



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

Addressing Violence in Schools through Education for Democratic Citizenship and Human Rights Education

A review of the legal framework and policies on combatting school violence in Hungary (Draft report)

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Contents

1. Introduction
2. General institutional framework
 - 2.1 Legal framework and educational policy documents
 - 2.2 Specific measures and activities undertaken by governmental bodies
3. Civil society activism
4. Official statistics
5. Reflective commentary

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1. Introduction

A variety of violent forms of behavior from verbal abuse and bullying to sexual harassment and battery have been reported from schools in Hungary in the past decades. From the media attention these cases receive, it seems that violence is on the rise. The present report reviews the Hungarian legal framework, policy documents and statistical information issued in Hungary regarding school violence as well as specific measures and activities undertaken by governmental bodies and civil society.

2. General Institutional Framework

2.1. Legal Framework

The term school violence is not explicitly defined in the Hungarian legislation but the notion of healthy and secure education/development is emphasized and assured by several stipulations. The 1989 *Convention on the Rights of the Child* had an important impact on the definition of children's rights in Hungary in that it perceives children as individuals with human rights rather than as subjects in need of protection. The prevention of all forms of violence against children has been since then considered essential for safeguarding children's wellbeing and human dignity.

The first attempts at the democratization of schools, clarifying rights and obligations, roles of student representatives, the resolution of any conflicts, and the need for and regulations of parental participation appeared in the public education law of 1993. There was no specific mention of school violence at the time.

The Hungarian public education act after the ratification of the 1989 *Convention on the Rights of the Child* signed in New York states that:



Human Rights and Democracy in Action

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28§ „Any form of school discipline should take into account the child's **human dignity**. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect.”

§28 (2) **Signatory states follow appropriate measures** to ensure that school discipline is respected and is **in line with the rights and dignity of the child as a human being** in accordance with the agreement signed in New York in 1989.

The 2006 UN *World Report on Violence against Children* and the 2011 General Comment no. 13 of the Committee on the Rights of the Child regarding the *Right of the Child to freedom from all forms of violence* also influenced Hungarian policies.

Public Education Act (2011)

The Hungarian Public Education Act of 2011 amends and reinforces earlier laws that can be connected to the rights of learners in educational establishments. A few examples:

25§ (5) **The educational institution** has to procure the supervision of children / students entrusted to it and the creation of a healthy and secure environment for teaching.

46§ (1) **The student is obliged to e) protect their own health and corporal integrity and those of their peers**, upon consent of their parents participate at health screening tests, master and apply the knowledge protecting their health and safety, and report to the teacher performing their supervision or another employee without delay if they observe an



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Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

accident or a state or activity endangering themselves, their peers, the employees of the school or hall of residence or others.

46§ (3b) **Students have the right to be educated and taught in safety and in a healthy environment** at educational institutions, and to have their daily routine at the kindergarten and their school study order formed by building periods of rest, leisure and physical exercise in and by giving opportunities for sport and eating in compliance with their age and stage of development.

62§ **Teachers are obliged g) to make all possible efforts to develop and protect the child's physical and mental health** by providing information, implementing the health and safety regulations and having them implemented by exploring and averting potential threats with the involvement of the parents and, if necessary, other experts, **h) to fully respect the human dignity and the rights of children, students, parents and colleagues** and to respond to their proposals and questions.

63§ (1) In connection with his/her position, **the teacher shall be entitled a) to be respected** as member of the community of teachers, **to have his/her human dignity and personal rights respected, the education activities valued and acknowledged.**

73§ (1) **Parents are obliged c) to respect the human dignity and rights of the management, the teachers and staff** of the pre-school institution, school or hall of residence and show respect for them.

Relevant extracts from the National Core Curriculum (2007)

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The National Core Curriculum helps schools operate in a way that teaching and learning processes are organized to promote the values of democracy, humanism, respect for the individual, the freedom of conscience, the development of personality, progress towards cooperation between fundamental communities (family, nation, community of European nations, mankind), equality between peoples, nations, national minority and ethnic groups and genders, solidarity and tolerance. The NCC seeks to strengthen a school system which advances the achievement of equality of chances.

