

INCLUDE AN EU DEFINITION OF SURVIVORS

ECLAG Memo 7 on the proposed Recast Child Sexual Abuse Directive

August 2024

We welcome and support the [EC proposed recast of Directive 2011/93/EU of February 2024 on Sexual Abuse and Exploitation of Children](#) and **call to include a definition of survivors and ensure support to all persons who experienced child sexual violence, irrespective of their legal status. :**

Research shows that **the vast majority of persons who experience sexual violence as a child** do not access justice via a formal legal procedure, due to a variety of significant barriers associated with this kind of crime. Some examples include reluctance to report, lack of child-friendly procedures, memory loss due to severe trauma delaying reports, or statutes of limitations expiring before a survivor is ready and able to commence a legal procedure. Accordingly, despite their need for support, these persons **fall outside the legal definition of ‘victims’** under the [Victims' Rights Directive](#), i.e. a person who has suffered harm which was directly caused by a criminal offence.

The Recast [Directive on child sexual abuse and sexual exploitation](#) should ensure that all persons who have experienced sexual violence as a child as well as their relatives be **entitled to the support they need for as long as they need it**. The Directive must guarantee that victims and survivors receive high-quality, trauma-informed, gender-sensitive and age-appropriate support on an opt-out basis, and are properly referred to the competent services. To that end, **the Directive should include a definition of survivor** which will be additional to the definition of victim as per the Victim's Rights Directive.

While there are no legally-binding international definitions of “survivor” yet, this term has in recent years appeared as a preferred term in soft law sources like the [United Nations Universal Survivor Bill of Rights](#), [United Nations Glossary on Sexual exploitation and abuse](#), the [Murad Code](#), and the United States [National Sexual Assault Kit Initiative](#). “Survivor” is consistently included as a preferred term for individuals who have experienced sexual violence but who have not yet accessed justice via a formal legal procedure.

When combining these different sources, **a definition of survivor of child sexual violence could be:** *“a person who has experienced sexual violence as a child, irrespective of their legal status and their recognition as a victim of a crime by a legal system.”*

By including a definition of survivor in its proposed Recast Directive, the European Union will lead the way and ensure proper recognition of all persons who experienced childhood sexual violence, irrespective of their legal status, as well as their access to support services. Current negotiations around the proposed CSA Regulation might lead to the inclusion of “survivors” in the work of the EU Centre. The adoption of a definition of survivor in the 2011 Directive will therefore ensure harmonisation between the different EU legislations on child sexual abuse.