

**PROTOCOL ON THE PROCEDURE IN CASES OF PEER
VIOLENCE AMONG CHILDREN AND YOUTH IN
EDUCATIONAL SYSTEM**

Banja Luka, November 2008.

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INTRODUCTION

Starting from the fact that prevention is preventing, detecting and combating violence among children and youth is of general public interest,

By accepting the obligations from Article 19. of the Convention on the Rights of the Child, which state *"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child"*.

**The Ministry of Education and Culture,
The Ministry of Health and Social Protection and
The Ministry of Internal Affairs,**

by signing

PROTOCOL ON THE PROCEDURE IN CASES OF PEER VIOLENCE AMONG CHILDREN AND YOUTH IN EDUCATIONAL SYSTEM OF REPUBLIC OF SRPSKA

Determine procedures for establishment of reaction of all participants in order to act on prevention, identification, reporting, investigation, treatment and similar, in all cases of peer violence in educational system, and all with the aim to provide necessary support primarily to the child and also to those who care for the child.

The Protocol regulates;

- **Definition of violence;**
- **Responsibilities of competent institutions;**
- **Forms, manner and content of cooperation between competent institutions;**
- **Other activities and obligations.**

1. DEFINITION OF VIOLENCE

Violence among children and youth is considered to be any intentional physical or mental violent behavior directed toward children¹ and youth² by their peers³ committed with the aim of harming and that, regardless of the place of execution, may differentiate by form, severity, intensity and duration⁴ and that includes repetition of same form and maintains an unequal balance of power (stronger against weaker or group against an individual). There are many forms of violence, and the most common forms are: physical, psychological and sexual peer violence.

Violence among children and youth is considered to be:

- **intentionally caused physical assault** in any form, for example hitting, pushing, hitting with something, slapping, pulling, locking, attacking by various objects, spitting, etc, regardless of whether attacked child has attained physical injury,
- **psychological and emotional violence** caused by recurrent or persistent negative procedures by one or more children⁵. Negative procedures are gossiping, name calling, ridiculing, intimidation, mocking, intentional neglect and exclusion from a group to which he/she belongs or exclusion and prohibiting participation in various activities with aim of causing suffering or pain, spreading rumors with aim of isolating a child from rest of students, confiscating belongings or money, destruction or damage of child's belongings, humiliation, ordering or demanding obedience or otherwise bringing a child at subordinating position, as well as all other behaviors committed by a child and young person by which physical and emotional harm or embarrassment is intentionally inflicted to another child.

¹ Under the Convention on the Rights of the Child from 1989. a child is any person under eighteen years unless under the law applicable to the child, the age of majority is not attained earlier.

² Under the Criminal Code of Republic of Srpska (Official Gazette of Republic of Srpska, No. 49/03, 108/04, 37/06, 70/06 and 68/07) minor is a person who, at time of committed offense has attained the age of 14 and has not attained the age of 18 and younger adult is a person who at time of committed offense has attained the age of 18 and has not attained the age of 21.

³ The term peer refers to a broad range of categories of children and youth (as explained in footnotes 1 and 2).

⁴ Violence includes 6 defined factors: intent to cause injury or damage; intensity and duration; power of abuser; vulnerability of victim; lack of support; consequences.

Normal peer conflict has the following characteristics: there are no elements specified for violence; children do not insist that it must be their will at all costs; they may give reasons why they are in conflict; they apologize or accept a solution that no one wins; freely negotiate to meet their needs; they may change subject and resolve the situation.

⁵ Olweus 1986. and 1991: Violent behaviour of children (bullying) is different from one-time incidents and children's quarrels or fights, because it is a behavior that characterizes an aggressive behavior by which is intentionally causing harm to someone, repetition over certain time, an unequal balance of power (stronger against weaker or group against an individual).

Violence and abuse include various behaviors: verbal (shouting, ridiculing, belittling, threatening), social (avoiding, ignoring, exclusion from activities, gossiping and spreading malicious rumors), psychological (damaging property, stealing and throwing things, threatening looks, tracking) and physical (pushing, demolition, punching)

- **sexual violence** includes any form of verbal, gestural or physical contact with sexual content, with aim of harassment and intentional infliction of physical or psychological pain and shame to a child or youth.

