

Criminological and criminal legal aspects of discrimination, violence, abuse and neglect of school-age children

Prof. dr. Osman Jašarević¹

Faculty of Law of the University of Travnik

Farah Fazlagić, Bachelor²

Abstract

The topic of this paper is the criminological aspects of discrimination and violence against school-age children. In the introductory part of the paper, the criminological aspects of discrimination, the definition of violence, the rate of occurrence and causes of violence among school-age children, the conditions and motives that lead to discrimination and violence against school-age children are considered, followed by the criminological aspects of discrimination and violence against children in the course of historical development in the family and in school, the discriminatory and violent aspects of parents' behaviour, the risk factors and protective factors with regard to abuse, who discriminators, bullies and abusers are, the types of discrimination, violence and abuse, and how to protect children from discrimination, violence and abuse.

Discrimination, violence and abuse are heavily widespread phenomena in the world and also in Bosnia and Herzegovina and the wider South Eastern European region. On a daily basis, we hear about witness discrimination, violence and abuse of children in schools, families and peer violence. Discrimination, teasing, insulting, ridiculing, provoking, blackmailing, violent attacks and forcible deprivation of cell phones and other objects are the most common forms of peer violence among school-age children. The victims are mostly modest, withdrawn, peaceful, well-brought-up, peaceful and often insecure children. The topic of discrimination, violence and abuse of children is debated, spoken about and written about every day in various tabloids, through the „crime news” in daily newspapers. Discrimination, violence, neglect, sexual abuse, emotional abuse and corporal punishment of children are, unfortunately, always present in society, even though it is difficult to accept. Discrimination, violence, abuse and neglect of children happens in all areas and can, to a great extent, affect the development of children and leave lasting consequences.

Regardless of the statistics on discrimination, violence, abuse and neglect of children, scholars, experts, analysts and others claim that these phenomenological forms of criminal aspects against school-age children increase year after year. The final part of the paper addresses the rights of children and the prevention of discrimination, violence, abuse and neglect of children and among children.

Keywords: *discrimination, violence, abuse, neglect of children, protection, rights of the children.*

¹ e-mail: dr.osmanjasareic@hotmail.com.

² e-mail: farahfazlagic@hotmail.com.

I. Introduction

It is important to emphasize that the last few decades of the twentieth and twenty-first century have seen an increase in criminological forms of discrimination, violence, abuse and neglect of school-age children by teachers, educators, school counsellors, parents, educational and other pedagogical institutions. Most citizens witness discrimination, violence, abuse and neglect of children, on a daily basis in different places and at any time of the day. Certain categories of children, mostly children of wealthy families tease, discredit, insult, ridicule and humiliate in various ways their chosen victims, leading eventually to physical violence.

Discrimination, violence, abuse and neglect of children in general, including school-age children, had always been recorded, but not to a such degree, during the historical development of society in various epochs, until it began to be spoken about this phenomenon publicly. Even then, people felt anxious and concerned about this issue and attempted to find ways to prevent it through general and special prevention measures taken by state authorities. Victims, i.e. school-age children, are mostly silent about all deviant forms of attacks, humiliation, psychological and physical maltreatment, fearing for their lives and what would happen to them if they speak out, resist or fight back. Therefore, this paper discusses discrimination, violence, abuse and neglect of school-age children. Some parents are increasingly allowing themselves to impair both the psychological and physical well-being of their children, and the children imitate their parents by copying these behaviour patterns in their interactions with other children thus committing various forms of peer violence.

Therefore, it is important to recognize the inappropriate behaviour of parents towards children, and to be aware of how to encourage children to speak without fear about their problems, how the schools, teachers, educators can help children facing discrimination, violence, abuse or neglect in order to develop properly and what can be done to protect such children regardless of whether they are experiencing violence at home or in school.

What children see and hear on television, the radio, the Internet and other networks, encourages them to various destructive forms of deviant behaviour in terms of discrimination, aggression and violence, and makes them satisfied with their actions.

Various forms of corporal punishment of children are applied in some countries as a methods of work, order and discipline. This is the reason why certain schools, even schools in foreign states, consider corporal punishment as a measure of upbringing. In the age of science, technology and digitalization, the corporal punishment of children is seen as unacceptable.

Practice shows that discrimination, violence, abuse and neglect in the family most frequently occurs after a parent experienced discrimination, forcibly alienated from the family or abused (i.e. physically or psychologically punished) and these methods of punishment are passed on to other children, and in turn transferred through imitation to their peers who are school-age children³.

This paper consists of several parts which discuss the criminological and historical overview of discrimination and violence against children in the family, and discrimination, violence and abuse of children in schools, as well as the Convention on

³ <https://zir.nsk.hr/islandora/object/ufzg:402/preview>, Marija Lujić was born on 22/11/1993 in Sisak.

the Rights of the Child. The paper then addresses the issue of violent parents and what encourages them to conduct domestic and violence against their child. Previous analytical reports show that there are various theoretical models of violent parental behaviour towards children, but also protective factors for abuse that will be discussed in the paper.

