

**Directive No. 36/2018
on Preventing and Dealing with the Bullying of Children and
Students at Schools and in School Facilities**

Coordinating Department: Section of National and Inclusive Education, Tel.: 59374428 Reg. No.:
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Pursuant to Section 3, Letters d) and o) of Act No. 245/2008 Coll. on Upbringing and Education (the School Act) and on amendments and supplements to certain Acts as amended (hereinafter referred to as the "Act") in compliance with Article 11, Section 2, Letter f), Point 2 of the Rules of Organization of the Ministry of Education, Science, Research and Sport of the Slovak Republic, The Minister of Education, Science, Research and Sport of the Slovak Republic, hereby passes this directive:

**Article 1
Introductory Provisions**

- (1) This Directive regulates the basic characteristics, forms and manifestations of the bullying of children and students (hereinafter referred to as "students"), the possibilities for preventive actions and methods of dealing with the bullying of students in connection with the responsibility of schools and school facilities pursuant to Section 144, Paragraph 1, Letter o) and Section 153, Paragraph 1 of the Act and the student's rights pursuant to Section 144, Paragraph 1, Letters i) and k) of the Act.
- (2) The provisions of this Directive on schools equally pertain to school facilities.

**Article 2
Characteristics of Bullying**

- (1) For the purposes of this Directive, bullying shall mean:
 - a) the conduct of a student, whose intent is to harm, threaten or intimidate another student; or
 - b) an intentionally repeated attack against a student or a group of students who, due to various reasons, do not know how to or cannot effectively protect themselves.
- (2) The essence of bullying is:
 - a) the intent to harm another person physically or mentally;
 - b) the aggression of a student or a group of students; or
 - c) the predominance of an aggressor or group of aggressors over their victim.
- (3) Bullying may be manifested as follows:
 - a) in direct form, particularly by physical attacks, insults, curses, ridicule, mockery, orders of the aggressor for the victim to do certain things against the victim's will, theft, threat, intimidation, extortion, abuse of personal data or photographs, dissemination of false information or cyberbullying; or

b) in indirect form, particularly by overlooking, ignoring, intentional excluding a person from a group or involuntary exposing him/her to aggressive situations.

(4) Cyberbullying in its direct form, pertains to the abuse of information-communication technologies (in particular, telephones, tablets, internet and social networks) to intentionally threaten, harm or intimidate, frequently in combination with other forms of bullying.

(5) Cyberbullying most frequently has the following characteristics:

- a) the social or mental predominance of the aggressor, physical predominance is not necessary;
- b) the aggressor frequently acts anonymously;
- c) the attack does not require the physical contact of the aggressor with his/her victim;
- d) as a rule, the aggressor does not see the direct emotional reaction of his/her victim to the attack due to the anonymity and distance enabled by information-communication technologies;
- e) attacks are carried out via internet substantially faster than via other channels;
- f) attacks can be witnessed by a large number of persons;
- g) the aggressor is able to carry out attacks from various locations;
- h) attacks may last for a longer period of time;
- i) the victim may not be aware of the attack for a longer period of time;
- j) the victim may not be able to identify the aggressor; and
- k) it may be difficult to remove information, photographs, video recordings and audio recordings from the internet.

(6) Bullying can constitute a criminal offence or misdemeanour.

(7) A student who is an aggressor may be prosecuted for the criminal offence of

- a) assault causing injury; ¹⁾
- b) restriction of personal freedom; ²⁾
- c) robbery; ³⁾
- d) extortion; ⁴⁾
- e) duress; ⁵⁾
- f) pressure; ⁶⁾
- g) inviolability of the home; ⁷⁾
- h) sexual violence; ⁸⁾

¹⁾ Section 155 of the Criminal Code.

²⁾ Section 183 of the Criminal Code.

³⁾ Section 188 of the Criminal Code.

⁴⁾ Section 189 of the Criminal Code.

⁵⁾ Section 190 of the Criminal Code.

⁶⁾ Section 192 of the Criminal Code.

⁷⁾ Section 194 of the Criminal Code.

⁸⁾ Section 200 of the Criminal Code.

- i) sexual abuse; ^{8 9)}
- j) theft; ¹⁰⁾
- k) unlawful enjoyment of the property of another; ¹¹⁾
- l) damage to the property of another person; ¹²⁾
- m) serious threats; ¹³⁾
- n) serious stalking; ¹⁴⁾
- o) production of child pornography; ¹⁵⁾
- p) dissemination of child pornography; ¹⁶⁾
- q) possession of child pornography and participation in the production of child pornography; and ¹⁷⁾
- r) defamation. ¹⁸⁾

(8) Bullying may constitute an offence against civil cohabitation¹⁹⁾ or an offence against property.²⁰⁾

(9) The fact that a natural person cannot be held criminally liable due to age²¹⁾ does not create an obstacle for bringing an action for the compensation of damages caused by a student to property or compensation for bodily harm caused by a student. The legal representative of a student and the student are liable for damages jointly and severally.

