup>1</sup> General Comment No. 10 (2007) - Children's rights in juvenile justice - CRC/C/GC/10

<sup>2</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) : resolution (1990) – RES/45/112

<sup>3</sup> United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (2014) - A/C.3/69/L.5

## **1.2. Basic concepts of the doctoral dissertation**

*Criminal policy* is strongly value-oriented which is based on all-time views on social coexistence, and therefore the different historical eras and societies have different criminal policies. It is both a system of knowledge and a practice that is both political and criminal in nature. As a broader concept, it applies not only to criminal law but to the criminal justice system as a whole, thus including criminal procedures, the execution of sentences, and crime prevention. Some intentions interpret criminal policy as part of social policy when it inevitably extends beyond the criminal justice system: it does not only determine what behaviours should be declared punishable, and to what extent perpetrators of punishable acts should be punished, but also defines the tasks of crime fighting which go beyond the criminal justice system. The criminal policy embedded in social policy also deals with the possibility of implementing community crime prevention, victim support, and diversion from the criminal path (Ligeti 2009). The development of contemporary criminal policy dates back to the 1970s when the crisis of welfare states became evident. From that time, society is mainly shaped by the phenomenon of globalization, which brings along an uncertain and ambivalent worldview. In societies experiencing continuous uncertainty, the value of security increases significantly. Interpreting the answers given according to Ulrich Beck's logic regarding the risk society, it is clear that a constantly reproducing market of risk management is created, where the goal is to recognize and neutralize risks related to crime. The literature classifies the responses of criminal policy into two determining models. Reactive and control devices dominate in the exclusive criminal policy model, and mainly the use of imprisonment is emphasized. In the other, inclusive criminal policy model, the role of prevention, reintegration and restoration is dominant. In this approach, the social political intervention is much more significant. As a whole, the nation-state criminal policies show a heterogeneous picture where different priority systems are present at the same time. Although the penal populism that dominates the exclusive model is significant in the beginning of the 21st century, alternative answers to the same question constantly appear (Borbíró 2011).

Furthermore, the science of criminology was also in crisis at the same time as welfare. After Martinson's 1974 "nothing works" judgement, it forced the perception of the role of criminology to transform. One of the responses to the crisis was a science concept serving criminal policy with

evidence-based criminology programs that focused on efficiency analysis (Weisburd – Farrington – Gill 2016). In parallel, the prevention approach strengthened, which became such a priority by the beginning of the 2000s that it represents one of the primary subjects of criminological interest.

However, defining the *definition of crime prevention* is a difficult task, since it is a reflexive concept that changes both historically and territorially (Borbíró 2011). In the thesis, I rely on the concepts used in the documents of the Hungarian crime prevention strategy. According to this, “*crime prevention is all measures and interventions where the purpose or result is to reduce the quantity of crime and improve citizens’ sense of security, should it happen by reducing crime opportunities, mitigating the effects of crime-evoking factors, or preventing victimization*” (TBNS 2003; Borbíró 2009; NBS, 2013). The number of countries where crime prevention is regarded as an independent policy has continuously increased. The dynamically growing complex strategies and laws fundamentally interpret crime prevention as a part of criminal policy, but they place great emphasis on cooperation with social policy. For the sake of efficiency, more and more emphasis is placed on the inter-institutional cooperation of the various specialist areas, which must be continuously developed (Holthusen – Hoops 2012).

In the post-modern social and scientific environment following the crisis of the welfare state, the *prevention strategy of early intervention* has become increasingly popular since the 1980s (Tonry – Farrington 1995). This means intervention programs focusing on individuals that seek to mitigate criminogenic risks identified during the life course and socialization process. The knowledge is drawn from the results of longitudinal research which has become increasingly popular since the 1970s. The advantage of these researches is that they can dynamically interpret crime and identify the factors that lead to becoming a criminal. As a result of the evidence-based approach, there has been an increasing amount of knowledge about the operational efficiency of various programs since the 1990s. These efforts primarily play a role in the prevention of juvenile delinquency, but they can also provide significant information to avoid relapse (Szabó 2015). According to the vision of the main theorists of early intervention, effective, evidence-based and cost-effective programs must be designed that take into account human rights aspects and represent a real alternative to the rhetoric that emphasizes the importance of punishments (Homel 2021). However, special emphasis must be placed when planning the programs so that these aspects come into effect. Such an emphatic institutionalization of the concept of risks is not without any threats. Early

