

## DEEPPAKES AND DEEPPNUDES AS MODALITIES OF CYBERBULLYING, THEIR OCCURRENCE IN THE SCHOOL ENVIRONMENT AND THE VIOLATION OF THE DIGNITY OF THE HUMAN PERSON



<https://doi.org/10.56238/arev6n4-135>

Submitted on: 11/10/2024

Publication date: 12/10/2024

**Adriano Augusto Fidalgo**

### ABSTRACT

This article explains how the so-called *deepfakes*<sup>1</sup> and *deepnudes*<sup>2</sup> are configured as a new possibility of derivation of *cyberbullying*, so that they cause various damages to the dignity of the human person, with regard to image, reputation, intimacy, privacy, the contradictory, the ample defense, the legality and other constitutional principles that violate the victims who have their images illegally used by the aggressors, which ends up affecting the right to education. The text will address concepts, the responsibility of the school, the responsibility of parents, the violation of human rights, the ecology of Edgar Morin's action and the human formation developed by Antônio Joaquim Severino. The verified information pointed to the shared responsibility of parents, the school and society for the protection of children and adolescents, due to this type of digital incident. In conclusion, some paths will be pointed out, such as investments in human education, recognizing the influence of school and family environments and the digital sphere, so that teachers, parents and students contribute to the prevention and resolution of such incidents.

**Keywords:** Deepfakes, Deepnudes, Cyberbullying, School, Dignity.

<sup>1</sup> A computational technique that creates an image, video, or audio that is fake, using advanced computing methods.

<sup>2</sup> A computer technique that creates an image or video that is false, usually to undress the victim or to put him or her in a sexual or embarrassing situation.

## INTRODUCTION

This article conceptualizes, analyzes and discusses the so-called *deepfakes* and *deepnudes* - new modalities of *cyberbullying* - associated with the school environment, which aim to seriously attack the dignity of the human person, the reputation, the image and the honor of children and adolescents. From this art, the text will bring the legal and management point of view on the responsibilities of school institutions and family members, with regard to the surveillance, attention and care of those social groups. Finally, the article will present reflections and recommendations for dealing with such incidents.

## METHODOLOGY

The method used is the analytical inductive, targeting some constitutional principles, legislation, as well as to support the fight against *cyberbullying* in the modalities of *deepnudes* and *deepfakes*, considering their occurrences in the school environment and how an education based on respect for human rights, in a transversal way, can contribute to the reduction of incidences, working with an education for peace acting in a preventive way. For this, the collation of articles and texts that support this hypothesis was brought.

## CYBERBULLYING: CONCEPTS AND PRACTICES

Before talking about *cyberbullying* itself, we will deal with *bullying*, whose identification, description and definition are prior and from which *cyberbullying* derives. Despite the similarities in terms of virulence and aggressiveness, they differ in terms of origin and propagation.

Bullying has its studies and primary work developed in the Nordic countries in the 1970s, and intensified from 1990 onwards, when the causes were also pointed out and prevention strategies indicated (Fante, 2010). Cyberbullying, in turn, comes from the digital technologies developed in the United States of America, for the most part, and from the hyperconnection that has occurred in recent years due to the increase in the use of technological devices, notably after the pandemic moment.

Currently, both phenomena are observed worldwide and can affect different social segments or school levels (elementary, secondary, higher education, public and private schools), being present in both physical and computational locations. Investigations indicate that the occurrences tend to decrease, when families and school institutions become aware of the episodes and seek prevention. In this context, it is worth mentioning the report by the

United Nations Educational, Scientific and Cultural Organization - UNESCO (2019, p. 15) which highlights that *bullying*, if

[...] It characterizes a pattern of behavior rather than isolated incidents, and often worsens if left unchecked. It can be defined as the intentional and aggressive behavior that recurs against a victim, in a situation where there is a real or perceived imbalance of power and the victims feel vulnerable and powerless to defend themselves. Bullying behaviors can be physical (hitting, kicking, and destroying property), verbal (teasing, insulting, and threatening), or relational (defamation and exclusion from a group).

According to a study based on data provided by three national surveys in the USA, the most common forms of bullying are: insults, name-calling and nicknames; scams, direct assault and robbery; and threats, defamation, social exclusion and isolation.

*Cyberbullying* is defined by UNICEF as follows<sup>3</sup> (undated, undated):

Cyberbullying is bullying carried out through digital technologies. It can occur on social media, messaging platforms, gaming platforms, and mobile phones. It is the repeated behavior, with the intention of frightening, infuriating or embarrassing those who are victims.

[...] In-person and virtual bullying often happen side by side. But cyberbullying leaves a digital footprint — a record that can become useful and provide evidence to help end the abuse.

The evaluations of UNESCO and UNICEF denote parity with the Brazilian occurrences, in which humiliations and exclusions are externalized, which aim to affect the dignity of the offended. The polysemic nomenclature of *bullying* places it in situations of systematic intimidation, given the entanglement of possibilities that this type of aggression encompasses.

It is observed that in school spaces the systematic manifestations, as the term itself indicates, are repeated in the school, exactly as in other environments. Diniz's statement (2016, p. 18-19) corroborates by assuring that the

Bullying is a set of antisocial, cruel or aggressive (physical or psychic), intentional, insistent and repetitive behaviors, practiced, without evident motivation, by a bully (aggressor-student or teacher), in a school environment, who, by placing himself in a position of superiority, goes against person or people (victims or attacked), exposing them to embarrassing situations, humiliating them, ridiculing or threatening them, who, in the face of an unequal power relationship, are intimidated.

Directing the view to *cyberbullying*, Alves *et al.* (2013, p. 46) highlight the differentials that expand the power of the offender and increase the vulnerability of the victims, namely:

---

<sup>3</sup> United Nations *International Children's Emergency Fund*.

