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Summary

- of the investigation of the Hungarian Parliamentary Commissioner for Civil Rights focusing on school violence among children -

1. The new Project thinking of the Hungarian Ombudsman

The Parliamentary Commissioner in Hungary is exclusively responsible for the Parliament (he is elected for 6 years by the majority of two-thirds of the parliamentary votes after the proposal of the President of the Republic of Hungary), and during his six-year mandate he acts as a quasi ombudsperson for children's rights. He has a focused eye on enforcement of the children's rights and handles the complaints given by children with special attention.

The Parliamentary Commissioner for Civil Rights has started a central project dealing with the children's rights – besides two other one-year long thematic projects, namely the human dignity of homeless people and the enforcement of the freedom of peaceful assembly - in 2008. The long term aims of the children's right project are to develop the enforcement of the children's rights and to increase taking into account the best interest of the child in every level of decision - and policy making, and last but not least in this way to improve the circumstances and living standards of the children in our society.

The Commissioner also acts in his traditional way, he initiates inquiries ex officio or after complaints, which - as a general feature of the children complaints - come from adults.

Within the framework of the Children's Rights Project the Commissioner designates a specific subject each year that he intends to focus on. In 2008 Human rights education for children and awareness raising was in the centre of the Children's Right Project, in 2009 school violence was the thematic priority and this year we're focusing on family allowances and additional family supports.

2. The investigation on school violence in Hungary

In the last years a lot of news came out from the media in Hungary about children bullying each other in schools, or using physical violence against teachers. These facts were also a reason that the Commissioner initiated an ex officio investigation for the prevention of violence in schools and for the minimization of aggression.

The main aim of the investigation was to reveal the actions taken by the state and civil organizations in order to prevent and to deal with aggression and violence in schools. We also wanted to uncover how these arrangements work in practice in the educational institutions. In order to cover up the deficiencies the Commissioner required information from all together approximately 80 institutions, organs, especially the Minister of Education, the President of the Office for Education, the maintenance institutions of the schools namely local self - governments as operators at capital and county level, cities vested with county rank, pedagogical institutes, the Hungarian Education Research and Develop Institution and the Hungarian Accreditation Institution.

We asked the following questions from the operators:

1. How does the pedagogical and educational programme of the schools include the education for non-violent solutions to problems?
2. How does the requirement and evaluation system take into account the personality and individuality of children?
3. Whether there's a cooperation with organizations of parents' and for child and youth protection?
4. What kind of good practices, methods have been applied, whether the educators participate in trainings? What measures have been taken by the operators to prevent aggressive, violent behavior in schools?
5. Whether the psychologist system in schools has been established?

The Minister of Education established a Committee, called "Committee for the safety of the school", which consists of the delegates of the educators' trade union and the members of the national parent's organizations which undertook the tasks, to review the problems in this field.

According to the answer of the minister the recommendations of the Committee can provide safer circumstances, can minimize violence and the danger affecting children. The government initiated the amendment of the Act on School education for broadening the rights and possibilities of educators and the obligations of parents.

With the cooperation of the Education Research and Develop Institution the training of the educators of schools and colleges for the prevention of school violence has begun. There's a special mediation programme for the non-violent solution of conflicts.

According to the answers of the maintenance organizations, the problem is caused by behavior deprivation (lack of tolerance, verbal aggression with classmates, against teachers, forgery of marks, uncertified absence, bothering classes, ignoring rules). As a reason for this behavior they pointed the lack of care in the family, emotional and physical negligence, depression, self assessment deprivation, lack of communication skills, poverty of different communities, taking drugs and drinking alcohol.

After the review of the documents that the different institutions have sent, it can be concluded that education for non-violent behavior is not clearly specified but the aims directly or indirectly serve the prevention of violence. Most of the educational institutions can't afford the employment of a special psychologist, though there would be a need for that.

The maintenance institutions of the schools indicated their fear about getting less allowance from the state and that the income of the self-government also getting lower.

As conclusions we stated that trainings for teachers, different tenders, researches on the different forms of aggression in schools can conclude to the prevention of violent behavior. As the experience of the investigation we can state that the educational institutions are taking into account of defining the tasks in order to help prevention.

