Background paper on protecting children from bullying and cyberbullying

Expert Consultation on protecting children from bullying and cyberbullying

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"The teacher showed us a sheet of paper and said we could spit on it, stamp on it, crumple it – but not tear it. Then she asked us to try and straighten it out again, but it was impossible to smooth out all the creases. Then she said this is what it's like when someone gets bullied. There should be a teacher who goes into all classes and does this from primary 1 to primary 7 – right up until upper secondary. And they need to do it more than once".[1]

11-year-old boy

I. Introduction

A. Background

1.   The UN General Assembly, in its resolution 69/158, called for a report on protecting children from bullying. Recognizing that bullying, including cyberbullying, can have a negative impact on the rights of children, the report should place an emphasis on causes and effects, good practices and guidance to prevent and respond to bullying.

2.   The same resolution encouraged Member States to: (a) take all appropriate measures to prevent and protect children, including in school, from any form of violence, including any form of bullying, by promptly responding to such acts, and to provide appropriate support to children affected by and involved in bullying; (b) continue to promote and invest in education, including as a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring such respect in all societies; (c) generate statistical information and data disaggregated by sex, age and other relevant variables at the national level, and to provide information on disability, with regard to the problem of bullying, as a basis on which to elaborate effective public policies; (d) raise public awareness, involving family members, legal guardians, caregivers, youth, schools, communities, community leaders and the media as well as civil society organizations, with the participation of children, regarding the protection of children from bullying; and (e) share national experiences and best practices for preventing and tackling bullying, including cyberbullying.

3.   The development of the report of the Secretary-General took on special relevance with the adoption, in September 2015, of the new global development agenda:

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[1]   Submission of the Ombudsman for Children, Norway, "I want to have good dreams", children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).

"Transforming our world: the 2030 Agenda for Sustainable Development". The 2030 Agenda addresses violence against children as a cross cutting concern, and includes concrete commitments under a number of Goals and targets. In particular, under Sustainable Development Goal 16, on the promotion of peaceful and inclusive societies, the 2030 Agenda includes a specific target "to end abuse, exploitation, trafficking and all forms of violence against and torture of children" (target 16.2). And, under Sustainable Development Goal 4 on inclusive and equitable quality education, it highlights the importance of knowledge and skills on human rights and the promotion of a culture of peace and non-violence (target 4.7), as well as the provision of child, gender and disability sensitive facilities and safe, non-violent, inclusive and effective learning environments for all (indicator 4.a).

4.   Bullying and cyberbullying affect a high percentage of children, generating depression, loneliness, anxiety and low self-esteem, humiliation, frustration and anger, and are associated with long lasting consequences for children's development, health and education. With the growing access to smartphones and information and communication technologies (ICTs), cyberbullying is becoming an increasing source of concern, placing children at risk of harassment and abuse, reaching out quicker and wider, and magnifying vulnerabilities amongst children who are at risk in the offline world. Verbal, physical, sexual or gender-based in nature, online or offline, bullying and cyberbullying can have a serious impact on both the victim and the perpetrator, and compromise the enjoyment of children's rights.

5.   The UN Study on Violence against Children (UN Study)[2] highlighted these concerns, recognizing that they constitute a pattern of behaviour rather than isolated events. Many significant developments have taken place since the adoption of the UN Study by the General Assembly, within and beyond the UN system. To advance the implementation of the recommendations of the UN Study, the Special Representative of the Secretary-General on Violence against Children has issued a number of reports relevant to this topic, including "Tackling Violence in Schools: a global perspective; bridging the gap between standards and practice";[3] "Releasing children's potential and minimizing risks: ICTs, the Internet and Violence against Children";[4] *Toward a world free from violence: Global Survey on Violence against Children"*;[5] and "Protecting children from cyberbullying",[6] contained in her 2016 report to the Human Rights Council.

B.   Methodology

6.   In response to General Assembly resolution 69/158, the present background paper was developed in light of information received from Member States,[7] national independent

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[2]   A/61/299.

[3]   http://srsg.violenceagainstchildren.org/page/847, "Tackling violence in schools: A global perspective: Bridging the gaps between standards and practice", New York, 2013. .

[4]   http://srsg.violenceagainstchildren.org/page/1154, *Releasing children's potential and minimizing risks: ICTs, the Internet and violence against children*, New York, 2014.

[5]   http://srsg.violenceagainstchildren.org/page/920, *Toward a world free from violence: Global Survey on Violence against Children,* New York, 2016.

[6]   http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/A_HRC_31_20_EN.pdf (A/HRC/31/20, sect. III).

[7]   Andorra, Argentina, Belarus, Bosnia and Herzegovina, Bulgaria, Cambodia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Georgia, Greece, Ireland, Italy, Jamaica, Japan, Kenya, Luxembourg, Malta,

human rights institutions, including offices of Ombuds for Children,[8] United Nations agencies and actors, civil society organizations and other relevant stakeholders. Submissions received addressed, in particular: (a) national legislation on prevention and response to bullying and cyberbullying and on the protection of children therefrom; (b) public policies to prevent and respond to such behaviour; (c) research and data on its prevalence; (d) initiatives to raise public awareness and mobilize action to prevent and address this phenomenon; (e) initiatives to strengthen the capacity of teachers and other professionals working with and for children, to early detect and respond to bullying and cyberbullying; and initiatives designed to inform and assist children in preventing and addressing it themselves.

7.   The paper also benefitted from consultations held with experts and with children and was informed by a literature review of studies and reports undertaken by research and academic institutions, human rights mechanisms, the private sector and social media entities on the subject of bullying, including cyberbullying.

II.   Nature and scope of the problem

A.   Bullying is a global issue

"It ruins your life. Your life is stolen from you. It's loss of freedom, that's what bullying is."

19-year-old boy[9]

8.   The Convention on the Rights of the Child recognizes children's right to protection from all forms of violence, including physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, exploitation, including sexual abuse.[10]

9.   When children speak about the violence they face, it is critical to listen and take action to protect their interests and ensure their safety. And it is important to recall that, beyond the impact on child victims, this phenomenon has a high cost for society.

10.   Bullying compromises children's well-being, health, and school performance, and is associated with serious long-term consequences for their lives. Although research and available data show different results from country to country,[11] bullying, including cyberbullying, is present and widespread throughout the world, and it is clear that it affects a significant percentage of children as victims, perpetrators or observers.[12]

11.   When bullying is a part of the experience of going to and from school and of the classroom life and climate in which pupils live, and when bullying behaviour continues

Mexico, New Zealand, Norway, Paraguay, the Philippines, Qatar, the Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain and Sweden.

[8]   Australia, Belgium, the Bolivarian Republic of Venezuela, Republika Srpska (Bosnia and Herzegovina), Canada, Colombia, Denmark, Estonia, Georgia, Ireland, Latvia, Malta, Mauritius, Northern Ireland (United Kingdom of Great Britain and Northern Ireland), Norway, Paraguay and Poland.

[9]   Submission of the Ombudsman for Children, Norway, "I want to have good dreams", children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).

[10]   See, in particular, articles 19, 28.2, 32 to 34, 37 (a) and 39.

[11]   See http://www.who.int/chp/gshs/en.

[12]   See Roman, Marcela, and Murillo, F. Javier, "Latin America: school bullying and academic achievement", *CEPAL Review*, 104, August 2011.

beyond the school day on cyberspace, it affects the well-being of every member of the educational community and poses a threat to the success of their educational performance. Numerous factors shape violence in the educational environment, including socioeconomic factors, a student's home life and the external environment of the school place, and while there can be great disparities between cultures and societies in defining what constitutes a violent act or environment, regardless of the cultural or socioeconomic context, violence manifests itself in many different forms.[13]

12.   All children are negatively affected by bullying, whether or not they are the ones who are being bullied. Furthermore, many instances of violence are interlinked and cumulative,[14] and the actions of even one single child who bullies others have a wide-ranging impact: on the child who bullies; on the children who are bullied; on the children who observe or who are complicit in the bullying; and on the overall climate of the school and the broader community, including life within the family.

13.   Children are vulnerable to bullying in both the built environment, in particular in and around school,[15] and in cyberspace. Schools, parents and State institutions are responsible for protecting children from the dangers of such behaviour: the school, as an institution, has responsibility for ensuring that bullying is not tolerated as a part of the educational environment; parents have responsibility for teaching and reinforcing the importance of respect for others in everyday life; and state institutions, as a human rights imperative and as part of their international obligations towards children, in particular those that flow from the Convention on the Rights of the Child, are responsible for preventing and addressing bullying, including cyberbullying.

B.   Prevalence and data

14.   The General Assembly in its resolution 69/158, emphasized the need of sound evidence to inform policies and action on the prevention and response to bullying, including cyberbullying. In this regard, it stressed "the importance of generating appropriate statistical information on bullying" and encouraged Member States "to generate statistical information disaggregated by sex, age and other relevant variables at the national level, and to provide information on disability, with regard to the problem of bullying, as a basis on which to elaborate effective public policies".

