



Help:

Legal frame and protective agents to tackle
bullying and violence in Portuguese Schools

Project: Let's Stop Bullying Together



Introduction

This work was carried out within the scope of the Let's Stop Bullying Together Erasmus project, for the topic

With this project we have as the main objective to build a small book where we can address important aspects, such as anti-bullying policies or the aspects of the law related to it.

This booklet is mainly aimed at schools, so that they know how to act in a bullying situation, in a more effective way.



What is Bullying?

Bullying is the practice of violent acts, intentional and repeated, against a helpless person, which can cause physical and psychological damage to the victims.

It is the use of physical force, threat or the coercion to abuse, intimidate or aggressively dominate others on a frequent and habitual basis.

I hate you

Ugly

Stupid!



You deserve to die!

You don't have friends

Schools duties and safeguarding

It is the school's duty, above all, to protect, listen and help guide and resolve the situation.

To do this, they need to know what violence against children and young people is, know how to recognize the signs of physical and emotional suffering, as well as risk situations, in their various forms, in order to intervene competently.

The school must be a place of well-being and learning, spreading a culture of non-violence, citizenship and education for equality.



Anti-bullying policy

According to the Portuguese Ministry of Education, there will be a plan to combat 'bullying' in schools, where these behaviors of intimidation, coercion and persecution victimize, according to the United Nations, one in three children.

The plan intends to focus on "raising awareness, preventing and defining intervention mechanisms in the school environment, with the involvement of various services", to combat both 'bullying' in presence and cyberbullying, which takes place in the virtual world of the internet .

The plan presupposes the creation of teams, composed of various elements of the school environment, including students, who will have "as a mission, among others, the promotion of awareness and prevention actions for the educational community".

The plan also includes training on the phenomenon and provision of material with advice for students, families and schools.

Cyberbullying and the law

The so-called cyberbullying is a subspecies of bullying that has appeared more recently and as a consequence of the massive use of new technologies and forms of communication.

The situations of the so-called cyberbullying may integrate this type of crime (defamation and injury), the particular nature of these crimes gives way to the aggravation p. in art. 184, if the victim is one of the persons referred to in al. I), art. 132, in which case the offense is semi-public in nature.



Bullying outside of school

Bullying doesn't happen just in schools. In fact, bullying is a problem that happens in lots of different settings, including within the home. If your child is being bullied at school, the bully may live near you and this could cause the bullying to continue outside of the school gates.



Bullying outside of school

It is important to remember that bullying doesn't have to happen face to face, but can happen through other mediums as well. It is important to ensure that bullying does not just have to happen at school and if it does happen, regardless of where it occurs, victims should always remember to tell someone about it.

Many young people attend a **youth, sports or music group**. If they express an interest to join a group, it's recommended to ensure the organisation has an anti-bullying policy, outlining what support is available to young people who wish to report a bullying incident.



Criminal law

For some, the concept of bullying at the level of legal literature corresponds to school harassment – "a particular form of violence always associated with a power relationship between someone who presents himself as superior and an equal who considers himself inferior and unable to respond to aggression" – while others amplify the meaning of the concept, integrating in this category different forms of school indiscipline.

In Portugal, although there is no specific law punishment for school violence, which could have a deterrent effect of this type of behaviour, preventing the emergence of bullying situations



Criminal law

Portugal, although there is no specific crime of school violence, which could have a deterrent effect of this type of behavior, preventing the emergence of bullying situations (from the outset because it publicly signaled the punibility of this crime, often socially devalued, and because the public nature of the crime, as planned, disclaimed the existence of complaint so that the Ministry public prosecution), there are different legal instruments to combat this phenomenon.



Criminal law

First, the Student Statute and School Ethics (Law No. 51/2012) provides for a set of student duties, in particular those provided for in the disposals (i) and (j) of Article 10, intended to prevent behaviour normally associated with *bullying* and whose non-compliance causes its perpetrator to incur disciplinary infringement and the possible application of disciplinary corrective measures (warning, exit order from the classroom and school workplaces, carrying out tasks and integration activities in school or community, conditioning of the use of certain school spaces or equipment and the change of class, provided for in Article 26) or disciplinary sanctioning measures (registered reprimand, suspension, transfer and expulsion of the school, provided for in Article 28).