The new concept (cyberbullying) has different characteristics: it goes beyond the horizon of space and time and is based on sources of power that are based on the handling of new technologies, which extend the personal power of those who bully and the vulnerability of those who are victims. These characteristics are associated with the difficulty of, on the one hand, identifying the aggressor and, on the other hand, defining the time and place of the offense, making it difficult to delimit the field of prevention and intervention in the face of this phenomenon. The direct association of cyberbullying with ICT justifies the enormous ease of its dissemination and its expansion to a much larger universe of people than traditional bullying, and in an indefinite time.

Salles Filho (2019, p. 176), in connection with the school, argues that

[...] there is a need to consider the manifestations of violence that affect the pedagogical process and coexistence. Social violence takes on its own social contours at school, emerging as forms of indiscipline, aggression, verbal abuse, *bullying*, which almost completely make the pedagogical process in the different school subjects unfeasible. Therefore, we say that the definition of violence in the school environment must consider the reality and context of the school and the students, in addition to the relationship of the teachers, the community constructions and the way that each space relates to so many variables. Considering these issues, we open the reflection to the need to build within schools a pedagogical path of education for peace, obviously considering the notion of complexity.

As seen, Salles, when dealing with the particularities of violence in the school field, takes into account that *bullying* and *cyberbullying* have specific ebbs and flows of relationships in educational institutions and, therefore, have their specificities to be respected and taken into account for possible solutions.

In this way, it is introductory to verify what *cyberbullying is* and previously it is already understood, as will be discussed below, how the use of artificial intelligence involving *deepfakes* or *deepnudes* can generate embarrassing situations, humiliation, ridicule and threats, among others, thus framing in systematic intimidation with high offensive potential the subjectivity of individuals, notably in the school environment.

## ARTIFICIAL INTELLIGENCE

The International Machines Corporation - IBM<sup>4</sup> -, an American company focused on information technology, defines artificial intelligence AI, as

"It is the science and engineering of creating intelligent machines, especially intelligent computing programs. It is related to the similar task of using computers to understand human intelligence, but AI does not have to be limited to biological observation methods." (Quotation marks in the original)

---

<sup>4</sup> One of the largest companies in the world, in this AI theme.. What is artificial intelligence? Available at: <https://www.ibm.com/br-pt/topics/artificial-intelligence>. Accessed in: 02/08/24.

This concept is extremely worrying, as its indiscriminate use can be harmful in any area by instrumentalizing the occurrences of *cyberbullying*, as in the case of fake videos and images. This situation has generated debates, particularly in the ethical and individual fields, as people are not prepared for the novelty of overexposure, which is more sensitive considering young people within school environments.

The UNESCO General Conference, meeting in Paris from 9 to 24 November (2021), in its 41st session in 2021, considering the current challenges of AI, including in the area of education, created a booklet<sup>5</sup> of recommendations to participating countries. In the aforementioned booklet there is an eminently ethical concern, in various contexts, in particular, that which relates to education and human rights. Nothing referred, however, to *cyberbullying*, but suggested, indirectly, mental health, violence and other related themes.

Below we will see how harmful AI can be when used in the tampering of images and videos and how this links to systematic intimidation.

### **DEEPPAKES, DEEPPNUDES, AND OTHER PRACTICES**

One of the derivations of *fake news* is the case of *deepfakes*. According to Cabral (2018, n.p.):

Deepfake is a technology that uses artificial intelligence (AI) to create fake but realistic videos of people doing things they have never done in real life. The technique that allows video montages has already generated everything from pornographic content with celebrities to fictional speeches by influential politicians. Debates are now circulating about the ethics and consequences of technology, for better or for worse.

As verified, public figures have already been victims of this type of manipulation, in audios and videos, almost always restricted to those interested in technology. The popularization of programs and applications has made access more possible, including for children and adolescents, who can use them as a practice of *cyberbullying*. To make it even more explicit, an example of a situation of *deepfakes* that occur with some frequency in the school niche are the insertions with people's faces in joking videos or with scenes of explicit abuse (Demartini, 2022).

With young people increasingly immersed in technological content, it is important to know their responsibilities as an individual/society/species (Morin, 2017), and therefore it is

<sup>5</sup> UNESCO. School violence and bullying: report on the situation of the world. Brasília: 2019. Available at: [https://unesdoc.unesco.org/ark:/48223/pf0000381137\\_por](https://unesdoc.unesco.org/ark:/48223/pf0000381137_por). Accessed on: 25 mar. 2023.

necessary to have an unwavering digital education, so that there is a preparation for the identification of fake news. An indispensable support is the Delors Report (2010), which focuses on digital literacy and resorts to learning to know, learning to do, learning to live together and learning to be, with regard to, in this case, social networks.

It is also worth noting that *deepfakes*, *fake news* and *cyberbullying* affect the senders, as they induce inappropriate and unreasonable conduct, and almost always result from psychological issues; and the receivers, who potentially present egoic weaknesses, resent these practices and, for this reason, are targets of those who consider themselves superior or powerful. It is understood, therefore, that there is a need for constant clarification and learning, for the prevention of hate speech and the violation of human rights.

*Deepnudes* are achievements that have been occurring for years, and make it possible to alter images, leaving victims in embarrassing situations, above all, by using nudity and/or sexual exposures. It is noted that what was restricted to media targets has impacted ordinary people, as they arrive in all fields of coexistence. In this sense, Arbix (2020, n.p.) states that AI improves life in many aspects, but it also has an aptitude for evil, as it often aims to harass women and LGBTQIAP+ communities.

