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Cyberbullying as a Contemporary Human Rights Violation of Youth in Digital Media: A Study of India, Brazil, and South Africa

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CYBERBULLYING AS A CONTEMPORARY HUMAN RIGHTS VIOLATION OF YOUTH IN DIGITAL MEDIA: A STUDY OF INDIA, BRAZIL, AND SOUTH AFRICA

LAURA FERLA TUMA *

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I. INTRODUCTION

The COVID-19 pandemic facilitated a technological migration not only among adults but also among children and adolescents. Digital media became the alternative for young individuals to maintain their activities, especially school-related ones. They shared virtual classrooms, used the internet for entertainment, and were forced to

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socialize exclusively in digital environments for months.¹ Connected time increased, and the world witnessed a new phenomenon: hyperconnectivity.

The internet offers significant advantages, such as quick communication, time optimization, unlimited access to information, and endless sources of entertainment. However, it also becomes a breeding ground for crimes such as intimidation and harassment.² When these forms of violence occur against children and adolescents, the negative impacts on their mental, physical, and social health are immeasurable. They generate consequences that affect various aspects of their lives and violate numerous human rights.³

Violations of privacy, honor, and image in digital environments are referred to as cyberbullying. This practice closely resembles traditional bullying, characterized by repeated behavior that humiliates, persecutes, and/or intimidates someone.⁴ Studies have reported an association between this type of violence and elevated levels of anxiety, the use and abuse of psychotropic drugs, increased severity of emotional disorders such as depression, suicidal thoughts or attempts, and school-related problems, among others.⁵

1. See generally Fatim M. Azmi et al., *The Impact of Virtual Learning on students' educational behavior and pervasiveness of depression among university students due to the COVID-19 pandemic*, 18 GLOB. HEALTH 1, 2 (2022) (explaining the negative physical and mental impacts of Covid-19 on students); Charlene Marie Kalenkoski & Sabrina Wulff Pabilonia, *Teen Social Interactions and Well-being During the COVID-19 Pandemic* 4 (U.S. Dep't of Lab., Working Paper No. 566, 2024) (elaborating on how the isolation due to Covid-19 led students to seek out interaction on the internet).

2. See Monica Anderson, *A Majority of Teens Have Experienced Some Form of Cyberbullying*, PEW RSCH. CTR. (Sept. 27, 2018), www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying (explaining the various types of harassment teenagers face on the internet).

3. Sameer Hinduja & Justin W. Patchin, *Bullying, Cyberbullying, and Suicide*, 14 ARCHIVES SUICIDE RSCH. 206, 207 (2010) (highlighting research that shows bullying furthers depression, decreased self-worth, hopelessness, and loneliness in teens).

4. See Erin Peebles, *Cyberbullying: Hiding Behind the Screen*, 19 PEDIATRICS & CHILD HEALTH 527, 527–28 (2014) (exposing that cyberbullying can encompass many different actions and different forums online).

5. See Hinduja & Patchin, *Bullying, Cyberbullying, and Suicide*, *supra* note 3, at 207 (relaying the links between cyberbullying and negative outcomes in teens);

Cyberbullying is common among children and adolescents.⁶ This is because young individuals are heavily present on the internet.⁷ They were born in the digital age and are very proficient with technology. At the same time, they are vulnerable individuals who are still developing and unable to defend themselves. This is why the number of victims suffering from depression or committing suicide is high.⁸ Young individuals also do not know how to ask for help.⁹ When the

SAMEER HINDUJA & JUSTIN W. PATCHIN, *BULLYING BEYOND THE SCHOOLYARD: PREVENTING AND RESPONDING TO CYBERBULLYING* (2009) (providing examples of cyberbullying); Ann John et al., *Self-Harm, Suicidal Behaviors, and Cyberbullying in Children and Young People: Systematic Review*, 20 J. MED. INTERNET RSCH. 244, 245 (2018) (linking bullying with general anxiety in teens); Michele L. Ybarra & Kimberly J. Mitchell, *Youth engaging in online harassment: associations with caregiver-child relationships, internet use, and personal characteristics*, 27 J. ADOLESCENCE 319, 334–35 (2004) (expanding on how cyberbullies differ from traditional bullies).

6. See SHAHEEN SHARIFF, *CIBERBULLYING: QUESTÕES E SOLUÇÕES PARA A ESCOLA, A SALA DE AULA E A FAMÍLIA* 33 (2011) (pointing out some examples of this practice, such as “groups of teenagers who assault and beat chosen victims; these actions are filmed and published on the Internet. Other forms of cyberbullying among peers include creating websites and boards that contain photographs of a classmate and attracting the publication of insults, humiliating comments of a sexual nature, and ratings to be seen by an infinite virtual audience. One (. . .) form of cyberbullying among peers involves filming or taking pictures of victims, modifying these photographs with the aim of portraying sexually revealing images, publishing them on the Internet, and soliciting comments from the public.” It should be emphasized that currently, with the advancement of social networks like WhatsApp, it is common for students to use photos made available by the victim themselves on the internet and, with the use of Artificial Intelligence, to fake and share nudes of classmates, especially girls, causing them serious psychological harm.); Anderson, *supra* note 2 (finding that fifty-nine percent of U.S. teens have personally experienced at least one of six types of abusive online behaviors).

7. See ‘*They will never know the trauma they caused, says student victim of fake nudes shared by colleagues in Rio de Janeiro*, G1 (Nov. 5, 2023), <https://g1.globo.com/fantastico/noticia/2023/11/05/nunca-vao-saber-o-trauma-que-eles-causaram-diz-aluna-vitima-de-falsos-nudes-compartilhados-por-colegas-no-rio-de-janeiro.ghtml> (“[I]’ve never seen my daughter the way she is right now. It was desperate crying, out of control. I tried to calm her down ‘but my love the photos aren’t yours.’ ‘But it’s me naked mom, my friends are seeing me naked, and it’s embarrassing.’”).

8. See John et al., *supra* note 5, at 246 (explaining the methodology behind a study on cyberbullying and suicide).

9. See *id.* at 254 (reporting that students experiencing cyberbullying are less likely to report it as compared to other types of bullying).

initial symptoms of physical and mental health issues in minors appear and are not effectively treated, the risks of long-term consequences increase.¹⁰

Despite the significant concern caused by the spread of this phenomenon, political and educational authorities do not clearly understand the scope of the problem. They often feel somewhat perplexed and disoriented when taking preventative measures becomes necessary.¹¹

The focus of this research demonstrates how education, social, and healthcare support are fundamental in protecting the rights of children and adolescents who are exposed on the internet. India, Brazil, and South Africa lead the rankings regarding cyberbullying reports, social media presence, and the daily time users spend connected to the internet.¹² This study also reveals a common denominator among the aforementioned countries, which might be the cause of the many cases of digital violence: the rapid growth of their economies that comes with an increased access to new technologies, coupled with the low investment in education and healthcare that the three countries exhibit. Children and adolescents growing up in these countries are even more susceptible to having their human rights violated in digital environments.¹³

10. See *id.* at 253 (explaining that cyberbullying is a risk factor for increasing suicidal behaviors and ideation).

11. See João Amado et al., *Cyberbullying: Um novo Campo de Investigação e de Formação*, 13 INTERACÇÕES 301, 306, 313 (2009) (explaining why cyberbullying is not understood by policy makers).

12. See generally MELTWATER, DIGITAL 2024: GLOBAL OVERVIEW REPORT (2024), <https://www.meltwater.com/en/global-digital-trends> (reporting on internet and social media use by various populations); MALLORY NEWALL, CYBERBULLYING: A GLOBAL ADVISOR SURVEY 4 (Ipsos 2018), https://www.ipsos.com/sites/default/files/ct/news/documents/2018-06/cyberbullying_june2018.pdf (reporting on global trends in cyberbullying).

13. NEWALL, *supra* note 12, at 4 (reporting that one in five parents globally say their child has experienced cyberbullying).

II. BULLYING VERSUS CYBERBULLYING

The World Health Organization describes childhood bullying as a major public health concern.¹⁴ It has serious educational, physical, and mental health consequences, both in childhood and adolescence. According to the UNESCO Institute for Statistics (UIS), nearly one-third of young adolescents worldwide experienced bullying at school in 2018.¹⁵

With technological advancements and increased access to mobile devices, the practice of bullying has shifted to the digital environment and received a new name. This phenomenon is known as cyberbullying and has caused severe biopsychosocial impacts on the development of children and adolescents in the twenty-first century.¹⁶ It is characterized by the deliberate intent to repeatedly harm others through the use of computers, cell phones, and other electronic devices.¹⁷

The challenges in identifying the aggressor, the notable increase in witnesses, the potential for role reversal where a victim may become an aggressor, and the lack of verbal feedback are the primary factors that differentiate cyberbullying from traditional bullying.¹⁸

14. See U.N. Deputy High Commissioner for Human Rights, Statement on Cyberbullying of Children addressed to the 54th Session of the Human Rights Council (Sept. 27, 2023), <https://www.ohchr.org/en/statements/2023/09/cyberbullying-children> (emphasizing the dangers of cyberbullying reporting that 130 million students or one in three students from age thirteen to fifteen experience it).

