European Parliament

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

Constitutional Affairs

Justice, Freedom and Security

Gender Equality

Legal and Parliamentary Affairs

Petitions

CYBERBULLYING AMONG YOUNG PEOPLE

STUDY FOR THE LIBE COMMITTEE

EN

2016

CYBERBULLYING AMONG YOUNG PEOPLE

STUDY

Abstract

This study provides an overview of the extent, scope and forms of cyberbullying in the EU taking into account the age and gender of victims and perpetrators as well as the medium used. Commissioned by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, the study illustrates the legal and policy measures on cyberbullying adopted at EU and international levels and delineates the EU role in this area. An analysis of legislation and policies aimed at preventing and fighting this phenomenon across the 28 EU Member States is also presented. The study outlines the variety of definitions of cyberbullying across EU Member States and the similarities and differences between cyberbullying, traditional bullying and cyber aggression. Moreover, it presents successful practices on how to prevent and combat cyberbullying in nine selected EU Member States and puts forward recommendations for improving the response at EU and Member State levels.

AUTHORS

Ms Virginia Dalla Pozza, Milieu Limited
Ms Anna Di Pietro, Milieu Limited
Ms Sophie Morel, Milieu Limited
Ms Emma Psaila, Milieu Limited

SENIOR EXPERTS
Dr Vasiliki Artinopoulou (Professor of Criminology in the Sociology Department of Panteion University of Social and Political Sciences, Athens, Greece)
Dr Sonia Livingstone (Professor of Social Psychology, Department of Media and Communications London School of Economics and Political Science, London, UK)
Dr Aisling Parkes (Lecturer in Law, University College Cork, Ireland)

NATIONAL EXPERTS

Elena Fries-Tersch (Austria); Nathalie Meurens, Benoit Cavez (Belgium); Raya Raychinova (Bulgaria); Christodoulou-Varotsi (Cyprus); Hana Spanikova (Czech Republic); Damir Petrovic (Croatia); Nina Smith (Denmark); Laura Isotalo (Finland); Sophie Morel (France); Katalin Adamis-Császár (Hungary); Gillian Kelly (Ireland); Linda De Keyser (Latvia); Lyra Jakuleviciene, Lijana Štarienė (Lithuania); Laura Jacques (Luxembourg); Emma Psaila (Malta); Marta Silva (Portugal); Zuzana Lukacova (Slovakia); Neža Kogovšek Šalamon, Katarina Vučko (Slovenia); Ana Gomez Rojo (Spain).

AUTHORS OF THE COUNTRY REPORTS

Andra Siibak (Estonia); Lukas Rass-Masson (Germany); Elina Lampropoulou (Greece); Anna Di Pietro and Virginia Dalla Pozza (Italy); Trijntje Vollink and Francine Dehue (Netherlands); Jacek Pyzalski (Poland); Raluca Tomsa (Romania); Elza Dunkels (Sweden); Liam Hackett (United Kingdom).

_____

CONTENTS

LIST OF ABBREVIATIONS

BIK	Better Internet for Kids Strategy
CJEU	Court of Justice of the European Union
COFACE	Confederation of Family Organisations in the European Union
DG	Directorate Generals of the European Union
EC	European Commission
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECtHR	European Court of Human Rights
EU	European Union
FRA	European Union Agency for Fundamental Rights
ICT	Information and communication technologies
INSAFE	International Association of Internet Helplines
INHOPE	International Association of Internet Hotlines
LIBE	Committee on Civil Liberties, Justice and Home Affairs
NGO	Non-Governmental Organization
TEU	Treaty on European Union
TFUE	Treaty on the Functioning of the European Union
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USA	United States of America

LIST OF TABLES

_____

EXECUTIVE SUMMARY

This study was commissioned by the Policy Department on Citizens' Rights and Constitutional Affairs at the request of the Committee on Civil Liberties, Justice and Home Affairs (the LIBE Committee) in order to assess the rapidly evolving phenomenon of cyberbullying among young people and the needs for public action in the area. The aim of this study is to illustrate the scale and nature of cyberbullying in the EU and provide an overview of the legal and policy measures adopted in this area at EU, international and national levels. The study focuses on young people under the age of eighteen. It is based on desk research, stakeholder consultation and a survey among young people. Although the research covered all 28 EU Member States, a closer analysis of the situation in nine Member States was performed. The selected Member States are: *Estonia, Germany*, *Greece, Italy, the Netherlands, Poland, Romania, Sweden* and *the United Kingdom*. This selection seeks to ensure a good balance between geographical locations, legal systems and moment of entry into the EU. Good practices on how to prevent and combat cyberbullying in the nine selected Member States are presented in this study. Practices were considered as 'good' if they had proven successful in reducing cyberbullying, protecting victims, raising awareness and punishing perpetrators. The aspects of relevance, inclusiveness and replicability were also considered in defining practices as 'good'. Moreover, the study puts forward recommendations on action at EU and national levels to prevent and tackle cyberbullying.

The phenomenon cyberbullying and its extent

The European Commission defines cyberbullying as repeated verbal or psychological harassment carried out by an individual or a group against others through online services and mobile phones[1]. Cyberbullying is generally understood as bullying taking place on the internet. There is **no single definition of cyberbullying agreed upon internationally or at European level**. However, attempts to define this phenomenon have been made by international organizations, EU institutions and academia. Despite differences among definitions the following elements have been identified as common features of cyberbullying: the use of electronic or digital means; the intention to cause harm; a sense of anonymity and lack of accountability of abusers as well as the publicity of actions. At national level, only fourteen EU Member States provide an official definition[2] of bullying online.

The growing availability of new technologies has resulted in an **increase in cyberbullying cases** in recent years. More than one million people worldwide become victims of cybercrime every day; this includes also victims of cyberbullying[3]. According to the 2014 EU Net Children Go Mobile Report, 12% of the 3,500 children aged 9-16 years old were cyberbullied[4]. Similarly, the 2011 EU Kids Online report found that 6% of the 25,142 children between 9 and 16 years of age had been bullied online across Europe and 3 % had

---

[1] [European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, (10 February 2009)](#).
[2] The term 'official definition' is used in a broad sense to include any definition provided in legal/policy documents as well as definitions by public authorities.
[3] [Symantec, '2012 Norton Cybercrime Report', Norton by Symantec, (2012)](#). The report covered 24 countries including EU Member States.
[4] Mascheroni, Cuman, 'Net Children Go Mobile. Final Report', Educatt Milano, Italy, (2014). The EU Net Children Go Mobile project was co-funded by the Safer Internet Programme to investigate through quantitative and qualitative methods how the changing conditions of internet access and use bring greater, fewer or newer risks to children's online safety. Participating countries included Denmark, Italy, Romania, the UK, Belgium, Ireland and Portugal.

carried out cyberbullying[5]. Cyberbullying increased among children aged 11-16 from 7% in 2010 to 12 % in 2014[6].

As a result of the absence of a commonly agreed definition, data in this area must be considered with extreme caution. While most Member States **lack specific data on cyberbullying**, some trends have however been identified. Some studies show that the North East European countries tend to have the highest rate of online risks experienced by children, including bullying online, whereas Western and Southern European countries have the lowest risks encountered online. According to the available data, victims of cyberbullying are more likely to be perpetrators of bullying online[7] than non-victims. Cyberbullying perpetrators are also often involved as victims or perpetrators in traditional bullying. Despite the lack of specific data on bullying online, research at national level indicates that there is a general perception of cyberbullying as a growing phenomenon raising serious concerns.

The legal framework

There are no standards specifically targeting cyberbullying at **international level**. However, Article 19 of the UN Convention on the Rights of the Child (UNCRC) on the protection from all forms of violence is applicable to bullying online. At **regional level**, the Council of Europe has adopted a range of legally binding measures relevant to bullying online. The **EU** has only a **'supplementary' role** in this field consisting of supporting, coordinating or supplementing the initiatives adopted by Member States at national level. Although the EU has only a limited role, EU action on cyberbullying cannot be completely excluded. While research at national level on cyberbullying among young people recommends a preventive approach rather than a punitive one, a different intervention might be necessary to tackle cyberbullying perpetrated by adults. Currently, there are **no EU specific legal instruments** targeting cyberbullying. However, the EU has adopted a range of legal provisions relevant to cyberbullying such as the Directive on victims' rights[8] and the Directive on combating child sexual abuse[9].

At **national level, none of the 28 EU Member States have criminal legal provisions** targeting cyberbullying specifically. In the absence of a specific criminal offence for cyberbullying, all Member States address cyberbullying within the legal framework of other offences in a broad range of areas such as: violence, anti-discrimination and computer-related crimes.
Likewise, **none of the 28 EU Member States has specific legislation on cyberbullying in the civil area.** However, the consequences of cyberbullying may attract pecuniary or non-pecuniary sanctions.

---

[5] Schmalzried, 'Background paper: cyberbullying an overview', #DeleteCyberbullying project, COFACE, (23 April 2013).
[6] EU Kids Online, 'EU Kids Online: findings, methods, recommendations', LSE Publishing, (2014). The EU Kids Online is a multinational research network which seeks to enhance knowledge of European children's online opportunities, risks and safety. It has been funded by the EC's Better Internet for Kids programme.
[7] The term bullying online is used as a synonym for cyberbullying in this paper. The term cyberbullying/bullying online describes bullying taking place on the internet (see Section 2.2).
[8] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).
[9] Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335/1, (17 December 2011). This Directive has been implemented by all Member States considered under this study, except Denmark.

_____

Policy framework

In 2014, the **UN General Assembly** adopted a **Resolution** on protecting children from bullying[10]. The resolution calls on Member States to take all appropriate measures to prevent and protect children from the various forms of bullying. Moreover, in its **draft general comment** of 22 April 2016 the UN emphasized the importance of strategies to involve adolescents in developing programmes to combat bullying, including cyberbullying[11]. At **regional level**, the Council of Europe's **Strategy on the Rights of the Child for 2016-2021**[12] identifies five priorities for Member State action. Children's rights in the digital environment are one of these priorities.

At **EU level**, the EU Agenda for the Rights of the Child (2011-2014) sets a range of objectives including combating violence against children in the online environment. Moreover, with regard to children's safety online, specific policy initiatives have been adopted. The **Commission's 2012 Strategy for a Better Internet for Kids** (BIK) aims to protect children from exposure to harmful content and empower them to deal with online risks such as cyberbullying. It also includes support to industry self-regulatory initiatives. In the same context, a wide range of **EU financial programmes** have been launched such as the Better Internet for Kids programme[13]. Furthermore, on the 25th Anniversary of the UNCRC, the European Parliament adopted a **Resolution** recognizing the growing concerns regarding the protection of children on the internet[14]. The Resolution requires Member States to combat cyberbullying and raise awareness of the phenomenon.

At **national level**, most of the governments of EU Member States have recently developed action plans to fight cyberbullying which include the set-up of helplines, awareness raising campaigns and recommendations for schools to include cyberbullying in their policies and rules. In particular, half of the Member States have been adopting specific **policies** in this domain, which relate to four main areas: violence, education, child protection and online safety. Some Member States involve young people in the development of these policies.

Good practices on cyberbullying

The most common **good practices**[15] in the nine Member States selected for further analysis can be grouped around two main areas: education/awareness raising and child protection. Within the first group, various educational programmes have been adopted inside and outside the school context. These programmes aim to prevent bullying and cyberbullying by informing children about the dangers of the internet, encouraging victims to report incidents and helping perpetrators to understand the effects of their behaviour. Furthermore, training, workshops and e-learning courses on cyberbullying have been organized for children, parents and educational professionals in most of the selected Member States. Specific initiatives to promote online safety and helplines for victims of violence including cyberbullying have also been established. Good practices relating to

---

[10] A/69/484, UN Resolution No. 69/158 adopted by the General Assembly on the report of the Third Committee, 'Protecting children from bullying', (18 December 2014).
[11] CRC/C/GC/20, Convention on the Rights of the Child, 'Draft General Comment on the implementation of the rights of the child during adolescence', Advanced United Version, (22 April 2016); CRC/C/GC/13, 'General comment No. 13 (2011) - The right of the child to freedom from all forms of violence', (18 April 2011).
[12] CM(2015)175, Council of Europe, 'Strategy for the Rights of the Child (2016-2021)', (3 March 2016).
[13] 'Better Internet for Kids' page, European Commission website, (last accessed on 10 May 2016).
[14] European Parliament resolution on the 25th anniversary of the UN Convention on the Rights of the Child 28 November 2014, (2014/2919(RSP)).
[15] Practices were considered as 'good' if they had proven successful in reducing cyberbullying, protecting victims, raising awareness and punishing perpetrators. The aspects of relevance, inclusiveness and replicability were also taken into account in defining practices as 'good'.

cyberbullying often engage a wide range of stakeholders including governments which usually fund such initiatives.

Among the various practices identified, some have emerged as particularly successful. The role of the **Ombudsman for Children** in the prevention and fight against bullying is regarded as a good practice in some countries such as Greece and Estonia. To give an example, the Greek Children's Rights Ombudsman adopted various initiatives to tackle bullying online including recommending the adoption by the Ministry of Education of good practices against violence in secondary schools[16]. Likewise, the Estonian Ombudsman for children provides practical advice to teachers, parents and students on how to deal with bullying and cyberbullying on its website, 'Bullying-free School'. The Ombudsman also encouraged school managers to make active use of programmes against bullying[17]. Some countries have then placed **specific responsibilities on schools** to prevent and combat bullying. These responsibilities exist in the Netherlands, Sweden and the United Kingdom. In this regard, the Dutch Ministry of Education and Culture launched an Action Plan to combat bullying which foresees an obligation on schools to implement an intervention programme and to report online bullying actions[18]. The **direct involvement of children** in the development of solutions and policies in this area has also been recognized as one of the most effective methods for coping with this phenomenon. In this regard, a youth advisory committee was established by the Estonian Ombudsman for children to consult young people on child-related issues[19]. The committee has been involved in activities related to a safe school environment and school bullying.

Recommendations for action at EU level

In light of the findings from the study, a number of **recommendations for action at EU level** have been put forward. In this regard, the **European Commission** should adopt an official **definition of cyberbullying** in order to ensure a common understanding of the phenomenon and provide guidance to Member States which have diverse definitions. This could be achieved by mainstreaming the existing Commission's definition through EU programmes/grants. While taking into account its links with traditional bullying, **cyberbullying should** then **be considered and tackled *per se***. In this respect, the Commission should promote initiatives in collaboration with Member States to raise awareness on cyberbullying and its unique characteristics including training of professionals working with children.

Furthermore, the Commission should consider criminalizing cyberbullying perpetrated by adults given the seriousness of cyberbullying behaviours and their cross-border nature on the basis of Article 83 of the TFEU (see Section 3.2.1). Although the EU has only a 'supplementary' role in this area, EU action on cyberbullying cannot be completely excluded. **The awareness** of bullying online and the **sharing of good practices** in this area across the EU should also be strengthened. Since data and information are essential for developing and implementing effective measures to prevent and combat cyberbullying, harmonised **data collection** should be guaranteed across Europe. To this end, the Commission should foster **cooperation with the private sector** including social media providers. Finally, the Commission should **introduce soft-law instruments** such as

---

[16] Press Release, 'Cooperation between parents, students and teachers to address bullying phenomena recommended by the Children's Ombudsman' (*Συνεργασία μεταξύ γονέων, μαθητών και εκπαιδευτικών για την αντιμετώπιση φαινομένων σχολικού εκφοβισμού συνιστά ο Συνήγορος του Παιδιού*), Children's Rights Ombudsman, (12 October 2015).

[17] '2014 Overview of the chancellor of justice activities' (*Õiguskantsleri 2014 aasta tegevuste ülevaade*), Chancellor of Justice website (õiguskantsleri veebileht), (2015).

[18] Law 3b 'Duty to provide safety in school' (Zorgplicht veiligheid op school), Staatsblad 2015, No. 238

[19] 'Youth Parliament', Noorte parlament website, (last accessed on 29 April 2016).

guidelines addressed to internet providers on how to effectively detect, monitor and report cyberbullying incidents. **Preventive measures** should also be adopted and reinforced through the direct financial contribution to projects/programmes on cyberbullying by the Commission.

In turn, the **European Parliament** should ensure that cyberbullying among young people is at the top of the EU agenda in the field of child protection. The European Parliament should scrutinize the Commissions' proposals, opinions and activities in this area and work with the Commission to ensure that cyberbullying is not sidelined in the legislative process. In this respect, a role could be played by the Intergroup on children's rights in charge of promoting children's rights in all EU internal and external action. Through its 'focal points' across all parliamentary committees, the Intergroup would guarantee that the prevention and fight against cyberbullying are mainstreamed across the work of the Parliament. In monitoring human rights across the work of the EU, the European Parliament should also monitor the Commission's activities in this area.

Recommendations for action at national level

At **national level**, Member States should **measure cyberbullying regularly** and **systematically.** To this end they should put in place national, regional and/or local data collection systems specifically targeting cyberbullying. A **preventive approach** to cyberbullying should be preferred to a punitive one. In line with this approach, **Children's Ombudsman** institutions should play a more active role in this area as already the case in some countries such as Estonia and Greece. In this respect, an EU Network of Ombudsman for Children, like the existing European Network of Ombudspersons for Children (ENOC)[20], could be established in order to ensure a coordination of the activities of national Ombudsman institutions at EU level in various fields including cyberbullying. **Children** should become **active agents** in the fight against cyberbullying and be involved in the development and implementation of policies in this field.

Moreover**, strategies promoting a safer education environment** within and outside schools and **programmes on internet skills** for children, parents and teachers should be promoted. In this respect, the KiVa programme[21] in the Netherlands aims to improve the safety of students in schools through lessons on respect and communication addressed to school staff, children and parents. Member States should also consider introducing **specific responsibilities on schools** to prevent and combat bullying offline and online. As explained above, these responsibilities already exist in some countries. For example, under the Swedish Education Act[22], schools are responsible for the well-being of their pupils, a responsibility that includes preventing and protecting them from bullying (including cyberbullying).

Furthermore, a **cultural change** by victims, perpetrators and bystanders is essential. To this end, **support and educational programmes** for all those involved and not involved in bullying incidents should be created. **Reporting mechanisms** such as helplines and the installation of reporting tools in children's computers to signal incidents should also be put

---

[20] ENOC is a not-for-profit association of independent children's rights institutions. Its mandate is to facilitate the promotion and protection of the rights of children as formulated in the UN Convention on the Rights of the Child. ENOC has a permanent independent Secretariat in Strasbourg.
[21] A programme originally launched in Finland. Salmivalli, Karna, Poskiparta, 'From peer putdowns to peer support: A theoretical model and how it translated into a national anti-bullying program' in Jimerson, Swearer Espelage (ed.), *Handbook of bullying in schools: An international perspective*, New York: Routledge, (2010), p. 441–454.
[22] Law 2010:800 'Education Act'.

in place. These mechanisms have been created in the Netherlands in the form of a report button that can be activated when children encounter online threats. A similar tool is currently under discussion within the latest draft law in Italy[23]. Finally, Member States should establish **ad hoc structures and programmes for the treatment of victims** and their families in serious cases of cyberbullying.

[23] Italian draft law 1261/2014 on cyberbullying.

1. INTRODUCTION

1.1. Background

Over the last decade cyberbullying has become a global issue affecting more and more young people[24]. With the increased use of mobile technologies and permanent online access more children have become involved in cyberbullying as victims, perpetrators and/or bystanders[25]. The 2012 Norton Cybercrime Report estimated that more than one million people worldwide become victims of cybercrime every day; this includes also victims of cyberbullying[26]. In the USA between 10% to over 40% of youth are victims of bullying online; Europe is not immune to the problem either[27]. The 2011 EU Kids Online report[28] found that 6% of 9 to 16-year-olds have been bullied online across Europe. Cyberbullying increased among children aged 11-16 from 7% in 2010 to 12 % in 2014[29]. As a result of its extent, cyberbullying has attracted the attention of the media, decision makers and society as a whole. Despite the lack of specific data on bullying online, research at national level shows that cyberbullying tends to be perceived as an alarming and growing phenomenon.

The European Commission defines cyberbullying as repeated verbal or psychological harassment carried out by an individual or group against others by means of online services and mobile phones[30]. It is generally understood as bullying taking place on the internet. As a result of the broad availability of online services and mobile phones, bullies can abuse their victims in new ways. Research shows that the use of technology can make these practices more dangerous and harmful than traditional bullying[31]. The impact on the child's well-being can be serious[32]. According to recent data, in Europe more than 50% of children bullied online said that they became depressed as a result and over a third of them stated that they harmed themselves or thought about suicide[33].

The EU institutions have recognized the dangers posed by cyberbullying. In particular, the European Union Agency for Fundamental Rights' (FRA) has acknowledged cyberbullying as a 'common threat to children's well-being' in its 2013 Annual Report[34]. The 2016 FRA Report points out that children are more exposed to internet-related risks than in previous

---

[24] European Commission, 'Report of the 8th European Forum on the rights of the child – Towards integrated child protection systems through the implementation of the EU Agenda for the rights of the child' (17–18 December 2013); Ms Santos Pais, 'SRSG Santos Pais calls for concerted efforts to eliminate bullying in all regions' post, Special Representative of the Secretary-General on Violence against Children website, (13 October 2015); Ms Santos Pais, 'Protecting children from bullying requires steadfast action and clear progress' post, Special Representative of the Secretary-General on Violence against Children website, (9 May 2016).

[25] Nixon, 'Current perspectives: the impact of cyberbullying on adolescent health', Journal of Adolescent Health, Medicine and Therapeutics, (2014) 5, p. 143–158.

[26] Symantec, (2012), op.cit. note 3. The report covered 24 countries including EU Member States.

[27] Schmalzried (I 2013), op. cit. note 5.

[28] EU Kids Online, 'Final report', (2011). The EU Kids Online is a multinational research network. It seeks to enhance knowledge of European children's online opportunities, risks and safety. It has been funded by the EC's Better Internet for Kids programme.

[29] EU Kids Online (2014), op. cit. note 6.

[30] European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, (10 February 2009).

[31] Li, 'New bottle but old wine: A research of cyberbullying in schools', Computers in Human Behavior, (2006) 23 (4), p. 1777-1791. By traditional bullying is meant bullying carried out face to face. Bullying is defined as an aggressive and intentional act or behaviour carried out by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself. See Olweus, 'Bullying at school: What we know and what we can do', Blackwell Publishing, (1993).

[32] Smith, Mahdavi, Carvalho, Fisher, Russell, Tippett, 'Cyberbullying: its nature and impact in secondary school pupils', Journal of Child Psychology and Psychiatry, [2008] 49 (4), p. 376–385.

[33] News, 'Cyberbullying risks permanent harm to European children', European Platform for Investing in Children website, (5 August 2014).

[34] FRA, 'Fundamental rights: challenges and achievements in 2013', Annual Report 2013, (2013), p. 110.

years[35]. The European Commission has emphasized the importance of the International Day of non-Violence[36] for the prevention of cyberbullying[37] and has adopted a range of initiatives to fight it. Specifically, a range of programmes and projects to protect children online have been funded in the context of the Rights, Equality and Citizenship Programme of DG Justice and Consumers[38] (see Section 3). Cyberbullying has also been addressed by the EU Agenda for the rights of the child (2011-2014)[39] and during the 8th European Forum on the Rights of the Child[40] (see Section 3). Similarly, the European Parliament has adopted a Resolution aimed, inter alia, at combatting cyberbullying, and empowering children against bullying both off and online[41].

Despite the commitment of the EU institutions to tackle cyberbullying, EU actions have been limited due to the fact that the EU has a limited competence in this area (see Section 3.2). Educational laws and policies on bullying fall within the remit of the Member States. Moreover, although various EU standards such as the Data Protection Directive[42], the Directive on the rights, support and protection of victims of crime[43] are applicable to cyberbullying, there is no specific EU legislation targeted at it. As highlighted by the LIBE Committee, a general overview of the scale and nature of the problem across the EU is missing. Considering the characteristics of communication in a virtual environment and the dangers posed to children's well-being, there could be a case for EU intervention. In order to design and implement effective interventions on cyberbullying it is essential to gain an overview of legislation, policies and practices in place in the Member States.

1.2. Objective of the study

Based on the considerations outlined above, the LIBE Committee requested this 'Research paper on cyberbullying among young people' (study) in order to assess the rapidly evolving cyberbullying phenomenon. In the context of the development of EU Guidelines on integrated child protection systems[44], this study aims to shed light on the extent, scope and forms of cyberbullying in the EU. In particular, the key objective of the study is to provide a

---

[35] FRA, 'Fundamental rights: challenges and achievements in 2016', Annual Report 2016, (2016).

[36] The International Day of non-Violence was established by the United Nations General Assembly in 2007.

[37] See for instance Answer given by Ms Jourová on behalf of the European Commission to the Written Question No. E-008601/2012 by Hon. Mato and Hon. Iturgaiz on the rights and safety of minors online, (17 September 2015).

[38] 'Rights, Equality and Citizenship Programme 2014-2020', European Commission website, (last accessed on 26 April 2016).

[39] COM(2011)60.

[40] European Commission, 'Report of the 8th European Forum on the rights of the child' (2013), op. cit. note 24. During this session good practices and approaches were discussed, in particular whole school approaches and measures taken at national, regional or local level.

[41] European Parliament Resolution of 27 November 2014 on the 25th Anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP)).

[42] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, (23 November 1995).

[43] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, OJ L 315, (14 November 2012).

[44] Guidelines on child protection systems were first announced in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 (COM(2012) 286 final). In 2013, the 8th European Forum on the rights of the child sought to identify key elements of the future EU Guidelines on child protection systems guided by the principles highlighted in the EU Agenda for the rights of the child. A public consultation for the EU guidelines on CPS was launched in early 2014. The 9th European Forum on the rights of the child (2015) further explored the theme of child protection systems focusing on coordination and cooperation and taking account of work done since 2012. Eventually the announced Guidelines were not adopted by means of a formal decision from the European Commission, but 10 principles for integrated child protection were developed in the context of the 9th Forum on the rights of the child. (See European Commission, 'Report of the 8th European Forum on the rights of the child' (2013), op. cit. note 24; European Commission, 9th European Forum on the rights of the child Coordination and cooperation in integrated child protection systems, Reflection paper (2015)).

_____

comprehensive overview of the legislation and policies aimed at preventing and fighting this phenomenon across the 28 EU Member States as well as on good practices in this area.

Specific objectives of the study are to:

- Illustrate the scale and nature of cyberbullying in the EU taking in to account the age and gender of victims and perpetrators as well as the medium used;

- Provide an overview of the variety of definitions of cyberbullying across EU Member States and of the similarities and differences between cyberbullying and traditional bullying and cyber-aggression;

- Analyse the legal/policy measures on cyberbullying adopted at EU and international levels and delineate the EU role in this area;

- Map the relevant legal and policy framework in the 28 EU Member States;

- Present good practices on how to prevent and combat cyberbullying in nine selected EU Member States[45];

- Put forward recommendations for action at EU and national levels on how to prevent and tackle cyberbullying.

1.3. Methodological approach

The study is based on research conducted between February 2016 and May 2016. Although the research covered all 28 EU Member States, a closer analysis of the situation in nine Member States was performed. The selected Member States are: *Estonia, Germany*, *Greece, Italy, the Netherlands, Poland, Romania, Sweden* and the *United Kingdom*. This selection seeks to ensure a good balance between geographical locations, legal systems and moment of entry into the EU. Member States with a long history of anti-bullying policies such as the *United Kingdom* and the *Netherlands* as well as countries where cyberbullying has increased over the last years such as *Estonia* and *Romania* are included. Differences and similarities between Member States are highlighted throughout the study.

The research process took place in four phases:

Phase 1: **Inception.** The methodological tools to be used during the following phases were developed at this stage.

Phase 2: **Research**. During this phase, an extensive literature review and desk research were carried out to gain a comprehensive overview of cyberbullying among young people in the EU and map existing EU/international legal and policy standards in this field. Research at national level was also undertaken. The latter focused on different aspects such as: definitions of cyberbullying; similarities and differences with traditional bullying and with cyber aggression; forms of cyberbullying according to age, gender and medium used; relevant legislative and policy framework; extent of the phenomenon and data collection systems to record and measure it. Good practices and recommendations on how to prevent and combat cyberbullying in nine selected EU Member States were also identified taking into account stakeholder views. Practices were considered as 'good' if they had proven

_____

[45] The nine selected Member States are: Estonia, Germany, Greece, Italy, the Netherlands, Poland, Romania, Sweden and the United Kingdom.

successful in reducing cyberbullying, protecting victims, raising awareness. The aspects of relevance, inclusiveness and replicability were also taken into account in defining practices as 'good'. Interviews with EU and national stakeholders were conducted in order to fill in the gaps in desk research and to collect further information in relation to specific aspects covered by the study (see Tables 12 and 13 in Annex V).

Phase 3: Analysis of Findings. All information collected during Phase 2 was carefully assessed. With the support of COFACE[46] and various NGOs, a survey among young people between 12 and 21 years of age was conducted in all EU Member States[47] (see Annex IV). The aim of the survey was to collect children's perceptions of cyberbullying and to test the good practices and the recommendations identified during Phase 2. In total, 879 reactions were collected through the survey, out of which 584 answers were considered 'acceptable' (see Annex IV). In order to ensure a representative sample of participants in terms of age, gender and place of residence, several organizations and institutions dealing with children of different age groups in the areas of bullying/cyberbullying, education and children's issues were involved. Information on the survey and a link to the questionnaire were posted on the website of COFACE and spread among its member organizations in 23 EU Member States. Moreover, several stakeholders contributed to the circulation of the survey through professional and personal contacts (see Table 11 in Annex IV). Survey questions were formulated in a child-friendly manner to facilitate the completion of the questionnaire.

Despite the fact that the survey was highly publicized, in some countries only few respondents completed the questionnaire. This was due to various factors such as the limited time in which the survey was posted online (six weeks) given the short time frame of the project and the fact that April and May were months during which children were on Easter/bank holidays. With the aim of increasing the number of participants, additional contacts with schools, NGOs and youth organizations working with children were established in those countries with a low response rate. However, this only provided a few more replies due to the end of the scholastic year examination period.

Since the number of respondents varied significantly across countries (from 320 respondents in Romania to 0 in Sweden) a comparable sample (N33 per country) was selected for the countries with the highest rate of participation (***Estonia, Germany, Greece[48], Italy***, the ***Netherlands, Poland*** and ***Romania***). The sample was selected to ensure a broad representativeness in terms of gender and age and comparability among Member States. This allowed to draw up general trends and qualitative observations from the survey, while the limited number of responses collected did not allow for quantitative conclusions.

Phase 4: Recommendations and Reporting. On the basis of the findings of the research and the survey among young people, recommendations for EU and national action were developed and tested.

---

[46] COFACE is the Confederation of Family Organisations in the European Union which brings together a large number of civil society organisations with the aim of giving a voice to all families and representing the issues most important to them at the European level. COFACE is part of the European #DeleteCyberbullying project.

[47] COFACE launched the Survey 'cyberbullying among young people' on 25 March 2016. The Survey remained open from 25 March 2016 until 9 May 2016, and was available in 10 languages: Bulgarian, German, Estonian, English, Spanish, French, Italian, Polish, Romanian, Greek. Various NGOs and experts supported the activity (see Annex IV).

[48] It should be noted that for Greece, two thirds of the participants were members of the World Scout organization. In order to ensure neutrality of the findings, the contributions of children who were not part of the scout group were also analyzed.

_____

1.4. Roadmap

The Research Paper is structured as follows:

Section 2 illustrates the **extent, scope** and **forms** of cyberbullying in the EU. An analysis of the various **definitions** of the phenomenon existing at EU level is presented together with a comparison of the concept with bullying and cyber aggression.

Section 3 provides an overview of the **legal** and **policy measures** on cyberbullying adopted at **EU** and **international levels**. A special focus is put on the EU action and competence in this field.

Section 4 presents an analysis of the **legal** and **policy framework** applicable to cyberbullying in the 28 EU Member States. Data and statistics on the extent of cyberbullying as well as data collection systems are outlined.

Section 5 illustrates **good practices** on how to prevent and combat cyberbullying in nine selected EU Member States. The involvement of stakeholders such as schools, private sector, civil society, etc. in these practices is discussed as well as the level of government involved (central, regional, local).

Section 6 puts forward **recommendations** on action at EU and national levels to prevent and tackle cyberbullying. The recommendations were tested through a survey among young people.
The results of the survey among young people are presented in boxes throughout the report.

Annex I: Country Reports of nine Member States selected for a closer analysis, namely:
Estonia, Germany, Greece, Italy, the Netherlands, Poland, Romania, Sweden and
United Kingdom.
Annex II: Definitions and actions taken by MS and European authorities.
Annex III: Bibliography.
Annex IV: Information on the survey among young people.
Annex V: List of EU and national stakeholders consulted.

2. CYBERBULLYING IN THE EU

KEY FINDINGS

- The increased availability of new technologies has resulted in a rise in cyberbullying cases in recent years. Cyberbullying is a particularly dangerous phenomenon as it can take place everywhere and at any time giving victims limited possibilities to escape.

- The constant evolution of ICTs increases opportunities to carry out new forms of cyberbullying through new technological means.

- There is no single definition of cyberbullying agreed upon internationally or at European level. However, attempts to define this phenomenon have been made by international organizations, EU institutions and academia.

- According to the literature the following elements characterize cyberbullying: the use of electronic or digital means; the intention to cause harm; an imbalance of power between the victims and the perpetrators; a sense of anonymity and lack of accountability of abusers as well as the publicity of actions.

- The boundaries between cyberbullying and traditional bullying and between cyberbullying and cyber-aggression are debated by academics.

- Although the need for a clearer and broader definition of cyberbullying is recognized across Europe, only fourteen EU Member States provide an official definition of bullying online.

- As a result of the absence of a commonly agreed definition of cyberbullying, the measurement of the phenomenon differs from country to country and from study to study. Data must therefore be considered with extreme caution.

- While there is evidence that bullying and cyberbullying often continue in adulthood, the limited findings available do not make it possible to draw a clear picture of its extent.

- Whereas most studies reveal that no gender is particularly targeted, according to some studies girls are just as likely if not more likely than boys to experience cyberbullying as victims or perpetrators.

- The link between victimization and perpetration of cyberbullying comes to attention in some Member States where victims of cyberbullying are more likely to be perpetrators of bullying online than non-victims.

- Bullying online and offline seem also to be linked. Cyberbullying perpetrators are often involved as victims or perpetrators in traditional bullying.

2.1. The phenomenon of cyberbullying

The aim of this Section is to illustrate the extent, scope and forms of cyberbullying in the EU. An analysis of the various EU level definitions of the phenomenon is made together with a comparison of the concept with traditional bullying and cyber aggression. However, before definitions are presented it is first of all essential to understand what is meant by both bullying and cyberbullying.

Bullying is generally understood as an aggressive and intentional act or behaviour carried out by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself[49]. The term **cyberbullying** is used to describe bullying taking place on the internet mostly through mobile phones and social media. Cyberbullying corresponds, thus, to an equally aggressive and intentional act, carried out through the use of information and communications technologies (ICTs)[50]. Bullying off and online usually involves the following key participants: the perpetrator, the victim and bystanders. Bystanders are those who see what is happening between the bully and the victim but they are not directly involved in the bullying (see Section 2.3).

Cyberbullying has greatly increased in recent years bolstered by the growth of social media and taking new forms such as mockery, insults, threats, rumours, gossip, disagreeable comments, slander, etc. With new technologies being available and increased access to ICTs by young people, new risks emerge. The 2010 EU Eurobarometer on the Rights of the Child showed that bullying and cyberbullying are common parts of children's daily lives[51]. Similarly, the 2011 EU Kids Online report found that 6% of 9-16 years old report having been bullied online across Europe. Cyberbullying increased among children aged 11-16 from 7% in 2010 to 12 % in 2014 according to the 2014 EU Kids Online report[52]. The same rate is found by the 2014 EU Net Children Go Mobile Report: 12% of 9-16 years old children have been victims of cyberbullying[53]. This tendency is confirmed by the EU children helplines[54]: 91.70% of online risks for children relate to cyberbullying, followed by hate speech, exposition to sexual contents, online abusive communication and racism[55].

The geographical and temporal scope of cyberbullying is almost unlimited. Due to the means used, cyberbullying can take place everywhere and at any time as it may occur inside or outside schools and homes[56]. This makes bullying online particularly dangerous giving victims very limited possibilities to escape it. Moreover, a single incident, as soon as it is disclosed to thousands of users may cause harm to the victim even without its repetition over time. Information posted online remains available for a long time and can sometimes be difficult to remove[57]. As highlighted in Section 1, cyberbullying can be

---

[49] Olweus (1993), op. cit. note 31.
[50] A general definition of ICTs includes - but is not limited to - any whole or partial transfer of signs, images, sounds, videos, data, writings by wire, radio, photo system, email, internet communication systems, instant messages etc. See Smith, Mahdavi et. al. (2008) 49 (4), p. 376–385, op. cit. note 32.
[51] European Commission, 'Qualitative study on the Rights of the Child', Eurobarometer, (October 2010).
[52] EU Kids Online (2014), op. cit. note 6.
[53] Mascheroni, Cuman (2014), op.cit. note 4. The EU Net Children Go Mobile project was co-funded by the Safer Internet Programme to investigate through quantitative and qualitative methods how the changing conditions of internet access and use bring greater, fewer or newer risks to children's online safety. Participating countries included Denmark, Italy, Romania, the UK, Belgium, Ireland and Portugal.
[54] The finding refers to the data collected through the Helplines of the Insafe Network, which covers 27 EU Member States, plus Iceland, Norway and Russia.
[55] Dihn, Farrugia, O'Neill, Vandoninck, Velicu, 'Internet Safety Helplines: Exploratory Study First Findings', InSafe, (2016).
[56] Tokunaga, 'Following you home from school: A critical review and synthesis of research on cyberbullying victimization', Computers in Human Behaviour, [2010] 26, p. 277–287.
[57] 'Bullying and Cyber', NGO website, (last accessed on 10 May 2016).

detrimental to a person's mental and physical health, causing significant psychological maladjustment, social isolation and feelings of unsafety[58]. A 2014 poll among 2,000 adults and children across Europe showed that 55% of children became depressed as a result of cyberbullying, 38% considered suicide, and 35% considered harming themselves[59].

2.2. Definitions of cyberbullying

There is no single definition of bullying and cyberbullying agreed upon internationally and at European level. However, attempts to define these phenomena have been made by international organizations, EU institutions and academia.

2.2.1. UN definitions

Since 2009, the UN highlighted the importance of tackling cyber-hate which also included cyberbullying. In particular, in the 2009 Recommendations on the promotion of internet and online media services appropriate for minors[60] cyberbullying was defined as an extension of traditional bullying in cyberspace[61]. Another definition of the phenomenon was provided by the 2014 Resolution[62] of the United Nations General Assembly. According to this Resolution, bullying, including cyberbullying, can be expressed through violence and aggression. Both phenomena can have a negative impact on the rights of children and their well-being. In line with this approach, the UN Committee on the Rights of the Child, in its General Comment No. 13[63], indirectly defined cyberbullying as 'psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the internet' (see Section 3).

In its 2016 Annual Report, the UN Special Representative of the Secretary-General on Violence against Children described cyberbullying as 'any aggressive, intentional act carried out by a group or individual, using electronic forms of contact, against a victim who cannot easily defend himself or herself'[64]. Cyberbullying was then distinguished from other behaviours such as cyberstalking and cybercrime[65]. Moreover, in its evolving definition, the UN recognized cyberbullying as 'a serious manifestation of online violence' with the elements of imbalance of power, use of electronic or digital means, anonymity and ability to reach a broad audience. It established that a single act online determines cyberbullying

---

[58] Chester, Callaghan, Cosma, Donnelly, Craig, Walsh, Molcho, 'Cross-national time trends in bullying victimization in 33 countries among children aged 11, 13 and 15 from 2002 to 2010', European Journal of Public Health, (2015).

[59] 'Should cyberbullying be a criminal offence in the EU?' post, Debating Europe website, (19 March 2015); Over 100,000 Europeans support virtual protest to tackle bullying and cyberbullying' press release, #DeleteCyberbullying and Beat Bullying, (11 June 2014).

[60] UN Recommendation 1882 (2009) on the promotion of internet and online media services appropriate for minors.

[61] UN, 'Unlearning Intolerance', Seminar Series, (2009); UNDP, 'Internet and Racism: Cyberbullying', (2013); 'Defining the lines on cyberbullying: navigating a balance between child protection, privacy, autonomy and informed policy' post, UNICEF website, (last accessed on 25 April 2016).

[62] UN Resolution No. 69/158 adopted by the General Assembly on 18 December 2014 on the report of the Third Committee) Protecting children from bullying.

[63] UN CRC/C/GC/13, General Comment of the Committee on the Rights of the Child No.13 (2011), 'The right of the child to freedom from all forms of violence', (2011).

[64] A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', (5 January 2016); Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Thematic Report: Releasing children's potential and minimizing risks: information and communication technologies, the internet and violence against children', (2014).

[65] Cyber-crime is defined as 'any criminal act committed via the internet or another computer network, including theft of banking information or personal data, production and dissemination of illegal material, online predatory crimes and unauthorized computer access' (A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', (5 January 2016); Office of the UN Special Representative of the Secretary-General on Violence against Children (2014), op. cit. note 64.

_____

without the need for repetition over time[66]. Aware of the dangers of this phenomenon, the UN underlined the importance of adopting a globally accepted definition of cyberbullying. The need for a coordinated approach from governments around the world to cope with bullying online, with particular emphasis on preventing and tackling cyberbullying as well as on sharing best practices, was also highlighted[67].

2.2.2. EU definitions

The EU has acknowledged the importance of protecting children in relation to modern technology on various occasions. Although there is no commonly agreed definition of cyberbullying at EU level the phenomenon has been described by the EU institutions in the context of various initiatives (See Annex V for the list of stakeholders consulted). On the occasion of the 2009 Safer Internet Day, the European Commission defined cyberbullying as the 'repeated verbal or psychological harassment carried out by an individual or group against others'[68]. According to the Commission, cyberbullying differs from face-to-face bullying in various aspects such as the anonymity that the internet provides, the capacity to reach a wider audience, the lack of sense of responsibility of perpetrators and the reluctance of victims to report incidents[69]. On the other hand, cyberbullying is described as 'a modern manifestation of bullying that calls for urgent responses and the involvement of all relevant actors, such as social networking sites, internet providers and the police'[70] according to the **2011 EU Agenda for the Rights of the Child** (see Section 3).

At the **8th European Forum on the Rights of the Child** of 2013, the following definition of bullying was used for the purposes of the Forum: 'a child… is being bullied or picked on when another child or young person, or a group of children or young people, say nasty and unpleasant things to him or her. It is also bullying when a child or a young person is […] threatened, […] sent nasty notes, when no-one ever talks to them and things like that'[71]. These things can happen frequently and it is difficult for the child being bullied to defend himself/herself. However, the Commission makes it clear that it is not bullying when two children or young people of about the same strength have an odd fight or quarrel[72]. On this occasion cyberbullying was indirectly defined as a modern manifestation of bullying whereby children experience repeated verbal or psychological harassment through the internet or other digital technologies.

The lack of a commonly agreed definition of cyberbullying at EU level was emphasized by Members of the European Parliament who called for a clearer definition of cyberbullying[73]. Despite differences among the definitions outlined above the following common features of cyberbullying emerged from desk research and stakeholder consultation: (i) a form of psychological and verbal violence that can be carried out by one person or a group of persons through the use of ICTs; (ii) the victim's inability to defend him/herself. Some of these elements are common to the definitions provided by academia as explained in the following Section.

---

[66] A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', (5 January 2016).
[67] ibid; 'Third Committee Approves New Text Protecting Children from Bullying, Sending 14 Drafts to General Assembly', UN Press Release, (24 November 2014).
[68] European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, (10 February 2009).
[69] ibid.
[70] 'An EU agenda for the rights of the child', EU Commission website, (last accessed on 10 May 2016).
[71] European Commission, 'Report of the 8th European Forum on the rights of the child' (2013), op. cit. note 24.
[72] ibid.
[73] Motion for Resolution No. B8-0327/2014 by Hon. Patriciello on harmonising national legislation on cyberbullying, (4 December 2014).

2.2.3. Definitions by academia

Although many different definitions of cyberbullying exist in the literature, most academics define it as 'an aggressive act or behaviour that is carried out using electronic means by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself'[74].

The following elements characterizing cyberbullying emerge in the literature[75]:

- **The use of electronic or digital means** through which the abuse is perpetrated;

- **Intentional harm**, which represents the intention of the perpetrator to inflict harm on the victim putting in place unpleasant and distressing behaviours against him/her[76];

- **Imbalance of power**, which is the advantage of the perpetrator over the victim, where the latter cannot easily defend him/herself[77]. Although some scholars consider this element hard to align with cyberbullying due to the fact that both the victim and the perpetrator may have advanced ICTs skills[78], the imbalance of power is still considered to be present in cyberbullying since the bully holds a dominant position compared to the victim at least at psychological level. Therefore, while recognizing the complexity of measuring the imbalance of power online, some scholars stress the need to assess the difficulty of the victim to defend him/herself on a case-by-case basis[79].

- **Repetition** which should be interpreted as the possibility to quickly share harmful content with a broad audience in a virtual environment[80] with one single action. Moreover, harmful content can be reposted, shared, or liked[81] causing significant harm to the victim even without the repetition of the act over time[82].

- **Sense of anonymity** and **lack of accountability** which refer to the possibility for the perpetrator to remain anonymous and the feeling of not being accountable for his/her own actions. Anonymity may intensify the negative perception of the act by

---

[74] Slonje, Smith, Frisén, 'The nature of cyberbullying, and strategies for prevention', Computers in Human Behavior Journal, (2013) 29 (1); Schneider, O'Donnell, Stueve, Coulter, 'Cyberbullying, School Bullying, and Psychological Distress: A Regional Census of High School Students', American Journal of Public Health, [2012] 102 (1), 171-7; Sabella, Patchin, Hinduja, 'Cyberbullying myths and realities', Computers in Human Behavior, [2013] 29 (6), p. 2703-2711; Völlink, Dehue, 'Cyberbullying: From Theory to Intervention', Routledge Publishing, (2016); Corcoran, Mc Guckin, Prentice, 'Cyberbullying or Cyber-Aggression?: A Review of Existing Definitions of Cyber-Based Peer-to-Peer Aggression', Societies, [2015] 5, p. 245–255; Smith, Mahdavi et. al. (2008) 49 (4), p. 376–385 op. cit. note 32; Belsey, 'Cyberbullying.ca' website, (last accessed on 10 May 2016).

[75] ibid.

[76] Hinduja, Patchin, 'Overview of Cyberbullying', White Paper for the White House Conference on Bullying Prevention, (10 March 2011).

[77] Del Rey, Casas, Ortega-Ruiz, Shultze-Krumbholz, Scheithauer, Smith, Thompson, Barkoukis, Tsorbatzoudis, Brighi, Guarini, Pyzalski, Plichta, 'Structural validation and cross-cultural robustness of the European cyberbullying intervention project questionnaire', Computers in Human Behavior, [2015] 50, p. 141-147.

[78] Wolak, Mitchell, Finkelhor, 'Does Online Harassment Constitute Bullying? An Exploration of Online Harassment by Known Peers and Online-Only Contacts', Journal of Adolescent Health, [2007] 41, p. 51–58.

[79] Corcoran, Mc Guckin, Prentice (2015), op. cit. note 74.

[80] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, The Smile of the Children, and COFACE.

[81] Corcoran, Mc Guckin, Prentice (2015), op.cit. note 74; Menesini, Nocentini, Palladino et al., 'Cyberbullying Definition Among Adolescents: A Comparison Across Six European Countries', Cyberpsychology Behaviour Social Networking, [2012] 15 (9), p. 455–463.

[82] Nocentini, Calmaestra, Schultze-Krumbholz, Scheithauer, Ortega, Menesini, 'Cyberbullying: Labels, Behaviours and Definition in Three European Countries', Australian Journal of Guidance & Counselling [2010] 20 (2), p. 129-142; Vandebosch, Van Cleemput, 'Defining Cyberbullying: A Qualitative Research into the Perceptions of Youngsters', Cyberpsychology & Behavior, [2008] 11 (4), p. 499-503.

the victim[83] who feels powerless as a result of not knowing where the attack comes from. For some authors, anonymity may reduce the need for an imbalance of power as a criterion for defining cyberbullying due to the fact that not knowing where the attack comes from puts the cyberbully in a powerful position compared to that of the victim[84]. Moreover, the perceived anonymity of the online environment encourages adolescents to act in ways they would not in face-to-face interactions. Therefore, anonymity may empower those who are unlikely to carry out traditional bullying to perpetrate bullying online[85].

- **Publicity** which refers to the ability of cyberbullying actions to be accessible to multiple people exponentially increasing the breadth of the audience (i.e. the cyberbullying action may register numerous views by bystanders)[86].

While scholars tend to agree on the elements characterizing cyberbullying, highlighted above, the **boundaries between cyberbullying** and **traditional bullying** and between **cyberbullying** and **cyber aggression** are debated. In particular, for some academics cyberbullying is simply a transposition of traditional bullying in a technological context[87] whereas for others it should be considered a distinct phenomenon from bullying. Those in favour of the latter consider traditional bullying as behaviour strongly connected to the 'real world' with given geographical boundaries and a limited audience[88]. The definition of cyberbullying recalls the structure of traditional bullying differs from it in certain ways (see Table 2 in Annex II).

In recent years, some academics have argued that cyberbullying may not be the most appropriate term to describe abusive behaviours carried out through the use of communication means[89]. The wider notion of **cyber-aggression** has been introduced to indicate a broader group of abuses that may occur on the net[90]. Cyber-aggression is defined as the 'intentional harm delivered by the use of electronic means to a person or a group of people irrespective of their age, who perceive(s) such acts as offensive, derogatory, harmful or unwanted'[91]. In other words, cyber-aggression represents an umbrella notion of electronic bullying without requiring the elements of imbalance of power or repetitive acts[92]. By contrast, cyberbullying is perceived as a restrictive concept limited to bullying through ICTs and not covering other aggressive behaviours (e.g. hacking someone's social media profile)[93]. It indicates a form of social aggression between two people that usually know each other, therefore, it risks not covering situations where strangers perform cyberbullying acts[94].

2.2.4. Definitions at national level

Although the need for a clearer and broader definition of cyberbullying is recognized across

---

[83] Vandebosch, Van Cleemput (2008), op. cit. note 82.
[84] Nocentini, Calmaestra et al. (2008), op. cit. note 82.
[85] Vandebosch, Van Cleemput et al. (2008), op. cit. note 82.
[86] Grigg, 'Cyber-Aggression: Definition and Concept of Cyberbullying', Australian Journal of Guidance & Counselling, [2010] 20 (2), p. 143-156.
[87] Langos, 'Cyberbullying: The Challenge to Define', Cyberpsychology, Behavior, and Social Networking, (2012) 15; Smith, Mahdavi et. al.(2008) 49 (4), p. 376–385, op. cit. note 32; Vandebosch, Van Cleemput (2008), op. cit. note 82.
[88] Corcoran, Mc Guckin, Prentice (2015), op. cit. note 74.
[89] Grigg (2010), op. cit. note 86; Corcoran, Mc Guckin, Prentice (2015), op. cit. note 74.
[90] Corcoran, Mc Guckin, Prentice, (2015), op. cit. note 74.
[91] Grigg, (2010), op. cit. note 86.
[92] Oblad, 'Cyberbullying', Texas Tech University, (December 2012).
[93] Grigg, (2010), op. cit. note 86.
[94] ibid.

Europe[95], only fourteen EU Member States provide an official definition[96] of this phenomenon namely ***Austria, Bulgaria, Cyprus, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Spain*** (see Table 4 in Annex II). Definitions vary from country to country. To give some examples, a general description of cyberbullying can be found in ***Italy, Malta, the Netherlands*** *and* ***Spain***. In ***the Netherlands***, cyberbullying is defined as 'a form of traditional bullying which requires the use of electronic means'[97]. Similarly, in ***Italy*** it is 'the online manifestation of bullying, using ICTs'[98]. The remaining Member States[99] provide a detailed list of behaviours that can be categorized as cyberbullying. In ***Austria***, cyber-mobbing is defined as 'intentional insulting, threatening, denouncement or harassment with electronic communication tools like the mobile phone or the internet'[100]. Likewise, in ***Germany***, cyber-mobbing refers to the 'deliberate insulting, embarrassing or harassing people through new communication media such as social networks, websites or chat'[101]. In ***Finland***, web-bullying includes 'insulting the victim on a discussion forum or sending mean or unfounded emails to the victim'[102].

The distinction between cyberbullying and traditional bullying debated in the literature (see above) is also reflected at national level[103]. In addition to the above differences, the term cyberbullying itself is not globally adopted by all Member States[104]. Despite the variety of terms used, some common elements can be found in the definitions of the Member States, mostly the intention to harm and use of ICTs (see Table 5 in Annex II on the main features of Member States' definitions of cyberbullying).

2.2.5. Perceptions of cyberbullying of adults and young people

To accurately define cyberbullying, the different perceptions that children and adults may have of the phenomenon must be taken into account[105]. A survey conducted by BeatBullying and #DeleteCyberbullying campaigns on 2,000 European adults and children, showed that 34% of adults consider bullying a 'normal part of growing up', and 16% of

---

[95] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, The Smile of the Children, and COFACE.

[96] The term 'official definition' is used in a broad sense to include any definition provided in legal documents or documents issued by public authorities.

[97] 'Guideline: JGZ-guideline bullying' (*Richtlijn: JGZ-richtlijn pesten*), the NJC website, (last accessed on 29 April 2016).

[98] Italian Ministry of Education and Research (MIUR), Guidelines for the prevention of bullying and cyberbullying at schools' level (*Linee di orientamento per azioni di prevenzione e di contrasto al bullismo e di cyberbullismo*), 2015, MIUR-Prot. no. AOODGSIP 2519.

[99] Member States include: Austria, Bulgaria, Czech Republic, Finland, Germany, Hungary, Ireland, Luxembourg, Serbia.

[100] Austrian Federal Chancellery (*Bundeskanzleramt*), 'Harassment on the internet – Cyber-Mobbing, Cyber-Bullying, Cyber-Stalking' website, (last accessed on 29 April 2016).

[101] 'What is Cyberbullying' (*Bundesministerium für Familie, Senioren, Frauen und Jugend, 'Was ist Cybermobbing?*), German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth website; 'Cyberbullying - anonymous insults on the net' (*Bundesamt für Sicherheit in der Informationstechnik, 'Cybermobbing - anonyme Beleidigungen im Netz*), German Federal Office for Security in Information Technology website, (last accessed on 29 April 2016).

[102] Finnish Security Glossary of the State Administration (*Valtionhallinnon tietoturvasanasto*), VAHTI 8/2008.

[103] While some Member States, such as Austria, Cyprus, Finland, Germany, Hungary and Malta, consider cyberbullying as a distinct phenomenon from face-to-face bullying, the majority builds the definition of cyberbullying upon the notion of traditional bullying. As for the latter, Bulgaria, Czech Republic, Ireland, Italy, Luxembourg, the Netherlands and Spain, categorize cyberbullying and traditional bullying as very similar behaviours carried out through different means.

[104] In Germany the term cyber-mobbing is preferred. In Austria cyber-mobbing and cyberbullying are considered synonyms for the offence of harassment through ICTs. Cyberbullying is often translated as 'online intimidation', 'cyber-intimidation', or 'electronic intimidation' in Greece. In Finland the term 'web-bullying' is mostly used.

[105] Lievens, 'Bullying and sexting in social networks from a legal perspective: Between enforcement and empowerment', ICRI Working Paper Series 7/2012, (2012); 'Advice to Teen Girls about Bullying and Drama' post, Cyberbullying Research Centre website, (12 February 2012); 'Digital Drama', Usable Knowledge Connecting Research to Practice, Harvard Graduate School of Education, (6 July 2016).

adults as a 'character building' experience[106]. According to the EU Kids Online report, online risks are not always considered as upsetting or harmful by children (e.g. seeing sexual images has been considered harmful only by 4% of 25,142 surveyed children). On the other hand, some behaviour such as receiving mean messages online is perceived by children as very harmful[107].

Evidence shows that for a child to recognize that he/she has been victim or perpetrator of bullying/cyberbullying implies strong social and psychological costs[108], as it requires acknowledging him/herself as either powerless or abusive[109]. For this reason, some children tend to underestimate incidents. In particular, some teenagers tend to diminish the importance of bullying/cyberbullying by referring to it as a 'just stupid drama'[110]. The word 'drama' allows children to distance themselves from painful situations. Moreover, the word 'cyber' is not used by young people across Europe who do not perceive the need to distinguish whether the behaviour is carried out online or in the physical world[111]. In this context, the support provided by adults often risks putting children in victimhood, having serious consequences on the child's emotional, psychological and social life. As explained in Section 6 it is important to help children feel empowered rather than victimized[112].

> **Survey among young people - Key findings**
>
> **Are you aware of that phenomenon called 'cyberbullying'?** In *Germany, Greece, Estonia, Italy, the Netherlands, Spain, Poland* and *Romania* a vast majority of the surveyed children stated that they were aware of the phenomenon of cyberbullying.

2.3. Overview of cyberbullying in the EU

2.3.1. Extent and scope of the phenomenon

As a result of the absence of a commonly agreed definition of cyberbullying, the measurement of the phenomenon differs from country to country and from study to study. For this reason, data must be considered with extreme caution. A worldwide survey[113] conducted in 2011 in 24 countries[114] found that 66% of the 18,687 interviewed people, including children and adults[115], saw, read or heard something about cyberbullying behaviours[116]. In the USA, the Cyberbullying Research Center assessed that one out of four teenagers has experienced cyberbullying and one out of six has perpetrated

---

[106] 'The Big March, our virtual protest against bullying and cyberbullying' post, COFACE website, (11 June 2014).
[107] EU Kids Online, 'Final report', (2011).
[108] 'Advice to Teen Girls about Bullying and Drama' post, op. cit. note 105.
[109] Marwick, Boyd, 'It's just drama: teen perspective on conflict and aggression in a networked era', Department of Communication and Media Studies, Fordham University, Journal of Youth Studies, (2014); Boyd, Marwick, 'Bullying as True Drama', The Opinion Pages, NY Times, (22 September 2011).
[110] 'Advice to Teen Girls about Bullying and Drama' post, op. cit. note 105.
[111] ibid.
[112] A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', [5 January 2016]; 'Third Committee Approves New Text Protecting Children from Bullying, Sending 14 Drafts to General Assembly', UN Press Release, (24 November 2014).
[113] IPSOS, Global Market Research Company, 'Cyberbullying', (December 2011).
[114] Argentina, Australia, Belgium, Brazil, Canada, China, France, Germany, Great Britain, Hungary, India, Indonesia, Italy, Japan, Mexico, Poland, Russia, Saudi Arabia, South Africa, South Korea, Spain, Sweden, Turkey, the United States of America.
[115] The interview sample included 18,687 adults aged 18-64 in the US and Canada, and aged 16-64 in all other countries. Approximately 1000+ individuals participated on a country by country basis via the Ipsos Online Panel with the exception of Argentina, Belgium, Indonesia, Mexico, Poland, Russia, Saudi Arabia, South Africa, South Korea, Sweden and Turkey, where each have a sample approximately 500.
[116] IPSOS (2011), op. cit. note 113.

cyberbullying[117]. The extent of this phenomenon is confirmed by the study of the Crimes against Children Research Center which showed a slight increase in cyberbullying behaviours from 2000 until 2010 (from 6% to 11%)[118].

The dimensions of the phenomenon are equally worrying in Europe. The 2014 EU Net Children Go Mobile Report showed that 12% of the 3,500 children aged 9-16 years old were cyberbullied[119]. The 2011 EU Kids Online report found that 6% of the 25,142 children between 9 and 16 years of age had been bullied online across Europe, and 3 % had carried out cyberbullying[120]. The extent of the phenomenon has caused concerns among parents. According to a 2008 EU Eurobarometer, 54% of European parents were worried that their child could be bullied online. However, differences emerged among countries. While more than 80% of parents in *France, Greece* and *Portugal* were concerned about their children being bullied using internet or mobile phones; 69% of parents in *Denmark, Finland*, *Slovakia*, and *Sweden* seemed confident about their children's safety online[121]. A picture of the extent of cyberbullying across the EU is provided by the studies described in the Table below.

Table 1: The extent of bullying online in the EU.

	EU Kids Online	**Net Children Go Mobile**
Year of reference	Spring – Summer 2010	Winter 2013 – Spring 2014
Sample of children	25,142	3,500
Percentage of affected children	6%	12%
Age of children	9-16	9-16
Number of countries covered by the study	25	7
ICT channels covered by the study	All forms of internet and mobile technologies	Laptop, mobile phone, smartphones, Tablet, e-book readers, other handheld devices

According to the EU Kids Online report[122] the following countries registered the highest rate of risks of being exposed to online risks[123] for children including cyberbullying[124]: *Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Lithuania, Romania, Slovenia* and *Sweden*. Lower risks were recorded in *Cyprus, Germany, Greece, Hungary, Ireland, Italy, Poland, Portugal, Spain, Turkey and the United Kingdom*. Finally, the risk of online sexual exploitation and harmful material were identified in *Denmark, Finland, the Netherlands and Norway*.

---

[117] 'Cyberbullying Facts' post, Cyberbullying Research Center website, (last accessed on 22 April 2016).
[118] 'Cyberbullying Research: 2013 Update' post, Cyberbullying Research Centre website, (last accessed on 10 May 2016).
[119] Mascheroni, Cuman (2014), op.cit. note 4.
[120] Schmalzried (2013), op. cit. note 5.
[121] European Commission (2008), Towards a safer use of the Internet for children in the EU – a parents' perspective, Analytical report.
[122] The EU Kids Online report identifies four clusters of countries, taking into account various factors that determine the exposure of children to various online behaviours (e.g. number of children daily using internet, type of online opportunities, risks and harm experienced by children, ways in which parents mediate or regulate their children's internet use, exposure to sexual content online). Countries were therefore grouped in the following four clusters: unprotected networkers, protected by restrictions, semi supported risky gamers, and supported risky explorers. Helsper, Kalmus, Hasebrink, Sagvari, de Haan, 'Country classification. Opportunities, risks, harm and parental mediation'. LSE Publishing, EU Kids Online, (2013).
[123] Online risks included: being in contact with people first met on the internet; sending a photo or video of oneself to someone never met face-to-face; pretending to be a different kind of person on the internet etc. See Livingstone, Ólafsson, 'Risky communication online', LSE Publishing, EU Kids Online, (2011).
[124] Helsper, Kalmus, Hasebrink, Sagvari, de Haan, (2013), op. cit. note 122.

2.3.2. Forms of cyberbullying

Cyberbullying can be carried out in various forms mostly through internet and mobile phones (see Table 3 in Annex II). The constant evolution of ICTs increases the number of available interactive online services and, thus, gives new opportunities to carry out new types of cyberbullying behaviours[125]. However, the absence of a commonly agreed definition of cyberbullying makes it difficult to categorize the various behaviours referable to this phenomenon. As explained above, different definitions exist across Europe. This variety is reflected in the list of behaviours classified as cyberbullying as well as in the extent and prevalence of the phenomenon. For instance, while cyber-mobbing is mainly perceived as a written-verbal behaviour in Spain, it is often regarded as a form of social exclusion in Germany[126].

Among the various behaviours the following emerge as particularly common across EU Member States: sexting, submission of nasty messages or emails, threats through the use of ICTs, spreading fake information/defamation, posting humiliating videos or photos without consent, personification in the form of hacking into social network accounts, stalking, blackmailing, happy slapping, name calling, and exclusion. At global level, research shows that name calling is the most common form of cyberbullying, followed by gossiping and spreading rumours[127]. At the EU level, exposure to sexual content online was experienced by 15% of the 25,142 interviewed children between 11 and 16 years of age. Although cyberbullying may be carried out in different ways, the detrimental effects that such behaviours can have on the life of victims are the same. Victims can experience psychological maladjustment, social isolation and feelings of unsafety[128]. As shown by the cases reported in the media across Europe, in extreme situations, cyberbullying has led to the victim's suicide or attempted suicide[129].

2.3.3. Means used

Cyberbullying can be carried out through different means, such as mobile devices[130], internet, messaging (e.g. instant messaging, chat programs, text/audio/video programs, multimedia messages, gaming devices and social networks)[131]. Initial research in this area showed that the most common channels to perpetrate cyberbullying were phone calls and text messages[132]. However, the rapid pace of ICT innovation determined changes in patterns. Nowadays, cyberbullying is increasingly performed through social networks (mostly Facebook, followed by Twitter, Instagram, Tumblr and YouTube)[133].

---

[125] European Commission, MEMO/09/58.
[126] Nocentini, Calmaestra et al. (2010), op. cit. note 82.
[127] Mishna, Cook, Gadalla, Daciuk, Solomon, 'Cyber bullying behaviors among middle and high school students', American Journal of Orthopsychiatry, [2010] 80 (3), p. 362-374 (this study was conducted on Canadian 2,186 children); Dehue, Bolman, Völlink, 'Cyberbullying: youngsters' experiences and parental perception', Cyberpsychology & Behavior, [2008] 11 (2), p. 217-223.
[128] 'National Centre against Bullying', Alannah & Madeline Foundation website (last accessed on 2 May 2016); Chester, Callaghan et al. (2015), op. cit. note 58.
[129] Office of the UN Special Representative of the Secretary-General on Violence against Children, (2014), op. cit. note 64.
[130] IP/07/139.
[131] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, The Smile of the Children, and COFACE.
[132] Smith, Mahdavi, Carvalho et al. (2008) 49 (4), p. 376–385, op. cit. note 32; Mishna, Cook et al. (2010), op. cit. note 127 (this study was conducted on Canadian 2,186 children); Dehue, Bolman, Völlink (2008), op. cit. note 127; Mascheroni, Ólafsson, 'Net Children Go Mobile: Risks and opportunities', LSE Publishing, (2015).
[133] Cost Action IS0801 (Members of the working group included the following scholars: Välimäki, Almeida, Cross, Fandrem, O'Moore, Berne, Deboutte, Heiman, Olenik-Shemesh, Fulop, Stald, Kurki, Sygkollitou), 'Guidelines for preventing cyberbullying in the school environment: a review and recommendations', (12 July 2013); UK Anti-Bullying Alliance, 'Focus on Cyberbullying', (2015).

