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Children's Rights in Hungary in ECEC

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Abstract

Hungary was one of the first countries to ratify the United Nations Convention on the Rights of the Child. This commitment is enshrined into the Constitutional Act LXIV of 1991. Children's rights can be found most comprehensively in the Act XXXI. of 1997 on Child Protection and Social Services Administration.

This chapter outlines how children's rights prevail in kindergarten practice in the Hungarian context. First, the understanding of children's rights is addressed in view of policy and legislation and key government documents are highlighted that serve to frame and guide practice in early childhood institutions. In the second half of the chapter the implementation of children's rights is demonstrated and aspects of practice are outlined that aim to facilitate children practising their rights.

The chapter is concluded with emphasising the need for pedagogical materials to be embedded into kindergarten pedagogue training nationally to ensure children's rights are embraced in institutional care.

Keywords: Hungarian ECEC approach, the right to free-play, the right to love, nurturing tradition, education in ethnic language

Introduction

The introduction of the United Nations Convention on the Rights of the Child (UNICEF, 1989) signifies a change in how children are viewed in today's societies (Teszenyi and Sykes, 2018), and it is no different in Hungary. In the Hungarian early childhood programmes and practice,

the image of the child as an individual in his own right, an active agent with rights and responsibilities is beginning to unfold.

In Hungary, kindergarten education has a long tradition. The first kindergarten opened its doors in 1828, while the first crèche opened in 1852. Since September 2015, attendance has been compulsory from the age of 3, the aim of which is to minimise disadvantage and to ensure equal opportunities and life chances for all children. Hungary was one of the first countries to ratify the United Nations Convention on the rights of the child ('the Convention' from here on). This commitment is enshrined into the Constitutional Act LXIV of 1991. The Constitution Act of Hungary provides the legal foundations for children's rights, which states that every child has the right to protection and care that secures their appropriate physical, mental and moral development.

This chapter discusses some of the key aspects of the implementation of children's rights with a focus on early childhood care and education in Hungary. The first half of the chapter examines how children's rights are understood in light of underpinning policy and legislation, while the second half focuses on the implementation of children's rights in early years practice. This is where country specific features are highlighted as relevant aspects of kindergarten practice are examined.

Understanding Children's Rights in the Hungarian Context

Understanding children's rights in light of relevant policy and legislation is crucial because it frames and underpins early years institutional practice. It is this understanding that guides pedagogues' daily work with children and their families and affords a respectful approach to the youngest citizens of our society.

To aid the understanding of children's rights expressed in the 40 articles, Filó-Katonáné (2006) identifies five categories that the articles of the Convention fall into. How children's rights are understood in Hungary is examined in relation to these five distinct categories in this section. They are: (i) political and civil rights (articles 6-10 and 12-17); (ii) economic, social and cultural rights (articles 6, 18, 24, 26-29 and 31); (iii) the right to protection for children within their families and society (articles 11, 19, 32-37, 39-40); (iv) the right to protection for children with special needs (articles 20-21., 23., 25., 30); (v) the right to protection for children at risk or disadvantage (articles 22, 38).

Children's Political and Civil Rights

With a focus on early childhood (0-7), this section provides an overview of the specificities of children's political and civil rights in relation to policy and legislation. We have drawn on the Comprehensive Commentary (number 7) of the Children's Rights Committee (CRC) on The Implementation and Application of Children's Rights in Early Childhood and the National Core Programme for Kindergarten Education ('Core Programme' from now on) Hungarian Government (2012). The *Decree on the National Core Programme of Kindergarten Education* 363/2012 (XII. 17.) The Core Programme lays down the principles of pedagogical practice in early childhood institutions in Hungary. It views children as developing personalities who are entitled to special protection. In the introductory section of the document, it is stated that all aspects of care and education must be in accordance with the fundamental human rights and with respect for children's rights. Kindergartens must provide equal opportunities for all children to high-quality care and education (Hungarian Government, 2012, 363/2012.)

