

# MIND THE GAP!

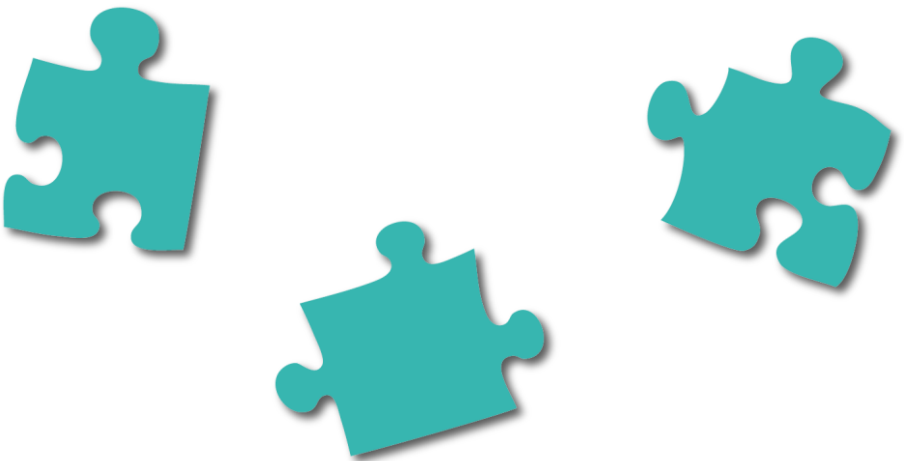
**FIGYELJÜNK RÁJUK!**  
HOGYAN LÉPHETÜNK FEL  
AZ IDŐS NŐKET ÉRŐ  
PARTNERBÁNTALMAZÁS ELLEN?

## Summary of the Hungarian case file analysis

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# 1. Judicial system and proceedings in Hungary

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As domestic violence is not codified per se in Hungarian law, only some elements of the Civil Code and crimes in the Penal Code can be referred to in the police and criminal court procedures in connection with this type of violence. In 2003, the Hungarian Government approved the “Parliamentary Resolution on the National Strategy for the Prevention and Efficient Handling of Domestic Violence” which consists of specific tasks for the government at the levels of legislative and institutional changes.

On the basis of this resolution, the Hungarian government has recently approved (in 2006) an Act of Restraining, which can be ordered by a judge during ongoing criminal procedures that have been initiated against the perpetrator.<sup>1</sup> Following this, the course of the case is that the police sends the victim’s indictment to the prosecutor’s office (or the court and notifies the prosecutor), and the prosecutor sends that to the investigating judge of the court. Each prosecutor follows a different practice, sometimes they only act as “postal service” and do not put forward a motion, and sometimes they do so by either “joining”

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<sup>1</sup> M.Bosch, et al: Comparative Report. Programs within and outside of prisons for women who have suffered gender violence and for men who have perpetrated gender violence. 2007. Manuscript.

the victim's motion or by suggesting its refusal. Exceptionally, the prosecutor sometimes files a separate motion in addition to the victim's.<sup>2</sup>

When a complaint arrives to the police they have to go on site to investigate the case. If the crime is sexual abuse or injury that does not heal within 8 days then the prosecution starts automatically and the case goes after the investigation by the police to the PP. If the injuries heal within 8 days or the crime was stalking, defamation, etc. then the investigation starts only by private prosecution which has to be reported by the victim.

The investigation might terminate during private prosecution cases by the police in cases of lack of evidence, if not the case will be sent to the PP. In case of crimes of major bodily harms, sexual abuse and homicide the case - after the investigation by the police - goes directly to the PP. After that the PP can ask for further investigations and testimonies before sending the case to the court, or he can also drop the case because of lack of evidence.



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<sup>2</sup> J. Wirth (Ed.): System Failure Male violence against women and children as treated by the legal system in Hungary today. 2011.

