

### 13. HUNGARY

Area in sq. miles . . . . .	36,179
Population . . . . .	8,000,000
Capital . . . . .	Budapest
Population of Capital . . . . .	1,200,000

Hungary has a Probation Law 1908 for minors and adults. Conditional sentence for adults. The age of criminal responsibility is under twelve years nil, twelve to eighteen years partial.

Probation officers are trained and State-paid. Many voluntary workers from the patronage societies. There are about forty full-time paid probation officers now (one hundred before the war). No professional association.

The Juvenile Court Law 1913 deals with offenders and morally abandoned children. There are psychiatric clinics for children, observation homes.

The patronage societies are attached to every juvenile court and receive State aid.

The information concerning Hungary comes from two sources :

1. The Minister of Justice at Budapest, who adds a kindly word wishing the author success in his survey.

2. From my friend Dr. Kramar, who as a Rockefeller student had many opportunities of studying probation from an international point of view.

Both questionnaires were answered in English.

I. OFFICIAL REPLY FROM THE MINISTER OF JUSTICE, DATED  
30TH MAY 1926

1. Yes, there is a probation law in Hungary.
2. (a) XXXVI Act of the year 1908, of which the name is: "About the supplementing and modification of the penal code of the procedure code."  
(b) VII Act of the year 1913, of which the name is: "About the juvenile court."
3. (a) Minors aged from twelve years to eighteen years can be placed on probation by the juvenile court in every approved case without a sentence (par. 17, Act XXXVI of 1908).  
(b) Adults over eighteen years of age can be sentenced conditionally by the courts, but only in cases of such little importance in which the punishment does not exceed one month imprisonment, or is a fine (par. 1, Act XXXVI of 1908).
4. Minors placed on probation are always under the protection of a probation officer (if the court has one), or of an approved society, or of a suitable person. The juvenile court has a liberal choice.  
Adults sentenced conditionally are not under special protection.
5. (a) The probation officers are trained for their work.  
(b) The salaries of the probation officers are paid by the State.  
(f) We name as "probation officers" only those who are trained for their work, and these are paid by the State. But we have in our present poorish economical situation very few probation officers, and their work is managed through "Societies of Patronage." Every juvenile court has attached to it a Society of Patronage, of which the members are entirely unpaid.
6. The offenders are not examined *ex officio*, but on the order of the court.
7. We have only one clinic to ascertain the mental and physical, etc., condition of offenders, and that is attached to the court in Budapest. The other courts of the country can also send offenders to this clinic for examination.
8. The examinations of offenders take place before the trial.
9. The Binet-Simon system of tests is used.

10. We have in Budapest an observation home to which offenders may be sent to ascertain their mental, physical, etc., condition.

11. We have every year a special educational course of study for training probation officers at the superintendent authority.

12. The judge refers offenders for examination.

13. There is no association of probation officers.

14. There are about forty full-time paid probation officers.

## II. DR. KRAMAR'S REPLIES TO MY QUESTIONNAIRE

Dr. Eugen Kramar, Assistant Professor of Pediatrics, Royal Elisabeth University, Pecs, Hungary, has been kind enough to furnish the following information in English under date 27th April 1926. It is inserted because it contains supplementary information of considerable interest and because I attach much importance to the views of the Doctor whom I met in England in 1925.

1. Yes, we have a probation law.

2. The law modifying the penal law (Art. XXXVI, 1908) sanctioned 30th July 1908. This law is composed of two parts:

Part 1. Conditions and limits of probation (offenders over eighteen years and adults). Valid since 1st October 1908.

Part 2. Dispositions concerning youths (under eighteen years) are valid since 1st January 1910. This law, modifying the penal law, is completed by Art. VII, 1913, on the Court of Youths, sanctioned 31st March 1913, and valid since 1st January 1914.

3. (b) If the offender be aged over eighteen years—without upper limit—the court may suspend for reasons deserving particular attention the execution of imprisonment not over one month, and of fines if, considering the conditions of living of the offender and other circumstances of the case, a favourable influence of this measure can be expected on the future behaviour of the condemned person. No probation can be granted if (1) the punishment be passed for an act or an attempt at an act which is to be punished by law with penal servitude or prison, (2) if the condemned person already had been punished, (3) if the act had been

committed for a mean reason. The probation lasts three years ; in cases of misdemeanours one year.

