# THE CURRENT CYBERBULLYING SITUATION IN HUNGARY FROM A LEGAL PERSPECTIVE[1]

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## 1. Introduction

The present article aims to delineate a brief overview of the Hungarian (cyber) bullying *status quo*. Unfortunately, the current situation in Hungary is not so delightful, but several events, programs, projects represent the necessity to deal with this phenomenon. Hungary has no anti-bullying legislation, or any program applied nationwide. Furthermore, the academic literature is very scant, especially the publications in legal perspective, since only a few legal scholars research the bullying issue.[2] Presumably, the phenomenon is quite new, bullying research has no deep roots

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[2]   Parti, Katalin: A megfélemlítés (bullying) szabályozása Magyarországon és külföldön. *In Medias Res*, 13. évf., 2016/1. 114–146.; Parti, Katalin – Schmidt, Andrea – Néray, Bálint – Virág, György: TABBY in Internet – Az online bántalmazás volumenének iskolai felmérése és mentorképzés Magyarországon (2011–2014). Ügyészek Lapja, 21. évf., 2014/3–4. 47–58.; Pongó, Tamás: Anglo-Saxon Approaches To Students' Freedom Of Speech And Cyberbullying: Constitutional Foundations For A Comparative Analysis. In: Viorel Paska – Lucian Bercea: *Radu I Motica – European Legal Studies and Research*. Timisoara, S.C. Universul Juridic S.R.L., 2015. 534–546.; Tamás Pongó: Is There a Reasonably Foreseeable Substantial Change in US Cyberbullying Jurisprudence or the Ambiguity Remains? In: Orbán, Endre: *Cyberbullying*. Budapest, ArsBoni, 2016. 34–51.; Tamás Pongó: Anomalies in the US Cyberbullying Jurisprudence. *Masaryk University Journal of Law and Technology*, vol. 10., 2016/2. 148–169.; Pongó, Tamás: Minek nevezzelek? – avagy a cyberbullying magyar terminológiájának kérdései. *Közjogi Szemle*, XI. évf., 2018/2. 9–14.; Nagy, Ildikó – Körmendi, Attila – Pataky, Nóra: A zaklatás és az osztálylégkör kapcsolata. *Magyar Pedagógia*, 112. évf., 2012/3. 129–148.; Mikes, Lili: Magyar Országos Cyberbullying Konferencia – MOCK 2015. *Közjogi Szemle*, 2016/1. 65–67.; Baracsi, Katalin: Digitális műveltség – szülők és gyerekek egyenrangúan az online térben. *Családi Jog*, 2018/2. 20–25.; Somfai, Balázs: „Bullying", azaz az iskolai erőszak. *Jura*, 2009/1. 184–187.

in Hungarian science, and also, fortunately, no tragedy occurred in the country. Under tragedy, we should understand the most extreme result of cyberbullying, when the series of events lead to the suicide of the victim, called *cyberbullicide*.[3] Considering the fact that Hungary did not have to face such terrible situation, the legislator's and legal researchers' attention did not turn to this field of law, even though we are aware the fact that *"the computer and other electronic devices can be as deadly a weapon as a knife or gun."*[4] Moreover, the examples in the United States (US) prove that shocking suicides of cyberbullying victims incited the legislators to take steps against bullying or cyberbullying.[5] Consequently, the few Hungarian articles aim to raise awareness to the severity of this phenomenon and formulate recommendations to the legislator by the tool of law, in order to provide help for the students concerned, before a similar tragedy would happen in our country as well. Compared to the US, Hungary is a continental law country, where the primary source of law is not the case law, but the statutory laws. However, due to this fundamental difference, an anti-bullying law would be a necessity, since a legislative definition of bullying and cyberbullying should be established as a first step. Furthermore, such law would ensure legal grounds for victims to report the incidents and procedures could be drawn, like in the US. Campbell and Zavrsnik highlighted the most crucial differences between the Anglo-Saxon and the continental legal systems,[6] and promoted the approach that every country needs to tackle the issue of cyberbullying in conformity with its own legal solutions.[7] However, the US and UK are pioneers in the field of cyberbullying research, thus taking their solutions as an example could be beneficial.[8]

Nonetheless, this article does not intend to introduce the possible legal steps needs to be taken,[9] but to delineate the evolution and the future of the Hungarian cyberbullying research. Therefore, the first bullying project focused on Hungary, the TABBY in Internet project will be introduced below, followed by the Anti-Bullying Program (ABP) by the Felelős Társadalomért Közhasznú Alapítvány (Foundation). Moreover, the license of Unit 2 of the KiVa Anti-bullying Programme was purchased and adapted by the Hungarian Institute for Educational Research and Development. Unfortunately,

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[3]    Sameer Hinduja – Justin W. Patchin: *Bullying Beyond the Schoolyard – Preventing and Responding to Cyberbullying*. Thousand Oaks California, Corwin, 2nd ed., 2015. 95–100.; Ho, Jocelyn: Bullied To Death: Cyberbullying and Student Online Speech Cases. *Florida Law Review*, vol. 64., (2012) 789–816., 794.; Marilyn A. Campbell – Ales Zavrsnik: Should Cyberbullying Be Criminalized? In: Peter K. Smith – Georges Steffgen (ed.): *Cyberbullying Through the New Media: Findings from an International Network*. London–New York, Psychology Press – Taylor and Francis Group, 2013. 65–82., 3.

[4]    Martha McCarthy: Cyberbullying Laws and First Amendment Rulings: Can They Be Reconciled? *Mississippi Law Journal*, vol. 83., (2014) 805–836., 808.

[5]    Campbell–Zavrsnik op. cit. 19–20.

[6]    Campbell–Zavrsnik op. cit. 8–10.

[7]    Campbell–Zavrsnik op. cit. 8.

[8]    Ibid.

