

SECOND EDITION

# TERMINOLOGY GUIDELINES

FOR THE PROTECTION OF  
CHILDREN FROM SEXUAL  
EXPLOITATION AND  
SEXUAL ABUSE

CHILD



# **TERMINOLOGY GUIDELINES**

FOR THE PROTECTION OF  
CHILDREN FROM SEXUAL  
EXPLOITATION AND  
SEXUAL ABUSE

**SECOND EDITION**

---

The first edition of these Guidelines was adopted by the Interagency Working Group in Luxembourg on the 28<sup>th</sup> of January 2016. The second edition was published in March 2025.

Text written by **Susanna Greijer** and **Jaap Doek** and approved by the Interagency Working Group.

The Interagency Working Group would like to particularly acknowledge and recognise the contribution of children, young people and adults, including victims and survivors of sexual exploitation and abuse who enriched the development of the second edition of the Terminology Guidelines by sharing their perspectives to ensure ethical and respectful terminologies are optimised to prevent the use of victim blaming or stigmatising language.

In particular, we would like to express our gratitude and thanks to the children, young people and adults who contributed:

- Thank you to the 50 children/young people in Kenya supported by ChildLine Kenya, K-NOTE and Jitegemee Children's Program, partners of Terre des Hommes Netherlands in Kenya;
- Thank you to the deaf children, children of deaf adults and adult Somali refugee victims and survivors from Malaysia, supported by the Somali Women's Association Malaysia and Protect and Save the Children;
- Thank you to the trafficking survivor's network of Shakti Samuha and survivors of internal and cross border trafficking from Nepal;
- Thank you to Crystal (pseudonym) and Patricia from the Philippine Survivor Network;
- Thank you to the children from Uganda, supported by UYDEL;
- Thank you to the children and young people from the Young Researchers' Advisory Panel (YRAP) and YRAP alumni from the Safer Young Lives Research Centre, University of Bedfordshire, United Kingdom;
- Thank you to the Marie Collins Foundation Lived Experience Group from the United Kingdom;
- Thank you to the young people from the Voice Group at the Greenhouse, Bristol, United Kingdom.

#### **Disclaimer:**

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse address complex and sensitive topics and issues. Some content may be difficult to read and distressing for readers, especially for those with experience of sexual exploitation and/or sexual abuse in childhood.

ISBN: 978-92-61-21491-3 (paper version)  
978-92-61-21501-9 (electronic version)

Copyright of the first edition: ECPAT International, jointly with ECPAT Luxembourg

Copyright of the second edition: ECPAT International

This work is licensed under the [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

The revision of the first edition of the Terminology Guidelines has been possible thanks to the financial support of the Oak Foundation.

**Design by:** Eduart Strazimiri

Permission to translate this work should be obtained through:

#### **ECPAT International**

328/1 Phayathai Road, Ratchathewi,  
Bangkok 10400, THAILAND  
Tel: +66 2 215 3388 | Fax: +66 2 215 8272  
Email: [info@ecpat.org](mailto:info@ecpat.org)  
Website: [www.ecpat.org](http://www.ecpat.org)

# TABLE OF CONTENTS

<b>FOREWORD</b>	<b>viii</b>
<b>INTERAGENCY WORKING GROUP</b>	<b>x</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>TERMINOLOGY GUIDELINES</b>	<b>10</b>
<b>SECTION A: CHILD</b>	<b>11</b>
<b>A.1. Definitions in legally binding instruments</b>	<b>11</b>
<b>A.2. Terminology considerations</b>	<b>12</b>
<b>A.3. Related terms</b>	<b>13</b>
A.3.i. Age of majority	13
A.3.ii. Age of sexual consent	14
A.3.ii.a. Legal definitions	14
A.3.ii.b. Terminology considerations	14
A.3.iii. Minor	16
A.3.iv. Juvenile	17
A.3.v. Adolescent	18
A.3.vi. Teenager	19
A.3.vii. Young person/young people/youth	19
A.3.viii. Child in the digital environment	20
<b>SECTION B: SEXUAL VIOLENCE AGAINST CHILDREN</b>	<b>22</b>
<b>B.1. Definitions in legally binding instruments</b>	<b>22</b>
<b>B.2. Non-binding instruments</b>	<b>22</b>
<b>B.3. Terminology considerations</b>	<b>24</b>
<b>B.4. Related terms</b>	<b>30</b>

