

# **From Political Education to Human Rights Education- a Missing Link of the Regime Change in Hungary seen by the Ombudsman's Experience with Children and Vulnerable Groups**

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The Communist systems/regimes indoctrinated and manipulated their subjects also by means of an all- embracing propaganda machine and political education from kindergarten to the university and beyond. Elements of this system of indoctrination are to be characterized as school based, youth/political organisation based pillars. The main goal was to socialize new generations according the principles of Marxism-Leninism to obedient subjects of these totalitarian /authoritarian systems.

The regime change in 1989-1990 dissolved the closed system of ideological propaganda, but left a vacuum. Neither in Hungary nor in other post-communist regimes were the post-totalitarian human rights education towards the citizen's established on a broader scope. Meanwhile at the postwar Germany(West) and Austria US support helped to establish the new citizen's education , these was exceptionally introduced for the new Eastern parts of the reunified Germany, but no other countries followed this pattern. Human rights education in school and by political organisation is a missing link of the transformation to a new political culture. European studies brought some impulses towards this direction supported by the pre- and post-accession EU programmes in the new member states.

In Hungary and elsewhere ombuds' institutions are looked upon as guiding actors of citizen's right education as National Human Rights Institutions of the UN OHCHR . This is a practical education of learning by doing, people involved complain constitutional misuses in the praxis of authorities and ombudspersons and their apparatuses try to criticize and correct these problems and give a feedback to the citizen's. This function connect state and civil society and roots in the tradition of the anti-communist civic movements before 1989. The ombuds' institutions spread through Europe after 1989 also some of the Western democracies accepted these new type of controlling mechanisms within the constitutional system which try to reach a balance between powerful state bureaucracies and the civil society developing law

and order mechanisms to citizen's own institutions. This is much needed as well the illiberal tradition of the communist past is still alive and school and political systems are not involved in systematic human right's education programmes.

### *International Context*

Issues investigated by the report obtain particular significance as well as the realisation of training in human rights in practice in the light of resolution No. 62/171 passed on 18 December 2007, by the *UNO* General Assembly which declared the year beginning on 10 December 2008 as the *International Year of Human Rights Learning*. Accordingly that year had to be dedicated to activities that would broaden and deepen the learning of human rights on the basis of such principles like universality, indivisibility, mutual dependence, impartiality, objectivity, constructive dialogue and cooperation. Its aim is to strengthen the popularisation and protection of every human right and basic freedom including the right to development, and particular attention should be paid to the obligation of states to ensure the protection of human rights and basic freedoms and to promote them irrespective of political, economic and cultural systems, of national and regional specificities and of different historical, cultural and religious backgrounds.

The UN General Assembly announced the *World Programme for Human Rights Education* on 10 December 2004 (henceforward: World Programme) in the interest of promoting the implementation of programmes related to human rights training in every sector. The World Programme for Human Rights Education, based on the *United Nations Decade for Human Rights Education (1995–2004)* strives to promote mutual agreement on the basic principles and methods of teaching human rights in the interest of lending specific framework to the necessary measures and of confirming partnership relations and cooperation from the international level down to grassroots. The World Programme is built of different phases<sup>1</sup>; the first period comprises the time span between 2005 and 2009, and focuses on the level of primary and secondary school (public education). The plan of action, pertaining to the first period (First Plan of Action<sup>2</sup>), which was elaborated by experts of education and law from all

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<sup>1</sup> In the first phase of the World Programme (2005–2009) governments and other relevant agents were encouraged to implement the First Plan of Action in four steps:

1. They should analyse the current situation of teaching human rights in the system of public and secondary education. 2. They should set priorities and should develop a national implementation strategy. 3. They should implement and monitor the various measures taken. 4. They should evaluate the work done.

<sup>2</sup> The First Plan of Action of the World Programme calls upon the organs of the UN to lay emphasis on those obligations of states when revising the reports of the various states that they should implement human rights

countries, offers specific strategies and practical ideas in the interest of the national implementation of human rights education.

Thus with the approval of the First Plan of Action of the UN World Programme for Human Rights Education (2005–2009) in July 2005, every Member State of the UN unanimously obliged itself to integrate the teaching of human rights into its system of primary and secondary education. It is important to call attention to the significance of this process as it may play a key role also in economic, social and political development by contributing to the development of social cohesion and the prevention of conflicts.

