Cyberbullying of Children: Challenges of Victim Support

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Bullying in the form of verbal, physical and social harassment is an integral problem for all societies. With the development of information and communication technology, cyberbullying of children as a new type of bullying increasingly attracts the attention of scholars. Bearing in mind that cyberbullying of children is the subject of this paper, various theoretical approaches, defining this phenomenon, are analyzed. Furthermore, special attention is paid to existing international, European and national legal framework in the context of cyberbullying of children. Finally, starting from the phenomenological forms of cyberbullying of children, the focus is on the challenges of providing victim support. In concluding remarks, it is stated that the lack of a single understanding of cyberbullying of children is a consequence of the absence of a comprehensive legally binding document devoted to this problem. The main goal of the article is to raise awareness about the need to adopt a comprehensive legally binding document devoted to cyberbullying of children in order to protect the rights of victims in cyberspace.

Key words: cyberbullying, victims, support, children, legal framework.

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**Introduction**

On a seemingly normal Tuesday afternoon, an eighth-grade girl walks out of school and steps into her mother’s car, ashen and visibly shaken, saying she received the following cyber-message during class: “I know where you live. You’d better sleep each night with one eye open, on your knees. If you do not, I will be there to be sure you do!”. Scenes like this are playing out in schools around the world (Shariff, Hoff, 2007: 76-77).

In today’s society, there are several ways or types in which children are victimized by bullying. Some of the traditional face-to-face encounters with bullying usually start in neutral social settings such as playgrounds, classrooms, and schoolyards (Johnson et al., 2016: 2). These types of bullying are physical (e.g. hitting, kicking, and pushing), verbal (e.g. name calling, abusive language), and social (e.g. spreading rumours, social exclusion) (Notar, Padgett, Roden, 2013: 6). On the other side, cyberbullying, while similar in its intent to bullying, is different due to the use of new technologies (Keith, Martin, 2005: 224). Therefore, bullying and cyberbullying can be considered different phenomena given that they belong to environments characterized by a distinct nature online and offline (Savoldi, Ferraz de Abreu, 2016: 2). The phenomenon of cyberbullying has emerged with the development of information and communication technologies that have undeniably affected children’s social interactions and behaviour. It has been argued that due to the capacity for anonymity and invisibility that the Internet provides, cyberbullying can be primarily considered as an indirect form of aggression (Antoniadou, Kokkinos, 2015: 185-186). However, two criteria particularly separate cyberbullying from more general aggression. These are the aspects of repetition and power imbalance. An example concerning the aspect of repetition could be a picture that is uploaded onto the Internet and at a later stage distributed by other people, not the initial perpetrator, and thus repeatedly used many times by other cyberbullies. On the other side, the aspect of power imbalance stems from the anonymity of information and communication technologies (Slonje, Smith, Frisén, 2013: 26-27). The relationship is characterized by an imbalance of power between the bully and the child as a victim based on physical size, strength, age, or social status (Brank, Hoetger, Hazen, 2012: 214).

Cyberbullying is a growing problem because increasing number of children are using and have completely embraced online interactivity (Hinduja,
It typically consists of electronic messages that are intimidating or threatening for the child as a victim (Hango, 2016: 1-2). Simply, cyberbullying involves incidents where bullies use technology to harass, threaten, humiliate or otherwise hassle their victims (Hinduja, Patchin, 2017: 52). In that sense, cyberbullying can cause immense distress to young victims, including long-term psychological and mental health damage, and even in some cases suicide (Angus, 2016: 1).

While adults also can be cyberbullied, the focus of this paper is on children as victims. Bearing in mind that cyberbullying of children is the subject of this paper, in the first part it analysis various theoretical approaches concerning definitions of cyberbullying with the aim of proposing the general concept of this phenomenon in order to secure effective recognition of the rights of children including the right to information, participation, protection, reparation and assistance. It is required because currently there is a variety of legal systems and traditions, and millions of children throughout the world suffer harm as a result of the fact that the rights of those children have not been adequately recognized when accessing the justice process. Therefore, special attention is paid to the issue of whether the existing international and national legal framework, in the field of child’s victim protection, recognizes cyberbullying of children as a form of digital violence in a unique way, since there is a need to ensure that child victims receive equivalent protection in all countries. Finally, starting from the fact that there are various phenomenological forms of cyberbullying of children, the author deals with the challenges of providing victim support to child victims. Taking into account all abovementioned, the main goal of the article is to raise awareness about the need of adopting a comprehensive legally binding document devoted to cyberbullying of children in order to protect the rights of victims in cyberspace in a unique way.