B.4.i. Sexual assault against a child	30
B.4.ii. Childhood sexual violence/abuse/exploitation	30
<b>SECTION C: CHILD SEXUAL ABUSE/SEXUAL ABUSE OF CHILDREN</b>	<b>31</b>
<b>C.1. Definitions in legally binding instruments</b>	<b>31</b>
<b>C.2. Non-binding instruments</b>	<b>32</b>
<b>C.3. Terminology considerations</b>	<b>32</b>
<b>C.4. Related terms</b>	<b>34</b>
C.4.i. Incest	34
C.4.ii. Rape of a child	35
C.4.iii. Sexual molestation of a child	35
C.4.iv. Sexual touching of children	36
C.4.v. Sexual harassment of a child	36
<b>SECTION D: CHILD SEXUAL EXPLOITATION/ SEXUAL EXPLOITATION OF CHILDREN</b>	<b>39</b>
<b>D.1. Definitions in legally binding instruments</b>	<b>39</b>
<b>D.2. Non-binding instruments</b>	<b>40</b>
<b>D.3. Terminology considerations</b>	<b>40</b>
<b>D.4. Related terms</b>	<b>42</b>
D.4.i. Commercial sexual exploitation of children	42
D.4.ii. Reserved	44
<b>SECTION E: EXPLOITATION OF CHILDREN IN/FOR PROSTITUTION</b>	<b>45</b>
<b>E.1. Definitions in legally binding instruments</b>	<b>45</b>
<b>E.2. Non-binding instruments</b>	<b>46</b>
<b>E.3. Terminology considerations</b>	<b>47</b>
<b>E.4. Related terms</b>	<b>48</b>
E.4.i. Children in (a situation of) prostitution	48
E.4.ii. Child prostitute	49
E.4.iii. Child sex worker	50
E.4.iv. Children/adolescents/young people selling sex	50
E.4.v. Voluntary/self-engaged prostitution	50
E.4.vi. Transactional sex	51
E.4.vii. Use of children for pornographic performances	53
<b>SECTION F: CHILD PORNOGRAPHY</b>	<b>55</b>
<b>F.1. Definitions in legally binding instruments</b>	<b>55</b>
<b>F.2. Non-binding instruments</b>	<b>57</b>

<b>F.3. Terminology considerations</b>	<b>57</b>
<b>F.4. Related terms</b>	<b>63</b>
F.4.i. Child sexual abuse material/child sexual exploitation material	63
F.4.ii. Digitally generated child sexual abuse material	66
F.4.iii. Sexualised images of children	70
F.4.iv. Child erotica	72
F.4.v. Self-generated/produced sexual content involving children	73
F.4.vi. Sexting	76
F.4.vii. (Exposure to) Harmful content	77
F.4.viii. Corruption of children for sexual purposes	78
<b>SECTION G: TECHNOLOGY- FACILITATED CHILD SEXUAL EXPLOITATION AND SEXUAL ABUSE</b>	<b>80</b>
<b>G.1. Definitions in legally binding instruments</b>	<b>80</b>
<b>G.2. Non-binding instruments</b>	<b>81</b>
<b>G.3. Terminology considerations</b>	<b>82</b>
<b>G.4. Related terms</b>	<b>82</b>
G.4.i. Child sexual abuse online	82
G.4.ii. Child sexual exploitation online	84
G.4.iii. Live online child sexual abuse	85
G.4.iv. Live streaming of child sexual abuse	86
G.4.v. Child sexual abuse to order	87
G.4.vi. Webcam child sex tourism/webcam child sex abuse	88
<b>SECTION H: SOLICITATION OF CHILDREN FOR SEXUAL PURPOSES</b>	<b>89</b>
<b>H.1. Definitions in legally binding instruments</b>	<b>89</b>
<b>H.2. Non-binding instruments</b>	<b>90</b>
<b>H.3. Terminology considerations</b>	<b>91</b>
<b>H.4. Related terms</b>	<b>95</b>
H.4.i. Grooming of children for sexual purposes	95
H.4.ii. (Sexual) Enticement of children online	96
H.4.iii. Sexual extortion of children	97
<b>SECTION I: SEXUAL EXPLOITATION OF CHILDREN IN (THE CONTEXT OF) TRAVEL AND TOURISM</b>	<b>99</b>
<b>I.1. Definitions in legally binding instruments</b>	<b>99</b>
<b>I.2. Non-binding instruments</b>	<b>100</b>
<b>I.3. Terminology considerations</b>	<b>101</b>
<b>I.4. Related terms</b>	<b>103</b>

