



# From Need-Based to Control-Based Rehabilitation: The Hungarian Case

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## A Short Introductory History of Rehabilitation Mechanisms

The notion of rehabilitation emerged in the Hungarian Criminal Justice system at the end of the nineteenth century under positivist criminal law and criminology. The new reformatory thoughts contributed to establishing individualisation and personality-based prevention in corrections, and the main goal of the deprivation of liberty became recidivism reduction (Pallo, 2020). As a shift away from proportionality, the Act I. of 1908 (First Criminal Novel) settled the institution of reformatory schools for juveniles with the primary goals being prevention, personality correction and moral change. The first criminal pedagogical theories emerged in this period, and methodological research also started to bloom (Lőrincz, 2006). The First Criminal Novel also established a separate criminal law for juveniles and incorporated probation supervision into the system of criminal law sanctions. Although the state probation supervision system was established in the 1910s, until the

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1940s, charities played a crucial role in the patronage of juveniles (Kerezi, 2002). Helping persons released from prison gradually became a State task between the two world wars.

After World War 2, Stalinian criminal policy gained ground in the country resulting in a politically ideologically heavily determined era in law enforcement. Educational pedagogy was, at best, a slogan in this period (Lőrincz, 2006) and punishment served only as a tool of repression and an instrument of State politics. In the 1950s and 1960s, the aftercare was almost wholly abolished because party state leaders believed that full employment and work obligation alone ensured the social integration of convicts. The Criminal Code of 1961 first formulated the legal rules of probation supervision concerning juveniles, with the purpose of patronage being the increased educational effect and the facilitation of reintegration.

In the 1970s, the legislature began to think differently about rehabilitation. Prisoners released on parole or probation quickly got jobs in factories and were offered accommodation in workers' hostels. The system of professional probation was established in 1970, initially for juveniles and from 1975 for adults as well. The reorganisation of aftercare activity, a turning point in 1975, established the new service of professional probation officers as a part of the court system. Probation became a new criminal measure in the 1978 Penal Code, linking the activity of probation supervision to the formal system of criminal justice. The Penal Code defined the dual purpose of probation: (1.) to prevent the perpetrator from committing another crime and (2.) to assist resocialisation by creating favourable social conditions. The so-called resocialisation approach appeared in the Decree on Penal Enforcement (1979), a further step towards a scientifically grounded law enforcement practice. The Decree—instead of the unrealistic objective of re-education—considered prevention and integration into society the primary goal. The tool for this was thought to be 'pedagogical education'. As a result of the resocialisation approach, essential terms such as classification, differentiation and regime profile (regime characteristics and compatibility of a Hungarian prison) were established in Hungary.

According to the professional approach of the 1980s, 'the peculiarity of the Hungarian (usually socialist) version of treatment was that the formation of personality did not appear primarily as a therapeutic (i.e. psychological) task, but rather as a pedagogical [...] task' (Huszár, 1997: 67). Considering the reasonable possibilities of influence and the personality-damaging effects of the prison, a new concept of education was born and the change in attitude was most evident in accepting the principles of responsibility and self-esteem. After the regime change, employment opportunities disappeared

and it became increasingly difficult to ensure the conditions for reintegration. Probation officers tried to supplement the meagre resources to support prisoners with institutional and professional collaborations in the changed situation.

At the start of the new millennium, an extensive development process in criminal justice and crime prevention began, including victim assistance and reparation justice. As part of the process, a new Criminal Procedure Act came into force in 2003, with a national crime prevention strategy and a law on victim protection. As part of the comprehensive penal policy reform, a unified Probation Service was established in 2003 under the supervision of the Ministry of Justice, with its activities extended to both juveniles and adults. The Legal Aid Service was established in 2004, and the Victim Support Service in 2005. The Ministry introduced mediation in criminal matters in 2007, and a new Penitentiary Code was enacted in 2013. In the last ten years, however, the organisation and the responsibilities of probation officers have changed. A Ministerial Decree ordered the risk analysis of probationers, and in August 2014, the execution of probation supervision tasks related to parole was transferred to the organisation of penitentiary administration.

## **Current Mechanisms and Their Policy, Political and Statistical Context**

Rehabilitation in the correctional context in Hungary is a much less popular term than reintegration and resocialisation, perhaps because rehabilitation was discredited after the crisis of Western correctionalism (Nagy & Vig, 2018). Moreover, in the provisions of the Criminal Enforcement Code (Act CCXL of 2013), besides reintegration, the term (re)settlement is also used, while rehabilitation is only mentioned in its medical connotation and not in a social context.

