

Breaking the Silence

Terminology Guidelines for Data Collection on Sexual Violence Against Children

RCNI January 2022

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Introduction

Collaborative research: Developing a common language and indicators for frontline service administrative data collection on sexual violence against children in Ireland.

Child survivors of sexual violence tell their stories and have an opportunity to be heard in fragments and in whole in a range of fora. The Breaking the Silence research proposes shared terminology for services to join up those fragments to build evidence. Frontline services for survivors of sexual violence against children are familiar with a very wide range of terminology describing violence against children. Service providers must be able to talk to the children and their carers in language that is appropriate to the service, and understand the language of the Irish courts and legal system, and the language of international human rights law. The project goal is a common language supported by guidelines for terminology on sexual violence against children. Adoption of the proposed shared terminology and definitions will bring data collection into line with international obligations and enable the collection of reliable, comprehensive and comparable data, thus breaking silences around childhood experiences of sexual violence.

Language is important to capture and accurately record the breadth and nuances of individual and social patterns of violence against children. Indeed, language itself is a constantly changing and heavily contested terrain for naming abuse of power. Failure to use the correct language risks minimising or even erasing the experience of the child. Historically children have been silenced by the use of vague and non-sexually explicit language that erases, condones, normalises or minimises violence against children. International law and discourse have moved away from non-explicit terms that minimise violent crimes against children and serve the perpetuation of these crimes in the guise of tradition, religion or discipline. The criminalisation of early marriage aims to close one avenue of adult justification or legitimisation of the sale or rape of a child. It is now well understood that sexual violence

against children goes further than physically violent crimes. Sexual violence against children includes psychological and emotional violence, as well as forms of violence which were previously socially accepted and masked by neutral or positive language. No violence against children is justifiable and all violence against children is preventable, and this is why female genital circumcision is now termed female genital mutilation, child pornography is now termed child sexual violence material, and domestic and sexual abuse are now termed Domestic, Sexual, and Gender-Based Violence (DSGBV).

The language and terminology defined in these guidelines are drawn from the framework of international human rights law and agencies that have been established to eliminate all forms of violence, including sexual violence against children. One of the fundamental pillars of this international framework is data collection.

The Istanbul Convention requires States to recognise, support and include civil society administrative data. Civil society data is required to be disaggregated by key pieces of information identified in the Convention, to enable nuanced understanding of the wide range of gender-based violence. The requirement is not limited to measuring all forms of violence within the scope of the Convention, but also includes the causes and consequences of violence, and measuring the efficiency of policy and legislation. The minimum requirement is that the data is disaggregated by sex of victim and perpetrator, age of victim and perpetrator, type of violence and relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation. A further recommendation

is that data collection is part of all national plans for combating violence against women and children and that the health authority draws up standardised forms for data collection to allow comparability, and encourages electronic data collecting and processing.¹ Variables should also be established to collect data on the efficacy of the policies and services and the number of victims who sought services or justice and were not able to access it or were dissatisfied. All professionals should be provided with specific training on basic rules of data collection. The statistics gathered should be published, and public debates organised to raise awareness among the general public and to promote the support and prevention services. The Convention acknowledges the importance of civil society organisations and calls for co-operative and comparable data collection practices between public institutions and NGOs working with women and child victims of violence. The terminology and definitions in these guidelines are informed by the Istanbul Convention, as well as other relevant international and national legal standards, equality legislation and other sources, in support of these requirements.

The data collection requirement to differentiate ‘all forms of violence covered by the Convention’ includes, but is not limited to, all non-consensual acts of a sexual nature, forced and child marriage, female genital mutilation, gender-based violence, sexual violence, stalking, domestic violence, rape including marital rape, trafficking for the purpose of marriage, so-called honour-based violence, forced abortion and forced sterilisation, sexual harassment, psychological violence, harmful social and cultural practices, sexual discrimination, and the different manifestations of all forms of violence against women² including threats of violence and witnessing violence or degrading content of a sexual nature. Many of these forms of violence are umbrella terms, linked to and encompassing other forms of violence against women and children. With the exception of child marriage and female genital mutilation, these terms are not specific to children. Coming to a common agreement on terms for each form of sexual violence is challenging. Defining the terminology for all forms of sexual violence against children is even more challenging. It can create

ambiguity to simply add the word ‘child’ to each form of sexual violence. For example, ‘child rape’ or ‘child sexual abuse’ might imply that the child has instigated the violence. Hence the terms ‘rape of child’ and ‘sexual abuse of children’ are recommended as best practice. These guidelines attempt to provide child-specific terminology and definitions for some of the manifestations of the many forms of sexual violence against children that are covered by the Istanbul Convention and Irish legislation.

Data collection is the process of gathering information in a systematic way across a range of indicators (variables or fields). Administrative data collection in frontline services is primarily collected to enable case management and may also inform national advocacy and research. The Istanbul Convention requirement is that administrative data collection should also be fit to contribute to international and regional monitoring. To do this, the data should be co-ordinated, representative, standardised, disaggregated and comparable between agencies and countries to enable a nuanced understanding of the range of violence against women and children. Consistent terminology and variables³ are what make data comparable and robust and, in the absence of a clear global and legal definition for a term, these guidelines propose shared working definitions that can be adopted to ensure accurate data collection.

Administrative data is usually collected using an electronic form and it is the design of this form that, in part, determines the value, validity and consistency of the data captured. Using a common language and common definitions for fields on client management systems simplifies interagency case management, strengthens advocacy and enables comparability.

To support the data collection requirements of the Istanbul Convention, non-governmental and public services in Ireland need to manage their administrative data in new ways and go beyond what is necessary for internal purposes. As frontline services include autonomous non-governmental agencies, charities and national health provider services, the internal administrative data collection requirements vary widely. These frontline services work alongside statutory agencies delivering responses and gathering

¹ Council of Europe, Parliamentary Assembly, Resolution 2191 (2016) ‘Systematic collection of data on violence against women’ [PACE - Resolution 2101 \(2016\) - Systematic collection of data on violence against women \(coe.int\)](https://www.coe.int/t/e/treaties/Convention_for_the_elimination_of_all_forms_of_discrimination_against_women/CEDAW/Resolutions/2191_2016_en.asp)

² Istanbul Convention Art.3f definition of ‘women’ includes girls under the age of 18. The Istanbul Convention is drafted in gender neutral language and with the exception of provisions on FGM, forced sterilisation and forced abortion, the provisions apply equally to boys.

³ Also known as categories, fields or indicators

data. The Terminology Guidelines recognise the unique needs of services and aim to find commonalities for data collection across all services. Understanding of all forms of sexual and gender-based violence against children will further develop with the ability to contribute to international efforts and to compare cohorts. Administrative data from frontline services can contribute to national annual disaggregated data by responding to strategic and specific variables (categories/indicators), and in doing so complement national prevalence studies and small cohort academic research.

GREVIO, the monitoring body of the Istanbul Convention, recommends that staff at women's NGOs, service providers, helplines and shelters should understand and use the concepts and terminology of the Convention in data collection to ensure consistency, and use standardised units of measurement and tools to enable comparison. Fully coordinated use of terminology and variables could match up administrative data seamlessly to understand the whole picture of sexual violence in our societies. This could facilitate data that has to be collected confidentially or anonymised at source to be included in the national and global picture. The vulnerability of survivors must not be increased by the transmission of personal data using individual identification numbers to a single inter-institutional database. GREVIO warns that funding for specialised support services must not be contingent on complying with a system that enables identification of survivors or their personal data.⁴ This research proposes terminology, definitions and variables that would enable national and international comparability without these risks. All of the terminology and definitions are based on and supported by international standards.

RCNI has collected statistics on survivors of sexual violence utilising Rape Crisis Centre services since 2003, and this has informed annual statistical publications identifying consistent patterns of violence, perpetrated against survivors of sexual violence attending RCCs.⁵ This data has been used to answer important questions necessary to provide better services, and inform research publications, national service planning, national discussions, debates and policy formation. This was achieved by introducing a secure electronic form for use in all the participating Rape Crisis Centres and other sexual violence services feeding into a central database. Users of the database are also provided with a glossary of definitions. By using a common language and a well-designed form, comparable anonymised data across autonomous services was achieved, without disclosing sensitive client identifying information. However, RCNI can only capture one part of the landscape in terms of agencies and services responding to child victims of sexual violence. To achieve comparable data across services and jurisdictions, internationally recognised terminology is required. Each frontline service provides different aspects of protection, support and healing, and the terminology and indicators that each frontline service include in their forms and data collection differ accordingly. By using shared, internationally comparable definitions and indicators, the reports that Irish frontline services publish can contribute to the national and international evidence base on sexual violence against children. The more comprehensive the picture of the violence against the child, the more comprehensive the advocacy, protection and interagency supports can be.

⁴ GREVIO 2021, Horizontal Review Study, 121 <https://rm.coe.int/horizontal-review-study-2021/1680a26325>

⁵ EIGE 'A secure online database on gender-based violence' <https://eige.europa.eu/gender-based-violence/good-practices/ireland/rape-crisis-network>

Methodology

To develop the RCNI Terminology Guidelines, a series of focus groups established interagency commitment to collaborate on the project with the following objectives:

- 1. Inter-agency discussion around the benefits and challenges of developing a common language and indicators for data collection on sexual violence against children:** The research was motivated by the possibility of establishing core terminology and options for fields in administrative data collection systems to allow for future data comparability across services and to improve interagency pathways for children. The focus was to enable all services to capture and quantify the detail surrounding incidents of sexual violence against children. By building a more comprehensive picture of sexual violence a more comprehensive response can be provided.
- 2. Mapping of data collection on sexual violence against children:** An online survey on terminology and variables was used to understand the scope of existing administrative data collection on sexual violence against children in Ireland. National, public and non-governmental service providers were asked to provide the variables and definitions describing violence against children that they use to collect data in their client management or data collection systems. Where further information and clarity was required, this was followed up by individual contact with participating organisations.
- 3. Guidelines for terminology and variables:** Definitions for terminology and variables were researched and proposed shared definitions and variables were developed for use across all Irish services.
- 4. Overview of sources of international and national law and policy relating to sexual violence against children:** A desk review was conducted to compile an overview of the sources of relevant law, policy and international monitoring.
- 5. Overview of relevant websites and resources on data collection on sexual violence:** International and national online reports and resources on data collection on sexual violence against children were collated as a research resource.
- 6. Bibliography of publications relating to data collection in Ireland on sexual violence against children:** Participating organisations submitted recent reports and publications that use Irish data on sexual violence against children. The aim was to compile and promote relevant reports on sexual violence against children in Ireland. Online search engines provide peer-reviewed articles and university-based research publications and are less likely to return annual reports and other publications by non-governmental and national organisations who hold the frontline expertise and collect and analyse the data.
- 7. Roundtable and peer review:** The research and definitions were reviewed for accuracy by RCNI Legal Policy Director, Caroline Counihan. Participating organisations were given the opportunity to review the draft and contribute to the continued evolution of the glossary, variables and bibliography. Terminology and definitions are not static and the Terminology Guidelines are intended to be a living document with regular revisions or editions.

Results

Current administrative data collection is inadequate to meet international obligations or provide disaggregated data on sexual violence against children in Ireland.

The survey confirmed the importance of establishing shared terminology guidelines and definitions for data collection. It was identified that some organisations are currently collecting data using inconsistent terminology that they do not have clear or current definitions for. Terminology around sexual violence is evolving, particularly where there is a digital or online element and the research showed that the terminology of the Istanbul Convention has not been widely or consistently adopted. Service providers do not have clear terminology guidelines and definitions for comparable data collection.

The survey showed that there were broad similarities in the scope of data collection on sex, gender, age and relationship to the perpetrator, although terminology and definitions were inconsistent. All the contributing organisations collected data on some forms of violence experienced by the child, with some organisations collecting data using prescribed fields and the remainder collecting information in free-text using the terminology that arises in consultation with the child and carers.

The services participating in the survey all provide support services to child survivors of sexual violence in very different capacities. Most services only collect limited data, aimed at meeting internal administrative or funding requirements for data collection. Services providing data into the Tusla database on sexual violence are not consistently using the same definitions for terminology. Not all services belong to national networks and where services do contribute

data to national or collective databases, comparability between databases is not possible due to inconsistent use of terminology, definitions and variables. Current administrative data collection is inadequate to meet international obligations or provide a comprehensive picture of sexual violence against children in Ireland.

- Not all service providers are consistently using terminology reflecting that of the Istanbul Convention.
- Not all services use standardised tools to make comparison possible.
- Not all services disseminate data to the public while protecting confidentiality.
- All services were able to disaggregate data on the survivor by age, sex or gender (but rarely both)
- Not all services were able to disaggregate data on the perpetrator by age, sex, gender, relationship to victim or number of perpetrators
- Not all services systematically collect data on cumulative experiences of sexual and other forms of violence experienced by the child, including type of violence, number of incidents, date and location of incidents, to gather more than a partial picture of the violence experienced by each child
- Not all services were able to disaggregate data by ethnicity, disability or other equality indicators
- Not all services provide standardised definitions to their staff for the terminology and indicators that they use in their data collection.

Terminology Guidelines

International law and Irish legislation do not define all the terms that are used in the context of service provision and legal protection from sexual violence.

Ambiguity in legal text undermines protection and inconsistent definitions undermine data. Guidelines for terminology provide much needed clarification in an easy-to-use format.

International organisations such as the Council of Europe, Every Child Protected Against Trafficking ECPAT, European Institute for Gender Equality EIGE, Eurostat, UN, WHO and International Society for the Prevention of Child Abuse and Neglect ISPCAN have all contributed to the development of a common language and shared goals in data collection and this resource attempts to identify the most useful and up-to-date legal definitions and makes recommendations for terminology and definitions for use in Ireland. The bibliography provides links to all the websites and resources used in this research.

The Luxembourg Guidelines

In 2014, ECPAT International established an interagency working group and in 2016 adopted the 'Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse', otherwise known as the 'Luxembourg Guidelines'.⁶ The working group examined terms used in international legal instruments and other significant terms frequently used in the context of abuse and exploitation of children. Recommendations were made to conceptualise and define forms of sexual violence against children. The Luxembourg Guidelines sought to move beyond disagreement and establish universal concepts of violence that a) could define existing and emerging manifestations of sexual abuse and exploitation against children, and b) could be translated accurately and adopted internationally. The meaning and use of a very comprehensive set of terms is provided in the Luxembourg Guidelines and, where relevant, use of a term is cautioned or discouraged. Where international law has yet to define an emerging form of sexual violence, the concepts and meaning are clarified and advice for use provided. The Luxembourg Guidelines helped to inform much of this resource.

⁶ Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, ECPAT International and ECPAT Luxembourg, Rachathewi, Bangkok, June 2016, (Luxembourg Guidelines) [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse \(ecpat.org\)](https://www.ecpat.org/terminology-guidelines)

The RCNI Terminology Guidelines

The RCNI database has been in operation for 17 years, collecting and publishing data from up to 15 rape crisis centres. During that time, the RCNI database evolved to become an EIGE recommended model for data collection on sexual violence for use across Europe. The RCNI database is now being completely rebuilt to maintain excellence and incorporate new capacities. Part of the process of data collection is constantly seeking legal and conceptual clarity for new and existing terminology. Advocacy and strategic planning frequently require variables to be updated. New legislation and, in particular, the Istanbul Convention, focus the need to record, monitor and disaggregate data on all forms of sexual violence. Rape Crisis Centres relatively recently expanded their remit to provide services for children and hence the RCNI undertook the examination of common language in terminology and definitions for data collection on sexual violence against children.

The survey was completed by 23 frontline services collecting administrative data on sexual violence against children in Ireland. Some services were solely collecting and holding data within their own service and some were contributing to at least one of the 6 known databases holding data from multiple services, including that of Tusla, the national Child and Family Agency. A growing number of services are currently establishing or selecting networked data collection systems or attempting to collect data from a collection of services. The mapping exercise has revealed that a huge amount of data on sexual violence against children is collected in Ireland, and that several new databases are currently being established. However, none of the datasets appear to aim to be comparable or entirely consistent with international requirements. With the goal of moving beyond internal or national administrative needs, in line with the Istanbul Convention, RCNI is taking the initiative to contribute to this goal of internationally comparable data and a common understanding of sexual violence against children.

The RCNI Terminology Guidelines are the first edition of an ongoing process. A common language will evolve with collaboration and these Terminology Guidelines will need to be extended and reviewed almost as soon as they are in print. We welcome collaboration in this process.

How to use the RCNI Terminology Guidelines

This is a reference document that will be useful both for data collection specialists and for everyone working with survivors and perpetrators of sexual violence. It was difficult to decide which terminology to include and there are many more terms which may be included in future. The aim was to find a limited selection of core terms that could be used for data collection in as many services as possible without causing ambiguity or stigma. Terms that would fit into the vision of comparable international data. For this reason, much of the terminology, and all of the variables, reflect that of the Istanbul Convention, which has created impetus for data collection on domestic, sexual and gender-based violence.

The document is structured into 4 main sections:

- **Section 1** defines the Child. The definition of the child in the context of data collection on sexual violence against children is so important that it is the first term defined in the document, and is the only term for which a non-negotiable definition is provided.
- **Sections 2-6** includes key umbrella terms used around sexual violence against children and aims to clarify important distinctions and overlaps between the terms.
- **Sections 7-12** includes terminology for required variables. These required variables are denoted by the following symbol:

REQUIRED
UNDER
INSTANBUL
CONVENTION
- **Sections 13-27** includes terminology for specific forms of sexual violence against children.

The format of Sections 2-27 are similar. Under each term are most, if not all, of the following sub-headings.

Proposed shared definition: For each term, a proposed shared definition has been crafted for consideration and use for data collection purposes. These definitions gravitate towards the protection of the child from harm or stigma. Many of the terms have legal definitions that are limiting, ambiguous or conflicting, and the proposed shared definition strives to describe and clarify in plain language the concept or essence of the violence.

Criteria for definition: A list of criteria that were used to come to the proposed shared definition.

International human rights standards: Obligations under international human rights law for States to monitor and collect data on particular terms or variables are included here. Where there is a legal definition from binding and non-binding international human rights law and agencies for a term, it is included here for information and comparison.

Irish legal considerations: The Irish legal context is described for each term, and where there is an Irish legal definition for the term it is included. It is not usually possible to use the Irish legal definitions for the purposes of internationally comparable data collection.

Related terminology: Each act of sexual violence is on a continuum of violence and may regularly occur in conjunction with other acts of violence, or may have much in common with other terminology. Connections are drawn under this sub-heading.

Survey responses: Responses to the survey are summarised and show the number of participating services that: Use the term or variable; collect data on the term or variable; can provide a definition for the term or variable that they collect data on; and the number who collect data on the term or variable without being able to provide a definition. This reflects the state of data collection in Ireland in 2021. Not all of the 21 services that participated in the survey answered all of the questions, hence the different final numbers. For example, 7/16 means that 7 out of 16 services who answered the question collect data on this term or variable.

Definitions in use by participants: Where participants were able to provide a definition for the term or variable in their data collection system, it is provided under this sub-heading, reflecting the state of data collection in Ireland in 2021. (Three of the terms were not included in the survey.)

Participating organisations

Research team: Rape Crisis Network Ireland, Helen Bartlett, Elaine Mears, and Caroline Counihan

One of the purposes of this collaborative project was to document inter-agency conversations on overlapping areas of data collection in the interests of sharing and clarifying concepts, terminology and indicators on sexual violence against children. The guidelines do not necessarily reflect the terminology in use or the official position of the participating organisations. The guidelines should be read as a living document and as part of the process towards achieving comparable national data that reflects the voices of all survivors and the work of all services.

Contributing organisations (survey):

- [A.S.S.C. Accompaniment Support Services for Children](#)
- [Barnardos](#)
- [CARI Foundation](#)
- [Children's Rights Alliance \(CRA\)](#)
- [Dublin Rape Crisis Centre \(DRCC\)](#)
- [Galway Rape Crisis Centre \(GRCC\)](#)
- [Kilkenny Rape Crisis Centre \(KASA\)](#)
- [Kerry Rape and Sexual Abuse Centre \(KRSAC\)](#)

- [Mayo Rape Crisis Centre \(MRCC\)](#)
- [One in Four](#)
- [Rape Crisis Midlands \(RCM\)](#)
- [Rape Crisis Network Ireland \(RCNI\)](#)
- [Safe Ireland](#)
- [Saolta Child and Adolescent Sexual Assault Treatment Service \(CASATS\) West and Mid-West Ireland](#)
- [Children's Health Ireland \(CHI: St Clare's Unit at Connolly and St. Louise's Unit/Laurels Clinic at Tallaght\)](#)
- [Sligo Rape Crisis Centre](#)
- [Sonas Domestic Violence](#)
- [Tullamore Rape Crisis Centre](#)
- [Tusla - Child and Family Agency: Airne Villa Assessment & Resource Centre Killarney, Barnahus South; Barnahus West; Social Workers; Quality Assurance Directorate](#)
- [Waterford Rape and Sexual Abuse Centre \(WRSAC\)](#)

Other participating organisations: Central Statistics Office, Equality.ie, UCD Sexual Exploitation Research Programme (SERP), IHREC Anti-Trafficking Unit, Office of the Ombudsman for Children, SATU Rotunda, Women's Aid

Abbreviations

Istanbul Convention	Council of Europe (2011) <i>Convention on Preventing and Combating Violence against Women and Domestic Violence</i> (the 'Istanbul Convention'), CETS No. 210, adopted in Istanbul, 11 May 2014. CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence (coe.int)
Lanzarote Convention	Council of Europe (2007) <i>Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse</i> (the 'Lanzarote Convention'), CETS No. 201, adopted in Lanzarote, 25 October 2007 https://www.coe.int/en/web/children/lanzarote-convention
Warsaw Convention	Council of Europe (2005) <i>Convention on Action against Trafficking in Human Beings</i> , CETS No. 197, adopted in Warsaw, 16 May 2005 CETS 197 - Council of Europe Convention on Action against Trafficking in Human Beings (coe.int)
Budapest Convention	Council of Europe (2001) <i>Convention on Cybercrime of the Council of Europe</i> , CETS No. 185, (Budapest Convention) p.5 CETS 185 - Convention on Cybercrime (coe.int)
Palermo Protocol	UN General Assembly (2000), <i>United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i> (hereinafter Palermo Protocol), Res. 55/25 of 15 November 2000 http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx
OPSC	UN General Assembly (2000), <i>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</i> (hereinafter OPSC), A/RES/54/263, 25 May 2000, entered into force on 18 January 2002 A/RES/54/263 - E - A/RES/54/263 -Desktop (undocs.org)
CRC	UN General Assembly <i>Convention on the Rights of the Child</i> (UNCRC) (1989) OHCHR Convention on the Rights of the Child
CEDAW	UN General Assembly, <i>Convention on the Elimination of All Forms of Discrimination against Women</i> (CEDAW, 1979) Text of the Convention on the Elimination of All Forms of Discrimination against Women (un.org)

International legal commitments to data collection on sexual violence

International legal commitments	Provisions and monitoring body
<p>Istanbul Convention 2011 Council of Europe (2011) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014</p>	<ul style="list-style-type: none"> ● GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) is the monitoring body of the Istanbul Convention. ● Article 11 requires parties to monitor the efficacy of relevant legislation and policies through the collection of disaggregated data, and requests states to make comprehensive and accurate data collection efforts on women and children’s experiences of all forms of sexual violence covered by the scope of the Convention. Data should be disaggregated, as a minimum, by sex, age, type of violence and relationship between victim and perpetrator, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.⁷ ● Data collected must be available to the public.⁸ ● Data collected must be provided to GREVIO for international benchmarking, cooperation and comparison.⁹ ● The Istanbul Convention requires the collection of data irrespective of national legislation on the age of sexual consent or criminal justice law. Although Irish legislation differentiates sexual violence crimes by age of child, the data collection requirement for all forms of violence against children covered by the scope of the Istanbul Convention applies to all children under 18 years of age. ● GREVIO recommendation: Responsible agencies and staff (including Women’s NGOs, service providers such as Helplines and Shelters) should understand concept and definitions; use terminology reflecting that of the Convention; ensure consistency; use same units of measurement for comparability; disseminate data for public while protecting confidentiality; use standardised tools to make comparison possible.¹⁰

⁷ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 11.1

⁸ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 11.4

⁹ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 11.3

¹⁰ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe [1680a49147 \(coe.int\)](https://www.coe.int/t/090001680a49147)

International legal commitments	Provisions and monitoring body
<p>Lanzarote Convention 2007 Council of Europe (2007) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), (CETS No. 201) adopted in Lanzarote, 25 October 2007</p>	<ul style="list-style-type: none"> ● Lanzarote Convention paragraph 2b¹¹ requires parties to collect data at local levels in collaboration with civil society to address lack of information and best develop policy. ● “The importance afforded to involving representatives of civil society in the work of the Committee of the Parties is undoubtedly one of the main strengths of the monitoring system provided for by the negotiators. The possibility of admitting representatives of non-governmental organisations and other bodies actively involved in preventing and combating sexual exploitation and abuse of children received strong support and was considered essential if monitoring of the application of the Convention was to be truly effective.”¹² ● Articles 18-23¹³ are concerned with harmonising criminal legislation to promote the exchange of data and experience, based on shared definitions and comparable data, “based on the current state of the art of data security methods and techniques in the field of data processing”.¹⁴ ● The body established to monitor whether Parties effectively implement the Lanzarote Convention is the Lanzarote Committee (the Committee of the Parties to the Convention). The monitoring procedure is divided by thematic rounds, monitoring all parties at the same time. ● The Lanzarote Convention entered into force on 1 July 2010. It has been signed and ratified by all 47 Council of Europe member states. Ireland ratified the Convention in December 2020 and had no obligation to respond to the monitoring rounds before that date.¹⁵ ● To assist in its work, the Committee calls upon civil society¹⁶ and seeks child participation.¹⁷ ● Any non-governmental organisation may draw the attention of the Lanzarote Committee to the fact that a Party seems not to implement general or specific recommendations of an implementation report and request follow-up on it by addressing such request to lanzarote.committee@coe.int.