In 2006 the Human Rights Council was created which consists of the representatives of 12 UN organisations (ILO, UNESCO, World Bank, UNDP, UNICEF, UNHCR, OHCHR, UNRWA, UNEPA, UNAIDS, UNDG, UNDP), its aim is to offer coordinated UN assistance to Member States to the national implementation of the Plan of Action and to the evaluation of its national realisation.

As the deadline at the end of 2009 is approaching it is becoming an increasingly hot issue how Hungary fares in the field of integrating human rights education and what cooperation characterises the Hungarian state and civil organisations in shaping and implementing the strategy and ideas of human rights education. The Parliamentary Commissioner for Civil Rights called attention to the close deadline of the international obligation in a letter written in September 2009, addressed to the Minister of Education and Culture for the purpose of continuous monitoring of the report. The Minister has given detailed information about the activities of the Ministry of Education and Culture as well as of its background institution, the Institute of Educational Research and Development in the field of children's rights and about its work promoting children's rights education of those international organisations that have promoted the planning of domestic professional auxiliary materials.

It is also important to mention the programme of the Council of Europe related to children entitled "Building Europe for and with Children" announced in 2005, and originally meant for the period between 2006 and 2008. The aim of the programme of the Council of Europe is to realise the respect of children's rights in every European country. It is also an aim of the programme on "Building Europe for and with Children" to support the states in the consolidation or elaboration of their strategy for the protection of children's rights. The

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education within the school system. It also encourages close cooperation of a department or section appointed responsible for coordination by the respective Ministry of Education of each state on national level with those significant national offices that are responsible for elaborating their reports to the UN organs of the country.

programme offers guidelines also to the planning of their comprehensive, coherent and accessible legal frameworks. It recommends models to the development of efficient institutional frameworks and promotes launching the participatory processes necessary to the planning and implementation of national guidelines. The programme also considers the elimination of every form of violence against children as its main task<sup>3</sup>. The programme has been extended under the title “Building Europe for and with Children – Strategy for 2009–2011”. Its aims include supporting the implementation of international standards in the Member States of the Council of Europe and the promotion of the implementation of the Convention on the Rights of the Child. The programme considers its task to present a children’s rights outlook and appearance in every policy and measure of the Council of Europe and it is also its aim to promote the spread of this outlook in the policy of the individual states as well.

*Children’s Rights and the Promotion of Legal Awareness in Education- An Ombudsman Project in Hungary*

Children’s rights have to be ensured by the entire legal system, but the Constitution and the Convention on the Rights of the Child of New York<sup>4</sup> are outstanding of the legal norms ensuring children’s rights because of their place occupied in the legal system which outlines the aims, framework and basic requirements of domestic legislation. Children’s rights are also included in legal norms for branches which standards of children’s rights can also be asserted and enforced against legal subjects as well as against implementers of law through the respective legal mechanisms. These legal mechanisms, however, are primarily capable of asserting children’s rights subsequently (after the injury of rights has taken place). Obviously, the protection of children’s rights is more efficiently done by efforts towards the prevention of the violation of rights.

This effort is manifest in the proactive interpretation of the role of the Parliamentary Commissioner for Civil Rights on the basis of which he has set up a separate children’s rights project and has ordered the comprehensive ex officio investigation into the presence and

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<sup>3</sup> The programme rests on four pillars: on the protection of children, on the prevention of violence, on prosecuting against criminals and on playing roles by children. It lays great emphasis on the situation of particularly vulnerable children, namely on children living with disabilities, in poverty and growing up without parental care.

<sup>4</sup> The Convention on the Rights of the Child, signed on 20 November 1989 in New York was promulgated by the National Assembly in Act LXIV of 1991.

enforcement of children's rights in the training system as well as in education.

