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## Developing bystander responses to sexual harassment among young people

### Background research: Slovenia<sup>1</sup>

This paper outlines background research on current legislation and state policies on sexual harassment in schools in Slovenia. It reviews the legal position on sexual harassment and existing protocols and policies on sexual harassment within the secondary school system.

In the introductory part, the general features of the education system at primary and secondary levels are described. The chapters that follow review policies on sexual harassment in schools, discussions in the media, research on sexual harassment in schools, and the way in which intervention programs could potentially work.

### General features of education system at the primary and secondary level

Slovenia has a many-branched system of public pre-school education facilities and primary and secondary level schools. **Pre-school education** is uniformly structured for all 1–6 year old children. Attendance in preschool education is not mandatory; however, a large majority of children are enrolled in kindergartens – 74% in year 2010/2011 (EURYDICE 2017). **Compulsory basic education** in Slovenia is organized in a single structure basic school attended by children for 9 years, from the ages of 6 to 15 years. Basic education is provided mainly by public and a small share of private schools (less than 1% of students are enrolled in private schools) as well as educational institutions for children with special needs. In accordance with the Constitution, the basic school is mandatory and financed with public funds (EURYDICE 2017). Private schools are a minority in Slovenia and consist of catholic, Waldorf and Montessori schools, school Lila which follows the principle of education for life, and a few international schools (British,

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French and American). They can be founded by domestic or non-domestic natural or legal persons, except for the basic schools which can be founded only by domestic ones. Private kindergartens and private schools are all mainly dependent on public financing (MESS 2015). International schools are not part of the official Slovenian education system. Their activity is regulated by law on the implementation of international programs (Delo 2017).

**Upper-secondary education** takes two to five years and encompasses three types of secondary schools: **a) vocational education programs** (two and a half or three years, with the possible transition to two year upgrade programs; **b) technical education programs** (four years); and **c) general education programs** (classical, technical, economic or art *gimnazija* or programs that offer the International Baccalaureate) for 15-year olds. Apart from some schools in the two bilingual regions of Slovenia (which combine Italian or Hungarian language with Slovenian) and the international schools, the teaching language in schools is Slovenian.

### Responsible institutions

[Ministry of Education, Science and Sport](#) (MESS) is the main institution responsible for education. Its areas of work are covered by several directorates, among them The Pre-School and Basic Education Directorate, and The Secondary, Higher Vocational and Adult Education Directorate. Several other **supporting public institutions in education** have been set up by the state: The National Education Institute, Institute of the Republic of Slovenia for Vocational Education and Training, National Examination Centre, Educational Research Institute, Slovenian Institute for Adult Education, National School of Leadership in Education, etc. (MESS 2015).

[The National Education Institute](#) covers the entire spectrum from pre-school to primary and secondary level, as well as wider areas within the scope of its work (quality and research, special needs education, professional development). It supports schools and kindergartens, encourages them in exchanging examples of good practice, cooperates with MESS, connects with tertiary education institutions and other public institutions, and acts as partner in international networks and organizations (NEI 2017).

### Organization and governance in schools

The governance bodies in schools are school councils, and the management body is led by the head teacher. School councils are »tri-partite«, composed of the founder



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(municipality or the state), the personnel-employees and the parents. Upper secondary schools include students in the council too. The council, among others, appoints the head teacher, adopts the annual plan, the implementation report and other main school policies. Kindergartens, basic and secondary schools also have a parents' council which plays a consultative role (MESS 2015).

## 1. Sexual harassment folded into policy on bullying

There is no independent policy on sexual harassment in schools in Slovenia. The issue of "sexual violence" however is included within the more general policy on bullying.

The National Education Institute (NEI) recently released the [Protocol on detecting and dealing with bullying in educational institutions](#) alongside "Instructions" and a "Manual". The Protocol, in harmony with national legal framework and bylaws, sets out principles for education at kindergarten, primary and secondary school level. It is said that these documents are the result of the fact that every educational institution (*vzgojno-izobraževalni zavod*) has to address various forms of violence, and is obliged to respond to it. However, staff often lacks professional training (at a very practical level) on how to deal effectively with violence in educational institutions (Protocol 2016).

