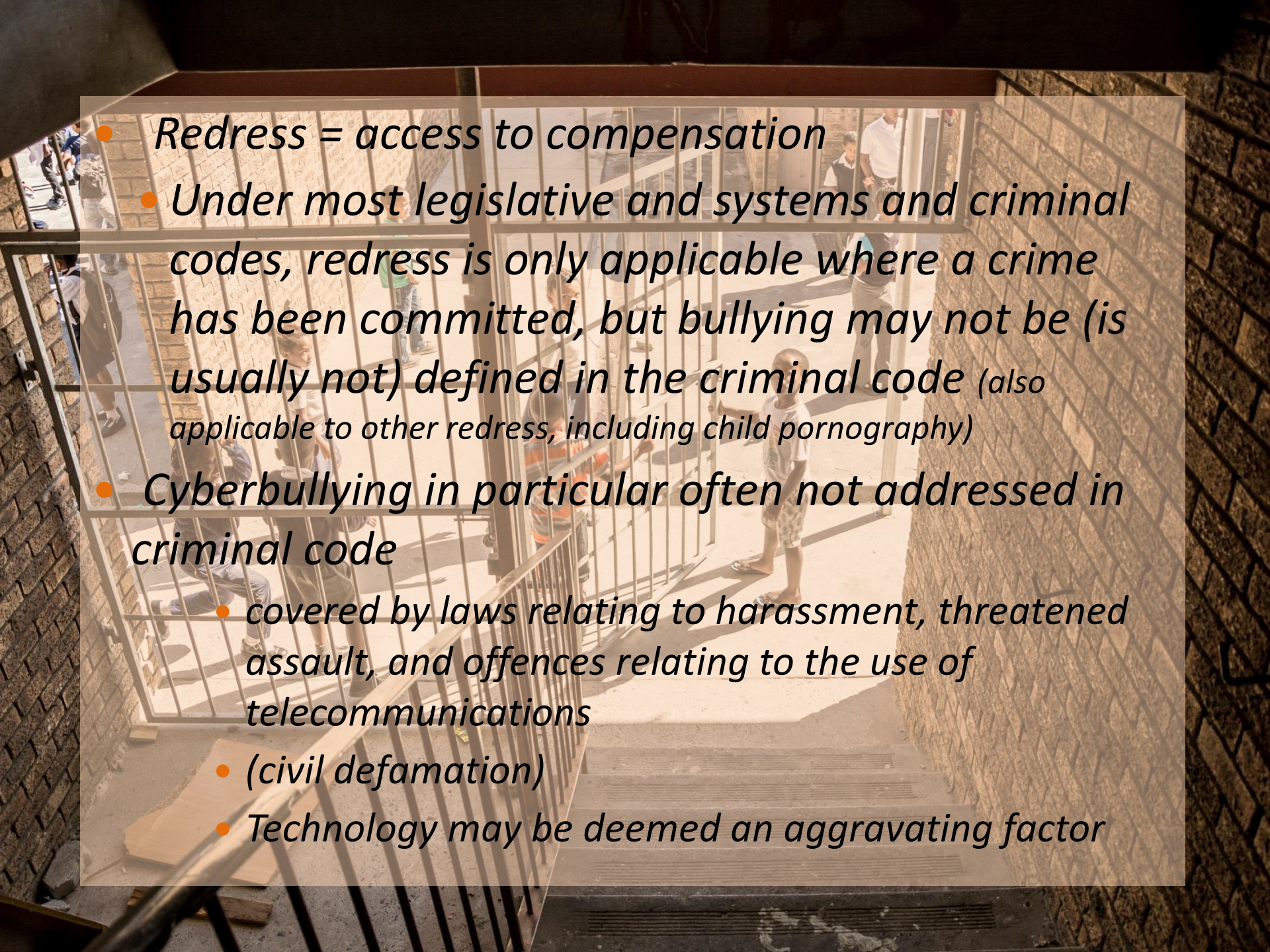


Bullying and Cyberbullying: Children's Rights to Redress

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- *Redress = access to compensation*
 - *Under most legislative and systems and criminal codes, redress is only applicable where a crime has been committed, but bullying may not be (is usually not) defined in the criminal code (also applicable to other redress, including child pornography)*
 - *Cyberbullying in particular often not addressed in criminal code*
 - *covered by laws relating to harassment, threatened assault, and offences relating to the use of telecommunications*
 - *(civil defamation)*
 - *Technology may be deemed an aggravating factor*



- Cyberbullying compensation may be confounded by transnational nature
 - ➔ where a resident in one country uses the internet to bully someone in another country, they do not qualify for state compensation

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- A young girl with dark skin and braided hair is the central figure, looking directly at the camera. She is wearing a grey school uniform with a yellow collar. In her hands, she holds several colorful markers (pink, green, yellow, and purple). The background is a blurred classroom setting with other students and desks. A semi-transparent orange rectangle is overlaid on the left side of the image, containing a list of bullet points.
- *Not a particularly developed area of law, particularly in Asia and Africa*
 - *Compensation through the criminal justice system, payable by the perpetrator*
 - *Wealthier countries may have access to a victim compensation fund, but may only cover violent crime*
 - *Options between criminal redress and redress through non-criminal system (civil, victim/offender conferencing etc)*

Emerging Trends



- Integration of victim compensation into criminal processes, which may help in avoiding re-traumatizing of children BUT, is the criminal route the best option for both victim and offender
- Appointments of civil advocates to assist victims
- Creation of states-sponsored compensation schemes

(Binford, 2015)

Practical considerations

- Financial and other practical constraints in resource-constrained countries
- Where integrated into criminal processes, dependent on efficient and functioning criminal justice systems
- Lack of awareness of rights to redress and compensation
- Where prosecutors deem that criminal prosecutions of offenders not in the child's best interest, then civil claims an option (see Morocco))

Practical considerations

- Inherent challenge in determining harm to the child as a result of bullying or cyberbullying, as well as determining causation and liability for aggregate harm where more than one offender is involved.

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- BUT how relevant, and what form, does redress take within context of:
 - Low reporting
 - Dysfunctional systems
 - Child – centred legislation (both victims and offenders)
 - Punitive approaches

- Safe spaces & reporting
- Responsive systems at every level
 - (including recognition of harms associated with bullying)
 - Premised on best interest of the child, and rights of both the child perpetrator and victim
- Accountability at school, district and Ministry level