intervention can significantly expand the boundaries of criminal policy intervention, which can result in a serious friction between the need for prevention and human rights (Borbíró 2011). Consequently, it is a very important question whether these programs are placed in the social care system or in the judicial institution system, because in the latter case the participants are much more exposed to the risk of stigmatization, which can achieve counterproductive results (Goldson 2009). A result contrary to the objectives of early intervention can also be achieved if participating families are penalized if they violate the framework set by the program (Blyth – Solomon 2009). According to human rights requirements, early intervention programs must not interfere in the lives of individuals and families in a coercive manner, and in connection with the interventions that are implemented, special attention must be paid to avoiding stigmatization. During the implementation of the programs, the principle of proportionality must be enforced, i.e., a balance between individual autonomy and community control must be sought. During the development of the targeted intervention, care must be taken to ensure that the selected target group is not exposed to the risk of exclusion, and efforts must be made to avoid prejudice (Borbíró 2004). Early intervention programs implemented with the aim of crime prevention have the greatest tradition in the Anglo-Saxon countries (Sherman 1998, Homel – France 2007, Howe 2008, Blyth – Solomon 2009, Allen 2009, Hodgkinson – Jones 2013, Winterdyk – Antonopoulos – Corrado 2016). This can be partly explained by the fact that based on the typology of Gilbert et al. (1997), the child protection system in these countries can be classified in the group of child protection orientation, in which the scope of child protection interventions is narrow. In these systems, the aim of child protection is to protect the child from abuse or neglect in the family. The relationship between the state and the family can be interpreted as a hierarchy, and intervention means some kind of sanction. In these cases, the child protection system does not seek to create social security for children. In countries with a more extensive social care system (especially in the Nordic countries), early intervention programs have been integrated into the social care system (Allen 2009, Winterdyk – Antonopoulos – Corrado 2016). ***International organizations are also drawing attention to the strengthening of existing social and child protection systems for the purpose of crime prevention*** (UNICEF 2022).

The operational framework of the ***Hungarian child protection system*** was established by the Act XXXI. of 1997 and provides the act on the Protection of Children and Guardianship Administration (hereinafter referred to as Gyvt.). The Gyvt. was created in accordance with the principles of the

UN Convention on the Rights of the Child, which is meant to guarantee the enforcement of children's rights, i.e., the basic human rights of the children. The importance of prevention and support is listed amongst the principles of the Hungarian Child Protection Act, as well as the system approach which stipulates that interventions must be gradual.

Since 2003, Hungary has had a *crime prevention strategy* as well. The first ten-year document was replaced in 2013 by another ten-year document. While the 2003 National Strategy for Social Crime Prevention defines crime prevention primarily as embedded in social policy, the 2013 strategy sees it much more as part of criminal policy but emphasizes that it must be implemented in line with other social policies. In relation to youth crime prevention, each strategy acknowledges and emphasizes the role and importance of the child protection system, but to date no comprehensive analysis has been prepared that systematically reviews the crime prevention potential of the child protection system. The aim of my thesis is to try and fill in this gap.

The child protection system has both explicit and latent crime prevention functions (Szöllősi 2009). It performs an explicit crime prevention function when one comes into a contact with the child in order to prevent them from becoming a criminal or repeating the crime; practical cases can be listed here such as when the investigatory authority, prosecutor's office or court contacts the child welfare service, or when during a child protection case it turns out that the young person has become a criminal. This also includes cases where a tender gives the child protection institution the opportunity to start a crime prevention program and visit the target group itself. However, child protection most often carries out crime prevention tasks in a latent manner, in which case intervention is not carried out due to the committed act or the prevention of becoming a criminal, but during the process steps are taken to reduce the risk of committing a crime. Although the primary task of the child protection system is not (and cannot be) crime prevention, I believe that in accordance with international recommendations, it is worth examining the crime prevention potential of the Hungarian child protection system since its general goal is to promote the well-being of all children.

### **1.3. Research questions**

The purpose of my research is therefore to examine the crime prevention potential of the Hungarian child protection system, which I examine on two levels, 1) the theory and 2) the practice.

The main questions of the research are therefore the followings:

1. Which interventions of the child protection system have crime prevention potential?
2. To what extent can the crime prevention effect of child protection interventions prevail within the current operating framework of the system?