As far as possible schools apply the good methods, they even rely on the help of the institution of Education Research and Develop Institution. We could also experience from the answers the positive change of the attitude of the educators. If there's a real need from the side of the teachers to master the possible methods to prevent violence, different trainings in this field are also available for them. The investigation revealed that the pedagogical professional services show a different picture throughout the country, so that the Commissioner initiated in those counties where these services haven't been established, to start building it. It can also be stated from the received answers that the lack of financial allowance makes it difficult to prevent and to handle with school violence.

The ombudsman called the attention of the minister to be more active to help the educators and institutions to receive information about the trainings, new methods, best practices which are focusing on the prevention of school violence.

Answers from other European children's rights ombudsman to our request

The Parliamentary Commissioner believes that he could submit a more perfect report if we integrate the best practices, procedures or problems facing the other ombudsmen in Europe. In this case, thanks to ENOC, his request was delivered to all ENOC partners during May-August 2009.

The summarized answers of the ombudsmen are the following:

NORWAY

In Norway all types of violence against children are prohibited. Parents or teachers are not in any way allowed to use violence against children. The act relating to primary and secondary education (Education Act - <http://www.ub.uio.no/ujur/ulovdata/lov-19980717-061-eng.pdf>) has regulations to avoid degrading attitude against pupils (chapter2), and to secure pupils the right to a good psychical and psychological education environment (chapter 9a). This includes school bullying, discrimination, violent and so forth.

Both pupils and parents have the right to complain if regulations are broken, both to the principal at school but furthermore to The County Governor. The County Governor is the chief representative of King and Government in the county, and works for the implementation of Storting (Parliament) and central government decisions.

MADRID

The Ombudsman of Madrid had delivered us a short letter with a reference of their Spanish homepage. (www.defensordelmenor.org)

AUSTRIA – GRAZ

Sometimes they receive complaints from children or parents about violence in school, but not very often and as they are a very small team they only give them advice or – if there's a clear wish from the person – they inform school/Headmaster or refer the person to a child protection center.

Some years ago they tried in three schools to implement school mediation processes by peers - it worked not bad, but they didn't continue on this, because it's not the task of the ombudsoffice to make programs for schools or pupils. As most of the work is to convince the school (e.g. teachers, headmasters, etc) and they seem to be not so interested as the children, they hoped that other NGOs would take this idea over (but in this province this didn't happen). The ombudsoffice of the province of Upper Austria (situated in Linz) has much more experience on working with schools, pupils, teachers (http://www.kija-ooe.at/MOBBING_UND_GEWALTPRAEVENTIONSSTELLE.php)

There's a federal law (ABGB 146a) which says that any form of violence against children is forbidden – this law is clear, but as it is already 20 years old, there's no public discussion about it. So everybody knows that it is forbidden but smacking children is still common. At the moment they want to make the public the campaign of Council of Europe (www.coe.int/t/transversalprojects/children)

GREECE

Experiences / Views / Complaints received from children/parents/teachers about violence in schools:

• *Experiences:*

1. During the visits of the Deputy Ombudsman for Children's Rights at schools throughout Greece (elementary & secondary level), there have been several reports and complaints by pupils about bullying within the school premises. The Ombudsman discussed

with students and teachers about the methods used in handling such cases. In most cases pupils claim that they do not get sufficient protection against bullies and that school authorities intervene only by punishing the perpetrators if the situation becomes very serious. On the other hand teachers claim that children nowadays are more violent and the school itself has not other methods to cope with school violence than warning and imposing sanctions to the offenders.

2. The Greek Ombudsman for Children's Rights has issued a Press Release, nationally publicized, in regards to the Elimination of School Violence, in an effort to send a message about the existence and the need of the extinction of the phenomenon.