There are apps that use a pre-existing image of another person and fit the victim's face, in order to put it in that unreal situation. And others who take a real photo of the victim, leaving him naked, with a database of similar people and make this illusory creation. Both situations raised in lies are still a form of *fake news* and *cyberbullying*, most of the time. And it is worth asking, who is able to distinguish such a digital creation? Even if the falsehood is later proven, the damage has already been consummated.

As reported by Ferreira (2023, n.p.), on the Olhar Digital portal, there are cases in the United States of America and Brazil, but he mentions *deepfake* which is a more generic modality than *deepnude*, as already explained: "A group of students from Westfield High School, in New Jersey (USA), used an artificial intelligence (AI) application to assemble photos of school girls in pornographic images. Called *deepfake*, the practice was discovered and alerted by some of the victims, who learned of the photos after one of the boys decided to tell the reason for the 'buzz' at school.

Continuing the details of the American case, according to Ferreira (2023, n.p.), students confessed to the creation of the false images and the sharing, the school reported it to the parents but with confidentiality, while the parents of the victims complained for



action, given the emotional and psychological pain generated. It is easy to imagine how a situation like this affects the entire school environment.

In the Brazilian case, Ferreira (2023, n.p.) reports a much-commented case that occurred in November 2023:

Not surprisingly, this week a school in Brazil, in Rio de Janeiro, also faced the same situation. According to CNN, parents of students at Colégio Santo Agostinho received a circular from the school board warning about the use of AI tools in the creation of photo montages of students.

More than 20 victims of harassment have already been identified. The school made itself available to the families of the students and stated that it will take appropriate disciplinary measures at the school level. The institution also warned that parents pay more attention to their children's virtual lives.

On the use of AI in *deepnudes* and its consequences in the school field, presenting an article especially on what happened at Colégio Santo Agostinho, located in Barra da Tijuca, Rio de Janeiro, Souza (2023, n.p.) clarifies the need to understand the consequences:

Principals and teachers, parents and guardians, as well as – and especially – minors themselves, need to be prepared to understand the consequences of using AI to manipulate reality. Although the naked bodies exposed in the message groups are not the real bodies of the students, the boundary between the real and the artificial here matters little. The intimidation is real. Once again, it is necessary to remember: what happens on the internet does not stay on the internet. The damage goes beyond the network and generates consequences on the other side of the screen.

Because of all this, it seeks to increase the responsibility of platforms and prohibit the sale and use of applications for such illegal purposes, according to ongoing bills. There is a very serious problem now: how to discern the real from fiction with such a realistic degree that fake images and videos have been gaining with such technological attributes of manipulation? Muanis (2023, p. 55) brings interesting considerations about it:

One last warning from Hans Belting is also in order. For the author, one cannot confuse virtual images with images of a virtual world. According to him, virtual images, made synthetically in digital, continue to be images of our world that, taking shape in computers, gain a series of complexities. The big question is how much, increasingly, we constitute in images a virtual world, which only exists in the imagination or in an imagetic reality complementary to ours, another space of mimesis, and what effects this can have on the way man sees himself and the very society in which he lives, directing his political and citizenship decisions.

From the above, it is denoted that, for those who do not have a satisfactory digital literacy, they will face several behavioral dilemmas, including to distinguish or at least consider that such a situation of exposure of the nudity of others may be false, such as

when they are in doubt between the synthetic and the real about certain content passed on, because the distinction is something that generally requires knowledge by experts. But due to the mode of exposure, all caution is necessary, including for the viewers of these incidences, which is a concern in the school niche. This will overlap with issues related to *cyberbullying* many times, according to the examples brought below, in which there will be aggressor(s) and victim(s).

## OCCURRENCES IN THE SCHOOL ENVIRONMENT AND THE ROLE OF SCHOOLS

In Brazil, Law 13.185<sup>6</sup>, of 11/06/15, came into force in 2016, which institutes the Program to Combat Systematic Intimidation (*Bullying*). In paragraph 1 of article 1 of the aforementioned law, it defines as follows: "systematic intimidation (*bullying*) is considered to be any act of physical or psychological violence, intentional and repetitive that occurs without evident motivation, practiced by an individual or group, against one or more people, with the aim of intimidating or assaulting them, causing pain and anguish to the victim, in a relationship of power imbalance between the parties involved."

And in the sole paragraph of article 2 (Law 13.185/2015), it explains the modality of *cyberbullying*: "There is systematic intimidation on the world wide web (*cyberbullying*), when the instruments that are proper to it are used to depreciate, incite violence, tamper with photos and personal data in order to create means of psychosocial embarrassment."

In its article 4<sup>7</sup> (Law 13.185/2015) the law is very clear in defining the responsibilities of educational institutions, as seen in a footnote. It is observed that there are many verbs that indicate actions, that is, measures for the institution to take and that must be proven to

<sup>6</sup> This and the other laws mentioned will be detailed in the references.

<sup>7</sup> Art. 4 The objectives of the Program referred to in the caput of Art. 1 are:

I - to prevent and combat the practice of systematic intimidation (*bullying*) throughout society;  
II - to train teachers and pedagogical teams for the implementation of actions for discussion, prevention, guidance and solution of the problem;  
III - To implement and disseminate education, awareness and information campaigns;  
IV - to institute practices of conduct and guidance of parents, family members and guardians in the face of the identification of victims and aggressors;  
V - to provide psychological, social and legal assistance to victims and aggressors;  
VI - to integrate the mass media with schools and society, as a way of identifying and raising awareness of the problem and a way of preventing and combating it;  
VII - to promote citizenship, empathetic capacity and respect for others, within the framework of a culture of peace and mutual tolerance;  
VIII - to avoid, as far as possible, the punishment of aggressors, favoring alternative mechanisms and instruments that promote effective accountability and the change of hostile behavior;  
IX - To promote measures to raise awareness, prevent and combat all types of violence, with emphasis on the recurrent practices of systematic intimidation (*bullying*), or physical and psychological embarrassment, committed by students, teachers and other professionals who are members of the school and school community.



have been complied with in an eventual occurrence. For example, some verbs and complements mentioned in the aforementioned article: prevent and combat, train teachers, implement and disseminate campaigns, institute practices of conduct and guidance for parents, provide psychological assistance, integrate the mass media with schools and society, promote citizenship, avoid punishment of aggressors and promote awareness measures. Have all schools done this? In any judicial or administrative investigation, the burden of proof will be on the school institution.

