

The Consequences of bullying on the Child and on the Rights of Personality

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The bullying of children, a form of repeated and intentional aggression, has significant consequences on the rights of personality. Through exposure to physical, verbal, or social harassment, victims become vulnerable with negative effects on their mental and emotional health. By attacking their emotional and psychological integrity, children may develop anxiety, depression, and even post-traumatic stress disorders. Bullying violates this fundamental right to dignity through the humiliation and contempt towards victims. The constant experience of harassment and aggression can diminish the sense of self-respect and lead to a feeling of dehumanisation and degradation. Children who are victims of bullying may feel that their dignity is being violated and that they are not being given the respect and recognition they deserve. Furthermore, bullying can have consequences on the right to one's image. These effects can be lasting and may influence how victims perceive themselves in the future. Children may develop a distorted image of themselves, viewing themselves negatively or doubting their own qualities and abilities. In conclusion, bullying not only affects the rights of personality but can also have profound consequences on their long-term emotional and social development. It is essential to pay attention to these aspects and take measures to protect children's rights to a safe, respectful and dignified childhood.

Keywords: Aggression; Bullying; Children; The rights of personality; Victim.

Introduction

Once you enter the “labyrinth” of the bullying phenomenon, you become aware of its scale, evolution, complexity and branching or “decomposition” into multiple psychological, sociological, educational, legal or ethical dimensions, such a sensitive exploration evoking the need for depth in analysis and interpretation, through interdisciplinary methods.

The present research aims to analyse the phenomenon of bullying from the perspective of the act and the educational environment, although the idea of violence entering the educational process seems to be a real dichotomy. Viewed as a “spiritual interweaving” between the student’s desire for knowledge and the teacher’s devotion to perfecting knowledge, education should be reflected in Aristotle’s statement, in the sense that “*it makes man love what is worthy of being loved and hate what must be hated*”. It is said that it is not enough for students to work hard, but they must also learn the Good, incompatible, otherwise, with aggression or

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harassment of any kind. Or, this ever-increasing intertwining of violence, in all its forms, with the act or educational environment, only distorts the aspirational ideal of education and of the propagated wisdom, “warping” the greatness and sacredness of our science and culture. The deep awareness of the dimension of this phenomenon and of the psychological repercussions, especially on the rights that are in intimate spiritual connection with the human being and that form the “inner universe” of children, respectively their conscience, dignity, honour, image or faith, is reflected in the identification of an ethical and moral “route” in the evolution of humanity, today’s children being the adults of tomorrow.

Moreover, awareness represents the first level of addressing violence and provides the trigger point for preventive and combating actions in the light of the values and coordinates of human existence such as good, love and solidarity.

The Phenomenon of Bullying: Awareness, Legal Coordinates, Trends and Challenges with Global Relevance

The concept of *bullying* was introduced in the literature in 1978, by the Norwegian psychologist Dan Olweus, following some studies on the violence manifested between students¹. The word bullying does not enjoy an accurate translation into Romanian, but it is associated with the terms of intimidation, terrorizing, brutalisation, labeling, mockery, spreading rumors or even physical violence. Being an “umbrella” concept, which covers a whole range of manifestations or acts of violence, physical or psychological harassment, it is often used in general, especially in the educational space, without a deep awareness of the meaning or sanctions that can arise from such behaviours, but especially of the implications and long-term effects.

The phenomenon of bullying was recognised in the Romanian society quite late, only in 2019, at which point the Romanian legislator offered a complex definition based on *Law no. 221 of 18 November 2019 for amending and supplementing the National Education Law no. 1/2011*. Consequently, the then national education law, now repealed, was resized by absorbing the regulations on bullying and establishing a legal framework for such cases, this phenomenon being outlined and defined on the basis of the following coordinates:

“psychological violence, also referred to as bullying, is the action or series of physical, verbal, relational and/or cyber actions, in a social context difficult to avoid, committed with intent, involving an imbalance of power, have as consequence the attainment of dignity or the creation of an atmosphere of intimidation, hostile, degrading, humiliating or offensive, directed against a person or group of persons and targeting aspects of discrimination and social exclusion, which may be related to belonging to a particular race, nationality, ethnicity, religion, social category or to a disadvantaged category, or to sexual orientation, personal characteristics, action or series of actions, behaviours that take place in educational establishments and in all spaces intended for vocational education and training”.

¹Cocorada (2008) at 7-28.

It should be noted that prior to Law no. 221/2019, the only document at national level with relevance on the phenomenon of bullying was the “*National strategy for child and adolescent mental health*”², the legislative vacuum thus not allowing criminal prosecution bodies or courts to apply sanctions that were circumscribed to psychological violence, under a special incriminating rule.

Currently, the concept of bullying has been taken up by the new education law, respectively *Law no. 198 of 4 July 2023 on pre-university education*³ the definition developed by Law no. 221/2019 amending the previous education law, which regulated both pre-university education and university education. Moreover, the new education law succeeds develop measures to regulate the phenomenon of bullying, requiring the development of procedures and plans of measures to prevent, combat and manage the consumption of a case of bullying in school. As a consequence, in September 2023 it was elaborated the *National School Safety Action Framework Plan*,⁴ as a result of the consultations between the technical teams of the signatory institutions with responsibilities in the field, carried out between 30 August - 05 September 2023, the plan having as a priority the prevention of bullying cases, as well as the reduction of the risk of exposing students to crimes.

At the same time, at the end of 2023, the Ministry of Education adopted the ‘*Procedure for the management of cases of violence against ante pre-schoolers/ pre-schoolers/ pupils and the staff of the educational establishment, as well as other related situations, in the school environment and the suspicion of violence against children outside the school environment*’, approved by the Order of the Ministry of Education no. 6.235/2023,⁵ which regulates the working modalities, the applicable rules and the responsibilities of persons involved in the interinstitutional and multidisciplinary management of cases of violence in the school environment.

Moreover, on 8 April 2024 the deadline for public consultation of the project on *National plan to combat school violence*, whose directions of action are: prevention of violence, promotion of well-being and cohesion of the school community, reduction of cases of violence in the school environment, management of cases of violence in the school environment and efficient management of resources in order to support victims, rehabilitation of perpetrators of violence and return to the condition of a safe environment in the school.