[9]    For further analysis of the US cyberbullying situation and the possible Hungarian legislative solutions s. Pongó, Tamás: *A cyber-megfélemlítés és a diákok véleménynyilvánítási szabadsága, különös tekintettel az USA jogrendszerére*. PhD értekezés. Szeged, SZTE ÁJTK, 2017.

we cannot find any project evaluation after the first pilot year, but this issue will be analyzed below. In addition to these, the awareness-raising activities are crucial in this field, but the academic sphere has dedicated only one conference especially to cyberbullying until to date, even though some panels, sessions or presentations were held at various events. This cyberbullying conference was organized by the University of Szeged Faculty of Law and Political Sciences Constitutional Law and Criminal and Criminal Procedure Law Departments back in 2015. Distinguished guest expressed their commitment concerning the fight against bullying and cyberbullying.

Furthermore, the Hungarian Government launched the Digital Child Protection Strategy (Digitális Gyermekvédemi Stratégia), which applied the academic terminology, and provided non-punitive, alternative dispute resolution techniques, such as restorative methods as a possible solution.[10] Other good practices, like the Safer Internet Project,[11] or the Better Internet for Kids Project[12] could be mentioned as well. However, this project intended to raise awareness of the conscious use of the Internet, but it was not a specialized anti-bullying program.

## 2. The first milestone – TABBY in Internet project

In Hungary, the first step against bullying and cyberbullying was initiated internationally and funded by the European Union, namely the TABBY in Internet project (2011-2015), which involved eight EU Member States. Hungary was represented by the Eszter Foundation.[13] TABBY stands for an abbreviation of Threat Assessment of Bullying Behaviour in Youth Online, and its purpose was *"to promote a climate where the web is seen and used in a 'safe' way. Best practices are shared and disseminated to help our kids to increase their wellbeing, reduce and prevent antisocial behavior and ultimately stop crime."[14]* However, according to the Hungarian TABBY website, the purpose of TABBY was *to "assess the forms and measure of peer online bullying among youth, and to raise awareness and discuss this phenomenon with teachers, school psychologists, school leaders, parents and students."[15]* Such declaration determined the two most important components regarding the national practice, i.e. assessing the current situation in the country, since we did not have any data concerning this issue, and the awareness-raising activity as a whole-school approach.

On one hand, we needed to explore the *status quo*, since adolescents are less talkative, more protective regarding their privacy, and the Internet provides them an almost infinite space to 'close-up' instead of expressing and discussing their feelings. However, this conduct could result long-lasting and serious consequences, since the whole behavior

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10    Government Decision 1488/2016. (IX.2.) 118–120.

11    Safer Internet website. http://saferinternet.hu/netezz-biztonsagosan/mirol-szol-az-oktatas

12    Better Internet for Kids. https://www.betterinternetforkids.eu/hu/web/hungary/profile

13    Parti–Schmidt–Néray–Virág op. cit. 48–49.

14    TABBY trip in EU website. http://ing.tabby.eu/

15    A TABBY projekt. Hungarian website of the EU project. http://tabby-hun.weebly.com/a-tabby-projekt. html

takes place on platforms, which are unknown to the parents or teachers. For instance, on Ask.fm, questions could be raised and answered anonymously. Unfortunately, such way of communication on this platform led to several *cyberbullicides*.[16] Consequently, assessing the Hungarian youth was a necessity to avoid any tragedies and to provide help and guidelines to our students.

On the other hand, bullying and cyberbullying were unknown terms for the Hungarian language and education system as well, since bullying, as a word, only exists in English and in a few Scandinavian languages,[17] and Hungary had (still has) no anti-bullying law or program, thus students, parents and teachers did not know what type of issue they were facing at. Therefore, awareness-raising activities were (and still are) essential to every member of the school community, including parents. For that reason, the TABBY project played a highly significant role in the education system, since a threat assessment research was conducted, a handbook was written and public awareness-raising videos became available for everyone in Hungarian language.[18] Almost 600 participants were involved in the research, and they were categorized into three groups according to the level of risk the students are exposed to. Furthermore, the research revealed a strong connection between offline school bullying and online victimization.[19] Also, the hypothesis was confirmed, inasmuch as the victim and bully roles are interchangeable, so someone could be a bully in one environment and victim in the other.[20] As a final result, the researchers concluded that the project could not significantly influence the bully position, but it was successful concerning the victim's side, since *"the less threatened students rate increased, and the rate of the most involved categories decreased or remained unchanged..."*[21]

Moreover, the pieces of training for teachers and peer mentors by the Eszter Foundation were a success, but, unfortunately, ceased to exist in 2015.[22]

As these results suggest, similar research project would be needed in Hungary, but since the TABBY, no such EU or state-funded project was launched, except ENABLE, which is a bit different as you can read below. Nonetheless, TABBY revealed that the bullying phenomenon is present in the country, our students are suffering from its consequences, so further steps and research must be taken. Since then, no one can deny the presence of bullying and cyberbullying in Hungarian schools, it is no longer a US or Anglo-Saxon or Western European problem. The members of the project made

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[16]   Jim Edwards: Users On This Web Site Have Successfully Driven Nine Teenagers To Kill Themselves. *Business Insider*, 16 September 2013. https://www.businessinsider.com/askfm-and-teen-suicides-2013-9

[17]   Campbell–Zavrsnik op. cit. 15.; Parti op. cit. 115.

[18]   A TABBY projekt. Hungarian website of the EU project. Videó 1. http://tabby-hun.weebly.com/videoacute-1-nem-tudhatod-ki-kicsoda-valoacutejaacuteban.html; Kézikönyv és disszeminációs eredmények (Handbook and dissemination results). http://ing.tabby.eu/updates

[19]   Parti–Schmidt–Néray–Virág op. cit. 51.

[20]   Ibid.

[21]   Ibid.

[22]   For further information regarding the structure of the project and its results s. T.A.B.B.Y, avagy Iskolai Bántalmazás az Interneten – A Magyarországi Kutatás Eredményei. 2013. http://www.eszteralapitvany.hu/wp-content/uploads/2013/03/Iskolaknak-TABBY-2013.03.12.pdf

videos, an online game, published a handbook, delivered training for teachers and peer mentors, in order to show a way to handle this phenomenon. For that reason, we can declare that the TABBY in Internet was the first milestone in the fight against bullying in Hungary.