15. See UNESCO Inst. for Statistics, *New data reveal that one out of three teens is bullied worldwide*, UNESCO (Oct. 1, 2018), www.unesco.org/en/articles/new-data-reveal-one-out-three-teens-bullied-worldwide (recording data collected from in-school surveys that track the physical and emotional health of youth).

16. See Vidhya Lakshmi Kumar & Mark A Goldstein, *Cyberbullying and Adolescents*, 8 CURRENT PEDIATRICS REPS. 86, 86 (2021) (listing the psychological and physiological effects of bullying); Justin W. Patchin & Sameer Hinduja, *Bullies Move Beyond the Schoolyard: A Preliminary Look at Cyberbullying*, 4 YOUTH VIOLENCE & JUV. JUST. 148, 155 (2006) (explaining that bullying causes feelings of humiliation and stress).

17. See Hinduja & Patchin, *Bullying, Cyberbullying, and Suicide*, *supra* note 3, at 207 (listing the effects bullying and noting the effects are precursors to suicidal thoughts).

18. See ANA CATARINA CALIXTO DA CRUZ, O CYBERBULLYING NO CONTEXTO PORTUGUÊS: DISSERTAÇÃO DE MESTRADO EM CIÊNCIAS DA COMUNICAÇÃO, VARIANTE ESTUDOS DOS MEDIA E DE JORNALISMO 11–12 (Universidade Nova de

Furthermore, the increased exposure to the online environment, which took on new dimensions with the onset of the COVID-19 pandemic, has significantly contributed to the expansion of the potential harm resulting from cyberbullying practices.¹⁹

Generation Z (or Post-Millennials), which includes those born from the mid-1990s to 2010, are known as digital natives because they are the first generation to grow up with cell phones and internet access.²⁰ This is the demographic most likely to be directly affected by digital bullying. Furthermore, considerable attention is focused on children's use of the internet and social platforms.²¹ Globally, young people have diverse experiences when using the internet, presenting various risks and advantages.²²

Cyberbullying shares the same characteristics as traditional, indirect bullying: it occurs repeatedly,²³ includes psychological

Lisboa 2011) (highlighting the differences between bullying types).

19. See Rienke Bannink et al., *Cyber and Traditional Bullying Victimization as a Risk Factor for Mental Health Problems and Suicidal Ideation in Adolescents*, in ADOLESCENT MENTAL HEALTH: CONNECTIONS TO THE COMMUNITY 157, 158 (Areej Hasan ed., 2015) (noting more attention is paid to cyberbullying due to an increased presence on the internet).

20. See Elismar Vicente Reis & Maria Inês Tomaél, *A geração z e as plataformas tecnológicas*, 22 INFORMAÇÃO & INFORMAÇÃO 371, 371 (2017) (describing the ways in which Generation Z is more familiar with multiple forms of internet communication); Cláudio Luiz Chiusoli et al., *Academic activity, technology and social network: the behavior of generation Z*, 9 RSCH., SOC'Y AND DEV. 5 (2020) (analyzing youth interactions on the internet, how they use the internet, and what social media they use).

21. See generally, *The State of the World's Children 2021: On My Mind: Promoting, Protecting and Caring for Children's Mental Health*, UNICEF (2021), www.unicef.org/reports/state-worlds-children-2021 (demonstrating that cyberbullying and internet use among kids and teens is drawing global attention).

22. See WORLD HEALTH ORG., WORLD MENTAL HEALTH REPORT: TRANSFORMING MENTAL HEALTH FOR ALL 177 (2022), <https://iris.who.int/bitstream/handle/10665/356119/9789240049338-eng.pdf?sequence=1> ("There is much concern around children's use of the Internet and social media. Around the world, children and adolescents have different experiences in accessing and using the Internet, with different risks and benefits.").

23. See Sara Mota Borges Bottino et al., *Cyberbullying and Adolescent Mental Health: Systematic Review*, 31 CADERNOS DE SAÚDE PÚBLICA 463, 464 (Mar. 2015) (noting the exacerbating risks in bullying due to the nature of the internet).

aggression, and is intentional.²⁴ However, the results can be different, considering that the damages caused in the cyber realm are long-lasting, and the injury remains unhealed as the information spreads globally.²⁵ Practices affect children and adolescents at a much higher rate than manifestations of bullying.²⁶ This is because systemic acts of harassment can target the victim anywhere: there is no geographical limit to the occurrence of psychological violence. It is possible to subject a peer to victimization, whether at home or anywhere else, at any time, day or night. Even if the person leaves the platform, messages often accumulate, posing new challenges for individuals, families, schools, professionals, researchers, and policymakers.²⁷

In traditional bullying, attacks often occur within the school environment, during the time when children and adolescents are in the institution—typically from Monday to Friday, either during one daytime shift or on a full-time basis, not exceeding eight hours.²⁸ The systematic abuses occur among peers. In cyberbullying, there is no such limitation of time and space. Exposure is continuous, and there is no face-to-face confrontation between the perpetrator and the victim.²⁹ In fact, the action of one aggressor can stimulate new attacks

24. See Neil Malamuth et al., *The Internet and Aggression: Motivation, Disinhibitory, and Opportunity Aspects*, in *THE SOCIAL NET: UNDERSTANDING OUR ONLINE BEHAVIOR* 120, 136 (Yair Amichai-Hamburger ed., 2013) (pointing out that “Cyberbullying has the same characteristics as indirect, traditional bullying: it happens more than once, it involves psychological violence, and it is intentional.”).

25. See Mehrak Rahimi, *Cyberbullying and Cyber Human Rights: The Case of Iran*, 18 HUM. RTS. EDUC. ASIA-PACIFIC 209, 213 (2017) (pointing out that “cyberspace provides a permanent damage and the wound does not heal as the information spreads among other communities and even globally. This creates some sort of power differential between the cyberbully and the target, as the cyberbully has certain types of information (videos, personal messages, photos, document) that give them power to ‘hurt, shame, victimize, or harass the target’”).

26. See John et al., *supra* note 5, at 245 (noting that children can be cyberbullied anytime or anywhere).

27. See *id.* (“[I]t is possible to victimize a peer within their own home or elsewhere at any time of day or night, and should they remove themselves from the site, the messages often accumulate. This presents new challenges for individuals, families, schools, professionals, researchers, and policy makers.”).

28. See Peebles, *supra* note 4, at 527 (explaining the many ways cyber bullying differs from traditional notions of bullying).

29. See *id.* (noting the lack of supervision outside of school heightens the effects of cyberbullying).

from other perpetrators, who in a real-life setting would be mere passive bystanders.³⁰

The quality of the aggressor also becomes individualized.³¹ The anonymity of the virtual environment creates a sense of fearlessness in the aggressor—even when there is a power imbalance between the perpetrator and the victim—which drives them to be more violent and provocative.³² Ang and Goh show that the specific characteristics of cyberbullying—the anonymity of the perpetrators and the absence of direct confrontation with the victim—seem to result in low levels of emotional and cognitive empathy in the aggressor, suggesting that these factors may play a more significant role in cyberbullying than in traditional bullying.³³

The audience is also different. In traditional bullying, the number of bystanders is limited to the physical space, in cyberbullying, the exposure ratio is infinitely greater.³⁴ Attacks do not happen in real time. Both the victim and the audience can revisit the attacks numerous times, whether they are verbal, image manipulations, or take some other form.³⁵ Cyberbullying, therefore, has a potentially broader reach than traditional bullying since it occurs online, where expression is more unrestricted and less subject to social constraints. Since it is not simple to remove information from a website once it is published,³⁶

30. See *id.* (“[C]yberbullying is opportunistic because it causes harm with no physical interaction, little planning and small chance of being caught.”).

31. See Vladimíra Hladíková & Sabina Galikova Tolnaiova, *Cyber Aggressors, Their Motives, Emotions and Behavioral Tendencies in the Process of Cyberbullying*, 9 J. INTERDISC. RSCH. 71, 71 (2019) (explaining the different characteristics of typical bullies compared to cyberbullies).

32. See *id.* (noting that individuals considered physically or socially disadvantaged have advantages on the internet due to anonymity and possible technological skills).

33. See Rebeca P. Ang & Dion H. Goh, *Cyberbullying Among Adolescents: The Role of Affective and Cognitive Empathy, and Gender*, 41 CHILD PSYCHIATRY HUM. DEV. 387, 389 (2010) (comparing forms of indirect bullying such as gossiping and social exclusion to cyberbullying).

34. See Bottino et al., *supra* note 23, at 464 (stating cyberbullying receives exposure because the internet allows free expression without the social controls of typical in-person interactions).