The purpose of the bullying regulations is not one of denying human contradictorality, but of mitigating and shaping the conflicting human nature through the very education act, an act in which there should be no “shadow” of violence, since aggression cannot reach the “high notes” of education. Moreover, it is the educational climate that must ensure refuge, safe space for socialisation and unconditional support in the protection of children’s rights, in the specialised literature⁶ underlining the idea that the effects of acts of aggression such as bullying and cyberbullying become visible by even distorting the educational climate. Let’s not make the education system vulnerable.

²Published in the Official Gazette no. 997 of 12 December 2016.

³Published in the Official Gazette no. 613 of 05 July 2023.

⁴<https://www.edu.ro/Planul-National-Cadru-de-Actiune-privind-siguranta-scolara>

⁵https://www.edu.ro/management_cazuri_violenta

⁶Samara, Burbidge, El Asam, Foody, Smith & Morsi (2017).

Do we need a re-conceptualisation of school harassment from a human rights perspective to be able to address these challenges? Do we need an integrative perspective on bullying? First of all, we consider it appropriate to regulate bullying through a normative act by itself. *De lege ferenda*, it would impose an anti-bullying law based on its own principles of operation, its own institutions and sanctions, being unified into a *common corpus* all legal provisions regarding bullying materialised in the educational environment. However, the dissemination of these regulations in various normative or administrative acts, such as those mentioned above, only bypasses the requirements of clarity, and predictability associated with a special law. The effectiveness of the applicability of these provisions is conditioned by a high degree of descriptivism of the conditions of existence and manifestation of the phenomenon of bullying type. In this sense, consuming an episode of bullying must be approached through a coherent, fluid normative path, in consideration of which is also found the philosophy of restorative justice that embraces a wide range of human attributes such as healing, empathy, forgiveness, compassion and reconciliation.

On the other hand, this vision and the need for a holistic approach, *in globo*, of the phenomenon of bullying, by reconfiguring and resizing it in the light of human rights, especially of the child, is also reflected in the concerns of the Union and international bodies, bullying becoming a generalised problem at global level, towards which we must have a constructive attitude and understand the need for a new legislative intervention⁷. We must strive for integrated child protection systems, and multidisciplinary responses are needed to contribute substantially to building more just societies, underpinned by intergenerational equity and solidarity for present and future generations.

At regional level, protecting all children from violence, including school violence and bullying, is one of the priorities of the current *Council of Europe Strategy for the Rights of the Child 2022-2027*, in the sense that the prevention of bullying begins with the education of children and their awareness of the harmful effects of bullying on others, but also through permanent cooperation at European level, in particular by promoting holistic, flexible and proactive educational policies. The various education programmes are based on the principles of the Charter on Education for Democratic Citizenship and Human Rights Education adopted by all the Member States of the Council of Europe. At the same time, the Directorate for Democratic Citizenship, which participates in the Council of Europe's efforts to combat bullying, has created a multitude of tools, including child-friendly materials and educational materials for education which professionals in education field use in schools, such as *Compasito*⁸, the Manual on Human Rights Education for Children.

Also at the level of the European Union, which is home to 80 million children, there is an accelerated trend of placing children at the heart of protection systems, in view of the alarming statistics on child abuse, violence and neglect in Europe, which is why recently, more precisely on 23 April 2024, the European Commission adopted a *Recommendation on developing and strengthening integrated child*

⁷Niță (2021).

⁸<http://www.eycb.coe.int/compasito>

protection systems in the best interests of the child⁹. With this Recommendation, the EU aims to bring together all its actions to protect children from violence, supporting Member States in developing and strengthening their child protection systems in their best interests, among the objectives being to improve children's digital literacy, protect children's integrity and mental health, and prevent and combat (cyber) bullying. The EU thus encourages countries to develop national mental health strategies and use existing union instruments to strengthen child protection systems, including laws, policies and funding. The best interest of the child is an extremely complex notion, being the criterion that must govern any decision or action carried out by any authorised public or private person or institution that directly targets the child.¹⁰

The Recommendation shall be accompanied by a communication on “*Putting Children's Interests First: A Communication accompanying the Commission Recommendation on Integrated Child Protection Systems*” and it echoes the views of more than 1,000 children, collected through the new EU child participation platform, in the view that no policy on children should be designed without their voice. At the same time, *EU Strategy on the Rights of the Child* and *European Child Guarantee* represent major policy initiatives proposed by the European Commission to better protect all children, help them fulfil their rights and put them right at the heart of EU policy-making, both of which involve the voice of 10,000 children.¹¹ Child protection is also a key objective of the UN Convention and the 2030 Agenda for Sustainable Development, so that every child can live free from fear, neglect, abuse and exploitation. The staggering statistics and evidence of the wide range of child abuse, violence and neglect in the EU, including the record of the pandemic, the repercussions of the war of aggression against Ukraine and the rise of global armed conflicts, are, in fact, a call for further action.

In addition, according to EU regulations, children's rights are fundamental rights, with all EU Member States being parties to the UN Convention on the rights of the child. This determines an integrated approach to protecting children. The EU strategy thus includes a strong external dimension, with the EU stepping up its work in promoting children's rights globally, eradicating child labour and protecting all forms of violence, abuse and neglect, including in a humanitarian context.

Also worrying is the recent UNICEF Report¹² drawing attention to the challenges facing children living in European Union countries, including increasing poverty, deteriorating mental health, online sexual abuse and exposure to pollution, Bertrand Bainevel, UNICEF's representative to the EU institutions, said that “it is essential that the EU builds on its recent achievements in promoting child welfare, including the adoption of the EU Strategy on the rights of the child in 2022 and the European

⁹https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/combating-violence-against-children-and-ensuring-child-protection_en

¹⁰Drăghici (2013).

¹¹https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en

¹²<https://www.unicef.org/eu/stories/state-children-european-union-2024>.

