



# DUBAI GEM PRIVATE SCHOOL

STRIVE FOR EXCELLENCE



## Cyber Bullying Policy

## *UN Convention on the 'Rights of the Child ' : Article 19 -*

*You have the right to be protected from being hurt and mistreated, in body and mind.*

### **Introduction**

Dubai Gem Private School embraces modern technology, using it as a tool to uncap learning. The school is mindful of the potential for bullying to occur.

Dubai Gem Private School has a 'zero tolerance' anti-bullying policy with the belief that all students have a right not to be bullied and that bullying is always unacceptable.

The school also recognises that it must take note of bullying perpetrated outside of school which spills over into the student's school life and affects their education.

### **Definition of cyber-bullying**

Cyber – bullying is an **aggressive, intentional** act carried out by a group or an individual using electronic forms of contact **repeatedly, sometimes anonymously, 24/7 against a victim who cannot easily defend himself/herself.**

**By cyber-bullying, we mean bullying by electronic media and digital devices:**

- Bullying by text or messages or calls on mobile phones.
- The use of mobile phone cameras to cause distress, fear or humiliation.
- Posting threatening, abusive, and defamatory or humiliating material on websites, to include blogs, personal websites and social networking sites.
- Using emails to message others.
- Hijacking/cloning e mail accounts.
- Making threatening, abusive, and defamatory or humiliating remarks in chat rooms.
- Cyber bullying can occur through gaming where people can view, participate in or share content which is inappropriate

### **Aims of Policy**

- To increase understanding and awareness of cyber bullying.
- To continue to promote 'zero tolerance' and promote preventing bullying through all school functions so that we can develop a whole school approach to self-monitoring with regards to bullying.
- To enable staff to provide students with support when dealing with cyber bullying issues.
- To enable the staff to have agreed guidelines when cyber bullying become an issue within the school.
- To educate students and parents on what to do should cyber bullying arise, steps to protect themselves from cyber-bullying and how to report cyber-bullying.

If bullying does occur, all pupils should be able to “speak out” and know that incidents will be dealt with promptly and effectively. Being a “speak out” school, anyone that knows bullying is happening is expected to tell a member of DGPS staff, parent or a trusted adult in the school.

### What is different about cyber-bullying?

- 24/7 and invasion of home and space.
- The audience is wide spread and reached rapidly – it is hard to control the spread of content and the content can resurface continually making it difficult for the targets of the victim to move on.
- People who cyber-bully may attempt to remain anonymous.
- The profile of the bully and the target varies – adults can become the targets of students; students don’t always know if it is a child or adult who is abusing them.

**Innocent bystanders can also become accessories to the bullying, for example, by passing on a humiliating image**

### Cyber bullying is a criminal offence

Cyber bullying is generally criminal in nature, and legislations in countries such as the USA, UK, Europe and Australia are beginning to change so that prosecutions can be made. In the UK, it is unlawful to disseminate defamatory information in any media including internet sites. People are now being prosecuted under existing laws such as:

Protection from Harassment Act

Malicious Communications Act

Public Order Act

With constant increase in young people **developing mental health issues** and in worse case scenarios, taking their own lives there is increasing pressure on governments and service providers to **make cyber bullying illegal and identify all perpetrators of abuse.**

### Risk factors

The following factors can be instigated by any form of bullying

- Depression
- Self harming behaviours
- Mental health issues
- Eating disorders
- Dropping out of school
- Low self esteem
- Suicide

## How to recognize cyber bullying

- Parents may complain of their child spending too much time over their computer or on their phone, possible indications that they are becoming obsessive about what is being said about them.
- The class goes quiet or groups huddle into whispers or giggle start when the student enters a room.

## Roles and Responsibility of DGPS

- Through PSHE, Moral Education and ICT lessons, assemblies and class talks by Counsellors, students will continue to be informed and educated in the dangers of cyber bullying and safe internet practice.
- All students under the UN Convention on the Rights of the Child have a responsibility to ensure the safety of themselves and others and the right to feel safe in their school environment as well as elsewhere. The school will support the students in its 'Okay To Tell' atmosphere

## Internet safety

- The school endeavours to block access to inappropriate sites; each student will have a personal id to log on to their work.
- The ICT department will regularly review and ensure and ensure that the security arrangements are in place.
- Staff will be trained to respond effectively to reports of cyber bullying or harassment.
- If a student has their phone out during lessons, staff has the authority to **confiscate it**. If staff suspects that inappropriate information is on the device , the matter is reported to the Principal for further action.
- If a student is caught using the computers in school inappropriately, the student will be taken to a member of the senior leadership team where the information will be investigated and appropriate sanctions will be implemented.
- Staff will follow the DGPS anti bullying policy when supporting students.
- Any staff member may be the first point of contact for student or parent so it is important that all staff is aware of how to respond and what initial actions to take.