¹¹ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention), (CETS No. 201) adopted in Lanzarote, 25 October 2007, Article 2b

¹² Council of Europe (2007) ‘Explanatory report to the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*: Council of Europe Treaty Series No.201’ p269 [CETS 201 - Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(coe.int\)](#)

¹³ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention), (CETS No. 201) adopted in Lanzarote, 25 October 2007, Articles 18-23

¹⁴ Council of Europe (2007) ‘Explanatory report to the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*: Council of Europe Treaty Series No.201’ p248 [CETS 201 - Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(coe.int\)](#)

¹⁵ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention), (CETS No. 201) adopted in Lanzarote, 25 October 2007, [Lanzarote Convention \(coe.int\)](#); [2nd monitoring round - State replies \(coe.int\)](#).

¹⁶ [Civil society \(coe.int\)](#)

¹⁷ [Child participation \(coe.int\)](#)

International legal commitments	Provisions and monitoring body
<p>Directive 2011/93/EU Child Sexual Abuse Directive</p>	<ul style="list-style-type: none"> ● Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography encourages States to create mechanisms for data collection in collaboration with civil society and work on methodologies to produce comparable statistics.¹⁸ ● In 2016 the Commission reported on the extent to which Member States had taken in order to comply with Directive 2011/93/EU.¹⁹
<p>Directive 2012/29/ EU Victims' Rights Directive</p>	<ul style="list-style-type: none"> ● Directive 2012/29/EU (Victims of Crime Directive) requires States to communicate data every three years, showing how victims have accessed the rights set out in the Directive. ● Data collected by healthcare and non-governmental victim support services should include the number and type of reported crimes including number, age, gender and personal characteristics of victims, type or nature of crime, circumstances of crime, relationship to perpetrator, special protection needs and "data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice".²⁰
<p>Warsaw Convention Council of Europe (2005) Convention on Action against Trafficking in Human Beings, CETS No. 197, adopted in Warsaw, 16 May 2005</p>	<ul style="list-style-type: none"> ● Council of Europe Convention on Trafficking in Human Beings is monitored by GRETA (Group of experts on action against trafficking in human beings) and the specific provisions of the evaluation procedure are decided in advance of each round. ● States, specialists, independent national experts and non-governmental organisations may be requested to provide information. ● In 2017 GRETA noted that Ireland should strengthen efforts and outreach in the area of child trafficking, and pay increased attention to migrant, unaccompanied and separated children. GRETA also encouraged continued development of a data collection and analysis system with a view to ensuring that it provides a comprehensive picture of the human trafficking situation in Ireland (paragraph 47).²¹

¹⁸ EU Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography (Child Sexual Abuse Directive) replacing council Framework Decision 2004/68/JHA, Preamble 44

¹⁹ Report from the Commission to the European Parliament and the Council assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography ([COM\(2016\) 871 final](#), 16.12.2016)

²⁰ Directive 2012/29/EU, Preamble 64, Article 22 on individual assessment of victims to identify specific protection needs

²¹ Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), (2017), *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland – Second Evaluation Round*, GRETA (2017) 28, 20 September 2017, p62/3 <https://rm.coe.int/greta-2017-28-fgr-irl-en/168074b426>

International legal commitments	Provisions and monitoring body
<p>UN Convention on the Rights of the Child 1989 (CRC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000 (OPSC)</p>	<ul style="list-style-type: none"> ● The Committee on the Rights of the Child monitors the reporting requirements, implementation and enforcement measures of States in its' Concluding Observations. ● The 2016 Concluding Observations on Ireland noted concern at the lack of disaggregated data on all children, particularly Traveller and Roma children, and called on the State to ensure that all data on vulnerable children is disaggregated to clearly allow monitoring of the situation of Traveller and Roma children,²² and lesbian, gay, bisexual, transgender and intersex children.²³
<p>European Social Charter 1996; European Convention on Human Rights CETS 163</p>	<ul style="list-style-type: none"> ● The European Committee of Social Rights rules on the conformity of States to the requirements of the European Social Charter. ● In 2019 the Committee considered that the absence of the required disaggregated data and information in Ireland amounted to a breach of the reporting requirements. ● Specifically noted was, <i>'the absence of regularly gathered, comprehensive data on the scope and different forms of sexual abuse and exploitation of children [..and] of disaggregated data which enables the specific vulnerabilities of certain groups of children to be identified, including children with disabilities, children in care, children from the Traveller and Roma communities and children in the Direct Provision system'</i>²⁴ ● The Committee asked Ireland to state the measures taken to improve data collection of children on the scope and different forms of sexual abuse and exploitation of children.²⁵
<p>UN Convention on the Elimination of Discrimination against Women (CEDAW) 1979</p>	<ul style="list-style-type: none"> ● The Committee on the Elimination of Discrimination against Women is the body of independent experts that monitors the implementation of CEDAW. ● In 2017 the monitoring Committee noted the lack of data disaggregated by sex, gender, ethnicity, disability and age on gender-based violence, including domestic violence, in its Concluding Observations 2017.²⁶

²² The Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland, p17,18 Committee on the Rights of the Child (2016), Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland, CRC/C/IRL/CO/3-4

²³ The Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland, p27 Committee on the Rights of the Child (2016), Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland, CRC/C/IRL/CO/3-4

²⁴ Human Rights Council, Visit to Ireland: Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material A/HRC/40/51/Add 2, (March 2019)

²⁵ European Committee of Social Rights (March 2020) 'Conclusions 2019: Ireland' p.16; see also IHREC 'Statement of the Irish Human Rights and Equality Commission to the United Nations Committee on the Elimination of Discrimination Against Women' March 2017 [Statement of the Irish Human Rights and Equality Commission to the United Nations Committee on the Elimination of Discrimination Against Women - IHREC - Irish Human Rights and Equality Commission](#) noting lack of disaggregated data on discrimination and 'gender-motivated violence'.

²⁶ CEDAW Concluding Observations on the combined sixth and seventh periodic reports of Ireland March 2017, CEDAW/C/IRL/CO/6-7 [Refworld | Concluding observations on the combined sixth and seventh periodic reports of Ireland](#)

International legal commitments	Provisions and monitoring body
<p>Universal Periodic Review (UPR)</p>	<ul style="list-style-type: none"> ● All UN Member States have the opportunity to report on actions they have taken to fulfil human rights obligations every 4 years. ● NGO's can apply for consultative status with the Economic and Social Council (ECOSOC). ● Ireland submitted most recently in August 2021 and the report was reviewed 10 November 2021 by the Human Rights Council. Recommendations are forthcoming. ● IHREC Submission to the third UPR Cycle for Ireland recommends that the State improve disaggregated data collection to ensure rights are protected. "The State does not collect sufficient disaggregated data to allow adequate and regular assessment of the extent to which it is meeting its international obligations".²⁷

²⁷ IHREC (2021) Submission to the Third UPR Cycle for Ireland [IHREC_UPR_2021_FINAL.pdf](#) p.2, citing IHREC previous submissions to International monitoring bodies: IHREC (2020), Submission to the United Nations Human Rights Committee on the List of Issues for the Fifth Periodic Examination of Ireland; IHREC (2020) Submission to the UN Committee against Torture on the List of Issues for the Third Examination of Ireland, p. 7; IHREC, Ireland and the Convention on the Elimination of Racial Discrimination (October 2019) pp. 22-23; IHREC, Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women (January 2017) p. 30; IHREC, Ireland and the United Nations Convention on the Rights of the Child (December 2015) p. 33.

Terminology Guidelines

- proposed shared definitions

1. Child

Child: Definition in International Human Rights Law

A child is a person who is under 18 years of age.

International commitment to collect disaggregated data on sexual violence against children

- Age is a fundamental and required variable under the Istanbul Convention.
- The Istanbul Convention (2011) requires States to collect data on sexual and gender-based violence disaggregated by age. Statistics on children, for the purposes of international comparability and commitment includes all people under 18 years of age.
- Age may be collected by date of birth or by age (0,1,2,3 years of age).
- It is not recommended to collect age by bands (e.g. 0-5, 5-10).
- While States may legislate on the age of sexual consent, marriage, criminal liability and self-determination, all persons under the age of 18 are children under international law.

2. Sexual Violence Against Children (SVAC)

Sexual Violence Against Children: Proposed shared definition

Sexual Violence Against Children is an umbrella term which includes all forms of sexual abuse against children, sexual exploitation of children, sexual victimisation of children, and other forms of sexual harm to children. It includes any attempted acts or words, inducement or coercion to engage in harmful acts, and is not limited to physical acts. Sexual violence against children includes the digital dimension of sexual violence against children (involving use of ICT or electronic devices, see definition below). For Irish legal context see below.

NOTE: It is necessary to use the term Sexual Violence Against Children and not use the more ambiguous term of Child Sexual Violence, because both children and adults can perpetrate sexual violence against children.

Sexual Violence Against Children: Criteria for definition

- Umbrella term.
- Encompasses all forms of sexual abuse against children, sexual exploitation of children, sexual victimisation of children, and other forms of sexual harm to children that are psychologically intrusive, exploitative, or traumatic.²⁸
- Includes all harmful sexual behaviour against children, including harmful traditional practices.
- (Unwanted/all) sexual behaviour (age dependent).
- Attempted or completed.
- Includes inducement or coercion of children to engage in harmful acts.
- Includes verbal abuse and threats of a sexual nature.
- Includes exposing children to any form of sexual violence.
- Includes viewing child sexual exploitation material.
- Definition should be broad enough to allow no loopholes – includes all manifestations of the digital dimension of sexual violence against children.
- Includes acts of omission such as neglect or lack of supervision leading to risk of or exposure to all of above.²⁹

Sexual Violence Against Children: International human rights standards

- The required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.
- Istanbul Convention includes girls in the definition of women³⁰ and therefore Article 36 defines sexual violence against children as intentionally “a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object; b) engaging in other non-consensual acts of a sexual nature with a person; c) causing another person to engage in non-consensual acts of a sexual nature with a third person”.³¹
- World Health Organisation (WHO) “Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”.³²
- UNFPA: Sexual violence is a form of gender-based violence (GBV), although some sexual violence can be perpetrated without any relation to gender discrimination. Sexual violence includes sexual harassment, rape, prostitution, slavery, and all forms of sexual exploitation and abuse.³³
- UN Statistics: “Sexual violence is defined as any sort of harmful or unwanted sexual behaviour that is imposed on someone. It includes acts of abusive sexual contact, forced engagement in sexual acts, attempted or completed sexual acts with a woman without her consent, sexual harassment, verbal abuse and threats of a sexual nature, exposure, unwanted touching, and incest”.³⁴

²⁸ UN Department of Economic and Social Affairs, Statistics Division ‘Guidelines for Producing Statistics on Violence against Women – Statistical Surveys’ includes a “minimum list of acts” to be considered: http://unstats.un.org/unsd/gender/docs/Guidelines_Statistics_VAW.pdf

²⁹ Mandatory reporting, guidelines, referral networks and legislation are some of the ways the State fulfils positive obligations to protect children from sexual violence.

³⁰ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 3f “f “women” includes girls under the age of 18.”

³¹ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 36

³² World Health Organization (2011) ‘Violence against women – Intimate partner and sexual violence against women’ Geneva, World Health Organization, 2011

³³ UNFPA GBV AoR <https://gbvaor.net/>

³⁴ United Nations Statistics Division (2015): *The World’s Women 2015: Trends and Statistics*, p. 144, United Nations Publication [WorldsWomen2015_report.pdf \(un.org\)](https://www.un.org/womenreport2015-report.pdf)

- ECPAT: “Sexual violence against children encompasses both sexual exploitation and sexual abuse of children and can be used as an umbrella term to refer jointly to these phenomena, both with regard to acts of commission and omission and associated to physical and psychological violence. At the same time, within this broader framework it is important also to maintain a more narrow focus on different specific manifestations of sexual violence against children in order to develop precise protection and prevention strategies as well as case-specific responses to child victims. From a child rights perspective, what matters is that the protection granted or sought through both legislation and policies be as broad and effective as possible, leaving no room for loopholes and securing all children’s protection and freedom from harm.”³⁵
- The term ‘sexual violence against children’ is used in UN Resolutions and other non-binding instruments.³⁶ Definitions for ‘sexual violence’ and ‘violence against children’ exist in international law, however ‘sexual violence against children’ is not defined by law. ‘Violence against children’ as a concept includes acts, attempted acts or words intended to hurt, inducement or coercion to engage in harmful acts, and is not limited to physical acts.³⁷
- The term ‘sexual violence against children’ is preferable to ‘child sexual violence’ (CSV) to avoid any implication that the violence was committed by the child.

Sexual Violence Against Children: Irish legal considerations

- As a signatory to the Istanbul Convention Ireland is required to criminalise intentional sexual violence, including “a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object; b) engaging in other non-consensual acts of a sexual nature with a person; c) causing another person to engage in non-consensual acts of a sexual nature with a third person”.³⁸
- Sexual violence is not a term used in Irish Statute Law.
- The main sources of legislation for offences under the umbrella term sexual violence are: Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law); Domestic Violence Act 2018; Criminal Law (Sexual Offences) (Amendment) Act 2019, s.3 amending Punishment of Incest Act 1908; Criminal Law (Sexual Offences) Act 2017; Criminal Justice (Victims of Crime) Act 2017; Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 as amended by Criminal Justice (Sexual Offences) Act of 2017; Children First Act 2015; Criminal Law (Human Trafficking) (Amendment) Act 2013; Criminal Justice (Female Genital Mutilation) Act 2012; Criminal Law (Human Trafficking) Act 2008; Criminal Law (Sexual Offences) Act 2006; Criminal Law (Child Trafficking and Pornography) Act 1998; Non-Fatal Offences Against the Person Act 1997; Criminal Law (Incest Proceedings) Act 1995; Criminal Law (Rape) (Amendment) Act 1990; Criminal Law (Rape) Act 1981; Punishment of Incest Act 1908.

In Irish legislation

- All sexual activity involving a child under the age of 15 is criminalised.
- For children aged 15-17 not all sexual activity is criminalised. All sexual activity with a child by a person 2 or more years older, or in a position of responsibility, trust or power, or where there is intimidation or exploitation, is criminalised.
- For children aged 17 not all sexual activity is criminalised as the age of sexual consent for sexual activity is 17.

³⁵ Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, ECPAT International and ECPAT Luxembourg, Rachathewi, Bangkok, June 2016, p. 16, [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse \(ecpat.org\)](https://www.ecpat.org/terminology-guidelines-for-the-protection-of-children-from-sexual-exploitation-and-sexual-abuse)

³⁶ For example: HRC Resolution A/HRC/13/L.21 on the Rights of the Child: The Fight Against Sexual Violence, March 2010 [Microsoft Word – UND_LTD_G1012382_DOCU_N.DOC](#)

³⁷ CRC Committee, 2011, General Comment No. 13

³⁸ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 36

Sexual Violence Against Children: Related terminology

- Digital dimensions of sexual violence against children, in all manifestations, is sometimes inaccurately described as a new or separate form of violence. Information communications technology (ICT) provides a means to facilitate offline sexual violence against children and the boundaries are blurred. The digital dimension of sexual violence against children is an expression of forms of violence already covered under the term sexual violence against children. It is not always possible to differentiate between online and offline spaces for children, especially where children carry or wear a mobile device or offline violence is recorded and disseminated.³⁹
- ‘Digital dimension of violence against women’ has been adopted by GREVIO as it acknowledges violence against women in its digital form as a continuum of violence offline and aims to encompass emerging forms of violence.⁴⁰ GREVIO notes that absence of a specific legal framework for ICT facilitated violence in national legislation is not a gap, as the Istanbul Convention and other legislation continue to be relevant against violence committed in the digital sphere.

Sexual Violence Against Children: Survey responses

- 6/16 databases use the term.
- 10/16 databases do not use the term.
- 4/16 databases use the term but do not have a definition.
- 2/16 databases provide a definition.

Sexual Violence Against Children: Definitions in use by participants

- *“Child Sexual Abuse - Sexual abuse experienced under the age of 18 years old - this is to include sexual assault, rape and grooming.”*
- *“Tusla Child Welfare Practice Handbook 2011 Sexual violence – any non-consensual sexual activity, including rape, sexual assault, coercive sexual activity or refusing safer sex.”*

³⁹ ECPAT Strategic Framework 2021-2025 p.6 [ECPAT-Strategic-Framework-2021-2025-EN.pdf](#)

⁴⁰ GREVIO (2021) Grevio ‘General Recommendation No.1 on the digital dimension of violence against women’ adopted 20 October 2021, p.49

3. Sexual Abuse of Children

Sexual Abuse of Children: Proposed shared definition

Sexual Abuse of Children is the involvement of a child of any age (under 18) in or with sexual activity through use of coercion, force or threats, or abuse of authority, influence, trust or vulnerability. For Irish legal context see below.

Sexual abuse of children can be perpetrated by an adult or another child. Sexual abuse of children is often used to gratify or satisfy the needs of the perpetrator.

NOTE: Sexual Abuse of Children and Sexual Exploitation of Children are subsets of the more all-encompassing term Sexual Violence against Children. It is important to note that all sexual abuse of children is exploitative, and what may be termed sexual abuse of an adult may be termed sexual exploitation of a child. It is also possible to describe acts of sexual violence as both abusive and exploitative.

It is preferable to use the term Sexual Abuse of Children over the term Child Sexual Abuse as it is important not to inadvertently infer that the child instigated the abuse.

Sexual Abuse of Children: Criteria for definition

- ‘Intentionally’⁴¹, ‘knowingly’, ‘wilfully’, ‘for sexual purposes’.
- Involving a child in sexual activity (or any activity for sexual purposes of perpetrator).
- Exposing a child to sexual activity.
- Physical force not necessary.
- Coercion not necessary.
- May involve disparity in power or authority or age (but if it involves (threat of) exchange or denial it is exploitation rather than abuse).
- Includes contact and non-contact sexual activity.
- Usually a series or pattern of events.
- Children are unable to give informed consent to activities outside developmental preparedness.
- May include use of ICT (information communications technology).
- May be socially acceptable or not.
- Includes attempted acts.
- Victim may be unaware of violence or victimisation.
- Broad definition should recognise that intent to impose sexual act on a child or gain sexual gratification from a child is an act of sexual violence.

Sexual Abuse of Children: International human rights standards

- The required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.