Legal rehabilitation, so-called 'exemption' is regulated by the Hungarian Criminal Code. Upon exemption, the convicted person is 'relieved from the detrimental consequences attached by law to any prior conviction' and 'shall be deemed to have a clean criminal record, so he cannot be required to give an account of any conviction from which he has been exempted'. The general exemption method is decreed by the law after a specified period, but it can also be based on a court ruling or an act of clemency. The consequences of a conviction are determined not only by criminal law but also by sectoral laws, mainly in employment bans. These collateral consequences are linked

to the punishment and may significantly hinder social reintegration, despite the institution of legal rehabilitation (Lukács & Víg, 2019).

The backbone of Hungarian legislation in prison-based rehabilitation is the new Penitentiary Code that entered into force in 2015. It moved towards a complex system of rehabilitation and reintegration that aims to build on the will and active cooperation of inmates involved in the process. The outmoded concept of 'correctional education' of the former regulations was replaced by 'reintegration'. Some conceptualise this move away from the previous paternalistic approach as a paradigm shift (Pallo, 2018). According to the Penitentiary Code, imprisonment enforces the adverse consequences outlined in the final judgement, facilitates reintegration into society and develops law-abiding behaviour. Reintegration programmes are all activities and programmes that aim to reduce the disadvantages resulting from the convicted person's former life circumstances and lifestyle and the development of their personality and social skills. During the enforcement of custodial punishment, the development of the convicted person's self-esteem, personality and sense of responsibility are to be ensured.

A new element of the system drawn up by the Penitentiary Code is the so-called risk analysis and management system. The risk assessment process starts at the time of admission to the prison and is based on applying a 'preventive measurement tool'. It is aimed at determining the risk of recidivism and other behaviours related to imprisonment, namely (a) prisoner escape and its attempt, (b) suicidal behaviour, (c) self-harm, (d) violent action or attempted violent action against any person, (e) leadership, organiser, executive role activity in the criminal and prisoner subculture and (f) abuse of psychoactive substances. The report on the risk assessment results contains the measured levels of risk for each behaviour and the medical, psychological, safety and reintegration tasks necessary for risk management. According to the principle of individualisation, the level of risk (low, medium, or high), respective regime rules to be applied for the individual and participation in employment, education and reintegration programmes shall be determined based on the risk analysis results. Among reintegration programmes the penitentiary system operates compulsory programmes (employment, participation in education under the age of 16, participation in a contracted programme), reward programmes (participation in a priority public education or sports programme) and optional programmes (self-help groups, school groups, professional circles) as well (Forgács, 2020).

Legal regulations outline several possibilities for contact with the outside world (see Table 1): In the recent few years, however, a strict policy was implemented in penitentiary institutions. In 2019 transparent plastic screens were

installed in the visiting rooms of prisons, making physical contact of inmates with relatives practically impossible (Hungarian Helsinki Committee, 2020). Fixed tariff rates of phone calls are set at an extremely high rate, and the deposit for prison mobile phones also puts a heavy financial burden on inmates. Restrictions introduced due to the COVID-19 pandemic made contact with relatives and the outside world even more limited.

The goal of the Hungarian Prison Service is to maintain *full employment* in penitentiary institutions, only excluding those who are not able to work. Detainees are employed by industrial or agricultural prison companies, penitentiary institutions or public–private partnerships. A convicted person's employment is not considered an employment relationship but a special penitentiary relationship. Therefore, her or his time working during enforcement does not count towards the pension.

Access to *education* is essential in prisons (Ivanics, 2021; Miklósi & Juhász, 2019). Primary education provided by state and other schools that have a contractual relationship with the institution is available in most penitentiary institutions, and secondary education in many. Vocational training is mainly carried out within the frames of different projects. According to data from the Hungarian Prison Service (2020), in 2019/2020 the enrolment rate in primary education was 27%, secondary education 39.5%, vocational training 32.5% and in higher education, 0.76% among inmates. While enrolment

