

International Laws against Bullying

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Abstract

Bullying behavior is becoming a threat to those wish to secure education through the formal channels. Be it school or college, a student often changes himself/herself to a bully or a victim nowadays. The lack of proper education and awareness of the rules and regulations that is prevailing in a nation is the prime cause of the emergence of bullies and victims. This chapter gives an introduction to the various international laws and conventions detailing how effectively laws can handle cases related to bullying.

Keywords: International laws, International conventions, bullying, children, child

1. Introduction

Most violence against children involves at least one of six main types of interpersonal violence that tend to occur at different stages in a child's development. They are: Maltreatment, Bullying, Youth violence, Intimate partner violence, Sexual violence, and Emotional or psychological violence. Violence against children has lifelong impacts on health and well-being of children, families, communities, and countries. Violence against children can result in death, or can lead to severe injuries. It can also result in permanent impairment to brain and nervous system development, negative coping and health risk behaviours, unintended pregnancies, induced abortions,

gynecological problems, and sexually transmitted infections, including HIV. This can lead to increased risk for cardiovascular disease, cancer, diabetes, and other health conditions. Those children who are exposed to violence and other adversities are more likely to drop out of school and they are more likely to face difficulty in finding and keeping a job. Preventing and responding to violence against children requires that efforts systematically address risk and protective factors at all four interrelated levels of risk, namely, individual, relationship, community, society. Under the leadership of WHO, a group of 10 international agencies have developed and endorsed an evidence-based technical package called *INSPIRE: Seven strategies for ending violence against children*. They are: **I**mplementation and enforcement of laws, **N**orms and values change, **S**afe environments, **P**arental and caregiver support, **I**ncome and economic strengthening, **R**esponse services provision, **E**ducation and life skills (World Health Organization, 2019).

2. Definition

2.1. Bullying

“Bullying is unwanted, aggressive behaviour among school aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious, lasting problems. Bullying may include physical violence, sexual violence, threats, teasing, social exclusion or other psychological violence. The presence of bullying is often a sign of aggressive or violent behaviour elsewhere in children’s lives and young children may be acting out at schools or elsewhere what they have observed and learned at home. Recent studies suggest that bullying in adolescence and childhood can have worse long-term effects on young adult’s mental health than being subject to maltreatment during childhood” (Lereya, Copeland, Costello, & Wolke, 2015).

2.2. Child

“A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (Office of the High Commissioner for Human Rights, 1990).

3. Modus-Operandi of Bullies

Bullying occurs in places where people do not have a say among the group members they want to be in. In an effort to establish a social network or hierarchy, bullies will try to exert their power with all children. Students who have an emotional reaction (eg, cry, run away, are upset) and have nobody or few to stand up for them, are the repeated targets of bullies (Wolke & Lereya, 2015).

4. International Laws and Conventions against Bullying

Some of the important international laws and conventions are detailed under the following headings.

4.1. The United Nations Convention on the Rights of the Child

The Article 2(2) of the Convention on the Rights of the Child states that children’s rights entitle them to protection from, “all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members” (Office of the High Commissioner for Human Rights, 1990).

The Convention on the Rights of the Child recognizes children’s right to protection from all forms of violence, including physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, exploitation, including sexual abuse (Office of the High Commissioner for Human Rights, 1990).

4.2. Universal Declaration of Human Rights

The Article 25 (2) of the Universal Declaration of Human Rights states that “All children, whether born in or out of wedlock, shall enjoy the same social protection”. The Article 26 (3) of the Universal Declaration of Human Rights states that “Parents have a prior right to choose the kind of education that shall be given to their children” (The United Nations, 1948).

4.3. International Covenant on Economic, Social, and Cultural Rights (ICESCR)

The Article 10 (3) of the International Convent on Economic, Social and Cultural Rights (1976) states that “Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law” (Office of the High Commissioner for Human Rights, 1976).

4.4. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Article 1 of Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography states that “States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol”. According to Article 9 (4) of the protocol, “States Parties shall ensure that all child victims of the offences described in the present Protocol have

access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible” (Office of the High Commissioner for Human Rights, 2002).

4.5. International Labor Organization Minimum Age Convention

International Labor Organization Minimum Age Convention (ILO 138) (1973) stipulates that the minimum age for employment is generally 15 years, although developing countries may initially specify a minimum age of 14 years. For employment under specified circumstances (e.g., in the case of health hazards), the minimum age is 18 years (International Labour Organisation, 1973).

4.6. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Article 4 (1) of The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2002) states that “Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.”. According to Article 8 (1) of The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2002) , “Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment” (Office of the High Commissioner for Human Rights, 2002).

4.7. Worst Forms of Child Labour Convention

According to Article 3 of the Worst Forms of Child Labour Convention (1999) “the worst forms of child labour” comprises of “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (International Labour Organization, 1999).

4.8. United Nations Standard Minimum Rules for the Administration of Juvenile Justice

According to Article 1 (3) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985), “Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law”. As per Article 8 (1) of the Act, “the juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling”. As per Article 26 (1) of the Act, “The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to

assume socially constructive and productive roles in society.” As per Article 26 (4), “Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.” As per Article 28 (1), “Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time”. As per Article 28 (2), “Juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community” (Office of the High Commissioner for Human Rights, 1985).

4.9. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

According to Article 5 (1) of Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), “The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up” (Office of the United Nations High Commissioner for Human Rights, 1981).

5. Conclusion

This chapter gives an overview on how various international organizations view crime against children. Each and every individual has the right to live and it's the duty of the society to protect the budding generation and be a leading light. No discrimination must be imposed upon a child as children are the ones who are going to be part of the society in the coming years. All children must be given the space to exhibit their talents and it's the duty of the society to

correct the children in the best interest of their future. It's the children that's going to be living in the society in the coming years. So its quintessential that children must be protected from anti-social elements and from the bullies, both in their academic environment as well from the society that they live.

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