## Guidelines:

If a student or parent reports inappropriate content shared on **mobile phone/device**:

- Ask the student to show you the mobile phone/ screen shot.
- Note clearly everything on the screen relating to inappropriate text messages, images – include dates, times and names.
- Make a transcript of spoken messages.
- Tell the student to save the message/image.

- Go with the student to see the available senior most leaders.
- The Pastoral team will be informed as appropriate.
- Confidentiality and sensitively to the wellbeing of the student while recording statements will then be followed.
- The anti-bullying policy will be referred to for further action.
- Content will be deleted by all persons involved. School counsellor will maintain evidence of the content posted.
- The student will be offered counseling support by the pastoral department
- The situation will be closely monitored by nominated member of staff - identified on a student action plan.
- Ensure that the parents are aware of what they can do to protect their child – see parent information sheet.

### **All information and interviews to be recorded and kept in student's record**

#### **External incidents**

A complaint must be made to the Principal with proof in the form of print-outs and other documentation. The incident will then be looked into and the Principal will decide what course of action needs to be taken.

#### **Student Action Plan**

Students who have been bullied, the bully and the bystanders will be impacted by the situation; each student will develop an action plan (self-reflection sheet) which will enable them to think about their experience:

- consider how the situation could be different
- what needs to change
- how can it change
- what do they need to make change happen
- what will be their role in the changes
- what support would enable them to make those changes
- who can offer them that support
- how will they monitor this change

### **Cyberbullying: a Snapshot of the Laws in the UAE**

#### **Cyberbullies**

Cyberbullying occurs when technology is used to convey the bullying message to the victim and to those around the victim. **Mobile phones are the preferred medium for these acts,**

and the proliferation of apps such as WhatsApp as well as app based social media platforms make it increasingly easy to spread negative messages much further than was possible before. In addition, secondary perpetrators can readily forward and share the negative material, resulting in its rapid and widespread dissemination. The message may be viewed multiple times by a larger and more diverse audience – it could be sent to the victim’s siblings, teachers, neighbours, and broader social groups.

The UAE’s Child Rights Law (Federal Law No. 3 of 2016) affirms that all children have the right to education and basic protection in the UAE. Bullying has always been difficult to punish. It is suggested that the increased use of technology may aid bullying. Equally, such technology may assist with tracing its source.

**Defamation, which is often at the core of cyberbullying, is potentially a criminal offence in the UAE. Not only does the UAE have extensive provisions within its Penal Code (Federal Law No. 3 of 1987), but it also has the benefit of the Cyber Crimes Law (Federal Decree No. 5 of 2012 on Cyber Crimes). For example, Article 138 of the Penal Code stipulates that a punishment of jail and a fine (determined at the discretion of the judge) “shall be inflicted on any person who publishes through any means of publicity news, pictures or comments pertaining to the secrets of people’s private or familial lives even if the same is true.” The UAE has traditionally considered defamation to be a serious criminal offence.**

As is often the case, it is the Cyber Crimes Law that provides the most practical recourse for victims of crimes involving technology. Article 20, for example, deals with slander in the broadest of terms:

Without prejudice to the provisions of slander crime prescribed in Islamic Sharia, any person who insults a third party or has attributed to him an incident that may make him subject to punishment or contempt by a third party by using an Information Network or an Information Technology Tool shall be punished by imprisonment and a fine not less than (AED 250,000) and not exceeding (AED 500,000) or by any of these punishments.

Note that the prescribed fine is a minimum of AED 250,000. Imprisonment is also possible, although a minimum sentence is not prescribed. For some offences the Juvenile Law (Federal Law No. 9 of 1976) specifically dictates that children under the age of eighteen may be sentenced to no more than half of the prescribed detention period.