According to the UN Special Representative of the Secretary-General on Violence against Children[134], the most common technologies for cyberbullying are social networking sites (7% of children in the preceding 12 months). The research found notable differences according to age: while 9 to 10-year-old children are more active on gaming websites, teenagers (aged 13-16) tend to be affected by cyberbullying on social networking sites (see following Sections on age differences)[135].

In line with this finding, the 2014 Net Children Go Mobile Report showed that the most common technologies used by children for cyberbullying are social networking sites (7%), followed by SMS and texts (3%), phone calls (2%), instant messaging (2%) and gaming websites (2%). Data collection at national level confirmed that cyberbullying mostly occurs through social media especially among teenagers[136]. Online social networks, instant and text messages, were mentioned as the main channels for perpetrating cyberbullying in 24 Member States[137]. To give an example, in **Belgium**, 43.6% of cyberbullying occurs on social networking sites, 37.1% through SMS, and 23.8% through instant messaging[138]. With respect to social networks, children often do not manage their privacy settings nor disclose personal information in a safe manner. In addition, children often use these tools when they are between 9-12 years of age (20% on Facebook, 38% on other social networks)[139].

Survey among young people - Key findings

What are the most common channels used for cyberbullying? Social networks are identified by more than half of the respondents as a channel for cyberbullying, whereas few respondents recognized internet as a channel for cyberbullying.

2.3.4. Age

Involvement in traditional bullying has proven to be strongly linked to age. As children grow older they are less likely to be bullied or to bully others. However, whether such a similar trend exists for cyberbullying remains unclear. Most studies tend to suggest that the likelihood of being cyberbullied is not related to child's age[140]. In this regard, there is evidence that bullying and cyberbullying often continue in adulthood (e.g. workplace harassment)[141] . Cyberbullying among adults happens in varied places from social settings online to electronic, workplace communications; it may also be the extension of offline relationships[142]. Bullying behaviours can impact the morale of employees and the financial performance of an organization[143]. In particular, the victim's ability to perform his/her job

---

[134] Office of the UN Special Representative of the Secretary-General on Violence against Children, (2014), op. cit. note 64.

[135] ibid.

[136] Livingstone, Haddon, Görzig, Ólafsson, 'Risks and safety on the internet: The perspective of European children. Full findings'. LSE Publishing, EU Kids Online, (2011).

[137] Member States include: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Finland, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the Netherlands and United Kingdom.

[138] Van Cleemput, Bastiaensens, Vandebosch, Poels, Deboutte, DeSmet, De Bourdeaudhuij, Six years of research on cyberbullying in Flanders, Belgium and beyond: an overview of the results (*Zes jaar onderzoek naar cyberpesten in Vlaanderen, België en daarbuiten: een overzicht van de bevindingen*), University of Antwerpen, University of Ghent, (2013).

[139] Livingstone, Haddon et al. (2011), op. cit. note 136.

[140] National Children's Bureau, 'Focus on: Cyberbullying' Report, (2015); Schneider, O'Donnell, Stueve, Coulter (2012), op. cit. note 74.

[141] 'Advice for Adult Victims of Cyberbullying' post, Cyberbullying Research Center website, (9 November 2010).

[142] 'Cyber bullying against adults: A victim's story', News.Com.Au, (18 August 2013).

[143] Bauman, 'Recognizing a Cyberbully', 'The role of age' section, National Science Foundation, (15 November 2011).

may be affected. Moreover, according to research, adult cyberbullying often takes the form of trolling (persistent abusive comments on a website) and is not explicitly connected to demographic markers such as sex and ethnicity[144].

As for bullying affecting children, the 13-15 age category stands out as the most exposed to cyberbullying without distinction between victims and perpetrators on the basis of the data collected at national level. This is the case for *Greece* and *France* where data confirm that this age group is more likely to be affected than younger children between 10 and 13 years of age. In some countries, the age bracket may be broader than in others. In *Hungary,* for instance, it is reported that students between 15 and 18 years of age are the most vulnerable to cyberbullying and likely to become its victims or perpetrators[145]. In *Slovenia*, however, the average age is confined to the 15-16 years. Although it appears difficult to link cyberbullying to age, as explained above, research at national level indicates that the age also varies depending on the role played by the child as a victim or perpetrator.

> **Survey among young people - Key findings**
>
> **At which age are you most likely to experience cyberbullying?** According to the respondents in *Estonia*, *Germany*, *Greece*, *Italy*, the *Netherlands*, *Poland*, and *Romania*, the average age is between 13 and 15 years.

Victims

Trends reflect a relationship between age and frequency of victimization with a higher number of victims in the group of 13–15-year-old children[146]. According to the Net Children Go Mobile survey, which interviewed 3,500 children of seven EU Member States, over the period 2013–2014, children between 13 and 14 years of age were the most affected by cyberbullying[147]. Victims of cyberbullying tend to be younger than the perpetrators according to the findings of this study.

In several Member States, the number of victims reaches a peak between 11 and 14 years of age. This is the case in *Belgium*[148]*, Czech Republic*[149], *Finland*[150], *Portugal and the United Kingdom*[151]. In *Germany and Romania*[152], the age bracket is more or less the same, 12-15 year olds, but a gender distinction is made. While boys tend to be more affected between 10 and 13 years of age in Germany, girls are more vulnerable from the age of 13 in both countries. This also applies to *Greece* where girls are more likely to be victims of cyberbullying between 12 and 17 years of age. *Luxembourg* stands out for the young age of the victims: according to the data collected, 11-year-old girls are more subject to cyberbullying than other children. *Ireland* and *Sweden*, on the other hand,

---

[144] Watson, 'Cyberbullying of and by adults and the consequences - yes, it is on LinkedIn' post, LinkedIn, (17 August 2015)

[145] Threat Assessment of Bullying Behaviour in Youth project (TABBY project) carried out in 2011-2012, Tabby project website, (last accessed on 29 April 2016).

[146] Tokunaga (2010) op. cit. note 56.

[147] Mascheroni, Cuman (2014), op.cit. note 4.

[148] Van Cleemput, Bastiaensens et al. (2013), op. cit. note 138.

[149] The research involved 28,232 respondents (46.76% boys and 53.24% girls; 55.54% between 11-14 years old and 44.46% between 15-17 years old). See Kopecký, Kožíšek, 'Research on risk behaviour of Czech children on the internet 2014' (*Výzkum rizikového chování českých dětí v prostředí internetu 2014*) presentation, (2014).

[150] Lindfors, Kaltiala-Heino, Rimpelä, 'Cyberbullying among Finnish adolescents – a population-based study', BMC Public Health (2012) 12, p. 1027.

[151] See country report for United Kingdom (Annex I).

[152] Information collected through stakeholder consultation on 23 February 2016 with representative of Save the Children Romania and project coordinator of Sigur.info programme.

_____

registered the 'oldest' victims of cyberbullying with the average age falling under the 15-16 years of age category and the 17-18 years of age category respectively[153].

Survey among young people - Key findings

Have you personally been a victim of cyberbullying? Few respondents for ***Germany, Greece, Estonia, Italy, the Netherlands, Romania*** and ***Poland*** declared that they had been victims of cyberbullying.

Perpetrators

At national level there is little data available on cyberbullying perpetration as incidents are rarely reported and abusers do not recognize themselves as such. According to a Swedish study by the Media Council on approximately 800 children only a few declared having abused someone online[154]. This may indicate that children might not easily admit to it[155]. The few studies available at the international level tend to indicate that older children are more likely to perpetrate cyberbullying. In particular, a US study found that among middle and high school students the number of children who cyberbullied others increased with age[156]. Older children, 14 years old and above, emerged as the majority of perpetrators and their actions were perceived as rougher[157].

There is a lack of accurate information on the age of cyberbullying perpetrators at national level. While most of the Member States could not provide such data, the few who did confirmed that perpetrators of online bullying tend to be older than their victims. The average age is indicated as 14 years of age according to the data obtained for ***Spain***[158], ***Poland***, ***Portugal*** and ***Romania***[159]. Moreover, while involvement in cyberbullying seems to continue through adult life, it tends to decrease after adolescence[160]. This is the case in the ***United Kingdom***[161] and ***Poland***[162] where between 12 and 15 years of age the level of cyberbullying perpetration tends to decline. Furthermore, although there is no conclusive evidence on this aspect some studies have shown that bullying online is also present in adult life[163].. In ***Germany,*** for instance, cyberbullying continues after the age of 18 affecting more and more adults[164]. Likewise, in ***Italy***, 9.4% of presumed perpetrators were adults acting against children according to the requests for support received by the *Telefono Azzurro* helpline in 2014-2015[165].. In contrast with the argument that

_____

[153] Statens Medieråd, 'Kids & Media 2015' Report (Ungar & Medier 2015), (2015).
[154] ibid.
[155] Dunkels, 'Cyberbullying, cyberhate and cyberlove' (*Nätmobbning, näthat och nätkärlek*) (1st ed, Gothia fortildning, Stockholm, 2016).
[156] Mishna et al. (2010), op. cit. note 127.
[157] Slonje, Smith, Frisén (2013), op. cit. note 74.
[158] Garmendia, Garitaonandia, Martínez, Casado, 'Risks and safety in Internet: Spanish minors in the European context' (*Riesgos y seguridad en internet: los menores españoles en el contexto europeo*), EU Kids Online, (March 2011).
[159] Velicu, 'The online and offline bullying: Victims versus aggressors' (*Bullying-ul online şi offline: Victime versus agresori*), Revista Romana de Sociologie, [2014] 25 (1/2), p. 19-36; Livingstone, Haddon et al. (2011), op. cit. note 136.
[160] Slonje, Smith, Frisén (2013), op. cit. note 74.
[161] See country report for United Kingdom (Annex I).
[162] Kołodziejczyk, Walczak, 'Aggression and violence in Polish schools - a socio-ecological perspective' (*Agresja i przemoc w polskich szkołach: perspektywa socjoekologiczna*) Ruch Pedagogiczny [2015] 1, p. 35-47.
[163] 'Cyber bullying against adults: A victim's story', News.Com.Au, (18 August 2013).
[164] Schneider, Leest, Katzer, Jäger, 'Bullying and Cybermobbing Among Adults' (*Mobbing und Cybermobbing bei Erwachsenen*), Bündnis gegen Cybermobbing e.V., Karlsruhe (2014).
[165] Telefono Azzurro Helpline (*Centro Nazionale di Ascolto*), 'Cyberbullying Report' (*Dossier Cyberbullismo*), (2015).

cyberbullying continues during adulthood, some practitioners argue that since bullying online is connected to the school context it is likely to stop when children leave school[166].

2.3.5. Gender

Whereas most studies reveal that no gender is particularly targeted, some scholars view gender as a significant predictor[167]. According to the latter, adolescent girls are just as likely if not more likely than boys to experience cyberbullying as a victim and offender[168]. Unlike information of age differences, information relating to gender differences in cyberbullying is available in almost all Member States apart from **Lithuania** and **Slovakia**. While some countries such as **Poland**[169] report no gender differences among victims of cyberbullying, girls are by far more likely to be victims in most Member States[170].Girls are not only at greater risk of being cyberbullied but they are also likely to perpetrate such behaviour[171]. For instance, in the **Czech Republic**, surveys show that girls tend to be more aggressive than boys online due to their more enhanced verbal abilities, whereas boys are more often perpetrators of traditional bullying where the use physical violence is involved[172]. A study conducted in **Ireland** further showed that girls from higher social and economic backgrounds are generally more often perpetrators carrying out these behaviours amongst themselves[173].

Victims

Research has indicated that girls are indeed more likely to be bullied online. According to the Net Children Go Mobile survey, which interviewed 3,500 children of seven EU Member States, over the period 2013-2014, more than twice the number of teenage girls reported being cyberbullied compared to boys[174].

Data collected at national level show that girls are more affected than boys in **Belgium**, **Cyprus**, **Estonia**, **Finland**, **France**, **Greece**, **Ireland**, **Italy**, **Latvia**, **Romania**, **Slovenia**, **Spain**, **Sweden** and to a greater extent in **Luxembourg** and the **Czech Republic** where, for the latter, the ratio is 90% girls v. 10% boys[175]. The difference is narrower in **Austria** and **Germany**, where it is reported that girls are 'slightly' more affected than boys. No gender differences were observed in **Poland** where boys were as affected as girls[176]. **Bulgaria** is the only Member State where most victims are boys (61% boys v. 30% girls)[177]. The high presence of girls among victims may be due to the fact that girls are more likely to report cyberbullying episodes[178] turning more than boys to their

---

[166] ibid; Brottsförebyggande rådet, 'Threats and violations against private persons that have been reported to the police' (*Polisanmälda hot och kränkningar mot enskilda personer via internet*) (1st edn, BRÅ, Stockholm, 2015).

[167] E. g. Slonje, Smith, Frisén(2013), op. cit. note 74.

[168] 'Cyberbullying Facts' post, Cyberbullying Research Centre website, (last accessed on 22 April 2016).

[169] Kołodziejczyk, Walczak (2015), op. cit. note 162.

[170] Member States include: *Austria, Belgium, Cyprus, Czech Republic, Germany, Greece, Estonia, Finland, Lithuania, Luxembourg, Ireland, Italy, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom*.

[171] Slonje, Smith, Frisén (2013), op. cit. note 74.

[172] Information collected through stakeholder consultation on 11 March 2016 with the representative of the Centre for the Prevention of Risky Virtual Communication Behaviours.

[173] O'Neill, Dinh, 'EU Kids Online: Cyberbullying among 9-16 year olds in Ireland', EU Kids Online, LSE Publishing, (2013); Livingstone, Haddon et al. (2011), op. cit. note 136.

[174] O'Neill, Dinh, 'Mobile Technologies and the incidence of cyberbullying in seven European countries: findings from the Net Children Go Mobile', Societies, [2015] 5, p. 384-398.

[175] The sample was 2,092 students of 12-18 year olds. See Macháčková, Dědková, 'Online harassment and cyberbullying II' (*Online obtěžování a kyberšikana II*), Masarykiana Brunensis University, (2013).

[176] Kołodziejczyk, Walczak (2015), op. cit. note 162.

[177] Europe's Antibullying Campaign, 'European Bullying Research Final Report', (December 2012) (last accessed on 9 May 2016).

[178] Li, 'Cyberbullying in Schools: A Research of Gender Differences', School Psychology International, [2006] 27 (2), p. 157-170.

parents and friends for help[179]. Conversely, boys might tend to underreport incidents due to societal constructs on male identity[180]. This behavioural factor should indeed be taken into consideration as it may be that boys do not always report when they have been bullied.

Survey among young people- Key findings

According to you, who are more likely to be victims of cyberbullying? The vast majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Romania* and *Poland* stated that girls are more likely to be victims of cyberbullying.

Perpetrators

When comparing the findings with those on traditional bullying, where boys tend to bully more than girls[181], evidence suggests that cyberbullying is generally equal for both sexes. Although some studies suggest that girls are perpetrators of cyberbullying as much as boys, no conclusive evidence can be drawn on this aspect. Research at national level indicates that boys and girls tend to be equally involved as perpetrators in *France[182]*, *Germany*[183]*, Greece*[184], *Luxembourg*[185] and *Romania*. In *Ireland*, a study carried out by the Anti-Bullying Centre of Trinity College highlighted that girls are more likely to perpetrate cyberbullying than boys[186]. Conversely, boys emerge as the main perpetrators in *Austria*, *Belgium* and *Estonia*.

The fact that girls are more involved in bullying online than off line may result from the indirect nature of electronic communication and the opportunities it presents for group social interaction[187]. Research shows that while boys tend to be more aggressive and are often involved in physical bullying, girls tend to use emotional tactics[188]. Girls tend to be more covert in their bullying tactics (e.g. sending intimidating emails from a fake account or spreading rumours about their victims[189]). The means used to perpetrate cyberbullying seem to be linked to gender differences. Girls seem particularly active in the social media. According to a study on the incidence of cyberbullying in seven EU Member States more girls bully on social networks than boys[190]. In *Denmark* girls tend to use subtler psychological methods including the use of digital channels.

---

[179] O'Neill, Dinh (2015), op. cit. note 174.

[180] Genta, et al., 'Comparative aspects of cyberbullying in Italy, England and Spain, in Li, Cross, Smith, (edn 2001), *Cyberbullying in the Global Playground Research from International Perspectives,* Wiley-Blackwell: Chickester, (2001), p. 15-31.

[181] Covington, 'Brutal Boys Vs. Mean Girls. Exploring gender trends in bullying trends' article, Just Say Yes website (last accessed on 2 May 2015).

[182] L'Express, 'Cyberbullying: the victim's impression of never ending' ('*Cyber-harcèlement: La victime a l'impression de ne jamais pouvoir s'en sortir*'), (2013)

[183] Schneider, Katzer, Leest, 'Cyberlife - tension between fascination and danger - cyberbullying among pupils - an empirical survey among parents, teachers and pupils in Germany' (*Cyberlife – Spannungsfeld zwischen Faszination und Gefahr - Cybermobbing bei Schülerinnen und Schülern - Eine empirische Bestandsaufnahme bei Eltern, Lehrkräften und Schülern/innen in Deutschland*), Bündnis gegen Cybermobbing e.V., Karlsruhe, (2013), p. 99.

[184] Kapatzia, Sygkollitou, (2012) Cyberbullying: the new face of bullying (Ηλεκτρονικός εκφοβισμός (cyberbullying): το νέο πρόσωπο του σχολικού εκφοβισμού) *in* Psalti A., Kasapi St., Deligianni-Koumitzi B, (eds) *Contemporary psychoeducational issues: Bullying in Greek schools. Scientific data and intervention proposals (Σύγχρονα ψυχοπαιδαγωγικά ζητήματα: ο εκφοβισμός στα ελληνικά σχολεία. Ερευνητικά δεδομένα και προτάσεις παρέμβασης),* Gutenberg-Dardanos Editions, Artinopoulou, (2011) Bullying and cyberbullying in Greece, in Th. Thanos & E. Kourkoutas (eds) *School violence and delinquency: Social and Psychological perspectives and interventions* (Σχολική βία και παραβατικότητα: Ψυχοκοινωνικές διαστάσεις και παρεμβάσεις) Topos Publishers, Athens, pp. 92-112.

[185] Steffgen, G., Vandebosch, H., Völlink, T., Deboutte, G., & Dehue, F., 'Cyberbullying in the benelux-countries: First findings and ways to address the problem', (2010).

[186] Smith, P.K. & Steffgen, G. 'Cyberbullying: Recent Areas of Research, and the Work of COST IS0801', (2013) 35 (1), p. 20-23.

[187] UK Anti-Bullying Alliance, 'Focus on Cyberbullying', (2015).

[188] 'Cyberbullying girls, are they more common?' post, No Bullying website, (22 December 2015).

[189] UK Anti-Bullying Alliance, 'Focus on Cyberbullying', (2015).

[190] O'Neill, Dinh (2015), op. cit. note 174; Mascheroni, Cuman (2014), op. cit. note 4.

_____

Survey among young people- Key findings

Who is more likely to bully online? A vast majority of the respondents for **_Germany, Greece, Estonia, Italy,_** the **_Netherlands, Romania_** and **_Poland_** considered boys more likely to bully online.

Bystanders

As explained in Section 2.1, the bystander is someone who sees what is happening between the bully and the victim but is not directly involved in the bullying. In traditional cases of bullying, the bystander's role is limited to that of witness. Digitally, the numbers of bystanders can be thousands or in some rare cases millions as a result of content spreading virally online[191]. There is no clear distinction between a perpetrator and a bystander with regards to cyberbullying. While bystanders in traditional bullying are just passive or encourage the perpetrator, bystanders in cyberbullying can actually be involved in the incident[192]. If a perpetrator posts derogatory content about a victim online and bystanders choose to share the content their role becomes similar to that of the cyberbully[193]. By consuming, liking and sharing the harmful content, bystanders may, thus, reinforce the behaviour of perpetrators.

No specific information on the gender and age of bystanders was found through research at national level. The only information available highlights the passive role of bystanders. In **_Malta_**, a great number of bystanders were reluctant to take action when the victim was someone they did not know well (49.4%), however this amount decreased when the victim was a close friend of the bystander (20%)[194]. Similarly, a recent study has found that compared to face-to-face situations, bystanders are even less likely to intervene with online bullying. Moreover, people on social media are often unsupportive of cyberbullying victims who have shared highly personal feelings. The study suggested that oversharing of personal information leads bystanders to blame the victim[195].

Survey among you people - Key findings

Do you personally know someone who has been a victim of cyberbullying? The majority of the respondents for **_Germany, Greece, Estonia, Italy,_** the **_Netherlands, Romania_** and **_Poland_** did not directly know someone who had been victim of cyberbullying.

2.3.6. Link between victims and perpetrators within cyberbullying and traditional bullying

The link between victimization and perpetration of cyberbullying comes to attention in some Member States. In **_Austria_** and **_Germany_**, victims of cyberbullying are more likely to be perpetrators of bullying online than non-victims. In particular, one third of perpetrators of

---

[191] 'Bystanders role in cyberbullying' factsheet, ReachOut website (last accessed on 3 May 2016).
[192] EU Tabby Project, 'Cyberbullying: a handbook for educators' (_Ηλεκτρονικός εκφοβισμός: εγχειρίδιο για εκπαιδευτικούς_), (2014).
[193] Information collected through stakeholder consultation with an academic specialising in bullying at the University of Strathclyde.
[194] A self-administered questionnaire was filled out by 338 male and female students in Forms 3 and 4who attended two Maltese secondary state schools. See Caruana, Rose, 'Cyberbullying on social networking sites: its prevalence, nature and effects among Form 3 and 4 students in Maltese state schools', University of Malta, (2014).
[195] Schacter, Greenberg, Juvonen, 'Who's to blame?: The effects of victim disclosure on bystander reactions to cyberbullying', Computers in Human Behavior, [2016] 57, p. 115-121.

cyberbullying in Germany (36.2%) have themselves been victims of cyberbullying compared to 12.3% of non-perpetrators[196].

Survey among you people - Key findings

Do you think that those who bully online have been victims of cyberbullying themselves? The majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Romania* and *Poland* stated that those who bully online were previous victims of cyberbullying themselves.

This trend is confirmed also in relation to traditional bullying. Cyberbullying perpetrators are often involved as victims or perpetrators in traditional bullying in *Germany, Estonia* and *Poland*. In *Estonia*, the proportion of cyberbullies is three times higher among those children who have been victimized by school bullying, compared to those who have never experienced school bullying[197]. According to the findings of an Estonian study[198], 23% of the 410 interviewed children bewteen15 and17 years of age were both cyberbullies and victims of cyberbullying. Similarly, in **Finland**, boys are victims, perpetrators and bystanders in the same proportion (approximately 10% for each category)[199].

Survey among you people - Key findings

Do you think that those who bully online have been victims of 'bullying' at school? For the vast majority of the respondents those who bully online had been victims of 'bullying' at school.

---

[196] Schneider, Katzer, Leest (2013), p. 99, op. cit. note 183.
[197] Markina, Žarkovski, 'Children's abbreant behaviour in Estonia' (*Laste hälbiv käitumine Eestis*), (2014), 6.
[198] Kuusk, 'Cyberbullying and its characteristics amongst 7-9 graders in Tallinn schools' (*Küberkiusamine ja sellega seonduvad karakteristikud Tallina koolide 7.-9. klasside õpilaste hulgas*), (2010), p. 43-44.
[199] Lindfors, Kaltiala-Heino, Rimpelä (2012), op. cit. note 150.

_____

3. EU AND INTERNATIONAL LEGAL AND POLICY FRAMEWORK ON CYBERBULLYING

KEY FINDINGS

- Psychological bullying including via ICTs has been classified as a form of mental violence by the Committee on the Rights of the Child. Cyberbullying could constitute a violation of Article 19 of the UN Convention on the Rights of the Child (UNCRC) on the protection from all forms of violence. It could also constitute a violation of other UNCRC rights such as the right to leisure and play (Article 31) and the right to freedom of expression (Article 13).

- There are no legal standards specifically targeting cyberbullying at international level.

- At European level, a range of legally binding Council of Europe measures apply to bullying online. These include the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter which require the protection of children against violence. The Conventions on Cybercrime, on Automatic Processing of Personal Data and on Protection of Children against Sexual Exploitation are also relevant to cyberbullying. Although not binding, the Council's Strategy on the Rights of the Child for 2016-2021 identifies children's rights in the digital environment among its priorities.

- In the area of cyberbullying, the EU has only a 'supplementary' role consisting of supporting, coordinating or supplementing the initiatives adopted by Member States at domestic level. However, the EU has competence to regulate areas directly or indirectly related to the rights of the child according to the EU Treaties.

- Currently there are no specific legal instruments targeting cyberbullying at the European level. However, the EU has adopted a range of legal provisions relevant to cyberbullying such as the Directive on combating child sexual abuse[200] and the Directive on victims' rights[201].

- At policy level, the EU Agenda for the Rights of the Child (2011-2014) sets a range of priorities including combating violence against children in the online environment. This led to the adoption of a range of policies on children's safety online and a focus on child protection systems in the context of the 9th Forum on the rights of the child.

The aim of this Section is to describe the international and EU legal and policy framework applicable to cyberbullying. In particular, standards adopted by the United Nations (UN), the Council of Europe and the EU institutions are presented below. The EU role in this area is also outlined. Since the **EU** has only a **'supplementary' role** in this field, no specific EU legal instrument on cyberbullying has been adopted. However, as explained in Section 3.2,

---

[200] [Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335/1, (17 December 2011)](). This Directive has been implemented by all Member States considered under this study, except Denmark.
[201] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).

the EU has competence to regulate areas directly or indirectly related to the rights of the child according to the EU Treaties.

3.1. EU and international legal and policy standards on cyberbullying[202]

3.1.1. International level

Cyberbullying is not referred to specifically in any of the treaties mentioned below but it is addressed in the context of traditional bullying and violence against children.

International legally binding measures

There is agreement at international level that bullying and its manifestations including cyberbullying are forms of psychological and physical violence[203]. As such, they have been recognized as violations of **Article 19 of the UN Convention on the Rights of the Child** (UNCRC), an international treaty which applies to all children and young people under 18 years of age[204]. Adopted in 1989, the UNCRC does not contain any specific provision on cyberbullying as it only emerged with the development of new technologies in the 1990s. However, Article 19 of the UNCRC establishes that children have the right to be protected from all forms of violence, physical or mental.

The Convention has been ratified by all EU Member States which are thus obliged to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence including cyberbullying[205]. In this regard, the Court of Justice of the European Union (CJEU) has expressly recognized the need to respect children's rights and requires EU law to take due account of the UNCRC[206]. The implementation of the Convention is monitored by the **UN Committee on the Rights of the Child** which has emphasized that bullying is a serious violation of children's rights on several occasions[207].

In particular, in General Comment No. 13[208], the Committee highlighted that violence and bullying are unacceptable in any context. Psychological bullying and hazing[209] by adults or other children, including via ICTs, have been classified as forms of mental violence by the Committee. The Committee has pointed out that securing the child's physical and psychological integrity is essential for promoting all the rights recognized in the UNCRC. Likewise, the child's right to education free from violence, harassment and bullying has

---

[202] In order to collect and validate information for Section 3 EU stakeholders were consulted (See Annex V).
[203] 'Cyberbullying risks permanent harm to European children' post, European Platform for investing in Children website, (5 August 2014).
[204] Article 19 of the UNCRC
[205] Article 4 of the UNCRC
[206] E.g., Case C-540/03, European Parliament Vs. Council of the European Union [2006] ECR 5769, 37.
[207] CRC/C/GC/20, Committee on the Rights of the Child, 'Draft General Comment on the implementation of the rights of the child during adolescence', Advanced United Version, (22 April 2016); Committee on the Rights of the Child, 'Report of the 2014 day of general discussion on digital media and children's rights', (2014); CRC/C/GC/13, 'General comment No. 13 (2011) - The right of the child to freedom from all forms of violence', (18 April 2011); Ms Santos Pais, 'SRSG Santos Pais calls for concerted efforts to eliminate bullying in all regions' post, Special Representative of the Secretary-General on Violence against Children website, (13 October 2015); Ms Santos Pais, 'Protecting children from bullying requires steadfast action and clear progress' post, Special Representative of the Secretary-General on Violence against Children website, (9 May 2016).
[208] CRC/C/GC/13, 'General comment No. 13 (2011) - The right of the child to freedom from all forms of violence', (18 April 2011).

_____

been affirmed in General Comment No. 1[210]. Finally, during its twenty-first Day of General Discussion to 'Digital Media and Children's Rights' the Committee highlighted the need to address the root causes of cyberbullying which are often linked to the lack of social skills offline[211].

In addition to Article 19 of the UNCRC, cyberbullying represents a violation of other rights provided for in the Convention, such as the right to leisure and play[212] and the right to an opinion[213] as children may no longer feel safe to express their feelings[214]. The child's right to privacy and the right to access information (Article 17[215]) must also be taken into account. According to the holistic nature of the Convention, all rights are interlinked and must be interpreted in light of the general principles of the UNCRC: non-discrimination (Article 2)[216]; best interests of the child (Article 3)[217]; the right to life, survival and development (Article 6)[218]; and respect for the views of the child (Article 12)[219].

In particular, Article 13 of the UNCRC on freedom of expression establishes that all children have the right to receive and share information. While all children must enjoy the right to express an opinion, this does not mean that they can violate the rights of others. This is particularly important in relation to cyberbullying where the boundaries between such freedom and violations of the rights and reputation of others can sometimes be vague. Another issue to consider where technology is involved, is the balance between the child's right to participation in the online environment and the need to protect his/her safety. In such cases, the degree of freedom or protection a child should receive online depends upon his/her level of development and the capacity to tackle risks in the spirit of the UNCRC[220].

International non-legally binding measures

Concerned about the increase in bullying and cyberbullying in different parts of the world, the **UN General Assembly** adopted a **Resolution** in 2014 on protecting children from bullying[221]. Besides highlighting the seriousness of these phenomena and their negative impact on the well-being and rights of the child, the resolution calls Member States to take all appropriate measures to prevent and protect children from the various forms of bullying. The risks associated with the misuse of new information and ICTs are acknowledged as well as the need to involve all relevant actors in this area such as communities, families, schools, the media, civil society, etc. A definition of cyberbullying is indirectly provided by the Resolution (see Section 2).

Moreover, in its **draft general comment** of 22 April 2016 the UN stressed the need for specific strategies to engage with adolescents in developing programmes to combat

---

[209] 'Hazing' refers to rituals and other activities involving harassment, violence or humiliation which are used as a way of initiating a person into a group.
[210] CRC/GC/2001/1, 'General Comment No. 1 (2001) - Article 29 (1): The aims of Education', (2001).
[211] Committee on the Rights of the Child, 'Report of the 2014 day of general discussion on digital media and children's rights', (2014).
[212] Article 31 of the UNCRC.
[213] Article 13 of the UNCRC.
[214] Australian Human Rights Commission, 'Cyberbullying, human rights and bystanders', Australian Human Rights Commission website, (last accessed on 10 May 2016).
[215] Article 17 of the UNCRC
[216] Article 2 of the UNCRC
[217] Article 3 of the UNCRC
[218] Article 6 of the UNCRC
[219] Article 12 of the UNCRC
[220] Office of the UN Special Representative of the Secretary-General on Violence against Children,(2014), op. cit. note 64.
[221] A/69/484, UN Resolution No. 69/158 adopted by the General Assembly on the report of the Third Committee, 'Protecting children from bullying', (18 December 2014).

bullying, including cyberbullying[222]. In this respect, national governments are encouraged to create more opportunities for scaling up programmes on prevention, rehabilitation and social reintegration of adolescents at risk'[223]. In this context the Office of the Special Representative of the Secretary-General on Violence against Children held a global expert's consultation to discuss the growing impact of bullying and cyber-bullying on children on 9-10 May 2016[224].

3.1.2.   Regional level: Council of Europe

Regional legally binding measures

The Council of Europe's **European Convention for the Protection of Human Rights and Fundamental Freedoms** 1950 (ECHR)[225] protects and promotes key fundamental rights which are also applicable to children and young people. These include: the right to privacy (Article 8 of the ECHR), the right to respect private and family life (Article 9 of the ECHR), the freedom of expression (Article 10 of the ECHR) and the prohibition of discrimination (Article 14 of the ECHR). These rights are also protected by the **EU Charter of Fundamental Rights** which has become legally binding on Member States with the entry into force of the Treaty of Lisbon in 2009 (see Section 3.2).

The **European Court of Human Rights** (ECtHR) has interpreted such rights with regards to the specific situation of children[226].

The box below outlines a major case in the field of children's rights on the internet:

> **K.U. Vs. Finland**[227] – applicability of Article 8 of the ECHR:
>
> An advertisement was placed on a dating website in the name of the applicant, who was 12 years old, without his knowledge. The advertisement mentioned the applicant's age, his telephone number and physical characteristics. The case originated at the request of the parents of the applicant who, before Finnish Court, asked the Court to oblige a service provider to divulge the identity of the person who placed the advertisement online. Finland was found to be in breach of Article 8 ECHR because, at the time of the case, its legal framework did not oblige internet service providers to disclose the identity of the authors of criminal offences such as sexual abuse against children. The ECtHR found that the States have a positive obligation inherent in Article 8 to safeguard the individual's physical or moral integrity through effective investigation and prosecution. The ECtHR noted that where the physical and moral welfare of a child is threatened such obligation assumes even greater importance.

The **European Social Charter** is another Council of Europe treaty which guarantees social and economic rights as a complement to the ECHR which refers to civil and political rights. The Charter has been ratified by all EU Member States which are, thus, required to take the

---

[222] CRC/C/GC/20, Convention on the Rights of the Child, 'Draft General Comment on the implementation of the rights of the child during adolescence', Advanced United Version, (22 April 2016); CRC/C/GC/13, 'General comment No. 13 (2011) - The right of the child to freedom from all forms of violence', (18 April 2011).

[223] CRC/C/GC/20, Convention on the Rights of the Child.

[224] Ms Santos Pais, 'Office of SRSG on Violence against Children organizes global expert meeting on bullying and cyber-bullying - 9-10 May Innocenti Research Centre, Florence - Italy' post, Special Representative of the Secretary-General on Violence against Children website, (9-10 May 2016).

[225] European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

[226] European Union Agency for Fundamental Rights and Council of Europe, 'Handbook on European law relating to the rights of the child', (2015).

[227] ECtHR, *K.U. Vs. Finland*, judgment of 2 December 2008, Application No. 2872/02.

necessary steps to fully comply with it. Article 17 (a) of the Charter establishes the protection of children against negligence, violence or exploitation. This is particularly relevant given that bullying and cyberbullying have been recognized as forms of violence.

In addition to the abovementioned instruments, there are other relevant rules applicable to cyberbullying worth highlighting. The **Convention on Cybercrime and its Additional Protocol**[228] deals with crimes committed via the internet and addresses violations of network-security such as the illegal access to a computer system, illegal interception, damaging, deletion, deterioration, alteration or suppression of computer data. It also obliges Member States to establish adequate investigative powers and procedures to tackle cybercrimes. Moreover, the **Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**[229] protects individuals against abuses related to the collection and processing of personal data. It establishes that personal data undergoing automatic processing must be obtained and processed fairly and lawfully and be stored for specific and legitimate purposes. The Convention also guarantees the individual's right to know what information is stored on him/her and to have it corrected.

Although the Conventions described above do not mention cyberbullying specifically, bullying online may be classified as a cybercrime falling under the Convention on Cybercrime and may give rise to data protection issues which can be addressed by the Convention on the processing of personal data[230].

Victims of cyberbullying may then enjoy the protection offered by **the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse**, also known as the Lanzarote Convention[231]. Many cases of sexual exploitation are, in fact, a consequence of 'sexting' which is the exchange of sexual messages/images sent via mobile phone or the internet[232] and a recognized form of cyberbullying (see Section 2). In this respect, Article 23 of the Lanzarote Convention requires Member States to criminalize acts of solicitation of children for sexual purposes through communication technologies. The Lanzarote Committee has adopted an opinion on this provision, which invites the States Parties to consider extending the criminalization of solicitation to cases when the sexual abuse is not the result of a meeting in person but committed online.[233]

Regional non-legally binding measures

Since 2006, the Council of Europe has adopted different cycles of strategies on children's rights[234]. The **Strategy on the Rights of the Child for 2016-2021**[235] identifies five priorities for Member States' actions: equal opportunity, participation, a life free from violence, child-friendly justice and children's rights in the digital environment. Under the

---

[228] Convention on Cybercrime, Budapest, (23 November 2001). The Convention has been signed but not yet ratified by Greece, Ireland and Sweden.
[229] Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg (28 January 1981).
[230] ibid.
[231] Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as Lanzarote Convention, (2007). As of 10 May 2016, the Convention has been ratified and entered into force in all Member States considered under this study, apart from Estonia, Ireland and the United Kingdom.
[232] Ringrose, Gill, Livingstone, Harvery, 'A qualitative study of children, young people and 'sexting'', LSE Publishing, (2012).
[233] Lanzarote Committee Opinion on Article 23 of the Lanzarote Convention and its explanatory note, (17 June 2015).
[234] The first was the Stockholm Strategy (2009-2011) and the second the Monaco Strategy (2012-2015). Earlier, in 2006, the Programme 'Building a Europe for and with children' was launched, followed by the Stockholm Programme in 2008. Further info on the 'Children's Strategy' page, Council of Europe website, (last accessed on 10 May 2016).
[235] CM(2015)175, Council of Europe, 'Strategy for the Rights of the Child (2016-2021)', (3 March 2016).

latter, the Strategy acknowledges that the digital environment exposes children to harmful content, privacy/data protection issues and other risks, including an excessive exposure to sexualized images. Cyberbullying is recognized as an issue, in fact, children's own conduct online may harm others and represent a risk to them. While the Strategy promotes the freedom of expression and children's participation in the digital environment, it focuses on children's protection. In this regard, the Strategy calls for the effective implementation of the Council's Conventions on the protection of children, mentioned above, in the context of online activities[236]. In addition to the Strategy, the Council of Europe has stressed the importance of empowering children in the online environment through a range of measures. The protection from all forms of violence including cyberbullying has been recognized as a prerequisite for children's safe access to the internet (see Table 6 in Annex II on the main measures adopted by the Council of Europe in this respect).

3.2. The EU role on cyberbullying

3.2.1. EU competence on cyberbullying

The **Treaty of Lisbon** introduced a specific objective for the EU to **promote children's rights** under Article 3(3) TEU. The respect for fundamental rights, which include children's rights, is also enshrined in the Treaty (Article 2 TEU). Other provisions relevant to the rights of the child are Article 21 TEU which establishes human rights and fundamental freedoms as guiding principles of EU action on the international scene and Article 6 TEU which requires the EU to accede to the ECHR.

In line with the Lisbon Treaty, the EU **Charter of Fundamental Rights** guarantees the protection of children's rights by EU institutions as well as by EU Member States when they implement EU law. It obliges the EU to always take into consideration the best interests of the child in its policies. In particular, Article 24 of the Charter articulates some key children's rights such as the right to express their views freely in accordance with age and maturity and the right to have their best interests taken as a primary consideration in all actions relating to them. Children also have the right to protection and care as it is necessary for their well-being. These provisions are particularly relevant in relation to cyberbullying because children's right to express their views must be exercised without damaging the rights and reputation of others and given that victims of bullying online might be in need of protection. In addition to Article 24, each of the other provisions of the Charter equally apply to children.

While both the Lisbon Treaty and the Charter provide legal grounds for EU action in the area of children's rights, neither of them confer a competence on the EU as a general policy area. Under the principle of conferral set forth in Article 5(2) of the TEU[237], the EU can only act within the limits of the powers assigned to it. The EU may have 'exclusive', 'shared' or 'supplementary' competence. Competencies not conferred upon the Union in the Treaties remain with Member States. This is the case for cyberbullying, for which **the EU has only a 'supplementary' role** consisting of supporting, coordinating or supplementing the initiatives adopted by Member States at domestic level.

Despite the lack of a general mandate in the area, several provisions of EU Treaties provide the EU with competence to regulate specific areas directly or indirectly related to the rights

---

[236] ibid.
[237] Article 5(2) of the TEU

of the child. For instance, based on the EU ability to legislate on the rights of victims of crime under the Lisbon Treaty, the Directive on victims' rights[238] introduced a higher level of protection for all victims, including children (see the following heading). Moreover, the EU is bound to protect children from any form of violence by its international obligations. Article 216 of the TFEU[239] enables the EU to sign international human rights instruments or to accede to existing children's rights conventions through the conclusion of a Protocol as was the case for the UNCRC.

Although the EU has only a 'supplementary' role in this area, EU action on cyberbullying cannot be completely excluded and can find a legal base. While research at national level on cyberbullying among young people calls for prevention rather than criminalization, a different approach might be necessary to tackle cyberbullying perpetrated by adults including young adults. This would be particularly important when children are victims of such behaviours. As explained in Section 2.3.4, evidence indicates that cyberbullying is also present in adult life[240]. Moreover, bullying acts committed by adults against children are not uncommon[241]. The need for an adequate punishment for bullying online was also emphasized by the young people surveyed for this study.

The EU competence in this field would be based on Article 83 of the TFEU, according to which the EU can establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crimes with a cross-border dimension. The areas of serious crimes, as defined by this Article, include computer crimes. Moreover, the EU has the competence to approximate criminal laws if such approximation proves essential to ensure the effective implementation of a Union policy in an area that has been subject to harmonisation measures (Article 83(2)).
On the basis of Article 83 of the TFEU, the EU could, thus, legislate on cyberbullying given that both the conditions required by Article 83 of the TFEU are satisfied. It can therefore be argued that yberbullying could be classified as a **serious crime** with a **cross-border dimension**. As for the former element, research shows that cyberbullying represents a serious threat to the physical and psychological development of children[242]. As explained in Section 4.2.1, although, none of the 28 EU Member States have adopted legal provisions specific to cyberbullying, all of them address the phenomenon within the legal framework of other offences in a broad range of areas. This indicates that cyberbullying behaviours are considered as serious offences which require an intervention by the criminal system across the whole EU. The seriousness of cyberbullying is such that an administrative or civil sanction alone is not deemed as a sufficiently strong response.

Furthermore, in all Member States, cyberbullying may be punished under the legal framework for **computer related crimes**. Bullying online falls within the category of **computer crimes** according to the definition provided by 2000 Commission's

---

[238] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).
[239] Article 216 of the TFEU.
[240] Information collected through research at national level; 'Adult Bullying' post, Bullying Statistics website, (last accessed on 16 June 2016); 'Adults' section, Cyberbullying Research Center website, (last accessed on 20 June 2016) Bauman (2011), op. cit. note 143; 'Cyber bullying against adults: A victim's story', News.Com.Au, (18 August 2013).
[241] When an Adult Engages in Cyberbullying Against a Child, 2014 (last accessed on 21 June 2016).; In Italy, 9.4% of presumed perpetrators were adults acting against children according to the requests for support received by the Telefono Azzurro helpline in 2014-2015. Telefono Azzurro Helpline (2015), op. cit. note 165.
[242] Nixon (2014), op. cit. note 25; Koumoutsakos, Alvaro, Angelilli, Badia i Cutchet, Taylor, 'Written Declaration on establishing a European Day against Bullying and School Violence', European Parliament, PE494.921v01-00, (10 September 2012).

Communication on cybersecurity[243]. The latter defines a 'computer crime' as any crime involving the use of information technology which may, hence, include bullying online. More generally, 'cybercrime' refers to a broad range of activities where computers and information systems are involved either as a primary tool or as a primary target[244]. It comprises traditional offences (e.g. identity theft), content-related offences (e.g. incitement to racial hatred) as well as offences unique to computers and information systems (e.g. attacks against information systems)[245]. The breadth of this definition is such to cover cyberbullying.

Not only can cyberbullying be classified as a **computer crime** but it may be a crime with a **cross-border element**. In the age of the global span of the internet, cyberbullying may be committed by anyone and anywhere; technology does not respect country borders or jurisdictional boundaries[246]. For example, a French national using a British social networking service platform to intimidate an Austrian victim from an internet café in Belgium could perpetrate bullying online. Academics and policy makers within and outside the EU acknowledge challenges across borders[247]. While some studies indicate that victims tend to know their abusers, this is not always the case. Social media and internet allow users to establish contacts with people living in different countries.

The EU competence in this area, which is not exclusive must comply with the principles of subsidiarity and proportionality as per Article 5 of the TEU. Therefore, the EU can intervene if the goal cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, and can be better achieved at Union level. The lack of national legislation specifically targeted at cyberbullying may result in victims not being adequately protected. The vulnerability of victims would be even greater if they are children and the perpetrators are adults. Moreover, the variety of approaches to cyberbullying across countries leads to a variety of offences and penalties. The diverging legal situation in Member States can jeopardise the effective enforcement of EU policies on cyberbullying and related areas subject to harmonisation including data protection[248] (Article 83(2) of the TFEU). Finally, the cross-border nature of cyberbullying may also justify EU action. In conclusion, a minimum approximation of criminal offences in this area could be aced at EU level. This would ensure a certain degree of convergence among the legal regimes of Member States which, in turn, would enhance legal certainty and mutual trust across the EU as required by Article 82 of the TFEU[249].

---

[243] Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Creating a safer information society by improving the security of information infrastructures and combating computer-related crime [COM(2000)890 final – not publish in the Offiial Journal].

[244] Joint Communication to The European Parliament, The Council, The European Economic and Social Committee and The Committee of the Regions Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace (2013).

[245] ibid.

[246] 'Cyberbullying- Should UK Criminal Law Hold Trolls and Cyberbullies to Account?', The Student Lawyer, (16 February 2015).

[247] Smith, P.K. and Steffgen, G. 'Cyberbullying through the new media. Findings from an international network', 2013 Psychological Press; Canada has formed an international working group with its Five Eyes intelligence allies (United States, Britain, Australia and New Zealand) in an attempt to combat the cross-border threats posed by cyberbullying (CNC News, Global cyberbullying target of Five Eyes meeting hosted by Canada).

[248] European Commission, Communication from The Commission to The European Parliament, The Council, The European Economic and Social Committee and The Committee of The Regions Towards an EU Criminal Policy: Ensuring The Effective Implementation of Eu Policies Through Criminal Law (2011).

[249] Article 82 of the TFEU states: '1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article 8 […]'.

_____

3.2.2.   EU legally binding measures not specific to cyberbullying

Currently there are no specific legal instruments targeting cyberbullying at the European level. However, the EU has adopted a range of **legal provisions** with the aim of promoting and protecting children's rights such as the EU **Directive on combating child sexual abuse**[250] and the proposed **Directive on procedural safeguards for children suspected or accused in criminal proceedings**[251]. Both instruments are relevant to cyberbullying.

The first Directive aims to tackle various forms of sexual exploitation of children including those that are facilitated by the use of communication technology, such as the online solicitation of children for sexual purposes via social networking websites and chat rooms. As explained above, cyberbullying may overlap with online sexual abuse or exploitation. In turn, the proposed directive on procedural safeguards for children suspected or accused in criminal proceedings could be applied to those children who commit cyberbullying acts in those countries where the child is considered criminally responsible and can be punished for such offences (see Section 4.1) Although currently cyberbullying is not criminalized in any Member State, in some countries cyberbullying behaviours fall within the legal framework of other offences such as harassment and threats (see Section 4.1).

Another important instrument that would in principle be applicable to cyberbullying is the EU **Directive on minimum standards on the rights, support and protection of victims of crime**[252] which ensures the rights of victims of crimes. Despite the fact that cyberbullying cases are rarely dealt with by criminal courts, since there is no legislation criminalizing cyberbullying in the EU Member States and children are not considered criminally responsible below a certain age, victims of cyberbullying acts punishable under other criminal offence provisions may fall within the scope of this Directive. Particular attention is given by the Directive to children who are recognized as vulnerable especially during criminal proceedings. While ensuring that the child's best interests always prevail, it is acknowledged that vulnerable victims must be provided with specialist support and legal protection services based on their specific needs, the severity of the harm suffered, as well as the relationship between victims, offenders and their wider social environment[253]. Children are also granted the possibility of having audio-visually recorded interviews which can be used as evidence in court and a right to be represented by a lawyer in the child's own name[254].

---

[250] Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335/1, (17 December 2011). This Directive has been implemented by all Member States considered under this study, except Denmark.

[251] On 25 April 2016, the Presidents of the Council and of the European Parliament signed the adopted text of the directive. (COM/2013/0822, Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings 2013/0408 (COD)).

[252] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).

[253] 'The types of support could include: shelter and safe accommodation, immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for children as direct or indirect victims', as stated by Paragraph 38 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).

[254] European Commission, 'Victims' Rights Directive: Frequently asked Questions' Factsheet, (16 November 2015).

A variety of standards that are relevant in relation to the protection of children online include the **Privacy and Electronic Communication Directive**[255] and the **Data Protection Directive**[256] which form the core elements of the EU legal framework on data protection. While the former obliges Member States to guarantee the confidentiality of information and traffic data relating to electronic communications services, the latter regulates the conditions under which personal data can be processed such as transparency, legitimate purpose and proportionality with the objective of the data processing.

These two instruments will be replaced by the **General Data Protection Regulation**[257](hereafter referred to as GDPR). Drafted in 2012, the GDPR was adopted in April 2016 and will enter into force in May 2018.Specific rules for children, who may be less aware of the risks involved in the processing of personal data, are foreseen by the Regulation. According to the Regulation, consent for processing the data of a child must be given or authorized by the holder of parental responsibility[258]. The controller of data[259], who collects and processes personal data, will be required to take appropriate measures to provide information relating to the processing of such data in an intelligible form[260], in particular any information related to children[261]. In addition, children have a reinforced right to obtain from the controller the removal of personal data relating to them[262] (Article 17) since they may have made their personal data accessible without fully understanding the consequences.

The 'right to be forgotten', foreseen in the previous Article 12 of the Data Protection Directive, will, thus, be replaced and strengthened by the 'right to erasure', provided for by Article 17 of the GDPR. While Article 12 required Member States to guarantee every data owner the right to obtain from the controller the rectification, erasure or blocking of data, under Article 17 the data controller will also be obliged to erase the data as quickly as possible from the moment he receives the request. The latter creates the additional obligation for the data controller to take reasonable steps to inform third parties of the request of erasure made by the data user. Article 17 would constitute a positive development for all child victims of cyberbullying providing them with the ability to request the removal of personal data made available online.

The above instruments play a central role in safeguarding children and young people against cyberbullying. As explained above, whenever personal data are collected by electronic means, those who gather such data and publish information about third parties must request their consent. This framework is, thus, fully applicable to all cases in which a

---

[255] Directive 2009/136/EC of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, L 337/11, (18 December 2009).

[256] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281/31, (23 November 1995).

[257] COM/2012/011, Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), 2012/0011 (COD).

[258] ibid. Article 8.

[259] The Data Protection Directive refers to the persons or entities which collect and process personal data as 'data controllers'.

[260] 'Processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction.

[261] ibid, Article 11.

[262] ibid, Article 17.

_____

person discloses personal information about another without his/her consent as may happen in cyberbullying. By processing and disclosing personal data, the cyberbully becomes a 'data controller' and as such has the legal responsibilities described above. The applicability of data protection legislation to any data controller was confirmed by the ECJ (European Court of Justice) in the *Lindqvist* case[263]. The ECJ upheld that referring on an internet page to various persons and identifying them by name or by other means, for instance by giving their personal details, constitutes the processing of personal data within the meaning of the Data Protection Directive[264].

Furthermore, the **Cybercrime Directive**[265] on attacks against information systems sets up measures against identity theft and other identity-related offences which may occur within the context of bullying online. The bully may, in fact, hijack the victim's computer and steal his/her identity. The Directive requires Member States to take the necessary measures to ensure that offences committed by misusing the personal data of another person are considered as aggravated under national law. Finally, the **Council Framework Decision on hate crimes, racism and xenophobia** is also indirectly applicable to cyberbullying[266]. This Decision sets forth the criminal offence of public incitement to violence or hatred that can be directed against a group of persons or an individual on the grounds of race, colour, religion, descent or national or ethnic origin. The offence can be perpetrated also through the public dissemination or distribution of pictures or other materials. Member States are required to make the instigation, aiding or abetting in the commission of the above offences punishable. This Framework Decision is therefore applicable to cyberbullying acts when these are based on racial or xenophobic grounds.

3.2.3. EU non-legally binding measures

In addition to being embedded in legislation, the rights of the child are meant to be mainstreamed in all **EU policy**. As explained above, the Charter establishes that all policies and actions which impact on children and young people must be designed and implemented in line with the best interests of the child. Within this framework, the Commission aims to protect, promote and fulfil the rights of the child in all EU internal and external actions and policies with an impact on them. Moreover, it assists Member States in the field of child protection when implementing EU law.

Recent EU policies emphasize the primary consideration to be given to the child's right to be protected against violence. While some initiatives have contributed to the prevention of violence in general, others have targeted a specific dimension of a child's situation. In the context of the latter, the EU has adopted a range of specific activities on bullying and cyberbullying such as raising awareness and providing guidelines to Member States[267].

The importance of the role of the EU has been recognized by stakeholders active in this field. As stated by all stakeholders consulted for the purposes of this study, the EU

---

[263] ECJ, *Lindqvist*, Case C-101/0 1, judgment of 6 November 2003.
[264] ibid.
[265] Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (12 August 2013).
[266] Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.
[267] Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of the Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity and of the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry, Protecting Children in the Digital World, COM(2011) 556 final, (13 September 2011).

represents an essential player in the fight against cyberbullying[268]. However, while some highlight the need for a stronger EU involvement in this area (i.e. providing a specific regulation)[269]; others refer to a softer involvement of the EU through awareness campaigns and funding cross-European programmes (e.g. Safer Internet Programme[270] and European Strategy[271] for a better internet for kids)[272].

Among the various policies relevant to cyberbullying, the **EU Agenda for the Rights of the Child** (2011-2014) comes to attention. The Agenda provides the general framework for the EU action on children's rights by reaffirming the commitment of the EU to promote, protect and fulfil the rights of the child in its eleven actions. Particular emphasis is put on actions to protect children when they are exposed or subjected to violence. Combating violence against children, including in the online environment, is considered to be one of the main objectives of the Agenda[273].

In line with this objective, in 2014 the European Commission launched a public consultation on the role of **integrated child protection systems** (CPS) with a view to developing EU guidance on the issue[274]. Integrated child protection systems are defined as the way in which all duty-bearers, namely the state authorities and system components (e.g. laws, policies) collaborate to build a protective environment for children. Following the consultation, standards and good practices on CPS were published[275]. According to them, children are rights holders who should be protected through preventive measures. Professionals working with children should receive specific training on how to identify risks for children in potentially vulnerable situations. The document also refers to good practices existing in the Member States such as campaigns on peer bullying organized by schools and municipalities[276]. As highlighted during the 8th and 9th Forum on the Rights of the Child, the role of child protection systems in relation to all forms of violence including bullying offline and online is crucial[277]. The 9th European Forum on the rights of the child (2015) further explored the theme of child protection systems focusing on coordination and cooperation and taking account of work done since 2012. The background paper for the Forum

---

[268] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, The Smile of the Children, and COFACE.

[269] Information collected through consultation on 8 March 2016 with representatives of The Smile of the Child.

[270] Decision No. 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348/118, (24 December 2008).

[271] COM(2012) 196, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Strategy for a Better Internet for Children (2 May 2012).

[272] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, and COFACE.

[273] COM/2011/0060, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, An EU Agenda for the Rights of the Child 5 February 2011. See in particular recommended action No 9: "supporting Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and **counter cyber-bullying behaviour**, exposure to harmful content, and other online risks namely through the Safer Internet programme and cooperation with the industry through self-regulatory initiatives (2009-2014)", is one of the recommended actions" (emphasis added).

[274] 'Public consultation - EU guidance on integrated Child Protection Systems' post, European Commission website, (last accessed on 10 May 2016). See note 44.

[275] The standards and good practices derive from responses to the online public consultation on integrated child protection systems where respondents were asked to share good practice/standards that could be of use to others (European Commission, 'Standards and good practice references by respondents to online public consultation on integrated child protection systems (CPS)', (February 2015)).

[276] The document on good practices refers to such initiatives existing in Italy, Latvia and Spain.

[277] European Commission, 'Report of the 8th European Forum on the rights of the child' (2013), op. cit. note 24. During this session good practices and approaches were discussed, in particular school approaches and measures taken at national, regional or local level. See also 9th European Forum on the rights of the child Coordination and cooperation in integrated child protection systems, 3-4 June 2015, Report, as well as the Reflection Paper which includes the 10 principles for integrated child protection systems which were presented to the Forum for discussion.

_____

proposed 10 principles on what child protection systems should achieve. In this regard, child protection systems should take an integrated approach that places the child at the centre and ensures that the necessary actors and systems – education, health, welfare, justice, civil society, community, family – work in concert to protect the child. On the same topic, the European Union Agency for Fundamental Rights, at the request of the European Commission, conducted research on national child protection systems in the 28 EU Member States[278].

With regard to children's safety online, specific policy initiatives have been adopted. The **Commission's 2012 Strategy for a Better Internet for Kids** (BIK) is designed to protect children from exposure to harmful content and empower them to deal with online risks such as cyberbullying. The Strategy is structured upon four pillars: (i) ensuring high-quality content online for children; (ii) providing awareness and empowerment; (iii) creating a safe environment for children online; and (iv) fighting child sexual abuse and child sexual exploitation. Multiple solutions, such as faster and systematic identification of harmful material, to be coordinated between Member States and the industry are foreseen by the strategy[279].

According to the 2014 evaluation study by the Commission on safer internet policies[280] Member States implemented numerous initiatives in this area[281]. The scope of these actions includes cyberbullying children's online safety and children's use of ICTs[282]. Findings also noted that the level of stakeholder involvement proved the quality of the policy implementation in Member States, showing the importance of the engagement of the public sector in the implementation of safer internet activities[283].

In the same context, a wide range of **EU financial programmes** have been launched such as the Safer Internet Programme[284], nowadays referred to as the Better Internet for Kids programme[285]. This programme aims to support projects and events on the safe use of internet as well as to promote industry self-regulation and international cooperation in this area. It focused on awareness raising, fighting illegal content, filtering and content labelling as well as increasing knowledge of the effects on children who use different forms of technology. The following activities were carried out in the context of this programme:

- The Safer Internet Day was established. This is a global event, occurring every year, advocating for a safer and more responsible use of online technology and mobile phones by children[286].

- The Safer Internet Forum was created. This is an annual international conference where children express how they perceive the internet and new technologies, and how it influences their lives.

---

[278] The European Union Agency for Fundamental Rights, Mapping child protection systems in the EU (last accessed on 19 July 2016).

[279] 'European Strategy to deliver a Better Internet for our Children' page, European Commission website, (last accessed on 10 May 2016).

[280] Baudouin, Mahieu, Dor, Good, Milayi, Nakajima, 'Mapping Safer Internet policies in the Member States the Better Internet for Kids (BIK) Map', European Commission DG Communications Networks, Content & Technology, (2014).

[281] ibid.

[282] ibid.

[283] ibid.

[284] The first Safer Internet Programme was launched in 1999. For further information, see the 'Better Internet for Kids' page, European Commission website, (last accessed on 10 May 2016).

[285] 'Better Internet for Kids' page, European Commission website, (last accessed on 10 May 2016).

[286] On 9 February 2016, the event took place in 100 countries. For further information, see the 'Safer Internet Day' page, European Commission website, (last accessed on 10 May 2016).

- Safer Internet Centres providing advice to, and developing materials for, children, parents and teachers have been established in all 28 EU Member States, Iceland, Norway and Russia. The Centres comprised awareness centres, helplines, hotlines and youth panels.

The final evaluation of the above-mentioned EU programme for 2009-2013 has recently been published by the Commission[287]. According to the evaluation, the programme has been successful and the EU intervention has been both necessary and effective in the delivery of the expected results. Based on data collected through surveys and interviews with stakeholders and project participants, the evaluation emphasizes some key success factors of the programme such as the pan-European dimension of the activities and the establishment of Safer Internet Centres in all Member States. It recommends that the Commission continue the most effective activities such as the use of these Centres and the coordination of actions at European level. However, a consistent revision in the strategy is suggested due to the fast changing nature of the technologies and the fact that children go online at an ever younger age in a variety of connected devices. Moreover, on the 25th Anniversary of the UNCRC, the European Parliament adopted a **Resolution** recognizing the growing concerns on protecting children on the internet. The Resolution addresses the situation of children online in an inclusive manner, requiring Member States to combat cyberbullying and raise awareness of the phenomenon. It also reiterates the importance of an inclusive approach involving children, parents, teachers, and schools[288] and the need for stronger collaboration between law enforcement agencies, the ICT industry, internet service providers and non-governmental organisations.

In line with the above initiatives, in 2013 the majority of members of the European Parliament signed a Declaration[289] calling for the establishment of a European day against bullying and school violence aimed at raising awareness and protecting children from all forms of physical and psychological violence, including cyberbullying. In the same year, **Regulation 1381/2013**[290] was adopted. Its Preamble recognizes the importance of tackling bullying and related phenomena, however, it does not mention cyberbullying explicitly.

Finally, only recently, the European Parliament adopted the 2016 report on *Gender equality and empowering women in the digital age*, urging Member States to prosecute homophobic crimes that take place online against women[291]. The report calls on Member States and the EU institutions to adopt a framework guaranteeing that law enforcement agencies are able to deal with digital crimes effectively, taking into account the challenges related to online anonymity and the trans-border nature of such crimes. Member States and the EU institutions are, thus, required to allocate the resources necessary for law enforcement including the implementation of existing laws against cyber-violence, cyberbullying, cyber-harassment, cyber-stalking and hate speech. A review of national criminal laws to ensure that new forms of digital violence are clearly defined and appropriate modes of prosecution

---

[287] Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee and the Committee of the Regions, 'Final evaluation of the multi-annual EU programme on protecting children using the Internet and other communication technologies (Safer Internet), (6 June 2016).
[288] European Parliament Resolution of 27 November 2014 on the 25th Anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP)).
[289] Written Declaration on establishing a European Day against Bullying and School Violence.
[290] Regulation 1381/2013 of the European Parliament and of the Council establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020, L 354/62, (28 December 2013).
[291] European Parliament, Report on gender equality and empowering women in the digital age (2015/2007(INI)), (8 April 2016).

are in place is also necessary according to the report (see Table 7 in Annex II on the main initiatives, programmes, and projects carried out by the EU with respect to cyberbullying).

4. LEGISLATIVE/POLICY RESPONSE AND MONITORING OF CYBERBULLYING AT NATIONAL LEVEL

KEY FINDINGS

- While data on cyberbullying is lacking in most Member States some studies show that the North East European Member States have the highest rate of online risks experienced by children, including bullying online, whereas Western and Southern European Member States have the lowest online risks.

- In twenty Member States data are not collected regularly but on an ad hoc basis for the purpose of specific studies.

- None of the nine analysed EU Member States have adopted legal provisions aimed at targeting cyberbullying.

- So far, cyberbullying has been rarely dealt with by national criminal law since bullying online is considered as an issue requiring more preventive interventions rather than punitive ones.

- In the absence of a specific criminal offence for cyberbullying, all Member States address cyberbullying within the legal framework of other offences in a broad range of areas such as: violence; anti-discrimination and computer-related crimes.

- Even if the conduct of the cyberbully constitutes a criminal offence, often the child perpetrator is not criminally responsible. However, this fact does not prevent the possibility of imposing alternative measures such as educational and/or restorative ones.

- None of the 28 EU Member States has specific legislation on cyberbullying in the civil area. However, the consequences of cyberbullying may attract pecuniary or non-pecuniary sanctions. Victims of cyberbullying may seek compensation for damages for illicit behaviour conducted by perpetrators.

- Half of the Member States have been adopting policies in this domain.. These policies relate to four main areas: violence, education, child protection and online safety.

This Section maps the legal and policy framework applicable to cyberbullying in the 28 EU Member States. Data and statistics on the extent of cyberbullying as well as data collection systems are also presented.

_____

4.1. Overview of data and data collection systems on cyberbullying among young people

4.1.1. Data in the 28 EU Member States

It is difficult to provide an overview of data on cyberbullying across the EU since figures are often lacking and come from different studies using different methodologies. However, the available data seem to indicate that bullying online is becoming an issue affecting more and more young people[292]. In Europe, the 2011 *EU Kids Online survey*, on children's practices and experiences of internet and social networks, is the principal source of information about cyberbullying. According to this study, out of the 25,000 internet users, between 9 and 16 years of age, 6% reported being cyberbullied and 3% cyberbullying others. Moreover, 33% were bothered or upset by inappropriate material online and 80% were fairly or very upset by cyberbullying.

As part of a recent EU funded COST network project on cyberbullying, a large-scale analysis explored the amount and nature of coverage on cyberbullying in 1599 media articles in eight countries (Australia, Belgium, Greece, Italy, Lithuania, Poland, Slovenia and the United Kingdom). The period from January 2004 until December 2011 showed a general upward trend in coverage from 34 articles published in 2004 to 295 articles in 2011. The general tone of the articles in which cyberbullying was the main topic was coded as 'alarming' (52.5%)[293]. In a similar manner, a 2014 survey conducted by the EU Kids Online team revealed that the phenomenon of cyberbullying has increased, from 8% to 12% in seven EU Member States from 2010 to 2014[294].

At national level, many statistical studies cover cyberbullying under different perspectives. While some target cyberbullying specifically, most of them address bullying in general and sometimes include data on bullying online. Since most Member States do not collect data on cyberbullying in a systematic way (see Section 4.1.2), statistics are lacking. Existing figures come from various sources and are calculated by using different methodologies. As a consequence, the results are hardly comparable.