II. Discrimination

Discrimination (lat. *discriminare*) means separating, making a difference on the grounds of social, wealth, racial, ethnic, religious, individual, sexual, linguistic, age or other characteristics of a person.

Discrimination results in difficult or impossible exercise of certain human rights. Unfortunately, the worst part of stereotypes and prejudices is their consequences in behaviour, which is discrimination. The very realization that a person is stigmatized causes discomfort, or feelings such as anger, sorrow and loneliness. An even greater injustice is loss of work or inability to work, poor housing conditions or low income resulting from discrimination⁴.

Discrimination⁵ is any act of distinguishing and unequal treatment of a person or a group of persons due to personal characteristics that make them different from others. It can be based on gender, national, religious identity, sexual orientation, disability, political conviction, skin colour, property, etc. The labour market is one of the areas where discrimination often occurs in Bosnia and Herzegovina, based on gender, nationality, disability.

III. Violence

Today, violence is a well-known and widely discussed subject. It is by itself a highly complex social phenomenon and a state in a society, which, in terms of emotion, motivation and action, manifests itself as an internal instinct, fury, rage, anger, hostility and increased aggressiveness in attacking a particular person, object, geo territory, groups of people and wider. Therefore, it can be said that violence is a characteristic use of force, threat, blackmail or other ruthless act directed against someone. Violence aims at controlling another person by using power in a varying intensity. Hence, violence is an inhuman act that is to be condemned but is often expressed in milder or more severe forms that can also be permanently harmful and difficult⁶.

Bilic et al., 2012⁷, cites the World Health Organization's definition (WHO, 2006) of violence: „*all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power*”.

⁴ https://hr.wikipedia.org/wiki/Diskriminacija#cite_note-1.

⁵ <http://www.diskriminacija.ba/%C5%A1ta-je-diskriminacija>.

⁶ Vrgoč, H. (1999). *Aggressiveness (violence) in school*. Zagreb: Hrvatski pedagoško-književni zbor. Zagreb: Naklada Slap.

⁷ Bilić, V., Buljan Flander, G., Hrpka, H. (2012). *Violence against children and among children*. Zagreb: Naklada Slap.

The definition is used as a basis for defining individual types of abuse. It is important to emphasize that there are different definitions of abuse: medical, legal and scientific definitions that are not identical, which makes research and practical treatment more difficult. Regardless of the specificities of each individual definition, all have in common an emphasis on the damage and suffering often inflicted by parents through their actions or lack of actions, i.e. neglect of the children's needs, whether physical or psychological⁸.

When defining abuse, it is usually pointed out it involves: permanent or frequent exposure; deliberately violent means; which occurs in the context of a relationship of responsibility, trust and power; the consequences of which can be clearly visible in the form of injuries and endangerment or less noticeable emotional injuries and injuries to internal organs.

One of the important elements of abuse is permanent or frequent exposure, but it is necessary to emphasize that individual acts characterized as highly cruel, insolent and ruthless that endanger the child's health and life can also be identified as violent and abusive. One powerful blow can cause serious injuries, or sexual abuse can occur once, but the consequences will be long-term⁹.

Discrimination, violence and abuse among children occurs when one or more children repeatedly or deliberately provoke, attack or injure another child who is unable to defend himself/herself based on his or her race, colour, ethnicity. Thus, violence can take the form of threatening, causing bodily harm, rejection from a peer group, humiliating on grounds of family or personal stigma, as well as teasing, gossiping, destroying and forceful taking of objects and belongings. The abuser or abusers often comment negatively about the family of the child which is who is faced with discrimination and violence¹⁰.

In their textbook, the authors Bilic and Zloković (2004) cite the conceptual definition of a neglected and abused child: any child younger than eighteen, not cared for by his or her parents, manifested as lack of care for the upbringing, well-being, encouragement, social adaptation, education or other responsibility about the child's welfare.

The authors Bilic and Zlokovic also cite Polansky who defines child neglect as „a condition in which a care-taker responsible for the child either deliberately or by extraordinary inattentiveness permits the child to experience avoidable present suffering and/or fails to provide one or more of the ingredients generally deemed essential for developing a person's physical, intellectual, and emotional capacities.”

The abuse of children as an immoral and inappropriate behaviour, regardless of whether it is in the form of discrimination, violence, abuse or neglect of a child, endangers and prevents the healthy and normal development of children and prevents the development of adaptive skills in the environment or family in which the children stay and live¹¹.

Bilic and Zlokovic (2004) cite two conceptual definitions of child abuse, as follows: a) child abuse is aggressive and usually rough behaviour to the child; b) abuse is any direct or indirect trauma or indirect exposure to discrimination and violence, primarily to family members.

⁸ Bilić et al., cited, 2012.

⁹ Bilić et al., cited, 2012.