Social and civic competences

Personal, value-oriented, interpersonal, intercultural, social and civic competences are prerequisites for a harmonious life and community integration, a commitment to and activity for the public good. These comprise all forms of behaviour that an individual should master in order to participate in an efficient and constructive way in social and working life, in an increasingly diverse society, and, furthermore, if need be, to resolve conflicts. Civic competence enables an individual to apply his or her knowledge of social processes, structures and democracy in order to actively participate in public affairs.

Positive attitudes are based on full respect for human rights, including respect for equality and democracy, and understanding the cultural diversity of religious and ethnic groups. This further implies a sense of belonging to the locality, the country, the EU and Europe in general, an openness to participating in all levels of democratic decision-making as well as a demonstration of responsibility and acceptance of and respect for the common values that ground community cohesion (e.g. respect for democratic principles). Constructive participation also entails a supportive attitude towards civic activities, social diversity, social cohesion, and sustainable development no less than respect for others' values and privacy.



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

National Core Curriculum (2012)

Key Development Tasks according to the latest edition of the Hungarian National Core Curriculum include the following areas (key words in parantheses):

- Ethics education (including values, right/wrong, sense of justice, social integration, rules of conduct, empathy, conflict resolution, respect, honesty, self-discipline)
- Education for active citizenship and democracy (human rights education, prevention of violence, respect for human dignity, rule of law, civic rights and obligations, active participation, critical thinking, analytical and debating skills, responsibility, reliability, mutual acceptance)
- Education for self-knowledge and development of social competences (self-knowledge, social relationships, empathy, tolerance, understanding and acceptance, emotional intelligence for successful human relationships)
- Education for physical and mental health (healthy physical and mental development, conflict resolution, stress management, appropriate social behavior, independence, handling of unexpected situations)
- Taking responsibility for others, volunteering (social awareness, helping people in need, helping others with special needs, empathy, cooperation, problem-solving, volunteering, participation, taking initiatives)

Key Competences (Adaptation of the Recommendation of the EU(2006):

- Social and Civic Competences (as above)

Hungarian Criminal Code

Relevant sections of the Hungarian Criminal Code specify the minimum age of criminal responsibility in Section 16:

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Persons under the age of fourteen years at the time the criminal offense was committed shall be exempt from criminal responsibility, with the exception of homicide [Subsections (1)-(2) of Section 160], voluntary manslaughter (Section 161), battery [Subsection (8) of Section 164], robbery [Subsections (1)-(4) of Section 365] and plundering [Subsections (2)-(3) of Section 366], if over the age of twelve years at the time the criminal offense was committed, and if having the capacity to understand the nature and consequences of his acts.

The lower age limit for punishability remains 14. In the event of the commission of exceptionally grave crimes, the law permits the reduction of the minimum age of punishability from 14 to 12 years in highly limited circumstances. These exceptionally grave cases include murder committed by minor children, when it is, under any circumstances, necessary to examine the perpetrator's sanity and to ensure the availability of professional treatment.

It is important to stress that, in these cases, perpetrators over the age of 12 years will not receive a punitive sentence but will be subjected to measures, and only in cases involving gravely violent offences (e.g. homicide, grievous bodily harm or bodily harm resulting in death), and it is a further condition that sanity and accountability must be provable. These measures will not represent imprisonment but the court may order the perpetrator's education in a correctional facility. Education in a correctional facility will continue to remain the most serious sanction that may be imposed on perpetrators younger than 14 years.



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

Relevant sections of the Hungarian Criminal Code specify instances of battery potentially relevant in cases of school violence in Section 164 as follows:

- (1) Any person who causes bodily harm to or injures the health of another person is guilty of battery.
- (2) If the injury or illness caused by battery takes less than eight days to heal, the perpetrator is guilty of the misdemeanor of simple battery punishable by imprisonment not exceeding two years.
- (3) If the injury or illness caused by battery takes more than eight days to heal, the perpetrator is guilty of the felony of aggravated battery punishable by imprisonment not exceeding three years.
- (4) The penalty for a felony shall be imprisonment not exceeding three years if the simple battery is committed: a) with malice aforethought or with malicious motive; b) against a person incapable of self-defense or unable to express his will; or c) against a person whose ability to defend himself is diminished due to his old age or disability.
- (5) The penalty shall be imprisonment between one to five years if the simple battery results in permanent disability or serious health impairment.
- (6) The penalty shall be imprisonment between one to five years, if the aggravated battery is committed: a) with malice aforethought or with malicious motive; b) against a person incapable of self-defense or unable to express his will; c) against a person whose ability to defend himself is diminished due to his old age or disability; d) causing permanent disability or serious health impairment; e) with particular cruelty.
- (7) Any person who engages in preparations for the criminal act referred to in Subsection (3) or (6) is guilty of a misdemeanor punishable by imprisonment not exceeding one year.
- (8) The penalty shall be imprisonment between two to eight years if the battery is life-threatening or results in death.