The child's right to healthy development is explicitly expressed in many parts of the Core Programme. It is part of its child-centred approach and there is a requirement for the physical

environment and the pedagogical activities to provide optimal conditions for a child's holistic development, care and education. The document states that:

“The aim of kindergarten care and education is to support children's harmonious and holistic development, the development of their personalities, to reduce disadvantage by taking into consideration children's unique and age-related characteristics as well as the varying pace of development”. (Hungarian Government, 2012, 363/2012.)

The kindergarten provides a personalised physical and emotional environment necessary for children's development and the educational processes to take (Hungarian Government, 2012, 363/2012.)

Economic, Social and Cultural Rights

Article 18 is one of the articles in the category of 'economic, social and cultural' rights. It emphasizes parents' responsibilities in the shared duty of bringing up their children, in which the government provides support for parents. The CRC maintains that early childhood cannot be seen as purely a period for socialisation. Children are rightful members of society and to be able to practice their rights, they need to be cared for physically and emotionally, and they also need guidance and protection.

Children's rights to health are enshrined in Article 24, which also belongs to the group of 'economic, social, cultural' rights. Every child must be provided access to health services. The Convention highlights the need to reduce the number of infant and child deaths, access to health services and pre and post-natal care for mothers. Early childhood is a particularly important period from health education point of view. The CRC emphasizes in its commentary that participating states have the responsibility to provide clean drinking water, appropriate hygiene, necessary immunisations, nutritious food, medical care; all of which are indispensably

necessary for the healthy development of a young child, along with a stress-free environment. Malnutrition and childhood illnesses can have a life-long impact on children's physical health and development. They negatively impact on their mental state, present obstacles to learning and social participation in society and reduce children's chances to fulfill their potential. The same applies to obesity and unhealthy lifestyles (CRC, 2005, Comprehensive Commentary No.7, 27, § 256).

To ensure children's rights to health, access to free paediatric services from family doctors in local surgeries are provided as part of the National Health Service. Hungary has an over 100-year tradition of health visiting, the primary aim of which is prevention. Health visitors provide pre-, peri- and post-natal care. For example, they advise on family planning, monitor pregnancies and attend to families in their home, advising mothers on the care and upbringing of their babies or young children. Additionally, they fulfil a safeguarding role in reporting any concerns to the local safeguarding boards at the Family Assistance Centre.

A particularly important pedagogical aim of kindergarten education is to help children develop a healthy lifestyle. (37/2014 (IV.30.)) The Core Programme focuses on meeting children's physical and psychological needs, helping them to learn to safeguard their own health and to make healthy lifestyle choices. When necessary, kindergartens provide specialist support for physical and psychological development which involves relevant professionals from outside agencies (Hungarian Government, 2012, 363/2012.) The Core Programme expects kindergarten pedagogues help children and their families to develop preventive healthcare practices. This includes, for example, providing children with more fresh fruit, vegetables or dairy products and less sugar, salt and unsaturated fatty acid in addition to cleaning teeth at home and in the kindergarten. In this way, parents are partners in helping children establish health care routines for life.

Children's rights to social security are expressed in Article 26, whereas their right to an appropriate standard of living is summarised in Article 27. The right to social security includes access to services as well as access to financial resources, and benefits for those persons who are responsible for the upbringing of children. Growing up in relative poverty undermines children's well-being, self-esteem, their acceptance in society and reduces opportunities for education and progress. (Körmöci, 2007) To keep child poverty at bay and to eradicate its negative impact on children's well-being, the Hungarian government allocates significant resources to support families. The Act LXXXIV of 1998 on supporting families establishes eligibility and regulates financial benefits given to families with children. The most common of these is the universal family subsidy or family child benefit given to all families with school-aged children. These different programmes, when provided alongside education, can contribute to breaking the cycle of poverty (Gábos, 2009).

