

*The children's rights project
of the Hungarian Parliamentary Commissioner for Civil
Rights*



„Hello! Welcome on the website of children's rights!”
www.gyermekjogok.obh.hu

1. *The necessity of the children's rights project*
2. *The main goals of the project*
3. *Finished and pending reports related to the project*

1. *The necessity of the children's right project – Legal basis*

The Parliamentary Commissioner for Civil Rights acts as a quasi ombudsperson for children's rights

Unfortunately, there is still no independent body or institution as an ombudsperson for children in Hungary. However the **Child Protection Act XXXI of 1997** laid down the responsibilities of the Parliamentary Commissioner for Civil Rights, defending the right of the child. Under this Act *the Commissioner helps defending the constitutional rights of the children with his special means*. In this process his main task are to inquire the misuses – which became known to him - of the right of the child, and to initiate general or particular measures for the redress thereof.

The Commissioner is elusively 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.

2. *The main goals of the project*

New proactive role combined with the traditional tasks since 2008

The Parliamentary Commissioner for Civil Rights has started a central project dealing with the children's rights – besides two other one-year long thematical 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 acts in his traditional way when he initiates inquiries ex officio or after complaints. It is a general feature of the children complaints that they come from adults. Thus, the first and primary focus group of the project is the society of the children itself!

In his new way of thinking he tries to use the publicity to direct the attention to the lack of the enforcement of the children's rights and the problems of the children. He started dialogue with social scientists, social workers, right defenders, teachers, policemen. The office **participates in the work of international organizations and institutions concerning the children's rights**, e.g.: the UNICEF, the ENOC, and the Council of Europe (CoE). **The commissioner and the office have taken part in various festivals, and out-door programmes** where they could meet children and young people, and initiated discussions about the ombudsman's work and task, about the rights and concerns of the children.

He started a **website** particularly for children about their rights (www.gyermekjogok.obh.hu). It is based on the Convention of the Right of the Child (1989, New York) and the Hungarian Constitution written in a child-friendly language illustrated with funny pictures to ease its understanding. Moreover the website contains a complaint box, FAQ, useful links, connections to the homepage of the UNICEF, and the CoE, introduction and news of the Commissioner.

The Commissioner as a quasi Ombudsperson for Children's Right would like to:

- *widen the knowledge of children and those dealing with them about the children's rights ;*
- *make it easy to understand that the rights are not far, incomprehensible principles, but living means to make their life more complete;*
- *show the children how to grow up to a trustful, law-conscious adult and parent;*
- *increase and make wider the attitude and the knowledge of the decision makers, and the people who care directly with children (especially parents; teachers; persons in charge, etc) about the children's rights;*
- *propose legal amendments when it helps the enforcement of the right of the child;*
- *help to fulfill our country's international obligations in the field of the children's rights*

3. Finished or pending reports related to the project

- ❖ **About child welfare basic provision and services in all Hungarian counties (one already completely finished):** The constitutional rights of the children were injured in the inquired cases, not every child has the same chance to take part in the welfare provisions, there are not enough experts and persons in care; in legal way the local governments could fulfill their obligations only formally.
- ❖ **Children's rights in the media:** In this programme giving report the Commissioner pointed out, that it should be the mission of all broadcasters to take an active part in the awareness raising of children. The right of children to protection and care was taken under investigation for the first time since the existence of the institution of the Parliamentary Commissioner.
- ❖ **The insufficiencies of the child protection notification system:** the Commissioner launched an ex officio investigation concerning a report titled 'Death from starvation at the age of 13 months' which was published in a Hungarian daily newspaper called 'Népszabadság'. The Parliamentary Commissioner initiated the amendment of the Child Protection Act in order to draft in the text the consequences if the factors of the child protection notification system miss to fulfill their signalling and cooperative obligation.
- ❖ **The action of the mayor in relation to a case of violence in a school:** the Commissioner stated in the report that the order of the mayor of a district in Budapest (Újpest) is against the law and arbitrary, if it expels the child who insulted his teacher from all self - governmental maintained schools in the district.

- ❖ **Children's rights in the education system**
- ❖ **Employment of the children**
- ❖ **Situation of youth in law-enforcement institutions**
- ❖ **Children living with disabilities**
- ❖ **Violence against/among children**

The Lilliputians' rights in Gulliver's country

by

Prof. Dr. MÁTÉ SZABÓ

Parliamentary Commissioner for Civil Rights in Hungary

The Lilliputians' rights do not apply to Gulliver – what will be their chance in the world of Gullivers? The reproduction of society takes place by the socialization of the new generation - they appear on the stage and take over the leadership. When can they be considered characters with full right? It is a well known fact that they were consumables during the long periods of History owing to their overproduction – they were not protected against the caprice of adults. In our modern age, i.e. in the 19th-20th centuries, the frames of law concerning the care of children have been published as well as the idea has appeared that they are the complete subjects of human rights due to their human dignity therefore they must not be sold or bought, made them work, and one must not use chastisement against them. Moreover, their development, education and training must be guaranteed not only by their family but by the state as well as the representative of public policy; besides the state shall guarantee the enforcement of their other different rights even against their families.

