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**INSTITUTIONAL CONTROL OF YOUTH CRIMINALITY
IN EUROPEAN COMPARATIVE PERSPECTIVE**

DOCTORAL DISSERTATION

Thesis Abstract

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I. Research objectives

In the past more than 25 years children's rights have shaped our approach on childhood and the intervention into children's lives significantly. Besides then early global consent on the United Nations Convention on the Rights of the Child (UNCRC) a number of regional and national standards, guidelines and recommendations have been created to put forward the spirit of the UNCRC and implement its rules on the best possible manner. The most recent directive of the European Union *on procedural safeguards for children who are suspects or accused persons in criminal proceedings* (see directive 2016/800 of the European Parliament and of the Council of 11 May 2016) is one of these documents, aiming to show the effort of the international community to deal with children in conflict with the law in a child-friendly manner. The adoption of this document provides a good occasion to the Member States of the European Union to review their laws and the consistency of their support systems in order to improve these to serve the better interests of children.

The goal of this study is to provide a structured overview and comparison on how countries of Europe understand and implement the development of children and the international regulation on the rights of the child. I believe that such research could provide important input to national as well as European policy-makers to determine direction of further developments in the field of youth justice. In order to be able to learn from each others' success and mistakes it is important to understand how juvenile justice systems of the Europe operate, how they reflect to certain social changes, what are the roles of their institutions, and what are the concerns regarding to the work they do. The analysis on what had been done, and what is missing in the international context may be understood as the engine of the future-oriented development of the national legislation.

a. *The study is presented in the following structure:*

Chapter I introduces the scope and the methodology of this study in light of the international literature on comparative juvenile justice, highlighting the limitations following from the legal and social particularities of different countries. According to Tonry and Chambers (2012) there are three main obstacles of comparative research in this field: first, that the institutional build-ups vary significantly, even more than adult systems, which is the result of the human ambivalence and the ever-changing political pressure, that imports and exports rather welfare or rather repressive methods into juvenile justice system, depending on the actual political interests. This phenomenon implies a second obstacle, namely that changes happen often and quickly to serve the immediate political needs, and there are no or only limited static elements in the system that can balance these changes. This fact questions the validity of data at the given point of time, however does not necessarily diminish the scientific value of the analysis. Those who would like to use the scientific material for designing research or joint projects between European countries have to take this into consideration. The third question in connection with cross-nationally understood juvenile justice is the approach of the researcher, which can never be neutral. Therefore no researcher is optimally placed to describe and explain of a country's justice system. Every researcher is highly dependent on his or her own cultural assumptions and education and limited by language barriers, which may

unquestionably cause the most important restrictions in the international field. In this Chapter I will aim to establish a strategy that helps to deal with these limitations.

Chapter II provides a short summary of the developmental perspective in the psychological research and its interpretation in developmental criminology. This Chapter provides the criminological interpretation of the phenomenon of youth criminality and a descriptive summary on the connection between the scientific results of different fields. Furthermore an analysis on the understanding of risk will be provided to place the scientific result and field practices into the perspective of social reality. The perspectives and institutions introduced in this Chapter will be part of the subject matter of Chapter IV.

In *Chapter III* an overview will be provided on the requirements of international law targeting the institutional reactions to juvenile criminality, introducing not only the rules themselves, but also the most problematic issues of the European juvenile justice systems. The relevant regulation of the United Nations and the Council of Europe, as well as the legislative efforts of the European Union to implement the international norms will be introduced. I will provide an evaluation on the situation at Member States of the European Union based on the structure of the concluding observations of the Committee on the Rights of the Child. In this analysis those key questions in juvenile justice will be identified, which appear to be the most problematic in light of the children's rights as established by the UN and the Council of Europe. These key questions will be used to limit the analysis on the fulfilment of children's rights requirements in the in the model-countries in Chapter V.

Chapter IV provides a detailed introduction to different models of juvenile justice in Europe. Based on the comparative framework of Winterdyk (2002) I will distinguish six ideal typical juvenile justice models. My analysis on the systems reflects to their actual legal construction, as well as their orientation to welfare or justice solutions, their approach on the control of children of a particular age and the set of tools they apply to prevent, repress and reduce youth criminality. Special attention will be paid to the aspects which make one system similar to the others and those which establish crucial differences. Through the example of the Dutch juvenile justice system I will introduce the modified justice model, through the Belgian system the welfare model, through the English system the corporatist model, through the Scottish system the minimum intervention model, through the Finnish system the justice model and finally through the Hungarian example I will introduce the crime control model of juvenile justice. I will restrict my analysis to 9 main characteristics to provide a clear and comparable structure. The knowledge on the systems introduced in Chapter IV is essential to understand the content of analysis of Chapter V.

Chapter V aims to introduce how the countries of different juvenile justice models deal with the problematic issues of the juvenile justice in Europe. A legal analysis will be provided on the institutions of the six countries, based on the issues that have been identified in Chapter III. This Chapter gives detailed insight to the legal regulation of (1) age thresholds of criminal responsibility and procedure in front of adult court, (2) the meaning and application of 'alternative measures' in juvenile justice, (3) various aspects of deprivation of liberty, (4) petty crimes and antisocial behaviour, (5) discrimination of juvenile offenders and (6) the question of specialisation in the juvenile justice systems.

As Central European researcher I have always found it important to put Central-Eastern Europe into the spotlight, and challenge the often genuinely wrong presumptions and judgements of the international literature about this area. In *Chapter VI* I attempt to fulfil this task when I compare the juvenile justice systems of the Czech Republic, Hungary and Slovenia both in their historical development and the current legislation. In this comparison myths will be hopefully divided from reality about this area, which is called “Post-Socialist” or “Eastern European” in international literature. With regard to the obvious historical parallelism in these countries the scale of comparable characteristics is determined mainly by the legislation and practice of the past 25 years. Therefore I chose to compare the regulation on MACR and minor delinquency and diversion, the jurisdiction of juvenile offenders and the practice of sanctioning, as well as youth deviance and socially problematic tendencies in general, which are often claimed to be similar in this region.

b. The study aims to investigate the following hypotheses:

1. European countries show significant differences in their understanding on ‘risk’ of youth criminality as well as their policies on control, which can be understood as the result of the discrepant interpretation of child development and children’s rights

Leading policies in the past decades have changed significantly. The dominating idea of the justice policies in Western Europe in the 1990’s was based on the human who may be defined by the “risks” he represents in the society. Personal or environmental risk factors that on the one hand negatively affect the life of the offender, endanger public safety on the other hand. From the mid 2000’s juvenile justice policies in Western Europe began to normalise, although this process did not lead to a turning back to the welfare-based policies. It was a rather Hegelian turn of events, where, one could argue in an oversimplifying model, the thesis (welfare) and the antithesis (punitiveness) are followed by the synthesis of above two. The synthesis aims to reflect to the problems established by both original theses, reconciling their seemingly contradicting statements, and established a new thesis. In this case, the new thesis was that although public safety represents an important value in the society, and therefore it shall be guaranteed, juvenile offenders are in a difficult period of life, where a criminal act should be perceived as signal or mischief rather than serious risk of repeat offending. Fed by the changing focus of developmental research in criminology policy makers began to pay attention to careful education applying age-sensitive evidence-based methodologies, and complex programmes that aim to support juveniles in multiple problematic areas in their lives. This period was not only characterized by the rapid changes in national policies, but rapid development of international policies as well. A number of influential documents have been born between the mid 2000’s and the beginning of the 2010’s concerning juvenile justice and supporting the developmental idea. Examples are the General Comment of the Committee on the Rights of the Child on Implementing child rights in early childhood in 2005, the General Comment on Children’s rights in Juvenile Justice in 2007, the Council of Europe’s Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, Rec(2006)19 on policy to support positive parenting, Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures and the Guidelines of

the Committee of Ministers of the Council of Europe on child-friendly justice in 2010. International focus on children's rights in juvenile justice, and in general child protection as the most important area of the prevention of juvenile offending have never been so intensive like in this period.