The Gyvt. didn't mention crime prevention among its goals when it was introduced, however, the law has always considered children involved in crime as a vulnerable group. In 2015, however, preventive probation was introduced in connection with which crime prevention was already set as a goal. At the same time, preventive probation also focuses on children involved in crime, whose support was already included in the law. Therefore, the examination of preventive probation appears as a sub-question in the thesis, regarding which the following questions can be formed:

- 2.1. To what extent does the operation of preventive probation fits into the existing framework of the child protection system?
- 2.2. To what extent does its operation contribute to the crime prevention potential of the child protection system?

## **2. The methodology of the doctoral thesis**

The research strategy is determined by the complex objective of the thesis and the questions of the research, as well as by the interdisciplinary approach, by which I mean the nature and tools of the research. Researching the effectiveness of crime prevention is a fairly challenging task since it is almost impossible to operationalize the factors that influence an act that has not occurred. Research related to early interventions typically obtain its data from controlled experiments following the strict methodology of efficiency measurements. In relation to the Hungarian child protection system – moreover, within the duration of a doctoral research – such an opportunity does not exist, therefore the crime prevention potential of child protection can only be examined indirectly. Since

the examination of "crime prevention" and "child protection" is a large task in itself, I examine the connections between the two systems using several methods. I believe that we can get a more complex picture of the crime prevention potential of the child protection system from sub-researches.

The thesis consists of two bigger sections. In the first part, based on the examination of the literature on juvenile crime, child protection and crime prevention, I would like to prove that there is a significant overlap between the content of risk and protective factors defined in the theoretical framework of developmental criminology and the content of child protection vulnerability. Consequently, I would also like to prove that there are significant overlaps between the interventions in the child protection system and the methodology of early intervention programs.

In the second part of the thesis, I examine the crime prevention potential of the child protection system with several empirical studies. This research strategy primarily required a qualitative methodology, but I also processed the relevant statistical data.

In the first research, through the case of two young people affected by crime, I examined how child protection intervened in their lives, or could have intervened in a way that could have been a protective factor for them against committing crime. I used the case study method as a framework of the method. The importance of the research lies in the fact that it examines the intervention possibilities of the child protection system from the point of view of the case of young people who became criminals belonging to two different social groups. For the case study, I conducted narrative interviews with the young people as well as with the professionals connected with them, for each case study three interviews were conducted. The interviews were primarily processed based on information, thematic analysis, however, in the case of young people I also analyzed the narratives related to themselves and the commission of the crime.

In the second research, through interviews with specialists working in child protection services, I examined what kind of children enter the system of specialized services, and how they see why the child protection preventive intervention did not take effect. In addition, we can also get an idea of how the factors of becoming a criminal accumulate in the institutional system of specialized care. The research can be considered exploratory, in the framework of which semi-structured expert interviews were conducted. Using expert sampling, specialists were selected who work in specialist care and have relevant professional experience in the field of care in children's homes or



foster care. Altogether 15 interviews were conducted. The questions were also processed using information-based thematic analysis.

In the third research, I examined preventive probation as a measure labeled as a child protection crime prevention activity, since its introduction was also advocated by the National Crime Prevention Strategy 2013. To answer the research questions, I conducted semi-structured interviews with professionals responsible for the implementation of preventive probation (probation officers, case managers, guardian office administrators). A total of 25 interviews were conducted, and one family and child welfare center provided its answers in writing. However, the number of interviews is not the same as the number of participating professionals since it happened that several colleagues were delegated in an organizational unit, so group interviews were conducted with them, a total of 31 people participated in the research. I processed the interviews with an information-based thematic analysis in this case, too.

Due to the complex objective of the thesis, it cannot be regarded purely as either basic research or applied research. The nature of basic research is a conceptual comparison of criminology and the child protection system, while empirical research is more applied.

### **3. The results of the doctoral thesis**

The objective of my thesis was complex. On one hand, I wanted to prove that the interventions of the Hungarian child protection system can have a crime prevention effect, and on the other hand, I investigated how the crime prevention effect can prevail with the current operation of the child protection system. This ambition was justified by the fact that the crime prevention policy institutionalized in Hungary 20 years ago recognizes the role of the child protection system, but a detailed overview of the crime prevention potential of the child protection institutional system has been missing.