15.   As noted in the most recent annual report of the Special Representative of the Secretary-General on Violence against Children to the General Assembly,[16] the gathering, analysis and dissemination of timely, reliable and disaggregated data on violence against children provide a firm foundation to break the silence around violence, stimulate public debate, promote change in attitudes and behaviour and mobilize support for initiatives to prevent violence. Using and building upon existing data and information regarding the different forms of bullying, including cyberbullying, and the different ways in which children are affected by it is essential to the design of appropriate and focused interventions.

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[13]   See UNESCO, "Stopping Violence in Schools: A Guide for Teachers", Paris, 2011.
[14]   See Office of the Special Representative on Violence against Children, *Toward a World Free from Violence: Global Survey on Violence against Children*, United Nations, New York, 2015.
[15]   In the present paper, "school(s)" is used to refer to all educational settings.
[16]   A/70/289, para. 15.

16.   Significant UN reports address this phenomenon. Data included in the UNICEF publication, *Hidden in Plain Sight: A statistical analysis of violence against children* (2014),[17] show that patterns reported since the research into bullying began in earnest, in the early 1970s, still hold true to a great extent today:

      (a) Boys are more likely to bully others than are girls;
      (b) Girls are more likely to use psychological/relational forms of bullying;
      (c) Boys are more likely to be the victims of bullying;
      (d) Boys are more likely to report bullying others than are girls.

17.   Data from the Global School-based Student Health Survey,[18] a collaborative surveillance project between WHO and the Centers for Disease Control and Prevention, are collected for three separate ages (11, 13 and 15). From a sample dataset produced through the use of the survey, it is possible to examine whether the prevalence of victimization by bullying declines with age. In some countries with available data, prevalence was found to decline between the ages of 11 and 15 and in some cases that difference was quite significant. In 12 countries, the survey found more than a 10-percentage-point difference between the ages 11 and 15. On the other hand, the reported prevalence of bullying generally increased from age 11 to age 15 in the majority of countries with available data. When it comes to fighting and differences between the sexes, available data from the Survey confirm that adolescent boys engage more in physical fighting than girls in low-, middle- and high-income countries. In all the countries boys are significantly more likely to report fighting than girls, a pattern that generally holds true in all regions.

18.   An interesting study using research and data collected from three national surveys[19] reported that the most common forms of bullying, including (a) verbal insults, name-calling and nicknames, (b) hitting, direct aggression and theft (which do not apply to cyberbullying), and (c) threats, rumour-spreading and social exclusion or isolation, occur within a range from 13 per cent to 75 per cent, tending to decrease with age, with in-person bullying falling by nearly 50 per cent among children between the ages of 14 and 18.[20] While the report notes that national estimates of bullying use different definitions of bullying, and thus produce varying estimates, data consistently indicate that a considerable number of youth are being bullied, and this finding is borne out in the research carried out by United Nations agencies[21] and by academic institutions.

19.   Within the universe of childhood bullying, the youngest children are more likely to be set upon by those who are physically stronger, and may be the most adversely affected. As noted above, although peer victimization appears to decrease with age, that is to say that older children are less likely to be victims of bullying, the damage done by bullying in a child's earliest years may be carried over, and may even result in the perpetuation of this

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      https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKEwilk b6--7vMAhWDHR4KHSpqDMwQFggrMAM&url=http%3A%2F%2Fdata.unicef.org%2Fresources%2Fhidden-in-plain-sight&usg=AFQjCNEQ_CDl8zrQ_kwvJUrkMivBKGtgxg.

[18]   See http://www.who.int/chp/gshs/en.

[19]   See National Center for Injury Prevention and Control, Centers for Disease Control and Prevention and the United States Department of Education, *Bullying Surveillance Among Youths: Uniform Definitions for Public Health and Recommended Data Elements, Version 1.0*, 2014 (http://www.cdc.gov/violenceprevention/pdf/bullying-definitions-final-a.pdf).

[20]   Cyberbullying is reported to fall at a lower rate, from 17 per cent to 13 per cent.

[21]   Srabstein, Jorge, C. and Leventhal, Bennett, L., "Prevention of bullying-related morbidity and mortality: a call for public health policies", Bulletin of the World Health Organization, Geneva, 2010.

bullying by children as they move into higher grades. This is borne out by research indicating that retaliation is a strong element in a high proportion of aggressive behaviour, whether directly against the original bully or more indirectly by taking out anger on someone else.

20.   When, in the 1990s, over 26,000 Australian children (8 - 18 year-olds) were asked about bullying, their answers revealed differences between the experiences of boys and girls. Boys were bullied more often than girls, particularly in secondary school. While boys and girls were subjected to teasing and name calling almost equally, boys were more likely than girls to be physically bullied and threatened. According to the pupils' answers, girls were more likely than boys to be deliberately and unkindly left out of things. There was also a difference in the way they reacted to bullying. It was found that boys were less likely to admit to being bothered by it and, if they did, they said they felt angry, whereas girls said that they felt sad and miserable.[22]

21.   In recent decades, innovations in the field of ICTs have transformed societies worldwide. By the end of 2012, more than one third of the world's population, more than two billion people, had access to the Internet, and in the countries members of the European Union, 80 per cent of children between the ages of 5 and 14 were using mobile telephones. And in using these devices, children, increasingly, are being exposed to online bullying, cyberbullying, through the use of a growing gamut of applications and social media networking possibilities easily accessible both through the Internet and on mobile phones.

22.   The semi-anonymous nature of the Internet may possibly aggravate the harm of an initial face-to-face confrontation that originated at school. Children may feel that online abuse intrudes into their lives without relief because unlike school, which closes at the end of the school day, technology is always "open". Victims may also hesitate to confide in their parents because they doubt that they have a high level of technical sophistication or fear that they will lose access to their personal technology devices. In addition, caregivers may have less opportunity to observe the abuse and intervene than they would have if the abuse took place in a physical environment.[23] Cyberbullying not only causes the victim immediate harm, it can affect the child over time as it reaches a wider audience, posted and reposted by people the victim does not know.

23.   In the case of cyberbullying, children may feel the need, or may be pressured by their peers, into sharing personal details without anticipating that such information or images may be disseminated further and that they will no longer be able to control their distribution. Research shows that teenagers, in particular, are given to sending explicit material over the Internet, sometimes to a specific recipient who may not be trustworthy. If such images fall into the wrong hands they may be used to blackmail or humiliate the unwitting sender, who may also be coerced into engaging in further risky behaviour. No matter the reason, once online, such materials are difficult to delete.[24] In this regard, it is

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[22]   Owens, L., Daly, A. and Slee, P. T., "Sex and age differences in victimization and conflict resolution among adolescents in a South Australian school", *Aggressive Behaviour*, vol. 31, No. 1, 2005.

[23]   Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children, Report of the Secretary-General, Commission on Crime Prevention and Criminal Justice, Twenty-third session, Vienna, 12-16 May 2014 (E/CN.15/2014/7, para. 32).

[24]   A/HRC/31/20, paras. 73 and 74.

relevant to note that according to recent data one third of Internet users worldwide are under the age of 18.[25]

24.   Worldwide, there is still a significant digital divide, with Internet penetration in developing countries at around 32 per cent compared to a global average of 40 per cent. Globally, 4 billion people do not yet have access to the Internet, and more than 90 per cent of that population is living in the developing world. Nevertheless, it is significant that the number of Internet users in the developing world doubled in the five years between 2009 and 2014,[26] and it is safe to assume that this trend is not likely to be reversed. While children all over the world are adapting to these technologies at earlier and earlier ages, and are in general far more adept than their parents at using them, they may lack information about appropriate protective measures relating to the sharing of information, photos and videos and may not always be able to distinguish between online and offline "friends".[27] Given instruction and guidance so that they can understand that what happens on the web is no different from what happens in the classroom, children can learn to use it appropriately.

25.   There has been a call for greater attention to the psychosocial hazards posed by bullying and the need to develop anti-bullying health policies[28] and prevention programmes.[29] As part of the Global School-based Student Health Survey referred to above,[30] which is designed to help countries measure and assess the behavioural risk and protective factors among young people aged 13 to 17 years in 10 key areas, children are asked to fill out a voluntary self-administered questionnaire that includes questions on how frequently they have been bullied and whether they have been taught how to avoid bullying. The statistical results of the questionnaire, which are posted by country and subject matter on the website, are intended to: help countries develop priorities, establish programmes and advocate for resources for school health and youth health programmes and policies; allow international agencies, countries and others to make comparisons across countries regarding the prevalence of health behaviours and protective factors; and establish trends in the prevalence of health behaviours and protective factors by country for use in the evaluation of school health and youth health promotion.