3. (a) Children under twelve years cannot be prosecuted and prosecution cannot be commenced against them. If a child of this age commits a felony or misdemeanour, it is to be delivered for reprimand to the person entitled to domestic discipline, or to the school authorities. Should the child be exposed in his actual environment to moral depravity, or become depraved, it is to be sent to a children's home.

The offender aged from twelve years to eighteen years (youth), if not sufficiently developed mentally and morally for punishment, cannot be made penally responsible, and can only be reprimanded by his school authorities. Should the offender be exposed to depravity in his environment or become depraved, the court may send him to a house of correction.

If the youth (twelve to eighteen years) be at the time of committing a felony or misdemeanour sufficiently developed mentally and morally for punishableness, the following measures can be taken against him : reprimand, house of correction, imprisonment and detention. (Prison and penal servitude cannot be pronounced.) The judge chooses the punishment desirable from the point of view of the future behaviour and moral development of the prosecuted youth.

*Probation.*—The court places the youth without pronouncing a judgment, and after suitable admonition conditionally on probation, under a control regulated by severe rules. Probation cannot be pronounced if the youth has already been punished with more than a month's imprisonment.

4. The offender on probation is generally placed in his family. In case of probation the supervision is entrusted to the legal agent for the youth, or, if desirable from the point of view of his moral development, to a State children's home or to another office organisation for this purpose, or to a society for the protection of children, or to a suitable person. If necessary the court provides for a place for offenders. The person entrusted with the supervision permanently controls the behaviour of the youth, and makes his report, if the probation elapses without any reproach. Should the youth during his time of probation commit another delict, or be a drunkard, or lead a vagrant or depraved life, or trespass against the rules of control, the

court sentences him, after having ascertained these charges, to the house of correction, imprisonment, or detention, eventually prolongs the probation for another year, orders new rules of control, names a new probation officer, reprimands the youth, and may order that the youth shall go to a school suitable to his age and circumstances.

5. (a) Probation officers go through a special course of training. They are persons of proper social standing and suitable for this purpose.

(b) Some of the probation officers are appointed by the Minister of Justice ; they are paid by the State, and not by the county or municipality.

(d) Other probation officers are appointed by private societies and receive no salary. They are put at the disposal of the court by patronage societies. These societies live on voluntary gifts, foundations, and also receive State subventions.

6. If a depraved youth, or one likely to become depraved, or a youth having committed an offence, comes to the court, the probation officer studies the offender's environment, and in consideration of his report the court places the youth in a transitionary home where he is under individual observation for four to six weeks till the trial in court ; a full report of the results of the observation is given to the judge. In the transitionary home the mental and physical conditions of the prosecuted are observed. The physician and the pedagogues of this home submit a full and minute report (two to three pages) on the health, individuality, inclinations, and possibilities of future development of the offender, to the court. In these transitionary homes there are so-called laboratories of criminal pedagogy at the disposal of the observing physician.

7. These homes are controlled by the Ministry of Justice.

8. Observation and examination of the offender takes place till the trial at court.

9. The Binet-Simon test is used.

10. The transitionary home is an institution to which offenders may be sent for observation as to mental, physical, etc., condition.

11. Special courses are held for the training of probation officers every year with the collaboration of judges, physicians, pedagogues, and others, at the end of which the students take an examination.

12. In the transitional home the mental and physical conditions of every youth without exception are examined. In addition to this examination the probation officer can ask for, and the judge may order, a special examination.

13. As mentioned above, some of the probation officers are appointed by the Minister of Justice and they remain under this Minister. The others, receiving no salary, are members of some patronage society.

14. The present Hungary has at present twenty-five paid probation officers. Their number was in Greater Hungary more than a hundred before the War, but this number has been reduced, in consequence of the Peace Treaty of Trianon, to twenty-five.

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