Now, article 5 (Law 13.185/2015) of the aforementioned legal diploma is expressed when dealing with the duty of educational establishments, with regard to this issue, as noted: "Art. 5 It is the duty of the educational establishment, clubs and recreational associations to ensure measures of awareness, prevention, diagnosis and combat of violence and systematic intimidation (bullying)."

Even with the occasional criticism that fell on the law, as there is always something missing in legislation or that must be elaborated with improvements in the dynamics of reality, she standardized the theme by specialty. Thus, it remains for private or public educational institutions to take the necessary measures, both observing the didactic/pedagogical aspects of the subject, as well as evaluating the legal risks that any failures in the conduct of such situations may generate in terms of consequences for students. As the saying goes, prevention is better than cure. Regarding the accountability of educational institutions, Santos and Mesquita (2023, n.p.) point out:

There are two main legal grounds that support the school's civil liability in cases of bullying:

**Strict Liability:** The Bullying Law 13.185 establishes the strict liability of the school. This means that it is not necessary to prove the fault or negligence of the institution for it to be held responsible for the damage caused. It is enough to demonstrate that the act of bullying occurred in the school environment and that the school did not take adequate measures to prevent or stop the situation. In this case, the school is considered liable regardless of its conduct, as the damage is presumed due to the omission or lack of care in its obligation to protect students.

**Risk Theory:** The school, as an entity that carries out educational activities, can also be held liable based on the risk theory. According to this theory, the school, by admitting students into its environment, assumes the risk of bullying situations eventually occurring. Thus, it is the school's duty to adopt appropriate measures to prevent and combat bullying, that is, the risk inherent to its educational activity is transferred to the institution, which must act diligently to minimize it.

Articles 932 of the Civil Code apply in terms of civil liability to educational institutions<sup>8</sup>, including such institutions being held responsible for the commissive or

<sup>8</sup> Article 932. The following are also responsible for civil reparation:

omissive acts of their employees, as noted. The objective liability of educational institutions also applies here, as well established by article 14 of the Consumer Protection Code<sup>9</sup>, in which if there is a defect in the provision of the service, it must repair regardless of fault.

In this sense, expressly dealing with the responsibility of schools, they must combat *bullying* and *cyberbullying* within their walls and depending on the situation in the digital environments linked to the institution, that is, acting physically or digitally, promoting courses, campaigns and training for their employees, students and parents. Being part of the institution's Corporate Governance should be a fixed topic that must be careful and always updated.

It can even be said that educational institutions must act preventively and be in *Compliance* in Digital Education, with regard to any situation involving *bullying* or *cyberbullying*, under penalty of being civilly or criminally liable for illegalities found, notably when they are omitted in the preventive aspects. Especially because civil legislation interprets the situation as framed in strict liability, that is, regardless of the demonstration of guilt.

It should be noted that, whenever the situation reaches the Judiciary, the fair measure used to condemn, whoever it is, will be the verification of the undermining of the principle of human dignity<sup>10</sup>, ascertaining whether there was disrespect for the fundamental rights of the victim, enshrined in our Federal Constitution, whether by framing the

---

[...] III - the employer or principal, by its employees, servants and agents, in the exercise of the work that is incumbent upon them, or by reason of it;

IV – the owners of hotels, inns, houses or establishments where they are housed for money, even for educational purposes, by their guests, residents and students; [...]

BRAZIL. LAW 10.406, of January 10, 2002. **Civil code**. Official Gazette of the Federative Republic of Brazil, Brasília, DF, 11 jan. 2002. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm). Accessed on: 14 nov. 2016.

<sup>9</sup> Article 14. The service provider is liable, regardless of the existence of fault, for the repair of damages caused to consumers by defects related to the provision of services, as well as by insufficient or inadequate information about their enjoyment and risks.

§ 1 - The service is defective when it does not provide the security that the consumer can expect from it, taking into account the relevant circumstances, including:

I - the manner of its supply;

II - the result and the risks that are reasonably expected from it;

III - the time when it was supplied.

Paragraph 2 - The service is not considered defective due to the adoption of new techniques.

Paragraph 3 - The service provider shall not be held liable only when it proves:

I - that, having provided the service, the defect does not exist;

II - the exclusive fault of the consumer or of a third party.

Paragraph 4 - The personal liability of liberal professionals shall be ascertained by verifying guilt.

<sup>10</sup> FIDALGO, Adriano Augusto. *Cyberbullying and the dignity of the human person*. IT Specialists. Available at: <http://www.tiespecialistas.com.br/2015/08/o-cyberbullying-e-dignidade-da-pessoa-humana/>. Accessed on: 14 nov. 2016.

occurrence of *bullying*, *cyberbullying* or other type of illegality, This is clearly observed in the occurrences of *deepfake* and *deepnudes*.

## PARENTAL RESPONSIBILITY AND DIGITAL ABANDONMENT

The responsibility of parents or guardians for what their children do in the physical world seems clear, which extends to the digital world, especially with regard to repairing the damage caused by children and adolescents. It is worth repeating what article 932 of the Civil Code says: "Art. 932. The following are also responsible for civil reparation: I - the parents, for the minor children who are under their authority and in their company; [...]"