¹⁰ Kovačević, H., Buljan-Flander, G. (2005). *Why me?* Zagreb: Znanje.

¹¹ Bilić, V., Zloković, J. (2004). *The phenomenon of maltreatment of children*. Zagreb: Naklada Ljevak.

IV. Discrimination, violence and abuse during the historical development of society in family and school

4.1. Violence in the family during the historical development of the society

Physical, psychological and other types of punishment and abuse of children in the family have a long history. Physical punishment, which often transformed into psychological abuse as well, has been justified for decades as an educational method used for disciplining and teaching family and educational values and principles, whereas emotional abuse was considered to be normal. A large part of treatment that is now considered as discrimination, violence and abuse was not deemed to be inadequate or unacceptable during the historical development of society. Sometimes the children were considered personal property, and the parents had great power over them¹².

Zaninovic (2008) states that children in ancient Greece were raised by using harsh disciplinary methods, which was a characteristic of the Spartan culture at the time. These methods were applied to train children to fight with enemies, and to become strong and accustomed to various difficult and hardly tolerable living conditions such as very cold conditions, severe pain, suffering, hunger and thirst. Such an upbringing was aimed at strengthening their obedience and endurance. Apart from being exposed to violence, they were also trained to be harsh to others. They were encouraged to kill slaves they would encounter on the streets, and the Athenian women would take the young children to war so the children could see what awaits them through life's struggles, but also what they will do after they grow up. For preparing children for war and other Spartan activities in ancient Greece, children were starved, as most often decided by the father. In Sparta, this decision was made by a group of commanding elders. These acts and similar acts were not considered murder as they believed that the children would be saved by the gods.

In ancient Rome, there was a somewhat different upbringing, but not any gentler than in ancient Greece. In ancient Rome, all members of the family, including the elderly, were owned by their father. The father had absolute power over the whole family and the right to decide about life and death. New-borns would be placed before the father's feet, and if his father raised the baby, it had the right to life, otherwise it was sentenced to death. In old Rome, the father had all the powers, which meant that he could kill, sell or cripple a child, especially if the child had a weak constitution, was in poor health or had a physical injury, and the father would not be punished for that¹³.

Children were killed not only in ancient Rome, but in various cultures, social classes and ethnic groups. During historical development of society, children were killed mostly by their own parents. New-borns and older children were killed for centuries in various civilizations and cultures. Biological mothers killed their new-borns motivated by fear of shame or condemnation by the society.

Embarrassment and fear would force the mother to commit such an act if the mother was not certain who the father was, or if the father was already married, or if the child was a great material burden, or due to infidelity in marriage (Lonza, 2001). Pediatrician Henry Dwight Chapin wrote during the 20th century that children who experienced physical and emotional neglect were placed in institutions during their first

¹² Tomison, A. M. (2001). *A History of Child Protection. Back to the Future?* Melbourne: The Australian Institute of Family Studies: Family Matters, 60.

¹³ Bilić et al., cited, 2012.

year of life. Unfortunately, despite improved food and hygiene conditions, children died in 31.7 to 75% of cases due to infections and failure to thrive.

Pediatrician Henry Dwight Chapin began to place children without parents in foster homes in the United States. Studies consistently showed that children who were placed in institutions had an increased susceptibility to infections, as well as severe deficits in social development and control of behaviour and emotions. Even then it was understood that the cause was the emotional lack of the mother¹⁴.

Scholars cite two types of child killing:

a) Passive killing – failure to properly care for the umbilical cord, failure to properly clean the respiratory tract, not giving the child sufficient food or exposing the child to cold.

b) Active killing - disabling the passage of air to the lungs due to blocking of airways caused by strangulation or choking, throwing the child or hitting the child on a hard surface, causing fractures and internal bleeding, ultimately leading to the death of the baby.

In the Dubrovnik Republic, new-borns were killed by drowning in the sea or in a well, thrown into the toilet or thrown from high altitudes (Lonza, 2001). It was not any different in other countries. For example, in feudal Japan, new-borns were killed by suffocation, while in China new-borns were drowned in cold water bins, and in India, in bottles filled with milk¹⁵.

The reasons that led to the killing of children were: poverty, birth defects, superstitions and ignorance. The methods used by parents to kill their children are surprisingly cruel. One of the methods was abandoning the children and leaving them to die from hunger or animal attacks. Parents most often left those children who were weak or unwanted.

4.2. Violence in schools during the historical development of society

Violence against school children has existed during the historical development of society since schools have existed. The type of violence against school children has most often been corporal punishment that was considered an educational method. Children were punished in countries such as Egypt, Greece, Rome and others. The goal of these methods of corporal punishment was building and strengthening of the children's will and physical strength as recorded in Spartan schools¹⁶.