⁴¹ Istanbul Convention “Article 18 sets out the offence of sexual abuse of a child. This offence has to be committed intentionally for there to be criminal liability. The interpretation of the word “intentionally” is left to domestic law, but the requirement for intentional conduct relates to all the elements of the offence” [CETS 201 - Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(coe.int\)](#)

- WHO 2017 *“Child sexual abuse: The involvement of a child or an adolescent in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child or adolescent is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility or trust or power over the victim. It includes incest which involves abuse by a family member or close relative. Sexual abuse involves the intent to gratify or satisfy the needs of the perpetrator or another third party including that of seeking power over the child (3)⁴². Adolescents may also experience sexual abuse at the hands of their peers, including in the context of dating or intimate relationships. Three types of child sexual abuse are often distinguished: (i) non-contact sexual abuse (e.g. threats of sexual abuse, verbal sexual harassment, sexual solicitation, indecent exposure, exposing the child to pornography); (ii) contact sexual abuse involving sexual intercourse (i.e. sexual assault or rape – see below); and (iii) contact sexual abuse excluding sexual intercourse but involving other acts such as inappropriate touching, fondling and kissing. Child sexual abuse is often carried out without physical force, but rather with manipulation (e.g. psychological, emotional or material). It may occur on a frequent basis over weeks or even years, as repeated episodes that become more invasive over time, and it can also occur on a single occasion (4)⁴³.”⁴⁴*
- EU Directive 2011/93 Article 3 defines offences concerning sexual abuse as *“intentional conduct”*: *“Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual activities, even without having to participate”, “Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual abuse, even without having to participate”, “Engaging in sexual activities with a child who has not reached the age of sexual consent”, “Engaging in sexual activities with a child, where: (i), abuse is made of a recognised position of trust, authority or influence over the child” “(ii), abuse is made of a particularly vulnerable situation of the child, in particular because of a mental or physical disability or a situation of dependence” or “(iii), use is made of coercion, force or threats” and “Coercing, forcing or threatening a child into sexual activities with a third party”.*⁴⁵
- Council of Europe, Lanzarote Convention 2007 Art 18 defines child sexual abuse as *“engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; b engaging in sexual activities with a child where: – use is made of coercion, force or threats; or – abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or – abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.”*⁴⁶ The Convention leaves it to each state to decide the age below which it is prohibited to engage in sexual activities with a child, and the age of sexual consent.
- WHO (2003) *“Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.”*⁴⁷
- The UN CRC states *“For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity”.*⁴⁸
- EU Gender-based Violence Survey Methodology *“Sexual abuse in childhood refers to rape, unwanted touching of private parts, being forced/made to pose in front of a person or in front of a camera, or being forced/made to touch someone’s private parts”.*⁴⁹

⁴² World Health Organisation, ‘Report of the Consultation on Child Abuse Prevention’, Geneva, 29–31 March 1999, WHO/ HSC/PVI/99.1 http://apps.who.int/iris/bitstream/10665/65900/1/WHO_HSC_PVI_99.1.pdf

⁴³ World Health Organisation, ‘Guidelines for medico-legal care for victims of sexual violence’, Geneva, 2003 <http://apps.who.int/iris/bitstream/10665/42788/1/924154628X.pdf>

⁴⁴ World Health Organization, ‘Responding to children and adolescents who have been sexually abused’, WHO clinical guidelines, Geneva 2017 [9789241550147-eng.pdf \(who.int\)](https://www.who.int/publications/i/item/9789241550147-eng.pdf)

⁴⁵ EU Directive 2011/93 Article 3

⁴⁶ Council of Europe, Lanzarote Convention 2007 Art 18

⁴⁷ World Health Organisation, ‘Guidelines for medico-legal care for victims of sexual violence’, Geneva, 2003 http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf

⁴⁸ UN General Assembly *Convention on the Rights of the Child* (UNCRC) (1989) Article 34 [OHCHR | Convention on the Rights of the Child](https://www.unhcr.org/refugees/article/43c37bd6/ohchr-convention-on-the-rights-of-the-child)

⁴⁹ Eurostat 2021 ‘Methodological manual for the EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV)’ Luxembourg: Publications Office of the European Union, 2021 <https://ec.europa.eu/eurostat/documents/3859598/13484289/KS-GQ-21-009-EN-N.pdf/1478786c-5fb3-fe31-d759-7bbe0e9066ad?t=1633004533458>

Sexual Abuse of Children: Irish legal considerations

In Irish legislation

- All sexual activity involving a child under the age of 15 is sexual abuse.
- For children aged 15-17 not all sexual activity is sexual abuse. All sexual activity with a child by a person 2 or more years older, or in a position of responsibility, trust or power, or where there is intimidation or exploitation, is sexual abuse.
- For children aged 17 not all sexual activity is sexual abuse as the age of sexual consent for sexual activity is 17. Sexual abuse is the involvement of a child of any age in non-consensual sexual activity through use of coercion, force or threats, or abuse of authority, influence, trust or vulnerability.
- Children First Act 2015: The definition of sexual abuse in relation to a child in Irish law is found in Section 2 and Schedule 3 of the Children First Act of 2015: Section 2 includes any sexual offence against the child specified in Schedule 3. Schedule 3 includes: rape, rape under section 4, sexual assault, aggravated sexual assault, incest, soliciting, defilement, child trafficking, taking a child for exploitation, allowing a child to be used for child pornography, reckless endangerment, causing or encouraging a sexual offence, invitation to sexual touching).⁵⁰
- The Criminal Law (Sexual Offences) Act 2017 adds new offences to this meaning including the use of information and communication technology to facilitate sexual exploitation, and ‘invitation to sexual touching’.⁵¹
- Involving a child below the age of sexual consent in or with ‘sexual activity’⁵² is forced sexual activity and should be sufficient to constitute sexual abuse. If the age of sexual consent has not been reached, there should be no legal necessity to establish lack of consent. However, in Ireland, consent⁵³ can be used as a defence for underage sexual activity with a person of 15-17 years of age, where the accused is younger or less than 2 years older and not in a position of authority and the relationship is not one that is exploitative or intimidatory of the child.⁵⁴
- The Criminal Law (Harassment, Harmful Communications, and Related Offences) Act 2020 adds new offences to Irish legislation on sexual abuse.⁵⁵

Sexual Abuse of Children: Related terminology

- The digital dimension of sexual abuse against children overlaps with sexual abuse against children occurring in the offline world to such an extent that it cannot be considered a separate form of violence. Sexual abuse of children with a digital dimension may also occur as a precursor to, or an extension of, offline sexual abuse against children.
- Contact and non-contact sexual abuse against children are terms are sometimes used, the latter including forms of abuse where the child is not touched. Sexual abuse of children with a digital dimension is not non-contact sexual abuse where it involves or is based on contact sexual abuse.
- Sexual abuse against a child may be part of a process, starting with sexual harassment and progressing to sexual exploitation of the child.

⁵⁰ Irish Statute Book, Children First Act 2015, Section 2, Schedule 3 [Children First Act 2015 \(irishstatutebook.ie\)](#)

⁵¹ Sexual touching of a child is the act of touching the private parts of a child or making the child touch their own private parts for the purpose of sexual arousal. It is a form of sexual abuse and may be an early stage of a process of increasing sexual abuse of the child. Inviting, inducing, etc, a child under 15 years of age to engage in sexual touching is an offence in Ireland. “4. (1) A person who, for sexual purposes, invites, induces, counsels or incites a child to touch, with a part of the body or with an object, the body of any person, including the body of the person who so invites, induces, counsels or incites and the body of the child, shall be guilty of an offence” [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](#) s.4-8

⁵² The Criminal Law (Sexual Offences) Act 2017 s.2 defines *sexual activity* as “any activity where a reasonable person would consider that (a) whatever its circumstances or the purpose of any person in relation to it, the activity is because of its nature sexual, or (b) because of its nature the activity may be sexual and because of its circumstances or the purposes of any person in relation to it (or both) the activity is sexual.”

⁵³ “A person does not consent to a sexual act if—(a) he or she permits the act to take place or submits to it because of the application of force to him or her or to some other person, or because of the threat of the application of force to him or her or to some other person, or because of a well-founded fear that force may be applied to him or her or to some other person,” Criminal Law (Rape) (Amendment) Act 1990 as amended by Criminal Law (Sexual Offences) Act 2017. Section 48 [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](#)

⁵⁴ Tusla (2017) Children First National Guidance 2017, p7, 11, 59 on child abuse [Children_First_National_Guidance_2017.pdf \(tusla.ie\)](#)

⁵⁵ Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law), Irish Statute Book (32/2020) [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](#)

Sexual Abuse of Children: Other useful definitions

- Australia AIHW *“Any act by a person having the care of the child that exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.”*⁵⁶
- Sexual abuse is defined by CAPTA as *“the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children”*.⁵⁷
- US Centers for Disease Control and Prevention (CDC): Child sexual abuse is *“any completed or attempted (noncompleted) sexual act, sexual contact with, or exploitation (ie, noncontact sexual interaction) of a child by a caregiver.”*⁵⁸

Sexual Abuse of Children: Survey responses

- 16/17 databases use the term.
- 8/17 databases use the term but do not provide a definition.
- 8/17 databases use the term and provided definitions.
- 1 database does not use the term.

Sexual Abuse of Children: Definitions in use by participants

- *“Child sexual abuse (CSA) occurs when a child (under 18 years of age) is used by another person for his or her gratification or arousal, or for that of others. CSA can cover a wide range of abusive activities including being involved in sexual acts or being exposed to them.”*
- *“Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.”*⁵⁹
- *“Children First: Welfare Practice Handbook. Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault”*.⁶⁰
- *“We determine through charges on indictment.”*

⁵⁶ Australian Institute of Health and Welfare, [Child Protection Glossary](https://www.aihw.gov.au) [Child protection Glossary - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au), cited in ISPCAN 2008

4. Sexual Exploitation of Children

Sexual Exploitation of Children: Proposed shared definition

Sexual Exploitation of Children exploits the vulnerability and developmental maturity of a child. The perpetrator exploits the imbalance of awareness of the complex dynamics and motivations for taking advantage of a person sexually. **Sexual Exploitation of Children** is inviting, inducing or coercing a child to engage in or to observe sexual acts, where there is an element of exchange and imbalance of control/power. **Sexual Exploitation of Children** also includes threats to withhold or deny something the child wants or needs. The concept of exchange is not limited to tangible items such as money, it can also include denial or promise of affection or freedom for example.

It includes:

- Inviting, inducing or coercing a child to engage in prostitution or the production of Intimate Images of Children/Child Sexual Exploitation Material [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means].
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act.

NOTE: **Sexual Exploitation of Children** and **Sexual Abuse of Children** are subsets of the more all-encompassing term **Sexual Violence against Children**. It is important to note that all sexual abuse of children is exploitative, and what may be defined as sexual abuse of an adult may be termed sexual exploitation of a child.

Sexual Exploitation of Children: Criteria for definition

- Involves concept of exchange (promise of gain or threat of denial).
- Exchange not necessarily financial (food, affection).
- Includes contact and non-contact abuse.
- Includes distribution of or knowing connection to sexually exploitative materials.
- Includes exposure to sexual exploitation (exposure to pornography etc).
- Often ICT facilitated at some stage (digital dimension).
- Often occurs in phases (grooming, exchange, distribution).
- Inviting, inducing, coercing, recruiting, initiating under promise or threat (to observe or engage in any sexual act).

Sexual Exploitation of Children: International human rights standards

- The required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.
- Different forms of sexual exploitation of children are legislated for separately, for example, trafficking, pornography and prostitution and more detail is found under separate terms.
- The Lanzarote Convention is the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Convention does not define sexual exploitation and is not strong on data collection requirements. Articles 19-25 require states to criminalise sexual exploitation, specifically child prostitution, child pornography, corruption of children and solicitation of children for sexual purposes (grooming).⁶¹

⁶¹ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (the 'Lanzarote Convention'), (CETS No. 201) adopted in Lanzarote, 25 October 2007, Articles 19-25 <https://www.coe.int/en/web/children/lanzarote-convention>

- Directive 11/93/EU Article 4 defines offences of sexual exploitation, including making a child participate in pornographic performances, knowingly attending pornographic performances that include children, making a child participate in child prostitution, and engaging in sexual activities with a child where recourse is made to prostitution.⁶²
- The UN CRC states *“For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”*⁶³
- The 2000 Optional Protocol on the Sale of Children (OPSC) Article 3 requires states to criminalise sexual exploitation of children in the context of ‘sale of children’.⁶⁴
- It can be argued that all child sexual abuse, especially below the age of sexual consent, is exploitative of the vulnerability and developmental maturity of a child. The imbalance of awareness of the complex dynamics and motivations for taking advantage of a person sexually is exploited by the perpetrator.
- CSE is defined as the recruitment, harboring, transportation, provision, or obtaining of a person under 18 for the purpose of a commercial sexual act by force, fraud, or coercion.⁶⁵
- *“Child sexual exploitation is an extreme form of violence against children. The harmful effects of sexual exploitation on children should be regarded as a gross violation of girl and boy children’s integrity, dignity and fundamental rights as human beings. It is a serious form of oppression of children. It is inflicted mainly by adults who take advantage of the power imbalance resulting from the age differential that separates them from their young victims.”*⁶⁶
- *“A child is a victim of sexual exploitation when he/she takes part in a sexual activity in exchange for something (e.g. gain or benefit) received by a third party, the perpetrator, or even the child him/herself.”*⁶⁷

Sexual Exploitation of Children: Irish legal considerations

- In Ireland, sexual exploitation of children is a criminal offence, defined as *“(a) inviting, inducing or coercing the child to engage in prostitution or the production of child pornography, (b) the prostitution of the child or the use of the child for the production of child pornography, (c) the commission of an offence specified in the Schedule to the Act of 2001 against the child, causing another person to commit such an offence against the child, or inviting, inducing or coercing the child to commit such an offence against another person, (d) inducing or coercing the child to engage or participate in any sexual, indecent or obscene act, (e) inviting the child to engage or participate in any sexual, indecent or obscene act which, if done, would involve the commission of an offence against the child, or (f) inviting, inducing or coercing the child to observe any sexual, indecent or obscene act, for the purpose of corrupting or depraving the child.”*⁶⁸

⁶² Directive 11/93/EU, Article 4 “2. Causing or recruiting a child to participate in pornographic performances, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least 5 years if the child has not reached the age of sexual consent and of at least 2 years of imprisonment if the child is over that age. 3. Coercing or forcing a child to participate in pornographic performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age. 4. Knowingly attending pornographic performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least 2 years if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age. 5. Causing or recruiting a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age. 6. Coercing or forcing a child into child prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age. 7. Engaging in sexual activities with a child, where recourse is made to child prostitution shall be punishable by a maximum term of imprisonment of at least 5 years if the child has not reached the age of sexual consent, and of at least 2 years of imprisonment if the child is over that age.”

⁶³ UN General Assembly Convention on the Rights of the Child (UNCRC) (1989) OHCHR, Article 34-37

⁶⁴ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography OPSC, 18 January 2002, Articles 1a(i)a, 3.

⁶⁵ International Society for the Prevention of Child Abuse and Neglect ISPCAN, World Perspectives on Child Abuse 2018, 13th Ed

⁶⁶ ECPAT (2016) ‘Power Impunity and Anonymity’ p.5 [PowerImpunityandAnonymity.pdf \(ecpat.org\)](#)

⁶⁷ ECPAT Inter-Agency Working Group (IAWG) (2016) Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse [Luxembourg Guidelines - ECPAT](#)

⁶⁸ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.2, 10

- Trafficking a child for the purpose of sexual exploitation is legislated for separately.⁶⁹
- All forms of sexual exploitation are criminalised if the child is below 18 years of age.⁷⁰

Sexual Exploitation of Children: Related terminology

- The digital dimension of sexual exploitation against children overlaps with sexual exploitation occurring in the offline world to such an extent that it cannot be considered a separate form of violence. Sexual violence with a digital dimension may be a precursor to (e.g. grooming) or an extension to sexual violence against children.
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Sexual Exploitation of Children: Survey responses

- 7/16 databases use the term.
 - 9/16 databases do not use the term.
 - 3/16 databases use the term but do not have a definition.
 - 4/16 databases use the term and provide a definition.
-

Sexual Exploitation of Children: Definitions in use by participants

- *“Children First: Sexual exploitation of children involves situations where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Online child sexual exploitation can occur through the use of technology without the child’s immediate recognition, for example, being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child or young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common. Involvement in exploitative relationships are characterised in the main by the child’s limited availability of choice resulting from their social/economic and/or emotional vulnerability”.*⁷¹
- *Sexual exploitation of a child, which includes: - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means] - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act - Showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse.*
- *“As outlined in CSE Tusla”.*
- *“If there is a charge in relation to Child Sexual Exploitation”.*

⁶⁹ Irish Statute Book, Child Trafficking and Pornography 1998 (22/98), s.3, as amended by s. 3 of the Criminal Law (Human Trafficking) Act 2008 criminalises the trafficking of children for the purposes of sexual exploitation “(1) A person who trafficks a child for the purpose of sexual exploitation shall be guilty of an offence”; “(2) A person who (a) sexually exploits a child, or (b) who takes, detains or restricts the personal liberty of a child for the purpose of sexual exploitation shall be guilty of an offence.” as amended by Criminal Law (Sexual Offences) Act 2017 (2/2017), ss. 1(2), 26(a). See also Criminal Law (Human Trafficking) (Amendment) Act 2013 sections 1-4 as amended by the Criminal Law (Human Trafficking) Act 2008.

⁷⁰ Council of Europe (2007) ‘Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: Council of Europe Treaty Series No.201’ p8, 9 [CETS 201 - Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(coe.int\)](https://www.coe.int/t/treaties/ETS/Explanatory%20Report%20to%20the%20Convention%20on%20the%20Protection%20of%20Children%20against%20Sexual%20Exploitation%20and%20Sexual%20Abuse%20(Coe.int).pdf)

⁷¹ Tusla, ed. (2011) Children First Practice Handbook, p11 https://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf

5. Sexual Harassment of Children

Sexual Harassment of Children: Proposed shared definition

Sexual Harassment of Children is subjecting a child to any form of verbal, non-verbal, or physical conduct of a sexual nature. It includes requesting sexual favours, or subjecting a child to any act or conduct or inducing a child to take part in any act or conduct with sexual connotations when the act, request, or conduct is unwelcome and could be regarded as sexually offensive, humiliating, degrading, hostile, intimidating, or violating the dignity of a person, or where someone is treated differently or could expect to be treated differently by reason of their rejection or submission to the request or conduct.

Sexual Harassment of Children: Criteria for definition

- Any form of unwanted conduct of a sexual nature.
- Verbal, non-verbal, or physical.
- May be unintentional.
- Defined by experience of victim and not intent of harasser.
- Creation of intimidating, hostile, degrading, humiliating or offensive experience or environment.
- Includes cyber sexual harassment of children or the digital dimension of sexual harassment against children.

Sexual Harassment of Children: International human rights standards

- The required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.
- The Istanbul Convention defines “sexual harassment” as *“any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment”* (Article 40).⁷²
- Directive 2006/54/EC defines sexual harassment (in the context of employment and training) as *“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, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”* (article 2, 1 (d)).⁷³

Sexual Harassment of Children: Irish legal considerations

- “The Employment Equality Acts 1998-2015 define harassment as unwanted conduct which is related to any of the 9 discriminatory grounds. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In both cases it is defined as conduct which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person and it is prohibited under the Acts.”⁷⁴
- Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law), Irish Statute Book (32/2020).⁷⁵

⁷² Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) 2011, CETS 210, Article 40 [CETS 210 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(coe.int\)](https://conventions.coe.int/Treaty/Html/210.htm)

⁷³ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Art.2.1 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006L0054&from=en>

⁷⁴ [Sexual Harassment and Harassment in the Workplace - IHREC - Irish Human Rights and Equality Commission](https://www.ihrec.org/en/sexual-harassment-and-harassment-in-the-workplace/)

⁷⁵ Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law), Irish Statute Book (32/2020) [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/si/32/2020/en/html)

Sexual Harassment of Children: Related terminology

- The digital dimension of sexual harassment of children includes non-consensual image or video production, procurement, sharing or threats of same, forced sexting, sexualised bullying, other threats of or unwanted conduct of a sexual nature with an ICT facilitated or digital element.
-

Sexual Harassment of Children: Survey responses

- 4/16 databases use the term
 - 12/16 databases do not use the term
 - 4/16 databases use the term but do not have a definition
 - 1/16 databases use the term and provided a definition
-

Sexual Harassment of Children: Definitions in use by participants

- *“Subjecting someone to an act of physical intimacy, requesting sexual favours, or subjecting a person to any act or conduct with sexual connotations when the act, request, or conduct is un-welcome and could reasonable be regarded as sexually offensive, humiliating, or intimidating, or where someone is treated differently or could expect to be treated differently by reason of her rejection or submission to the request or conduct.”*

6. Gender-Based Violence against Children (GBVC)

Gender-Based Violence against Children: Proposed shared definition

Gender-Based Violence against Children is violence that is directed against a child because of that child's gender, gender identity or gender expression, or which affects children of a particular gender disproportionately. Using the 'gender-based' aspect is important as it highlights the fact that many forms of violence against women and girls are rooted in power inequalities between women and men.

Gender-Based Violence against Children: Criteria for definition

- Harmful.
- Non-consensual.
- Directed at child because of their socially ascribed gender or perceived gender.
- Physical, mental, sexual harm or suffering.
- Includes treats, coercion, deprivation of liberty.
- Public or private life.
- Includes all sexual violence against children.

Gender-Based Violence against Children: International human rights standards

- The Istanbul Convention required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation.
- Istanbul Convention *"gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately"*.⁷⁶
- *"Gender-Based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'"*.⁷⁷
- Gender-based violence (GBV) is an umbrella term for *"any harmful act that is perpetrated against one person's will and that is based on socially ascribed (gender) differences between males and females. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life."* (CEDAW 1993)⁷⁸ (IASC 2005).⁷⁹
- While Gender-based Violence includes sexual violence, the term Sexual Gender-based Violence is preferred by UNHCR in order to emphasize the urgent need to address the criminal and sexual elements of GBV, and the damaging consequences of sexual violence for the victims, families and communities.⁸⁰

⁷⁶ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Article 3d

⁷⁷ EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (Victims' Rights Directive) L315/57 (2002), Preamble

⁷⁸ UN Declaration on the Elimination of Violence Against Women, 1993; UNFPA GBV AoR <https://gbvaor.net/>

⁷⁹ IASC Task Force on Gender and Humanitarian Assistance (2005) 'Guidelines for Gender-based Violence Interventions in Humanitarian Settings, Focusing on Prevention of and Response to Sexual Violence in Emergencies' [Guidelines for Gender-based Violence Interventions in Humanitarian Settings.pdf](https://www.interagencystandingcommittee.org/Guidelines%20for%20Gender-based%20Violence%20Interventions%20in%20Humanitarian%20Settings.pdf) ([interagencystandingcommittee.org](https://www.interagencystandingcommittee.org)).

⁸⁰ UNHCR Division of International Protection (2011) *Action Against Sexual and Gender-Based Violence: An Updated Strategy*, p.6 <https://www.unhcr.org/4e1d5aba9.pdf>

- The term is frequently used in the context of international protection of displaced people and refugees and there is an extensive international legal framework relating to SGBV.⁸¹
- SGBV against children includes sexual exploitation, sexual abuse or violence, survival sex and harmful traditional practices such as forced or child marriage, and female genital mutilation.
- Violence directed against a person because of that person's gender, gender identity or gender expression, or which affects persons of a particular gender disproportionately. Using the 'gender-based' aspect is important as it highlights the fact that many forms of violence against women and girls are rooted in power inequalities between women and men.⁸²

Gender-Based Violence against Children: Irish legal considerations

- The Istanbul Convention requires States to criminalise intentional gender-based violence against women and children.⁸³
 - Directive 2012/29/EU (Victims of Crime) Articles 22 and 23 allow for special measures to be put in place for victims of gender-based crimes.⁸⁴
 - Criminal Justice (Victims of Crime) Act 2017.⁸⁵
 - Domestic Violence Act 2018.⁸⁶
 - Harassment, Harmful Communications and Related Offences Act 2020 (Coco's Law).⁸⁷
 - Criminal Justice (Female Genital Mutilation) Act 2012.⁸⁸
 - Criminal Law (Human Trafficking) (Amendment) Act 2013.⁸⁹
-

Gender-Based Violence against Children: Related terminology

- The Istanbul Convention monitoring body, GREVIO, interprets the concept of gender-based violence as a continuum of violence that women and girls experience for reasons related to their gender. The 'digital dimension of violence against women and children' is included in this continuum. 'Violence against women in its digital dimension' and other forms of violence are not mutually exclusive and overlap, exacerbating the impact of the violence. *"GREVIO's understanding of the concept of violence against women in its digital dimension encompasses both online aspects (activities performed and data available on the internet, including internet intermediaries on the surface web as well as the dark web) and technology-facilitated (activities carried out with the use of technology and communication equipment, including hardware and software) harmful behaviour perpetrated against women and girls. Internet intermediaries refer to entities that facilitate interactions on the internet between natural and legal persons by offering and performing a variety of functions and services⁹⁰ and include internet service providers (ISPs), search engines and social media platforms. Technological tools which may be misused by abusers to stalk, harass, surveil, and control victims include smartphones, cameras and other recording equipment, global positioning systems*
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⁸¹ UNHCR Division of International Protection (2011) Action Against Sexual and Gender-Based Violence: An Updated Strategy, p.21 Annex 1 <https://www.unhcr.org/4e1d5aba9.pdf>

⁸² <https://eige.europa.eu/thesaurus/terms/1153>

⁸³ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), CETS No. 210, adopted in Istanbul, 11 May 2014, Articles 33-40

⁸⁴ EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (Victims' Rights Directive) L315/57 (2002) [EUR-Lex - 32012L0029 - EN - EUR-Lex \(europa.eu\)](#)

⁸⁵ Criminal Justice (Victims of Crime) Act 2017, Irish Statute Book (28/2017) [Criminal Justice \(Victims of Crime\) Act 2017 \(irishstatutebook.ie\)](#)

⁸⁶ Domestic Violence Act 2018, Irish Statute Book (6/2018) [Domestic Violence Act 2018 \(irishstatutebook.ie\)](#)

⁸⁷ Harassment, Harmful Communications and Related Offences Act 2020 (Coco's Law), Irish Statute Book (32/2020) [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](#)

⁸⁸ Criminal Justice (Female Genital Mutilation) Act 2012, Irish Statute Book (11/2012) [Criminal Justice \(Female Genital Mutilation\) Act 2012 \(irishstatutebook.ie\)](#)

⁸⁹ Criminal Law (Human Trafficking) (Amendment) Act 2013, Irish Statute Book (24/2013) [Criminal Law \(Human Trafficking\) \(Amendment\) Act 2013 \(irishstatutebook.ie\)](#)

⁹⁰ Council of Europe (2018c), Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680790e14

(GPS) or satellite navigators, other internet-connected devices such as smart watches, fitness trackers and smart home devices as well as software such as spyware or other mobile applications that may facilitate violence.”⁹¹

- The European Parliament has voted to propose a new Directive on gender-based violence and gender-based cyberviolence in 2022.⁹²
- GREVIO has provided a glossary of some of the most commonly used term in the digital domain and will update the glossary to include emerging forms of violence with a digital dimension.⁹³

Gender-Based Violence: Survey responses

- 5/16 use the term.
- 2/16 use the term but do not have a definition.
- 3/16 use the term and provided a definition.
- 11/16 do not use the term.