However, this can occur due to the negligence of parents or guardians in not monitoring, guiding and protecting their children on digital platforms, applications, games, communicators, etc., which can constitute digital abandonment. The law already considers other types of abandonment such as affective/emotional, financial/material, but digital abandonment is treated as a new modality. According to Ruiz (2022, n.p.), digital abandonment is conceptualized as follows:

Digital abandonment is parental negligence characterized by the omission of the duty of care, protection and safety of children in the virtual environment. The indiscriminate and excessive access of children and adolescents to the content available on the web and the absence of parental supervision in this "digital world" can generate harmful effects on children due to the many situations of vulnerability and risk to which they are exposed.

Parents have in relation to their children the duty of custody, of protection, of the so-called parental power that unfolds in full protection and integral formation, including that of providing digital education, with the duty of vigilance, which encompasses care and security, about what children and adolescents do in all the places they go, including digital ones. In this sense, Klunck and Azambuja (2019, p. 128) also comment:

Thus, in view of the principle of full protection, the legislation imposed on parents a set of powers-duties arising from family power. It should be noted that the exercise of family power implies an obligation, more than a right. In this way, it is up to the family to ensure the realization of fundamental rights, as well as to assist, raise, educate, protect, supervise, in addition to having affective, moral and psychological obligations. When parents do not comply with these duties that are inherent to them, in order to protect and prevent possible risk situations, negligence is denoted. As seen throughout the article, digital abandonment, characterized by the omission of parents regarding the safety of their children in the virtual environment, placing them in a situation of vulnerability, can be characterized as a hypothesis of negligence.

In this way, if any cyberbullying situation involving *deepnudes* or *deepfakes* occurs, in addition to the responsibility of the role that parents or guardians hold in relation to their

children by the Civil Code in terms of compensation to be paid, the argument of digital abandonment will be applied. And it is understood that, soon, the parents of recidivist children who were also omissions, eventually, depending on the seriousness of the situation, may also lose the right/duty over the parental power to which their children are subjected in situations of great gravity and custody in those of medium severity. In short, parents will lose such rights/duties that will be transferred to another responsible person. Which is very serious, because in simpler terms, it would be as if the father and mother lost this connection with their children due to incompetence in the duty of custody of children and adolescents.

## THE VIOLATION OF HUMAN RIGHTS

It is necessary to conceptualize human rights initially, in the words of Ramos (2014, p. 24):

Human rights consist of a set of rights considered indispensable for a human life based on freedom, equality and dignity. Human rights are the essential and indispensable rights for a dignified life. There is no predetermined list of this minimum set of rights essential to a dignified life. Human needs vary and, according to the historical context of a time, new social demands are legally translated and inserted in the list of human rights.

It should be noted that the UN 2030 Agenda, among the 17 Sustainable Development Goals, include those selected and interconnected with the eventual fight against *cyberbullying*: health and well-being, quality education, gender equality, decent work and economic growth, reduction of inequalities, responsible consumption and production, peace, justice and effective institutions and partnerships and means of implementation. In other words, all issues are closely linked to human rights, education and sustainability of people, companies and the planetary ecosystem.

The protection of human rights is fundamental to ensure a fair and inclusive society, so this includes protection against violence and abuse, such as *cyberbullying*. That is why it is important that effective policies and strategies are implemented to prevent and combat this type of violation of subjectivities and to ensure the protection of human rights in the digital age.

In the case of human rights violations in the event of *cyberbullying* involving *deepnudes* or *deepfakes*, they are the ones that attack human dignity itself, such as honor, reputation, image rights, intimacy and privacy, as well as due process, adversarial and full defense, as well as the right to education itself, as already mentioned, because with the

disclosure of false photos or videos of the victim, in addition to all the constraints, she will be judged and suffer perennial reputational damage, as not even compensation will be able to correct such unjust aggression.

In such a way, in order to protect such human rights, the fundamental rights that are the internal legislation of each country, in the case of Brazil, applying the norms within our legal system, such as the Federal Constitution, the Civil Code, the Civil Rights Framework for the Internet, the Law to Combat *Bullying*, among others, as defense mechanisms for the protection of victims, as well as the norms that orbit in the educational sphere.

### THE ECOLOGY OF ACTION BY EDGAR MORIN

The following considerations highlight the issue of the ecology of action, which is detailed here with the intention of making correlations between it and the occurrence of *cyberbullying* (Morin, 2000, p. 86-87):

Here the notion of ecology of action intervenes. As soon as an individual undertakes an action, whatever it may be, it begins to escape his intentions. This action enters a universe of interactions and it is finally the environment that takes possession of it, in a sense that can contradict the initial intention. Often the action boomerang over our heads. This forces us to follow the action, to try to correct it — if there is still time — and sometimes to torpedo it, as NASA officials do, when they explode a rocket that deviates from its trajectory.

The ecology of action is, in short, to take into account the complexity that it supposes, that is, the random, chance, initiative, decision, unexpected, unforeseen, awareness of drifts and transformations.

Now, the ecology of action is also shown to be essential for confronting situations of *cyberbullying*, especially involving *deepnudes* or *deepfakes*. It is linked to the systemic situation, to human complexity, to the triad of individual, society and species, other points developed by Morin. With all these factors and others combined, there will be a method to seek to understand and seek to remedy situations of systematic intimidation, because as Morin (2000) says, one learns on the street, at school, with the family, in the movies. Thus, in the school environment, managers will also be able to collect useful information to remedy the situations assigned to them, knowing the profile of the members of the school community and knowing their individualities and how that environment influences them, colleagues, customs, local practices, to act in a preventive or repressive way, when necessary. On the understanding of human complexity (Morin, 2000, p. 101):

Understanding the other requires awareness of human complexity. Thus, we can seek in novelistic literature and cinema the awareness that one should not reduce

being to the smallest part of oneself, or even to the worst fragment of one's past. While, in ordinary life, we hasten to enclose in the notion of criminal the one who has committed a crime, reducing the other aspects of his life and his person to this single trait, we discover in their multiple aspects the *gangster kings* of Shakespeare and the *real gangsters* of the crime films. We can see how a criminal can transform and redeem himself like Jean Valjean and Raskolnikov. We can finally learn from them the greatest lessons of life, compassion for the suffering of the humiliated, and true understanding.