Child Guarantee”, with an overwhelming 71% of children’s concerns being harassment and bullying.¹³

The constancy of the phenomenon of violence in the educational environment has, of course, led the entire international community to become aware of the beginning of the degradation of the educational climate, triggering the formulation of specialised policies and tools.¹⁴ Going beyond the Union borders and the outlined *acquis*, we must recall the United Nations Convention on the Rights of the Child, which is considered the general framework for protection against acts of violence, whereas injury, physical or mental abuse, abandonment or neglect, ill-treatment or exploitation, including sexual abuse, are covered. Thus, in the opinion of the Committee on the Rights of the Child, the comprehensive expression used in Article 19 of the Convention, namely “any forms of violence” leaves no room for interpretation, in the sense that it does not admit any form of legalised violence against children.

Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights, said bullying is a serious global problem, exacerbated by the use of new technologies and the digital environment, and is a complex topic at the intersection of human rights issues, digital issues and policy issues. Consequently, a holistic approach is needed, starting from the analysis of the root causes and continuing with the analysis both from the perspective of the child who is harassed and from the perspective of the child or adult who is bullying, the analysis, of course, revolving around the rights and best interests of the child.¹⁵

We could say that reaching the peak of global awareness of the phenomenon of bullying was achieved in 2019, during the 40th Session of the of UNESCO General Conference, held in Paris, when the date 02 November was proclaimed as the International Day Against Violence and Bullying at School, including cyberbullying. This universal concern about the mental health and well-being of students is on a continuous rise, especially in the wake of the COVID-19 pandemic and its devastating impact on students, with the international perspective being to ensure safe and supportive environments for students and teachers.¹⁶

¹³<https://www.eurochild.org/resource/our-rights-our-future-the-europe-we-want/>.

¹⁴Voiculescu & Berna (2020).

¹⁵<https://www.ungeneva.org/en/news-media/meeting-summary/2023/09/le-conseil-des-droits-de-lhomme-tient-une-reunion-debat-sur-le>.

¹⁶<https://www.unesco.org/>.

Personality Rights: An Analysis “in the Light” of the Rights of the Child

“When the lives and the rights of children are at stake, there must be no silent witnesses” (Carol Bellamy).

In an ideal picture of human values protected by bullying regulations, we find that the most affected coordinates related to the essence and spirit or moral side of the human being are dignity and honour. Dignity is the core of personality formation, encompassing “*the fullness of human existence in every aspect of life*”¹⁷, to which is added the divine component of freedom, man being in a permanent exploratory journey towards the attainment of happiness.

The right to dignity, a key concept at the center of interest of this research from the perspective of the phenomenon of bullying and the cognitive or affective vulnerabilities that it has the potential to explore in the “world” of children’s rights, is part of the personality rights. Such sensitive aspects concerning the “inner universe” of the human being, reflected in human dignity or freedom of conscience, are superficially “touched” by domestic laws, in fact aligning with international law. The use of the concept of personality rights is common in most continental jurisdictions, including Switzerland, Austria and Japan. By opposition, the use of the concept is absent in the United States, where a broader approach includes the notion of *privacy* or that of *defamation*.¹⁸

The phrase “personality rights” derives its sap from the German term “*Personlichkeitsrecht*” - the right to privacy, “the notion and theory of personality rights being the work of doctrine and jurisprudence, being realised to be highlighted only at the end of the nineteenth century by the German school, although the first implications appear before the French courts”.¹⁹ In fact, the personality rights have been qualified in the literature as “*an umbrella of human rights to dignity, private life and self-determination, as exemplified in European Convention on Human Rights and some aspects of German and French laws*”.²⁰

The Romanian civil code regulates personality rights in the spirit of constitutional provisions. In fact, at national level, there has been an increase in interest on the intangible aspects of the corollary of human rights and freedoms, aspects related to the personality and thinking, moral integrity and living of the human being. In this sense, personality rights represent here an institution newly introduced by the Romanian civil code, through Chapter II – “Respect due to the human being and heir inherent rights”, the notion of personality rights appearing in the marginal name of Article 58 of Book I - About persons²¹.

Surely the personality rights represent a timid attempt, at the beginning of the road, to identify a kind of protection of something related to our inner, sacred “temple”, something related to the quintessence of the human being, but it

¹⁷Zakarias & Benke (2013).

¹⁸Matefi (2020).

¹⁹Cristea (2013).

²⁰Neethling (2005).

²¹See Art. 58 of the Romanian Civil Code: Personality rights – “(1) Everyone has the right to life, to health, to physical and mental integrity, to dignity, to his own image, to respect for private life, as well as other such rights recognised by law. (2). These rights shall not be transferable.”

represents, at the same time, a step towards “compaction” of a road towards the consolidation of a new vision, a deeper vision of the human being. As the Romanian doctrine states,²² the current Civil code “fits into the modern trend of civil law, which sees in the individual not only a legal abstraction – holder of civil rights and obligations, but also the man regarded as an object of legal protection”.

The great Romanian philosopher²³ defined personality as that “structure in which elements borrowed primarily from the culture of the social environment are included, thus being a crystallisation of trends and traditions that arise from the biological life and extend to the social life [...] personality is the ego, laid in the structure of social life [...] the ego is the ferment of personality”. In this sense, in an order of evolutionary occurrence, organic individuality precedes consciousness, consciousness precedes the ego, and the ego precedes personality, all of which interconnect in a process of unifying synthesis.

As stated in the doctrine²⁴, the personality to which these rights refer is not reduced to the technical notion of legal personality, in the sense of being a subject of law, but seeks to express more, namely the human person in its totality, in its biological, psychological and social reality.²⁵

There is still neither in the Romanian doctrine nor in the foreign one a unitary agreement on the rights that belong to the category of personality rights. As a rule, the criteria used to classify non-property rights are also used to delimit personality rights. A relevant classification of personality rights could have as a criterion the triad of human structure: Man as a bio-psycho-social being, which divides personality rights into the following categories: personality rights that concern the human being as a bio-psycho-social entity (the right to life, the right to physical and mental integrity, the right to dispose of one’s own body, the right to own voice); personality rights that concern man as a subject of emotional or affective states (the right to honour, the right to dignity, the right to reputation, the right to respect feelings of affection in the event of the death of a close person); rights related to the protection of man as a social being (in a subdivision, we speak of rights belonging to the natural person: the right to name, the right to domicile, the right to civil status, the right to respect for private life, the right to image, the rights of intellectual creation - non-property side and rights that define the legal person: the right to name, the right to registered office, the right to own company, emblem).²⁶ Making an inventory of all personality rights is impossible, as the list always remains open. In this regard, the enumeration of the Romanian legislator by Art. 58 Civil code of personality rights is not an exhaustive one, but as an example, an aspect supported even by the marginal name of the article “Personality rights”, but also by the end of the article that uses the phrase “and other such rights recognised by law”.