2. OBLIGATIONS OF COMPETENT INSTITUTIONS

A / EDUCATIONAL INSTITUTIONS

In case of report of violence or alert on violence among children a persons who is authorized or professional service for coordination of activities related to the issue of violence in educational institution, appointed by educational institution, is obliged to:

- immediately undertake all measures to **stop and terminate violent treatment** against a child and, if necessary, seek help of other employees of educational institution or, if necessary call police;
- if a child is injured to the extent that requires medical intervention or examination or according to circumstances of the case may be reasonably assumed or suspect that such an intervention or examination are required, immediately **call emergency services** or in the quickest possible way that does not harm the child's health, escort or provide escort to the child by a professional to a doctor and wait for doctor's recommendation on further treatment, and arrival of the child's parents or legal guardians;
- immediately after reported violence inform the **child's parents or legal representatives** on that, and familiarize them with all facts and circumstances that are known so far and inform them about the activities that will be undertaken;
- on report, or alert on violence immediately **conduct an interview with the child** who is victim of violence, and in the event that there has been medical intervention, in agreement with doctor as soon as possible. These interviews with a child are always conducted in presence of some of professional personnel of educational institution, and in manner to act with particular care, by respecting child's dignity and giving him support;
- give notice to parents or legal guardians of a child who is a victim of peer violence on possible **forms of consulting and expert support to the child** in and outside educational institution, and with aim of support and empowerment of the child and overcoming the traumatic event;
- **conduct interview with other children or adults** who have knowledge of committed violence and determine all the circumstances related to form, intensity, severity and duration of violence;
- if this is about a particularly severe form, intensity or longer duration of violence which can cause trauma in other children as well, who have seen violence, **consult** with a competent professional service to assist the **children, witnesses of violence**;

- as soon as possible conduct an **interview with a child who has committed violence** in presence of a professional, indicate to the child the unacceptability and harmfulness of such behavior, and advise and encourage him to change this behavior, and during the interview pay particular attention to whether the child indicates some circumstances that would indicate that the child is a victim of neglect or abuse in or outside his family, in which case social welfare center will be immediately informed, and if necessary, or upon suspicion of committed criminal act inform police or competent prosecution office, and educational institution shall take all measures for reconciliation of children and for creation of tolerant, friendly behavior in educational institution;
- **call the parents or legal guardians of a child who has committed violence**, familiarize them with the event, as well as with unacceptability and harmfulness of such behavior, advise them in order to change this behavior of the child, and invite them to participation in counseling or professional support inside or outside the school (social welfare centers, clinic for children and youth, mental health centers, police, Ombudsmen and similar) and inform them of the obligation of educational institution to report the case to competent social welfare center, police or other competent institutions;
- on undertaken activities, interviews, statements and its observations make **official notes**, as well as keep appropriate **records of protected data** that will be provided on request to other competent authorities.

B / SOCIAL WELFARE CENTERS

In case of report of violence or alert on violence among children, which was referred by educational institution, police, Ombudsmen, a child, his parent, legal representative or a third party, social welfare center is obliged to:

- upon receipt of report or notification, **contact with professionals of educational institution** (pedagogue, social worker, psychologists);
- in cooperation with professional from educational institution **invite parents or guardians**, of the child victim and child perpetrator of violence;
- make **socio-anamnestic data** on family circumstances in which a child victim and perpetrator live;
- in cooperation with professional of educational institution make **plan of psychosocial treatment** for the child victim and child abuser that will be implemented with consent of parents or guardians;
- keep appropriate **records of protected data** on every received report or notification among children and young people and record and annotate each treatment of social welfare center. Social welfare center will, in cooperation with educational institutions, continuously monitor implementation of activities in prevention of phenomenon of peer violence.

C / POLICE

In case of report of violence or alert on violence among children, which was referred by educational institution, police, Ombudsmen, a child, his parent, legal representative or a third party, competent police station is obliged to:

- urgently **refer competent inspector for juvenile delinquency or other authorized official** at the scene of incident for undertaking necessary measures and actions, determine all facts and circumstances related to the report or alert and undertake all necessary actions with aim of providing support to victim for prevention of continuation of violence, as well as health care of the victim;
- **establish the facts** necessary for clarification of the incident, and undertake all necessary measures and actions prescribed by law on documenting possible existence of elements of criminal act;
- in cases of intervention of members of police when the existence of ground for suspicion is determined that a criminal act or offense was committed, authorized officials **shall act in accordance with regulations** under its jurisdiction;
- authorized officials will necessarily perform undertaking of measures and actions against minor perpetrator of violence in **presence of a parent or legal representative** or competent representatives of social welfare center, or in accordance with the provisions of the LCP;
- in accordance with applicable regulations implement **urgent investigative actions**, and depending on circumstances of the incident submit **report to the competent prosecutor's office** or submit **request for initiation of criminal proceedings** to competent court with proposal for imposition of appropriate correctional measures;
- immediately **inform competent social welfare center** on every received report or alert on violence among children and youth for undertaking measures of appropriate protection under their jurisdiction;
- keep appropriate **records of protected data** on cases of report or inform about violence among children and youth.

D / HEALTH CARE INSTITUTIONS

In case of report of violence or alert on violence among children, which was referred by educational institution, police, Ombudsmen, a child, his parent, legal representative or a third party appointed professional service for coordination of activities related to the issue of violence among children and adolescents in health institution or an authorized person is obliged to:

- Immediately after arrival of a child in health institution (or family medicine clinic) perform **detailed exam and determine existence** of possible **bodily injuries**, and if they are present **take care of them properly**;

- After taking care of possible bodily injuries, **inform parents** or **guardians** on committed violence and **with their agreement refer the child to mental health center** and in collaboration with parents, based on estimated psycho-social status of the child plan treatment;
- If it is about a child who is behaving violently it is mandatory to involve **parents or guardians** in process of diagnosis, planning and implementation of treatment (in this segment of treating abuser cooperation between schools, social welfare centers and mental health center is extremely important);
- Also, it is important to continually work on the prevention of peer violence within activities of mental health center.

3. FORMS, METHOD AND CONTENT OF COOPERATION

Implementation of activities in prevention of peer violence among children and youth in educational system, as well as this Protocol assumes urgent establishment of cooperation of competent authorities and other bodies involved in prevention, detection and suppression of violence among children and youth (educational institutions, social welfare centers, police, health institutions, Ombudsmen, judicial institutions and units of local self government). In addition, by this document it is insisted on importance of cooperation between parents of a child perpetrator of violence, school, social welfare center, mental health center and other professional services.

Obligations of competent authorities and other bodies involved in prevention, detection and suppression of violence among children and youth in undertaking measures and activities aimed at preventing and combating violence are:

- in units of **local self government hold regular meetings** of representatives of competent bodies, or professional services for coordination of activities related to the issue of violence, and **establish effective methods of cooperation and exchange of relevant data**, both in terms of individual cases of violence, and in advances in solving the issue of violence among children and youth;
- in case of report or alert on violence **provide other competent authority with relevant data** on the case and treatment for a full insight into undertaken activities with aim of comprehensive child protection;
- establish cooperation and data exchange with **other units of local self government** with aim of exchange of experiences and creation of "good practice";
- **establish cooperation with other organizations** that could, in a specific case, be helpful, such as NGOs, religious communities, family counseling services, family medicine clinics, and experts who are dealing with the issues of peer violence;

- develop specific and adapted **treatment plans in cases of violence** among children and youth respecting features and characteristic of certain communities;
- establish **cooperation with competent health institutions** and doctors.

4. OTHER ACTIVITIES AND OBLIGATIONS

Within regular activities, and in accordance with its powers, **it is necessary to regularly inform parent and children about the problem of violence among children and youth and encourage them to report violence.**

During educational and extracurricular activities **promote models of non-violent communication, mutual tolerance and respect, by organizing tribunes, parent meetings, home classes, student workshops, manifestations, by publishing on bulletin board of educational institutions,** or in other appropriate manners.

In all activities related to prevention of violence among children it is necessary to **involve children and youth and their parents, legal guardians, educational workers and other professional persons** as active participants and partners in order to promote long-term principles of non-violence as a precondition for quality and safe growing up of children.

Comprehensive and quality care of children means collaborative work of all competent institutions and bodies, because leaving the burden of responsibility and activity to only one participant (for example only to school, police or social welfare center) will not give expected, results nor it will contribute to reducing peer violence among children and youth in educational system.

To **ensure efficiency of the process of treatment in cases of peer violence, every participant of this protocol will provide keeping of specific records** in its department on all registered cases of such behavior among youth.

Banja Luka, November 19. 2008.

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