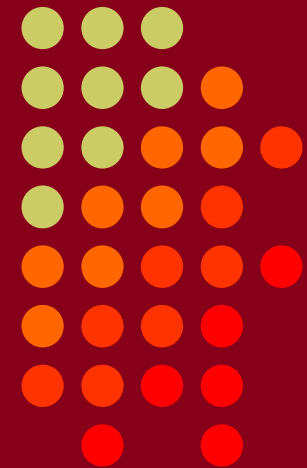


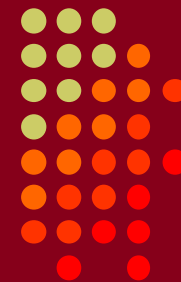
# „Breaking the cycle” – Projects towards restoration, responsibility-taking and reintegration in Hungary

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**Borbála Fellegi, PhD.**  
**Foresee Research Group**

**Protecting victims in the EU: The Road ahead**  
**24 March 2011, Budapest**



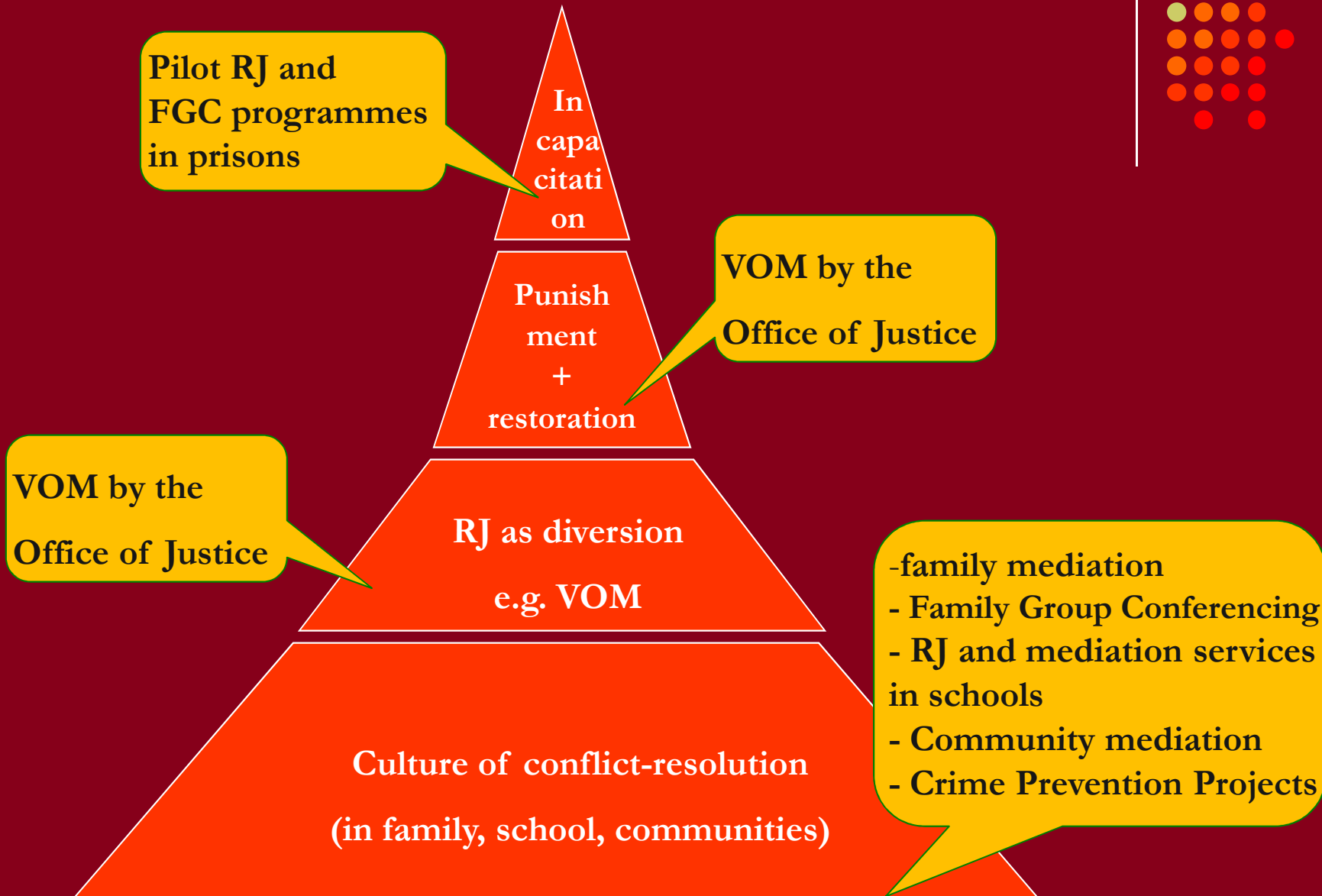


„I have neither time, nor capability to reintegrate any offender. What was neglected by the family, the parents and the whole society for 14-18 years...you cannot restore all this through a single criminal procedure!