26.   Research shows[31] that the incidence of bullying in the form of physical aggression, which is more common among boys than girls, appears to be more frequent in primary school, whereas cyberbullying, which takes place more among children in middle through secondary school, with a higher incidence among girls over boys, increases among this age group. In European countries, where substantial data on the subject has been collected systematically, in the years from 2010 to 2014, the incidence of children between the ages of 9 to 16 who had been exposed to cyberbullying increased from 8 to 12 per cent, especially among girls and younger children. According the data published by the London School of Economics and Political Science, children, in Europe at least, are now more likely to be

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[25]   Sonia Livingstone, John Carr and Jasmina Byrne, "One in Three: Internet Governance and Children's Rights", Global Commission on Internet Governance, Paper Series No. 22, November 2015, p. 7.

[26]   See Office of the Special Representative of the Secretary-General on Violence against Children, *Releasing children's potential and minimizing risks: ICTs, the Internet and violence against children*, New York, 2014.

[27]   E/CN.15/2014/7, paras. 4 and 5.

[28]   Srabstein, Jorge, C. and Leventhal, Bennett, L., "Prevention of bullying-related morbidity and mortality: a call for public health policies", Bulletin of the World Health Organization, Geneva, 2010.

[29]   WHO, "Preventing youth violence: an overview of the evidence", Geneva, 2015.

[30]   See http://www.who.int/chp/gshs/en.

[31]   World Health Organization, "Health Behaviour in School Aged Children", a collaborative cross-national study (see http://www.hbsc.org/publications/factsheets/Bullying-and-fighting-english.pdf).

exposed to hate messages, pro-anorexia sites, self-harm sites and cyberbullying.[32] There is also evidence showing that it is, to a growing extent, not uncommon among much younger children, who may be exposed to such behaviour as soon as they are permitted to use the Internet unsupervised.

C.   Children's perceptions

"You don't always tell someone at school, because telling someone can also be a reason you get bullied".

17-year-old boy[33]

27.   While children themselves are particularly aware of the damage and profound harm that bullying and cyberbullying can cause, they are not always immediately conscious of the long-term consequences of their actions whether in person or online.

28.   Episodes of bullying, which are carried out in plain sight as far as children in the school environment are concerned, are oftentimes invisible to teachers, who may not be able, or be trained, to read the signs of peer-to-peer bullying behaviour. Moreover, bullying often takes place in so-called hotspots, where children are not easily seen or supervised by teachers or school staff. It is not always easy for teachers to recognize the codes, languages and practices used by children in harassing each other, and bullying that takes place out of their sight is even more difficult to identify with a level of certainty.[34] For children it may be particularly difficult to know where to go and who to turn to, as they may fear that speaking out against bullying may carry with it negative consequences.

29.   In order to ensure that children are provided with safe and welcoming spaces within the school place, teachers are encouraged to conduct mapping exercises with students to identify which places in the school are safe, which are dangerous and when students may be most at risk. School staff should also be alerted to dark corners, poorly lit areas, unsupervised stairways and toilets, where children may endure bullying, including sexual and physical abuse. In addition, school playgrounds used by children before school, between classes and after school need the presence of adults to provide supervision. [35]

30.   Cyberbullying, which does not require the physical presence of the victim, is by its very nature a hidden kind of behaviour - and it can be facilitated by anonymity. It may include the spreading of rumours, the posting of false information or hurtful messages, embarrassing comments or photos or exclusion from online networks or other communications. When resulting from a face-to-face interaction at school, it can cause serious harm and quickly reach a wide audience.

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[32]   Livingston, S., Mascheroni, G., Olafsson, K., and Haddon, L, "Children's online risks and opportunities: comparative findings from EU Kids Online and Net Children Go Mobile", London School of Economics and Political Science, 2014 (http://eprints.lse.ac.uk/60513/).
[33]   See submission of the Ombudsman for Children, Norway, "I want to have good dreams": children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).
[34]   See Roman, Marcela, and Murillo, F. Javier, "Latin America: school bullying and academic achievement", *CEPAL Review*, 104, August 2011.
[35]   See UNESCO, "Stopping Violence in Schools: A Guide for Teachers", Paris, 2011.

31.   Children and young people are subjected to bullying and cyberbullying in activities in the online and offline worlds, sometimes with a sense that both are equally real, as the formerly solid distinction between the two may become increasingly irrelevant to them. In devising measures to prevent and address bullying, including cyberbullying, this blurring of perceived differences between the physical world and cyberspace must be borne in mind.

D.   Groups at heightened risk

32.   As recognized by the General Assembly in the mandating resolution for the report on protecting children from bullying, bullying can be associated with discrimination and stereotypes, and action must be taken to prevent bullying on any basis.[36]

33.   All children may be at risk of bullying, but children in vulnerable situations, who face other forms of discrimination or exclusion, are more likely to be bullied, both in person and online. These include children: with disabilities; from disadvantaged backgrounds; those who are refugees, displaced or seeking asylum; who are indigenous or belong to ethnic, racial, linguistic, cultural or religious minorities; or who have or who are perceived as having a different sexual orientation or gender identity from what is seen as the norm within the community.

34.   Social media offers opportunities as well as dangers for children with disabilities or special educational needs, who are significantly more likely to be at risk of bullying. Young people with disabilities have indicated that they can be actively discouraged from using the Internet because adults are afraid that they may be bullied or because of concerns about Internet safety; others may not be able to enjoy the many benefits of the new technologies owing to economic or physical barriers, including social and political invisibility and lack of advocacy. However, those who have participated in consultations on cyberbullying have highlighted the many positive aspects of using the Internet, which can help them overcome many of the challenges they face, including by decreasing social isolation through online participation and the use of social networks. Some children with disabilities expressed the view that using the Internet was liberating and empowering because it: provided a means of dealing with some of their struggles; allowed them to connect with other people with similar experiences; provided them with support for problems such as bullying from message boards, forums and videos; and helped them to build social connections, particularly when they were experiencing social difficulties or isolation. For children with disabilities, ICTs offer enormous potential to help them overcome challenges they face in the offline world, giving them a path to overcome or reduce social isolation and to interact with their peers on a more equal basis.

35.   Poverty contributes to a lack of self-esteem, and poor children are often victims of bullying, humiliation and abuse, feeling powerless to speak out for themselves for fear that they will not be believed or that they will be blamed for having caused the incidents of violence. Evidence shows this to be the case. Children and young people living in extreme poverty are more likely to be suspended or expelled from school, and their parents may feel

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[36]   General Assembly resolution 69/158, para. 2.

powerless or may lack information to defend them from discriminatory actions by school officials or from bullying by other children.[37]

36.   Bullying of asylum seeking and refugee children, and of children affected by migration often has much in common with bias incidents, harassment and hate crimes in schools, which typically involve race, skin colour, ethnicity, religion or other identity factors. Some experts have specifically attempted to define "immigrant bullying" which is "bullying that targets another's immigrant status or family history of immigration in the form of taunts and slurs, derogatory references to the immigration process, physical aggression, social manipulation, or exclusion because of immigration status".[38]

37.   Bullying behaviour in the educational environment frequently includes a gender dimension, and is associated with school-related gender-based violence, which takes place as part of a usually unspoken, unconscious or hidden agenda that promotes gender stereotyping. In this scenario, boys taunt each other about their lack of masculinity and harass girls with verbal and physical gestures that are sexual in nature, and girls behave in a similar fashion, although they are twice as likely to use more covert - yet equally damaging - tactics, such as harassment on social media or gossip that makes the behaviour easier for adults to ignore. Such gender-based violence negatively affects boys and girls, although it is boys who are more likely to be drawn into physical bullying, assaults or even gun crimes.[39]

38.   Girls, who are frequently the victims of verbal abuse in the school setting, also face particular technology-related threats from cyberbullying associated with different forms of sexual abuse, including: the posting and dissemination of images and pictures of a sexual nature; the creating, sharing or forwarding messages or images of a sexual nature (sexting); or the promotion of online intimidation and harassment (cyberstalking), including with a view to obtaining sexual favours from the victim or coercing the victim into performing sexual acts (sextortion). Images, once posted, may be reposted as a way of shaming girls and exposing them to further embarrassment beyond their peer group. These threats are usually not made by strangers but rather by classmates or by social network "friends" who may exert pressure encouraging the posting of sexually revealing images but subsequently make or invite accusations relating to a perceived transgression against accepted codes of social conduct.

39.   Progress in the struggle to reduce and prevent bullying carried out on the basis of either actual or perceived sexual orientation or gender identity is uneven. Homophobic bullying, including cyberbullying, is widespread, and schools can be dangerous social spaces in this regard. Entrenched beliefs that girls and boys must follow strict rules of conduct and/or appearance based on their gender contribute to this pattern of behaviour, and children who do not conform run a high risk of being exposed to bullying, both in person and virtually. In some countries this has led to denying these children access to school.[40]

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[37]   See ATD Fourth World, *Making Human Rights Work for People Living in Extreme Poverty: a handbook for implementing the United Nations Guiding Principles on Extreme Poverty and Human Rights*, World Franciscan International, 2015.