### *The Basis and Main Directions of the Investigation*

According to the contents of the Convention on the Rights of the Child<sup>5</sup> one of the aims of children's education is to ingrain the respect of human rights and basic freedoms as well as the principles approved by the Charter of the United Nations into the mind of children. The Member States have to submit their reports on measures approved in the interest of the enforcement of rights acknowledged by the Convention to the Committee of the Rights of the Child in every five years and have to present progress achieved in the exercise of those rights.<sup>6</sup> During the assessment of the 2nd and 3rd periodic reports the Committee has proposed the inclusion of teaching human rights as a compulsory element of curricula, and further on it recommended the organisation of such campaigns through which children are informed about their rights.<sup>7</sup>

Thus the ex officio investigation launched by the Parliamentary Commissioner had two specified directions, such as: to map in what higher trainings children's rights appeared and what emphasis they were given to, and second, how experts forward knowledge obtained in higher education in basic education, in other words how children's rights are enforced in our country. The Ombudsman has found the extension of the investigation justified to finding out how far the teaching of knowledge related to the European Union as a prioritised aim of the National Basic Curriculum (henceforward: NAT) was present in practice because of the importance of the sense of European identity and of the knowledge of universal culture.<sup>8</sup>

### *Findings of the Investigation*

The Parliamentary Commissioner for Civil Rights has requested the Chairman of the Hungarian Accreditation Commission for Higher Education (henceforward: MAB) to give information on what trainings include teaching about children's rights, and whether the teaching of children's rights constituted part of the set of conditions when quality authentication investigations are conducted, and whether the Commission has worded an

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<sup>5</sup> Article 29 of the Convention on the Rights of the Child.

<sup>6</sup> Article 44 of the Convention on the Rights of the Child.

<sup>7</sup> Items 53 and 55 of the Recommendations of the Committee on the Rights of the Child.

<sup>8</sup> Part III of NAT which specifies the basic aims of school education and training specifically emphasizes the sense of European identity and the importance of knowledge about universal culture.

expert's position in this topic, and how far the Commission asserts the recommendations worded pertaining to education of the Committee on the Rights of the Child.<sup>9</sup>

It was clearly revealed by the answer received that the *comprehensive teaching* of children's rights is set as training and qualification requirements within teacher specialisation as part of the specialisation for *family and child protection teacher*. Currently this specialisation is offered in the new, multiple-cycle training system . In addition the teaching of skills related to children's rights figures at several other specialisations as well, but they are always adjusted to the specific training order of the given institutions.

During the course of quality authentication every expectation outlined by legal norms and sets of requirements is subject to investigation as it was explained in the Chairman's answer. Consequently, wherever the requirements of training and diploma prescribe the teaching of children's rights the Commission examines whether the institutions meet their obligations during the course of the "parallel programme accreditation" in course of operation.

So far expert assessments made by MAB did not have to dwell upon children's rights in detail because in this respect applications for permission to launch specialisations have met the requirements investigated by MAB.

To the question how MAB asserts during its procedure the recommendations of the Committee of the Rights of the Child pertaining to the educational system the Chairman in his answer dwelt upon the fact that MAB has supported the establishment of teacher training for the education of children of different needs and situations within the new and uniform teacher training system for the purpose of adequately preparing teachers (such as family and child protection teacher and teacher for inclusive education).

Every expert, and particularly those who are in daily contact with children are responsible for the realisation of the protection of children as stipulated by the Constitution and for the enforcement of children's rights (such as employees of the health care system, social workers, teachers, policemen, etc.).

Children's rights primarily and to the greatest extent concern children themselves but very few children know what their rights are and know even less how they could exercise them. A basic and minimum precondition of the realisation of children's rights is that experts working with children should receive the relevant training. Training in an institution of higher education is imparted on the basis of a *training programme* which enters into force after it

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<sup>9</sup> Based on Art. 18, para (2) of the Obtv.

was approved by the senate of the given institution. The institution of higher education is free to elaborate its curricula for basic and master courses as part of the training programme on the basis of the training and diploma requirements issued by the Minister of Education and Culture as part of specialised extension training.<sup>10</sup>

During the course of his investigations the Parliamentary Commissioner for Civil Rights has found that since children's rights are taught comprehensively only in *one* specialisation, namely in the specialisation for *family and child protection teacher* within the present Hungarian system of training, and such qualification can be obtained only in three Hungarian institutions of higher education it is not capable to meet those obligations either in the number or in the accessibility of training (oriented towards the capital city) that are stipulated by the rules of the Convention on the Rights of the Child as well as of the Constitution.