In Yugoslavia, in the nineteenth and twentieth century, drastic methods were also applied in certain schools such as slapping children on the face on both sides, hitting the children's palms with a compass, bar, school ruler, etc. pulling students' sideburns or hair by twisting a tuft and even pulling out, and pulling the girls' braids by teachers along with slapping. There was also the method of kneeling with hands raised in the air, with grain of wheats, corn or other berries under the knees, applied in order to discipline children who would be late to school, who did not write their homework, prepared a recitation or children who were not obedient in class/school.

Miljkovic (2009, p. 35) describes Spartan disciplining methods as follows: „Until the age of seven, children were raised in families, but even then they were taught not to cry much as it was considered shameful to show pain. At seven years old, the boys went to

¹⁴ Polyclinic for Protection of Children and Youth of the Zagreb City, Zagreb 2008, <http://www.poliklinikadjeca.hr/publikacije/zanemarivanje-djece/> (accessed on 29.11.2018).

¹⁵ Milner, J. S., Robertson, K. R., Rogers, D. L. (1990). 'Childhood history of abuse and adult child abuse potential'. Journal of Family Violence, 5 (1), pp. 15-34.

¹⁶Bilić et al., cited, 2012.

state-owned schools. The schools were run by managers. All boys had to have closely shaved hair, and they slept on straw, without any covers. Both in summer and winter, they were barefoot and lightly dressed, and the food they received was very simple and - insufficient. In order to boost courage, the children were allowed to steal food, but if they were caught in the act, they would be severely punished. The manager had his own floggers who followed him everywhere, always ready to act. In order to help children become accustomed to pain, public flogging was organized every year in the town hall. Boys who would endure the flogging without crying out would be praised in front of the altar¹⁷.

These examples of the Spartan practice demonstrate cruelty, disrespect and strictness which are still associated with Spartan upbringing today. In the middle Ages, children were expected to be fully obedient based on the principle of „Magister dixit“ (the teacher has said it), which would now be deemed as emotional punishment of children¹⁸.

In Norway, the issue of abusers/victims were a subject of interest to the media, parents and society, but schools did not attach much importance and attention to this issue, until the end of 1982, when the newspapers announced that three boys between 10 and 14 years of age committed suicide because of peer violence. Not only did this event cause increased discomfort, attracted media attention and led to public tension, it also triggered a series of reactions that led to campaigns to resolve the problems related to bullying in all Norwegian primary and lower secondary schools initiated by the Ministry of Education in autumn 1983¹⁹.

Bilić et al. (2012) argue that physical and psychological punishment in schools all over the world used to be justified as the best way to maintain order and discipline, by preventing children to violate the rules, in terms of respecting authority and as an aid in building character. The psychological and physical punishments included methods such as hitting children with a rod, strap or belt, books and hands, beating, immersion of children's heads in a container with cold water, and kneeling on corn or glass, or standing in front of a pillar of shame. All the punishments were made public so that everyone else would see the child's sin and shame him or her.

There are few scientific data on the use of physical and psychological punishment of children in schools. There is not a single recorded example of a teacher who kept records on how often and how he or she punished children by writing down how he or she used beatings, floggings, hitting by hand, hitting the children's palms, lips, heads, behind the ears, and hitting with books. These are statistical facts, or methods of teacher Haberle who worked for fifty years in a smaller German town²⁰. The physical and psychological punishment methods in schools were so terrifying in nature and so widespread that the Prussian Minister of Culture announced in the media in 1899 that he demanded a decrease in the application of corporal punishment in schools because corporal punishment had already transformed into abuse²¹.

¹⁷Miljković, D. (2009). *Pedagogy for Sports Coaches*. Zagreb: Faculty of Kinesiology of the Zagreb University.

¹⁸Bilić et al., cited, 2012.

¹⁹Olweus, D. (1998). *Peer violence in schools*. Zagreb: Školska knjiga.

²⁰Tauš and Munjiza 2006; according to Bilić et al., cited, 2012.

²¹24. Singer, M., Mikšaj-Todorović, Lj., Poldrugač, Z. (1985). *Criminality to the detriment of minors*. Zagreb: Školska knjiga.

V. Abusers of school-age children

The maltreatment of school-age children is characterized by aggressive and usually deliberately harsh actions towards the child. Any direct psychological and physical trauma or indirect exposure to violence, primarily within the family, is considered abuse²². In order to expose the causes, conditions and motives why a person abuses a child or children of school age, various etiological factors and characteristics of the abuser must be considered: how the bully and abuser behaves, what made him or her an abuser, whether there was domestic violence, how much influence his or her financial power has, what is the level of stability and support in the environment, and what is the abuser's marital status. All these factors are intertwined and it is difficult to express their individual influences²³.

The US Department of Health and Human Services (USDHHS, 2010) defines abusers as persons who have caused or who possessed information on child abuse²⁴.

This definition of abusers seems very simple, but it is important to emphasize that USDHHS considers to be an abuser any person who has committed any methodological form of violence against children, including school-age children, but also any person who possesses any information on violence against a child, even only as an eyewitness or a direct participant. Every eyewitness is a type of abuser, since he or she has directly seen that a crime has been committed but failed to inform anyone or report the crime to competent institutions.