Gender-Based Violence: Definitions in use by participants

- *“Gender Based Violence is violence that is perpetrated against a woman because she is a woman. Beyond Sexual and Domestic Violence, Gender Based Violence against Women also includes other violent behaviours perpetrated against women, because of the role expectations for women within the given society or culture. Some Types of Gender based Violence: Female genital mutilation (FGM): Female genital mutilation is the removal or injury of the external genitalia of females for non medical reasons. The practice is rooted in gender inequality, attempts to control women’s sexuality and ideas about purity. It is usually initiated and carried out by women, who see it as a source of honour, and who fear their daughters and granddaughters will otherwise be exposed to social exclusion. It is usually perpetrated on girls aged between infancy and 15 years. It has many long term physical consequences and in some cases results in death. Trafficking for Sexual Exploitation: Trafficking of people is the transportation of people who have been abducted or deceived into entrusting themselves to the trafficker by the promise of a better life, or while believing they have no other viable option. Trafficking for sexual exploitation includes for the purposes of prostitution, child sexual exploitation, forced marriage or the making of pornography. Forced Abortion: This can happen for social, financial or one-child policy reasons and the perpetrators can be family members, those controlling the sex industry or a state authority. Honour-based violence (HBV): HBV is a term used to describe violence committed on a person by a member of their family or immediate community. It is motivated by a perceived need to restore that position of the family or community after the victim is perceived to have in some way dishonoured it. They may have refused to enter a forced marriage, had sexual relations outside of marriage or have expressed some form of autonomy. Predominately the victims of HBV are women or girls, but can also be males. HBV often results in serious physical injury, maiming or death. Forced marriage: Forced marriage is where a person is married without his or her consent and against their will. Young women and girls are the most common victims but young men can also be forced into marriage. Members of the family or community are often the instigators. It can be associated with abduction and being moved to another country or location.”*

⁹¹ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe, s.23, p13-14 [1680a49147 \(coe.int\)](#)

⁹² European Parliament Press Releases 16 September 2021 and 15 December 2021 [Make gender-based violence a crime under EU law, MEPs say | News | European Parliament \(europa.eu\)](#)

⁹³ GREVIO (2021) Annex: Glossary to General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe, pp29-31 [1680a49147 \(coe.int\)](#)

7. Sex of child

Sex of child: Proposed shared definition

Proposal to collect 2 variables here:

A. Sex of child recorded at birth is recorded at birth, based on external genitalia and noted on birth certificate. Sex of child at birth cannot be subsequently revised. The correct variables to collect this information are:

- Female.
- Male.
- Indeterminate (recognises that a small number of people do not have a sex of male or female recorded at birth).

B. Current sex of child for children under 16 is the sex recorded at birth, based on external genitalia, and as recorded on birth certificate. Children who have not reached the age of self-determination (which is 16 in Ireland) cannot change their sex. For children over 16 'current sex of child' is almost always as recorded on birth certificate, however, it may have been changed by court order and consequent issue of a Gender Recognition Certificate. The official records of 'sex of child' can only be added to following issue of a Gender Recognition Certificate and an entry into the Register of Gender Recognition, but statistical birth certificate records of sex of child prior to gender-recognition or sex-reassignment cannot be back-dated. The effect of the legal Gender Recognition Certificate is not retrospective. All rights, responsibilities and consequences of actions (including statistics) prior to the date of recognition of preferred gender remain unaffected. The correct variables to collect this information are:

- Female.
- Male.
- Indeterminate (recognises that a small number of people do not have a sex of male or female recorded at birth).

Sex of child: Criteria for definition

- Fundamental variable in the disaggregation of statistics and not the same as gender variable.
- The sex of a child is assigned at birth, based on external genitalia.
- Sex can also be determined by analysis of chromosomes, internal reproductive organs, hormones and other biological characteristics – rarely done in practice.
- Categories recorded at birth are female, male. This record can be changed during lifetime following sex-reassignment surgery (adults only) or legal gender-recognition (by court order for 16 years and over).⁹⁴
- Sex of child will not necessarily correlate with (self-determined) gender-identity of child, but the sex of child is always as recorded on birth certificate.
- Until child has reached legal age of self-determination (18, with exemption only by court order for 16-18 years)⁹⁵ the sex of child on birth certificate cannot be changed.

⁹⁴ "having analysed a State's failure to allow change of sex on official documents, the Human Rights Committee concluded that it was a form of discrimination because "the Government is failing to afford the author, and similarly situated individuals, equal protection under the law" CCPR/C/119/D/2172/2012, para. 7.14 cited in [A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](#)

⁹⁵ Irish Statute Book, Gender Recognition Act 2015 (25/2015)

Sex of child: International human rights standards

- The Istanbul Convention requires that data collected on survivors and perpetrators of sexual violence is disaggregated by 'sex'. Article 11: Data collection and research "Parties shall undertake to a) collect disaggregated relevant statistical data at regular intervals".⁹⁶ "Although the drafters felt it best to leave to the Parties the choice of data categories used, as a minimum requirement, recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence, as well as the relationship of the perpetrator to the victim, geographical location, as well as other factors deemed relevant by Parties such as disability".⁹⁷
- Lanzarote Convention (2007): Para 2b requires States to establish mechanisms for data collection in collaboration with civil society for observing and evaluating sexual exploitation of children, disaggregated by sex.⁹⁸
- UN Statistics: "The disaggregation of data by sex is a fundamental requirement for gender statistics... The successful planning and implementation of gender-sensitive policies and programmes requires the disaggregation of data by sex to reflect problems, issues and questions related to both men and women in society. Sex, together with age, represents the most basic type of demographic information collected about individuals in censuses and surveys as well as through administrative recording systems, and the cross-classification of these data with other characteristics forms the basis of most analyses of the social and demographic characteristics of the population, as it provides the context within which all other information is placed."⁹⁹
- EIGE: Sex-disaggregated and Gender-disaggregated data: Sex-disaggregated data is any data on individuals broken down by sex (male, female, intersex). Gender-disaggregated data is data collected and tabulated separately for girls and boys, women and men, trans women and trans men. Gender analysis often relies on sex-disaggregated data to reflect the realities of the lives of women and men and policy issues relating to gender. Gender-disaggregated data allows for the measurement of differences between genders on various social and economic dimensions and is one of the requirements in obtaining gender statistics. Collecting only sex-disaggregated data does not guarantee, for example, that concepts, definitions and methods used in data production are conceived to reflect gender roles, relations and inequalities in society.¹⁰⁰

Sex of child: Irish legal considerations

- The required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator.
- The Istanbul Convention encourages States to recognise and include civil society administrative data.
- Ireland, as State Party to the CRC is required to collect data on children disaggregated by sex.

⁹⁶ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (the 'Istanbul Convention'), CETS No. 210, adopted in Istanbul, 11 May 2014, Art 11 [CETS 210 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(coe.int\)](https://www.coe.int/en/web/children/istanbul-convention)

⁹⁷ Council of Europe (2011) 'Explanatory Report to the Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence*', s.66 <https://rm.coe.int/16800d383a>

⁹⁸ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (the 'Lanzarote Convention'), (CETS No. 201) adopted in Lanzarote, 25 October 2007, p.2b <https://www.coe.int/en/web/children/lanzarote-convention>

⁹⁹ Inter-Agency and Expert Group on Gender Statistics (IAEG-GS) *Recommendation on 'Sex'* 2015

¹⁰⁰ EIGE Gender Mainstreaming tool online [Sex-disaggregated data | European Institute for Gender Equality \(europa.eu\)](https://www.eige.europa.eu/gender-mainstreaming)

Sex of child: Other useful definitions

- *“Sex is the combination of biological and physiological characteristics that define a person to be either male or female.”¹⁰¹*
 - *“The term sex refers to biologically determined differences that are used to label individuals as males or females. The bases for this classification are reproductive organs and functions.”¹⁰²*
 - *“The different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, hormones, etc.”¹⁰³*
 - *“Sex refers to the biological and physiological characteristics that define humans as female or male. These sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, but these characteristics tend to differentiate humans as females or males.”¹⁰⁴*
-

Sex of child: Survey responses

- How do you record the biological sex of the child?
 - 7/21 do not record the sex of the child.
 - 14/21 record the sex as female/male.
-

Sex of child: Variables in use by participants

- *“female/male.”*

¹⁰¹ Eurostat ‘Description of variables for EU survey on Gender-Based violence against women and other forms of inter-personal Violence’, 2021 ed. Sept, p47

¹⁰² UNAIDS 2015 ‘UNAIDS Terminology Guidelines’

¹⁰³ WHO cited on Council of Europe Gender Matters website [Sex and gender \(coe.int\)](#)

¹⁰⁴ EIGE European Institute for Gender Equality (EIGE) - [Glossary & Thesaurus](#) cited on [Sex and gender \(coe.int\)](#); also World Health Organisation: http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/

8. Gender of child

Gender of child: Proposed shared definition

Gender of child as a data variable refers to self-selected current gender identity which may be different to sex recorded at birth and may be different to legal documents and records. Gender is a concept that describes how roles, expectations, responsibilities and experiences are created by society. Sex and gender are inter-related but separate data collection variables. Gender is a useful variable in data collection to analyse how social norms can infringe rights to equality, freedom, bodily autonomy, and self-determination and contribute to sexual violence.

The most common current gender identity variables are:

- Girl
- Woman
- Boy
- Man
- Transgender girl
- Transgender woman
- Transgender boy
- Transgender man
- Non-binary
- Other

Gender identity is always self-identified and can change over time.

Gender of child: Criteria for definition

- Pre-conceived notions to enforce conformity to a patriarchal norm or, a useful variable to analyse and challenge power asymmetries and systems based on violent masculinity.
- Labels for conformity (to biological determinism) and, labels for non-conformity (acknowledging personal identity in social interactions).
- Social roles, expectations, responsibilities and experiences that are assigned to children based on their sex.
- Girl/boy, woman/man are the most common labels assigned. These are known as binary labels, as the social expectation is that a person will be one or the other (and within that expectation, girls are expected to be feminine, and boys are expected to be masculine).
- As children mature, they can identify with the label/pre-conceived notion that they have been assigned, or any other label/notion that they prefer. The child will then be expected to conform to these notions.
- Everybody has a gender identity in the eyes of other people, and this may not be the same as their preferred identity. Gender should always be self-reported.
- Conceptual – a social construct, often limited but actually unlimited.
- Real and perceived.
- Different societies create and impose different understandings of gender norms such as ‘masculine’ and ‘feminine’.
- Determines socio-cultural expectations, permissions, values, access to and control over resources, decision making potential.
- Not fixed, can shift over time, should be seen as a process.
- Often institutionalised in legislation, education, politics, customs and tradition.
- Refers to identities of men and identities of women and the dynamic between them.
- Deeply personal to some individuals, of no particular concern to others.
- Over-arching and cross-cutting socio-cultural variable that can be applied to all other variables (age, ethnic group etc).

Gender of child: International human rights standards

- Istanbul Convention: “GREVIO has pointed out that the lack of gender-disaggregated data, both on perpetrators and victims, is an obstacle to the visibility of violence against women in its different forms.”¹⁰⁵
- Istanbul Convention definition: “*gender*” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.¹⁰⁶
- The Istanbul Convention recognises that gender stereotypes contribute to making violence against women acceptable to some people.¹⁰⁷
- WHO “the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. The concept of gender includes five important elements: relational, hierarchical, historical, contextual and institutional. While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health”.¹⁰⁸
- UN General Assembly 2021 “Gender is the term that is used to describe the sociocultural constructs that assign roles, behaviours, forms of expression, activities and attributes according to the meaning given to biological sex characteristics”.¹⁰⁹

Gender of child: Irish legal considerations

- Ireland, as State Party to the Istanbul Convention, is required to collect disaggregated (representative and comparable) statistical data at regular intervals on all forms of violence covered by the scope of the Convention, in a way that is harmonised across sectors, and that makes the gendered nature of forms of violence more visible in statistics and in the way this data is presented to the public.¹¹⁰
- The Istanbul Convention requires States to recognise, support and include civil society administrative data, disaggregated by gender, differentiating all forms of violence against women to enable nuanced understanding of range of violence. States should be able to provide service-based administrative data that goes beyond the internal recording needs of the service agencies and is disaggregated, comparable, standardised, systematic and coordinated between agencies.¹¹¹
- Gender-disaggregated data is a requirement for Parties of the Istanbul Convention “in order to monitor the efficacy of its laws and policies in tackling gender-based violence” and in order to support the implementation of gender-mainstreaming.¹¹²
- GREVIO recommendation: Responsible agencies and staff (including Women’s NGOs, service providers such as Helplines and Shelters) should understand concept and definitions; use terminology reflecting that of the Convention; ensure consistency; use same units of measurement for comparability; disseminate data for public while protecting confidentiality; use standardised tools to make comparison possible.¹¹³

¹⁰⁵ GREVIO 2021, Horizontal review Study s.108 [1680a26325 \(coe.int\)](#)

¹⁰⁶ Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence* (the ‘Istanbul Convention’), CETS No. 210, adopted in Istanbul, 11 May 2014, Art.3 [CETS 210 - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(coe.int\)](#)

¹⁰⁷ Council of Europe (2019) [2019-HandbookIstanbulConvention-EN.pdf \(coe.int\)](#)

¹⁰⁸ WHO & UNICEF 2017 ‘Gender, equity and human rights: Glossary of terms and tools’; Council of Europe Gender Equality Glossary [Gender Equality Glossary, Council of Europe 2016.](#)

¹⁰⁹ UN General Assembly (2021) Human Rights Council, 47th Session ‘The Law of Inclusion’, A/HRC/47/27, s13 [A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](#)

¹¹⁰ Council of Europe (May 2021) ‘Strengthening Data System on Violence Against Women’ Iris Luarasi, First Vice-President of GREVIO [Digital dimension on VAW \(europa.eu\)](#)

¹¹¹ GREVIO (2021) Mid-term Horizontal Review Study s.101-108, 112 [1680a26325 \(coe.int\)](#)

¹¹² GREVIO (2021) Mid-term Horizontal Review Study s.544 [1680a26325 \(coe.int\)](#)

¹¹³ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe [1680a49147 \(coe.int\)](#)

Gender of child: Other useful definitions

- UN Women: Gender *“refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities.”*¹¹⁴
- The Committee on the Rights of Persons with Disabilities uses the phrase *“all genders”*, suggesting an understanding of gender as not binary.¹¹⁵
- The Committee against Torture recognizes that States must ensure that their laws are *“in practice applied to all persons, regardless of ... gender, sexual orientation, transgender identity.”*¹¹⁶
- European Commission (1998) Gender is a concept that refers to the social differences between women and men that have been learned, are changeable over time, and have wide variations both within and between cultures.¹¹⁷
- *Gender refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.*¹¹⁸
- *‘Gender identity’ refers to a person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. It includes both the personal sense of the body—which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means—as well as other expressions of gender, including dress, speech and mannerisms.*¹¹⁹
- *‘Gendered identity’* refers to the gender assigned to a person, which may or may not correspond with the person’s gender identity. Gendered identity is based on perceptions, assumptions and stereotypes attributed to the person because of their sex, roles or social norms. Gendered identity is allocated as opposed to owned and identified with.

Gender of child: Survey responses

- 4/19 services do not collect gender.
- 0/21 services provided a definition for gender.
- In 9/21 services, male and female are used to collect gender.

Gender of child: Variables in use by participants

- *“Male, Female, Transgender M, Transgender F and non-binary.”*
- *“Male, female, trans*, prefer to self-describe, prefer not to say.”*
- *“Male, female, unspecified.”*
- *“Male, female, other.”*
- *“Male, female, other, prefer not to say, unknown.”*
- *“Male, female.”*
- *“Gender is based on self-identification by the client i.e. man, woman, transgender, transexual.”*
- *“Defined by client and noted if defined.”*

¹¹⁴ The United Nations Entity for Gender Equity and the Empowerment of Women (UN Women) ‘Important concepts underlying gender mainstreaming’ Concepts and definitions website <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> and Definition of the Glossary of the UN Women training Centre. [Gender Equality Glossary \(unwomen.org\)](http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm) and [Gender Equality Glossary \(coe.int\)](http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm)

¹¹⁵ Committee on the Rights of Persons with Disabilities, General Comment No. 5 (2017), para. 23. Cited in [A/HRC/47/27 - E - A/HRC/47/27 -Desktop \(undocs.org\)](https://undocs.org/A/HRC/47/27-E-A/HRC/47/27-Desktop)

¹¹⁶ Committee against Torture, ‘General Comment No. 2’ (2007), para. 21. Cited in <https://undocs.org/A/HRC/47/27>

¹¹⁷ European Commission, ‘100 words for equality - A glossary of terms on equality between women and men’ (1998)

¹¹⁸ Eurostat ‘Description of variables for EU survey on Gender-Based violence against women and other forms of inter-personal Violence’, 2021 ed. Sept, p34

¹¹⁹ The United Nations Entity for Gender Equity and the Empowerment of Women (UN Women) ‘Important concepts underlying gender mainstreaming’ Concepts and definitions website <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

9. Survivor/Victim

Survivor/Victim: Proposed shared definition

Survivor/Victim is a person who has experienced violence. Whilst the terms victim and survivor are sometimes used interchangeably, victim is term often used in legal and medical sectors while survivor is a term generally preferred in the psychological and social support sectors because it implies resilience.

NOTE: Each service uses a term for their service users that they consider appropriate to their organisation (eg: client, patient, complainant) but for the purposes of defining the terms survivor or victim we have included this definition.

Survivor/Victim: International human rights standards

- The Istanbul Convention required variables for data collection on all forms of violence covered by the scope of the Istanbul Convention are sex of victim and perpetrator, age of victim and perpetrator, type of violence, relationship of the perpetrator to the victim, geographical location, number of victims, number of incidents, number of perpetrators, date of incident and other factors deemed relevant, having regard to anti-discrimination legislation. Each service may use a term for their service users that they consider appropriate to their organisation. The standard terms for Istanbul Convention related data collection are victim or survivor.
- The EU Victims of Crime Directive requires that data collected by healthcare and non-governmental victim support services should include the number and type of reported crimes including number, age, gender and personal characteristics of victims, type or nature of crime, circumstances of crime, relationship to perpetrator, special protection needs and “data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice”.
- Istanbul Convention Art. 3e: “victim” shall mean any natural person who is subject to “violence against women”¹²⁰ or “domestic violence”.¹²¹
- Eurostat 2021: Victim or survivor is a person who has experienced violence. Whilst the terms ‘victim’ and ‘survivor’ are sometimes used interchangeably, ‘victim’ is term often used in legal and medical sectors while ‘survivor’ is a term generally preferred in the psychological and social support sectors because it implies resilience.¹²²
- Directive 2012/29/EU ‘victim’ means: (i), a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii), family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death”.¹²³

¹²⁰ Istanbul Convention Art. 3a,d “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

¹²¹ Istanbul Convention Art. 3b, ““domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”

¹²² Eurostat ‘Description of variables for EU survey on Gender-Based violence against women and other forms of inter-personal Violence’, 2021 ed. Sept, p40

¹²³ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA <http://data.europa.eu/eli/dir/2012/29/oj>

Survivor/Victim: Irish legal considerations

- Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime: Article 9 requires provision of specialist services, Article 25 requires specialist training, Art 28 requires disaggregated data.¹²⁴
- 2012/29/EU Article 22 requires that ‘individual assessments’ are conducted at the earliest opportunity to determine whether victims are at risk of secondary and repeat victimisations, of intimidation and of retaliation and what special measures they require. “Individual assessments should take into account the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim’s residence is in a high crime or gang dominated area, or whether the victim’s country of origin is not the Member State where the crime was committed.”¹²⁵
- Council of Europe (2007) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).¹²⁶
- Criminal Justice (Victims of Crime) Act 2017 provides for individual assessment of the child victim by a member of An Garda Síochána or an officer of the Ombudsman Commission that will record the type and nature of offence, circumstances of offence, harm to victim, age, gender, gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, communications difficulties, relationship to, or dependence on, the alleged offender and any previous experience of crime, bias or discriminatory motive, which may be related to the personal characteristics of the victim, the particular vulnerability of victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence or exploitation and victims with disabilities. The member of An Garda Síochána or officer of the Ombudsman Commission shall offer the victim information or referral to services providing support for victims including, where relevant, appropriate specialist services (which may include psychological support services) and services providing alternative accommodation.¹²⁷
- *“‘victim’ means (a) a natural person who has suffered harm, including physical, mental or emotional harm, or economic loss, which was directly caused by an offence.”*¹²⁸

Survivor/Victim: Survey responses

- 8/19 use client.
- 5/19 use survivor.
- 1/19 use victim.
- 1/19 use patient.
- 1/19 use caller.
- 1/19 use child.
- 1/19 use service user or child or young person.
- 1/19 use complainant.

¹²⁴ EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (Victims’ Rights Directive) L315/57 (2002) [EUR-Lex - 32012L0029 - EN - EUR-Lex \(europa.eu\)](#)

¹²⁵ EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA (Victims’ Rights Directive) L315/57 (2002) [EUR-Lex - 32012L0029 - EN - EUR-Lex \(europa.eu\)](#), s.56

¹²⁶ Council of Europe (2007) *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (the ‘Lanzarote Convention’), (CETS No. 201) adopted in Lanzarote, 25 October 2007 <https://www.coe.int/en/web/children/lanzarote-convention>

¹²⁷ Irish Statute Book, Criminal Justice (Victims of Crime) Act 2017 [Criminal Justice \(Victims of Crime\) Act 2017 \(irishstatutebook.ie\)](#)

¹²⁸ Irish Statute Book, Criminal Justice (Victims of Crime) Act 2017, Part 1, s.2 [Criminal Justice \(Victims of Crime\) Act 2017 \(irishstatutebook.ie\)](#)

10. Incident

REQUIRED
UNDER
INSTANBUL
CONVENTION

Incident: Proposed shared definition

An incident of sexual violence is a single act or series of acts of sexual violence which are connected by a single perpetrator acting on his own or a group of perpetrators who act together. An incident is not necessarily a once-off act of sexual violence. Each incident may include multiple, if not hundreds of crimes perpetrated by the same individual or specific group of individuals. It may be perpetrated over hours, days, weeks months or years.

A person may be subjected to sexual violence by a single perpetrator over many years, on many different occasions and in different locations – this is one incident of sexual violence, as it involves the same perpetrator every time.