### 3. Anti-Bullying Program (Megfélemlítés Elleni Program)

Following and partly overlapping in time with the TABBY project, *"Hungary's first and only organized anti-bullying"* program was launched in 2013 by the Felelős Társadalomért Közhasznú Alapítvány (The Public Foundation for a Responsible Society, hence Foundation) without any governmental, EU or project funding. [23] Basically, this program did not only deal with school bullying or cyberbullying, but included the workplace or relational bullying as well. However, the pilot program closed on the 31st of March 2015, and focused solely on school and cyberbullying. The primary goal of this initiative could be described as follows: *"in Hungary, many people consider bullying as an attachment of the children and school life. One of the biggest challenges of the program was to inform the leaders in education and change their general standpoint concerning the fact that school bullying does not part of a healthy childhood or a positive school environment."*[24] These two sentences revealed a source of the problem back in the time, i.e. educational institutions', parents' resistance regarding the phenomenon. Fortunately, nowadays, such resistance decreased, but in the course of my research in those years, I had to face similar issues. In 2017, I conducted a research among primary and high school students to explore their level of awareness. In addition to this, I also delivered public awareness raising lectures to increase their knowledge in this field. Even though 4 schools and 6 classes in three different cities (126 students) participated in the research, several other institutions denied my enquiry.[25] Once, a principal rejected me to deliver an awareness-raising presentation, because this topic is not as important as it would require a specific presentation. Other schools just simply did not reply to my inquiries, even though I offered these services for free.

ABP attempted to avoid this obstacle by the Anti-Bullying Training Accreditation (Megfélemlítés Elleni Tréning Akkreditáció, hereinafter referred to as ABTA). Following the methodology of train-the-trainer, consistent and unified knowledge was transferred from trainers to participants. Moreover, in ABTA, different levels could be achieved with various entitlements. For instance, a person, who had a Green Belt, already gained basic knowledge, but cannot perform leading or coordinating tasks; however, Black Belt holders could perform leading duties as well. Deeper the knowledge, higher the position, what a participant could reach.[26] Such method inspired the members of the program, since knowledge opens new opportunities for a motivated person.

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[23]   Megfélemlítés Elleni Program (ABP). https://www.megfelemlites.hu/program

[24]   Ibid.

[25]   Pongó (2017) op. cit. 189–196.

[26]   Megfélemlítés Elleni Program (ABP). https://www.megfelemlites.hu/program

In addition to ABTA, ABP provided help for participants with forms, leaflets, e.g. school rules templates, curriculums and presentations for classes.[27] Furthermore, the launch of the pilot program increased the number of conferences and media appearances[28] regarding the bullying phenomenon, which played a crucial role in public awareness-raising. As I have mentioned above, the recognition of the problem and informing society in a professional way represented a highly significant step in the case of bullying and cyberbullying. According to the official website, the pilot program showed significantly diverse effectiveness between micromanaged schools and schools with independent program leaders.[29] In the Foundation's opinion, ABP could only properly function and tackle bullying nationwide, if enough resources would be allocated for the maintenance and coordination. Unfortunately, the fight against bullying never was a governmental priority, thus such resources were never given to the Foundation, similarly to the peer-mentor training of Eszter Foundation, which was launched by the TABBY project, but could not continue this important activity in lack of local, regional or governmental financial resources. Nonetheless, ABP became the first anti-bullying program in Hungary, which was a great achievement, considering the fact that Hungary had no such program in that era. Even though Olweus Anti-Bullying Program,[30] Positive Action,[31] Second Step[32] or KiVa[33] were already known and applied abroad, none of them were introduced in our country.

Consequently, the TABBY project revealed that bullying and cyberbullying endanger the Hungarian students, created awareness raising materials, and based upon these results, the Foundation established a complex, accredited pilot anti-bullying program to tackle the phenomenon. ABP provided help at the school level, e.g. curricula or templates for school rules, but, unfortunately, its extension to a greater audience did not happen due to the lack of financial resources and policymaker intention.

## 4. Hungarian National Cyberbullying Conference (Magyar Országos Cyberbullying Konferencia)

On the 16th of October 2015, the first Hungarian National Cyberbullying Conference (hence MOCK) was held in Szeged, organized by the Constitutional Law and Criminal and Criminal Procedure Law Departments of the Faculty of Law and Political Science

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[27]   Ibid.; Cyber megfélemlítés. https://media.wix.com/ugd/0cfdc7_abc652493a5f4e48b2055823e80e0943. pdf; ABP – Iskolai Irányelvek és Házirendek, https://www.megfelemlites.hu/iranyelv.

[28]   ABP: Pilot – Bevezető Program, https://www.megfelemlites.hu/pilot

[29]   Ibid.

[30]   Dan Olweus – Susan P. Limber: The Olweus Bullying Prevention Program – Implementation and Evaluation over Two Decades. In: Shane R. Jimerson – Susan M. Swearer – Dorothy L. Espelage (ed.): *The Handbook of Bullying in Schools: An International Perspective*. New York, Routledge, 2010. 377–401.

[31]   Positive Action, https://www.positiveaction.net/

[32]   Second Step, https://www.secondstep.org/bullying-prevention

[33]   KiVa Hungarian website: Kezdőlap. http://www.kivaprogram.net/hu

of University of Szeged.[34] As a presenter and organizer, I personally experienced the high professional and media interest concerning the topic. Several media coverages made the event visible for a wider audience before and after the conference.[35] In addition to the media interest, more than a hundred guests participated in the presentations from different professions, and asked questions to the presenters. Such interdisciplinarity was a high priority of the conference, we intended to cover as many aspects of the phenomenon as we could. Consequently, media law, data protection, criminal law, constitutional law and psychology represented the academic perspectives. Moreover, the Head of the Foundation, Károly Huber, (which established the abovementioned ABP) also delivered a presentation about the importance of civic participation. On one hand, he emphasized that the society's, communities' unified support means a crucial role to tackle bullying and cyberbullying. On the other hand, he highlighted that bullying is not only a legal, psychological or pedagogical problem, but a social issue waiting for a solution. ABP offered an example to follow, to tackle bullying, including cyberbullying. Moreover, he called our attention to the necessity of common terminology.