3. There was a recent more systematic effort -on state level- to deal with the phenomenon of Students' Abuse within School Settings, in the form of a Committee for the Study & Combat of School Groups of Students' Abuse (EMASOKM), that has been established in 2006 and is scheduled to complete its works by the end of 2009. The aim of that committee is to put together a set of suggestions, in regards to measures for the prevention and combat of the phenomenon of school violence. Members of that committee came from the school sector, the national parents' association, the Greek Society of Criminology, representatives of the scientific committees of Greek national Universities, the Children's Rights Ombudsman, representatives of Greek Scientific Institutions on Human Rights etc. During the periodic meetings of this Committee several representatives of key-sectors related to the school settings and the phenomenon, were called to present their views and ideas on this critical issue. The conclusive activities of the committee are still pending.

4. The Youth Advisory Panel, established by the Children's Ombudsman in December 2008, includes the issue of school violence and bullying among the issues on which it will focus its activities.

• *Complaints/claims submitted to the Greek Ombudsman for Children's Rights:*

There is a number of claims submitted at the office of the Ombudsman of Children's Rights, mainly by parents of children victims of either bullying or discriminatory behavior; the usual process of mediating and investigating such cases, is by communicating with all people and offices responsible (parents, teachers, school officials, ministry of education officials) and seeking the best possible agreement, in order to avoid future victimization of pupils. Parents rarely pursue the cases legally. When a satisfactory agreement or measure to protect potential victims in the school environment is not reached, then occasionally parents would prefer to transfer their children to other schools, in order to avoid further stigmatization.

• *Views:*

"Greece at the current time is lacking the proper institutional measures (i.e. local mediators as a "liaison" between school and community/crisis committees within each school/the establishment of a Greek Observatory on School Violence/ the completion of the establishment of the Institute of the Anti-Violence Policy with a unit specifically assigned with the responsibility of studying the phenomenon of violence within school settings), the short-term measures (by the Ministry of Education/by each school Director/by the teachers/by the parents/by sectors and services involved/by the MEDIA, etc.), the long-term measures (the ultimate preparatory role of the School as the example of tomorrow's democratic societies), as well as the special anti-violence measures to tackle the phenomenon." (Excerpts from the relevant article in Greek by the Professor of Criminology Mr. Yiannis Panousis).

• *Programs / Campaigns:*

At the current time there are no programs or campaigns dealing with the issue of Bullying or Discriminatory Behavior among and against Students in School Settings. Efforts of informing children, parents and teachers about the phenomenon, and ways of preventing, detecting and tackling it, are done on individual basis of schools, local education sectors, or

through the Greek Ombudsman's visits at schools, institutions or correctional facilities for minors

•*Legal Regulation:*

No such regulation exists in Greece at the moment, addressing issues of Bullying or Discriminatory Behavior among and against Students in School Settings, or other Institutional or Correctional Settings for Minors.

•*Daphne Project on the Needs & Awareness Raising Program for Bullying in Schools (2006-2008):* the program has been undertaken within the framework of the EU Daphne Program (Project # JLS/DAP/2005-1-1040/YC), for the period of 2006-2008. The program has been implemented and coordinated by the Association of Psychosocial Health for Children & Adolescents (APHCA) in Greece and another 3 EU partner- countries (Germany, Cyprus & Lithuania).

LITHUANIA

The tendency of aggressive behaviour is spreading with each year in Lithuania and it appears in many social institutions (schools as well). Furthermore, the investigations of complaints show that violent acts against children have become crueler and more thought out so that they cause more serious harm to child's psychological and physical health. Though the good tendency is that the society discusses about violence more widely, people get acquainted to this problem at the time of various campaigns, seminars, specialized training programs and other organized activities. All this empowers to talk about children who experience violence more freely and not to tolerate facts of violence as well as not to stay insensitive to them.

There were 145 complaints (concerning violence) addressed for the children's rights ombudsman in 2008 out of which – 48 concerning violence at school (13 – teacher used psychological violence against child, 3 – teacher used physical violence against child, 10 – children used psychological violence against child; 15 – children used physical violence against child). In comparison, there were 35 complaints concerning violence at school in 2007 (the bigger part of them concerned children's physical and psychological violence against child).