Moreover, the diversity of samples and the definitions of bullying used for data collection makes the findings of quantitative studies not consistent with each other. To give some examples, in **Hungary**, **Lithuania** and **Slovenia,** for instance, no data on the phenomenon could be obtained. In the **Czech Republic**[295]., while data on cyberbullying are available, their results differ significantly, primarily because of the diversity of the methodological tools for data collection. Likewise, in **Finland** some studies on bullying, including cyberbullying, have reached conflicting conclusions: e.g. the 2014 KiVa study involving nearly 200,000 students, concluded that only 2.8% of Finnish youth aged 10-15 had been bullied on the internet. The study claimed that bullying online is rare in comparison to other forms of bullying. This may due to the definition used according to which victims of bullying are those who have been bullied at least two or three times a month. If those who have

---

[292] European Commission, 'Report of the 8th European Forum on the rights of the child'(2013), op. cit. note 24; Ms Santos Pais, 'SRSG Santos Pais calls for concerted efforts to eliminate bullying in all regions' post, Special Representative of the Secretary-General on Violence against Children website, (13 October 2015); Ms Santos Pais, 'Protecting children from bullying requires steadfast action and clear progress' post, Special Representative of the Secretary-General on Violence against Children website, (9 May 2016).

[293] The following Member States were covered by the study: Belgium, Denmark, Ireland, Italy, Portugal, Romania, United Kingdom. Smith, 'How dangerous is cyberbullying', Blog London School of Economics, (2014).

[294] Livingstone, Mascheroni, Ólafsson, Haddon, 'Children's online risks and opportunities: Comparative findings from EU Kids Online and Net Children Go Mobile', (2014).

[295] Macháčková, Dědková, et al. (2013), op. cit. note 175.

been bullied less than two or three times a month are included in the figures, the proportion of victims increases to 11%[296].

While data are missing for most Member States, as explained above, some general trends emerge from the findings of available studies. According to these findings, countries with high levels of internet use tend to have the highest percentage of children who encounter risks on the internet including cyberbullying. While it is difficult to generalize since there are exceptions to this trend and each country presents a specific situation, it seems that the North East European countries have the highest rate of online risks experienced by children whereas Western and South European countries have the lowest risks encountered online[297]. Within the first group of Member States, the situation has been identified as rather alarming in: *Czech Republic, Estonia*, the *Netherlands, Poland, Romania[298],* the *United Kingdom* and *Sweden*. Among the second group of countries with low-medium risks of internet use and, therefore, reduced risks of online bullying are: *Ireland, Italy, Greece* and *Portugal.*

As for the former, *Estonia* is known as a 'higher risk country' where the extensive internet use is linked to higher rates of cyberbullying[299]. Data have shown that every seventh child has experienced cyberbullying in Estonia[300]. This is twice as many as in any other EU Member State. Similarly, in the EU Kids Online project, *Romanian* children reported one of the highest percentages in Europe for being bullied both on the internet and offline[301]. This was confirmed by a 2014 study on 1214 young people revealing that 45% of them said they were victims of cyberbullying[302]. Similarly, the statistics based on the calls received by the Sigur.info[303] helpline indicate that between 2012 and 2014, the helpline received 1,851 calls, out of which 298 were cases of cyberbullying[304].

The *Netherlands* is also identified as a country at high risk of bullying online, though less exposed than the above-mentioned ones[305]. This can be evidenced by a study according to which 43% of the 608 Dutch children aged 12-16 years interviewed had either experienced something unpleasant online or knew someone who had[306]. Likewise, *Poland* stands out as the country where the rates of victims and perpetrators come to the highest level, even rising to 1 in 2 teenagers affected[307]. A 2012 survey carried out by the Ministry of Higher Education showed that among 2,143 students aged 15, 12.7% were victims of cyberbullying and 25.6% were perpetrators. Interesting data on children with special needs

---

[296] 'Internet bullying drowns in statistics' (*Nettikiusaaminen hukkuu tilastoihin*), Helsingin Sanomat, (21 August 2015).

[297] Lobe, Livingstone, Olafsson, Vodeb, 'Cross-national comparison of risks and safety on the internet: initial analysis from the EU Kids Online survey of European children', LSE Publishing, (2012).

[298] Romania is one of the European countries mostly affected by cyberbullying[298] although it has a low percentage of internet users according to 2015 statistics Internet Usage in the European Union 2015', the Internet World Stats website, (last accessed on 29 April 2016.

[299] ibid, p.11.

[300] 40% of the 9-16 year olds in a 1005 sample. See Kalmus, et al. 'National report: Estonia', in Haddon, Livingstone, *EU Kids Online: National perspectives*, LSE Publishing, (2012).

[301] According to this study, 41% say they have been upset by someone online or offline in the past 12 months and 13% say this happened online. See Haddon, Livingstone (2012), op. cit. note 300.

[302] Sigur.info, Save the Children 'Study regarding the internet use in family. Social quantitative research' (*Studiu privind utilizarea internetului în familie Cercetare socială de tip cantitativ*), (2015).

[303] The Sigur.info programme (Safer Internet) was launched in 2008 with the aim of promoting the safer use of internet among children (see Annex I). It comprises several initiatives including a hotline for reporting illegal content.

[304] '2012-2014 Report Sigur.info', Sigur.info website, (last accessed on 29 April 2019).

[305] Lobe, Livingstone, Olafsson, Vodeb (2012), p. 11, op. cit. note 297.

[306] Security Monitor, '2016 Report on the Security Monitor' (*2016 Veiligheidsmonitor*), Veiligheidsmonitor, (2016).

[307] Livingstone, Haddon et al. (2011), op. cit. note 136.

have been provided by another study[308] that showed that out of the 100 interviewed children aged between 15 and 18 years with an intellectual disability, 20% have been perpetrators of cyberbullying.

Young people living in the United Kingdom and Sweden are also exposed to online risks, In the **United Kingdom**, a 2014 study of 10,008 children aged 13-25 conducted online showed that up to 69% of young people aged 13-25 had experienced cyberbullying[309]. A similar study carried out on 3,023 children aged 13-20 within schools found that 62% had been affected by bullying online[310]. **Sweden** is also categorized as a 'higher use, higher risk' country where children are significantly more likely to have experienced a higher degree of online risk[311]. According to a 2015 Swedish survey on 800 children, 9% of 9-12 year olds, 18% of 13-16 year olds and 19% of 17-18 year olds had been victims of cyberbullying[312].

Despite the fact that bullying online is widespread in some countries young people tend not to report it to adults. The findings of an **Estonian** study reveal that only 25% of the class teachers for grade 12 (ages 18-19) had been approached by their students due to being mocked, threatened or called names on the internet; whereas 66% of the class teachers for grade six (ages 13-14) have had this experience[313]. Conversely, in some countries reporting incidents of bullying online is a common practice among children. According to the data collected by EU Kids Online II (2010), **Romanian** children have a great tendency to seek social support when facing cyberbullying (73% of victims told someone about what happened). Most of them spoke to their friends (63.4%), while others spoke to their parents (49.2%). 42.6%, chose to use problem solving in order to deal with cyberbullying whereas only 3 out of 10 children preferred passive coping. Talking to someone about a harmful online experience is more common among children from **France,** the **Netherlands**, **Italy**, **Portugal** and the **United Kingdom**. It is least common in **Sweden, Ireland,** the **Czech Republic** and **Poland**[314].

Survey among young people- Key findings

If you were a victim of cyberbullying who would you seek help from? Responding children would firstly seek help from friends, followed by their parents, and the police. As a last resort, children would report incidents to their teachers.

Among the second group of countries with low-medium risks of internet use and reduced risks of online bullying, **Portugal** has the lowest rate of cyberbullying at EU level with one in ten teenagers being affected. In **Ireland**, bullying online or by mobile technologies is less common (4%) than face to face[315]. A study conducted over seven years on approximately 18,116 children, parents and educators showed that up to 14% of students aged 12-16 were cyberbullied, while 9% reported that they had bullied others online[316].

---

[308] Plichta, 'Prevalence of cyberbullying and other forms of electronic aggression in students with minor intellectual disability' (*Rozpowszechnienie cyberbullyingu i innych form agresji elektronicznej wśród uczniów z lekką niepełnosprawnością intelektualną*), Niepełnosprawność - zagadnienia, problemy, rozwiązania, (2015) 14, p. 109-132.

[309] 'The Annual Bullying Survey' Ditch the Label website, (2014).

[310] 'The Annual Bullying Survey' Ditch the Label website, (2015).

[311] Lobe, Livingstone, Olafsson, Vodeb (2012), p. 10, op. cit. note 297.

[312] Statens Medieråd (2015), op. cit. note 153.

[313] 'Study of risk awareness amongst three target groups. Study Report' (*Riskikäitumise teadlikkuse uuring kolmes sihtrühmas. Uuringu raport*), (2014), 72.

[314] ibid, p.9.

[315] O'Neill, Dinh (2013), p.1, op. cit. note 174.

[316] 'Bullying: The Facts', ISPCC website, (last accessed on 29 April 2016).

Greece and **Italy** record a medium rate of bullying online. In particular, data and statistics on cyberbullying in **Italy** are available but not always distinguished from data on traditional bullying[317]. Since 2014 efforts have been made to distinguish the figures for the two phenomena. As a result, data on cyberbullying can now be found. In 2015, the postal police recorded 228 cases referable to cyberbullying, such as online defamations and digital identity thefts. Similarly, the *Telefono Azzurro* helpline revealed that out of 148 requests for help, 6.8% concerned cyberbullying, while 93.2% concerned bullying[318]. In **Greece**, 26.8% of the 2,000 children aged 14-17 interviewed from October 2011 to May 2012 declared to have been cyberbullying victims. Another survey conducted by the Smile of the Child NGO revealed that out of 4,999 Greek students, 20.93% stated to have been cyberbullying victims, and 34.80% admitted having perpetrated cyberbullying through their mobile phones[319].

As regards other Member States, **Austria** and **Croatia** present low rates of bullying online. In particular, **Austria** has a very low prevalence of cyberbullying: over 90% of pupils have never been affected by cyberbullying[320]. According to a 2010 **Croatian** study involving 5,215 students (aged 10 to 15), 2,484 parents and 759 teachers, 66% of students never experienced violence online[321].

4.1.2. Data collection systems on cyberbullying among young people

Collecting data on cyberbullying and traditional bullying is an essential step for developing effective strategies to prevent, tackle and combat these phenomena (see Section 6). This need is clearly perceived by the majority of EU Member States. However, **none of the EU Member States collects data on bullying online specifically.** Most of them formally gather data on this phenomenon within the context of traditional bullying[322]. Moreover, in 20 Member States[323], data are not collected regularly but on an ad hoc basis for the purpose of specific studies[324].

The **Netherlands** stand out as the only Member State where data on cyberbullying are collected on a yearly basis. Indeed, by order of the Ministry of Safety and Justice, the Central Bureau of Statistics is responsible for the collection of data on bullying online. Data on traditional bullying and cyberbullying are also collected yearly by the Institute of Applied Sociology of the Radboud University in Nijmegen[325]. In **Greece**, **Italy**, **Poland** and **Romania**, data are collected at national level by the Ministry of Education. In particular, in **Greece** data on bullying, which includes bullying online, are gathered at national level by

---

[317] See country report for Italy (Annex I).

[318] Telefono Azzurro,'Bullying Dossier' (*Dossier Bullismo*), (2015).

[319] European Anti-Bullying Campaign, 'European Bullying Research – Final Report', (2012).

[320] Felder-Puig, 'Psychological health, bullying, brawls and other forms of expression of violence. Results from recent Austrian surveys' *(Psychische Gesundheit, Bullying, Raufereien und andere Ausdrucksformen von Gewalt. Ergebnisse aus rezenten österreichiscen Befragungen)* presentation at the Network Meeting, National Strategy for Prevention of Violence in Schools, (19-20 November 2015), slide 12.

[321] UNICEF, Office in Croatia, 'Experiences and attitudes of children, parents and teachers towards electronic media, report on the results of a research carried out among children, teachers and parents within the electronic violence prevention programme Break the Chain!' (*Iskustva i stavovi djece, roditelja i učitelja prema elektroničkim medijima Izvještaj o rezultatima istraživanja provedenog među djecom, učiteljima i roditeljima u sklopu programa prevencije elektroničkog nasilja Prekini lanac!)', (31 March 2011).

[322] Member States include: Croatia, Cyprus, Denmark, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia, United Kingdom.

[323] Member States include: Austria, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

[324] Member States include: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

[325] 'Safety monitor' Section, Central Bureau of Statistics of the Netherlands, (last accessed on 29 April 2016).

_____

the Ministry of Education but these are not disclosed publicly. Educators that are members of the Prevention Action Groups[326] can use notification forms[327] to record bullying incidents that take place in the school unit where they work[328]. Besides, the Cyber Crime Unit of the Hellenic Police collects data on cyberbullying. In **Italy**, data on both cyberbullying and traditional bullying are collected at national, regional and local levels by different authorities. While the Ministry of Education and Research is the main responsible body for collecting data through national statistics systems, various other authorities' databases contain data pertinent to cyberbullying. These include the postal police[329], the Ministry of Interior in relation to cybercrimes, the Ministry of Health, as well as regional and local health authorities with respect to depression, suicides and other health topics related to cyberbullying (see Table 8 in Annex II on public authorities in charge of collecting data on traditional bullying and cyberbullying in eight selected Member States and the frequency of data collection).

In **Estonia** the extent of cyberbullying is monitored jointly by police forces and the Ministry of Justice, whereas more authorities in the educational, health sectors and academia are involved in collecting data on bullying. In **Sweden,** the only official data collection on bullying, including cyberbullying, is carried out every other year by the Swedish Media Council (*Statens Medieråd*), a governmental authority whose mission is to protect young people from harmful effects of the media. The Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*)[330] also gathers information on specific themes but not on a regular basis. Furthermore, as per the Education Act[331], schools must monitor bullying, including cyberbullying, by means of surveys. The Swedish Schools Inspectorate (*Skolinspektionen*)[332] is currently conducting a broad inspection on cyberbullying in schools; the report is due in February 2017.

There are no national statistics on cyberbullying in **Germany**. Data are collected on an ad hoc basis whenever a study is carried out on the topic. Likewise, in the **United Kingdom** there is currently no centralized system to track and monitor cases of cyberbullying and bullying. Some local authorities conduct ad hoc research, but this is used for internal purposes and not disseminated externally. The Police make a record of social media crimes, including cyberbullying; however, this information is not published. Nonetheless, it seems that more than 16,000 alleged crimes, not limited to bullying online, involving Facebook and Twitter were reported in 2015[333].

The main consequence of the absence of bodies in charge of gathering data on cyberbullying is the lack of regularly collected comparable data. Another issue is the **absence of a specific quality control system to ensure data quality**. Only few Member States reported to have such systems in place. To give some examples, in the **Netherlands** and **Poland** the quality of the data collected by the Bureau of Statistics is

---

[326] The Prevention Action Groups take care of the periodic assessment of bullying and violence at school and are useful for the development of training and education material, as well as training programme. A considerable amount of education material, both in print and digital format, has been designed and developed for the training of different target groups, such as education officials, teachers, parents, students and the general community.

[327] 'Development and Operation of a Prevention and Treatment of Bullying and School Violence Phenomena network' (*Ανάπτυξη και Λειτουργία Δικτύου Πρόληψης και Αντιμετώπισης των φαινομένων Σχολικής Βίας και Εκφοβισμού*), Stop Bullying website, (last accessed on 10 may 2016).

[328] The form is available online, at the Stop Bullying website, (last accessed on 10 May 2016).

[329] Postal police are law enforcement agencies responsible for policing the postal and/or telecommunications systems.

[330] BRÅ, 'The Swedish National Council for Crime Prevention' (*Brottsförebyggande rådet*), (2016).

[331] Law 2010:800 'Education Act'.

[332] Directive 400-2015:6584 to the Swedish Schools Inspectorate (Skolinspektionen).

[333] 'Police facing rising tide of social media crimes', The Telegraph website, (2015).

ensured through pre-tests aimed to assess the reliability and validity of questionnaires. In **Sweden** studies carried out by the governmental units are subject to scientific scrutiny. Information and data on all criminal offences are then collected at national level by the police and national institutes of statistics. As explained in Section 4.2 data on other criminal offences such as harassment and threats may also cover cyberbullying incidents. However, since cyberbullying is not a specific criminal offence in the EU Member States such data cannot be extrapolated from the data pertinent to the other offences. The increasing need to collect data is emerging across countries. **Some Member States are currently discussing the opportunity of introducing measurement tools for these phenomena.** In **Cyprus**, the Cypriot Commissioner for Children's Rights submitted a memorandum to the Cypriot Parliamentary Committee on Human Rights addressing the importance of recording the current situation using official figures[334].

4.2. Mapping of the national legal and policy framework on cyberbullying in the EU Member States

4.2.1. Legal framework

The adoption of a national framework to prevent and tackle cyberbullying is perceived by the global community as an essential step towards the concrete protection of children's rights[335]. However, **none of the analysed EU Member States**[336] **have adopted legal provisions which are aimed at targeting cyberbullying**. So far, cyberbullying has been rarely dealt with by the criminal law for various reasons. First of all, **criminalizing children is not seen as an ideal solution to effectively tackle this phenomenon**[337]. Many scholars underline the negative effects of criminalizing cyberbullying such as the fact that the punishment imposed may be disproportionate to the child's conduct; the danger of creating a situation of shame for children as well as the risks of overlapping with existing criminal offences[338]. Moreover, cyber-bullies are often seen as victims themselves which is why restorative justice mechanisms are preferred to criminal ones[339].

Cyberbullying amongst children has, thus, been considered as an issue requiring more preventive interventions rather than punitive ones[340]. In relation to this, there is a debate about the most appropriate ways to discipline children who bully online and the deterrent effect of applying criminal penalties to their conduct[341]. While few countries consider that criminal sanctions could have a deterrent effect on cyberbullying acts[342], the

---

[334] Memo presented to the Cypriot Parliamentary Commission on Human Rights, (22 September 2014).
[335] A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', [5 January 2016]; 'Third Committee Approves New Text Protecting Children from Bullying, Sending 14 Drafts to General Assembly', UN Press Release, (24 November 2014).
[336] Absence of a specific criminal offence on bullying/cyberbullying in all Member States except for Spain where bullying is criminalized.
[337] Information collected through consultation on 8 March 2016 with Childnet International.
[338] Lidsky, Garcia, 'How Not to Criminalize Cyberbullying', University of Florida Levin College of Law, (2012) 77, p. 693-726; Luna, 'The Overcriminalization Phenomenon', American University Law Review, [2005] (54) 3, p. 703-743.
[339] 'Restorative Justice' post, Anti-Bullying Works website, (last accessed on 18 May 2016).
[340] Donegan, 'Bullying and Cyberbullying: History, Statistics, Law, Prevention and Analysis', The Elon Journal of Undergraduate Research in Communications, [2012] 3 (2).
[341] ibid.
[342] For instance, in Spain this is proven by the existence of a criminal offence for traditional bullying. Similarly, the recent draft law presented in Portugal could be considered as a change in the approach in favour of the introduction of deterrent measures for children. If this law passes children older than 16 years old conducting cyberbullying could be imprisoned up to five years. It shall also be noted that, in general, both in Spain and Portugal, courts have the discretion to decide whether to impose educational/therapeutic measures or more

_____

majority are more oriented towards a preventive approach taking into account the maturity of the child[343]. In this respect, it is worth noting that children are judged by specialized courts in some countries such as **Belgium, Italy, Ireland, Germany, Spain** and **United Kingdom**[344], where specific rules apply taking into account the child's development and level of maturity (e.g. impossibility to be incarcerated before a certain age).

Besides, even if the conduct constitutes a criminal offence, often the child is not criminally responsible. The minimum age for criminal responsibility varies from Member State to Member State, and is set at: 10 in the **United Kingdom**[345]; 12 in **Ireland**[346] and **the Netherlands**; 13 in **Greece, France, Poland**; 14 in **Austria, Bulgaria, Croatia, Cyprus, Germany, Estonia, Spain, Hungary, Italy, Latvia, Malta**[347]**, Romania, Slovakia, Slovenia**; 15 in **Czech Republic, Denmark, Finland, Sweden**; 16 in **Belgium, Lithuania, Luxembourg**[348] **and Portugal**. The UN Committee on the Rights of the Child asks countries to set a minimum age of criminal responsibility and encourages that this be higher rather than lower[349].

The fact that the child is not criminally responsible does not prevent the possibility of imposing **alternative measures such as educational and/or restorative ones** (e.g. counselling, community service, involvement in life skills programmes). To give some examples, in the **Czech Republic** children cannot be sanctioned under criminal procedures, unless they reach the intellectual and moral maturity necessary to recognize their action as unlawful. Nevertheless, educational measures remain applicable to them. In **Greece**, children between 14 and 15 are only punishable with reformatory measures. In **Belgium**, criminal proceedings can be carried out on persons below the age of 18 but sentences cannot be imposed on them unless they involve more 'favourable measures'[350].

Furthermore, **cyberbullying may not always amount to a criminal offence**. This determines the necessity to assess the conduct on a case by case basis in order to identify the right approach within different contexts. For instance, when cyberbullying happens within the school, educational measures may be taken. This is the case in **Ireland**, **Portugal, Sweden** and the **United Kingdom** where schools are required to adopt a behaviour policy to protect children against bullying. This policy gives the school the power to impose sanctions on children for behaviour that is considered against it (e.g. disciplinary measures could lead to the suspension of the perpetrator) (see Section 4.2.2 on policy measures).

---

punitive sanctions, based on the judge's assessment of the particular circumstances that led to the child's offending behaviour.

[343] Absence of a specific criminal offence on bullying/cyberbullying in all Member States except for Spain where bullying is criminalized.

[344] E.g. in Belgium by the *Tribunal de la Jeunesse*; in Germany by the *Jugendgericht*; in Italy by the *Tribunale per i minorenni*; in Ireland by the Children Court; in Spain by the *Juzgados de Menores*, and in the United Kingdom by the Youth Court.

[345] See country report for United Kingdom (Annex I).

[346] Ten years of age in case of 'mischievous misdirection' conducts.

[347] For serious criminal offences.

[348] PE 493.043, European Parliament, 'Developing a Criminal Justice Area in the European Union', (2014).

[349] CRC/C/GC/10, 'General Comment No. 10 (2007) - Children's rights in juvenile justice', (25 April 2007).

[350] These measures are contained in the Belgian Law on the protection of the youth, the care of minors having committed an act qualified infraction and on the reparation of the harm caused by this fact (*Loi du 8 Avril 1965 relative à la protection de la jeunesse, à la prise en charge des mineurs ayant commis un fait qualifié infraction et à la réparation du dommage causé par ce fait/Wet van 8 April 1965 betreffende de jeugdbescherming, het ten laste nemen van minderjarigen die een als misdrijf omschreven feit hebben gepleegd en het herstel van de door dit feit veroorzaakte schade), (8 April 1965)*.

Legislative proposals on cyberbullying

In the absence of legal provisions targeting cyberbullying, **various Member States** such as **Belgium**[351]**, Cyprus**[352]**, Czech Republic, Finland, Germany, Ireland, Italy, Portugal**[353]**, Spain**[354]**, Sweden**[355] and **United Kingdom**[356] **have discussed the possibility to introduce a piece of legislation on cyberbullying at governmental level**. In particular, draft laws relevant to cyberbullying are currently under discussion in **Ireland***,* **Italy***,* and **Spain***.* In **Italy**, discussions on the inclusion of cyberbullying in national legislation resulted in a new draft law defining cyberbullying as 'any form of pressure, aggression, harassment, blackmail, insult, denigration, defamation, identity theft, alteration, illegitimate taking, manipulation, illegal processing of personal data to the detriment of child, made electronically'[357]. This draft law sets forth mechanisms for the protection of children against bullying online such as: the child's right to have his/her information removed from a search engine; the punishment of children older than 14 years of age with warnings for conducts such as defamation, insult, stalking, illicit use of personal data; the creation of a reporting mechanism consisting in the installation of a red button on websites allowing children to promptly report cyberbullying as well as the introduction of a self-regulatory code for social networks.

In other countries, such as **Portugal** and **Belgium**, draft laws addressing, respectively school violence and bullying which are also applicable to cyberbullying, are under discussion. In **Portugal**, cyberbullying has been included in the list of behaviours covered by the draft law on school violence[358]. According to this law, children over 16 years of age who carry out one of the specific offences labelled as 'bullying' may be sentenced to prison for up to five years[359]. Aggravating circumstances determining an increase in punishment are set forth in case the action is carried out by a perpetrator over 16 years of age and if his/her behaviour causes the death of the victim or serious harm to physical integrity occurs[360]. If the perpetrator is between 12 and 15 years old, he/she will be sanctioned with educational measures[361].

In **Ireland**, two pieces of draft legislation were presented in 2015: one aimed to punish the behaviour of internet trolls[362] and sharing messages inciting to suicide or self-harm[363], whereas the other criminalized the sending of grossly offensive or menacing messages through ICTs[364]. Although these laws may be applicable to cyberbullying, they do not

---

[351] Although the draft law presented in Belgium concerns the criminalization of bullying, it includes provisions that, if in force, would be relevant for cyberbullying.
[352] Although the study for Cyprus concerns the reform of judicial proceeding involving children, it includes considerations that are relevant for cyberbullying.
[353] Although the draft law presented in Portugal concerns the elimination of violence in schools, it includes provisions that, if in force, would be relevant for cyberbullying.
[354] Although the draft law presented in Spain concerns the criminalization of bullying at school, it includes provisions that, if in force, would be relevant for cyberbullying.
[355] Although the inquiry for Sweden concerns the protection of personal integrity in relation to the freedom of speech, it includes considerations that are relevant for cyberbullying.
[356] See country report for United Kingdom (Annex I).
[357] Italian draft law 1261/2014 on cyberbullying, Article 1.
[358] DN Portugal News, 'Government approves the criminalization of school violence' (*Governo aprova criminalização da violência escolar*), (28 October 2015).
[359] 'Draft law on cyberbullying – Cyberbullying is a serious matter' (*Proposta lei do cyberbullying' – Cyberbullying é coisa séria*) post, Anti-Cyberbullying website, (last accessed on 9 May 2016).
[360] ibid.
[361] ibid.
[362] An officially agreed definition of 'internet trolling' does not seem to exist. It is intended as the intentional raise of arguments online, through inflammatory or off-topic messages, to provoke an emotional response.
[363] Connolly, 'New bill proposes to jail cyberbullies', Press Release, (17 April 2015); 'Cyberbullying Laws in Ireland' post, Politics.ie website, (last accessed on 9 May 2016).
[364] 'Cyberbullying Laws in Ireland' post, Politics.ie website, (last accessed on 9 May 2016).

regulate it expressly. This was confirmed by the Ministry of Justice who stated that no intention to legislate on cyberbullying is currently present in Ireland since the existent legal framework is considered sufficient[365]. Similar arguments have been put forward in **Germany**[366]**, Finland** and the **United Kingdom**[367] where cyberbullying is deemed to be sufficiently covered by the current provisions and there is no concrete need for additional legislation especially at criminal level. Debates are still ongoing in **Belgium, Cyprus, Ireland, Italy, Portugal, Spain** and **Sweden**.

Criminal law provisions

As explained above, cyberbullying incidents are rarely dealt under criminal laws, unless in relation to serious cases such as those leading to the death of a child. In the absence of a specific criminal offence for cyberbullying, all Member States address cyberbullying within the legal framework of other offences in a broad range of areas such as: violence; anti-discrimination; computer-related crimes.

Violence

Cyberbullying may be punished under the broad category of violent crimes. This Section provides a non-exhaustive list of such offences. Cyberbullying may be punished under the legal provision on traditional bullying in **Spain**. However, this provision does not specifically target cyberbullying[368]. According to Article 172-ter of the Spanish Criminal Code, a fine or imprisonment can be imposed on whoever harasses a person insistently and repeatedly through a range of behaviours seriously altering the daily life of the victim, such as contacting the victim through media. Any attempt of such behaviour is also punishable. The Article establishes aggravating circumstances that may be relevant for cyberbullying, such as if the victim is vulnerable due to his/her age, and if the perpetrator has an emotional connection with, or is related to, the victim. Therefore, cyberbullying may be governed under Article 172-ter as well as other criminal offences set forth by the Spanish legal framework (e.g. threats aggravated by the use of ICTs).

In most Member States[369] cyberbullying may amount to the offence of **threats**. In **Ireland**, threats can occur through any means and with the intention of hurting the victim with or without the use of force[370] causing the victim to apprehend the force. Specific aggravating circumstances, relevant to cyberbullying, are set forth by national laws for this offence. For instance, in **Italy**, threats can be aggravated if carried out by multiple people[371] whereas in **Spain**, the offence can be aggravated if conducted by the use of ICTs[372].

---

[365] Irish Department of Justice and Equality, 'The need for the Government to outline what action it intends to take to tackle the increase in cyberbullying' speech, Topical Issue Debate, (25 February 2014).

[366] The Federal Minister of Justice stated that 'cyberbullying cannot be combatted through criminal law alone'. Second International Congress on Cyberbullying (*2 Cybermobbing Kongress*), Berlin, (18 January 2016).

[367] The Communications Committee states that 'the current range of offences, notably those found in the Protection from Harassment Act 1997, is sufficient to prosecute bullying conducted using social media. Similarly, sending a grossly offensive communication with the purpose of causing distress or anxiety is an offence under Section 1 of the Malicious Communications Act 1988. We do not see a need to create a specific and more severely punished offence for this behaviour'. UK Parliament. Chapter 2: Social Media and the Law. 'Cyberbullying and Trolling', 32; 'Cyberbullying laws in Ireland' speech, National Union of Journalists meeting in Dublin, (September 2015).

[368] Article 172-ter of the Spanish Criminal Code.

[369] Member States include: Croatia, Germany, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, United Kingdom.

[370] Article 5 of the Irish 1997 Non-Fatal Offence Act.

[371] Article 612 of the Italian Criminal Code.

[372] Article 169 of the Spanish Criminal Code.

Another offence relevant to cyberbullying in most Member States[373] is **harassment,** which covers a wide range of conducts. Despite differences across countries, harassment is generally defined as the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. Harassment can take many different forms (e.g. sexual, psychological, etc.) and is, thus, regulated under different Sections of criminal and civil law. For instance, in the *United Kingdom*, harassment is sanctioned both under both civil and criminal law[374]. The 1997 Protection from Harassment Act states that the victim must have experienced at least two incidents by the same person or group of people for it to be harassment. This is important given that cyberbullying does not necessarily involve the repetition of acts. In *Romania*[375] and *France*[376], harassment is punished also if it took place by means of distant communication such as ICTs. Similarly, in *Hungary*, the national authorities have confirmed the applicability of harassment provisions to cyberbullying. They pointed out that the lack of description of the mode of commission of this crime implies the inclusion of online behaviours[377]. Since 2016, in *Austria*, harassment is sanctioned if conducted 'through telecommunications or computer systems' and 'in a way that may reasonably influence a person in his/her conduct'[378].

Provisions on **stalking** are also relevant to bullying online in several Member States[379]. This behaviour commonly refers to the use of ICTs to stalk or harass the victim, through defamations, accusations, threats, etc[380]. Online stalking is punished in *Slovenia*[381] and *Slovakia*[382]. Similarly, in *Malta*, stalking may occur through any means and it may take the form of monitoring the victim's email, internet or any of his/her ICT devices[383]. In *Italy*, the offence of stalking is aggravated if conducted through the use of informatics or telematics means[384]. In addition to the above offences, cyberbullying acts may result in the violation of the **victim's dignity, honour** and **reputation**. In the majority of Member States[385] the offence of defamation consists of statements that injure the victims' reputation, in the form of written or verbal statements respectively known as libel or slander. Specific aggravating circumstances are set forth if the defamation is carried out in public or through the use of media in *Finland*[386], *Italy*[387], *Lithuania*[388], *Slovakia*[389] and *Slovenia*[390].

---

[373] Member States include: Austria, Belgium, Bulgaria, Cyprus, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Portugal, Romania, United Kingdom.

[374] 'Taking action about harassment - Take action under the Protection from Harassment Act 1997', Citizens Advice website, (2015).

[375] Article 208 on Harassment, Law 286/2009 'The New Criminal Code' (*Noul Cod Penal. Art. 208 - Hărţuirea. Infracţiuni contra libertăţii persoanei*), Official Gazette of Romania 510/2009.

[376] Article 222-33-2-2 of the French Criminal Code.

[377] Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság; hereinafter: NAIH*), 'Key to the world of the Net! Study of NAIH on the safe and conscious internet use of children (Promoting legally conscious internet use of children by means of fundamental rights protection measures)' (*Kulcs A Net világához! A NAIH tanulmánya a gyermekek biztonságos és jogtudatos internethasználatáról (a gyermekek (jog)tudatos internethasználatának elősegítése az alapjogi jogvédelem eszközeivel), (2013).*

[378] Article 107c of the Austrian Criminal Code.

[379] Member States include: Austria, Belgium, Denmark, Finland, Germany, Italy, Malta, Netherlands, Portugal, Slovakia, Slovenia, Spain and United Kingdom.

[380] Spitzberg, Hoobler, 'Cyberstalking and the technologies of interpersonal terrorism', New Media & Society, SAGE Publications, (2002) 4 (1).

[381] Article 134.a of the Slovenian Criminal Code.

[382] Article 360.a of the Slovakian Criminal Code.

[383] Article 251AA of the Maltese Criminal Code.

[384] Article 612-bis of the Italian Criminal Code.

[385] Member States include: Austria, Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Spain, Slovakia, Slovenia, Sweden, United Kingdom.

[386] Chapter 24, Section 9 of the Finnish Criminal Code.

[387] Article 595 of the Italian Criminal Code.

[388] Article 54 of the Lithuanian Criminal Code.

[389] Article 373 of the Slovakian Criminal Code.

[390] Articles 159-160 of the Slovenian Criminal Code.

Cyberbullying is then indirectly punishable under the criminal offence of homicide or instigation to suicide in a few Member States (i.e. ***Czech Republic, Italy, Slovenia*** and ***Spain***). If harassment, which as explained above may include cyberbullying, determines the tentative suicide or the death of the victim, the perpetrator is sanctioned with imprisonment in **Austria**[391]. The offences of **sexual exploitation** are also applicable to bullying online. In line with the Directive on combating the sexual abuse and sexual exploitation of children and child pornography[392], all Member States have adopted legislation punishing online sexual exploitation and grooming[393] which may overlap with cyberbullying (see Section 3). In ***Bulgaria***, the Criminal Code criminalizes sexual crimes through ICTs[394]. In ***Romania***, the crime of psychological violence was amended in 2014 in order to ensure a better protection of children and punishing any form of violence regardless of where it takes place[395].

Anti-discrimination

The close link between cyberbullying and discrimination related crimes, including hate speech[396], is acknowledged in various Member States such as ***Belgium, Estonia, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovakia, Slovenia, Sweden*** and ***the United Kingdom***. Cyberbullying may overlap with discrimination when the conduct is motivated by race, national origin, colour, sex, age, disability or religion. In ***Bulgaria***, this link has been recently emphasized by the media underlining the need to criminalize online hate speech due to the increasing aggression and name-calling of refugees as well as verbal aggression towards journalists and civic activists[397]. In ***Italy***, cyberbullying may be punished under the offence of instigation to discrimination which punishes gestures, actions and slogans having the aim to incite violence and discrimination on the ground of racial, ethnic, religious or national features[398]. Similarly, cyberbullying may be regulated under discrimination related crimes in ***Hungary, Malta, Slovenia*** and the ***United Kingdom***.

Computer related crimes

Cyberbullying may raise data protection issues, for example, when the bully hacks into the victim's computer and steals the password of the victim assuming his/her identity on the internet[399]. Therefore, in all Member States, cyberbullying may be punished under the legislative framework for **computer related crimes** (e.g. hacking, computer fraud, destruction of computer data, illegal access to data stored on a computer, etc.). In ***Cyprus***, the conduct of entering into a system of an electronic computer infringing security

---

[391] Article 107c of the Austrian Criminal Code.

[392] Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA**.**

[393] Grooming is defined as 'actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for sexual activity with the child'. See 'Definition of online grooming', INHOPE website, (last accessed on 15 May 2016).

[394] Article 155 of the Bulgarian Criminal Code.

[395] Law 272/2004 republished in 2014 'Law regarding the protection and promotion of child rights' (*Legea privind protectia si promovarea drepturilor copilului*), Official Gazette of Romania Part I 159/2014.

[396] COE Recommendation 97(20) defines hate speech as all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance.

[397] Country Factsheet for Bulgaria.

[398] Law 205/1993 on instigation to discrimination (*Misure urgenti in materia di discriminazione razziale, etnica e religiosa*, also known as *Legge Mancino*).

[399] Schmalzried (2013), op. cit. note 5.

measures is a punishable offence[400]. Moreover, some Member States[401] have specific provisions on virtual theft.

Aggravating circumstances

Cyberbullying does not constitute a specific aggravating circumstance in any EU Member State. However, aggravating circumstances may apply to the offences under which cyberbullying may be punished. Aggravating circumstances may be general or specific. While the former apply to all offences contained in the Criminal Code, the latter apply to certain offences. The general aggravating circumstances include those cases where the crime is committed against a child. For instance, in *Italy*[402] and *Czech Republic*[403] criminal offences against individuals are aggravated if committed against a person below the age of 18. In *Romania*[404], general aggravating circumstances exist in relation to crimes: committed by three or more people; committed by taking advantage of a clear state of vulnerability of the victim and/or for reasons related to race, nationality ethnicity, language, gender, sexual orientation or political opinion.

The specific aggravating circumstances include those circumstances applicable to certain crimes. For instance, stalking is further aggravated if carried out through the use of ICTs in *Italy*[405]. In *Finland*, while the use of ICTs does not constitute an aggravating circumstance, the use of mass media or other methods able to disseminate information to a broad audience is considered an aggravating circumstance of defamation[406]. In *Spain*, as explained above, traditional bullying is aggravated only if the behaviour is committed against a vulnerable individual (e.g. for reasons of age), or someone with whom the perpetrator has a close relationship[407]. The offence is further aggravated if it results in sexually related offences[408] (see Table 9 in Annex II on the non-exhaustive list of criminal offences under which cyberbullying may be punished across Member States).

Civil law provisions

None of the 28 EU Member States has specific legislation on cyberbullying in the civil area. However, a range of civil measures may apply to cyberbullying in the civil law context. Moreover, the consequences of cyberbullying may attract pecuniary or non-pecuniary sanctions. Victims of cyberbullying may seek compensation for damages for illicit behaviour conducted by perpetrators as well as the redress of moral[409], biological[410] and existential[411] damages in some Member States such as *Italy* and *Portugal*. In *Sweden*, the criminal case of two girls posting offensive material on Instagram was concluded with the two girls and their parents being sentenced to pay damages for

---

[400] Section 4 of the Cypriot Law 22(III)/2004 ratifying the Convention against Cyber-crime.
[401] Member States include: *Finland, Netherlands, Portugal, Slovenia*.
[402] Article 61, 11-ter of the Italian Criminal Code.
[403] Article 42 of the Czech Act 40/2009.
[404] Article 77 of the Romanian Criminal Code.
[405] Article 612-bis of the Italian Criminal Code.
[406] Finnish Supreme Court, Judgment KKO:2011:101, Kunnianloukkaus - Törkeä kunnianloukkaus - Sananvapaus, (30 November 2011).
[407] Article 169 of the Spanish Criminal Code.
[408] ibid.
[409] Moral damages refer to the subjective suffering inflicted on an individual. See Legal Aspects, 'Moral damages' post, Legal Aspects website, (last accessed on 10 May 2016).
[410] Biological damages refer to temporary or permanent mental and physical damage to the integrity of the person, resulting in negative impacts on daily activities. This concept refers to the dynamic and relational aspects of the damaged life, regardless of any impact on its ability to produce income. See Altervista, 'Damages: Focus on Biological Damages (*Danno biologico*)' post, Italian Tort Law Section, Altervista website, (last accessed on 10 May 2016).
[411] Existential damages refer to any impairment of the individual's activities, not related to the subjective distress (which is instead considered under moral damages). See Shapo, 'An Injury Law Constitution', Oxford University Press, (2012).

defamation, aggravated by the broad audience reached by the online behaviour[412]. In **Romania**, in addition to the payment of compensation of damages, victims may request the restoration of the situation that would have existed if the crime did not occur[413]. In **Lithuania**, pecuniary and non-pecuniary damages can be claimed in relation to violations of the victim's honour and dignity[414] also when such behaviours occur through mass media[415].

The age of civil liability varies across Member States. While in **Belgium**[416] and **Latvia**[417] children are not liable for their actions until they reach seven years of age, in **Croatia**[418] children between seven and fourteen years of age are not liable for the damage caused unless they are capable of reasoning. This is different for children between 14 and 17 years old who are responsible for the damages they caused. Parents and guardians are often considered liable for their children's actions in most of Member States such as **Belgium**, **Croatia, Greece**, **Italy, Poland, Slovenia, Sweden** and **Spain**. A specific obligation on parents to monitor their children on social networks or other types of ICTs in order to ensure the suitability of their online activities in relation to age exists in **Croatia**[419]. In countries such as **Belgium**, **Croatia, Finland, Greece, Italy,** and **Spain**, teachers and schools also have responsibilities in that they are required to ensure a safe environment for children, supervise and educate them. These responsibilities come into play when cyberbullying incidents occur. In particular, teachers can be held responsible for actions carried out by the children under their supervision in **Italy**[420]*.* Similarly, in **Finland** schools may be sued for damages caused by an error or negligence in the exercise of their public functions[421].

Other relevant provisions

Cyberbullying may fall within the privacy and **data protection framework** in most Member States[422]. This set of rules provides that personal data are gathered under specific conditions, in accordance with specific rules for their collection or transfer, and for legitimate purposes. For instance, the **Irish** Retention of Data Act[423], applicable to cyberbullying[424], allows the retention of, and access to, personal data for the purposes of prevention, detection, investigation, or prosecution of serious offences, such as grooming or organized crimes. In **Austria**, the publication and use of private information is prohibited and the perpetrator is sanctioned with the payment of the relevant damages, which in case of serious violations may result in payment of an indemnity[425].

---

[412] Supreme Court Ruling T2909-14, (18 June 2015).
[413] Article 253 of the Romanian Civil Code.
[414] Article 2.24 of the Lithuanian Civil Code.
[415] Article 15 of the Lithuanian Law on Public Information (*Visuomenes informavimo istatymas*), Official Gazette, 2006, No. 82-3254.
[416] Belgian Civil Code.
[417] Article 1637 of the Latvian Civil Code.
[418] Articles 1051, 1056-1057 of the Croatian Obligation Relations Act (*Zakon o obveznim odnosima*), Official Gazette No. 35/05, 41/08, 125/11, 78/15.
[419] Article 95(4) of the Croatian Family Act.
[420] Article 28 of the Italian Constitution; Article 61 of Italian Law 312/1980 on the patrimonial responsibility of schools' personnel.
[421] Helsinki Court of Appeal, Judgment No. 321, (24 February 2016). A lawsuit against a school was considered but dismissed on the grounds that the school had taken all the reasonable measures.
[422] Member States include: Austria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.
[423] Irish Act 3/2011 on Retention of Data.
[424] Irish Department of Justice and Equality, 'The need for the Government to outline what action it intends to take to tackle the increase in cyberbullying' speech, Topical Issue Debate, (25 February 2014).
[425] Article 1328.a of the Austrian Civil Code on the right to privacy.

Moreover, **media and communication provisions** relevant to cyberbullying are present in *Cyprus, Germany, Hungary, Ireland, Italy, Lithuania, Poland, Romania, Sweden* and the *United Kingdom*. Some Member States are also considering the introduction of a self-regulatory code on the prevention and protection against cyberbullying for social networks and on-the-net providers[426]. In *Sweden*, social media providers already showed interest in a common set of rules to detect and monitor abusive content[427]. Furthermore, the provision of a reporting mechanism to report harmful and/or illicit content is foreseen in some Member States. In this regard, as mentioned above, *Italy* is discussing the possibility of introducing a reporting button to be installed in websites within the draft law on cyberbullying[428]. Some countries, however, leave the regulation of these tools to the private sector. For instance, in the *Netherlands* a self-regulation by website providers includes the possibility of installing an icon to report abuses on individual computers[429].

4.2.2. Policy framework

Policy responses to cyberbullying

Cyberbullying is a recent phenomenon that has received a lot of attention from policy makers of EU Member States in the last few years. As a result, policy decisions have been taken and numerous programmes have been defined and implemented in order to prevent and tackle this phenomenon[430]. As highlighted in Section 3, the power to act on cyberbullying remains within the competence of Member states, with the EU playing only a 'supplementary' role. Most of the governments of EU Member States have recently developed action plans to fight cyberbullying which include the set-up of helplines, awareness raising campaigns and recommendations for schools to include cyberbullying in their policies and rules[431].

Half of Member States have been adopting policies in this domain. These specific policies relate to four main areas: violence, education, child protection and online safety. This categorization is only indicative, since overlaps within these three areas occur in the majority of Member States where, for example, policies against violence are implemented within the educational sector. Like in the legal area, most of the Member States which have adopted policies on cyberbullying have focused more on preventing the phenomenon and protecting the victim rather than punishing the perpetrator. To give some examples, while *Germany*, *Greece, the Netherlands*[432] and *the United Kingdom*[433] give priority to the protection of the victim, *Estonia*, *Poland* and *Sweden* promote preventive measures such as educational ones for teachers, parents and peers as well as awareness activities among children. Although variations among and within countries occur, it is clear that overall cyber bullying is either reacted to when incidents occur through ad-hoc interventions or it is the subject of prevention policies and strategies.

Violence policies

No specific policies targeting cyberbullying exist in *Austria*, *Bulgaria*, *Denmark*, *Finland*, *Hungary*, *Lithuania*, *Latvia*, *Malta*, *Netherlands*, *Poland*, *Romania*, *Slovenia*, *Spain*

---

[426] Member States include: Italy, Sweden.

[427] Various examples can be found online, such as 'Hatred and hatred online no first world problem' post (*Hat och hot på nätet inget i-landsproblem*), DN.Kultur website, (29 February 2016).

[428] Italian draft law 1261/2014 on cyberbullying.

[429] 'Online help for victims with online negative experiences' post, Meldknop website, (last accessed on 9 May 2016).

[430] European Commission, Joint Research Centre, Social Networks and Cyberbullying among Teenagers, (2013).

[431] Schmalzried (2013), op. cit. note 5.

[432] 'Safety at school', Dutch National Government website, (last accessed on 29 April 2016).

_____

and **Sweden**, where the phenomenon is mainly addressed in the context of policies against violence. For example, in **Estonia**, the phenomenon is dealt with by the 'Violence Prevention Strategy 2015–2020'[434] which focuses on the reduction of violence among children. In **Romania,** general policies addressing bullying can apply to cyberbullying including the *National strategy for the protection and promotion of child rights 2014-2020*[435]. The latter aims to decrease the exposure of children to violence in general and online violence[436]. In addition to the described policies, Government Decision 271/2013[437] on harassment and blackmail can be applied to cyberbullying. In this document, the term 'cyberbullying' is not explicitly mentioned but the Decision promotes a culture of security in cyberspace through a series of practices which could be deemed relevant to cyberbullying. In **Germany,** programs aiming at the prevention of violence have been adopted and evaluated in the so-called 'Green List Prevention'[438]. The latter establishes a list of 75 successful programs some of which targeting bullying and/or cyberbullying. Finally, in **Denmark,** where no state-wide policies on cyberbullying exist, charity based initiatives address the matter[439]. For instance, BornsVilkar[440] is an organisation focused on providing young people with a means of communicating with experts about many issues including bullying and cyberbullying.

Education policies

In **France**, **Germany**, **Ireland**, **Italy** and **the United Kingdom**, cyberbullying is primarily addressed within the education sector. In particular, in **Germany**, while a general framework is established at federal level, mainly through the 2002 Youth Projection Act (*Jugendschutzgesetz*, JuSchG[441]) and the German Criminal Code (*Strafgesetzbuch*, StGB[442]), most of these policies in this area are adopted at the regional level of the Länder, which are in charge of culture, education and law enforcement. In this context, cyberbullying is tackled together with traditional bullying and violence in general in educational policies which provide training programmes for teachers, involve social workers and/or educators as well as young people in prevention and intervention programmes. In **Italy,** Guidelines for the prevention of bullying and cyberbullying were issued by the

---

[433] 'Bullying and Cyberbullying. Legislation, policy and guidance', NSPCC website, (2016).

[434] 'Violence Prevention Strategy 2015–2020' (*Vägivalla ennetamise strateegia aastateks 2015-2020*).

[435] Government Decision 2014 'Decision regarding the approval of both the National strategy for protection and promotion of child rights 2014-2020, and Operational plan for the implementation of the National strategy for protection and promotion of child rights 2014-2016' (*Hotărâre privind aprobarea Strategiei nationale pentru protectia şi promovarea drepturilor copilului pentru perioada 2014-2020 şi a Planului operational pentru implementarea Strategiei nationale pentru protectia şi promovarea drepturilor copilului 2014-2016*), Official Gazette of Romania 33/2015.

[436] Annex no. 1 to the Government Decision 2014, Official Gazette of Romania 33/2015, 'The national strategy for protection and promotion of child rights 2014-2020' (*Strategia naţională pentru protecţia şi promovarea drepturilor copilului pentru perioada 2014-2020*).

[437] Government Decision 271/2013 'Decision regarding the approval of both the Strategy for cybernetic security of Romania, and the Action plan regarding the national implementation of the National system of cybernetic security' (*Hotărâre pentru aprobarea Strategiei de securitate cibernetică a României şi a Planului de actiune la nivel national privind implementarea Sistemului national de securitate cibernetică*), Official Gazette of Romania 296/2013

[438] *Landesarbeitsgemeinschaft (LAG) Soziale Brennpunkte Niedersachsen e.V.,* 'Green List Prevention' (*Grüne Liste Prävention*), Land of Lower Saxony website, (last accessed on 29 April 2016).

[439] 'Stop bullying on the internet' (*Stop mobning på internettet*) post, Net Mobning website, (last accessed on 29 April 2016).

[440] BornsVilkar NGO website, (last accessed on 29 April 2016).

[441] Youth Projection Act of 23 July 2002 (Federal Law Gazette [Bundesgesetzblatt] I p. 2730), last amended by Article 1 of the Law of 03 March 2016 (Federal Law Gazette I p. 369) (*Jugendschutzgesetz vom 23. Juli 2002 (BGBl. I S. 2730), das durch Artikel 1 des Gesetzes vom 3. März 2016 (BGBl. I S. 369) geändert worden ist*).

[442] Criminal Code in the version promulgated on 13 November 1998, Federal Law Gazette (*Bundesgesetzblatt*) I p. 3322, last amended by Article 5 of the Law of 10 December 2015, Federal Law Gazette I p. 2218 (*Strafgesetzbuch in der Fassung der Bekanntmachung vom 13. November 1998 (BGBl. I S. 3322), das zuletzt durch Artikel 5 des Gesetzes vom 10. Dezember 2015 (BGBl. I S. 2218) geändert worden ist*).

Ministry of Education & Research in 2015[443]. The Guidelines aim to increase the engagement of schools and parents in the fight against these phenomena. According to the guidelines, schools and territorial administrations shall provide training opportunities for teachers, students and parents on both bullying and cyberbullying. Since the guidelines are not binding in case of non-compliance there are no consequences.

Moreover, schools have specific responsibilities to prevent and tackle bullying including cyberbullying in some countries such as *Italy, the Netherlands, Sweden* and *the United Kingdom*. In *Italy*, Article 4c for primary education and Article 3b for secondary education were added to the safety policy under the title 'Duty to provide safety in schools' in 2015[444]. These articles created an obligation on schools to combat and prevent bullying. Similarly, in the *United Kingdom*, as per the 2006 Education and Inspections Act[445], educational institutions must adopt a safeguarding policy that prioritizes the safety and wellbeing of young people. Under this policy, schools can adopt measures to prevent bullying and cyberbullying within their behaviour policies. According to these measures, head teachers can confiscate items such as mobile phones from pupils, request a child to reveal a message or content on their phone to establish if bullying occurred and apply disciplinary measures to children who do not cooperate[446]. All state and private schools are obliged to set up behaviour policies on bullying respectively under the 1998 School Standards and Framework Act[447] and the 2003 Education Regulation[448]. Policies are decided upon by each school and cover the conduct of pupils before, during and after the school day. In a more general context, schools must also abide by the 2010 Equality Act on anti-discrimination to prevent harassment and bullying within their premises[449]. As explained in the legal Section above, bullying online and discrimination can often overlap.

Likewise, the Dutch Ministry of Education and Culture launched an Action Plan to combat bullying in 2013 which includes an obligation for schools to implement an intervention program and to report online bullying actions. This obligation is ensured by appointing a contact person within the school where students and parents can report incidents of bullying, including cyberbullying, and who coordinates the bullying policy in the school[450]. The Action Plan also establishes a bullying Commission to evaluate existing programs in the field. As of 2015, ten programs have already been assessed and declared promising. Their evaluation will be published in the next two years and from then on, schools will be obliged to implement those programs. Although these ten programs primarily focus on traditional bullying, cyberbullying is also indirectly considered.

In *Sweden* the Education Act[451] regulates the schools' responsibilities in this matter. This responsibility is technology neutral and, thus, includes cyberbullying. The Act requires schools to have a plan against bullying and discrimination aimed to promote a safe environment free from these phenomena, to prevent and detect abusive practices and take action when incidents occur. In particular, according to this plan, the headmaster and school professionals are in charge of identifying and tackling both bullying and cyberbullying. The principal has the ultimate responsibility and can be fined if he does not abide by the law regarding children's safety in school. In 2017, a report by the Swedish

---

[443] Italian Ministry of Education and Research (2015), op. cit. note 98.
[444] Law 3b 'Duty to provide safety in school', op. cit. note 18.
[445] Education and Inspections Act 2006, Section 89.
[446] Marczak, Coyne, 'Cyberbullying at school: good practice ad legal aspects in the UK', Australian Journal of Guidance & Counselling, [2010] 20 (2).
[447] ibid.
[448] ibid.
[449] Law 3b 'Duty to provide safety in school', op. cit. note 18.
[450] Law 3b 'Duty to provide safety in school', op. cit. note 18.
[451] Law 2010:800 'Education Act'.

Schools Inspectorate (*Skolinspektionen*) on how schools tackle bullying off and online will be issued[452].

Furthermore, cyberbullying is dealt with by local schools' prevention policies together with bullying or violence in general in some countries such as **Austria, Bulgaria, Estonia** and **Poland**. In Poland, prevention policies on traditional bullying, peer violence and cyberbullying all of which apply to schools have been developed.[453] The same approach can be observed in **Austria** where a National Strategy against violence in schools has been developed by the Ministry of Education and Women[454]. Bullying, which includes cyberbullying, has been defined as one of the main area for action for the years 2014-2016[455]. Likewise, cyberbullying is covered by the general national policy on prevention of violence in schools in **Bulgaria.** In accordance with the 2012-2014 National Plan for Prevention of Violence against Children, the Ministry for Education and Science, in cooperation with the State Agency for Child Protection, has created a Mechanism to Counteract Bullying between Children and Students in Schools[456]. The aim of this tool is to outline a unified mechanism for combating bullying by supporting schools in their efforts to deal with this phenomenon. In addition to being addressed at national level, cyberbullying is included in various policies at the local level. For instance, in **Estonia** several schools have approached the topic of cyberbullying in their school policies[457].

Child protection policies

Cyberbullying is addressed by child protection policies in many Member States. In this regard, helplines, hotlines and other reporting mechanisms, as well as supporting programs for victims have been adopted in **Bulgaria, Germany, Italy, Ireland** and **Romania.** In particular, in **Bulgaria**, the State Agency for Child Protection created, in November 2009, a national Hotline for Children (116111) which is available twenty-four-seven. The Helpline offers information, counselling and help to children for a huge spectrum of problems including bullying and cyberbullying. In **Romania,** the Safernet Hotline consists of a line for reporting illegal content. Its aim is to provide a space where people can report illegal or dangerous content on the internet, to collect, record incidents and, when necessary, to direct the complaints towards the key institutions. Moreover, in **Ireland** the Office for Internet Safety established a hotline by which suspected illegal material can be reported and removed or access to it blocked[458].

Other reporting mechanisms exist in **Greece**, where a Cyberkid App for mobile use allows children to communicate directly with the Cyber Crime Unit and notify incidents to the police[459]. Moreover, the *Children's Ombudsman* has also developed various activities with the aim to protect children from bullying and indirectly from cyberbullying. Any child can bring to the attention of the Children's Rights Ombudsman any incident which he/she thinks has violated his/her rights, including cyberbullying. Within this context, support programs

---

[452] Directive 400-2015:6584 to the Swedish Schools Inspectorate (*Skolinspektionen*).

[453] Pyżalski, 'Electronic aggression and cyberbullying as the new risk behaviours of youth' (*Agresja elektroniczna i cyberbullying jako nowe ryzykowne zachowania młodzieży*) (1st edn) Oficyna Wydawnicza Impuls, Kraków, (2012).

[454] Ministry for Education and Women, 'National Strategy for prevention of violence in schools' *(Nationale Strategie zur schulischen Gewaltprävention),* (2015), p.7.

[455] ibid, p.6.

[456] Ministry for Education and Science in cooperation with the State Agency for Child Protection, 'Mechanism to Counteract Bullying between Children and Students in Schools' (*Механизъм за противодействие на училищния тормоз между децата и учениците в училище), (2012).*

[457] E.g. Gustav Aldolf Gymnasium, Saue Gymnasium, Kiling-Nõmme Gymnasium, Võru Kreutzwaldi Gymnasium, Elva Gymnasium, etc.

[458] Shannon, 'Sixth Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas', (January 2013), p. 113.

[459] Cyberkid website, (last accessed on 10 May 2016).

for the victims and their families have been established. **German** policies offer free and anonymous support for children and parents affected by bullying by trained persons. This support can be provided via phone, email or direct contact[460]. In **Italy,** a draft law foresees the introduction of a 'red click' (*bottone rosso*) which would provide the child with an opportunity to promptly report cyberbullying on an ad-hoc page (see Section 4.2.1). Following this report, the postal police would have to evaluate each situation on a case by case basis and, if necessary, intervene.

Moreover, child protection policies define the role of child protection systems in this area. While in some countries the role of child protection authorities is more clearly delineated, in others, a more general duty to protect the child from harm is established. In **Greece,** the Public Prosecutor Office for Minors is competent to receive complaints on cyberbullying incidents from parents or the police services. A social file on the specific case is created and can lead to the involvement of social institutions and the use of mediation to solve the issue[461]. In a similar manner, the child protection system in the **United Kingdom** plays a role since the authorities are required to act in the same way as if the bullying was perpetrated offline[462] if there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm[463]. In Italy, the child protection system may intervene whenever a child is at risk of harm[464]. This is also the case of **Hungary** where the main act[465] regulating the functioning of the child protection system does not contain reference to cyberbullying but does however provide some protection to child offenders and victims of crimes. In **Belgium**, the child protection system takes care of any child who has allegedly committed a criminal offence or where they are in a problematic situation[466]. In **Germany**, the child protection authorities are involved only indirectly through associations operating in the field. Hotlines and victim support services are mainly handled by specialized associations to which the child protection authorities can refer. Similarly, in **Estonia** the Estonian Union for Child Welfare[467], an NGO part of the child protection system, aims at protecting children from all forms of violence including bullying and cyberbullying and deals with internet-based risks.

Policies on online safety

Some policies focus on children's online safety. In **Italy**, the *Code of self-conduct against cyberbullying[468]* was published in 2014 by the Ministry of Economy in collaboration with other institutions such as the postal police, children rights' authorities and various online operators (Google, Microsoft). This Code requests providers of networking services to create mechanisms to signal cyberbullying in order to prevent and tackle its proliferation.

---

[460] Information collected through consultation with national stakeholders on 26 February 2016 (Ms. Nina Pirk, representative of '*Nummer gegen Kummer'*, an association in charge of providing a hotline also assisting in cases of cyberbullying).

[461] 'The important work of the Public Prosecutor Office for Minors' (*Το σημαντικό έργο της Εισαγγελίας Ανηλίκων*), Petraskandalou website, (2013).

[462] 'Preventing and tackling bullying', Department for Education of the UK Government (2014), p. 4-6.

[463] ibid..

[464] Information collected through consultation with national stakeholders on 03 March 2016 with academics specialised on cyberbullying.

[465] Act XXXI of 1997 on the protection of children and the administration of guardianship (*1997. évi XXXI. Törvény a gyermekek védelméről és a gyámügyi igazgatásról*).

[466] Belgium, Wallonia-Brussels Federation (*Fédération Wallonie-Bruxelles*), Decree pertaining to youth help (*Décret relative à l'Aide à la Jeunesse*), (4 March 1991); Belgium, Flanders Community (*Vlaamse gemeenschap*), Decree pertaining to the special youth assistance ('Decreet inzake bijzondere jeugdbijstrand'), (7 March 2008).

[467] 'About organisation' (*Organisatsioonist*), Estonian Union of Child Welfare website, (last accessed on 29 April 2016).

[468] Italian Code of self-conduct against cyberbullying (*Codice di autoregolamentazione per la prevenzione e il contrasto del cyberbullismo*).

In **Germany,** the Youth Media Protection State Treaty[469]aims to create a uniform level of protection of minors in electronic information and communication media in Germany. Since the reform of the Youth Protection Act in 2003, computer and video games can only be released to young people if they have previously been subjected to testing by the Entertainment Software Self-Regulation Body (USK). This guarantees that children are protected from games and media which are considered harmful to their development.

In **Greece** the *Action Plan for the Rights of the Child 2015-2020* refers to children's online safety and promotes the organization of teleconferences[470] by the Cyber Crime Unit in several schools[471]. Cyberbullying is regarded as a cybercrime and it is specifically dealt with by the police services through the Cyber Crime Unit in Greece. This Unit has created a website where information on online risks is available for children and parents. Similarly, the **Estonian** *'Security Strategy for 2015-2020'* on cybercrime also refers to cyberbullying[472]. The latter highlights the need to raise awareness on the risks associated with cyberspace and to increase the skills and knowledge of users to prevent online risks. Although it does not concern cyberbullying specifically, the 2011 Strategy of children and families 2012-2020 by the Ministry of Social Affairs promotes safe communication on internet (e.g. training, campaigns, consultations, tip-off line).

In order to protect children in the online environment, a range of programs and training on online safety have then been created in various countries such as **Austria, Bulgaria, Cyprus, Czech Republic, Finland, France, Poland, Portugal, Romania** and **Spain**. In **Poland,** cyberbullying is referred to in the ongoing policy program '*Safe +*'. The aim of this programme is to improve the skills of school personnel, students and parents in the field of cyber-safety and prepare them to react to threats such as cyberbullying through the development of competences. In **Romania**, the *Sigur.info program,* which started in 2008 as a result of the Safer Internet Program launched by the European Commission, promotes the need for joint efforts to raise awareness of the issues of psychological manipulation and harassment via the internet and, where appropriate, reporting these cases to the competent authorities that ensure law enforcement and/or child protection[473]. Moreover, the Romanian NGO, *Save the Children,* collaborates with the Ministry of Education in order to develop a skills training course on the safe use of the internet for school students and raise awareness on children's rights in the online environment in areas where the use internet is less favoured such as rural areas or socially disadvantaged areas.

Involvement of young people in the development of policies/programmes

Some Member states involve children and young people in the development of their policies. In **Germany**, young people are indirectly involved as these policies are usually developed on the basis of preliminary studies based on consultations with the youth. They may also be involved in the implementation of these policies for instance when the latter take place at school. Their involvement can take many forms such as training of children by

---

[469] By this Interstate Treaty, concluded by the Länder in 2003, the Länder created a uniform legal basis for the protection of minors in electronic media (such as Internet, television and radio). As indicated above, the purpose of the JMStV is the uniform level of protection of minors in electronic information and communication media in Germany.

[470] Using ICTs, teleconferences with schools across the country are organized every week by the Cyber Crime Unit (every Tuesday and Thursday). This action is considered as very successful. The Cyber Crime Unit has also created various television spots in order to raise awareness on the safe use of the Internet. One of the spots specifically focuses on cyberbullying and it was launched in 2014.

[471] National Action Plan for the Rights of the Child (*Εθνικό Σχέδιο Δράσης για τα Δικαιώματα του Παιδιού*), Ministry of Justice, Transparency and Human Rights Unit website, (last accessed on 29 April 2016).

[472] 'The Interior security strategy for 2015-2020' (*Siseturvalisuse arengukava 2015-2020*).

[473] Information collected through stakeholder consultation on 10 March 2016 with representatives of Save the Children Romania and the Sigur.info programme.

other children, creating moderators for chatrooms etc[474]. In **Greece**, children are involved through consultation in relation to policies on bullying in general. For instance, the programme '*Adolescents' Bullying: Prevention and combat ways in the school environments of Greece and Cyprus*[475]' gives children the opportunity to gain an understanding of bullying in its entirety. Based on the knowledge they acquire, children can create educational material for other students and participate in interactive innovative actions with the slogan 'I inform, I educate and I prevent violence at school'. Various pilot programs were organized in several schools with the active participation of children such as: theatre-workshops and school negotiation programmes. According to the Ministry of Education[476], strengthening the role of students is important to tackle all forms of bullying.

Although there is no such requirement to involve children in the development and implementation of policies on cyberbullying in **the United Kingdom**, children's participation is encouraged in some schools. Those schools that actively involve students in the development of their policies find that children are more likely to abide by the policy[477]. Moreover, children's participation is foreseen in relation to the development of internet policies and programmes. In this regard, the Children's Commissioner for England launched the 'Digital Taskforce' bringing together children and experts to make recommendations to policymakers and industry in relation to development of the internet for children[478]. Similarly, the Swedish Digitalisation Commission appointed a group of young experts between seven and eighteen years of age to form a 'young commission'. The commission provided advice in relation to opportunities in the digital world[479]. In **Italy**, young people might be involved in the development of policies on bullying online in the very near future. The Advisory Board on cyberbullying, set forth by a draft law on cyberbullying[480], will be composed of students' associations. In **Estonia**, since 2011, a youth advisory committee was established within the Chancellor of Justice[481] (Children's Ombudsman). The committee is consulted on important issues such as bullying. In **Poland**, there is no involvement of children in the development and implementation of policies on cyberbullying or traditional bullying. However, young people might be consulted on an ad-hoc basis such as in research projects.