The Protocol (2016) does not define "sexual harassment" (*spolno nadlegovanje*) but it describes **sexual violence** (*spolno nasilje*) as: sexual innuendo and jokes with sexual content, obscene gesturing and speaking, harassment based on gender, sexual solicitation, displaying pornographic material, groping, stalking, sexual assault etc.

The Protocol (2016) defines **bullying** as: "Generally intentional, repeated use of physical, psychological, sexual, material or online violence against other peers. When it comes to one-off incidents of violent behavior and a difference in the physical or mental strength between the perpetrator and the victim is present, we are also talking about bullying." The Protocol quotes Sullivan (2011) who specifies that bullying is about: conscious and repetitive behavior; aggressive behavior; manipulative behavior; exclusionary behavior; the violence of one or more persons against one or more persons who are weaker (physically, mentally or socially) from the perpetrator.

The Protocol (2016) defines **a victim of bullying** as a child who is exposed to aggressive behavior and abuse of power by a peer or peer group for a longer time. Experiencing violence causes a number of consequences to a child, because it is a destructive influence



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on his/her educational achievement, social inclusion and health. Lešnik Mugnaioni and other authors publishing on (sexual) violence argue that a victim is not the most appropriate expression, however they explain why they use this term anyway: “If we use the term victim it does not mean that bullied children are helpless, powerless and without strength. Victims of violence need a lot of strength to survive since there are faced with violence on a daily basis. A more appropriate term would have been “a child who experienced bullying”, but we use the term victim because it is simpler, more known and widespread” (Lešnik Mugnaioni et al 2009, 35).

**The perpetrator** of bullying is a child who is abusing physical, psychological, sexual and material superiority to carry out violence against peers for a longer period of time. In the process of exerting intimidation and control over peers, the perpetrator is stronger, which leads to a growing imbalance in power (Pušnik 2012, 132 in The Protocol 2016).

**Bystanders** are peers who detect violence among their peers by directly observing or even encouraging further violence but do not actively interfere, do not carry out violence, yet do not protect the victims either. Reasons for this kind of behavior are different: fearing the perpetrator, not wanting to draw attention to one-self, not trusting that adults would stop the violence, bad experiences from the past with reporting, belief that this is not their problem, silent identification with perpetrator etc. (Protocol 2016).

It is therefore not rare that cases occur where children fit into both roles (Pušnik 2012, 134) - as victims and perpetrators. Victimization in school increases the likelihood that the child victim will eventually begin to behave violently (Muršič 2012, 25). Chronic cycles of violence are known, where the person alters between experiencing violence and exercising violence which is leading to increasingly destructive spiral of violence (The Protocol 2016).

## **2. Defining measures, behavior and actions in cases of bullying**

The Protocol (2016) is accompanied by instructions setting out how employees of public and private educational institutions that implement publicly valid (official) programs on detecting and dealing with bullying should respond. They are divided into rapid interventions and process interventions.

### **Rapid interventions:**

a. Tasks of the **educator / teacher** who identifies violence:



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- Immediately address the safety and health of children by: performing all necessary measures to protect the child victim; if necessary, call emergency medical assistance and inform parents of the child about the injury; talk to the child who was bullied and offer him/her emotional support.
  - On the same or no later than the next day: inform class teachers of all involved children, school counselors, principal and the parents; make a record of the event and share it with school counselors.
- b. Tasks of the **school counseling service**:
- The same or no later than the next working day following the violent incident: if necessary, develop a plan to prevent the continuation of violence; talk with the child victim and the perpetrator(s) of the violence separately and, where appropriate, with the **bystanders** of the event and make a record of the conversation in order to gain a better understanding of the situation.
- c. Tasks of the **management** of educational institutions:
- In the absence of school counselors or if the school counselors assess that there is a need, the tasks in b above are undertaken by the **principal** or his assistant.