**Definitions of cyberbullying – General remarks**

The need for taking into consideration various definitions of cyberbullying stems from the fact that proper recognition of their victims requires the adoption of the unique definition in order to provide them with adequate assistance and support in a timely manner, prevent secondary victimization and provide a basis for recovery after traumatic incidents. In that context, one
The biggest challenges of victim support represent the fact that cyberbullying has been defined in many different ways (Ey, Taddeo, Spears, 2015: 493). To date, no unanimously accepted definition of cyberbullying has been established (Del Rey, Elipe, Ortega-Ruiz, 2012: 608). Variations across definitions are problematic since the absence of an agreed conceptualization of the cyberbullying involved hinders the development of reliable and valid measures (Corcoran, Guckin, Prentice, 2015: 245). Some critical points are related to the use of global and sometimes unique items to detect the degree of involvement in the role of cyberbullies and cyber victims, to the complexity of the definition which can be understood differently among different population as well as to the complexity and accelerated evolution of new technologies which makes any classification often obsolete (Menesini, Nocentini, 2009: 230-231). Therefore, there is no single definition of cyberbullying agreed upon internationally and at the European level. Attempts to define that phenomena have been made by the United Nation (UN) as well as the European Union (EU) institutions and academia (Dalla Pozza et al., 2016: 21).

The UN Committee on the Rights of the Child, in its General Comment no. 13 defined cyberbullying of children as psychological bullying and hazing by adults or other children, including via information and communication technologies such as mobile phones and the Internet. Moreover, in its 2016 Annual Report, the UN Special Representative of the Secretary-General on Violence against Children described cyberbullying as an aggressive, intentional act carried out by an individual or a group using electronic forms of contact against a victim who cannot easily defend himself or herself. It is typically carried out repeatedly and over time and is often characterized by an imbalance of power. On the other side as an EU institution, the European Commission defined cyberbullying as the ‘repeated verbal or psychological harassment carried out by an individual or group against others’. Further-


more, EU Parliament in Motion for Resolution on harmonizing national legislation on cyberbullying defined cyberbullying as continuous and repeated episodes of psychological or physical oppression in the digital world perpetrated by a stronger person against another person who is perceived to be weaker.⁴

Scholars usually define cyberbullying as an extension of real-world bullying (Shariff, Hoff, 2007: 80; McLean, 2013: 1; Notar, Padgett, Roden, 2013: 7). The other part of the scholars defines cyberbullying as an umbrella term that includes hurting someone else using information and communication technologies. In that context, the term cyberbullying is usually connected with constructs such as Internet bullying, online bullying, and information and communication technologies and Internet harassment (Popović-Ćitić, 2009: 44; Nixon, 2014: 144). Hinduja and Patchin define cyberbullying as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices” (Hinduja, Patchin, 2014: 2). According to Slonje, Smith and Frisén, “cyberbullying is a systematic abuse of power which occurs through the use of information and communication technologies” (Slonje, Smith, Frisén, 2013: 26). Finally, in an extended sense some scholars define cyberbullying as an aggressive, intentional act committed by a group or individual, using online forms of contact, repeatedly and overtime against a victim who cannot easily defend him or herself (Smith et al., 2008: 376; Zalaquett, Chatters, 2014: 1).

Keeping in view abovementioned definitions of cyberbullying it seems that there are some elements of that definition that are controversial and others that are not. First of all, when it comes to those elements that are not controversial, it is undisputed that cyberbullying represents a form of mental violence, which includes intentional acts of verbal or psychological harassment. Furthermore, it is clear that cyberbullying occurs via information and communication technologies. Finally, the consequence of cyberbullying in the sense of endangering the tranquillity, dignity or mental condition of the victim are not controversial.