*In his report the Parliamentary Commissioner for Civil Rights has stated that the lack of comprehensive knowledge of children's rights in trainings causes an injury to the constitutional rights of children to protection and care.*

During the course of investigation into the practical enforcement of children's rights the Ombudsman has turned to the Minister of Education and Culture who gave the following information. The most important document of the regulation of the content of public education is the National Basic Curriculum the spirit of which is "determined by the Constitution of the Republic of Hungary, by Hungarian law, and Act LXXIX of 1993 on Public Education, as well as by international decrees and Hungarian legal sources on human rights, the rights of the child, the rights of national and ethnic minorities, and on gender equality". The 2007 modification of the Government Decree No. 243/2003 (XII. 17.) related to the issue, the introduction and implementation of the National Basic Curriculum (henceforward: NAT) supplemented it by several new elements. The framework system consisting of eight key elements of competencies recommended by the European Union was incorporated into it which contained competencies necessary to managing in the world of economy and in modern society, to the paradigm of lifelong learning and to the development of demand for culture as well as to personal self-realisation. The social and citizenship competencies among them are "based on democracy, on the understanding of the concepts of citizenships and citizens' rights and an all-round respect of human rights". Education for

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<sup>10</sup> Art. 32, para (1) of Act CXXXIX of 2005 on Education.

active citizenship and democracy was also accorded greater emphasis, further on NAT was supplemented by a new chapter entitled “Principles of Promoting Equal Opportunities of Learning”.

The area of the field of education entitled “Man and Society” of the National Basic Curriculum is particularly suited for the development of social and citizenship competencies.

According to the Minister of Education and Culture the developmental tasks prescribed by the National Basic Curriculum appeared in the framework curricula issued or approved by him and in the local curricula as well. Further on, he also dwelt upon the fact that the Act on Public Education named those organisations that promote the realisation of pupils’ rights. According to the Act on Public Education<sup>11</sup> the National Council for Students’ Rights participates in the preparation of the decisions of the minister responsible for education which are related to students’ rights, and it may express its views in any issue related to students’ rights. The minister in charge of education convokes the students’ parliament consisting of delegates of school and hostel students’ self-governments with the cooperation of the National Council for Students’ Rights in every three years<sup>12</sup>. The Act stipulates the rights to initiatives, decision-making, expression of opinion and right to consent of students’ self-governments exercised in various issues of schools<sup>13</sup>. In the interest of promoting orientation by students the Ministry supports upon the recommendation of the National Council for Students’ Rights the Foundation for Students’ Public Life in operating a so-called “students’ rights hot line” through which legal experts answer to questions related to school issues of students or help students turn to the relevant organs with their problems.

According to the Act on Public Education<sup>14</sup> it is compulsory for every child to attend school, in other words children have to participate in institutional education ensured and guaranteed by the state usually for twelve years. Therefore the investigation has attributed particular attention to institutions of public education for they are precisely the most important venues of the education of children and practically every child can be reached through them.

It was stressed in the report that three levels of the development of awareness of rights can be distinguished. The first level is the knowledge of law, namely the absorption of knowledge about rights and their limitations. It merely means the possession of information which is indispensable to the realisation of the deeper contents of the meaning of legal consciousness, but it is an insufficient aim. The second level is the development of law

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<sup>11</sup> Art. 9, para (2) of the Act on Public Education.

<sup>12</sup> Art. 95, para (6) of the Act on Public Education.

<sup>13</sup> Arts. 62–64 of the Act on Public Education.

<sup>14</sup> Art. 6, paras (1)–(3) of the Act on Public Education.



abiding behaviour which is indispensable to adjustment into society and for citizens of a state of law based on democratic principles. The third level of legal consciousness as it figures in the Convention on the Rights of the Child<sup>15</sup> and in several other international documents and Hungarian legal sources is to ingrain into the consciousness of the child and to develop it as an attitude as part of his/her personality to respect human rights and basic freedoms, national values and of cultures different from his/her own, as well as the idea of understanding, peace and tolerance, of gender equality, and the ability to undertake all kinds of responsibilities as a corollary of life in a free society in the spirit of friendship of all peoples, nationalities, national and religious groups and indigenous people.