MOCK was the first academic platform to discuss the cornerstones of the Hungarian approach in this fight. In lack of anti-bullying legislation, case law or common terminology,[36] it was essential to establish and agree on the common grounds. Therefore, the speakers highlighted that prevention, education and awareness-raising activities are the most important tools, and the punitive sanctions should not be imposed, if a bullying conduct occurs. Applying criminal law as a last resort was a common understanding.

The keynote speakers were Edina Kastory, Commissioner for Media and Communications, and András Koltay, Member of the Media Council at that time. These presentations called our attention to two important aspects: i) child protection and ii) the protection of human dignity. The rapid development of new technology necessarily involves the amendment of current rules, but we should always keep in mind that the Internet is neutral, its effects are based upon our way of use. The government shall promote the responsible use of the Internet, but also raise awareness of its pitfalls and dangers.[37]

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[34]  Mikes op. cit.

[35]  Az NMHH a Magyar Országos Cyberbullying Konferencián járt. 2015. http://mtmi.hu/cikk/807/ Az_NMHH_a_Magyar_Orszagos_Cyberbullying_Konferencian_jart; Médiapiac: Országos Cyberbullying Konferenciát szerveznek. 2015. https://www.mediapiac.com/mediapiac/Orszagos-cyberbullying-konferenciat-szerveznek/2919; Ars Boni: Magyar Országos Cyberbullying Konferencia Szegeden. *Ars Boni blog*, 13. October 2015. http://arsboni.blog.hu/2015/10/13/magyar_orszagos_cyberbullying_konferencia_szegeden; SZEGEDma: Országos cyberbullying konferenciát tartanak Szegeden. 2015. http://szegedma.hu/hir/szeged/2015/10/orszagos-cyberbullying-konferenciat-tartanak-szegeden.html; Katolikus Rádió 17. October 2015., http://www.katolikusradio.hu/musoraink/adas/380583

[36]  In Hungary, the differentiation between online harassment and cyberbullying represents a great issue. These two terms are used interchangeably, even though online harassment is a criminal law and discrimination category, but cyberbullying refers to a broader conduct. For further analysis in Hungarian s. Pongó (2018) op. cit.

[37]  Mikes op. cit. 65.

Afterward, Katalin Parti's (who was a researcher in the TABBY project) symbolic presentation was delivered. Symbolic it is, since she lived in the US back in the time and presented using the modern technology (via a pre-recorded video), from a country, where bullying and cyberbullying research is extremely rich and well-rooted, compared to Hungary. Moreover, the conference was organized to remember and honor Megan Meier and was supported by the US-based Megan Meier Foundation, so Parti's presentation built a bridge between the topic, technology and countries. In addition to its symbolic attitude, she introduced the adaptation traps of any anti-bullying program, such as the heterogeneous school environment or the punitive approach of the Hungarian education system.

In regard to criminal law, two main aspects were mentioned. First of all, the issue of defamation and slander committed by the use of images and voice recordings, and its connections to certain cyberbullying conducts. Second of all, the dilemma of online harassment, particularly, its differences from cyberbullying. In the Hungarian language, (cyber)bullying was a non-existing term at the time of the conference, thus it was (mistakenly) replaced with the expression of (online) harassment. However, our criminal law cannot handle cyberbullying cases, because they do not meet the legal requirements of the facts of online harassment under the Criminal Code of Hungary, or due to lack of evidence. [38],[39] Such reasoning refers to the abovementioned idea of having a common ground regarding terminology.

Besides criminal law, the constitutional law approach appeared as well. In my presentation, I briefly introduced the tests worked out by the US courts, and delineated the possibility of implementation into the Hungarian legal system, after a proper adaptation, avoiding the traps mentioned by Parti above. Moreover, the tort sanctions were also mentioned as possible solutions,[40] but tort law has no history or practice in our system and did not function well concerning cyberbullying cases in the US. Data protection point of view was also introduced through "Kulcs a Nethez" (Key to the Internet) and Arcades projects of the Hungarian National Authority for Data Protection and Freedom of Information. Unfortunately, their lately published project results did not use the Hungarian cyberbullying terminology in a coherent way, even though the Authority's President delivered the concluding remarks of the conference.[41]

Nonetheless, not only the legal perspectives were presented, but the psychological standpoint as well. According to Árpád Mihalik, a psychologist of the University of Szeged, prevention shall focus directly on the period before the power imbalance occurs, in order to be effective. Also, he mentioned the ReThink software, which seemed to be

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[38]   Mikes op. cit. 66.

[39]   Monori, Zsuzsanna Éva: Zaklatás-e a cyberbullying? Az internetes zaklató magatartások büntetőjogi szankciónálásának dilemmái. *In Medias Res*, 5. évf., 2016/2. 246–261.

[40]   Mikes op. cit. 66.

[41]   S. Gloria González Fuster – Dariusz Kloza (ed.): *Európai Kézikönyv a Magánszféra* – és a Személyes Adatok Védelméről Iskolák számára. 2016. 110., http://arcades-project.eu/images/pdf/arcades_teaching_handbook_final_HU.pdf

an appropriate tool to decrease the percentage of hurtful messages sent via the Internet, by forcing the user to rethink its message before sending it.[42]

Last, but not least, Lieutenant Colonel Tünde Fehér, representing the Hungarian National Police Headquarters, delivered a very informative presentation about their prevention activities starting from kindergarten. Moreover, Tünde Fehér also highlighted that most endangered students tend to ask for help from their peers. In her speech, Fehér emphasized the importance of prevention and awareness-raising among adolescents.

As a conclusion of the conference, we can declare that bullying and cyberbullying requires an interdisciplinary approach, but it seems to be hard to achieve, and there is a lack of active participation of the state in this field. Educating our teachers during university training, introducing nationwide anti-bullying programs, having public awareness raising campaigns (but with experts help) shall be our priorities. In summary, the conference was a great success, since it was the one and only conference focused particularly on the cyberbullying phenomenon at academic level to date. Several media coverages, a high number of audience and presentations from various fields makes MOCK a milestone in the fight against bullying and cyberbullying in Hungary. Although, MOCK was not followed by great scientific projects or achievements, but some further steps were taken, as you can see below.