I.4.i. Child sex tourism	103
I.4.ii. Voluntourism	104
<b>SECTION J: SALE OF CHILDREN</b>	<b>105</b>
J.1. Definitions in legally binding instruments	105
J.2. Non-binding instruments	106
J.3. Terminology considerations	106
<b>SECTION K: TRAFFICKING OF CHILDREN</b>	<b>109</b>
K.1. Definitions in legally binding instruments	109
K.2. Non-binding instruments	111
K.3 Terminology considerations	112
<b>SECTION L: CHILD/EARLY MARRIAGE</b>	<b>116</b>
L.1. Definitions in legally binding instruments	116
L.2. Non-binding instruments	117
L.3. Terminology considerations	119
L.4. Related terms	122
L.4.i. Forced marriage	122
L.4.i.a. Legal definitions	122
L.4.i.b. Non-binding instruments	122
L.4.i.c. Terminology considerations	123
L.4.ii. Teenage marriage	125
L.4.iii. Temporary marriage	125
<b>SECTION M: HARMFUL PRACTICES</b>	<b>126</b>
M.1. Definitions in legally binding instruments	126
M.2. Non-binding instruments	126
M.3. Terminology considerations	127
<b>SECTION N: CONTEMPORARY FORMS OF SLAVERY/CHILD SLAVERY</b>	<b>130</b>
N.1. Definitions in legally binding instruments	130
N.2. Non-binding instruments	131
N.3. Terminology considerations	132
<b>SECTION O: WORST FORMS OF CHILD LABOUR</b>	<b>135</b>
O.1. Definitions in legally binding instruments	135
O.2. Non-binding instruments	136
O.3. Terminology considerations	137



<b>SECTION P: CHILD VICTIM OF SEXUAL EXPLOITATION AND/OR ABUSE</b>	<b>140</b>
<b>P.1. Definitions in legally binding instruments</b>	<b>140</b>
<b>P.2. Non-binding instruments</b>	<b>140</b>
<b>P.3. Terminology considerations</b>	<b>141</b>
<b>P.4. Related terms</b>	<b>144</b>
P.4.i. Victim identification (in the context of child sexual abuse material)	144
P.4.ii. Survivor	146
P.4.iii. Children subjected to sexual exploitation/sexual abuse	147
P.4.iv. Victimization	148
P.4.v. Self-victimisation	149
P.4.vi. Re-victimisation	149
P.4.vii. Secondary victimisation	150
P.4.viii. Victim-blaming language	151
<b>SECTION Q: PERPETRATORS OF SEXUAL CRIMES/OFFENCES AGAINST CHILDREN</b>	<b>155</b>
<b>Q.1. Definitions in legally binding instruments</b>	<b>155</b>
<b>Q.2. Non-binding instruments</b>	<b>156</b>
<b>Q.3. Terminology considerations</b>	<b>157</b>
<b>Q.4. Related terms</b>	<b>159</b>
Q.4.i. Sex offender	159
Q.4.ii. Child sex offender	160
Q.4.iii. Persons who commit sexual offences against children	160
Q.4.iv.a. Paedophile/person with paedophilic disorder	162
Q.4.iv.b. Hebephile or ephebophile	164
Q.4.v. Transnational child sex offender	164
Q.4.vi. Travelling child sex offender	165
Q.4.vii. Child sex tourist	166
Q.4.viii. Juvenile sex offender	166
Q.4.ix. Facilitator of sexual offences against children	168
Q.4.x. Non-offending partner	169
Q.4.xi. Offender communities/networks	170
Q.4.xii. Customer/client/John/Jane	170
<b>ACRONYMS</b>	<b>172</b>
<b>ANNEX A: OVERVIEW OF TERMS AND RECOMMENDATIONS</b>	<b>173</b>
<b>ANNEX B: MEMBERS OF THE FIRST INTERAGENCY WORKING GROUP</b>	<b>179</b>

# FOREWORD

Communication is of critical importance in our efforts to respect, protect and implement the rights of the child. In order to make this communication with and between children, parents, governmental officials, professionals and volunteers working with or for children as effective as possible, we need to use terms and concepts that all these actors understand and consider respectful.