The role of the private sector

Internet and social media providers have a leading role in detecting and removing harmful content available online. Moreover, they are sources of information about users' behaviour online including practices on the internet by children. Various self-regulatory initiatives have been taken by ICTs providers to increase the protection of children using mobile phones and social networking services[482]. In this regard, a range of events were organized

---

[474] Information collected through stakeholder consultation on 26 February 2016 with representatives of '*Nummer gegen Kummer*' association in charge with providing a hotline assisting also in cases of cyberbullying, on 02 March 2016 with representatives of the media authority of Rhineland-Palatinate, (*Landeszentrale für Medien und Kommunikation*). They confirmed the variety of forms of involvement of children.

[475] 'Education and not violence – Adolescents' Bullying: Prevention and combat ways in the school environments of Greece and Cyprus ' (*Παιδ(ε)ία και όχι βία – Εκφοβισμός των εφήβων: Τρόποι πρόληψης και αντιμετώπισης στο σχολικό περιβάλλον Ελλάδας και Κύπρου*).

[476] EUNETADB website, (last accessed on 29 April 2016).

[477] Working with children and young people to develop an effective anti-bullying policy', Safe Network website (2011).

[478] United Kingdom, Children's Commissioner for England (2015), 'New Children's Commissioner internet taskforce announced to help children as they grow up digitally'.

[479] Digital Commission (Digitaliseringskommissionen) website.

[480] Italian draft law 1261/2014 on cyberbullying, Article 1.

[481] 'Youth Parliament' (*Noorte parlament*).

[482] COM/2011/0060, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, An EU Agenda for the Rights of the Child5 February 2011.

_____

on this topic at international and European level[483], especially in light of the request for cooperation launched by the EU with the Better Internet for Kids programme[484]. Among the various events, the EU invited some of the major ICTs companies[485] to discuss possible tools to improve children's safety on social networks in 2010. The outcome was a set of guidelines for the use of social networks that can be adopted by ICTs companies on a voluntary basis[486].

Similarly, in 2012, the ICT Coalition for the Safer Use of Connected Devices and Online Services by Children and Young People[487] developed a set of guiding principles on children's safety for its members in various areas including safe social networking[488]. The principles have been assessed as a very positive instrument for preserving children's rights online[489]. Action in this field has also been taken by the CEO Coalition[490]. The latter has worked in order to provide adequate reporting tools, age-appropriate privacy settings, a wider availability of parental controls and an effective takedown of child abuse material. The 2014 report by the same Coalition recommended, amongst others, the adoption of a range of measures: to create applications to enable users to seek help with a single click in case of harmful or inappropriate content or behaviour; to provide users with detailed information on how to report incidents as well as to collaborate with Helplines and Hotlines in order to identify abusive material[491].

Finally, in May 2016, the European Commission in collaboration with IT companies such as Facebook, Microsoft, Twitter and YouTube launched a code of conduct on how to combat the spread of illegal hate speech online in Europe[492]. Similarly, at national level, some Member States[493] introduced self-regulatory codes of conduct designed in collaboration with ICTs providers.

---

[483] The following events were organized: Global expert meeting on bullying and cyberbullying (Florence, May 2016); Coordination meeting among Member States, IT companies and civil society organized in the context of online hate speech (Brussels, March 2016); 3rd Child Safety Summit by the European NGO Alliance for Child Safety Online with the participation of Google and Facebook (Dublin, April 2016).

[484] 'Self-regulation for a Better Internet for Kids' post, European Commission website, (last accessed on 15 June 2016).

[485] Companies included Arto, Bebo, DailyMotion, Facebook, Studenti.it, Google, Hyves, Microsoft, MySpace.com, ndsza-klasa.pl, Netlog, One, SchulerVZ StudiVZ MeinVZ, Skyrock.com, Sulake, Yahoo.eu, Zap.lu, Rate.ee, Tuenti, Stardoll, Wer-kennt-wen.de, Adiconsum, Childnet International, Chis, E-enfance, Save the Children Denmark, Save the Children Italy, Vodafone. See also 'Safer Social Networking Principles for the EU', SNS providers in consultation with the European Commission, as part of its Safer Internet Plus Programme, (10 February 2009).

[486] 'Safer Social Networking Principles for the EU', SNS providers in consultation with the European Commission, as part of its Safer Internet Plus Programme, (10 February 2009).

[487] The ICT Coalition for the Safer Use of Connected Devices and Online Services by Children and Young People is a self-regulatory consortium made up of private ICTs companies (Facebook, Google, KPN, LG, Orange, Portugal Telecom, Skyrock, TDC, Telefónica, Telecom Italia etc.), with the aim to help children to make the most of the online world and deal with any potential challenges and risks. See 'Who we are' post, ICT Coalition website, (last accessed on 15 June 2016).

[488] O'Neill, 'First Report on the Implementation of the ICT Principles', ICT Coalition and the Dublin Institute of Technology, (2014).

[489] 'Principles' posts, ICT Coalition website, (last accessed on 15 June 2016).

[490] The CEO Coalition was established in 2011 with the aim to make the internet a better place for kids by various private ICTs companies (Apple, Facebook, Google, Hyves, KPN, Liberty Global, LG Electronics, Mediaset, Microsoft etc.). See 'Self-regulation for a Better Internet for Kids' post, European Commission website, (last accessed on 15 June 2016).

[491] 'Actions Summary Report', CEO Coalition, (2014); 'CEO Coalition 2014: progress reports on actions to make the Internet a Better Place for Kids', CEO Coalition, (9 February 2014).

[492] European Commission, Code of Conduct on Countering Illegal Hate Speech Online, (2016).

[493] e.g. Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom); 'EU overview of mobile operator codes of conduct on safer mobile use by children' list, GMSA (worldwide mobile operators group), (last accessed on 15 June 2016).

5. GOOD PRACTICES TO PREVENT AND TACKLE CYBERBULLYING AMONG YOUNG PEOPLE

KEY FINDINGS

- The most common good practices - understood as practices successful in reducing cyberbullying, protecting victims, raising awareness and punishing perpetrators - existing in the nine Member States analysed can be grouped around education/awareness raising and child protection.

- Various educational programmes have been adopted within and outside the school context. These programmes aim to prevent bullying and cyberbullying by pro-actively informing children about the dangers of the internet, encouraging victims to report cyberbullying and helping perpetrators to understand the effects of their behaviour.

- In addition to programmes, the creation and dissemination of educational materials takes place in all the nine Member States analysed.

- Training, workshops and e-learning courses on cyberbullying have been organized for children, parents and professionals working with young people in most of the selected Member States.

- Specific initiatives to promote online safety and helplines aimed at supporting victims of violence including cyberbullying have been established by most of the Member States analysed.

- Although most of the identified good practices are addressed to children not all of them actively involve children in the prevention and fight against cyberbullying.

- Good practices relating to cyberbullying often involve a wide range of stakeholders such NGOs, youth organizations, schools, teachers, parents, etc. The involvement of the government is usually limited to funding such initiatives.

The aim of this Section is to illustrate good practices on how to prevent and combat cyberbullying in nine selected EU Member States, namely *Estonia, Germany, Greece, Italy, the Netherlands, Poland, Romania Sweden,* and the *United Kingdom*. These practices were identified through desk research and stakeholder consultation and were assessed through a survey among young people. Practices were considered as 'good' if they had proven successful in reducing cyberbullying, protecting victims, raising awareness, punishing perpetrators, etc.

Overall the majority of the identified practices aim to raise awareness on cyberbullying among children, parents and teachers. A widespread practice also consists in offering support to the victims in the form of helplines or face-to-face counselling. In this regard, all stakeholders consulted provided information on the success of the Internet Safer Centres and their relevant activities in the field of cyberbullying in all the EU Member States, Iceland, Norway and Russia[494]. These centres are made up of helplines, organized in a pan-

---

[494] Information collected through stakeholder consultation on 8 and 16 March 2016 with representatives of Childnet International, The Smile of the Children, and COFACE.

European network called INSAFE, and hotlines[495] organized in a pan-European network called INHOPE[496]. The context of the analysed initiatives is often the school but the internet is also widely used as an instrument to reach a wider public. Although the practices described below have been identified as successful by the stakeholders consulted, in most cases there is no scientific evidence of their success in reducing cyberbullying. However, the stakeholders involved often show a strong degree of satisfaction with them. This is the reason why they were often replicated in other contexts and Member States.

The most common good practices existing in the nine Member States analysed can be grouped around two main areas: education/awareness raising and child protection.

5.1. Education/Awareness raising

Various **educational programmes** have been adopted within and outside the school context in *Estonia, Germany, Greece, Italy, the Netherlands, Romania, Sweden,* and the *United Kingdom*. These programmes aim to prevent bullying and cyberbullying by pro-actively informing children about the dangers of the internet, encouraging victims to report cyberbullying and helping perpetrators to understand the effects of their behaviour. As explained below, often national governments fund these initiatives and are in charge of their implementation. For instance, in the *Netherlands*, the government provides subsidies to fund websites giving information on the safe internet use by children, such as Digi aware[497], Knowledge net[498], Media Guide[499] and My Child Online[500].

The **Sigur.info project** in *Romania* represents one of the successes of the Safer Internet Centres programme[501], with its various instruments such as a helpline, a hotline, and a website, that are helpful in providing information on cyberbullying. This programme represents a reference point for professionals working with children on the issue of bullying and cyberbullying and for State agencies involved in the prevention of online risks. As part of this programme, educational activities were organized in schools to instil tolerance among children and to inform them about the negative effects of cyberbullying. This resulted in a guide on the safer use of the internet developed in partnership with the Romanian Office of Save the Children[502], a free practical manual on legal education[503] and numerous ad hoc training events on internet safety. The programme was highly inclusive as it involved children in vulnerable situations such as children without parental care, visually and hearing impaired children.

Similarly, the **KiVa programme**[504] in the *Netherlands* stands out as a good practice. The programme calls for a whole-school intervention aimed at creating a positive atmosphere and improving the social safety and well-being of students. The school staff, children and parents are all actively involved. Each group is given KiVa lessons on topics such as peer

---

[495] While helplines usually provide information, advice and assistance to children, hotlines deal with illegal content online.
[496] Safer Internet Centres website, (last accessed on 9 May 2016).
[497] Digi aware website, (last accessed on 29 April 2016).
[498] Knowledge net website, (last accessed on 29 April 2016).
[499] Media Guide website, (last accessed on 29 April 2016).
[500] Media Guide website, (last accessed on 29 April 2016).
[501] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and of the Sigur.info programme.
[502] Save the Children Romania, 'Guide for safer internet use' (*Ghidul utilizării în siguranţă a internetului*), Sigur.info, (2014).
[503] Danileţ, 'Legal education for high school students. Practical guide on rights and justice' (*Educaţia juridică pentru liceeni. Ghid practice despre drepturi şi justiţie*), (2016).
[504] Salmivalli, Karna, Poskiparta(2010),, op. cit. note 21.

pressure, communication, respect and identifying, resolving and preventing bullying. Although the programme focuses on traditional bullying, cyberbullying issues are addressed in the context of educational lessons on good communication. In addition, a KiVa team is established in each school to perform curative interventions in case of bullying incidents. Every six months, questionnaires are sent to students with the aim of investigating whether bullying decreased as a result of the programme. Twice a year KiVa teams from different schools come together to exchange experiences and contribute to improving the programme. The success of this practice is supported by clear evidence. Various studies showed a decrease in bullying in KiVa schools, particularly in relation to indirect forms of verbal and relational victimisation and a small decrease in cyberbullying[505].

Survey among young people – Key findings

Do you think that educational activities to teach respect and tolerance among children would be useful? The overall majority of the respondents for **Germany, Greece, Estonia, Italy, the Netherlands, Poland** and **Romania** stated that educational activities to teach respect would be a good or very good idea.

In addition to programmes, the creation and dissemination of **educational materials** takes place in all the nine Member States analysed. These materials have different objectives such as to familiarize beneficiaries with different aspects of cyberbullying, to present possible consequences of bullying online for victims and perpetrators and to encourage bystanders to respond to cyberbullying. While in some countries such as *Greece* and *Estonia*[506] these materials are mostly used in schools, in most Member States materials are also provided online and can be accessed by all. Generally, the creation of **educational materials accessible online** has been considered as a successful practice across countries because they can reach a vast public. In particular, on line materials such as videos and e-learning activities, courses and/or games have a significant circulation among children who can easily access them. In *Greece*, an **interactive educational tool against bullying** was designed by a group of students under the teachers' coordination[507]. It consists of two videos, one on traditional bullying and the other on cyberbullying broadcasted from the perspective of the victim, the perpetrator or the bystander. The objective is to raise awareness of these phenomena and to present practical solutions.

Furthermore, some countries provide education and awareness raising activities in the form of **movies, documentaries** and **theatre plays** explaining how cyberbullying occurs, its dangers and what can be done to respond to it. These tools have been created in *Greece*, *Poland,* and the *United Kingdom*. Examples include '**Let's Fight it Together**' (United Kingdom)[508], '**Where is Mimi?**' (Poland)'[509] and '**Bullying Diaries**' (Greece)[510]. In particular, '**Let's Fight it Together**' is a film aimed at raising awareness about cyberbullying both from the victim's and the offender's standpoint and at providing children

---

[505] Kerstens, Veenstra, 'Cyberbullying from a criminal perspective' (*Cyberpesten vanuit een criminologisch perspectief*), Tijdschrift voor Criminologie, [2013] (4), p. 375-393; Kerstens, van Wilsem, 'Identification of Dutch youth at risk on the internet' (*Identificatie van Nederlandse jongeren die risico lopen op Internet*), Tijdschrift Voor Veiligheid, [2012] 11 (2), p. 57–72.
[506] E.g. the 'Bully-free School booklet' was issued to outline the nature of bullying as well as cyberbullying and the steps that can be taken against them in schools.
[507] 'Interactive educational tool against bullying' (*Διαδραστικό Εκπαιδευτικό Εργαλείο για την αντιμετώπιση του σχολικού εκφοβισμού*), The Smile of the Child website, (last accessed on 29 April 2016).
[508] Robinson, Thompson, Smith, 'Evaluation of Let's Fight It Together', Unit for School and Family Studies, Department of Psychology Goldsmiths, University of London, (last accessed on 29 April 2016).
[509] Information collected through stakeholders' consultation on 25 February 2015 with representatives of the Safer Internet Program and Nobody's Children Foundation.
[510] 'Bullying Diaries' (*Ημερολόγιο Εκφοβισμού*), The Smile of the Child website (last accessed on 29 April 2016).

with coping strategies to deal with it. Similarly, '**Where is Mimi?**' is a short educational film which shows children the various aspects of cyberbullying from the perspective of the victims, bystanders and perpetrators. The movie was viewed online and downloaded by a large number of users (20,000 views online and 2,700 downloads) which can be considered as an indication of its success.

<div style="background-color:#e8e8e8">

Survey among young people – Key findings

Do you think that a film on cyberbullying from the perspective of the victim, the bully and the bystander would be useful? For the vast majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland* and *Romani,* a film on cyberbullying from the perspective of all key actors would be a good or very good idea.

Do you think that a play explaining the risks of using internet in an amusing way would be useful? This would be a good or very good idea for a more limited majority of the respondents for *Germany, Estonia, Italy,* the *Netherlands, Poland* and *Romania* with the exception of *Greece* where a play was not considered a good idea.

</div>

In most of the analysed Member States such as *Estonia, Germany, the Netherlands, Romania* and *Sweden*, **training, workshops**, and **e-learning courses on cyberbullying** have then been organized for children, parents and professionals working with young people. In *Sweden*, an educational programme is provided to parents and teachers to enable them to handle children's problems including cyberbullying. In the same country, an NGO, called Friends, provides training for parents and teachers to help them to counteract bullying on line and off line. In *Germany*, training of teachers and police officers on cyberbullying is provided. In *Poland*, an e-learning course, focusing on cyberbullying victimization, is provided free of charge to parents, guardians and educators. Built on daily situations that victims could face, the course aims to help them to overcome bullying online[511].

<div style="background-color:#e8e8e8">

Survey among young people – Key findings

Do you think that a course for parents, teachers and educators on the risks of internet and how to identify and combat cyberbullying would be useful? This proposal was supported as a good or very good idea by the vast majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland* and *Romania.*
Do you think that the training of police officers would be useful to tackle cyberbullying? The vast majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland* and *Romania* stated that this would be a good or very good idea.

</div>

Specific initiatives to promote **online safety** have then been taken by most of the nine analysed Member States. In *Estonia, Italy, the Netherlands, Romania and Poland*, initiatives are aimed at informing children or professionals working with them about online risks. To give some examples, the Romanian online programmes '**Net Class'**[512] and '**eSafety** Label'[513] aim to spread information about online safety to enable users to avoid risks in the online environment. Within the '**eSafety Label'** programme an online platform helps teachers to ensure a safe online environment in schools providing them with an active

---

[511] E-learning course available in Polish, Dzieci Niczyuve Foundation, (last accessed on 29 April 2016).
[512] 'Net Class project' (*Proiectul Ora de Net*) website, (last accessed on 29 April 2016).
[513] 'eSafety Label project' website, (last accessed on 29 April 2016).

online community where to share information, experiences and concerns. The programme also foresees worksheets for managing online harm and a forum where teachers can get in touch with colleagues all around Europe. In addition, experts are available to answer teachers' questions. Within two years, the programme has been implemented in fourteen countries; this can be regarded as an indication of its success. Similarly, the **'Net Class'** project has also been implemented in several EU Member States. It consists in an online platform launched with the purpose of increasing online safety that provides a highly interactive digital space for users. Cyberbullying is one of the problems addressed.

> **Survey among young people – Key findings**
>
> **Do you think that an online course explaining what cyberbullying is and how to protect yourself from it would be useful**? The majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland* and *Romania* stated that an online course would be a good or very good initiative to prevent and/or combat cyberbullying.
>
> **Do you think that a course at school on how to use internet/social networks and mobile safety would be useful?** The vast majority of the respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland, Romania* stated that introducing such a course would be a good or very good idea. Overall, girls seem to be more likely to welcome the idea.

Similarly, the **MediaWise Society** organizes courses for teachers, librarians and parents on online risks in *Romania*[514]. The objective is to provide them with skills on the internet and social media. Parents are taught to talk to their children about online risks and how to manage them using the technology at hand. In addition, a media workshop for children with a low socio-economic status is organized. Children who take the courses are asked to teach other friends and siblings. At least two out of eight participants said that after the workshop they learnt how to help other children to arrange their privacy settings. Similarly, the '**Smartly on the Web project'** organizes training and workshops for children, parents and teachers with a preventive focus in *Estonia*. They tackle different topics relating to safety online. The success of the programme is demonstrated by its extensive dissemination and the high number of children who took part in it. In the first five years since its establishment, the programme conducted 636 training sessions in schools, registering the participation of 4,368 students, 4,383 teachers, and 2,381 parents[515].Other initiatives such as '**My Child Online'** in the *Netherlands* are aimed at supporting parents in educating their children on the safe use of internet. **E-learning courses** on online threats concerning children addressed to parents, caretakers, teachers and educators are also offered online in *Estonia, Italy, Poland* and *Romania*. In *Italy*, the project '**Sicuri nella Rete'**, has the objective of training children, teachers and parents on the responsible use of the internet and social media.

5.2. Child protection

Helplines aimed at supporting victims of violence including cyberbullying exist in *Estonia, Germany*, *Italy, the Netherlands, Romania, Sweden* and the *United Kingdom*. These services usually provide counselling to children on a variety of topics such as online safety

---

[514] Information collected through stakeholder consultation on 1 March 2016 with representative of Mediawise Society.
[515] Better Internet for Kids project website, (last accessed on 29 April 2016).

_____

problems and cyberbullying. In *Sweden*, aside from the helpline, an **online support service** is offered, consisting in e-mail, chatrooms and a moderated forum where children can support each other. In *Germany*, support is provided via phone, e-mail or direct contact. While the **helplines** mainly target children in most of Member States, in some countries such as *Italy* and *Germany* they are also open to parents or other adults.

In the context of the '**Sigur.net' project**[516] in *Romania*, a hotline was created for reporting illegal content present on the internet. In serious cases, the complaints are directed towards the authorized institutions such as the police. In addition, a service of counselling online is offered to provide young people with suggestions on how to prevent online problems. Similarly, the *Estonian* **Child Helpline** offers information, advice and crisis counselling in relation to children's issues including bullying online. In the *United Kingdom*, the **Child Helpline** is a free and confidential service for children. Counsellors are trained at listening and talking to children on various child related topics, including cyberbullying. In *Italy*, the ***Telefono Azzurro* Helpline**[517] is a national call centre line operating 24 hours a day and 7 days a week that provides children and adults with a confidential, free and secure space to talk to a qualified professional about cyberbullying and online safety problems. In severe cases, operators may request the intervention of the public authority to ensure the protection of the child.

The success of these initiatives is demonstrated by the large number of the calls received. For instance, the Italian helpline ***Telefono Azzurro*** received approximately 2,000 requests for help between April 2015 and December 2015[518]. The British **Child Helpline** provided almost 280,000 counselling sessions between April 2014 and March 2015, of which almost 7,300 were on cyberbullying[519].

> ### Survey among young people – Key findings
>
> **Do you think that an online helpline or chat where you can report incidents of cyberbullying would be useful?** The vast majority of the respondents for ***Germany, Greece, Estonia, Italy, the Netherlands, Poland and, Romania*** welcomed this idea as good or very good.
>
> **Do you think that an emergency number such as 112 you can call if you experience cyberbullying would be useful?** The vast majority of the respondents for ***Germany, Greece, Estonia, Italy, the Netherlands, Poland and Romania*** stated that it would be a good or very good idea.

Moreover, since cyberbullying and discrimination may overlap, as explained in Section 4, some projects targeting discrimination also address cyberbullying. In *Sweden*, the project **'Nätvaro'** provides legal help to children in relation to hate crimes and contributes to the development of procedures to support victims of discrimination and hate crimes on the internet including cyberbullying[520]. However, there is no evidence on the success of such initiative.

---

[516] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[517] 'Telefono Azzurro ti ascolta', Telefono Azzurro website, (last accessed on 10 May 2016).
[518] Telefono Azzurro, 'Time of web: children and parents online' (*Il tempo del web: adolescenti e genitori online*) (2016).
[519] 'Bullying and cyberbullying – Facts and Statistics', NSPCC website, (last accessed on 29 April 2016).
[520] 'Net Presence' post (*Nätvaro*), Nätvaro website, (2014).

In addition to helplines, governments also support **specialized units within public hospitals** with the objective of helping parents and victims to cope with bullying and cyberbullying. In *Greece* the Adolescent Unit of the Second Department of Paediatrics of the University of Athens treats young people affected by bullying off line and online within the Unit 'I change without bullying'[521]. Individuals are referred to the Unit by the Public Prosecutor[522]. The Unit also operates the helpline 'I support' where children, parents, and teachers, can seek help and guidance on child health, including cyberbullying. Likewise, in *Italy*, support groups for victims of cyberbullying and their family members have been created at the Fatebene Fratelli Hospital of Milan[523]. Finally, cyberbullying may be addressed by programmes on the prevention of violence[524]. A good example of such programmes is provided by the German 'Green List Prevention'[525]. This list identifies 75 successful programmes some of which target bullying and/or cyberbullying[526].

5.3. The involvement of children

Although the majority of the identified good practices are addressed to children not all of them actively involve youth in the prevention and fight against cyberbullying. In *Greece*, *Italy, Sweden* and the *United Kingdom*, **networks of mutual help among peers** have been organized. In particular, in Greece, secondary school children inform younger children about the dangers of the internet under the '**Marousi Attikis' project**[527]. Similarly, the project called '**teenage bullying: prevention and treatment in the school environment of Greece and Cyprus'** is based on material designed by students for other students in the field of violence prevention at school[528]. Likewise, the **'Noncadiamointrappola'** is an Italian project designed by students involving both victims and perpetrators as well as educators. This project aims to enhance knowledge on the use of the net, awareness about cyberbullying and support among peers through face-to-face and online activities and training. Ad hoc studies showed that such project diminished cyberbullying in the schools concerned as a result of implementing a peer involvement approach. Specifically, data showed that from 2009 to 2012, the cyberbullying rate in the area concerned diminished by 14%[529]. In *Sweden*, an online forum exists where peer to peer support is provided[530].

---

[521] 'Adolescent Health Unit of the Second Department of Paediatrics – University of Athens, P&A Kyriakou Children's Hospital' website, (last accessed on 10 May 2016).

[522] The Public Prosecutor for Children is the competent judicial authority in the event of involvement of minors in criminal cases, according to Article 45A of the Criminal Procedure Code (Presidential Decree 258/1986 Criminal Procedure Code – *Π.Δ. 258/1986 Κώδικας Πολιτικής Δικονομίας*- Government Gazette A121/8 August 1986.

[523] Micucci, 'Primo Centro nazionale contro il cyberbullismo', Associazione Italiana Genitori website, (7 November 2015).

[524] 'Cyberbullying' section, Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, on cyberbullying website, (last accessed on 13 May 2016).

[525] Green List Prevention, op. cit. note 438.

[526] Such as the programmes 'Surf-Fair, a Training and Prevention Program Against Cyberbullying, (*Surf-Fair, Ein Trainings- und Präventionsprogramm gegen Cybermobbing*), website, (last accessed on 13 May 2016); Olweus, 'Bullying Prevention Program', Websitewebsite, (last accessed on 13 May 2016); and 'Bullying Free School, Bullying Free School – Be a Humdinger ('Class') Together!' (*Mobbingfreie Schule, Mobbingfreie Schule - gemeinsam Klasse sein!*), website, (last accessed on 13 May 2016).

[527] Awareness-raising by the 1st Secondary School of Amarousio (*Ευαισθητοποίηση-Ενημέρωση από το 1ο Γυμνάσιο Αμαρουσίου*), the project's website, (last accessed on 29 April 2016).

[528] Education and not violence –Teenage Bullying: Prevention and treatment in the school environment of Greece and Cyprus – (*Παιδ(ε)ία και όχι βία – Εκφοβισμός των εφήβων: Τρόποι πρόληψης και αντιμετώπισης στο σχολικό περιβάλλον Ελλάδας και Κύπρου*) website, (last accessed on 29 April 2016).

[529] 'Noncadiamointrappola against bullying' (*Noncadiamointrappola contro il bullismo*) post, Istituto degli Innocenti website, (17 October 2012).

[530] Secher, 'Counteract cyberbullying' (*Motverka nätmobbning*), (1st edn), Stockholm, (2014).

Survey among young people – Key findings

Do you think that older children teaching younger children the dangers of the internet would be a good idea? The vast majority of respondents for *Germany, Greece, Estonia, Italy, the Netherlands, Poland* and *Romania* supported this proposal as a good or very good idea**.**

Moreover, in the *United Kingdom*, Ditch the Label, an anti-bullying charity, organized an awareness campaign in collaboration with a large online teen community called Habbo.com to provide **peer-advocacy sessions** on cyberbullying which involve both victims and perpetrators[531]. The purpose of these sessions is to encourage young people to talk about bullying online, to provide support to enable victims to overcome and report it and help perpetrators to change their behaviours. Most of the participants in the British programme declared to have been satisfied with the support provided and 7.4% of those that received support stated that it helped them cope with bullying related issues.

Another example of children's involvement can be found in *Greece*. Children above 11 years of age have been directly involved in the preparation of the book titled '**Delete Cyberbullying'** aimed at educating other children on this phenomenon. The book consists of three different stories that portray the various forms of cyberbullying in different spaces: social spaces, the school and the house. This book received recognition from the International Youth Library of Munich[532].

5.4. The involvement of the Government

Good practices relating to cyberbullying often involve a wide range of stakeholders. The involvement of the government is usually limited to funding such initiatives which are then organized and provided by other actors, especially NGOs. However, the government has sometimes a more direct involvement in these initiatives as in the case of Safe Internet Centres mentioned above[533]. Some examples in this respect are the initiatives funded by the governments of *Estonia*, the *Netherlands* and *Sweden*.

In particular, in *Estonia*, the government created an Advisory Committee to the Chancellor of Justice (the Children's Ombudsman) with the purpose of directly involving children in the design and implementation of policies on child related matters, including bullying and cyberbullying. Moreover, the Ombudsman launched a website, 'Bullying-free School', containing practical advice for teachers, parents and students on how to prevent and tackle bullying and cyberbullying[534]. It also issued the 'Bully-free School booklet', explaining the dangers of cyberbullying and suggesting practical countermeasures. Similarly, with the 'Let's Talk Young' project, the Estonian Children's Ombudsman created the opportunity for children to share their experiences on a public platform and discuss different issues including the use of ICTs. In addition, the Estonian police and Border Guard Board offer online instruments to deal with incidents including cyberbullying. Specifically, the Estonian police can provide help and counselling through their Facebook account. Starting from general inquiries received by users, the police provide advice on online issues, and, if necessary, undertake investigations. In the *Netherlands* 'the digital skills and safety

---

[531] Ditch the Label website, (last accessed on 18 May 2016).
[532] 'Delete cyberbullying' (*Delete στον ηλεκτρονικό εκφοβισμό*), APHCA website, (last accessed on 29 April 2016).
[533] Baudouin, Mahieu et al. (2014), op. cit. note 280.
[534] '2014 Overview of the chancellor of justice activities (2015), op. cit. note 17.

programme' teaching safe online behaviour, is supported by a range of stakeholders including the government, the industry and other organisations. In **Sweden,** the Bris online support services is a project offered by an NGO funded by the government. It supports children who experience problems including bullying and cyberbullying through online support services such as an e-mail, a chatroom and a helpline[535].

[535] Secher (2014), op. cit. note 530.

_____

6. RECOMMENDATIONS

KEY FINDINGS

Recommendations at EU level

Addressed to the European Commission

- The Commission should adopt an official definition of cyberbullying in order to ensure a common understanding of the phenomenon and provide guidance to Member States which have diverse definitions. This could be achieved by mainstreaming the existing Commission definition through EU programmes/grants.

- While taking into account its links with traditional bullying, cyberbullying should be considered and tackled *per se*. In this regard, the Commission should promote initiatives in collaboration with Member States to raise awareness on cyberbullying and its unique characteristics, including training of professionals working with children.

- The Commission should consider criminalizing cyberbullying perpetrated by adults against children given the seriousness of bullying online and its cross-border nature, on the basis of Article 83 of the TFEU. To this end, an impact assessment should be carried out to collect evidence on the factual situation and the need for EU intervention.

- The Commission should support Member States and stakeholders in combatting bullying online through specific guidelines on cyberbullying.

- The Commission should encourage the sharing of good practices in this area across the EU. These practices could be exchanged in the context of the European Forum on the Rights of the Child organized by the Commission.

- The Commission should introduce soft-law instruments providing guidance to online platforms and social media providers on how to effectively detect, monitor and report cyberbullying incidents.

- Since data and information are essential for developing and implementing effective measures to prevent and combat cyberbullying, regular and somehow harmonised data collection should be ensured across Europe. To this end, the Commission should foster cooperation with the private sector including social media providers that can gather data on children's behaviour online.

Addressed to the European Parliament

- The European Parliament should ensure that cyberbullying among young people is at the top of the EU agenda in the field of child protection. This could be done in the context of the Intergroup on children's rights.

- The European Parliament should scrutinize the Commissions' proposals, opinions and activities in this area and work with the Commission to ensure that cyberbullying is not sidelined in the legislative process.

Recommendations at national level

- Member States should measure cyberbullying regularly and systematically. To this end they should put in place central, regional and/or local data collection systems specifically targeted at cyberbullying.

- A preventive approach to cyberbullying should be preferred to a punitive one.

- Children's Ombudsman institutions should play a more active role in this area.

- Children should become active agents in the fight against cyberbullying and be involved in the development and implementation of policies in this field.

- Strategies promoting a safer education environment within and outside schools should be adopted.

- Member States should consider placing specific responsibilities on schools to prevent and combat the phenomenon of bullying off and online.

- A cultural change by victims, perpetrators and bystanders is essential. Bystanders should be encouraged to take action and support the victim; victims should be helped to feel empowered in order to report incidents and perpetrators should become aware of the consequences of their actions.

- Member States should further support programmes on cyberbullying for parents and education professionals and should enhance children's skills in the internet and social media.

- Reporting mechanisms such as helplines and the installation of reporting tools in children's computers to signal incidents should be adopted.

- Member States should establish ad hoc structures and programmes for the treatment of victims and their families in serious cases of cyberbullying.

This Section aims to provide recommendations on action at EU and national levels on how to prevent and tackle cyberbullying. These recommendations are based on the main findings of the study and were tested through a survey among young people. However, as explained in Section 1.3, despite the fact that the survey was highly publicized, the low number of responses did not allow for quantitative conclusions (see Annex IV).

Recommendations at EU level

Despite the 'supplementary' role of the EU, the EU plays a fundamental role in promoting and guaranteeing children's rights in all areas including cyberbullying. It adopts a cross cutting, holistic and integrated approach towards children's rights mainstreaming them in all EU internal and external actions and policies affecting children. Thus, all initiatives with an impact on the child must be designed and implemented in line with the best interests of the child[536]. With regard to cyberbullying, the EU provides a unique platform for discussion, learning and exchanging information, knowledge, experiences and strengthening co-operation among different actors in this field.

---

[536] Article 3 of the UNCRC.

_____

Recommendations addressed to the European Commission

Based on the above considerations and the findings of the survey among young people (see below) it is recommended that the European Commission take the following initiatives:

- Adopt an official definition of cyberbullying. At present, the definition provided by the Commission is not widespread across the EU[537]. This could be achieved by mainstreaming the existing Commission's definition[538] through EU programmes/grants. An EU-wide official definition would ensure that there is a common understanding of the phenomenon across the EU and would provide guidance at national level where a variety of definitions exist. The need for a clearer and globally accepted definition of bullying/cyberbullying was underlined by the UN[539] and by Members of the European Parliament[540].

- Consider cyberbullying as a specific phenomenon to be prevented and tackled *per se* taking into account its links with traditional bullying. In this respect, the Commission should raise awareness on cyberbullying and its specific features, including through training of professionals working with children, in collaboration with Member States. Although the two phenomena are similar they also differ in terms of scope, extent and impact[541]. Such differences should be taken into account in developing and implementing policies and measures to cope with the specificities of bullying online.

- Consider criminalizing cyberbullying perpetrated by adults against children on the basis of Article 83 of the TFEU. As explained in Section 3.2.1, both elements required by this Article for EU competence, the seriousness of the crime and its cross-border nature, are satisfied. To assess the need for an EU intervention in this area an impact assessment should be undertaken.

- Support Member States and stakeholders in the prevention and fight against bullying online through the adoption of specific guidelines on cyberbullying[542]. This would allow the EU to guide Member States on how to effectively tackle cyberbullying while allowing flexibility at national level. Similar guidelines have already been issued such as the 2007 EU Guidelines for the Promotion and Protection of the Rights of the Child[543] and the EU Guidelines on Children and Armed Conflicts[544].

- Support the sharing of practices considered more effective in the prevention, tackling and combating of the phenomenon. These practices could be exchanged in the context of the European Forum on the Rights of the Child organized annually by the Commission. Information exchange and cooperation could also be encouraged through the establishment of an EU Network of Ombudsman for Children, like the existing

---

[537] European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, (10 February 2009).
[538] The Commission defines cyberbullying as repeated verbal or psychological harassment carried out by an individual or group against others by means of online services and mobile phones (European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, (10 February 2009)).
[539] A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report', (5 January 2016).
[540] Motion for Resolution No. B8-0327/2014 by Hon. Patriciello on harmonising national legislation on cyberbullying, (4 December 2014).
[541] Bauman, 'Cyberbullying: What Does Research Tell Us?', Special Issue: Emerging Issues in School Bullying Research and Prevention Science, Routledge, [2013] 52 (4), p. 249-256; Ortega, Elipe, Mora-Merchan, Calmaestra, Vega, 'The emotional impact on victims of traditional bullying and cyberbullying', *Journal of Psychology*, (2009) 217 (4), p. 197–204.
[542] Some guidelines have been issued in this area but they pertain to a specific sector such as the educational sector, e.g. Cost Action IS0801, op. cit. note 133.
[543] EU Guidelines for the Promotion and Protection of the Rights of the Child. Approved by the Council on 10 December 2007 [Not published in the Official Journal].
[544] EU Guidelines on Children and Armed Conflict, Council 9 December 2003.

European Network of Ombudspersons for Children (ENOC)[545] , coordinating the activities of national Ombudsman institutions at EU level.The sharing of good practices should be based on clear evidence of the success of these practices taking into account the transferability to other contexts. A clear set of indicators should be introduced at the European level to measure the success of each practice. Over the years, projects on bullying funded by the EU under the DAPHNE III programme have been implemented. In the framework of these projects, best practices have emerged. However, all these actions remain separate from each other resulting in limited efficiency and lack of a central strategy to deal with the phenomenon at European level. As highlighted by the European Antibullying Network, processing, evaluating and using results and best practices for the whole EU is essential[546]

- Further strengthen preventive measures. In this regard the Commission should make direct financial contributions to projects and programmes on cyberbullying and should continue its Better Internet for Kids programme (see Section 3.2.3). The latter ensures support to the national Internet Safety Centres which have been recognized as successful platforms for coordinating and implementing efforts on children's rights online including cyberbullying[547].

- Foster cooperation with the private sector including social media providers also in relation to data collection through pilot projects and programmes. Initial steps in areas pertinent to cyberbullying have already been taken[548] including the launch of a code of conduct on how to combat the spread of hate speech online by the Commission in cooperation with IT companies[549].

- Introduce soft-law instruments providing guidance to online platforms and social media providers on how to effectively detect, monitor and report cyberbullying (see Section 4.2).

- The Commission should cooperate with the relevant organisations and institutions to promote reliable and comparable data to guide decision-making across Europe. Data collection and analysis are essential to effective resource mobilization, programme development, policy implementation and monitoring of interventions. Data can draw attention to forms and other factors associated with bullying online, including the knowledge, attitudes and practices of children online.

Recommendations to the European Parliament

- The European Parliament should ensure that cyberbullying among young people is at the top of the EU agenda. This could be done in the context of the Intergroup on children's rights[550]. As a cross-party mechanism, the Intergroup has 'focal points' across all parliamentary committees. This would guarantee that the prevention and fight against cyberbullying are mainstreamed across the work of the Parliament. In particular, the Intergroup could:

---

[545] ENOC is a not-for-profit association of independent children's rights institutions. Its mandate is to facilitate the promotion and protection of the rights of children.

[547] Dinh, Farrugia et. al.(2016), op. cit. note 55; Baudouin, Mahieu et al. (2014), op. cit. note 280.
[548] The following events were organized: Global expert meeting on bullying and cyberbullying (Florence, May 2016); Coordination meeting among Member States, IT companies and civil society organized in the context of online hate speech (Brussels, March 2016); 3rd Child Safety Summit by the European NGO Alliance for Child Safety Online with the participation of Google and Facebook (Dublin, April 2016).
[549] European Commission, Code of Conduct on Countering Illegal Hate Speech Online, (2016).
[550] The intergroup on children's rights was established in 2014 as an informal structure within the European Parliament to foster exchanges between MEPs and with civil society. It ensures that the best interests of the child are taken into account in all EU internal and external action.

_____

- o Ensure that enough EU funds are devolved to the prevention and fight of the phenomenon;

- o Raise awareness of bullying online and its dangers;

- o Engage young people in decision-making, monitoring and evaluation through their active involvement with MEPs' constituencies and in EU debates;

- o Incorporate the perspective of children on cyberbullying in all relevant pieces of legislation.

In monitoring human rights across the work of the EU, the European Parliament should scrutinize the Commissions' proposals, opinions and activities in this area and work with the Commission to ensure that cyberbullying is not sidelined in the legislative process

Recommendations at national level

- Official definitions at national level should be harmonized in accordance with an official definition of cyberbullying provided at EU level. Harmonized definitions would facilitate the collection of comparable data across EU Member States. This need was highlighted by national experts and stakeholders consulted for this study (e.g. in Italy and the United Kingdom).

- Member States should measure cyberbullying regularly and systematically. To this end they should put in place national, regional and/or local data collection systems specifically targeted at cyberbullying. From the desk research it seems that even in those Member States which do collect data in this area, a consistent and comparable set of data on bullying online is not available due to the differences in the definition of cyberbullying and the fact that behaviours fall under different offences.

- Member States should continue to support preventive measures rather than punitive ones to prevent and combat cyberbullying. The importance of prevention was strongly confirmed by national experts and scholars (see Sections 4 and 5)[551]. However, most of the surveyed children highlighted the need to impose some punishment in order to stop bullying online.

- Children's Ombudsman institutions should play an active role in this area. This already happens in some countries such as Estonia and Greece. While in the former, the Ombudsman launched a website on how to tackle both bullying and cyberbullying, in the latter the Ministry of Education issued good practices on combating violence in secondary education upon recommendations of the Ombudsman for Children[552]. At European level, the European Network of Ombudspersons for Children created the 'Let's Talk Young project' which aims to give children the opportunity to talk about different issues using modern tools of communication[553].

- Member States should equip professionals working with children and public authorities such as police officials with the necessary skills and knowledge to intervene in serious cases of cyberbullying. Training of teachers and police officers on cyberbullying is provided in Germany. Under the KiVa anti-bullying programme in the Netherlands teachers receive a two-day training course on bullying off and

---

[551] Donegan (2012) 3 (2), op. cit. note 340.
[552] Ministry of Education, Research and Religious Affairs, Communication under Protocol Number 18890/C2 'Mapping of good practices to prevent and tackle violence and aggression among students in secondary education ' *(Υπουργείο Παιδείας, Έρευνας και Θρησκευμάτων, Επιστολή με αριθμό πρωτοκόλλου 18890/Γ2 'Αποτύπωση καλών πρακτικών για την πρόληψη και την αντιμετώπιση της βίας και επιθετικότητας μεταξύ μαθητών')*, (14 February 2011).
[553] 'Video stories by the youth are ready' (*Noorte videolood said valmis*), Ombudsman of Children website, (2015).

online[554].Children should be at the centre of all the initiatives in this area and become active agents in the fight against cyberbullying. Peer involvement has been recognized as one of the most effective methods for coping with this phenomenon[555]. Research shows that establishing a culture of respect and acceptance through peers has a strong impact on youth[556]. Member States should also ensure that children are actively involved in the design of policies and programmes on cyberbullying and internet safety[557]. This already occurs in England where the Children's Commissioner launched a 'Digital Taskforce', composed of children and experts, to make recommendations to policymakers and the industry in relation to development of the internet for children[558].

- A cultural change is essential. To this end, support and educational programmes for victims, perpetrators and bystanders should be established. In particular, a change in the role of bystanders from silent watchers to peers supporting the victim is necessary. At the same time, victims should be helped to feel empowered in order to report incidents without feeling ashamed or afraid of repercussions. Perpetrators should be taught to become aware of the consequences of their actions and take responsibility for them.

- Member States should support schools to set up strategies promoting a safer education environment for the benefit of children within and outside schools. Programmes explaining children what cyberbullying is and how to tackle it and promoting the value of mutual respect should also be introduced. Research shows that a positive involvement of schools provides a better environment for children[559]. Moreover, bullying online is often linked to traditional bullying taking place in school (see Section 2). Therefore, it is essential to empower children to deal with bullying offline and online through comprehensive strategies which take into account the associations between the two phenomena while acknowledging their differences

- . In this respect, the KiVa programme[560] in the Netherlands provides lessons on peer pressure, communication and respect for children, teachers and parents.

- Member States should consider introducing specific responsibilities on schools to prevent and combat bullying off and online. These responsibilities already exist in some countries such as the Netherlands, Sweden and United Kingdom where under policies on children's safety schools are obliged to implement intervention programmes and to report cyberbullying actions.

- Member States should further support the development of programmes for parents, teachers and education professionals. Parents and teachers should be technologically and digitally literate not only to provide children with accurate understanding of online opportunities and risks but also to detect uncomfortable situations referable to cyberbullying and deal with them[561]. Training sessions for

---

[554] Salmivalli, Karna, Poskiparta (2010), op.cit. note 21.

[555] Menesini, Nocentini, Palladino, 'Empowering students against bullying and cyberbullying: evaluation of an Italian peer led model', International Journal of Conflict and Violence, (2012) 6 (2).

[556] Hinduja, Patchin, 'The Influence of Parent, Educators, and Peers', Cyberbullying Research Center, (January 2013).

[557] O'Neill, Staksrud, 'Final Recommendations for policy', EU Kids Online, LSE Publishing, (September 2014).

[558] United Kingdom, Children's Commissioner for England (2015), 'New Children's Commissioner internet taskforce announced to help children as they grow up digitally'.

[559] Kasen, Berenson, Cohen, Johnson, 'The effects of school climate on changes in aggressive and other behaviors related to bullying', in Espelage, Swarer (eds) *Bullying in American Schools*, Mahwah, NJ: Erlbaum Associates Publisher, (2004), p. 187-210; Hinduja, Patchin, (2011), op. cit. note 76.

[560] Salmivalli, Karna, Poskiparta (2010),op. cit. note 21.

[561] O'Neill, Staksrud (2014), op. cit. note 557; Hinduja, Patchin (2011), op. cit. note 76; Cost Action IS0801 (2013), op. cit. note 133.

parents and education professionals have often been identified as national good practices. To give some examples, education programmes for parents and teachers have been organized by an NGO called Friends in Sweden. Information regarding online safety has been provided to teachers and parents by the Romanian project Sigur.info[562]. Moreover, according to a minority of the surveyed children parental/educators' control over internet access may protect them from abusive behaviours.

- Member States should enhance children's internet and social media skills through ad hoc activities within and outside school. Activities should involve schools, parents and more broadly society in general, as confirmed by the good practices identified in the nine selected Member States (see Section 5) and scholars[563].

- Member States should improve reporting mechanisms and tools such as helplines. The installation of a reporting button in children's computers through which children can easily signal any incident to the competent adults and authorities is recommended (see Section 5). Such a report button is foreseen by the Dutch programme Meldknop.nl[564] and the latest Italian draft law on cyberbullying[565].

- Member States should establish ad hoc structures and programmes for the treatment of victims and their families in serious cases of cyberbullying. Cyberbullying has a strong emotional impact on children and their families[566]. Although still very new and limited to some countries, these structures have proven effective both as support centres and research hubs. In 2015, the Italian Ministry of Education established an ad hoc unit for the treatment of victims of cyberbullying[567]. Likewise, the Adolescent Health Unit of the Second Department of Paediatrics of the University of Athens (A.H.U.) provides treatment for victims of bullying and cyberbullying[568]. (see Section 5).

Survey among young people - Key findings

The respondents for **Germany, Greece, Estonia, Italy, the Netherlands, Romania** and **Poland** replied to the following questions:

Do you think that there should be more information on cyberbullying? The vast majority of the respondents identified the need to have more information on cyberbullying. This need was particularly perceived by girls.

Do you think that the collection of data on how many kids are affected by cyberbullying would be useful? The vast majority of the respondents are in favour of this initiative.

Do you think that those who bully online should be punished? The vast majority of the respondents think that bullies online should be punished. This need was particularly perceived by girls. Suggestions on the type of punishment to be imposed were provided: a)

---

[562] ibid.
[563] O'Neill, Staksrud (2014), op. cit. note 557.
[564] 'Online help for victims with online negative experiences' post, Meldknop website, (last accessed on 29 April 2016).
[565] Italian draft law 1261/2014 on cyberbullying.
[566] Ortega, Elipe, Mora-Merchan et al. (2009), op. cit. note 541; Price, Dalgleish, 'Cyberbullying: experiences, impacts, and coping strategies', Youth Studies Australia, (2010) 29 (2); Bauman (2013), op. cit. note 541; Cost Action IS0801(2013), op. cit. note 133.
[567] Micucci (2015), op. cit. note 523.
[568] Adolescent Health Unit of the Second Department of Paediatrics, op. cit. note 521.

a criminal/civil offence; b) social work; c) family punishment; d) limitations on the net (e.g. closing the Facebook account). One Estonian and one Italian girl stated that without a serious punishment abusive behaviours will continue. On the other hand, one German girl remarked that punitive responses do not solve the problem, but preventive ones do. Similarly, a Dutch girl stated that punishment will make children even more frustrated, leading to the worsening of the behaviours rather than improvement.

Do you think that those who bully online need help? The vast majority of the respondents stated that those who bully online need help. This need was particularly perceived by girls. The respondents put forward the following suggestions in order to help the bully:
- Talking to the perpetrators, explaining to them what the victim feels and making them understand the inappropriateness of their behaviours.
- Providing psychological support to perpetrators.

In your opinion, what is the best way to help victims of cyberbullying? The majority of the respondents put forward the following suggestions:
- Providing support, including psychological help, to the victim within the social environment of children. Support to the victim, described by children as 'standing next to the victim', 'not making him feel alone', 'helping them find a solution', 'making them feel safe', was perceived as very important in children's view.
- Training for teachers and parents on these issues.
- Parental controls or teachers' control on the use of internet and social networks. One German girl suggested a greater involvement of parents at the initial phase in which children start exploring internet.

Would you like your school teachers to explain what cyberbullying is? The majority of the respondents would like school teachers to explain what cyberbullying is. This need was particularly perceived by girls. One German girl underlined the importance for teachers not to look away and to teach that certain behaviours are incorrect. One Italian boy referred to the importance of peer and teacher involvement in coping with cyberbullying.

In your opinion, how could cyberbullying be stopped? Some respondents put forward the following suggestions:
- Raising awareness of the phenomenon.
- Teaching mutual respect and tolerance so to bring about a change in culture whereby cyberbullying will be recognised as a bad behaviour.
- Supporting children through education, training and workshops on cyberbullying. One German girl stated that through education children will integrate more and increase empathy. Greek children highlighted the need for perpetrators to put themselves in the victim's shoes.
- Introducing filters and tools for reporting cyberbullying. One German boy suggested the introduction of filters that recognise certain words and automatically delete harmful content. One Italian boy recommended the use of a moderator in open chats and the possibility to block people in private chats.
- Providing online support through forums or websites where children can seek direct assistance.

Would you like to be taught how to use internet/social networks and mobiles safely? The majority of the respondents would like to be taught how to use internet/social networks and mobiles. This need was particularly perceived by girls.

ANNEXES

ANNEX I: Country Reports

COUNTRY REPORT FOR ESTONIA[569]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please include the source of the definition.	Cyberbullying is not defined by law in Estonia. Scholars define cyberbullying as 'an aggressive, intentional act carried out by a group or an individual, using electronic forms of contact, repeatedly, and over time against a victim who cannot easily defend him or herself '[570]. Another definition of cyberbullying is provided by the programme 'Smartly on the Web' (*Targalt Internetis*)[571], where cyberbullying is defined as 'a form of school bullying distinguished by the use of electronic means of communication'[572].
What are the differences/similarities between traditional bullying and cyberbullying?	Compared to traditional bullying, cyberbullying is considered to be more anonymous[573] and public[574] as bullying online can reach a broader audience very quickly. In addition, perpetrators are not always aware of the immediate effects that their behaviour has on the victim and therefore might experience less empathy and perceive their acts as less harmful than those who bully in the traditional sense[575]. A qualitative study amongst 16-year-old vocational school students and their parents indicates that both teenagers and their parents acknowledged similarities and differences between traditional bullying and cyberbullying[576]. With regard to similarities, respondents agreed that both bullying and cyberbullying are forms of aggression intended to cause damage to the victim. In both there is an imbalance in power between the victim and the bully, and both types are characterized by the recurring nature of the act. Often, traditional bullying can extend into cyberspace.
What are the differences/similarities between cyberbullying and cyber-aggression?	The term cyber-aggression is not used in Estonia. As regards cyberbullying amongst adults, more specific terms are used, such as cyber-stalking, identity theft, flaming, etc.
Who is more likely to be a victim of cyberbullying? (Please indicate information on age and sex of the victims)	According to the findings of the EU Kids Online study, out of 1,005 interviewed children between nine and 16 years old, more than 40% experienced cyberbullying in Estonia[577]. Recently a study showed that out of 3,631 students between 12 and 16 years old, 19.4% experienced cyberbullying through the internet, SMS or an e-mail; 15.6% reported being cyberbullied in the course of the last 12 months[578]. Girls reported having been cyberbullied more often than boys – 18.5% of girls compared to 12.3% of boys[579]. Russian-

---

[569] Prepared by Andra Siibak.
[570] Naruskov, Luik, 'The perception of the cyberbullying phenomenon among Estonian students: Comparison of boys and girls on the basis of cyberbullying criteria and types of behaviour' (*Küberkiusamise fenomeni tajumine Eesti õpilaste seas: sooline võrdlus kiusamise kriteeriumite ja liikide alusel*), Estonian Educational Sciences Journal, (2015) 211.
[571] This is a programme established under the framework of the EU Better Internet for Kids programme (see Section 3). This programme has been financed by the European Commission.
[572] 'Cyberbulling' the Safer Internet Centre in Estonia website (*Targalt Internetis veebileht*), (last accessed on 29 April 2016).
[573] Naruskov, Luik, Nocentini, Menesini, 'Estonian students' perception and definition of cyberbullying' (*Küberkiusamise tajumine ja definitsioon Eesti õpilaste seas*) Trames, (2012) 323, p. 328-330.
[574] Talves, Nunes, 'Cyberbullying – threat to children's rights and well-being' (*Küberkiusamine – oht laste õigustele ja heaolule*) in Kutsar, Warming, *Children and non-discrimination*, (2014) 221, p. 225; Tamm, '16-year old Estonian vocational school students' and their parents' opinions about the similarities and differences between cyberbullying and traditional bullying' (*Küberkiusamise ja tavakiusamise seosed ja erinevused ühe eesti kutsekooli 16-aastaste noorte ja nende lapsevanemate arvamuste põhjal*), (2015).
[575] ibid.
[576] ibid.
[577] Kalmus, et al. 'National report: Estonia', in Haddon, Livingstone, (2012), p. 19, op. cit. note 300.
[578] Markina, Žarkovski (2014). op. cit. note 197.
[579] ibid.

	speaking students reported falling victim to cyberbullying twice as often as Estonian-speaking students in the sample (24.7% versus 13.0%). Similar results were found in another study on bullying in schools carried out on 2,057 children. In comparison to boys (4.3%), 7.1% of the girls revealed being victims of cyberbullying on social media. 14.2% of the girls reported that hurtful and mean messages or e-mails had been sent to them in comparison to 9.1% of the boys[580]. No major gender differences were found in other studies. Based on the findings of a survey[581] carried out on 410 children bewteen15 and 17 years of age in the high schools of Tallinn, there was no statistical difference between victims and perpetrators of cyberbullying – 27.9% of the victims of cyberbullying were boys and 32.5% of the victims were girls; whereas 29.4% of the boys and 21.3% of the girls confessed to being perpetrators of cyberbullying. In terms of age differences, empirical studies[582] suggest that younger students are more likely to block or exclude someone online and also more likely to spread secrets online.
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)	The international self-report delinquency study showed that 22% of the 3,631 surveyed children were victims of school bullying, and 17% had bullied not in schools[583]. Although this study did not specifically refer to cyberbullying, 16% of this sample reported to have experienced cyberbullying. More girls than boys are victims of school bullying and rather more boys than girls are bullies. According to the findings of the Kuusk study, 22.6% of the 410 interviewed children were both cyberbullies and victims of cyberbullying; 21.5% were only victims, and 16.2% were only perpetrators. This study indicates that perpetrators are more likely to spend more time online and are more self-confident in their computer skills. Some differences were found in relation to the means used to perpetrate cyberbullying[584]. According to the study, boys are more likely to cyberbully in the chat room, whereas girls are more likely to cyberbully on social networking sites.
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among children between 13 and 16 years old)?	Studies suggest that in contrast to girls, boys are more likely to be bullied on-line due to their ethnicity (9.4% vs 1.3%), language (15.5% vs 6.6%) and skin colour (6.9% vs 1.3%)[585]. The latter three are also the main reasons why Russian-speaking youth are more affected by cyberbullying compared to Estonian-speaking youth, who name 'other reasons' (61%) as the main cause for being bullied. In short, cyberbullying in Estonia is often experienced by children in vulnerable situations. In terms of age differences, a study showed that, of 410 interviewed students, younger students were more likely to block or exclude someone online because of cyberbullying and more likely to spread secrets online[586].
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	No extensive studies have been carried out to analyse cyberbullying among young people over 18 years of age.

[580] Erinevus Rikastab, Survey Report (*Uuringu raport*), (2015), p. 16.
[581] Kuusk (2010), p. 43-44, op. cit. note 198.
[582] ibid., p. 48.
[583] Markina, Žarkovski (2014). op. cit. note 197.
[584] Kuusk (2010), p. 43-44, op. cit. note 198.
[585] ibid.
[586] ibid.

What are the most common channels used for cyberbullying (internet, social networks, mobiles etc.)?	Studies on cyberbullying carried out in Estonia often do not differentiate between the channels used. A small-scale study of 196 children found that cyberbullying is most frequent through social networking sites and instant messaging[587]. In particular, 63% of the victims of cyberbullying had been bullied through social networking websites, and 91% of the respondents considered social networking sites as the most frequent channels for cyberbullying.

2 – Legal Framework	
Is there a specific criminal offence of cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Estonia.
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	Traditional bullying is not a specific criminal offence in Estonia.
If there is no a specific criminal offence of cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking....) **Is cyberbullying punished as an aggravating circumstance?**	Cyberbullying may be sanctioned under the following offences foreseen by the Criminal Code[588]: threat (Article 120), unauthorized surveillance (Article 137), incitement to hatred (Article 151), violation of confidentiality of messages (Article 156), illegal disclosure of personal data (Article 157), (Article 157.1), (Article 157.2), unauthorized surveillance (Article 137), incitement to hatred (Article 151), violation of the confidentiality of messages (Article 156), illegal disclosure of personal data or sensitive personal data (Article 157), illegal use of another person's identity (Article 157), interference with computer data (Articles 206-207), computer-related fraud (Article 213), computer-related crimes (Article 216.1), and illegal access to computer systems. Specific rules are provided for perpetration by ICTs (Articles 206, 207, 213, 216.1, 217).
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please provide information on these legal initiatives.	Although there has been a public debate in the media in recent months about the need to criminalize hate speech on the internet due to the increasing aggression and name-calling of refugees as well as verbal aggression towards journalists and civic activists, there is no specific plan to regulate cyberbullying as a separate crime in the Criminal Code.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying is not directly addressed by Civil Law. Victims can claim damages under the Law of Obligations Act[589] (Article 1046 and Article 1047).
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	No specific soft law addressing cyberbullying could be identified through the desk research. Online platforms and news portals have self-regulations to detect hate speech and offensive material. Some social networks have adopted self-regulations prohibiting threatening, offensive or indecent content be it in public forum, private messages, pictures, comments or usernames (e.g. Rate.ee website[590]).

---

[587] Naruskov, 'Cyberbullying in three schools in Tartu city and three schools in Tartu county' (*Küberkiusamine kolme Tartu linna ja kolme Tartu maakonna kooli näitel*), (2009), p. 25.
[588] Criminal Code (*Karistusseadustik*), Riigi Teataja 2014.
[589] Law of Obligations Act (*Võlaõigusseadus*), Riigi Teataja 2013.
[590] 'Site rules' (*Saidi kasutamise kord*), the social networking site website, (last accessed on 29 April 2016).

_____

3 – Policy framework	
Are there policies that target cyberbullying specifically?	The 2015-2020 Violence Prevention Strategy on the prevention and reduction of violence against and among children regulates cyberbullying[591]. The 2015-2020 Interior Security Strategy addresses cybercrime also referring to cyberbullying[592]. It aims to improve users' skills and knowledge on online risks and reporting mechanisms. Tasks and duties of web constables in responding to the queries and concerns of internet users are emphasized[593]. Although not specifically mentioned, the following rules are relevant to cyberbullying: the Cyber Security Strategy for 2014-2017[594] and the Guidelines for development of Criminal policy until 2018[595], both concerning prevention and tackling of cybercrimes. Cyberbullying is addressed by local policies since schools have approached the topic of cyberbullying in their school policy documents[596]. School curricula include 'safety and risk' courses, which cover awareness on cyberbullying.
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection...) which cover cyberbullying? How do they address cyberbullying?	In 2011 the Government approved the 2012-2020 Strategy of children and families[597], issued by the Ministry of Social Affairs, which promotes safe communication on the internet.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	In most policies and strategies adopted by the government, cyberbullying is only indirectly addressed. The 2012-2020 strategy of children and families emphasizes the need to raise awareness among children on cyber-safety issues through workshops, media campaigns and information. At the same time, it also highlights the need to provide counselling services and to develop means to combat illegal content and conduct online[598]. The strategy is mainly focused on preventing abusive behaviour which might include cyberbullying.
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Both cyberbullying and traditional bullying fall within the competence of the child protection system. According to Article 31, all people who have knowledge of a child in danger must notify the competent authorities through the emergency call number 112. The Estonian Union for Child Welfare, which is part of the child protection system, is a non-governmental organisation supported by public authorities which aims to protect children's rights and to develop a child-friendly society[599]. It deals with internet-based risks, actively promoting subjects such as bullying at schools and in kindergartens and smart behaviour on the internet. The Union administers a project called 'Smartly on the web'[600] which aims to

---

[591] 'Violence Prevention Strategy 2015–2020' (*Vägivalla ennetamise strateegia aastateks 2015-2020*).
[592] 'The Interior security strategy for 2015-2020' (*Siseturvalisuse arengukava 2015-2020*).
[593] 'Web Constables give advice on the Internet', Estonian Police and Border Guard Board website, (last accessed on 29 April 2016).
[594] ibid.
[595] Annex to Resolution of the Riigikogu (757 OE I), 'Guidelines for development of criminal policy until 2018', (9 October 2010).
[596] For instance Gustav Aldolf Gymnasium, Saue Gymnasium, Kiling-Nõmme Gymnasium, Võru Kreutzwaldi Gymnasium, Elva Gymnasium, etc.
[597] Sotsiaalministeerium, 'Strategy of children and families 2012-2020' (*Laste ja perede arengukava* 2012-2020), (2011).
[598] ibid.
[599] 'About organisation' (*Organisatsioonist*), Estonian Union of Child Welfare website, (last accessed on 29 April 2016).
[600] 'Smartly on the web', Targalt Internetis website, (last accessed on 29 April 2016).

	promote wiser internet use by children and their parents and to prevent the online distribution of illegal content[601]. The Union runs the Vihjeliin Hotline[602] that enables internet users to report illegal content[603]. However, no specific reference to cyberbullying is made in the context of Vihjeliin. In Estonia the function of the independent supervisory institution on the rights of children (i.e. Ombudsman for children) is performed by the Chancellor of Justice, who monitors the implementation of the Convention on the Rights of the Child, verifies the legality of legislation on children, supervises the lawfulness of the activities of bodies exercising public functions in relation to children, regularly inspects children's institutions, and points out systemic problems in the child protection system in Estonia. The Chancellor carries out awareness raising on bullying. The Ombudsman launched a website, 'Bullying-free School', containing practical advice to teachers, parents and students on how to prevent and tackle bullying and cyberbullying. The Ombudsman also encouraged school managers to make more active use of programmes against bullying[604].
Is cyberbullying addressed by child protection policies? If yes, how?	The 2012-2020 Strategy of children and families coordinated by the Ministry of Social Affairs ensures that children grow in a safe and friendly environment[605]. It also promotes safe communication on the internet.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	The Estonian Safer Internet Centre[606] created a youth panel of 15 students aged 11-18 years old trained to raise awareness about safety online and online risks[607]. In 2011 a youth advisory committee was established by the Chancellor of Justice with an aim to consult children on important child-related issues[608]. The Advisory Committee has been involved in activities related to a safe school environment and school bullying.
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying also cover cyberbullying?	Data on cyberbullying are collected for the purpose of specific studies conducted at the academic level and within the framework of the EU Kids Online programme. According to these data, Estonia is a 'higher risk country' where the extensive internet use leads to higher rates of cyberbullying[609]. The findings of the EU Kids Online survey which analysed online risks and opportunities among the 9-16 age group in 25 EU countries, show that every seventh child in Estonia (N=1005) has experienced cyberbullying. This is twice as many as in any other EU Member State. Furthermore, in Estonia high levels of online and offline bullying also occur simultaneously. Forty-three percent of the 9-16 year-olds in the sample (N=1005) had been bullied either online or

---

[601] 'About the Project', Targalt Internetis website, (last accessed on 29 April 2016).
[602] Project website, (last accessed on 29 April 2016).
[603] 'Illegal content', Vihjeliin website, (last accessed on 29 April 2016).
[604] '2014 Overview of the chancellor of justice activities' (2015), op. cit. note 17.
[605] 'Strategy of children and families 2012-2020' (*Laste ja perede arengukava 2012-2020*).
[606] Under the EU Programme 'Better Internet for Kids programme' Safer Internet Centres providing advice to, and developing materials for, children, parents and teachers have been established in all 28 EU Member States. The Centres comprise awareness centres, helplines, hotlines and youth panels.
[607] 'Smartly on the web', Targalt Internetis website, (last accessed on 29 April 2016).
[608] 'Youth Parliament', Noorte parlament website, (last accessed on 29 April 2016).
[609] Livingstone, Haddon, 'EU Kids Online: Final Report', (2011).

_____

offline[610].

In a 2013-2014 study[611] the general public (15-74 year-olds), students (11-17 year-olds) and class teachers (from 82 different schools) were questioned with regard to their attitudes and experiences of cyberbullying. The findings of the study revealed that amongst 11-17 year-olds, 83% of children (N=3853) believe that one must not spread humiliating photos and videos of another individual online without their knowledge; 79% believed that one must not log in to an online platform without the other person's knowledge; 77% believed one must not send e-mails or text-messages and make posts under other persons' names; 75% believed one must not spread rumours and lies about other persons online; 66% thought that one must not threaten or call someone names via e-mails, text messages or posts; 63% believed that one must not insult or mock someone on social networking sites. Girls in comparison to boys felt more strongly about all the above-mentioned forms of cyberbullying and believed that such practices online should be prohibited[612].

