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Editorial

Cyberbullying as an urgent existential problem: legal and organizational ways of overcoming

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In accordance with the provisions of the Convention on the Rights of the Child, no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation (art. 16) (United Nations, 1989).

Cyberbullying, which until recently remained unexplored in the national and international scientific community, according to foreign experts already exceeds the usual bullying (Anderson, 2018, VeryWellFamily, 2021). The coronavirus pandemic, which has forced many to focus their lives in a virtual environment, is also a reinforcing factor for such threatening growth.

The definition of cyberbullying appeared in the Oxford Dictionary in 2010. At the time, the term was interpreted as “the use of information technology to harass others by posting abusive / threatening text messages / images” (Oxford English Dictionary, 2021).

The emergence of the term “cyberbullying” is often attributed to the Canadian educator Bill Belsey (2019). He himself admits that he decided to launch websites to help children affected by bullying (cyberbullying (www.cyberbullying.ca)) under the influence of news of the April 20, 1999, massacre at

Columbine American School in Jefferson County, Colorado which killed 13 students, and a similar incident in Alberta, Canada, in the town of Taber, 8 days after Columbine.

The main feature of cyberbullying, of course, is its virtuality, which is characterized by a lack of control and a sense of reality of what is happening. As a result, both the victim and the aggressor cannot stop the circulation of offensive material on the Internet or their copying on digital devices. The actions of the offender may seem insignificant to him, such that they have no consequences because they occur in cyberspace, when in fact their consequences are quite real, because on the other side is a living person.

In general, it has been found that cyberbullying leads to depression, loneliness, anxiety and low self-esteem, feelings of humiliation, frustration and anger, which have a lasting negative impact on the development of the child's personality (Ditch the Label, 2017).

As for the international dimension of public-law counteraction to cyberbullying, the situation is, for obvious reasons, heterogeneous. Factors that cause this heterogeneity include the level of economic development, socio-political situation, cultural background, and so on. One way or another, the list of countries in which as of 2020



there are laws aimed at combating cyberbullying include Japan, Spain, Chile, France, Peru, Argentina, Italy, South Korea, Mexico, Sweden, Austria, Brazil, Canada, Great Britain, Poland, USA, Hungary, China and Saudi Arabia can be partially added to this list (Cook, 2021).

Among the main legal acts that determine the international legal regulation to prevent and combat cyberbullying, we can name the UN Convention on the Rights of the Child of 1989, in Art. 2, 16, 19 and 39 which set out the main principles to be followed by the States Parties to this Treaty in carrying out activities in the field of protection of the rights of the child. These include taking all necessary measures to prevent physical, psychological and other forms of violence against children, inadmissibility of arbitrary interference in their personal and family life, violation of the secrecy of correspondence, illegal encroachment on their honor and dignity.

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on Human Rights and Fundamental Freedoms, adopted by the Council of Europe, apply to both adults and minors, with basic powers such as the right to life, health, adequate standard of living, judicial protection, etc. At the regional level, there are also key regulations on cyberbullying prevention. These include the European Commission's Cyberbullying Strategy, which provides for directives on the legal protection of minors in cyberspace, such as Directive 2002/58 / EC on confidentiality and electronic communications; and Announcement of the European Commission on a general strategy to combat cyberbullying. Framework Decision 2005/222 / WSiSW provides for penalties for targeted, illegal access to all or part of the information system (Article 2), deliberate, illegal, serious violation or disconnection of the information system, methods of illegal manipulation of computer data (Articles 3, 4) (Ćmiel, 2014; Kosiński, & Kmiotek, 2014). In its Strategy for the Rights of the Child for 2016-2021, the Council of Europe identifies ensuring the rights of the child in the digital environment as one of its priorities. In this context, reference should also be made to Recommendation CM / Rec (2018) 7 of the Committee of Ministers of the Council of Europe to member states on the principles of observance, protection and realization of the rights of the child in the digital environment. According to this document, comprehensive advice was provided to the

governments of the EU member states on preventing and combating cyberbullying.

At the national level, bullying is addressed in the Law of Ukraine "On Education" (Law 2145-VIII/2017, 2017) and partially in the Code of Administrative Offenses (Law 8073-X, 1984). In particular, bullying refers to the acts (actions or omissions) of participants in the educational process, which consist in psychological, physical, economic, sexual violence, including the use of electronic means of communication committed against a minor or such a person in relation to other participants in the educational process, as a result of which the mental or physical health of the victim may or has been harmed.

Therefore, the above can be summarized as follows:

1. Cyberbullying as a phenomenon is becoming threatening given the increasing intensity of digitization processes, the development of information technology, democratization of access to electronic communications.
2. When interpreting the concept of cyberbullying, it is necessary to pay attention to a number of features such as intentional harm, recurrence or systematic action, and whether they are mandatory for qualifying the act as cyberbullying given the nature of each case. This specificity of qualification is due to the virtuality of cyberbullying.
3. In the context of opportunities to prevent and combat cyberbullying by the relevant Ministry, in educational institutions it is necessary to diagnose the psycho-emotional environment and motivational-educational work with the administration; consultative and educational work with teachers and parents; counseling and correctional work with adolescents- "aggressors", adolescents- "victims" and adolescents- "observers". To implement these initiatives, appropriate legal regulation at both national and international levels has to be provided.

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