**Table 1** Pillars of reintegration process

Traditional elements	New or partially new elements
(1.) Contacts (supporting family and social relationships)	(4.) Exploration and optimisation of risk elements
(A.) Without leaving the institution	(A.) Primary risk analysis (admission)
(a.) Correspondence	(B.) Periodic review risk analysis (every 6 months)
(b.) Telephone conversation	(C.) Extraordinary risk classification
(c.) Sending and receiving parcels	
(d.) Receiving a visitor	
(e.) Electronic communication (Skype)	
(B.) Involving leaving the institution	
(a.) Reception of visitors outside the prison	
(b.) Absence and leisure	
(c.) Free weekend	
(2.) Improving labour market opportunities and maintaining physical and mental well-being	(5.) Strengthening of internal motivation
(3.) Education, vocational training, advanced studies	

Source The compilation was made by the authors

numbers for primary and higher education seem to have decreased in the last ten years, secondary and vocational training participation rates show a positive trend. In addition, prisons offer recreational, sports, cultural and religious activities to support the rehabilitation process. Special treatment programmes are also administered based on the risk analysis procedure results. Hungarian penitentiary institutions operate special regime units for inmates with special treatment needs (see Table 2). In these regime units, the order of enforcement and programmes and activities aimed at rehabilitation are adjusted to the specific needs of particular groups of people.

The most critical reintegration phases are the periods immediately before and after release. Release from prison can occur after completing the sentence and being placed in reintegration custody due to conditional release or based on an act of clemency. Before their expected release inmates receive help and support to ensure social and personal conditions conducive to successful re-entry. The length of this pre-release support period is regulated by law and depends on the length of sentence. Penitentiary probation officers are in charge of the preparation for release which is based on an individual care plan or reintegration programme and carried out with the cooperation of the reintegration officer. Help and assistance are given to inmates in several ways, such as obtaining official documents, preparing the social environment for their re-admittance, restoring family ties, organising programmes to support

**Table 2** Regimes in Hungarian penitentiary institutions

REGIMES	
Statutory regimes	Regimes are established for practical purposes
Standard regime (detainees who do not require special treatment)	Regimes set up to organise the daily schedule of inmates
<ul style="list-style-type: none"> <li>• mild, general and strict regimes</li> <li>• lighter rules of execution (EVSZ)</li> <li>• transitional department</li> <li>• admission department</li> <li>• regimes for detainees</li> </ul>	<ul style="list-style-type: none"> <li>• accommodate working and non-working prisoners separately</li> </ul>
Special regimes (detainees with special treatment needs)	Regimes set up for particular groups of detainees considered locally important
<ul style="list-style-type: none"> <li>• curative-therapeutic ward</li> <li>• long-term special regime (HSR)</li> <li>• drug prevention ward</li> <li>• psychosocial ward</li> <li>• low-risk at-risk group (ABE)</li> </ul>	<ul style="list-style-type: none"> <li>• non-violent unit</li> <li>• APAC group</li> </ul>

Source Forgács. (2019). A fogva tartás és reintegráció fogalmi megközelítése, in *Büntetés-végrehajtá reintegrációs ismeretek* (Eds.) O. Czenczer and P. Ruzsonyi. Dialóg Campus Kiadó, Budapest, p. 43

social or vocational reintegration, and organising placements in a medical or social care institution.

If conditions specified by law are met, a prisoner sentenced to imprisonment for the first time for a non-violent crime against a person and serving a term of imprisonment not exceeding five years in prison may be placed in reintegration custody by the penitentiary judge based on a proposal from the institution. Reintegration custody means, in practice, the continuous supervision and control of individuals during the six months before release so that they cannot leave home, place of work or another designated place of residence. Sometimes they may be monitored with an electronic remote monitoring device. Although the period after release is of utmost importance it is the least supported part of the rehabilitation process in Hungary. Upon their request aftercare is offered for those released from penitentiary institutions for a maximum term of one year to enhance successful reintegration. According to law, support is given regarding employment and housing issues, continuing studies and medical and therapeutic care. Extra help in finding housing and employment is offered for those released after long-term imprisonment. The penitentiary probation officers provide aftercare with the contribution of local municipalities, employers, civil organisations, religious communities and other volunteers. In reality, aftercare is requested by people released from prison only rarely, and state-run services are minimal. The state relies heavily on NGOs, churches and other charitable organisations to reintegrate those offended, especially during the post-release period (Miklósi & Juhász, 2019). Recently a halfway programme was launched by Váltóság Foundation and Hungarian Prison Service Headquarters, but services are only available in Budapest. Ex-prisoners face great difficulties on the job market too.

