

Submission for the preparation of the UN Secretary-General's report on "Protecting children from bullying" following the General Assembly resolution A/RES/69/158

**by the Child Rights International Network (CRIN)
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The Child Rights International Network (CRIN) is a rights-based organisation that advocates for the full realisation of all children's rights. Our submission aims to contribute information on forms of violence that amount to bullying, but which are often not recognised as such, and settings in which they take place. The submission also emphasises the importance of education for raising awareness of bullying and as a means of prevention.

Bullying in schools

Curriculum

While education is critical to promoting respect and acceptance among peers, teaching of certain social issues is often absent from the curriculum, while certain population groups are depicted in negative ways, which represents an obstacle to promoting acceptance and preventing bullying of children who face discrimination.

One example is children who are victims of bullying based on sexual orientation and gender identity. This includes children who identify as lesbian, gay, bisexual or transgender (LGBT), as well as those who are perceived as not conforming to existing gender norms and stereotypes even if they do not identify themselves as LGBT. While studies have shown that LGBT children and those perceived as such experience bullying more than their heterosexual peers,¹ school education on sex, sexuality and relationships usually does not address issues relating to LGBT children.² In some school districts such topics are even explicitly banned from discussion in the classroom, with 'gag policies' preventing teachers from discussing such issues with their pupils.³

¹ Schuster, Mark, "A Longitudinal Study of Bullying of Sexual-Minority Youth", 2015, *The New England Journal of Medicine*. Retrieval from: <http://www.nejm.org/doi/full/10.1056/NEJMc1413064>

² Stonewall and the Centre for Family Research, University of Cambridge, "*The School Report: The experiences of gay young people in Britain's schools in 2012*". Available at: https://www.stonewall.org.uk/sites/default/files/The_School_Report_2012_.pdf

³ In one notable legal challenge against a school district in the United States, a child-led civil lawsuit forced Minnesota's largest school district to revoke its gag policy on LGBT issues, with claimants arguing that the policy meant the schools failed to adequately provide for the safety of students and protect them from bullying. See, for example, "Major victory in Anoka-Hennepin school district bullying lawsuit," *Daily Kos*, 11

Teachers also face fines for talking to children about LGBT issues in countries that have banned the ‘promotion’ of homosexuality.⁴ The UN Educational, Scientific and Cultural Organization (UNESCO) attributes this kind of policy to wider social attitudes and sensitivities about homosexuality and atypical gender identity, as well as to a lack of understanding of the problem of bullying and the methods to respond to it.⁵

Textbooks used in schools in some countries also contain information that is biased against certain population groups, such as women and girls and ethnic and religious minorities, which could potentially encourage children’s prejudice against these groups. For instance, 22 textbooks used in schools in Pakistan were found to contain chapters featuring discriminatory comments about non-Muslims, including offensive remarks against Hindus, Christians and Sikhs.⁶ Textbooks used in Israeli schools contain anti-Palestinian ideology by depicting Palestinians as terrorists, refugees and primitive farmers,⁷ with scholars saying that this bias conditions Israelis to hold prejudices against Palestinians from a young age. Textbooks used in the Iranian schools curriculum largely express suspicion of ethnic minorities and disparage non-Muslim and atheist beliefs, while women are depicted never as independent individuals, but as a man’s wife, mother, sister or daughter.⁸ And in Ukraine, a fourth-grade health textbook included illustrations depicting negative Roma stereotypes, while two fifth-grade history books depicted Muslims in a negative light.⁹

The absence of such issues in the classroom does nothing to encourage discussion of sexuality and gender or to foster tolerance and acceptance of sexual and gender diversity; it merely fosters a climate of intolerance where discrimination is allowed to flourish unchallenged with the potential of culminating in bullying. Yet schools have the responsibility to counter negative attitudes of population groups present in the media, politics, the general public and within the family. Child-to-child bullying based on sexual orientation and gender identity is a product of the values that children are taught - indeed discrimination is learned. The school curriculum can either reinforce this prejudice or challenge it.¹⁰ Schools are well placed to challenge

March 2012. Available online at:

<http://www.dailykos.com/story/2012/03/11/1072927/-Major-victory-in-Anoka-Hennepin-school-district-bullying-lawsuit>

⁴ CRIN, “Annual Report 2015 - The Year in Children’s Rights”. Available at:

https://www.crin.org/sites/default/files/crin_annual_report_2015_10_sep_0.pdf

⁵ UNESCO, “Education Sector Responses to Homophobic Bullying”, Good policy and practice in HIV and health education series, Booklet 8, 2012. Available at:

http://www.lgbt-education.info/doc/unesco/UNESCO_Homophobic_bullying_2012.pdf

⁶ National Commission for Justice and Peace (NCJP), “Education Vs Fanatic Literacy A Study on the Hate Content in the Textbooks in Punjab and Sindh Provinces”, 2013. Available at:

<http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

⁷ Peled-Elhanan, Nurit, 2012, *Palestine in Israeli School Books: Ideology and Propaganda in Education*, I.B.Tauris & Co Ltd.