The findings of the study also reveal that only 25% of the class teachers for grade 12 (ages 18-19) have been approached by their students due to being mocked, threatened or called names on the internet; whereas 66% of the class teachers for grade six (ages 13-14) have had this experience[613].

According to the findings of another study[614], based on a survey among 410 students aged 15-17 year-old in seven high schools of Tallinn, 30.2% of the respondents had experienced cyberbullying, whereas 24.7% of the respondents of the survey confessed to being perpetrators of cyberbullying. The majority of respondents to the survey (77.9%) agreed that there is too much cyberbullying, and 81.3% of the students considered cyberbullying to be a problem[615].

The findings indicate that students in those schools which had taken part in a prevention campaign were less likely to fall victim to cyberbullying (19.9%), in contrast to students from those schools which had not taken part in a prevention campaign (37.1%). There were also fewer perpetrators -19.5%, in comparison to 28.9%.

Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data are usually disaggregated by sex and age of victims and perpetrators. Please see sections on age/sex of the victims and perpetrators.
Is there data on how young people perceive cyberbullying? If yes, please provide details.	A study[616] revealed that out of the five criteria used to define cyberbullying (imbalance of power, intention, repetition, anonymity, and publicity/privacy), imbalance of power and anonymity were the most important in the view of young people[617].
5- Data Collection practices	
Are data on cyberbullying collected at	Data are collected mainly at the national and local levels. Data collection at national level is organized by the Ministry of Social

[610] Kalmus et al. 'EU Kids Online: National perspectives. Estonia', (2011), p. 19.

[611] 'Study of risk awareness amongst three target groups. Study Report' (2014), p. 54, op. cit. note 313.

[612] ibid., p. 56.

[613] ibid., p. 72.

[614] Kuusk (2010), op. cit. note 198.

[615] ibid.

[616] To this end a questionnaire amongst 11-17 year-old students of 12 different secondary schools was carried out in Estonia (N=336).

[617] Naruskov, Luik, Nocentini, Menesini (2012), op. cit. note 573.

national/regional/local level?	Affairs, Ministry of Justice, public authorities such as the Police and Border Guard Board and higher education institutions (e.g. Tallinn University of Technology Law School). At the local level, smaller-scale studies have been carried out.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	Please see section above.
Which authorities do collect data on cyberbullying (police, health, education sector...)?	Various authorities collect data on cyberbullying. Data gathering ordered by the police forces and the Ministry of Justice is usually aimed at gaining an overview of youth delinquency tendencies or issues. In all of these studies cyberbullying has been tackled as one of the forms of delinquency behaviours or risks children may come across in life.
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector...)?	Various authorities collect data on bullying: police forces, ministry of justice, health sector, educational sector, academia, research both national and international level.
How often are data on cyberbullying or traditional bullying collected?	Data on cyberbullying is not collected regularly nor systematically. The gathering of data is conducted on ad hoc basis depending upon the funds available and projects implemented.
Is there a quality control system to ensure the quality of the data collected?	No quality control system could be identified through desk research.

6- Good practices	
Please, identify good practices on how to prevent cyberbullying.	1) Smartly on the Web project: established within the EU programme Safer Internet for Kids[618]. The project is carried out in cooperation between the Estonian Union for Child Welfare, the Estonian Advice Centre (Children Helpline 116 111) and the Estonian Police and Border Guard Board. The project mission is to promote wiser Internet use by children and parents. In the framework of the project, training and workshops for children, parents and teachers on different topics related to the use of internet and digital communication devices have been carried out. Bullying and cyberbullying are key topics. Educational materials for children on how to deal with bullying and cyberbullying have been prepared with the support of a Youth Panel. 2) Let's Talk Young project: is a project of the European Network of Ombudspersons for Children which aims to give children the opportunity to talk about different issues, but also to spread their voices in the media by using the modern tools of communication[619]. 3) An Advisory Committee to the Ombudsman for Children: was established in 2011 to involve children in its work[620]. The committee is directly composed of children.
Please, identify good practices to prevent/tackle/combat cyberbullying	4) The Bully-free School booklet[621]: was issued by the Chancellor of Justice in 2014. It outlines the nature of bullying as well as cyberbullying and the steps that can be taken against them. A website dedicated to fighting school bullying was also launched. 5) Web constables of the Estonian Police and Border Guard Board:

---

[618] 'About the Project', Targalt Internetis website, (last accessed on 29 April 2016).
[619] 'Video stories by the youth are ready' (*Noorte videolood said valmis*), Ombudsman of Children website, (2015).
[620] '2014 Overview of the Chancellor of Justice Activities', (2015), op. cit. note 17.
[621] Kahre et al., 'Bully free school' (*Kool kiusamisest vabaks*), Ombudsman for Children, (2014).

_____

	deal with online incidents including cyberbullying. If a child feels threatened or cyberbullied, state police officers via their Facebook accounts can provide help and counselling. 6) Child Helpline (116111): operated by an NGO called Estonian Advice Centre (EAC), reports and deals with harmful conduct and contents[622]. Operational since 2009, it is targeted at providing information, advice and crisis counselling.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Smartly on the Web project: is targeted at children, parents and teachers and has a preventive focus. 4) Bullying-free school booklet: contains practical advice for children, teachers and parents. 5) Web constables of the Estonian Police and Border Guard Board: deal with complaints and inquiries by internet users.
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	1) Smartly on the Web project: involves representatives of the Ministry of Education and Research, Ministry of Justice, Estonian Informatics Centre, Estonian Data Protection Inspectorate, Microsoft Estonia, University of Tartu, Estonian Association of Parents, Association of School Psychologists, etc. 2) Let's Talk Young project: involves children, adults, public authorities such as the Ombudsman for Children[623]. 3) Advisory Committee to the Children Ombudsman: directly involves children in its work[624].
Is there a clear definition of the objective and activities of the practices that you identified?	All good practices aim to promote a safer and better use of the internet and mobile technologies among children.
Are the practices transferrable to other contexts/Member States?	Throughout the INSAFE network most practices undertaken in Estonia are also carried out in other countries which are part of the network.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	1) Smartly on the Web project: in the first five years 636 training sessions were organized for 4,368 children, 4,383 teachers, 2,381 parents, and 420 materials created. In 2013-2014, approx. 30,000 students participated. 5) Web constables of the Estonian Police and Border Guard Board: the success is proved by the increasing number of children seeking advice. In 2012, 433 contacts were registered on children related matters, 205 in 2011.
General comments	Preventing bullying is a priority in Estonia. The Estonian Lifelong Learning Strategy aims to provide 90% of schools and all kindergartens with anti-bullying programmes by 2020.

---

[622] 'Children's Helpline' (*Lasteabi*) website, (last accessed on 29 April 2016).
[623] 'Video stories by the youth are ready' (*Noorte videolood said valmis*), Ombudsman of children website, (2015).
[624] '2014 Overview of the Chancellor of Justice Activities', (2015), op. cit. note 17.

COUNTRY REPORT FOR GERMANY[625]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in Germany by law. The legal services of the Parliament recognize that 'there is no clear and uniform definition of it'[626]. Known as 'cyber-mobbing', it 'refers to the deliberate insulting, embarrassing or harassing people through new communication media such as social networks, websites or chat rooms'[627]. The term 'cyber-mobbing' is used for cyberbullying among both children and adults[628]. Cyberbullying is defined in literature as the deliberate insulting, threatening, embarrassing or harassing of others by using the internet and/or mobile phones services over a longer period. There is an imbalance of power between the offender and the victim, which the offender takes benefit from while the victim is socially isolated[629]. Cyberbullying has basically the same factual circumstances as traditional bullying, it only uses electronical methods[630]. Definitions of bullying online are vague in the absence of a specific criminal offence and can be considered as covering all situations in which a person perceives her/himself as a victim.
What are the difference/similarities between traditional bullying and cyberbullying?	Cyberbullying is perceived as part of the general phenomenon of bullying. Differences are mainly the following[631]: a) cyber bullies may attack at any time via the internet, so the victim feels persecuted even at home; b) the audience is incredibly vast and content can spread extremely fast; c) bullies may act anonymously; d) the perpetrator is often unaware of the harmful effect of his/her behaviour since the reaction of the victim to a hurtful statement is usually not visible online to the perpetrator.
What are the differences/similarities between cyberbullying and cyber-aggression?	There is no clear distinction between cyberbullying and cyber-aggression. The concept of 'cybercrime' exists in Germany but this concept covers offences relating directly to the ICT different from bullying or cyberbullying.
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	Girls are slightly more likely to be victims of cyberbullying than boys, with boys being slightly more affected between the age of 10-13 years old and girls between 13-18 years old[632]. The majority of cases are registered between 12 and 15 years old. The type of school attended also has a strong influence on the likelihood of being a victim of cyberbullying[633]. To give an example, at the 'gymnasium' (high school), 10% of the pupils are victims whereas at a non-selective secondary school (*Hauptschule*) 26% are affected by bullying online[634]. Furthermore, the type of internet use has a

[625] Prepared by Lukas Rass-Masson.
[626] Legal services of the Parliament, document WD 10 – 045/14, 'Rules on Cyberbullying in Other Countries' (*Wissenschaftliche Dienste, Deutscher Bundestag, Ausarbeitung WD 10 - 045/14, 'Regelungen zum Thema Cybermobbing in anderen Staaten*) (22 July 2014).
[627] Website of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, 'What is Cyberbullying' (*Bundesministerium für Familie, Senioren, Frauen und Jugend, 'Was ist Cybermobbing?*); and website of the Federal Office for Security in Information Technology, 'Cyberbullying - anonymous insults on the net' (*Bundesamt für Sicherheit in der Informationstechnik, 'Cybermobbing - anonyme Beleidigungen im Netz*).
[628] Schneider, Leest et al. (2014), op. cit. note 164.
[629] 'Cyberbullying - what is it?' (Cyber-Mobbing – was ist das?), Media Authority of Rhineland-Palatinate (*Landeszentrale für Medien und Kommunikation (LMK) Rheinland-Pfalz*) and Media Authority of North Rhine-Westphalia *(Landesanstalt für Medien Nordrhein Westfalen* (LFM)), Initiative klicksafe website, (last accessed on 29 April 2016).
[630] Public Body in Charge of Coordination of Prevention-Work by the Police at Federal and Regional Levels (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes* (ProPK)), 'Cyberbullying: New form of violence' (*Cybermobbing: Neue Form der Gewalt*).
[631] 'Cyberbullying - what is it?', op. cit. note 629.
[632] Schneider, Katzer, Leest, (2013), op. cit. note 183; Germany-wide sample of 6,739 pupils from 10 to 22 years.
[633] ibid.
[634] ibid.

_____

	strong influence: 'cyber-fixed' profiles (high internet consumption) are more affected by cyberbullying (nearly 40%) whereas 'cyber-distanced' profiles (lowest internet consumption) are less affected (14%)[635]. As to the forms of cyberbullying, it is very rare that cyberbullying occurs without traditional bullying (only 1.4% of all respondents)[636]. Cyberbullying most often occurs with traditional bullying (6.7% of all respondents[637]). One third of the victims of traditional bullying were also victims of cyberbullying[638].
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	Perpetrators belong mainly to the school environment of the victim (44%) and less often from online networks exclusively (11%). Boys and girls are approximately represented to the same extent. There is no conclusive data as to the age of the perpetrators[639]. Victims of cyberbullying are more likely to be perpetrators of cyberbullying than non-victims: one third of the perpetrators (36.2%) have been a victim of cyberbullying, compared to only 12.3% of the non-perpetrators[640].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	No conclusive data to distinguish specific forms of cyberbullying according to the age group could be identified through desk research.
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	Cyberbullying continues after the age of 18[641]. It is, however, difficult to establish whether cyberbullying tends to increase or drop, since there is no clear definition of cyberbullying and the data are therefore difficult to compare. The results of a 2014 study shows that bullying and cyberbullying are no longer limited to children, but also affect more and more adults[642]. Exposure to bullying and cyberbullying tends to decrease with age. The influence of age is particularly pronounced for cyberbullying, where people under 20 years old are much more affected (17%), than those aged 21-25 year olds (12%), 26-30 year olds (9%), or over 30 years old (5-8%)[643].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc.)	The most common channels used for cyberbullying include[644]: internet, e-mail, online communities, blogs, chat rooms, instant messengers, discussion forums, guest-books and boards, video-platforms and photo sharing sites, websites, and social networks. According to another study, social networks are the main media where cyberbullying occurs (75%-84% of the attacks), followed by chatrooms 43%. Cyberbullying occurs less often in emails, instant messaging or chat-roulette (22%-33%)[645].

---

[635] ibid.
[636] ibid.
[637] ibid.
[638] ibid.
[639] ibid.
[640] ibid.
[641] Schneider, Leest et al. (2014), op. cit. note 164.
[642] ibid.
[643] ibid.
[644] Information collected through stakeholder consultation on 26 February 2016 with representatives of '*Nummer gegen Kummer*' association in charge with providing a hotline assisting also in cases of cyberbullying.
[645] *Landeszentrale für Medien und Kommunikation (LMK) Rheinland-Pfalz* and *Landesanstalt für Medien Nordrhein Westfalen* (LFM), Initiative klicksafe, 'Cyberbullying - what is it?' (*Cyber-Mobbing – was ist das?*).

2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Germany.
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	Traditional bullying is not a specific criminal offence in Germany.
If there is no specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking…). Is cyberbullying punished as an aggravating circumstance?	Cyberbullying can be punished under the following offences foreseen by the Criminal Code[646]: public incitement to crime (Section 111); dissemination of depictions of violence (Section 131); insults (Section 185), defamation (Section 186); intentional defamation (Section 187); violation of the privacy of the spoken word (Section 201); violation of intimate privacy by taking photographs (Section 201a); stalking (Section 238); using threats or force to cause a person to do, suffer an act (Section 240); threatening the commission of a felony (Section 241). Section 22 together with Section 33 of the German intellectual property laws on the protection of the personal image could also be applied to cyberbullying.
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	In 2013, the North Rhine-Westphalian Minister of Justice called for the introduction of a specific provision in the Criminal Code[647]. However, no criminal provision was introduced neither at Länder-level nor at national level. The Petition Committee of the Bundestag issued a petition to review rules on the protection of victims of cyberbullying without, however, calling to introduce a specific criminal offence on cyberbullying[648]. At the 2nd international congress on cyberbullying, the Federal Minister of Justice stressed that 'cyberbullying cannot be combatted through criminal law alone'[649] and that equally important are preventive measures, efforts of civil society to draw society's attention to the problem and to contribute to raising awareness of the serious consequences of cyberbullying for victims'[650].
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying is not specifically addressed by Civil Law. However, it is covered by general rules on civil liability as stated by the German Civil Code[651], in particular on 'liability in damages' (Section 823).
Is cyberbullying addressed	Cyberbullying is addressed by various soft laws, mainly the Codes of

---

[646] Criminal Code in the version promulgated on 13 November 1998, Federal Law Gazette (*Bundesgesetzblatt*) I p. 3322, last amended by Article 5 of the Law of 10 December 2015, Federal Law Gazette I p. 2218. (*Strafgesetzbuch in der Fassung der Bekanntmachung vom 13. November 1998 BGBl. I S. 3322, das zuletzt durch Artikel 5 des Gesetzes vom Dezember 2015 BGBl. I S. 2218 geändert worden ist*); Cornelius, 'Plea for cyberbullying offense' (*Plädoyer für einen Cybermobbing-Straftatbestand*) (Zeitschrift für Rechtspolitik, (2014), p. 164-167; 'Special Topic 8: cyberbullying, cyberbullying and what to do about it' (*Themenschwerpunkt 8: Cyber-Mobbing, Cyberbullying und was man dagegen tun kann*), Landeszentrale für Medien und Kommunikation (LMK) Rheinland-Pfalz and Landesanstalt für Medien Nordrhein Westfalen (LfM), Initiative klicksafe website, (last accessed on 29 April 2016).

[647] ibid.

[648] ibid.

[649] Second International Congress on Cyberbullying (*2 Cybermobbing Kongress*), Berlin, (18 January 2016).

[650] Press release of the Minister of Justice, (18 January 2016).

[651] Civil Code in the version promulgated on 2 January 2002, Federal Law Gazette *(Bundesgesetzblatt)* I page 42, 2909; 2003 I page 738, last amended by Article 6 of the Act of 19 February 2016 Federal Law Gazette I page 254 *(Bürgerliches Gesetzbuch in der Fassung der Bekanntmachung vom 2. Januar 2002 BGBl. I S. 42, 2909; 2003 I S. 738, das durch Artikel 6 des Gesetzes vom 19. Februar 2016 BGBl. I S. 254 geändert worden ist*).

by soft law, e.g. media self-regulation rules?	conduct of the Voluntary Self-Monitoring of Multimedia Service Providers[652] aimed at protecting children in online media**.**

3 – Policy framework	
Are there policies that target cyberbullying specifically?	Cyberbullying is addressed by several policies, mostly on education and culture, as well as on justice. Whereas a general framework is established at federal level, mainly through the 2002 Youth Projection Act (*Jugendschutzgesetz*, JuSchG[653]) and the German Criminal Code (*Strafgesetzbuch*, StGB[654]), most of the policies are established at the regional level of the Länder, which are responsible for culture, education and law enforcement. Moreover, cyberbullying is particularly relevant in the field of youth media protection, where the Länder have concluded an interstate treaty in order to establish common rules for the protection of minors in electronic media[655].
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection…) which cover cyberbullying? How do they address cyberbullying?	Cyberbullying among young people is addressed together with traditional bullying in a threefold context: it is part of the policies combatting violence and violence at school; it is part of education with many programmes focusing on training of teachers; and it is part of child protection, especially in the context of youth media protection.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	Policies try to ensure the maximal effectiveness through both prevention and intervention measures. The main focus is the protection of the victim. It is considered more effective to first appeal to the perpetrators sense of responsibility and empathy, then to threaten with possible legal consequences. The punishment of the perpetrator is not considered as such an effective tool to protect the victim[656].
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Cyberbullying and traditional bullying fall within the competence of the child protection system both at federal and Länder level as forms of violence that have to be prevented. However, the child protection authorities are not required to undertake specific measures when a child is a victim of cyberbullying. Hotlines and victim support is mainly handled by specialized associations to which the child protection authorities can refer. Cyberbullying also falls under the scope of the more specific youth media protection (*Jugendmedienschutz*).
Is cyberbullying addressed by child protection policies?	Cyberbullying is addressed by programmes aiming at the prevention of violence or at assisting victims of violence[657]. A good example of

---

[652] FSM is a non-profit association concerned with the protection of young people in online media and has a large membership, including companies such as Facebook, Google and Yahoo.

[653] Youth Projection Act of 23 July 2002, op. cit. note 441.

[654] Criminal Code in the version promulgated on 13 November 1998, op. cit. note 646.

[655] The Interstate Treaty on the Protection of Minors in the Media (*Jugendmedienschutz-Staatsvertrag,* JMStV); Hopf, Braml, 'The Development of Youth Media Protection 2014/2015' (*Die Entwicklung des Jugendmedienschutzes 2014/2015*), *Zeitschrift für Urheber- und Medienrecht,* (2015), p. 842-851.

[656] Information collected through stakeholder consultation on 26 February 2016 with representatives of '*Nummer gegen Kummer*' association in charge with providing a hotline assisting also in cases of cyberbullying, on 02 March 2016 with representatives of the media authority of Rhineland-Palatinate (*Landeszentrale für Medien und Kommunikation*), and on 4 March 2016 with representative of the public body in charge of the coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*). All stakeholders indicated that the punishment of the perpetrator is not, as such and in itself, an effective tool to prevent and tackle cyberbullying.

[657] 'Cyberbullying' section, Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, on cyberbullying website, (last accessed on 13 May 2016).

If yes, how?	the prevention programmes on violence is provided by the so-called 'Green List Prevention'[658]. It classifies successful violence-prevention programmes, which also include aspects of cyberbullying, with regard to their effectiveness and establishes a list of 75 successful programmes, some of which are aimed specifically at bullying or cyberbullying[659].
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	Children are involved indirectly in the development of policies on cyberbullying and/or bullying, through ad hoc studies that do not constitute an official consultation but are nonetheless considered as an effective tool to take into account the views and needs of children. In the implementation of policies on cyberbullying, the involvement of children is very variable. The involvement can take many forms such as training of children by other children, creating moderators for chatrooms etc[660].

4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying also cover cyberbullying?	Many statistical studies cover cyberbullying under different perspectives. The results of the studies vary considerably. In 2011, a study concluded that 5% of young people living in Germany had been victims of cyberbullying during the previous five years[661], whereas another survey, also conducted in 2011, concluded that 32% of young people were victims of bullying on the internet[662]. A 2013 study concluded that forms of cyberbullying are manifold: approximately 40% of those affected were victims of lies or rumours, 30% were teased and one quarter blackmailed, threatened or excluded, 17% had photos from a profile/online album published online elsewhere, about 15% said that unpleasant or embarrassing pictures or videos of themselves were published on the internet[663]. The 2014 'JIM-Studie' came to the conclusion that 17% of young people were affected by the dissemination of false or malicious information about them, 14% by the publication of embarrassing or insulting pictures and videos of them on the internet without prior permission, and 38% of young people surveyed indicated that a person of their circle of friends had been bullied via the internet or mobile phone[664].
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Disaggregation of data is provided by each study, in accordance with their objectives. The majority of the studies provide disaggregation by sex, both under the perspective of victims and perpetrators.

---

[658] Green List Prevention, op. cit. note 438.

[659] Such as the programmes 'Surf-Fair; Olweus, 'Bullying Prevention Program' and 'Bullying Free School, Bullying Free School – Be a Humdinger ('Class') Together!', op. cit. note 526.

[660] Information collected through stakeholder consultation on 26 February 2016 with representatives of '*Nummer gegen Kummer*' association in charge with providing a hotline assisting also in cases of cyberbullying, on 02 March 2016 with representatives of the media authority of Rhineland-Palatinate, (*Landeszentrale für Medien und Kommunikation*). They confirmed the variety of forms of involvement of children.

[661] Görzig, Anke, 'Who bullies and who is bullied online?: A study of 9-16 year old internet users in 25 European countries', EU Kids Online Network, LSE Publishing, (2011), p. 161-163. The study used a Germany-wide sample of 1,023 children aged 9-16.

[662] Torsten Porsch, Stephanie Pieschl, 'Cyberbullying and its consequences for children and adolescents' (*Cybermobbing und seine Folgen für Kinder und Jugendliche*) in *Soziale Psychiatrie*, (2012), p. 34-37. The study used a sample of 1000 pupils living in North Rhine-Westphalia.

[663] Schneider, Katzer, Leest (2013), p. 95, op. cit. note 183. The study used a Germany-wide sample of 6,739 pupils from 10 to 22 years of age.

[664] Feierabend, Plankenhorn, Rathgeb, 'JIM Study 2014 - Youth, Information, (Multi-) Media' (JIM-Studie 2014 – Jugend, Information, (Multi-) Media), Medienpädagogischer Forschungsverbund Südwest (2014), p. 39-40. The study used a Germany-wide sample of 1,200 young people aged 12-19.

Is there data on how young people perceive cyberbullying? If yes, please provide details.	Since there is no clear definition of cyberbullying pursuant to German law and data are generally collected in a wider context relating to the use of media, the studies focus on the perception of cyberbullying, rather than the direct occurrence of the latter[665].

5- Data Collection practices

Are data on cyberbullying collected at national/regional/local level?	Data are collected, depending on the studies, at national, regional or local level. There is no national criminal statistic on cyberbullying[666]. This is due to the fact that neither cyberbullying, nor traditional bullying are specific criminal offences.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	No specific data on traditional bullying could be identified through desk research and consultation with national stakeholders.
Which authorities do collect data on cyberbullying (police, health, education sector...)?	Data are collected on an ad-hoc basis. There is no public body that collects official data on cyberbullying[667].
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector...)?	No specific data on cyberbullying could be identified through desk research and consultation with national stakeholders.
How often are data on cyberbullying or traditional bullying collected?	Data on cyberbullying are not collected regularly nor systematically. Data are collected on an ad hoc basis. Some studies are long-term studies[668], with data being collected every year (JIM-Studie[669]) or every two years (KIM-Studie)[670]. However, these studies focus on media use and do not systematically collect data on cyberbullying.
Is there a quality control system to ensure the quality of the data collected?	The existence of such a quality control system depends on the methodology of each study.

6- Good practices

Please, identify good practices on how to prevent	National stakeholders identified the following successful good practices[671]:

---

[665] Schneider, Katzer, Leest (2013), op. cit. note 183; BITKOM (Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e. V.), 'Young and Linked, Children and Young People in the Digital Society' (*Jung und vernetzt, Kinder und Jugendliche in der digitalen Gesellschaft*), Bitkom (2014); Deutsches Institut für Vertrauen und Sicherheit im Internet, 'DIVSI U25 Study - Children, (*DIVSI U25-Studie – Kinder, Jugendliche und junge Erwachsene in der digitalen Welt*), DIVSI (2014); Feierabend, Plankenhorn, Rathgeb(2014), op. cit. note 664.

[666] Information collected through stakeholder consultation on 4 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*).

[667] Information collected through stakeholder consultation on 4 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*).

[668] Feierabend, Plankenhorn, Rathgeb (2014), op. cit. note 664.

[669] ibid.

[670] ibid.

[671] Information collected through stakeholder consultation on 26 February 2016 with representatives of 'Nummer gegen Kummer', an association responsible for providing a hotline also assisting in cases of cyberbullying, on 1 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*), on 2 March 2016 with representatives of the media authority of Rhineland-Palatinate, (*Landeszentrale für Medien und Kommunikation*, LMK), on 4 March 2016 with representatives of the public body in charge of coordination of

_____

cyberbullying (please number the practices in order to distinguish them e.g. practice n. 1, n.2...).	1) Klicksafe Project: raises awareness on the dangers of the internet or social media. It includes a dedicated section on cyberbullying. This campaign promotes media literacy and adequate handling of threats in internet and new media. 2) Programme by the police at federal and regional levels for the coordination of prevention-work (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes*, *ProPK*): provides training to teachers and police officers and coordinates the work of the different actors that are involved. The programme also raises awareness on media use by children both at the internal level, within public institutions, and at external level with regards to the general public, including on media use by children.
Please, identify good practices to prevent/tackle/combat cyberbullying	3) Child Helpline (*Nummer gegen Kummer*): offers free and anonymous support to children, both victims and perpetrators of cyberbullying, as well as to parents by trained persons via phone, email or direct contact.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	The described measures address victims and perpetrators as well as bystanders. Good practices mainly focus on: 1) Klicksafe Project: the victim and his/her social environment, the perpetrator as well as parents. 2) Programme by the police at federal and regional levels for the coordination of prevention-work (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes*, *ProPK*): teachers, social workers, therapists and police officers. 3) Child Helpline (*Nummer gegen Kummer*): mainly victims, perpetrators and parents.
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	All relevant social groups are involved in the practices described above: youth associations, schools, parents, children and the police.
Is there a clear definition of the objective and activities of the practices that you identified?	All good practices have clear objectives, including to: prevent cyberbullying; identify cyberbullying incidents; help victims; obtain a change in the behaviour of the perpetrator; assist parents; enhance knowledge of the phenomenon and identify best ways to combat it. 1) Klicksafe Project: enable young users to use the internet and new media competently and critically by developing their awareness of problematic aspects that are involved, including in, but not limited to, the field of cyberbullying. 2) Programme by the police at federal and regional levels for the coordination of prevention-work (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes*, *ProPK*): pursues, among others, the objective to diminish the number of wrongdoings perpetrated via internet and to reduce the risks associated to them, mainly by educating the general public, the media and other relevant actors about the various forms of crimes, including cyberbullying. This is done, inter alia, through advocacy aiming at crime prevention and through the development of media supports, dissemination of good practices that support the local police in their

_____

prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*).

_____

	prevention work. 3) Child Helpline (*Nummer gegen Kummer*): provides support to children who experience problems, including those that arise in the context of internet, mobile phones or social networks, by offering free and anonymous advice via phone or email.
Are the practices transferrable to other contexts/Member States?	All good practices can be considered as transferable to other Member States taking into account the social and administrative structure of the country.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	There is generally a high positive feedback from beneficiaries indicating a successful implementation of the described measures[672]. However, a qualitative evaluation of all the measures would be difficult for financial reasons. For prevention programmes on violence in general, a control system exists with regard to their quality[673] (i.e. Green List Prevention mentioned above[674]). 1) Klicksafe Project: The success of this project is shown by the high dissemination of the material produced: about 1 million copies of printed materials printed annually; the klicksafe video spot 'Where is Klaus?' is produced in more than 20 languages (among them Turkish and Arabic); 70,000 visitors to its website per month. 2) Programme by the police at federal and regional levels for the coordination of prevention-work (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes*, *ProPK*): provides information via newsletters that addressed to all relevant police authorities in Germany (e.g. *Prävention aktuell*, published quarterly; *Prävention spezial* concerning specific needs such as children internet use). 3) Child Helpline (*Nummer gegen Kummer*): answered in 2015 to 494.525 calls. 18.536 phone consultations concerned school or education, 41,5% of these bullying, and 1,3% cyberbullying. 11.800 email consultations were conducted, 15 of which relating specifically to cyberbullying.
General comments	The creation of a specific offence on cyberbullying is not considered necessary or useful. Pursuant to stakeholders[675], the focus should be on ensuring a more effective prevention system and better law enforcement, particularly by ensuring that sufficient resources are allocated at the level where it matters most, like schools.

---

[672] Information collected through stakeholder consultation on 1 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*).

[673] ibid.

[674] *Green List Prevention*, op. cit. note 438. The list is established by the authorities of the Land of Lower Saxony in association with the association *Landesarbeitsgemeinschaft (LAG) Soziale Brennpunkte Niedersachsen e.V.*, but has national wide reputation.

[675] Information collected through stakeholder consultation on 26 February 2016 with representatives of 'Nummer gegen Kummer' association in charge with providing a hotline assisting also in cases of cyberbullying, on 1 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*), on 2 March 2016 with representatives of the media authority of Rhineland-Palatinate (*Landeszentrale für Medien und Kommunikation, LMK*), on 4 March 2016 with representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (*Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK*).

_____

COUNTRY REPORT FOR GREECE[676]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in Greece by law. A definition of cyberbullying has gradually started to develop among academics and researchers. The term cyberbullying is more frequently used in relation to children but it could also cover adults. Cyberbullying occurs when a child is threatened, harassed, insulted, or targeted by another child, usually in a repetitive way, through the use of new technologies, mostly the internet and social media[677]. Cyberbullying is 'any action carried out online by one or more persons with the intention to intimidate and demote another person' (including adults)[678]. Several discussions were held on the best translation of the term 'cyberbullying', which is sometimes translated into 'online intimidation' (*διαδικτυακός εκφοβισμός*)[679].
What are the difference/similarities between traditional bullying and cyberbullying?	Both phenomena have the characteristics of aggressiveness, intent to cause harm, repetition and power imbalance between the victim and the perpetrator[680]. Differences between traditional bullying and cyberbullying are: a) no space or time limitation so it is hard to escape it[681]; b) anonymity offered by electronic means leads to the perpetrators' freedom from social constraints and rules that are respected in a face to face communication[682]; c) lack of supervision in cyberspace[683]; d)cyberbullying also affects children who would not usually be targets of traditional bullying[684]; e) broader audience intensifying the pressure on the victim and the feeling of humiliation, damage or exploitation[685]; f) vengefulness of cyberbullying as a consequence of traditional bullying[686]; and g) bystanders can be actively involved in cyberbullying[687].
What are the differences/similarities between cyberbullying and cyber aggression?	Cyber-aggression is considered as a general peer-to-peer aggression that occurs online in one occurrence or occasionally. There is no power imbalance, no intention to inflict harm or stress[688].
Who is more likely to be a victim of cyberbullying?	Girls are more likely to be victims of cyberbullying[689]. According to the EUNETADB survey[690], cyberbullying is a phenomenon that

[676] Prepared by Elina Lampropoulou.
[677] Greek Safer Internet Centre, 'Saferinternet.gr Webinar: Cyberbullying', YouTube video, (12 July 2012).
[678] Information collected through consultation on 25 February 2016 with representatives of the Cyber Crime Unit.
[679] Various Greek words were proposed (e.g. abuse (κακοποίηση), harassment (παρενόχληση), violence (βία), aggressiveness (επιθετικότητα), intimidation (εκφοβισμός)). Nowadays, although there is no mutually agreed definition, cyberbullying is generally translated as online intimidation (διαδικτυακός εκφοβισμός), cyber-intimidation (κυβερνο-εκφοβισμός), or electronic intimidation (ηλεκτρονικός εκφοβισμός) (Papathanasiou, 'Lost in translation: defining bullying in Greece' (*Μπερδεμένοι στη μετάφραση: Ορίζοντας τον εκφοβισμό στην Ελλάδα*) in Psalti, Kasapi, Deligianni-Koumitzi, *Contemporary psychoeducational issues: Bullying in Greek schools. Scientific data and intervention proposals, (Σύγχρονα ψυχοπαιδαγωγικά ζητήματα: ο εκφοβισμός στα ελληνικά σχολεία. Ερευνητικά δεδομένα και προτάσεις για παρεμβάσεις)* (Gutenberg, Athens, 2012), 75-76.)
[680] 'Cyberbullying: a handbook for educators' (*Ηλεκτρονικός εκφοβισμός: εγχειρίδιο για εκπαιδευτικούς*), Tabby in Internet website, (last accessed on 29 April 2016).
[681] Kapatzia, Sygkollitou (2012), op. cit. note 184.
[682] ibid.
[683] ibid.
[684] Free Press (Ελεύθερος Τύπος), Alexia Svolou, 'One out of four Greek kids victim of cyberbullying' (*Ένα στα 4 Ελληνόπουλα θύμα e-εκφοβισμού*), (2015).
[685] Kapatzia, Sygkollitou (2012), pp 203-204, op. cit. note 184.
[686] ibid.
[687] 'Cyberbullying: a handbook for educators' (*Ηλεκτρονικός εκφοβισμός: εγχειρίδιο για εκπαιδευτικούς*), Booklet, Tabby Internet, (last accessed on 29 April 2016).
[688] 'What is Cyber-Aggression', IGI Global website, (last accessed on 29 April 2016).
[689] Free Press (Ελεύθερος Τύπος), Alexia Svolou, 'One out of four Greek kids victim of cyberbullying' (*Ένα στα 4 Ελληνόπουλα θύμα e-εκφοβισμού*), (2015).
[690] The EUNETADB survey was carried out in seven European countries (Greece, Spain, Poland, Germany, Romania, Netherlands and Iceland) and funded under the EU Safer Internet Programme. The final sample for the qualitative analysis included 124 children aged 14-17 years old whereas the sample for the quantitative analysis included 13,284 children aged 14-17 years old.

_____

(Please, indicate information on age and sex of the victims)?	mostly affects girls aged 12-17[691]. It is more often girls who report being victims as well as perpetrators of cyberbullying[692].
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	According to the EUNETADB survey, it is more often girls who report being victims as well as perpetrators of cyberbullying[693]. This contradicts previous studies, where boys had stated that they were more often perpetrators of bullying through mobile phones and no differences in victimisation were identified[694].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	Children aged 12-16 years old are the most sensitive group and most frequently involved in cyberbullying. Researchers note that adolescents of an older age group use the technology more in order to communicate with peers of their age, and they are also more competent and independent in the use of digital technologies. The older children are more likely to be involved in cyberbullying than younger children between 10 and 13 years old[695].
Does cyberbullying continue after the young person reaches the age of eighteen? Is it likely to increase or drop? Which forms does it take?	No specific data for Greece were identified during the desk research and stakeholder consultation.
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc.)	In order of preference, the following channels are used for cyberbullying: social media, instant messaging services, chatrooms, and websites related to online games[696]. Research by Smile of the Child showed that - of the 4,987 children interviewed for Greece - 20.93% of the victims recognized the web as the main channel for cyberbullying.
2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Greece.
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	Traditional bullying is not a specific criminal offence in Greece. However, it can be punished under Article 312 of the Criminal Code[697] entitled 'damage by continuous harsh behaviour', recently modified under Law 4322/2015[698]. It provides that 'anybody who causes to another person physical injury or any other harm to their physical or mental health shall be punished with imprisonment. If

---

[691] Free Press (Ελεύθερος Τύπος), Alexia Svolou, 'One out of four Greek kids victim of cyberbullying' (*Ένα στα 4 Ελληνόπουλα θύμα e-εκφοβισμού*), (2015).
[692] Kapatzia, Sygkollitou (2012), p. 211, op. cit. note 184.
[693] ibid.
[694] Kapatzia, Sygkollitou, 'Cyberbullying in adolescence: An investigation of the nature and the extent of the phenomenon among adolescents' in *Cyberbullying in Greece: an interdisciplinary approach* (Ηλεκτρονικός εκφοβισμός: Διερεύνηση της φύσης και της έκτασης του φαινομένου στους εφήβους – συμβολή στο 'Κυβερνοεκφοβισμός στην Ελλάδα: μία διεπιστημονική προσέγγιση*) (Tzorbatzoudis, Lazouras, Barkoukis, Thessaloniki, 2012), 152.
[695] ibid.
[696] Greek Safer Internet Centre, 'Saferinternet.gr Webinar: Cyberbullying', YouTube video, (12 July 2012).
[697] Presidential Decree 283/1985 Criminal Code (*Π.Δ. 283/1985 Ποινικός Κώδικας*), Government Gazette 106/Α/31 May 1985.
[698] Law 4322/2015 on Criminal Law reforms, elimination of type C prisons and other reforms (*Νόμος 4322/2015 Μεταρρυθμίσεις Ποινικών Διατάξεων, Κατάργηση καταστημάτων κράτησης τύπου Γ και άλλες διατάξεις*), Government Gazette 42/ 27 April 2015.

_____

	the offence has been committed among children, it is not penalized, unless the age difference between the victim and the perpetrator is more than three years. In this case, only reformatory or curative measures apply'. [699]. Other relevant legal provisions are: a) Presidential Decree 104/1979 on school and teaching in middle general education[700], stating that 'any behaviour which derogates from the proper behaviour leads to school sanctions'; b) Article 23 of Law 3500/2006 states that 'if a teacher is informed, in any way, of an act of intimidation, he/she should notify the director of the school, who should immediately report this act to the nearest prosecutor or police authority'[701].
If there is no specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking…). **Is cyberbullying punished as an aggravating circumstance?**	Cyberbullying is punished depending on its form, through the following offences ruled in the Criminal Code[702]: threat (Article 333), insult and practical insult (Article 361), defamation (Article 362), libel (Article 363), damages by continuous harsh behaviour (Article 312). It is also sanctioned under the data protection legislation, in particular on the protection of personal data (Article 22 of Law 2472/1997[703]). However, only children from 15 years old are criminally responsible and can be punished with imprisonment if the act is considered a felony. Specifically, children aged 8-13 years old cannot be charged with any offence[704]; if 14-15, they are punished with reformatory or curative measures; if 15-17, they may commit felonies, which, however, is not the case for cyberbullying. Cyberbullying is not punished as an aggravated circumstance.
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	No legal initiatives aimed at criminalising cyberbullying could be identified during the desk research. Within this context, a legislative act is currently being promoted in order to interconnect all bodies dealing with the Internet, its safe use and dangers[705].
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying is not directly addressed by Civil Law. However, the provisions of Civil Law[706] relating to torts and delicts may apply (Articles 914-938 of the Civil Code). In particular, Article 914 of the Civil Code states that 'anybody who harms another person culpably is obligated to pay compensation'. Article 916 states that 'anybody who is not yet 10 years old is not responsible for the caused damages' and in combination with Article 917 it results that 'anybody aged 10-14 years old is in principle responsible for the damage he/she caused. In addition to the child, the parents may be liable for the damages caused by him/her' (Article 923). Moreover, in the event that the child's personality is unlawfully offended, the parents of the victim (or any other person having the custody of the

---

[699] <u>This Article was modified after a bullying case which attracted a lot of media attention when severe bullying incidents had occurred within a faculty and the faculty's director did not take any action, although he was aware of the incidents (Victim of Bullying, Vaggelis Giakoumakis, 20, found dead', 2015).</u>

[700] Presidential Decree 104/1979 about the school and teaching year, books, registrations and behaviours of the students of the Middle General Education (*Π.Δ. 104/79 Περί σχολικού και διδακτικού έτους, υπηρεσιακών βιβλίων, εγγραφών, μετεγγραφών, φοιτήσεως, διαγωγής και τιμητικών διακρίσεων των μαθητών των σχολείων Μέσης Γενικής Εκπαίδευσης*), Government Gazette A'23.

[701] Law 3500/2006 on domestic violence and other provisions (*Νόμος 3500/2006 για την αντιμετώπιση της ενδοοικογενειακής βίας και άλλες διατάξεις*), Government Gazette 232/2006.

[702] Presidential Decree 283/1985 Criminal Code, op. cit. note 697.

[703] Article 22 of Law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data (*Νόμος 2472/1997 για την προστασία του ατόμου από την επεξεργασία δεδομένων προσωπικού χαρακτήρα*), as it was lastly modified with Law 4139/2013.

[704] Article 126 of Presidential Decree 283/1985 Criminal Code, op. cit. note 697.

[705] Information collected through participation at a lecture given on 1 March 2016 by representatives of the A.H.U. at the Institute of Public Health of the American College of Greece.

[706] Presidential Decree 456/1984 Civil Code and its Introductory Law (*Π.Δ. 456/1984 Αστικός Κώδικας και Εισαγωγικός του Νόμος*), Government Gazette A164/24 October 1984).

_____

	child) are entitled to ask that the offence stops and it is not repeated in the future (Article 57 and Article 1510). They can also seek for compensation according to the torts' provisions mentioned above (Articles 914-938 of the Civil Code) (Articles 57 and 1510).
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	Safenet, the Greek self-regulatory body for internet content, supported by various private companies, promotes procedures for the safer use of the internet, and takes care of children's internet safety (e.g. pornographic, violent, racist content). However, no specific rules on cyberbullying have been adopted[707].
3 – Policy framework	
Are there policies that target cyberbullying specifically?	The Cyber Crime Unit of the Hellenic Police has adopted various policy initiatives and programmes on cyberbullying[708], amongst others: a) a website providing information on the safe use of the Internet[709]; b) a friendly agreement to be printed and signed between children and parents, laying down rules for using the internet; c) a Cyberkid App for mobile use allowing children to communicate directly with the Cyber Crime Unit and notify incidents to the police; d) awareness raising activities. The Pan-Hellenic School Network is the national network of the Ministry of Education[710]. The Information Hub of this network has a section dedicated to cyberbullying for parents, teachers and students[711]. The Adolescent Health Unit of the Second Department of Paediatrics of the University of Athens (A.H.U.) provides treatments for children and parents of those involved in bullying and cyberbullying within the Unit 'I change without bullying'[712]. Individuals are referred to the Unit by the Public Prosecutor[713]. The Unit also operates the helpline 'I support' (*Υποστηρίζω*, 8001180015), where children, parents, and teachers, can seek help and guidance on child health, including cyberbullying[714]. Twice per month the A.H.U. carries out the 'Parents Academy', with the goal of informing parents on every aspect of child health and life, including dangers on the internet and cyberbullying[715]. The A.H.U. also organized training and awareness-raising campaigns at schools. The A.H.U signed a memorandum of cooperation with the Ministry of Education in 2010, in the frame of the ARIADNE project[716]. A new memorandum of cooperation[717] was signed with the Ministry of Education on 8 March 2016. In October 2015 the Children's Rights Ombudsman reiterated the importance of

---

[707] 'About us', Safenet website, (last accessed on 29 April 2016). Safenet is a non-profit organization supported by Greek Internet industry corporations and organizations to help insure that children surf the internet safely.

[708] 'Innovative actions – prevention' (*Καινοτόμες Δράσεις – Πρόληψη*), Cyber Crime Unit website, (last accessed on 29 April 2016).

[709] 'Cyberkid' website, (last accessed on 29 April 2016).

[710] 'About the Greek School Network', Greek Safer Internet Centre website, (last accessed on 29 April 2016).

[711] 'Thematic presentation: Cyberbullying', The Information Hub of the Pan-Hellenic School Network website, (last accessed on 29 April 2016).

[712] Adolescent Health Unit of the Second Department of Paediatrics, op. cit. note 521.

[713] The Public Prosecutor for Children is the competent judicial authority in the event of involvement of minors in criminal cases, according to Article 45A of the Criminal Procedure Code (Presidential Decree 258/1986 Criminal Procedure Code – *Π.Δ. 258/1986 Κώδικας Πολιτικής Δικονομίας*- Government Gazette A121/8 August 1986.

[714] Adolescent Health Unit, 'Intimidation and violence in the physical and digital world' (*Μονάδα Εφηβικής Υγείας, 'Εκφοβισμός και βία στον φυσικό και ψηφιακό κόσμο'*).

[715] Information collected through participation at a lecture given by Dr Tsitsika A, Head of A.H.U., on 1 March 2016 at the Institute of Public Health of the American College of Greece.

[716] The project was part of the 2007-2013 National Strategic Reference Framework, co-funded by the European Commission, under which 1,000 health professionals and educators were trained on the phenomenon of children's addiction to the internet and risks faced by children online such as cyberbullying, online harassment and harmful content. ('What is Ariadne' (*Τι είναι το Αριάδνη*), A.H.U. website, (last accessed on 29 April 2016).

[717] Information collected through participation at a lecture given on 1 March 2016 by representatives of the A.H.U. at the Institute of Public Health of the American College of Greece.

	regulating cyberbullying[718].
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection…) which cover cyberbullying? How do they address cyberbullying?	The Ministry of Education, Research and Religious Affairs launched a number of actions to address bullying such as the implementation in 2014-2015 of the 'Development and Operation of a Prevention and Treatment of Bullying and School Violence Phenomena network'[719] aimed at preventing bullying and school violence through awareness campaigns and training. Each teacher participating in the project was asked to use a form to report bullying incidents[720]. This project[721] resulted in the designing and publication of training materials for education officials, teachers, parents, students and the general community[722]. Although cyberbullying was mentioned in the topics in the project, no specific reference to it was identified in the good practices or in the educational seminars. The Ministry has also issued communications on bullying[723] and on the safe use of the internet[724], which do not make specific reference to cyberbullying. Moreover, upon recommendation of the Children's rights Ombudsman[725], the Ministry has issued good practices to prevent and tackle any form of violence among students in secondary education[726]. In January 2016, the 'Central Scientific Committee' (*Κεντρική Επιστημονική Επιτροπή*) was established to supervise and coordinate a network for the prevention and fight against bullying[727]. In December 2012, the Ministry decided to establish the Observatory for the Prevention of School Violence and Bullying[728], aimed at monitoring, studying and referring to certified bodies, incidents of school violence and bullying. A Coordinator for Prevention Actions is appointed in each Regional Directorate for Primary and Secondary Education. Each regional Director, in collaboration with the Coordinator, sends statistical data to the Observatory on the evolution of the phenomenon on a monthly basis. The Directorate of Secondary Education of Athens[729] implemented the 2013-2015 project 'Teenage Bullying: Prevention and treatment in the school environment of Greece and Cyprus'[730].

---

[718] Press Release, 'Cooperation between parents, students and teachers to address bullying phenomena recommended by the Children's Ombudsman' , (2015), op. cit. note 16.

[719] 'Development and Operation of a Prevention and Treatment of Bullying and School Violence Phenomena network', op. cit. note 327.

[720] This registration form can still be used. Information collected through stakeholder consultation on 24 February 2016 with representatives of the Ministry of Education, Research and Religious Affairs.

[721] For the purpose of brevity, the project is also often referred to as the 'Stop-Bullying project'.

[722] Themistokles and Dimitris Tsatsos Foundation – Centre for European Constitutional Law, 'Deliverable 2.2. of the project - Trainer's guide' (*Παραδοτέο 2.2. - Οδηγός Επιμορφωτή*), 93.

[723] Regional Directorate for Secondary Education of Continental Greece, the bullying phenomenon (*Περιφερειακή Διεύθυνση Πρωτοβάθμιας και Δευτεροβάθμιας Εκπαίδευσης Στερεάς Ελλάδας – 'Σχολικός Εκφοβισμός – το φαινόμενο bullying'*), 15 October 2010.

[724] Ministry of Education, Research and Religious Affairs, Communication under Protocol Number 135019/C7 'Information about issues on safe use of the Internet' (*Υπουργείο Παιδείας, Έρευνας και Θρησκευμάτων, Επιστολή με αριθμό πρωτοκόλλου 135019/Γ7 'Ενημέρωση για θέματα ασφαλούς χρήσης του Διαδικτύου'*), (26 October 2010).

[725] The Children's Rights Ombudsman (Συνήγορος του παιδιού), 'Important factors for the prevention and tackling of violence among students in secondary education' (*Σημαντικοί παράγοντες για την για την πρόληψη και την αντιμετώπιση της βίας μεταξύ μαθητών στη δευτεροβάθμια εκπαίδευση*), (2010).

[726] Ministry of Education, Research and Religious Affairs (2011), op. cit. note 552.

[727] 'New Central Committee for the combat of bullying' (*Νέα Κεντρική Επιτροπή για την αντιμετώπιση της σχολικής βίας*), (2016).

[728] Ministry of Education, Research and Religious Affairs, Observatory for the Prevention of School Violence and Bullying (*Υπουργείο Παιδείας, Έρευνας και Θρησκευμάτων, 'Παρατηρητήριο για την πρόληψη της Σχολικής Βίας και του Εκφοβισμού'*).

[729] This Directorate covers following north-eastern suburbs of Athens: Agia Paraskevi, Psychiko-Filothei, Papagou-Cholargos, Chalandri, Penteli, Maroussi, Melissia, Vrilissia, Pefki, Nea Ionia, Neo Irakleio, Likovrysi, Metamorfosi, Kifisia and Nea Erythraia.

[730] Education and not violence –Teenage Bullying: Prevention and treatment in the school environment of Greece and Cyprus, op. cit. note 529.

_____

	The project analysed the bullying phenomenon including cyberbullying in Greece and Cyprus, explored ways to tackle it and identified good practices. An Anti-bullying Network was created in 2010 in cooperation with various partners including the General Secretariat of Youth[731] and the Children Rights' Ombudsman[732]. The mission of the network is to prevent and tackle bullying incidents, including cyberbullying. The Children's Rights Ombudsman[733] implemented actions to prevent and tackle bullying. In December 2010 a list of important factors to combat bullying in secondary education was published[734].
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	Most of the policies focus both on preventing and on tackling cyberbullying. Punishment of the perpetrator is not excluded but it represents the last resort. According to the policies of the Ministry of Education, when an incident of bullying/cyberbullying occurs, an attempt is made to solve the problem at school level among the children, before referring it to the Director or other services. The Cyber Crime Unit of the Hellenic Police makes every effort to persuade the perpetrator to stop his behaviour without the victim's criminal prosecution. However, in the most severe cases, the Unit refers the case to the respective prosecution authorities[735].
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Bullying (and hence cyberbullying as a form of bullying) falls under the competence of the child protection system. If an incident occurs, complaints are filed before the Public Prosecutor Office for Children (*Εισαγγελία Ανηλίκων*), either directly by parents, the police or children's rights organisations. A file is created and a mediation process starts[736]. The Child's Prosecutor tries to resolve the case in an amicable way between the parties, upon hearing the perpetrator. The Child's Prosecutor can decide to refrain from initiating criminal proceedings and can impose curative measures[737]. The Public Prosecutor sets a deadline for the child to comply with those measures. If the child complies with the measures imposed, then no criminal proceedings are initiated[738].
Is cyberbullying addressed by child protection policies? If yes, how?	The 2015-2020 Action Plan for the Rights of the Child[739], on child protection actions refers to children's online safety.. The Children's Ombudsman also developed various activities with the aim to protect children from bullying and cyberbullying. Anyone can file a complaint within the Children's Rights' Ombudsman[740], who has a negotiating role (i.e. he communicates with the parents or visits schools)[741] and can issue recommendations.
Are young people involved	Peer to peer education was a core feature of the project 'Teenage

---

[731] The General Secretariat for Youth was established in 1982 as an executive governmental body, with the mission to shape, monitor and coordinate the governmental policy about the young generation as well as connect the youth with society and its institutions', the General Secretariat for Youth website, (last accessed on 29 April 2016).

[732] 'Anti-bullying network – objectives and mission' ('*Δίκτυο κατά της βίας στο σχολείο – Στόχοι και αποστολή*'), Anti-Bullying Network website, (last accessed on 29 April 2016).

[733] 'Violence at School', Children's Rights Ombudsman website, (last accessed on 29 April 2016).

[734] Ministry of Education, Research and Religious Affairs (2011). op. cit. note 552.

[735] Information collected through consultation on 25 February 2016 with representatives of the Cyber Crime Unit.

[736] 'The important work of the Public Prosecutor Office for Minors' (*Το σημαντικό έργο της Εισαγγελίας Ανηλίκων*), (2013).

[737] Presidential Decree 283/1985 Criminal Code, op. cit. note 697.

[738] Presidential Decree 258/1986 Criminal Procedure Code (*Π.Δ. 258/1986 Κώδικας Πολιτικής Δικονομίας*), Government Gazette A121/8 August 1986, as applicable, Article 45A.

[739] National Action Plan for the Rights of the Child (2016), op. cit. note 471.

[740] 'I ask the Ombudsman' (*Ρωτάω τον Συνήγορο*), the Children's Rights Ombudsman website, (last accessed on 29 April 2016).

[741] Press Release, Children's Rights Ombudsman, (12 October 2015).

in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	Bullying: Prevention and treatment in the school environment of Greece and Cyprus'[742]. Based on the knowledge acquired through training, children created educative material for other students and participated in interactive actions with the slogan 'I inform, I educate and I prevent violence at school'. Various pilot programmes were organized in several schools with the active participation of children such as: theatre-workshops and school negotiation programmes. According to the Ministry of Education[743], strengthening the role of students in the dispute resolution process is important to tackle all forms of bullying.

4- Data and statistics

Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying cover also cyberbullying?	According to the EUNETADB survey[744], 26.8% of the 2,000 Greek children declared to have been a victim of cyberbullying[745]. According to a recent study by the Smile of the Child NGO out of 4,999 Greek students 20.93% declared to have been a victim of cyberbullying and 34.80% declared to have perpetrated cyberbullying through their mobile phones.
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data on cyberbullying and traditional bullying are disaggregated by age and sex of the perpetrators[746].
Is there data on how young people perceive cyberbullying? If yes, please provide details.	According to the Smile of the Child survey, 60.98% of the 4,999 surveyed children perceived cyberbullying as 'the use of mobile phone/chat/social media in order to intimidate somebody'.

5- Data Collection practices

Are data on cyberbullying collected at national/regional/local level?	Data on cyberbullying are collected at national level by the Ministry of Education and the Children's Prosecutor Office but they are not disclosed. The Ministry of Education collects data on traditional bullying either through the Observatory for the Prevention of School Violence and Bullying or through a notification form developed in the frame of the project 'Development and Operation of a Prevention and Treatment of Bullying and School Violence Phenomena network' ('Stop-Bullying project'). Only educators that are members of the Prevention Action Groups can use the notification form to record bullying incidents that take place in the school unit where they work. The Cyber Crime Unit of the Police collects data on crimes covering also bullying online and offline a case basis.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	Data on traditional bullying are collected at national level.
Which authorities do	The Cyber Crime Unit of the Hellenic Police collects data specifically

---

[742] 'Education and not violence – Teenage Bullying: Prevention and treatment in school environment of Greece and Cyprus' (Παιδ(ε)ία και όχι βία – Εκφοβισμός των εφήβων: Τρόποι πρόληψης και αντιμετώπισης στο σχολικό περιβάλλον Ελλάδας και Κύπρου), (last accessed on 29 April 2016).

[743] EUNETADB website, (last accessed on 29 April 2016).

[744] The EUNETADB survey was carried out in seven European countries (Greece, Spain, Poland, Germany, Romania, Netherlands and Iceland) and funded under the EU Safer Internet Programme.

[745] Free Press (Ελεύθερος Τύπος), Alexia Svolou, 'One out of four Greek kids victim of cyberbullying' (Ένα στα 4 Ελληνόπουλα θύμα e-εκφοβισμού), (2015).

[746] Information obtained through stakeholder consultation on 25-24 February 2016 with representatives of the Cyber Crime Unit and of the Ministry of Education, Research and Religious Affairs.

collect data on cyberbullying (police, health, education sector...)?	on cyberbullying. The Unit only records cases that it has dealt with, upon referral by parents, schools or NGOs or by the Children's Public Prosecutor office. Most cyberbullying cases are resolved without the use of the police authority.
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector...)?	The police and education sector collect data on traditional bullying.
How often are data on cyberbullying or traditional bullying collected?	The Cyber Crime Unit of the Hellenic Police collects data on a case basis. Likewise, the police collects data on traditional bullying based on the relevant cases recorded and since bullying itself does not constitute a crime, the cases are filed according to the means of expression of bullying (i.e. assault, physical injury). The Ministry of Education collects data on traditional bullying either through the Observatory for the Prevention of School Violence and Bullying (on a monthly and annual basis) or through the notification form developed in the frame of the 'Stop-Bullying project' (on a case –by-case basis)[747].
Is there a quality control system to ensure the quality of the data collected?	The reliability of the data collected by the Ministry of Education is ensured. Only teachers who are members of the Prevention and Treatment of Bullying and School Violence Phenomena Network can have access to the form, using their personal password (see above).

6- Good practices

Please, identify good practices on how to prevent cyberbullying. (please number the practices in order to distinguish them e.g. practice n.1, n.2...)	1) Internet Farm: is a theatre play, based on the homonymous children's book targeting cyberbullying[748]. Launched in 2013, the play is aimed mainly at kindergarten and elementary school students, teachers and parents, and is free of charge. Through the play, the audience is informed in an amusing way about the dangers of the internet[749].
Please, identify good practices to prevent/tackle/combat cyberbullying	2) Interactive educational tool against bullying: consists of two videos, one on traditional bullying and one on cyberbullying broadcasted from the perspective of the victim, the perpetrator, or the bystander[750]. 3) Bullying Diaries: this documentary presents various cases of victims of traditional bullying or cyberbullying[751]. 4) Creation of a network of mutual help and troubleshooting: children of secondary school 'adopt' younger children and inform them about the dangers of the internet[752]. 5) 'Delete cyberbullying' book: it aims at educating children above 11 years old on cyberbullying[753]. The book consists of three different stories that portray the various forms of cyberbullying in different

---

[747] 'Development and Operation of a Prevention and Treatment of Bullying and School Violence Phenomena network, op. cit. note 327.

[748] 'The Internet Farm: A play for the safe online surfing of children' (*Η Φάρμα του Διαδικτύου: μια παράσταση για την ασφαλή πλοήγηση των παιδιών*), Kathimerini Journal website, (last accessed on 29 April 2016).

[749] Artinopoulou, M., 'European Guide of Anti-bullying Practices', (April 2014).

[750] 'Interactive educational tool against bullying', op. cit. note 507; Information collected through consultation on 24 February 2016 with representatives of The Smile of the Child NGO.

[751] 'Bullying Diaries', op. cit. note 510; Information collected through consultation on 24 February 2016 with representatives of The Smile of the Child NGO.

[752] Awareness-raising by the 1st Secondary School of Amarousio (*Ευαισθητοποίηση-Ενημέρωση από το 1ο Γυμνάσιο Αμαρουσίου*), the project's website, (last accessed on 29 April 2016).

[753] 'Delete cyberbullying' (*Delete στον ηλεκτρονικό εκφοβισμό*), APHCA website, (last accessed on 29 April 2016).

	spaces: social spaces, the school and the house.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Internet Farm: it focuses on both the victim and the perpetrator. 2) Interactive educational tool against bullying: the tool was designed to be used by a group of students of secondary education, under the teacher's coordination, but it can also be used individually by a child. The tool covers all perspectives: the victim, the perpetrator as well as the bystanders. 3) Bullying Diaries: the documentary focuses mainly on victims, but also the perpetrator's side is presented. 4) Creation of a network of mutual help and troubleshooting: focuses on the victims and it refers solely to schools. 5) 'Delete cyberbullying' book: focuses on the victim as well as the perpetrator.
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	All abovementioned good practices are inclusive, involving children, teachers and parents.
Is there a clear definition of the objective and activities of the practices that you identified?	1) Internet Farm: aims to inform children teachers and parents about the benefits and risks of internet[754]. 2) Interactive educational tool against bullying: aims to raise awareness of the phenomenon and to present practical solutions. 3) Bullying Diaries: aim to educate and raise awareness on the extent of the bullying online and offline. 4) Creation of a network of mutual help and troubleshooting: older children inform and sensitize younger children towards the dangers of the internet. 5) 'Delete cyberbullying' book: aims to sensitize and educate on ways to tackle cyberbullying.
Are the practices transferrable to other contexts/Member States?	All abovementioned good practices could be transferred to other Member States although some may require some adaption to the socio-economical, culture and conditions of each country.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	1) Internet Farm: the practice has been awarded the prize as one of the twelve best practices of digital literacy in Europe[755]. 2) Interactive educational tool against bullying: 584 teachers and mental health specialists had expressed interest in implementing this tool. All teachers that have used it are satisfied with the programme[756]. 3) Bullying Diaries: the success of the documentary is proven by its 3,895 viewers on YouTube[757]. 4) Creation of a network of mutual help and troubleshooting: has been identified as good by the teachers that were responsible for it. 5) 'Delete cyberbullying' book: the book was shortlisted at the 2012's Children's Literature Awards organized by the Hellenic Ministry of Education, Research and Religious Affairs[758].

---

[754] 'The theatrical play Internet Farm in Northern Greece', (*Η θεατρική παράσταση Η Φάρμα του Διαδικτύου στην Βόρειο Ελλάδα*).
[755] 'The Internet Farm: A play for the safe online surfing of children', op. cit. note 748.
[756] ibid.
[757] 'Bullying Diaries', YouTube video, (11 January 2015).
[758] 'Delete cyberbullying' (*Delete στον ηλεκτρονικό εκφοβισμό*), APHCA website, (last accessed on 29 April 2016).

_____

COUNTRY REPORT FOR ITALY[759]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please include the source of the definition.	Cyberbullying is not defined in Italy by law. All consulted stakeholders highlighted the importance of clearly defining cyberbullying for prevention and tackling purposes[760]. According to scholars three elements are deemed necessary for the definition of cyberbullying[761]: a) intentional harm; b) repetition over time even in cases of one action spread to a large scale of audience through the internet; and c) power imbalance between victim and perpetrator. Additional criteria were proposed by academics[762] such as anonymity and publicity.
What are the differences/similarities between traditional bullying and cyberbullying?	Traditional bullying and cyberbullying consist of very similar behaviours but differ in the means used for carrying out the action[763] and in the impact they may have. In cyberbullying, electronic/digital means are involved. The distortion of the use of the net characterising cyberbullying can lead to profound damage to the child, which will hardly be forgotten[764]. In this respect, this type of behaviour, even if carried out only once, results in a more extensive scope of victimisation compared to traditional bullying[765].
What are the differences/similarities between cyberbullying and cyber-aggression?	There is no specific difference between cyberbullying and cyber-aggression. The notion of cyber-aggression is mainly referred to as online hate speech. This type of aggression is currently rising amongst children and refers to a broader concept than cyberbullying such as racism and hate crime. On the other hand, cyberbullying represents one of the many ways hate speech may occur (i.e. hate speech may or may not occur online)[766].
Who is more likely to be a victim of cyberbullying? (Please indicate information on age and sex of the victims.)	Two thirds of 810 children between 12-17 years old interviewed online in 2013 by IPSOS recognized that bullying and cyberbullying are the main threats at school[767]. According to this study, children said that cyberbullying occurred due to the following reasons: physical appearance (67% of the children, being shy (67%), being ugly (59%), being good at school (59%), assumed sexual orientation (56%), clothing or music taste (48%), being foreign (43%), disabilities (31%)[768]. In another study carried out in 2014, 5.9% (4.6% boys, 7.1% girls) of 100 interviewed children denounced cyberbullying actions[769]. With respect to the latter, girls were identified as the main victims[770].
Who is more likely to perpetrate cyberbullying? (Please indicate	A 2013 study on 5,042 children between 12-17 years old showed that 16.22% of the children admitted being a cyberbully[771]. Of the requests for support received by the helpline of Telefono Azzurro

---

[759] Prepared by Anna Di Pietro and Virginia Dalla Pozza.
[760] Information collected through consultation with national stakeholders on 3 March 2016 with representatives of the Italian NGO focused on children's rights, and with Academic of Cattolica University in Milan on 17 March 2016 with Member of the Italian Parliament.
[761] Nocentini, Camaestra et al. (2010), op. cit. note 82.
[762] ibid.
[763] Italian Ministry of Education and Research (2015), op. cit. note 98.
[764] Information collected through the transcription note of the presentation of the cyberbullying draft law to the Senate, *Atti Parlamentari, Senato della Repubblica*, No. 1261/2014.
[765] Nocentini, Camaestra et al. (2010), op. cit. note 82.
[766] Information collected through consultation with national stakeholders on 3 March 2016 with academic expert on cyberbullying.
[767] The Social Research Reputation Specialists Centre (IPSOS) for Save the Children, 'Safer Internet Day Study' report, (2013).
[768] ibid.
[769] National Institute for Statistics (*Istituto nazionale di statistica*, ISTAT), 2014 Statistics, (2014).
[770] The Social Research Reputation Specialists Centre (IPSOS) (2013), op. cit. note 767.
[771] Telefono Azzurro Helpline (2015), op. cit. note 165.

information on age and sex of perpetrators.)	over 2014-2015, the presumed perpetrators were recognized in 82.4% of the cases as known friends, 9.4% as adults, 5.9% as acquaintances, 3.5% as another child not known, 3.5% as the mother[772].With respect to the emotions perceived by the perpetrator of cyberbullying behaviour, 58% of the 810 children interviewed registered that it is a behaviour related to the feeling of being stronger than others[773].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	Cyberbullying differs by age and gender and by complexity and evolution of ICTs. Of the requests for support received by the helpline of Telefono Azzurro over 2014-2015, preteens were mostly requiring support on abuse of power between children (57.8%) and sexting (54.8%)[774]. A study conducted in 2015 of 600 children between 12 and 18 years old showed that sexting is recognized by 11% of children of 14-15 years old as a common form of interaction between children[775]. With respect to the age difference, it is noted that bullying and cyberbullying diminish with the growing up of children[776].
Does cyberbullying continue after the young person reaches the age of eighteen? Is it likely to increase or drop? Which forms does it take?	There is a lack of data on cyberbullying trends after the age of 18. However, amongst the requests for support received by the helpline of Telefono Azzurro over 2014-2015, 9.4% of presumed perpetrators were adults acting against children[777].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc)	Cyberbullying mostly occurs through social networks, internet, sms, mms, and emails[778].
2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Italy. However, a new draft law on cyberbullying sets forth various mechanisms for the protection against cyberbullying. This initiative regulates 'any form of pressure, aggression, harassment, blackmail, insult, denigration, defamation, identity theft, alteration, illegitimate taking, manipulation, illegal processing of personal data to the detriment of minors, made electronically'.
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	Traditional bullying is not a specific criminal offence in Italy.
If there is no a specific criminal offence on cyberbullying, under which legal framework is	Cyberbullying may fall within the legal framework of the following offences punished by the Criminal Code[779]: calumny (Article 368); substitution of identity (Article 494); instigation or help to suicide (Article 580); personal injuries (Article 582); defamation (Article

---

[772] ibid.