In light of the provisions of the Romanian Civil code, the right to dignity belongs to the category of personality rights, being provided in the exemple enumeration of Art. 58 suggestively called “Personality rights”:

²²Chelaru (2011).

²³Speranția (1932).

²⁴Ungureanu & Munteanu (2013).

²⁵Cercel & Olteanu (2009).

²⁶Duminiță & Drăghici (2022).

1. *Everyone has the right to life, to health, to physical and mental integrity, to dignity, to their own image, to respect for private life, as well as other such rights recognised by law.*
2. *These rights shall not be transferable*

Although it has gone through multiple reflections of the labyrinth of specialised theories, dignity, as personality right, still remains difficult to define, since it concerns generic notions impossible to clarify. Precisely from this confusing perspective, the legislator of the Romanian Civil code is limited only to mentioning the right to dignity, trying to shape its content by referring to two other notions: honour and reputation.

According to Art. 72 (1) of the Civil code in force “*Everyone has the right to respect for their dignity*” and according to par. (2) “*Any damage to the honour and reputation of a person without their consent or without respecting the limits provided in Art. 75*”, norms that represent the common law in this matter. Analysing in cascade the defining elements of dignity, we find that the doctrine defines, on the one hand, honour, as “*that complex feeling, determined by the perception that each man has of their dignity, but also about the way others perceive it in this aspect*”, and on the other hand, reputation, as “*the social expression of the same whole, acquired through the way the person is perceived in private or social life, as a result of their behaviour. Any encroachment on the right to dignity causes the victim moral (mental) suffering and exposes them to the risk of exclusion from the social, professional and family sphere*”.²⁷

From the perspective of international law, we refer to the Universal Declaration of Human Rights, which provides in Art. 1 that: “*All human beings are born free and equal in dignity and right.*” and to the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989, which enshrines the dignity of the child²⁸. Under the “umbrella” of international conventions, a special place is occupied by the Oviedo Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, but also by the Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings²⁹.

Also, human dignity occupies a paramount place in the Union Law, Art. 1 of the Charter of Fundamental Rights of the European Union establishing that “*Human dignity is inviolable. It must be respected and protected*”. As regards the European Convention on Human Rights, it does not expressly regulate the dignity of the human being, but it follows from the case-law of the European Court that “*it has the value of a material principle of interpretation that was invoked both for the assertion of individual rights and for limiting the freedom of the individual according to the*

²⁷Bratiloveanu (2019).

²⁸Ratified by Romania by Law no. 18/1990, published in the Official Gazette no. 314 of 13 June 2001.

²⁹Ratified by Romania by Law no. 17/2001, published in the Official Gazette no. 103 of 28 February 2001.

values generally recognised at the level of society”.³⁰ It is therefore considered that the concept of human dignity can play a dual role of affirming but also of excluding or limiting the guarantees offered by the Convention.

Children’s rights are human rights specifically tailored to children because they take into account their frailty, peculiarities and needs appropriate to their age. The child is no longer regarded as an “extension of their parents”, but as a distinct person, the vision of them evolving from the Aristotelian conception according to which “the child is an unfinished being”, to the recognition of them as a being with constantly evolving capacities and with the prerogative to actively participate in the legal and social life, benefiting from all the rights inherent in any human being.³¹

Exempli gratia, the right to image, a right highly targeted by the phenomenon of bullying, is on the agenda of the legislator in France, recently being approved Law no. 120/2024. The law marks a significant step in the protection of children’s image rights in France, in a context in which the excessive dissemination of children’s images on social networks poses significant risks to their private lives. Thus, Law no. 120/2024 introduces an important amendment to Article 371-1 of the French Civil Code, highlighting the need to preserve the child’s personal sphere and adding a layer of legal protection against any invasion of their privacy. The legislative amendment broadens the scope of protection of the child’s privacy, integrating this dimension into the obligations of parents, who are now obliged by law to respect and guarantee the privacy of their child, while continuing to exercise their parental authority in an educational manner.³²

What highlights Law no. 120/2024, regulated in France, is the recognition of the vulnerability of children, advancing new coordinates of analysis and interpretation. In this respect, the idea is emphasised that children’s rights require protection integrated into the whole of fundamental rights, but at the same time requires an adapted, “multifaceted”, flexible protection, which takes into account their emotional, psychological and social development, which is contrasted with the degree of adaptation and reaction of adults. Anticipating and mitigating the risks associated with the excessive dissemination of children’s images on social media, the law takes a proactive approach and demonstrates an awareness of the need to protect children in the ever-changing digital world where they may be more vulnerable. In French literature, it is explicitly recognised that the protection of the rights of the child is distinct and enhanced from that of adults, with the law establishing a clear contrast, due to the age, development and dependence of children, which justifies the stricter application of rules and penalties for non-compliance with their rights³³. In fact, the Special Rapporteur on the right to privacy (Rapp. Defender of Rights, Privacy: A right for the child, 2022) alerted the authorities to the increasingly frequent violations of the privacy of minors on the internet, in particular the right to image, through the publication of photographs by

³⁰Achimescu (2016).

³¹Drăghici (2013).

³²Respect du droit à l’image des enfants: ce que change la loi du 19 février 2024 - <https://www.dalloz-actualite.fr/flash/respect-du-droit-l-image-des-enfants-ce-que-change-loi-2024-120-du-19-fevrier-2024>.

³³Zakaria (2024).

minors, third parties and the parents themselves. Unfortunately, children are at much greater risk of exposure to negative experiences, being vulnerable to admitting a violation of their privacy.