Vilnius Pedagogical University and University of Klaipėda research "Effectiveness of Pedagogical Psychological Help at School" showed that one of the most serious problems that children face at school in conflicts with other children. This problem was named by more than 46 percent of schoolchildren's parents, 71 percent of teachers, 64 percent of specialist (social pedagogues and psychologists) working at school and 78 percent of school heads. Children expressed their opinion, that the main problems at school are conflicts among children (40,9 percent) and noise as well as inadequate behaviour at the time of the lessons (53,2 percent).

The research done by the psychologist in 2006 showed that 90 percent of children experience bullying in corridors, 76 percent – in the schoolyard, 73 percent – at the class during breaks, 61 percent – in the canteens, 32 percent – in lavatories.

Legal acts:

National policy is oriented to complex approach to the problems of violence against children - prevention of violence grounds, social help for children and rehabilitation measures for them. The Parliament of the Republic of Lithuania passed the Concept of National Policy of Child Welfare in 2003. Considering it, the Strategy of National Policy of Child Welfare and the Plan of the Measures of its Implementation for the year 2005-2012 was approved by the Government of the Republic of Lithuania. Moreover, the National Programme of the Violence against Children and Assistance for Them for the year 2005-2007 was also approved in 2005. Later on it was prolonged by approving the National Programme of the Violence against and Assistance for Them for the year 2008-2010 as there was a necessity of this. The latter Programme and the Plan of the Measures of the Implementation include trainings on the

prevention of violence, harassment and bullying for the specialist of different spheres and expansion of the project “Safe and Healthy at School” as well as realization of the violence reduction programmes “Zippy’s friends” (for preschools), “Second Step” (for primary schools) and “Olweus” (for secondary schools).

WALES

Violence among children what is referred to as “bullying” – although in more serious cases it referred to the police as it may constitute assault. In general, bullying in schools is covered by some very good national guidance

(<http://wales.gov.uk/docs/dcells/publications/090119nafwc2303en.pdf>)

Although the guidance is good they find many cases referred to the office which indicates that the guidance is not always followed in all schools. Children tell them that bullying is all too common.

When violence is made by teacher or school staff against children, it is a “professional abuse”, it includes emotional abuses too.

If the violence is such that it inflicts significant harm the matter should be referred to social services as outlined in the All Wales Child Protection Procedures. If the violence is less serious but still needs to be investigated, in Wales there is an Independent Investigation Service who are asked to look into the matter.

IRELAND

There are two successful programme tackling violence in school: (1) “Stay Safe” for primary schools (www.staysafe.ie) and the cool school pilot project for secondary schools (www.education.ie). The world famous Trinity College also operates an Anti-Bullying Centre (<http://www.abc.tcd.ie>)

In 2007 the Office received 742 complaints regarding violence about or against children – 44% of them related to education. (in the Annual Report 2007 two issues referred to our investigation: “handling of bullying” – issues of alleged violence amongst children and “mechanisms used for dealing with inappropriate behaviour toward children” – issues of alleged violence from adults towards children) these two issues were two of the top four issues in the education category (around 25% of the education complaints or 11% of the total number of complaints received by the Office in 2007). The Office cannot investigate the specific allegations of bullying or inappropriate behaviour themselves but can look into how the school authorities handled these allegations. The Office can investigate complaints about how the health authorities have dealt with allegations of child abuse. This Office can also investigate complaints about schools’ board of management and how they implemented the code of behaviour (thus we are able to look at issues pertaining to the handling of alleged violence between children). The Office can examine administrative actions taken and procedures followed by Board of Managements¹ following receipt complaints regarding the behaviour of school’s staff.

The main difficulties faced by children when making allegations of bullying/inappropriate behaviour in school is the difficulties in having their voice heard and being supported by the adults making decisions about them. Children or their parents have reported that making allegations is often hard for the child concerned and when allegations are made, if they are not dealt with correctly and promptly, it compounds the issue for the child and sometimes, leads to conflict escalating between the adults involved.

¹ Every school has a Board of Management, which is responsible for the running of the school and is accountable to the Patron (it is mainly the catholic church) in Ireland. Every school has to develop a Code of Behaviour, anti-bullying policy is usually part of the code.