A person may be subjected to sexual violence by a particular group of perpetrators who act together all the time - this is also one incident of sexual violence because it involves the same group of perpetrators acting together all the time.

Incident: International human rights standards

- Number of incidents is a required variable under the Istanbul Convention.
- This definition is based on US CDC standard definition 2014.¹²⁹

11. Age abuse began and ended

REQUIRED
UNDER
INSTANBUL
CONVENTION

i. Age abuse began

Age abuse began: Proposed shared definition

'Age abuse began refers to the age of the child when the sexual violence was first perpetrated against them. It is preferable to collect the exact age (eg: 5, 6, 7, 8, etc...), as opposed to collecting age categories (eg: 0-12). Age abuse began should be recorded for each separate incident of sexual violence against the child.

Age abuse began: International human rights standards

- The Istanbul Convention states that a child is a person who is under the age of 18 and requires the collection of data disaggregated by 'age abuse began' for all children under the age of 18.

¹²⁹ CDCP 2014, Basile KC, Smith SG, Breiding MJ, Black MC, Mahendra RR (2014) 'Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements, Version 2.0', National Center for Injury Prevention and Control, Centers for Disease Control and Prevention Atlanta (GA), pg61 https://www.cdc.gov/violenceprevention/pdf/SV_Surveillance_Definitionsl-2009-a.pdf

ii. Age abuse ended

Age abuse ended: Proposed shared definition

Age abuse ended refers to the age of the child when the perpetrator stopped perpetrating sexual violence against them. It is preferable to collect the exact age (eg: 5, 6, 7, 8, etc...), as opposed to collecting age categories (eg: 0-12). Age abuse ended should be recorded for each separate incident of sexual violence against the child.

Age abuse ended: International human rights standards

- The Istanbul Convention states that a child is a person who is under the age of 18 and requires the collection of data disaggregated by age abuse ended for all children under the age of 18.

12. Perpetrator

REQUIRED
UNDER
INSTANBUL
CONVENTION

i. Perpetrator: Proposed shared definition

A perpetrator of sexual violence against children is a person or people alleged or determined to have engaged in sexual violence against a child.

The term perpetrator can be further clarified and disaggregated by the use of alleged and convicted but for the purposes of data collection on sexual violence against children, the term perpetrator is the required and recommended term for data collection under the Istanbul Convention.

Perpetrator: International human rights standards

- The Istanbul Convention requires collection of data on: sex of perpetrator, gender of perpetrator; relationship between perpetrator and victim, age of perpetrator, number of incidents, number of perpetrators and geographical location. Additional recommended variables for data collection are the equality grounds. GREVIO has pointed out that the lack of gender-disaggregated data, both on perpetrators and victims, is an obstacle to the visibility of violence against women in its different forms.¹³⁰
- The Istanbul Convention required variables for 'perpetrator' are: sex of perpetrator, relationship between perpetrator and victim, age of perpetrator, number of incidents, and number of perpetrators. Additional recommended variables for data collection are the equality grounds.
- The Optional Protocol SC, Palermo Protocol, Budapest Convention and Lanzarote Convention use the term 'offender' or 'convicted offender' to describe a person convicted of a crime and perpetrator or alleged perpetrator to describe a person suspected of sexual violence.
- EU Directive 2011/93 uses the term 'offender' to describe people suspected of and convicted of sexual violence.¹³¹
- The term offender is more strongly associated with a person who has been convicted of a crime and the term perpetrator has a broader meaning and can include people alleged to have committed sexual violence and people convicted by the criminal justice system.

¹³⁰ GREVIO (2021) Mid-term Horizontal Review of GREVIO baseline evaluation reports, Secretariat of the monitoring mechanism of the Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence*, Council of Europe F-67075, Strasbourg Cedex, France [1680a26325 \(coe.int\)](https://www.coe.int/t/090040660001680a26325) p.44, para 108

¹³¹ EU Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography (Child Sexual Abuse Directive) replacing council Framework Decision 2004/68/JHA S.12

Perpetrator: Irish legal considerations

- The distinction between alleged perpetrator and convicted perpetrator is important in criminal data, but the definition for the variable of perpetrator as required by the Istanbul Convention includes alleged and convicted perpetrators without distinction.

Perpetrator: Survey responses

- 8/18 use the term perpetrator.
- 7/18 use the term alleged perpetrator.
- 4/18 use the term child displaying harmful sexual behaviour.
- 3/18 use the term offender.
- 1/18 use the term assailant.
- 2/18 use the term Person Subject to Abuse Allegations PSAA.
- 1/18 use the term abuser.
- 1/18 use the term alleged abuser.
- 1/18 use the term accused.

ii. Relationship of perpetrator to survivor/victim: Proposed shared definition

The relationship of perpetrator to survivor/victim refers to the relationship the perpetrator has to the child. The following list of relationships is as complete as possible but additions may need to be made over time as new relationships emerge.

NOTE: Relationships have been grouped into catch-all categories to enable a clear picture of what relationships are included in each category. It is recommended to record the specific relationship where possible, as opposed to the catch-all category.

- **Stranger** (person previously unknown to the child).
- **Friend/Acquaintance/Neighbour:** (person that the child may know to see or has communicated with virtually): Acquaintance, co-worker, family friend, friend, neighbour.
- **Family member/Relative:** child, parent, step-parent, foster parent, parent-in-law, parent's partner, grandparent, step grandparent, sibling, step-sibling, foster sibling, sibling-in-law, cousin, uncle/aunt.
- **Partner:** partner cohabiting, partner non-cohabiting, partner ex-cohabiting, partner ex-non-cohabiting.
- **Person-in-authority/control:** babysitter/childminder, carer, residential staff, doctor/medical staff, employer, Garda/PSNI/police, landlord/landlady, pimp/trafficker, security forces, sports coach, youth-worker, teacher (clergy), teacher (lay), educator, clergy.
- **Other** (person who does not fit into any of the other relationship categories): sex purchaser, taxi driver/driver, sales/trade person, caretaker/grounds-person.

The relationship of the perpetrator(s) should be recorded for each separate incident of sexual violence perpetrated against the child.

Relationship of perpetrator to survivor/victim: Survey responses

- 2/17 do not collect information on relationship of perpetrator to victim.
- 2/17 collect free text information as described by parent/at intake.
- 1/17 collects known/unknown.
- 1/17 collects Clerical/Religious, Familial, Ex Familial, Not Applicable, Other, Professional, Stranger, Unknown.
- 1/17 collects 'known' 'unknown' 'multiple' 'familial extra (child)' 'familial extra (adult)' 'familial intra (child)' 'familial intra (adult)' 'familial intra (sibling)' 'familial intra (step)'.
- 1/17 collects intrafamilial, extrafamilial and known to the child.
- 9/17 collect Stranger (person previously unknown to the child); Acquaintance (Acquaintance, co-worker, family friend, friend, neighbour); Family member (parent, cousin, foster parent, foster sibling, grandparent, parent-in-law, sibling, sibling-in-law, step grandparent, step-parent, step-sibling, uncle, aunt); Partner (partner cohabiting, partner non-cohabiting, partner ex-cohabiting, partner ex-non-cohabiting); Person-in-authority (babysitter, childminder, carer, residential staff, doctor, medical staff, employer, Garda/PSNI/police, landlord/lady, pimp, security forces, sports coach, youth worker, teacher, educator, clergy, sex purchaser, taxi driver/driver, parent's partner).

iii. Age of perpetrator: Proposed shared definition

Age of perpetrator refers to the age the perpetrator was at the time of perpetrating the sexual violence against the child. It is preferable, where possible, to collect the exact age (eg: 20, 21, 22, 23, etc...), as opposed to collecting age categories (eg: 20-29). The age of the perpetrator(s) should be recorded for each separate incident of sexual violence perpetrated against the child.

Age of perpetrator: Survey responses

- 10/17 collect age of perpetrators.
- 7/17 do not collect age of perpetrators.

iv. Number of perpetrators: Proposed shared definition

Number of perpetrators refers to the number of perpetrators in each incident of sexual violence perpetrated against the child. The number of perpetrators should be recorded for each separate incident of sexual violence perpetrated against the child.

See also definition of number of incidents.

Number of perpetrators: Survey responses

- 15/17 collect number of perpetrators.
- 2/17 do not collect number of perpetrators.

v. Sex of perpetrator: Proposed shared definition

The sex of the perpetrator(s) should be recorded for each separate incident of sexual violence perpetrated against the child. Sex of perpetrator refers to the sex of the perpetrator at the time they perpetrated the sexual violence. The sex of perpetrators who are under the age of 16 is recorded at birth, based on external genitalia, noted on birth certificate and cannot be changed. The sex of perpetrators aged 16 and over is also recorded at birth, based on external genitalia, and noted on birth certificate, however their sex may have been revised by court order, Gender Recognition Certificate and/or sex-reassignment surgery. The correct variables to collect this information are:

- Female.
- Male.
- Indeterminate (recognises that a small number of people do not have a sex of male or female recorded at birth).

Sex of perpetrator: Survey responses

- 13/17 collect sex of perpetrator

13. Child, Early or Forced Marriage (CEFM)

Child, Early or Forced Marriage: Proposed shared definition

Child marriage is also known as early or forced marriage. It is any marriage where one of the parties is under 18 years of age.

A child marriage is always a forced marriage, as children lack the capacity to make a fully informed and consensual decision to marry or not. Child, Early or Forced Marriage cannot be justified on religious or cultural grounds.

Child, Early or Forced Marriage: Criteria for definition

- Marriage where at least one party is under 18 years of age.
- Includes non-formal marriages or unions.
- A child under 18 does not have capacity to give full, free, informed consent.
- Legitimises, conceals or disguises other forms of sexual exploitation and abuse of child, such as FGM, sexual slavery, early and repeat pregnancies, virginity tests, coercive control, forced pregnancy, dowry crimes, sale of children, prosecution avoidance, trafficking, other forms of slavery.
- Criminal offence.
- Forced marriage includes a marriage where one or both parties are unable to end or leave the marriage, including as a result of duress or intense social or family pressure.¹³²
- Long-term consequences.
- Three separate terms with different definitions.

Reminder: A child below the age of sexual consent cannot consent.

Child, Early or Forced Marriage: International human rights standards

- The Istanbul Convention states that *“the intentional conduct of forcing an adult or child to enter into a marriage [must be] criminalised”* and *“the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage [must be] criminalised”*. Many victims of forced marriage are children and the Istanbul Convention criminalises forcing a child to marry and intentionally luring a child to another country for the purpose of marrying but does not address early marriage or marriageable age.¹³³
- The CRC Committee defines ‘child marriage’¹³⁴ as any marriage where one of the parties is under 18 years of age.
- The term ‘early marriage’ covers child marriage and also may apply to people over 18 without full capacity to consent.
- The term ‘forced marriage’ is *“any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure”*.¹³⁵
- UNICEF includes non-formal marriages or unions¹³⁶ in the definition of child marriage.

¹³² Joint General Comment No 31 by CRC and CEDAW Committees (2014), para 22

¹³³ Istanbul Convention, Art 37.1,2

¹³⁴ CEDAW and CRC Committees, ‘Harmful Practices’, Joint General Recommendation/General Comment No. 31 of the CEDAW Committee and No. 18 of the CRC Committee, CEDAW/C/GC/31; CRC/C/GC/18, 4 November 2014, Paragraph 19, Paragraph 9.

¹³⁵ OHCHR, Office of the UN High Commissioner for Human Rights, ‘Preventing and Eliminating Child, Early and Forced Marriage’, Paragraph 5

¹³⁶ UNICEF, ‘Child Protection from Violence, Exploitation and Abuse’, http://www.unicef.org/protection/57929_58008.html

- Child marriage and early marriage can both be understood to be forced marriages, as children are not considered able to give their free, full and informed consent to marry.¹³⁷
- In 2015 States committed to the Sustainable Development Goals (SDGs) including eradicating child, early and forced marriage by 2030.

Child, Early or Forced Marriage: Irish legal considerations

- Child marriage (under 18) has been illegal in Ireland since 01.01.2019 without exemption. The age at which a person may legally marry in the Republic of Ireland is 18 years of age.¹³⁸
- In Irish law ‘forced marriage’ is a criminal offence whether the marriage is legally binding or not.¹³⁹

Child, Early or Forced Marriage: Related terminology

- Child, early and forced marriage are used to legitimise, conceal or disguise forms of sexual violence, abuse and exploitation, including sexual slavery, sale of children and child trafficking (and closely associated with crimes committed in the name of so-called ‘honour’, forced pregnancy, other forms of slavery, dowry crimes and other harmful traditional practices).
- Psychological violence: Istanbul Convention Article 33 defines psychological violence as *“the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”*.¹⁴⁰

Child, Early or Forced Marriage: Survey responses

- 5/16 databases use the terms.
- 2/16 databases use the terms but do not have a definition.
- 3/16 databases use the terms and provide a definition.
- 11/16 databases do not use the terms.

Child, Early or Forced Marriage: Definitions in use by participants

- *“A forced marriage is where one or both spouses do not consent to the marriage or consent is extracted under duress. Duress includes both physical and emotional pressure. Forced marriage cannot be justified on religious grounds and every major faith condemns the practice. It is very important that a forced marriage is not confused with an arranged marriage, a tradition that has operated successfully in many communities. An arranged marriage involves the families of both spouses taking a leading role in arranging the marriage, but where the choice of whether or not to accept the arrangement remains with the young people.... It is important to note that a child marriage is always a ‘forced marriage’, as children lack the capacity to make a fully informed and consensual decision to marry or not. The age at which a person may legally marry in the Republic of Ireland is 18 years of age (unless a court exemption order has been granted through the Circuit Family Court or the High Court). It should also be noted that forced marriage is a denial of human rights and contravenes Article 3 (Best interests of the child), Article 19 (Protection from abuse and neglect) and Article 24 (Health and health services) of the UN Convention on the Rights of the Child.”*¹⁴¹

¹³⁷ ECPAT, p.65 [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse \(ecpat.org\)](https://www.ecpat.org/)

¹³⁸ Domestic Violence Act 2018, [Domestic Violence Act 2018 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2018/act/12/section/1) repealing the Family Law Act 1995 and the Civil Registration Act 2004

¹³⁹ Domestic Violence Act 2018, s38 criminalises “violence, threats, undue influence or any form of coercion or duress” for the purpose of “any religious, civil or secular ceremony of marriage, whether legally binding or not” of an Irish citizen or resident, in or outside of the State. Facilitating travel for the purpose of forced marriage is also an offence. [Domestic Violence Act 2018 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2018/act/12/section/1)

¹⁴⁰ Istanbul Convention, Article 33

¹⁴¹ Tusla *Child Protection Handbook 2* (2017). Note: This Tusla guidance predates the criminalisation of all child marriage with no exemption by the Domestic Violence Act 2018.

- *“A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system.”¹⁴²*
- *“Forced marriage: Forced marriage is where a person is married without his or her consent and against their will. Young women and girls are the most common victims but young men can also be forced into marriage. Members of the family or community are often the instigators. It can be associated with abduction and being moved to another country or location.”*
- *“haven’t come across it so far”.*
- *“We record this as CSA - Most of the terms in this survey do not have distinct definitions in our system - we differentiate between limited types of abuse on our system but it is not reported on. Other terms are used in our narrative space on the system.”*
- *“We would use whatever terms come up in the work with parents/ foster parents and with older children/ young people where appropriate. However we would not have a glossary precisely saying what these terms mean.”*

14. Digital dimension of sexual violence against children

Digital dimension of sexual violence against children: Proposed shared definition

Digital dimension of sexual violence against children includes all forms of sexual abuse and exploitation perpetrated against a child where information communications technology (ICT) is involved in any aspect of the abuse. It may or may not include accessing the internet. It includes:

- **Creating or sharing intimate images/videos of children (see separate definition).**
- **Threatening to create or share intimate images/videos.**
- **Sending sexually explicit material to a child by any means.**
- **Up-skirting or down-blousing: Creating or facilitating the creation of intimate images or videos of a child. Installing equipment or constructing or adapting a structure or part of a structure with the intention of recording/taking photos of a child. Operating equipment/recording beneath the clothing of a child with the intention of themselves or someone else seeing/viewing the buttocks, genitals, breasts, chest or underwear of the child.**
- **Sexting (see separate definition).**
- **Creation/sharing or threat to create/share Deep Fakes: Sexual deep fakes are made through the use of advanced technology. They make it appear as though individuals are in videos/images they never took part in. A person in an existing image or video is replaced with someone else’s likeness without their consent, and which features sexual content. The manipulated visual/audio content has a high potential to deceive.**
- **Grooming (see separate definition).**
- **Membership of any forum or group which creates, collates or shares intimate images/videos of children.**

Digital dimension of sexual violence against children: Criteria for definition

- Includes any use of ICT at any stage in process – i.e. there is an online element to a form of sexual violence (abuse or exploitation that is carried out while the child is online; use of ICT to identify, groom or record a child; or use of ICT to distribute images, recordings).
- Includes all forms of sexual abuse and exploitation against children where there is an ICT element.

¹⁴² Tusla, *Child Protection and Welfare Practice Handbook* (2011). Note: This Handbook categorises forced marriage as physical/emotional abuse and not sexual abuse. This Tusla guidance predates the criminalisation of all child marriage without exemption by the Domestic Violence Act 2018.

- May be live or recorded.
- May be live or recorded with knowledge of child, by child, or secretly.
- Includes all stages and all methods of recording and sharing images.
- Includes grooming, harassment, sexting, child sexual violence materials, surveillance, trafficking, stalking.
- Online violence should not be considered as separate to offline violence or as having dedicated solutions. Online violence is a continuation of abusive relationships offline. Sharing sexually abusive online content is sharing acts of sexual violence against children occurring offline. A single prevention strategy is required.^{143 144}

Reminder: A child below the age of sexual consent cannot consent.

Digital dimension of sexual violence against children: International human rights standards

- The Istanbul Convention requires States to involve NGOs and Women’s organisations and recommends allocation of sufficient resources to enable them to call in IT experts, obtain technical equipment and build digital infrastructure, to effectively address the digital dimension of violence against women.¹⁴⁵
- Not a new distinct form of sexual violence – both the underlying sexual violence can be prosecuted under existing legal standards, and the sharing, distribution and digital dimension of that abuse can be prosecuted under ICT specific legal standards.
- Depending on underlying abuse or exploitation, various International human rights standards may apply, especially legislation related to exploitation of children in and for pornography, prostitution, trafficking, criminal organisations.
- Council of Europe (2001) Convention on Cybercrime of the Council of Europe,¹⁴⁶ Article 9 Offences related to child pornography.
- Online violence against women is defined as *“Any act of gender-based violence against children that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately.”*¹⁴⁷

Digital dimension of sexual violence against children: Irish legal considerations

- Digital dimension of sexual violence against children includes all forms of child sexual abuse and exploitation where information communications technology (ICT) is involved in any aspect of the abuse. Using information technology to facilitate sexual exploitation of a child under 17 years of age is an offence under Irish law.¹⁴⁸
- Digital dimension of sexual violence against children includes ‘non-consensual sharing of intimate images’, or ‘image based sexual abuse’ (IBSA). Image based sexual abuse is an offence under Irish law and includes recording, distributing, publishing or threatening to distribute or publish intimate images without consent, *“with intent to cause harm or being reckless as to whether harm is caused”*.¹⁴⁹

¹⁴³ World Health Organization (2020) ‘Global status report on preventing violence against children 2020’, World Health Organization, p.24 <https://apps.who.int/iris/bitstream/handle/10665/332394/9789240004191-eng.pdf?sequence=1&isAllowed=y>

¹⁴⁴ Kardefelt-Winther D, Maternowska C, ‘Addressing violence against children online and offline’, Nature Human Behaviour 2019 4:227–230 <https://doi.org/10.1038/>

¹⁴⁵ GREVIO (2021) 57d GREVIO recommends States “establish a system to systematically collect and analyse disaggregated data on violence against women with a digital component, including complaint, incidence and conviction rates, as well as data on the civil justice measures imposed, such as restraining orders. All data should be gathered and analysed through an intersectional lens and disaggregated by the type of violence, age and relationship between perpetrator and victim(s), potential aggravating circumstances (the number of perpetrators, length of abuse, permanence of data, existence of overlapping forms of violence, involvement of or impact on the victim’s children, etc.) and other relevant factors”

¹⁴⁶ Council of Europe (2001) Convention on Cybercrime of the Council of Europe, CETS No. 185, (Budapest Convention) [CETS 185 - Convention on Cybercrime \(coe.int\)](https://www.coe.int/t/t09/cybercrime/CETS_185_Convention_on_Cybercrime_(coe.int).pdf)

¹⁴⁷ OHCHR Human Rights Council 38th Session (2018) Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective A/HRC/38/47

¹⁴⁸ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.8

¹⁴⁹ Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law)(32/2020) s.2 [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/act/32/section/2)

- No intent or threatening element is required for the crime of recording, distributing or publishing intimate images of another person *“without that other person’s consent and that recording, distribution or publication, as the case may be, seriously interferes with that other person’s peace and privacy or causes alarm, distress or harm to that other person”*.¹⁵⁰
- ‘Intimate image’ is defined in Irish law as *“any visual representation (including any accompanying sound or document) made by any means including any photographic, film video or digital representation (a) of what is, or purports to be the person’s genitals, buttocks or anal region and, in the case of a female, her breasts, (b) of the underwear covering the person’s genitals, buttocks or anal region and, in the case of a female, her breasts, (c) in which the person is nude, or (d) in which the person is engaged in sexual activity”*.¹⁵¹
- Distributing, publishing or sending *“threatening or grossly offensive communication”* is also an offence.¹⁵²

Digital dimension of sexual violence against children: Related terminology

- The digital dimension of sexual violence is part of the continuum of sexual violence against children and is hard to separate from offline sexual violence.
- A glossary of related terminology can be found in the Annex to GREVIO’s General Recommendation 1¹⁵³
- The European Parliament uses the term ‘gender-based cyberviolence’.¹⁵⁴
- Psychological violence: Istanbul Convention Article 33 defines psychological violence as “the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”.

15. Exploitation of child in/for Child Sexual Violence Material (CSVM)

Exploitation of child in/for Child Sexual Violence Material: Proposed shared definition

Exploitation of child in/for Child Sexual Violence Material is included in the broader term Sexual exploitation of children.

It includes any visual representation:

- That shows, or relates to, a person who is or is depicted as being a child and who is engaged in or is depicted as being engaged in real or simulated sexually explicit activity,
- That shows, or relates to, a person who is or is depicted as being a child and who is or is depicted as witnessing any such activity by any person or persons, or
- That shows, for a sexual purpose, the genital or anal region of a child or of a person depicted as being a child.

It includes still images, recording (on film, videotape or other media) or the manipulation, for exploitative purposes, of any image of a child by computer or other means.

Pornography involving children should be referred to as Child Sexual Violence Material.

The following terms are also used for Child Sexual Violence Material where appropriate: Child Sexual Exploitation Material (CSEM), Child Sexual Abuse Material (CSAM) and Intimate Images of Child (IIOC).