However, starting from the premise that certain legal concepts outlining fundamental rights and freedoms are often unclear and vague, such as, for example, the notion of thought or conscience in the context of the human right to freedom of thought, conscience and religion, it becomes all the more difficult to interpret and apply them in a possible merger with the matrix of the rights of the child and the principle of their best interests. Such concepts have no definitions drawn by the legislator, being developed only by jurisprudence, from an interdisciplinary perspective, through what we call the appeal to philosophy, spirituality, faith, an aspect that reveals the importance of an integrative perspective but also of the depth in the analysis and interpretation of fundamental human rights and freedoms in the light of the principles of the rights of the child. Moreover, we can say that even the interests of society could be better protected if the child were treated differently from adults, taking into account their physical, mental and affective characteristics.

In the light of an integrative perspective, of interweaving national norms into the universal and regional picture of human rights, we must bear in mind that the rights of children were recognised after the First World War, by the adoption of the Geneva Declaration of 1924, and were emphasised again in 1959, by the UN Declaration of the Rights of Children of 1959. On 20 November 1989, with the adoption by the UN of the *International Convention on the Rights of Children*, they have been recognised and accepted around the world. The Romanian Parliament ratified the Convention on 27 September 1990, and 14 years after assuming the obligations provided by the Convention, adopted Law 272/2004 on the protection and promotion of the rights of the child, considered a true Code of the child and family.

Recognising the rights of the child, we must also recognise the fact that they are an adult in the making. Most of the rights of the child are particular applications of human rights, for example: freedom of religion, the right to petition, freedom of expression. Moreover, the evolution of the world and of any society knows a permanent expansion of fundamental human rights and freedoms, along with the diversification of human needs and aspirations.

It is appropriate to conclude by drawing the idea deduced from the exploration of this section, namely the need for a much deeper focus on the personality rights regulated by the Civil Code when reflecting on children. The personality rights, though implicitly incidental to children, need an expanded vision, fused with the rights of the child and the principles revolving around the matrix of these special rights. The reason lies in their complexity, the rights of the child being carriers of hybrid legal valences. In this regard, the Declaration of the Rights of the Child states that: “*Due to the lack of physical and intellectual maturity, the child needs special protection and care, including appropriate legal protection, both before and after birth*”.

Effects of Bullying on Personality Rights. Special Look at Dignity - Key Element for the Socio-emotional Development of the Child

“The child must know that he is a miracle, that since the beginning of the world there hasn’t been, and until the end of the world there will not be, another child like him” (Pablo Casals).

In a cascading analysis of the elements that outline the present research theme, starting from the concept and regulation of the phenomenon of bullying, continuing with the development of personality rights in the light of the rights of the child, we reach the merging of the two by highlighting the imprint of violence on these inherent rights, which pertain to the essence of the human being.

In this picture of personality rights, human dignity should be seen as the foundation of the rights of the child and as a landmark mirrored in the need for a solid regulation of the phenomenon of bullying, since dignity outlines the personality and the human essence, ensuring the “foundation” of the personality of the child who became an adult. The philosophy of the concept of dignity is multifaceted, being a right inscribed in the international normative system. Aggressiveness, emotional harassment can have much more harmful and profound repercussions on the personality, closely related to the dignity and honour of the child, in relation to physical aggression.

Dignity must give meaning to the aspirations of the child in the construction of his own universe of values and beliefs, which he must also be aware of. The child must be aware that he is a unique being in the universe, capable of loving, exploring and evolving into a reality that he creates in relation to his self-esteem. In this sense, the generating elements of emotional intelligence are primarily related to awareness and reflection on our inner world, but also to curiosity about what is happening in the hearts and minds of others. We humans have evolved to be highly sensitive to others, and there is no doubt that we possess the necessary capacity to influence the inner states of those around us.

The educational act itself springs from human dignity, and just as there is no education without values, so there is no human dignity without values. Beyond all information and standardised tests, the education every child deserves is about dignity. As Louis Cozolino states, *“our brains have been shaped to look, listen and tune in to those around us. We imitate behaviours and resonate with the emotions of others in ways that bring us together”*. As authority figures, teachers develop a real connection with students’ brains. Let’s not forget about the phenomenon *“mirror neurons”*, capable of providing an elementary basis of imitation and intersubjective resonance, such as empathy or compassion.³⁴ It is thanks to these neurons that we are able to maintain a skill, if only we imagine it in detail, a skill

³⁴This group of neurons, the so-called “mirror neurons”, were discovered in 1996 by the team of Giacomo Rizzolatti, in Parma, Italy, their defining characteristic being that of activation to certain movements of people around, to give a meaning to the respective behaviour. At the same time, mirror neurons are able to perform a kind of simulation in a virtual reality of the actions of the other person, and help us understand the way of thinking of the other person, the way of feeling, through the intuition of actions and the interpretation of gestures.

that is not only not lost over time, but also kept intact. Moreover, Dr Daniel Siegel, a neuroscientist, has studied the link between mirror neurons and people's ability to feel empathy, with imaging research showing that while we observe the behaviour and deduce the emotional state of other people, the same neural structures are stimulated in our brains that are activated when we ourselves experience the emotions related to them. As stated by G. Rizzolatti, "*our survival depends on understanding the actions, intentions and emotions of others...and mirror neurons allow us to understand the intentions of others not through conceptual understanding, but through direct simulation... FEELING, not THINKING*".³⁵

With this responsibility, teachers must learn about conscious and unconscious emotions, due to the influence they have on students and the culture of the class. Or, most children end up entering the "war" of dignity, coming into contact with various episodes of humiliation at school, bullying from peers, constant labeling even from teachers or administrative staff, up to parents dissatisfied with school performance. Bullying has become a national concern, which has received more attention in recent years, although real awareness of the effects of this phenomenon does not exist. Beyond the content of the educational curriculum, teaching methods or multiple learning styles, we need more reflection on the dignity of children in the context of bullying. How often do we view children from the perspective of dignity?