When called to the site the police may arrest a person caught in the act of an intentional criminal act and may take that person before the authorities. This arrest may limit personal freedom for a maximum of 8 hours and may be prolonged for 4 more hours. A perpetrator may be taken into custody only if there is well founded suspicion of a criminal act punishable by imprisonment, which condition is met even in the case of a perpetrator causing injuries that heal within 8 days. If the act is a more serious act of abuse, with injuries that heal over 8 days or longer, then the suspect may be taken into custody, which ends in being lifted, or the prosecutor applying for a preliminary arrest or incidentally in an application for a restraining order.<sup>3</sup>



*The verdicts can be:*

1. Imprisonment
2. Suspended prison sentence
3. Postpone of the decision for a given period of time
4. Pecuniary penalty
5. Asking for the apology of the victim
6. Visit a mentor for a given period of time
7. Reprehension
8. Acquittal

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<sup>3</sup> J. Wirth (Ed.): System Failure Male violence against women and children as treated by the legal system in Hungary today. 2011.

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## 2. Hungarian Police File Analysis

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### 2.1 Sampling and sample characteristics

The files were collected from police offices as the chief of police at chosen regions were asked via invitation letters to name an employee who can select cases for us for the given selection criteria. The selection was carried out through the police's standard electronic database. We informed the police that we are searching for 60 years or older women who experienced partner violence between 2007 and 2011 and that we are looking for not only current partners or married couples but ex-partners and ex-husbands as perpetrators too.

The cases vary in quality and information regarding the committed crime and the involvement of the police officer who analyzed the case. The data entry took place on site. We analyzed police files only, as in Hungary very few cases reach the court. There are some notes on police files which tell the outcome of the case even if it reaches the court.

As in Hungary domestic violence is not registered in the Penal Code the police officers had more difficult jobs with selecting cases that are related to that type of violence. Verbal violence was impossible to find in the database, it could only be touched upon by the minutes that were taken by the police officers when recording testimonies.

After selecting the cases from the database the police officers searched for the paper format of the files at the police stations or they were asking other police offices for sending them the files via post

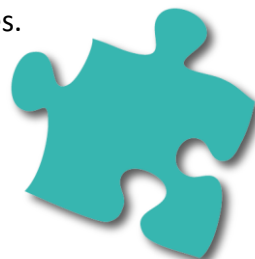


to their stations. The cases were selected from four regions in Hungary: Borsod-Abaúj-Zemplen county, Jász-Nagykun-Szolnok county, Bács-Kiskun county and Budapest. Borsod-Abaúj-Zemplen County is one of the biggest Counties in North-East Hungary with disadvantaged economy. The region is densely populated with almost 700 000 inhabitants on 7 200 square kilometres. The region mostly consists of rural settlements. Jász-Nagykun-Szolnok county is in the middle of the Eastern part of Hungary with 390 000 inhabitants on 5 500 square kilometres. Bács-Kiskun county has 530 000 inhabitants on 8450 square meters with many rural areas which is very sparsely populated. Budapest has 1 800 000 inhabitants on 525 square meters.

We could reach the police offices more easily as we contacted first with those whom we had partner relationships with. As the sample was rather small we used the full coverage of the data with 27 files from Budapest, 15 files from Jász-Nagykun-Szolnok County, 23 files Bács-Kiskun County and 18 files from Borsod-Abaúj-County. If the case referred to the same victim-perpetrator from another case we handled them as different cases and noted it in the data instrument.

As we selected the cases from the police database we have no information about the entire sequence of the cases.

We have information though about the dismissal or the verdict of the cases when the files returned to the police. It is also marked on the file if the file was sent further to the PP or to the court.



## 2.2 Quantitative Analysis

As the files consisted of no information about the nursing care situation of the victim or the perpetrator we marked these questions with 3 – NA. As there were very few information regarding questions related to social service support agencies we marked these questions with 3 - NA. As in Hungary there is no DV registered in the Penal Code we could not tell if the perpetrator had prior IPV cases or not – we also marked these questions with 3 – NA.

In total 82 police files have been analysed and coded onto the database. The main trends and issues are summarized below.

### a) Victim Trends

- Files generally contain very little personal information about the victim (and also about the perpetrator). Medical statement, care giving and care receiving relationship, financial situation and other information what has no direct connection to IPV by the decision of police officers remained unknown.
- In many cases the victim lives with perpetrator in a rather long relationship, their partnership is spoiled for a long time of period.
- Migration background is very unique amongst both victims and perpetrators.
- 70 % of the victims are living in urban surrounding and only 30 % in rural surrounding. Victims who are living in small villages or in farm houses ask help rarely as police and social institutions do not work at their settlements.
- 77 % of victims have got own pension, file does not contain information about it in 17 % of cases. Financial interdependence



characterizes most of the couples as level of pensions is generally very low in Hungary.