⁸ Paivandi, Saeed and Freedom House, “Discrimination and Intolerance in Iran’s Textbooks.” Available at:

<https://freedomhouse.org/report/special-reports/discrimination-and-intolerance-irans-textbooks>

⁹ US Department of State, “Country reports on human rights practices for 2007”, March 2008. Available at:

<http://www.state.gov/j/drl/rls/hrrpt/2007/100590.htm>

¹⁰ This view is shared by the European Committee of Social Rights (ECSR), which in March 2009 ruled that Croatia was in violation of the European Social Charter’s non-discrimination clause for distributing school textbooks on sexual and reproductive health that described “homosexual relationships as abnormal, the product of poor parenting, the prime cause of spread of sexually transmitted disease and naturally

discrimination and prevent bullying, as they are where children spend most of their formative years and where they develop views about the world and the people around them. And on the assumption that the curriculum addresses often sensitive and controversial issues in a balanced and objective way, schools offer a neutral place for learning.

School staff

Teachers and school authorities can play an indirect part in bullying of pupils when they fail to intervene in instances of harassment. In Britain, for example, in the case of students who identify as lesbian, gay or bisexual (LGB), three in five pupils who experience homophobic bullying say that teachers who witness the harassment never intervene, and only 10 percent of LGB pupils report that teachers challenge homophobic language whenever they hear it.¹¹

Teachers have also been known to directly encourage or participate in the bullying of a child. For instance, in the first-ever case on bullying to be ruled on by Mexico's Supreme Court, judges in 2015 ordered a school and teacher to compensate a 7-year-old student for their role in the bullying of the child, as the teacher had not only encouraged the abuse by the other children but also participated in it, while the school failed to prevent the abuse even though it was aware of it.¹²

Anti-bullying policies

Anti-bullying school policies recognise that bullying is a phenomenon that causes harm and cannot be tolerated. They also demonstrate that a school assumes its responsibility to protect its students from bullying. But when a school does not have an anti-bullying policy in place, or if it fails to mention specific vulnerable groups, it is effectively leaving certain children exposed to bullying. One case in point again concerns LGBT students, as they in particular are rarely covered in schools' anti-bullying policies.¹³

It is schoolchildren's right to be free from discrimination, harassment, emotional distress; and if an entire student body is to be protected from bullying, schools must update their anti-bullying policies to cover *all* children, especially those who are at particular risk of bullying because of their gender, sexual orientation, race, ethnicity, religion or disability, or on any other grounds. Moreover, anti-bullying policies, aside from recognising certain children's vulnerability, must be comprehensive in their scope and include both anti-bullying education of children and parents and training of teachers; make child-friendly and safe counselling available to students; and

promiscuous." The Committee noted that sex education should not be used "as a tool for reinforcing demeaning stereotypes and perpetuating forms of prejudice." ECSR in response to *INTERIGHTS v. Croatia*, Complaint No. 45/2007. Case summary available at: <https://www.crin.org/en/node/40267>

¹¹ Stonewall and the Centre for Family Research, University of Cambridge, "*The School Report: The experiences of gay young people in Britain's schools in 2012*". Available at: https://www.stonewall.org.uk/sites/default/files/The_School_Report_2012_.pdf

¹² Suprema Corte de Justicia de la Nación, "Resuelve corte primer caso de bullying: Ordena escuela indemnizar a niño de 7 años," 15 May 2015. Available at: <http://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=3088>

¹³ Gay, Lesbian and Straight Education Network (GLSEN), "From Statehouse to Schoolhouse: Anti-Bullying Policy Efforts in US States and School Districts". Available at: <http://www.glsen.org/article/new-state-and-school-district-anti-bullying-policies>

develop a protocol for dealing with instances of bullying, including by having a reporting and complaints mechanism in place for children affected by bullying and inform children and parents that this recourse is available to them.