With regard to *cyberbullying*, it seems to be unequivocally clear that it is not possible to pay attention only to it as a phenomenon – a knowable object – without going into depth into the issue of the subjects (knowers) – responsible for mediation, teacher, coordinator, principal and student – because they generate the causes, the effects and feed each other, communicate, retaliate and form a peculiar system. In the case of *deepnudes* or *deepfakes*, in the school environment, all these factors must be considered to understand why that attack occurred, who are the viewers, aggressors and victims, to seek extrajudicial and judicial solutions, depending on the severity of the event, to remedy the occurrence, as punishing is not always the best way.

## HUMAN FORMATION BY ANTÔNIO JOAQUIM SEVERINO

In this item of the research, it will be sought to articulate the elementary need for individuals to have a human formation<sup>11</sup>, which is in line with what is refuted in *cyberbullying*, such as the harmful effects harming a complete human formation, given the sequelae that usually affect the victims, as highlighted throughout this article. In better detail, the absence of human formation leads to systematic intimidation and after the occurrence of *cyberbullying*, the sequelae of the fact often interrupt or harm the victim or other participants so that they achieve a better human formation, due to the occurrences of school dropout, traumas and others.

What does this human formation mean, why does it matter anyway? This is an inexcusable mission of the teacher, as highlighted by Severino (2006, p. 621):

In Western culture, education has always been seen as a process of human formation. This formation means the very humanization of man, who has always

---

<sup>11</sup> Severino's concept of education (2017, pp. 134-135) is adopted here, in which he highlights the importance of the teacher, in these words: "My idea of education is therefore that of the achievement of a way of being, through a becoming, a way of being that would be characterized by an existential quality marked by a maximum possible of emancipation, by the condition of autonomous subject. A situation of full humanity. Education is not only an institutional or instructional process, its visible side, but fundamentally a formative investment of the human, whether in the particularity of the personal pedagogical relationship, or in the scope of the collective social relationship. Teacher interaction is a universal and irreplaceable mediation of this education, in view of the condition of man's educability."



been conceived as an entity that is not born ready, that needs to take care of himself as if seeking a stage of greater humanity, a condition of greater perfection in his way of being human. Therefore, formation is a process of human becoming as a humanizing becoming, through which the natural individual becomes a cultural being, a person – it is good to remember that the meaning of this category involves a complex set of dimensions that the verb to form tries to express: to constitute, compose, order, found, create, instruct, place itself alongside

The interface between human formation and education as a cultural product is notably perceived. In this sense, education plays a fundamental role in the debarbarization, emancipation and autonomy of the individual, as Severino (2006, p. 632) pointed out:

The commitment of education is to debarbarization, it is to transform itself into an emancipatory process, in which there is a systematic struggle for autonomy, for emancipation. And its only tool is enlightenment, which is a passage from the unconscious to the conscious, from the non-aware to the aware, from the pseudo-aware to the aware. Enlightenment illuminates and eliminates. From the perspective of Critical Theory, the role of education is to ensure the survival of cultural formation in a society that has deprived it of its foundations. Cultural industrialization compromised this formation. It is up to educational processes to invest in the transformation of instrumental reason into emancipatory reason. On the other hand, education can be made viable, guaranteeing its formative fruitfulness, if it is constituted as an exercise of critical self-reflection. For education, it is a matter of producing a true consciousness.

Thus, it is necessary to think in an interconnected way, to verify the variables, both with regard to the teacher, the students and the entire school environment, how the State treats it, its insertion in the school environment, the qualification of the teachers, the methodologies used, the family monitoring and the family structure of the young people, that is, all the elements that end up making up the success or failure of each individual. In short, which will trigger a pursued – albeit utopian – human formation of excellence.

Thus, to speak of subjectivity is also to speak of the dignity of the human person, since it recognizes all human extension and complexity. Dealing with school failure, due to the reductionism of research in which subjectivity is taken into account, Dias (2009, p. 14) pointed out as follows:

Experiences of exclusion and deep disaffection lead to incapacity, mark non-belonging and can condemn failure. It is in this sense that the reductionism of investigations on school failure is insisted on, given the small number of studies that include subjectivity as part of the context implied in the theme. The projection of frustration imprints lasting marks that, recursively, promote prophecies that are fulfilled and rejected.

In partial conclusion, it can be said that both the State, the Educational Institutions, and the teachers, must be aware of all these factors, and it is imperative that the best

practices are guaranteed so that human education is reached in its highest power, fully, always seeking integral education for the individual good and for the common good. behold, in the social contract (individual/society/species; according to Morin), only with personal success - understood as the formation of autonomous and prepared individuals, with a sense of humanity flourished - will collective success be achieved and vice versa, as Morin says: "The *whole* is greater than the sum of the *parts*". And, in this way, *cyberbullying* cannot be an indigestible stone.

## FINAL CONSIDERATIONS

This article brings considerations about the concepts of *bullying* and *cyberbullying*, to focus on the second, in order to highlight how it is a global problem that is difficult to combat and prevent, rooted in all societies and that has been enhanced with technology, so that its effects spread to an incalculable range of people and with enormous speed.