- None of the victims were receiving support from any type of social support agencies.

- Mean age of victims was 66,8 years (Sd.6,6; Min.= 60 years, Max=84 years)

- 68,3 % of cases involved women aged 60-69; it seems older victims are able to ask help in case of violence.

#### **b) Perpetrator Trends**

- Mean age of perpetrator was 65,4 years (Sd.10, 8; Min. = 28 years, Max= 89 years)

- 16 % of perpetrators were aged under 55.

- In 21 % of cases perpetrator was ten or more years younger than the victim.

- 15% of perpetrators appeared to lack mental capacity; 16 % of perpetrators have misuse problems.

- 9 % of perpetrators were financial dependent on the victim as he had no own income at all.

- 43 % of perpetrators had previous convictions for violence

- 6 % of perpetrators had previous convictions for IPV

- 100% of perpetrators were male.

- 32% of perpetrators were intoxicated at the time of the most recent incident

- The tendency of alcohol problems are more touched upon on rural areas. Alcohol problems were one of the key triggers for DV cases

- To become a pensioner can make the suspect feel a kind of superfluity which in some cases also made the suspect feel desperate which raised the violence between the partners.
- The economic dependency accumulates for female pensioners as the gender specific status at the labor market results in an even lower income for them. This makes victims more dependent on suspects.

### c) Victim and Perpetrator Relationship Trends

Table 1: Type of relationship

| Type of relationship                 | N  | %    | Mean duration of relationship |
|--------------------------------------|----|------|-------------------------------|
| Married partners living together     | 41 | 50   | 31.7 years                    |
| Cohabiting partners                  | 19 | 23.1 | 13.3 years                    |
| Intimate partners without cohabiting | 3  | 3.7  | 5.5 years                     |
| Divorced/separated partners          | 11 | 13.4 | 19 years                      |
| Ex intimate partners                 | 8  | 9.8  | 9.6 years                     |

- In 16 % of the relationships there was an adult child/grandchild in the household. Typically very poor and uneducated children move back home after divorce.
- 31 % of victims intended to separate from the suspect / perpetrator

#### d) The case

Table 2: Types of Violence Recorded (%)

| Violence / Abuse | last incident | all incidents |
|------------------|---------------|---------------|
| Physical         | 75.6          | 82.9          |
| Sexual           | 4.8           | 4.8           |
| Emotional        | 45.1          | 46.3          |
| Financial        | 4.9           | 6.1           |
| Stalking         | 40.2          | 41.5          |
| Coercive control | 11            | 11            |

➤ Most typical form of violence was physical abuse. We suppose that this kind of violence seems to be the most serious both for police officers and victims too.

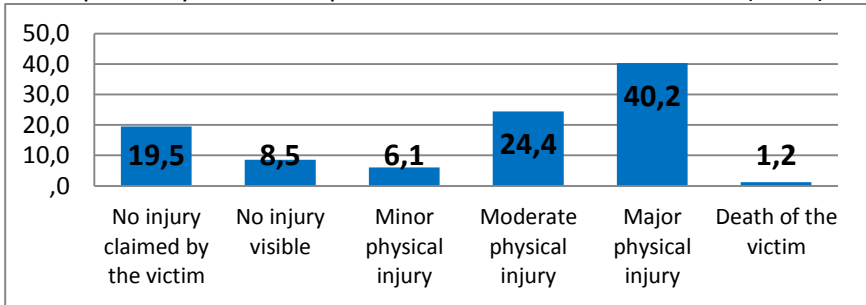
➤ Emotional abuse alone seldom stands in files, it typically attaches to other forms of violence.

➤ Stalking is the typical form of abuse in case of divorced/separated couples. Many ex partners are living under the same roof as they have no opportunity to find a new home. In other cases ex-husband/partner cannot accept the separation.