This multiple goal justified the realization of the research in an interdisciplinary theoretical framework. In order to answer the research questions, I reviewed the phenomenon of juvenile delinquency and the explanatory theories in criminological terms, as well as the relevant literature

on crime prevention. From the point of view of the topic, I paid special attention to the results of developmental criminology, which is the primary theoretical framework of the thesis, as well as to early intervention programs focusing on the prevention of becoming a criminal. In terms of child protection, I examined the concept of vulnerability in detail as it plays a key role in terms of the crime prevention potential of the child protection system. In addition, I reviewed in detail the functioning of the interventions of the child protection system to determine the crime prevention potential of the institutional system. The thesis can be considered both basic research and applied research. The nature of basic research is a conceptual comparison of criminology and the child protection system, while empirical research is more applied. To answer the research questions, it contains exploratory, descriptive, and evaluative parts at the same time.

### **3.1. Conclusions**

- 1) Answering the research question required theoretical work. I compared the results of developmental criminology and the literature on early intervention programs with the concept of child protection vulnerability and the functioning of the child protection institutional system. The examination of the two conceptual systems *confirmed that there is a significant overlap between the content of the risk factors of becoming a criminal determined by the results of developmental criminology and the content of the child protection vulnerability justifying child protection intervention.* In this way, also can be verified that there is a significant overlap between the tool system of early intervention programs developed in order to reduce risk factors and the tool system of child protection intervention, i.e. child protection intervention, when it tries to reduce the child's vulnerability, also has a crime prevention effect.
- 2) During the research, I focused on the prevention of becoming a criminal according to Michael Tonry and David Farrington's crime prevention typology. Child protection interventions were placed in the three-level crime prevention model developed by Brantingham and Faust. According to the results of the research, child protection interventions can be interpreted at all three levels of crime prevention. The primary level includes monetary benefits as well as childcare during the day. These are universal benefits that contribute to the prevention of deviance and crime by raising the standard of living of

children and their families. The programs appearing in the field of secondary prevention represent the main crime prevention potential of the child protection system. These interventions, which mainly focus on children at risk, are the ones whose methodology is largely identical to the methodology of early intervention programs. These are programs within the scope of basic child welfare care. The “Sure Start” program can be highlighted which helps disadvantaged children to catch up, specifically meaning the early adaptation of an early intervention program to the Hungarian child protection system. Similar goals are also implemented by schools focusing on older children. The child welfare service is an intervention in response to child protection threats, the purpose of which is to ensure that children are brought up in a family by eliminating factors that endanger children. Based on this, we also determined that *the goal of child protection preventive interventions to promote the upbringing of children in the family coincides with the measures that implement the goal of crime prevention*. The tertiary level of crime prevention, which means the prevention of relapse, includes preventive probation and correctional education.

- 3) According to the concepts of early intervention, child protection specialist care cannot be interpreted as an intervention of child protection with crime prevention potential. In addition, removing a child from the family can cause trauma to the child which can increase the risk of committing a crime. The risk of becoming a criminal in child protection services is also indicated by previous research which established that the group of children raised in the institutional system of child protection services can be clearly defined among juvenile offenders (Solt 2012). At the same time, we must also take into account that although the removal of a child from the family is a reactive child protection intervention, its purpose is to protect the child, so we cannot ignore the possibility that in the case of some children, child protection specialist care can also provide support factors (e.g., affirming relationship with supporting individuals) that can help prevent becoming a criminal.
- 4) Overall, we can conclude that everything is given in the child protection system at the theoretical level, so that the child protection interventions have a crime prevention effect along with the implementation of their own tasks. Interventions that support children catching up can help slow down the reproduction of becoming a criminal in lower social groups. At the same time, the strength of the child protection system is that it must support

the development of all children in the manner defined by law and is not limited to a specific group. Due to its universal nature, it should reduce the risk of stigmatization and exclusion. And the principle of codified gradualism must guarantee the enforcement of the proportionality of the interventions. The child protection signaling system has an outstanding role in ensuring the proper development of children which includes all professionals who come into contact with children, as well as the general public.