## 5. The KiVa Anti-bullying Program

*"KiVa is an innovative school-based antibullying program which has been developed using cutting-edge research on bullying and its mechanisms."[43]* The program was developed in Finland at the University of Turku and was introduced in 90% of public schools.[44] Three main units are established and these are divided according to agegroup. The license of Unit 1 (age 6-9 years) and Unit 2 (age 10-13) could be purchased and Hungary gained license for Unit 2 on the 28th of January 2016.[45] The Hungarian Institute for Educational Research and Development was responsible for the adaptation and operation of KiVa as a pilot anti-bullying program in three schools and three KiVa trainers.[46] The main goal of the program was *"to prevent bullying and to tackle the cases of bullying effectively."[47]* One of its greatest advantages is that it could be included in school curriculum, thereby promoting the universal actions (general prevention). Three keywords define the whole system: i) prevention, ii) (effective)

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[42]   MIKES op. cit. 66.

[43]   KiVa website: What is KiVa and how does it work?. http://www.kivaprogram.net/program

[44]   KiVa Hungarian website: Kezdőlap. http://www.kivaprogram.net/hu

[45]   SÓLYOM-NAGY Fanni: KiVa – A finn iskolai bántalmazás elleni program. 28 January 2016. http://ofi.hu/hir/kiva-finn-iskolai-bantalmazas-elleni-program

[46]   SÓLYOM-NAGY Fanni: Több magyarországi iskolában is elindul a KiVa program. 27 September 2017. http://ofi.hu/hir/tobb-magyarorszagi-iskolaban-elindul-kiva-program

[47]   KiVa website: What is KiVa and how does it work?. http://www.kivaprogram.net/program

intervention and iii) monitoring. Considering these three elements in Hungary, we can see the following results:

i)   the necessity of prevention is already a common agreement among Hungarian professionals. Under TABBY, ABP and MOCK, the same conclusion could be drawn, i.e. prevention, education and awareness-raising play an essential part of the process. Recently, news, campaigns are dealing with the phenomenon, as you can see below at 7., so Hungary is on the right path in this aspect.

ii)  According to the Hungarian KiVa website, we can learn that effective intervention means trained KiVa teams in schools, which attempt to handle the already emerged bullying situations through individual and group discussions.[48] Unfortunately, we have no further information about the practice. Also, the last update on the news or any further public information was published on the 23rd of February 2017. Consequently, we are not aware of the actual practice, only the planned intervention techniques under the adaptation study. The study suggests that the KiVa team first discuss the event with the bully. Two approaches could be followed: a) "confrontative" or b) "non-blaming". In case of a), the bully would confront with its conduct, called to stop it. In option b), the team asks for the bully's help to comfort the victim.[49] Among older students, a) is a more common method, but such approach is not enforced by the team, but asked for the student himself/herself. The event would be well-documented by the KiVa team, and another meeting would be scheduled for discussing the outcome. Any sanction would be mentioned only in this second meeting, which is nevertheless not needed in 80-95% of the cases according to the study.[50]

iii) The monitoring element of the program means an annual task for schools, since the institutions are required to report annually about their experiences and results to the University of Turku.[51] Such report establishes a big financial burden to the schools, since the questions and results need to be translated into Hungarian.[52] In an ideal case, the state would cover these costs and organize the work, but we have no information about how it unfolds in Hungary, since the first pilot year's results were not published to date.

Despite of the above shortcomings, KiVa has several advantages, such as the development of awareness raising materials for parents, silver lines for teachers, and black lines for students in Hungarian. Handbooks, curricula, videos and online games are also available for participant schools. As the adaptation study suggests, all of these

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[48]   KiVa Hungarian website: A programról. http://www.kivaprogram.net/hu/programrol

[49]   Jármi Éva – Péter-Szarka Szilvia – Fehérpataky Balázs: *A KiVa-program hazai adaptálásának lehetőségei.* Oktatáskutató és Fejlesztő Intézet, 2015. 12. http://iskon.opkm.hu/admin/upload/KIVA_adaptacios_tanulmany.pdf

[50]   Jármi–Péter-Szarka–Fehérpataky op. cit. 12.

[51]   Fehérpataky Balázzsal, az Oktatáskutató és Fejlesztő Intézet pedagógiai fejlesztőjével Simongáti Eszter beszélgetett. Új Pedagógiai Szemle, 2015/5–6. 2015. http://folyoiratok.ofi.hu/uj-pedagogiai-szemle/feherpataky-balazzsal-az-oktataskutato-es-fejleszto-intezet-pedagogiai

[52]   Ibid.

materials needed to be translated before the Hungarian launch, in order to eradicate the language barrier for every participant.[53]

Following this brief introduction of KiVa, the question may arise, is KiVa an effective anti-bullying program, including school bullying or cyberbullying? According to studies, the answer is yes, indeed.[54] In Finland, 117 schools operated the program, and 117 control schools were also involved. The results showed that the number of reported incidents and victimization significantly decreased.[55] Such conclusion is in conformity with the results of TABBY, which suggested that the degree of victimization is decreased, if students receive aimed and professional help. Furthermore, KiVa also decreased the level of anxiety and depression in schools, which are common consequences of bullying and cyberbullying.

Even though the program seemed to be effective in the Finnish educational environment, we should examine, whether it could be implemented in other contexts. The adaptation traps, mentioned by Parti at MOCK, represented a real danger to KiVa. Since Hungary did not publish the results of the first year, we cannot draw proper conclusions, but at first sight, it seems that Hungary will not expand KiVa to a nationwide program. In lack of information, we might assume that financial reasons could be in the background. (I tried to contact the KiVa team via the official website and e-mail, but I have not received any answer until to date.) Even though Hungary had issues to maintain the program, Netherlands, Estonia, Italy and Wales introduced KiVa outside of its original Scandinavian context, and it functions effectively according to the studies.[56] In Italy, both in primary and high schools, bullying events and victimization decreased, although primary schools achieved better results than high schools.[57] Such result supports the idea of early prevention and education suggested by TABBY and MOCK.

