The EU Directive for Victims of Crime: how it applies to victims of bullying?

AVOID AGGRESSION
BE TOLERANT
CARE FOR OTHERS

Professor Mona O'Moore & Sinead Kane
Anti-Bullying Research & Resource Centre (ABC)
Trinity College, Dublin

The Prevalence of Bullying

Anyone can be a victim of bullying, at any age, in any environment. It can happen:

- at home
- in school
- in the workplace
- in a nursing home

It can happen anywhere.

What is Bullying?

Traditional Bullying

Cyber-Bullying

Traditional Bullying

Definition

Bullying has 3 main criteria:

- **intention** to cause harm to the victim;

- **repetition** of the abusive behaviour over a period of time;

- **imbalance of power** between the victim and bully/bullies.

However, one particularly severe incident, which creates an ongoing sense of intimidation can also be considered bullying.

Traditional Bullying most often takes the form of:

Systematic victmisation

- Physical aggression

- Verbal abuse

- Gestures – often threatening

- Exclusion / Relational

- Extortion

Cyber-Bullying :
A Definition

"Cyber-bullying is an aggressive willful act carried out by an individual or group using electronic forms of communication"

Mona O'Moore, 2012

Cyber-Bullying Behaviour

- **Harassment:** e.g. sending insulting or threatening messages;

- **Denigration:** spreading rumours on the internet;

- **Outing and trickery:** revealing personal information about a person which was shared in confidence;

- **Exclusion:** preventing a person from taking part in online social activities, such as games or chats.

- **Flaming or Trolling:** sending insulting messages to inflame emotions of others so that flame war is created in 'public' places such as a chat room or a social networking site.

- **Impersonation:** Perpetrator uses the victim's password to send or post a hateful message / Perpetrator alters the victim's profile

- **Happy Slapping:** Filming and forwarding direct physical assaults which are degrading and humiliating to the victim.

- **Sexting:** Embarrasses victim by posting messages or images of a sexual nature of victims or others e.g. the posting of victim's breasts caused suicide of Amanda in Canada.

Overlap between Traditional and Cyber-Bullying

- 71 % of cyber-victims were traditional victims

- 28.9% of cyber-victims were traditional bullies

- 67.4% of cyber-bullies were traditional bullies

- 32.0% of cyber-bullies were traditional victims

Supports Sourander et al (2010) study of 2215 Finnish teens aged 13-16 years

Effects of Bullying

- Erosion of confidence and self-esteem

- Feelings of frustration

- Anger

- Sadness, hopelessness

- Loneliness and depression

- Inability to concentrate at school/work

- Not wanting to go to school/work

- Staying offline

- Distrustful of others

- Self-harm

- Suicidal thoughts

- Suicide

Note: Being cyber & traditionally bullied increases risk of depression and loneliness.
(Gradinger et al, 2009; Bright et al, 2012)

Suicidal behaviours

- Suicidal behaviours while rare are also expressions of the deep despair which is so characteristic of those targeted by bullying. The recent and tragic deaths of the young people reported by print and screen media in Ireland, namely, Phoebe Prince, Erin Gallagher, Ciara Pugsley, Lara Burns & Shane McEntee (TD) are all testimony to this.

National Study of Workplace Bullying
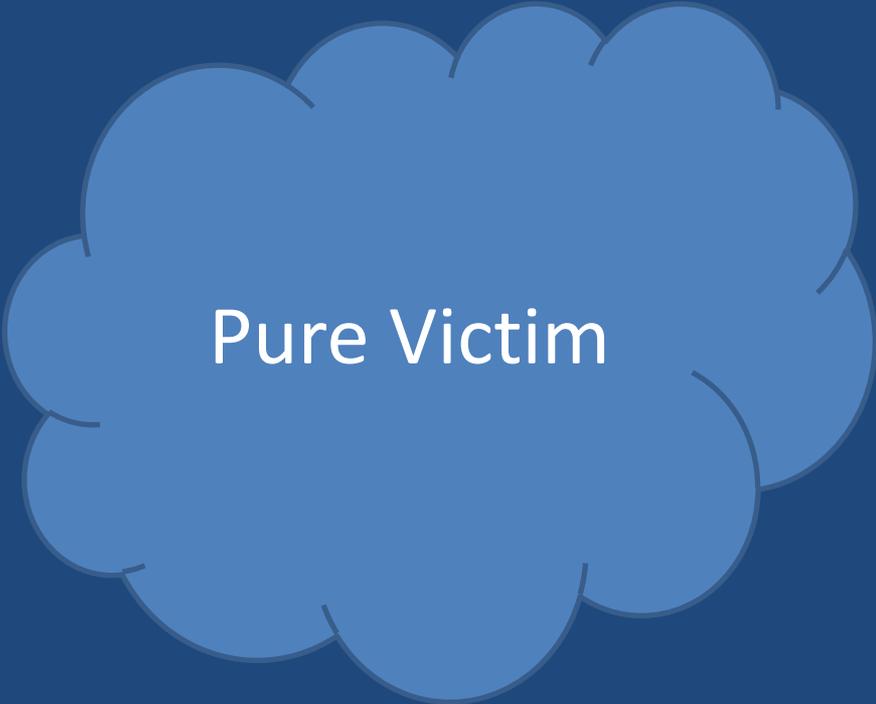## (O'Moore, 2000)