In this comparative analysis was interested in how the perception of 'risk' and the manner of intervention in juvenile justice have changed in the past decade. During this research project I aimed to identify what constitutes risk in case of a youth offender in different countries, and how does it affect the application of institutionalised control mechanism assigned to this target group. In this regard two important considerations encounter in the field of justice: public safety and rights of human beings which have been established based on research. On the one hand, safety of the public became leading political phrase and important issue of policing in the European societies. As opposed to the threat of crime the idea of being under surveillance and control became a rather supportable state of everyday life. Traditional agencies of juvenile justice, either expressly or unintended, became the agencies of risk management aimed to control the behaviour of youth offenders, as well as to reduce the risk of repeat offending. These agencies created an important foundation of prevention as well, when focusing on reducing the opportunities of crime in public spaces. To be able to establish the 'diagnosis' of risk, which is calculated automatically based on the combination of risk factors, these institutions became entitled to collect personal data. In some countries the assessment of risk became important in determining the control and/or support perceived as appropriate to the given case, disregarding emotional considerations, such as trust. The comparative examination on the most important factors that define 'risky' in the contemporary societies, and the treatment assigned to those individuals who are targeted by these, will put the meaning of 'risk' to a European perspective and show how different countries perceive this phenomenon in light of the scientific results on child development and the rights of the child.

On the other hand, it is important to see how the behaviour of children, who generally represent relatively low risk in offending, is perceived in the juvenile justice systems. It seems, that in this field, discoveries of developmental research and programmes and the abstract requirements on the rights of the child supported each other's emergence both in child protection and juvenile justice in the past two decades. Both approach children's behaviour and characteristics in a rather rational manner: they highlight vulnerability as a general condition of childhood, but do not underestimate the abilities and will of children as persons. Children do not appear as ever-vulnerable subjects, but actors of the society who should be understood and informed according to their stage of development. A child who commits a crime is not only an actor of crime, but also an actor of his own age, abilities, family background and social circumstances. Any sentence by a court shall be understandable and acceptable for him, and any punishment, measure or treatment applied must respond to his needs. Generally speaking, countries which apply evidence-based programmes that take into consideration the development of children in conflict with the law, reflecting to it in a supportive manner, bring their juvenile justice system in line with the international human rights' requirements. Interventions and programmes that respond to the developmental needs of the juveniles, for instance in detention, fulfil a number of specific children's rights

requirements as well – regardless to their intent to do so. Providing the appropriate circumstances for a child ensures providing various rights from education to the right to healthy environment. In this doctoral thesis I examined how these theoretical structures are reflected to in actual juvenile justice systems and I paid attention to the possible bias in them, which is caused by the goal of risk management.

2. *Juvenile justice systems in Central-Eastern Europe are similar in many ways following from the common historical roots, however their contemporary approach is determined by the actual political will and the cooperation between justice and child protective institutions rather than their geopolitical position.*

In the last part of my research I examined the juvenile justice systems of the Czech Republic, Hungary and Slovenia. These countries are often referred to as 'Eastern-European' or 'Post-Socialist countries'. These expressions suggest that a) there are systematic similarities in the juvenile justice systems of these countries and b) these similarities follow from a strong historical-legal as well as social community in the Central-Eastern European region. Undoubtedly, the three countries examined in this Chapter had experienced similar influences during the 19th and the 20th centuries: being part of the Austrian-Hungarian Empire and later the Socialist block under the influence of the Soviet Union resulted in similar patterns in very many parts of life. The common historical experiences and the solidarity within this area of Europe have been reflected most visibly in arts, literature and architecture. However there are typical social settings, such as the residential districts with blocks of flats or the high rate of alcohol-consumption (Junger-Tas, 2012), which result in similar experiences in crime in Prague as they do in Budapest or Ljubljana, it is an already known phenomenon, that actual crime rates do not determine policies. In this part of the study I will examine the validity of the expressions of 'Eastern-European', as well as 'Post-Socialist', assuming that they are not relevant, and therefore avoidable when talking about contemporary juvenile justice systems.

When following the historical perspective it must be clarified, that the Austrian-Hungarian Monarchy had never had uniform criminal legislation in force in its whole territory, most importantly with regard to the fact that the Hungarian Kingdom and the territories belonging to her had relative independence within the Empire. The complete separation among the above countries' cultural-political orientation has began after the First World War, when nation states have been created in the territory of the former Austrian-Hungarian Empire. The newly 'freed' nations began to establish their own national identities and to create new laws and policies. This procedure could only last until the Second World War, after which the area became the Soviet Union's sphere of interest. Although this resulted in a certain level of ideological influence both in the scientific understanding on crime and deviance and the legislation that was supposed to respond to this phenomenon, the above countries developed relatively independently, especially Slovenia, which, as a member state of Yugoslavia, has declared its independence from the Soviet Union's political influence relatively early. After the political transition of the 1990's the innovation in the justice system got under way, but this time without the pressure of any superpositioned political alliance. In respect of the organisation of juvenile justice this statement is still valid with regard to the relatively minor power and little interest of the European Union in adopting binding rules in

justice matters. Conclusively, the countries in Central Europe are free to change and re-invent their juvenile justice systems. When creating or implementing new institutions they do not actually build on the institutional system established under a “common jurisdiction”, but on a system which had theoretical chains about hundred years ago, and since these were broken up, they have developed organically, shaped by cultural, economic and political values and interests.

Accordingly, the three countries have chosen three different paths in dealing with juvenile offenders. The contemporary juvenile justice systems show significant discrepancies in the application of age limits, the institutions that characterize the system, the target areas of policies and in their sentencing practice. These differences suggest that the three systems belong to three different juvenile justice models, and apart from some similarities, they are on different levels towards the implementation of the Convention on the Rights of the Child. In this regard there is lack of evidence to the common model of juvenile justice systems in this area, and the theoretical assumption of ‘Post-Socialist’ common sense is invalid in respect of this field.