(10) A pedagogical employee or professional employee who is aware of any case of bullying and fails to take any measures, may be prosecuted for the criminal offence of

- a) failing to prevent a criminal offence;²²⁾
- b) failing to report a criminal offence;²³⁾ or
- c) bodily harm. ²⁴⁾

Article 3 Prevention of Bullying

(1) Bullying is prevented

- a) through the upbringing and educational process, including the positive impact of a pedagogical employee or professional employee during the day-to-day instruction, content orientation and didactics of the following subjects and profile themes
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⁹⁾ Section 201 up to 201b of the Criminal Code.

¹⁰⁾ Section 212 of the Criminal Code.

¹¹⁾ Section 215 of the Criminal Code.

¹²⁾ Section 245 of the Criminal Code.

¹³⁾ Section 260 of the Criminal Code.

¹⁴⁾ Section 360a of the Criminal Code.

¹⁵⁾ Section 368 of the Criminal Code.

¹⁶⁾ Section 369 of the Criminal Code.

¹⁷⁾ Section 370 of the Criminal Code.

¹⁸⁾ Section 373a of the Criminal Code.

¹⁹⁾ Section 49 of the Act of the Slovak National Council No. 372/1990 (Digest) on Offences as amended.

²⁰⁾ Section 50 of the Act of the Slovak National Council No. 372/1990 (Digest) on Offences as amended.

²¹⁾ Section 22 of the Criminal Code.

²²⁾ Section 341 of the Criminal Code.

²³⁾ Section 340 of the Criminal Code.

²⁴⁾ Section 158 of the Criminal Code.

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1. personal and social development;
 2. media education;
 3. multicultural education;
 4. protection of life and health;
 5. human rights upbringing and education;
 6. civic education;
 7. the fight against extremism;
 8. marriage and parental education; and
- b) competitions, games, lectures, and discussions organized by the school and other relevant entities.

(2) Legal representatives, guardians, persons into whose personal care a child was entrusted by a court²⁵⁾ or in foster care or in the care of future adoptive parents²⁶⁾ (hereinafter referred to as the “person who has the child in personal care”) or facilities in which a student was placed based on a court decision, are continuously informed about preventative activities of the school by the school principal, prevention coordinator and class teacher. When implementing preventative activities of the school, the school principal, prevention coordinator and class teacher pay increased attention to the effectiveness of these activities. The following are not considered to be effective strategies in this field: one-time activities, cultural events, moralizing and intimidation.

(3) The school principal, prevention coordinator and class teacher shall test the proposed preventative activities of school ahead of time with the aim to prevent the undesirable impact of unprofessional activities, as well as the harmful impact of cults, sects and extremist organizations on students.

(4) The school principal shall inform the following of the essence, forms and dangerous consequences of bullying:

- a) all students of the relevant school and their legal representatives;
- b) employees of the relevant schools;
- c) persons who have children in their personal care; and
- d) the facility in which children have been placed based on a court decision.

(5) The school principal is liable for the school system activities in the field of bullying prevention. When preparing and implementing an all-school strategy, he/she shall:

- a) create a positive environment at school;
- b) support the pro-social conduct and relationships of the children;
- c) design the school policy on
 1. behaviour, including sanctions for their violation; and
 2. the use of information-communication technologies (cellular phones, tablets, computers and other communication technologies) on the school premises;
- d) elaborate the details for preventing and dealing with the bullying of students in

²⁵⁾ Section 48 of Act No. 36/2005 Coll. as amended.

²⁶⁾ Section 103 of Act No. 36/2005 Coll. as amended.

- the internal school regulations;
- e) in compliance with the school's conditions of employment, ensure increased supervision from pedagogical employees during breaks, before school begins, after school ends and during out-of-school activities, especially in locations where bullying has already occurred or could occur;
 - f) inform pedagogical employees and professional employees of the method of reporting and verifying bullying;
 - g) inform the following of the course of action when bullying is detected:
 - 1. pedagogical employees and professional employees;
 - 2. students;
 - 3. legal representatives of students;
 - 4. persons having children in their personal care; and
 - 5. the facility in which students have been placed based on a court decision;
 - h) ensure the publicizing of contact data of institutions dealing with the prevention and handling of bullying;
 - i) stipulate in the school guidelines the obligation of school employees to report suspicions of bullying;
 - j) ensure the training of pedagogical employees in the field of the prevention of bullying, including cyberbullying through enhancing the digital literacy of teachers;
 - k) cooperate with professional employees of the relevant centre for pedagogical and psychological counselling and prevention (hereinafter referred to as the "Centre") and other expert workplaces of counselling services in the region; and
 - l) involve the school students' council, the school council and the school founder in the prevention of bullying.