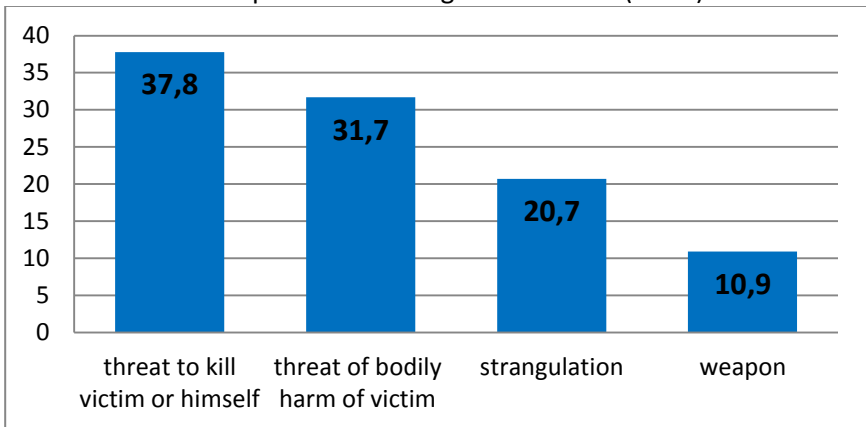
➤ The younger is the perpetrator the more kinds of violence are recorded in files.

➤ No intentional neglect was found in the cases.

Graph 1. Physical consequences of the last violent incident (N=82)



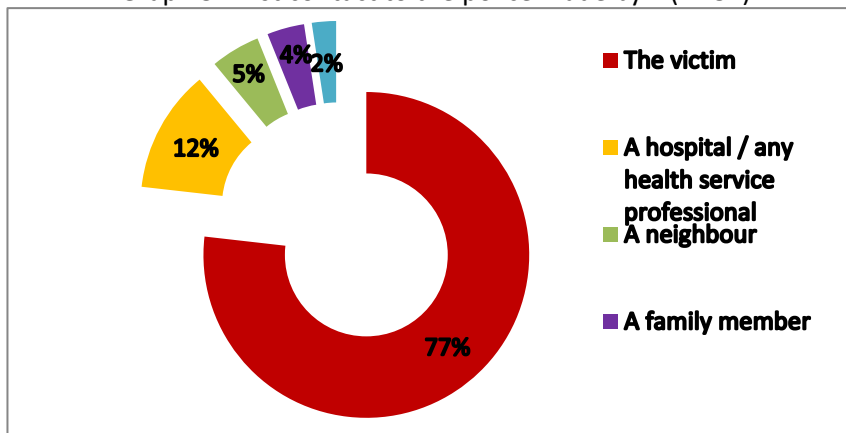
Graph 2: Ratio of high risk cases % (N=82)



➤ 64 % of the cases occurred at the common home of the couple; 24 % of cases happened at the victim's own home.

### e) Police Investigation Trends

Graph 3: First contact to the police made by... (N=82)



➤ 77% of reports were made by victims; 12% of reports were announced by medical service to 36% of victims who were aged 70+

➤ It is important to mention that professionals of social services did not report cases to police. Lack of communication and cooperation is the main weakness of DV issue in Hungary.

➤ As domestic violence is not a specific crime type in Hungarian Penalty Code, no case was treated as domestic violence.

➤ Restraining order was only registered since some years ago and it is very rarely found in the cases; time had to pass until more and more public prosecutors started to use it

➤ Very few cases reached the court.

➤ There are also very few eye-witnesses who could support the testimony of the victim.

- In most of the cases stalking and minor psychological injuries' cases are dropped by the police.
- If the victim has a chronic illness or serious health problem the public prosecutor/court is more unlikely to condemn the perpetrator to prison as the perpetrator may become the care giver to the victim

Table 2: Police classified the case as...\*

|   | N  | %  |
|---|----|----|
| grievous bodily harm and attempted grievous bodily harm | 36 | 44 |
| stalking and persecution                                | 24 | 29 |
| minor bodily harm                                       | 20 | 24 |
| restriction of freedom of movement                      | 3  | 4  |
| compulsive control                                      | 3  | 4  |
| truculence  | 4  | 5  |
| sexual assault  | 2  | 2  |
| breach of domicile                                      | 1  | 1  |
| homicide  | 1  | 1  |

\*One case could get more than one classification category, the amount of percentages is more than 100%

- 30% of cases resulted in prosecution, 35% of cases did not result proceedings and we have no information about 35% of the cases. The reasons for rejecting cases were: not enough evidence, lack of any crime or the decline of victim's cooperation.
- We had no case at all where Risk assessment was completed.
- Police and/or social institutions did not do follow-up care in any cases.