II. Scope of the study and research methods

a. The scope of the study

The international comparative studies represent a variety of comparative perspectives: although all of them undertake the task of analysing institutions that respond to youth criminality, the comparison tends to be limited either in its scope or in its depth. Those authors who compare systems as a whole, such as Winterdyk (2002) or Cavadino and Dignan (2006) are focusing on the main features of certain systems, while others, such as Muncie and Goldson and their colleagues (2006) undertake the in-depth analysis on legal and policy matters concerning only a few institutions instead of presenting an overall picture. Some authors use models or country-clusters to simplify the analysis of the variety of countries (e.g. Winterdyk, 2002; Cavadino & Dignan, 2006; Junger-Tas & Decker, 2006), while others compare features of policies or institutions without classification (e.g. Killias, Redondo, & Sarneczki, 2012; Muncie & Goldson, 2006). The variety of perspectives follows from the differences in purpose: if we intend to prove the impact of the geographical situation of the country on the build-up of its juvenile justice system, than classification of countries is a crucial element of analysis, while in case of the analysis of the latest policy-trends it is not necessary. The overview of these studies provided insight to the limitations of comparative studies, as well as the opportunities of improvement in approach and methodology. I reviewed studies that represent the following comparative approaches:

- Territorial approach(e.g. Junger-Tas & Decker, 2006)
- Philosophical approach (e.g. Albanese & Dammer, 2013)
- Institutional approach
 - a) Classic binary approach
 - b) Systematic(e.g. Winterdyk, 2002)
 - c) Policy-based(e.g. Cavadino & Dignan, 2006)

- Critical approach(e.g. Goldson & Muncie, 2006)

The summary of different classifications based on territorial areas and philosophical ideas, legal rules and policies on the build-up of juvenile justice systems draws the attention to the complexity of the theoretical construction of a juvenile justice system. Studying the whole complexity would exceed the magnitude of a PhD research, therefore I applied the following limitations:

1. The first limitation of the study is that it focuses exclusively on formal, institutionalised reactions to youth criminality, excluding all forms of informal control. The reason of this limitation is that the international rules on children's rights are applied as focus points of the comparison, which determines the primarily normative nature of the analysis. The UNCRC and other documents on the response to youth delinquency establish requirements that shall be fulfilled and enforced primarily, although not exclusively, by state authorities. With regard to that response to criminal offences is the responsibility of the state, established by national penal codes, acts of unwritten law and that juvenile justice is part of, or at least connected to the justice system in most of the countries in the world, rules on children's rights requirements in juvenile justice address primarily the states.
2. The second limitation shall concern the number of countries examined during the research. When choosing the target countries the primary goal was to find a good match between the theoretical frameworks and the amount of countries that can be examined in depth during the term of a PhD research. As it is stated under limitation 1, this study is restricted to the examination of formal, institutionalised reactions to youth criminality. For this purpose the institutional approach appears to be the most appropriate. Within this, I have chosen to use the systematic approach of Winterdyk (2002), because it assists a detailed introduction into the juvenile justice systems perfectly and provides comparable examination criteria. As follows from this framework, six countries (one of each model) will be introduced in depth, as examples of their models. These countries are the following: (1) minimum intervention model: *Scotland*; (2) welfare model: *Belgium*; (3) corporatist model: *England*; (4) modified justice model: *the Netherlands*; (5) justice model: *Finland*, and (6) control model: *Hungary*.

It is important to highlight that the models do not intend to introduce the countries themselves, but the ideal types of systems, which developed organically along policy-trends. The countries representing the models have already been determined based on international literature (Winterdyk, 2002; Pruin, 2010). Conclusively, the above listed countries will not correspond with the requirements of one model in every aspect, but only in the majority of their characteristics.

In order to unravel the essence of theoretical models even more detailed, I have amended and improved the lists of aspects and characteristics by changing the category of 'general features' into 'general philosophy' and adding 'legal construction' and 'typical instruments' to the list of criteria of Winterdyk. 'General philosophy' of the system is a significant viewpoint, because it provides the opportunity to look at the historical development of the philosophical approach

towards children and the policy on punishment as well as the typical institutions. Basic knowledge on the ‘legal construction’ is crucial to understand certain mechanisms as they are supposed to work, sometimes in contrary to the reality. In the analysis the following list of aspects will be taken into consideration: (1) general philosophy; (2) understanding client behaviour ; (3) purpose of intervention; (4) objectives; (5) tasks; (6) legal construction; (7) key agency; (8) key personnel and (9) typical instruments. The expectation on these aspects in different models is summarised in Table 1.

3. Finally, I examined the juvenile justice systems’ legal and practical sights in light of the relevant requirements of children's rights and the results of developmental studies. I accomplished this via two different analytical strategies: in the introduction of juvenile justice models I focussed on how particular institutions fit into the developmental phenomena in the given country, while in the institutional analysis I compared the stage of the implementation of children’s rights requirements in respect of particular institutions.

a. Research methods and limitations to international comparative research

Taking into consideration the limitations of a PhD-research as well as the international comparative context, I aimed to balance my opportunities and the limitations in order to enhance the quality of the research. I chose to combine literature review with short and long visits. As a part of my research I have visited four European countries apart from Hungary between 4 September 2011 and 15 September 2014. I did short visits (from 2 weeks to 1 month long each) in Finland, Slovenia and the Czech Republic, while in the Netherlands I was able to do a 4,5 months long internship at the Netherlands Institute for the Study of Crime and Law Enforcement, and about one year at the Defence for Children International-ECPAT Foundation. During the visits I conducted interviews with local academic researchers, practitioners in the field and did institutional visits in open and closed child protection and juvenile facilities. The interviews had been used (1) to clarify and update information gained from the international literature, (2) to expand the existing literature, (3) to gain further explanatory background information about the cultural and political context of certain institutions.

In the course of the whole study I was aware of the language barriers, and the bias caused by translation with regard to the untranslatable cultural features. Despite the relatively large amount of scientific reports on juvenile justice systems in English language, translations of the original expressions may unwittingly deceive the reader, therefore I aimed to understand and explain the meaning behind the translation as much as possible.