- 5) The results of the three empirical studies together allow conclusions to be drawn about the crime prevention potential of the Hungarian child protection system. The results of the empirical research are connected at several points and unfortunately point in the same direction from the point of view of the child protection system. Although it must be emphasized that when evaluating the child protection system, the research methodology includes the fact that the results point to the flaws of the child protection system, by examining the cases of young people involved in crime, as well as the institutional system of child protection specialist care, I believe that the results highlight the system operating mechanisms as well.
- 6) The results indicated that disadvantaged families with low social competences and many problems cannot be supported meaningfully by the child protection system. Although these children and their families come into contact with basic child welfare care, they do not receive real help, the cooperation has no meaningful content. In most cases, the child is removed from these families and is also placed in specialized child protection care with many problems. Although the removal of the child from the family is done for the protection of the child, in many cases the system of specialized care cannot provide care that can be a protective factor for the child. The traumas of being removed from the families, as well as the deviant contemporary communities that develop in institutions, promote the reproduction of becoming a criminal.
- 7) According to the results children who grew up in a middle-class family with better social situation basically fall out of the scope of the child protection institutional system, their problems can easily remain hidden. It brings attention to the special importance of the child protection signaling system. In this context, the role of schools must be emphasized. The teachers' proficiency in child protection knowledge can be decisive when a vulnerable child comes into contact with the child protection institutional system, which greatly influences

the level of intervention. In addition, the role of schools and teachers is decisive in how problematic children are treated, because the application of formal punishments often leads to the stigmatization of children.

- 8) The results of the research reveal the shortcomings of primary care for child protection which primarily points to the necessity of resources. Due to the lack of financial and professional respect, serious human resource problems can be experienced, as a result of which serious professional deficiencies may appear. This can result in the incomplete functioning of the child protection warning system, as well as the fact that professionals feel helpless in dealing with situations that threaten children.
- 9) Preventive probation was introduced to support juveniles during long-continued criminal hearings, and to provide protection against re-committing crime. To achieve this goal, the probation service was involved. Probation officers are part of the criminal justice system, which creates serious friction with the child protection system. Research results show that preventive probation often does not achieve its goal. Moreover, it operates completely independently of the criminal justice system, which is why it does not provide support for young people in longer criminal hearings, but involves children in an additional child protection procedure. According to the idea of the legislator, child protection and justice institutions effectively complement each other during preventive probation, but it does not happen in practice. Its mode of operation is a heavy waste of resources. In many cases, probation officers do not recommend the implementation, but for this they have to prepare an environmental study which is often also prepared independently by the staff of the child welfare centers in parallel. In cases where preventive probation is ordered, it may happen that the work does not even begin, but its implementation has to be stopped because the young person has come of age or the criminal hearings have reached a point (this usually means a conditional suspension of the prosecutor's office), where the probation service was ordered. It can also happen that preventive probation is terminated referring to effectiveness, while the criminal hearings have not yet been concluded. In the latter two cases, the young people must maintain contact with the same patronage officer as part of a criminal sanction with whom they were previously in the case of preventive probation. It is also important to note that the introduction of preventive probation was supported by some of the child protection specialists, which, based on what they said, points to the *lack*

*of resources for basic child welfare care. As a result, we can state that the operation of preventive probation does not increase the crime prevention potential of the child protection system, and even wastes its already scarce resources.*

- 10) The results of the research point to systemic deficiencies in the preventive functioning of the child protection system. In each case, these problems primarily indicate a deficit of material and human resources. Each research confirmed that professionals quickly burn out due to a lack of professional and financial respect, which is why the field of child protection is characterized by enormous turnover. Overall, it can be seen that *in the current operational framework of the child protection institutional system, the potential for crime prevention can only take effect randomly and within limits.*
- 11) The results of the research draw attention to the need to strengthen the child protection institutional system. From the point of view of exploiting the crime prevention potential, it is very important that the “Sure Start” type programs are expanded, since the results of international research prove that they are effective in reducing crime. Since these programs operate within the child protection system, they can be considered universal in nature. Consequently, it must be accessible to all children, thus ensuring that the target group is reached. This mode of operation ensures the avoidance of stigma and exclusion, as well as the principle of proportionality. It is necessary to strengthen the child welfare service from a financial and professional point of view, since research results have proven that the preparation of professionals significantly influences the short- and long-term effectiveness of various interventions. Although the strengthening of the child protection system and the expansion of catching-up programs seem very expensive in the short term, scientific results prove that in the long term the costs of child protection specialist care, or even later criminal justice, as well as social damage represent a much greater expense for the state. The research results show that it would be worth to invest crime prevention resources in strengthening the institutional system of child protection, *therefore it is important that the crime prevention system is embedded in social policy.*

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## 5. List of publications on the topic of the doctoral thesis

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