I have no illusions about my work... I mean that I could rescue anyone.”

*(a Hungarian judge about his role and about sentencing, 2008)*  
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# NEVERTHELESS, RESTORATIVE JUSTICE WORKS IN HUNGARY ...



# WHERE IS RESTORATIVE JUSTICE HEADING IN HUNGARY?



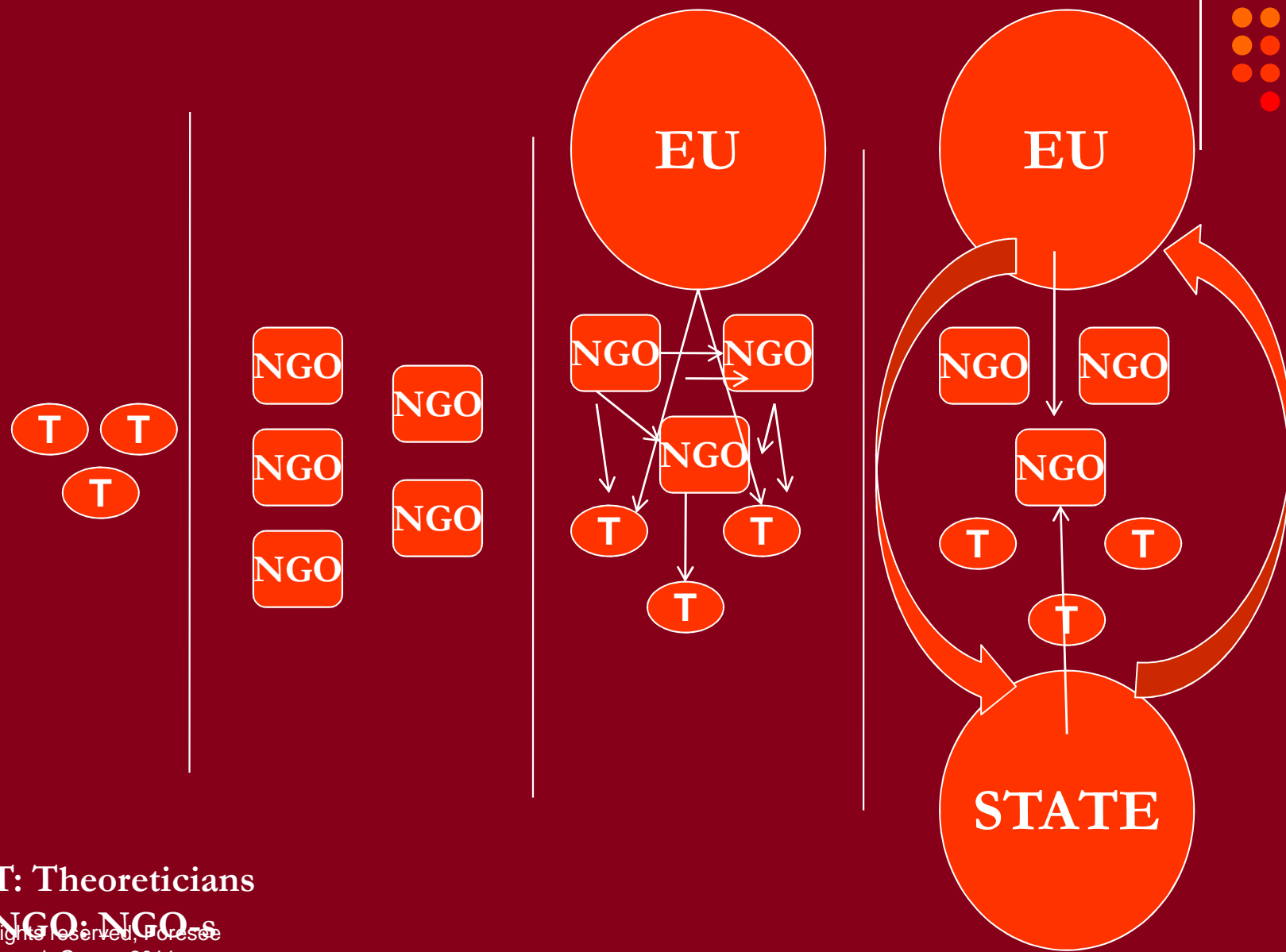
**STRENGTHS**

**OPPORTUNITIES**

**WEAKNESSES**

**THREATS**

# STRENGTHS 1.: Institutional evolution

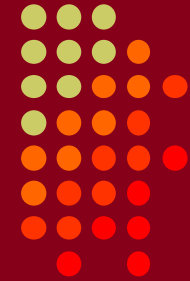


**T: Theoreticians**

**NGO: NGOs**

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## STRENGTH 2: THE NATION-WIDE VOM SYSTEM BY THE OFFICE OF JUSTICE



- stable legal and institutional background
- nationally standardised methodology
- availability for both juveniles and adult offenders
- not only diversion, applied parallel to sentencing, too
- confidentiality, voluntariness, impartiality
- strict training and supervising requirements
- high number of VOM cases (approx. 3000 cases/year), high agreement and satisfaction rates

## WEAKNESS 1: MISCONCEPTIONS



**TO FACE  
CONSEQUENCES  
YOU NEED TO PUNISH**

**RJ  
=  
„SOFT” APPROACH**

**RJ  
=  
MATERIAL COMPENSATION**

**RJ SHOULD NOT BE  
AVAILABLE FOR  
SERIOUS CRIMES**

## WEAKNESSES 2: RESPONSES TO THE CURRENT SENTENCING SYSTEM'S INEFFICIENCIES



### PUNITIVE TENDENCIES



HARSHER PUNISHMENT AND HIGHER INCAPACITATION RATES



DO THEY REALLY LEAD TO REDUCING VICTIMISATION?

-Custodial sentences for juveniles committed misdemeanor acts – 1.) it is against the international regulations (eg. UN Children's Rights, 1989, Art. 37., UN Beijing Rules, CoE R2003(20) etc.) and 2.) a number of research shows that the threat of harsher sanction has NO effect on juvenile crime rates, in fact, those juveniles that were punished by adult sanctions tended to reoffend sooner and more often, resulting in more crimes, more harm, more victims (eg. Singer at all, 2000, Jensen at all, 2000, Fagan, 1996)

- In the conventional criminal justice system offenders are „passive victims”, while by RJ they are active actors taking responsibility for their acts

- How to make people face consequences without permanently excluding them from the society?



# OPPORTUNITIES



- EU