[38]   Scherr, T. G. and Larson, J., Bullying Dynamics Associated with Race, Ethnicity, and Immigration Status. In S. R. Jimerson, S. M. Swearer, and D. L. Espelage (eds.), *Handbook of Bullying in Schools: An International Perspective*. New York: Taylor and Francis, 2010. One should also note that "immigration status" here does not refer to whether one is documented or undocumented. It is referring to whether a student is an immigrant or not.

[39]   See Office of the Special Representative of the Secretary-General on Violence against Children, *Toward a World Free from Violence: Global Survey on Violence against Children*, United Nations, New York, 2016.

[40]   See UNESCO, "Education Sector Responses to Homophobic Bullying, Good Policy and Practice in HIV and Health Education", Booklet 8, Paris, 2012.

Research highlights the heightened prevalence of victimization among lesbian, gay, bisexual and transgender and children. In a study of children between the ages of 11 to 18, it was found that those least likely to be cyberbullied were heterosexual boys and young men, and the most likely victims to be lesbian and bisexual girls and young women. In a recent study the proportion of lesbian, gay, bisexual and transgender young people who reported having been cyberbullied at any point in their lifetimes (36 per cent) and in the last month (17 per cent) is significantly higher than that recorded for their heterosexual peers (20 per cent and 7 per cent, respectively). [41] Such violence persists when Governments fail to enact and implement policies that provide students with explicit protection from discrimination and when school authorities fail to provide curricula that encourage acceptance and tolerance of diversity.

E.   Impact

40.   In a British National Child Development Study of all children born in England, Scotland and Wales during one week in 1958, a team at King's College London examined data on 7,771 children who had been bullied at ages 7 and 11, revealing that more than one in four had been bullied occasionally and around one in seven frequently. The children underwent several tests throughout their lives and provided feedback on their health. As reported by the team at Kings College, at age 50, those who had been bullied as children were less likely to have obtained school qualifications, less likely to live with a spouse or partner or to have adequate social support. In addition, they had lower scores on word memory tests designed to measure cognitive IQ even when their childhood intelligence levels were taken into account and more often reported that they had poor health. The lead author of the paper reported that the effects of bullying were still visible nearly four decades later, with health, social and economic consequences lasting well into adulthood. For children "peers are a much more important influence than has been realized. It is a terrible thing to be excluded by your peers". [42]

41.   It is well documented that children's performance at school may suffer due to psychological distress or they may play truant to avoid being bullied. School drop-out rates can also be higher among victims of bullying and cyberbullying. Although the impact of such behaviour depends on the character and circumstances of the victim, the particular type of bullying and the degree to which it violates a child's integrity and dignity, victims commonly experience anxiety, fear, distress, confusion, anger, insecurity, lowered self-esteem, a sense of shame and even suicidal thoughts. [43]

42.   There is increasing evidence that the mental and psychological health of bullies is also affected. Perpetrators of bullying are reported to have more depression, and are more likely than are their peers to be involved with anti-social behaviours and legal problems later in adulthood. Studies also suggest that around half of all children involved in bullying

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[41]   See Hinduja, S. and Patchin, J. W., "Cyberbullying: Identification, Prevention and Response", Cyberbullying Research Center, 2014 (www.cyberbullying.us).
[42]   See http://www.telegraph.co.uk/news/health/children/10772302/Bullying-at-school-affects-health-40-years-later.html.
[43]   http://www.hbsc.org/publications/factsheets/Bullying-and-fighting-english.pdf (retrieved 24 June 2015).

(generic) are both victims and perpetrators, and that they are the most troubled of all children involved in bullying.[44]

43.   The impact of school-related gender-based violence on the educational opportunities of girls can be devastating, particularly when exacerbated by economic and cultural factors, including the expectation that girls should stay at home or work to support the family. Some of the most serious violence-related barriers to girls' education include: higher school drop-out rates because of unwanted pregnancies, at times legitimized by legislation requiring pregnant girls to abandon their schooling; the distance that girls must travel to school and the dangers they may face along the way; the unsafe physical environment of schools; and the decision of parents to keep their daughters at home because of the risk of violence in or around the school.[45]

44.   Violence in schools is also costly for countries. Youth violence in Brazil alone is estimated to cost nearly $19 billion every year, of which $943 million can be linked to violence in schools. The cost to the economy in the United States is estimated to be even higher, at $7.9 billion per year. In Argentina, the forgone benefit to society from overall early school dropout is 11.4 per cent of gross domestic product, and in Egypt, nearly 7 per cent of potential earnings is lost as a result of the number of children dropping out of school. One study has estimated that over a 15-year period, the net accumulation of human capital in Latin America and the Caribbean has been halved by the increase in crime and violence.[46]

45.   In the case of sexually-related gender-based violence, one estimate shows that it can be associated with the loss of one primary grade of schooling, which translates to a yearly cost of around $17 billion to low and middle income countries, a figure that is higher than the total yearly amount spent on overseas assistance grants for education interventions.[47]

46.   Education offers the best opportunity for all children to improve their lives. Children who drop out of school because of the presence of violence, their experience of bullying or the fear that they will be implicated or involved in such behaviour are deprived of their chance for a better future, and this loss is not solely theirs - the loss to society is exponential. Bullying as well as cyberbullying, if left unchecked, can lead children to accepting this kind of behaviour as a legitimate way to act out their feelings and to resolve conflicts.

47.   Worldwide, in both rural and urban areas, evidence shows that when children do not participate in schooling the effects on the entire community are devastating. Children must be provided with a safe school environment so that they can acquire the skills and the knowledge to build their lives and secure the lives of their families and communities.

III.   Measures to prevent and address bullying, including cyberbullying

A.   A comprehensive approach guided by the rights of the child

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[44]   See UNESCO, "Education Sector Responses to Homophobic Bullying, Good Policy and Practice in HIV and Health Education", Booklet 8, Paris, 2012.
[45]   See Office of the Special Representative on Violence against Children, *Toward a World Free from Violence: Global Survey on Violence against Children*, United Nations, New York, 2015.
[46]   Ibid.
[47]   See USAID, "What is the Cost of School-related Gender-Based Violence?", Fact Sheet, July 2015.

48.   United Nations and regional standards, such as the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Council of Europe Convention on Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, provide strong guidance to States on national measures required for children's protection from violence, including bullying and cyberbullying.

49.   As highlighted by the important submissions received in response to the General Assembly resolution 69/158, significant measures have been undertaken at the national level, including school-based initiatives, to prevent and address bullying and cyberbullying. However, increased efforts are needed to address the serious risks associated with this phenomenon, which may instill violence as a part of a child's life, recurring in different settings, and continuing on long past childhood. Thus, children's empowerment and contribution need to be at the heart of these efforts. [48] When children are appropriately supported and given the opportunity to learn life skills that increase their confidence and resilience, including in the safe use of ICTs, they will be the most effective agents in preventing and coping with the risks of bullying and cyberbullying, and in protecting other children.

B.   Prevention, awareness-raising and children's empowerment

"The head teacher believed the adults, who didn't see what happened, over me".[49]
Boy, 13 years old

50.   Preventing bullying, including cyberbullying is a priority for children and adults, and it is an issue that needs to be tackled in the school setting, in the home and in the community at large. Initiatives in this area encompass information and awareness-raising initiatives to consolidate the understanding of what constitutes bullying and cyberbullying, their similarities and differences and the associated risks and consequences, both intended and unintended. In this process, it is important to promote an ethical approach to both in-person and cyberspace communication, thus strengthening the values of respect and concern for others among children and their sense of responsibility to prevent discrimination, promote respect for human rights and foster safety within the school and online. And it is just as important that children learn ways of ensuring their own protection, in peer-to-peer encounters and in cyberspace, including by learning to identify dangerous or risky situations, including online risks, ways of coping with the distress abuse causes, ways to enhance their resilience and ways to avoid situations, whether in person or online, in which their image, honour and reputation may be compromised.

51.   Promoting and protecting a safe and peaceful learning environment is a major cultural undertaking that requires leadership and support from Governments, including adequate resources for implementation. It is crucial to strengthen children's protective environment with the support of all relevant stakeholders, including parents and caregivers, teachers and service providers. No less important is engaging and empowering children themselves. In both the school setting and as digital citizens, children need guidance in

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[48]   A/HRC/31/20, paras. 100 and 101.
[49]   Submission of the Ombudsman for Children, Norway, "I want to have good dreams", children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).

developing their ability to make good decisions and in building and strengthening solid values and life skills, including responsibility for their actions towards others. Whole-school and whole-community programmes, awareness-raising initiatives and media campaigns contribute to whole-society efforts to combat the danger to children posed by bullying and cyberbullying.