Article 16 of the Cyber Crimes Law states that a perpetrator of an action that **could be considered to be extortion ‘shall be punished by imprisonment for a period of two years at most and a fine not less than AED 250,000 and not in excess of AED 500,000, or either of these two penalties’**. Accordingly, threatening to bully someone unless money is received may lead to severe penalties – the act of bullying does not have to eventuate, it can simply be threatened. If the extortioner uses the threat of **bullying (eg; “I’ll tell**

**everyone that you...”) in order to extract money or something of value from the victim, they may be found guilty under this law.**

Of course, the standards that are applied to defamation can be high – as is generally the case globally. The statement must, first and foremost, do harm to someone’s reputation, and must do so in a manner that makes people consider that person in a negative light.

Additionally or alternatively, the parents of a victim may wish to consider civil action through court. This does present a more difficult case, requiring assessment of the damages arising from the offence, and should accordingly be discussed with a competent lawyer before proceeding.

### **Images: Consent, Inappropriate Images, and Sharing**

Cyberbullying can be, and often is, undertaken by using images of the victim in a way that is not authorized or otherwise without their consent. **This could include images taken of the victim with consent at the time, but on the understanding of confidentiality. They may have, for example, been provided during the course of a relationship. Images may otherwise have been provided as a result of persistent bullying behaviour – eg; “if you don’t give me photos, I will tell everyone that you...”.**

**In the UAE, using images without consent can be a serious issue (which we have covered in previous Law Update articles). In this article we address common issues concerning the creation, retention, and/or circulation of pornographic images, as are commonly used in cyberbullying cases.**

The Cyber Crimes Law prescribes harsh penalties for any use of material that is considered to be pornographic. Article 17 states;

Any person who established or operated or supervised an Electronic Site or transmitted, sent, published or re-published through the Information Network pornographic materials ... and anything that may prejudice public morals shall be punished by imprisonment and a fine not less than (AED 250.000) and not exceeding (AED 500.000) or by any of these punishments.

**Any person, who produced, prepared, sent or saved pornographic materials ... and anything that may prejudice public morals for the purpose of exploitation, distribution or displaying for a third party through an Information Network shall be punished by the same punishment.**

The Article penalises several actions relating to a qualifying image’s utilisation – including its transmission and sending. In addition, the Cyber Crimes Law imposes further penalties if

the pornographic material concerns subjects younger than eighteen years old – so the vast majority of school pupils, stating:

If the subject of the pornographic content was a juvenile not exceeding eighteen years of age or if this content was designed to tempt juveniles the perpetrator shall be punished by imprisonment for a period not less than one year and a fine not less than (AED 50,000) and not exceeding (AED 150,000).

This is followed by Article 18:

**Any person who intentionally acquires Juvenile Pornographic Materials by using an Electronic Information System, Information Network, Electronic Site or any of the Information Technology Tool shall be punished by imprisonment for a period not less than six months and a fine not less than (AED 150,000) and not exceeding (AED 1,000,000).**

Again, this covers situations where a person is seeking pornographic materials from anyone younger than eighteen. The fine is significant, as is the minimum jail term.

**In addition, Article 16 of the Cyber Crimes Law (above) may also apply. If, for example, a teenager threatened to bully or defame a fellow student unless they provided a sexual image of themselves, then not only are they guilty of inciting contempt, receiving and distributing pornography, and child pornography, but they are also guilty of extortion. A court has discretion to apply all of the above penalties. As far as penalties are concerned, the Cyber Crimes Law also requires a judge to order the deportation of any perpetrator that is not a UAE national.**

### *Reputation Management in the Online Environment*

Undoubtedly it is imperative to take action against any person that is bullying another – and any adult that has to deal with a child that is being bullied has reason to wish it to stop as soon as possible. Unfortunately, the disadvantage of taking legal action is that the victim may be required to disclose aspects of their lives they may be ashamed of, or do not wish to make public. **Under the Juvenile Law, court hearings in relation to children under eighteen will not be made public and may only be attended by certain persons (eg; lawyers, custodians, Ministry of Social Affairs) or with a court's permission. A court may even excuse a child's attendance during witness testimony if considered to be in the child's interests.**

In all of the above, it is important to remember that, from a practical perspective, online publications often remain accessible for a long time, if not forever. **Even when content is taken down from a site, or deleted from a particular device, it may be cached or may have been forwarded or saved to other devices. It may be dormant for some time and then re-**



surface, affecting the reputation of not only the victim, but inevitably the perpetrator and their cohorts. In teaching children, and young adults, about their use of social media, the importance of maintaining their reputation should be stressed at all times. A bullying post, a semi-naked photograph, a political rant – these can all come back to haunt them later. There is only one chance to emphasise this to all young people; it cannot be remedied later.

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