

# **APPENDIX C**

## **DEFINITIONS OF ABUSE AND CHILD PORNOGRAPHY**



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### Northern Ireland (Adapted from *Co-operating to Safeguard Children, 2015*)

#### Abuse

Child abuse occurs when a child is neglected, harmed or not provided with proper care. Children may be abused in many settings: in a family, in an institution or community, by those known to them, or, more rarely, by a stranger. There are different forms of abuse, and a child may suffer more than one of them. The procedures outlined in this guidance are intended to safeguard children who are at risk of significant harm because of abuse or neglect by parents, guardians or others with a duty of care towards the child.

**Physical abuse** is deliberate physical injury of a child, or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or cot, inappropriately giving drugs to control behaviour, or any other behaviour that may result in physical harm.

**Sexual abuse** involves forcing, manipulating or enticing a child to take part in any form of sexual activity. Sexual activity may involve physical contact, including penetrative or non-penetrative acts. It may include non-contact activities, such as involving children in looking at, or the production or sharing of, pornographic material or watching sexual activities, or encouraging children to behave in inappropriately sexual ways. It may also involve grooming a child or young person in order to sexually abuse them. Sexual activity involving a child or young person who is capable of giving informed consent (sixteen years of age) on the matter, while not illegal, may constitute sexual abuse as defined for the purpose of this policy. Sexual abuse is often combined with exploitation, whereby the perpetrator utilises an imbalance of power to exercise control over their victim.

**Emotional abuse** is the emotional ill treatment of a child, which may cause severe and/or persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve frequently causing a child to feel frightened or in danger. Some level of emotional abuse is involved in all types of ill treatment of a child, though emotional abuse may also occur on its own.

**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, when a child is coerced and/or manipulated into engaging in some form of sexual activity. It may also involve grooming a child or young person in order to exploit them.

**Neglect** is the failure to meet a child's physical, emotional and/or psychological needs. It can be characterised by the absence of proactive steps to protect and promote the welfare of the child. It may involve a parent or guardian failing to provide adequate food, shelter and clothing; failing to protect a child from harm; failing to ensure access to appropriate medical care or treatment; lack of stimulation; or lack of supervision. It may also include and/or result in a failure to develop, for example, leading to faltering growth.

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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.