52.   The Olweus Bullying Prevention Programme, a widely known model for reducing and preventing bullying problems among schoolchildren and improving peer relations at school, is now used in more than a dozen countries around the world. The programme has been found to reduce bullying among students, improve the social climate of classrooms and reduce related anti-social behaviours, including across gender and grade subgroups. In the 1990s, the research and proposals of the programme's founder, Dr. Dan Olweus, contributed to the adoption of anti-bullying legislation to protect school children in Norway and Sweden.[50] Building upon this development, the Norwegian government adopted a Manifesto against Bullying, calling for collaborative action across a wide range of stakeholders and with concrete goals to promote and monitor progress.[51]

53.   Sponsored by the Ministry of Education and Culture of Finland, the KiVa anti-bullying programme is used in 90 per cent of comprehensive schools throughout the country. KiVa is an evidence-based programme that involves three aspects: prevention, which is considered to be crucial; the addressing of individual cases, using proven tools; and the constant monitoring of the situation within schools and the changes taking place over time. The programme is implemented through the use of tools that produce annual feedback for each school about programme implementation the outcomes obtained. The effects of the programme, which have been evaluated in numerous studies,[52] show that national rates of bullying and victimization have decreased since its introduction.

54.   Other important initiatives are being promoted to address and prevent cyberbullying. For example, in Mexico a national campaign focused on raising awareness at the local level on the risks of cyberbullying, supporting parents with information about this phenomenon and helping them to identify and address changes in children's behaviour linked to cyberbullying.

55.   In Argentina and Chile, efforts have focused on teacher training, workshops for students and parental guidance on bullying and cyberbullying as well as clinical care for victims and bullies to prevent future incidents.

56.   In the United States of America, a comprehensive resource for prevention and response was created by the Government. A dedicated site provides information on the nature of bullying and cyberbullying, who may be at risk, and how bullying can be prevented and addressed. Alongside advice for parents and children there is information about when and where to report cyberbullying.

57.   In the Czech Republic, a special centre provides information and resources on

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[50]   http://www.violencepreventionworks.org/public/index.page.

[51]

         http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/Tackling_Violence_in_Schools_final.pdf, p. 45.

[52]   In Finland KiVa has been evaluated in a large randomized controlled trial, including 117 intervention schools and 117 control schools.

children's online risks, including cyberbullying, cyber-grooming, cyberstalking, sexting and sharing personal information through social networks and other hazardous communication techniques.

58.   Working closely with children and young people, the Office of the Ombudsman for Children of Norway promotes valuable "young people's recommendations" on how to address bullying behavior.[53] Guided by concerns voiced by child victims of bullying, the recommendations highlight important measures: teachers should listen more to pupils; schools should have regular "pupil reviews" where children can report bullying; schools should employ school psychologists; measures to maintain a good class environment should be introduced early and followed up at least twice a year; teachers should work on cases of bullying until they are resolved and be rewarded for handling them; and pupils should be informed of their rights.

59.   There has been a call for greater attention to the psychosocial hazards posed by bullying and the need to develop anti-bullying health policies[54] and prevention programmes.[55] As part of the Global School-based Student Health Survey referred to above,[56] which is designed to help countries measure and assess the behavioural risk and protective factors among young people aged 13 to 17 years in 10 key areas, children are asked to fill out a voluntary self-administered questionnaire that includes questions on how frequently they have been bullied and whether they have been taught how to avoid bullying. The statistical results of the questionnaire, which are posted by country and subject matter on the website, are intended to: help countries develop priorities, establish programmes and advocate for resources for school health and youth health programmes and policies; allow international agencies, countries and others to assess trends in the prevalence of health behaviours and protective factors by country for use in the evaluation of school health and youth health promotion.

60.   In the *Global Status Report on Violence Prevention*,[57] countries reported on widespread use of life-skills and social development programmes to help children manage anger issues, resolve conflicts in a non-violent way and develop social problem-solving skills. Half of the countries surveyed for the 2014 report had implemented such programmes, although they were used on a larger scale in the region of the Americas (71 per cent) and in Europe (63 per cent) than elsewhere. The introduction of specific bullying-prevention programmes was reported by 47 per cent of the reporting countries. From the research carried out, it is evident that school-based anti-bullying programmes that work with children, including peer-led interventions that teach the basic skills of active listening, empathy and supportiveness, can help children to cope with violence. They have also been shown to be effective in decreasing overall rates of bullying and victimization and in providing a clear idea about what kind of behaviour constitutes bullying, encouraging open lines of communication and providing information on ways to:

        (a) Prevent bullying;

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[53]   Submission of the Ombudsman for Children, Norway, "I want to have good dreams", children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).
[54]   Srabstein, Jorge, C. and Leventhal, Bennett, L., "Prevention of bullying-related morbidity and mortality: a call for public health policies", Bulletin of the World Health Organization, Geneva, 2010.
[55]   WHO, "Preventing youth violence: an overview of the evidence", Geneva, 2015.
[56]   See http://www.who.int/chp/gshs/en.
[57]   WHO, United Nations Office on Drugs and Crime, UNDP, *Global Status Report on Violence Prevention*, table 5, WHO, Geneva, 2014.

(b) Deal with instances of bullying on the ground; and

(c) Support the victims.

61.	UNESCO has advanced specific initiatives to counteract bullying in schools on the basis of sexual orientation and gender identity, including the co-commissioning, with Plan International, of the first systematic study on the issue in Thailand.[58] The study, conducted by Mahidol University, collected both quantitative and qualitative data from students (aged 13 to 20), teachers and administrators in five provinces of the country. Recalling the "right to education" guaranteed in article 26 of the Universal Declaration of Human Rights, the study concluded that although the bullying of children on the basis of their sexual orientation and gender identity had seriously reduced their well-being and their level of access to education, the schools studied had no systematic approaches to manage the problem, a gap in the student welfare system that needed to be urgently addressed.

62.	Through its #ENDviolence initiative, UNICEF and its Government partners have motivated children and youth worldwide to speak up and use their own voices to denounce bullying in schools and online. For instance, in Indonesia, where the Twitter and Facebook communities are very active, the message of the campaign is designed and disseminated by youth networks, including "Sudah Dong" (Just Stop), a youth-led organization that has provided in-school support for victims of bullying.

63.	The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has promoted a number of initiatives on school-related gender violence, supplementing existing tools and materials on violence against girls and violence in schools. In addition, in partnership with the Working Group on Broadband and Gender of the Broadband Commission for Digital Development, the International Telecommunication Union and UNESCO, the 2015 publication "Cyberviolence against Women and Girls: a worldwide wake-up call", emphasizes that part of the solution to changing online culture is through the creation of gender sensitive and friendly content, including teaching girls and women how to safely use the Internet as creators and contributors to the online world.

64.	Initiatives by international non-governmental organizations have also produced positive results.

65.	The Tapori Children's Network, a global network created in 1967 in solidarity with children in an emergency housing camp in France, is part of the non-governmental organization ATD Fourth World. The Network supports child-driven initiatives against poverty and exclusion, and works with children from all backgrounds. It works through discussions and awareness-raising sessions with teachers and students regarding minorities and/or stereotypes in order to promote equal opportunity for all, including an understanding of the dangers of bullying.

66.	The "*Basta de Bullying: No te quedes callado*" campaign, a high profile bullying prevention initiative sponsored since 2012 by the Cartoon Network Latin America[59] in cooperation Plan International and World Vision, currently reaches 60 million households in the Latin America region with multiple public service announcements in both Portuguese and Spanish. With the assistance of the Organization of Ibero-American States, as of May

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58	See http://unesdoc.unesco.org/images/0022/002275/227518e.pdf.
59	http://bastadebullying.com and http://www.chegadebullying.com.br.

2016 the campaign's anti-bullying pledge has been signed by over 1.4 million people (over a million online and 400,000 in person).

67.   Plan International has organized school training sessions and community events in nine countries, gathering over 200,000 pledges and recognizing over 800 schools as "100 per cent committed" to the goal of eliminating bullying in schools and online. In addition to its awareness-raising dimension, the initiative provides workshops, including a seven-module toolkit, to build the capacity of children, educators and parents to deal with bullying. The toolkit includes practical tips and exercises that help children and educators identify and address bullying, including the issues of gender, power and discrimination that often underlie violent behaviours.

68.   Facebook, a frequently used social network, has teamed with specialists from the Yale Center for Emotional Intelligence to set up a Bullying Prevention Hub ("Put a Stop to Bullying") that provides tools tips and programmes for teens, parents and educators to help people stand up for themselves and for each other. This initiative includes practical information on: how to block and report online bullying, explaining what type of content is acceptable and what can be reported or removed; social reporting, allowing users to communicate if something makes them feel uncomfortable and how to ask that it be taken down; and other general measures on how to manage privacy settings.[60] The site includes links to the Bully Project, the Family Online Safety Institute and the International Bullying Prevention Association.