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

(9) Any person who commits aggravated battery by way of negligence shall be punishable for misdemeanor by imprisonment: a) not exceeding one year in the case defined in Subsection (3); b) not exceeding three years in the cases defined in Paragraphs b)-c) of Subsection (6); 53 c) not exceeding five years in the case of causing a life-threatening injury.

(10) The perpetrator of the criminal offense defined in Subsection (2) shall only be prosecuted upon private motion.

2.2. Specific measures and activities undertaken by governmental bodies

In Hungary there is no coherent strategy or national policy but there are many initiatives that aim to prevent violence in educational establishments.

Office of Educational Commissioner on Educational Rights

This is a background institution to the ministry in charge of handling cases of school violence if those cannot be treated locally. There are about 3 or 4 such cases of school violence per year that reach this office in cases where all other local legal remedies are exhausted.

Ministerial Committee to tackle school violence

The committee was set up in 2009 and is responsible for giving recommendations and describing a broader approach.

Informal Meeting of Education Ministers



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

During Hungary's presidency of the EU in 2011 there was an Informal Meeting of Education Ministers on Active Citizenship where it was declared that school violence is a European issue and prevention is a priority.

Prevention programs implemented by the Hungarian Police

The Hungarian Police and the National Crime Prevention Council have developed programs especially designed for young people to prevent violence and crime.

United Nations Equal Treatment Authority - Hungary

The Hungarian Equal Treatment Authority is an independent administrative body which safeguards the values embraced by the so called equality directives. Although it has parallel jurisdiction with other specialized administrative bodies (e.g. National Employment Service), it is in fact the equality body set up pursuant to the equality directives. As of its inception in 2005, it has heavily relied on its broad statutory powers conferred upon it to fight discrimination. While the authority often uses its power to impose a fine, it also places great emphasis on settling legal disputes and raising awareness if inequalities, both by publishing its relevant decisions (web page, monthly newsletter, press conferences) and holding equality trainings in schools and other establishments throughout the country. The latter activity is supported by the European Social Fund (www.egyenlobanasmod.hu).

Tools for Teachers

A variety of tools have been developed for teachers to help them prevent, notice and treat cases of school violence. Some of the most important ones include:

- A collection of detailed lesson plans, teachers' guides and videos that help teachers develop social competences was developed from ESF funds for teachers of different age groups (2003-2004)



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

- A School Conflict Information Center was established (HIER-ISKON) with an online annotated bibliography and a collection of best practices
- Another collection of best practices, development of a module for secondary schools (HIER- SROP 3.1.15: physical and mental health education)
- Adaptation of the Finnish anti-bullying KIVA program is in progress

In addition, according to the Public Education Development Strategy, in 2004 it became compulsory in all Hungarian schools to introduce a document entitled “Health education and development” supported by the Hungarian Ministry of Education. This whole school approach to children’s healthy physical and mental development includes recommendations relating to the prevention of violence.

3 Civil society activism (NGOs or other organized social groups activated in the area of school violence, brief description of initiatives or action programmes)

The Blue Line Child Crisis Foundation was established in 1993 and its primary task is to listen to the children and young people and help those of them who are in need. They work on implementing the rights of the child as defined by the United Nations. Their mission is to achieve that adults as well as professional and governmental bodies working with children serve the interests of children above all other interests. Their main values are a child-centered approach, trust, responsibility and cooperation. They operate child helplines, organize activities, programs, clubs for children, and provide training and services for professional staff working with children. In 2015-16 they offer training to the whole staff of three schools to help them prevent bullying and cyber-bullying.



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

More about civil society activism and best practices in training programs can be found in Part Two of this report.

4 Official statistics

There are no official statistics as to the number of cases of school violence per year. A few regional studies that are only representative for the given region are available but there is no representative data available for the whole country. Some important international and regional studies can still be very informative.

UNICEF surveys (2003, 2013)

According to the UNICEF 2003 survey Hungary is 4th in the ranking of OECD countries according to the proportion of children dying as a result of violence.