The knowledge of these principles, human and children's rights as well as the basic rights laid down in the Constitution is not a matter of age. According to the experiences of the investigation adult society does not accord adequate emphasis to the development of children's legal awareness and does not consider it a prominently important area. Counter-arguments are received in several cases related to the education of children in legal awareness suggesting that children having legal knowledge abuse their basic rights therefore it seems to be more expedient not to teach them about basic rights every human being is entitled to have on the basis of the Constitution, about human rights and children's rights.

According to the stand of the Commissioner for Civil Rights it is, however, the task of adults to teach children to live with and not to abuse their rights. Freedom rights are not abused by those who have proper knowledge of the real contents of rights, on the contrary, they are abused by those who have little knowledge and only see an opportunity for abuse in them. The Parliamentary Commissioner has also called particular attention to the limitations of the exercise of rights in the catalogue found in the homepage made for children<sup>16</sup> and also outside it for rights can only be exercised if the rights of others are respected. Information of particular emphasis related to the limitations of the contents of rights is all the more important as a task because a responsible exercise of rights cannot mean the unjustified and wilful injury and infringement of others' rights.

Thus the basis of all this is to transfer the knowledge of law in the mediation of which institutions of public education and the teaching material fixed in local curricula have a cardinal role. According to our opinion until legal knowledge is not given a bigger emphasis in the framework and local curricula it is almost impossible to expect that the attitude of unconditional respect of human and children's rights can develop in children in keeping with

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<sup>15</sup> Article 29, Item 1 of the Convention on the Rights of the Child.

<sup>16</sup> [www.gyermekjogok.obh.hu](http://www.gyermekjogok.obh.hu)

our obligation undertaken in the Convention on the Rights of the Child.

It is beyond doubt that the National Basic Curriculum ensures a usable legal framework so that the development of social and citizens' competencies of respecting basic rights, human and children's rights may appear in the framework and local curricula. Nevertheless, the optional nature of the transfer of such skills and the development of competencies does not promote their actual realisation manifest also in practice. European Union as well as international trends also show that efforts are made by the states for raising legal awareness by integrating it into institutional frameworks (even with the involvement of civil organisations) because it is institutions of public education through which supplying children and students with information, their training and the development of their personality are best ensured. Presumably this is why the Committee of the Rights of the Child has recommended it to Hungary to include the teaching of human rights as a compulsory element of curricula.

Knowledge related to the European Union, and abilities and attitudes listed within the framework of social and citizens' competencies figure among the fundamental aims of school education and training which means according to the answer of the Minister of Education and Culture that efforts should be made within the framework of every subject to introduce the Union aspects of the given topic taught. The best opportunities are, however, offered by subjects such as "Our Earth and Environment", and "Man and Society" that offer opportunities for enlarging knowledge about the Union. The Minister's answer has also contained information that knowledge about the European Union was imparted in every type of Hungarian schools though to different depth and quantity. The NAT rules as a compulsory task the teaching of information related to the Union for the schools and all this is obligatory for those developing textbooks for public education. The Ministry does not possess exact data about the proportion of knowledge related to the European Union in the different schools and about the exact share in the teaching material at the various classes, because the compilation of local curricula is the task of the schools as stipulated by the Act on Public Education, and teachers in schools enjoy a broad methodological freedom. In relation to the importance of imparting knowledge related to the European Union the Minister underlined that pupils have to be enriched by such knowledge and personal experience during their school years in the possession of which they stand fast in the European open societies. This aim is also spelt out exactly in the topic of the sense of European identity and universal culture within the Prioritised Tasks of Development of NAT.

According to the Minister there was no need for further regulations in the field of teaching European Union skills as it was prescribed as obligatory by the National Basic Curriculum. The governmental decree on the examination rules of the secondary final examination<sup>17</sup> also includes it among the requirements of the examinations in subjects of geography, history and social skills.