In the Netherlands, several anti-bullying programs were already introduced at the time of KiVa's launch, but a committee found KiVa as one of the best. In those schools, where KiVa was applied the victimization rate dropped from 29% to 13.5%, contrary to control schools, where the rate dropped only to 18.5%.[58]

In 2016, when the license for Unit 2 was purchased, we hoped that similar results will be achieved in Hungary as well. The official website was available in Hungarian, news and media awareness were frequent,[59] and the materials were also translated into Hungarian. A state institution was responsible for the adaptation and evaluation of the

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[53]   Jármi–Péter-Szarka–Fehérpataky op. cit. 18.

[54]   Studies can be found here: A program hatékonyságának bizonyítéka Finnországban és más országokban. http://www.kivaprogram.net/hu/a-program-hat%C3%A9konys%C3%A1ga

[55]   Ibid.

[56]   Ibid.

[57]   Ibid.

[58]   Ibid.

[59]   Három magyar iskolában debütál egy finn program. 2016. http://www.hirado.hu/2016/09/30/harom-magyar-iskolaban-debutal-egy-finn-program/; Prókai, Eszter: Nem szólok a szüleimnek, semmi értelme. *Abcúg*, 13 February 2017. http://index.hu/belfold/2017/02/13/abcug_bullying/#; For further media appearances visit: Hírek. http://www.kivaprogram.net/hu/h%C3%ADrek

pilot year, so an expansion was expected to be the next step. Unfortunately, such wish became an unreachable mirage, because there was no news about KiVa in 2018, and the evaluation of the pilot's results is not available. According to a recent UNICEF study, every third child is affected by some form of bullying in Hungary, but we still have no nationwide anti-bullying program.[60] Even though several professional initiatives were running for a one-year period, none of them found (enough) support on governmental level. Nowadays, ENABLE program's adaptation is an ongoing project, but as the former experiences suggest, it might not survive the first year.

## 6. The Digital Child Protection Strategy of Hungary

On the 2nd of September 2016, the Government of Hungary adopted the Decision 1488/2016 (IX. 2.) (hereinafter Decision) on the Establishment of Safe Internet Service for Children, the Conscious, Value Creating Internet Use and the Digital Child Protection Strategy of Hungary (Magyarország Digitális Gyermekvédelmi Stratégiája) (hereinafter Strategy).[61] The Decision set up a requirement concerning bullying and cyberbullying as follows: the Government of Hungary *"launches comprehensive and free training and continuing training programs to prevent and handle online harassment, bullying, to develop the media education of children, parents, teachers and other professionals working with children."*[62] The realization of this goal was the duty of three ministers (the Minister of Human Capacities, the Minister of National Development, and the Minister of Interior) until the 31st of December 2017, and it was articulated that such system should be maintained continuously after the deadline. Back in 2016, this requirement covered the key elements of the already reached achievements regarding the fight against bullying in Hungary. The terminology made a distinction between online harassment and bullying, applied the academic term of bullying (megfélemlítés), and focused on the whole community approach in the case of training, since children, parents, teachers and professionals should be involved in education. This Decision was the first visible political commitment to tackle bullying and cyberbullying on a professional and free of charge basis. The educational and awareness-raising activities involving children, parents and professionals were already highlighted by TABBY, ABP and KiVa, and emphasized at MOCK as well. This Strategy would be the next step in this field, since to date, every non-governmental attempt failed due to financing issues, but the state had the resources and power to introduce a nationwide program for free. Furthermore, the academic terminology was applied in the text of the Decision (and later in the Strategy as well), which suggested a strong professional background to establish such program. Moreover, the Decision promoted the establishment of the Strategy to protect children, as it was presented by András Koltay at MOCK. New technologies inevitably require the amendment of the current rules and regulations, and this intention righteously manifested in the Decision.

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[60] UNICEF Hungary: Cyberbullying vagy internetes zaklatás. https://unicef.hu/cyberbullying/
[61] Government Decision 1488/2016. (IX.2.)
[62] Government Decision 1488/2016. (IX.2.) 8.

Even though the Decision and the Strategy seemed an important step ahead, certain concerns were raised. For instance, will the recommended and required system be established at all, and if yes, can the deadlines drawn by the Strategy be respected? Another issue, whether the experts will actually be involved to put the Strategy into practice? Also, concerning the financial implications, i.e. will it be actually free of charge for schools? In 2016, these concerns could not be answered, but the Strategy was published, and paid special attention to the issue of cyberbullying. According to the text, cyberbullying became one of the greatest threat in the online environment, and in some cases, it is a more effective intimidation method than physical violence itself. The types of cyberbullying were also enumerated, such as flaming, harassment, denigration.[63] Referring to the EU Kids Online, it was highlighted that 70% of the children, who participated in the project, consider themselves as victims of cyberbullying. Consequently, age plays a crucial role in this context, since as a child getting older the probability to face such conduct in the online world increases.[64] Also, it is worth to mention that the Strategy prefers education, awareness-raising and prevention over punitive sanctions, such as school mediation or other alternative dispute resolution techniques.[65,66] In regard of the criminal law approach, the Strategy is in harmony with the conclusions of the MOCK presentations (Zsolt Szomora and Zsuzsanna Monori), stressing that criminal law could provide solution only as a last resort in the most severe cases.[67] Therefore, the regulation of cyberbullying should be adopted in the field of education instead of criminal law, similarly to most US states.[68] Consequently, solutions should be made at school level, like curricula, intervention protocols, as ABP and KiVa suggested. Last, but not least, the Strategy urges to establish cooperation between the state-administrative level, and the civil and business sector on one hand, and the division of tasks and duties between the justice system, the educational institutions and communities on the other hand.[69]

These requirements seemed like an utopy in 2016, and, unfortunately, did not come true since then. Hungary has no anti-bullying program so far, the cooperation between

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[63]    Digital Child Protection Strategy of Hungary (Strategy). 23–24.

[64]    Strategy 26.

[65]    Strategy 83.