Table 2. Criteria of juvenile justice system models

	MINIMUM INTERVENTION MODEL	WELFARE MODEL	CORPORATIST MODEL	MODIFIED JUSTICE MODEL	JUSTICE MODEL	CRIME CONTROL MODEL
general philosophy	<ul style="list-style-type: none"> informality minimal formal intervention resocialisation 	<ul style="list-style-type: none"> informality generic referrals individualized treatment indefinite sentences 	<ul style="list-style-type: none"> administrative decision making diversion of juvenile delinquents from justice 	<ul style="list-style-type: none"> due process informality criminal offences bifurcation: soft offenders diverted, serious offenders punished 	<ul style="list-style-type: none"> due process maximizing protection of Children's Rights diversion of juvenile delinquents from justice 	<ul style="list-style-type: none"> counter-reformation, punitive evidence-led, improving effectiveness responsibilisation early, progressive intervention
understanding client behaviour	people are basically good	pathology, environmentally determined	dissocialized	diminished individual responsibility	punishment	incarceration/punishment
purpose of intervention	re-education	provide treatment (<i>parens patriae</i>)	retain	sanction behaviour/provide treatment	sanction criminal behaviour	protection of society, retribution, deterrence both in case of antisocial and criminal behaviour
objectives	intervention through education	response to individual needs	implementation of policy	respect individual rights/respond to special needs	respect individual rights/punish	order maintenance
tasks	help and education	diagnosis	systems intervention	diagnosis/punishment	punishment	incarceration
legal construction	alternative	welfare	welfare	welfare	justice	justice/welfare
key agency	community agencies, citizens, school	social work	interagency structure	law/social work	law	law
key personnel	educators	childcare experts	juvenile justice specialists	lawyers, childcare experts	lawyers	lawyers, criminal justice actors
typical instruments	child protective intervention if any	non-custodial, child protective intervention	community sanctions	<ul style="list-style-type: none"> traditional set of penal sanctions child protective intervention if needed 	<ul style="list-style-type: none"> traditional set of penal sanctions instruments of restorative justice 	<ul style="list-style-type: none"> short sharp shock boot camps zero tolerance mandatory minimum sentencing naming and shaming criminalization of undesired behaviour control over parents

Source: based on the original idea of Winterdyk (2002)

III. The main findings of the dissertation

1. *European countries show significant differences in their understanding on 'risk' of youth criminality as well as their policies on control, which can be understood as the result of the discrepant interpretation of child development and children's rights*

1.a. General observations on the perception of "risk" in the models of juvenile justice

The *general philosophy* of the different models has been examined in this study using historical perspective. This perspective aimed to show how the juvenile (youth) justice systems have developed throughout time, which approaches or institutions have risen and were abandoned, which characteristics remained static, and which are responsible for changes and development. It was interesting to see that basically all juvenile systems that are introduced in the previous chapters stem from the "child-savers" reforms at the beginning of the 20th century, moreover, four of them have been established in the same year. Differences between the original systematic solutions existed already at this period following from the genuine differences in the legal system and the local opportunities. Since the beginning of the 20th century political, economic and social changes and efforts left their marks on the systems. Some of these ideological and pragmatic shifts affected multiple countries parallel, such as the so-called 'punitive turn' in the 1990's which had great influence on the systematic developments in the juvenile justice systems of Western Europe. Hungary, as a post-socialist country just awakening from its 'winter sleep', was re-establishing its laws and social policies at this period, which limited the law- and policy-making to the legislation of the basic institutional structures. The emphasis on risk management, which has been in focus of the policies in Western Europe since the 1990's, has only recently reached its penal strategies.

Risk management *as the objective* of the juvenile justice system appears to be an important goal in all countries examined, with the exception of Finland, where the vast majority of the juvenile offenders are diverted to the child protection system, and receive child protective support rather than intervention that promotes specifically the prevention of re-offending. In the other countries the concept of "risk" is not always expressly defined. The Belgian YPA emphasizes the intent to implement restorative techniques into the juvenile justice system, and with this represents a different approach from risk-oriented intervention. However, there are risk-based techniques applied among the intervention tools, and risk of recidivism, especially of the recidivism of those who commit serious offences appears to be a relevant consideration with regard to the need for warranting the safety of the society. In the Hungarian system the concept of risk has been implemented only for a few years. Risk assessment, as usual in the European justice systems, became the task of the probation service that applies a special tool to evaluate potential risk of reoffending. This tool may also be applied for non-offenders, as for instance in case of children who commit petty offences, and with regard to this their preventive supervision is considered by the child protective authority. These rules may be perceived as a first step towards establishing a system that considers "risk" a central question. Beyond this, Hungary has built a juvenile justice system which, in general, tolerates little and intends to control more. In this system where all crimes and anti-

social acts are perceived as threat and are responded to harshly, the role of risk assessment may only be to distinguish groups of offenders, but it will have little effect on the actual intervention. Tools of risk assessment in England have high influence on creating the major characteristics of the juvenile justice system, therefore they are often targeted by heavy critics. In Scotland and the Netherlands, where risk assessment tools are applied for the classification of youth offenders, and based on the evaluation a number of intervention programmes are expressly targeting risk of re-offending. Based on the approach of the systems and the methods applied, three ruptures may be distinguished which establish “risk” of re-offending in case of a youth offender: the *age*, the *gravity of the offence* and the *socio-economic status*.

Juveniles younger than *16 years* are systematically distinguished from those who have reached the age of 16. In Belgium and the Netherlands juvenile offenders above *16 years* may be transferred to adult courts (although with restrictions), while in Scotland the legal practice keeps older juveniles within the adult system. But even if older juveniles are not treated as adults they may be subjects of more serious measures and punishments than those of younger age. This age limit is clearly an unofficial threshold in the European justice systems, which separates “delinquent children” from “offending adolescents”. In this respect the first group represents relatively low risk of re-offending, while the acts of adolescents in second group are perceived similarly to the acts of adult offenders.

The *gravity of the offence* naturally influences the measure or punishment imposed against any offender of crime. However, it seems that serious youth offenders are often treated as adults regardless to their age or best interest. In England it is allowed to try youth offenders from the age of 10 in front of adult courts despite the opposition of national and international experts. As the practice shows, the result of such proceedings put children into a position where their rights are limited or revoked. Although the age of the defendant youth who may be transferred to adult court is limited in Belgium and the Netherlands, children’s rights violations are still relatively common in these cases (see Chapter V.1.2.). At the other end of the gravity scale offenders of minor crimes can be diverted from all six juvenile justice systems, mostly already at the prosecutor’s level if it is likely that they will not commit criminal acts again. Conditional and non-intervention strategies are both available, although not applied in every country. Consequently, in general policies and agencies of the justice system tend to be rather lenient towards minor offenders and apply educational or supportive measures, diversion or non-intervention, while serious offenders are targeted with control-based sanctions that are often executed within the adult justice system. As an example for the control model, Hungary is an exception from this trend: the policy promoted here requires the implementation of repressive and deterrent punishments, therefore youth offenders, regardless to the gravity of their offence, risk deprivation of liberty for every crime they commit, and even those non-criminal acts.

The evaluation of the relationship between *socio-economic status* of the offender and the risk he may or may not represent is probably the most problematic issue in the contemporary justice systems, and it is present in the youth justice as much as it is in the adult justice system. Most of the risk factors that are listed in the international literature on longitudinal research are related to low social-economic status, such as bad neighbourhoods, broken communities, offending friends, low education level, substance abuse of parents,

unemployment, etc. It is not surprising, that risk assessments conclude, that youth offenders with a lower social-economic status are at higher risk of re-offending. Therefore they are more likely to be taken under justice control or become involved into intervention-programmes and labelled as criminals, even though their only mistake might be that they were born into a wrong family or community. This simplified tendency has a wide literature that details the characteristics of wilfully discriminatory regulation, purposive and unintended discriminatory practices by justice authorities as well as the ruptures of the contemporary societies in cultural and economic sense. Examples of the discrimination against the poor and disadvantaged youth can be found in every juvenile justice system. The institutionalised discrimination within the justice- and social systems projects the general experience of fear from those who differ from the majority of the society and as such first and foremost youth of Roma and immigrant origin.