Conditional release or release on parole is a significant legal institution in the reintegration process. In Hungary, early release from prison is based on the discretionary decision of the penitentiary judge, if criteria regulated in law (e.g. that a certain proportion of the sentence has been served) are met. However, the Criminal Code stipulates that when life imprisonment is imposed, the sentencing judge can either exclude the possibility of conditional release or determine its earliest time (25 to 40 years). The person on conditional release may be placed under probation supervision. Supervision is mandatorily ordered for juveniles, recidivists and those released from life imprisonment.

Despite decreasing crime rates, between 2008 and 2016 Hungary's incarceration rate increased from 150 to 184 inmates per 100,000 inhabitants. This change was mainly due to a significant alteration in the length of prison

sentences. While in 2010, 24% of the inmates had a sentence of more than five years, this ratio rose to 40% by 2019. Meanwhile, the average length of imprisonment has fallen since 2012 across Europe. After a few years of decrease, by the end of 2020, the imprisonment rate was 172 per 100,000 people. In contrast, a constant decrease can be observed in the rate of juveniles among inmates. In 2015 the rate of those under eighteen in the prison population was almost 2% (Hungarian Prison Service, 2020), but by the end of 2020, it had dropped to 1% (World Prison Brief). Until recently, overcrowding was a severe issue in Hungary with the highest average occupancy rate being 143% in 2014. Poor prison conditions cause suffering to the inmates, put a substantial financial burden on the country because of the compensation payments based on the European Court of Human Rights ruling and pose an extra obstacle to rehabilitation efforts. In response, the Hungarian Government financed capacity extension projects. New penitentiary facilities have been built in recent years, resulting in a notable decrease in the average occupancy rate to 96% by the end of 2020 (World Prison Brief). It is a significant achievement, although it leaves other issues, such as the variable occupancy rates and other physical conditions of detention, the problems of the compensation scheme and the suspension of compensations, unresolved (Hungarian Helsinki Committee, 2020). According to the latest data from the Hungarian Prison Service's website, at the end of June 2021, there were 3407 adults and 33 juveniles in preparation for release under the reintegration care of prison reintegration officers. Between January and June 2021, while only two adults received aftercare services after their release from prison, by the end of June 2021, penitentiary probation officers provided probation supervision to 1942 adults and 21 juveniles under conditional release.

The Hungarian Probation Service operates as a unit of government offices, separate from the penitentiary system, and enforces community sentences and controls individuals in the community. Its primary task is to carry out probation supervision ordered by the trial court, while other tasks include community service supervision and providing social inquiry and pre-sentence reports. According to the provisions of the Penal Code, probation supervision may be applied in addition to suspended imprisonment. In 2020, courts ordered probation supervision in 2838 cases, which is 5% of persons convicted that year (Legfőbb Ügyészség, 2021). Of those under probation supervision, 35% were juveniles. The Hungarian Probation Service caseloads gradually decreased after 2015. In 2019, it was 86,962, resulting in a 7% drop from the previous year's numbers (Igazságügyi Minisztérium, 2020). Nearly 24,409 probation supervision cases were in process, which shows an 8.1%



drop compared to 2018 and this is consistent with a trend that started in 2011. The number of juvenile preventive patronage cases (767) also decreased from the previous few years. Probation officers have the greatest caseloads regarding the task of community service supervision, which accounted for 42,146 cases in 2019.

## Specific Programmes and Methods

The programmes in penitentiary institutions seek to promote effective reintegration, partly by using the tools of criminal pedagogy and partly by adapting the therapeutic and corrective methods of clinical psychology. Group activities can include targeted training that develops skills and abilities in a specific area, such as training on labour market reintegration, career guidance and job search techniques. Hungarian penitentiary institutions operate special regime units for those with special treatment needs, like the unit for prisoners serving long-term sentences, the medical-therapeutic unit, the psychosocial unit, the drug prevention unit, the low-security unit, the religious unit, the unit for elderly prisoners and the unit for people who have been convicted for the first time. Unique treatment programmes are also administered based on the risk analysis procedure results. Penitentiary institutions also offer recreational, sports, cultural and religious activities to support the rehabilitation process.