Children's right to education is enshrined in Article 28. There is an ever growing emphasis placed on early childhood education worldwide and its role in the later life journey of an individual (Campbell-Barr, 2012). Currently, in Hungary, both pre-primary and elementary education are compulsory and free. The introduction of compulsory early childhood education in 2015 for children between the age of 3 and 6 may prove to be a long term solution to strengthening the role of ECEC provision in early development. The CRC urges participating states to support early childhood development programmes, among them, the home and community based pre-primary school programmes. It also encourages a harmonised, integrated, cross-sector approach to early childhood services (CRC, 2005, Comprehensive Commentary No.7, §30).

Article 31 guarantees children's right to play, recreation and cultural activities. Children's main activity in early childhood, which reflects their culture, is play. The CRC (2005) refers to

children's right to play as a 'forgotten' right, even though play provides the optimal opportunity to develop their skills and abilities. The significance of creative play and exploratory learning are widely recognised in the field of early childhood education (Brown, 2010; Pálfi, 2019). Yet, the limited opportunities young children currently have in Hungary to play with peers in child-centred, secure, and harmonious environments create obstacles for children's rights to recreation and play to be realised (CRC, 2005, Comprehensive Commentary No.7, §35)

When considering children's economic rights, compared to other European countries, the systems of family support in Hungary could be seen as generous. The support allocated for families amounts to 1.9% of the annual GDP and with other, non-financial support included, represents a considerable investment by the government. (Makay, 2015) Financial support is provided to mothers in the form of a 'one off' payment after giving birth and thereafter 70% of their average annual income pro rata for the first period of the maternity leave, which is 168 days. During the second period of maternity leave, mothers receive an income for providing home care for their children up to the age of two. In the third period of maternity leave, mothers can draw on what might be called, a child carer's allowance, which is universal financial support until children reach their 3rd birthday. These systems of support enable mothers to stay at home with their children until they are three but they also allow them to work part-time while caring for their children.

With the aim of reducing child poverty, the Hungarian government further supports families by providing meals for children in institutional care for either free or at a 50% reduced rate based on individual circumstances. On the families' prior formal request, local authorities are obliged to ensure that children with free meals continue to receive their daily lunch over a 43 working day period during the summer holidays and on every working day during the autumn, winter and spring school holidays. According to the Public Education, from the academic year

of 2017/18, all school-aged children in Year 1 to 9 and children with SEND and from ethnic minority backgrounds receive their school books package free.

Children's Rights to Protection within their Families and Society

The Act CCXI. of 2011 on the Protection of Families states that children have the right to support that: (i) enables them to be brought up in a family; (ii) ensures their personalities can evolve; (iii) removes threats to their development and ensures they are seen as rightful citizens of society. The law also states that children can only be separated from their parents and relatives in the interest of their healthy physical, mental and psychological development and only in law enforced cases and in a lawful manner (Act CCXI. of 2011 on the Protection of Families, 13. §. 2.3.). In the Core Programme, it is clearly stated the bringing children up is the right and responsibility of families, and in this, kindergartens have a complementary role. The responsibility of the kindergarten is to establish conditions for co-operation and to develop working partnerships.

There are a number of officers responsible for guaranteeing children's rights in Hungary. It is the responsibility of all legal personnel and early childhood professionals and currently, the Commissioner of Fundamental Rights fulfils the role of protecting children's rights along with dealing with complaints and any breach of legislation (Act CXI of 2011 on Fundamental Rights, §1). An ombudsman, to represent children's rights was established as a result of the introduction of Act IX of 2002, which altered the Child Protection Law. The role of the Children's Rights Officer is to listen to issues and complaints raised by children, to investigate and remedy them and to advocate for children by representing their interests. The Children's Rights Officer can inspect institutions of education including kindergartens and schools, where the implementation of children's rights is examined and in cases of breach of legislation an

investigation can be initiated. “The Officer monitors safeguarding practices in kindergartens, schools, halls of residence, in pedagogical specialist services and support the implementation of children’s rights” (Act XXXI of 1997 on Child Protection and Administration of Guardianship 11/A7.)