Children are different, perceive things differently, have different beliefs, values and habits. Children have dignity regardless of ethnicity, language, nationality, age, gender, religion, ability or any other characteristic. Also children are those who use bullying as a form of manifestation of power, physically, but especially psychologically, hurting other children. The fact is that the values and principles outlined since childhood and transmitted, propagated both in the family and in the educational environment, play an essential role in the formation and development of the child. These values will be the echo and foundation of the child's further actions, which will be reflected in wisdom, love, respect, integrity, solidarity and self-control.

"After all, where do universal human rights begin? From small places, so close and small that they can not be seen on world maps [...] in such places every man, woman and child seeks equal justice, equal opportunity, equal dignity, without discrimination"
(Eleanor Roosevelt).

How Does Bullying affect the Psycho-social Development of the Child?

Perhaps the most representative forms of bullying on the child are impairment of dignity, depression and anxiety, having a negative impact on the development of the child in the long term, future adolescent and adult. Abused children are unhappy, have insomnia, altered appetite, desire for isolation, school dropout, and the dramatic note is given by low self-esteem and self-confidence, which can end with thoughts of suicide. Most of the time they feel anxious, ashamed and even guilty for what happened to them, choosing to suffer in silence. However, this burden only has a

³⁵Institute of Somato-Integrative Linguistic Neuro-Programming. <https://www.inlpsi.ro/dezvoltare-personala/neuronii-oglinda-cum-ii-utilizam-in-construirea-unei-vieti-asa-cum-ne-o-dorim>

very negative impact on the life path of the aggressed child. Children resort to silence because of the belief that they will be mocked if parents come to school and notice this situation, because of the fear that they will be labeled or the concern that teachers cannot help and defend them because such behaviours occur when there is no adult supervision.³⁶

Furthermore, with a decrease in self-esteem, victims of bullying are afraid to make new friendships, as confidence in their peers also decreases. The negative consequences are reflected not only on mental health, but also on school results, bullying diminishing the motivation to go to school and learn. For example, Dr Andre Sourander, professor of child psychiatry at the University of Turku - Finland, published a study showing that children exposed to bullying at an early age are at increased risk of depressive disorders and are more likely to require psychiatric treatment at some point in their lives³⁷. Moreover, depression caused by bullying can trigger other problems if not treated in time, such as drug or alcohol addiction in order to disconnect from reality. Specialists claim that in some situations, victims of bullying phenomenon will face psychological problems including in adult life, depressive symptoms³⁸ increasing with age. On the other hand, aggressors or perpetrators of bullying often face depression and mental health problems, but their way of dealing with depression is obviously wrong, manifested by conduct disorders and increased aggression.

Researchers have developed the “self-determination theory” (SDT)³⁹, this representin one of the most influential models in contemporary behavioural science, which provides a broad framework for understanding the factors that promote human motivation and psychological development. Self-determination theory explores intrinsic motivation, internalisation, individual differences, basic needs, goals, aspirations and close relationships, the impact of different parenting and educational practices having an essential role on the processes of identity formation and psychopathology of a child’s development. Thus, for a harmonious development, the child has three essential needs: the need for relationship/ connection by establishing and maintaining safe and satisfactory relationships, the need for competence manifested by the child’s desire to do something good, to experience and the need for autonomy/control. By exercising aggressive behaviour, these needs are not only not met, but also blocked, deeply affecting the dignity and development of the child.

Moreover, bullying is a model of social communication and interaction that not only affects the victim, but affects all participants. Obtaining a privileged status in the group is one of the most important reasons that underlie the manifestation of bullying behaviour, such children wanting to be seen, to have spectators, believing that they can get the respect of others by inducing fear. Usually, those who occasionally show bullying behaviours have also been in the role of victim at some

³⁶Neagoş (2023).

³⁷Sourander, Jensen, Ronning, Niemelä, Helenius, Sillanmäki, Kumpulainen, Pike, Tamminen, Mollanes & Almqvist (2007) apud <https://psihologia.ro/noutati-din-psihologie/psihologia-adolescentilor/efec-tele-bullying-ului-asupra-copilului-depresie-anxietate-sinucidere/>.

³⁸World Health Organisation. Depressive disorder (depression), 31 March 2023 - <https://www.who.int/news-room/fact-sheets/detail/depression>.

³⁹Ryan & Edward (2017).

point, believing that the only way to survive is to be stronger than others and manifest your strength. Thus, children who harass other children are also insecure, they also have internal trauma not properly managed in their families, the emotional baggage in the family being mentioned in the literature as a trigger for the behaviour of the aggressor, but also of the victim. Or, domestic abuse, combined with the lack of clear and reliable rules in the educational environment, with the lack of self-esteem, shyness, passivity or insecurity, can catalyse the adoption of aggression and victimisation behaviour. Studies indicate that most school aggressors also have problems with the law in adult life, with bullying-type aggression paving the way for delinquency and criminality.⁴⁰ Children have the personality in formation, being like an “information sponge”, and any information they receive, they store and transform it into their reality. This information is not filtered by the maturity specific to adults and leads to their imprinting as normality, there being a tendency to reproduce such aggressive behaviours in adult life. Why? Due to the lack of awareness of the cause of the behaviour. Aggressive behaviour is reinforced all the more when the aggressor successfully dominates the victim and when he/she is not sanctioned either. It requires the effective reaction of the teacher after each episode of aggression, otherwise bullying-type aggressions continue to repeat in the future. For this reason, it is recommended to promote in schools the “zero tolerance” policy, in the sense that no act of aggression should be tolerated in the educational space.

The dignity of the child is fueled by smile, approval, encouragement, confirmation, trust, but also individualised approach. The teacher, in turn, must realise that each child is endowed with dignity, which has the role of contributing to the increase of the child’s self-esteem by the very way he greets them, the way he calls them. In this sense, prevention through development, as a form of social prevention, aims to develop social skills in children as well as the early detection of behavioural disorders. This form of prevention is early, focused more on children than adolescents, and is carried out by the family and school. Specialists consider the school to be the most favourable environment to prevent juvenile delinquency because it has the levers to order peer-to-peer interactions⁴¹.