If issues of violence are not dealt with appropriately, the complaint policy of schools are often not child-friendly (they are too long and can be protracted) and not very easy for children to invoke by themselves. This means that the children concerned often rely on an adult advocate (usually the parents) to take up their issues with the school. If the children do not have access to an advocate or if this advocate does not have the sufficient capacity to raise this issue to school, it does raise concerns about the child's right to redress. If the issue regards inappropriate behaviour from member of staff, there is sometimes an imbalance of power for children and their parents to bring this issue to the school.

Overall, the ombudsman's office's experience is that schools have been very open and cooperative in responding to complaints to the Office. The complaint mechanism is a constructive procedure in which the office can support public bodies in improving their services for all children.

SWEDEN

The main task of the Swedish Ombudsman is to promote the rights and interests of children and youth based on the CRC. They are prevented by law to provide help in individual cases and they don't have any supervision over authorities.

The Education Act regulates questions about school. The law say that everyone who works in school has to actively prevent all forms of insulting treatment like bullying and racism as well as promote equality between genders. Violence against children in the form of corporal punishment is forbidden by law.

The ombudsman believes to have a safe school is very important, the learning process has to be promoted, and the children should be involved, because they are the experts on their own lives and the environment they grow up. The violence is acceptable neither in school, nor at home. However the situation in school is good in Sweden, but there is always room for improvement.

SLOVAKIA

The Ombudsman informed us that there is no need for an independent ombudsman institution for children in Slovakia, the general institution could operate adequately. The ombudsman started a project involving children in his work such kind of children advisers. They are also promoting the CRC, also at the level of law-making. They used to receive complaints from children and/or from their parents related to violence, especially sexual abuse, other forms of corporal punishments and harassment.

DENMARK

Corporal punishment in Danish schools was prohibited in 1967 under Danish Order Nr. 276 Concerning the Promotion of Order in the Schools. Corporal punishment was abolished as a sentence for crime in 1911 and as a disciplinary measure in detention institutions from 1933. Corporal punishment is unlawful in other institutions and forms of childcare. Finally, corporal punishment in the home was banned in 1997.

Violence (as a criminal matter) inflicted by teachers on pupils is a very small problem in Danish schools and very seldom heard of. The National Council for Children (NCC) almost never received complaints from children or parents about violence in schools. Information on case law is not available.

The problem is that the NCC addressed many times that the children have no formal right to complain in several matters, particularly in school, the complaint mechanisms should be strengthened and make more clear. Systematic complaint procedures including centralized registration and formal information to school authorities should be routine combined with thorough staff aftercare and education in order to prevent reiteration.

An other problem is that the Danish Education Act is weak and fails to establish a right to complain and to point out the school leader as responsible.

A research showed that approximately 25 % of the pupils in the 6th grade (12-14 years of age) have experienced bullying during the last few months and one in each school class is being bullied every week. (www.exbus.dk)

SCOTLAND

In May 2009, Tam Baillie was appointed as Scotland's new Commissioner for Children and Young People. He was a keynote speaker at a national anti-bullying conference on 17th November 2009. This conference is organised by "Respectme" which is Scotland's Anti-Bullying Service, which is a national organisation which provides advice and support for adults working with children and young people in Scottish schools (www.respectme.org.uk) They also provide advice about common strategies used to tackle bullying in schools, such as peer support and drama (both are featured in the conference programme).

Violence against children, including bullying, was a priority area for the first Commissioner, Kathleen Marshall. Indeed she spoke about bullying at the Anti-Bullying Network's Conference during her first and her last year in office. (www.sccyp.org.uk/admin/03Speeches/files/Bullying%20Speech.doc) SCCYP has also received direct enquiries from individuals about bullying in school. Between April 2008 and March 2009 SCCYP's Enquiry Service received 10 enquiries about bullying, which represents 3% of all enquiries received. These came from adults and young people. (www.sccyp.org.uk/SCCYP_AnnualReport.pdf)

For a picture of exclusions from schools in Scotland, broken down by local authority please see the Publication section of the Scottish Government website. This statistical breakdown (2007/2008) provides the reasons for the exclusion including for example physical attacks and knife carrying. (www.scottish.parliament.uk/business/pqa/wa-09/wa0514.htm)

It is also important to mention there is a national police-led unit (Violence Reduction Unit) set up to tackle violent crime in Scotland (www.actiononviolence.com) On their website is their Good Practice database which provides information about school and authority initiatives to tackle violence.