35. See *id.* (noting the difficulty of removal compounds the reputational harm to the victim).

36. See *id.*

the emotional impact of cyberbullying persists in a person's personality, life, and relationships, with considerable time needed to remove shared online information.³⁷ Further, children and adolescents tend to develop more intense symptoms of mental health problems, with greater psychological, physical, and social risks.³⁸

III. IMPACTS OF CYBERBULLYING ON THE MENTAL HEALTH AND DEVELOPMENT OF THE VICTIMS

During childhood and adolescence, there is a phase of sensitivity and potential for developing mental health problems. It is during this period that children acquire the cognitive, social, and emotional characteristics and competencies necessary for healthy growth into adulthood.³⁹ As children and adolescents communicate through emails, instant messages, chat rooms, and other forms of text-based electronic communication, interpersonal conflicts are likely to spill over from the online environment into the real world.⁴⁰ Cyberbullying differs from physical bullying and can have a detrimental impact⁴¹ on the mental health of young individuals,⁴² as being a victim of

37. See Rahimi, *supra* note 25, at 213 ("Cyberbullying may achieve a greater audience than traditional bullying, since it occurs in the virtual space, where free expression is allowed without social control. Additionally, it is difficult to remove information from a website.").

38. See *id.*

39. See WORLD HEALTH ORG., *supra* note 22, at 170 ("Infancy, childhood and adolescence are ages of both vulnerability and opportunity in mental health. This is a time when children acquire the cognitive, social and emotional attributes and skills they need to thrive as adults.").

40. Sameer Hinduja & Justin W. Patchin, *Offline Consequences of Online Victimization*, 6 J. SCH. VIOLENCE 89, 107 (2008) ("As children and teenagers communicate through e-mail, instant messages, chat rooms, and other electronic text-based mediums, interpersonal conflict is bound to transcend cyberspace and become manifest in real space.").

41. Chad A. Rose & Brendesha M. Tynes, Longitudinal Associations Between Cybervictimization and Mental Health Among U.S. Adolescents, 57 J. ADOLESCENT HEALTH 305, 306 (2015) ("[C]ross-sectional cyberbullying studies have revealed that excessive internet use is related to detrimental psychosocial symptoms, and students who experience cybervictimization report higher levels of depression than students who have not experienced cyberbullying.").

42. See generally Amanda E. Fahy et al., *Longitudinal Associations Between*

cyberbullying has been linked to negative mental health consequences.⁴³

Sara Mota Borges Bottino et al. analyzed forty-three studies published in English, Portuguese, and Spanish in two electronic databases: PubMed and Virtual Health Library/Biblioteca Virtual em Saúde (BVS). These studies were related to instances of cyberbullying in May and June 2013.⁴⁴ The conclusion of the analysis indicated that cyberbullying is linked to emotional problems, anxiety in social interactions, substance consumption, signs of depression, thoughts of suicide, and suicide attempts.⁴⁵ It was also found that pre-adolescents showed a greater tendency to report distress related to cyberbullying compared to adolescents.⁴⁶

In 2007, Hinduja & Patchin conducted a study with approximately 2,000 students from thirty middle schools (sixth to eighth grades) in one of the largest school districts in the United States.⁴⁷ The results identified that experiences of bullying and cyberbullying were associated with an increased likelihood of a teenager attempting suicide. Those who were victims of cyberbullying had nearly twice the chance.⁴⁸ In contrast, cyberbullying perpetrators had 1.5 times the

Cyberbullying Involvement and Adolescent Mental Health, 59 J. ADOLESCENT HEALTH 502, 508 (2016) (finding cyberbully-victims were significantly more likely to report symptoms of depression through a year-long study of 2,580 teenagers).

43. See Sara Skilbred-Fjeld et al., *Cyberbullying Involvement and Mental Health Problems Among Late Adolescents*, J. PSYCHOSOCIAL RSCH. CYBERSPACE (2020), <https://doi.org/10.5817/CP2020-1-5> (“Involvement in cyberbullying in any way has been associated with adverse mental health outcomes.”).

44. See Bottino et al., *supra* note 23, at 464 (explaining the sources and methodology of the study).

45. See *id.* at 473 (“[C]yberbullying is associated with emotional stress, social anxiety, substance use, depressive symptoms, suicidal ideation and suicide attempts.”).

46. See *id.* at 466.

47. See Hinduja & Patchin, *Bullying, Cyberbullying, and Suicide*, *supra* note 3, at 206 (stating their study used a random sample of students and surveyed the students regarding their internet use and experiences).

48. See *id.* (recording that bullying and cyberbullying victims and offenders were almost twice as likely to have reported that they attempted suicide as youth who were not victims or bullies).

chance of having attempted suicide compared to those who were not involved as victims or perpetrators in this context.⁴⁹

Among known cases of cyberbullying resulting in suicide, the harm originating from the internet often aligned with other difficulties (such as offline abuse, emotional and psychological challenges, academic problems, reduced self-esteem, severe depression, and lack of support), contributing to a tragic outcome.⁵⁰ Ann John et al. concluded that individuals who experience cyberbullying face a heightened risk of engaging in self-harm and suicidal behaviors compared to those who are not victims of this type of online aggression.⁵¹ To a lesser extent, cyberbullying perpetrators also have a higher risk of suicidal behaviors and thoughts of self-harm when compared to those who do not engage in this aggressive online behavior.⁵²

In the study conducted by Silva, ninety percent of adolescents indicated that they had recently experienced instances of bullying or cyberbullying, with a history of physical violence, psychological abuse, and sexual harassment.⁵³ Consequently, they reported negative

49. See *id.* at 216 (“[T]raditional bullying victims were 1.7 times more likely and traditional bullying offenders were 2.1 times more likely to have attempted suicide than those who were not traditional victims or offenders. Similarly, cyberbullying victims were 1.9 times more likely and cyberbullying offenders were 1.5 times more likely to have attempted suicide than those who were not cyberbullying victims or offenders.”).

50. See Hinduja & Patchin, *Bullying, Cyberbullying, and Suicide*, *supra* note 3, at 208 (“Among known accounts of cyberbullicide, internet-based harm often coincided with other issues (such as offline mistreatment, emotional and psychological problems, academic difficulties, low self-esteem, clinical depression, a lack of a support structure, etc.) to culminate in a final tragic outcome.”); see also HINDUJA & PATCHIN, *supra* note 5 (explaining the reach and intensity of cyberbullying through actual accounts).

51. See John et al., *supra* note 5, at 254 (referencing the results of a study which examined the association between cyberbullying involvement (as victim, perpetrator, or both) and suicidal behaviors in children and adults younger than 25).

52. See *id.* (“Victims of cyberbullying are at a greater risk than nonvictims of both self-harm and suicidal behaviors. To a lesser extent, perpetrators of cyberbullying are at risk of suicidal behaviors and suicidal ideation when compared with nonperpetrators.”).

53. See ISADORA KOLHRAUSCH DA SILVA, OS FENÔMENOS BULLYING E CYBERBULLYING NO CONTEXTO ESCOLA 26 (UNIVERSIDADE DE BRASÍLIA 2022), https://164.41.168.37/bitstream/10483/32422/1/2022_IsadoraKolhrauschDaSilva_tcc.pdf (reporting the results of a 2022 Brazilian study).

feelings such as anger, shame, fear, and insecurity, leading to isolation and depression.⁵⁴ Children and adolescents are proficient with new technologies but are still developing their psychosocial characteristics. They often do not know how to defend themselves and may hide from adults that they are victims of abuse—often out of fear of being prevented from accessing the internet.⁵⁵ According to a U.S. Department of Education publication in July 2019,⁵⁶ only forty-six percent of students reported bullying incidents to an adult.⁵⁷

It is understood that even though parents and educators are attentive to the issues arising from school bullying, they may not always recognize when children and/or adolescents are experiencing this violence, either as victims or perpetrators.⁵⁸

As a result, the aggressions continue to happen and are only discovered when the victim displays evident emotional, social, and physical problems.⁵⁹ Cases with more severe consequences occur

54. See *id.* at 21–22 (describing how children and adolescents are negatively impacted emotionally by cyberbullying).

55. See Tracy Vaillancourt et al., *Cyberbullying in Children and Youth: Implications for Health and Clinical Practice*, 62 CAN. J. PSYCHIATRY 368, 371 (2016) (noting that children are often scared to report cyberbullying to adults due to fear); see generally Elana Pearl Ben-Joseph, *Cyberbullying*, NEMOURS KIDSHEALTH (Aug. 2022), <https://kidshealth.org/en/parents/cyberbullying.html> (recommending actions such as limiting access to technology and monitoring social media to alleviate cyberbullying).

56. See ERIN BURNS ET AL., STUDENT REPORTS OF BULLYING: RESULTS FROM THE 2019 SCHOOL CRIME SUPPLEMENT TO THE NATIONAL CRIME VICTIMIZATION SURVEY (Nat'l Ctr. Educ. Stat. 2022), <https://nces.ed.gov/pubs2022/2022031.pdf> (reporting statistics which chart the extent that students reported being bullied based on different characteristics).

