

Cyber-Bullying in education: the case of Ukraine



Co-funded by the
Erasmus+ Programme
of the European Union



What is cyber-bulling

Bullying

- Ukrainian legal acts or official documents do not provide for the definition of bullying

Existing definitions:

- **Bullying** is aggressive behaviour, that is usually repeated. It is intended to cause *harm, fear or anxiety*, or to create a negative environment at school for another person – *regional department of the Ministry of education and Science of Ukraine*.
- **Bullying** (bullying, from a bully - a hooligan, a bully, a rough-yang) in world practice is defined as a manifestation of discrimination of *the child*, expressed in the physical and mental forms of violence – *definition proposed by scholars*.
- **Bullying** (from Engl. “to bull”) is the unwanted aggressive behaviour of *school-age children*, which leads to harassment of a child by another child or group of children for the purpose of humiliation, intimidation and demonstration of force - *definition proposed by website <http://www.stopbullying.com.ua/adults/about> Ukrainian informational tool aimed to inform about and stop bullying, supported by UNICEF* .

What is cyber-bulling

Cyberbullying /Electronic Bullying / Internet Bullying - intentional and repeated *assaults* against another person through electronic means, which can be: the use of offensive e-mail or text messages, insulting through chat rooms or instant messaging, isolating and excluding members from a virtual community and shooting photos or videos posted to the web – generally accepted approach.

Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behavior.

The most common places where cyberbullying occurs are:

- Social Media, such as Facebook, Instagram, Snapchat, and Twitter
- SMS (Short Message Service) also known as Text Message sent through devices
- Instant Message (via devices, email provider services, apps, and social media messaging features)
- Email

Specific features of this phenomenon:

- lack of responsibility for the actions and the anonymity of the offender;
- lack of full control over the situation from both the victim and the offender (the possibility of numerous copies of the various sites posted photo and video leads to the fact that even if the aggressor will not be able to stop the process of dissemination of false or offensive information);
- virtual space can be perceived by the aggressor as something "unreal", where everything happens "not really", in contrast to the effects that are quite real;
- the absence of time and space limits (if during an ordinary bullying you can change the environment that affects the victim (for example, moving to another city, changing school / work), then cyberselling will deprive you of this opportunity).

Why is this important?

- Currently, 67% of children in Ukraine aged 11 to 17 have been faced with the problem of bullying (harassment) over the past three months.
- 24% of children were victims of bullying, and 48% of them did not tell anyone about these cases. These are the main results of a study conducted by UNICEF earlier this year.
- These are alarming figures, especially at a time when Ukraine is in conflict, resulting in almost 1.6 million people, including 220,000 children, have become internally displaced persons (IDPs)

Who Is at Risk

- UNICEF survey convincingly shows that children who are closed to communication, as well as children from low-income families, are twice as likely to be bullied than other children.
- In addition, internally displaced children are more vulnerable to various forms of conflict-related violence. It affects their social behaviour. Economic difficulties also indirectly increase the risk of bullying and threaten the social integration of such children.

Responsibility

Lack of case-law with regards to “pure” cyberbullying.

However cases exist when the act of physical bullying was recorded on the phone and then posted in social networks.

Responsibility – only for physical bullying.

Qualified as “hooliganism”.

Responsibility

Responsibility for bullying:

- responsibility of the child
- responsibility of the parents

Responsibility

Responsibility of the child:

Criminal responsibility

General rule - subjects to criminal responsibility are persons who have reached the age of **16** before committing a crime

Exceptions - child is criminally responsible started from **14** for the some particular crimes, including but not limited *hooliganism, bodily injury, rape etc.*

The most often bullying is qualified as:

- *Hooliganism* - gross violation of public order on the grounds of obvious disrespect for a society, accompanied by a special insolence or exceptional cynicism [Art. 296 of the Criminal Code of Ukraine].

In case of physical violence could be combined with other criminal offences, for instance

- *Intentional bodily injury* of (1) moderate severity [Art. 122 of the Criminal Code of Ukraine] of (2) severe [Art. 121 of the Criminal Code of Ukraine]

Responsibility

Responsibility of the parents:

Administrative responsibility

Many cases when parents are held responsible for their child's bullying.

P.4 of Art. 184 of the Code of Ukraine on administrative offences provides for the responsibility for – *"Failure by the parents or substituting persons to fulfill their obligations with regard to upbringing a child"*

According to this Art., in case if a minor, who have not reached the age of criminal responsibility, commits an action, which contain signs of a crime provided for by the Criminal Code of Ukraine, his/her parents or persons substituting them are subjects to imposition of a fine [in the amount from ten to twenty non-taxable minimum incomes of citizens , UAH 170 – 340 or around Euro 6 – 11].

Other possible qualifications

Torture - willfully causing severe physical pain or physical or *moral suffering* by causing beatings, torment or other violent acts in order to force the victim or other person to engage in actions that contradict their will, including obtaining from him or another person information or recognition, or in order to punish him or another person for acts committed by him or another person or in the commission of which he or another person is suspected, *or in order to intimidate or discriminate against him or other persons (Art. 127 of the Criminal Code)*

Subjects to criminal responsibility for the torture are persons who have reached the age of **16** before

Other possible qualifications

- Bringing a person to suicide or attempted suicide, resulting from cruel treatment, blackmail, systematic humiliation of her human dignity or systematic unlawful coercion against actions that contradict her will, suicidal tendencies, and other acts that contribute to committing suicide