The UNICEF 2013 survey found that in Hungary every second child is deprived of at least a few basic conditions needed for a healthy life (number of rooms per family members, size of apartment, damp walls, dark rooms, they drink and smoke early (age 11-15). In addition, the number of teenage pregnancies is high, only 50% of children have breakfast every day and 30% eat fruit every day. In addition, 30% claim to have been bullied in the past month, 50% have been in a fight in the past year, and only 58% think their classmates are friendly.

Some research results (for a more detailed review see the Research review document)

In Hungary a few articles and books have been published on this topic, and there have been some research projects, but none of them have aimed at this issue in a way that



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

would yield generalizable results. This way data about bullying in Hungary can mostly be obtained from the 2006 WHO – Health Behavior in School-aged Children (HBSC) research.

In 2002 79.6% of the children asked were never bullied by their peers in Hungary, 15.2% of them were occasionally bullied, 5,2% of them more frequently. The proportion of those bullying frequently was 4,7% and the proportion of school children who sometimes bully others was 19,8%.

Results of Hungary in the HBSC research showed that the proportion of bullies is lowest among those who like their schools (very much or at least a little); it is the highest among those not involved, which is followed by victims and then bully-victims.

In a study conducted in 2006 15% perpetrators, 12% victims and 10% bully-victims were registered. In a more recent research project conducted by Buda and Szirmai (2010), a total of 1,006 5th graders participated from towns and villages in Hajdú-Bihar county. According to their results school bullying is a prevailing problem in the upper section of primary school (grades 5-8) as only 9.6% of children claimed that there was no bullying in their class.

A research article entitled “Teachers' perception of school violence in a sample from three European countries” by José Jesús Gázquez Linares, Adolfo Javier Cangas Díaz, María del Carmen Pérez Fuentes, Francisca Lucas Acién was published by the *European Journal of Psychology of Education* in March 2009, (Volume 24, Issue 1, pp 49-59)

<http://link.springer.com/article/10.1007%2FBF03173474>



Human Rights and Democracy in Action

Pilot Projects on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education

The study aimed to explore teachers' perception of the prevalence of different problematic aspects related to coexistence in schools in three European countries (Spain, Hungary and the Czech Republic), and of how they are personally affected by these aspects. The results reveal a high prevalence of fights, insults and demotivation and boredom in pupils, according to teachers in these three countries, and they also report pupils' demotivation and boredom as the aspect that most affects them personally. By countries, Spain and the Czech Republic present the highest rates of school violence, with Hungary showing significantly lower rates. Also, there are differences between the three countries analyzed as regards the prevalence and repercussions of a range of coexistence problems studied.

However, a study by Balázs Metzger entitled “School violence from the perspective of expert committees” and published by the New Pedagogical Review in Hungarian in 2009 (<http://ofi.hu/tudastar/metzger-balazs-iskolai>) revealed that the lack of clear definitions can also be a problem when it comes to compiling statistical information. He asserts that in 1993 students showing aggressive behavior were grouped under the label “learners with other disability”. In 2003 a new category was introduced for these students with a long but more precise name: students with psychological developmental disorders permanently or gravely impeding the learning process. The author claims that since the line between grave and not so grave was never well defined and because there was no coordinated and systematic support offered to experts, there have been tremendous differences in the diagnosis of students showing aggressive behavior between different regions in Hungary.

Teacher training programs

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Currently there are 101 accredited teacher training programs addressing school violence in Hungary. There are programs in:

- Mediation and conflict resolution, crisis intervention
- Development of social competences
- Stress management and burnout prevention
- Classroom management
- Domestic violence (in relationships)

Data collection about the number of participants is envisaged.

The Daphne program ensured a 1.5 million euro grant to support projects involved in the prevention of bullying in 2014 and 2015.

5 Reflective commentary

The political discourse on school violence in Hungary seems to lack a common understanding of how school violence can be defined, how to categorize and keep track of different forms of violence and what would be some effective and well coordinated efforts to best prevent cases of violence. Perceptions of school violence seem to attract increasing attention and the reception of policies on the part of teachers and their unions and civil society organizations is usually positive. Moreover, large numbers of teachers enroll in training programs offering professional development for educators in the field of violence prevention. More about the research conducted in Hungary and the teacher training programs aiming to prevent violence in schools can be found in Part Two of this report.