I brought the article concepts of artificial intelligence, *deepfakes* and *deepnudes*, highlighting how these occurrences operate, with the mention of some real cases that occurred in Brazil and abroad, with the manipulation of images creating unreal situations or undressing people and how this impacts the lives of individuals, especially children and adolescents in the school environment.

Thus, an explanation of the responsibility of schools on the subject from a legal and management point of view is developed in the text. From another perspective, the legal responsibility of parents or guardians and the possible digital abandonment stand out, given the duty of custody and monitoring of legal guardians over infants. In fact, the partnership between school and parents is fundamental for the prevention of occurrences and, when it is not possible, it must be inferred how to deal with it together, reducing the damage and enabling a healthy coexistence, because with education it is understood that the occurrences can be reduced.

Next, it was addressed how the violation of human rights occurs in the hypothesis of *cyberbullying* involving *deepfakes* and *deepnudes*, observing its severity for the reputation and subjectivity of the victim(s). Bringing right after the ecology of Edgar Morin's action to understand how the place and coexistence influence the entire process of systematic digital intimidation. Afterwards, the indispensable human training defended by Severino was addressed, a protective shield that can prevent incidents from occurring, with knowledge about technology (digital education) and knowledge about our (human) rights.

It is understood that investing in human education is elementary, to have a digital ethic, with respect for other people, which involves knowing the human rights involved in the guests, as well as knowing about digital education, about what should or should not be used or manifested in digital environments, making young people aware that the critical use of technology is important, because what is done in online environments has consequences in the face-to-face environment, with possible responsibilities in the coexistence between colleagues, in the family, at school and in cases of greater gravity before the Guardianship Council, the Police and the Justice.

Using the image of people – children and adolescents especially, because in addition to the aforementioned norms we have the Statute of the Child and Adolescent and the principle of full protection<sup>12</sup> – to manipulate information or to create artificial situations of false nudity, hurts morals and ethics within the school, is illegal, and the consequences are serious, which is presumed to be the nature of damage that can cause to adults and even more so to young people.

From the school's point of view, it is recommended, as these situations are inevitable, to invest in teacher training on these incidents in educational institutions, on the ethical use of technology, on education based on human rights, so that these contents are provided to students in class, in lectures for parents, as well as so that schools develop protocols to know how to deal with these occurrences, with the most appropriate measures for the management of situations with this severity.

---

<sup>12</sup> Federal Constitution: "Art. 227. It is the duty of the family, society and the State to ensure the child, adolescent and young person, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life, in addition to safeguarding them from all forms of negligence. discrimination, exploitation, violence, cruelty and oppression."

## REFERENCES

1. Alves, M. M., Breia, A. P., Conceição, D., Freire, I., & Fragoso, L. (2013). Cyberbullying e ambiente escolar: Um estudo exploratório e colaborativo entre a escola e a universidade. *Revista Portuguesa de Pedagogia*, 47(2), 43-64. Available at: <https://impactum-journals.uc.pt/rppedagogia/article/download/1904/1260/>. Accessed on: May 31, 2018.
2. Arbix, G. (2024, January 28). Colunista fala sobre aplicativo que assedia mulheres. *Jornal USP*. Available at: <https://jornal.usp.br/radio-usp/colunista-fala-sobre-aplicativo-que-assedia-mulheres/>. Accessed on: January 28, 2024.
3. Brasil. (1988, October 5). Constituição Federal. Available at: [http://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm). Accessed on: August 31, 2024.
4. Brasil. (1990, September 11). Lei 8.078, de 11 de setembro de 1990. Código de Defesa do Consumidor. *Diário Oficial da República Federativa do Brasil*. Available at: [https://www.planalto.gov.br/ccivil\\_03/Leis/L8078.htm](https://www.planalto.gov.br/ccivil_03/Leis/L8078.htm). Accessed on: August 30, 2024.
5. Brasil. (2002, January 10). Lei 10.406, de 10 de janeiro de 2002. Código Civil. *Diário Oficial da República Federativa do Brasil*. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm). Accessed on: August 30, 2024.
6. Brasil. (2015, November 6). Lei 13.185, de 06 de novembro de 2015. Institui o Programa de Combate à Intimidação Sistemática (Bullying). *Diário Oficial da República Federativa do Brasil*. Available at: [https://www.planalto.gov.br/CCIVIL\\_03/\\_Ato2015-2018/2015/Lei/L13185.htm](https://www.planalto.gov.br/CCIVIL_03/_Ato2015-2018/2015/Lei/L13185.htm). Accessed on: August 30, 2024.
7. Cabral, I. (2018, February 20). O que é deepfake? Inteligência artificial é usada para fazer vídeo falso. *Techtudo*. Available at: <https://www.techtudo.com.br/noticias/2018/07/o-que-e-deepfake-inteligencia-artificial-e-usada-pra-fazer-videos-falsos.ghtml>. Accessed on: February 20, 2023.
8. Demartini, F. (2023, February 20). Especialista alerta para os riscos no uso de deep fakes por crianças. *Canaltech*. Available at: <https://canaltech.com.br/seguranca/especialista-alerta-para-os-riscos-no-uso-de-deep-fakes-por-criancas-220297/>. Accessed on: February 20, 2023.
9. Dias, E. T. D. M. (2009). Fracasso escolar e subjetividade: A complexidade do fazer educativo. In IX Congresso Nacional de Psicologia Escolar e Educacional. São Paulo. Available at: [http://www.abrapee.psc.br/documentos/cd\\_ix\\_conpe/ixconpe\\_arquivos/5.pdf](http://www.abrapee.psc.br/documentos/cd_ix_conpe/ixconpe_arquivos/5.pdf). Accessed on: August 28, 2017.