The new Prison Code introduced a social attachment programme in which a prisoner sentenced to up to one year in prison can participate at her or his request. The detainee is entitled to work at an external place of work and leave the institution for a maximum of ten days per month. The programme aims to help strengthen family ties and the social environment. The social attachment programme is promising, but there is little information on its effectiveness in practice, especially in light of the considerable workload of penitentiary probation officers and the high fluctuation rate (Juhász, 2017).

There are three basic types of programmes for the reduction of risky behaviours available in all Hungarian penitentiary institutions: assertiveness training, aggression reduction training and training for the prevention of drug use (Somogyvári, 2018). These programmes have elements based on cognitive behaviour therapy. The Hungarian Prison Service offers individual and group treatment programmes on an optional basis to prevent relapse for those who committed sexual offences (Somogyvári, 2022). A more complex, intense, and at least eight months long programme incorporating cognitive-behavioural elements specifically for those with victims under the age of eighteen is available in the Budapest Strict and Medium Regime Prison. In

addition, among a range of options, there are bibliotherapy, literature and drama classes, art and creative classes, music classes and chess programmes. In particular, faith-based programmes and religious activities are exceptionally well promoted in penitentiary institutions. Libraries play their part in rehabilitation too and contribute to making the prison environment more humane.

Restorative justice programmes promoting moral rehabilitation and the taking of responsibility are also present in Hungary. Besides pilot programmes carried out in research projects (Barabás et al., 2011), different restorative programmes are operated by penitentiary institutions. Within the framework of the *'Prison for the city' programmes*, inmates do activities like cleaning, gardening and maintenance for the community outside the walls of prisons. There are tale-based programmes like 'Storybooks mums' faith-based restorative programmes like 'Zákeus' and creative rehabilitation programmes like the recently launched Picasso project. Restorative techniques are also used for handling conflicts in prisons. Reparative and restorative programmes and methods (e.g. family group conferencing) are part of probation service practice. Probation officers use other methods, for example, group sessions and training provide information on the job market, support in solving housing issues, developing personality and communication skills, promoting assertiveness and treating lifestyle problems. Some programmes and training are carried out in the two community day centres, helping individuals integrate into the community and the employment market after their release. These centres also provide conditions for the delivery of reparation programmes, the execution of special behaviour rules in the community and the achievement of the goals of relapse prevention and the protection of youth.

The European Union funds most programmes that target rehabilitation and the prevention of reoffending. Such projects were operated within the frames of the Social Renewal Operation Programme (TÁMOP, SROP in English) functioning between 2007 and 2013 as an operational programme of the New Hungary Development Plan. One such programme, TÁMOP 5.6.2, was launched between 2010 and 2012 to strengthen social cohesion through crime prevention and reintegration programmes. One of its sub-projects was a multi-phase model programme for the social and employment reintegration and the intensive aftercare of prisoners. The project offered information, skills training, vocational training, preparation for release and intensive aftercare for participants. TÁMOP 5.6.3, which terminated in October 2015, also targeted social and job-market reintegration of inmates, providing communication, aggression and conflict

management, self-awareness and lifestyle training, vocational training, preparation for release and aftercare services. From 2014, the Human Resources Development Operational Programme (EFOP) provided the framework for reintegration projects. The most recent programme, EFOP 1.3.3. 'Reintegration of prisoners' was launched in 2016 and ended last year with the plan to involve 4600 inmates in reintegration programmes in order to support social and employment reintegration and the prevention of offending. The project supplemented the activity of the prison system, relying on the active role of the participants, individualised treatment and strong cooperation with communities, including organisations supporting employment. It also provided services for 1000 relatives of prisoners.

NGOs and charity organisations also offer programmes supporting the rehabilitation process (Miklósi & Juhász, 2019). The Váltóság Foundation, for example, launched different projects and programmes and offered various services, such as competence development training, communication and self-awareness training and digital competency training. The Tévelygőkért Foundation established the penitentiary tale programme that has operated for years. Until recently, Prison radio of the Speak Out Association was also present in some institutions (Gosztonyi, 2018). Churches and religious organisations also take their share in establishing programmes in support of rehabilitation. Free practice of religion is ensured in all penitentiary institutions with the help of prison pastors from the four historical churches who provide services and organise religious activities.