BELGIUM (FLEMISH OMBUDSMAN)

Complaints about violence at schools increase every year. In 2008: 312 complaints received from education, 57 concerned violence by teachers towards pupils; 32 complaints concerned violence by pupils towards each other. Violence by teachers is more specifically psychical violence (hitting, lock, cross-border sexual behaviour...) and psychological violence (humiliation, threaten, authority abuse,...). Violence between children means bullying and physical violence.

Most important findings: most of the complainants ask advice from the Commissioners Office. They wanted to know how the Commissioners Office saw their case, which steps they could take and what was juridical possible to do. Parents and minor students mostly were concerned that actions would worsen their case or problem. The idea strongly lives that there is not much to begin against teachers or school management. Practice often confirms this.

Secondly, the ombudsman found that in situations where parents already had a conversation with the supervising management could offer little comfort. The school board usually questions the teacher. But when this teacher told a different story, the consultations frequently stopped. The ombudsman's office finds it important that school directions take the complaints seriously and provide a succession of problems between teacher and student.

It is remarkable that each year, cases of physical and psychological violence are reported. Some teachers think that violence is part of their job or their pedagogical function. The impact of these forms of violence by teachers and managers are mostly greatly underestimated. The difficulty is that complainants often can not 'prove' this; which makes it hard for them to be believed by the management. Sometimes managers are aware of the pedagogical function of certain teachers and they also admit that there were several concerns expressed. Yet it seems a heavy task for teachers to accept or justify a pedagogical support.

Bullying is a problem that many children and young people face. It is a very complex problem. The several complaints show us that many schools have only a limited bullying policy and often do not use different methodologies. Despite the bulk of available information about this topic (literature, methodologies,...)

Complaints indicate that some teachers and schools minimize bullying problems. Continuing harassment are however a heavy emotional and psychological burden for children and young people. Not be heard or believed, increases the feeling it's their own fault.

The Commissioners Office also notes that schools actually work with the victim of bullying and his parents, but rarely with the offender or his parents. It is necessary that all stakeholders are informed and asked for their commitment in order to get solutions towards the problem of bullying.

There are also many schools that have a very good policy, but can't handle the problem. The Commissioners Office notes that schools sometimes don't see any answers and feel powerless. The complexity of bullying makes solutions in a short period difficult to cope with. As a result, the situation remains stressful for the bullied child. There is a continued need for resources, information, awareness and support.

The Commissioners Office finds that many complaints about teachers often were not submitted to the Executive Board of the school. Therefore, there are many referrals to the school board or to the organizing authority. They are the first subjects involved that may take action in severe conflicts between a teacher and a student.

For complaints about violence among children themselves, we investigate mainly if the school takes sufficient efforts towards the bullying problem. The complainers always get the advice to get in touch with the centre for student management. This centre who concentrates on learning difficulties, but also on medical and psychological needs, is rarely linked by students for bullying problems.

At this moment the Commissioners Office does not have any initiatives or project handling violence at schools: they only handle problems at an individual level; in general, of course, there were some initiatives or campaigns on violence against children subsidized by the government in the past.

There are some services who take violence against children seriously in Flanders: ISW LIMITS: Supportline on unwelcome behaviour at school from the department of Education (info@limits.be); Vertrouwenscentra Kindermishandeling: Trust Centre Childabuse (vk.vlaams-brabant@uzleuven.be); www.Pesten.net: platform against bullying (b.vandermeer@pesten.net); www.slatoe.be (Dutch): Local initiative from the town Leuven ; <http://www.vista-europe.org/> (English)

See the preciously detailed answers of CROATIA in attachment. (Malta sent the answer by post).