The children's rights require a special protection. The children vindicate their interests weakly, they cannot organize themselves, they are uncollected, they don't know their rights, they are dependent and exploitable. They are exposed to different special dangers; maybe their parents don't want to grow up them, in this case the State or the Church or other civil organization will take care of them or they can get into a new family. This process can interest especially the Department for the protection of children. Their development is endangered by the different forms of aggression and exploitation in the family, in the school and recently in the virtual- and media fields. The institutions established for their protection and help seem to be the world of Kafka for the Lilliputians as they have been built by Gulliver according to his own standards.

It is small wonder that the children's rights concerning the new generation of human rights attract more and more attention both on a global and on a European level. It is a very significant thesis that though the children are as special legal subjects as the handicapped or homeless people are, they do not have „Lilliputian” mini-rights; the same protection nay more and better protection behoves them than the “Gullivers”. The significance of children has got a special emphasise by the increased importance of training and education as well as by both counteractive global demographic trends: while in the welfare democratic countries of OECD the children become curiosities by their quickly decreasing number, in the Islamic world, the great number of young generation cannot be avoided for the codification and dispensation of justice.

Since the second half of the 20th century, basic „chartas” and international agreements concerning the children's rights have been published by Sweden as well as the welfare democratic countries of Europe both in the European institutions and in the global organizations mainly in the UNO and Hungary joined these agreements. What are the characteristics of children's rights? One of their characteristic features is that – similar to a lot of international norms of rights – the penalties and enforcement meet with a check in a part of the fields of children's right, e.g. the prohibition of children's insult cannot be enforced by corrective and offence sanctions within the family, below the threshold of assault and battery. Therefore the „culture of children's rights are often mentioned; it does not manifest itself as the law in general but it manifests itself as a program forming the sense and giving a moral scale of values. Let's mix some Lilliputian tastes into Gulliver's food!

A lot of people living in societies that can be considered Gulliver's world – like our society – speak about the decomposition of equilibrium between the children's rights and obligations. Rights – but where are the children's obligations towards the family, the school and homeland? My specially prescribed aspect is the vindication of rights as the parliamentary representative of personal rights and I think that in the course of History the obligations have been put upon the weak shoulders of children instead of ensuring their rights. Therefore I think that in the 21st century, the equilibrium should be weighted down to the children's rights both in the global world and in Europe. The „Regime of children's rights of international networks, organizations and civil organizations serves for this purpose that partly predominates over the states but in most cases the assertion of rights is needed for realizing it.

The international and European regime of children's rights consists of three „P” pillars in the English language – they are as follows: protection, provision, participation. The children can claim special protection in the constitutional state as their interests are weak, they are endangered and their interests are usually vindicated by others. It is necessary to protect the children from the aggression, the sexual exploitation, and from any other damages of their development and human dignity. The virtual field of Internet, the communication field of mobile communication technologies where the child stays for a longer period than in the real world multiply these dangers by the virtual globalization of the honey-cake house of the witch. In this field, the children's protection falls behind by the increasingly growing extensity and intensity of their endangerment, it rushes the shadow of supersonic plane by a bicycle. However, the child must be protected against the state and official organizations as well – the state procedures cannot be reviewed – they are of Gulliver's scale, the bureaucracy does not always observe the child under its Gulliver's hat, in addition there are more teachers among the staff of organizations, supervisors, guards, and approved schools who do not really teach the children – they stupefy them instead.

„Leave me alone, nuncle” – the child „addressed” by force cry such a way. The aggression is the surrogate of communication. It is a „medium” substituting the communication among the children as well as the adults. In case if it escalates in the society of adults, it will spread among the children as well – let's read the novel entitled „The white king” written by György Dragomán thoroughly. This novel is about the aggression-culture of children of a totalitarian Utopia – it is similar to our society. (The actuality of topic is demonstrated by the fact that this novel was translated into 28 languages). Aggression in the school – formerly it meant the aggression against the children, however nowadays the attention has been focused on the „beating of teachers”. Thus it can be stated that the importance of all of the institutions – especially the significance of schools - decreased in the course of changing the regime; the schools have often been reorganized since then, in spite of this fact they do not operate well. As a matter of fact, the family, the state, the police as well as the school sustains a loss in case, if the acknowledgement of prestige of these institutions decreases in general. Thus the improvement can be anticipated not only from the strategies limited within the schools.