It seems obvious, that although European countries are likely to follow common trends in approaching youth criminality, such as targeting “*at risk*” population, the actual reaction depends rather on the genuine philosophy of the model than the international trends. “Risk management” building on “risk assessment” is understood differently in England than Scotland: while England perceives risk factors in the family and in the child’s personality as potential threat that has to be eliminated by coercive and rather exclusive strategies, Scotland perceives the assessment of risk factors as information that may be used in favour of the child. As McAra and McVie (2007) note based on the results of the Edinburgh Study, that non-intervention is still the best solution to elimination of further risk, even in case of persistent offenders. The difference in approach between the Netherlands and the Belgium shows in their systematic responses. While the Dutch system is formal and rigorous in implementing policies that aim to tackle risk, the Belgian system is flexible and tolerates a wide range of informal solutions. In the Netherlands it is unlikely that a juvenile who commits even a minor offence slips out of the hands of the authorities without the evaluation of the risk he could mean to the society. Everything is calculated, planned, and labelled. The Belgian youth justice system chose a rather rational and humane version of eliminating risk in general, however this might also lead to arbitrary practices in deciding of what constitutes “risk”, and what deserves to be treated by means of juvenile justice. Finally, although Finland and Hungary pay the least attention to “risk” among the here mentioned countries they represent two extremes of control of youth offenders: while in Finland only few cases can reach the threshold of the risk that shall be responded by justice measures, in Hungary the diversion to the child protection is almost impossible as long as a justice measure is available for the crime.

It is often argued in the international literature as critic of the contemporary juvenile justice systems that the strong focus on “risk”, and the crimes that “might happen” in the future have turned over the balance of justice interventions. According to the critics, there should be more focus on the needs of children *in order to become* a non-offending adult, instead of the intervention focusing on the risk factors that may *prevent to continue* offending behaviour. Although it points out important facts about risk-based intervention, the criticism does not mean that the idea of risk management shall be abandoned: establishing risk factors is useful to orient relevant authorities to the area of intervention, while identifying needs of children in the given situation would help to establish the effective methods that provide real,

individualised help. In line with this approach on risk, the “children first, offenders second” philosophy promotes the idea, that youth people who commit criminal acts are supposed to receive support rather than punishment or a measure of pure control. However, they should not only passively receive help, but they shall participate in solving their own problems and finding the right way in their lives which includes facing their behaviour in the past. This indicates that youth offenders shall become involved in a complex process, where multiple factors (life circumstances, experiences, perspectives and needs) have to be taken into account and reflected when appropriate.

1.b. Observations on the fulfilment of the UNCRC criteria in key areas of juvenile justice

With regard to the significant differences between the States Parties’ legal systems, the UNCRC and the related international documents are focusing on the required outcomes rather than the legislative solutions. It is the task of the national legislative bodies to decide which concrete legal solution will lead to the fulfilment of the requirements. Contrary to the international regulation, national laws tend to concentrate on legal opportunities rather than the outcomes they would like to reach at the end of the procedure. However, the international regulation clearly requires that law-makers take distance from the legal traditions and the currently operating systems, and take efforts to shape their legal reality towards the fulfilment of all requirements. In my conclusions on the key problems of juvenile justice I focused on the required outcomes and the potential risks in certain types of legislative solutions.

Age limits

Using the freedom that is provided by the flexibility of the international regulation, the model countries, which had been analysed in Chapter V, apply very different age limits in juvenile justice. Both the minimum age limits and the upper age limits shall correspond with the UNCRC. Table 2 shows how these vary among the countries examined in this study.

Table 2. Age limits in the juvenile justice systems

Country	MACR	Doli incapax test	Transfer to adult courts
Belgium	18	-	16-17
Finland	15	-	-
Hungary	14	12-13	-
Netherlands	12	-	16-17
England	10	-	10-17
Scotland	8		12-17

Among these countries the lowest age limit, below which children shall not be made responsible for their criminal acts is applied in England, and it is set as low as 10 years. Moreover, this age limit represents not only the minimum age of criminal responsibility, but also the age when youth offenders may be tried in front of adult court. Despite the heavy

international critics on the low MARC, England has rejected raising the age limit so far. In contrary to Scotland, where MARC is set at 8 years officially, however children under 12 years cannot be held liable in front of court, and neither can they be prosecuted later on for an offence that they committed before their 12th birthday. The Netherlands also set its MACR at 12 years, while the respective age limit in Finland is 15 years. The highest MACR is set in Belgium, at 18 years, although this does not mean that Belgium does not have a juvenile justice system, only that they approach delinquency from a rather welfare perspective. In fact, in those countries, where MACR is relatively high, such as in Finland and Belgium, not only the decision-making process happens in the welfare system, but the institutions that are assigned to treat youth offenders are also embedded into this system. In case of transfer rules typically children of 16 or 17 are transferred to under adult jurisdiction. These exceptional rules imply a number of risks from depriving children of their rights, to punishments with harmful consequences to the child's development. Taking these risks would be not necessary if countries would engage in preventive strategies specialised to serious juvenile offenders, responding to their needs as well as the gravity of their offence.

Alternative measures

The Netherlands has a leading position among the countries examined here regarding the number of alternatives offered. As a complementary tool the approval of the Recognition Commission on Behavioural Intervention in Justice (*Erkenningscommissie Gedragsinterventies Justitie*) requires that the methodologies of intervention programmes are evaluated to ensure that the court receives appropriate information about which method fits best to the child's needs and the crime committed. Other countries, such as Finland, offer limited amount of alternatives in justice, however they also tend to avoid justice intervention. As a result of this, both the volume and the variety in alternatives must be reduced to offer appropriate justice response to serious offending in this system. In Belgium, both deprivation of liberty and its alternatives are child protective measures unless the juvenile has been transferred to the adult court. With regard to this, alternatives to deprivation of liberty are unusually strongly welfare- and support oriented, or of restorative nature. In Scotland a referral to the Children's Hearing system formally implies diversion, however this is not yet a guarantee that deprivation of liberty will not be applied for the case, only that it will not be based on justice grounds. Among the available alternatives and child protective measures, supervision, community-based intervention and restorative practices are the most frequently applied in this system. Alternatives to deprivation of liberty in England are primarily restorative measures, where significant efforts have been taken in the past years to strengthen the position of the victims of crime. Hungary offers alternatives to deprivation of liberty throughout the procedure as well as the sentencing level, however the application of these is still overshadowed by the application of suspended sentences. The effect of improving the system of alternatives is best shown in case of the Netherlands, where the juvenile prison population dropped dramatically in the past less than ten years (see Chapter V.2., the Netherlands).