For example, Maria Montessori, an Italian physician and educator, created a special method of educating children, known today as the Montessori method, through which she contributed precisely to the crystallisation of the dignity of the child through education, having a special and unique way of understanding the role of the teacher in the child’s life. This saw the child as a sacred being, whose dignity must be respected. Thus, she considered that a child should come to school with joy, aware of the fact that he/she is evolving, that he/she is valued and respected. In this way, respected dignity leads to the improvement of the socio-emotional development of children, since they need to feel most important at the stage of schooling. Only in this way will the motivation for learning and the joy of evolving every day spent at school be created.⁴² The school must provide children with the necessary ability to respond in a creative way to everything different, to situations of uncertainty, the

⁴⁰Farrington (1991).

⁴¹Rutter, Maugham, Mortimore, Ouston, & Smith Gottfredson (1979).

⁴²Velici (2017).

student needing contexts in which to experience, in which not only the experience of knowledge, but also emotion and ethics are involved.

The “decanting” of personal life remains a real experiment for students, teachers and parents, an exercise that can reveal deep aspirations related to the purpose and desires of the child.

“The last test of a moral society is the type of world it leaves to its children” (Dietrich Bonhoeffer).

Instead of Conclusions: The Need for a Vision Inter and Transdisciplinary in “Shaping” Future Human Behaviours

Of course, bullying and the consequences of this phenomenon on human rights offer a possible transposition into inter-and transdisciplinary models of analysis, being needed the awareness and protection of the sacredness of the “inner universe” of the child, shaped by what means dignity, honour or freedom of thought and faith, that is, the essence of the human being projected in what we call personality rights.

This article particularly explored the concept of human dignity in the light of the rights of the child, as a central concern for the future of education, requiring a genuine understanding of human dignity in educational “discourse” to ensure ethical integrity in future societal practices. Moreover, the recognition of human dignity, in its authentic form, has become a real challenge, there are eloquent examples of error in interpretation, which exploit the multiple meanings of keywords or expressions such as “human dignity” or “individual autonomy”, in this language of rights, apparently universal, there is no consensus on the moral basis or on the precise meaning of dignity or humanity. Going into the depth of interpretation, the word “dignity” is derived from the Latin *dignus*, which refers to *decet*, to which two nouns are attached: *decus*, decor. *Decus* means “decor, decency, dignity”, hence “honor” and “beauty”. Isidore of Seville states that “decus refers to the soul or spirit, decor to the shape of the body”. Decency and genuine beauty are truly found in the beauty of human relationships, namely in friendship, which Aristotle rightly appreciated to be what is most necessary for a human life. In the “beautification” of inter-human relations, the “wisdom of love” becomes essential.⁴³

In addition, human dignity was associated with our rational nature and the resulting freedom of will. Freedom expresses the core of the human condition, its two essential components being intelligence and will. Hence the nobility of human beings, from the freedom that is due to them and especially from the belief that they are created “in the image and likeness of God”, human dignity can never be lost.

Obviously, such research cannot be limited to the legislative perspective, but must be interwoven with notions of psychology, philosophy, religion, neuroscience, neuroplasticity or medicine, which “enrich” in analysis and interpretation, through a holistic vision that transcends boundaries and rigid frameworks such as the exclusive fields of a discipline. In a realm of the analytical follow-up, we tend to start from the premise that transdisciplinarity represents an abstract, purely

⁴³De Koninck (2024).

theoretical, philosophical notion, but we cannot deny its profound, marked imprint on society in general, man by his nature being a complex being, who lives, creates, builds and evolves in a world “hit by the magnitudes of challenges”, in which thoughts, information, aspirations, beliefs, needs and ideas intersect and intertwine in a permanent attempt to achieve perfection and to find himself.

Interdisciplinarity and transdisciplinarity become key elements of adaptation and response to the diversity of changes as a whole, the law being after all “a living instrument”, constantly “reshaped” by the given context.

One of the great issues debated in Western civilization is whether, as Jean-Jacques Rousseau predicted, we are born good and willing to cooperate with each other before society corrupts us, or whether we are born selfish and it is society that shapes our behaviour for better or for worse. Neurosciences confirm that by the age of four the structures of the cortex become operational, which allow the nuanced regulation of emotional episodes triggered by the more primitive brain networks related to fear, anger or desire. Thus, the further evolution of these predispositions towards altruistic behaviours or towards violence depends on a large number of internal and external factors.⁴⁴

Jean-Jacques Rousseau stated in his famous work “Emil, or On education” that “it is overlooked that the human race would have perished if man had not begun by being a child”. In other words, the adult could not become what he is if he does not go through this specific period of childhood, with its peculiarities determined by the way of knowing, thinking or feeling. The mature man is therefore the result of the accumulation in the course of time of a baggage of knowledge that begins to form from childhood, and Rousseau urges to respect this period of human life even if it is an imperfect one, mirrored in age-specific vulnerabilities.⁴⁵ The individualisation of childhood as an essential stage in human evolution has been achieved over time by the very institutionalisation of education. Sociology and psychology are the ones that redefined the image of the child, as an autonomous being, only at the beginning of the twentieth century developing the idea of treating the child differently from adults.

Looking from an angle of psychology, we will find the children’s need for intrinsic motivation, motivation that comes from the awareness and unalterability of dignity. At the same time, in the view of psychologists and researchers, in order for altruism, generosity and empathy to remain on the line of generations, they must be associated with mechanisms that protect individuals against their exploitation by others. Regarding the moral sense, psychologists consider that it results primarily from intuitions, to which is later added a reflection that results from a conscious process and reasoning, proving through studies that the fulfillment of this moral consciousness in children is favoured by the affectionate behaviour of parents. Consequently, the family environment and implicitly the educational one can become the emergence or regress of aggression in childhood. *Exempli gratia* in 1994, a revolutionary movement on “social and emotional learning” emerged in the United States as the foundation for the development of emotional intelligence in children by integrating emotional education into schools and teaching a special

⁴⁴Ricard (2024).