On the other side, there are some controversial elements of the definition of cyberbullying. One of those is the element of repetition of acts of verbal or psychological harassment required for constitution of cyberbullying. In this regard, it must be emphasized that, versus almost the generally accepted attitude of scholars, it seems that a single act online is enough to determine the

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cyberbullying without the need for repetition over time, since the anonymous nature of electronic or digital means enables cyberbullying content to reach a broad audience. In other words, by sending a single bullying act online, there is already a violation of victim personality and dignity, and that is why the repetition as a constitutive element is not required. The second element refers to the age of the victim. In that context, it must be emphasized that children, i.e. persons under the age of eighteen, are not the only victims of cyberbullying. Moreover, it should be mentioned that cyberbullying occurs among adolescent as well, since the victimization occurs also after the age of majority shall be acquired by reaching 18 years. Although there is not the precise definition of adolescence, it is clear that the notion of adolescent comprises both children and young adults. However, the notion of adolescents in this paper refers to children as victims of cyberbullying. As pointed out by some authors, although available research findings suggest that cyberbullying occurs at all ages, it is more common among adolescents (Nešić, 2016: 413). Therefore, based on abovementioned analysis, for the purpose of this paper cyberbullying of children is defined as a form of mental violence which includes intentional acts of verbal or psychological harassment, without the need for repetition over time, via information and communication technologies by adults or other children, which endangers the tranquillity, dignity or mental condition of a victim.

Phenomenology of cyberbullying of children

Starting from the fact that cyberbullying of children can be manifested in many different forms, what represents a challenge in providing victim support, it is necessary to analyse the phenomenology of this type of crime. Cyberbullying of children takes different forms, some of which are harder to detect or less obviously associated with bullying than others (Childnet International, 2007: 11). Generally speaking, cyberbullying of children may occur on personal websites or it may be transmitted via e-mail, social networking sites, chat rooms, message boards, instant messaging or cell phones often when children are at home, but it can also take place during school (Feinberg, Robey, 2010: 1).

Precisely, forms of cyberbullying of children include the following: sending threats, provocative insults or racial or ethnic slurs, gender-specific slurs or other forms of discrimination; flooding an email inbox with abusive mes-
sages; posting or spreading false information about a person with the aim of harming the person or their reputation; singling someone out and inviting others to attack or make fun of them; pretending to be someone else to make it looks like as the other people said things they do not believe, or that are not true about them; sharing images of a person, particularly in an embarrassing situation, without their permission or attempting to infect the victim’s computer with a virus (Brooks et al., 2014: 6; Keen, Georgescu, 2016: 193).

Considering mentioned forms of cyberbullying of children, most of them could fall into one or more of the following categories: a) flaming: online fights using electronic messages with angry and vulgar language; b) harassment and stalking: repeatedly sending cruel, vicious, and/or threatening messages; c) denigration: sending or posting gossip or rumours about a person to damage his or her reputation or friendships; d) impersonation: breaking into someone’s e-mail account and using it to send vicious or embarrassing material to others; e) outing and trickery: engaging someone in instant messaging, tricking him or her into revealing sensitive information, and forwarding that information to others and f) exclusion: intentionally excluding someone from an online group (Feinberg, Robey, 2010: 1).

**Challenges concerning children’s victim support and coping responses of victims of cyberbullying**

One of the most notable issues that need to be addressed concerning children’s victim support is recognition of the problem itself. Many people, whether parents, teachers, or even law enforcement officers, do not know which state laws relate to cyberbullying. Along with recognizing the problem and being able to identify solutions, it is vital that cyberbullying would be addressed in a consistent way. In this context, laws should establish a unique definition of cyberbullying of children and appropriate judicial repercussions (Donegan, 2012: 38-40). Furthermore, the challenge that makes it difficult to prevent cyberbullying of children refers to the fact that even though this problem has been around for well over a decade, some people still do not see the harm associated with it. Parents often say that they do not have the technical skills to keep up with their children’s online behaviour and that schools should be covering it in detail during class time and through other
programmes. Educators are often doing their part through policies, curricula, training and assemblies, but sometimes do not know when and how to intervene in online behaviour that occurs away from school but still involve their pupils. Finally, law enforcement is hesitant to get involved unless there is clear evidence of a crime or a significant threat to someone’s physical safety. As a result, cyberbullying often continues and escalates, because it is not adequately or appropriately addressed (Hinduja, Patchin, 2014: 4).

