

Drawing painted by the Basque artist Eskerrri- April 2015

THE ICEBERG OF CONFLICT

***“Legal aspects on bullying/cyberbullying In Spain”\_ Bullying & Cyberbullying. Elaborated by PSICOWORKS and the Basque Erasmus+ Team. IES Miguel de Unamuno. Vitoria-Gastelz ( Spain ) November 2015***

# **“Legal aspects on bullying/cyberbullying in Spain”**

**PSICO  
WUKKS**

*Psicología Forense*

## LEGAL ASPECTS IN SPAIN:

There is no law regulating in a specific and comprehensive manner the various forms of violence that may be exercised against children, such as bullying or cyberbullying.

Some aspects are addressed in different policy instruments based on:

Convention on the Rights of the Child, November 20, 1989

SPANISH CONSTITUTION December 1978

## SPANISH CONSTITUTION:

Declares as fundamental rights:

**Art. 10**

- People's dignity as the foundation of political order and social peace

**Art. 15**

- Right to physical and moral integrity

**Art. 17**

- Right to liberty and security

**Art. 18**

- Right to honour, personal and family privacy and image as well as the secrecy of communications

**Art. 24**

- Right to effective judicial protection

**Art. 27**

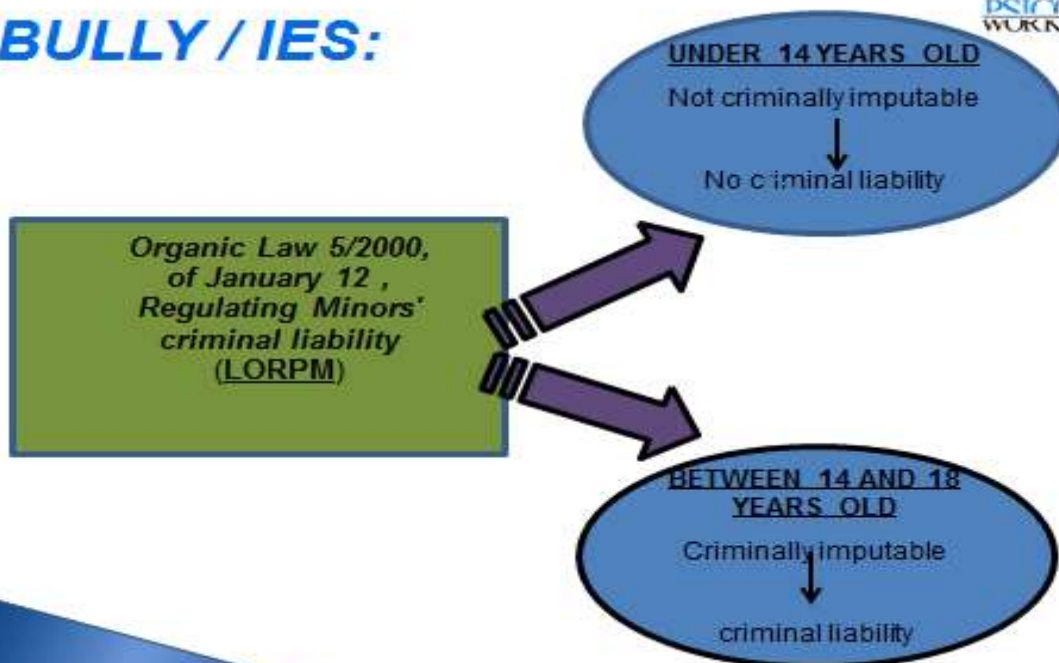
- Right to education

# VICTIMS:

Organic Law 1/1996 of 15 January on the Legal Protection of Minors



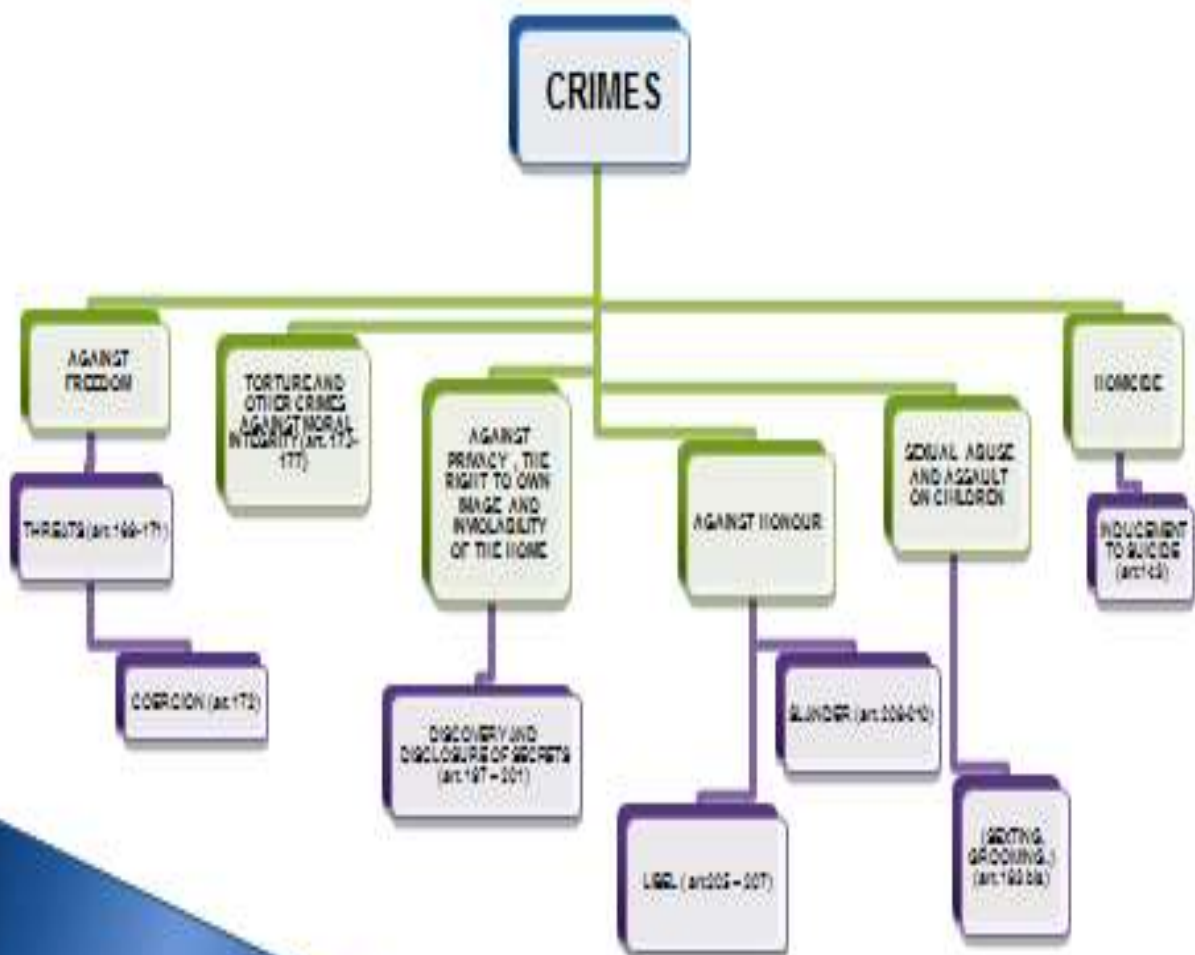
# BULLY / IES:



## OLDER THAN 14 – YOUNGER THAN 18:

LORPM will be enforced to demand accountability for the commission of acts classified as crimes or offenses in the Penal Code or special penal laws

*Organic Law 1/2015, of March 30*, by which it modifies the Organic Law 10/1995, of November 23, in the Penal Code (entry into force on July 1, 2015 )



# MEASURES:

## EDUCATIONAL AND SOCIALIZING

14 to 16 years old/ 17 and 18 years old:

OF WARNING

OF WORK FOR THE BENEFIT OF THE COMMUNITY

INTERMENT:

- CLOSED PRISON
- SEMIOPEN PRISON
- OPEN PRISON
- THERAPEUTIC

DAY CARE

PROBATION

SOCIOEDUCATIONAL TASKS

OUTPATIENT TREATMENT

WEEKEND STAY

LIVING TOGETHER WITH A PERSON, FAMILY OR EDUCATIONAL GROUP

LOSS OF DRIVING LICENCE FOR MOPEDES OR MOTOR VEHICLES

## PARENTS OF BULLYING MINORS:

### PUBLIC LIABILITY:

Restitution  
 Reparation of damages  
 Compensation for material and moral damages.

- *LORPM, art. 61.3, which jointly holds parents, guardians, foster parents or legal or common-law guardians, responsible for the acts committed by persons below 18 years of age.*

## SCHOOL:

### PUBLIC LIABILITY

- *Organic Law 2/ 2006, of May 3, Ministry of Education, acknowledges the role of schools in preventing and combating bullying.*
- *Organic Law 1/1996, of January 15, Legal Protection of Minors, states that "minors have the right to honour, personal and family privacy and their own image (Art. 4.1) and parents and guardians and public authorities will respect these rights and protect them from possible attacks by third parties".(Art.4.5)*
- *CIVIL CODE art. 1903 "Persons or entities owning a school in non-higher education will take responsibility for damages caused by their minor children during the time that these minors stay in the school. This responsibility will cease when they prove they did their best to prevent the damage"*
- *LORPM, art. 61.3, which jointly holds parents, guardians, foster parents or legal or common-law guardians responsible for the acts committed by children under 18.*
- *Law 34/2002 of July 11, Services of Information Society and Electronic Commerce, regulating teaching on the supervision of educational platforms (Escuela 2.0 projects)*