Dress codes

School dress codes are known to reinforce traditional expectations of gendered and sexual behaviour,¹⁴ with this fixation of needing to conform to stereotypes also being shared by the bullying ethos, whereby divergence from the norm makes a person a justified target. Unsurprisingly then, school authorities have been known to draw attention to children who transgress these expectations in ways intended to humiliate and make an example of them. Female students are particularly affected by what has been coined as 'slut-shaming' - a form of gendered bullying - on the part of school staff, which involves measures intended to single out and penalise girls perceived to be acting in sexually provocative ways, such as revealing skin or wearing figure-hugging clothing like leggings or yoga pants to school.

One example comes from the United States, where in 2014 female students across the country conducted school walkouts over what they said are "sexist" dress codes and for being humiliated for not covering up. Some schools are known to send girls home or make them wear oversized 'shame suits', as was the case in one school which forced one student to wear baggy trousers and a yellow shirt each with the words "dress code violation" written on it. Also in 2014 a school in Sweden was criticised for giving students a test on sex education for children aged 13 or 14, which included an exercise in which the 'correct' word to describe girls who have various sexual partners was "mattress".¹⁵

Bullying in the home

Despite that fact that from a children's rights perspective 'family' is an arrangement which provides care, nurture and development, it can also be a setting in which violence and harassment that amounts to bullying takes place. This is the case with corporal punishment. The practice meets two of the defining characteristics of bullying behaviour, which sees an adult striking a comparatively smaller child (imbalance of power) with the intention of inflicting pain (the importance of intention). While this is done in the name of discipline, corporal punishment has outcomes similar to those that result from bullying, including poor school results, low self esteem and depression.¹⁶ Like bullying, corporal punishment also creates an environment of fear and hostility. What's more, studies have shown that corporal punishment of children

¹⁴ Coupet, Sacha M., 2015, "Policing Gender on the Playground: Interests, Needs, and Rights of Transgender and Gender Non-conforming Youth," *Children, Sexuality and the Law*, pp. 186-223, New York University Press.

¹⁵ *The Local*, "Sweden school slammed for slut shaming test", 4 December 2014. Available at: <http://www.thelocal.se/20141202/school-slammed-for-words-used-in-sex-test>

¹⁶ Turner, Heather A. and Muller, Paul A. 2004, "Long-Term Effects of Child Corporal Punishment on Depressive Symptoms in Young Adults: Potential Moderators and Mediators", *Journal of Family Issues*, vol. 25, no.6, pp. 761-782.

contributes to the cycle of violence, as it links growing up in a punitive household with aggression in later years, including bullying behaviour and victimisation of others.¹⁷

Bullying online

While research shows that children are bullied more offline than online,¹⁸ cyberspace nonetheless presents a relatively new and unregulated setting where bullying takes place. Cyberbullying has rightly triggered concerns because of its inescapability - it does not abate when children are in the privacy of their own home - and its potential anonymity, both of which have been factors in child suicide cases.¹⁹ There is also anxiety over children's use of the Internet becoming increasingly mobile, as it makes it more difficult for the adults in their lives to supervise their online activities.²⁰ Yet despite cyberbullying increasingly being the focus of anti-bullying policies, adults are still floundering about how to deal with the issue, often imposing misguided policies. For instance, one way States are responding to the issue is with punitive measures, including criminalisation.

For instance, New Zealand has enacted the Harmful Digital Communications Act of 2015,²¹ which criminalises online communications deemed deliberately harmful. The law creates a number of new offences, with penalties ranging from monetary fines for posting harmful digital communication to up to three years' imprisonment for incitement to suicide. Children under the age of 14 cannot be charged with these offences and cases involving 14 to 16-year-olds will be diverted to the youth justice system, however the criminal sanctions will apply with full force to 16 and 17-year-olds.

While some organisations informing policy responses to cyberbullying have noted that young internet users must take responsibility for their online actions and respect the rights of other Internet users,²² they also emphasise the need for governments to deliver education on digital literacy and safety skills to children. Whereas the punitive response to cyberbullying serves merely as a retributive measure which fails to address the underlying causes of bullying (both generally and in individual cases, such as violence in the home of a child who bullies²³),

¹⁷ American Psychological Association, "Parent's Use of Physical Punishment Increases Violent Behavior Among Youth". Available at: <http://www.apa.org/pi/prevent-violence/resources/violent-behavior.aspx>

¹⁸ Lenhart, Amanda, 2007, "Cyberbullying", Pew Research Center. Available at: <http://www.pewinternet.org/2007/06/27/cyberbullying/>