57. See *id.* at 29 (reporting the percentage of students aged twelve to eighteen who reported being bullied and notified an adult).

58. See Sahara Byrne et al., *Peers, Predators, and Porn: Predicting Parental Underestimation of Children's Risky Online Experiences*, 19 J. COMPUTER-MEDIATED COMMUN 215, 215–17, 226 (2014) (finding that parents frequently underestimate the degree to which their children engage in risky online behavior); DA SILVA, *supra* note 53, at 12 (“And so, many end up underestimating the occurrence of cyberbullying, which, depending on the situation, can be as or even more devastating than traditional bullying.”).

59. See Sameer Hinduja & Justin W. Patchin, *Cyberbullying Warning Signs*, CYBERBULLYING RSCH. CTR (2023), <https://cyberbullying.org/cyberbullying-warning-signs.pdf> (listing the signs of cyberbullying for both victims and

when the adult remains unaware or when psychological health treatment is ineffective.⁶⁰ This can intensify feelings of shame, fear, and humiliation, causing some individuals to feel trapped and resort to destructive behaviors.⁶¹

According to Teixeira,⁶² cyberbullying is “a multimedia epidemic version of school violence . . . and has a perverse, cowardly character, becoming a potent instrument to terrorize its victims.”⁶³ The school period encompasses the entire process of physical, mental, and social development of children and adolescents, and school-based violence is one of the greatest concerns of the educational system.⁶⁴ Any mental suffering caused by social exclusion can lead to the destruction of the self-confidence of any child/adolescent, having lasting effects throughout their lives.⁶⁵ According to the study by Kessler et al.,⁶⁶ fifty percent of mental disorders that arise in adulthood originate before the age of fourteen.⁶⁷

perpetrators).

60. See Shariff, *supra* note 6, at 31–32 (discussing the ways in which cyberbullying can occur without being readily apparent).

61. See *id.* at 25–26 (outlining the ways in which bullying can push victims into destructive behaviors).

62. GUSTAVO TEIXEIRA, *MANUAL ANTIBULLYING: PARA ALUNOS, PAIS E PROFESSORES* (2011).

63. See *id.* at 41.

64. See Loianne Amaral Campos Silva et al., *O Direito e as redes sociais: o advento do cyberbullying e a violação dos direitos fundamentais pelos adolescents*, 4 CONECTE-SE! REVISTA INTERDISCIPLINAR DE EXTENSÃO 40, 46 (2020) (analyzing the role of teenagers in cyberbullying and the possible violations of fundamental rights by teenagers).

65. See DA SILVA, *supra* note 53, at 11–12 (citing the mental suffering resulting from social exclusion).

66. See Robert C. Kessler et al., *Lifetime Prevalence and Age-of-Onset Distributions of DSM-IV Disorders in the National Comorbidity Survey Replication*, 62 ARCHIVES GEN. PSYCHIATRY 593, 593 (2005) (citing the study’s findings).

67. See *20 Things You Should Know About Mental Health Today*, NCD ALLIANCE (June 17, 2022), <https://ncdalliance.org/news-events/news/20-things-you-should-know-about-mental-health-today> (stating that “half of the mental disorders present in adulthood had developed by the age of 14 years”).

IV. CYBERBULLYING IN EMERGING COUNTRIES

In 2018, the Ipsos Research Institute⁶⁸ interviewed over 20,000 people in twenty-eight countries and released a global cyberbullying ranking.⁶⁹ It is the most recent worldwide survey and provides information showing, among other things, that “one in six parents globally report having a child who has been cyberbullied.”⁷⁰ The recorded numbers place India at the top of the ranking, followed by Brazil in second place and the United States in third.⁷¹

Among the top five countries in the ranking, three of them—including the top two—are emerging and underdeveloped countries: India (first), Brazil (second), and South Africa (fifth).⁷² These three countries, along with China and Russia, constitute the cooperation group known as BRICS, which consists of emerging countries with the highest rates of economic growth on a global scale.⁷³ In a meeting held in August 2023, the BRICS group decided that starting January 2024, it would include other emerging countries, specifically Iran, Argentina, Egypt, Saudi Arabia, the United Arab Emirates, and Ethiopia.⁷⁴

68. See *Global Views on Cyberbullying*, IPSOS (June 27, 2018), https://www.ipsos.com/sites/default/files/ct/news/documents/2018-06/cyberbullying_write_up_final_06.19.18.pdf [hereinafter IPSOS] (citing the Kessler study on mental disorders).

69. See NEWALL, *supra* note 12, at 10 (citing the global cyberbullying rankings).

70. See IPSOS, *supra* note 68 (noting that “one in six parents globally report having a child who has been cyberbullied”); see also *id.* at 4 (presenting the percentages of parents who say their child has experienced cyberbullying for nearly thirty different countries).

71. See NEWALL, *supra* note 12, at 4 (citing the ranked order of nations in the cyberbullying survey).

72. See *id.* (placing India, Brazil, and South Africa respectively).

73. Mariel Ferragamo, *What Is the BRICS Group and Why Is It Expanding?*, COUNCIL ON FOREIGN REL. (Oct. 18, 2024, 10:22 AM), <https://www.cfr.org/background/what-brics-group-and-why-it-expanding>.

74. See Carien du Plessis et al., *BRICS welcomes new members in push to reshuffle world order*, REUTERS (Aug. 24, 2023, 9:11 PM), <https://www.reuters.com/world/brics-poised-invite-new-members-join-bloc-sources-2023-08-24> (citing the expansion of the BRICS group to include six more members in January 2024).

Emerging countries are those with low levels of development but have a strong economic performance.⁷⁵ They are emerging economies with a moderate quality of life but have experienced rapid recent growth. Their population still struggles with social inequality and a lack of public policies, but they have access to technologies such as computers and smartphones.⁷⁶

These countries face shared challenges, such as uncertainty in progress amid the new global order, significant repatriation of profits by multinational companies, fluctuations in capital flows and foreign investments, talent drain in some cases, and intense competition among emerging nations, particularly in Asia.⁷⁷ In Latin America, there are social tensions and discontent stemming from the growth process itself, which raised the expectations of young people and rural communities, leading to increased migration from rural areas.⁷⁸

For this reason, the statistics of the three emerging countries—India, Brazil, and South Africa—that are at the top of the global cyberbullying ranking will be analyzed next.

In the case of Brazil, data from the Digital 2024 report shows that 86.6% of Brazilians are connected to the internet, which represents approximately 175 million people.⁷⁹ In India, the percentage is lower, 52.4%, but the number of people is even higher: 752.6 million internet users. In South Africa, 47.06 million people use the internet, representing 74.7% of the population.⁸⁰

75. See PETER EVANS, *EMBEDDED AUTONOMY: STATES AND INDUSTRIAL TRANSFORMATION* (1995) (citing the strong economic performance of underdeveloped states); PETER EVANS, *INSTITUCIONES Y DESARROLLO EN LA ERA DE LA GLOBALIZACIÓN NEOLIBERAL* (César Rodríguez Garavito ed., 2007); LINDA WEISS, *STATES IN THE GLOBAL ECONOMY. BRINGING DOMESTIC INSTITUTIONS BACK IN* (Cambridge Univ. Press 2003).

76. JACOB POUSHTER ET AL., *INTERNET SEEN AS POSITIVE INFLUENCE ON EDUCATION BUT NEGATIVE INFLUENCE ON MORALITY IN EMERGING AND DEVELOPING NATIONS*, (Pew Rsch. Ctr. 2015), <https://www.pewresearch.org/wp-content/uploads/sites/2/2015/03/Pew-Research-Center-Technology-Report-FINAL-March-19-20151.pdf>.

77. ABDELLATIF BENACHENHOU, *PAÍSES EMERGENTES* (Fundação Alexandre de Gusmão ed., 2013) at 13–15.

78. *Id.* at 15.

79. See MELTWATER, *supra* note 12, at 39.

80. See *id.*

From a global perspective, with one-third of the world population lacking internet access, internet access in the three analyzed emerging countries is high.⁸¹ The medium where the highest number of cyberbullying incidents is reported in these three countries is on social media platforms.⁸² The amount of time spent in the digital environment also stands out. According to the “Screen Time Report” by the proxy service provider company Proxyrack (2023), South Africa is the country where users spend the most time online in the world: nine hours and thirty-eight minutes per day.⁸³ Brazil follows closely in second place, with Brazilians spending an average of nine hours and thirty-two minutes daily online.⁸⁴ India ranks twenty-second, with an average daily internet usage of six hours and twenty-three minutes for Indians.⁸⁵

Regarding social media presence, India has the highest average of any other country with 8.7 social media platforms used per month.⁸⁶ Brazil follows closely, with a total of 8.4. South Africa ranks seventh, with 7.8 different social media platforms used monthly.⁸⁷ Easy access to the internet among children and adolescents creates an even more significant challenge in emerging and underdeveloped countries. Despite access to technology, these countries lack the infrastructure and public policies to address the negative impacts of this new form of digital socialization among individuals under eighteen years old.⁸⁸ The effects on the physical and emotional health of cyberbullying

81. See *The World Factbook: Internet Users, Country Comparison*, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/the-world-factbook/field/internet-users/country-comparison> (citing the analysis of internet usage).