[773] Note presented by Hon. Ferrara at the presentation of the cyberbullying draft law to the Senate, *Atti Parlamentari, Senato della Repubblica*, N.1261/2014; Menesini, Nocentini, Palladino (2012), op. cit. note 81.

[774] Telefono Azzurro Helpline (2015), op. cit. note 165.

[775] Telefono Azzurro,'Time of web: children and parents online', op. cit. note 518.

[776] HBSC-Italia, 'Health Behaviour in School-aged Children' (*Comportamenti di salute dei ragazzi in eta' scolare*), (2010).

[777] Telefono Azzurro Helpline (2015), op. cit. note 165.

[778] Information collected through the transcription note presented by Hon. Beni at the presentation of the cyberbullying initiatives to the Joint Commissions at Parliament II and XII (*Commissioni Riunite II and XII*), (25 June 2015).

[779] Royal Decree (*Decreto regio*) 1398/1930, as last amended by Law 68/2015 and Law 69/2015.

cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking...) **Is cyberbullying punished as an aggravating circumstance?**	595), aggravated if the defamation is carried out in public or through the use of media; production, detention and selling of pornographic material concerning children (Articles 600-bis, ter, quater); violence in the private sphere (Article 610), aggravated if carried out by more people; threat (Article 612), aggravated if carried out by more people; stalking (Article 612-bis), aggravated if the stalking is carried out through informatics or telematics means; unauthorized access to information technologies or telecommunications system (Article 615-ter); extortion (Article 629); computer fraud (Article 640-ter), aggravated if occurred through the theft of the digital identity; harassment (Article 660). Cyberbullying may also fall under the Law on cyber-crime[780], the Law on instigation to discrimination[781]; the Privacy Code[782]. Different procedures and penalties apply if the perpetrator is a child. All offences against the individual may be aggravated if against a child and if such conduct is carried out in the surroundings of a school[783].
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please provide information on these legal initiatives.	Draft law on cyberbullying No. 1261 regulates cyberbullying as 'any form of pressure, aggression, harassment, blackmail, insult, denigration, defamation, identity theft, alteration, illegitimate taking, manipulation, illegal processing of personal data to the detriment of child, made electronically'. It also refers to the spread of online content concerning one or more members of the family of the child, with the intentional and predominant purpose of isolating a child or group of children (Article 1). Mechanisms provided are a) right to have personal information removed (Article 2); b) warning measures for the perpetrator (Article 6); c) establishment of an Advisory Board to draft a strategic plan to fight cyberbullying (Article 3) d) creation by the Ministry of Education of guidelines on cyberbullying at schools (Article 4), e) the introduction of 'red click' tool for reporting cyberbullying on an ad-hoc page.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying is not directly addressed by Civil Law. However, protection against cyberbullying activities may be granted through various articles of the Civil Code[784]. The victim of cyberbullying behaviours may claim compensation, reparation, or redress of the economic, moral, biological, existential damages[785]. Although not specifically referring to cyberbullying, the Civil Code[786] establishes the responsibility of parents, schools, and teachers in relation to education and supervision and for the damage caused by the child (*culpa in educando*) (Article 2048). In 2013, the Italian Ministry of Education and Research passed the 'Good School Law'[787], which indirectly puts higher responsibility on schools in relation to the detection and monitoring of bullying activities[788].

---

[780] Law 547/1993 on cybercrime (*Modificazioni ed integrazioni alle norme del codice penale e del codice di procedura penale in tema di criminalità informatica*).

[781] Law 205/1993 on instigation to discrimination (*Misure urgenti in materia di discriminazione razziale, etnica e religiosa*, also known as *Legge Mancino*).

[782] Legislative decree (*decreto legge*) 196/2003 on privacy and personal data (*Codice in Materia di Protezione dei Dati Personali*).

[783] Article 61 c.11-ter of the Criminal Code, as introduced by Law 94/2009 on public safety measures.

[784] Royal decree (*regio decreto*) 262/1942 as amended by Law 55/2015, 69/2015, Legislative Decree 81/2015, and Law 132/2015.

[785] Article 2043 of the Civil Code states that 'anyone who carried out a malicious or culpable act causing unjust damage shall pay compensation' (*qualunque fatto doloso o colposo che cagiona ad altri un danno ingiusto, obbliga colui che ha commesso il fatto a risarcire il danno*).

[786] Royal decree (*regio decreto*) 262/1942, op. cit. note 784.

[787] Law (*legge*) 128/2013 Urgency measures on education, university, and research (*misure urgenti in materia di istruzione, universita' e ricerca*).

[788] Although the law does not directly mention bullying or cyberbullying, the general reference to specific training (*approfondimenti disciplinari e didattici*) includes the necessity for teacher training to be conducted also in relation

Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	The consulted stakeholders[789] expressed the need for a strengthened collaboration with social media providers in order to detect cyberbullying behaviour. As a matter of fact, information on children's behaviour (e.g. a better understanding of the channels and forms used) would allow legislators and policy makers to formulate and implement ad hoc strategies to fight cyberbullying[790]. The new draft Law No. 1261, mentioned above, foresees the introduction of a self-regulatory code for the prevention and protection against cyberbullying which is addressed to social networks and other on-the-net providers (Article 3).

3 – Policy framework

Are there policies that target cyberbullying specifically?	The 2015 Guidelines for the prevention of bullying and cyberbullying[791] by the Ministry of Education aim at increasing the engagement of schools and parents in the fight against these phenomena. The 2014 Code of self-conduct against cyberbullying by the Ministry of Economics[792] requests providers of networking services to create mechanisms to signal cyberbullying in order to prevent and tackle its proliferation. Initiatives exist also at regional and local level, which if not coordinated risks of jeopardising the efforts of the initiatives themselves[793]. This situation has been improved after the Italian Ministry of Education and Research has taken the presidency and co-ordination of the 'Italian Safer Internet Centre' initiative.
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection…) which cover cyberbullying? How do they address cyberbullying?	Bullying is addressed by the Presidential Decree 249/1998[794] which strengthened the collaboration between schools and parents and introduced reparation and compensation measures in relation to bullying. According to it, a student can be expelled from school for not more than 15 days in case he/she has committed an offence or in case he/she poses a danger to other people. The 2008 Ministry of Education and Research Note No. 3602[795] further strengthened collaboration between parents and schools. In 2007 the Ministry of Education and Research published various policy documents such as: the Guidelines against bullying[796] establishing Permanent Regional Observatories on bullying (*osservatori regionali permanenti*) within the regional educational units with the aim to investigate and monitor bullying; an ad hoc website on bullying (www.smontailbullo.it); a national hotline (800669696); as well as a WhatsApp number (3471192936) to request help and/or advice. The Ministry of Education and Research also published the Note regulating the use of mobile phones at school[797] and the Ministerial Directive[798] which considered the collection, use, and dissemination

---

to these phenomena. This is further stated by Article 1, No. 7, letter l) of Law 107/2015 on the education system reform, which states that schools' priorities include the preventionand fight against bullying, including informatics.

[789] Information collected through consultation on 3 March 2016 with representatives of the Italian NGO focused on children's rights and with an academic of the Cattolica University in Milan and on 17 March 2016 with a Member of the Italian Parliament.

[790] Information collected through consultation with national stakeholders on 3 March 2016 with representatives of the Italian NGO focused on children's rights, and with an academic of Cattolica University in Milan.

[791] Italian Ministry of Education and Research (2015), op. cit. note 98.

[792] Code of self-conduct against cyberbullying (*Codice di autoregolamentazione per la prevenzione e il contrasto del cyberbullismo*).

[793] Information collected through consultation with national stakeholders on 3 March 2016 with an academic of Cattolica University in Milan.

[794] Presidential decree (d*ecreto del Presidente della Repubblica*) No. 249/1998, as amended by presidential decrees No. 235/2007 and No. 249/2009.

[795] Amending the Students' Statute (*modifiche apportate allo Statuto delle studentesse e degli studenti*).

[796] Ministerial decree (*decreto ministeriale*) on bullying No. 16/2007.

[797] Note by the MIUR (*nota legislativa*) No. 30/DIP/SEGR.

[798] Ministerial directive (*direttiva*) No. 104/2007.

_____

	of pictures, sounds/videos at school equivalent to the usage of personal data (*trattamento dei dati personali*). According to it if a student, teacher or any individual wishes to record/photograph inside schools' premises and share the material, he/she shall (i) inform the recorded person and (ii) obtain the consent of the recorded person by written means. Similarly, to the policies at the national level, some regions adopted initiatives[799], recommendations[800], and policies[801] on bullying at school.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	Cyberbullying policies are focused on both preventing and tackling such behaviour. The policies by the Italian Ministry of Education and Research put emphasis on peer involvement and school/parental involvement in this area.
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Although there is no specific competence of the child protection authorities on bullying and cyberbullying, these may be taken into account whenever there is a risk that a child may be harmed[802].
Is cyberbullying addressed by child protection policies? If yes, how?	Child protection policies do not specifically address cyberbullying. However, plans at national, regional and local level have been adopted with the aim of establishing support groups for victims of cyberbullying and their families. In 2015, the Italian Ministry of Education and Research established an ad hoc unit for the treatment of victims of cyberbullying at the Fatebene Fratelli Hospital in Milan. This Unit falls within the strategy of the Ministry of Education and Research which aims to draw a clearer picture of the phenomenon so as to develop better policies to prevent and tackle bullying and cyberbullying.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	The Advisory Board on cyberbullying set forth by the proposed draft law (expected to be adopted at the end of spring 2016) on cyberbullying will be composed of students' associations (*associazioni studentesche*)[803]. The main responsibility of this Board will be to draft an integrated strategic plan to fight cyberbullying (Article 3).
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on	Data on cyberbullying are available but they are not always distinguished from data on bullying. The collection of data covering both bullying and cyberbullying, without distinguishing between the

---

[799] *Friuli Venezia Giulia* regional government (*Consiglio Regionale*), Motion 173/2016, 'Fight against bullying through teachers and parents' training and support' (*Mozione 173/2016, Combattere il bullismo attraverso la formazione di docenti e genitori ed assistendo le vittime e le famiglie*), (2016).

[800] *Friuli Venezia Giulia* regional educational units (*ufficio scolastico regionale del Friuli Venezia Giulia*), Recommendations on bullying at school (*Raccomandazioni per il bullismo nelle scuole*), Circolare No. 78, Prot. No. 1117/C16, (2013).

[801] *Friuli Venezia Giulia*, Regional Portal for the prevention and fight against bullying', (last accessed on 10 May 2016).

[802] ibid.

[803] Draft Law on cyberbullying (*disegno di legge sul cucybrebullismo*) No. 1261, Article 1.

traditional bullying cover also cyberbullying?	two phenomena, has been criticized and there is now more attention to the importance of disaggregating data for the two[804]. Data on cyberbullying can be found under the following studies/authorities: - The 2016 Census survey of 1,727 deans of middle and high schools (*presidi di scuole medie e superiori*): the survey found that 77% of deans thought that the internet is the place where the majority of bullying is carried out by children. - The 2015 study by Telefono Azzurro on 600 children between 12-18 years old and 600 parents: this study showed the impact of new technologies on children's social behaviours. - The 2015 study by Telefono Azzurro provides a breakdown of the requests for help received by the helpline with respect to cyberbullying (6.8% of all 148 requests received in the period February 2015 – July 2015) and bullying (93.2%)[805]. - 2014 statistics by the National Institute for Statistics (*Istituto nazionale di statistica*, ISTAT) which show that more than 50% of 100 interviewed children between 11-17 years were victims of bullying in 2014[806]. - In 2015, the postal police recorded 228 cases referable to cyberbullying, such as, online defamations, digital identity thefts, production, detention and selling of pornographic material concerning children[807]. Amongst these criminal offences, 64 cases concerned children.
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data are often disaggregated according to sex and age of the victims and perpetrators. The 2014 statistics on bullying and cyberbullying by ISTAT (*Istituto nazionale di statistica*, ISTAT) showed that out of 100 interviewed children, 22.5% were victims between 11-13 years old, 17.9% between 14-17 years old. Overall, girls (20.9%) carried out more bullying behaviours than boys (18.8%)[808].
Is there data on how young people perceive cyberbullying? If yes, please provide details.	Data on how children perceive cyberbullying is available. Children taking part in surveys are often requested to respond to questions placing themselves as victims or perpetrators. This allows a more neutral understanding of the behaviours, without making the children feel uncomfortable or judged.
5- Data Collection practices	
Is data on cyberbullying collected at national/regional/local level?	Data on cyberbullying is collected at national, regional, and local levels by different authorities. At the national level, data on cyberbullying is mostly collected by the Italian Ministry of Education and Research through national statistics systems[809]. Regional and local health authorities also collect data on cyberbullying by ad hoc units on bullying (*osservatori regionali permanenti sul bullismo*). Ad hoc studies involving the collection of data are also carried out by academics.
If there is no such data, is	Data on traditional bullying is collected at national, regional, local,

---

[804] Wired, Chiusi, Frediani, 'It is not true that cyberbullying scares 70% of children' (*Non è vero che il cyberbullismo spaventa il 70% dei ragazzi*), (14 February 2014).

[805] Telefono Azzurro, 'Bullying Dossier' (*Dossier Bullismo*), (2015).

[806] Istituto nazionale di statistica (ISTAT), 'Il bullismo in italia: comportamenti offensivi e violenti tra i giovanissimi', (2014).

[807] Information collected through consultation with national stakeholders on 17 March 2016 with Member of the Italian Parliament. Data generally refer to online behaviours.

[808] Istituto nazionale di statistica (2014), op. cit. note 806.

[809] Such as the Social Research Specialists Centre (*Istituto di Ricerca*, IPSOS) and the National Institute for Statistics (*Istituto nazionale di statistica*, ISTAT).

there data on traditional bullying collected at national/regional/local level?	and individual level by different authorities (see previous section).
Which authorities collect data on cyberbullying (police, health, education sector…)?	Data on cyberbullying is mostly collected by the Italian Ministry of Education and Research through national statistics systems[810]. However, various other authorities' databases contain data pertinent to cyberbullying, including the postal police, the Ministry of Interior in relation to cyber-crimes, the Italian Ministry of Health, as well as regional and local health authorities with respect to depression, suicidal, etc.
If there is no specific data on cyberbullying, which authorities collect data on traditional bullying (police, health, education sector…)?	Data on traditional bullying is also collected by the same authorities mentioned for cyberbullying.
How often is data on cyberbullying or traditional bullying collected?	Data collection on cyberbullying by public authorities is not systematic. However, data tends to be collected on a yearly basis.
Is there a quality control system to ensure the quality of the data collected?	Currently there is not a specific quality control system to ensure the quality of the data collected. However, it shall be noted that agencies responsible for the collection of data are nationally recognized actors in the field of data and statistics.

6- Good practices	
Please identify good practices on how to prevent cyberbullying. (Please number the practices in order to distinguish them e.g. practice n. 1, n.2…)	1) Telefono Azzurro Helpline: is a national call centre and chat operative 24/7 that provides children and adults with a confidential, free and secure space to talk to a qualified professional about cyberbullying and online safety problems. Besides the helpline, it offers specialist support to those who are worried about a child's safety[811].
	2) Peer involvement: which is proven to be an effective method for fighting cyberbullying[812].A project applying this peer involvement approach is *Noncadiamointrappola*, carried out in the Lucca Province with the support of the University of Florence. The project, launched in 2009/2010, is designed to provide information and raise awareness on bullying/cyberbullying issues actively involving children from different schools. Specifically, children participate in face-to-face and online training on cyberbullying and traditional bullying. Then, they support other children in this respect.
	3) *Sicuri nella Rete:* is a project providing training to children, teachers and parents and promoting the responsible use of the internet in social media. This project includes various activities: the broadcasting of witnesses' interviews and movies related to cyberbullying for kids, parents and teachers; social media training for parents and teachers and workshops on the risks and legal consequences of certain behaviours.

---

[810] ibid.

[811] The categorisation of online harm for Telefono Azzurro relies on a definition of cyberbullying that does not include activities such as grooming, sexting, sextortion, online children pornography, privacy violation, and others. These are considered as *per se* behaviours, therefore are not included in the data specifically collected under cyberbullying. Information collected through consultation with national stakeholders on 3 March 2016 with representatives of the Italian NGO focused on children's rights.

[812] Menesini, Nocentini, Palladino(2012), op. cit. note 81.

Please identify good practices to prevent/tackle/combat cyberbullying	5) Tabby project under the 2007-2013 Daphne III programme: this project aims at growing children's capacities on the net protecting them from the risks of new technologies[813]. 6) Support groups: for families and victims of cyberbullying by public authorities.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Telefono Azzurro Helpline: provides support to both children and adults in general. 2) Peer involvement: within the *Noncadiamointrappola* project improves the linkages between schools and communities, involving educators and children. 3) *Sicuri nella Rete*: addressed to children, teachers, and parents.
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	The involvement of all relevant social groups is recognized as essential for the prevention and tackling of cyberbullying[814]. Good practices shall be considered inclusive as they include youth organisations, parents, teachers, schools and psychologists. However, the consulted stakeholders raised concerns on the need for better coordination among multiple initiatives currently in place across the country[815].
Is there a clear definition of the objective and activities of the practices that you identified?	1) Telefono Azzurro Helpline: provides a supportive line for children and adults. In severe cases, operators may request the intervention of public authorities. 2) *Noncadiamointrappola*: aims at enhancing knowledge on the use of the net, awareness, support between peers. 3) *Sicuri nella Rete*: aims at promoting the well-being of children and improvement of skills on the net.
Are the practices transferrable to other contexts/Member States?	All consulted stakeholders mentioned that practices on cyberbullying could easily be transferred across countries[816].
Is it possible to measure the positive impact of these practices? Please indicate elements that justify why the practice can be regarded as 'successful'.	1) Telefono Azzurro Helpline: received in the period 1 April – 31 December 2015 approximately 2,000 requests for help (1 in 3 on cyberbullying; 1 in 6 on sexting)[817]. 2) Peer involvement: reduced cyberbullying by 20-23% and victimisation by 20%[818]. The *Noncadiamointrappola* project contributed to diminish cyberbullying in the concerned schools thanks to peer involvement[819] of 10%[820].
General comments	The consulted stakeholders put forward the following recommendations to prevent/tackle cyberbullying[821]: No. 1: Introduction of a commonly accepted definition of cyberbullying. No. 2: Clarity of procedures to tackle cyberbullying behaviours. No. 3: Strengthening of the collaboration between the legislature

---

[813] Tabby Project, 'Manual on bullying for teachers', (2016).

[814] Information collected through consultation on 3 March 2016 with national stakeholders with representatives of the Italian NGO focused on children's rights, with an academic of Cattolica University in Milan and on 17 March 2016 with Member of the Italian Parliament.

[815] ibid.

[816] Information collected through consultation on March 2016 with national stakeholders on with representatives of the Italian NGO focused on children's rights.

[817] Telefono Azzurro,'Time of web: children and parents online', op. cit. note 518.

[818] Menesini, Nocentini, Palladino (2012), op. cit. note 81.

[819] Völlink, Dehue, McGuckin (2015), op. cit. note 74.

[820] 'Noncadiamointrappola against bullying' (*Noncadiamointrappola contro il bullismo*) post, Istituto degli Innocenti website, (17 October 2012).

[821] Information collected through consultation on 3 March 2016 with national stakeholders with representatives of the Italian NGO focused on children's rights, with an academic of Cattolica University in Milan and on 17 March 2016 with Member of the Italian Parliament.

	and social networks.
	No. 4: Continuous funding of the Safer Internet Centre[822] by the Government, with the possibility to include private investments.
	No. 5: Creation of a EU indicator/benchmark for the measurement of successful activities preventing and tackling bullying and cyberbullying.
	No. 6: Provision of ad hoc support for children from minority groups that are cyberbullied.

[822] This programme is co-funded under the EU Programme 'Better Internet for Kids programme'. It is coordinated by the Italian Ministry of Education and Culture. The Centre comprises awareness centres, helplines, hotlines and youth panels.

COUNTRY REPORT FOR THE NETHERLANDS[823]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in the Netherlands by law. The Youth Health Centre of the Netherlands defines cyberbullying as a form of traditional bullying (*Richtlijn: JGZ-richtlijn pesten*)[824], which requires the use of ICTs. Traditional bullying is defined as the situation in which children are bullied and are damaged deliberately and systematically by one or more peers by negative actions in which power is distributed unequally and the victim usually cannot defend himself/herself[825]. National legislation and policies do not use a definition of cyberbullying, but rather describe cyberbullying as an electronic version of traditional bullying.
What are the difference/similarities between traditional bullying and cyberbullying?	Discussions on the differences and similarities between traditional bullying and cyberbullying depend on the background of the researchers conducting the studies[826]. Cyberbullying is described as a form of traditional bullying[827]; one of the many online risks[828]; a combination with traditional bullying[829]. Cyberbullying differs from traditional bullying in the following aspects: lack of direct contact, possibility of staying anonymous, broad audience, difficulty to remove content[830].
What are the differences/similarities between cyberbullying and cyber-aggression?	Both cyberbullying and cyber-aggression require the existence of the imbalance of power between victim and perpetrator. They differ on the elements of repetition and intention. For cyber-aggression, repetition is not relevant as the aggressive act can be performed only once[831]. Cyber-aggressors intentionally try to hurt their victims.
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	Statistics carried out by the Central Bureau of Statistics, the national statistics authority of the Netherlands, showed that in a sample of 11.000 participants (37% response rate) within the age group of 15-18 years old, 16% of the girlsand 8% of the boys had been victims of online cyberbullying over the past 12 months[832]. Cyberbullying tends to decrease with age, as proven by the difference between the numbers of victims aged 18-21 years old (10% boys, 7% girls), and 21-25 years old (6% boys, 5% girls)[833]. Another study carried out in 2011 on 6,299 students between 8-17 years old found that 24.3% of the respondents had been a victim of one or more types of cyberbullying in the past three months[834]. The study showed that girls, mostly those attending lower pre-vocational education and descendants of immigrants, were more

[823] Prepared by Trijntje Vollink and Francine Dehue.
[824] 'Guideline: JGZ-guideline bullying', op. cit. note 97. The NCJ is the Dutch Youth Health Care Centre.
[825] Olweus (1993), op. cit. note 31.
[826] Menesini, Nocentini, Palladino, 'Cyberbullying' in Vollink, Dehue, Mc Guckin, (edn) *Cyberbullying: From theory to interventions. Current issues in social psychology*, (Routledge, 2016).
[827] Luyendijk, 'We change bullies into positive leaders' (*We maken positieve leiders van pesters*), NRC Next, (15 October 2013).
[828] Experts include Niels Baas and Remco Pijpers. Also refer to 'The online world is not scary, we just need to find the right way to talk about it' post, Cyberpesten de Baas website, (last accessed on 29 April 2016); 'Talk about cyberbullying' post, Mijnkindonline website; Livingstone, Kirwil, Ponte, Staksrud, 'In their own words: What bothers children online?', LSE Publishing, (2013).
[829] Wolke, Lereya, Tippett, 'Individual and social determinants of bullying and cyberbullying' in Vollink, Dehue, Mc Guckin, (edn) *Cyberbullying: From theory to interventions. Current issues in social psychology*, (Routledge, 2016).
[830] Dehue, Bolman, Völlink, Pouwelse, 'Cyberbullying and traditional bullying in relation with adolescents' perception of parenting', Journal of CyberTherapy & Rehabilitation, [2012] (5) 1, p. 25–34.
[831] Ybarra, Diener-West, Leaf, 'Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention', Journal of Adolescent Health, [2007] 41 (6), p. 42–50.
[832] Central Bureau of Statistics of the Netherlands website, (last accessed on 29 April 2016); Kloosterman, 'Women more bullied than men' (*Vrouwen meer gepest op internet dan mannen*), the Central Bureau of Statistics of the Netherlands website, (2015).
[833] Data available at the Central Bureau of Statistics of the Netherlands website, (last accessed on 29 April 2016).
[834] Kerstens, van Wilsem (2012), op. cit. note 505.

_____

	likely to report emotional harm. Victims of both forms of bullying behaviour feel less able to stop cyberbullying than to stop traditional bullying[835].
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	A study carried out in 2011 on 6,299 students between 8-17 years old found that 5% reported they had bullied online[836]. It also showed that two thirds of online bullies were also engaged in offline bullying, whereas one fifth of offline bullies were also bullies online. Only 1.4% of the respondents where engaged exclusively in cyberbullying. No differences between the sexes were found. For perpetrators of both offline and online bullying, the highest percentage was found in the 15-16 years' age group. In 2008 a cross-country study on the personality characteristics of victims and perpetrators of cyberbullying was conducted among 1033 Dutch-speaking children in Belgium and 253 Dutch children aged 10 to 16 years old in the Netherlands. The results of the study showed that the more children were dominant, narcissistic and less perseverant, the more they cyberbullied, and that no significant differences between Dutch speaking young people in Belgium and the Netherlands could be observed[837].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	Slander such as gossip or spreading humiliating pictures or videos, stalking, threats and blackmail were the most mentioned forms of cyberbullying for the 15-18-year-old age group[838].
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	The statistics carried out by the Central Bureau of Statistics of the Netherlands found that victimisation of cyberbullying decreases with age: in the 15-18 years old age group, 11.4% had been the victim of cyberbullying in the previous year; in the 18-25-year-old age group the percentage of victims dropped to 5%; and in the over 65-year-old age group, only 1% had been cyberbullied[839].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc.).	The most common channels used for cyberbullying are the internet, online social networks[840] and MSN[841]. Of all children aged between 8 and 15 years, 27% have engaged in name-calling at least once and 41% have been called names at least once via MSN.
2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in the Netherlands[842].
Is there a specific criminal	Traditional bullying is not a criminal offence in the Netherlands[843].

[835] Steffgen, Vandebosch, Völlink, Deboutte, Dehue, 'Cyberbullying in the Benelux countries: first findings and ways to address the problem' in Mora-Merchan, Jäger, (ed) *Cyberbullying: A cross-national comparison*, Verlag Empirische Pädagogik, (2011).
[836] Kerstens, Veenstra (2013), op. cit. note 505.
[837] Steffgen, Vandebosch, Völlink, Deboutte, Dehue (2011), op. cit. note 835.
[838] Dehue, Bolman, Völlink, Pouwelse (2012), op. cit. note 830.
[839] Dehue, Bolman, Völlink, Pouwelse(2012) op. cit. note 830.
[840] Kerstens, van Wilsem (2012), op. cit. note 505.
[841] Dehue, Bolman, Völlink, Pouwelse (2012) , op. cit. note 830.
[842] 'Country profile', the Fosigrid website, (last accessed on 29 April 2016).
[843] 'Guideline: JGZ-guideline bullying', op. cit. note 97; Olweus (1993), op. cit. note 31.

offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	
If there is no specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking…). **Is cyberbullying punished as an aggravating circumstance?**	Cyberbullying can be sanctioned under different criminal offences ruled by different Criminal Codes[844], such as virtual theft (Article 310), hacking an account (Article 138 ab), grooming (Article 248), indecent exposure (Article 239), destruction of computer data (Article 350a), insults (Article 261), threats (Article 285) and stalking (Article 285b). Children under 18 years old are not criminally punishable. Cyberbullying is not punished as an aggravated circumstance.
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	No legal initiatives aimed at criminalising cyberbullying could be identified during the desk research.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying could be sanctioned under Article of 19 and 21 of the Authors Law (e.g. placing indecent pictures online).
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	No soft law addressing cyberbullying could be identified during the desk research. Self-regulations by website providers provide a report button which can be installed as an icon on the computer and can be activated by children. A chat function to talk with an adult and a link to report an offence to the police are also available[845].
3 – Policy framework	
Are there policies that target cyberbullying specifically?	Until 2013 there were no national policies to prevent or combat bullying and cyberbullying. In 2013, the Ministry of Education, Culture and Sciences presented an Action Plan to combat bullying. The following actions were adopted on the basis of this plan: a) the obligation for all schools to implement an intervention programme in this field and b) the establishment of a Bullying Commission to evaluate existing anti-bullying programmes and their effectiveness. So far, the Commission received and evaluated 61 anti-bullying programmes, of which 13 were evaluated as promising[846]. In 2015, the Ministry launched a call to compare and evaluate the effectiveness of 10 of these 13 bullying programmes. The results of the evaluation study will be published within two years[847]. From that time schools will be obliged to implement programmes which have been proven to be effective. Although these 10 programmes are primarily focused on traditional bullying and social competence, cyberbullying was also indirectly considered.

[844] Stol, Strikwerda, 'Law Enforcement in Digital Society' (*Strafrechtspleging in een digitale samenleving*), Den Haag: Boom Lemma.

[845] 'Online help for victims with online negative experiences' post, Meldknop website, (last accessed on 29 April 2016).

[846] 'Guideline: JGZ-guideline bullying', op. cit. note 97; Olweus (1993), op. cit. note 31.

[847] 'Anti-bullying programs' (*Anti-pestprogramma's*) section, the NJI website; 'Effects anti-bullying programs' (*Effecten anti-pestprogramma's*) section, the NWO website, (last accessed on 29 April 2016).

_____

Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection...) which cover cyberbullying? How do they address cyberbullying?	Since 2006, preventing and combatting bullying and cyberbullying has been part of the school safety policy in accordance to which schools of primary and secondary education are required to draw up a plan for the safety and health of children[848]. Preventing and combatting bullying is part of the school safety policy to make the school a better place, more inclusive and tolerant to other ideas[849]. Within the context of bullying, schools can also address cyberbullying. In 2015, Article 4c for primary education and Article 3b for secondary education were added to the safety policy under the title 'Duty to provide safety in schools'[850]. These articles created an obligation on schools to combat and prevent bullying by: a) implementing a social security policy; b) appointing a contact person within the school where students and parents can report bullying, including cyberbullying, and who coordinates the bullying policy in the school and c) monitoring the social security and well-being of students.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	The Ministry of Education, Culture and Science aims to combat both cyberbullying and traditional bullying and stimulate an inclusive approach within schools whereby the whole staff, children and parents are involved. Policies mostly focus on helping victims of cyberbullying by preventing and tackling bullying and cyberbullying[851]. Policies do not focus on perpetrators.
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	The child protection system (*Jeugdzorg Nederland*) does not intervene in case of cyberbullying or traditional bullying, nor does the police, social services or any other authority. Schools are not obliged to report these incidents.
Is cyberbullying addressed by child protection policies? If yes, how?	Cyberbullying is not addressed by child protection policies.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	Children are not involved in the development and implementation of policies on cyberbullying or traditional bullying. Children may be involved in ad-hoc research projects (e.g. 'Stop the bully now' (*Pestkoppenstoppen*, for low level educated students aged 11-15)[852].
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying cover also cyberbullying?	Data and statistics on cyberbullying are collected by the Central Bureau of Statistics on a yearly basis on the entire population by order of the Ministry of Safety and Justice. The Bureau of Statistics also developed a Safety Monitor, a yearly questionnaire which measures safety and victimisation. The Safety Monitor includes questions on bullying and cyberbullying. The Bureau of Statistics

---

[848] School and safety website.
[849] Law 4c 'Duty to provide safety in school' (*Zorgplicht veiligheid op school*), Staatsblad 2015, No. 238.
[850] Ibid Law 3b.
[851] 'Safety at school', the website of the Dutch National Government, (last accessed on 29 April 2016).
[852] Jacobs, Vollink, Dehue, Lechner, 'Online Pestkoppenstoppen: systematic and theory-based development of a web-based tailored intervention for adolescent cyberbully victims to combat and prevent cyberbullying', BMC Public Health, [2014] 14 (1), p. 396.

	issues information material on cyberbullying based on the data collected through the Safety Monitor[853]. Data collected by the Safety Monitor is freely available. Data and statistics on traditional bullying and cyberbullying are also collected on a yearly basis by the Institute of Applied Sociology of the Radboud University in Nijmegen[854]. Primary and secondary schools can monitor the prevalence of bullying and cyberbullying and the effects of their safety policy by completing a questionnaire. Data collected by the Radboud University are not publicly accessible. In 2006 two large scale studies[855] on the prevalence and forms of cyberbullying in the Netherlands appeared followed by a third study in 2007[856]. These three studies revealed that among youngsters aged between 10 and 19 years old, 4% to 16% had cyberbullied others and 3% to 25% had been bullied via the internet or by mobile phone[857].
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data on cyberbullying are usually disaggregated by age and sex of victims/perpetrators. A study found that 43% of the 608 Dutch children (aged 12-16 years) interviewed had either experienced something unpleasant online or knew someone who had[858].The Safety Monitor examines the prevalence of victims of cyberbullying among the national population of 15 years and older. In a sample of 11.000 participants (37% response rate) within the 15-18-year age group it was found that 15% of the girls and 8% of the boys had been victimized online over the past 12 months. In the same study it was found that cyberbullying decreases with age: within the age group of 18-21 respectively 10% and 7% and within the age group of 21 to 25 respectively 6% and 5%. The Safety Monitor does not provide information on perpetrators.
Is there data on how young people perceive cyberbullying? If yes, please provide details.	No data on how children perceive cyberbullying could be identified during the desk research.
5- Data Collection practices	
Are data on cyberbullying collected at national/regional/local level?	Data on cyberbullying are collected every year at national level through the national Safety Monitor by the Ministry of Education, Culture and Science[40]. According to the results of the desk research, data arenot collected at regional or local level.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	Data on bullying are collected every year at national level through the national Safety Monitor by the Ministry of Education, Culture and Science[40].

---

[853] 'Guideline: JGZ-guideline bullying',op. cit. note 97.

[854] 'Safety monitor' section, Central Bureau of Statistics of the Netherlands, (last accessed on 29 April 2016).

[855] Dehue, F., Bolman, C., & Völlink, T. (2006). Cyberbullying: youngsters' experiences and parental perception. Cyberpsychology & Behavior, 11 (2), 217-223; Eijnden, R., van den, Verhulst, A., Rooy, T., van, & Meerkerk, G.J. (2006). Factsheet : Monitor internet and youngsters : cyberbullying and psychosocial well-being of young people (*Factsheet: Monitor internet en jongeren: pesten op internet en het psychosociale welbevinden van jongeren*), Rotterdam, Nederland: IVO.

[856] Duimel, M., & De Haan, J. (2007). New links in the family: the digital world of teenagers and the role of their parents *(Nieuwe links in het gezin: de digitale leefwereld van tieners en de rol van hun ouders)*, Den Haag: Sociaal Cultureel Planbureau.

[857] Steffgen, Vandebosch, Völlink, Deboutte, Dehue (2011), op. cit. note 837.

[858] Security Monitor (2016), op. cit. note 307.

_____

Which authorities do collect data on cyberbullying (police, health, education sector…)?	Data on cyberbullying is collected by the Central Bureau of Statistics (CBS)[859] and the Ministry of Education, Culture and Science[860].
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector…)?	Please, see section above.
How often are data on cyberbullying or traditional bullying collected?	Data on traditional bullying and cyberbullying are collected on a yearly basis by the Central Bureau of Statistics (CBS) and the national Safety Monitor by the Ministry of Education, Culture and Science[861].
Is there a quality control system to ensure the quality of the data collected?	The quality of data collected by the Bureau of Statistics is ensured through pre-tests aimed to assess the reliability and validity of questionnaires.

6- Good practices	
Please, identify good practices on how to prevent cyberbullying. (please number the practices in order to distinguish them e.g. practice n. 1, n.2…)	1) Digital Skills & Safety programme: is aimed at teaching safe online behaviour. The programme contains different sections on digital safety and is available online[862]. The initiative is supported by a range of stakeholders from the government, industry and other organisations, including IBM and the European Commission. 2) Various programmes/websites: providing information on the safe use of the internet, prevention and combatting of cyberbullying such as: Digi aware: the Dutch Safer Internet Centre is dedicated to informing the public about the safe use of computers and the internet[863]. Knowledge net: is a no profit organisation, which supports Dutch schools and other educational institutions in the effective use of ICT with information about a range of topics such as basic computing, safe online behaviour, media literacy and prevention of bullying and cyberbullying[864]. Media Guide: focuses on media literacy and includes sections on internet safety, netiquette (network etiquette), cyberbullying and other safety topics[865]. My Child Online: this website supports parents in educating their children in the safe use of the Internet[866].
Please, identify good practices to prevent/tackle/combat cyberbullying	3) KiVa is an anti-bullying programme developed in Finland and implemented also in the Netherlands[867], in almost 100 schools[868]. It is a whole-school intervention aimed at creating a positive atmosphere, and improving social safety and the well-being of students. The whole school staff, children and parents are involved. Each group is given ten KiVa lessons on topics such as peer pressure, communication, respect and identifying, resolving and preventing bullying. There are no lessons on cyberbullying and

[859] Central Bureau of Statistics of the Netherlands website, (last accessed on 29 April 2016).
[860] School and safety website, (last accessed on 29 April 2016).
[861] Security Monitor (2016), op. cit. note 307.
[862] 'Safe online: online bullying' post, Veiliginternetten website, (last accessed on 29 April 2016).
[863] Digi aware website, (last accessed on 29 April 2016).
[864] Knowledge net website, (last accessed on 29 April 2016).
[865] Media Guide website, (last accessed on 29 April 2016).
[866] My child online (*Mijn Kind Online*) website, (last accessed on 29 April 2016).
[867] Salmivalli, Karna, Poskiparta, (2010), op. cit. note 21.
[868] Veenstra, 'The KiVa Anti-Bullying Program in the Netherlands', KiVa Programme, (31 March 2015).

internet safety, since these themes are perceived as part of peer pressure, communication etc. In addition, curative interventions are practised to address bullying incidents by the KiVa team of a school. Every six months, questionnaires among students investigate whether the amount of bullying decreased and the well-being of the students increased. To apply KiVa, teachers receive a two-day training course. Twice a year KiVa teams from different schools come together to exchange experiences and contribute to improving the KiVa programme. Kiva materials include a manual for teachers with materials for lessons, guides for parents and posters for the schools.

4) Inclusion of a report button - Meldknop.nl: was launched by the Safer Internet Centre[869] as part of the country's efforts to improve the safety of internet users on the occasion of the 2012 Safer Internet Day. It provides advice to children and parents on a range of topics such as cyberbullying, hacking and other online crime[870].

5) Child Helpline: supports children when they need help, feel lonely, depressed, have suicidal thoughts etc[871].

Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	All the above mentioned good practices focus on victims, perpetrators and bystanders. They also include specific social groups such as teachers, parents, and the industry
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	Children, parents, teachers, and the industry are often involved in the above mentioned good practices, which are therefore inclusive.
Is there a clear definition of the objective and activities of the practices that you identified?	All practices have a clear definition of the objectives and activities, which is mostly the protection of young children, their wellbeing and safety. For instance, the objective of KiVa is to create a positive atmosphere and improve the well-being of students by means of lessons, discussions, exercises, role-playing and group tasks[872].
Are the practices transferrable to other contexts/Member States?	All practices are transferrable to other Member States. The methods used in the KiVa programme such as group discussions, role playing etc. are transferrable to schools of other Member States.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	All the mentioned good practices had positive impacts, due to their ability to concretely cope with cyberbullying situations. In particular, the KiVa programme proved its effectiveness in various studies, which mostly focused on the evidence-based indicators of the programme. Research showed a decrease in bullying in the KiVa schools, particularly in relation to indirect forms of verbal and relational victimisation, and a small decrease in cyberbullying[873].

---

[869] The Centre is co-funded under the EU Programme 'Better Internet for Kids programme'. Its members include NGOs, private partners, the Ministry of Education, the Ministry of Social Welfare etc. The Centres comprise awareness centres, helplines, hotlines and youth panels.

[870] Report button website, (last accessed on 29 April 2016).

[871] Child phone website, (last accessed on 29 April 2016).

[872] Salmivalli, Karna, Poskiparta, ', (2010), op. cit. note 21.

[873] Veenstra, 'Group dynamics between young people: bullying and other problem behavior' (*Groepsprocessen bij jongeren: over pesten en ander probleemgedrag*), Kind En Adolescent, [2014] (2), p. 86–99.

_____

	KiVa also requires constant monitoring of the situation in each school and this produces annual feedback for each school about their implementation of the programme as well as the outcomes obtained.
General comments	Only since 2013 have cyberbullying and traditional bullying received the attention of the Dutch government. Since then, grants are provided by the Dutch government to systematically develop and evaluate such programmes. Schools are obliged to implement an anti-bullying programme but are free to select which programme they choose. However, they are obliged to monitor the effects of the implementation of the interventions on an annual basis. The Safety Monitor is an instrument that can be used by schools to monitor improvements concerning school safety. Therefore, some programmes are selected as promising. These promising programmes are currently being investigated on effectiveness.

COUNTRY REPORT FOR POLAND[874]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in Poland by law. The most prevalent term in use is '*cyberprzemoc*' which means cyber-violence and has a broader meaning than cyberbullying. Definitions of cyberbullying can be found in ad-hoc publications such as teachers' guidelines by NGO's but are not very consistent[875]. One of the most widely used handbooks for professionals defines cyberbullying as 'abusing, threatening or blackmailing using the internet, publishing or sending out disgracing pieces of information, pictures and films as well as stealing someone's online identity (pretending to be that person)'[876].
What are the difference/similarities between traditional bullying and cyberbullying?	Traditional bullying and cyberbullying have many similarities. Many researchers applied to cyberbullying the classic definition of traditional bullying based on three criteria[877]: a) frequency; b) imbalance of power between victim and perpetrator and c) negative hostile intention of perpetrators. These criteria may not be adequate for online situations[878], as a single act may cause sever harm, and imbalance of power may have different underlying mechanisms in online and offline contexts. Some researchers suggest adding some new criteria such as anonymity. New criteria should take into account the important role of psychological mechanisms such as disinhibition that can be present in computer mediated communication[879].
What are the differences/similarities between cyberbullying and cyber-aggression?	Cyber-aggression or electronic aggression (*agresja elektroniczna*) is typically used to cover all situations concerning hostile acts via the internet or using other forms of computer mediated communication. These terms cover different contexts (e.g. hate speech on a racial basis)[880]. Cyberbullying refers to the peer context (mostly within the traditional school environment) and refers to those acts of cyber-aggression among children[881].
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	The findings from the External Evaluation of Schools frame conducted from 2013 to date confirm that cyberbullying victimization is more widespread in middle school (*gymnasium*) than in primary school and high school[882]. No gender differences were observed by the study.
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex	As with the victims, the greatest proportion of cyberbullies is of middle school (gymnasium) age. Cyberbullying perpetrators often engage in other risk behaviours (i.e. both online and offline). For example, perpetrators often engage in substance misuse (both

[874] Prepared by Jacek Pyzalski.

[875] Pyżalski (2012), op. Cit. Note 453; Pyżalski, 'Electronic aggression among children and adolescents – different dimensions of a phenomenon '(*Agresja elektroniczna dzieci i młodzieży – różne wymiary zjawiska*) Kwartalnik Dziecko Krzywdzone, Teoria, badania, praktyka, [2008] 26, p. 1-16.

[876] Wojtasik 'How to react against cyberbullying?' A handbook for schools (*Jak reagować na cyberprzemoc. Poradnik dla szkół*) (2nd edn, 2012).

[877] Olweus, '*Aggression in the schools. Bullies and whipping boys*' (1st edn, Hemisphere Press, Washington, DC, 1978).

[878] This is particularly noted in the research data from qualitative studies. See Dooley. Pyżalski, Cross, 'Cyberbullying versus face-to-face bullying: A theoretical and conceptual review' Journal of Psychology/Zeitschrift fuer Psychologie, [2009] 217, p. 182-188.

[879] Pyżalski, 'Electronic aggression among adolescents: An old house with a new facade (or even a number of houses)', in Hällgren, Dunkels, Frånberg (ed) *Youth culture and net culture: Online social practices* (1st edn, 2011).

[880] The detailed typology of electronic aggression is described in the publication: Pyżalski, 'Beyond peer cyberbullying – involvement of Polish adolescents in different kinds of electronic aggression', Studia Edukacyjne [2015] 28, p. 147-167.

[881] Pyżalski, 'From cyberbullying to electronic aggression: typology of the phenomenon', Emotional and Behavioural Difficulties, [2012] 14, p. 305–317.

[882] Kołodziejczyk, Walczak (2015), op. cit. note 162.

of perpetrators)?	legal and illegal substances), as well as in traditional bullying[883].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	No specific information on the forms of cyberbullying according to age could be identified through desk research. The majority of cyberbullying acts experienced by children between 15-18 years old are: unpleasant comments on forums, unpleasant comments on social networking sites, unpleasant short messages and stealing personal secrets/information from online instruments (e.g. e-mail box)[884].
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	No specific information on cyberbullying among young adults could be identified through desk research. However, studies suggest that after middle school (i.e. students from 12 to 15 years old) the level of cyberbullying perpetration and victimization tends to decline[885].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc.).	Channels used for cyberbullying are complicated to define due to the fast changes in popularity of communication instruments. The majority of cyberbullying acts are conducted through simple tools that do not require high ICT expertise such as sending unpleasant messages or publishing nasty comments.

2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Poland[886].
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	There is no specific criminal offence against traditional bullying in Poland[887]. Young people up to 17 years old may be taken to juvenile courts in severe cases of traditional bullying, in accordance with provisions of the Criminal Code[888]. In these situations, they might be accused of punishing beating (Article 158), verbal abuse (Article 216), or provisions under the Act of Juvenile Proceedings[889]. Perpetrators may be sentenced to correctional and educational measures that may be imposed until they turn 21 years old.
If there is no specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as	Cyberbullying may be punished under the following offences punished by the Criminal Code[890]: insult (Article 212); defamation (Article 216); secrecy of correspondence (Article 267); offences against information systems and other computer-related crimes, such as breaking into information systems and getting illegal access to data or changing the data (Article 268a); threat (Articles 190 and 191); stalking (Article 190a); displays of obscene advertisements; and inscription or picture (Article 141).

---

[883] Tomczyk, Kopecky, 'Children and youth safety on the internet: Experiences from the Czech Republic and Poland', Telematics and Informatics [2015] 33, p. 822-833; Pyżalski (2012), op. cit. note 453.

[884] Pyżalski (2012), op. cit. note 453.

[885] Kołodziejczyk, Walczak (2015), op. cit. note 162.

[886] Podlewska, Weronika Sobierajska, 'Legal protection of children against violence. Experiences of Helpline.org.pl' (*Prawna ochrona dzieci przed cyberprzemocą. Analiza przepisów prawnych. Doświadczenia Helpline.org.pl*) in Wojtasik (ed) *Jak reagować na cyberprzemoc. Poradnik dla szkół* (2nd edn, 2012).

[887] ibid.

[888] Law 'The Criminal Code' (*Kodeks karny*), Dziennik Ustaw [Journal of Laws] 1997 No. 88, item 553, as amended.

[889] Law 'Act of Juvenile Proceedings' (*Ustawa o postępowaniu w sprawach nieletnich*), Dziennik Ustaw [Journal of Laws] 1982 No. 35, item 228, as amended.

[890] Law 'The Criminal Code', op. cit. note 888.

threats, slander, harassment, stalking...). Is cyberbullying punished as an aggravating circumstance?	Cyberbullying can also be punished under the Violations Code[891] on the use of obscene language and the publication of obscene materials. Cyberbullying is not formally treated as an aggravating circumstance. Proceedings against children are carried out in accordance with the Act on Juvenile Proceedings[892].
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	The idea of criminalising cyber-aggression is present at both political and public level. However, it refers mostly to hate speech and not to cyberbullying which is perceived as a peer aggression among children and not as an offence to criminalize.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying could be addressed under the Civil Code[893], specifically the protection of personal interests, including the right to image, name, secrecy of correspondence etc., as well as the right to sue someone to stop behaviours breaching those articles, or request compensation (Articles 23 and Article 24). In cases when a child is victimized, all legal proceedings are initiated/conducted by his/her parents or legal guardians.
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	Cyberbullying is addressed by media regulations on cyber-aggression, which set the obligation for users to register and the possibility of blocking aggressive users. Schools and other educational institutions often regulate cyberbullying issues in their own media (e.g. school forum), or in codes of conduct for students[894].

3 – Policy framework	
Are there policies that target cyberbullying specifically?	The ongoing policy of the Polish Government 'Safe+' (*Bezpieczna +*) focuses on internet safety and prevention of threats such as cyberbullying, as one of its priorities (Policy Aim No. 1)[895]. The policy aims to improve the skills of school personnel, students and parents in the field of cyber-safety through the development of school staff competences so they are able to react to incidents. It also aims to develop the media skills of students, parents and teachers so they can cope with online threats. Cyberbullying is considered as one of the most important threats.
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection...) which cover cyberbullying? How do they address cyberbullying?	In many schools, prevention policies on bullying and cyberbullying are considered together as 'two sides of the coin'. All educational and prevention measures are focused on both aspects of peer violence[896].
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on	The Safe+[897] policy focuses on both prevention and early intervention on cyberbullying and other online threats. It recommends the elaboration of standards of digital safety at schools as well as preparation of educational measures for all stakeholders (teachers, parents, and children) including an internet

---

[891] Law 'The Violations Code' (*Kodeks wykroczeń*), Dziennik Ustaw [Journal of Laws] 1971 No. 12, item 114, as amended.
[892] Law 'Act of Juvenile Proceedings, Dziennik Ustaw [Journal of Laws] 1982 No. 35, item 228, as amended.
[893] Law 'The Civil Code' (*Kodeks cywilny*), Dziennik Ustaw [Journal of Laws] 1964 No. 16, item 93, as amended.
[894] Pyżalski (2012), op. cit. note 453.
[895] Annex to Law 89/2015 'Resolution of the Council of Ministers Government Programme of support in years 2015-2018 for school authorities in the field of safe environment for learning, socialisation and education-Safe+' (*Rządowy program wspomagania w latach 2015–2018 organów prowadzących szkoły w zapewnieniu bezpiecznych warunków nauki, wychowania i opieki w szkołach – Bezpieczna+*).
[896] Pyżalski (2012), op. cit. note 453.
[897] Annex to Law 89/2015, op. cit. note 897.

protecting victims versus punishing perpetrators or the other way around?	portal profiled for different groups of users named 'Protect Children' (*Chrońmy Dzieci*)[898]. The portal is a source of information for schools that implement good practices on child protection. This policy is now implemented at both central and regional level.
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Traditional bullying and cyberbullying are not specifically addressed by the child protection system.
Is cyberbullying addressed by child protection policies? If yes, how?	Protection against cyberbullying is ensured by the general principles contained in the Polish Constitution (Article 47) on the protection of private and family life and dignity[899], as well as by the UN Convention on the Rights of the Child (Articles 8.19)[900].
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	There is no systematic involvement of young people in developing and implementing policies on cyberbullying. However, policies are usually based on research, also of a qualitative kind which requires the direct involvement of children (e.g. surveys).
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying also cover cyberbullying?	Data on cyberbullying come from different sources and rely on different methodologies. A survey on 2,143 students aged 15 years old[901] registered cyberbullying victimisation at 12.7% and perpetration at 25.6%. Interesting data on children with special needs have been provided by another study[902] which showed that of the 100 interviewed children aged between 15-18 years with an intellectual disability, 20% have been perpetrators of cyberbullying and fewer have been victims (15%). Data collected on 63,000 students from gymnasiums, primary and secondary schools, showed that cyberbullying victimisation has been experienced by 5.3% of children below 18 years of age (three or more times the number of the previous school year)[903]. It was less frequent in comparison to verbal bullying (21.9%) and exclusion (8.5%), but more frequent than severe physical bullying (3.1%). The 2012 EU Kids Online research on 1,034 Polish children revealed that 19% of children have been bullied and 6% have been bullied on internet (31% of all bullied children). 66% of children bullied online felt that they were bothered by this experience, and 51% report that the negative emotions lasted for several days or a longer time[904]. The Mokotów study conducted from 1984 till 2009 on 1,244 children showed that 42-44% of children between 15-18 years old were

[898] Portal Protect Children (*Chrońmy Dzieci*) website, (last accessed on 29 April 2016).
[899] Law 'Constitution of the Republic of Poland' (*Konstytucja Rzeczpospolitej Polskiej*), Dziennik Ustaw [Journal of Laws] 1991 No. 78, item 483.
[900] Law 'United Nations Convention on the Rights of the Child' (*Konwencja o prawach dziecka*), Dziennik Ustaw [Journal of Laws] 1991 No. 120, item 526.
[901] Pyżalski (2012), op. cit. note 453.
[902] Plichta (2015), p. 109-132, op. cit. note 308.
[903] The External Evaluation of Schools of Education Evaluation System relies on the Pedagogical Superintendence frame, a system of methodological evaluation of schools and other educational institutions. The system uses various methodological approaches such as qualitative research as well as online surveys to evaluate schools. The aggregated research data may be downloaded by scientists and other authorized persons from the platform http://www.seo2.npseo.pl/seo_stats. Until now 25,285 school evaluations have been completed. The survey questions concerning cyberbullying were added in 2012 for primary schools and in 2015 for middle school and high schools (*gymnasium*). The questions only covered the aspect of victimisation.
[904] Kirwil, 'Poland' in Haddon, Livingstone (2012), op. cit. note 300.

	victims of peer violence with almost 15% being cyberbullying[905].
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data show ambiguous results concerning gender differences in cyberbullying. According to a study[906], girls become victims of cyberbullying more often than boys (14.3% girls compared to 10.6% boys). However, they become perpetrators less often than boys (22.9% in comparison to 27.4 % boys). More significant differences are observed within traditional bullying. Some forms of traditional bullying are typically more prevalent among boys (physical and verbal) and others among girls (relational)[907].
Is there data on how young people perceive cyberbullying? If yes, please provide details.	Children perceive cyberbullying as relatively less severe than traditional bullying. 95% of 573 children aged 13-15 years old perceive cyberbullying behaviours as not acceptable and should be banned[908].
5- Data Collection practices	
Are data on cyberbullying collected at national/regional/local level?	Since 2013, national data on cyberbullying and traditional bullying are collected within the External Evaluation of the School frame. Data are also included under the EU Kids Online programme[909]. Regions or municipalities conduct local research on bullying, often including cyberbullying.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	N/A
Which authorities do collect data on cyberbullying (police, health, education sector…)?	Aggregated statistics by the police and the juvenile system take into account other offences which may cover cyberbullying.
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector…)?	Data on cyberbullying, along with data on traditional bullying have been collected within the External Evaluation of the School system[910]. Data on offences by young people, also covering cyberbullying acts, are collected by the police (see previous section).
How often are data on cyberbullying or traditional bullying collected?	Data on cyberbullying is not collected nor regularly nor systematically. Data are collected under different projects and by different institutions. The different types of measurement of cyberbullying make it difficult to compare data collected under different studies.
Is there a quality control system to ensure the quality of the data collected?	The quality of data collected within the research grant frame of the Ministry of Higher Education is controlled through different methods, such as the double-blind methodology. Quality control measures positively affect the quality of the data collected and the

[905] Ostaszewski, Bobrowski, Borucka, Cybulska, Kocoń, Okulicz-Kozaryn, Pisarska, 'Technical report: Monitoring risk behaviours in youth. Mokotów study' *(Raport techniczny z realizacji projektu badawczego pn. Monitorowanie zachowań ryzykownych młodzieży. Badania mokotowskie)*, Instytut Psychiatrii i Neurologii, Warszawa, (2009).
[906] Pyżalski (2012), op. cit. note 453.
[907] Ostaszewski, Bobrowski et al. (2009), op. cit. note 905.
[908] Knol, 'World without rules? - norms online'(*Świat bez zasad? – normatywność online*) in: Pyżalski (ed) *Cyberbullying – zjawisko, konteksty, przeciwdziałanie* (1st edn, 2012).
[909] EU Kids Online (2014), op. cit. note 6.
[910] The External Evaluation of Schools is a system of methodological evaluation of schools and other educational institutions, led by Polish Ministry of Education together with the Jagiellonian University and few external companies. It uses qualitative research and online surveys to evaluate schools. As of 1 April 2016, 25,285 school evaluations have been completed. Survey questions concerning cyberbullying are included in the evaluation, mostly covering the victimization aspect of cyberbullying.

	instruments used.

6- Good practices	
Please, identify good practices on how to prevent cyberbullying. (please number the practices in order to distinguish them e.g. practice n. 1, n.2…)	1) 'Where is Mimi?': anti-cyberbullying educational materials produced by Nobody's Children Foundation (*Fundacja Dzieci Niczyje*)[911]. The practice includes: a) an educational film (18 min.), for students aged 10-13 years old; b) a lesson scenario for students aged 10-13 years old; and c) an e-learning course for students aged 10-13 years old. 2) Film workshops on cyberbullying by children 'Filming in Cieszyn' (*Kręci się w Cieszynie*)[912]supported by the Social Welfare Centre (*Miejski Ośrdek Pomocy Społecznej*), a city welfare institution in Cieszyn, and the Cieszyn National House (*Cieszyński Dom Narodowy*), a cultural centre. The film workshops show internet threats from the perspective of children. They were used as awareness raising material for children. The practice included the following stages and activities: preparation of films on cyberbullying by stimulating the creativity of children (8 young volunteers aged 13-16); creation of a screenplay on cyberbullying for educational purposes; creation of the Facebook profile 'Filming in Cieszyn' for the exchange of information; dissemination of the project results in the local media and websites of the project partners; organisation of a closing conference promoting the project; dissemination of the film copies. 3) 'Safety here and there e-learning course' for parents, caretakers and educators about online threats concerning children, provided by the Orange Foundation[913]. The course consists of five components, one of which is on cyberbullying and online relations'[914]. The latter includes[915]: awareness material such as a movie and animations and access to different online educational materials about cyberbullying. The course allows online consultation on cyberbullying with the possibility of asking questions to the Foundation's expert through an online form. The answers are sent by email directly to the user. The course presents what cyberbullying is, explains its reasons, and describes symptoms and mechanisms to tackle it.
Please, identify good practices to prevent/tackle/combat cyberbullying	Please, see previous section.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers…)?	1) 'Where is Mimi?': materials show various aspects of cyberbullying from the perspective of the victim, bystanders and perpetrators. They also give children an opportunity to learn how to deal with such situations. 2) Film workshops on cyberbullying by children 'Filming in Cieszyn': the project was a grass root initiative of children who had a great impact on the project content. The main beneficiaries of the project were children of a similar age to those directly involved. Participants decided that both a victim and a perpetrator perspective should be included in the activities. Participants were

	particularly interested in the perspective of the perpetrator (his/her motives/emotions/coping strategies). Many of them highlighted that due to the technological means used everyone may become a victim or a perpetrator. Cyberbullying may appear as a purposeful act but may also be an activity undertaken without negative intentions (e.g. to make a joke). Children also mentioned the fact that many perpetrators may be unaware of the legal consequences of cyberbullying acts. 3) 'Safety here and there e-learning course': the practice is intended for parents, guardians and educators and it focuses on victimisation. Additionally, it underlines responsibilities of parents and teachers. The course shows how to diagnose and tackle cyberbullying problems and highlights mechanisms of cyberbullying.
Are the identified practices inclusive (do they involve children and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	All identified practices are inclusive. 1) 'Where is Mimi?': children were involved at in writing and designing the film scenario. The ideas were based on real incidents reported to the helpline run by Nobody's Children Foundation[916] in the framework of the Polish Safer Internet Centre[917]. 2) Film workshops on cyberbullying by children 'Filming in Cieszyn': eight children aged 13-16 (three girls, five boys) were selected to take part in the project. Additionally, some adult professionals were engaged such as a psychologist, a film editor and a supporting professional from the Cieszyn National House (*Cieszyński Dom Narodowy*). 3) 'Safety here and there e-learning course': the course is a free online tool available to any adult internet user. The course is adapted for the needs of visually and hearing impaired persons. The content of the e-learning course can be easily enriched with up-to-date materials on internet issues and dangers.
Is there a clear definition of the objective and activities of the practices that you identified?	1) 'Where is Mimi?': aims to familiarize students with different aspects of cyberbullying; present the consequences of abusive behaviours; encourage bystanders to respond to peer violence; present possible responses; promote the use of a helpline. 2) 'Film workshops on cyberbullying by children 'Filming in Cieszyn': aim to raise awareness among children on cyberbullying. 3) 'Safety here and there e-learning course': aims to educate parents and guardians on how to prevent and tackle cyberbullying among children.
Are the practices transferrable to other contexts/Member States?	1) 'Where is Mimi?': is transferrable to other contexts. The film and lesson scenario exist in Polish and English. 2) 'Film workshops on cyberbullying by children 'Filming in Cieszyn': may be replicated and applied to different age groups and national contexts. 3) 'Safety here and there e-learning course': can be translated and adapted to specific contexts.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	1) 'Where is Mimi?': the success of the materials can be measured by their wide use since their release in 2013. The film was viewed online by more than 20,000 people and downloaded by more than 2,700. The lesson scenario was downloaded more than 2,000 times. The e-learning course has been completed by more than 19,000 users. Moreover, the e-learning platform has a module where users can evaluate the course. 2) 'Film workshops on cyberbullying by children 'Filming in

---

[916] Educational platform for professionals (Protection of children against violence) (*platforma edukacyjna dla profesjonalistów na temat ochrony dzieci i młodzieży przed przemocą*), (last accessed on 29 April 2016).
[917] Polish Safer Internet Centre website, (last accessed on 29 April 2016).

_____

	Cieszyn': participants expressed the will to continue the project. They also stated that their knowledge and understanding of cyberbullying is higher after participation in the project. 3) 'Safety here and there e-learning course': the success of this practice can be measured by the knowledge gained by course users (i.e. 76% of users obtained better results in the final evaluation test compared to their results in the start-point test), and an increasing number of course users since its launch in 2015 (i.e. more than 17,200 users up to now).

COUNTRY REPORT FOR ROMANIA[918]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in Romania by law. A definition of bullying is provided by the Government Decision 49/2011[919] according to which bullying is: 'the intimidation that takes place in school by another child'. Under the Safer Internet programme, cyberbullying is defined as 'various forms of psychological abuse committed through acts of harassment via communication technologies such as the internet, mobile phones, wireless or Bluetooth networks'. These acts aim at threatening, intimidating and/or offending the victims. They are repetitive and can be committed by individuals or groups'[920]. Other definitions have been provided by academia[921]. Cyberbullying has been described as the 'repeated verbal or psychological harassment (..) through the internet or other digital technologies'[922]. The term cyberbullying has also been translated as 'online harassment' or 'virtual aggression'[923].
What are the difference/similarities between traditional bullying and cyberbullying?	The defining elements of cyberbullying are the same as for traditional bullying. However, cyberbullying requires additional specific features such as: the perpetrators' anonymity, the broad dissemination (messages are disseminated instantly and with an exponential reach), the repetition (the fact that events, photos and incidents posted online can be viewed and replayed over and over again). These characteristics make cyberbullying more dangerous than traditional bullying[924]. Cyberbullying tends to be more common in countries where bullying rates are higher, which might suggest that cyberbullying is derived from regular bullying[925]. Moreover, research shows that it is more widespread in countries with high rates of internet use. In contrast with this, Romania is one of the European countries mostly affected by cyberbullying[926] although it has the lowest percentage of internet users according to 2015 statistics[927].
What are the differences/similarities between cyberbullying and cyber- aggression?	According to some academics, the term 'cyber-aggression' is more appropriate than cyberbullying to describe abuse in cyberspace[928]. Their arguments mostly rely on the fact that the existing definitions of cyberbullying often preserve the defining elements of face to face bullying (such as intent to harm,

---

[918] Prepared by Raluca Tomsa.
[919] Government Decision 49/2011 Government Decision regarding both the approval of the framework methodology on prevention and intervention in multidisciplinary team and in network in the situations of violence against children and domestic violence, The Official Gazette of Romania 117/2011.
[920] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[921] Neacșu, Dorneanu, Tomșa, Ifrim, Piloiu, 'Experiencing Cyberbullying and Traditional Bullying in High School: A Romanian Perspective', The International Conference Education and Creativity for a Knowledge based Society, [2012], 361-365; Éva, Gyöngyvér, 'Online risks and coping strategies of young people in Romania' (*Ameninţări în spaţiul online și trategiile de coping ale tinerilor din România*) Revista Română de Sociologie, [2013] 24, 410-425; Tomșa, Jenaro, Campbell, Neacșu, 'Student's experiences with traditional bullying and cyberbullying: findings from a Romanian sample', Procedia-Social and Behavioral Sciences [2013] 78, 586-590; Velicu (2014), op. cit. note 159.
[922] Background paper for session 3 of the 8th European forum on the rights of the child, 'The role of the child protection systems in protecting children from bullying and cyberbullying', (2013).
[923] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[924] Save the Children, Sigur.info 'Guide for safer internet use' (*Ghidul utilizării în siguranţă a internetului*) website, (last accessed on 29 April 2016).
[925] 'Cyber-bullying', the Internet Helpline Romania website, (last accessed on 29 April 2016).
[926] ibid.
[927] 'Internet Usage in the European Union 2015', the Internet World Stats website, (last accessed on 29 April 2016).
[928] Corcoran, Guckin, Prentice (2015), op. cit. note 75.