### Process interventions:

- a. Tasks of the **school counseling service**:
- based on the information obtained from school counselors, start the consulting process with both, child victim and perpetrator of violence. Parents are invited to be part of the conversation as well. No later than three working days after detection of violence a specialized team is formed. The team members are made up of: a counselor, a class teacher or educator of the child victim, the perpetrator of violence, the principal and, if necessary, other professional staff of the educational institution. The team is led by the counselor, who properly documents all the activities.
- b. Tasks of the **specialized team**:
- to create a support plan for victims of violence; in accordance with the regulations plan the educational process for the perpetrator; plan work with parents; plan work with the school department in which the victim, perpetrator of violence and **bystanders** sit; collaborate with external institutions; set the coordinators of each task; inform other workers within the educational institution about the case.

Cooperation (of schools) with other bodies and organizations: If the nature of the offense committed was such that it should be prosecuted and if the perpetrator of violence is at least 14 years old, the principal of the school should inform the Police and Center for social work (CSW). The CSW should also be informed about the case by the principal if the specialized team considers that the child victim and / or perpetrator of violence need



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their assistance. In these cases, the school counselor invites a representative of the Police, CSW and other bodies and non-governmental organizations to participate in a specialized team.

Responsibility for action: the head teacher is responsible for the actions of employees in educational institutions in relation to detecting and dealing with the violence (in accordance with the law governing the organization and financing of education).

### 3. Public policy and media discussions about sexual harassment in schools

#### Parliament

According to interviews with key actors in the field **Parliament did not discuss sexual harassment or sexual violence in schools between 2014 and 2016**. This has also been substantiated by an official answer from the Parliament communication service. From the parliamentary group United Left, we have received information that, in order to the first mark of the European day for the protection of children against sexual exploitation and sexual abuse, a special [Conference](#) was organized in the parliament (11.11.2015). However, there were no hearings in parliamentary committees about the topic. In 2016 the Parliament dealt only with an amendment to the Law on prevention of domestic violence. Sexual harassment or sexual violence among children/youth was not discussed as a particular issue.

#### The media<sup>2</sup>

**The media has, to some extent, reported about sexual harassment or sexual violence. However** this has focused either on harassment in the workplace or in sports or more generally - **not in the context of the school and not focusing on young people or students**. The media more often reports on or discusses **bullying**. Unfortunately, the media tackles this topic only when reporting about a specific incident. It does not report with the aim of raising the awareness of the general public or (especially) youth. Two daily newspapers that have written about the topic several times are [Delo](#) and [Dnevnik](#). Newspaper Dnevnik reported about two incidents in 2014 and in 2016 - one connected to primary school and one to a secondary school.

[In the first case](#) two boys were reported to have attacked two girls from the same school (outside of the school). Both girls informed their parents and the head teacher that boys performed sexual violence against them (from the newspaper article it was not clear if the

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<sup>2</sup> The main interactive media portals (both TV and newspapers) were researched.





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police were informed as well). The head teacher decided - in order to protect the two girls - to forbid both boys from entering the school building. This happened a couple of days before the end of the school year, when students had already completed examinations and the school was mostly organizing extra-curricular activities. However, parents of both boys complained that the head teacher was violating the boys' right to primary education (Dnevnik 2014). The focus of the article was on the position of the head teacher, and did not address the girls as victims or the boys as perpetrators. The only follow up in the media was that the head teacher remained in his position; however there was no follow up in relation to the situation of the two girls or the two boys.

In the second case the newspaper reported about a female teacher at an unknown high school in Slovenia who had "an intimate relationship" with a male student while he was a minor. The article was ambiguous about what took place. The student's parents informed the head teacher and required that the teacher stop harassing him. The media wrote that the student was often absent from school and also had other problems. The head teacher informed the police and fired the teacher (Dnevnik 2016). The article emphasized that »any kind of intimate relationships« between students and teachers are inappropriate. However, schools do not have a formalized protocol, how to act when such »intimate relationships« happen. When it comes to suspecting a violation of sexual integrity, report of the criminal offense is obligatory by the law. The media did not report about the case any further.