The Right to Protection for Children with Special Educational Needs (SEN)

The education of children with SEN is regulated by the Government Decree of 32/2012 (X.8), which refers to the educational aims of the National Core Programme. In ECEC, inclusive education must be ensured for children whose pace of development is deviant from the norm. The principles of kindergarten education for children with Special Education Needs (SEN) assert that these children’s education must be in harmony with the ‘image of the child’ as described in the Core Programme. Pedagogues are required to create an environment to meet any special needs by providing necessary resources and by offering help that does not exceed what a child needs to be able to engage in daily activities independently.

The Right to Protection for Children in Disadvantage

Early childhood community-based programmes were rare in Hungary until the appearance of the Sure Start Children Centre in the 2000s and after this, they became a more widespread type of service provision. The first Sure Start [Biztos Kezdet] Children Centre was opened in 2009 in one of the most disadvantaged areas in Hungary. The main aim of the programme was to reduce child poverty and extreme poverty and currently, 112 Children Centres provide services for local communities (Németh, 2018). With the aim of improving children’s well-being, they offer developmental programmes for families with children under 3, as one of the fundamental services. Further aims of the programme are (Rakó, 2017, 148):

- to provide healthy living conditions right from birth,

- to offer programmes and services that help children develop their skills and abilities from an early age,
 - to reduce regional and ethnic inequalities,
 - to improve parental employment,
 - to reduce segregation,
- to improve healthy living conditions and to develop social services provision.

Ensuring and protecting children's rights is a fundamental role for all institutions of public education. This is supported by the Office of the Ministerial Commissioner for Education Rights and the institution for implementing education rights. The Office offers guidance on the implementation of civil rights (relating to education) for all participants of the educational processes. The Commissioner of Education Rights provides an annual report of the work carried out during the year, in this way supporting the analysis of issues around children's rights in the educational processes.

Having examined how children's rights could be understood in the Hungarian context, the next section of this chapter discusses aspects of practice that provides evidence for the implementation of children's rights in early childhood care and education institutions.

Implementing Children's Rights in Practice

What the future holds for children is infinitely influenced by what children are experiencing now. Through ethical, sensitive and respectful care and education practices children learn to become members of their community and society, learn to take responsibility for themselves and others and they learn to understand about their rights (Teszenyi & Sykes, 2018). Kindergarten pedagogues have an important role in facilitating this by creating a safe, dynamic and respectful environment that embraces children's rights. The CRC (2005) recommends that

the direct teaching of children's rights should be part of early childhood education and care curriculum. Currently, this is not typical in Hungarian early education programmes and there is little pedagogical material to support the education of children about their human rights. The Kiskompasz Handbook for Educating Children about their Human Rights published in 2009 provides much needed guidance for early childhood professionals. Teaching material that is developmentally appropriate for young children was created by Ildikó Boldizsár in 2016 in the form of a picture book entitled "The Lost Bird Feather". The aim of the book is to help children learn about and become aware of their rights. The pedagogical material uses ten short stories to introduce concepts to children such as, the right to property, the right to a healthy life, doing no harm, anti-discrimination, the right to freedom of speech. There is also detailed practical guidance for early childhood professionals on how they can use the stories to talk to children about each of the rights represented in the stories. In this subsequent section aspects of rights-respecting practice in Hungarian ECEC institutions are highlighted.

Respecting Children's Rights in View of the Hierarchy of Needs (Maslow)

One guarantee for children to be able to practice their rights while in kindergarten care is a child-centred approach, where children are able to lead their own learning instead of pedagogues pursuing their own agendas or imposing their authority upon children. Children's practising their rights can be detected in everyday activities and relationships. There are natural, biological aspects of children's development and children have unique 'urges' that are evidenced in their expressed emotions, actions and attitudes, which we accept as children's needs. There are ways of categorising these, one of which is in relation to Maslow's (1943) hierarchy of needs and theory of human motivation. With the aims of Hungarian ECEC firmly in mind, the Core Programme asserts that meeting children's physical and emotional needs

must be a starting point for all activities planned for children. The table below offers some examples:

Needs of a kindergarten-aged child	Children's rights
The need for movement; biological, physiological needs	The child has the right to ample space a well-balanced diet and an institutional life that follows his own biological rhythm.
The need for emotional security	<p>The child has the right to:</p> <ul style="list-style-type: none"> • joy, peace and a harmonious atmosphere, the right to respect human dignity, • the protection of his own interests, • follow own daily routine • be treated with respect • know one's own opportunities • be accept for who he is • trust • his pace of development to be accepted.
The need for love	<p>The child has the right to:</p> <ul style="list-style-type: none"> • love • be loved • unconditional acceptance • his personality to be respected

Table1. Alignment between the child's needs and rights in relation to Maslow's hierarchy of needs (Adapted by Körmöci, 2007, 193-194)

Körmöci (2007) connected meeting the child's physical and physiological needs with the pedagogues' role to help children develop a healthy lifestyle. There are three personal attributes

that are expected of kindergarten pedagogues: being accepting, supportive and sensitively responsive. A child has the right to his movement needs to be met and his health to be protected and maintained. Furthermore, the child has the right to care for his own body, to keep clean, to a healthy diet and dental hygiene, to rest and to practices that maintain good health. A child's emotional needs also strongly influence his well-balanced development. With regards to the previously mentioned universal rights to play, the Core Programme fiercely protects this right when stating: "play – a free process that follows the flow of free imagination- is a young child's elementary psychological need, for which the provision must be daily, continuous, and where possible, uninterrupted" (Hungarian Government, 2012, 363/2012.) Free play, therefore, is seen as a child's right that protects him from an overload of direct teaching. The right to play is also secured by the Core Programme, which limits the presence of the pedagogue in children's play. When the pedagogue joins a child's play, always on the child's request, it is suggested that the pedagogue displays supportive, encouraging and motivating behaviours so that the child's play can be supported indirectly, therefore, more sensitively.

Kindergarten education promotes the child's development together with the nurturing provided by families. For this to succeed, the kindergarten co-operates with families. The forms of co-operation are varied; from establishing personal relationships to organising shared kindergarten events, and include all the opportunities that either the kindergarten or the families initiate. A kindergarten pedagogue serves as a model for young children to identify with. This commences with the emotional relationship between the pedagogue and the child, through which the pedagogue complements the role of the mother in the processes of socialisation (Antal and Zsubrits 2015, 17). The presence of a beloved pedagogue ensures emotional security for children, which is one of the main roles of kindergartens in Hungary. A kindergarten

pedagogue offers help personalised to the needs of each family by considering the unique characteristics and customs of families. (Hungarian Government, 2012, 363/2012.)

The Dominance of Free Play

The Core Programme emphasises that the right conditions for play must be created and it must be applied across the curriculum. It also claims that “free-play must be in the forefront of kindergarten provision and its primary role must be recognised in the kindergarten’s daily routines, schedules and in the planning for play-based activities“ (Hungarian Government, 2012, 363/2012. 5.) Kindergarten pedagogues in Hungary must ensure that there is time for children’s unstructured free play both inside and outside during the day, and free play is seen as the ‘protected activity’ in each early childhood settings (Pálfi, 2019,. The Core Programme declares that play, as an unstructured process led by imagination and free association, is a basic psychological need for young children, which they have to satisfy daily in a continuous, sustained and preferably undisturbed manner.

Another guarantee for children’s rights to play is when free play is placed in the forefront of all activities in the kindergarten. The Core Programme claims that “the dominance of free play must prevail” (Hungarian Government, 2012, 363/2012. 7.) Children’s rights to play can also be seen in how conditions for play are created in a kindergarten. The Core Programme expects practitioners to provide for children’s need for space and to use flexible materials, tools and play resources that allow for children’s imagination and fantasies to unfold. (Hungarian Government, 2012, 363/2012.)

Furthermore, the child has the right to daily stories, rhymes and poems, which are key to children’s mental hygiene. This is a term used in Hungary in relation to both children and adults

and it reflects the processes of mental ‘laundrying’ to maintain emotional, psychological and physical well-being. (Körmöci, 2007) (It is interesting to note that maintaining mental hygiene is part of the tertiary training for kindergarten pedagogues.)