¹⁹ Brustein, Joshua, "Ask.fm's Teen Suicide Case and the Anonymity Problem," 21 August 2013, Bloomberg Business. Available at: <http://www.bloomberg.com/bw/articles/2013-08-21/ask-dot-fms-teen-suicide-case-and-the-anonymity-problem>

²⁰ EU Kids Online, "Private and mobile internet use by children requires a new approach to safety". Available at: <http://www.lse.ac.uk/newsAndMedia/news/archives/2011/10/saferinternet.aspx>

²¹ Available at: <http://www.legislation.govt.nz/act/public/2015/0063/latest/DLM5711810.html>

²² EU Kids Online, "Private and mobile internet use by children requires a new approach to safety". Available at: <http://www.lse.ac.uk/newsAndMedia/news/archives/2011/10/saferinternet.aspx>

²³ American Psychological Association, "Parent's Use of Physical Punishment Increases Violent Behavior Among Youth". Available at: <http://www.apa.org/pi/prevent-violence/resources/violent-behavior.aspx>

education on the other hand can guide children to use the technology in ways that encourage respect, understanding, and responsibility.²⁴

Another misguided punitive response to cyberbullying - but this time against the victim - is that when a case of bullying is reported, adults' instinct is to remove the technology from the child on the assumption that no access will result in no more bullying. But this can result in a child not reporting bullying, because the removal of computer or phone privileges can, in their eyes, be seen as punishment.²⁵ But simply restricting children's access to the Internet is not a sustainable approach to protection from bullying. Once again, education is key, as children need information to protect themselves, because raising their awareness helps them to build resilience online and are able to navigate the Internet with awareness of the risks it poses and knowledge of how to avoid them, as well as what steps to take in the face of cyberbullying.

Recommendations

To schools and school districts

- Promote understanding of the problem of bullying among school staff, including awareness of certain groups' particular vulnerability;
- Anti-bullying policies should be reviewed to incorporate focus on all vulnerable groups;
- Develop a protocol for dealing with instances of bullying, including by training teachers on the imperative to intervene;
- Establish a disciplinary procedure for teachers who are found to encourage or take part in bullying of a child;
- Make child-friendly and safe counselling available to children affected by bullying;
- Establish a reporting and complaints procedure for children affected by bullying, and inform children and parents that this recourse is available to them;
- Promote open discussion of issues such as sexual and gender identity, religious and ethnic minorities and stereotypes, and not shy away or prohibit such discussions;
- Review curriculum policies to incorporate a clear direction for removing policies and materials discriminating against certain groups;
- Ensure school textbooks are free of negative stereotypes which could potentially inculcate prejudice in children against certain groups and minorities;
- Cater education on sex, relationships and sexuality to children of all genders and sexualities, and not contain preference for one over another;
- Provide education that guides children to use technology in ways that encourage respect, understanding, and responsibility;
- Provide educational support on digital literacy and safety online for building resilience online and protect against cyberbullying;

²⁴ Keith, Susan and Martin, Michelle E., "Cyber-Bullying: Creating a Culture of Respect in a Cyber World", Crisis Prevention Institute. Available at: <http://www.crisisprevention.com/Resources/Knowledge-Base/School-Bullying-Resources-and-References/Cyber-Bullying-Creating-a-Culture-of-Respect-in-a>

²⁵ Violence Prevention Works, "What is cyberbullying?" Available at: http://www.violencepreventionworks.org/public/cyber_bullying.page

To ministries of education

- Education ministries should monitor the content of textbooks used in schools at all levels to ensure that information is balanced, objective and factual;
- Promote parental awareness of bullying and its impact on a bullied child.

To States

- Promote non-punitive measures in response to bullying behaviour, which seek to address the root of the behaviour of a child who bullies and encourages communication;
- Enact a ban on corporal punishment in all settings, including the home, in view of the impact it can have on a child's mental health and behaviour and in light of evidence showing that the practice contributes to a cycle of violence.

About CRIN

Our goal

A world where children's rights are recognised, respected and enforced, and where every rights violation has a remedy.

Our organisation

CRIN is a global research, policy and advocacy organisation. Our work is grounded in the United Nations Convention on the Rights of the Child.

Our work is based on five core values:

- We believe in rights, not charity
- We are stronger when we work together
- Information is power and it should be free and accessible
- Societies, organisations and institutions should be open, transparent and accountable
- We believe in promoting children's rights, not ourselves.

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