Another challenge concerning victim support refers to the fact that further progress on the Internet brought more and more websites and with this came the advent of social media and thus massive online posting of personal information. Online publication of personal information is dangerous because it allows many people to see a side of a person which is more often kept private in a face-to-face interaction. Another aspect of social media that can be misleading and hazardous is the ability to create alias profiles. The ability of children to mask their identities provides them with an opportunity to say anything to another individual without the worry of any repercussions. Anonymous blogging sites are another technological advancement that has fostered cyberbullying activity. These sites include certain topic headings that are simply a person’s name under which people could post insulting comments (Donegan, 2012: 35).

The next challenge arising from the previous one refers to the fact that private confidences offered online can suddenly be disseminated to a vast audience of peers for their amusement (Nilan et al., 2015: 2). This challenge stems from the fact that cyberbullying is especially insidious because of its anonymous nature. Moreover, it allows participation by an infinite audience. This anonymous nature of cyberbullying with unknown perpetrators is perhaps the most troubling of all, for it leaves children as the targeted victims wondering which person might be the next victim (Shariff, Hoff, 2007: 77-78). If the content is shared across mobile phones or posted online, it becomes difficult to control who might see it or has copies of it. For example, a humiliating video posted to the web can be copied to many different sites. It is also worth noting that some of those children being bullied may not be aware that they have been or are being cyberbullied. For example, they may not have seen or been aware of the content about them that has been posted online (Childnet International, 2007: 13-14).

Due to the fact that there is potential for wide public access to online content, a single cyberbullying incident could have a serious and lasting
harmful effect on the victimized child. Therefore, redefining the definition and conceptualization of cyber-based bullying could have serious positive implications for protection of children as victims, since no longer would a young person have to endure multiple episodes of victimization before the behaviour could be recognized as cyberbullying. By removing the component of repetition from the conceptualization of cyberbullying, the potential for a single act to cause psychological harm to a targeted child would be recognized (Corcoran, Guckin, Prentice, 2015: 248).

Another challenge is related to the fact that in some cases it is very difficult to detect a child as the victim, since the person being bullied often feels implicated in and responsible for their own victimization and may feel guilty or ashamed. Rude images or conversations can be very embarrassing to young people and their fear that other people, including their family members, might find out, can make them vulnerable to further manipulation (Childnet International, 2007: 13). Finally, in this regard, in some cases, it could be difficult to detect whether a child is being bullied or not, since without taking into account the context of online content, what might intend as a joke, may not be received as such and may be deeply upsetting or offensive to the recipient, indeed. Therefore, a single act can have unintended consequences, e.g. sending a funny (i.e. embarrassing or humiliating) picture of a fellow pupil to someone, could be viewed as a one-off incident, but the nature of the technology means that the senders lose control over the image they have sent. It can be sent on, posted up online and have a wide circulation. For this reason, a one-off action can turn into a repetitive action and has consequences for the child being bullied far beyond (Childnet International, 2007: 15).

When it comes to the coping mechanisms of children as victims of cyberbullying it should be mentioned that there are four main forms: aggressive, passive, active, and seeking support coping mechanisms. One way of coping is aggressive which includes situations when the child victim got angry after being cyberbullied, which means that he/she has the tendency to do the same to the bully. Another way is passive coping that implies doing nothing or ignoring the cyberbullying. On the other hand, there is active coping, which includes situations when the child victim is talking about the event or blocking and deleting websites or social media pages. Finally, there is seeking support coping mechanism, which means that the child victim is looking for
support in general, but also specify the source of support, e.g., parents, teachers, siblings/family, friends (Jacobs et al., 2015: 54; Sticca et al., 2015: 517).