## Rehabilitation and Diversity

Certain groups of people with special needs in rehabilitation are well recognised in Hungarian academic literature and among professionals. Legal regulations and practices partly reflect this acknowledgement. These regulations, however, pertain to persons held in closed institutions, and some diversities are not addressed despite their relevance. Hungarian penitentiary institutions operate special regime units for inmates with special treatment needs. The enforcement and programmes and activities aimed at rehabilitation are adjusted to the specific needs of particular groups of people. Differentiation is a complex method affecting the whole process, and in terms of treatment, it can be divided into eight main categories: age, gender, degree of execution, legal nature of detention, health and mental status, people convicted for the first time, need for special treatment and educational attainment.

According to Section 122(j) of the Penitentiary Code, women, juveniles and persons with disabilities are entitled to special protection. Particular correctional institutions exist for juveniles and female-only prisons.

Hungary does not have a separate criminal justice system for juveniles. However, specific provisions on juveniles in criminal law, procedural law and criminal law enforcement consider their age-related characteristics. According to Hungarian criminal law, juveniles are minors who have turned twelve but have not yet reached eighteen, but in the penitentiary system, those between the age of fourteen and twenty-one are considered juveniles. The Criminal Code contains special regulations for juveniles. The duration limit for penalties is usually lower, penalties and measures involving the deprivation of liberty can only be imposed upon a juvenile if the aim of the sanctioned cannot otherwise be attained, and the spectrum of alternative sanctions is broader for this age group. Probationary supervision is obligatory for juveniles in case of a suspended sentence, conditional release, probation, compensational service and imprisonment suspension. A measure specifically for juveniles is placement in a reformatory institution, which may be ordered if the proper education of the juvenile (under twenty years of age) can only be provided in an institution. Most detained and not yet convicted juveniles who have offended are also held in these institutions.

In the case of juveniles, the Penitentiary Code also emphasises the reintegrative goal of punishment and contains special rules to be applied during the execution of penalties and measures. Essential tools for rehabilitation are two relatively new legal institutions, family consultation and family therapy aimed at strengthening family ties. Special reintegration programmes concerning juveniles can range from guided sports activities through anti-aggression training to various skill and ability development sessions, aimed at strengthening empathic and community competencies, increasing the chances of reintegration and resocialisation and supporting personality development. (Csemáné Váradi, 2019). The rate of females among prison inmates in 2019 was 7.5% and 5% among juveniles. According to recent research (Ács-Bíró, 2020), they are likely to have multiple special needs and vulnerabilities. Specific legal provisions pertain to imprisoned women's placement, sanitary needs and clothing. Legal regulations also guarantee a response to the unique needs of pregnant women and mothers with babies, and to that end a mother-and-child unit functions in the Bács-Kiskun County Remand Prison. Children can be co-placed with their imprisoned mother in the nursery unit until twelve months. Apart from this, no special rules apply to the rehabilitation of women, and the system lacks women-specific reintegration programmes, even though penitentiary institutions offer activities meant for

women. Vig (2014) found that programmes and training offered to females usually concern vocations of low social prestige and reinforce traditional gender roles. A problematic infrastructural issue that hinders the reintegration of imprisoned people is being placed in remote penitentiary institutions far from their families, making family visits problematic. Since there are only a few penitentiary institutions or prison wings in the country specifically for women, they are particularly affected.

Although recording data on the ethnicity of inmates are not allowed in Hungary, research findings indicate that Roma people are overrepresented in penitentiary institutions compared to their rate in the general population (Vig, 2014). Among those serving their prison sentences, the proportion of Roma, even according to a minimum estimate, is more than six times (30%), realistically eight times (around 40%) higher than in the general population (Huszár, 1999). According to a recently published report, Roma people are subjected to discrimination in the Hungarian criminal justice system (Kazarján & Kirs, 2020). Despite the numbers in the prison population, no specific programmes tailored to the needs of Roma people exist in Hungarian penitentiary institutions, mainly for historical legal reasons (Nagy & Vig, 2018). Besides the fact that their particular needs in rehabilitation are not met, vocational training programmes provided by prisons are often not marketable, adding to Roma people's disadvantages in post-release reintegration (Vig, 2014).