Bullying and the police

In the face of bullying and the forms of violence committed, these behaviors can be represented in different crimes, such as: offenses against physical integrity, insults, defamations, mistreatment, etc

According to the representation, the crime can be considered public, semi-public or private. In the case of public crimes, it is sufficient to denounce the alleged facts in order to initiate the criminal process, and it is not necessary to present a criminal complaint by the victim.

If the victim is under 16, the complaint must be formalised by her legal representatives, in general, by the parents.

In any case, anyone who witnesses or is aware of the practice of a bullying situation should proceed to report the case, as this way contributes to the investigation of the facts in question, increasing the likelihood of the aggressor being caught in his aggressive conduct, preventing the eventual victimisation of third parties.

Bullying and the police

In crimes that are not public, not preventing the existence of previous complaints, it is necessary to present a criminal complaint on the part of the victim, to initiate the criminal process. If she is under 16, the complaint must be formalized by her legal representatives, in general, by the parents.

In any case, anyone who witnesses or is aware of the practice of a bullying situation should proceed to report the case, as this way contributes to the investigation of the facts in question, increasing the likelihood of the aggressor being caught in his aggressive conduct. preventing the eventual victimization of third parties.



Bullying and the police

The presentation of a criminal complaint or complaint can be made:

- Public Security Police (PSP) - www.psp.pt;
- Republican National Guard (GNR) - www.gnr.pt;
- Judicial Police (PJ) - www.policiajudiciaria.pt;
- Court - Public Ministry - www.ministeriopublico.pt;
- National Institute of Legal Medicine and Forensic Sciences (medico-legal offices) - <https://www.inmlcf.mj.pt>;
- Electronic complaint portal of the Ministry of Internal Affairs <https://queixaselectronicas.mai.gov.pt>

The maximum time for filing the complaint in the case of semi-public and private crimes is six months, counting from the date of the crime.



Hate crimes and incidents

A hate crime is any occurrence that is perceived by the victim, or any other person to be one of the following:

- Racist;
- Homophobic;
- Transphobic (discrimination against transsexual or transgender people).

Or because of a person's:

- Religion;
- Beliefs;
- Gender identity;
- Disability.



Hate crimes and incidents

A hate crime is not only limited to a personal attack. Name calling, violence, property attacks such as graffiti, verbal attacks, and abusive messages either by phone, mail or via the internet can also be seen as hate crimes. No hate crime is too minor to report to the police, they will record all incidents brought to their attention whether or not a crime has been committed.

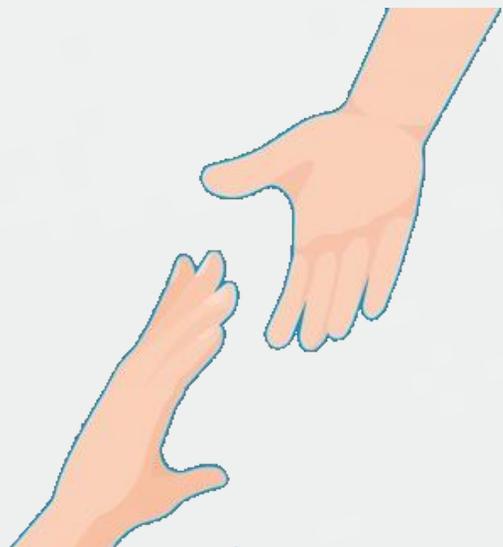


Hate crimes and incidents

A hate incident is any incident, which may or may not be a crime, which the victim or any other person perceives to be motivated by hostility or prejudice towards any aspect of a person's identity.

You can contact APAV if you think that a child or young person in your school might have been victim of a hate crime/incident.

APAV website is https://apav.pt/apav_v3/index.php/pt/ or you can call 116 006.



Help!

You can count with dozens of NGO's and projects that work for the safety of children and young people.

- Safe kids in the net (Miúdos seguros na net) - www.miudossegurosna.net;
- No bully - www.nobully.pt;
- International Amnesty - www.amnistia.pt;
- Portal anti bullying - <https://www.portalbullying.com.pt>;
- Portuguese Association against bullying - AABCJ - Associação Anti-bullying Com Crianças/Jovens
- Portuguese Association to protect the Victims



Our Erasmus Team!