69.   Social media offers many positive opportunities for children, in particular children who may be isolated or may be unable owing to disability or for other reasons to attend school. Once children understand that what happens on the web is similar to what happens in person, they will be better equipped to use it more appropriately.

70.   As the use of social media evolves, it is important to recall that, as reported by the Special Representative of the Secretary-General on Violence against Children,[61] many children are far from passive bystanders when it comes to their online safety. Research shows that they are capable of developing strategies to deal with negative experiences, such as blocking contacts, withholding personal details, finding safety advice online, blocking spam, changing their privacy settings and making selective use of websites. In general, dangerous behaviour by young people through the use of social media is usually the result of peer pressure, in response to which they often act against their own better judgement and against their own interests.

C.   Protecting children from bullying and cyberbullying: the legal and policy framework

71.   The Convention on the Rights of the Child and the Optional Protocols thereto provide a robust legal framework to ensure children's protection from bullying, and to address the challenges associated with online abuse.

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[60]   https://www.facebook.com/safety/bullying.
[61]   See Office of the Special Representative of the Secretary-General on Violence against Children, *Releasing children's potential and minimizing risks: ICTs, the Internet and violence against children*, New York, 2014.

72.   Guided by article 19 of the Convention, which calls for the protection of children from all forms of violence, the Committee on the Rights of the Child, in its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence,[62] addressed psychological bullying and hazing by adults or other children, including via information and communications technologies such as mobile phones and the Internet, i.e., cyberbullying.

73.   The Committee noted that the State's obligation to prevent and tackle violence against children, including cyberbullying, requires the implementation of educational measures that address attitudes, traditions, customs and behavioural practices which condone and promote violence against children.[63] These measures include the provision of accurate, accessible and age-appropriate information to children regarding life skills, self-protection and specific risks, including those relating to ICTs; support for children to develop positive peer relationships and combat bullying; and children's empowerment, including promoting their right to be heard. Although these measures can be initiated and implemented by both State and civil society actors, the ultimate responsibility rests with the State.[64]

Legislation

74.   Legislation is but one element of a comprehensive response to violence against children, but it is an essential building block of a strong national child protection system. It conveys a clear message to civil society about how to ensure the protection of children and fight impunity and provides the foundation for a culture of respect for children's rights, triggering a process of social change in attitudes and behavior that condone violence against children.

75.   The impact and success of national legislation to address violence against children is dependent on the establishment of strong institutions overseeing implementation, the adoption of supportive policies, the promotion of capacity building of relevant professionals, as well as awareness-raising initiatives, including for parents and children, who, informed of their rights, may seek protection from violence, including bullying and cyberbullying. Legislation, whether general or specific, will be more successful in combatting bullying when supported by parallel anti-bullying initiatives, policies and programmes in schools, and when provided with adequate funding.

76.   As emphasized at the international expert consultation on violence against children and law reform organized by the Office of the Special Representative of the Secretary-General in 2011, it is critical to establish a firm legal foundation in line with international child rights instruments to prevent all forms of violence against children and to address new and emerging challenges. Legislation needs to permeate the work of institutions and shape the training and ethical standards of professionals working with and for children, and it needs to secure the availability of accessible and child sensitive, confidential and safe counseling and reporting and complaint mechanisms to address incidents of violence and provide the needed support to child victims.

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[62]   CRC/C/GC/13.
[63]   Ibid., para. 21 (g)
[64]   Ibid., para. 44.

77.   Several approaches have been pursued in developing national legislation relevant to bullying and cyberbullying. It should be noted in this regard that specific anti-bullying legislation – and particularly legislation related to cyberbullying – is a relatively recent phenomenon, making it difficult to draw firm conclusions about its impact and long-term effectiveness.

78.   Some States do not have specific anti-bullying legislation or consider that there is no need for such additional legislation. This may be the case where existing constitutional, criminal or civil provisions provide adequate protection to children from this form of violence. In the criminal sphere, this could encompass provisions concerning harassment, assault, disclosure of personal information and incitement to hatred. Civil remedies such as taking an action for defamation or harassment may also be available, as can redress through an Ombuds institution or data protection agency.

Although South Africa does not have specific anti-bullying legislation, there is a range of legislation that is relevant and applicable to tackling bullying, including the Constitution (as it relates to the right to equality, the right to human dignity, the right to freedom and security of the person, the right to privacy, the rights of the child and the right to education), the South African Schools Act of 1996, the Children's Act of 2005, the Child Justice Act of 2008 and the Protection from Harassment Act of 2011.

In its submission for the Secretary-General's report to the General Assembly on bullying, Ireland indicated that the 2013 National Action Plan on Bullying gave significant attention to the question of whether additional anti-bullying legislation was required. It strongly recommended that the focus of efforts to combat bullying should be on securing implementation of existing legislative requirements across the system and supporting interventions at the school level, rather than seeking to introduce new legislation to achieve this at the present time.

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79.   Other countries have modified existing criminal statutes or introduced new offences specific to bullying and cyberbullying to address their distinct aspects, such as student harassment, indirect harassment, disrupting or interfering with the operation of schools, disclosure of intimate photographs without consent, and malicious impersonation online. For example, in July 2015, New Zealand adopted the Harmful Digital Communications Act, which criminalizes sending messages and posting material online that deliberately cause serious emotional distress or incitement to commit suicide. The new legislation is designed to deter and prevent harmful communications, reduce their impact on victims and establish new systems for quickly resolving complaints and removing damaging online material. It provides a broad range of remedies that a district court can order, including taking down material; publishing a correction or an apology or giving the complainant a right of reply; or releasing the identity of the source of an anonymous communication.

80.   Other countries have also established new remedies in law to enable victims of bullying or cyberbullying to initiate civil proceedings against the bully or seek protection orders. These measures include prohibiting communication with a specified person, restricting the use of any means of electronic communication or confiscating, temporarily or permanently, an electronic device used for cyberbullying.

81.   In light of the specific characteristics of cyberbullying and the range of actors potentially involved with addressing it, another approach involves the establishment by law of a dedicated body with a mandate to tackle this form of bullying. Such a body could have a range of functions including the investigation of complaints regarding cyberbullying, setting standards for online safety, liaising with Internet intermediaries and end users responsible for generating content to find a swift resolution to the complaint, or issuing formal requests to Internet intermediaries or end users to remove material from the Internet. For example, the Enhancing Online Safety for Children Act 2015 adopted by Australia provides for the establishment of a children's e-safety commissioner, whose principal function is to administer a complaints system for cyberbullying material that provides for the rapid removal from social media of such material targeted at a child, while also promoting online safety for children.

82.   A further approach focuses on the school setting, in view of its critical potential to prevent and tackle this phenomenon. In these cases, legislation may require schools to formulate and implement anti-bullying policies; specify prohibited conduct; identify the vulnerable groups that should particularly benefit from anti-bulling initiatives; inform victims of avenues of redress; provide detailed guidance on the investigation of incidents; provide or refer victims to counselling or support services; and advise on the training of staff to help prevent, identify and respond to bullying.

83.   In Mexico, the Law on the Protection of the Rights of Children and Adolescents adopted in December 2014 provides a comprehensive approach to children's protection from bullying. In particular, it requires authorities to ensure quality education and substantive equality of access, for which they must develop protocols for action on bullying. Furthermore, it calls upon them to: devise strategies and actions for early detection, prevention and elimination of bullying, providing for indicators and mechanisms for monitoring, evaluation and surveillance; develop training activities for public servants and for administrative and teaching staff; and establish mechanisms that provide care, counselling, guidance and protection of children experiencing harassment or violence in schools.

84.   In Peru, Law 29719 of 2011 promotes a safe and healthy environment in schools and establishes mechanisms for the identification, prevention, punishment and elimination of bullying and cyberbullying. Under the law, each school is required to appoint a psychologist responsible for the prevention and response to any incidents. Recognizing the importance of a collaborative effort between a wide range of stakeholders, the legislation establishes clear responsibilities for the Ministry of Education, for School Councils, Headmasters and teachers, as well as for parents and caregivers. The Office of the Ombuds oversees the implementation of the law.

85.   In the Philippines, Republic Act No. 10627 (the Anti-Bullying Act of 2013), introduced measures to: require all elementary and secondary schools to adopt policies to address the existence of bullying; establish mechanisms to address bullying at the school level and relevant reporting requirements; put in place sanctions for non-compliance with legal obligations under the Act; and to require the Department of Education to provide implementing rule and regulations to schools.

86.   In Sweden, chapter 6 of the Education Act (2010:800) contains regulations concerning the active measures that schools must take to prevent school bullying and the

responsibility of the schools to investigate and take appropriate measures against degrading treatment. This includes an obligation for school personnel to report all incidents of alleged bullying and for the school to investigate these. It also requires schools to put a plan in place every year containing the measures to be undertaken for preventing and addressing bullying. Follow up is incorporated into the plan developed for the following year. The Education Act also prohibits reprisals aimed at a child or student who has reported acts of bullying and the right to damages if the school does not comply with regulations provided for in the Act.