Deprivation of liberty

Based on the international documents I identified and analysed six key questions regarding to the deprivation of liberty of juvenile offenders: (1) separation of adults and non-delinquent children, (2) physical conditions of the close facilities, (3) violence in juvenile institutions, (4) monitoring of institutions and complaint mechanisms, (5) contact with the family and (6) deprivation of liberty as a measure of last resort applied for the shortest appropriate period of time.

The separation of adults from children and delinquents from non-delinquent children are still challenges to some countries, primarily in case of police custody. Convicted offenders are usually required to be placed in juvenile institutions or reformatories, but some countries, as for instance the Netherlands, have no specific legal requirement on the separation of juvenile offenders from adults to be able to provide the opportunity to place young adult offenders to juvenile institutions. The practice of Finland provides an interesting example to the problematic nature of extreme low prison population, namely that the small number of juvenile offenders makes it impossible to treat young offenders in separate institutions or even separate wards without the risk of solitary incarceration. Similar pattern can be discovered in Slovenia.

The quality of physical conditions of the closed facilities depends on various factors. CPT reports not only on the strictness of regulation and the actual cleanliness of the building, but also on the opportunity for physically and intellectually stimulating activities for the inmates, which are highly important in the adolescent age. 2-3 persons' cells equipped with toilet and sink, receiving natural light, and providing adequate space per person seem to be sufficient places for juvenile offenders in general. Most of the countries in this study provided these conditions, with the exception of Hungary where juvenile facilities seem to struggle with fulfilling basic hygienic requirements and struggle with overcrowding and large cells. Offering adequate daily schedule and meaningful activities to juvenile offenders still seems to be an issue in multiple countries, even in the welfare-system of Belgium.

Increased risk of violence in juvenile facilities follows from the special characteristics and relations within the totalitarian institution. It may be discovered both in relation of staff and inmates and between inmates, and it may be verbal or physical. Violence by staff is often reported to be related to the situations where disciplinary measures are applied, while peer-to-peer violence has important role in establishing hierarchy among the inmates. Shortcomings in the prevention of violence can be discovered in every system and practically every institution and therefore the need for well-trained and responsible staff is still significant. It is generally believed that prison staff with better qualification and skills would decrease violence and it would have a positive impact on the juvenile's behaviour in the institutions as well as outside of the prison.

Monitoring of institutions and complaint mechanisms in closed facilities aim to ensure that the rights of the children are respected and violations will be investigated. All countries in this research have organised monitoring mechanisms, implemented typically by national or regional ombudspersons and/or special monitoring bodies for prison facilities. Complaint mechanisms are also implemented in every system, although it would require further research to draw conclusions about their adequacy both in procedural sense, in respect of the increased

vulnerability of juvenile detainees to suffer negative consequences because of the complaint, and their lack of trust in truly just adjudication.

The requirement on contact with the family is closely related to the requirements in Article 9 on the separation of children from their parents, that requires “one or both parents to maintain personal relations and direct contact with both parents on a regular basis”, including representation or participation in legal proceedings, except if it is contrary to the child's best interests. Both accused and convicted children shall have the opportunity to maintain contact with their families via letters, phone and visits (at least once in 1-2 weeks) although this may be restricted in the pre-trial phase. In some cases children are allowed to leave the closed facilities with or without supervision and visit their parents at home.

Deprivation of liberty as a measure of last resort applied for the shortest appropriate period of time is similar to the regulation on the minimum age of criminal responsibility in the sense that it does not contain clear instructions on what counts as short or long in context of the different forms of deprivation of liberty. Accordingly, states do not only apply different terms of imprisonment, but they also use different types of regulations. In respect of the application as last resort, the Netherlands provides a good example with a large variety of available measures that are applied as alternatives to detention. Its application as the measure of last resort is ensured by various legislative techniques. For instance, in the Netherlands it is explicitly prohibited to apply deprivation of liberty in case of minor offences, in Scotland there is an age limit to placement to detention facilities (which does not exclude all forms of deprivation of liberty), and in Hungary juveniles under the age of 14 years cannot be sentenced to detention, only reformatory education. It is not possible to judge which regulation is the best or worst in light of children's rights, but it may be concluded that the less juvenile suspects or convicts are detained in a given system the more it will be appreciated by monitoring bodies of children's rights. In this respect the absolute European winner seems to be Finland, where only few children are detained at the same time – although this does not exclude the deprivation of liberty in reformatories, under child protection laws. Although most juveniles are treated relatively leniently in the justice systems of the Netherlands and Belgium, those older than 16 years may receive a maximum of 30 years of imprisonment, while in England and Scotland children may be sentenced even to detention for life.

Institutional response to petty delinquency

Policies vary on a scale between the repressive, short sharp shock, strategies, as for example in Hungary, and the most lenient approach, that perceives justice intervention of any kind as a response to petty crime as unnecessary, and offers child-protective support instead. The most controversial policy was implemented in England in 2003 by the Anti-Social Behaviour Act that established Anti-Social Behaviour Orders to fight incivilities and minor crimes. The regulation received harsh critics from defenders of human rights, international human rights bodies (e.g. CRC) as well as academics. ASBO's have finally been replaced in 2014, by a less repressive regulation focusing on the involvement of the victim and the cooperation of relevant authorities in support of the delinquent.

Even though there are more examples to lenient policies than to the above extremes in international context, critics based on children's right can be held against every country. Although the regulation in the Netherlands is based on the generally supported idea of diversion, research shows that the intervention applied supports only those juveniles who represent very low risk of reoffending, while in Belgium arbitrary practices have been reported. In Finland the majority of children are informally diverted to the social services, which results in more beautiful statistics, but hides the volume and nature of the intervention. The critical voices on the response to petty offences and minor crimes call for more attention on what we think about our disorderly youth and how we would like to teach them the lesson about crime.

Discrimination

It is probably not hyperbolism to conclude that tolerance and cultural understanding are still not prevailing characteristics of the justice systems of Europe. This is one of the reasons for the often reported fact that, even though there is intent to do so, juvenile justice systems fail to treat ethnic minorities and immigrant children alike as non-minority children. Children who belong to these groups often suffer from prejudices and labels which lead to a number of problems within the justice system, such as increased attention of the police, limited cultural sensitivity and understanding during the procedure and lack of attention on their own vulnerability and victimisation.

Specialisation and training

Only Belgium and the Netherlands provide some extent of specialisation in the police level as well as in prosecutors' offices and courts, however in the Netherlands the latter only refers to the specially assigned judges instead of a specialised institution. Most countries provide specialised staff at the court level, with the exception of Hungary and Finland. However, looking at the juvenile justice models they represent, this is not surprising, since neither the justice model nor the control model are characterised by specific attention on the needs of the subjects: mitigated measures respond to the lesser culpability. Interestingly, none of the countries in this study provide attorneys who are specialised to juvenile cases, which may be understood as a sign of Europe-wide deficiency in this respect.