¹⁵⁰ Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law)(32/2020) s.3

¹⁵¹ Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law)(32/2020) s.1

¹⁵² Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law)(32/2020) s.4

¹⁵³ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe, Annex [1680a49147 \(coe.int\)](#)

¹⁵⁴ EPRS European Parliamentary Research Service (2021) ‘Combating gender-based violence: Cyber violence’ European added value assessment Study [EPRS_STU\(2021\)662621_EN.pdf \(europa.eu\)](#)

Exploitation of child in/for Child Sexual Violence Material: Criteria for Definition

- Pictures or words, visual and/or aural.
- Visual representation or depiction of a child engaged in a (real or simulated) sexual display, act, or performance.¹⁵⁵
- Memorialization of the sexual degradation/molestation/abuse/assault of a child.¹⁵⁶
- Depicts or suggests sexual activity.
- Endorses sexual violence.
- Involves subordination.
- Dehumanises, objectifies.
- May include humiliation, pain.
- Intended to sexually arouse or gratify.
- Producing, making, distributing, disseminating, importing, exporting, offering, selling, procuring, knowingly obtaining access, or possessing.
- May be ICT facilitated.
- Real or simulated.
- Child Sexual Violence Material (CSVM) can also be referred to, where appropriate, as Child Sexual Abuse Material (CSAM)¹⁵⁸, Child Sexual Exploitation Material (CSEM) and Intimate Images of Child (IIOC).
- Includes grooming of a child for exploitation in CSVM.

Reminder: A child below the age of sexual consent cannot consent.

Exploitation of child in/for Child Sexual Violence Material: International human rights standards

- Istanbul Convention: Article 40 defines sexual harassment as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”. Unwanted sexual conduct includes taking, producing, procuring or sharing of intimate images and child sexual violence material, and exploitation, coercion or threats.¹⁵⁷
- Lanzarote Convention: The elements of sexual abuse that amount to exploitation of a child in/for pornography are producing, making, distributing, disseminating, importing, exporting, offering, selling, procuring, knowingly obtaining access, or possessing sexual images or representations of a child intended to sexually arouse.¹⁵⁸
- ECPAT: The term ‘child pornography’ is frequently used in international law but should be avoided outside that context. Law enforcement bodies sometimes use the term ‘child sexual exploitation material’ to cover all material that is sexually exploitative of children, and the term ‘child sexual abuse material’ covers all material that includes acts of sexual abuse against the child.¹⁵⁹ Online or digital material is included in both of these terms.
- The Budapest Convention defines ‘child pornography’ as “*material that visually depicts a) a minor engaged in sexually explicit conduct; b) a person appearing to be a minor engaged in sexually explicit conduct; c) realistic images representing a minor engaged in sexually explicit conduct.*” States party to the Convention should criminalise intentionally procuring, offering or making available, distributing or transmitting, and possessing child pornography. Ireland has signed but not ratified the Convention.¹⁶⁰

¹⁵⁵ ICMEC International Centre for Missing and Exploited Children ICMEC ‘Child Sexual Abuse Material: Model Legislation and Global Review’ 9th Edition 2018 p7 [Microsoft Word - 9th Edition Cover 2018.docx \(icmec.org\)](#)

¹⁵⁶ International Centre for Missing and Exploited Children ICMEC ‘Child Sexual Abuse Material: Model Legislation and Global Review’ 9th Edition 2018, p8

¹⁵⁷ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021) General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021 Council of Europe, p.18 [1680a49147 \(coe.int\)](#)

¹⁵⁸ EU Directive 2011/93 Preamble; Council of Europe, “Explanatory Report to the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*” (Lanzarote Convention), 2007

¹⁵⁹ ECPAT, p.39 [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse \(ecpat.org\)](#)

¹⁶⁰ Council of Europe (2001) Convention on Cybercrime of the Council of Europe, CETS No. 185, (Budapest Convention) p.5 [CETS 185 - Convention on Cybercrime \(coe.int\)](#)

- EU Directive 2011/93 refers to Child Sexual Abuse Material in the Preamble and uses the term ‘child pornography’ consistently throughout the rest of the text. Article 4 criminalises causing, recruiting, profiting or otherwise exploiting child participation in pornographic performances; knowingly attending pornographic performances involving the participation of a child; acquiring, possessing, obtaining access by means of ICT, distribution, dissemination or transmission.

Exploitation of child in/for Child Sexual Violence Material: Irish legal considerations

- In Irish law the definition of child pornography is “2(a) any visual representation (i) that shows, or in the case of a document relates to, a person who is or is depicted as being a child and who is engaged in or is depicted as being engaged in real or simulated sexually explicit activity, (ii) that shows, or in the case of a document relates to, a person who is or is depicted as being a child and who is or is depicted as witnessing any such activity by any person or persons, or (iii) that shows, for a sexual purpose, the genital or anal region of a child or of a person depicted as being a child”¹⁶¹
- It is illegal to produce, direct, publish, transmit, distribute any child pornography or import, export, sell, or profit from child pornography. It is illegal to knowingly possess or obtain access to any child pornography for any of the above purposes and it is illegal to cause or invite a child to participate in a pornographic performance or to gain from a child’s participation.¹⁶²
- It is also illegal to pay, give, offer or promise to pay a person (including a prostitute) for sexual activity or services.¹⁶³

Exploitation of child in/for Child Sexual Violence Material: Related terminology

- Child Sexual Abuse Material (CSAM) and Child Sexual Exploitation Material (CSEM) are overlapping concepts and can be hard to separate. All Child Sexual Abuse Material is exploitative.
- Internet or technology facilitated Exploitation of child in/for Child Sexual Violence Material is included in this term.

Exploitation of child in/for Child Sexual Violence Material: Survey responses

- 7/16 databases do not use the term.
- 9/16 databases use the term.
- 7/16 databases use the term but do not have a definition.
- 2/16 databases provided a definition for the term pornography or child pornography.
- 1 database uses the term ‘Indecent Images of Children (IIOC)’.

Exploitation of child in/for Child Sexual Violence Material: Definitions in use by participants

- *“Pornography can be understood as: Material that combines sex and/or exposure of genitals with abuse or degradation in a manner that appears to endorse, condone, or encourage sexually abusive behaviours. Pornography is the graphic sexually explicit subordination of human beings, usually women and children, through pictures and/or words, including human beings being presented as dehumanised objects and/or enjoying humiliation and pain. Pornography is the sexualisation or eroticisation of dominance and submission.”*
- *“Child Pornography: Child pornography is produced, marketed shared and collected for the sexual gratification of users. Like much electronic based sexual crime this is a relatively recent and developing form of sexual violence. Prior to internet developments in the last 20 years or so access to sexual material on children was relatively rare. As early as the 1980’s there was evidence of films being produced depicting severe sexual and physical violence against children. It is covered by lots of different aspects of Children’s First and other Acts, as per previous definitions of sexual abuse. For example, Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means.”*

¹⁶¹ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.9

¹⁶² Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, Part 2

¹⁶³ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.25

16. Exploitation of child in/for prostitution

Exploitation of child in/for prostitution: Proposed shared definition

Exploitation of child in/for prostitution is included in the broader term Sexual Exploitation of Children. It involves the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party. It includes trafficking of a child for the purpose of sexual exploitation. There can be no consent to prostitution below the age of 18 and the term ‘child prostitute’ should not be used.

Exploitation of child in/for prostitution: Criteria for definition

- Offering, obtaining, procuring or providing a child for prostitution.
- Offer of payment is not usually to the child but a third party.
- No requirement for the offer payment to be fulfilled, promise is sufficient.¹⁶⁴
- No consent below 18.
- The term ‘sexual exploitation of children’ should be used instead of the term ‘child prostitute’ (although international law uses ‘child prostitute’).
- A child can never voluntarily choose to be exploited in prostitution but rather is a victim of sexual exploitation.

Reminder: A child below the age of sexual consent cannot consent

Exploitation of child in/for prostitution: International human rights standards

- 2011: EU Directive 2011/93 uses the term “*child prostitution*” and defines it as “*the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party*”.¹⁶⁵
- 2007: The Lanzarote Convention uses the term “*child prostitution*” in Article 19(2), and defines it as “*the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person*”.¹⁶⁶
- CRC requires States to take measures to prevent ‘*the exploitative use of children in prostitution*’ – term is not defined.¹⁶⁷
- Offering, obtaining, procuring or providing a child for prostitution are the elements of sexual abuse that amount to exploitation of a child in or for prostitution. The offer of payment is not usually to the child but to a third party, and there is no requirement for the offer payment to be fulfilled.
- The term prostitution may inadvertently stigmatise or legitimise the practice and the term ‘sexual exploitation of children’ is preferred as it emphasises the exploitation and the fact that the child is not responsible. Sexual exploitation of children is defined above. There can be no consent to prostitution below the age of 18 and the term ‘child prostitute’ should not be used.

¹⁶⁴ EU Directive 2011/93; Lanzarote Convention Art.19(2)

¹⁶⁵ ECPAT Interagency Working Group on Sexual Exploitation of Children(2016) *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, (Luxembourg Guidelines) (adopted by the Interagency Working Group in Luxembourg, 28 January 2016) ECPAT International and ECPAT Luxembourg, Rachathewi, Bangkok, June 2016 [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse \(ecpat.org\)](https://www.ecpat.org/terminology-guidelines-for-the-protection-of-children-from-sexual-exploitation-and-sexual-abuse/) p.41

¹⁶⁶ Luxembourg Guidelines p.41

¹⁶⁷ CRC 1989 Art. 34; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2002

Exploitation of child in/for prostitution: Irish legal considerations

- In Irish law it is illegal to organise, control or direct the activities of a child for the purposes of prostitution, or to compel, coerce or recruit a child into prostitution, or to knowingly gain from the prostitution of a child.¹⁶⁸

Exploitation of child in/for prostitution: Related terminology

- Sexual Exploitation.
- Child, forced or early marriage.
- Trafficking of a child for the purpose of sexual exploitation.
- Psychological violence: Istanbul Convention Article 33 defines psychological violence as “the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”.
- Digital dimension of sexual exploitation of children.

Exploitation of child in/for prostitution: Survey responses

- 7/16 databases do not use the term.
- 9/16 databases use the term.
- 7/16 databases use the term but do not have a definition.
- 2/16 databases use the term and provide a definition.

Exploitation of child in/for prostitution: Definitions in use by participants

- *“Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse.”*
- *“10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998: (a) section 3 (child trafficking and taking, etc., child for sexual exploitation); (b) section 4 (allowing child to be used for child pornography); (c) section 4A (organising etc. child prostitution or production of child pornography); (d) section 5A (participation of child in pornographic performance). 11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation.”*
- *“Children First and Practice Handbook.”*
- *“We record this as CSA.”*

¹⁶⁸ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, Part 2, s.11

17. Exposure to witnessing sexual violence

Exposure to witnessing sexual violence: Proposed shared definition

Exposure to witnessing sexual violence is when a child is knowingly or intentionally caused to witness sexual activity or images of sexual activity.

Exposure to witnessing sexual violence: Criteria for definition

- Includes witnessing any form of sexual violence or any sexual activities.
- At home, in any form of media, or as part of sexually violent cultural norms.
- Includes witnessing all forms of sexually violent material and harmful content.
- It is the normalisation of sexually violent behaviours through exposure.
- Intentional, neglectful, unintentional.
- Non-deliberate forms of exposure may be part of a societal failure to protect children from witnessing sexual violence.
- Legal and illegal material.
- Regulated and unregulated material.
- Includes socially acceptable sexual violence.
- This is a form of non-contact sexual abuse, which may be part of a grooming process.

Reminder: A child below the age of sexual consent cannot consent.

Exposure to witnessing sexual violence: International human rights standards

- Istanbul Convention, Article 36, requires States to criminalise intentional sexual violence against children.
- GREVIO recognises that children may be the primary or secondary victims of intentional sexual violence, and are exposed to witnessing sexual violence on and offline and recommends that States systematically “*collect and analyse disaggregated data on violence against women and children with a digital component, disaggregated by the type of violence, age and relationship between perpetrator and victim(s), potential aggravating circumstances (the number of perpetrators, length of abuse, permanence of data, existence of overlapping forms of violence, involvement of or impact on the victim’s children, etc.) and other relevant factors*”.¹⁶⁹
- GREVIO recommends that States “*involve the ICT sector and internet intermediaries in efforts to hold perpetrators of violence against women in the digital sphere accountable on the basis of their internal rules and by upholding criminal and other legislation*”.
- Istanbul Convention Article 17 obliges States to develop skills among children, parents and educators to deal with ICT ‘content of a sexual or violent nature’.¹⁷⁰
- The Lanzarote Convention Art.22 criminalises ‘*corruption of children*’, defined as the deliberate exposure of a child to witnessing sexual abuse or sexual activities, without having to participate.¹⁷¹

¹⁶⁹ GREVIO Group of Experts on Action against Violence against Women and Domestic Violence (2021), ‘General Recommendation No.1 on the digital dimension of violence against women’ adopted on 20 October 2021 Council of Europe, 57d

¹⁷⁰ Istanbul Convention, Art 17

¹⁷¹ Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) Article 22 “Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.”

- The term ‘sexual activity’ is used frequently in international law, but the scope is not consistently defined. Forced sexual activity is any activity of a sexual nature that infringes a child’s rights to be free of coercion, violence or discrimination of any kind. Children have rights to privacy, bodily integrity, sexual education, the highest attainable standard of health, information, freedom of opinion and expression, and a right to effective remedy for violations of fundamental rights.
- A child can be exposed to witnessing sexual violence enacted in the home, in any form of media, or through exposure to sexually violent cultural norms. Exposure to sexual violence may normalise sexually violent behaviours.
- Sexually violent content includes all sexual violence material (pornography), legal and illegal material, all forms of sexual and domestic violence. Harmful content is a broader term that includes other forms of violence, for example violent video games and movies, that may be considered harmful to children. ‘Harmful content’ on television, social media and online is regulated within the context of existing cultural norms and age-related guidance may be provided to protect children from otherwise legal material.

Exposure to witnessing sexual violence: Irish legal considerations

- In Ireland the age of sexual consent is 17 years of age¹⁷² and any intentional ‘exposure to/witnessing sexual violence’ under that age is a crime. Exposure to witnessing sexual violence or sexual activity includes knowing or believing that the child is aware, or intending that the child should be aware, that a person is engaging in sexual activity.
- The Criminal Law (Sexual Offences) Act 2017 defines sexual activity as *“any activity where a reasonable person would consider that (a) whatever its circumstances or the purpose of any person in relation to it, the activity is because of its nature sexual, or (b) because of its nature the activity may be sexual and because of its circumstances or the purposes of any person in relation to it (or both) the activity is sexual”*.¹⁷³
- Sexual activity in the presence of a child: *“5. (1) A person who, for the purpose of obtaining sexual gratification from the presence of a child or corrupting or depraving a child, intentionally engages in sexual activity whether or not with another person— (a) when the child is present or in a place from which the person can be observed by the child, and (b) knowing or believing that the child is aware, or intending that the child should be aware, that the person is engaging in sexual activity, shall be guilty of an offence”*.¹⁷⁴
- Causing a child to watch sexual activity: *“6. (1) A person who, for the purpose of obtaining sexual gratification or corrupting or depraving a child, intentionally causes a child— (a) to watch another person engaging in sexual activity, or (b) to look at an image of that person or another person engaging in sexual activity, shall be guilty of an offence”*.¹⁷⁵
- Engaging in any sexual act with a child under 15 years of age is illegal in Ireland.¹⁷⁶ Engaging in a sexual act with a child between the ages of 15 and 17 years is illegal with 2 exceptions. There is a provision for the defence of being reasonably mistaken that the child was over 17 years of age. There is also a provision for the defence of consent where the defendant is: younger or not more than 2 years older; not in a position of authority; and not in an intimidatory or exploitative relationship with the child.¹⁷⁷
- Sexual activity with a child aged 17-18 years of age is an offence for a person in authority over the child.¹⁷⁸

¹⁷² “A person does not consent to a sexual act if—(a) he or she permits the act to take place or submits to it because of the application of force to him or her or to some other person, or because of the threat of the application of force to him or her or to some other person, or because of a well-founded fear that force may be applied to him or her or to some other person,” Criminal Law (Rape) (Amendment) Act 1990 as amended by Criminal Law (Sexual Offences) Act 2017. Section 48 Criminal Law (Sexual Offences) Act 2017 (irishstatutebook.ie)

¹⁷³ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.2

¹⁷⁴ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.5

¹⁷⁵ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.6

¹⁷⁶ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.16

¹⁷⁷ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.17

¹⁷⁸ Irish Statute Book, Criminal Law (Sexual Offences) Act 2017, s.18

Exposure to witnessing sexual violence: Related terminology

- Sexting.
 - Domestic violence.
 - Exposure to child sexual violence material.
-

Exposure to witnessing sexual violence: Survey responses

- 10/16 databases do not use the term.
 - 5/16 databases use the term.
 - 5/16 databases use the term but do not have a definition.
 - 0/16 databases use the term and provide a definition.
-

Exposure to witnessing sexual violence: Definitions in use by participants

The survey asked about 'Children affected by exposure to sexual violence'

- *"we use the term domestic violence which includes children affected by exposure to sexual violence but don't have specific definition other than reference to Children First".*

18. Female Genital Mutilation (FGM)

Female Genital Mutilation: Proposed shared definition

Female Genital Mutilation means any act the purpose of which, or the effect of which, is the excision, infibulation or other mutilation of the whole or any part of the labia majora, labia minora, prepuce of the clitoris, clitoris or vagina of a girl or woman.

Female Genital Mutilation: Criteria for definition

- Cultural practice, harmful social norm.
- Cuts, mutilates, removes or stitches the girl child's genitalia.
- Intention to suppress female sexuality, make girl 'clean' or eligible for marriage, usually intention is preservation of virginity until marriage.
- Long term complications.
- Usually inflicted on females age 4-12 years.

Reminder: A child below the age of sexual consent cannot consent.

Female Genital Mutilation: International human rights standards

- Istanbul Convention, Art 38 *"Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised: a) excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris; b) coercing or procuring a woman to undergo any of the acts listed in point a; c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a)."*
- European Parliament (2019) *"FGM comprises all procedures that involve partial or total removal of the external female genitalia, such as clitoridectomy, excision, infibulation and other harmful procedures, and that intentionally alter or cause injury to the female genital organs for non-medical purposes, producing physical, sexual, and psychological health complications that can lead to death".*¹⁷⁹
- European Parliament (2019) *"calls on the Commission and the Member States to update the relevant data and address the lack of reliable comparable statistics at EU level on the prevalence of FGM and its types, and to involve academics, as well as practicing communities and survivors, in the process of data collection and research, through a community-based and participatory approach; urges organisations, governments, and the EU institutions to work together to provide more accurate qualitative and quantitative information on FGM, and to make it available and accessible to the wider public".*¹⁸⁰
- The Victim's Rights Directive (2012) and Asylum Reception Conditions Directive (2012) and Asylum Procedures Directive (2012) all require states to provide support services to women and children.
- *Female genital mutilation is a sexually violent cultural practice that cuts, mutilates, removes or stitches the girl child's genitalia, traditionally believed to suppress female sexuality, make the child 'clean' or eligible for marriage.*
- *FGM (or circumcision, excision, cutting, sunna circumcision, infibulation) denotes all procedures involving the partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.*¹⁸¹

¹⁷⁹ European Parliament Resolution of 12 February 2020 on an EU strategy to put an end to female genital mutilation around the world (2019/2988(RSP)), Preamble D

¹⁸⁰ European Parliament Resolution of 12 February 2020 on an EU strategy to put an end to female genital mutilation around the world (2019/2988(RSP)) Section 25

¹⁸¹ WHO 2013

- World Health Organisation (WHO) (2008) defined as all procedures that involve partial or total removal of the external female sexual organs for non-medical reasons, including sunna circumcision or clitoridectomy (partial or total removal of the clitoris along with the prepuce), excision (partial or total removal of the clitoris and the outside labia, ‘the lips’) and the most extreme practice of FGM, infibulation (narrowing the vaginal opening through the creation of a covering seal).

Female Genital Mutilation: Irish legal considerations

- Under Irish law, female genital mutilation “means any act the purpose of which, or the effect of which, is the excision, infibulation or other mutilation of the whole or any part of the labia majora, labia minora, prepuce of the clitoris, clitoris or vagina of a girl or woman”.¹⁸²
- In Ireland it is an offence to assist, facilitate or perform female genital mutilation and a child (or her parents or guardian) cannot consent to female genital mutilation.

Female Genital Mutilation: Related terminology

- Cultural practice, harmful social norm.
- Child, forced or early marriage.
- Sexual violence against children.

Female Genital Mutilation: Survey Responses

- 6/16 databases do not use the term.
- 10/16 databases use the term.
- 8/16 databases use the term but do not have a definition.
- 2/16 databases use the term and provide a definition.

Female Genital Mutilation: Definitions in use by participants

- “A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. Ref Child Protection and Welfare Practice Handbook (2011).”
- “Female genital mutilation is the removal or injury of the external genitalia of females for non medical reasons. The practice is rooted in gender inequality, attempts to control women’s sexuality and ideas about purity. It is usually initiated and carried out by women, who see it as a source of honour, and who fear their daughters and granddaughters will otherwise be exposed to social exclusion. It is usually perpetrated on girls aged between infancy and 15 years. It has many long term physical consequences and in some cases results in death.”
- “FGM involves removing all or part of a girl’s external genital organs, including the area around her vagina and her clitoris. FGM is done for cultural reasons and not medical ones. In most cases, FGM is performed on girls between birth and 15 years of age but appears to be most frequently performed when the girl is aged between 4 and 10 years.”¹⁸³

¹⁸² Criminal Justice (Female Genital Mutilation) Act 2012, Irish Statute Book (11/2012) s.1 [Criminal Justice \(Female Genital Mutilation\) Act 2012 \(irishstatutebook.ie\)](http://www.irishstatutebook.ie)

¹⁸³ Tusla (2018) Child Protection Handbook 2, p132

19. Grooming of a child

Grooming of a child: Proposed shared definition

Grooming of a child is the process of establishing or building a relationship, trust, or influence with a child by any means, whether in person or through the use of the internet or other digital technologies, to facilitate either online or offline sexual contact, exploitation or trafficking of the child. Grooming can involve the use of secrecy and psychological manipulation. It can be perpetrated by an adult or by a child.

Grooming of a child: Criteria for definition

- Enticing, luring.
- Communication online and/or offline, with or without a digital dimension.
- Power differential is not just age difference but may be cognitive ability or social status among peers.
- Trust or influence is established.
- Normalisation/desensitisation of sexual abuse.
- Secrecy is maintained.
- No necessity to meet child offline or online (exploitation can be non-contact).
- Psychological manipulation, often subtle, pre-meditated and controlling.
- Sexual exploitation.
- A purpose of grooming can be trafficking a child for purpose of sexual exploitation.
- Legally restricted to adult behaviour towards a child.

