

Cyberbullying: the latest type of violence against children

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Abstract – *The article is dedicated to the study of the problems of legal regulation of the protection of children from cyberbullying. The problems of legal regulation of the relations in social networks are examined.*

Keywords – violence, abusive treatment, children, minors, Internet, rights protection, information security, cyberbullying.

Introduction

When describing the phenomenon of harassment, abuse, violence in the information and communication space, domestic researchers use such concepts as "cyberbullying", "cyber harassment", "cyber hooliganism", "cyber aggression", "cyber stalking", and others.

Cyberbullying includes the following actions: sending messages, letters, videos, pictures of offensive, threatening nature; distribution of personal information (true or false) that discredits the victim; shooting of fights, mockery using modern gadgets with further demonstration of such photos, videos, etc. This is the so-called open or direct cyberbullying. It should be noted that such messages create a hostile, aggressive atmosphere, even when they are not directly targeted at a child.

In order to prove the fact of violence against children on the Internet, the victims provide evidence – the screenshots that display the information which became the ground for the conflict in the way it is presented on the Internet. However, according to paragraph 46 of the Resolution of the Plenum of the Supreme Economic Court of Ukraine "On Certain Issues of the Practice for the Settlement of Disputes Related to the Protection of Intellectual Property Rights" dated October 17, 2012, No. 12, the print-outs of Internet websites (web-pages) by themselves cannot be evidence in the case [1]. Judicial practice shows that such a print-out can be recognised as evidence provided that there are no objections from other persons involved in the case.

Thus, the Kyiv Appeal Administrative Court, in its ruling dated February 21, 2013, No. 2a-13438/12/2670, accepted screenshots of the pages on Facebook and Twitter as appropriate evidence. The main argument of the court in favour of such a decision was the fact that only a person who had the keys necessary to enter the administrative part of the website could make such screen-shots [2].

The most acceptable visual way of fixing a web page is to conduct expert research – the study of telecommunication systems (equipment) and means [3]. When carrying out an expert study in the field of telecommunications, the following actions are performed: verification of the domain name (the expert determines whether there is a web-site with the corresponding domain name on the Internet as of the date of the study and whether it is possible to properly connect to it); recording the data received with the help of WHOIS service (the expert finds out the data about the date of registration of the domain name, the date of making the latest changes, the administrator of the domain); determining of the IP address to which the domain name corresponds; recording the data about the hosting company for this domain name; checking the correctness of displaying the content of the website; displaying the main page; going to the pages that contain intellectual property objects or the information relevant to the study and their further

recording; fixation of the audio, video, or text files on the website that are relevant to the study (such studies are extremely useful in the event of copyright infringement on the Internet); fixation of the the entire website if necessary [4].

O. H. Radziyevska stresses that it is necessary to legislatively regulate the issue of treating informational violence as one of the types of negative informational influence on children. The scientist suggests including the protection from "all forms of informational violence committed directly or through the means and possibilities of information technology" to the list of forms of violence, the protection from which is guaranteed by Art. 10 of the Law of Ukraine "On the Protection of Childhood" [5, p. 14].

We shall note that cyberbullying is not just a "digitized" bullying. First of all, cyberbullying is a digital, mass resource. The point is that fakes, rumours, bad or edited photos do not only spread quickly, it is also difficult to delete them from the Internet. They can be duplicated on other resources or pages, stored on personal computers of users.

Conclusion

In view of the above, it is justified to introduce criminal liability for making public and distributing on the Internet, cell phones the information containing child pornography, violence scenes, commercial exploitation of children, as well as the facts of grooming and cyberbullying in relation to a child, as a result of which harm to the physical or mental health of the child could have been or was done.

References

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