- HIGH CASE NUMBERS
- GOOD RESULTS
- GOOD PRACTICES

# THREATS

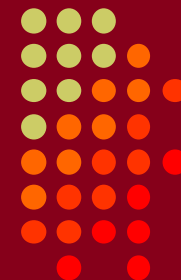


- **PUNITIVE TENDENCIES CONTINUE**
- **SHORT-TERM CRIMINAL POLICIES**
- **RESPONSE TO NORM-BREAKING →  
MORE EXCLUSION, LESS INTEGRATION**
- **FOCUS STAY ON OFFENDERS, VICTIMS  
STAY 'WITNESSES' IN THE CJS**

**FOR THE SCEPTICISTS.....**



**IS THE RESTORATIVE JUSTICE  
APPROACH THAT FAR  
FROM THE  
CONVENTIONAL  
CRIMINAL JUSTICE SYSTEM?**



## What judges and prosecutors mentioned as effects of the „ideal sentence“? (Fellegi, 2009)

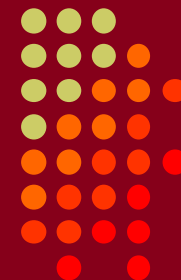
- consequences are faced
- active responsibility-taking
- ‘feel’ the effect of sentencing
- shortly after the crime
- shame-feeling
- offender is encouraged to think about what has happened
- feedback is given
- intensive contact
- long-term duration
- support
- consistency
- individualisation
- guarantees
- prevents from further crime

**These ARE the main elements of RJ, too!**

## 6 STATEMENTS TO RAISE DISCUSSION...



1. Any reform in sentencing policies should be able to show how it will contribute to victims receiving more **RESTORATION** and how offenders will be more effectively **REINTEGRATED** as a result.
2. As evidence shows that harsher punishments alone do not reduce crime rates (especially not youth offending), **other responses should also be mapped** that better help victims and offenders' reintegration.
3. Restorative justice might be one of them.
4. RJ helps victims and make offenders to take responsibility for the consequences of their act, which is **not soft** at all.
5. Victims and offenders should **not** be **excluded** from taking part in a restorative action, if they wish to. Hence, either *instead* or *besides* the conventional sentencing, RJ should be available on **ALL levels** of the CJS, conducted by adequately trained mediators / facilitators.
6. No need to reinvent the wheel!  
**Good practices** – such as the VOM service by the Office of Justice or other NGO initiatives applying RJ practices – need to be extended to help victims' and offenders' “reentry” to the society in a meaningful way.



**THANK YOU  
FOR YOUR ATTENTION!**

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