[66]    In favor of alternative dispute resolution over traditional court procedures, an interesting example worth to be mentioned. In Victoria State (Australia), the local law provided the possibility for bullied students to request restraining order from the court against their bullies. However, the caseload increased so high at the court that mediation became a mandatory way to settle the cases, instead of court procedure, to decrease the extremely high caseload of the court. Campbell–Zavrsnik op. cit. 21.

[67]    Strategy 104.

[68]    Strategy 109.

[69]    Strategy 109–110.

the sectors is getting weaker,[70] and the education system became more centralized,[71] lacks the necessary financial background. Nowadays, Hungarian schools could not even function without the help of parents (who paint the blackboards of the school rooms, buy the paper to print materials etc.) and communities. Consequently, the state neither provides enough resources to develop schools or to change the approach of education, nor established a free and professional anti-bullying program until the end of 2017. Adapting ENABLE might be a solution, but as the previous experiences suggest, we have less reason to believe.

## 7. The latest campaigns and awareness-raising activities

In the last section, the latest campaigns and anti-bullying activities will be briefly mentioned. The present report intends to delineate an overview about the current situation of the fight against bullying in Hungary. Therefore, the following programs or campaigns could be analyzed in further studies.

First of all, the Hungarian Committee of UNICEF conducted research concerning bullying and cyberbullying. According to the results, every third child has been already affected by an offline or online form of bullying, and around 80% of them found cyberbullying a more severe problem than physical or mental harm.[72] Even though the awareness-raising activity of UNICEF and the „Chats came alive" campaign (Életre kelt chatek) is a delightful and important step, but some crucial miscommunication could be revealed in the media appearances. First, they interchangeably use the terms of online harassment and cyberbullying,[73] which may need to be reconsidered, since online harassment could be a form of cyberbullying, but they are not synonyms.[74] Moreover, there is no clear distinction drawn between school aggression and

[70]    Magyar Helsinki Bizottság: Civil szervezetek képviselőivel találkozott az amerikai külügyminiszter. 11 February 2019. https://www.helsinki.hu/civil-szervezetek-kepviseloivel-talalkozott-az-amerikai-kulugyminiszter/; Index: A kormány a civilek ellen. 25 August 2018. https://index.hu/aktak/civilek_kormany_orban_viktor_okotars_nemeth_szilard_tasz_norveg_civil_alap/; Ökotárs Alapítvány: A kormány civilellenes kampányára válaszul közös állásfoglalást adott ki 101 civil szervezet. https://www.okotars.hu/kormany-civilellenes-kampanyara-valaszul-kozos-allasfoglalast-adott-ki-101-civil-szervezet.

[71]    S. Péteri, Gábor: Újraközpontosítás a közoktatásban. *Educatio*, 23. évf., 2014/1.; Joób, Sándor: Elmúlt nyolc év: Permanens reform és kudarc az oktatásban. *Index*, 05 April 2018. https://index.hu/belfold/2018/valasztas/2018/04/05/oktatas_fidesz_orban-kormany_elmult_nyolc_ev_klik_pisa_reform_nat_beremeles/; Molnár, Csaba: „Ez az oktatási rendszer óriási kudarca". *Magyar Nemzet*, 18 March 2017. https://magyarnemzet.hu/archivum/belfold-archivum/ez-az-oktatasi-rendszer-oriasi-kudarca-3899213/.

[72]    UNICEF Hungary: Cyberbullying vagy internetes zaklatás. https://unicef.hu/cyberbullying/

[73]    UNICEF Hungary: Cyberbullying vagy internetes zaklatás. https://unicef.hu/cyberbullying/; UNICEF Hungary: Minden harmadik gyereket zaklatnak az interneten. 21 April 2017. https://unicef.hu/igy-segitunk/hireink/minden-harmadik-gyereket-zaklatnak-az-interneten/

[74]    Pongó (2018) op. cit.

bullying, even though Dan Olweus separated aggression from bullying back in 1969.[75] Nonetheless, UNICEF included cyberbullying discussions in its Ébresztő-óra (Alarm-clock) program, developed and updated the HelpApp mobile application and established a contact e-mail address for further questions or asking for help.[76]

Second of all, the ENABLE project should be mentioned, which is a European project that *"aims to tackle bullying in a holistic way, helping young people exercise their fundamental rights in the home, school, class and community (i.e. peer group). The project aims to develop social and emotional learning skills as a means of building resilience in young people so that they can better understand and become more responsible and effective for their on- and offline social interactions."*[77] ENABLE stands for the abbreviation of European Network Against Bullying in Learning and Leisure Environments, and includes two modules, i.e. the SEL (Social Emotional Learning) and AB (Anti-Bullying).[78] The adaptation of the program started in 2017 and finished in mid-August of 2018 in Hungary. Consequently, we still have no results about the pilot, since the school year is ongoing, but we can hope that the research findings will be published, unlike KiVa's. Currently, ENABLE became an accredited continuous training for school psychologists and teachers since the fall semester of 2018, coordinated by the Office of Education,[79] which mentioned earlier the possibility to expand the program nationwide. (Note that KiVa had the same approach during the pilot year, but did not achieve its ambitious goal.)

Third of all, the Békés Iskolák Program (Peaceful Schools Program) shall be introduced as well. The whole program based upon the scholarly research and book of Stuart W. Twemlow and Frank C. Sacco: *"Why School Antibullying Programs Don't Work"*, and was adapted by Csaba Horgász in Hungary. The aim of this program is to eliminate violence and bullying in schools, and applies a whole-school approach based upon voluntary participation.[80] Therefore, it requires strong commitment by school leaders, teachers and parents, too. The pilot in Hungary was launched by Csaba Horgász between 2010 and 2013, and then it was extended to other schools, outside the capital, in years 2015 and 2016.[81] This program provides help for participants through professional teams, and also makes available valuable resources, such as handbooks, practices, restorative techniques, and even a template for a discipline plan. According to its website, only eight schools joined this initiative, but such approach and program should

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[75]   Dan Olweus: School Bullying: Development and Some Important Challenges. *Annual Review of Clinical Psychology*, vol. 9., 2013. 751–80., 753. idézi Dan, Olweus: Prediction of Aggression. *Stockholm: Skandinaviska testförlaget*, 1969.