Back in 2012 another online media/platform [24ur.com](http://24ur.com) wrote about bullying and indirectly also about **sexual violence**. [This article](#) mentions victims, perpetrators and **bystanders** who can either encourage violence or help to stop it. The article notes that there is no national strategy for the prevention of violence in schools (bullying), while according to Unicef around 80% of bullying in Slovenia affects students between 10 and 15 years of age. According to the Institute for human resource development (*Inštitut za razvoj človeških virov*) the most affected are those between 12 and 16 years (in Slovenia this means those who are at the end of primary or at the beginning of secondary school). Research also shows that about 20% of children are victims of bullying, while around 12% of children are perpetrators of violence. In the article the representative of UNICEF Slovenia stresses that certain forms of violence also occur in the virtual world where the young people are very active. She is cited as saying: "We have to be aware that we are dealing with three groups of children: victims who we have to empower, perpetrators that need our help to change their behavior, and **bystanders or witnesses which we have to encourage to speak up about the violence they see. Most children are in this third group. This group is the most important in a sense that these children see what is**



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**going on and can choose to take two different roles: either they encourage and cheer, or they prevent violence by stopping it, and expose the acts of the bully.”** The Ministry of Education responded within the article by stating that schools act in accordance with their “school orders” (*hišni red*) and often contact centers for social work or the police. They also said that the National School for Leadership in Education (*Šola za ravnatelje*) is organizes training and education on how to intervene and prevent violence in schools for the leadership and other school staff (24ur.com 2012).

It is worth mentioning that there exists **only one website that dedicates its space specifically to sexual harassment among youth**. Interestingly, this is the [website of Jehovah's witnesses \(JW\)](#). The website has a special section dedicated to youth and sexual harassment is a specific topic within this section. The focus of the information within the section is about what sexual harassment is and what one should do if she or he is experiencing it (JW 2017).

#### 4. Existing research on sexual harassment in schools

**Research on sexual harassment in Slovenia has mainly been carried out in the context of the workplace. No research focusing exclusively on sexual harassment in schools can be found. However research undertaken for an undergraduate thesis surveyed 115 students (15 - 19 years old) in one high school (Bojc 2007).**The author detected that **students lacked knowledge and awareness of sexual violence in order to be able to recognise it** (especially non-physical). The theoretical framework is focused on the perpetrator-victim relationship, **bystanders are not mentioned**. Less than 30% of students claimed to stand up to perpetrators of sexual violence and none reported the events to relevant institutions. Most students said they did not tell anyone. If they did they would only tell their friends about such events. Of all surveyed students only 4 said they informed a teacher about experiencing sexual violence, and 2 reported that the teacher commented that “such behavior of teenagers is normal”. **This suggests that school staff lacks the knowledge, awareness and skills to respond to such events and prevent sexual violence in schools.** Only 27% of surveyed students said they had not experienced any sexual violence in the last two years, **which also suggests that sexual violence is a serious issue** and should be dealt with in schools. Most students said they experienced verbal or non-verbal (gestures) sexual assault and that the perpetrators were mostly older and male, while victims were mostly female. The section of the survey dealing with **bystanders** found that although **most students had witnessed “verbal and nonverbal sexual violence” in the last two years, only a few of them claimed to have**





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**also witnessed physical sexual violence.** Only 7% of students said they had not witnessed any form of sexual violence in the last two years. When asking students how often they had experienced sexual violence in last two years, 61% of them said they have been victims of verbal sexual violence, 49% have been victims of nonverbal sexual violence, and 21% physical sexual violence. The perpetrators were either the same age (46%) or older (53%) than victims, mostly male (76%) and mostly students of the same school or people from outside of school. **Most sexual harassment was reported to happen after school and during breaks between classes.** 86% of students said they never or very rarely discuss sexual violence during school hours, however the **majority of students said the issue of sexual violence should be either part of the curricula or delivered as a short course in school.**