## Theoretical Underpinnings to Models of Rehabilitation

Historically, the forms and means of rehabilitation and interpretation have changed significantly. The question is how rehabilitation is perceived in Hungary. Is it a goal to be achieved independently, or a means to achieve another goal? In the history of the Hungarian prison system, the interpretation of rehabilitation has been intricately connected with the concept of education. It has had three major and significantly distinct stages (Forgács, 2020). The first interpretation of education broke away from the religious, moral interpretation and placed coercive education at the centre of the philosophy of the socialist-type penitentiary organisation. In the second stage, until the early 1970s, the concept of education was dominated by a criminal pedagogical interpretation. By the end of the decade, moving away from the previous narrower concept, it had become a collective term and

included all the positive effects that could increase the chances of reintegration after release from prison. By the end of this development stage, the education paradigm witnessed a crisis because a considerable gap started to show between theory and practice. As a result of this, in the third stage, starting from the period of the change of regime, a notion of punishment and philosophically emptied education prevailed. This could explain why the Prison Act could so easily replace the vocabulary of education with reintegration—not caring much about the subtleties of content.

The Hungarian prison labour system has been thoughtfully redesigned in ten years. The idea of an autonomous prison system, the goal of full employment behind bars, and production efficiency have recently become guiding principles in the system. State-owned prison industry companies, which frequently struggled with financial and sustainability problems, have become economically prosperous businesses now. There is still growing pressure on expanding job opportunities within prison walls. Ivanics argues that the state is not only a crucial actor in setting up the political–economic context of prison labour but it also actively shapes the ‘new market’ for the products of prison labour, and on the lower scales it manages the ways in which different organisational logics are negotiated through organising prison labour’ (Ivanics, 2022: 64).

## Research Findings and Effectiveness

There is a growing body of research on rehabilitation, reintegration, re-entry and desistance from crime in Hungary, based on qualitative methodology. However, research on the effectiveness of rehabilitation programmes is almost wholly missing because conditions for follow-up studies are not adequate. In recent years considerable changes have taken place in institutional rehabilitation. However, the registration and accreditation of prison-based programmes are yet in their infancy. As Drexler and Sánta (2016) note, the Hungarian Prison Service is still developing a registry of reintegration programmes that is eligible for evaluation and statistical analysis. In Hungary, the question of effectiveness does not emerge in the context of the prevention of reoffending, but rather as an indicator of the effective functioning of the prison system as a whole. Despite this, Hungarian Prison Service carries out research and analyses to enhance the development of effective intervention strategies and management approaches (Somogyvári, 2019). The opportunities for the implementation of mediation and restorative justice practices in prison

settings were researched within the frames of the MEREPS project (Windt, 2011).

The EU-funded projects were assessed after delivery (Belügyminisztérium, 2015a, 2015b). Assessments were based, though not exclusively, on qualitative methodology to explore the implementation process and evaluate the results and effects both among participants and staff. Besides favourable experiences, like the positive psychological effects of one-to-one meetings and different training, several obstacles to successful implementation were revealed. The projects seemed to have reproduced some of the dysfunctions of the penitentiary and aftercare system.

Research on conditions and obstacles to rehabilitation and reintegration, mainly in prison settings, is more extensive than research on specific programmes. Borbíró and Szabó (2012) researched prison-based tertiary prevention practice, exploring several shortcomings of the system that hinder the goal of rehabilitation and finding some promising programmes, attitudes and intentions for improvement. Several studies examining reintegration have found that both the staff interviewed, and the inmates see the preparation and aftercare phase for release as problematic (Albert & Bíró, 2015: 144; Borbíró & Szabó, 2012). Probation practice has also been investigated (Dávid, 2013; Kerecsi, 2006; Szabó, 2019).

According to research and experiences of professionals, tension between security and educational-treatment fields is a fundamental detention problem in the Hungarian penitentiary system. Research examining staff working in prison shows that the so-called 'treatment' staff are more characterised by a paternalistic attitude. In contrast, 'custody' staff (e.g. district supervisors) are characterised by an authoritarian attitude (Rózsa, 2015). Members of the security staff want to tighten control over the detainees, expecting that the activities of the inmates will be limited to the cell, whereas treatment professionals work to increase the time and frequency of out-of-cell detention programmes. The pedagogical influence has negligible effect on prisoners. Education staff are also dissatisfied because their actual role (administration, supervisory support activities) does not match the declared goals of personality development and support. Institutions think of prison educators as 'ossified fossils of the past' that have no function and are 'floating in the structure' and should be abolished (Módos, 2003). One of the main obstacles to social reintegration, according to staff members, is that prisoners cannot find a place to work, so not only education but also competitive education should be provided to enable the prisoner to enter the labour market. In connection with the programmes, a specific methodological renewal was considered

necessary, which also meant an opening up to the civil sphere (Hegedűs & Ivaskevics, 2016).