➤ In Hungary if there is only two testimonies given (victim, perpetrator) which are contradicting to each other than it is likely that no police or court would ban the perpetrator.

## 2.3 Qualitative analysis of police files

This typology of analysis contains 25 police files that were qualitatively analysed in order to get a deeper insight to the mechanisms of intimate partner violence against older women in Hungary. During the analysis we used a common typology that were decided upon by the international partners of the project, although we tried to choose those police files that were a way typical to Hungarian problems when handling these cases and those which were relatively thick and recorded in a detailed way by the police officer.



During the analysis we tried to find the triggers and the main characteristics that featured the violence. We could get an insight of the health and the dependencies of the victim, the relationship between victim and perpetrator, and the reaction of police towards this type of violence.

### 2.3.1 Mental illness, alcoholism

#### a. Alcoholism

The most common characteristic in Hungary is the alcoholic influence or alcoholism of the perpetrator or the victim. From the 25 files there were N=8 that contained information about the

alcohol influence or the alcoholism of the perpetrator or the victim. According to the files after the consumption of alcohol their partner's behaviour gets more and more aggressive and the result is that it ends with being abusive against them. Alcoholism also occurred as a result of the weak problem-solving and conflict management skills of the partners and alcohol is used for treating these tensions when needed.

#### **b. Mental illness**

*In many* cases the abusive behaviour or feeling of discomfort was the result of mental illness or dementia from the part of the victim or either the perpetrator. From the 25 files there were N=6 in which there were some kind of mental illness that resulted in aggression. Such factors can be the feeling of uselessness and the decline of living standards after retirement. During ageing more and more mental illnesses can occur such as dementia and personality disorders which can also cause the aggressive behaviour of the perpetrator. In some cases the very long history of violence caused a severe depressive symptom which was caused by the bitter silence and tolerance of the victim. The other psychological response is anger which exploits after years when deciding on to give a report at the police and asks for help.

#### **2.3.2 Victims opposing prosecution**

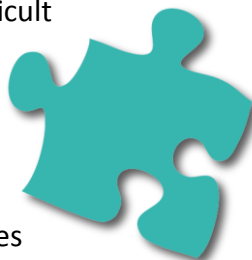
In Hungarian it is very often that in case of intimate partner violence the victim has to make an accusation in order to start an investigation. Only severe violent acts are followed by



investigation automatically. From the analysed files there were N=4 cases where the victims opposed the prosecution.

**a. Victim withdraws accusation**

From the analysis it was clear that it is very difficult in case of married/cohabiting couples to report the case. The victim and perpetrator often live under one roof even during the investigation. As they cannot solve their housing and economic problems during the case the violence intensifies and fights become more severe.



Thus, many victims choose after the initial anger and bitterness though not to continue with the investigation against the spouse and to withdraw the accusation. Although depending on the severity of the crime if it was a more severe abuse the victim cannot stop the investigation by the police at a given phase of the process.

**b. Victim refuses to testify**

The victim often refuses to testify against her partner making a reference to the law which enable family members to refuse to testify in case of crimes. In these cases if there is no other witness and no other evidence for committing the violence the perpetrator can be acquitted. If the perpetrator gets a fine as punishment it is often paid from the common budget of the victim and perpetrator. This act can retain the victim to report the next case of IPV at the police.

### 2.3.3 Elderly victim – younger perpetrator

There is a high proportion of younger perpetrators in the sample, although amongst the cases which we analysed qualitatively there were only N=4 files.

Elderly woman in the sample who experienced IPV started the relationship with the younger perpetrator in a relatively older stage of their life. The partnership has often practical reasons: The fear of staying alone and the hope that the partner creates an economic stability for her. These relationships are usually not very romantic, but rather characterized by the pursuit of safety.

Often it turns out quickly that while the younger perpetrator seeks economic and housing benefits, the elderly victim would like to maintain security from the relationship. In the long run tensions and frictions intensify by both parties as being in a relationship that does not fulfil what they were looking for.