The children's provision is a neuralgic point in our country which undertakes the demands of a social constitutional state but has a low economic efficiency. In the fields of the education, training, catering and ensuring the necessary tools, there is an everyday stress between the actual achievements dictated by the prescriptions and the necessity. It is a shocking fact that – in accordance with the report discussed on 9 October 2008 in the European Parliament – the children's poorness is about 10% even in Sweden that is considered one of the richest country, and this proportion can be 20-25% in the countries joined recently the European Union. In accordance with the statement of EP, the perspective of eliminating the children's poorness is a

long period even in Europe – perhaps a generation is necessary for it. The situation is aggravated and influenced by the fact that the migration increases the rate of children’s poorness in the rich countries and it stagnates in the poor countries owing to the inner after-growth. It is obvious that the problem of children’s provision depends on the level of welfare and organization of the society and the problems cannot be solved individually.

The demand of participation is important as the Gulliver’s world should be brought nearer the children growing up earlier and earlier. Let them organize themselves, discuss their own problems, bring decisions. They are desirable actions – but how to create the frame for these actions? It is very difficult to find the solution in Hungary owing to the traditions of compulsory children’s organizations of communist regime and in the Western countries – due to the strong tendencies of individualism and privatization intensified by the virtual and mobile communication technologies. In my opinion, the mapping of Gulliver’s world - i.e. the establishment of children’s parliament and government as well as children’s self-governments - is not the item of the agenda in Lilliput. Instead, it would be necessary to create the institutional frameworks of their own self-realization, acknowledgement and individualism in the young people’s virtual field by a creative fantasy. In order to promote this process, we have edited our homepage of children’s rights; our aim is to draw up the questions of children’s rights in the language of Lilliputians and to initiate communication about it. Up to now 10000 people visited our homepage. We are waiting for everybody!

Pursuant to the suggestions of UNO, the parliamentary commissioners for administration of the children’s rights are responsible for enforcing the children’s rights everywhere in Western Europe. This institution has already been established in some of the post-communist countries, e.g. in Poland and in Croatia. In Hungary, earlier there were plans for appointing a representative for fulfilling this task within the framework of Ministry for Youth- and Sport Affairs but this Ministry ceased and by this the initiation ceased as well, though there were plans for representing the children’s rights by appointing the „representative of future generation” but at last a representative of environmental protection was appointed instead. In addition to the European and international examples, there are a lot of arguments for appointing an individual parliamentary commissioner for administration of the children’s rights; these arguments are as follows: this activity has an interdepartmental character concerning more fields of the politics mobilizing the interdisciplinary and potential civil help. Nowadays the parliamentary representative of personal rights, i.e. the parliamentary commissioner for administration as well as the system of public foundation of representatives of children’s rights provide the tasks of protection of children’s rights – these later ones are not in relationship with the parliamentary commissioner for administration. We would like to promote the development of the international culture of children’s rights by processing the claims, by official inspections, by participating in the professional communications concerning the children, by organizing national and international programs and by multi-dimension communications until appointing an individual representative of children rights in Hungary. The Lilliputians have the same rights as Gulliver has nay the rights of Lilliputians are wider and deeper.



1 *Presumption of innocence and equity between men and women*

2008. szeptember 30., kedd - Jeromos

Köszöntő

Üdvözöllek az alapjogok világában!

Ezt honlapot munkatársaim és én Neked készítettük azzal a céllal, hogy megismerd alapvető jogaidat. Meggyőződésünk, hogy a jogokkal élni csak úgy lehetséges, ha azok alanya: Te, jól ismered azokat. A honlapon napvon sok információt

Legfrissebb Mizu

Jogod van a védelemhez és a biztonsághoz!

Az Európai Unió Bizottsága plakát-pályázatot hirdetett az Unió ifjúsága számára. A 10-18 év közötti korosztályból, egyenként legalább négy fős csapatok művet várnak, "a gyermekek védelemhez fűződő joga" témakörben.

A pályázati felhívásról bővebben itt olvashatsz.

Ismerd meg a jogaid!

Alapjogi katalógus gyerekeknek

A gyermekek különleges jogai

Jogi dolgok felnőtteknek

- 1991. évi LXIV. törvény a Gyermek jogairól szóló, New Yorkban, 1989. november 20-án kelt Egyezmény kihirdetéséről
- 1949. évi XX. törvény a Magyar Köztársaság Alkotmányá

2 www.gyermekjogok.obh.hu

Országgyűlési Biztos Hivatala
Office of the Parliamentary Commissioner
1051 Budapest
Nádor utca 22.

Postal address:
1387 Budapest Pf. 40.
Hungary

e-mail: panasz@obh.hu

fax: +36 1 269 16 15