People working for the prevention and elimination of sexual exploitation and sexual abuse have had to deal with new terms like grooming, sexting, and live streaming of child sexual abuse. At the same time, terms like “child prostitution” and “child pornography” have been more and more criticised (including, at times, by the very victims of these heinous crimes) and increasingly replaced by alternative terms, considered less harmful or stigmatising to the child. It was and is not always clear if and how these novelties and changes in terminology should lead to different approaches or actions. Changes to existing terms (especially established legal terms) might cause confusion or lack of understanding, and even hinder the effective prevention and elimination of child sexual exploitation, unless this change comes about in a joint and concerted manner by a broad set of child protection actors.

ECPAT was of the view that the changes in terminology emerging from the practice should be discussed and agreed in a joint and concerted manner by a broad set of child protection actors. Therefore, it established in 2014 an Interagency Working Group for the drafting of a set of Terminology Guidelines. The commitment and very valuable input of the members of this Working Group led to the adoption in 2016, in Luxembourg, of the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse.

The developments since 2016 in the world of terminology related to the sexual exploitation and sexual abuse of children were such that ECPAT felt a revision of the 2016 Terminology Guidelines would be necessary. In 2023, it established a Core Group to coordinate the work of various thematic working

groups with the following focus areas: first, gender considerations, largely missing in the first edition, should be integrated in the second edition of the Guidelines, victim-blaming language should be discussed and revised in order to highlight nuances and subtleties while avoiding slang and catch-words referring to child sexual exploitation and sexual abuse, and more attention should be paid to terminology addressing vulnerabilities and intersectionalities.

Second, the terms already included in the Guidelines should be revised based on recommendations of thematic working groups, with particular focus on victims and survivors, persons having committed sexual offences against children, and technology-facilitated child sexual exploitation and sexual abuse.

Third, new terms that emerged in the field of sexual exploitation and sexual abuse of children should be included in the revised version based on the recommendations of the thematic working groups.

The purpose of this document is to provide all individuals and agencies working for the prevention and elimination of all forms of sexual exploitation and sexual abuse of children with guidance for the understanding and use of the different terms and concepts they may encounter in their work. Our hope is that this second edition of the Guidelines will be even more widely disseminated than the first, and that all relevant professional actors will familiarise themselves with the meaning and possible use of the terms and concepts presented in the Guidelines. We believe that by doing so they will contribute to a more effective protection of children from all forms of sexual exploitation and sexual abuse.



Jaap E. Doek

Chairperson of the first Interagency Working Group  
and co-author of the Terminology Guidelines

# INTERAGENCY WORKING GROUP

The first Interagency Working Group was active from 2014 to 2016. A full list of entities that participated in this group is available in [Annex B](#).

The work process for the second edition of the Terminology Guidelines, ongoing during 2023-2024, included the following organisations:

## **Core Group members:**

- ECPAT International
- Childlight | Global Child Safety Institute
- Safe Online
- WeProtect Global Alliance

## **Interagency Working Group members:**

- African Committee of Experts on the Rights and Welfare of the Child
- Child Rights International Network (CRIN)
- ChildFund Alliance
- Connect Centre for International Research on Interpersonal Violence and Harm, University of Central Lancashire
- Council of Europe
- Defence for Children – ECPAT Netherlands
- Disrupting Violence Beacon and the ARC Centre of Excellence for the Elimination of Violence Against Women, Griffith University
- ECPAT Luxembourg
- eSafety Commissioner, Australia
- Europol
- Fundación Paniamor
- INHOPE - The International Association of Internet Hotlines
- Inter-American Children's Institute, specialized organization of the Organization of the American States (IIN-OAS)