82. See NEWALL, *supra* note 12, at 6 (elaborating on the frequency of cyberbullying).

83. See *Screen Time Report*, PROXYRACK, <https://www.proxyrack.com/screen-time-report> (listing the amount of time South Africans spend on the internet).

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. JEE EUN CHOI, MAPPING ONLINE CHILD SAFETY IN ASIA-PACIFIC (Christine Apikul ed., Internet Soc’y 2017), <https://www.icmec.org/wp-content/uploads/2018/08/Mapping-Online-Safety-in-11-Asian-Countries-Internet-Society.pdf>.

victims, for example, when not treated adequately, can exacerbate the severity of the consequences.⁸⁹

As technology expands and becomes more accessible in less-developed nations, there will likely be an increase in the number of people involved in cyberbullying.⁹⁰ This growth in the incidences of cyberbullying, along with the lack of available information and the suggestion that those responsible for the well-being of adolescents may not be fully equipped to handle this issue, highlights the ongoing need to investigate the experience of cyberbullying.⁹¹ Investments in the economies and technologies of emerging countries are high and growing, but this contrasts with the data on investment in public health.⁹² The BRICS Joint Statistical Publication report demonstrates that from 2000 to 2021, India, Brazil, and South Africa invested less than five percent of their respective GDPs in public health expenditures.⁹³

Summary of People’s Living Standard on BRICS Countries⁹⁴

Share of public expenditure on health to GDP (%)

	2000	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Brazil	3.9	5.0	4.9	...	...	...	4.0	...	...	...	...
Russia	2.1	3.4	3.2	3.2	3.4	3.6	3.1	3.2	3.5	4.6	4.0
India	4.7	1.3	1.2	1.2	1.3	1.4	1.4	1.4	1.3	1.8	2.1
China	4.6	5.2	5.3	5.5	5.9	6.2	6.3	6.4	6.7	7.1	6.7
South Africa	...	4.1	4.1	4.1	4.2	...	...	...	...	...	...

89. Vaillancourt et al., *supra* note 55, at 371–72.

90. *Id.* at 369–70.

91. See MARIANA FERREIRA TEIXEIRA SANTOS, CYBERBULLYING NA ADOLESCÊNCIA: PERFIL PSICOLÓGICO DE AGRESSORES, VÍTIMAS E OBSERVADORES 12 (Universidade de Lisboa 2015), https://repositorio.ul.pt/bitstream/10451/23063/1/ulfpie047634_tm.pdf (citing the growth in cyberbullying).

92. See BRICS, BRICS: JOINT STATISTICAL PUBLICATION 2022 227 (2022), https://brics.ibge.gov.br/downloads/BRICS_Joint_Statistical_Publication_2022.pdf (describing the discrepancy between investments in economies and technologies and those in public health).

93. See *id.* at 67 (showing public health expenditures as a percentage of GDP).

94. *Id.*

The BRICS countries are undergoing a rapid process of urbanization and require a comprehensive primary healthcare system to ensure the well-being of their residents.⁹⁵ However, achieving universal healthcare services is challenging, given the extensive populations and complex social structures of these nations.⁹⁶ This imbalance can negatively impact the coverage and quality of care for children and adolescents with mental health issues—the target group for cyberbullying attacks—who require qualified treatment to prevent them from engaging in extreme acts, such as suicide.⁹⁷ It also has implications for the behavior and neurological disturbances that can affect them throughout their lives.⁹⁸

As middle-income nations, the BRICS countries have large populations and diverse geographies, resulting in health challenges, shared histories, and similar aspirations in healthcare development.⁹⁹ Early-stage healthcare systems are particularly noted for their lack of coverage in primary healthcare services and the difficulty in achieving universal health coverage.¹⁰⁰ In addition to the fragility of healthcare systems in these countries, cyberbullying also affects young people in the educational sphere.¹⁰¹ Children and adolescents who experience

95. Zuokun Liu et al., *The Priority Areas and Possible Pathways for Health Cooperation in BRICS Countries*, 8 GLOB. HEALTH RES. POLICY 1, 3 (2023), <https://ghrp.biomedcentral.com/articles/10.1186/s41256-023-00318-x>.

96. See *id.* (explaining that “BRICS countries are undergoing rapid urbanization, and a complete primary health system is necessary to ensure the health of citizens. However, achieving universal health coverage is extremely difficult due to the large population base and complex social structure”).

97. See Bruna Scarpati & Karin Martins Gomes, *Depressão na adolescência: causas, sintomas e tratamento*, 18 REVISTA DE INICIAÇÃO CIENTÍFICA, CRICIÚMA 1, 11 (2010) (pointing out that “the lack of intervention and guidance can interfere with the social, psychological, and behavioral functioning of the individual, leading to clinically significant impairments in various areas of their functioning, and an increased risk of suicide. It also interferes with their school life and interpersonal relationships.”).

98. *Id.* at 2.

99. Liu et al., *supra* note 95, at 3.

100. *Id.* (“As middle-income countries with large populations and geography, the BRICS countries share similar health development histories, challenges, and health aspirations. Immature health systems are mainly reflected in the inadequate coverage of primary health services and the unrealized universal health coverage.”).

101. David Aparsi et al., *Relationship between Cyberbullying, Motivation and Learning Strategies, Academic Performance, and the Ability to Adapt to University*,

virtual aggression tend to have low academic performance and may develop school phobia, contributing to an increase in the dropout rate.¹⁰²

In the three analyzed emerging countries, the history of investment in public education is already extremely low. The Education at a Glance report published by the OECD demonstrates the per-student expenditure on public education in these countries.¹⁰³ The total public expenditure on educational institutions per full-time equivalent student, by type of institution, in 2019, was \$1,554 in India, \$2,548 in South Africa, and \$3,873 in Brazil.¹⁰⁴ The OECD average was \$10,316.¹⁰⁵ These data illustrate the importance attributed to educational institutions by OECD member countries compared to a country's national resources on a global scale.¹⁰⁶

In addition to the low investment in the quality of education, the dropout rate in emerging countries that are at the top of the global cyberbullying ranking is high.¹⁰⁷ The Education at a Glance report by the OECD (2019) shows that in South Africa, the level of higher education is the lowest among all OECD countries and associated nations.¹⁰⁸ The majority of the population has educational qualifications at the secondary or post-secondary level but not at the higher education level as their most advanced educational qualification.¹⁰⁹

18 INT'L J. ENVIRON. RSCH. PUBLIC HEALTH 10646, 10647 (2021).

102. *Id.*

103. OECD, EDUCATION AT A GLANCE 2022: OECD INDICATORS 241 (2022), <https://doi.org/10.1787/3197152b-en>.

104. *See id.* at 250–53 (showing the difference in public expenditures).

105. *See id.* at 251 (citing the drastic difference with OECD states).

106. *See id.* at 257 (“This measure demonstrates the priority given to educational institutions relative to a country's overall resources”).

107. Justin W. Patchin, *Millions of Students Skip School Each Year Because of Bullying*, CYBERBULLYING RSCH. CTR. (Jan. 3, 2017), <https://cyberbullying.org/millions-students-skip-school-year-bullying>.

108. OECD, EDUCATION AT A GLANCE 2019: OECD INDICATORS 42 (2019), https://www.oecd.org/education/education-at-a-glance/EAG2019_CN_ZAF.pdf.

109. *See id.* (stating that “Tertiary attainment in South Africa is the lowest across all OECD and partner countries, with the majority of the population having an upper secondary or post-secondary non-tertiary qualification as their highest level of education.”). It is worth noting that the OECD analyzed 36 countries.

In Brazil, the reality is also critical: twenty-eight percent of young people aged twenty-five to thirty-four have not completed high school, surpassing the OECD average of fourteen percent.¹¹⁰ The “Brazilian Education in 2022 - The Voice of Adolescents” survey, conducted by IPEC for UNICEF (2022), provides more precise data on the situation.¹¹¹ Young people between eleven and nineteen years old attending public schools were interviewed for this survey. Among them, eleven percent had stopped attending school, approximately two million children and adolescents.¹¹² Of those still attending school, twenty-one percent said they had considered dropping out in the three months preceding the survey.¹¹³

The Sustainable Development Goals (“SDGs”) are a global agenda adopted during the United Nations Summit on Sustainable Development in 2015.¹¹⁴ It consists of seventeen goals and 169 targets to be achieved by 2030.¹¹⁵ SDG 4 aims to ensure inclusive, equitable, and quality education and promote lifelong learning opportunities for all.¹¹⁶ The practice of cyberbullying drives young people away from school and becomes an obstacle to the realization of SDG 4.