87.   In Japan, under the Act for the Promotion of Measures to Prevent Bullying, adopted in 2013, schools are required to establish groups composed of teachers, staff members and experts in psychology, child welfare and related fields to implement effective measures to prevent bullying according to each particular school's circumstances and with reference to the basic policies for the prevention of bullying adopted by the national or by local governments. Schools are also obliged to strengthen their capacity to counsel and consult with children and young people.

88.   In the Netherlands, the 2015 anti-bullying law foresaw the involvement of school leaders and the school community. Under the law, schools are responsible for creating a safe learning environment, for ensuring enhanced monitoring of implementation strategies and for placing a coordinator in every school to act as a contact point for children and parents.

89.   Under national legislation in Denmark, schools must formulate anti-bullying strategies in order to ensure that the educational environment is conducive to the child's well-being and the attainment of the highest possible level of development and learning. Government policy includes an evaluation of the school environment every three years, including the physical, mental and aesthetic aspects of that environment, a description and evaluation of its problems and an action plan to deal with them.

90.   Although the enactment and enforcement of specific legislation to prevent and address bullying and cyberbullying is a new and evolving area, clear and comprehensive laws can provide an invaluable tool in combating these manifestations of violence against children. It can help to prevent bullying and fight impunity, ensure the protection of children and avoid their re-victimization, provide for effective remedies and child-sensitive reporting procedures, and put in place restorative approaches that repair the harm done while preventing the criminalization of children.

Public policies

91. A number of Member States have developed public policies to prevent and address bullying and cyberbullying.

92.   The Ministry of Higher Education and Research of France has made the prevention of bullying among students one of its priorities, with the stated goal of reducing the rate of bullying through awareness raising, prevention, training and support, using a set of short-, medium- and long-term objectives. In the short term, schools will undertake preventive and awareness raising activities; students will be informed of all existing services at their disposal; clear procedures will be introduced setting out the responsibilities of the school administration at the different levels; and training will be provided for all relevant actors. In the medium term, the goal is to reduce absenteeism; improve cooperation between educational teams; and improve the environment in the class and the academic environment

in general. In the long term, through the investment of greater resources to health care initiatives to address the problem, the goal is to prevent the growth of criminality. Students, parents and the general public are engaged through an Internet site[65] as well as a Facebook page, which sets out national policies and programmes in this regard.

93.   In Bulgaria, the Ministry of the Interior has set up a working group to consider new measures to deal with aggression in schools, which includes a partnership with the Bulgarian Gender Research Foundation for the implementation of a project entitled "Schools without violence and gender stereotypes".

94.   In Ireland, the National Action Plan on Bullying of 2013, which addresses both bullying and cyberbullying, encourages the development of school policies, in particular strategies to combat homophobic bullying. The Irish Anti-Bullying Centre, launched by the Deputy Prime Minister and the Minister for Education and Skills and funded under the National Action Plan, undertakes research, resource development and training in this field. The Centre is funded under the National Action Plan, the European Union Erasmus + Programme and the Research and Innovation Unit of Dublin City University.

95.   In Mexico, the Ministry of Public Education initiated a campaign in 2014, "*Campaña social: Convivencia sin violencia*", to bring national attention to the situations of bullying in schools and to promote peaceful social interactions. The campaign was accompanied by the introduction of an anti-bullying initiative, PACE (*Proyecto a favor de la convivencia escolar, 2014-2015*), through which the educational community, including parents, students and civil society actors, were given access to information and resources on how to improve the school environment as well as recommendations on how to support and protect children and young people both within and outside the school place.[66] The initiative provided tools to students, parents, teachers and school principals to promote the awareness of their rights and of values that advance the peaceful resolution of conflict, self-control and the development of coping abilities.

96.   The Department of Education in Gauteng Province, South Africa, has implemented measures under a school safety programme that requires the appointment of counselors to provide psychosocial support in schools and of school patrollers to provide security in and around the school before, during and after the school day. The programme emphasizes: the early identification of bullies; a restorative-justice approach to bullies; and support for victims.

D.   Redress and support mechanisms for children affected by bullying and cyberbullying

97.   Appropriate detection, response and follow-up to incidents of bullying are required within the school community, where majority of such behaviour takes place and where relationships that form children's future lives take root. In this regard, the role of schools in holding discussions of the pressures that students face and in promoting the support and training of teachers to facilitate discussions about bullying and cyberbullying is important. For example, many young people who are victims of in-person bullying or who generate or

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[65]   "*Agir contre le harcèlement à l'École*" (http://www.education.gouv.fr/cid86060/agir-contre-le-harcelement-a-l-ecole.html).
[66]   See http://basica.sep.gob.mx/convivencia/index/html.

receive sexual images (sexting) would not tell an adult about it; parents and teachers are considered the last resort for seeking help.[67]

98.   The readiness of children to respond to, and indeed, act upon the idea that schools must be free from violence, including violence carried out by children themselves such as bullying, sexual harassment and fighting, is enhanced by cultivating positive, peaceful and tolerant attitudes and behaviour from early years. Early initiatives can help prevent patterns of bullying that appear at a young age and are likely to enhance the resilience of children, thus enhancing children's coping mechanisms and helping to reduce the likelihood of a child reacting with violence or falling victim to it.

99.   Children also have the capacity to protect each other, and identify and support victims of violence among their peers. To do this most effectively, they must be informed in a child-friendly manner of the procedures in place for reporting violence and the likely process thereafter. This implies that safe, easily-accessible, child-sensitive, confidential and independent counselling and reporting mechanisms to address bullying and cyberbullying, as well as other incidents of violence, must be in place. As noted by the Special Representative on Violence against Children in a report to the Human Rights Council,[68] these mechanisms are frequently unavailable and, when they exist, they tend to lack the necessary resources and skills to address children's concerns and promote children's healing and reintegration. Child helplines represent an important resource in this respect, as they can be called anonymously and provide advice and support. But to be effective, these mechanisms need to constitute a core component of a robust and integrated national child protection system, acting as a resource for children and also as a referral system for those in need of advice and assistance. Moreover, these mechanisms need to be effective for all children, leaving no one behind. Schools that teach tolerance, value diversity and thus welcome children who would otherwise face discrimination are likely to be safer and more rewarding places for all children to learn and develop.[69]

100.   Bullying prevention programmes, most of which include codes of conduct and school policies and procedures to address bullying, are often integrated into normal classroom lessons on standard subjects, and many such programmes engage specialized staff, including school social workers, to deal directly with the students involved, both victims and perpetrators.[70]

101.   In line with the above-mentioned "young people's recommendations",[71] in particular the recommendation that schools employ psychologists, research shows that schools that offer mental health and other support services to children who are bullied, and to the bullies themselves, by ensuring access to child-sensitive counseling and reporting mechanisms, can build children's resilience by providing them with avenues through which they may seek redress and find a sense of safety within the school environment.

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[67]   Andy Phippen, "Sexting: an exploration of practices, attitudes and influences", UK Safer Internet Centre and National Society for the Prevention of Cruelty to Children, December 2012, p. 14.
[68]   A/HRC/16/56, p.3
[69]   http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/Tackling_Violence_in_Schools_final.pdf , p. 29 and 30.
[70]   See WHO, *Preventing youth violence: an overview of the evidence*, Geneva, 2015.
[71]   Ombudsman for Children, Norway, "I want to have good dreams", children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).

102.   As part of the "child-friendly and healthy schools initiative" endorsed by UNICEF, UNESCO, WHO and the World Bank, children, teachers and parents receive assistance and guidance and access to resources and specific bullying prevention interventions, including access to confidential counseling, complaint and reporting mechanisms, that support the participation of children within the educational environment and that are proven to contribute to a reduction in perpetration and victimization.

103.   School administrators working together with parents can convey the clear message that bullying, including cyberbullying, is being taken seriously. Again, as noted in the "young people's recommendations", in investigating and addressing bullying, administrators need to employ creative strategies that are used proportionately, in response to the seriousness of the behaviour. Children who have been bullied report that if there are no consequences for the culprits, who may even enjoy an elevated status among their peers, they are left feeling an even greater sense of abandonment. Measures that result in isolating, embarrassing or adding to the stress these children are experiencing, or that might even make them appear to be part of the problem, only serve to re-victimize them. Children who find that the efforts made by teachers and parents have made their problems worse are unlikely to seek further assistance and may face further instances of bullying.

104.   The use of restorative approaches in schools can give children who have been bullied appropriate support and a chance to tell their side of the story, to express themselves, to feel that are being listened to, to find a way to resolve their negative feelings and to establish a sense of restitution for what they have suffered.[72] For children who have bullied others, this approach can equally provide a valuable platform to understand and take responsibility for the harm caused, and to engage in solutions that can help provide redress to the victim and prevent recidivism.