- International Bureau for Children’s Rights (IBCR)
- International Centre for Missing & Exploited Children (ICMEC)
- International Communications Unit (ITU)
- International Council of Voluntary Agencies (ICVA)
- International Labour Organization (ILO)
- INTERPOL
- It’s a Penalty
- Lucy Faithfull Foundation
- Monash University (AiLECS Lab)
- Moore Center for the Prevention of Child Sexual Abuse
- National Office for Child Safety, Attorney-General’s Department, Australian Government
- Office of the Special Representative of the United Nations Secretary-General on Violence against Children
- Office of the United Nations Special Rapporteur on the sale, sexual exploitation, and sexual abuse of children
- Onemi Global
- Safer Young Lives Research Centre, University of Bedfordshire
- Save the Children International
- Terre des Hommes Netherlands (TdH NL)
- Thorn
- Together for Girls
- United Nations Children’s Fund (UNICEF)
- University of New South Wales (Childlight Hub)
- University of the West of England, Bristol
- World Childhood Foundation

## Disclaimer

These Terminology Guidelines are a set of orientations that can be used as a tool to enhance the protection of children against sexual violence. It should be noted, however, that the views set out in these Guidelines do not necessarily reflect the official position of the international organisations participating in the project or their secretariats. Neither such organisations, nor any person acting on their behalf, may be held responsible for the use that may be made of the information contained herein. Furthermore, it should be noted that none of the organisations participating in this project, or their secretariats, has any intention of pre-empting any eventual future decision by governing, treaty-making, or treaty-interpreting bodies.

# INTRODUCTION

Words matter because they affect how we conceptualise problems, prioritise issues, and forge responses. Inconsistent use of language and terms can lead to inconsistent laws and policy responses on the same issue. Despite the existence of legal definitions for a number of sexual crimes against children, there is still confusion and debates surrounding the use of different terminology related to the sexual exploitation and sexual abuse of children. Even where the same terms are used, there is often disagreement concerning their actual meaning, leading to use of the same words to refer to different actions or situations. This has created significant challenges for policy development and programming, development of legislation, and data collection, leading to flawed responses and limited and ineffective methods of measuring impact or setting targets. In the context of international/cross-border child sexual exploitation and sexual abuse, these difficulties are magnified.

The absence of consensus at the international level on several terms or language that should be employed has had an impact on global efforts at data collection and identification of different modalities of sexual exploitation and sexual abuse of children. Confusion in the use of language and terms can impair and undermine advocacy work and intergovernmental and interagency cooperation. Translating terms into different languages introduces further challenges. Without clear conceptual understanding of (and agreement on) their meaning, translating terms accurately across multiple languages becomes an onerous and resource-intensive task.

Greater conceptual clarity on terminology is thus needed to ensure stronger and more consistent advocacy, policy and laws in all languages across all regions of the world. To generate more clarity in the conceptualisation, definition, and translation of sexual exploitation and sexual abuse of children, a multi-stakeholder dialogue involving the voices of a multitude of actors at all levels is needed. Given the fast evolution of information and communication technologies, which in turn brings new manifestations of sexual exploitation and sexual abuse of children, shaping a common

understanding is increasingly important in the global effort to eradicate these children’s rights violations.

At the initiative of ECPAT International, and with the aim of moving beyond the lack of agreement among United Nations (UN) entities, international child rights non-governmental organisations, and international and regional law enforcement agencies regarding what terms to use to describe different forms of sexual exploitation and sexual abuse of children, in September 2014 an Interagency Working Group (IWG) comprising representatives from key stakeholders was established. Drawing on the expertise that the IWG representatives and their respective organisations possess, an in-depth analysis and discussion on terminology and definitions were launched, which lasted for over a year. The IWG was chaired by Professor Jaap Doek, former Chair of the UN Committee on the Rights of the Child. Alongside the IWG discussions, a consultation process with a broader group of experts on child protection with English, French and Spanish as native/working languages was held.

Since the adoption of the Terminology Guidelines in 2016, the importance of terminology has gained traction and a lot has happened. To mention a few of the most significant developments at the international level:

- The UN Committee on the Rights of the Child has adopted in 2019 Guidelines regarding the interpretation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in which it acknowledges that some of the terms used in this legal instrument could be harmful to children, and recommends States to pay attention to the Terminology Guidelines;<sup>1</sup>
- The name of the UN Special Rapporteur dedicated to these issues was changed twice from its initial title “Special Rapporteur on the sale of children, child prostitution and child pornography”. A first change in the right direction was made in 2017, when the name of the mandate was changed to “Special Rapporteur on the sale and sexual exploitation of children, including child prostitution and child pornography”.<sup>2</sup> The second change was made in 2023, further amending the title of the mandate to “Special Rapporteur on the sale, sexual exploitation and sexual abuse of children”;<sup>3</sup>

<sup>1</sup> United Nations, Committee on the Rights of the Child (CRC Committee). (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraphs 5, 28f, 55.