Findings from a sample of 1057 adults

	Men	Women	Total
Being bullied occasionally	16.1	17.9	16.9
Being bullied frequently	5.3	7.7	6.2
Physical health affected	45.5	34.6	39.6
Mental Health affected	43.0	42.5	42.7
Psychiatric treatment	10.8	76.3	9.2
Medication	22.5	15.5	19.2
Performance at work affected	46.2	50.0	48.0
Sick leave (1589 days)	30.5	29.9	30.2
Considered leaving job	--	--	23.6
Family relationships affected	--	--	27.9
Sought legal advice	--	--	10.6

Calls for support

In 2012 our Anti-Bullying Centre (www.abc.tcd.ie) dealt with **1712** calls/emails/letters seeking information about how to cope with school bullying. The majority of these calls came from parents,school principals, teachers and employees who are concerned about a specific bullying problem and seeking information on how to address it.

Is there a Typical victim?

Pure Victim

Bully-Victim

Pure Victim

Is there a typical victim?

Anyone can become a victim!

Risk factors:

- an anxious, sensitive, shy, insecure and cautious temperament;

- few good friends;

- low self-esteem;

- a passive, non-aggressive, or non-assertive manner;

- reflecting a difference, e.g., accent, religion, culture, race, special needs

See Chapter 3 in O'Moore, M. Understanding School Bullying :
A Guide for Parents & Teachers

Bully-Victims

Often display…

- an emotionally reactive manner;

- social skills deficits, e.g. clumsy behaviour when attempting to enter or join a peer group

- Negative attributional biases

See Chapter 4 in O'Moore, M. Understanding School Bullying :
A Guide for Parents & Teachers

What are the Special Needs of victims of bullying?

The same as for victims of crime: To be met with:

- A professional manner, sensitivity and respect

- Compassion/not to feel they are to blame

- Emotional support

- Information on how to progress the complaint

- Information & Encouragement to access support services

Special Needs of victims of bullying

When a court appearance is necessary avoid distress by allowing for:

- Video recording of interviews
- Summoning victims and offenders to hearings at different times
- Non aggressive cross examination
- The Removal of the confidentiality clause

Support Services

How can victim support services be adapted to better serve victims of bullying?

Support Services

- Create a mapping exercise to identify current services for victims of bullying.

- Seek information from local organisations and stakeholders

- Conduct focus groups and interviews with victims of bullying.

- Gather statistical data of how many reported crimes contained element of bullying.

Ireland

- Two main support services for victims of crime:
- The Victims of Crime Office (VCO)
- The Commission for the Support of Victims of Crime (CSVC)

EU Directive **(2012/29/EU)**

What role will the Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) have on protecting the rights of victims of bullying?

Bullying as a crime?

This provokes the broader discussion of should bullying be seen as a 'criminal' offence?

Applicable legislation (criminal context)

Even though there is no specific legislation in Ireland which
specifies bullying as a criminal offence there is legislation
which is relevant.

- Harassment - Section 10 of the Non Fatal Offences Against the Person Act 1997.

- Threats - Section 5 of the Non Fatal Offenses Against the Person Act.

- Phone Messages – Section 13 Post Office Amendment Act 1951.

- Invasion of Privacy - The Data Protection Acts, 1988 & 2003. As a general rule, the placing of personal information about a person online without their consent will be a breach of the Data Protection Act (DPA). This includes the posting, without consent, of photographs or of video recordings.

- Hate Speech - Section 4 of the Prohibition of Incitement to Hatred Act 1989

Inner Level

Victims of bullying who use the above criminal provisions will thus be able to benefit from the EU Directive **(2012/29/EU)**.

Broader Level

The directive enhances rights for victims of bullying because:

1. It holds people accountable
2. It empowers victims
3. It provides greater participation in the process for victims
4. It is family centred – it recognises the impact of secondary victimisation

Recommendations

Nationally

- Collaboration between the Victims of Crime Office, Commission for the Support of Victims of Crime and the Anti-Bullying Centre (ABC).

- That the said organisations recognise the ABC centre as the national agency in Ireland for victims of bullying.

- That there be training for critical stakeholders, e.g. Gardai and critical stakeholders to better understand how the criminal law applies to bullying.

Internationally

- Consider an EU legal or policy framework regarding violence in schools. The Council of Europe made an attempt to put in place a negotiated 'contract'. In 2004, it launched a Charter for Democratic Schools without Violence. This was drafted by student delegates and then adopted through an electronic referendum with schoolchildren from 82 schools in 19 countries across Europe.

Go Raibh Mile Maith Agat

Thank You