10. Diniz, M. H. (2016). "Bullying": responsabilidade civil por dano moral. *Revista Argumentandum*, 17, 17-43. Available at: <http://ojs.unimar.br/index.php/revistaargumentum/issue/view/5/showToc>. Accessed on: January 19, 2023.
11. Fante, C. (2019). Aprendendo a prevenir o bullying na escola. Campanha Aprender Sem Medo. Plan Internacional Brasil. Available at: [https://plan.org.br/wp-content/uploads/2019/03/manual\\_bullying\\_sem.compressed.pdf](https://plan.org.br/wp-content/uploads/2019/03/manual_bullying_sem.compressed.pdf). Accessed on: January 26, 2023.
12. Ferreira, T. (2023, November 2). Com ajuda de IA, alunos criam 'nudes' de meninas nos EUA; Brasil tem casos. *Olhar Digital*. Available at: <https://olhardigital.com.br/2023/11/02/internet-e-redes-sociais/com-ajuda-de-ia-alunos-criam-nudes-de-meninas-nos-eua-brasil-tem-casos/>. Accessed on: January 28, 2024.
13. Fidalgo, A. A. (2015, November 14). O cyberbullying e a dignidade da pessoa humana. *TI Especialistas*. Available at: <http://www.tiespecialistas.com.br/2015/08/o-cyberbullying-e-dignidade-da-pessoa-humana/>. Accessed on: November 14, 2016.
14. Gogoni, R. (2023, February 20). Era inevitável: deepfake usado como ferramenta de bullying. *Meiobit*. Available at: <https://meiobit.com/434802/mae-usa-deepfake-prejudica-concorrentes-da-filha/>. Accessed on: February 20, 2023.
15. IBM. (2024, February 8). O que é inteligência artificial? Available at: <https://www.ibm.com/br-pt/topics/artificial-intelligence>. Accessed on: February 8, 2024.
16. Klunck, P., & Azambuja, M. R. F. de. (2020, April). O abandono digital de crianças e adolescentes e suas implicações jurídicas. Pontifícia Universidade Católica do Rio Grande do Sul. Available at: [https://www.pucrs.br/direito/wp-content/uploads/sites/11/2020/04/patricia\\_klunck.pdf](https://www.pucrs.br/direito/wp-content/uploads/sites/11/2020/04/patricia_klunck.pdf). Accessed on: July 21, 2024.
17. Morin, E. (2000). Os sete saberes necessários à educação do futuro (2nd ed.). São Paulo/Brasília: Cortez/UNESCO.
18. Morin, E. (2017). O método 6: Ética (5th ed.). Porto Alegre: Sulina.
19. Muanis, F. (2023). Imagens, inteligência artificial e a incontornabilidade da metacrítica. *RuMoRes*, 17(33), 35-57. DOI: 10.11606/issn.1982-677X.rum.2023.210891. Available at: <https://www.revistas.usp.br/Rumores/article/view/210891>. Accessed on: January 28, 2024.
20. Ramos, A. de C. (2014). Curso de direitos humanos. São Paulo: Saraiva.

21. Ruiz, K. C. C. (2024, January 17). O abandono digital de crianças e adolescentes e a responsabilidade civil dos pais. Portal Migalhas. Available at: <https://www.migalhas.com.br/depeso/377070/o-abandono-digital-de-criancas-e-adolescentes>. Accessed on: January 17, 2024.
22. Salles Filho, N. A. (2019). Cultura de paz e educação para a paz: Olhares a partir da complexidade. Campinas: Papyrus.
23. Santos, C. A. de A. C., & Mesquita, A. P. S. L. (2024, May 21). A responsabilidade das escolas na prevenção e combate ao bullying: Implicações civis e criminais para os diretores escolares. Migalhas. Available at: <https://www.migalhas.com.br/coluna/direito-digital/387144/a-responsabilidade-das-escolas-na-prevencao-e-combate-ao-bullying>. Accessed on: May 21, 2024.
24. Severino, A. J. (2006, December 1). A busca do sentido da formação humana: Tarefa da Filosofia da Educação. Educação e Pesquisa, 32(3), 619-634.
25. Severino, A. J. (2012). Educação, sujeito e história. São Paulo: Olho d'água.
26. Severino, A. J. (2017). Filosofia na formação profissional: Por que ter valores políticos, éticos e estéticos na formação profissional é importante? São Paulo: Cartago Editorial.
27. Silva, A. B. B. (2015). Bullying – mentes perigosas nas escolas (2nd ed.). São Paulo: Globo.
28. Souza, C. A. de. (2023, November 10). Nudes falsos de alunas: Quem a Justiça pune se deepfake atinge anônimos. Tilt Uol. Available at: <https://www.uol.com.br/tilt/colunas/carlos-affonso-de-souza/2023/11/10/deepfakes-no-colegio-menores-e-pais-podem-ser-responsabilizados.htm>. Accessed on: January 28, 2024.
29. UNESCO. (2019). Violência escolar e bullying: Relatório sobre a situação mundial. Brasília. Available at: <https://unesdoc.unesco.org/ark:/48223/pf000036809>. Accessed on: March 25, 2023.
30. UNESCO. (2021, November 23). Recomendações sobre a Ética da Inteligência Artificial. Available at: [https://unesdoc.unesco.org/ark:/48223/pf0000381137\\_por/PDF/381137por.pdf.multi](https://unesdoc.unesco.org/ark:/48223/pf0000381137_por/PDF/381137por.pdf.multi). Accessed on: February 8, 2024.
31. UNICEF. (2023, January 30). Cyberbullying: O que é e como pará-lo. Available at: <https://www.unicef.org/brazil/cyberbullying-o-que-eh-e-como-para-lo#:~:text=Pessoas%20que%20s%C3%A3o%20v%C3%ADtimas%20de,existem%20em%20todos%20os%20lugares>. Accessed on: January 30, 2023.