It is also the child’s right to have access to “intimacy during storytelling”, which is one of the criteria for sharing stories with children. Kindergarten pedagogues must also consider children’s rights when inviting them to engage in work-like activities (for example, sweeping, mopping, laying the table for meals, tidying up...etc). Children cannot be forced to carry out these tasks they must be allowed to volunteer. The stipulation of the Core Programme is that work-like tasks are active pursuits that children carry out happily and willingly. It is important to help children develop positive attitudes to work, the necessary skills and abilities to gain experiences and to understand the world around them; these include perseverance, independence, responsibility and determination.

Nurturing Tradition and Education in Children’s Ethnic Language: Ways of Realising Children’s Rights

The right to cultural activities was mentioned in the ‘Understanding Children’s Rights’ section of this chapter. One of the key features of Hungarian culture is music and dance. Singing and listening to folk songs, playing traditional ring games, learning folk dance and playing folk games are ways for children to become familiar with and to preserve their tradition. Engaging with folk tradition can be described as one of the processes, through which cultural identity is developed. This is also outlined in the curriculum area of ‘active exploration of the outside world’ which requires pedagogues to plan opportunities for children to get to know their country and its traditions.

Each child is entitled to be educated in their ethnic language or mother tongue in Hungarian kindergartens. Developing language in each child’s their mother tongue is one of the key aims

of Hungarian early childhood programmes. This is achieved holistically (in every aspect of kindergarten education and care) and through the active participation of children. For those children whose mother tongue is not Hungarian, care and education in their ‘ethnic minority’ kindergartens, can be requested in their ethnic language. “As long as minimum of eight parents of the same ethnicity request kindergarten education to be delivered in an ethnic minority kindergarten, for the academic year in the calendar year after the date of the request, ethnic educational provision must be planned and the provision to be delivered provided a minimum of eight children enrol” (Hungarian Government 2013, 17, (III.1) Decree 1, §2).

Flexible Daily Routines

To ensure children’s rights are implemented in children’s everyday lives, the organisation of kindergarten care and education is considered from the children’s point of view. Hungarian kindergartens accept (in contrary to schools) that children within a group tend to choose to engage with a variety of activities running at the same time, which require varying conditions and, most importantly, time. The Core Programme specifies two criteria that guarantee this to happen: one is that “daily schedules adjust to the various activities and to children’s individual needs” (Hungarian Government, 2012, 363/2012. 4.) ; the other is that “an effective daily schedule is characterised by continuity and flexibility” (Hungarian Government, 2012, 363/2012. 8.) In the organisation of a day, it is the children’s interests, not the adults, that take priority.

The implementation of children’s rights is also evidenced in that children are not harmed or disadvantaged because of their actual stage of development. Hungarian kindergartens cater for children aged 3-6 years. Those children who, for whatever reason, do not reach the normative developmental stage for their chronological age, which is necessary to start school, can stay in

the kindergartens for an additional academic year, even though they have reached the school starting age. The Core Programme states that “flexible school enrolment allows for entering school according to not only chronological age but also to developmental stage” (Hungarian Government, 2012, 363/2012. 12.)

Conclusion

It can be concluded that legislative documents and the requirements of Hungarian ECEC provision strive to implement children’s rights in everyday practice and to ensure all children have equal access to high-quality care and education. This review of children’s rights confirms that explicitly or implicitly children’s rights are represented in the Hungarian National Core Programme for Kindergarten Education. Hungarian kindergartens follow the requirements of international regulatory documents and the National Core Programme reflects an ethos of safeguarding children’s interests. This is particularly important because the entire cohort of 3-6-year-olds access institutional care and education in Hungarian ECEC. Kindergarten provision, children’s activities could provide more opportunities (than observed) for information sharing and sharing good practice with regards to children’s rights. This would require appropriate pedagogical materials and for these materials to be embedded into kindergarten pedagogy training nationally. In return, those professionals of early childhood, who are privileged to work with young children, could develop a greater level of awareness and consciousness about children’s rights and adults’ responsibilities in institutional care.

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