

APPENDIX C

DEFINITIONS OF ABUSE AND CHILD PORNOGRAPHY



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Northern Ireland (*Co-operating to Safeguard Children in NI, 2016*)

Abuse

Harm can be suffered by a child or young person by acts of abuse perpetrated upon them by others. Abuse can happen in any family, but children may be more at risk if their parents have problems with drugs, alcohol and mental health, or if they live in a home where domestic abuse happens. Abuse can also occur outside of the family environment. Evidence shows that babies and children with disabilities can be more vulnerable to suffering abuse.

Although the harm from the abuse might take a long time to be recognisable in the child or young person, professionals may be in a position to observe its indicators earlier, for example, in the way that a parent interacts with their child. Effective and ongoing information sharing is key between professionals.

Physical abuse is deliberately physically hurting a child. It might take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.

Sexual abuse occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.

Emotional abuse is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child's emotional development.

Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

Exploitation is the intentional ill treatment, manipulation or abuse of power and control over a child or young person. It involves taking selfish or unfair advantage of a child, young person or situation for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

Neglect is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse.

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Child pornography

The Protection of Children Order 1978, with the Criminal Justice and Immigration Act 2008, make it an offence for anyone to take, allow to be taken, possess, show, distribute or publish any indecent image of a child. For the purpose of these Orders, a child is defined as anyone aged under eighteen. Additionally, across the Catholic Church in Ireland, canon law includes the possession of, or downloading from the internet of, paedophilic pornography as a grave delict.

Republic of Ireland (*Children First*)

Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, that is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness
- allowing or creating a substantial risk of significant harm to a child.

Emotional abuse is usually found in the relationship between a parent/guardian and a child, rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting, in which the level of care shown to a child is made contingent on their behaviours or actions;
- emotional unavailability of the child's parent/guardian;
- unresponsiveness of the parent/guardian and/or inconsistent or inappropriate expectations of the child;

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- premature imposition of responsibility on the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave or control themselves in a certain way;
- under-protection or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- use of unreasonable or overly harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/guardian.

Sexual abuse occurs when a child is used by another person for their own gratification or sexual arousal, or for that of others. Examples of child sexual abuse include:

- exposure of the sexual organs, or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child, whether by a person or object, for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child, or the involvement of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal;
- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or a sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse;
- consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is seventeen years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.

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Harm can be defined as the ill treatment or impairment of the health or development of a child. Whether it is significant is determined by the child's health and development, as compared to that which could reasonably be expected of a child of a similar age.

Neglect generally becomes apparent in different ways over a period of time, rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having their needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.

The threshold of significant harm is reached when the child's needs are neglected to the extent that their well-being and/or development are severely affected.

Child pornography

The Child Trafficking and Pornography Act 1998, which is amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007, makes it an offence to possess, produce, distribute, print or publish child pornography. Additionally, across the Catholic Church in Ireland, canon law includes the possession of, or downloading from the internet of, paedophilic pornography as a grave delict.

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