Article 4

Methods for Dealing with Bullying

(1) The school principal or a person authorized by him/her shall put together a team of school employees to propose and ensure a professional course of action to deal with bullying.

(2) When detecting and verifying bullying, the school principal or person authorized by him/her shall

- a) arrange for immediate assistance to and protection of victims;
- b) ensure supervision at the classroom where bullying is in the process of verification;
- c) carry out measures to prevent possible false statements of the aggressor by isolating him/her in the course of verification of bullying;
- d) verify bullying without delay, before the aggressor has agreed on a joint testimony with his/her victim, witnesses or other persons who drew attention to the bullying;
- e) ensure that the victim is not confronted with his/her aggressor;

- f) ensure the identification of appropriate witnesses and conducting individual interviews or confrontational interviews with them;
- g) save evidence of the suspicion of cyberbullying in cooperation with the school's IT coordinator or an external expert;
- h) contact the following in relation to the victim, aggressor and witnesses of bullying:
 - 1. legal representatives;
 - 2. persons who have children in their personal care;
 - 3. the facility in which students have been placed based on a court decision; and
 - 4. the facility of social-legal protection of children and social guardianship in which students have been placed;
- i) contact the local Centre;
- j) ensure the use of anonymous questionnaires;
- k) keep written records of dealing with individual cases of bullying;
- l) ensure the presence of at least two pedagogical employees or professional employees during interviews; and
- m) report suspicions in connection with the commission of a misdemeanour or criminal offence to the relevant Police unit. ²⁷⁾

Article 5 Measures for Dealing with Bullying

(1) The measures for dealing with the victim of bullying and his/her legal representatives, persons who have the victim in their personal care and the facility in which the victim was placed based on a court decision include:

- a) the recommendation to seek individual professional care;
- b) ensuring a group intervention programme in cooperation with the Centre;
- c) ensuring the safety of the victim; and
- d) ensuring the provision of information and counselling related to bullying for the persons specified in Article 3 Section 2 hereof.

(2) The measures for dealing with the aggressor and his/her legal representatives, persons who have the aggressor in their personal care and the facility in which the aggressor was placed based on a court decision include:

- a) the recommendation that the legal representatives of the aggressor obtain professional care at the Centre;
- b) relocation of the aggressor to a different class or educational group if he/she could still pose a threat to his/her environment; and
- b) imposing educational measures pursuant to Section 58. Paragraphs 2 and 3

²⁷⁾ In the event of any suspicion that a crime was committed, this fact is to be reported to the law enforcement authorities, i.e. to the police or prosecutor. In the event of any suspicion that an offence was committed, this fact is to be reported to the relevant district authority.

of the Act.

(3) A pedagogical employee or professional employee is obliged to promptly deal with any bullying or suspicion of bullying of students and to provide assistance to every victim without delay.

Article 6

Cooperation of Schools with Law Enforcement Authorities and Authorities of Social-legal Protection of Children and Social Guardianship

(1) The school principal is obliged to inform law enforcement authorities of any suspicion that a student has committed

a) bullying; or

b) a crime specified in Article 2, Section 7 hereof or repeated offences specified in Article 2, Section 8 hereof in connection with bullying.

(2) The school principal is obliged to inform the body of social and legal protection of children and social guardianship of

a) any suspicion pursuant to Section 1 hereof;

b) facts that may pose a threat to a victim, aggressor or witnesses;

c) measures adopted pursuant to Article 4 or Article 5 hereof.

Article 7

Cooperation of Schools with Legal Representatives of Students, Persons Who Have Children in Their Personal Care or the Facility in Which a Students Have Been Placed Based on a Court Decision

(1) In the event of any suspicion of the bullying of a student, the school principal, prevention coordinator, guidance counsellor, other pedagogical employees and professional employees shall cooperate with the victim's family and the aggressor's family.

(2) Pedagogical employees and professional employees shall maintain the confidentiality of information when speaking to legal representatives of the victim, aggressor and witnesses.

(3) The school principal may recommend to legal representatives of the aggressor or persons who have the aggressor in their personal care or the facility in which the aggressor was placed based on a court decision, that the aggressor agree to undergo a voluntary stay in diagnostic centre or a therapeutic-educational sanatorium.

(4) The person authorized by the school principal shall keep records of the actions pursuant to this Article and each of the participating persons shall receive a copy of such records.

Article 8 Repeal

Methodological guidance No.7/2006-R of 28 March 2006 regarding the prevention and dealing with bullying of students at schools and school facilities is to be repealed.

**Article 9
Effectiveness**

This Directive shall enter in effect on 1 September 2018.

Minister

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