In his report the Parliamentary Commissioner underlined in the first place in relation to teaching basic knowledge about the European Union that he considered it as the next step of the training of children and experts dealing with them in human rights, because after all the shaping and development of the sense of European citizenship cannot be envisaged without the existence of a sense of national identity and a law-conscious attitude constituting its basis. According to the Ombudsman particular attention has to be dedicated to the creation of legal awareness of children which means *training* of moral nature and not only teaching them about their rights and the limitations of the exercise of those rights, since it is training through which the children's attitude and a mutually felt sense of solidarity and of paying attention to each other can be developed through their active participation, by various playful situational exercises and by discussing a great variety of topics and problems. The teaching of experts dealing with children is an important requirement and a prerequisite of the training of children in human rights shaping their consciousness. Therefore remedying the injuries disclosed by the report is of primary importance by all means.

As a result of the investigation the Ombudsman has stated that the practical appearance of knowledge related to Europe did not raise the suspicion of injury of the right to education. According to the Minister's information it was taught in every type of school, though its quantity and depth may vary. At the same time, the Parliamentary Commissioner has found it justified to call attention to the fact that there were several foreign examples of involving students in trainings promoting knowledge about the operation of the European Union as active agents if necessary, within institutional framework but outside school lessons with the involvement of civil organisations. In order to make students participating in public education increasingly active participants not only of Hungarian but of the European society and to be able to utilise the opportunities of the European Union he requested the Minister of Education and Culture to pay particular attention to an ever broader appearance of knowledge

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<sup>17</sup> Government Decree No. 100/1997. (VI. 13.) on the issuance of the examination rules of the secondary final exam.

about the European Union in training and public education when framework curricula for the individual schools are issued or approved.

### ***The Ombudsman Project Against School Segregation of Roma People***

*There is currently no social consensus either on “diagnosis” or “therapy” regarding the problematic issue of the co-existence of Hungarian gypsies and non-gypsies. Nevertheless, it is generally agreed that for the Hungarian population of gypsy descent, in general, education and knowledge may give a real chance for integration, advancement prospect that may be sensed systematically and already in the medium term.*

Considering the significant social integration weight of public education generally agreed, using the Ombudsman’s case law as well, a brief overview is given on the causes underlying school segregation, state of interests, the characteristic practice of segregation and the enforcement of the legal regulation of integration/segregation.

From the perspective of the social context of the subject, it should be highlighted that, due to the advanced assimilation pronounced and living language, the cultural, traditional differences associated with the Roma nationality existence can be demonstrated only in case of a small part of the Gypsies, but the problems arising from the different social status and prejudice affect almost all the Gypsies.

From the perspective of the “Gypsy question”, the number of Gypsies is of special significance because according to the study of the Publicus Institute in 2012 based on the survey in 2008, “the majority considers Gypsies as a source of danger that merely by the increase in their number endangers the security of the society.” Indeed, the size of Roma population is growing and their age composition shows an essentially younger population than that of the non-gypsy population.

The regional concentration of this social class is significant in the poorest regions of the country. Certain research has shown that the employment rate of the gypsy population is extremely low (it hardly reaches 20 per cent), while the 10 per cent employment rate of Roma women is downright catastrophic. In Hungary, Roma die on average 10 years earlier than non-Roma.

Prejudice has already been significant in the 90s; however, by today it has “gained” a new quality since these prejudices are represented by a political party in the Parliament.

The proportion of unemployed of gypsy descent is so high because their level of qualification is low. The reason for which they cannot obtain higher qualifications is that in the absence of employment the social status of gypsy families remains low, while in Hungary school performance is basically determined by the financial situation (and closely related other situations) of the family. All this makes the problem characterized by the logic of unemployment/qualification/social status turning into one another insoluble.

Schools, where the number/proportion of disadvantaged students is high, are demonstrably known to perform worse than others under current conditions in all respects (competence, entry to higher education, etc.). The majority of parents connect the increase of the number of gypsy students with the fall of the performance of school performance, independently of the eventual disadvantaged situation of gypsy students.

On this basis, it is almost inevitable that frustrated, discontented parents of the Hungarian mainstream society afraid of come-down tend to choose a school where the disadvantaged/gypsy student rate is low, bearing in mind the career chances of their children.