Being in a relationship with a younger man who is (sometimes 10-20 years) younger than the victim can evoke the negative stereotypes of the environment which can influence the witnesses' testimonies and the police officers' point of view. This later on can have an effect on the outcome of the whole investigation. We know that in case of IPV there is a lot of judgement and blame



towards the victim but in these cases this phenomenon can increase.

#### **2.3.4 Economic and housing dependencies**

In our sample there are many couples with low-education and a low-income rate which also results in low pensions. In these cases IPV roots from socio-economic factors. From the qualitatively analysed cases there were N=6 cases that were caused by such dependencies.

These factors actually increase the overall family dynamic stress levels, but also the testimonies revealed that divorce for abused victims is also a risk factor, and to avoid this they stay in abusive relationships.

The most common reasons for staying and avoiding divorce is: The fear of dividing the properties (which is often very small) which were gathered through their whole lifetime, the fear of losing all of them, and the impossibility to solve housing problems as their pension is not enough for rent. The court can divide property into two halves; such way the house or the flat can be divided too. If the property's value is not enough for two houses then the judge can decide on to divide physically the property: The wife will live in the bedroom while the husband in the living room while common places such as the kitchen and the bathroom can be divided and the persons can decide on the time limits when they want to use these common places. It is also

possible that one of the parties does not agree to sell the property in which case it cannot be sold and the conflict makes violence more intense.

### **2.3.5 Ageing and violence**

In the files we found that violence occurs many times in relatively long relationships and the violence itself exists also sometimes for decades. In these cases the family members and neighbours might also know about the occurring violence but they do not interfere. Sometimes victims also mention that “It is not done to let others know about their private family affairs, it is their private life.” The witnesses in many cases did not testify against the perpetrator even though they knew he is aggressive towards his partner as they did not want him to get in trouble, as these punishments can sentence him to prison as well.

In the analysis we found N=3 cases which dealt with such problems. It is also difficult to record such cases as they consist of intertwined stories of long history of violence.

### **2.3.6 Police interventions**

We found N=3 such cases from our 25 files that were chosen for qualitative analysis in which partner violence against older women was influenced by not appropriate police interventions. The police in such cases make even more difficult to break the history of violence with inadequate police

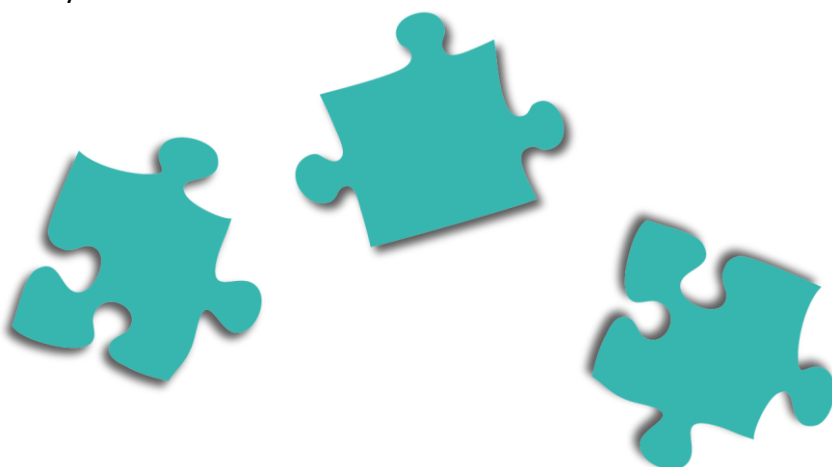


interventions such as closing the file immediately after the beginning of the case because of no evidence found or with passing on the file to the public prosecutor office because of lack of time, etc. In these cases the closure of the file postpones too with lengthening the history of possible IPV as well.

### 3. Conclusions

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Although we cannot give any certain clear way how to handle IPV during creating the typology to analyse police files, the qualitative analysis showed that there are many inter-dependencies (economic, housing-related, illness related) as triggers and stereotypes towards IPV (police interventions, younger partner as perpetrator, etc.) which needs re-thinking of handling such complex cases as IPV. Creating interdisciplinary groups of consultants (health care, SSA, police safeguarding) would be also sufficient that would support victims more effectively.



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