In addition, this definition applies to the person who has indications or assumes that violence is occurring but does nothing to help the abused child in the family, at school, in public and elsewhere²⁵.

We are witnesses to the problem of child abuse which is part of the basic value system of a modern society. A large number of humanitarian organizations in the world and in our country are active in combating and preventing the abuse and neglect of children, and the media are increasingly reporting on individual cases in which children become victims of the immediate or wider family, friends or another person²⁶.

VI. Types of abuse

A frequent type of abuse is physical punishment. The term physical punishment implies the application of physical force with the intention of inflicting physical pain and/or discomfort or psychological discomfort, but not injury, for the purpose of correction and control of the child's behaviour²⁷.

Physical abuse is inflicting injuries which may be „unintentional” or „unconscious” as a consequence of „disciplining a child” or different punishments which are inappropriate considering the child's age and physical development²⁸.

It is important to mention the fact that physical violence in some schools is so widespread and such a great problem that schools install video surveillance cameras and

²² Bilić, Zloković, 2004, cited, p. 20.

²³ Bilić et al., cited, 2012.

²⁴ Bilić et al., cited, 2012, p. 66

²⁵ Bilić et al., cited, 2012.

²⁶ Šarić, 2011; according to Velki, Bošnjak, 2012.

²⁷ Straus, 2000; Pečnik, 2003; Gershoff, 2008; according to Bilić et al., cited, 2012, p. 82.

²⁸ Cicchetti, D., 1997, 38; Bilić and Zloković, 2004, cited.

metal detectors to prevent carrying of firearms and knives. There are even schools that employ armed guards (Field, 2004). Field (2004) lists the physical behaviors of bullies: a) pushing and knocking over, kicking and hitting; b) stealing various things from other students, from books and food to items from students' lockers; c) throwing the victim's belongings from one child to another; d) pulling a chair back while a student is trying to sit on it; e) hair pulling; f) carrying weapons; g) throwing erasers and papers at the victim etc.

There are various forms of physical abuse, including instrumental corporal punishment in which some parents use corporal punishment in a peaceful, thought-out and planned manner, without strong emotions, and impulsive corporal punishment caused by parents' anger, aggression, loss of control, and ultimately leads to a sense of guilt. It is important to note that corporal punishment is not only hitting a child's bottom or hitting with objects, but also includes some other physical forms:

a) Direct physical forms of punishment (pinching and shaking; stretching a child's ears and hair; hitting with hands or feet and various objects);

b) Forceful consumption of harmful substances (forcing a child to consume hot spices such as pepperoni and pepper; rinsing a child's mouth with baby soap);

c) actions involving excessive physical discomfort (forcing a child to sit in a painful position; kneeling on hard objects, for example, corn or pebbles; depriving a child of water or food; forcing a child to exercise excessively, for example 50 squats, push-ups or other exercises for punishment).

It is very important to distinguish protective restrictions, i.e. a parent's warning or quick reaction in the event of a child being in danger. Protective restrictions include sudden pulling and lifting of a child so it does not burn itself on a hot stove or does not run out on the street²⁹.

Parents are still unaware of the possible negative consequences of physical and psychological punishment and other forms of violence against children, and therefore it is necessary to continue to educate parents during parental meetings and various workshops on modern principles of upbringing, and what is good and bad for children³⁰.

Regarding the difference between discipline and corporal punishment, it is important to instruct parents to take a series of preventive and corrective actions to help their children regulate their behaviour. It is important to accept the reactions of the child, understanding the child's wishes and encouraging the child to make decisions and achieve better results.

Punishment and discipline are not synonyms, the more so because discipline involves upbringing. Upbringing methods, means and actions towards children achieve a positive discipline benefit indicating where the limits of acceptable or unacceptable behaviour are, thus developing awareness, character and morality about acceptable actions in the family, but also in society and the wider community.

VII. Neglecting children

Neglecting is failure to meet a child's needs to an extent that significantly affects the physical and psychological development of the child. It is not always deliberate, and the limit when neglect begins is not completely clear³¹.

²⁹ Bilić et al., cited, 2012.

³⁰ Velki, T., Bošnjak, M. (2012). *The connection between parental upbringing methods and corporal punishment of children*. Život i škola: časopis za teoriju i praksu odgoja i obrazovanja.

³¹ Bačan, 2006; Bilić et al., cited, 2012, p. 179.

Neglect, as a rule, is widely defined as failure of parents to care for and satisfy the emotional and developmental needs of the child, including the need for adequate nutrition, clothing, housing, health care, education, intellectual stimulation and emotional understanding³².

Unlike child abuse, neglect is failure to do something, rather than directly causing injury or harm to a child. It is important to note that neglect only happens if lack of parental care endangers the healthy development of the child and his or her psychological/social balance³³.