Before the schools had been put in state maintenance, if the municipality maintained several schools, its interest was that a significant proportion of gypsy student go to one or two schools, “removing the burden” of other schools. The decreasing number of students creates a strong competition among schools. Schools want to “stay alive” by increasing the number/quality of pedagogic services, using better advertisement and/or serving the segregation demands of parents. Sections, lessons in rated groups, integration classes (creating opportunities) are organised in order to solve segregation by an internal rating system, keeping up the appearance of objectivity. Eventually, this goal is served by the organisation of gypsy minority education as well.

Research has shown that a cumulatively disadvantaged student is Roma with a 50 per cent probability and statistics have shown that out of 100 Roma students approximately 75 per cent are cumulatively disadvantageous. In 2012 the Ombudsman inquired into an equal educational opportunity programme, too. The “School-Net Programme” is aimed at reducing the social differences in the educational system through the inclusion by the state of the cumulatively disadvantaged students. The programme focused on locations where the ratio of disadvantaged social groups was the highest, where the negative influences of needs, deficiencies and social disadvantages were mostly felt and having their impact on the local communities and schools.

On the basis of his inquiries the Ombudsman concluded that the processing of applications within the School-Net Programme is unpredictable, contradictory, infringes on the requirements of child care, equal opportunity, legal certainty deriving from the rule of law and the applicants' right to a fair procedure.

### *The Ombudsman's Project 'With communication for Equal Dignity – Inclusive Speech Versus Hate Speech'*

Hate speech and verbal exclusion affect by definition all vulnerable groups, amongst them especially Roma, people living with any kind of disabilities, homeless persons, migrants, religious minorities and LGBT persons. According to the recent Eurobarometer survey, discrimination is still considered to be common in the EU Member States. The three most widely perceived grounds are “ethnic origin” (56%), “disability” (46%) and “sexual orientation” (46%). Similar tendencies prevail in Hungary, however, age discrimination is perceived as the most common ground for discrimination (75%), followed by discrimination based on ethnic origin (70%) and disability (54%). There is no unified data collection about the number of hate crimes in Europe, however, victimisation research indicates that migrants and other ethnic minorities (such as Roma) and LGBT persons are at risk to be victims of verbal or physical abuse and hate crimes. According to a research conducted by the Fundamental Rights Agency of the EU (FRA), in Hungary, in 2008, 19% of Roma respondents were attacked based on their ethnic origin.

Prejudice and hate crimes are connected to each other in multiple ways: biased thoughts form prejudiced words and discriminatory actions, and may be a legitimisation and/or an emotional preparation for violent, criminal acts. The complex connection between these phenomena is demonstrated by Gordon Allport's famous scale of prejudice, according to which, there are five stages of prejudice: (1) antilocution, (2) avoidance, (3) discrimination, (4) physical attack and (5) extermination.

The essential question of combating acts of hate is the goal the legislator realistically sets: may legislation aim to combat negative attitudes behind words and acts of hate, or should its goals be restricted at combatting actual actions and words of discrimination? In different periods of time, within different social contexts, a different answer was given to this dilemma. Anyhow, legal prohibition of hate speech should – if applied consistently – result in

the confinement of such phenomena. However, consistent and effective application of legal prohibition requires sensitizing and educating actual and potential legal practitioners.

The most effective way to combat hate speech is in any case to decrease its acceptance in the society: if the majority of society despises intolerant words, hate speech will get neither attention, nor sympathy at the marketplace of opinions. Therefore, it is of essential importance to increase tolerance and understanding of vulnerable groups in the society. The 2013 project of the Commissioner *'With communication for equal dignity – inclusive speech versus hate speech'* aims to map views and actions of stakeholders at different fields of life (such as public education, higher education, media, criminal justice system, European funds and programmes, local NGOs, churches and minority self-governments) on the promotion of an inclusive society. The ombudsman investigated on the views of nearly hundred stakeholders in the above fields in order to get a picture of the integrative capacity of society.

Hate speech has always been an issue of ombudsmen's work: the previous ombudsmen responsible for minority rights made proposals to modify the criminal code, whereas ombudsmen have conducted several investigations in cases of hate speech. Our study aims to give a context of ombudsmen's activities in this field, by showing the way to the present approach, which gradually shifts the emphasis from legal prohibition to the mapping of proactive, preventive measures. In the study, the authors – colleagues of the ombudsman who all have actively participated in the project-work – sum up the most important findings of the recent project, complementing them with their subjective views on some findings.