Less empirical research has been carried out concerning community sanctions and the practice of probation officers (Dávid, 2013; Kerezi & Kó, 2008; Szabó, 2019). These studies aimed to explore how the goals and tasks of the probation services are achieved and the obstacles that may hinder their fulfilment. In 2014, Szabó (2019) conducted qualitative research with probation officers and individuals under probation supervision, concentrating mainly on how this measure can foster desistance from crime and prevent reoffending. Characteristics of juveniles under probation supervision were also studied and analysed statistically (Dávid, 2013; Kerezi & Kó, 2008). Forward steps were made recently in crime prevention for children and youth affected by criminalisation. Rubeus Association (2019) implemented model programmes in five locations for children and youth under probation supervision or preventive patronage, those at considerable risk of criminalisation, those in reformatory education and their parents.

## Future Directions in Policy and Practice

The return of punitivism as the primary criminal policy can be described by highlighting how the penal systems expanded enormously in personnel, budget and work allocation and extensive prison construction programmes (Garland, 2001). The criminal justice policy in Hungary cannot be described as a 'return' because it has never faded; the governmental criminal policy is (and was) based on social control rather than social welfare. Welfarism has never become the essence of criminal policy in Hungary: help is permanently embedded in the control devices, and society seems to favour policing imprisonment and the execution of sentences to establish social order. The ordonationalist thought (Geva, 2018) combined with neoliberal punitive morality and racist nationalism (penal populism and penal nationalism) play a significant role in addressing social problems in post-transition countries (Haney, 2016). The populist criminal policy's primary purpose is to meet the public's expectations and thus gain political popularity. In recent years, Hungary has practised expulsion rather than integration and disrupting traditions of social inclusion. Mass incarceration fits nicely into the forms of social control exercised through the intense use of state punitive power.

Resocialisation is no longer based on work but on various philosophies of punishment. Political intentions and expectations are increasingly reaching the penitentiary system and the programmes within it. Borbíró and Szabó



(2012) consider the financial shortcomings of the penitentiary system, the heavy administrative burdens, the low number of psychological staff and the lack of method-specific training to be the biggest obstacles to the spread of rehabilitation practice. The Penitentiary Code replaces the term education with reintegration, and staff members directly dealing with detainees previously called educators are now named reintegration officers. In the concept of reintegration 'the special expertise related to detention is already being synthesised understandably. It means that the Hungarian penitentiary system pays lip service to rehabilitation as detention and security form the basis of treatment' (Kovács, 2019). There are spectacular new concepts, but their practical implementation is yet to come. For example, the Central Institute for Assessment and Methodology currently is only a department in the Hungarian Prison Service Headquarters. The extra financial resources led to an expansion of space, an essential factor in itself, but did not create the full conditions for rehabilitation. Practical experience indicates that the prison administration does not support prison research and that institutions are becoming increasingly closed. At the same time, official communication is becoming more optimistic, even though recidivism data do not confirm this view.

In recent years, the unfolding of a relatively slow but consistent process has taken place within the Hungarian Prison System, culminating in some erosion of the principles of openness and normalisation. Security considerations are placed before the goal of rehabilitation with the modernisation of information technology systems and security technology equipment in prisons becoming a priority and with the weakening contact with the outside world. COVID-19 measures introduced in Hungarian prisons in 2020 further exacerbated the problem. The pandemic situation indeed required strict changes, and some view the reactions of Hungarian Penitentiary System to the new challenge as adequate and effective (Forgács, 2021), but the duration and severity of restrictions raise questions. Restrictions in the pandemic period significantly altered opportunities for contact between inmates and their family members. These measures made correctional facilities even more closed and less transparent, fitting into the recently witnessed tendency (Kovács et al., 2021).

A community environment is indispensable to the success of rehabilitation, which, in the case of those imprisoned, can be assured mainly through the principle of openness. Without adequate conditions for realisation, even forward-looking and progressive legal institutions stay on paper. An overemphasis on norms of behaviour (such as the fulfilment of conditions and expectations) instead of enforcing a humanist perspective on human change and supporting the humanist theory of the probation officer's role results in more transgression and an inevitable failure of personal change.

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