Neglect represents 35 to 65% of all forms of abuse, and most of the victims are under three years of age. About 40% of deaths from abuse and neglect are the exclusive result of neglect due to failure to help the child, failure to provide medical treatment and drowning.

Children who are neglected were most often exposed to other types of abuse, and in a large number of cases, this was emotional or sexual abuse³⁴.

There are numerous causes³⁵ of neglect, and one of them is an inadequate parent-child relationship that does not depend only on the parent, but also on the child whose characteristics significantly influence the mutual relationship. The needs of each child are individual, as are the psychological and physical capacities of parents, therefore it is very difficult to explain in a few sentences what it is meant by failure to satisfy a child's needs. A parent who treats every child equally is not a good parent; a good parent is one who treats every child exactly as the child needs. People whose parents could not recognize their needs are often unable to recognize the needs of their own children, which, of course, leads to problems with children. It is important to know that failure to satisfy some of a child's needs can help the child to understand that the child cannot have everything in life immediately, which will contribute to him or her better coping with difficulties later in life. It is certainly neglect if one or more of the needs of a child are not satisfied for a long time or this situation is often repeated.

VIII. Peer violence

„Peer violence is defined as exposure to deliberately negative, repeated actions by one or more students of school age, of disproportionate real or perceived power, due to which a child suffers physical and/or emotional harm and is not able to resist such actions” (Olweus, 1993, 1998; Bilic et al., 2012, p. 266).

„Violence among children is every intentionally physically and psychologically violent behaviour directed towards children and young people by their peers, intended to cause harm, and which, regardless of where it occurs, can be distinguished by its phenomenological form, severity, intensity and duration, and which involves repetition of the same form and reflects an unbalanced relationship of strength (stronger against the weaker or groups against the individual)³⁶.

³² White et al., 1987; Ajduković, Pećnik, 1994.

³³ Ajduković, Pećnik, 1994.

³⁴ Bilić et al., 2012.

³⁵ Jašarević, O., Kustura, M., *Criminology (Etiology and Phenomenology of Criminality)*, Travnik, 2013, pg. 61-71.

³⁶ Jaman, A. (2009). *Violence among children in orphanages*. Školski vjesnik: časopis za pedagoškijsku teoriju i praksu, 58 (3), 301-313. <https://hrcak.srce.hr/82601>, accessed on 27.11.2018,

Peer violence is often defined as a form of aggressive behaviour in which there is an imbalance of power between the victim and the bully, where the abuser has greater power, and such behaviour is often repeated³⁷.

Experience shows that violence among peers, particularly the child is exposed to violence for a long period of time, has very harmful consequences for further education, but also for the child's physical and psychological development. It is important to distinguish violence among peers from an attack or a common conflict among children. Peer violence can be direct such as through hitting and teasing, or indirect such as through exclusion from a group, gossiping or manipulating peers³⁸.

Peer violence as well as violence in schools have gained attention in recent years in many countries of researchers and scholars who deal with educational practices. Children who are exposed to abuse in school will very likely develop a negative attitude toward school and other students, and it will be increasingly more difficult for them to concentrate on fulfilling school-related obligations, tasks and learning the materials. In addition, in case of a lack of timely intervention by institutions through general and special prevention measures, it is possible that a child's physical and mental health will be endangered.

Children who are victims of violence show greater anxiety, depression and loneliness, and often express suicidal ideas that can lead to rejection by peers and worsening of relations with teachers³⁹.

IX. Protection of children and prevention in Bosnia and Herzegovina

Scientists and experts in the pedagogical field, regardless of where they work, whether in educational, health or other institutions dealing with children, have an obligation and responsibility to promptly report to the competent authorities and institutions any discriminatory, violent or abusive forms and actions towards children.

All institutions, according to their expert assessment, are obliged to report any suspicion of child abuse⁴⁰.

The Constitution of Bosnia and Herzegovina and the constitutions of other states in the region and wider treat children as a particularly vulnerable group which is entitled to all the rights to special social and political protection, i.e., the protection of society and the state. Therefore, the protection of children is regulated by numerous legislation: a) Convention on the Rights of the Child; b) Law on Social Protection; c) Family Law; d) Criminal Law; e) Law on the Protection of Patients' Rights; f) Law on Protection against Domestic Violence; g) Law on Primary Education; h) Law on Secondary Education.

Bosnia and Herzegovina is also a signatory to important international documents regulating the assistance to children and protection of children's rights, including the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.

Constitutional provisions also stipulate that „*no one shall be subjected to any form of abuse (...)*”, and the constitutional right to life without violence is determined by special

³⁷ Rigby, K. (2006). *Bullying in schools and what can we do?* Zagreb: Mosta. Rigby, 2002; according to Velki, Vrdoljak, 2013.

³⁸ Bilić et al., cited, 2012.

³⁹ Marušić, Pavin Ivanec cited, 2008.