The legal framework relevant for prevention and suppression of cyberbullying of children

In order to identify the ways of dealing with and overcoming challenges of victim support in cases of cyberbulling of children, it is important to analyze the legal framework relevant for prevention and suppression of cyberbullying of children. In that sense, States and relevant stakeholders should develop and implement coordinated responses and strategies to support the child victims of cyberbullying and eliminate cyberbullying practices by sharing national experiences and best practices for preventing and tackling cyberbullying and by adopting or updating legal framework relevant for prevention and suppression of cyberbullying of children. Therefore, in this part of the paper, international and European legally binding documents relevant for prevention and suppression of this phenomenon are analysed. Moreover, international and European non-legally binding documents are also analysed, bearing in mind the fact that they provide guidelines for the improvement of legislation and practice. Finally, the Serbian legal framework relevant for prevention and suppression of cyberbullying of children is considered.

International and European legally binding framework

The United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989, does not contain any specific provision on cyberbullying of children as it only emerged with the development of new technologies in the 1980s. However, the UN Committee on the Rights of the Child responsible for implementation of the UNCRC has emphasized that cyberbullying is a serious violation of children’s rights. In that sense, it is undisputed that State parties which ratified the UNCRC are obliged to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence, including cyberbullying. Therefore, Article 19 of the UNCRC is rel-

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relevant for suppression of and protection from cyberbullying since it establishes that children have the right to be protected from all forms of violence, physical or mental. In particular, in the General Comment No. 13, the Committee highlighted that psychological bullying by adults or other children via Information Communications Technologies has been classified as a form of mental violence. Another issue to consider regarding cyberbullying is the balance between the child’s right to participate in the online environment and the need to protect his/her safety. While all children must enjoy the right to express an opinion, this does not mean that they can violate the rights of others (Dalla Pozza et al., 2016: 37-38).

There is no specific legal instrument targeting cyberbullying of children on the Council of Europe’s level. However, the European Convention for the Protection of Human Rights and Fundamental Freedoms from 1950 protects and promotes key fundamental rights which are also applicable to cyberbullying of children. These include the right to privacy (Article 8), the right to respect private and family life (Article 9), the freedom of expression (Article 10) and the prohibition of discrimination (Article 14). In addition to those instruments, there are other relevant rules potentially applicable to cyberbullying of children worth highlighting: the Convention on Cybercrime and its Additional Protocol dealing with crimes committed via the Internet and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data protecting individuals against abuses related to the collection and processing of personal data. Although these Conventions do not mention cyberbullying of children 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 (Dalla Pozza, et al., 2016: 39-40).

Finally, there are no specific legal instruments addressing cyberbullying of children at the European Union level as well. However, the EU has adopted a range of legal acts indirectly applicable to cyberbullying of children such as

the EU Directive on minimum standards on the rights, support and protection of victims of crime⁹ (hereinafter referred to as the Victim Directive) and the General Data Protection Regulation¹⁰ (hereinafter referred to as the Regulation). The Victim Directive obliges the Member States to take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, as well as the relationship between victims, offenders, children and their wider social environment in supporting the victim to recover from and overcome potential harm or trauma as a result of a criminal offence. The types of support could include providing shelter and safe accommodation, immediate medical support, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for victims. Moreover, in the context of victim support, the Regulation states that children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. In that sense, the Regulation prescribes that the consent of the holders of parental responsibility over children is required in relation to the collection of child personal data.