Some recommendations for school measures are listed at the end of the research: the need to improve school staff's awareness and knowledge about sexual violence and how to respond to it; teachers/professors should gain students' trust; schools should cooperate with relevant institutions and organizations that are dealing with sexual violence, organize workshops or training for students; schools could organize a course or a debate team discussing this topic; schools could employ security staff or set up security cameras around school; schools could offer more interesting extracurricular activities after school (so students would have less free time to hang around school after classes); and schools could set up mail boxes where students could submit anonymous letters reporting about sexual violence (Bojc 2007).

An empirical research project also addresses the issue of sexual violence in schools. Funded by MESS, the 2009 study is entitled ["Violence in schools. The definition, identification, prevention and management"](#) (*Nasilje v šoli. Opredelitev, prepoznavanje, preprečevanje in obravnava*). The authors defined different forms and types of violence in schools; including **sexual violence** (besides psychological, physical, verbal, emotional, economic). The types of sexual violence that they explored included: bullying (peer violence), student violence against teachers, teacher violence against students, violence between teachers and parents, violence among school staff, and domestic violence (Lešnik Mugnaioni et al 2009). **Sexual violence represents a particular form of violence which can be found within all above mentioned types of violence.**

The authors do not focus specifically on **sexual harassment** in this study, however they do refer to the **Council of the European Union definition which states that "sexual harassment is unwanted conduct of a sexual nature or other conduct based on gender, which endangers the dignity of women and men in the workplace; if such**



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conduct is unwanted, unreasonable and offensive to the recipient" (**Council Resolution of 29 May 1990**) and that sexual harassment takes place where »any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person (...).« **The authors underline that in the context of sexual harassment several forms of violence can be detected, which can thus be physical, verbal or nonverbal** <sup>3</sup> (Lešnik Mugnaioni et al 2009, 30).

In the glossary of the study is the term "observer" or "**bystander**". The authors write that this term indicates subjects that have seen or observed a violent act. The term "**witness**" is also mentioned but is a legal term used to distinguish an individual who testifies in criminal proceedings. The term observer or bystander is more neutral. It does not bind an individual to an action or intervention, although methods for the prevention of violence in school, family or at workplace are directed towards bystanders as active subjects rather than passive or indifferent towards events. Interventions strive to make active subjects that will report violence, intervene or stand up for the victims - in short - intervene in the (violent) events (Lešnik Mugnaioni et al 2009, 36).

The authors (Lešnik Mugnaioni et al 2009) list:

- a) available preventive models: violence in schools and bullying; nonviolent communication and tolerance; conflict resolution, mediation; social inclusion; child abuse and abuse of adolescents; causing violence and aggression;
- b) models for dealing with violence that has already taken place: bullying; child abuse and violence against children and youth (under this one is also sexual abuse); models for working with perpetrators; mobbing at workplace.

**This list shows that there are no specific models dealing with sexual harassment or sexual violence in schools.**

The study also involved a survey of 262 teachers and other school staff. The respondents answered that **among all forms of violence, sexual violence** is least often noticed among students in schools. At the same time however only a quarter (27%) said they had never observed sexual violence. This means that nearly three-quarters (**73%**) **have observed sexual violence perpetrated against students**, just not as often as other forms of violence. According to the respondents it is class teachers or other teachers who most often detect violence, and other students (not victims) who report it. Schools very

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<sup>3</sup> This is a literary wording of the Council *Directive 2002/73/EC - equal treatment of 23 September 2002 amending Council Directive 76/207/EEC* which is taken over to the Slovenian legislation, into the *Law on Employment Relationships*.