Grooming of a child: International human rights standards

- The Lanzarote Convention (2007) does not use the term 'grooming', but addresses '*corruption of children*' and '*solicitation of children for sexual purposes*' including acts leading to a meeting.¹⁸⁴
- 'Corruption of children', which may be part of a grooming process, is defined in the Lanzarote Convention as the "*intentional causing, for sexual purposes, of a child... to witness sexual abuse or sexual activities, even without having to participate*".¹⁸⁵
- '*Solicitation of children for sexual purposes*' in the Lanzarote Convention provides a narrow definition for online grooming: intentional behaviour of an adult, using ICT, proposing to commit an offence, followed by acts leading to a meeting.¹⁸⁶
- Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography (2011) states that grooming should be criminalised but does not define beyond '*solicitation of children for sexual purposes*'.¹⁸⁷
- Directive 2011/93/EU notes that both online and offline grooming must be criminalised but does not recognise online grooming without intent to meet 'material acts to meet'. "*the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph*

¹⁸⁴ Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, 2007 (Lanzarote Convention) CETS 201, Art.22, 23

¹⁸⁵ Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, 2007 (Lanzarote Convention) CETS 201, Art.22

¹⁸⁶ Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, 2007 (Lanzarote Convention) CETS 201, Art.22, 23

¹⁸⁷ Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, Recital 19 & Art.6

1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.”¹⁸⁸

- The international legal standards are limited to ‘online grooming’. EU Directive 2011/93 encourages (but does not require) States to criminalise real life or ‘offline grooming’.¹⁸⁹ ‘Online grooming’ is criminalised in Article 6 under the term ‘solicitation of children for sexual purposes’.¹⁹⁰
- The definition of grooming in international law does not require physical presence or physical contact or that an offence was committed – it is the process or steps taken with the intention of meeting for sexual purposes, including sexual chatting and soliciting a child to provide images. As the definition of grooming expands, States need to consider extending laws to include online meetings¹⁹¹ and consider the possibility that the perpetrator is not an adult.
- Grooming is evolving and a definition should be wide enough to cover emerging forms of grooming. “[t]he overall phenomenon of online grooming evolves in parallel to information and communication technologies. Its understanding should therefore not restrict itself to the way online grooming was committed when the Convention was drafted, but should be understood and tackled according to how it is being committed today and could be committed tomorrow. As no static definition of online grooming is possible, Parties should consider extending its criminalisation also to cases when the sexual abuse is not the result of a meeting in person, but is committed online.”¹⁹²
- Summary: Grooming can be online or offline and in international law is called ‘solicitation’, meaning the process of trying to persuade someone to do something for sexual purposes. International law restricts the definition of grooming by including the following criteria: adults, online element, intentional, leading to meeting.
- Criminal law provisions for ‘attempting to’, ‘inciting’, ‘inducing’, ‘initiating’, ‘recruiting’, or ‘aiding and abetting’ a child to solicitation or witness or engage in pornography and prostitution can also be used to tackle grooming.¹⁹³
- European Member States were asked ‘to check carefully their criminal law definitions as regards the criminalisation of ‘real-life’ solicitation of children for sexual purposes, and to improve and correct their criminal law, if necessary’ in line with Recital 19 EU Directive 2011/93.¹⁹⁴
- “(1) the use of a variety of manipulative and controlling techniques (2) with a vulnerable subject (3) in a range of inter-personal and social settings (4) in order to establish trust or normalise sexually harmful behaviour (5) with the overall aim of facilitating exploitation and/or prohibiting exposure.”¹⁹⁵
- “Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.”¹⁹⁶

¹⁸⁸ Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, Recital 19 & Art.6

¹⁸⁹ Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, Recital 19,

¹⁹⁰ Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, Art.6 “Member States shall take the necessary measures to ensure that the following intentional conduct is punishable: the proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent, for the purpose of committing any of the offences referred to in Article 3(4) and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year.”

2. Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 5(2) and (3) by an adult soliciting a child who has not reached the age of sexual consent to provide child pornography depicting that child is punishable.

¹⁹¹ Luxembourg Guidelines, p.50

¹⁹² Committee of the Parties to the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (T-ES), “Opinion on Article 23 of the Lanzarote Convention and Its Explanatory Note”, 23 June 2015, Paragraph 20. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046ebc8>

¹⁹³ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing council Framework Decision 2004/68/JHA, Art.7

¹⁹⁴ Joint statement of the European Parliament and of the Council on solicitation of children for sexual purposes, P7_TA(2011)0468, cited in EPRS ‘Combating sexual abuse of children Directive 2011/93/EU European Implementation Assessment Study (2017)’, p.26 [EPRS STU\(2017\)598614_EN.pdf \(europa.eu\)](https://www.eprs.europa.eu/STU(2017)598614_EN.pdf)

¹⁹⁵ McAlinden Anne-Marie (2012) ‘Grooming and the Sexual abuse of Children: Institutional, Internet and Familial Dimensions’ p11 [‘Grooming’ and Child Sexual Abuse and Exploitation | S&LS Blog \(wordpress.com\)](https://www.wordpress.com/); see also McAlinden (2017)

¹⁹⁶ NSPCC [What Parents Need to Know About Sexual Grooming | NSPCC](https://www.nspcc.org.uk/what-parents-need-to-know-about-sexual-grooming/)

Grooming of a child: Irish legal considerations

- Criminal Law (Sexual Offences) Act 2017 targets online grooming but avoids using the term. The Act amends and expands the 1998 definition of sexual exploitation in relation to a child to include “(d) inducing or coercing the child to engage or participate in any sexual, indecent or obscene act, (e) inviting the child to engage or participate in any sexual, indecent or obscene act which, if done, would involve the commission of an offence against the child, or (f) inviting, inducing or coercing the child to observe any sexual, indecent or obscene act, for the purpose of corrupting or depraving the child”.¹⁹⁷
- Criminal Law (Sexual Offences) Act 2017 also criminalises a person who meets a child for the purposes of sexual exploitation “intentionally meets, or travels with the intention of meeting a child or makes arrangements with the intention of meeting a child or for a child to travel, whether or not from within the State, having communicated by any means with that child on at least one previous occasion, and (b) does so for the purpose of doing anything that would constitute sexual exploitation of the child”.¹⁹⁸
- Criminal Law (Sexual Offences) Act 2017 also criminalises using ICT to facilitate sexual exploitation of a child,¹⁹⁹ and criminalises the use of ICT to send sexually explicit material to a child.²⁰⁰

Grooming of a child: Related terminology

- Grooming is related to all acts of pre-meditated sexual exploitation.
- Psychological violence: Istanbul Convention Article 33 defines psychological violence as “the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”.

Grooming of a child: Survey responses

- 4/17 databases do not use the term.
- 13/17 databases use the term.
- 8/17 databases use the term but do not have a definition.
- 5/17 databases use the term and provide a definition.

Grooming of a child: Definitions in use among participants

- “The process of establishing/building a relationship with a person either in person or through the use of the internet or other digital technologies to facilitate either online or offline sexual contact with that person.”
- “Deliberate actions taken by an adult to form a trusting relationship with a child, with the intent of having sexual contact.”
- “An abuser will often “groom” a child, by giving special attention and affection, starting normally but will gradually develop into sexual touching, masturbation, and/or penetration.”
- “As per Children First”.
- “Grooming refers specifically to the process of preparing a child for sexual abuse through the building of relationships and trust. Grooming is defined as “a process by which a person prepares a child, significant adults and the environment for the [sexual] abuse of [a] child” (Craven et al. 2006: 297). It can occur when an abuser builds attachment to a child through face-to-face and/or online interaction and communication (Whittle et al. 2013). Specific goals of an abuser include “gaining access to the child, gaining the child’s compliance and maintaining the child’s secrecy to avoid disclosure” (Craven et al. 2006: 297). Typically in the grooming process, an unhealthy attachment and bond of trust is formed, for example, through play and support, where a child’s inhibitions are reduced and desensitised and power and control are asserted, all involving the abuser’s manipulation of the child (Whittle et al. 2013).”

¹⁹⁷ Criminal Law (Sexual Offences) Act 2017, Article 10 [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/10)

¹⁹⁸ Criminal Law (Sexual Offences) Act 2017, Article 7 [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/7)

¹⁹⁹ Criminal Law (Sexual Offences) Act 2017, Article 8 [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/8)

²⁰⁰ [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/8)

20. Incest with child

Incest with child: Proposed shared definition

Incest with child is any sexual conduct perpetrated against a child (who is under the age of 18) by a member of their family unit, regardless of blood relations.

Incest with child: Criteria for definition

- Sexual activity between people who are closely related, although not necessarily consanguineous/blood-related (e.g. step-parents).²⁰¹
- Same sex or opposite sex.
- Perpetrator can be child or adult.
- Can include all inter-familial sexual exploitation or be limited to certain forms of sexual exploitation.
- Some jurisdictions allow consensual incest over age of sexual consent – consenting adults not criminalised.
- Form of sexual abuse against children.

Reminder: A child below the age of sexual consent cannot consent.

Incest with child: International human rights standards

- Astonishingly few direct mentions of incest in international law.
- Legislated for under child sexual abuse, child marriage, etc if child is below age of sexual consent.
- Some definitions are limited to sexual intercourse not all sexual activity.
- Some definitions are limited to consanguinity not affinity.

Incest with child: Irish legal considerations

- The Punishment of Incest Act 1908²⁰² prosecuted males (grand-daughter, daughter, sister, mother) and females over 16 (grandfather, father, brother, or son) differently; separate punishment for incest with girls under 13; did not include same-sex incest; only applied to penetrative sex; included anonymity for victim and accused even after conviction.
- Irish law continues to treat incest by males and females separately and confines incest victims to grandchildren, children, siblings and parents, excluding other close relatives.
- The 1908 legislation was amended in 2019 to make it an offence for girls of 17 (not 16) years of age or over *‘who with consent permit her grandfather, father, brother or son’* to have *‘carnal knowledge’* of her.²⁰³
- O’Malley argued for redefining incest (UK 2003 and Scotland Incest and Related Practices Act 1986 example) to include any sexual exploitative conduct within family unit, regardless of blood relations.²⁰⁴

²⁰¹ Incest may be defined in terms of consanguinity and affinity. Affinity covers all familial relationships including adopted children and step-parents, and consanguinity covers blood relationships. Affinity is considered because of coercive control and sexual abuse of children. Consanguinity is considered because of inbreeding. Degree of relationship/consanguinity is calculated by % of shared DNA (e.g. parent-child 50%; full siblings 50%; aunt, uncle, nephew, niece 25%; first cousins 12.5%). Most cultures prohibit unions of individuals of 12.5% shared DNA or more.

²⁰² Punishment of Incest Act 1908 [Punishment of Incest Act, 1908 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/1908/act-10/section-1)

²⁰³ Criminal Law (Sexual Offences) (Amendment) Act 2019, s.3 amending Punishment of Incest Act 1908 s.2. [Criminal Law \(Sexual Offences\) \(Amendment\) Act 2019 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2019/act-10/section-3)

²⁰⁴ O’ Malley T, Sexual Offences (2nd edn, Round Hall 2013) 7.17, cited in Trinity FLAC in association with RCNI Sexual Violence Legal Research Report ‘Sexual Violence in Ireland’ In Trinity College Law Review 2018/03 p53

Incest with child: Related terminology

- Psychological violence: Istanbul Convention Article 33 defines psychological violence as “the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”.
-

Incest with child: Survey responses

- 7/16 databases do not use the term.
 - 10/16 databases use the term.
 - 8/16 databases use the term but do not have a definition.
 - 1/16 databases use the term and provide a definition.
-

Incest with child: Definitions in use by participants

- *“A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse.”*
- *“From PUNISHMENT OF INCEST ACT 1908 Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother... It is immaterial that the carnal knowledge was had with the consent of the female person. Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son.”*
- *“We record this as CSA.”*

21. Intimate Images Of Child (IIOC):

Intimate Images Of Children: Proposed shared definition

Intimate Images Of Children are any visual representation (including any accompanying sound or document) made by any means including any photographic, film, video or digital representation, including material that has been altered—

- a. of what is, or purports to be the child’s genitals, buttocks or anal region and, in the case of a female, her breasts,
- b. of the underwear covering the child’s genitals, buttocks or anal region and, in the case of a female, her breasts,
- c. in which the child is nude, or
- d. in which the child is engaged in sexual activity.

Intimate Images Of Children is a form of Child Sexual Violence Material (CSVM).

Intimate Images Of Child: Criteria for definition

- Any visual representation including accompanying sound or document.
- Made by any means.
- Of what is (or what purports to be) child’s genital area, buttocks, anal region, breasts (female only), underwear, OR person is engaged in sexual activity (or just about to be, or recently engaged in).
- Pre- and post-pubescent.
- Image does not have to make victim identifiable (there does not have to be an identified victim for crime to be prosecuted in UK).²⁰⁵
- Includes ‘upskirting’ and ‘downblousing’.

Intimate Images Of Child: International human rights standards

- European Parliament Resolution of 16 September 2021 with recommendations to the Commission on identifying gender-based violence as a new area of crime: Section P “online gender-based violence and online sexual harassment are cross-border in nature; whereas violence in the form of cyber violence, including online harassment, cyber-bullying, cyberstalking, sexist hate speech, non-consensual disclosure of sexual images, doxing, identity theft or hacking, disproportionately affects women and girls” and 33. “Insists that cyber violence, including online sexual and psychological harassment, cyber-bullying, cyberstalking, non-consensual disclosure of sexual images, sexist hate speech online and new forms of online harassment such as zoom bombing or threats online, constitutes a form of gender-based violence;”, 34. “recalls that gender-based cyber violence is a continuum of, and is inseparable from, offline violence as they are both interlinked”.²⁰⁶
- ‘photograph, film, video, recording, digital picture or other visual representation of a person whose intimate parts are visible or who is engaged in sexual conduct’.²⁰⁷
- ‘a visual recording of a person made by any means including a photographic, film or video recording (whether or not the image of the person has been altered in any way)’.²⁰⁸

²⁰⁵ UK Justice [Sexual Offences Guideline \(justice.gov.uk\)](https://www.justice.gov.uk)

²⁰⁶ European Parliament Resolution (2021) European Parliament Resolution of 16 September 2021 with recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU (2021/2035(INL))

²⁰⁷ Oregon legislature cited in lawinsider.com [Intimate image Definition | Law Insider](https://www.lawinsider.com)

²⁰⁸ Data.oireachtas.ie and rcni.ie as cited in lawinsider.com [Intimate image Definition | Law Insider](https://www.lawinsider.com)

Intimate Images Of Child: Irish legal considerations

- *“Intimate image”, in relation to a person, means any visual representation (including any accompanying sound or document) made by any means including any photographic, film, video or digital representation—(a) of what is, or purports to be the person’s genitals, buttocks or anal region and, in the case of a female, her breasts, (b) of the underwear covering the person’s genitals, buttocks or anal region and, in the case of a female, her breasts, (c) in which the person is nude, or (d) in which the person is engaged in sexual activity.²⁰⁹*

Intimate Images Of Child: Related terminology

- ‘Child Sexual Exploitation Material (CSEM)’.
- The digital dimension of sexual exploitation of children.

Intimate Images Of Child: Definitions in use by participants

- *“The survey did not include this term: One organisation provided a definition for Intimate Images of Children (IIOC).”*
- *“Creating or facilitating the creation of intimate images or videos of someone without their consent. Installing equipment or constructing or adapting a structure or part of a person without their consent. Operating equipment/recording beneath the clothing of another person with the intention of themselves or someone else seeing/viewing the buttocks, genitals, breast, chest or underwear of the person recorded, without their consent.”*

²⁰⁹ Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s Law)(32/2020) s.1 [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/a/32/s1)

22. Observing/voyeurism of child

Observing/voyeurism of child: Proposed shared definition

Observing/voyeurism of child is watching a child in intimate situations for the purpose of sexual gratification. It can involve constructing or adapting a structure or part of a structure with the intention of watching a child in intimate situations.

Observing/voyeurism of child: Criteria for definition

- Watching a child for purpose of sexual arousal or gratification.
- Observation may be in person or remote.
- Secretive: child usually unaware that they are being watched.
- Violation of expectation of privacy.
- Child may or may not be performing sexual activity. For example, dressing, bathing etc the sexualisation of activity is in the mind of perpetrator).
- May involve ICT and hidden cameras.
- Can be a one-off incident or persistent/obsessive.
- Sexual abuse of child, or sexual exploitation if exchange is involved.

Observing/voyeurism: International human rights standards

- Observing/voyeurism may be remote. Live online sexual abuse can be both sexual abuse and sexual exploitation against a child as the forced sexual activity or abuse is transmitted to a greater audience and watched remotely. This remote watching may have been paid for or ordered and is sexual exploitation of the child.²¹⁰
- Use of child for pornographic performances has been prohibited since the UN Convention on the Rights of the Child (1989).²¹¹
- Right to respect for private life is a core human right.²¹²
- In UK, non-consensual voyeurism became a crime in 2004.²¹³
- *“The derivation of sexual satisfaction by watching people secretly, especially when those being watched are undressed or engaging in sexual activity.”*²¹⁴
- *“The criminal act of surreptitiously viewing a person without their consent in a place where the person has a reasonable expectation of privacy (such as a home or public bathroom) or of using a device (such as a camera) for the purpose of such viewing.”*²¹⁵
- *“unlawful surreptitious surveillance without consent and unlawful recordings including the broadcast, dissemination, publication, or selling of recordings involving places and times when a person has a reasonable expectation of privacy and a reasonable supposition they are not being photographed or filmed”* related to invasion of privacy laws in US.²¹⁶
- Privacy *“a state in which one is not observed or disturbed by other people.”*²¹⁷

²¹⁰ Luxembourg Guidelines p.46

²¹¹ UN General Assembly *Convention on the Rights of the Child* (UNCRC) (1989) [OHCHR | Convention on the Rights of the Child](#)

²¹² Universal Declaration of Human Rights (Article 12), UN Convention on the Rights of the Child (Article 16), International Covenant on Civil and Political Rights (Article 17); and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8)

²¹³ UK Sexual Offences Act 2003, Section 67; brought into force by the Sexual Offences Act 2003 (Commencement) Order 2004, includes filming and photography of naked person without consent; Criminal Justice and Courts Act and the Voyeurism Act; The Voyeurism (Offences) Act, which was commonly known as the Upskirting Bill, was introduced on 21 June 2018. It came into force on 12 April 2019.

²¹⁴ Wiktionary online dictionary

²¹⁵ Merriam-webster online English dictionary

²¹⁶ US law, cited on Wikipedia [Voyeurism - Wikipedia](#)

²¹⁷ Oxford English Dictionary

Observing/voyeurism: Irish legal considerations

- The act of secretly observing a person is not a crime until peace and privacy are persistently interfered with, or images are taken without consent, or it falls within the definition of offensive conduct of a sexual nature under S.45 of the Criminal Law (Sexual Offences) Act 2017.
- Non-Fatal Offences Against the Person Act 1997, section 10 is only applicable to persistent cases “harasses another by persistently following, watching.....seriously interferes with the other’s peace and privacy”.²¹⁸
- Harassment, Harmful Communications and Related Offences Act 2020 is only applicable to cases: including recording, distributing or publishing an intimate image without consent.²¹⁹

Observing/voyeurism: Related terminology

- Threatening to publish an image without consent, a form of blackmail.
- Intimate Images of Children, Child Sexual Exploitation Material, Child Sexual Violence Material.
- Stalking.
- Surveillance.
- Exposure or offensive conduct of a sexual nature.
- Up-skirting and down-blousing.
- Digital dimension of sexual violence against children, cyber violence.

Observing/voyeurism: Survey responses

- 8/16 databases do not use the term.
- 8/16 databases use the term.
- 4/16 databases use the term but do not have a definition.
- 4/16 databases use the term and provide a definition.

Observing/voyeurism: Definitions in use by participants

- *“Observing or watching another person in intimate situations without their consent. Constructing or adapting a structure or part of a structure with the intention of watching another person in intimate situations without their consent.”*
- *“For the purposes of obtaining sexual gratification, observing (or operating or installing equipment to enable any person to observe) someone doing a private act, and knowing that the other person does not consent to being observed.”*
- *“A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse.”*
- *“Any sexual act intentionally performed in the presence of a child.”*
- *“For the purpose of obtaining sexual gratification, observing (or operation or installing equipment to enable any person to observe) someone doing a private act, and knowing that the other person does not consent to being observed. A private act is an act in circumstances which would reasonably be expected to be private and the persons genitals, buttocks or breasts are exposed or covered only with underwear, the person is using the lavatory, or the person is doing a sexual act that is not of a kind ordinarily done in public.”*
- *“We record this as CSA.”*

²¹⁸ Irish Statute Book, Non Fatal Offences Against the Person Act 1997, section 10 “10.—(1) Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence. (2) For the purposes of this section a person harasses another where—(a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other’s peace and privacy or causes alarm, distress or harm to the other, and (b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other’s peace and privacy or cause alarm, distress or harm to the other.”

²¹⁹ Irish Statute Book, Harassment, Harmful Communications and Related Offences Act 2020 [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/act/12/section/1)

23. Rape of child

Rape of child: Proposed shared definition

Rape of a child is vaginal, anal, or oral penetration of a sexual nature of the body of a child with any bodily part or object. Rape of a child can be perpetrated by an adult or another child.

Rape of child: Criteria for definition

- Penetrative sex, vaginal, anal, oral.
- Non-consensual.
- Do not need to involve physical force or violence.
- Gender neutral.
- May be more than one perpetrator.
- Connected to child marriage.

Reminder: a child below the age of sexual consent cannot consent.

Rape of child: International human rights standards

- Istanbul Convention: Article 25 provides for the establishment of Rape Crisis Centres and sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.
- Istanbul Article 36 defines rape in the context of sexual violence *“engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object”*.
- Council of Europe Convention on preventing and combating violence against women and domestic violence (2011) Article 36 *“Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised: a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object”*.

Rape of child: Irish legal considerations

- Rape of a child is the crime of forcing a child to have penetrative oral, anal or vaginal sex or penetration of the vagina with an object.
- The definition of rape in Irish law is *“4.(1) In this Act “rape under section 4” means a sexual assault that includes— (a) penetration (however slight) of the anus or mouth by the penis, or (b) penetration (however slight) of the vagina by any object held or manipulated by another person.”*²²⁰
- *“A rape offence”* under Section 1 of the Criminal Law (Rape) Act 1990 means *“rape, attempted rape, aiding, abetting, counselling and procuring rape or attempted rape, and incitement to rape”*.²²¹
- Under Section 2 of the Criminal Law Rape Act 1981 *“2. (1) A man commits rape if—(a) he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and (b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she does or does not consent to it”*.²²²
- The Criminal Law (Rape)(Amendment) Act 1990 abolished the marital exemption in relation to rape and abolished previous law that held that males under 18 could not be physically capable of sexual offences.

²²⁰ Irish Statute Book, Criminal Law (Rape) (Amendment) Act, 1990, s.4 [Criminal Law \(Rape\) \(Amendment\) Act, 1990, Section 2 \(irishstatutebook.ie\)](http://irishstatutebook.ie)

²²¹ Criminal Law (Rape) Act 1981, s.1 [Criminal Law \(Rape\) Act, 1981, Section 1 \(irishstatutebook.ie\)](http://irishstatutebook.ie)

²²² Irish Statute Book, Criminal Law (Rape) Act, 1981, Section 2

- Sexual abuse of children is all sexual activity involving a child under the age of 15.
- For children aged 15-17 consent can be used as a defence for underage sexual activity where the accused is younger or less than 2 years older, not in a position of authority and where the relationship is not exploitative or intimidatory in nature.
- For children aged 17 the offence of rape and not 'rape of a child' is what would be charged. It comprises any non-consensual vaginal, anal, or oral penetration by a penis or penetration of the vagina by an object held or manipulated by another person.

Rape of child: Related terminology

- Sexual violence.
- Psychological violence: Istanbul Convention Article 33 defines psychological violence as *"the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats"*.

Rape of child: Survey responses

- 5/16 databases do not use the term.
- 11/16 databases use the term.
- 9/16 databases use the term but do not have a definition.
- 2/16 databases use the term and provide a definition.

Rape of child: Definitions in use by participants

- *"A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse."*
- *"Rape occurs where a person is subjected without consent to an act that involves penetration of the anus or mouth by the penis or penetration of the vagina by any object held or manipulated by another person. Sexual intercourse with a child, whether oral, vaginal or anal."*
- *"We record this as CSA."*
- *"Defined by charge."*

24. Ritual sexual abuse of child

Ritual sexual abuse of child: Proposed shared definition

Ritual sexual abuse of child is prolonged, extreme, sadistic abuse within a group setting. The group's ideology is used to justify the abuse and the abuse is used to reinforce the group's ideology. The activities tend to be kept secret from society at large as they violate many norms and laws. Ritual abuse is often associated with witchcraft, spiritual possession or quasi-religious or curative explanation/terminology to enforce victim compliance and submission to sexual abuse/exploitation.