International and European non-legally binding framework

At the UN level, The UN General Assembly, concerned about the increase in bullying and cyberbullying in different parts of the world, adopted a Resolution in 2014 on protecting children from bullying.¹¹ The resolution obliges States Parties to take all appropriate measures to prevent and protect children from various forms of bullying. The risks associated with the misuse of

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new Information and Communication Technologies are acknowledged as well (Dalla Pozza et al., 2016: 38). On the other side, at the Council of Europe level, according to the Strategy on the Rights of the Child for 2016-2021 adopted by the Council of Europe, one of the five priorities for the State Parties refers to the protection of the children’s rights in the digital environment. 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. The protection from all forms of violence including cyberbullying has been recognized as a prerequisite for children’s safe access to the Internet (Dalla Pozza et al., 2016: 40-41). In addition, the Strategy recommends legal reform of victim support framework to achieve a full ban and in attaining higher collective awareness about children’s right to equal protection from assault, as well as in promoting non-violent discipline and positive upbringing. Finally, at the EU level, the European Parliament adopted the Resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child which recognized that the Member States should consider steps that must be taken to combat cyberbullying, and called children, teachers, as well as youth and children’s organizations to play an active role in raising awareness of this issue. In that context, this Resolution recalls the importance of providing psychological support and assistance for all children who have been exposed to violent events.

As the result of the fact that legal attention regarding cyberbullying has been varied at international as well as European level, national legislatures could not focus on prohibiting cyberbullying without defining what constitutes such behaviour (Brank, Hoetger, Hazen, 2012: 226). Unfortunately, it took a number of high-profile cases, and even several committed suicides, to bring the issue to the attention of many states’ courts and legislatures. One such case revolved around an incident in Missouri during 2006. This case, formally known as United States vs. Lori Drew, involved Drew and her daughter

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creating a false MySpace account under the alias name “Josh.” The defendants used the account to become friends with the victim, 13-year-old Megan Meier, whom Drew’s daughter attended school with. After becoming friends with Meier, Drew and her daughter started sending hateful comments to her. Meier took these comments to heart and committed suicide. The Missouri district court determined that they could not hold Drew directly accountable for the harassment leading to Meier’s death due to extraneous circumstances and lack of legal encompassment. However, due to public outcry, federal prosecutors took charge by applying the Computer Fraud and Abuse Act to the case. This case caused Missouri to modify its state harassment law to encompass acts of cyberbullying like the Lori Drew case (Donegan, 2012: 38).

In the absence of a specific criminal offense for cyberbullying within the national legal framework, it could be addressed as an offense of violence, antidiscrimination offense or computer-related crime. Firstly, cyberbullying may be punished under the legal provision of traditional bullying or may amount to the offense of threat or harassment. Furthermore, cyberbullying may overlap with discrimination when the conduct is motivated by race, national origin, colour, sex, age, disability or religion. Finally, 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.) (Dalla Pozza, et al., 2016: 60-62).

The national legal framework

Regarding Serbian legislation, the Law On The Basis Of The Education And Education System represents the legal framework in the context of cyberbullying of children since it defines digital violence and abuse. According to article 111 paragraph 10 of this Law, digital violence and abuse is considered as the abuse of information and communication technologies as the result of a violation of another personality and dignity accomplished by sending emails, SMS, MMS through a website, chatting, engaging in forums, social networks and other forms of digital communication. On the other side, the Criminal Code of the Republic of Serbia prescribes only harassment as a criminal offense in arti-

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14 Zakon o osnovama sistema obrazovanja i vaspitanja. Službeni glasnik RS, br. 88/2017, 27/2018.
cle 137. Cyberbullying of children is neither prescribed as a standalone criminal offense nor as a serious form of harassment. Bearing in mind that it is a specific type of harassment by using information and communication technology it is necessary to amend the Criminal Code by prescribing cyberbullying as a separate criminal offense (new Article 137a of the Criminal Code) in the chapter fourteen, dedicated to offences against rights and freedoms of human and citizen in order to recognize those children who are victims of this type of crime and to provide them adequate support at the national level.

Conclusion

Although there are numerous definitions of cyberbullying in theory, what is noticeable is that there is no unique and comprehensive definition of cyberbullying of children. It is, therefore, necessary to reach a consensus on the key elements of the definition of cyberbullying of children at the international level in order to provide adequate support for victims. Child victims who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system in bringing perpetrators of crime to justice. However, inadequacies of the criminal justice systems may mean that child victims are not able to access the services they need and may even be re-victimized or exposed to secondary victimization by the criminal justice system itself.