2. *Juvenile justice systems in Central-Eastern Europe are similar in many ways following from the common historical roots, however their contemporary approach is determined by the actual political will and the cooperation between justice and child protective institutions rather than their geopolitical position.*

The common history of the Czech Republic, Hungary and Slovenia dates back to the time of the Austrian-Hungarian Empire. This period, the turn of the 19th and the 20th century, was important not only because of the partial political unity, but also because of the development of the scientific field of criminology and the establishment of juvenile justice systems in the countries of this area. The laws that were developed in this period had been in force until 1929 in Slovenia and until the 1950's in Hungary and the Czech Republic, and

their heritage still lives in the contemporary legislation. After the Second World War a new era of legislative community began when all three countries became members of the Socialist Block and therefore were influenced by the Russian legislation. After the political transitions in Hungary and the Czech Republic and the declaration of independence of Slovenia from the Republic of Yugoslavia, the independent countries ratified and implemented the UNCRC and began to develop their justice systems, including juvenile justice, without a dictate of major political influence from outside of the country.

My research was focusing on the developments since the transition years, and the main policy- and legislative choices the three countries made to develop their institutions in juvenile justice. I examined the previously established key questions in the European Union (see Chapter III) in a slightly different structure than I did in Chapter V, with regard to the comparative possibilities and the legislative peculiarities in these three countries. Interestingly, MACR and the question of age limits appear to be the most significant legislative questions in this area. While the Czech Republic set MACR in a higher age (15), Hungary lowered it in case of serious violent offences (12), while Slovenia applies a supplementary minimum age of deprivation of liberty (16) apart from the general MACR of 14 years. These age limits tell already a lot about the approach to juvenile delinquency in the three countries: While Slovenia kept his legislation corresponding to the lenient Yugoslavian traditions, the Czech Republic aimed to shape the legislation towards a more welfare-oriented approach. As opposed to the other two countries, Hungary recently implemented an expressly repressive policy against juvenile (child) offenders, and adopted a new Penal Code that underpins these efforts.

Apart from the question of age limits, there are a number of other factors that show the orientation of the system. Considering the common characteristics of the Central European juvenile justice systems and their development in the past 20 years I found the following factors the most relevant to Central European countries:

- the perception of minor delinquency;
- the specialization and relevant knowledge of the judicial authorities as a guarantee of due and child-friendly process;
- the actual sentencing practice in juvenile cases.

Minor delinquency was traditionally not dealt with by the criminal justice system in Central Europe, with regard to the lack of its “harmfulness in the society”. Instead, a new kind of administrative offence has been created that allowed public authorities to impose fines in those cases where a fine was appropriate to retain delinquents from committing further offences. This system still exists in Hungary and Slovenia, while in the Czech Republic this distinction was abolished and replaced by procedural diversion. The purpose of this legislative solution was to prevent stigmatisation, unnecessary punishment and criminal records of those who have committed only non-violent, minor offences. This approach seems to be disregarded in the Hungarian system as of 2010, where juveniles (14-17 year olds) may receive short term confinement for committing such an offence. Minor offences that are considered under the criminal law are regarded similarly in all countries, at least on the level of legislative solutions. Both conditional and unconditional dismissals are possible in all three countries, although the extent of applicable conditions is different. The three countries show

similarities in their approach to restorative practices within the (juvenile) justice system as well. Diversion by the prosecutor is possible in each country, corresponding to the international requirements, however it is rarely used, similarly to mediation.

The basic guarantees of due process and child-friendly justice are not yet fully implemented in the juvenile justice systems of Hungary and the Czech Republic. Guarantees such as the compulsory closed hearing, involvement of parents and institutions of social protection and the separation from adult cases are not yet implemented. Slovenia, in contrary to the other two countries, provides a broad range of guarantees for juvenile offenders. The three countries show similarities in particular in the shortcomings of institutional specialization and training within the law enforcement and judicial authorities, however, their strategies to deal with this situation are significantly different. Police officers are rarely specialized in juvenile cases with some exceptions of child-friendly interrogation methods, and prosecutors are typically also dealing with a variety of cases apart from their juvenile cases. Separate courts have not been established for juvenile cases in these countries: judges work within the general jurisdiction appointed to deal with juvenile cases. Although the judges appointed to juvenile cases are often referred to as “specialized” staff, this only refers to the fact of appointment and maybe the focus on juvenile cases during the judicial training. In the Czech Republic juvenile judges are obliged to examine the juvenile’s personal and family environment which implies close cooperation with professionals of child protection and probation. In Slovenia it is prohibited to apply imprisonment below the age of 16, therefore the juvenile judges are forced to find an alternative that suits the best to the child’s needs and responds to the gravity of the offence appropriately. The big proportion of educational measures at court level may be perceived as a positive outcome of this strategy. In Hungary the lack of specialization is not yet balanced with any particular strategy, although judges in practice tend to call for specialization and training of judges who are assigned to juvenile cases (Vaskuti, 2015).

Concerning the above described differences in approach, it is not surprising that the three countries apply different interventions in practice. In Slovenia the practice appears to be relatively lenient towards juvenile offenders, underpinning the idea that juvenile delinquency is seen here as youthful indiscretion. The majority of juvenile offenders receive educational measure, while deprivation of liberty, and in particular imprisonment of juveniles is rarely applied. The imprisonment rate is also relatively low in the Czech Republic, where the ultima ratio character of this sentence is set in the law. Although this approach is excellent, the fact that half of the actual juvenile sentences are still suspended imprisonment sentences shows the lack of knowledge on alternatives at the court level, as well as the lack of willingness to apply forward-looking and need-based intervention. The same sceptical approach may be observed at the Hungarian courts as well. While intervention on prosecutorial level happens even more rarely than in the Czech Republic, judges persist to impose traditional sanctions, such as imprisonment, suspended sentences or apply probation rather than imposing community work or restorative alternatives. In the Hungarian sentencing practice this approach leads to a relatively common imposition of deprivation of liberty, and the absolute primacy of suspended imprisonment among the alternative sanctions.

I was interested if tendencies in juvenile delinquency justify the difference in the build-up and policies in juvenile justice. Based on the data of the European Sourcebook (2010) the difference between the number of registered offences in the three countries is so little, that it makes it seem rather irrelevant (considering that the Czech Republic registers offenders only from the age 15, while Hungary and Slovenia registered them from 14). The most juvenile suspects are registered in Hungary. Based on the ISRD study (Junger-Tas, 2012) the non-criminal or latent deviant behaviour of adolescent youth shows further similarities. Hungary and the Czech Republic are in a leading position among other European countries in the field of substance abuse, compared to Slovenian data, which shows moderate alcohol and drug consumptions. Apart from this particularity, Central European countries show similarly moderate self-reported crime rates both in property and violent offences compared to the Western European countries, with little difference between the countries.

In conclusion, I found that although in comparison to Western European countries, the juvenile justice systems of Central Europe show important similarities in their legal construction and the stage implementation of certain international standards, they are genuinely different in their approach. The Slovenian system is rather non-interventionist aiming to avoid unnecessary control, stigmatization and causing harm in the juvenile's life. The Czech Republic developed a system that corresponds best to the modified justice model that builds welfare-elements into the justice system aiming to reflect to the needs of the child and serve his best interest. Hungary, as mentioned earlier, provides an example to the crime control model that seemingly avoids the consideration of a number of children's rights requirements and aims to prevent criminality through repression and control.