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rarely report to or inform relevant institutions about the violent acts they detect in schools, and most often school counselors, social workers or teachers deal with it. When asked about teacher violence against students, the least frequently detected form of violence among the respondents was again sexual violence; however, **almost 10% did notice teachers being sexually violent towards students**. Even more respondents (**more than 30%**) answered that they had noticed students being sexually violent towards teachers, and also (**around 20%**) reported sexual violence perpetrated by school staff to other school staff (Lešnik Mugnaioni et al 2009, 149-190).

Another piece of undergraduate research "[Bullying in high schools](#)" (Šega 2012), also recognises **sexual violence as a form of violence**. The author briefly mentions **bystanders** as being the largest group of children / youth in school. A survey of 100 students in one high school found: 61% of students thought violence was present at their school; 39% of students (more girls than boys) said they had been victims of violence in last school year. Most often students were victims of verbal violence. Around 25% of students said they had acted violently either because they were defending themselves or they used physical violence to solve problems (Šega 2012).

In sum, there is very little relevant and competent research on sexual harassment done in Slovenia, and it is therefore difficult to make any generalized conclusions.

## **5. Interventions/programs designed to address sexual harassment in schools and 'whole school policies'**

According to our knowledge there are no interventions or programs addressing sexual harassment or sexual violence in schools specifically. Some elements are incorporated into policies about bullying. Interventions addressing violence in general also address sexual harassment are described above in section 2.

MESS in 2010 adopted "[Rules on the School Order in Secondary Schools](#)" (*Pravilnik o šolskem redu v srednjih šolah*). These Rules set out rights, obligations and prohibitions for students during school time, which are in accordance with the annual work plan of the school.. The Rules also set out the ways of exercising rights, fulfillment of duties, taking action in case of violations of rules and/or in general school policies, and the obligations of the school regarding the implementation of the provisions of these Rules (MESS 2010).

**These rules do not mention sexual harassment or sexual violence specifically**, but



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would come under: Article 2: the **right of the student to safety and protection from all forms of violence**; Article 4 **prohibits the use of psychological and physical violence**; Article 9 states that **schools with preventive actions raise awareness of students, among other things, including different types of violence**; and Article 18 defines **psychological and physical violence as the highest violations in school** (MESS 2010).

Article 19 says: “For the infringements referred to in these Rules and in school policies, [these Rules] lay down alternative measures and educational measures.” Alternative measures are: offsetting or settlement; remedy the adverse effects of the behavior; the implementation of good deeds; transfer to another department of the same educational program. Educational measures are: a reminder; a reprimand by the class teacher; a reprimand of the teaching staff; conditional exclusion; exclusion (MESS 2010).

Based on these Rules schools then adopt their own (individual) “school order” (*hišni red*). When searching for school orders of some high schools and examining them to see if or how they address sexual harassment, sexual violence or violence in general we learned that **none of the schools mentions sexual harassment or sexual violence specifically in their school orders**. They do however address **violence in general**.

Some examples:

- Secondary School of Nursing Ljubljana (*Srednja zdravstvena šola Ljubljana*): Article 22 defines **prohibitions** and **physical and psychological violence** is among them.
- High school Moste (*Gimnazija Moste*): Article 4 defines the **most serious infringements: physical violence: bullying, beating, squeezing, patting, pushing, slapping in the face, slapping, knocks with a hand or object, kicking, boxing, pulling hair etc.**
- High School Vič (*Gimnazija Vič*): “**physical or psychological violence of a student against other students or school staff**” are defined as **the most serious infringements**.
- Secondary School of Nursing Murska Sobota (*Srednja zdravstvena šola Murska Sobota*): Article 20 defines **prohibitions** and **physical and psychological violence** is among them.
- School orders of three high schools that are accessible online (*Gimnazija Ledina, Gimnazija Jožeta Plečnika, Gimnazija Poljane*) **do not mention violence in their school orders**.

Gender and/or sex and relationship education is not a part of the curriculum in high



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schools in Slovenia. **The high school curriculum does not integrate any topics about sexual harassment or sexual violence.** The decision about implementing these topics is left solely to schools (principles or teachers).

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