⁴⁰ Bilić et al., cited, 2012.

regulations. In addition to the constitutional provisions, the legislation in Bosnia and Herzegovina stipulates that parents and other family members must not expose the child to humiliating circumstances or any type of violence or abuse. Each person who notices any violence against a child is required to inform the Social Welfare Center which is in turn obliged to examine each application and take all measures to protect the rights of the child.

X. Conclusion

Discrimination, violent behaviour, abuse and neglect of children of school age are an integral part of numerous criminological and criminal legal aspects of everyday life, and they occur in the family, kindergarten, school, media, politics and other institutions. Discrimination, violence, abuse and neglect of children most often take forms of discrimination based on national, religious, racial, ethnic grounds in terms of provocation, harassment, threats, causing bodily harm, mental pain in the form of rejection, teasing and forcible alienation, injuries and destruction of personal things. Discrimination, violence and abuse often include vulgar, embarrassing, provocative comments related to the child, but also to the child's family. Discrimination, violence and abuse among peers are most common in kindergartens and schools, but beyond the control of teachers and other professional educators. Discrimination, violence, abuse and neglect of children of school age may occur at any place where children live, socialize, play and spend leisure time.

There are several phenomenological forms of discrimination, violence, abuse and neglect of children in terms of physical and psychological harm, such as: intellectual, emotional, verbal, sexual, physical, cultural, economic and other criminological or criminal legal forms. Regardless of the phenomenological form of discrimination, violence, abuse and neglect, it is important to publicly expose the problems related to discrimination, violent behaviour and abuse among peers. It is thus highly important to talk with school-age children in a timely manner and to inform them that, in any case of any phenomenological form of discrimination, violence or abuse, the children can talk to their parents, parental councils, educators, kindergarten or school managers and teachers, but also police officers in the area where children stay, play, socialize and go to school.

With regard to discrimination, violence, abuse and neglect, it is important to communicate with parents as soon as a child has been enrolled in kindergarten or first grade of primary or secondary school. It is therefore important that educators, teachers and other pedagogical workers achieve a good relationship with parents, so they can cooperate during the educational process. Organizing educational workshops and professional programs will greatly assist parents, professionals but also school children to learn about the dangers and possible consequences of discrimination, violence, abuse and neglect. Such education programs can teach school children how to protect themselves from future forms of discrimination, violence and abuse, by developing mutual respect and tolerance. Kindergartens, schools, sports clubs and other educational institutions are not just spaces for transferring knowledge, but also spaces for learning and acquiring intellectual, social and practically dual life skills. It is therefore important to inform children in a timely manner who they can talk to in such cases, but also to educate parents to recognize discrimination, violence or abuse against their children so that they can talk to school teachers and other professionals as well as police officers in order to prevent any form of discrimination, violence or abuse in the most adequate manner possible. A good method of resolving these issues and gaining an

insight of what is happening is organizing an anonymous survey for school-age children. Given the honesty of children and anonymity, the chances are that the teachers and educators will know exactly what is happening and, in accordance with the information provided, can act in many ways through an institution or means of information.

Working with school-age children in groups and individually can be beneficial as children can be taught to what extent discrimination, violence and abuse are dangerous social phenomena, and how much they can damage the victims but also the discriminators, bullies and abusers. During professional trainings and workshops, parents, educators and other teaching staff can learn how to achieve positive communication with school-age children, how to provide support to children, how to solve conflicts painlessly and creatively, and how to develop a great level of trust and understanding among the children. It is important that school-age children know that they always have the support of adults, but it is especially important to include them in the decision-making processes, according to their interests and capabilities.

All deviant phenomenological forms of criminality⁴¹, i.e., discrimination, violence and abuse of peers and school-age children should be approached in a very thorough, professional and serious manner, and the information to be taken into account includes absence of children from kindergarten, school and university lessons, poorer results and behaviour, damaged clothing, hunger, bruises or other injuries. It should be kept in mind, however, that there are often deeper injuries which are truly invisible but are painful and bear severe consequences. Some of the often visible signs in victims (school-age children) are the child's withdrawal or refusal to participate in working in a group in which the discriminator, bully or abuser is participating. The behaviour of the latter is terrorizing, hateful and aggressive, causing panic to the victim and thus affecting the child's healthy development.

Noticing these unusual gesticulated and mimicked signals can to a great extent prevent and reduce the occurrence of all etiological and phenomenological types and forms of discrimination, violence, abuse and neglect of school-age children.