The UNESCO Institute for Statistics (“UIS”) is the custodian of data on SDG 4.¹¹⁷ With the statistics collected by the institution, indicators are developed to enable Member States to fulfill their national commitments to the 2030 Agenda Framework. The most

110. *See id.* at 40 (indicating that “28% of 25-34 year-olds in Brazil have not achieved an upper secondary qualification, higher than the OECD average (14%)”).

111. *See* UNICEF/IPEC, *EDUCAÇÃO BRASILEIRA EM 2022 – A VOZ DE ADOLESCENTES* [BRAZILIAN EDUCATION IN 2022 - THE VOICE OF ADOLESCENTS] 2 (2022), <https://www.unicef.org/brazil/relatorios/educacao-brasileira-em-2022-a-voz-de-adolescentes> (pointing to more concise data).

112. *Id.* at 10.

113. *See id.* at 12 (listing the percentage of students contemplating leaving school).

114. *Sustainable Development Goals*, U.N. DEV. PROGRAMME, <https://www.undp.org/sustainable-development-goals>.

115. *See id.* (referring to the UN’s Sustainable Development Goals).

116. *See Goal 4 Quality Education*, U.N. DEV. PROGRAMME, <https://www.undp.org/sustainable-development-goals/quality-education> (describing SDG 4).

117. *See Sustainable Development Goal 4*, UNESCO INST. STATS., <https://uis.unesco.org/en/topic/sustainable-development-goal-4> (citing UNESCO’s role with SDG 4 data as custodian).

recent data presented by UIS in the Survey of Formal Education (2023) regarding education places India, Brazil, and South Africa in a serious situation, particularly when compared to developed countries.¹¹⁸ As an example of inequality, we compare the indices recorded by India, Brazil, and South Africa with the numbers of two countries that are also facing high levels of cyberbullying: the USA and Belgium.¹¹⁹

The data relates to completion rate, upper secondary education, and both sexes:¹²⁰

INDIA – 50.50% (2020), a little over half of the population.

BRAZIL – 73.37% (2021)

SOUTH AFRICA – 63.21% (2021)

BELGIUM – 88.11% (2021)

USA – 94.58% (2021)

On the other hand, the difference in the out-of-school rate for youth of upper secondary school age, both sexes, between emerging and developed countries is alarming:¹²¹

INDIA – 41.09% (2021)

BRAZIL – 11.50% (2021)

SOUTH AFRICA – 5.56% (2021)

BELGIUM – 1.01% (2021)

USA – 1.18% (2021)

Cyberbullying can make the presented statistics even more serious. Since the targets of aggression are school-age children and

118. See *Launch of the 2023 Survey of Formal Education for SDG4 Data*, UNESCO INSTIT. STATS., <https://uis.unesco.org/en/news/launch-2023-survey-formal-education-sdg4-data> (comparing the problem of education among different countries).

119. See NEWALL, *supra* note 12, at 6 (using the U.S. and Belgium as points of comparison).

120. UNESCO INST. STATS., *supra* note 118 (citing data on completion rate, upper secondary education among both sexes).

121. *Id.* (citing the difference in rates between developed and emerging countries).

adolescents, their social circle is still very limited.¹²² As a result, most of the time, the perpetrator of the violence is a schoolmate.¹²³ This makes the victim feel insecure in that space.¹²⁴ Academic performance decreases, and in some cases, the student stops attending school. According to Fante and Pedra, cyberbullying victims' self-esteem is diminished.¹²⁵ They harbor self-doubts, undermining the development of their identity, as the group plays a significant role in the self-affirmation process.¹²⁶ Colleagues become regarded as suspects, leading many victims to isolate themselves or frequently miss classes.¹²⁷

In countries that already have a history of low-quality public education with high dropout rates for various reasons, knowing how to deal with the impact of cyberbullying on the school lives of children and adolescents who still attend school is essential to prevent these numbers from becoming even more problematic.¹²⁸ Anxiety, depression, and low self-esteem can lead students to stop attending school because it "creates a physically hostile school environment where students feel unwelcome and unsafe."¹²⁹

Virtual bullying occurs in an online environment, but its real-life impacts are immeasurable. In addition to individual physical and emotional health problems for the victims, cyberbullying is also a collective and public issue.¹³⁰ In emerging countries that report a

122. Vladimir S. Sobkin & Aleksandra V. Fedotova, *Adolescents on Social Media: Aggression and Cyberbullying*, 14 PSYCH. RUSS. 186, 191 (2021).

123. *Id.* at 195.

124. Mamoon Muzammil & Muzammil Arshad, *Youth in Danger and Students at Risk of Dropping Out* 14 (U. Tex. Rio Grande Valley, Working Paper No. 263 2023), https://scholarworks.utrgv.edu/chem_fac/263.

125. See CLEO FANTE & JOSÉ AUGUSTO PEDRA, BULLYING ESCOLAR: PERGUNTAS E RESPOSTAS 71 (Artmed 2008) (citing cyberbullying's detrimental effect).

126. *See id.*

127. *See id.*

128. *See* IPSOS, *supra* note 68 (noting that seventy-six percent of adults feel that cyberbullying is a fundamentally different type of bullying that requires special attention).

129. *See* Shaheen Shariff, *Cyberbullying: Questions and Solutions for the School, Classroom and Family* 63 (Artmed Editora 2011) (discussing the impact of cyberbullying on students' decision to drop out of school).

130. *See* IPSOS, *supra* note 68 (stating that one in three parents globally report knowing a child in their community that is the victim of cyberbullying).

higher number of incidents, the investment in education is meager, and the school dropout rate is high.¹³¹ It is easier for a cyberbullying victim to leave school in countries that do not invest in education and the support of children and adolescents in the school environment. For example, in Brazil, only thirty-nine percent of public schools offer psychological support to students, and forty-three percent provide spaces for them to discuss their feelings.¹³²

V. CYBERBULLYING: VIOLATION OF THE HUMAN RIGHTS OF CHILDREN AND ADOLESCENTS

Human rights are those universal rights that every human being should have to survive, thrive, and prosper.¹³³ They confer human dignity and are rights that cannot be taken away or restricted. They are universally guaranteed. Childhood and adolescence are considered transitional phases marked by biological, physiological, and biopsychosocial development changes.¹³⁴ All experiences during this period are crucial in shaping the adult role, which represents the peak of emotional and intellectual development in a human being. Moreover, children and adolescents are still vulnerable individuals.¹³⁵ For this reason, they should have additional human rights that protect their specific needs and full development.

In this regard, the first internationally recognized document on children's rights emerged in 1924, known as the Geneva Declaration of the Rights of the Child.¹³⁶ This was declarative in nature and emphasized the uniqueness of a child's physical, psychological,

131. See *id.* (showing that in the U.S., rates of parents who say that their children have experienced cyberbullying is up to twenty-seven percent).

132. UNICEF/IPEC, *supra* note 111, at 23.

133. G.A. Res. 217A (III), Universal Declaration of Human Rights (Dec. 10, 1948).

134. See DA SILVA, *supra* note 53, at 26.

135. See *id.* (explaining how children opt to organize themselves into groups to find their identities and begin the process of learning how to emotionally regulate).

136. Geneva Declaration of the Rights of the Child [*Declaração de Genebra*], UNICEF (Sept. 26, 1924).

social, and moral development, which deserves special care, protection, and assistance.¹³⁷

In 1959, the U.N. Declaration of the Rights of the Child expanded upon the Geneva Convention and represented another advancement in promoting children's rights.¹³⁸ It reiterates in its preamble that "the child, by reason of his physical and mental immaturity, needs special safeguards and care."¹³⁹ Principle 2 provides that "the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and dignity."¹⁴⁰

In 1989, the Convention on the Rights of the Child was adopted by the U.N. General Assembly, which established a comprehensive global system for the protection of children's and adolescents' rights.¹⁴¹ 196 countries have ratified the instrument, which recognize and commit to promoting and respecting the rights established therein.¹⁴² Despite the existence of the aforementioned Convention and high number of ratifications, children and adolescents are not immune to the violence of cyberbullying, a recent practice that emerged with the digital age but already has demonstrated devastating effects by violating the human rights of children and adolescents worldwide.¹⁴³ Williams & Guerra describe that the new virtual

137. See Maria Aparecida Alkimin & Tiago Cappi Janini, *O combate ao cyberbullying como forma de concretização do direito fundamental à educação das crianças e dos adolescentes* 19 REVISTA JURÍDICA CESUMAR, 753, 758 (2019) (discussing how the Geneva Declaration is a recent historic achievement of rights and protection for children).

138. See generally G.A. Res. 1386, Declaration of the Rights of the Child, (XIV), U.N. Doc. A/4354 (Nov. 20, 1959) (expanding on the obligations of States in relation to the rights of children).