_____

	repetition and imbalance of power), while adding only the specification that they occur in the online environment. Thus, cyberbullying appears rather as a narrower term compared to 'cyber-aggression' which includes acts that do not have to be recurrent[929].
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	Data obtained through the Sigur.Info counselling line[930] reveal that the most frequent victims calling the helpline are girls aged between 13-15 years[931]. Data from the 2010 EU Kids II study are consistent with these findings showing that girls were at a higher risk than boys to become victims of cyberbullying[932]. Moreover, children aged 15-16 years old and those with medium socio-economic status were more likely to experience cyberbullying[933]. Conversely, data by the Net Children Go Mobile project[934] found more victims among boys (42% of boys and 40% of girls). The findings were based on a sample of 522 children who experienced both online and offline bullying. Moreover, according to the data, the prevalence of cyberbullying victims tended to increase as children grew older. There were more victims among children aged 13-14 than among children aged 11-12 and those aged 9-10. However, the frequency of being a victim for children aged 15-16 was lower than in children between13 and 14 years[935].
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	Perpetrators are generally known by the victims, being part of the victims' extended social group or attending the same schools as the victims[936]. 19% of the 522 children aged 9-16 years old participating in the study by Net Children Go Mobile[937] said that they aggressed someone online. Noticeably, the number of perpetrators was higher (25%) in children aged 15-16, but the proportion was also high (21%) among children aged 9-10 years. Similarly, the EU Kids Online II study[938] showed the highest prevalence of perpetrators among children aged 15-16. A higher percentage of girls as online perpetrators than boys was recorded (5.2% versus 3.8%).
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	The Net Children Go Mobile study showed that there are some differences regarding the preferred means of committing cyberbullying acts according to age[939]. For example, texting tends to increase with age, while bullying on social media appears to increase from age 9 to age 13-14 and then to decrease from age 15-16. The reasons behind these trends are various including the fact that cyberbullying tends to decrease with age and/or children learn to better protect themselves against some forms of cyberbullying.
Does cyberbullying continue	Evidence shows that cyberbullying continues after the age of 18,

---

[929] ibid.

[930] Under the EU Programme 'Better Internet for Kids programme' Safer Internet Centres providing advice to, and developing materials for, children, parents and teachers have been established in all 28 EU Member States. The Sigur.info is the Safe Internet Centre established in Romania.

[931] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[932] Velicu (2014), op. cit. note 159.

[933] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[934] Velicu, Mascheroni, Ólafsson, 'Risks and opportunities in mobile use of the internet among children from Romania. Net Children Go Mobile Project' (*Riscuri și oportunități în folosirea internetului mobil de către copiii din România. Raportul proiectului Net Children Go Mobile*), (2014).

[935] ibid.

[936] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[937] Velicu, Mascheroni, Ólafsson(2014), op. cit. note 934.

[938] Velicu (2014), op. cit. note 159.

[939] Velicu, Mascheroni, Ólafsson (2014), op. cit. note 934.

after the young person reaches the age of eighteen? Is it likely to increase or drop? Which forms does it take?	especially between former partners, taking the form of threats, blackmail, etc.[940]. In a three-year study carried between 2014 and 2016 on 539 University students with an average age of 21years, 16% reported being victims of cyberbullying; out of the victims 34.9% said that the incidents happened at the time they were 18 and older, while 47.7% said the incidents happened at the time they were under 18 years old[941].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc).	According to the study by Net Children Go Mobile[942] the preferred channels of committing cyberbullying were: telephone conversations, social networks and texting.

2 – Legal Framework
---	---
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Romania. Depending on the nature of aggression and its effects, the offence could be punished under the Criminal Code or other laws (please, see section below).
Is there a specific criminal offence on traditional bullying? Does it cover bullying on line? How does it cover bullying on line?	Traditional bullying is not a specific criminal offence in Romania. Bullying behaviours could be punished under the Criminal Code or other laws.
If there is no a specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking…). **Is cyberbullying punished as an aggravating**	Depending on the specific acts undertaken, cyberbullying could be punishable under the following offences of the Criminal Code[943]: threats (Article 206); blackmail (Article 207); harassment (Article 208, Paragraph 2); violation of privacy (Article 226); violation of correspondence privacy (Article 302); inciting the public, using any means, to hatred or discrimination against a category of individuals (Article 369); child pornography (Article 374). Other applicable laws are: Law 506/2004[944] on the protection of personal data and the protection of privacy in electronic communications; Law 272/2004[945] on the protection and promotion of child rights (Article 89 on the child's right to be protected against 'any form of violence regardless of where it takes place' which mentions internet and mass-media); Antidiscrimination Law[946]; Law 64/2004[947] on the

---

[940] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[941] Tomsa, Jenaro, Flores, Dudău, 'A three yearlong study on school violence perception and cyberbullying experiences among a sample of Romanian students', Unpublished Paper, (2016).

[942] Velicu, Mascheroni, Ólafsson (2014), op. cit. note 934.

[943] Law 286/2009 'The New Criminal Code' (*Noul Cod Penal*), Official Gazette of Romania 510/2009.

[944] Law 506/2004 'The processing of personal data and the protection of private life, in the electronic communication sector' (*Lege privind prelucrarea datelor cu caracter personal si protectia vieţii private în sectorul comunicaţiilor electronice*), Official Gazette of Romania Part I 1101/2004, as last amended by Law 235/2015 'Law regarding the change and completion of Law 506/2015 on the processing of personal data and the protection of private life, in the electronic communication sector' (*Legea pentru modificarea si completarea Legii nr. 506/2004 privind prelucrarea datelor cu caracter personal si protecţia vietii private in sectorul comunicaţiilor electronice*), Official Gazette of Romania Part I 767/2015.

[945] Law 272/2004, op. cit. note 395. Law 272/2004 states that 'The child has the right to be protected from abuse, neglect, exploitation, trafficking, illegal migration, kidnapping, violence, internet pornography, as well as from any form of violence, regardless of the environment where the child is: family, educational institutions, medical institutions, protection institutions, places where the crimes are investigated, rehabilitation/detention Centres, internet, mass media, workplace, sporting environments, community etc.' (unofficial translation).

[946] Government Ordinance 137/2000 'Government Decision regarding preventing and punishing all forms of discrimination' (*Ordonanţa de Guvern privind prevenirea si sanctionarea tuturor formelor de discriminare*), last amended by Law 61/2013, Official Gazette of Romania Part I 166/2014.

[947] Law 64/2004 'The ratification of the European Council Convention on cyber-crime (*Legea pentru ratificarea Convenţiei Consiliului Europei privind criminalitatea informatică*), Official Gazette of Romania 343/2004.

_____

circumstance?	ratification of the European Council Convention on cyber-crime; Law 196/2003[948] on the prevention and fight against pornography; Law 677/2001[949] on the protection of personal data and free circulation of data. Cyberbullying is not explicitly considered an aggravating circumstance. However, some aggravating circumstances provided by the Criminal Code[950] may apply to it.
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalizing it? Please, provide information on these legal initiatives.	There is no need for a dedicated legal framework as the legislation for other crimes may be applicable[951]. The report on hate speech in Romania[952] identified a legal initiative registered in the Senate on 21 September 2015, preventing and combating social defamation, incitement to hatred and social discrimination, which could comprise cyberbullying.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying might be addressed indirectly by the following articles of the Civil Law[953]: Article 74 Violations of privacy; Article 71 on the right to private life, including privacy in matters of mail, personal documents and personal information; Article 72 on the right to dignity, honour and reputation; Article 73 on the right to one's own image; Article 254 on the protection of right to name; Article 253 of the Civil Law on the victim's means of protection.
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	The Code regulating audiovisual content set by the National Audiovisual Council generally covers the protection of interests, rights and psychological integrity of children and adults, but does not refer to cyberbullying[954].
3 – Policy framework	
Are there policies that target cyberbullying specifically?	No specific policies on cyberbullying have been identified through desk research and consultation with national stakeholders[955]. However, cyberbullying is mentioned in the Notice implementing the decision proposal of the European Parliament and Council with respect to the establishment of a community programme for the protection of children on the internet[956]. Within this framework, the Sigur.info programme (Safer Internet) was launched in 2008[957] with the aim of promoting the safer use of internet among children.
Are there policies on other topics (traditional bullying, violence in general, violence	The 2014-2020 National Strategy for the protection and promotion of child rights[958] has two main objectives that are relevant to cyberbullying: decreasing children's exposure to mass-media and

[948] Law 196/2003 republished in 2014, 'The prevention and fight against pornography' (*Legea privind prevenirea și combaterea pornografiei*), Official Gazette of Romania Part I 198/2014.
[949] Law 677/2001 'Law for the protection of individuals regarding the processing of personal data and the free circulation of such data' (*Legea pentru protectia persoanelor cu privire la prelucrarea datelor cu caracter personal si libera circulatie a acestor date*), Official Gazette of Romania 790/2001.
[950] Law 286/2009 'The New Criminal Code' (*Noul Cod Penal*), Official Gazette of Romania 510/2009.
[951] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.
[952] Active Watch, NetRangers 'Annual report on hate speech in Romania 2014-2015' (*Raportul anual cu privire la discursul instigator la ură din România 2014-2015), (2015)*.
[953] Law 287/2009 with adjustments 'Civil Law' (*Codul Civil*), Official Gazette of Romania 505/2011.
[954] Decision 220/2011 of the National Council of Audiovisual 'The code of regulating the audiovisual content' (*Codul de reglementare a continutului audiovizual*), Official Gazette of Romania Part I 174/2011.
[955] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme, and with representatives of the Olt County Centre of Educational Resources and Assistance.
[956] Notice 986/2008, 'The Approval of the European Economic and Social Committee regarding the decision proposal of both European Parliament and Council of establishing a multiannual community programme regarding the protection of children who use internet and other communication technologies', the Official Gazette of Romania 224/2008[956].
[957] The programme was adopted as a result of Romania's positive answer to the call for projects of the Safer Internet Plus (Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme).
[958] Government Decision 2014, 'Decision regarding the approval of both the National strategy for protection and promotion of child rights 2014-2020', op. cit. note 435.

at school, education, child protection…) which cover cyberbullying? How do they address cyberbullying?	online violence; reducing violence among children by strengthening the providers of public services[959]. The Ministry of Education, Research and Youth introduced the National Strategy Against School Violence[960] in 2007. The Strategy includes practices for preventing and tackling, not only school violence, but also traditional bullying. The Government Decision 271/2013[961] on harassment and blackmail could also cover the topic of cyberbullying.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	No specific policies on cyberbullying have been identified through desk research. Nevertheless, there are initiatives especially from the non-governmental sector that are focused primarily on cyberbullying prevention. The non-governmental sector also provides hotlines where both children and adults can report illegal content in the online environment[962]. School counsellors from the County Centres for Resources and School Assistance are also engaged in preventing and combating school violence situations[963]. The counsellors provide professional services in schools and keep track of school violence by writing reports about their activity. They also target cyberbullying[964].
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Both cyberbullying and traditional bullying fall within the competence of the child protection system (see section below).
Is cyberbullying addressed by child protection policies? If yes, how?	The child protection framework applies to any form of aggression against a child, including online aggression[965]. The operational plan for the implementation of the 2014-2020 National Strategy for the protection and promotion of child rights[966] indirectly refers to child protection systems for cyberbullying.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	Children are consulted in some relevant projects. The SIgur.info project is based on the active participation of students. The programme intends to attract children interested in the topic of internet safety and those willing to become peer-to-peer educators. Children who want to join the team might be included in one of the 14 local Safer Internet Volunteering Centres throughout Romania. These Centres collaborate with local authorities, schools, parents' associations, others NGOs and the media.
4- Data and statistics	
Are there data/statistics on	A 2014 study by Save the Children Romania on 1214 Romanian

---

[959] Annex No. 1 to Government Decision 2014, op. cit. note 436.

[960] Annex to Ministerial Order 1409 of 29 June 2007 'The strategy for reducing the violence phenomenon in the pre-university educational institutions' (*Strategia cu privire la reducerea fenomenului de violență în unitățile de învățământ preuniversitar*).

[961] Government Decision 271/2013, op. cit. note 437.

[962] 'Hotline for a safer Internet', the Focus Internet Hotline website, (last accessed on 29 April 2016).

[963] The County Centres for Resources and Educational Assistance have juridical quality and legal personality, and are subordinated to the Ministry of Education and Scientific Research. They are methodologically coordinated by the county school inspectorates. Their job is to coordinate, monitor and assess the activity of: county Centre for psycho-pedagogical assistance; psycho-pedagogical assistance offices; speech therapy Centres and school offices. They also collaborate with the school Centres for inclusive education.

[963] Cluj Centre for Resources and School Assistance 'Activity Report 2014-2015 School Year' (*Raport de Activitate an Școlar 2014-2015*), (2015).

[964] Article 89 of Law 272/2004, op. cit. note 395.

[965] ibid.

[966] Government Decision 2014 'Decision regarding the approval of both the national strategy for protection and promotion of child rights 2014-2020', op. cit. note 435.

_____

cyberbullying? If there are no such data, do data on traditional bullying cover also cyberbullying?	children revealed that 45% of them said they were victims of cyberbullying[967]. In the EU Kids Online project, Romanian children reported one of the highest percentages in Europe for being bullied both on the internet and offline (41% say they have been upset by someone online or offline in the past 12 months and, 13% say this happened online)'.[968] The Virtual Stages Against Violence programme, conducted in 2011, showed that 38% of the 3,787 adolescents aged 14-16 years old experienced unpleasant situations on the internet[969]. The statistics based on the calls received by the Sigur.info helpline indicate that between 2012 and 2014, the helpline received 1,851 calls, out of which 298 were cases of cyberbullying[970]. Out of the 3,500 cases between 2011 and 2015, 500 concerned victims of cyberbullying[971]. According to the data collected by EU Kids Online II (2010), Romanian children had a great tendency to seek social support when facing cyberbullying (73% of victims told someone about what happened). Most of them spoke to their friends (63.4%), while others spoke to their parents (49.2%). Also, many of them, 42.6%, chose to use problem solving in order to deal with cyberbullying. Only 3 out of 10 children preferred passive coping.
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data on cyberbullying is not systematically collected by public authorities and is not disaggregated by age and gender[972]. However, public authorities (e.g. School Inspectorates, Ministry of Education and Scientific Research) collect data on school violence. The 2013 study by the Net Children Go Mobile project conducted on 522 children highlighted that, in Romania, the probability of being a victim of online and/or offline bullying did not differ according to gender, but that the girls were slightly more emotionally affected as a result of the online and/or offline bullying compared to boys: 12% of girls said the experiences were very upsetting, while 10% of boys stated the same thing[973]. Concerning the age of the victims, the same study showed that there is a tendency of online and/or offline bullying cases to increase with age: 36% of pre-adolescents (aged 9-12) reported being bullied online and/or offline, while 45% of adolescents (aged 13-16) said they were online or offline victims in the last year[974].
Is there data on how young people perceive cyberbullying? If yes, please provide details.	According to a 2014 study by Save the Children Romania on 1,214 children aged 9-18 years old[975], children said they had been disturbed or offended on the internet, during interactions on social networks or chat or game websites.
5- Data Collection practices	
Are data on cyberbullying	No official statistics are provided by public authorities in

[967] Sigur.info, Save the Children 'Study regarding the internet use in family. Social quantitative research' (*Studiu privind utilizarea internetului în familie Cercetare socială de tip cantitativ*) (2015).
[968] Haddon, Livingstone (2012), op. cit. note 300.
[969] Save the Children Romania, 'Comparative study regarding internet use among children and parents' (*Studiu comparativ privind utilizarea Internetului în rândul copiilor și părinților*).
[970] '2012-2014 Report Sigur.info', Sigur.info website, (last accessed on 29 April 2016).
[971] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[972] Cluj Centre for Resources and School Assistance 'Activity Report 2014-2015 School Year' (*Raport de Activitate an Școlar 2014-2015*), (2015).
[973] Velicu, Mascheroni, Ólafsson (2014), op. cit. note 934.
[974] Velicu, Mascheroni, Ólafsson (2014), op. cit. note 934.
[975] Sigur.info, Save the Children 'Study regarding the internet use in family. Social quantitative research' (*Studiu privind utilizarea internetului în familie Cercetare socială de tip cantitativ*), (2015).

collected at national/regional/local level?	Romania[976]. Although authorities (e.g. School Inspectorates, Ministry of Education) do collect data on school violence[977], data are not specific to cyberbullying. Data on cyberbullying were collected at national level within the 2009-2011 Sigur.info programme and the 2012-2014 Net Children Go Mobile project in 2012-2014.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	Data on school violence, including bullying, are collected at local level by school counsellors and submitted at regional level to the County Centre for Resources and School Assistance. The data are gathered annually by the Ministry of Education[978].
Which authorities do collect data on cyberbullying (police, health, education sector...)?	Public authorities do not collect specific data on cyberbullying[979].
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector...)?	The National Council for Preventing and Fighting against School Violence is in charge of monitoring school violence by coordinating the process of data gathering on school violence, including bullying, that takes place periodically at county and local level[980]. Data on violence on children are collected by schools, police and the General Directorate of Social Assistance and Child Protection[981].
How often are data on cyberbullying or traditional bullying collected?	Data collection at the County Centre for Resources and School Assistance takes place every month, semester and year[982]. At the end of the year each County Centre sends a report with the analysis of the activity conducted to the Ministry of Education and Scientific Research.
Is there a quality control system to ensure the quality of the data collected?	In general, there is no quality control system to ensure the quality of the data collected[983]. However, there are some quality control practices on the data on school violence collected by school counsellors[984].

6- Good practices	
Please, identify good practices on how to prevent cyberbullying. (please number the practices in order to distinguish them e.g. practice n. 1, n.2...)	1) Sigur.info project: comprises several initiatives that could be considered 'good practices' on how to prevent cyberbullying[985]. These are: • Educational activities designed to encourage tolerance among children and explaining the negative effects of cyberbullying; • Safernet Hotline aimed to provide a space where people

[976] This conclusion was reached based on desk research.

[977] Order 5555/2011 'Order for the approval of the Regulations regarding the organisation and functioning of the county Centres/ Bucharest Centre for resources and education assistance' (*Ordin pentru aprobarea Regulamentului privind organizarea şi funcţionarea centrelor judeţene/al municipiului Bucureşti de resurse şi asistenţă educaţională*), Official Gazette of Romania 759/2011.

[978] Information collected through stakeholder consultation on 24 February 2016 with representatives of the Olt County Centre of Educational Resources and Assistance.

[979] This conclusion was reached based on desk research.

[980] Letter from the Education Minister to deputy 6265/2013 regarding the national strategy for protection and promotion of child rights 2014-2020.

[981] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[982] Information collected through stakeholder consultation on 24 February 2016 with representatives of the Olt County Centre of Educational Resources and Assistance.

[983] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

[984] Information collected through stakeholder consultation on 24 February 2016 with representatives of the Olt County Centre of Educational Resources and Assistance.

[985] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.

_____

	can report illegal online content; to record incidents and, when necessary, to direct the complaints towards the authorized institutions etc. • Counselling line providing children with suggestions for preventing online problems. 2) Media education courses and workshops by the MediaWise Society for teachers, librarians and parents on cyberbullying and other online risks[986]. A workshop for parents to teach them how to talk to their children about online risks and how to manage them using the technology at hand was organized (privacy settings, lock social networks etc.)[987]. 3) Net Class[988]: online platform launched in April 2016 by Save the Children Romania with the purpose of increasing online safety. Cyberbullying is one of the problems addressed. The project provides information on how to avoid being an online victim. 4) eSafety Label[989]: is an online platform to ensure a safe online environment in schools, providing teachers with an active online community where to share information, experiences, and concerns. eSafety experts are available to answer teachers' questions.
Please, identify good practices to prevent/tackle/combat cyberbullying	1) Sigur.info project: has developed several good practices to prevent, tackle and combat cyberbullying[990]. 2) Media education courses and workshops by the Mediawise society: a media workshop for children (9-13 years) with low socio-economic status and living in the outskirts of Bucharest was organized. Once children learned about privacy settings and how to block cyber-bullies, they were asked to teach other friends and siblings. At least two children out of eight said that after the workshop they helped other children to arrange their privacy settings on Facebook and seemed very satisfied. 3) Net Class: provides written materials, games, video lessons on online safety etc. Two help points are available for persons who experience problems on the internet. 4) eSafety Label: provides school representatives with the possibility to obtain a personalised intervention plan for improving internet safety in schools.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Sigur.info project: the practices conducted target children, parents, teachers or educators. The project focuses mainly on awareness and prevention but it also provides victims' support through a counselling line[991]. 2) Media education courses and workshops: addressed to children, teachers and parents[992]. 3) Net Class: is dedicated primarily to children and teenagers but the site also offers valuable resources for teachers and parents. In addition, the project is focused on helping victims to solve online incidents. 4) eSafety Label: is a site with resources for teachers and professionals responsible for internet use in schools.
Are the identified practices	1) Sigur.info project: its practices are inclusive, also involving

_____

[986] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.
[987] ibid.
[988] 'Net Class project' (*Proiectul Ora de Net*) website, (last accessed on 29 April 2016).
[989] 'eSafety Label project' website, (last accessed on 29 April 2016).
[990] Save the Children, 'Guide for safer internet use' (*Ghidul utilizării în siguranță a internetului*), Sigur.info, (2014).
[991] 'Sigur.info program' (*Programul Sigur.info*), Sigur.info website, (last accessed on 29 April 2016).
[992] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.

inclusive (do they involve young people and stakeholders such as youth organizations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	children in vulnerable situations such as children without parental care, visually and hearing impaired children, teachers, parents, policemen, school counsellors, national stakeholders.[993]. 2) Media education courses and workshops: focussed on the involvement of children, teachers and parents. 3) Net Class: addressed to children, teachers and parents. 4) eSafety Label: addressed to school professionals.
Is there a clear definition of the objective and activities of the practices that you identified?	1) Sigur.info project: its main objective is to inform children, teachers and parents regarding online safety[994]. 2) Media education courses and workshops: its main objective is to provide users with social media skills[995]. 3) Net Class: aims at increasing internet safety among children by providing informing material, counselling services and a reporting line. 4) eSafety Label: increases the online safety in schools by providing teachers and school professionals with guidelines on how to prevent and tackle online problems.
Are the practices transferrable to other contexts/Member States?	1) Sigur.info: is transferable to other contexts and states, considering that it was developed within the framework of the Safer Internet European programme[996]. 2) Media education courses and workshops: are transferable to other states as proven by the fact a similar project was implemented in the Republic of Moldavia[997]. 3) Net Class: has already been implemented at European level. 4) eSafety Label: Since 2014, it has been running in many European countries.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	1) Sigur.Info: the impact of its activities has been measured through[998]: feedback questionnaires, the high number of calls received at the Helpline, periodic studies that measure changes in attitudes towards the internet[999]. 2) Mediawise Society: uses assessment tests at the beginning and at the end of the courses. However, in the long term, the impact is not monitored. Their practices can be regarded as successful because they reach out to a high number of children. Also their peer learning model encourages knowledge dissemination practices[1000]. 3) Net Class: has obtained positive results and for this reason it has been implemented in several EU countries. 4) eSafety Label: within two years, the project has been implemented in 14 countries.

---

[993] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[994] ibid.
[995] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.
[996] 'From a Safer Internet to a Better Internet for Kids', the European Commission website, (last accessed on 29 April 2016).
[997] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.
[998] Information collected through stakeholder consultation on 23 February 2016 with representatives of Save the Children Romania and the Sigur.info programme.
[999] Save the Children 'Study regarding the internet use in family. Social quantitative research' (*Studiu privind utilizarea internetului în familie Cercetare socială de tip cantitativ*) Sigur.info, (2015).
[1000] Information collected through stakeholder consultation on 1 March 2016 with representatives of the Mediawise Society.

COUNTRY REPORT FOR SWEDEN[1001]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in Sweden by law. However, there are many attempts to provide a definition, mostly highlighting the similarities with traditional bullying on the basis of three criteria: repetition of the act, power imbalance between the victim and the offender, and intention to harm the victim[1002]. Cyberbullying is described as the systematic abuse of power through communication technologies[1003]. It can be seen as a repeated offence even though the act is not repeated by the offender him/herself (e.g. reposting of content)[1004]. The wide dissemination on the internet can be viewed as a repetition of an isolated incident, even though there is no actual repetition of the act itself[1005]. The term cyberbullying is not used in legal documents, and has been replaced by 'abusive behaviour' and 'harassment' defined as 'repeated negative deeds when someone consciously and wilfully inflicts, or tries to inflict, injury to someone else'[1006].
What are the difference/similarities between traditional bullying and cyberbullying?	The main difference between traditional bullying and cyberbullying is that the latter takes place via media. Moreover, cyberbullying can reach larger audiences and gives the possibility to the offender to remain anonymous[1007].
What are the differences/similarities between cyberbullying and cyber-aggression?	Similarities between cyberbullying and cyber-aggression include the element of discrimination[1008], which can be a driving factor of both[1009]. Cyberbullying (*nätmobbning*) usually defines the phenomenon among children, whereas the terms cyber-aggression and cyber-hate (*näthat*) are used when victims and offenders are both adults[1010].
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	It is very hard to identify the likely victims of cyberbullying as studies differently define cyberbullying and adopt different methods for analysis[1011]. The Swedish Media Council, a governmental authority in charge of protecting young people from the harmful effects of the media, undertakes a biannual 'Kids & Media' survey[1012], which is sent to 1,999 children between 9 and 12 years old and 1,999 children between 13 and 18 years old. Results indicate that 9% of 9-12 years old, 18% of 13-16 years old, and 19% of 17-18 years old, were victims of cyberbullying in 2015[1013]. A 2015 report[1014] based on 1,015 interviews with children between 10 and 16 years old by the NGO Friends[1015] showed that girls are subjected to cyberbullying more than boys and more often boys are bullied in a gaming environment.

[1001] Prepared by Elza Dunkels.
[1002] Olweus(1993), op. cit. note 31.
[1003] Slonje, 'The Nature of Cyberbullying in Swedish Schools: Processes, Feelings of Remorse by Bullies, Impact on Victims and Age - and Gender Differences' (*Beskaffenhet hos nätmobbning i svenska skolor: Processer, känslor av ånger hos mobbare, påverkan hos offer samt ålders- och könsskillnader*) (1st edn, Goldsmiths, London, 2011).
[1004] ibid.
[1005] Dunkels (2016), op. cit. note 155.
[1006] Skolverket, 'General advice on counteracting discrimination and bullying' (*Allmänna råd för arbetet mot diskriminering och kränkande behandling*) (1st edn, Skolverket, Stockholm, 2012).
[1007] Flygare, Johansson, 'Bullying and harassment online – extent and effects of schools' counteractions' (*Mobbing och kränkningar på nätet – omfattning och effekter av skolans insatser*) in Skolverket *Bullying in school – analysis of problems and solutions* (*Kränkningar i skolan – analyser av problem och lösningar*), (2013).
[1008] Law 2008:567 'Discrimination Act' (*Diskrimineringslagen*), SFS 2008:567.
[1009] Dunkels(2016), op. cit. note 155.
[1010] ibid.
[1011] Flygare, Johansson (2013), op. cit. note 1009.
[1012] Statens Medieråd (2015), op. cit. note 153.
[1013] ibid.
[1014] Friends in collaboration with HP and Symantec, '2015 Friends Online Report' (*Nätrapporten*), (2015).
[1015] Friends is the the Sweden's largest NGO working against bullying.

Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	The Swedish Media Council's study of approximately 800 children shows an almost global denial of ever having abused someone online[1016]. The Swedish National Council for Crime Prevention states that when it comes to reported cases to the police, if the complainant is under the age of 18, the alleged perpetrator is often a person of roughly the same age. The same goes for adults[1017].
Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	Sweden has a high rate of internet and mobile phone usage[1018]. In the age group 13-18 years, 98% have their own mobile phone and in the age group of 9-12 years 86%, have their own mobile phone. This factor may increase the exposure of children to the dangers of cyberbullying[1019].
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	On the continuation after the age of 18, a lot of anecdotal evidence shows that adults are just as active as children, both as victims and perpetrators[1020]. However, since evidence shows that cyberbullying is connected to the school context[1021] one could assume that it is likely to stop when children leave school[1022].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc).	A 2015 report shows that social media through mobile phones are the most common channels used for cyberbullying (e.g. KiK, Instagram, Facebook, text messaging and ask.fm)[1023].
2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in Sweden. In January 2016 the Advisor to the Government on this matter released a report on the subject of cyber-hate[1024], recommending an update of the legislation on cyberbullying, cyber-hate, freedom of speech and related matters. A new penalty was suggested for the unlawful violation of privacy. If passed, a criminal liability will be introduced[1025].
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it cover bullying online?	Traditional bullying is not a specific criminal offence in Sweden. Article 6 of the Education Act[1026] states that children are protected by law against 'abusive behaviours' (*kränkande handling*) defined as 'repeated negative deeds when someone consciously and wilfully inflicts or tries to inflict injury to someone else'[1027]. The Discrimination Act aims to eliminate discrimination on the grounds of age, gender, sexual identity, ethnicity, religion and disability[1028].
If there is no specific criminal offence on	As mentioned above, the Education Act[1029] can be used to punish abusive behaviours online and offline when children are victims

---

[1016] Statens Medieråd (2015) op. cit. note 153; Dunkels (2016), op. cit. note 155.
[1017] Brottsförebyggande rådet (2015), op. cit. note 166.
[1018] Findahl, Davidsson, 'Swedes and the internet' (*Svenskarna och internet 2015*) (1st edn, IIS, Stockholm, 2016).
[1019] Statens Medieråd (2015), op. cit. note 153.
[1020] Dunkels(2016), op. cit. note 155.
[1021] ibid.
[1022] Brottsförebyggande rådet, (2015), op. cit. note 167.
[1023] Friends in collaboration with HP and Symantec, '2015 Friends Online Report' (*Nätrapporten*), (2015); Statens Medieråd (2015), op. cit. note 153.
[1024] Swedish Public Inquires (SOU) 2016:7 'Integrity and criminal protection' (*Integritet och straffskydd*).
[1025] ibid.
[1026] Article 6 of Law 2010:800 'Education Act' (*Skollag*), SFS 2010:800.
[1027] Skolverket (2012), op. cit. note 1008.
[1028] Law 2008:567 'Discrimination Act'.
[1029] Law 2010:800 'Education Act'.

cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking...). Is cyberbullying punished as an aggravating circumstance?	and/or offenders. Cyberbullying cases can also be prosecuted under the Swedish Criminal Code[1030] if the offence amounts to unlawful threats[1031], slander[1032], etc. The Criminal Laws that regulate slander and unlawful threats are technology neutral and as such they can include crimes committed online[1033]. It is extremely rare that children are prosecuted. However, there have been a few cases where schools have been charged for not preventing and acting against 'traditional bullying'. Only a few cyberbullying cases led to criminal proceedings of children under 15, which is the age of criminal responsibility in Sweden. In one of them, the so-called Instagram Case[1034], two teenage girls posted offensive material about a great number of children on Instagram. The girls were sentenced to heavy damages for defamation[1035]. One girl's mother was also sentenced to pay damages to the victims. The fact that the defamation was so widely spread on the internet was seen as an aggravating circumstance. A recent change in the Criminal Code introduced the offence of wrong photographing[1036]. Wrong photographing (*kränkande fotografering*) is an offence that protects the persons' integrity. The law forbids photographing of situations that are considered private and, thus, prohibits taking pictures in those situations violating a person's right to peace and privacy. Some cyberbullying acts may be covered by this offence.
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	A government report contains a comprehensive investigation into children's online behaviour[1037], recommending: a) new provision punishing the illegal privacy invasion online and offline; b) harder punishment for unlawful threats; c) extended use of the term molestation to include cyber-stalking and cyber-slander[1038], no matter the age of the victim; d) update defamation to include online dissemination; e) extended legal responsibility for service providers currently ruled under the 1998 Bulletin Board Act[1039]; f) extended liability in cases of violations a person's freedom and peace.
Is cyberbullying addressed by Civil Law? How is it addressed?	Victims can claim compensation for damages under the Civil Law of Damages[1040].
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	Media self-regulations have been under discussion lately[1041]. The government report[1042] suggests a legislative change to force social media providers to take more responsibility for illegal content[1043].

3 – Policy framework

Are there policies that	Cyberbullying is framed within the policy framework on bullying.

[1030] Schultz, 'Cyber-hate – rights and possibilities' (*Näthat – rättigheter & möjligheter*) (1st edn, Stockholm, Karnov Group, 2013).
[1031] Chapter 4-5 of Law 1962:700 'Criminal Code' (*Brottsbalken*), SFS 1962:700.
[1032] Chapter 5 of Law 1962:700 'Criminal Code' (*Brottsbalken*), SFS 1962:700.
[1033] Information collected through stakeholder consultation on 29 February 2016 with representative of the Department of Law at Umeå University.
[1034] Case Supreme Court Ruling T 2909-14, Judgment of the Swedish Supreme Court, (18 June 2015).
[1035] Chapters 3 and 6 of Law 1972:207 'Law of Damages' (Skadeståndslag), SFS 2010:1458.
[1036] Chapter 4 of Law 1962:700 'Criminal Code' (*Brottsbalken*).
[1037] Swedish Public Inquires (SOU) 2016:7 'Integrity and criminal protection' (*Integritet och straffskydd*).
[1038] ibid.
[1039] Law 1998:112 'Bulletin Board Act' (*Lag om ansvar för elektroniska anslagstavlor*), SFS 2010:401.
[1040] Law 1972:207 'Law of Damages' (*Skadeståndslag*), SFS 2010:1458; Information collected through stakeholder consultation on 29 February 2016 with representative of the Department of Law at Umeå University.
[1041] Various examples can be found online, such as 'Hatred and hatred online no first world problem' post (*Hat och hot på nätet inget i-landsproblem*) post, DN.Kultur website, (29 February 2016).
[1042] Swedish Public Inquires (SOU) 2016:7 'Integrity and criminal protection' (*Integritet och straffskydd*).
[1043] ibid.

target cyberbullying specifically?	The Education Act[1044] regulates the schools' responsibilities in this matter. Schools are responsible for the well-being of their pupils, a responsibility that includes protecting them from bullying. If a child is bullied, it immediately becomes the school's responsibility to deal with the matter and make sure that the bullying stops. It is also the school's responsibility to prevent bullying. This responsibility is technology neutral and, thus, includes cyberbullying.
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection...) which cover cyberbullying? How do they address cyberbullying?	The Education Act[1045] requires schools to have a plan against discrimination and bullying. This plan is called an equal treatment plan (*likabehandlingsplan*), although there is no official term for it[1046]. The plan aims to promote a safe environment free from harassment and bullying; prevent and detect abusive practices and take action when incidents occur. Cyberbullying is indirectly addressed by this plan.
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	The National Agency for Education (*Skolverket*)[1047] states that action on bullying should focus on these aspects: promoting a safe environment free from harassment and bullying; preventing and detecting abusive practices and taking action when they occur. Within the framework of traditional bullying, schools are obliged to also address cyberbullying. In 2017, a report by the Swedish Schools Inspectorate (*Skolinspektionen*) regarding how schools tackle both bullying and cyberbullying will be issued[1048].
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	Swedish schools are obliged to provide proper care to all pupils[1049]. This includes services from the following professionals: also through nurses, doctors, psychologists, and social counsellors. Together with the headmaster, they must identify and tackle bullying and cyberbullying incidents.
Is cyberbullying addressed by child protection policies? If yes, how?	Schools must handle cases of online or offline bullying[1050] and must contact child protection authorities, such as social services or the police, in all cases in which a child is threatened.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	Children are not involved in the development and implementation of policies on cyberbullying or traditional bullying in a systematic way. However, youth organisations are often consulted when questions of cyberbullying are investigated. In the recent report concerning integrity and criminal protection[1051], a number of youth representatives, such as the online youth protection group *Nätvandrarna vid Fryshuset* and Sweden's student councils, were asked to provide their specific input regarding freedom of speech and online hate speech.
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are	Few governmental agencies are responsible for the collection of data on children's issues including cyberbullying: Swedish National

---

[1044] Law 2010:800 'Education Act'.

[1045] ibid.

[1046] ibid.

[1047] Skolverket, 'Promoting, preventing, detecting and taking action. How schools can counteract harassment and bullying' (*Främja, förebygga, upptäcka och åtgärda. Hur skolan kan arbeta mot trakasserier och kränkningar*) (1st edn, Skolverket, Stockholm, 2015).

[1048] Directive 400-2015:6584 to the Swedish Schools Inspectorate (*Skolinspektionen*).

[1049] Law 2010:800 'Education Act'; 'Child and School Student Representative' section (*Barn- och elevombudsmannen*), BEO website, (last accessed on 28 April 2016).

[1050] Law 2010:800 'Education Act'.

[1051] Swedish Public Inquires (SOU) 2016:7 'Integrity and criminal protection' (*Integritet och straffskydd*).

no such data, do data on traditional bullying cover also cyberbullying?	Council for Crime Prevention (*BRÅ*)[1052], Swedish Media Council (*Statens Medieråd*)[1053] and Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*)[1054]. NGOs such as Bris[1055] and Friends[1056] also collect data. The Swedish Media Council undertakes a biannual survey called Kids & Media[1057]. According to the latest survey from 2015, on 800 children, 9% of 9-12 years old, 18% of 13-16 years old, and 19% of 17-18 years old have been victims of cyberbullying[1058].
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Data collected by the Swedish National Council for Crime Prevention (*BRÅ*)[1059], the Swedish Media Council (*Statens Medieråd*)[1060] and the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*)[1061] are usually disaggregated by sex and age of victims/perpetrators.
Is there data on how young people perceive cyberbullying? If yes, please provide details.	The EU Kids Online[1062] showed that 5% of 1000 Swedish children were 'quite upset' or 'very upset' by cyberbullying. Girls claimed to have become 'very upset' more than boys.

5- Data Collection practices

Are data on cyberbullying collected at national/regional/local level?	The only official data collection on bullying, including cyberbullying, is carried out by the Swedish Media Council (*Statens Medieråd*)[1063] every other year. The Swedish National Council for Crime Prevention (*BRÅ*)[1064] also collects data on specific themes, but not on a regular basis. One such theme is adult sexual contacts with children online[1065]. Moreover, there are a number of NGOs, such as Bris[1066] and Friends[1067], that undertake surveys regularly on bullying or in connection with certain campaigns against bullying.
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	Data are collected at national level by the Swedish Media Council (*Statens Medieråd*)[1068] and the Swedish National Council for Crime Prevention (*BRÅ*)[1069].
Which authorities do collect data on cyberbullying (police, health, education	Schools must monitor bullying, including cyberbullying, by means of surveys. In spring 2016, the Swedish Schools Inspectorate (*Skolinspektionen*)[1070] will conduct a broad inspection on

---

[1052] 'The Swedish National Council for Crime Prevention' section (*Brottsförebyggande rådet*), BRA website, (last accessed on 28 April 2016).
[1053] Statens Medieråd (2015), op. cit. note 153.
[1054] The Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) website, (last accessed on 28 April 2016).
[1055] Secher (2014), op. cit. note 530.
[1056] Friends in collaboration with HP and Symantec, '2016 Friends Online Report' (*Nätrapporten*), (2016).
[1057] Statens Medieråd(2015), op. cit. note 153.
[1058] ibid.
[1059] 'The Swedish National Council for Crime Prevention' section (*Brottsförebyggande rådet*), BRA website, (last visited accessed on 28 April 2016).
[1060] Statens Medieråd(2015), op. cit. note 153.
[1061] 'The Swedish National Council for Crime Prevention' section (*Brottsförebyggande rådet*), BRA website, (last accessed visited on 28 April 2016).
[1062] Von Feilitzen, Findahl, Dunkels, 'How dangerous is the internet? Results from the Swedish part of the European study EU Kids Online' (*Hur farligt är internet? Resultat från den svenska delen av den europeiska undersökningen EU Kids Online*) (1st edn, Nordicom, Göteborg, 2011).
[1063] Statens Medieråd (2015), op. cit. note 153.
[1064] Brottsförebyggande rådet (2015), op. cit. note 166; Shannon, 'Adult's sexual contacts with children via the internet' (*Vuxnas sexuella kontakter med barn via internet*) (1st edn, Brottsförebyggande rådet, Stockholm, 2007).
[1065] ibid.
[1066] Secher (2014), op. cit. note 530.
[1067] Friends in collaboration with HP and Symantec (2016), op. cit. note 1056.
[1068] Statens Medieråd (2015), op. cit. note 153.
[1069] Brottsförebyggande rådet (2015), op. cit. note 166.
[1070] Directive 400-2015:6584 to the Swedish Schools Inspectorate (*Skolinspektionen*).

sector…)?	cyberbullying in schools; the report is due in February 2017.
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector…)?	Please, see sections above.
How often are data on cyberbullying or traditional bullying collected?	Data on cyberbullying is not collected nor regularly nor systematically.
Is there a quality control system to ensure the quality of the data collected?	The studies by the Swedish Media Council (*Statens Medieråd*)[1071], the Swedish National Council for Crime Prevention (BRÅ) and other governmental units are subject to scientific scrutiny to ensure data quality.
6- Good practices	
Please, identify good practices on how to prevent cyberbullying. (please number the practices in order to distinguish them e.g. practice n. 1, n.2…)	1) Bris online support services: Bris is an NGO dedicated to protecting children's rights[1072]. It supports children who experience problems including bullying and cyberbullying through online support services such as an e-mail, a chatroom and a helpline. Through these channels children can talk to a counsellor who helps them to get in touch with the social services, child psychologists and other professionals. On the Bris website there is also a moderated forum where children can support each other (peer to peer support). An Instagram account (Bris116111) is also available. The goal of this account is to provide information on bullying and cyberbullying and to promote online kindness. All of Bris's services are free for the user. The funding consists of supporting member fees and grants for different projects. 2) Education programmes for parents and teachers by Friends: Friends is an NGO dedicated to counteract bullying mainly through education for parents and teachers[1073]. Friends helps schools to create and maintain an environment where everyone is treated equally. Friends is supported by user fees for schools and municipalities that want to take advantage of their services. 3) Youth run project Nätvaro: This was a 3-year project, which ended in December 2014, funded by the Swedish Inheritance Fund[1074]. The project had two goals: 1. To develop educational courses for school staff, children and supporting organisations strengthening knowledge about cyber hate 2. To develop procedures to support victims of discrimination and hate crime on the internet, thereby contributing to a more efficient handling of these crimes. During the three years, children could get legal help with cyber hate related cases. Furthermore, schools and organisations could hire the project's courses for students or employees.
Please, identify good practices to prevent/tackle/combat cyberbullying	1) Bris online support services: provide practical strategies to deal with situations in which children feel vulnerable including cyberbullying[1075]. This occurs through: - actively listening to children's own stories a) avoiding being judgemental or placing blame on victims and b) strengthening children's own counter strategies and children's self-esteem.

[1071] ibid.
[1072] Secher(2014), op. cit. note 530.
[1073] Friends in collaboration with HP and Symantec (2016), op. cit. note 1056.
[1074] 'Net Precence' post (*Nätvaro*), Nätvaro website, (2014).
[1075] Information collected through stakeholder consultation on 4 March 2016 with representative of Bris, NGO.

	2) Education programmes for parents and teachers by Friends: promote a friendly atmosphere in school and online and encourage respect and inclusion among students[1076].
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Bris online support services: can be accessed no matter if users are victims or offenders[1077]. 2) Education programmes for parents and teachers by Friends: involve adults, parents and teachers so that they can handle children's problems in the actual context. 3) Youth run project Nätvaro: focusses mainly on victims, educating them on how to counteract cyberbullying[1078].
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers,psychologists)?	All good practices are inclusive. 1) Bris online support services: can be accessed online by both victims or offenders. 2) Education programmes for parents and teachers by Friends: involve parents and teachers. Children are involved through councils. 3) Youth run project Nätvaro: was based on peer to peer education. It was run by young adults helping other children to counteract cyberbullying.
Is there a clear definition of the objective and activities of the practices that you identified?	1) Bris online support services: they aim to provide information on bullying and cyberbullying. 2) Education programmes for parents and teachers by Friends: the programmes support schools in the creation and maintenance of an environment where everyone is treated equally. 3) Youth run project Nätvaro: the project developed practices to support victims of discrimination and hate crime on the internet, thereby contributing to a more efficient handling of these crimes.
Are the practices transferrable to other contexts/Member States?	All the above mentioned practices are based upon scientific evidence on bullying and cyberbullying[1079]. The practices can be regarded as transferrable to other contexts. However, they must be grounded in the specific context of each country.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	1) Bris online support services: Bris publishes evaluation reports yearly on its general work and specifically on online activities and the impact of its internet helpline[1080]. A study conducted in 2011 on 925 interventions via mail, chat and forums aimed to provide advice to children aged 13-14 showed that most children felt better or much better ten days after being in touch with Bris' help forums[1081]. Education programmes for parents and teachers by Friends: Friends carefully evaluates their work in schools and updates it according to the latest research findings available[1082]. 3) Youth run project Nätvaro: Nätvaro's funder requested a detailed evaluation report which was scrutinized by a reference group.

[1076] Information collected through stakeholder consultation on 2 March 2016 with representative of Friends, NGO.
[1077] Bris Children's Rights in Society is an NGO working to support children and their rights.
[1078] *Nätvaro* is a youth project counteracting cyberbullying, supported by the Swedish Inheritance Fund.
[1079] Skolverket, 'Evaluation of results derived methods against bullying' (*Utvärdering av metoder mot mobbning),* Report No. 353, (2011).
[1080] Information collected through stakeholder consultation on 4 March 2016 with representative of Bris, NGO.
[1081] Andersson, Osvaldsson, 'Evaluation of BRIS Internet-based support contacts - Executive summary', Linköpings Universitet, (2011).
[1082] Information collected through stakeholder consultation on 2 March 2016 with representative of Friends, NGO.

COUNTRY REPORT FOR THE UNITED KINGDOM[1083]	
1 – Scope and forms of cyberbullying	
Is cyberbullying 'officially' defined in your country? If yes, how is it defined? Please, include the source of the definition.	Cyberbullying is not defined in the United Kingdom by law. Organisations have generated their own definitions. Ditch the Label, one of the UK's leading anti-bullying charities, defines cyberbullying as 'the use of digital technologies with the intent to offend, humiliate, threaten, harass or abuse somebody'[1084]. Academics define it as: 'an aggressive, intentional act carried out by a group or individual, using mobile phones or the internet, repeatedly and over time against a victim who cannot easily defend him or herself'[1085]. The Government acknowledges bullying as an issue, and whilst it does not provide a legal definition, it refers to bullying as: 'a behaviour that is repeated, intended to hurt somebody either physically or emotionally or aimed at certain groups because of race, religion, gender or sexual orientation'[1086]. All of these behaviours can be executed digitally[1087]. There is an abundance of definitions widely available, which causes confusion, detracts away from the central issues of what bullying presents[1088]. This confusion risks reducing the quality of support provided by practitioners[1089].
What are the difference/similarities between traditional bullying and cyberbullying?	There is a general tendency to see cyberbullying as a separate phenomenon from traditional bullying. However, this view is restrictive since cyberbullying is just an extension of the ways in which bullying behaviours are articulated[1090]. Traditional bullying is limited to the confines of a classroom or school environment. Several studies highlighted a direct correlation between traditional bullying and cyberbullying[1091.] One of these studies found that in a sample of 625 students 80% of cyberbullying victims were also victims of traditional bullying[1092].In traditional bullying bystanders have a limited role. Digitally, it is found that the volume of bystanders has the potential to be in the thousands or in some rare cases, millions of witnesses as a result of content spreading virally online. There is no clear distinction between a perpetrator and a bystander with regard to cyberbullying[1093.] While bullying and cyberbullying present many similarities, the impact of cyberbullying can be more severe than the impact of bullying[1094]. Victims say cyberbullying affects their self-esteem, social skills, and studies[1095]. The act of cyberbullying has the potential to replicate over a long period of time. This can be humiliating and incredibly stressful for victims, which can lead to self-harm and in extreme cases, suicide[1096]. Moreover, technology often gives young people the

---

[1083] Prepared by Liam Hackett.
[1084] 'Cyberbullying Support', Ditch the Label website, (2016).
[1085] Smith, et al. (2008), op. cit. note 32.
[1086] 'Bullying at School', UK Government website, (2016).
[1087] ibid.
[1088] Information collected through stakeholder consultation with an academic specialized in bullying at the University of Strathclyde.
[1089] Information provided by representatives of Ditch the Label, an anti-bullying charity in the UK.
[1090] ibid.
[1091] Smith, et al., 'Cyberbullying: its nature and impact on secondary school pupils', Journal of Child Psychology and Psychiatry, [2008] 49 (4), p. 376-385; Raskauskas, Stoltz, 'Involvement in traditional and electronic bullying among adolescents', Developmental Psychology, [2007] 43 (3), p. 564; Vandebosch, Van Cleemput, 'Cyberbullying among youngsters: Profiles of bullies and victims', New Media & Society, [2009] 11 (8), p. 1349-1371.
[1092] ibid.
[1093] Information collected through stakeholder consultation with an academic specialized in bullying at the University of Strathclyde.
[1094] ibid.
[1095] 'The Annual Cyberbullying Survey (2013)', Ditch the Label website, (2013).
[1096] Information collected through stakeholder consultation with representatives of the University of Strathclyde.

_____

	illusion of anonymity, which has been found to negatively affect behaviours[1097]. Perpetrators often believe that there will be no direct consequence as a result of cyberbullying.
What are the differences/similarities between cyberbullying and cyber-aggression?	The term cyber-aggression is rarely used by practitioners to describe extreme cases of cyberbullying resulting in legal intervention. On the other hand, the term 'cyberbullying' is also debated. It is recognized that this term is limited to a small scale of selected behaviours[1098].
Who is more likely to be a victim of cyberbullying? (Please, indicate information on age and sex of the victims)?	There is still conflicting research with regard to the overall prevalence of cyberbullying. A study of 10,000 young people aged 13-25 conducted online found that up to 70% of children and young adults had experienced cyberbullying[1099]. A similar study on young people aged 13-20 found that 62% had experienced cyberbullying[1100]. There is no conclusive evidence on variations of cyberbullying according to the age and sex of victims/perpetrators. Cyberbullying tends to decrease with age. Bullying and cyberbullying often affect younger people, aged between 13 and 18 more than adults[1101]. Some studies have concluded that there are higher rates of victimisation between the ages of 13-14 than any other age bracket[1102]. Other studies indicate that girls are more likely to experience cyberbullying than boys[1103]. However, this could be due to the tendency of boys to underreport incidents. A meta-analysis concluded that there were no marginal differences of cyberbullying victimisation between genders[1104]. Similarly, a 2010 survey showed that girls are more likely to experience 'people talking about you nastily online' (27% of all girls compared to15% of all boys)[1105]. Unwanted sexual related jokes are received mostly by 14-17 year olds[1106]. Victimisation seems to be related to the vulnerability of the victims more than to gender and age factors. Any young person who is from a 'marginalized' category of sexual identity, race, disability is more likely than average to experience any form of bullying[1107].
Who is more likely to perpetrate cyberbullying? (Please, indicate information on age and sex of perpetrators)?	Children perpetrating any sort of bullying often do so in response to stress or trauma or as a way of projecting how they feel about themselves (e.g. abuse at home, death of a relative, low self-esteem)[1108]. Perpetrators often do it to gain a sense of power, to attract attention or to gain social recognition from other perpetrators, usually because there is a lack of attention and social acceptance offline[1109]. Research linking demographics with perpetrating behaviours is limited in the UK[1110].

[1097] Christopherson, 'The positive and negative implications of anonymity in Internet social interactions: On the Internet, Nobody Knows You're a Dog, Computers in Human Behavior, [2007].

[1098] Information provided by the representative of Ditch the Label, an anti-bullying charity in the UK.

[1099] Smith, et al. (2008), op. cit. note 32; Raskauskas, Stoltz (2007), op. cit. note 1091; Vandebosch, Van Cleemput (2009), op. cit. note 1091.

[1100] 'The Wireless Report', Ditch the Label website, (2014).

[1101] Information provided by representatives of Ditch the Label, an anti-bullying charity in the UK.

[1102] Kowalski, Limber, 'Psychological, physical and academic correlates of cyberbullying and traditional bullying', Journal of Adolescent Health, [2013] 53 (1), p.13-20; Ybarra, et al., 'Examining characteristics and associated distress related to internet harassment: findings from the Second Youth Internet Safety Survey', Pediatrics, [2006] 118 (4), e1169-e1177.

[1103] Genta, et al., (2001), op. cit. note 180; Dehue, et al., 'Cyberbullying and traditional bullying in relation to adolescents' perception of parenting', Journal of Cyber-Therapy and Rehabilitation, [2012] 5, p. 25-34.

[1104] Tokunaga (2010), op. cit. note 56.

[1105] Katz, Dillon, 'The Essex Cyber-survey', (2010).

[1106] ibid.

[1107] 'The 2014 Annual Bullying Survey', Ditch the Label website, (2014).

[1108] 'Bullying at School', UK Government website, (2016).

[1109] Information provided by representatives of Ditch the Label, an anti-bullying charity in the UK.

[1110] 'Bullying at School', UK Government website, (last accessed on 29 April 2016).

Does cyberbullying take specific forms according to the age group (e.g. cyberbullying among young people between 10 and 13 years old may be different than cyberbullying among young people between 13 and 16 years old)?	There is currently no conclusive evidence to suggest that experiences of cyberbullying vary according to age. A survey of 2,732 young people aged 13-25 found that 37% of young people had sent a naked photo of themselves to somebody and 24% of them had it shared without their consent[1111]. Whilst it is assumed that this type of cyberbullying is something that impacts older teenagers, research shows that 15% of 13-year-old children have shared a naked photo of themselves. Thus, it seems that this form of cyberbullying affects young people of all ages[1112].
Does cyberbullying continue after the young person reaches the age of 18? Is it likely to increase or drop? Which forms does it take?	Based on current trends, it seems that the chances of victimization decrease with age as cyberbullying becomes less common among adults. However, adults who do experience it typically receive extreme abuse that is often hate-based or particularly sexually or violently graphic[1113].
What are the most common channels used for cyberbullying? (internet, social networks, mobiles etc.).	Cyberbullying is transitioning from mass, desktop-based platforms such as Facebook and Twitter to more intimate settings on smartphone applications, such as Snapchat and WhatsApp[1114].

2 – Legal Framework	
Is there a specific criminal offence on cyberbullying? If yes, please provide the details of the legislation and information on the content.	Cyberbullying is not a specific criminal offence in the UK. The Director of Public Prosecutions has recently provided guidelines on the legal framework of social media communications which establish that behaviours could be sanctioned as: offences against the person[1115], fear of violence[1116], threat[1117], threats with a menacing character[1118], threats related to racial, religious, disability, sexual orientation or transgender aggravation, harassment[1119], stalking[1120], fear of violence[1121], stalking involving fear of violence, serious alarm or distress. Some forms of cyberbullying could amount to harassment under both civil and criminal law[1122]. Both Civil and Criminal Courts can make orders to prohibit a person from harassing someone else[1123]. Cyberbullying could also be sanctioned under the 1952 and 1996 Defamation Act, the 1988 Malicious Communication Act and the 2003 Communication Act. If hacking behaviours are also included, then the 1990 Computer Misuse Act may apply[1124].
Is there a specific criminal offence on traditional bullying? Does it cover bullying online? How does it	Traditional bullying is not a specific criminal offence in the UK. However, some types of bullying behaviour could amount to specific offences and should be reported to the police. These include violence and assault, theft[1125], threats[1126], harassment and

---

[1111] 'The Wireless Report', (2014), Ditch the Label website, (2014).
[1112] ibid.
[1113] Information provided by the representative of Ditch the Label, an anti-bullying charity in the UK.
[1114] Information provided by the representative of Ditch the Label, an anti-bullying charity in the UK.
[1115] Section 16 of the 1861 Act.
[1116] Section 4 of the 1997 Protection from Harassment Act.
[1117] Section 1 of the 1988 Malicious Communications Act.
[1118] Section 127 of the 2003 Communications Act.
[1119] Sections 2 of the 1997 Protection from Harassment Act.
[1120] Sections 2A of the 1997 Protection from Harassment Act.
[1121] Sections 4 of the 1997 Protection from Harassment Act.
[1122] 'Taking action about harassment - Take action under the Protection from Harassment Act 1997', Citizens Advice website, (2015).
[1123] 'Taking action about harassment', Citizens Advice website, (2015).
[1124] Marczak, Coyne (2010), op. cit. note 447.
[1125] 1968 Theft Act.
[1126] Section 2 of the Protection from Harassment 1997 Act on Offence of Harassment.

_____

cover bullying online?	intimidation over a period of time (including name-calling abusive phone calls, text messages, emails) and hate crime[1127].
If there is no specific criminal offence on cyberbullying, under which legal framework is cyberbullying punished? (Legislation on data protection, media, other criminal offences such as threats, slander, harassment, stalking...). Is cyberbullying punished as an aggravating circumstance?	Cyberbullying could amount to the criminal offence of harassment, under the 1997 Protection from Harassment Act[1128] or the 1988 Malicious Communications Act[1129]. Harassment is punished under both Civil and Criminal law. Each case is considered on its individual merit. The Crown Prosecution Services assess whether threats are credible and if a prosecution would be in the public interest[1130].
If cyberbullying is not a criminal offence, are there current legal initiatives aimed at criminalising it? Please, provide information on these legal initiatives.	There are no current legal initiatives to criminalize bullying or cyberbullying. It is the opinion of the Communications Committee that what is not an offence off-line should not be an offence online[1131]. It states 'we consider that the current range of offences, is sufficient to prosecute bullying conducted using social media'.
Is cyberbullying addressed by Civil Law? How is it addressed?	Cyberbullying is not specifically addressed by Civil Law. Each case is judged on individual merit. Courts can make an order or injunction to stop a person harassing the victim, in addition to awarding financial compensation[1132].
Is cyberbullying addressed by soft law, e.g. media self-regulation rules?	It is up to the discretion of individual digital platforms to self-regulate. Social media platforms can be slow to act and hesitant to do what is best for their users by investing resources into online safety and improving reporting mechanisms[1133].
3 – Policy framework	
Are there policies that target cyberbullying specifically?	Under the 2006 Education and Inspections Act[1134] powers are given to heads of school that adopted a behaviour policy with respect to measures to prevent bullying, including cyberbullying[1135]. Once the school's behaviour policy is in place, head teachers can confiscate items from pupils, request a child to reveal a message or content on their phone to establish if bullying occurred, and apply disciplinary measures for children who do not cooperate[1136].
Are there policies on other topics (traditional bullying, violence in general, violence at school, education, child protection...) which cover cyberbullying? How do they	The 1998 School Standards and Framework Act places a specific obligation for all state schools (but not private schools) to set up a behaviour policy to prevent bullying[1137]. The 2003 Education Regulation has created a similar obligation for private school[1138]. This policy is decided upon by each school, it covers behaviour and conduct of pupils before, after and during the school day.

[1127] 1998 Crime and Disorder Act; Sections 145 and 146 of the Criminal Justice Act 2003; 'Bullying and the Law', Anti-Bullying Alliance website (2014).
[1128] 1997 Protection from Harassment Act.
[1129] 1988 Malicious Communications Act.
[1130] CPS Social Media Consultation, (2012).
[1131] UK Parliament. Chapter 2: Social Media and the Law. 'Cyberbullying and Trolling', 32.
[1132] 'Taking action about harassment', Citizens Advice website, (2015).
[1133] '6 Reasons Why a Facebook Dislike Button is a Bad Idea', Ditch the Label website (2015); Live radio debate with Facebook, Ditch the Label website, (2013).
[1134] Education and Inspections Act 2006, section 89.
[1135] 'Behaviour and discipline in schools', Department for Education of the UK Government website (2016), P4.
[1136] Marczak, Coyne (2010), op. cit. note 447.
[1137] ibid.
[1138] Ibid.

address cyberbullying?	Moreover, schools must also abide by UK anti-discrimination law, under the Equality Act 2010[1139], to prevent harassment and bullying within their school[1140]. Every school must also have a Safeguarding Policy (sometimes referred to as a Child Protection Policy), which prioritizes the safety and wellbeing of children as paramount in all circumstances. The policy extends to serious and persistent cyberbullying[1141].
What is the approach taken by policies on cyberbullying? Do they focus on preventing or tackling cyberbullying or on both? Do they focus on protecting victims versus punishing perpetrators or the other way around?	All policies described above are designed to protect and keep the victim safe rather than punish the perpetrator[1142].
Does cyberbullying or traditional bullying fall within the competence of the child protection system?	In child protection, serious bullying and cyberbullying are recognized as being causes of emotional abuse[1143]. For cyberbullying, authorities are required to act in the same way as if the bullying was perpetrated offline (i.e. if there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm')[1144].
Is cyberbullying addressed by child protection policies? If yes, how?	The Children Act 1989[1145] sets that every school's safeguarding policy must prioritize the safety and wellbeing of young people as paramount in all circumstances.
Are young people involved in the development and implementation of policies on cyberbullying or traditional bullying? Are young people consulted in relation to policies on cyberbullying and traditional bullying? If yes, how?	There is no requirement to involve young people in the development of policies on cyberbullying, or bullying offline. Thus, children's participation varies within each educational establishment. However, schools that actively and positively involve students find that they are more likely to abide by the policy, have a better understanding of behavioural expectations, take responsibility and are less likely to rebel against what may be seen as simply being told what to do by an adult[1146].
4- Data and statistics	
Are there data/statistics on cyberbullying? If there are no such data, do data on traditional bullying also cover cyberbullying?	A review of international studies on cyberbullying found that 24% of young people had experienced cyberbullying internationally[1147]. The Child Helpline found that between April 2014 and March 2015, 7,296 counselling sessions were held with children on cyberbullying[1148]. A 2014 study on 10,008 children aged 13-22 showed that up to 69% of those aged 13-25 experienced cyberbullying[1149]. A similar study on 3,023 children aged 13-20

[1139] 2010 Equality Act.

[1140] 'Bullying at School', UK Government website, (2015).

[1141] 'Keeping Children Safe in Education', Department of Education of the UK Government website, (2015).

[1142] 'Bullying and Cyberbullying. Legislation, policy and guidance', NSPCC website, (last accessed on 29 April 2016).

[1143] 'Keeping Children Safe in Education', Department of Education of the UK Government website (2015), 11.

[1144] 'Preventing and tackling bullying', Department for Education of the UK Government (2014), 4-6.

[1145] 1989 Children Act.

[1146] 'Working with children and young people to develop an effective anti-bullying policy', Safe Network website, (2011).

[1147] Hinduja, Patchin, 'Cyberbullying: Neither an epidemic or a rarity', European Journal of Development Psychology, [2012] 9 (5), p. 539-543.

[1148] 'Bullying and cyberbullying – Facts and Statistics', NSPCC website, (last accessed on 29 April 2016).

[1149] 'The Annual Bullying Survey' Ditch the Label website, (2014).

	found that 62% experienced cyberbullying[1150]. A 2014 survey on 2,732 children aged 13-25, showed 21% have been abused anonymously online[1151]. A survey in 2010 showed that the extent of cyberbullying and online safety risks increases with higher accessibility to ICTs[1152].
Are data on cyberbullying/traditional bullying disaggregated by sex and age of victims/perpetrators?	Some studies have found higher rates of victimisation between the ages of 13-14 than any other age bracket[1153]. Moreover, research indicates that girls are more likely to experience cyberbullying than boys[1154]. However, it is believed that this could be caused by the tendency of boys to underreport incidents. A meta-analysis concluded that there were no marginal differences of cyberbullying victimisation between genders[1155].
Is there data on how young people perceive cyberbullying? If yes, please provide details.	No specific data could be identified during desk research and stakeholder consultation.

5- Data Collection practices

Are data on cyberbullying collected at national/regional/local level?	There is currently no centralized method for the collection of data to track and monitor cases of cyberbullying and related behaviours. There are individual and isolated attempts made by academics and NGO's each with varying results and contrasting methodologies[1156].
If there are no such data, is there data on traditional bullying collected at national/regional/local level?	There is currently no centralized method for the collection of data to track and monitor cases of bullying and related behaviours. Some local authorities do conduct their ad-hoc research, but this is used for internal purposes only and not disseminated externally. Ditch the Label, an anti-bullying charity, produces a national benchmark of traditional bullying behaviours, which measures the views and experiences of thousands of young people each year.
Which authorities do collect data on cyberbullying (police, health, education sector...)?	Cyberbullying research is very much led and funded by NGOs and academics with an interest in cyberbullying. Public authorities tend to utilize research findings by NGOs and academics. The Police make a record of social media crimes, including cyberbullying. However, they are not actively published. 16,000 crimes were reported in 2015[1157].
If there are no specific data on cyberbullying, which authorities do collect data on traditional bullying (police, health, education sector...)?	Please, see section above.
How often are data on cyberbullying or traditional bullying collected?	Data on cyberbullying is not collected regularly nor systematically. There is no centralized method for regular data collection and analysis which is endorsed and/or coordinated by the UK Government.
Is there a quality control system to ensure the quality of the data collected?	There is no centralized method for quality control. It is expected that the NGO's and academics self-regulate and adhere to the British Educational Research Association guidelines, which require schools to report the most serious forms of cyberbullying to the

---

[1150] 'The Annual Bullying Survey' Ditch the Label website, (2015).
[1151] 'The Wireless Report', Ditch the Label website, (2014).
[1152] Katz, Dillon, 'The Essex Cyber-survey', (2010).
[1153] Kowalski, Limber (2013), op. cit. note 1104; Ybarra, et al (2006), op. cit. note 1104.
[1154] Genta, et al. (2001), op. cit. note 180; Dehue, et al. (2012), op. cit. note 1103.
[1155] Tokunaga(2010), op. cit. note 56.
[1156] 'Focus on Cyberbullying', NCB website, (2016); Livingstone, Haddon, Vincent, Mascheroni, Ólafsson, 'Net Children Go Mobile, The UK report', LSE Publishing, (2014).
[1157] 'Police facing rising tide of social media crimes', The Independent News website, (2015).

competent authorities[1158].