Reference

1. Ajduković, M., Pećnik, N. *Abuse and neglect of children in the family*. Croatian Social Policy Review, 1 (3), 269-273. Taken from 27 studenog 2018, iz: <https://hrcak.srce.hr/29726>, (1994).
2. Bilić, V., Buljan Flander, G., Hrpka, H. *Violence against children and between children*. Zagreb: Naklada Slap, (2012).
3. Bilić, V., Zloković, J. *Phenomenon of maltreatment of children*. Zagreb: Naklada Ljevak, (2004).
4. Bulatović, A. *Consequences of abuse and neglect of preschool children*. *Life an school*, Journal of Theory and Practice of Education, 58 (27), 211- 221. Taken at 27 November 2018, from: <https://hrcak.srce.hr/84275>, (2012).
5. Centre for Social Welfare, Novi Marof at adress <https://www.czss-novimarof.hr/2017/04/12/zastita-djece-braka-i-obitelji-i-skrbnistvo/> (accessed on 29.11.2018).
6. Field, E. M., *Living without violence*. Zagreb: Naklada Kosinj, (2004).
7. Forward, S., Buck, C. *Poison parents*. Zagreb: library Anima, (2002).

⁴¹ Jašarević, O., Kustura, M., *Kriminologija (etiologija i fenomenologija kriminaliteta)*, Univerzitet u Travniku, Pravni fakultet, 2013, pp. 163-184.

8. Hrabar, D. *Rights of children in the family*. Croatian Social Policy Review, 1 (3), 263-267. Taken at 29 November 2018, from <https://hrcak.srce.hr/29717>(1994).
9. Jaman, A. *Violence among children in homes for children without adequate parental care*. School Magazine: Journal of Pedagogical Theory and Practice, 58 (3), 301-313. Taken at 27 November 2018, from <https://hrcak.srce.hr/82601>, (2009).
10. Jašarević, O., Kustura, M., *Kriminology (etiologiy i fenomenology of kriminality)*, Law university of Travnik.
11. Knežević, M., Baradić, *Information on a student behavioral questionnaire conducted among students. Life and school*, Journal of Theory and Practice of Education and Education, 50 (12), 76-86. Taken at 29 November 2018, iz: <https://hrcak.srce.hr/25508>, (2004).
12. Kocijan-Hercigonja, D., Hercigonja-Novković, V., *Children, youth and violence in family*. Medicus, 18 (2), 181-184. Taken at 28 November 2018, iz: <https://hrcak.srce.hr/57167>, (2009).
13. Kovačević, H., Buljan-Flander, G. *Why me?* Zagreb: Knoweladage, (2005).
14. Marušić, I., Pavin Ivanec, T. *Monitoring peer violence in primary schools: gender differences in frequency and types of violent behavior*. Annual of Social Work, 15 (1), 5-19. Taken at 27 November 2018, from: <https://hrcak.srce.hr/23095>, (2008).
15. Miljković, D., *Pedagogy for sports trainers*. Zagreb: Faculty of Kinesiology, University of Zagreb, (2009).
16. Milner, J. S., Robertson, K. R., Rogers, D. L. *'Childhood history of abuse and adult child abuse potential'*. Journal of Family Violence, 5 (1), 15-34., (1990).
17. MSD Manual for Diagnosis and Therapy at adress <http://www.msdpriprucnici.placebo.hr/msd-priprucnik/pedijatrija/zlostavljanje-djece> (accessed on 29.11.2018.)
18. Olweus, D., *Violence between children at school*. Zagreb: Schools book.
19. Pećnik, N., *Intergenerational transmission of child abuse*. Zagreb: (1998). Naklada Slap, (2005).
20. Clinic for the Protection of Children and Young People of the City of Zagreb <http://www.poliklinikadjeca.hr/publikacije/zanemarivanje-djece/> (29.11.2018.)
21. Rigby, K., *Violence at school, what we can do?* Zagreb: Mosta, (2006).
22. Sanderson, G. *Infliction of the child*. Zagreb: V. B. Z.,(2005).
23. Singer, M., Mikšaj-Todorović, Lj., Poldrugač, Z., *Crime against juvenile delinquency*. Zagreb: Schools book, (1985).
24. Singer, M., Grozdanić, V., Ljubin, T., Mikšaj-Todorović, Lj. *Criminology of Delicate Violence*. Zagreb: The Naked Bureau Globus, (2005).
25. Tomison, A. M., *A History of Child Protection. Back to the Future?* Melbourne: The Australian Institute of Family Studies: Family Matters, 60., (2001).
26. Velki, T., Bošnjak, M., *Relationships of parental educational practices with bodily punishment of children. Life and school*, Journal of Theory and Practice of Education, 58 (28), 63-81. Taken at 29 November 2017, from: <https://hrcak.srce.hr/95244>,(2012).
27. Velki, T., Vrdoljak, G., *The role of some peer and school variables in predicting peer violence*. Social Research, Journal of General Social Issues, 22 (1), 101-120. Taken at 27 November 2018, <https://hrcak.srce.hr/101010>, (2013).
28. Vrgoč, H. *Aggression (violence) in school*. Zagreb: Croatian Pedagogical-Literary Choir, (1999).
29. Zaninović, M., *The general history of pedagogy*. Zagreb: Schools book, (2008).
30. Zloković, J., *Violence among peers-the problem of family, school and society*. Pedagogical research, 1 (2), 207-219. <https://hrcak.srce.hr/139356>,(2004). Accessed on 29.11.2018.