Starting from the fact that numerous definitions of cyberbullying of children at the international and European level only introduce the confusion what actually constitutes cyberbullying, in the paper, the adoption of the universally accepted definition is advocated, since it is necessary for the effective suppression of this form of crime. In other words, due to the absence of an explicit definition of cyberbullying, most people, while they are online, do not know which exactly behaviour constitutes this criminal offence. The lack of a unique understanding of cyberbullying is a consequence of the absence of a comprehensive international document devoted to this problem. Although cyberbullying has been recognized at the international and European level by adopting non-binding documents, this is not enough for a comprehensive suppression of this phenomenon. Therefore, in this paper, the importance of the adoption of a legally binding document by the UN, the EU or the Council of Europe, dedicated exclusively to cyberbullying of chil-
children, which would contain substantive and procedural provisions as well as rules on prevention and protection of victims, is suggested. In that sense, it is important to emphasize that the adoption of a legally binding document does not necessarily mean the adoption of a completely new convention, it would be enough to adopt an additional protocol to the existing cyber legal framework. In addition, the Criminal Code of the Republic of Serbia should be amended by prescribing cyberbullying as a separate criminal offense in order to recognize and protect child victims and provide them proper support at the national level as well.

Finally, in the context of child victims support, in order to prevent victimization of children through cyberbullying, it should be underlined that the institutions, services and facilities responsible for the care or protection of children shall ensure proper implementation of existing standards established by adopted binding and non-binding legal framework relevant for the protection of children as victims of cyberbullying. Moreover, parents, members of the extended family or community, legal guardians or other persons legally responsible for the child shall also undertake all appropriate measures for the implementation of the recognized victim’s rights. Furthermore, it is important to create and implement preventative measures such as anti-cyberbullying policies, education campaigns and community awareness. Finally, the idea of providing individualised psychological support in the aftermath of cyberbullying events in order to teach child victims how to cope with particular problematic psychological content and how to prevent it should be considered. In the end, it should be mentioned that the adoption of all proposed measures would contribute to reducing the identified challenges in victim support and in protecting child victims of cyberbullying and, thus, to reinforcing their position.

References


Zakon o osnovama sistema obrazovanja i vaspitanja (Law On The Basis Of The Education And Education System), Službeni glasnik RS, br. 88/2017, 27/2018 - i dr. zakoni.

Internet sources


Regulation EU 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data


**Nikola Paunović**

**Elektronsko zlostavljanje dece: Izazovi pružanja podrške žrtvama**

Vršnjačko nasilje u vidu verbalnog, fizičkog i socijalnog zlostavljanja je sastavni problem svakog društva. Sa razvojem informacionih i komunikacionih tehnologija nastaje i novi vid vršnjačkog nasilja koji sve češće zaokuplja pažnju stručne javnosti – elektronsko zlostavljanje dece koje predstavlja osnovni predmet rada. U radu se najpre kritički analiziraju različiti teorijski pristupi definisanju elektronskog zlostavljanja dece sa ciljem predlaganja opštetegov pojma ovog fenomena polazeći od onih elemenata koji nisu sporni. Posebna pažnja se posvećuje pitanju da li postojeći međunarodni i nacionalni pravni okvir u oblasti zaštite dece žrtava prednjaži elektronsko zlostavljanje kao vid digitalnog nasilja. Konačno, polazeći od fenomenoloških oblika elektronskog zlostavljanja dece u radu se razmatraju izazovi pružanja podrške žrtvama. Autor zaključuje da nepostojanje jedinstvenog shvatanja elektronskog zlostavljanja, predstavlja posledicu odsustva sveobuhvatnog pravno obavezujućeg dokumenta posvećenog ovom problemu. Iz svega navedenog proizilazi da je osnovni cilj rada podizanje svesti o potrebi usvajanja sveobuhvatnog pravno obavezujućeg dokumenta posvećenog elektronskom zlostavljanju dece radi zaštite prava žrtava u sajber prostoru.

**Ključne reči:** elektronsko zlostavljanje, žrtve, podrška, deca, pravni okvir

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