6- Good practices	
Please identify good practices to prevent/tackle/combat cyberbullying	1) Ditch the Label Awareness Campaigns: provide advice and support to children on issues of traditional bullying and cyberbullying. Within this framework, peer-advocacy sessions on cyberbullying including both victims and perpetrators were organized. 2) Child Helpline: (08001111 or 1-2-3 chat) by the National Society for the Prevention of Cruelty to Children (NSCPP) is a free and confidential service for youth up to 19 years old. Counsellors are available 24/7. They are trained staff and volunteers with experience in listening and talking to children on various topics concerning children's rights including cyberbullying. 3) Let's Fight It Together: is a film on how cyberbullying occurs, how it can affect different people and what can be done to prevent and respond to it.
Are these practices focused on the victim, the perpetrator or both? On specific social groups (schools, parents, teachers...)?	1) Ditch the Label Awareness Campaigns: are beneficial to victims, cyberbullies, teachers and parents. 2) Child Helpline: mostly targets victims of cyberbullying. However, it can be accessed by all children both perpetrators and victims. 3) Let's Fight It Together: is aimed at children aged 11-15. It mostly refers to the role of the victim and the cyberbully but it also involves actions of adults and police.
Are the identified practices inclusive (do they involve young people and stakeholders such as youth organisations)? Which actors are involved in these practices (parents, teachers, community workers, psychologists...)?	1) Ditch the Label Awareness Campaigns: are inclusive as they recognize as essential the involvement of children as key opinion leaders when developing best practices[1159]. 2) Child Helpline: is an inclusive programme. The specificity of its activities renders them mostly focused on cyberbullying victims or friends of victims. 3) Let's Fight It Together: aims at increasing awareness on cyberbullying, both from the victim and cyberbully standpoint. It also aims at providing children with new coping strategies to the phenomenon.
Is there a clear definition of the objective and activities of the practices that you identified?	1) Ditch the Label Awareness Campaigns: aim at raising awareness and providing information. 2) Child Helpline: aims at providing practical advice. 3) Let's Fight It Together: aims at increasing awareness.
Are the practices transferrable to other contexts/Member States?	All identified good practices are transferrable to other contexts and Member States.
Is it possible to measure the positive impact of these practices? Please, indicate elements that justify why the practice can be regarded as 'successful'.	The need for quantifiable evidence has been recognized by the UK Anti-Bullying Alliance[1160]. 1) Ditch the Label Awareness Campaigns: show 80% of participants being 'very satisfied' or 'fairly satisfied'. Stress was reduced on average from 5.7/10 to 4.6/10. 74% said that the support helped them to overcome a bullying related issue[1161]. 2) Child Helpline: provided almost 7,296 counselling sessions on cyberbullying between 2014 and 2015[1162]. 3) Let's Fight It Together: increased awareness on

---

[1158] British Educational Research Association (BERA), 'Ethical Guidelines for Educational Research', (2011).
[1159] Information provided by representatives of Ditch the Label, an anti-bullying charity in the UK.
[1160] Anti-Bullying Alliance (ABA) website, (last accessed on 29 April 2016).
[1161] Anti-Bullying Alliance (ABA) website, (last accessed on 29 April 2016).
[1162] The National Society for the Prevention of Cruelty to Children (NSCPP), 'ChildLine Review', (2015); 'Bullying and cyberbullying – Facts and Statistics' post, NSPCC website, (last accessed on 29 April 2016).

_____

	cyberbullying[1163]. However, it did not provide children with new coping strategies to the phenomenon as children who had watched the film seemed likely to maintain the same patterns in terms of coping with the issue[1164].
General comments[1165]	No. 1: Data should be centrally collected and analysed on an annual basis for clear benchmarking. No. 2: In order to combat cyberbullying, it is essential for practitioners to better understand the motives and circumstances of perpetrators. No. 3: It is important to have a solid definition of cyberbullying within anti-bullying policies along with a clear outline of behaviours that are considered unacceptable[1166]. No. 4: A whole-school approach is essential, including teachers, children, parents, industry, and any other stakeholders involved.[1167]. No. 5: Reporting mechanisms on social networks and offline shall be more accessible and actively promoted[37].

[1163] Robinson, Thompson, Smith, 'Evaluation of Let's Fight It Together', op. cit. note 508.
[1164] ibid.
[1165] Recommendations put forward by the consulted stakeholders.
[1166] Information collected through stakeholder consultation with representatives of the Tootoot programme.
[1167] Information collected through stakeholder consultation with representatives of the UK Anti-Bullying Alliance.

ANNEX II: Definitions and actions taken by MS and European authorities.

Table 2: Elements defining bullying online and offline.

	Traditional Bullying	Cyberbullying
Intentional harm	√	√
Repetition	√	√
Imbalance of power	√	√[1168]
Use of electronic or digital means	X	√
Anonymity	X	√
Audience	√ (limited)	√ (extensive audience)
Lack of supervision	√	√
Accessibility to the target	√ (limited in time/space)	√ (unlimited in time/space[1169])
Context	real world	digital world

Table 3: Forms of cyberbullying.

Behaviour	Definition
Exclusion	the rejection of a person from an online group provoking his/her social marginalization and exclusion[1170].
Online harassment	the repetition of harassment behaviours on the net, including insults, mocking, slander, menacing chain messages, denigrations, name calling, gossiping, abusive or hate-related behaviours. Harassment differs from nuisance in light of its frequency. It can also be featured as sexual harassment if it includes the spreading of sexual rumours, or the commenting of the body, appearance, sex, gender of an individual[1171].
Griefing	the harassment of someone in a cyber-game or virtual word (e.g. ChatRoulette, Formspring, etc.)[1172].
Flaming	the online sending of violent or vulgar messages. It differentiates from harassment on the basis that flaming is an online fight featured by anger and violence (e.g. use of capital letter or images to make their point)[1173].
Trolling	the persistent abusive comments on a website[1174].
Cyberstalking	involves continual threatening and sending of rude messages[1175].
Cyber-persecution	continuous and repetitive harassment, denigration, insulting, and threats.
Masquerade	a situation where a bully creates a fake identity to harass someone else[1176].
Impersonation	the impersonation of someone else to send malicious messages, as well as the breaking into someone's account to send messages, or like posts that will cause embarrassment or damage to the person's reputation and affect his/her social life[1177].

[1168] See above – imbalance of power is not considered by all academics as a mandatory requirement for defining cyberbullying.
[1169] This is also linked to the concept of 'always on generation' introduced to indicate children born after 2000, who are brought up with a continuous connection to each other and to information. Experts state that by 2020 these children will turn into a society made of multitaskers, who count on the internet as their external brain and who approach problems in a different way from their elders. Anderson, 'Elon studies the future of 'Generation Always-On', (28 March 2012).
[1170] Willard, 'Cyberbullying and Cyber-threats: Responding to the Challenge of Online Social', (2007), p. 255-256.
[1171] ibid.
[1172] Attril, 'Cyberpsychology', Oxford University Press, (2015).
[1173] Willard, 'Cyberbullying and Cyberthreats: Responding to the Challenge of Online Social', (2007), p. 255-256.
[1174] Kaspersky, '10 Forms of Cyberbullying', Kaspersky website, (27 October 2015).
[1175] Willard (2007), op. cit. note 1173.
[1176] ibid.
[1177] ibid.

Fraping	the changing of details on someone's Facebook page when they leave it open (e.g. changing his political views into Nazi supporter)[1178].
Catfishing	occurs when someone steals you're the child's online identity to recreate social networking profiles for deceptive purposes[1179].
Outing	occurs when personal and private information, pictures, or videos about someone are shared publicly without permission[1180].
Dissing	occurs when someone uploads cruel information, photos or videos of children online[1181].
Tricking	occurs when someone tricks someone else into revealing secrets or embarrassing information, which is then shared online[1182].
Grooming	befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibitions for child sexual abuse.
Sexting	the circulation of sexualized images via mobile phones or the internet without a person's consent[1183].
Sexcasting	is similar to sexting but it involves high definition videos of sexually explicit content[1184].
Happy slapping	aggressive or degrading behaviour conducted and recorded by a bystander and the video is then forwarded to other people's phones or posted on a website[1185].
Threats	to damage existing relationships, threats to family, threats to home environment, threat of physical violence; death threats[1186].

Table 4: Official definitions of cyberbullying in 14 Member States.

Country	Definition
Austria	'Cyber-mobbing and cyberbullying mean intentional insulting, threatening, denouncement or harassment with electronic communication tools like the mobile phone or the internet'[1187].
Bulgaria	Cyberbullying is 'a specific type of bullying consisting in harassing children by means of new electronic technologies, primarily mobile phones and the internet'[1188].
Cyprus	Cyberbullying occurs when someone 'sends through public electronic means of communication a message or any other communication whose content is blatantly offensive and/or obscene or disgraceful or threatening or which may cause annoyance, harassment and/or unjustified stress, knowing that the said message is false'[1189]. Similarly, cyberbullying is also described as 'a phenomenon usually taking the form of an intimidating, racist, offensive or sexually suggestive electronic message, photo or video'[1190].
Czech Republic	Cyberbullying is 'a form of psychological bullying with the misuse of ICTs, especially mobile phones and the Internet, to activities that deliberately threaten, harm somebody'[1191]. 'Like bullying face to face, cyberbullying is a deliberate

---

[1178] Kaspersky, '10 Forms of Cyberbullying', Kaspersky website, (27 October 2015).
[1179] ibid.
[1180] Willard (2007), op. cit. note 1175 .
[1181] Kaspersky, '10 Forms of Cyberbullying', Kaspersky website, (27 October 2015).
[1182] ibid.
[1183] Slonje, Smith, Frisén(2013), op. cit. note 74.
[1184] Boswell, 'ow to Keep Kids Safe Online' post, AboutTech website, (7 May 2016).
[1185] 'What to do if you've been happy slapped' post, Bullying UK website, (last accessed on 9 May 2016).
[1186] Slonje, Smith, Frisén(2013), op. cit. note 74.
[1187] Federal Chancellery (*Bundeskanzleramt*), 'Harassment on the internet – Cyber-Mobbing, Cyber-Bullying, Cyber-Stalking' website, (last accessed on 29 April 2016).
[1188] Ministry of Education and Science, 'Manual for teachers', project No. BG051PO001-3.1.03-0001 titled 'Qualification of pedagogical specialists', funded by the European Social Fund, (2013).
[1189] Section 149(6) of the Cyprus Regulation of Electronic Communications and Postal Services Law of 2004 (*Ο Περί Ρυθμίσεως Ηλεκτρονικών Επικοινωνιών και Ταχυδρομικών Υπηρεσιών Νόμος του 2004*), No. 112(I)/2004.
[1190] 'Safety on the Internet – Parents and Educators', Informative sheet provided by the Ministry of Education and Culture and the Cyprus Pedagogical Institute website, (last accessed on 29 April 2016).
[1191] 'Methodological instruction of the Ministry of Education, Youth and Sports to address bullying in schools and school facilities' (*Metodický pokyn Ministerstva školství, mládeže a tělovýchovy k řešení šikanování ve školách a školských zařízeních*), (2013).

Country	Definition
	behaviour in which the victim is attacked by an attacker or attackers. The nature and the way it is carried determine the severity of the attacks'[1192].
France	Cyberbullying is an aggressive and intentional act carried out through the use of digital means, by a group or an individual repeatedly over a victim who cannot easily defend him or herself[1193].
Finland	Web-bullying 'may involve, for example, insulting the victim on a discussion forum or sending mean or unfounded emails to the victim'[1194].
Germany	Cyber-mobbing is 'the deliberate insulting, embarrassing or harassing people through new communication media such as social networks, websites or chat'[1195].
Hungary	'Cyberbullying means the transfer or publication of text or visual content via the internet, mobile phones or other information technologies, which might be humiliating or could cause shame. The harassment targets a victim, who cannot protect him/herself on a regular basis'[1196].
Ireland	'Cyberbullying occurs when bullying behaviour is carried out through the use of ICT systems such as e-mail, mobile phones, instant messaging, social networking websites, apps and other online technologies'[1197].
Italy	'Cyberbullying is the online manifestation of bullying, using ICTs'[1198].
Luxembourg	Cyberbullying 'occurs when new technologies are used to harass, humiliate or threaten a person, either by instant messaging (SMS), email, chat or on a social network'[1199]. 'Bullying with other means'[1200].
Malta	'Cyberbullying is harassment through the use of technology and/or online media. Cyberbullying can be either overt or covert. Although most cyberbullying incidents occur within the home environment, however, the repercussions of these acts often spill over into the school context'[1201].
The Netherlands	Cyberbullying is 'a form of traditional bullying, which requires the use of electronic means'[1202].
Spain	Cyberbullying is 'the action of bullying someone else using digital means'[1203]. 'It is the intentional and consistent damage exerted by one minor or group of minors against another through the use of digital means'[1204].

[1192] ibid.

[1193] Ministry of National Education,'Practical guide to fight against cyber-bullying' (Guide pratique pour lutter contre le cyber-harcèlement entre élèves), 2012.

[1194] Security Glossary of the State Administration (*Valtionhallinnon tietoturvasanasto*), VAHTI 8/2008.

[1195] 'What is Cyberbullying' (*Bundesministerium für Familie, Senioren, Frauen und Jugend, 'Was ist Cybermobbing?*), Federal Ministry of Family Affairs, Senior Citizens, Women and Youth website; 'Cyberbullying - anonymous insults on the net' (*Bundesamt für Sicherheit in der Informationstechnik, 'Cybermobbing - anonyme Beleidigungen im Netz*), Federal Office for Security in Information Technology website, (last accessed on 29 April 2016).

[1196] 'Child-friendly justice' page, Government website, (*Gyermekbarát igazságszolgáltatás*).

[1197] Office for Internet Safety, 'Get With It: A guide to cyberbullying', (19 November 2013).

[1198] Italian Ministry of Education and Research (2015), op. cit. note 98.

[1199] Definition provided by the BEE-SECURE project, an initiative of the Luxembourgish Ministry for Economy, Ministry for Family, Integration and the Ministry for Education, Children and Youth, in collaboration with the European Commission.

[1200] Luxembourgish Children Ombudsman (*Ombuds-Comité fir d'Rechter vum Kand*).

[1201] Ministry for Education and Employment, 'Addressing Bullying Behaviour in Schools' policy, (October 2014).

[1202] 'Guideline: JGZ-guideline bullying', op. cit. note 97.

[1203] Spanish Ministry of Industry, Energy and Tourism, 'Cyberbullying Guide for health professionals' (*Guia sobre el ciberacoso para profesionales de la salud*), (2015).

[1204] ibid.

_____

Table 5: The main features of Member States' definitions of cyberbullying.

Country	Intentional harm	Repetition	Imbalance of power	Use of electronic or digital means	Anonymity	Detailed list of behaviours covered	Direct reference to bullying
Austria	☑			☑		☑	
Bulgaria	☑			☑			☑
Cyprus	☑			☑		☑	
Czech Republic	☑			☑			☑
Finland						☑	
Germany	☑			☑		☑	
Hungary	☑		☑	☑			
Ireland				☑		☑	☑
Italy				☑			☑
Luxembourg	☑			☑		☑	☑
Malta				☑		☑	
Netherlands				☑			☑
Spain	☑			☑			☑

Table 6: Measures adopted by the Council of Europe relevant to cyberbullying.

Measure	Purpose	Reference to online activities
Council of Europe Strategy for the Rights of the Child (2016-2021) (2016)[1205]	Under this Strategy, the Council of Europe underlines the relevance of the current digital world for children. It acknowledges both its positive aspects (i.e. access to the net, digital literacy, freedom of expression, better education) and negative ones (i.e. harmful content, privacy and data protection, online sexual abuse, excessive exposure to sexualised images, cyberbullying).	Yes
Recommendation on the protection of human rights in social networks (2012)[1206]	It urges Member States to develop and promote policies to protect human rights on social networking sites. Amongst others, the recommendation highlights the importance of showing potential risks using social networks and enhancing transparency of data processing.	Yes
Recommendation of the Committee of Ministers to Member	It urges Member States to develop and promote policies to protect human rights on search engines. Amongst others, the recommendation highlights the importance of helping users to make informed choices, minimize the collection of personal data by	Yes

---

[1205] CM(2015)175, Council of Europe, 'Strategy for the Rights of the Child (2016-2021)', (3 March 2016).
[1206] CM/Rec(2012)4, Council of Europe, Recommendation of the Committee of Ministers to member States on the protection of human rights with regard to social networking services, (4 April 2012).

Measure	Purpose	Reference to online activities
States on the protection of human rights with regard to search engines (2012)[1207]	search engines, limit retention of personal data, ensure higher transparency on cross correlation of data and in filtering and blocking online content.	
Resolution on Education against violence at school (2011)[1208]	It provides guiding principles for education against violence at school. The core objectives are (i) creating a legal framework and administrative practices that clearly prohibit all acts committed at school which can be qualified as violent; (ii) supporting awareness campaigns and training; (iii) providing preventive and supportive measures; (iv) ensuring the involvement of all children's environments; (v) setting up a centralized monitoring and assessment structure to measure results and identify good practices.	No. The Resolution refers to the risks linked to new forms of media but mainly focuses on violence at school.
Recommendation on Education against violence at school (2011)[1209]	Resulted in Resolution 1803 (2011), this recommendation highlights the need to enhance the policy design and implementation on education against violence at school.	No. The Recommendation requests Member States to launch national action plans against violence in the new media, but focuses mainly on violence at school.
Guidelines on integrated national strategies for the protection of children from violence (2009)[1210]	It aims to promote the development and implementation of a holistic national framework for safeguarding the rights of the child and eliminating all forms of violence against children. In particular, it requires Member States to encourage internet service providers to supply information on potential risks to security online. It also requires a better cooperation between service providers and law enforcement authorities in the investigation of crimes committed through the use of telecommunication technologies	Yes
Recommendation on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications	It urges Member States to strengthen their cooperation with the private sector and civil society to develop and promote coherent strategies to protect children against risky content and behaviours. It recommends Member States to provide tools for facilitating access to websites and control content on the internet for children, as well as for improving online skills of children, parents and schools.	Yes

[1207] CM/Rec(2012)3, Council of Europe, Recommendation of the Committee of Ministers to member States on the protection of human rights with regard to search engines, (4 April 2012).
[1208] Resolution 1803 (2011), Council of Europe, Parliamentary Assembly, 'Education against violence at school', (13 April 2011).
[1209] Recommendation 1965 (2011), Council of Europe, Parliamentary Assembly, 'Education against violence at school', (13 April 2011).
[1210] Council of Europe, 'Guidelines on integrated national strategies for the protection of children from violence', (2009).

_____

Measure	Purpose	Reference to online activities
environment (2009)[1211]		
Declaration on protecting the dignity, security and privacy of children on the Internet (2008)[1212]	It urges Member States, also in collaboration with stakeholders, to explore the feasibility of removing or deleting content that is harmful to the dignity, security and privacy of children on the internet, within a reasonably short period of time.	Yes
Recommendation on measures to promote the respect for freedom of expression and information (2008)[1213]	It urges Member States to refrain from 'the general blocking and filtering of offensive or harmful content in a way that would hamper its access by users', with respect to freedom of expression and information.	Yes
Recommendation on empowering children in the new information and communications environment (2006)[1214]	It urges Member States to develop a training strategy to empower children and educators on the best use of new information and communication services and technologies. Particular emphasis will be placed on how to deal with content (e.g. violence and self-harm, pornography, discrimination and racism) and behaviours (e.g. grooming, bullying, harassment, stalking).	Yes

Table 7: Initiatives, programmes, and projects carried out by the EU with respect to cyberbullying.

Initiative / Programme / Project	Implementation period	Purpose	Focus
Better internet for Kids programme (continuation of the Safer internet programme, see above)	2014-2020	It was launched with the adoption of the 2012 EU Strategy to Make the Internet a Better Place for Children. It includes a series of actions aimed at: i) stimulating online quality content for children; ii) improving awareness and empowerment; iii) creating a safer online environment with age-appropriate privacy settings and wider use of parental	Awareness, prevention, research, support victims, creating helplines and hotlines

_____

[1211] CM/Rec(2009)5, Council of Europe, Recommendation of the Committee of Ministers to member states on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, (8 July 2008).
[1212] Council of Europe, 'Declaration on protecting the dignity, security and privacy of children on the Internet', (20 February 2008).
[1213] CM/Rec(2008)6, Council of Europe, Recommendation of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters, (26 March 2008).
[1214] CM/Rec(2006)12, Council of Europe, Recommendation of the Committee of Ministers to member states on empowering children in the new information and communications environment, (27 September 2006).

Initiative / Programme / Project	Implementation period	Purpose	Focus
		tools; iv) fighting child sexual abuse, also implementing hotlines.	
Safer Internet programme (now referred to as the Better Internet for Kids programme)	2009-2013 2005-2008 1999-2004	The programme included various activities: awareness raising, fighting illegal content, filtering and content labelling, child online safety issues, creating a database of information related to the use of new technologies by children, and increasing knowledge of the effects of the use of current and emerging technologies on children.	Awareness, prevention, research, support victims, creating helplines and hotlines
Daphne Programme (now referred to as one part of the Rights, Equality and Citizenship Programme (REC Programme))	2007-2013[1215] 2004-2007[1216] 2000-2003[1217]	Building on the two previous Daphne programmes, this programme aimed to prevent and combat all forms of violence (i.e. physical, sexual and psychological), occurring in the public or the private domain, also towards children. Amongst others, activities included: funding and assisting NGOs and other organisations in combating violence; setting up multidisciplinary networks to strengthen cooperation between NGOs; awareness activities; exchange of information and good practices; support programmes for victims and people at risk, as well as intervention programmes for perpetrators. The main achievement of this programme is the Daphne Toolkit, a database with project descriptions, reports, studies, tools, awareness and training materials.[1218]	Awareness, prevention, research, support victims

---

[1215] Decision No. 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme Fundamental Rights and Justice, OJ L 173/19, (3 July 2007).

[1216] Decision No. 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme), OJ L 143/1, (30 April 2004).

[1217] Decision No. 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women, OJ L 034/1 (9 February 2000).

[1218] 'The Daphne Toolkit – An active resource from the Daphne Programme' page, European Commission website, last accessed on 10 May 2016).

Table 8: Public authorities in charge of collecting data on traditional bullying and cyberbullying in eight selected Member States and the frequency of data collection.

Who / MS	Public Authority	How often data are collected
EE	Ministry of Justice	Not on a regular basis
EL	Ministry of Education (through the Observatory for the Prevention of School Violence and Bullying)	Monthly and Annually
EL	Ministry of Justice (through the Children's Prosecutors Office)	Not on a regular basis
IT	National Statistics Institute	Annually (not mandatory)
IT	Ministry of Education	Annually (not mandatory)
NL	National Statistics Institute	Annually
NL	Ministry of Education	Annually
PL	Ministry of Education	Not on a regular basis
RO	Ministry of Education (for traditional bullying)	Annually
SE	Sweden Media Council	Annually
SE	Swedish National Council on Crime Prevention	Not on a regular basis
UK	None	N/A

Table 9: Non-exhaustive list of criminal offences under which cyberbullying may be punished across Member States.

Offence[1219] / MS	Harassment	Violence/Fear of Violence	Threats	Insults	Defamation, Slander	Stalking	Blackmail	Extortion
AT	☑			☑	☑	☑		
BE	☑			☑	☑	☑		
BG	☑			☑	☑		☑	
CZ					☑	☑		
CY	☑	☑						
DE		☑	☑	☑	☑	☑		

[1219] This list of criminal offences applicable is not exhaustive. It must be taken into account that some behaviours that are considered criminal offences under a certain legal framework may not be considered as such for other Member States.

Offence[1219] / MS	Harassment	Violence/Fear of Violence	Threats	Insults	Defamation, Slander	Stalking	Blackmail	Extortion
DK			☑	☑	☑			
EE			☑	☑	☑			
EL			☑	☑	☑			
ES			☑		☑	☑		
FI			☑		☑	☑	☑	
FR	☑		☑	☑	☑			
HR		☑		☑	☑			
HU	☑				☑			
IE	☑	☑	☑		☑			
IT	☑	☑	☑	☑	☑	☑		☑
LT					☑			
LU	☑			☑	☑			
LV	☑	☑	☑		☑			
MT	☑	☑	☑	☑		☑	☑	
NL			☑	☑		☑		
PL			☑	☑	☑			
PT	☑	☑	☑	☑	☑	☑		☑
RO	☑		☑				☑	
SE		☑	☑		☑			
SK		☑	☑		☑	☑	☑	
SL		☑	☑	☑	☑	☑	☑	☑
UK	☑	☑	☑		☑	☑		

_____

ANNEX III: Bibliography

European legislation

- Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (28 November 2008).
- Decision No. 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ L 348/118, (24 December 2008).
- Decision No. 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women, OJ L 034/1 (9 February 2000).
- Decision No. 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme Fundamental Rights and Justice, OJ L 173/19, (3 July 2007).
- Decision No. 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme), OJ L 143/1, (30 April 2004).
- Decision No. 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women, OJ L 034/1 (9 February 2000).
- Decision No. 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme Fundamental Rights and Justice, OJ L 173/19, (3 July 2007).
- Decision No. 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme), OJ L 143/1, (30 April 2004).
- Directive 2009/136/EC of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, L 337/11, (18 December 2009).
- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335/1, (17 December 2011).
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of

- victims of crime, and replacing Council Framework Decision 2001/220/JHA, L 315/57, (14 November 2012).
- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, (23 November 1995).
- Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings COM/2013/0822, 2013/0408 (COD).
- Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), COM/2012/011, (COD).
- Regulation 1381/2013 of the European Parliament and of the Council establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020, L 354/62, (28 December 2013).

EU policy

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Strategy for a Better Internet for Kids, COM (2012) 196, (2 May 2012).
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, An EU Agenda for the Rights of the Child5 February, COM/2011/0060, (15 February 2011).
- European Parliament Resolution of 27 November 2014 on the 25th Anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP))
- European Parliament, Resolution of 9 June 2015 on the EU Strategy for the equality of women and men post 2015, P8_TA-PROV(2015)0218

Council of Europe standards

- Council of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Strasbourg (28 January 1981).
- Council of Europe, 'Strategy for the Rights of the Child (2016-2021)', CM (2015)175, (3 March 2016)
- Council of Europe, Recommendation of the Committee of Ministers to member states on empowering children in the new information and communications environment, CM/Rec(2006)12, (27 September 2006).
- Council of Europe, Recommendation of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters, CM/Rec(2008)6, (26 March 2008).
- Council of Europe, Recommendation of the Committee of Ministers to member states on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, CM/Rec(2009)5, (8 July 2008).
- Council of Europe, Recommendation of the Committee of Ministers to member States on the protection of human rights with regard to search engines, CM/Rec(2012)3, (4 April 2012).
- Council of Europe, 'Declaration on protecting the dignity, security and privacy of children on the Internet', (20 February 2008).

- Council of Europe, 'Guidelines on integrated national strategies for the protection of children from violence', (2009).
- Council of Europe, Parliamentary Assembly, Resolution 1803 (2011), 'Education against violence at school', (13 April 2011)
- Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, (1950).

International standards

- Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Annual report of the Special Representative of the Secretary General on Violence against Children', A/HRC/31/20, (5 January 2016).
- Office of the UN Special Representative of the Secretary-General on Violence against Children, 'Thematic Report: Releasing children's potential and minimizing risks: information and communication technologies, the Internet and violence against children', (2014).
- United Nations, Resolution No. 69/158 A/69/484, adopted by the General Assembly on the report of the Third Committee, 'Protecting children from bullying', (18 December 2014).
- United Nations, General Comment of the Committee on the Rights of the Child No.13 (2011), CRC/C/GC/13, 'The right of the child to freedom from all forms of violence', (2011).
- United Nations, Recommendation 1882 (2009) on the promotion of internet and online media services appropriate for minors.

Public authorities

- Baudouin, Mahieu, Dor, Good, Milayi, Nakajima, '*Mapping Safer Internet policies in the Member States The Better Internet for Kids (BIK) Map'*, European Commission DG Communications Networks, Content & Technology, (2014).
- Boyd, Marwick, 'Bullying as True Drama', The Opinion Pages, NY Times, (last accessed on 10 May 2011).
- BRÅ, *'The Swedish National Council for Crime Prevention' (Brottsförebyggande rådet)*, (2016).
- Central Bureau of Statistics of the Netherlands, 'Safety monitor' section.
- Citizens Advice website, 'Taking action about harassment - Take action under the Protection from Harassment Act 1997', (2015).
- Cost Action, '*Guidelines for preventing cyberbullying in the school environment: a review and recommendations'*, (2013).
- Department for Education of the UK Government. '*Preventing and tackling bullying', 4-6*', (2014).European Union Agency for Fundamental Rights, 'Handbook on European law relating to the rights of the child', (2015).
- European Union Agency for Fundamental Rights, 'Fundamental rights: challenges and achievements in 2013', Annual Report (2013).
- European Commission, 'Qualitative study on the Rights of the Child', Eurobarometer, (October 2010)
- European Commission, 'Report of the 8th European Forum on the rights of the child – Towards integrated child protection systems through the implementation of the EU Agenda for the rights of the child' (17–18 December 2013);
- European Commission, Report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of the Council Recommendation of 24 September 1998 concerning the

- protection of minors and human dignity and of the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry, Protecting Children in the Digital World, COM(2011) 556 final, 13 September 2011
- European Commission, 'An EU Cybercrime Centre to fight online criminals and protect e-consumers' Press Release, IP/12/317, (last accessed on 10 May 2016).
- European Commission, 'Safer Internet Day 2009: Commission starts campaign against cyber-bullying' Press Release, MEMO/09/58, (last accessed on 10 May 2016).
- European Commission, 'Standards and good practice references by respondents to online public consultation on integrated child protection systems (CPS)', (February 2015).
- European Commission, 'Victims' Rights Directive: Frequently asked Questions' Factsheet', (16 November 2015).
- European Commission, 'The Daphne Toolkit – An active resource from the Daphne Programme' page, (last accessed on May 2016).
- European Commission, 'Safer Internet Day' page, (last accessed on May 2016).
- European Parliament, 'Developing a Criminal Justice Area in the European Union', PE 493.043, (2014).
- European Parliament, Report on gender equality and empowering women in the digital age (2015/2007(INI)), (8 April 2016).
- European Platform for Investing in Children website, 'Cyberbullying risks permanent harm to European children', (last accessed on 10 May 2014).
- EU Tabby Project, '*Cyberbullying: a handbook for educators*' (Ηλεκτρονικός εκφοβισμός: εγχειρίδιο για εκπαιδευτικούς), (2014).
- Federal Chancellery (Bundeskanzleramt), 'Harassment on the internet – Cyber-Mobbing, Cyber-Bullying, Cyber-Stalking' website.
- Hinduja, Patchin, '*Overview of Cyberbullying*', White Paper for the White House Conference on Bullying Prevention (2011).
- Hungarian National Authority for Data Protection and Freedom of Information, '*Key to the world of the Net! Study of NAIH on the safe and conscious internet use of children. Promoting legally conscious internet use of children by means of fundamental rights protection measures*' (*Kulcs A Net világához! A NAIH tanulmánya a gyermekek biztonságos és jogtudatos internethasználatáról (a gyermekek (jog)tudatos internethasználatának elősegítése az alapjogi jogvédelem eszközeivel)*, (2013).
- Irish Department of Justice and Equality, 'T*he need for the Government to outline what action it intends to take to tackle the increase in cyberbullying*' speech, Topical Issue Debate, (2014).
- Italian Ministry of Education, Guidelines for the prevention of bullying and cyberbullying at schools' level (Linee di orientamento per azioni di prevenzione e di contrasto al bullismo e al cyberbullismo), (2015).
- Maltese Ministry for Education and Employment, '*Addressing Bullying Behaviour in Schools' policy*, (2014).
- Maltese Ministry of Education and Science, '*Manual for teachers*', project No. BG051PO001-3.1.03-0001 titled '*Qualification of pedagogical specialis*ts', funded by the European Social Fund (2013).
- Maltese Ministry of Education and Science, '*Youth and Sports to address bullying in schools and school facilities*' (Metodický pokyn Ministerstva školství, mládeže a tělovýchovy k řešení šikanování ve školách a školských zařízeních), (2013).

- Ministry of Education and Culture in Cyprus Pedagogical Institute website, 'Safety on the Internet – Parents and Educators', Informative sheet.
- National Children's Bureau (UK), '*Focus on: Cyberbullying*' Report, (2015).
- Office for Internet Safety, 'Get With It: A guide to cyberbullying', (2013). Schmalzried, 'B*ackground paper: Cyberbullying: an overview', #DeleteCyberbullying project, Confederation of Family Organisations in the European Union (COFACE),* (2013).

Academic publications

- Artinopoulou, M., 'European guide on antibullying good practices', European Antibullying Network, (April 2014).
- Artinopoulou, V., '*Bullying and cyberbullying in Greece'*, in Thanos & E. Kourkoutas '*School violence and delinquency: Social and Psychological perspectives and interventions'* (Σχολική βία και παραβατικότητα: Ψυχοκοινωνικές διαστάσεις και παρεμβάσεις) Topos Publishers, Athens, pp. 92-112 (2011).
- Attril, 'Cyberpsychology', Oxford University Press, (2015).
- Bauman, S., '*Cyberbullying: What Does Research Tell Us?'*, Special Issue: Emerging Issues in School Bullying Research and Prevention Science, Routledge, 52 (4), (2013).
- Caruana, R., '*Cyberbullying on social networking sites: its prevalence, nature and effects among Form 3 and 4 students in Maltese state schools'*, University of Malta, (2014).
- Chester, Callaghan, Cosma, Donnelly, Craig, Walsh, Molcho, '*Cross-national time trends in bullying victimization in 33 countries among children aged 11, 13 and 15 from 2002 to 2010'*, European Journal of Public Health, (2015).
- Corcoran, Mc Guckin, Prentice, '*Cyberbullying or Cyber Aggression? A Review of Existing Definitions of Cyber-Based Peer-to-Peer Aggression'*, Societies [5] (2), 245-255 (2015).
- Covington, 'Brutal Boys Vs. Mean Girls. Exploring gender trends in bullying trends' article, Just Say Yes website (last accessed on 2 May 2015).
- Cyberbullying Research Centre, 'Cyberbullying Facts' post, (last accessed on 10 May 2016).

- Cyberbullying Research Centre, 'Advice to Teen Girls about Bullying and Drama' post, (last accessed on 10 May 2016).
- Danileţ, '*Legal education for high school students. Practical guide on rights and justice' (Educaţia juridică pentru liceeni. Ghid practice despre drepturi şi justiţie)* (2016).
- Dehue, Bolman, Völlink, '*Cyberbullying: youngsters*' experiences and parental perception', Cyberpsychology & Behavior, [2008] (11) 2, p. 217-223.
- Del Rey, Casas et al. '*Structural validation and cross-cultural robustness of the European cyberbullying intervention project questionnaire'*, Computers in Human Behavior [50], 141-147, (2015).
- Dihn, Farrugia, O'Neill, Vandoninck, Velicu, '*Internet Safety Helplines: Exploratory Study First Findings'*, InSafe, (2016).
- Donegan, 'Bullying and Cyberbullying: History, Statistics, Law, Prevention and Analysis', The Elon Journal of Undergraduate Research in Communications, (2012).
- Dunkels, *'Cyberbullying, cyberhate and cyberlove' (Nätmobbning, näthat och nätkärlek*), 1st ed Gothia fortildning, Stockholm, (2016).
- Felder-Puig, R. 'Psychological health, bullying, brawls and other forms of expression of violence. Results from recent Austrian surveys' (Psychische Gesundheit, Bullying, Raufereien und andere Ausdrucksformen von Gewalt. Ergebnisse aus rezenten

österreichiscen Befragungen), presentation at the Network Meeting National Strategy for Prevention of Violence in Schools, 19-20 November 2015, slide 12, (last accessed on 10 May 2016).

- Garmendia, Garitaonandia, Martínez, Casado, *'Risks and safety in Internet: Spanish minors in the European context' (Riesgos y seguridad en internet: los menores españoles en el contexto europeo)*, EU Kids Online, (2011).
- Genta, et al., *'Comparative aspects of cyberbullying in Italy, England and Spain',* in Li, Cross, Smith, *'Cyberbullying in the Global Playground Research from International Perspectives'*, Wiley-Blackwell: Chickester, p. 15-31 (2001).
- Grigg, 'Cyber-Aggression: Definition and Concept of Cyberbullying', Australian Journal of Guidance & Counselling, (2010).
- Haddon, Livingstone, 'EU Kids Online: National perspectives' (2012).
- Hannah, L.S. et Al, Who's to blame?: The effects of victim disclosure on bystander reactions to cyberbullying.
- Helsper, Kalmus, Hasebrink, Sagvari, & de Haan, *'Country classification. Opportunities, risks, harm and parental mediation'*. LSE, London: EU Kids Online, (2013).
- Hinduja, Patchin, *'The Influence of Parent, Educators, and Peers', Cyberbullying Research Center,* (2013).
- Istituto degli Innocenti website, *'Noncadiamointrappola against bullying' (Noncadiamointrappola contro il bullismo) post, (last accessed on 10 May 2016)*
- Kapatzia, Sygkollitou, *'Cyberbullying: the new face of bullying' (Ηλεκτρονικός εκφοβισμός (cyberbullying): το νέο πρόσωπο του σχολικού εκφοβισμού)* in Psalti A., Kasapi, Deligianni-Koumitzi, *'Contemporary psychoeducational issues: Bullying in Greek schools. Scientific data and intervention proposals'*, (Σύγχρονα ψυχοπαιδαγωγικά ζητήματα: ο εκφοβισμός στα ελληνικά σχολεία. Ερευνητικά δεδομενα και προτάσεις παρέμβασης), Gutenberg-Dardanos Editions (2012)
- Kasen, Berenson, Cohen, Johnson, *'The effects of school climate on changes in aggressive and other behaviors related to bullying'*, in D.L. Espelage and S. M. Swarer (eds) Bullying in American Schools, (pp 187-210) Mahwah, NJ: Erlbaum Associates Publisher (2004).
- Kerstens, Veenstra, *'Cyberbullying from a criminal perspective'* (*Cyberpesten vanuit een criminologisch perspectief),* Tijdschrift voor Criminologie [2013] (4), p. 375-393;
- Kerstens, van Wilsem, *'Identification of Dutch youth at risk on the internet' (Identificatie van Nederlandse jongeren die risico lopen op Internet)*. Tijdschrift Voor Veiligheid, 11 (2), p. 57–72 (2012).
- Kołodziejczyk, Walczak, *'Aggression and violence in Polish schools - a socio-ecological perspective'* (*Agresja i przemoc w polskich szkołach: perspektywa socjoekologiczna)* Ruch Pedagogiczny 1, p. 35-47 (2015).
- Kopecký, Kožíšek, *'Research on risk behaviour of Czech children on the Internet 2014' (Výzkum rizikového chování českých dětí v prostředí internetu 2014) presentation),* (2014).
- Kuusk, *'Cyberbullying and its characteristics amongst 7-9 graders in Tallinn schools'* (*Küberkiusamine ja sellega seonduvad karakteristikud Tallina koolide 7.-9. klasside õpilaste hulgas*), p.43-44 (2010).
- Langos, *'Cyberbullying: The Challenge to Define', Cyberpsychology, Behavior, and Social Networking* (2012);
- Li, *'New bottle but old wine: A research of cyberbullying in schools', Computers in Human Behavior,* 23 (4), p. 1777-1791 (2006);
- Lidsky, Garcia, *'How Not to Criminalize Cyberbullying'*, University of Florida Levin College of Law, (77), p. 693-726 (2012).

- Luna, '*The Overcriminalization Phenomenon*', American University Law Review, (54) 3, p. 703-743 (2005).
- Lievens, 'B*ullying and sexting in social networks from a legal perspective: Between enforcement and empowerment*', ICRI Working Paper Series 7/2012, (2012).
- Lindfors, Kaltiala-Heino, Rimpelä, 'Cyberbullying among Finnish adolescents – a population-based study', BMC Public Health, 12, 1027 (2012)
- Livingstone, Mascheroni, Ólafsson, Haddon, 'Children's online risks and opportunities: Comparative findings from EU Kids Online and Net Children Go Mobile', (2014).
- Livingstone, Haddon, Görzig, and Ólafsson 'Risks and safety on the internet: The perspective of European children. Full findings'. LSE, London: EU Kids Online (2011)
- Livingstone, S., Ólafsson, K., and Staksrud, E. '*Social networking, age and privacy*'. LSE, London: EU Kids Online (2011).
- Lobe, B., Livingstone, S., Olafsson, K., Vodeb, H., '*Cross-national comparison of risks and safety on the internet: initial analysis from the EU Kids Online survey of European children*' p. 10 (2012).
- Macháčková, Dědková, '*Online harassment and cyberbullying II*' (*Online obtěžování a kyberšikana II*), Masarykiana Brunensis University, (2013).
- Marczak, Coyne, '*Cyberbullying at school: good practice ad legal aspects in the UK*', Australian Journal of Guidance & Counselling, [20] (2) (2010).
- Markina, Žarkovski, '*Children's abbreant behaviour in Estonia*' (*Laste hälbiv käitumine Eestis*), (2014).
- Marwick, Boyd, '*It's just drama: teen perspective on conflict and aggression in a networked era*', Department of Communication and Media Studies, Fordham University, Journal of Youth Studies, (2014).
- Mascheroni, Cuman, '*Net Children Go Mobile. Final Report*', Educatt Milano, Italy, (2014).
- Mascheroni, Ólafsson, '*Net Children Go Mobile: Risks and opportunities*', LSE Publishing, (2015).
- Menesini, Nocentini, Palladino et Al., 'Cyberbullying Definition Among Adolescents: A Comparison Across Six European Countries', Cyberpsychology Behaviour Social Networking 15(9); 455–463, (2012). Menesini, E., Nocentini, A., Palladino, B. (2012) '*Empowering students against bullying and cyberbullying: evaluation of an Italian peer led model*', International Journal of Conflict and Violence, Vol.6 (2).
- Mishna*, 'Cyberbullying behaviors among middle and high school students*', American Journal of Orthopsychiatry, 80 (3), p. 362-374 (2010).
- Mishna, Cook, Gadalla, Daciuk, Solomon, '*Cyber bullying behaviors among middle and high school students*', American Journal of Orthopsychiatry, (80) 3, p. 362-374 (2010).
- 'Net Precence' post (Nätvaro), Nätvaro website, (last accessed on 10 May 2014).
- Nixon, '*Current perspectives: the impact of cyberbullying on adolescent health*', Journal of Adolescent Health, Medicine and Therapeutics, 5, p. 143–158, (2014).
- NJC wbsite, 'Guideline: JGZ-guideline bullying' (Richtlijn: JGZ-richtlijn pesten) (last accessed on 10 May 2016).
- Nocentini, Calmaestra, Schultze-Krumbholz, Scheithauer, Ortega, Menesini, '*Cyberbullying: Labels, Behaviours and Definition in Three European Countries*', Australian Journal of Guidance & Counselling [20] (2) 129-142, (2010). Oblad, 'C*yberbullying*', Texas Tech University (2012).
- O'Neill, Dinh, '*Mobile Technologies and the incidence of cyberbullying in seven European countries: findings from the Net Children Go Mobile*', Societies, [5], 384-398 (2015).

- *O'Neill, Staksrud, 'Final Recommendations for policy'*, EU Kids Online, LSE Publishing, (2014).
- Ortega, Elipe, Mora-Merchan, Calmaestra, Vega, '*The emotional impact on victims of traditional bullying and cyberbullying',* Hournal of Psychology, 217 (4), p. 197-204 (2009).
- 'Police facing rising tide of social media crimes', The Telegraph Website, (2015) (last accessed on 10 May 2016).
- Price, Dalgleish, '*Cyberbullying: experiences, impacts, and coping strategies'*, Youth Studies Australia, 29 (2) (2010).
- Pyżalski, J., '*Electronic aggression and cyberbullying as the new risk behaviours of youth'*('*Agresja elektroniczna i cyberbullying jako nowe ryzykowne zachowania młodzieży')* (1st edn, Oficyna Wydawnicza „Impuls", Kraków), (2012).
- Qing Li, '*Cyberbullying in Schools: A Research of Gender Differences',* School Psychology International*, [27] (2), 157-170, (2006).
- Robinson, Thompson, Smith, '*Evaluation of let's fight it together'*, Unit for school and family studies, Department of psychology, Goldsmiths, University of london, (2016).
- Sabella, Patchin, Hinduja, '*Cyberbullying myths and realities'*, Computers in Human Behavior, [29] (6), 2703-2711, (2013).
- Salmivalli, Karna, Poskiparta, '*From peer putdowns to peer support: A theoretical model and how it translated into a national anti-bullying program'* in Jimerson, Swearer Espelage (ed.), '*Handbook of bullying in schools: An international perspective',* New York: Routledge, p. 441–454 (2010).
- Schneider, Katzer, Leest, '*Cyberlife - tension between fascination and danger - cyberbullying among pupils - an empirical survey among parents, teachers and pupils in Germany'* (Cyberlife – Spannungsfeld zwischen Faszination und Gefahr - Cybermobbing bei Schülerinnen und Schülern - Eine empirische Bestandsaufnahme bei Eltern, Lehrkräften und Schülern/innen in Deutschland), Bündnis gegen Cybermobbing e.V., Karlsruhe,* p. 99, (2013).
- Schneider, Leest, Katzer, Jäger, '*Bullying and Cyberbullying Among Adults' (Mobbing und Cybermobbing bei Erwachsenen)* Bündnis gegen Cybermobbing e.V., Karlsruhe, (2014).
- Schneider, O'Donnell, Stueve, Coulter, '*Cyberbullying, School Bullying, and Psychological Distress: A Regional Census of High School Students'*, American Journal of Public Health, [102] (1), 171-7, (2012).
- Slonje, Smith, Frisén, '*The nature of cyberbullying, and strategies for prevention',* Computers in Human Behavior Journal, 29 (1) (2013).
- Secher, 'Counteract cyberbullying' (Motverka nätmobbning) 1st edn, se, Stockholm, (2014).
- Security Monitor, '2016 Report on the Security Monitor' (Veiligheidsmonitor), Veiligheidsmonitor, (2016).
- Shapo, '*An Injury Law Constitution'*, Oxford University Press, (2012).
- Slonje, Smith, Frisén, '*The nature of cyberbullying, and strategies for prevention'*, Computers in Human Behavior Journal, 29 (1), (2013).
- Smith, '*How dangerous is cyberbullying'*, Blog London School of Economics, (2014).
- Smith, P.K. & Steffgen, G. 'Cyberbullying: Recent Areas of Research, and the Work of COST IS0801' 35 (1), p. 20-23, (2013).
- Spanish Ministry of Industry, Energy and Tourism, '*Cyberbullying Guide for health professionals' (Guia sobre el ciberacoso para profesionales de la salud),* (2015).
- Spitzberg, Hoobler, '*Cyberstalking and the technologies of interpersonal terrorism',* New Media & Society, SAGE Publications, 4 (1) (2002).
- Statens Medieråd, 'K*ids & Media 2015' Report (Ungar & Medier),* (2015).

- Steffgen, Vandebosch, Völlink, Deboutte, & Dehue, '*Cyberbullying in the benelux-countries: First findings and ways to address the problem*' (2010).
- *Study of risk awareness amongst three target groups. Study Report' (Riskikäitumise teadlikkuse uuring kolmes sihtrühmas. Uuringu raport)* (2014).
- Tokunaga, '*Following you home from school: A critical review and synthesis of research on cyberbullying victimization*', Computers in Human Behavior (26), p. 277–287, (2010).
- Tzorbatzoudis, Lazouras, Barkoukis, '*Cyberbullying in Greece: an interdisciplinary approach*' (Κυβερνοεκφοβισμός στην Ελλάδα: μία διεπιστημονική προσέγγιση), Thessaloniki, (2012).
- Van Cleemput, Bastiaensens, Vandebosch, Poels, Deboutte, DeSmet, De Bourdeaudhuij, '*Six years of research on cyberbullying in Flanders, Belgium and beyond: an overview of the results*' (Zes jaar onderzoek naar cyberpesten in Vlaanderen, België en daarbuiten: een overzicht van de bevindingen), University of Antwerpen, University of Ghent, (2013).
- Vandebosch, Van Cleemput, '*Defining Cyberbullying: A Qualitative Research into the Perceptions of Youngsters*', Cyberpsychology & Behavior, [11] (4), 499-503, (2008).
- Velicu, '*The online and offline bullying: Victims versus aggressors*' (Bullying-ul online și offline: Victime versus agresori), Revista Romana de Sociologie [2014] 25 (1/2), p. 19-36, (2014).
- Völlink, Dehue, '*Cyberbullying: From Theory to Intervention*', Routledge Publishing (2016);
- Willard, '*Cyberbullying and Cyberthreats: Responding to the Challenge of Online Social*', p. 255-256, (2007).
- Wolak, Mitchell, Finkelhor, '*Does Online Harassment Constitute Bullying? An Exploration of Online Harassment by Known Peers and Online-Only Contacts*', Journal of Adolescent Health, [2007] 41, p. 51–58.

NGOs publications/websites

- 'Bullying and Cyber', Bullying and Cyber website, (last accessed on 10 May 2016)
- 'Bullying and cyberbullying – Facts and Statistics', NSPCC website, (last accessed on 29 April 2016).
- Bullying UK, 'What to do if you've been happy slapped' post (last accessed on 10 May 2016).
- COFACE, 'The Big March, our virtual protest against bullying and cyberbullying' post, (2014), (last accessed on 10 May 2016).
- Ditch the Label. 'The Annual Bullying Survey', (2014), (last accessed on 10 May 2016).
- Ditch the Label, 'The Annual Bullying Survey' (2015), (last accessed on 10 May 2016).
- DN. Kultur, 'Hatred and hatred online no first world problem' post (Hat och hot på nätet inget i-landsproblem), (last accessed on 10 May 2016).
- Net Class project' (Proiectul Ora de Net), (last accessed on 29 April 2016).
- Safe Network, 'Working with children and young people to develop an effective anti-bullying policy', (last accessed on 10 May 2016).
- Save the Children Romania '*Guide for safer internet use' (Ghidul utilizării în siguranţă a internetului)*, Sigur.info, (2014) (last accessed on 29 April 2016).
- Sigur,info, Save the Children '*Study regarding the internet use in family. Social quantitative research' (Studiu privind utilizarea internetului în familie Cercetare socială de tip cantitativ)*, (2015) (last accessed on 29 April 2016).
- Stop Cyberbullying website, 'What's the Parents' Role in This?' post, (last accessed on 10 May 2016).

- The Smile of the child website, 'Interactive educational tool against bullying' (Διαδραστικό Εκπαιδευτικό Εργαλείο για την αντιμετώπιση του σχολικού εκφοβισμού), (last accessed on 29 April 2016).
- Telefono Azzurro Helpline (Centro Nazionale di Ascolto),'*Cyberbullying Report' (Dossier Cyberbullismo*), (2015) (last accessed on 29 April 2016).
- The smile of the child et al., European Anti-Bullying Campaign, '*European Bullying Research – Final Repor*t', (December 2012) (last accessed on 29 April 2016).
- UNICEF, 'Defining the lines on cyberbullying: navigating a balance between child protection, privacy, autonomy and informed policy' post, (2013), (last accessed on 10 May 2016).
- UNICEF, Office in Croatia, 'Experiences and attitudes of children, parents and teachers towards electronic media, report on the results of a research carried out among children, teachers and parents within the electronic violence prevention programme Break the Chain!' (*Iskustva i stavovi djece, roditelja i učitelja prema elektroničkim medijima Izvještaj o rezultatima istraživanja provedenog među djecom, učiteljima i roditeljima u sklopu programa prevencije elektroničkog nasilja Prekini lanac!*)', (2011), (last accessed on 29 April 2016).

_____

ANNEX IV: Survey

Survey questionnaire[1220]

<div align="center">

SURVEY ON CYBERBULLYING (BULLYING ON LINE)

</div>

What is cyberbullying? Cyberbullying is the use of technology (internet, social media, chats etc.) to harass, threaten, embarrass, or target another person.

Bullying is the aggressive behaviour adopted by a bully (boy or girl) who tries to hurt another person over and over by name-calling, spreading rumours etc. The person being bullied feels that he/she can do nothing to stop it.

INFORMATION ABOUT YOU

Please, provide your age, gender and the country where you live:

AGE:
GENDER: FEMALE □ MALE □

COUNTRY WHERE YOU LIVE:

GENERAL QUESTIONS

Are you aware of that phenomenon called 'cyberbullying'?'	**YES**	**NO**	**Comment**
Have you personally been a victim of cyberbullying?	**YES**	**NO**	**Comment**
Do you personally know someone (friend, family…) who has been a victim of cyberbullying?	**YES**	**NO**	**Comment**
Do you think that there should be more information on cyberbullying?	**YES**	**NO**	**Comment**
Would you like to be taught how to use internet/social networks and mobiles safely?	**YES**	**NO**	**Comment**
Would you like your school teachers to explain what cyberbullying is?	**YES**	**NO**	**Comment**
Do you think that those who bully on line need help?	**YES**	**NO**	**If yes, what type of help do they need?**
Do you think that those who bully on line should be punished?	**YES**	**NO**	**If yes, how should they be punished?**
If you were a victim of cyberbullying would you seek help from:			
Teachers?	**YES**	**NO**	**Comment**
Parents?	**YES**	**NO**	**Comment**

_____

[1220] The survey questionnaire was translated in Bulgarian, Estonian, Italian, Greek, French, German, Polish, Romanian and Spanish. The results of the survey are available upon request.

Friends?	YES	NO	Comment
The police?	YES	NO	Comment

WHAT ARE THE MOST EFFECTIVE PROGRAMS TO PREVENT/COMBAT CYBERBULLYING?

Please, rate the programs as: not good- good- very good

PROGRAMME	NOT GOOD	GOOD	VERY GOOD	Comment:
An on line course explaining what cyberbullying is and how to protect yourself from it				
A course at school on how to use internet/social networks and mobiles safely				
A course at school on how to protect yourself from both bullying and cyberbullying				
A course for parents, teachers, educators on the risks of internet and how to identify and combat cyberbullying				
A film on cyberbullying from the perspective of the victim, the bully and bystanders (those who watch)				
A play explaining the risks of using internet in an amusing way				
A documentary where young people who have experienced cyberbullying tell their true stories				
Older kids teaching younger children the dangers of the Internet				
A game to be played in the classroom to teach about cyberbullying				
An emergency number such as 112 you can call if you experience cyberbullying				
An on line helpline or chat where you can report incidents of cyberbullying				
Psychological support to the victim				
Psychological support to the bully				
Educational activities to teach respect and tolerance among children				
Training of police officers on how to identify/combat cyberbullying				
Training of teachers on how to identify/combat cyberbullying				

_____

The collection of data on how many kids are affected by cyberbullying				

OPEN QUESTIONS

In your opinion, what is the best way to help victims of cyberbullying?	
In your opinion, what is the best way to help those who bully on line?	
In your opinion, how could cyberbullying be stopped?	

QUESTIONS ON THE PHENOMENON OF CYBERBULLYING (FORMS, AGE GROUPS, TYPE OF VICTMS AND PERPETRATORS)

Do you think that those who bully on line have been victims of cyberbullying themselves?	**YES**	**NO**	**Comment**
Do you think that those who bully on line have been victims of 'bullying' at school etc.?	**YES**	**NO**	**Comment**
According to you, who are more likely to be victims of cyberbullying?	**girls**	**boys**	**Comment**
Who are more likely to bully on line?	**girls**	**boys**	**Comment**
From your experience, at which age are you most likely to experience cyberbullying?			**Comment**
What are the most common channels used for cyberbullying?	**Internet**	**Social networks**	**Mobiles**	**Other channels:** **Comments:**

Overview of participants

As explained in Section 1.3 since the number of respondents varied significantly across countries (from 320 respondents in Romania to 0 in Sweden) a comparable sample (N33) was selected for the countries with the highest rate of participation (*Estonia, Germany, Greece, Italy*, the *Netherlands, Poland* and *Romania*). This ensured the possibility to draw comparisons among Member States. In selecting the sample due consideration was given to the age and sex of respondents in order to guarantee a broad representativeness of age categories and males/females. It should be noted that for *Greece*, two thirds of the participants[1221] were members of the World Scout organization. To ensure the neutrality of the findings, the contributions of children who were not part of the scout group were also analyzed.

Table 10: Overview of participants

OVERVIEW OF PARTICIPANTS	TOTAL	DE	EE	EL	IT	NL	PL	RO	AT	BE	BG	CY	DK	EL	ES	FR	HR	HU	LT	LU	PT	SI	SE	UK
Survey participants	879	63	82	43	55	61	38	324	10	24	6	1	3	11	94	19	10	1	2	4	2	1	4	21

OVERVIEW OF PARTICIPANTS	TOTAL	DE	EE	EL	IT	NL	PL	RO
Survey participants	666	63	82	43	55	61	38	324
Acceptable answers	584	60	80	36	50	55	33	270
Sample	231	33	33	33	33	33	33	33
boys	98	11	14	17	18	12	10	16
girls	133	22	19	16	15	21	23	17
age category 12-14	101	8	13	5	27	20	17	11
age category 15-17	75	11	9	16	2	10	16	11
age category 18-21	51	14	11	8	4	3	0	11
Boys age category 12-14	43	5	3	1	15	9	5	5
Boys age category 15-17	31	2	6	8	1	3	5	6
Boys age category 18-21	20	4	5	4	2	0	0	5
Girls age category 12-	58	3	10	4	12	11	12	6

_____

[1221] Out of 33 participants, 24 children were members of the Greek Scout organization.

14								
Girls age category 15-17	44	9	3	8	1	7	11	5
Girls age category 18-21	31	10	6	4	2	3	0	6

Table 11: List of stakeholders who provided support in circulating the survey among young people.

	Contacted Organizations and Experts	Availability	Means used for sharing[1222]
COFACE's Network			
EU	COFACE and its Member Organizations[1223]	☑	Official contacts
Additional Contacts			
AT	National Expert for this study	☑	Personal contacts
BE	National Expert for this study	☑	Personal contacts
BE	National Expert for this study	☑	Personal contacts
BG	Author of the country report for this study	☑	Personal contacts
CY	National Expert for this study	☑	Personal contacts
CZ	National Expert for this study	☑	Personal contacts
DE	Author of the national country report for this study	☑	Personal contacts
DE	The Central Authority for Media and Communication in Rhineland Palatinate	☑	Official contacts
DK	National Expert for this study	☑	Personal contacts
EE	Author of the country report for this study	☑	Personal contacts
EL	Adolescence Youth Health	☑	Personal contacts
EL	Author of the country report for this study	☑	Personal contacts
EL	Centre of Family and Child	☑	Personal contacts
EL	Educational Psychologist, Coordinator of the Observatory for the Prevention of School Violence and Bullying in Greece	☑	Personal contacts
EL	Milieu Expert	☑	Personal contacts
EL	The Smile of the Child	☑	Official contacts
ES	National Expert for this study	☑	Personal contacts
EU	ICT Coalition	☑	Personal contacts
EU	World Scout Bureau, European Regional Office	☑	Official contacts

---

[1222] Official contacts are intended as those which published information on the survey and/or the link to the questionnaire on their website, created a post on their blog, publicized the survey in their newsletters, or shared the survey through ICTs (e.g. Facebook, Twitter, Linkedin). 'Personal contacts' are intended as those who circulated the survey at a personal level.
[1223] COFACE shared the survey with its network of members.

FI	National Expert for this study	☑	Personal contacts
FR	National Expert for this study	☑	Personal contacts
FR	National Expert for this study	☑	Personal contacts
FR	Stakeholder from the Educational Sciences, University of Toulouse, France	☑	Personal contacts
HR	National Expert for this study	☑	Personal contacts
HU	National Expert for this study	☑	Personal contacts
IE	National Expert for this study	☑	Personal contacts
IT	Authors of the country report for this study	☑	Personal contacts
IT	Italia Orienta	☑	Official contacts
IT	Lawyer	☑	Personal contacts
IT	Lawyer	☑	Personal contacts
IT	National Expert for this study	☑	Personal contacts
IT	Teacher at the Istituto Galilei	☑	Personal contacts
LT	National Expert for this study	☑	Personal contacts
LU	National Expert for this study	☑	Personal contacts
LV	National Expert for this study	☑	Personal contacts
MT	National Expert for this study	☑	Personal contacts
NL	Authors of the country report for this study	☑	Personal contacts
NL	Centre for Law and Digital Technologies, Leiden University	☑	Personal contacts
NL	Meldknop	☑	Official contacts
PL	Author of the country report for this study	☑	Personal contacts
PL	Milieu Expert	☑	Personal contacts
PT	National Expert for this study	☑	Personal contacts
RO	Academic from the Grigore Popa University of Medicine and Pharmacy Iasi (UMF)	☑	Personal contacts
RO	Author of the national country report for this study	☑	Personal contacts
SE	Author of the country report for this study	☑	Personal contacts
SE	Authors of the country report for this study	☑	Personal contacts
SE	Nordic Youth Forum Gothenburg	☑	Official contacts
SI	National Expert for this study	☑	Personal contacts
SK	National Expert for this study	☑	Personal contacts
UK	Anti-Bullying Alliance National Children's Bureau	☑	Official contacts
UK	McQuade	☑	Personal contacts
UK	Milieu Expert	☑	Personal contacts
UK	National Society for the Prevention of Cruelty to Children (NSPCC)	☑	Personal contacts
UK	Youthworks Consulting Ltd	☑	Official contacts

ANNEX V: List of EU and national stakeholders consulted

Table 12: List of stakeholders at the EU level.

	Contacted Organizations and Experts	Date of Contact	Availability
EU	COFACE	16 March 2016	☑
EU	The Smile of the Child - Coordinator of the European Anti-Bullying Network (EAN)	8 March 2016	☑
EU	Chilnet International	8 March 2016	☑
EU	European Union Agency for Fundamental Rights (FRA)	29 March 2016	Responded stating that no research on the topic is available
EU	EUROPOL	8 March 2016	Responded stating that no data on the topic is available with EUROPOL
EU	European Data Protection Supervisor (EDPS)	29 February 2016	Non responsive
EU	European Youth Forum AISBL		Non responsive
EU	European Youth Forum at the Council of Europe	6 March 2016	Non responsive
EU	Lecturer in Sociology of Communication and Culture, Department of Sociology, Faculty of Political and Social Sciences, Cattolica University	3 March 2016	☑

Table 13: List of stakeholders at the national level.

	Contacted Organizations and Experts	Availability
IT	Member of the Italian Parliament	☑
IT	Telefono Azzurro	☑
EU	Lecturer in Sociology of Communication and Culture, Department of Sociology, Faculty of Political and Social Sciences, Cattolica University	☑
MT	Social Welfare Services in Malta	☑
MT	National Commission for the Promotion of Equality (NCPE) in Malta	☑
DE	Representatives of the Nummer gegen Kummer Association	☑
DE	Representatives of the public body in charge of coordination of prevention-work by the police at federal and regional levels (Polizeiliche Kriminalprävention der Länder und des Bundes, ProPK)	☑
DE	Representatives of the media authority of Rhineland-Palatinate (*Landeszentrale für Medien und Kommunikation*, LMK)	☑
EL	Representatives of the Cyber Crime Unit	☑
EL	Representatives of the Ministry of Education, Research and Religious Affairs	☑
PL	Coordinator of Safer Internet Program in Nobody's Children Foundation	☑
PL	Representatives of the Filming in Cieszyn Initiative	☑
PL	Project Coordinator in Orange Foundation	☑

RO	Representatives of Save the Children Romania and of the Sigur.info programme	☑
RO	Representatives of the Mediawise Society	☑
RO	Representatives of the Olt County Centre of Educational Resources and Assistance	☑
UK	Academic specialized in bullying at the University of Strathclyde	☑
UK	Representatives of Ditch the Label, an anti-bullying charity in the UK	☑
UK	Representatives of the Tootoot programme	☑
UK	Representatives of the UK Anti-Bullying Alliance	☑
UK	National Society for the Prevention of Cruelty to Children (NSPCC)	☑
SE	Representative of Bris, NGO	☑
SE	Representative of Friends, NGO	☑
NL	Specialist on criminal aspects of cyberbullying	☑
NL	Policy official at the Ministry of Education, Culture and Science responsible for the safety monitor	☑
NL	Academic from the Radbout University Nijmegen	☑
SE	Academic from the Law Department of the Umeå University	☑
RO	Representative of the Syene education center	☑
IE	Representative of the Irish Bar Association and Member of DCU Anti-Bullying Centre	☑
IE	Representative of DCU Anti-Bullying Centre	☑
SI	Representative of the General Police Directorate, Police, Ministry of the Interior	☑
LU	Representative of BEE Secure	☑
CZ	Representative of the Centre for Prevention of Risky Virtual Communication	☑

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

Role

Policy departments are research units that provide specialised advice
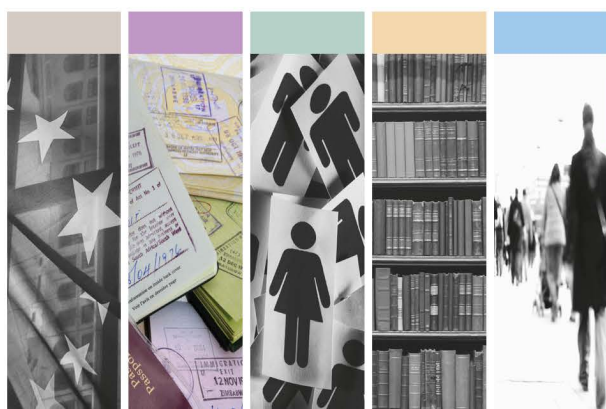to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website:
http://www.europarl.europa.eu/supporting-analyses

PHOTO CREDIT: iStock International Inc.

Publications Office