Ritual sexual abuse of child: Criteria for definition

- Repeated, or performed as a coming of age or initiation ceremony.
- Extreme and sadistic.
- Humiliating, painful, intimidating.
- Often associated with witchcraft, spiritual possession or quasi-religious or curative explanation/terminology to enforce victim compliance and submission to sexual abuse/exploitation.
- May include mind-altering drugs or mind-control techniques such as sleep deprivation, brainwashing.
- Uses symbolism or ritualistic practices, especially including blood and sex.
- Usually men exercising power over women and children.
- Connected to initiation rites, hazing, coming of age rituals, FGM.
- Long term and serious psychological harm.

Ritual sexual abuse of child: International human rights standards

- Elements of ritual sexual abuse may be covered by International human rights legal standards on sexual abuse or exploitation of children, including but not limited to FGM, alcohol or drugs, abuse made of a position of trust, authority or influence over the child, coercion.
- Ritual: *done as part of a ceremony or ritual; a ceremonial act or action; a system of rites; an act or series of acts regularly repeated in a set precise manner.*²²³

Ritual sexual abuse of child: Irish legal considerations

- Elements of ritual sexual abuse are criminalised by legislation on sexual abuse or exploitation of children, FGM, alcohol or drugs, abuse made of a position of trust, authority or influence over the child, coercion.

Ritual sexual abuse of child: Related terminology

- Psychological violence: Istanbul Convention Article 33 defines psychological violence as *“the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats”*.
- Ritual sexual abuse of children may have a digital dimension.

Ritual sexual abuse of child: Survey responses

- 6/16 databases do not use the term.
- 10/16 databases use the term.
- 8/16 databases use the term but do not have a definition.
- 2/16 databases use the term and provide a definition.

²²³ Merriam-Webster online English dictionary

Ritual sexual abuse of child: Definitions in use by participants

- *“Prolonged, extreme, sadistic abuse within a group setting.”*
- *“Prolonged extreme, sadistic abuse within a group setting. The groups ideology is used to justify the abuse and the abuse is used to reinforce the groups ideology. The activities tend to be kept secret from society at large as they violate many norms and laws.”*
- *“A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse.”*
- *“We record this as CSA.”*

25. Sexting

Sexting: Proposed shared definition

Sexting in the context of sexual violence against children is the use of ICT to distribute sexually explicit photos, videos, or messages to a child. Sexting can be perpetrated by a child or an adult or a machine.

Sexting: Criteria for definition

- Exchange or sharing of text and/or image messages with sexual content or innuendo.
- Using mobile phones and/or internet.
- Messages may be created or self-generated by the sender or not.
- Messages often get forwarded beyond the intended recipient, leaving the control and consent of the originator.
- Messages may be self-initiated, wanted or unwanted, sought or unsought and can have a coercive, bullying element.
- May be peer to peer or adult to child.
- Sender may be known or unknown or deliberately misrepresented.
- Usually involves coercion and sexual harassment, assumption should be that relationship is coercive or abusive.
- Linked to grooming and sexual extortion and other forms of sexual abuse and exploitation.
- Linked to suicide.

Reminder: a child under the age of sexual consent cannot consent.

Sexting: International human rights standards

- Elements of sexting come under the definition of pornography of a child. The Budapest Convention,²²⁴ the Lanzarote Convention,²²⁵ and the EU Directive 2011/93²²⁶ require States to criminalise the production, preparation, consumption, sharing, dissemination, possession and knowledge of pornography of a child which can be problematic where the child may have initiated, produced, shared and possessed the sexts. Children

²²⁴ Budapest Convention Art.9(2) “pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct”

²²⁵ Lanzarote Convention Art.20(1) “producing child pornography; offering or making available child pornography; distributing or transmitting child pornography; procuring child pornography for oneself or for another person; possessing child pornography, and knowingly obtaining access to child pornography”

²²⁶ EU Directive 2011/93 Art.2 “(i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; (ii) any depiction of the sexual organs of a child for primarily sexual purposes; (iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; or (iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes”

should not face criminal liability for their role in producing the material.

- Unwanted and harmful sexting should be seen as forensic or material evidence of child sexual exploitation. Sexting exploits and sexualises children and can be termed '*child sexual exploitation material*'. This covers material that may not depict sexual abuse of a child but does include sexualised poses or nude images, for example.
- The term material is preferred to text/images as it is more inclusive.
- Sexting is the sharing of sexual messages or images and can be self-generated or not. Sexting can be self-initiated or intrusive and unwanted and can have a coercive or bullying element. Sexting may be an extension of sexual harassment and may lead to abuse or exploitation. The child must not be blamed even where the material is self-generated.

Sexting: Irish legal considerations

- Harassment, Harmful Communications and Related Offences Act 2020 criminalises 'distributing, publishing or threatening to distribute or publish intimate image without consent with intent to cause harm or being reckless as to whether harm is caused' and 'recording, distributing or publishing intimate image without consent' and 'distributing, publishing or sending threatening or grossly offensive communication'.²²⁷
- Criminal Law (Sexual Offences) Act 2017, Section 8(2) criminalises sending of sexually explicit material by ICT to a person under the age of 17 with or without any nefarious intent.²²⁸
- Criminal Law (Sexual Offences) Act 2017, Section 12 amends the Child Trafficking and Pornography Act 1998 and criminalises the production and distribution of child pornography, applicable age is under 18.²²⁹

Sexting: Related terminology

- Production or distribution of child sexual violence material, child sexual abuse material, child sexual exploitation material.
- Sexual harassment, sexualised bullying.
- Digital dimension of sexual violence against children.
- Intimate images of children.
- Grooming.

Sexting: Survey responses

- 8/16 databases do not use the term.
- 8/16 databases use the term.
- 5/16 databases use the term but do not have a definition.
- 3/16 databases use the term and provide a definition.

Sexting: Definitions in use by participants

- *"Sending, receiving or forwarding of images, videos & text that are sexually explicit."*
- *"Online abuse involves the use of technologies such as mobile phone texting, electronic communication or social networking to carry out these behaviours. It can include sending negative, insulting or even threatening emails, or messages on social media; online "put downs"; sending or posting sexually explicit pictures; tracking online activity; stealing or demanding passwords; checking of mobile phones for pictures, texts and calls."*
- *"Unwanted sexting: Receiving unwanted sexually explicit photos, videos or messages."*

²²⁷ Irish Statute Book, Harassment, harmful communications and related offences Act 2020, [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2020/act/12/section/1)

²²⁸ Criminal Law (Sexual Offences) Act 2017, Irish Statute Book (2/2017) [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/8)

²²⁹ Criminal Law (Sexual Offences) Act 2017, Irish Statute Book (2/2017), Section 12 [Criminal Law \(Sexual Offences\) Act 2017 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2017/act/12/section/12)

26. Stalking of a child

Stalking of a child: Proposed shared definition

Stalking of a child is repeated, unwanted conduct that causes alarm, distress or harm to the victim. There is often an element of intense obsession or fixation, which attempts to create an unwanted intimacy between the stalker and the victim, and which may help to differentiate stalking from harassment. These behaviours may escalate into violent attacks. This conduct can include: Surveillance both on and offline, impersonation, criminal damage, threats, unwanted gifts, unsolicited phone calls and messages, to give some common examples.

Stalking of a child: Criteria for definition

- Fixated or obsessive behaviour often based on delusion or revenge, and connected to relationship rejection, celebrity obsession.
- Unwanted.
- Repeated (2 or more times).
- Intentional.
- Causing fear for safety, anxiety or distress or 'substantial adverse impact'²³⁰ on day-to-day activities.
- Includes but not limited to harassment.
- Stalking is a form of coercive control.
- Any repeated, unwanted behaviour (includes loitering in vicinity).
- Not limited to ex-partner, domestic violence or intimate relationships, perpetrator may be known or unknown to child.
- Includes monitoring, spying and surveillance, may include taking non-consensual photographs or video.
- Includes use of phonecalls, emails, social media, anonymous communications, ICT.
- May include blackmail; unwanted messages or gifts; waiting for target; following target; threats to family or pets.
- Usually sexual but not necessarily overtly sexual.
- Often aggressive or passive aggressive.
- Often escalates to violence or threats of violence, threats of suicide or other coercive action.
- May include deception, manipulation, coercion, damage to reputation, embarrassment to encourage target to engage with stalker.
- May be predatory (and includes serial offenders and premeditated crimes).
- May be online or offline or both.
- Stalker usually known to target but may be third party paid to stalk target or may be stranger.
- Actions may be illegal individually or amount to illegal taken together.
- F.O.U.R. fixated, obsessive, unwanted, repeated.²³¹

Reminder: child under the age of sexual consent cannot consent.

²³⁰ Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021 (currently before Seanad, 3rd Stage, Nov 2021) [b10121s.pdf](https://www.oireachtas.ie/bills2021/b10121s.pdf) ([oireachtas.ie](https://www.oireachtas.ie))

²³¹ [What is stalking? | stalking.ie](https://www.stalking.ie)

Stalking of a child: International human rights standards

- The Istanbul Convention defines stalking as *“intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her/him to fear for her or his safety”* (Article 34).²³²
- *“Therefore, stalking is repetitive and frequent behaviour that includes harassing another person in a way that causes a fear or concern for person’s own safety. Moreover, it usually refers to harassing someone in a series of composed aggressive, often threatening and illegal actions that taken individually might constitute legal behaviour.”*²³³
- *“Stalking victimization involves a pattern of harassing or threatening tactics used by a perpetrator that is both unwanted and causes fear or safety concerns in the victim. For the purposes of this report, a person was considered a stalking victim if they experienced multiple stalking tactics or a single stalking tactic multiple times by the same perpetrator and felt very fearful, or believed that they or someone close to them would be harmed or killed as a result of the perpetrator’s behavior. Stalking tactics measured: Unwanted phone calls, voice or text messages, hang-ups; Unwanted emails, instant messages, messages through social media; Unwanted cards, letters, flowers, or presents; Watching or following from a distance, spying with a listening device, camera, or global positioning system (GPS); Approaching or showing up in places such as the victim’s home, workplace, or school when it was unwanted; Leaving strange or potentially threatening items for the victim to find; Sneaking into victims’ home or car and doing things to scare the victim or let the victim know the perpetrator had been there.”*²³⁴

Stalking of a child: Irish legal considerations

- Non-Fatal Offences against the Person Act 1997, Section 10²³⁵ as amended by the Harassment, Harmful Communications and Related Offences Act 2020, Section 10.²³⁶
- No specific stalking offence in Irish legislation to date, although there are recommendations for the creation of new offences, to include also cyber stalking. Interpretation of offence should not be confined under domestic violence legislation as stalking is not restricted to intimate relationships (or any form of intimate relationship).
- Non-fatal Offences Against the Person (Amendment)(Stalking) Bill 2021²³⁷ currently includes lengthy definition, does not use the terms online, cyber or digital elements, but may provide protection without specific mention.²³⁸
- *“stalking is an aggravated form of harassment characterised by repeated, unwanted contact that occurs as a result of fixation or obsession and causes alarm, distress or harm to the victim. This element of intense obsession or fixation, which creates an unwanted intimacy between the stalker and the victim, differentiates stalking from harassment.”*²³⁹

Stalking of a child: Related terminology

- *Cyberstalking.*
- *Spying, surveillance.*
- *Harassment.*

²³² Istanbul Convention Art.34

²³³ Eurostat ‘Description of variables for EU-GBV’ 2021 edition, September, EU survey on Gender-Based violence against women and other forms of inter-personal Violence p104

²³⁴ CDC NISVS National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, p29 [National Intimate Partner and Sexual Violence Survey: 2010 Summary Report \(cdc.gov\)](#)

²³⁵ Non-Fatal Offences against the Person Act 1997

²³⁶ Irish Statute Book, Harassment, harmful communications and related offences Act 2020, [Harassment, Harmful Communications and Related Offences Act 2020 \(irishstatutebook.ie\)](#)

²³⁷ Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021, [Non-Fatal Offences Against the Person \(Amendment\) \(Stalking\) Bill 2021 – No. 101 of 2021 – Houses of the Oireachtas](#)

²³⁸ Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021 (currently before Seanad, 3rd Stage, Nov 2021) [b10121s.pdf \(oireachtas.ie\)](#)

²³⁹ Law Reform Commission, Report on Harmful Communications and Digital Safety 2016, as cited in Non-Fatal Offences against the Person (Amendment) (Stalking) Bill 2021 Explanatory Memorandum [b10121s-memo.pdf \(oireachtas.ie\)](#)

27. Trafficking a child for sexual exploitation

Trafficking a child for sexual exploitation: Proposed shared definition

Trafficking a child for sexual exploitation is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of sexual or reproductive exploitation. It includes the kidnap, unlawful detention, restriction of the child's movements and other activities for the purposes of sexual exploitation.

Trafficking a child for sexual exploitation: Criteria for definition

- Moving a child from one place to another for purposes of sexual exploitation.
- Trafficking a child is not restricted to cross-border travel.
- No force, coercion, fraud, deceit or abduction is required.
- No payment, benefit or exchange required.
- No position of authority or abuse of trust/power required.
- Including abduction of child for sexual purposes.

Reminder: a child below the age of sexual consent cannot consent.

Trafficking a child for sexual exploitation: International human rights standards

- *"When a child is concerned, no possible consent should ever be considered valid"*²⁴⁰
- *"Where the age of a person subject to trafficking is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child". "When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age."*²⁴¹
- *1. The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation...When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.*²⁴²
- *Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.*²⁴³
- *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons".*²⁴⁴

²⁴⁰ EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA Council Framework Decision of 19 July 2002 on combating trafficking in Human Beings, s.11 [EUR-Lex - 32011L0036 - EN - EUR-Lex \(europa.eu\)](#)

²⁴¹ EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, s.22 [EUR-Lex - 32011L0036 - EN - EUR-Lex \(europa.eu\)](#) and Council of Europe (2005) Convention on Action against Trafficking in Human Beings, CETS No. 197, adopted in Warsaw, 16 May 2005, Article 10.3 [CETS 197 - Council of Europe Convention on Action against Trafficking in Human Beings \(coe.int\)](#)

²⁴² EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, s.22 [EUR-Lex - 32011L0036 - EN - EUR-Lex \(europa.eu\)](#) Article 2

²⁴³ EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, s.22 [EUR-Lex - 32011L0036 - EN - EUR-Lex \(europa.eu\)](#) Article 19

²⁴⁴ UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organised crime (New York) 2000, Art. 3c [OHCHR | Protocol to Prevent, Suppress and Punish Trafficking in Persons](#)

- Council of Europe Convention on action against Trafficking: *“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*²⁴⁵

Trafficking a child for sexual exploitation: Irish legal considerations

- Trafficking a child (under 18) for the purpose of sexual exploitation is an offence.^{246 247}
- Trafficking means *“in relation to a person (including a child)—(a) procures, recruits, transports or harbours the person, or (i) transfers the person to, (ii) places the person in the custody, care or charge, or under the control, of, or (iii) otherwise delivers the person to, another person, (b) causes a person to enter or leave the State or to travel within the State, (c) takes custody of a person or takes a person—(i) into one’s care or charge, or (ii) under one’s control, or (d) provides the person with accommodation or employment.”*²⁴⁸
- Trafficking legislation includes purchase or sale of child or benefitting from child sexual exploitation as a separate offence.²⁴⁹
- Trafficking legislation includes meeting a child for purposes of sexual exploitation as a separate offence.²⁵⁰
- Sexual exploitation for the purposes of 2008 Act means *“(a) the production of pornography depicting the person either alone or with others, (b) causing the person to engage in sexual activity for the purpose of the production of pornography, (c) the prostitution of the person, (d) the commission of an offence specified in the Schedule to the Act of 2001 against the person; causing another person to commit such an offence against the person; or causing the person to commit such an offence against another person, or (e) otherwise causing the person to engage or participate in any sexual, indecent or obscene act”*²⁵¹
- The Sexual Offences Act of 2017 criminalised the purchase or offer or promise of payment/remuneration/gift for sexual services from trafficked person.²⁵²
- It is an offence to withhold information on child trafficking and child pornography offences.²⁵³
- US Department of State TIPP report on Ireland 2021 reports that Ireland has: No dedicated hotline; inappropriate specialised accommodation for victims (use of direct provision); no restitution; no regularisation of residence status; no specialised judges; no recent convictions; no legally mandated free specialised legal aid or psychological assistance; inconsistent formal procedures. There is no fully effective or appropriate system on a statutory basis for providing a recovery and reflection period - there are only administrative arrangements which are ad hoc.²⁵⁴

²⁴⁵ Council of Europe (2005) *Convention on Action against Trafficking in Human Beings*, CETS No. 197, adopted in Warsaw, 16 May 2005, Article 4a [CETS 197 - Council of Europe Convention on Action against Trafficking in Human Beings \(coe.int\)](#)

²⁴⁶ Irish Statute Book, Child Trafficking and Pornography 1998 (22/98), s.3, as amended by s. 3 of the Criminal Law (Human Trafficking) Act 2008 *“(1) A person who trafficks a child for the purpose of sexual exploitation shall be guilty of an offence”; “(2) A person who (a) sexually exploits a child, or (b) who takes, detains or restricts the personal liberty of a child for the purpose of sexual exploitation shall guilty of an offence.”*

²⁴⁷ Irish Statute Book, Criminal Law (Human Trafficking) (Amendment) Act 2013

²⁴⁸ Irish Statute Book, Criminal Law (Human Trafficking) Act 2008, Section 1

²⁴⁹ Child Trafficking and Pornography Act 1998, Section 3, as amended by Criminal Law (Sexual Offences)(Amendment) Act 2007 Section 6 and Criminal Law (Human Trafficking) Act 2008

²⁵⁰ Child Trafficking and Pornography Act 1998, Section 3, as amended by Criminal Law (Sexual Offences)(Amendment) Act 2007 Section 6 and Criminal Law (Human Trafficking) Act 2008

²⁵¹ Irish Statute Book, Criminal Law (Human Trafficking) Act 2008, Section 1

²⁵² The Criminal Justice (Sexual Offences) Act of 2017 s.26

²⁵³ The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 as amended by Criminal Justice (Sexual Offences) Act of 2017 s.53

²⁵⁴ US Department of State, TIP report 2020 [Ireland - United States Department of State](#)

Trafficking of child for sexual exploitation: Related terminology

- The term 'trafficking a child for sexual exploitation' is 'sexual exploitation of children' and is related to 'forced sexual activity', 'child abduction', 'exploitation of child in/for prostitution', 'child, forced or early marriage' and 'grooming'.

Trafficking of child for sexual exploitation: Survey responses

- 14/16 databases use the term.
- 10/16 databases use the term but do not have a definition.
- 4/16 databases use the term and provide a definition.
- 2/16 databases do not use the term.

Trafficking a child for sexual exploitation: Definitions in use by participants

- *"Trafficking involves the use of deception, threats or physical force to move a victim from one place to another in order to exploit them. In the case of children, no force is required as the very act of transporting a child into exploitative conditions constitutes trafficking."*
- *"A definition is provided within the service and we use the term in day to day practice, but the term is not used in data collection. Details of this nature would be captured in case notes / assessments / reports held on the system. This would come under the definition of sexual abuse."*
- *"Trafficking of people is the transportation of people who have been abducted or deceived into entrusting themselves to the trafficker by the promise of a better life, or while believing they have no other viable option. Trafficking for sexual exploitation includes for the purposes of prostitution, child sexual exploitation, forced marriage or the making of pornography."*
- *"Children first, CPW Practice Handbook 2: "Under International law, child trafficking is a crime involving the movement of children for the purpose of their exploitation. (See also organised child online exploitation). Article 4(a) of the Council of Europe's (2005) Convention on Action Against Trafficking in Human Beings defines the trafficking of children as the "recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation". Child trafficking is a form of child abuse and requires a child protection response. Children may be trafficked for many reasons, such as: Sexual exploitation; Criminal activity, including cannabis cultivation and street crime; Labour exploitation; Informal care arrangements with related or unrelated adults for domestic servitude; Benefit fraud or carrying out petty crimes; Forced marriage; Illegal adoption. This list is not exhaustive and children are often exploited in more than one way. Child trafficking is a form of child abuse and requires a child protection response."*
- *"The procurement, recruitment, transportation, transfer, harboring, receipt and/or delivery of person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve "consent" for the purpose of sexual and labour exploitation. Trafficking can occur both within States as well as across State borders."*

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Part 7: Websites and other resources

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www.childrenatrisk.eu/promise

Council of Europe, Lanzarote Convention www.coe.int/lanzarote

Department of Justice and Equality 2015 [ActionPlanIstanbulConNovember.pdf \(justice.ie\)](#)

ECPAT www.ecpat.net

EIGE 'A secure online database on gender-based violence' <https://eige.europa.eu/gender-based-violence/good-practices/ireland/rape-crisis-network>

EIGE Gender Statistics Database (GSD) (Contains disaggregated statistics on equality related thematic areas including gender-based violence for all EU Member States and UK. The data is collected from administrative data from national statistics offices, government agencies and offices, and police and justice institutions. Data on gender-based violence from Ireland was either not-available or non-comparable and could not be included. The database is updated as new data becomes available.)

[Browse Gender Statistics | Gender Statistics Database | European Institute for Gender Equality \(europa.eu\)](#)

European Institute for Gender Equality (EIGE) <http://eige.europa.eu>

Eurostat [Home - Eurostat \(europa.eu\)](#)

FRA European Agency for Fundamental Rights [European Union Agency for Fundamental Rights | Helping to make fundamental rights a reality for everyone in the European Union \(europa.eu\)](#)

ICMEC International Centre for Missing and Exploited Children www.icmec.org

ISPCAN The International Society for the Prevention of Child Abuse and Neglect www.ispcan.org

NSPCC [What Parents Need to Know About Sexual Grooming | NSPCC](#)

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What Works to Prevent Violence [What Works - Home](#)

Rape Crisis Network Ireland is a specialist policy agency on sexual violence. We are founded, owned and governed by our member Rape Crisis Centres. We have been serving survivors' interests and working towards the prevention of all forms of sexual violence since 1985.

RCNI builds and sustains expertise and collaboration to identify, make the case for, and implement priorities for a whole-of-society and Government response to sexual violence.

The Rape Crisis model is a unique model of responding to sexual violence that has been developed, tested and adapted over 40 years across hundreds of women-led centres across the world.

The model is part of an international movement for change where local organisations supporting survivors, link with each other and draw and build learning and best practice.

An important part of the model is that rape crisis support, and service delivery, to a survivor is ethical only if we seek to learn, and understand, in order to transform.

Every survivor using a Rape Crisis Centre (RCC) is met, not only with a set of options that they may benefit from, but knows that in sharing their stories with a RCC they become part of a movement for change.

This Rape Crisis model is a feminist, woman-led, response to sexual violence. We understand all sexual violence to be an abuse of power and we understand gender inequality to be the most important determinant of that abuse, whether the victim (or indeed perpetrator) is male or female. We understand sexual violence happens in a social context rather than being purely about individual perpetration. This is a critical frame which makes Rape Crisis Counselling different to most generic counselling as it addresses victim blaming and the shame that seeks to individualise responsibility for what is a part of a system of oppression.

The model of supporting survivors is trauma informed, empowerment and healing based. It is non-directive and non-judgemental. It is also survivor-led as we believe that the best responses possible are led by survivors themselves who are best placed to know what they need at any given point.



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www.rapecrisishelp.ie

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