3. Policy-implications to the Hungarian juvenile justice system

Through the comparative perspective, this study aimed to provide meaningful and useful reading about juvenile justice systems in Europe in order to encourage theoretical and field professionals to broaden their views on the possibilities in the field of juvenile justice. Based on the analytical results of this study a number of conclusions have been drawn regarding to the systems that are assigned to deal with youth criminality. As a closure the above experiences were applied to formulate policy implications for the national legislative body and institutions of juvenile justice in Hungary:

1. *Based on the international regulation reinstating the minimum age of criminal responsibility to 14 years, without providing exceptions in the regulation, would ensure the better correspondence with children's rights.* As mentioned in subchapter VII.2.1, MACR shall be understood as a minimum guarantee for all children, implying that no child under the specific age is able to commit a crime in the eyes of the law. Beyond being an important international requirement, the ultimate age limit is also an important element in creating clear legal basis for the juvenile justice system. Instead of creating a relatively flexible minimum age limit, individualisation of the sanction can be supported by the following practices:
 - a) Creating a wide range of alternatives to deprivation of liberty, including

intervention programmes that are designed to deal with specific problem of a given age group;

- b) Close co-operation between the police, the prosecutor and the child protection authority in applying diversion from the justice procedure as well as determining the best interests of the child;
- c) Making sure that prosecutors and judges have appropriate knowledge about the juvenile's individual characteristics and personal circumstances in order to make decision about the appropriate intervention;

2. *The establishment of an independent youth court system and a specialized body to juvenile prosecution would be beneficial both for the engagement of professionals and for children in conflict with the law.* In order to ensure the necessary specialisation and appropriate training of juvenile judges, youth court system supported by specialised prosecutors seems to be the best institution to deal with juvenile offenders. Such a court may also be appointed to deal with family law and child protection cases, such as the Youth Court in Belgium, and may also be able to deal with administrative cases of juveniles. The total separation from the adult court system would make it possible to state special educational requirements for future juvenile judges (e.g. Master degree in juvenile justice or family law), and to provide relevant theoretical and practical training to the court personnel throughout the career. A separate location of the court could provide a good opportunity to design child-friendly courtrooms, where partnership and support is emphasized instead of authority.
3. *Limiting the legal opportunity of judges to apply deprivation of liberty for juveniles, especially for younger juveniles, would encourage both the judges and the legislator to seek alternatives to detention and apply these as a response to youth criminality.* Legislative solutions, for example the establishment of a minimum age of deprivation of liberty or the limitation of deprivation of liberty to reformatory institutions for juvenile offenders under the age of 16 could lead to multiple desirable consequences in juvenile sentencing. First of all, this would ensure that juvenile offenders are not incarcerated at a young age, and they do not have to suffer from the negative consequences of detention. Second, beyond limiting the use of deprivation of liberty this would force judges to set aside the practice of imposing suspended imprisonment sentences, and think about other appropriate alternatives. The most effective implementation of such a new regulation would require providing alternative measures and a variety of methodologies that allow individualization of sentences, as well as the appropriate training of judges on how to select the best alternative. I believe that both the reduction of the prison population and the improvement of the alternative measures lie in the legislation, which must create a very new and challenging situation for legal professionals.

4. *Placing probation of juvenile offenders into the child protection system could be an important step towards a juvenile justice system with a needs-based approach.* Probation for juvenile offenders is organized by the Justice Office in Hungary. This institution is appointed to provide probation supervision for both adults and juveniles, to organize justice mediation, to provide support to victims of crime, and to offer other legal and financial support in justice cases. Juvenile offenders represent a very special subgroup within the target population of probation services, with special needs both in terms of legal requirements (there are special law applicable to juvenile offenders, e.g. about education or child protection), and emotional and physical needs (e.g. behavioural problems following from the increased impulsiveness in adolescence, increased dependency on the family). These are factors placing the methodology of support of juvenile offenders to the border of child protection and the justice system.

During my research I have seen examples to systematic solutions which provide examples of the efforts to include of child protective specialisation to the justice measure in order to provide child-centred and needs-based support instead of a control-oriented justice-intervention. In the case of Hungary, the transfer of juvenile probation to the child protection system would create an environment where the above mentioned “children first, offenders second” philosophy could prevail. Probation workers who operate as part of the agency of social support would be able to cooperate with other actors of the welfare system in order to investigate the needs of the child and act in his best interest. They would also receive input about the situation and problems of average adolescent children and have a broader view of the target group. I believe that the institutional reform would help the control-based Hungarian system to take a step towards the more welfare-oriented models of juvenile justice systems and it would create the opportunity to refresh existing set of methodologies and institutions. In the institutional setting that aims to support children these changes would ideally be guided by children’s rights.

Publications by the author related to the topic of the dissertation

a. *Articles published in journals*

- Institutional placement as the punishment of deviant children in Finland in light of the Hungarian law. *Themis*, 2013/1, pp. 199-214. [Intézményi elhelyezés, mint a deviáns gyermekek büntetése Finnországban a Magyar szabályozás tükrében]
- Changes in laws targeting deviant children in Hungary. *Themis*, 2013/3, pp. 297-316. [A deviáns gyermekeket érintő jogalkotás változásai Magyarországon]
- The story of life. In honour of David P. Farrington, Stockholm Criminology Prize winner in 2013 [Volt egyszer az élet David P. Farrington, a Stockholm Criminology Prize 2013. évi díjazottjának tiszteletére]. *Belügyi Szemle*, 2012/9, pp. 5-25.
- The role of supervision during probation, with special regard to the legal changes in this field [A pártfogó felügyelet szerepe a bűnmegelőzésben, különös tekintettel a jogintézmény tervezett változásaira]. With Klára Kerezsi, Krisztina Kovács and Judit Szabó. *Kriminológiai Tanulmányok* 52, 2015, pp. 148-191.

b. *Articles published in omnibus*

- Child abuse and prevention in the United States. [Gyermekebántalmazás és prevenció az Egyesült Államokban]. *PhD-omnibus of the Eötvös Loránd University, Faculty of Law*, 2nd book. 2012, pp. 65-77.
- Towards punitiveness and back: changes in juvenile justice in the Netherlands [A büntetésig és vissza: a fiatalkorúak büntető igazságszolgáltatásának változásai Hollandiában]. *DOSZ PhD Omnibus*, 2013, pp. 257-266.

c. *Other*

- Review: John J. Rodger: Criminalising Social Policy: Anti-social and Welfare in De-civilised Society. *Belügyi Szemle*, 2012/9 p. 134-143
- Review: Rolf Loeber – Machteld Hoeve – N. Wim Slot – Peter H. van der Laan (eds.): Persisters and Desisters in Crime from Adolescence into Adulthood. *Belügyi Szemle*, 2014/2, pp. 144-152.

d. *International publication*

- Children's rights challenges in the juvenile justice of Hungary. *AIMJF Chronicle*, 2015/1