[76]   UNICEF Hungary: Minden harmadik gyereket zaklatnak az interneten. 21 April 2017. https://unicef.hu/igy-segitunk/hireink/minden-harmadik-gyereket-zaklatnak-az-interneten/

[77]   ENABLE official website, About ENABLE. http://enable.eun.org/about

[78]   ENABLE pilot az iskolában. *Sulinet*, 24 August 2017. https://hirmagazin.sulinet.hu/hu/pedagogia/kezdodik-az-enable-pilot-az-iskolakban

[79]   Az ENABLE bántalmazás elleni program pilot szakasza sikeresen lezárult. *Sulinet*, 08 October 2018. https://hirmagazin.sulinet.hu/hu/hirek/az-enable-program-pilot-szakasza-lezarult

[80]   Békés Iskolák website: Program. http://www.bekesiskolak.hu/bekes-iskolak/a-program/

[81]   Békés Iskolák website: Történetünk. http://www.bekesiskolak.hu/bekes-iskolak/tortenetunk/

be applied nationwide in order to achieve more than they already did. Developing and maintaining a peaceful atmosphere shall be the utmost priority of an education system, and this program could be a key element of such desire. Also, the program is open to any school under a well-designed entrance and preparation system. Unfortunately, this program is not widely spread in Hungary. However, it shows the fact that Hungarian professionals, parents and institutions wish to improve, develop and learn in order to provide the best educational environment for the future generation.

Last, but not least, other campaigns or studies could be mentioned, such as the joint research of SentiOne and Budapest Metropolitan University, which revealed the fact that bullying (and other related expressions) were mentioned 6,000 times on Hungarian websites during a one-year period (between October 2017 and October 2018).[82] Such result suggests that the abovementioned steps achieved a significant development concerning the level of awareness in this field. Furthermore, the Internet Hotline of the National Media and Communication Authority (NMHH) provides brief explanations about different aspects of cyberbullying.[83] Also, the Cartoon Network, Kék Vonal Gyermekkrízis Alapítvány (Blue Line Child Crisis Foundation) and Osztályfőnökök Országos Szakmai Egyesülete (National Professional Association of Heads of Classes) launched an anti-bullying campaign against offline and online bullying.[84] Furthermore, the National Crime Prevention Council (Nemzeti Bűnmegelőzési Tanács) launched an anti-bullying website to raise awareness of the phenomenon.[85]

Consequently, anti-bullying campaigns and activities are available in Hungary, but they do not provide a constant, sustainable solution. However, professional programs (KiVa, Békés Iskolák, ENABLE) could not reach their potential for various reasons.

## 8. Conclusions

Due to the interdisciplinarity of the research, the inconsistency of the use of terminology and the lack of sustainability of governmental/civil programs, few legal results have been achieved regarding the anti-bullying situation in Hungary. Also, taking into consideration the facts introduced above, an ambiguous picture could be drawn concerning the topic of bullying and cyberbullying in Hungary. On one hand, we joined very late to this field of research, since TABBY revealed this issue in 2011. On the other hand, the results of TABBY are inevitable, as materials, training programs

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[82]   Online bántalmazás a magyar neten. *Onbrands*, 11 December 2018. http://onbrands.hu/marka-es-trend/2018/12/fenntarthatosag-csr/online-bantalmazas-a-magyar-neten

[83]   NMHH Internet Hotline, Tudástár: Milyen védelmet adnak a jogszabályok online megfélemlítés esetén? 15 November 2017. http://nmhh.hu/cikk/191031/Milyen_vedelmet_adnak_a_jogszabalyok_online_megfelemlites_eseten; NMHH Internet Hotline, Jogi tudnivalók: Mi számít online zaklatásnak? 19 September 2017. http://nmhh.hu/cikk/190113/Mi_szamit_online_zaklatasnak; NMHH Internet Hotline, Tudástár: Miben különbözik az offline és az online zaklatás a gyakorlatban? 15 November 2017. http://nmhh.hu/cikk/191034/Miben_kulonbozik_az_offline_es_online_zaklatas_a_gyakorlatban

[84]   Médiainfo: A Cartoon Network kampánya a bullying ellen. 11 October 2018. https://www.mediainfo.hu/hirek/article.php?id=50916

[85]   Kérj segítséget! http://kerjsegitseget.com/

for teachers and peer-mentors emphasized the importance of tackling bullying in our country. Furthermore, the research findings inspired the Felelős Társadalomért Közhasznú Alapítvány to establish a well-structured, professional anti-bullying program, which includes cyberbullying. Although the pilot period was a success, without proper financing, the extension of ABP did not happen. However, the materials and the knowledge are still there, so, hopefully, this treasure may be exploited later. In addition to these, MOCK proved that the Hungarian academic arena is open to discuss this issue and to develop professional solutions, if a proper framework is provided. Also, it played an important role in establishing connection between professionals from various institutions, and the civil sphere as well. Consequently, at the end of 2015, common grounds were achieved in fundamental questions, such as the crucial role of prevention, education and awareness-raising, the function of adequate terminology, and preferring alternative dispute resolution methods over punitive sanctions. Such evolution was later supported by the Child Protection Strategy and the purchase of the license for Unit 2 of the KiVa anti-bullying program. Therefore, until the end of 2017, we had many reasons to believe that Hungary stepped on the right pathway in this fight. However, KiVa seemed to be failed, the Strategy did not achieve its goals, and we still do not have any state-wide anti-bullying programs. Nonetheless, ENABLE has been already adapted, our teachers and school psychologists have the opportunity to complete the training, but we need to cautiously wait for the results of the first year. Several other campaigns and programs raise awareness and tackle this phenomenon, the media frequently publish articles about the topic, so we need to be patient and persistent until an anti-bullying program will actually survive its pilot period, gain enough financial support from the state, and could be extended to a wider region or even the whole country. As Dan Millman said *"[y]our enthusiasm can set the pace, but persistence will reach the goal."*[86]

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[86]   Dan MILLMAN: *The Laws of Spirit: A Tale of Transformation.* California, HJ Kramer Book and New World Library, 1995. 28.