*On 29 April 2013 I as Commissioner for Fundamental Rights launched a thematic workshop on hate speech. I emphasized the importance of the theme that should be examined and dealt closely by every participants of the society. Urged the change of mentality and attitude towards the question, as the prevention should be in the centre of attention and not the sanction and penalization of the convicts. A tolerant society should be developed with members having an appropriate political behaviour. Therefore, education receives a special attention and importance on this field. Within the framework of the project and investigations, the colleagues of my Office have contacted several relevant authorities for receiving information on their actions and plans regarding the prevention of hate speech and the promotion of tolerance. The results of my investigation were depressing: the state authorities have been failed to comply enough. The goal should be a creation of a democratic society with participants with adequate political culture, for which the state organs should support every initiatives of the civil society.*

The Hungarian ombudsman launched a project in 2012 touching the issue: *“Losers of the crisis - In the captivity of paragraph”* which had a segment which examined the strengthening prejudices and discrimination in the context of financial and economic crisis. From social-psychological aspects, the colleagues of the ombudsman investigated relevant cases; furthermore they had contacted the civil society and examined the specialised literature to propose a comprehensive report on the issue during this summer.

About tolerance in education and its obstacles a large amount of work was done within the social sciences. Speaking about education and tolerance, deficiencies can be explained by problems related to the quality of the teaching-learning process: by pedagogical methodology used by the teachers, by the way how in-classroom interactions and conflict situations are managed (usually it's only between teacher-student, student-student communication is prohibited many times in the classroom), the education and the expectations of teachers. Our work added to the literature on the subject that high quality training programs on anti-discrimination has to be launched for teachers. Ethnic segregation is still a common phenomenon in the Hungarian education system. We concluded that good practices are useful, however their successful implementation requires a shift in mentality and paradigm.

Mr. Zoltán Fleck, professor of the Faculty of Law of ELTE University of Budapest made investigations to give here a short summary on how law students are influenced by prejudice in Hungary. In order to avoid and prevent this kind of attitude, good practices should be implemented at first place in the educational system and pedagogical mentality. Evidently, changes of cultural attitude and paradigms are also necessary to fight stereotypes and prejudice. According to Mr. Fleck, in countries of unstable culture ideologies, norms and institutions have an outstanding role in consolidating the moral and ethical rules of society.

Based on research samples from online and print news providers and from the programmes of commercial and state-funded television, one-third of all coverage on gypsies relates to criminality. Insinuating and indirect messages are often revealed in media. Materials that promote prejudice and stereotypes about Roma are widespread. There are very few reports that show real Roma culture. Another phenomenon is that in the past 15 years or so degrading speech concerning Roma people has become increasingly accepted both in politics and in public forums. Accordingly, state officials and public figures have a greater responsibility in forming public opinion.

Our investigations as well as the mainstream social sciences in Hungary concluded that the presentations underlined two common goals: preventing discrimination and the urging need of raising cultural awareness. The social and cultural instruments and education have an



important role in promoting tolerance but legal instruments are essential to prevent racism and discrimination.

### **Concluding remarks**

Being active for young people require today: emancipation, creativity, participation in the new European public needs a solid basis of human rights knowledge and culture . In my opinion, a wider sphere should be ensured for the young people to create their imaginations in our social life, also by human rights education of young generations in and outside the schools and educational institutions. We have to try to reach the children and the young citizens on the Internet by using projects expounding the rights. We have try to operate with messages on alternative homepages containing children's rights in the virtual world in order to expound the basic rights . In the post-communist countries we may rely on European experience by using the European networks. The initiations of the EU are significant in the political education both today and tomorrow .

However, in most of the post-communist countries, this important EU based institution and campaign of human rights and EU rights education against the authoritarian traditions and for accepting the new institutions has been omitted up to now. We can see the result: missing knowledge, the impossibility of communication, stagnation of willingness to participate, intolerance, xenophobia. Nowadays we badly need educational methods in the school and outside the school system for eliminating preconceptions against immigration and aliens and for accepting the bases of multicultural coexistence in the post-communist countries .