139. See *id.* at 19 (identifying ways in which children are a vulnerable class in society).

140. See *id.* at 20 (further prioritizing the ways in which the children, as a vulnerable class, must be protected).

141. See generally Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (expanding on the General Assembly Resolution to codify the ways in which children's rights should be protected).

142. See generally *id.* (showing that a majority of States recognize the importance of this treaty).

143. See U.N. Deputy High Commissioner for Human Rights, *supra* note 14

interaction environments give rise to a new and growing form of social cruelty.¹⁴⁴

In a more simplistic view, cyberbullying violates the rights of honor, image, and personality of children and adolescents.¹⁴⁵ However, this understanding is broadened when studying the practice and seriousness of its impacts. Digital abuses interfere with the full development of its victims—in physical and mental health, social capacity, and the quality of education during the school years.¹⁴⁶ In more severe cases, when the victim reaches the point of taking their own life, it violates the most important right of a human being: the right to live. Article 3 of the Universal Declaration of Human Rights (1948) states that every human being has the right to life, liberty, and personal security.¹⁴⁷

In September 2023, Philip Jaffé, a member of the U.N. Committee on the Rights of the Child, stated in a special session at the U.N. Human Rights Council in Geneva that one in three children worldwide suffer from digital violence.¹⁴⁸ According to him, cyberbullying has violated numerous rights of children, including health and mental

(explaining that not only does it have serious educational, physical, and mental health consequences, but it also becomes elusive by taking bullying to the digital space).

144. See Kirk R. Williams & Nancy G. Guerra, *Prevalence and Predictors of Internet Bullying*, 41 J. ADOLESCENT HEALTH S14, S15 (2007) (describing how the bullying is clearly not physical in nature but has more in common with verbal bullying).

145. See Luis Rodrigo Miranda Chávez et al., *The Impact of Cyberbullying on the Safeguarding of The Right to Honor, Image and Good Name of the Individual*, 11 RUSS. L.J. 199, 200 (2023) (clarifying that in Latin America this type of crime has been typified as crimes occurring through the internet, but has not been specified autonomously as cyberbullying).

146. See generally Blanca Bravo-Queipo-de-Llano et al., *La violencia como problema de salud*, 100 ANALES DE PEDIATRÍA 202, 205–06, 208 (2024) (further discussing how violence against children is perpetuated inter-generationally and increases risk of exposure to violence, mental illness, substance abuse and risk behaviors in future children).

147. G.A. Res. 217A (III), *supra* note 133.

148. See generally ‘You Can’t Even Face Your Own Parents’, *Activist Against Cyberbullying Tells Human Rights Council*, U.N. NEWS, (Sept. 27, 2023), <https://news.un.org/en/story/2023/09/1141547> (stating that children affected range from ages thirteen to fifteen).

health, survival and development, education, rest, leisure, and privacy.¹⁴⁹ The consequences have also been very real, ranging from loss of self-esteem, school dropout, social withdrawal, and depression to physical self-harm and suicidal behavior.¹⁵⁰

Digital violence affects the mental health of victims. Mental health is fundamental to overall well-being and is a fundamental human right.¹⁵¹ Having positive mental health makes us better able to make connections, deal with challenges, and thrive in various aspects of life.¹⁵² For decades, mental health has been overlooked. In most communities and social and health systems, attention to mental health is largely neglected, failing to provide the care and support that people deserve and need.¹⁵³ This results in millions of individuals worldwide facing suffering without support from others, being targets of human rights violations, or having their daily lives negatively impacted.¹⁵⁴

Compromised mental health in childhood and youth undermines the right to the full development of these individuals. When students reach the point of dropping out of school, they also lose the right to education. Cyberbullying represents a significant challenge in realizing the rights of children and adolescents to education, as it

149. See generally *id.* (explaining that children who are subject to bullying are more likely to skip school, perform worse on tests, and can suffer sleeplessness and psychosomatic pain).

150. See *id.* (stating that some studies have shown far-reaching effects extending into adulthood, such as high prevalence of depression and unemployment).

151. See generally WHO Regional Director for South-East Asia, Statement on World Mental Health Day: Mental Health is a Universal Human Right (Oct. 10, 2023), <https://www.who.int/southeastasia/news/detail/10-10-2023-world-mental-health-day-mental-health-is-a-universal-human-right> (noting calls for WHO and Member States to accelerate efforts in mental health in a human-rights based approach).

152. See WORLD HEALTH ORG., *supra* note 22, at xiv (describing how mental health exists on a complex continuum and those with mental health conditions are more likely to experience lower levels of mental well-being).

153. See generally WHO *Highlights Urgent Need to Transform Mental Health and Mental Health Care*, WHO NEWS, (June 17, 2022), <https://www.who.int/news/item/17-06-2022-who-highlights-urgent-need-to-transform-mental-health-and-mental-health-care> (describing how seventy-one percent of those with psychosis worldwide do not receive mental health services).

154. See WORLD HEALTH ORG., *supra* note 22, at vii (explaining how mental health conditions are commonly neglected in all countries of the world).

disrupts the healthy school environment, leading to school dropout, learning difficulties, and student demotivation.¹⁵⁵

The Convention on the Rights of the Child (1989) imposes, in Article 29, that States Parties recognize that the education of the child should be directed towards developing the personality, talents, and mental and physical abilities to their fullest potential.¹⁵⁶ The impact of aggression in digital environments violates this provision entirely.

In emerging countries, the situation is even more concerning. With a lot of investment in the economy and little investment in public services like education and health, minors who are victims of abuse in the digital environment living in India, Brazil, and South Africa—countries with many connected young people—are not assisted as they should be.

In Brazil, there are significant differences between public and private healthcare systems, leading to significant inequalities, and financing healthcare expenses is becoming a challenging issue.¹⁵⁷ Healthcare systems in South Africa and India are even more fragile and face difficulties in meeting the fundamental health needs of their populations.¹⁵⁸ As a human right, access to healthcare must be

155. See Alkimin & Janini, *supra* note 137, at 772 (discussing the ways in which the internet has amplified the harmful effects of bullying).

156. Convention on the Rights of the Child, *supra* note 141, art. 29 (“Article 29, 1. States Parties agree that the education of the child shall be directed to: (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.”).

157. See generally Adriano Massuda et al., *The Brazilian Health System at Crossroads: Progress, Crisis and Resilience*, 3 BMJ GLOB. HEALTH 1, 3–4 (2018) (stating that poorer regions and lower socioeconomic population groups are disadvantaged the most).

158. See Liu et al., *supra* note 95, at 3 (noting that these countries are undergoing rapid urbanization accounting for the difficult in establishing complete primary

considered beyond the mandatory provision of a service to the population but as part of the construction of life and history for those who need care and attention throughout their lives.¹⁵⁹

Global agreements, such as the United Nations Convention on the Rights of the Child (“CRC”), compel nations to uphold and preserve the mental health of children and adolescents.¹⁶⁰ However, in 2020, less than half of the member countries of the World Health Organization (“WHO”) indicated having a plan or strategy specifically aimed at the mental health of this age group.¹⁶¹

As stated in Article 25 of the Universal Declaration of Human Rights (“UDHR”), adopted by the United Nations, “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.”¹⁶²

VI. PROTECTION OF THE HUMAN RIGHTS OF CHILDREN AND ADOLESCENTS IN DIGITAL MEDIA

Cyberbullying has various impacts on individuals and communities. It is a global problem. Protecting the human rights of children and adolescents in the digital realm is a challenge, especially when it comes to cyberbullying.¹⁶³ Violations often occur in “legitimate” online spaces, which frequently involve only young people, such as educational platforms, social networks, or even virtual activities promoted by schools.¹⁶⁴ These are not inherently restricted to mature

health systems).

159. See Aline Brauna dos Santos et al., *Saúde Mental, Humanização E Direitos Humanos*, 10 CADERNOS BRASILEIROS DE SAÚDE MENTAL, 1, 13 (2018).

160. Convention on the Rights of the Child, *supra* note 141, art. 17.

161. See generally WORLD HEALTH ORG., *supra* note 22, at 170 (stressing the importance of these strategies in reducing future risks of harm for children exposed to violence).

162. G.A. Res. 217A (III), *supra* note 133.

163. See U.N. Deputy High Commissioner for Human Rights, *supra* note 14 (noting that States not adopting general or specific measures to prevent bullying and cyberbullying are breaching their obligations under human rights law).