105.   As noted by UNESCO, for both the bully and the student who is bullied, the cycle of violence and intimidation results in greater interpersonal difficulties and poor performance in school. Students who are bullied are more likely than their peers to be depressed, lonely, or anxious and have low self-esteem. Bullies often act aggressively out of frustration, humiliation, anger and in response to social ridicule.[73]

106.   Restorative processes include: (a) a set of principles or values that define the role that such processes will serve within the community; (b) training of key personnel in a restorative approach; (c) strong communication strategies; (d) group discussions that provide a forum for building trust and commitment to act; and (e) voluntary attendance at meetings in order to bring all parties together, emphasizing a whole-school and whole-community approach, in order to obtain a consensus outcome.

107.   Schools are an inherent part of the communities in which they are located and initiatives to end violence in schools need to take this co-dependency into account. As noted by the UN Study on Violence against Children, "successful initiatives are those based on the recognition that all children have equal rights to education in settings that are free from violence, and that one of the functions of education is to produce adults imbued with non-violence values and practices." [74]

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[72]   Some experts caution against the use of mediation due to the inherent imbalance of power in bullying situations
[73]   UNESCO, Stopping Violence in Schools: A Guide for Teachers, Paris, 2011, p.11
[74]   Paulo Sergio Pinheiro, UN Study on Violence against Children, p.138.

108.   Thus, in addressing instances of bullying, schools should avoid using punitive approaches that simply advance punishment for bullies and extend sympathy to the bullied as they do not provide an adequate response to the problem. In reality both bullies and victims are children who are equally in need of care and attention. Anti-bullying initiatives that impose too harsh a punishment, such as suspending bullies from school, isolating them from the general population or imposing automatic suspensions, often cause further alienation and resentment and rarely repair the damage caused by bullying, thus compromising long-lasting solutions.

IV.   Persisting and emerging challenges

109.   Research on existing legislation to counter bullying stresses that, in general, responsibility for prevention has been placed on the shoulders of organizational management, including school administrations, with less input expected from the public sector.[75] Along with the increased understanding of the health and safety hazards linked to bullying across the lifespan there is a growing recognition of the need to develop health policies for bullying prevention, and scientific literature suggests that preventive interventions should include whole community awareness campaigns.[76]

110.   There is evidence, however, that in spite of the significant efforts to assist and advise children about how they can protect themselves from bullying and cyberbullying, including those undertaken by national Governments or local authorities, schools, non-governmental organizations and the private sector, including Internet service providers, a significant number of young people are not using available avenues to reach out and ask for help, and too many victims remain in silence.

111   It is vital that schools develop and implement more anti-bullying strategies, including practical and confidential measures that children can access and use to escape the cycle of violence. As noted above and in other reports on bullying in schools,[77] children themselves strongly recommend the creation of specific reporting mechanisms within each school and request that they be provided with more education on the subject of bullying, including cyberbullying, and on their rights in this regard. Teenagers are aware of how to reduce online risks from strangers, but awareness-raising also needs to include reducing the risks from their peers. The role of schools in holding discussions of the pressures that students face and in promoting the support and training of teachers to facilitate these discussions is important. All parties involved in protecting children's rights need to support efforts to establish anti-bullying strategies, reporting mechanisms and other relevant measures as a requirement in all schools and to strengthen, review and revise them for effectiveness where they do exist. Children should be informed about such mechanisms, which should be easily accessible, safe and trusted. Moreover, school staff needs to the right skills to early detect and effectively address incidents of bullying.

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[75]   See Srabstein, J.C., Berkman, B.E. and Pyntikova, E., "Anti-bullying legislation: a public health perspective", *Journal of Adolescent Health*, 2008, vol. 42.

[76]   See Srabstein, J.C., Leventhal, B.L., "Prevention of bullying-related morbidity and mortality: a call for public health policies", *Bulletin of the World Health Organization*, WHO, 2010.

[77]   Ombudsman for Children, Norway, "I want to have good dreams": children's and young people's hearing on bullying and offences at school, October 2014 (available in the files of the Secretariat).

112.   As recorded in a 2012 study on virtual violence,[78] nearly half of the children surveyed, 45 per cent, felt that websites do not do enough to protect them; only 8 per cent called for schools to limit the use of technology by pupils; 46 per cent called for better reporting mechanisms; and 30 per cent for more education in this area. As has been reported,[79] while children are often well informed about the technical aspects of using social media, the forces brought to bear by their peers may lead them into making serious errors in judgement. Friendship, which is such an important component of a children's social life at every age, providing them with a sense of well-being, greater social competence and self-esteem, may lead children, in particular adolescents, to rely more heavily on peers than on parents for support and interaction. The quality of peer relations is also important, however, since it seems that having problematic friendships is more detrimental to one's well-being than the absence of supportive ones. In general, research has shown that having quality friendships that offer support and intimacy can contribute to better outcomes in school involvement and achievement and in overall adjustment during adolescence.[80]

113.   It is crucial that children and young people be included in the development and promulgation of anti-bullying initiatives in order to ensure their success. Student involvement as partners in a whole-school approach to addressing bullying and cyberbullying strengthens a positive peer culture and advances the anti-bullying message in a more meaningful way. Teacher and adult leadership and strong student-teacher bonding about ways to eliminate peer-to-peer violence within the school are more likely to produce an effective preventive approach. Students who have a stronger attachment to their school community and who are given responsibilities for keeping their educational environment safe and secure feel more accepted within the school, experience fewer behavioural problems and have better educational outcomes. Successful whole school anti-bullying approaches are premised on the notion that bullying behaviour can be identified and redirected into a more pro-social direction through a systematic restructuring of the school's social environment.[81]

114.   In this regard, it is relevant to note the recommendations of the informal expert group convened by the United Nations Centre on Drugs and Crime in the 2013 report of the Commission on Crime Prevention and Criminal Justice Prevention on protection and international cooperation against the use of new information technologies to abuse and/or exploit children. The expert group identified unmet needs in raising awareness of bullying and sexual harassment in civil society, and reported that people are often confused about such offensive conduct but may not know whether it is actually criminalized and, if so, where to report it. The expert group also noted that education programmes were needed to promote awareness and prevention of cybercrime. Providing training to children directly to help them to independently elude online perpetrators, as well as all forms of sexual victimization, was identified as a priority, as was increased provision of information to parents on the ways that ICTs impact their children's daily lives and on the crucial

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[78]   Cross, Emma Jane; Piggin, Richard; Douglas, Thaddeus; and Vonkaenel-Flatt, Jessica, "Virtual Violence: Progress and Challenges in the Fight against Cyberbullying", Nominet Trust, National Association for Head Teachers, Beatbullying, London, 2012.

[79]   Office of the Special Representative of the Secretary-General on Violence against Children, *Releasing children's potential and minimizing risks: ICTs, the Internet and violence against children*, New York, 2014.

[80]   Hidden in Plain Sight: a statistical analysis of violence against children, UNICEF 2014, p. 112

[81]   "Bullying Prevention: Nature and Extent of Bullying in Canada", Government of Canada (https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/bllng-prvntn/index-en.aspx#a06).

preventive role that they can play by paying attention to their children's concerns and interests in order to identify warning signs of abuse or exploitation.[82]

115.   In its resolution 69/158, the General Assembly explicitly noted the widely reported need for increased data collection on bullying and cyberbullying and encouraged Member States "to generate statistical information and data disaggregated by sex, age and other relevant variables at the national level, and to provide information on disability, with regard to the problem of bullying, as a basis on which to elaborate effective public policies". Furthermore, in her annual report to the General Assembly,[83] the Special Representative of the Secretary-General also drew attention to the importance of gathering, analysing and disseminating timely, reliable and disaggregated data for the design of appropriate and focused interventions.

116.   Although significant information on bullying and cyberbullying has been gathered by Member States, providing information on where, how and to what extent this behaviour is in evidence, owing to the diverse methodologies employed in gathering the information, remains an area where further efforts are required. More and better data is clearly needed to inform the development and implementation of the "effective public policies" called for by the General Assembly in its resolution 69/158.

117.   Responses received in support of the development of the Secretary-General report reveal that data collection is carried out by a wide range of actors, including, inter alia: (a) Government Ministries of Education and Health; (b) Government-sponsored institutions; (c) child protection actors and law enforcement agencies; (d) national and international non-governmental organizations; (e) United Nations agencies, including WHO, UNICEF and UNESCO; and (f) research and academic institutions.

118.   It is important to integrate existing data and to promote data gathering, analysis, dissemination and use, which in turn are critical to inform policy and legislative developments, the mobilization of resources, the promotion of national coordinated responses, the launch of prevention and awareness-raising campaigns and initiatives, the consolidation of research, the capacity-building of professionals and the empowerment of children.

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[82]   E/CN.15/2014/7, paras. 56 and 57.
[83]   A/70/289.