⁴⁵Drăghici (2013).

course called “Social and Emotional Learning”. The ultimate goal was, of course, to extend to the entire population through the awareness and imprinting of emotional intelligence in the structure and personality of the child, considering that the major problems that affect the human being and cause violence are promoted by the same emotional and social risk factors. What remains true today, the promotion of such disciplines in schools can generate new behaviours, much more sensitive and empathetic, that contribute positively to the future of society. Going back far in time, we will find, moreover, that the *paideic* purpose of education is one rooted in the culture of mankind. *Paideia* signified, in the culture of ancient Greece, the education of the inhabitants of the polis in accordance with the values of humanism.

From an aspirational philosophical perspective, the child, in turn, must become aware of the interdependence⁴⁶ of all things. In this sense, a good education aims to acquire a holistic vision by the child, so as to position himself correctly in relation to everything around him, to contribute constructively to the society in which he evolves, focusing on cooperation and solicitude, and not on competition and indifference. The child must be invited to assert his own autonomy, which is manifested only in the awareness of his own value. Research shows that devaluation causes the child to hate himself, be violent to himself, and harbour a repressed anger against others. Obviously, the best way is affection, harmony in relations with others, the consequences of deprivation of affection are dramatic. In fact, researchers have established that there is a strong link between physical violence and a child’s low level of empathy and sociability,⁴⁷ being undoubted that the magnitude of love and tenderness that the child receives in childhood, profoundly influences the role of his existence.

At the same time, scientific research on neuroplasticity shows that our fundamental traits, resulting from the combinations of genetic inheritance and the environment in which we grew up, are only the basis, since any form of training can induce a restructuring in the brain, both functionally and structurally. Or, if we want a better modeling of the behaviours of children, future adults oriented towards building a more altruistic society, it becomes important to evaluate their respective capacities for change, since if we do not transform man first, we cannot transform society either.

Incidentally, such awareness should also be an impetus for contemplative sciences, in the sense of resilience or capacity to overcome adversity and self-evaluation, by improving self-esteem, self-compassion and accepting one’s own weaknesses, discovering the “world of emotions” in a positive sense.

According to the researchers, there are three main factors that oppose the desire to do harm, namely - altruism or benevolence, which makes us sincerely interested in the fate of others, control of emotions, which helps us to restrain our momentary impulses, and moral demands, which make us hesitate in wanting to harm others, but also regret it.⁴⁸ As Mahatma Gandhi said “*nonviolence is a powerful and just weapon, which cuts without hurting and ennobles the man who wields it...it is a sword that heals*”.

⁴⁶Fernandez-Berrocal (2021).

⁴⁷Cyrulnik (2004).

⁴⁸Ricard (2024).

It is appropriate to conclude by drawing some main ideas of the present research, among which we mention the need for a much deeper focus on the personality rights regulated by the Civil Code when they are reflected on children. The personality rights need an expanded vision, fused with the rights of the child and the principles revolving around their matrix. The reason lies in their complexity, the rights of the child being carriers of hybrid legal valences, which imply a transposition in the interpretation of the personality rights when targeting the child. Consequently, the rights of the child are susceptible to an extensive conceptualisation, by circumscribing in their content some norms but also directions of action created under the auspices of a laborious inter and transdisciplinary analysis, which would concretise the social and psychological dimension in the content of regulation and interpretation.

Achieving a greater degree of awareness of the effects propagated on the rights of the child's personality, would certainly be achieved through a special regulation of bullying, addressed *in globo*, the effectiveness of the applicability of these provisions being conditioned by a high degree of descriptivism of the conditions of existence and manifestation of the phenomenon of bullying type.

Currently, there are a number of regulations at national level regarding the prevention, combating and sanctioning of bullying and cyberbullying, but they are disseminated in multiple normative acts such as the education law, the Order of the Minister of Education, the Law no. 272/2004 on the protection and promotion of children's rights or even in administrative acts issued at the level of educational institutions, concretised in internal methodologies or procedures. Or, a simple article on the definition of bullying, incorporated in other special laws, cannot generate the necessary echo of awareness of the multiple effects of this phenomenon on the rights of the child. For example, Law no. 272/2004 on the protection and promotion of children's rights, which creates the general legal framework at national level on the observance, promotion and guarantee of the rights of the child, limited itself in regulating, on the one hand, the obligation of the Ministry of Education to take measures to "*prevent and combat aggressive behaviour, exclusion, derision, humiliation, and any other form of psychological violence - bullying, as defined in the National Education Law, directed against children, in educational establishments*", by introducing letter h) to Art. 52, and on the other hand, in promoting mediation and dialogue, as a way of addressing this phenomenon as a priority, by introducing par. (2[^]3) in the same article.⁴⁹

The dissemination of these regulations in various normative or administrative acts only bypasses the requirements of clarity, and predictability associated with a special law, generating chaos in application, legal framing and sanction, which does not allow, of course, a harmonious and generous development of case law in the matter. A concerted action, which should be explored at national level and which would be reflected in uniform accountability, would be the drawing up of a complete

⁴⁹"*Preventing and combating any form of psychological violence-bullying in schools is carried out in compliance with the principle of the primacy of non-punitive measures based on mediation and dialogue and of the participation of children and parents in the actions and campaigns carried out in this regard*". - Art. 52 (2[^]3) of Law no. 272/2004 on the protection and promotion of children's rights.

and complex normative act on the phenomenon of bullying, which would develop special principles in light of the rights and best interests of the child, the rights of his personality, to outline specific attributions, responsible institutions and sanctions, unifying in a common corpus all the legal provisions regarding bullying specific to the educational environment and not only. At the same time, a profound echo of awareness, accountability and harmonisation regarding the approach of the bullying phenomenon and its consequences on the dignity of the child, would occur through the adoption of a legal instrument such as *hard law* at the level of the European Union. Such a legal instrument claims its existence through the importance we must attach to children, their rights and the importance of “shaping” for the better the behaviour of today’s children and tomorrow’s adults.

Final Thoughts

We are talking about a huge responsibility, that of cultivating good, altruistic love, gratitude, compassion and empathy, through their awareness and interiorisation by children, so that the society of today and tomorrow is not reflected deformed in the “mirror of universal rights and freedoms”.

“The greatest glory of a free-born people is to transmit that freedom to their children” (William Havard).

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