164. See generally *Online Health and Safety for Children and Youth: Best Practices for Families and Guidance for Industry*, SUBSTANCE ABUSE & MENTAL

content that parents can censor or control access to. Many times, the perpetrators of digital violence, who are children and young people themselves, may not fully grasp the severity of their actions.¹⁶⁵ They may lack the maturity to understand the impact that an online offense can have on an individual's offline life.¹⁶⁶

Addressing cyberbullying offline is essential to ensuring the rights of children and adolescents in the digital environment. This does not rely solely on legal measures but requires the involvement of families, schools, and the entire civil society, along with the government, in implementing actions, measures, and educational campaigns.¹⁶⁷ The protection of the rights of children and adolescents in cases of cyberbullying involves parental monitoring at home, the education provided in schools, and legal safeguards to ensure the best access to digital media. All spheres need to work together.¹⁶⁸ When this is not possible, and there is indeed a violation of the personal rights (intimacy, privacy, honor, and image) of these minors, the state must ensure proper support and treatment so that other rights, such as well-being, full development, the right to education, physical health, and even life, are not violated as well.¹⁶⁹

As mentioned earlier, there is indeed a connection between the levels of investment in education and online activities. As seen, emerging countries like India, Brazil, and South Africa lead global rankings in cyberbullying, daily internet exposure time, and presence on social media. In contrast, they invest well below the average in public education.¹⁷⁰ These nations need to develop even more

HEALTH SERVS. ADMIN., <https://www.samhsa.gov/sites/default/files/online-health-safety-children-youth-report.pdf> (last updated July 19, 2024) (explaining that this is common due to the ubiquitous nature of digital technology in the lives of children).

165. See Maura Alves Santos, *Bullying/Cyberbullying e a Violência no Âmbito Escolar*, REVISTAFT (Jan. 28, 2023) (further expounding on how the internet is a difficult medium to regulate, control, and punish perpetrators).

166. See Brauna dos Santos et al., *supra* note 159.

167. See Alkimin & Janini, *supra* note 137, at 772 (noting that some legal measures exist to confront cyberbullying).

168. See Scarpati & Gomes, *supra* note 97, at 10 (further emphasizing the need to promote multiple forms of prevention through campaigns and others).

169. See *id.* at 11 (stressing how the family, school, and society all play a vital role in overcoming the mental health challenges for adolescents).

170. See generally NEWALL, *supra* note 12, at 5 (showing that on average, over

substantial and concrete actions to preserve and protect the human rights of children and adolescents in digital environments.

Schools must fulfill their fundamental role in reducing violence through actions, open dialogue, clear language tailored to the target audience, and promoting an inclusive space that respects differences.¹⁷¹ If schools are to prevent these practices among young people, a more significant investment in education is needed. The WHO suggests four strategies to reduce the risk of mental distress among children and adolescents: “developing and enforcing policies and laws that promote and protect mental health; supporting caregivers to provide nurturing care; implementing school-based programs, including anti-bullying interventions; and improving the quality of environments in communities and digital spaces. School-based social and emotional learning programs are among the most effective promotion strategies for countries at all income levels.”¹⁷²

It is unanimously understood that the protection of the rights of children and adolescents is a collective task. The lack of clarity in boundaries and differentiation between online and offline interaction among adolescents highlights the importance of parents, education professionals, law enforcement authorities, and other experts equally paying attention to both contexts.¹⁷³

The human rights of children and adolescents are subjective rights that bind the State, society, and the family. They also serve a political function as components of the Rule of Law, whose essence is the safeguarding of human dignity.¹⁷⁴ By ratifying the CRC, countries

forty percent of parents in these countries report a child in their community has experienced cyberbullying).

171. See FANTE & PEDRA, *supra* note 125, at 44 (stating how schools must recognize the existence of cyberbullying and be aware of the harm to the development of students).

172. WORLD HEALTH ORG., *supra* note 22, at XVIII.

173. See generally Hinduja & Patchin, *Offline Consequences of Online Victimization*, *supra* note 40, at 107 (identifying how schools will serve as a front-line institution where adults will need to monitor behavior).

174. See Alkimin & Janini, *supra* note 137, at 759 (explaining how the State must safeguard these rights and undertake indispensable means and measures to protect them).

commit to its implementation based on the provisions of Article 19.¹⁷⁵ Considering that it is the most ratified convention within the U.N. framework, it is urgent that cyberbullying be considered a case of abuse and seriously combated.¹⁷⁶

The increasing number of children victimized by cyberbullying worldwide demonstrates that countries are not effectively protecting these children and young people in digital environments.¹⁷⁷ Since there are no global rules for protecting the rights of children and adolescents in digital environments, each country has its own legislation. Some common challenges are faced by all of them, such as how to punish the perpetrator—as in most cases, it is a minor—and the difficulty in identifying this perpetrator who acts under anonymity on the internet.¹⁷⁸

Cyberbullying is a crime, has serious consequences, and is conditioning the new generations to suffer from severe mental, physical, and social problems into adulthood.¹⁷⁹ Since it is a relatively new practice, the world has not yet seen a generation of adults who grew up amidst digital violence, and perhaps that is why the severity of the problem is not yet fully recognized.

VII. CONCLUSION

Digital violence is a contemporary challenge, with ongoing studies still developing the subject. Given the recent nature of the cyberbullying issue, the insufficient research aimed at clarifying its nature, prevalence, and impact, as well as the need for information and

175. Convention on the Rights of the Child, *supra* note 141, art. 19.

176. See *Convention on the Rights of the Child*, U.N. TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en (showing that 196 countries have ratified the Convention).

177. See NEWALL, *supra* note 12, at 3–4 (showing that a majority of people in most countries feel existing anti-bullying measures are insufficient).

178. See generally Peebles, *supra* note 4, at 527 (explaining that bullies cannot see the reactions of their victims and finding that online bullies feel less remorse).

179. See generally *Cyberbullying, Human Rights and Bystanders*, AUSTL. HUMAN RIGHTS COMMISSION, https://humanrights.gov.au/sites/default/files/content/pdf/bullying/VHB_cyberbullying.pdf (showing that perpetrators of bullying can continue antisocial or criminal behavior and may engage in abuse in other contexts).

training for parents, teachers, and other professionals, as well as for children and young people, it is urgent to invest in various initiatives to help prevent and combat this phenomenon.¹⁸⁰

Online aggressions violate numerous human rights of young people, including the right to mental health, full development, education, honor, leisure, privacy, and, in extreme cases, the right to life. Because it is a new phenomenon that occurs through increasingly sophisticated means, there are significant difficulties in intervention. This is because policymakers and educators have not yet fully grasped the problem. Withholding resources and willingness to address the problem, and an inaccurate understanding of the nature and consequences of the phenomenon, which is distorted by a set of unfounded and culturally rooted myths and beliefs makes dialogue difficult between the different generations involved in the problem.¹⁸¹

It is known that schools are a necessary means of combating and preventing cyberbullying. The role of educators in this area is indispensable, as it will be their responsibility to provide essential information about the issue, suggest preventive and action measures, guide research projects, and above all, raise awareness and alert various layers of the population to this delicate issue.¹⁸² Similarly, healthcare treatments are crucial in helping victims who develop psychological problems such as anxiety and depression, which are common among victims of digital violence. Young people and adolescents are one of the at-risk groups related to the predisposition to commit suicide, and therefore, treating psychological illnesses is vital in preventing premature deaths.¹⁸³

180. See Amado et al., *supra* note 11, at 308, 313 (explaining how research and scientific knowledge on the phenomenon are still in their early stages).

181. See *id.* at 315 (emphasizing how multifaceted the challenges are in combatting online aggressions).

182. See *id.* at 318–22 (discussing how educators should focus on different areas and target different audiences).

183. See generally Miriam Delmondes Batista et al., *Suicídio em jovens e adolescentes: uma revisão acerca do comportamento suicida, sua principal causa e considerações sobre as formas de prevenção*, 12 ID ON LINE REVISTA MULTIDISCIPLINAR PSICOLOGIA 705, 705 (2018) (stating that adults in the social, familial, and professional spheres need to act in order to develop strategies to preserve the adolescents' mental health).

Education for prevention and healthcare assistance for treatment are basic practices in protecting the human rights of young people and children exposed to digital environments. Therefore, online violence in developing emerging countries becomes an even more severe issue. In the specific cases of India, Brazil, and South Africa, where internet access is high but investment in education and healthcare is very low, the risk of young people becoming victims of cyberbullying and having their lives affected in social, physical, and educational aspects is even greater. Statistics demonstrate that digital abuse is highly prevalent in these regions, as these countries are among those with the highest rates of cyberbullying cases in the world.¹⁸⁴ To develop prevention, protection, and combat actions against cyberbullying, the need to allocate more financial resources to education and public health in general is undeniable. It is the responsibility of the State to provide legal mechanisms to curb the practice and ensure social and healthcare support networks for the victims.

Despite the recognition that cyberbullying poses new questions and challenges to schools, families, and all those with social, political, or educational responsibilities, the truth is that the contours of this phenomenon are not yet clearly defined, and research in this domain is still in its infancy. Cyberbullying is a crime against vulnerable individuals, violating various human rights of individuals who are not ready to deal with aggression and emotional disturbances. Therefore, it has serious, often irreparable, and even fatal consequences.

184. See generally NEWALL, *supra* note 12, at 3–4, 6 (showcasing that social media is the most common platform for cyberbullying worldwide).

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