<sup>2</sup> United Nations, Human Rights Council (HRC). (2017, March). [Resolution 34/16 on the Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development](#). A/HRC/RES/34/16.

<sup>3</sup> HRC. (2023, April). [Resolution 52/26 on the Mandate of Special Rapporteur on the sale, sexual exploitation and sexual abuse of children](#). A/HRC/RES/52/26.

- In February 2024, the European Commission submitted a proposal to recast European Union (EU) Directive 2011/93 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography. The proposal sets forth that *“the terminology used has been brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”*.<sup>4</sup> As of 24 January 2025, it remained under consideration by the Council of the European Union and the European Parliament, with no clear timeline for adoption.<sup>5</sup>
- The Committee of the Parties to the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) has recommended that Parties avoid using the term “child pornography” and instead use the term “child sexual abuse material” as set out in these Terminology Guidelines.<sup>6</sup>
- The International Classification of Violence against Children, a standardised framework adopted by UNICEF in December 2023 for defining, categorising, and collecting comparable data on all forms of violence against children, identifies “live streaming sexual abuse of a child,” “sexual extortion,” and “sexual grooming” as forms of “non-contact sexual violence against a child” and explicitly references these Terminology Guidelines to define “unwanted sexting”.<sup>7</sup>
- The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes has opted for the term “child sexual abuse and child sexual exploitation material” instead of “child pornography” in the text of the UN Convention against Cybercrime,<sup>8</sup> which was adopted by the UN General Assembly (UNGA) on 24 December 2024.<sup>9</sup> The Convention will come into force once ratified by 40 States.<sup>10</sup>

In September 2023, ECPAT International, in partnership with Childlight | Global Child Safety Institute, Safe Online and WeProtect Global Alliance, set up a Core Group to discuss the need for and development of a new edition of

<sup>4</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>5</sup> European Parliament. (2025, January). [Legislative Train 01.2025: Proposal for a Revision of the Combating Child Sexual Abuse Directive \(2011/93/EU\) – Q3 2023](#).

<sup>6</sup> Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee). (2022, March). [Implementation report - The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies \(ICTs\): Addressing the challenges raised by child self-generated sexual images and/or videos](#). 26, 27.

<sup>7</sup> United Nations Children’s Fund (UNICEF), Division of Data, Analytics, Planning and Monitoring. (2023, December). [International Classification of Violence against Children](#). New York: UNICEF. 31.

<sup>8</sup> United Nations, General Assembly (UNGA). (2024, August). [Draft United Nations Convention against Cybercrime](#). A/AC.291/L.15. Article 14-2.

<sup>9</sup> UN News. (2024, December). [UN General Assembly adopts milestone cybercrime treaty](#).

<sup>10</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 65-1.



the Terminology Guidelines, which would reflect updates and developments in the field since the publication of the first edition. Upon agreement of the Core Group, the Interagency Working Group was revived and expanded to include an even broader group of child protection organisations and experts (see list in the dedicated section above).

This second edition of the Terminology Guidelines represents the outcomes of the first interagency initiative, built upon and expanded by a new round of expert consultations held during 2023-2024. During the second phase of consultations, several thematic sub-groups were created to discuss specific sub-sets of terminology in-depth, notably terminology relating to: 1) child victims and survivors of sexual exploitation and sexual abuse; 2) adult perpetrators of sexual exploitation and sexual abuse against children and children who have displayed harmful sexual behaviour; and 3) technology-facilitated sexual exploitation and sexual abuse of children. In addition, the second edition of the Terminology Guidelines pays more attention to sensitivities and nuances related to terminology, such as intersectionality, gender and LGBTQI+ considerations, specific groups of children that may be considered more vulnerable or exposed to harmful terminology, as well as the importance of avoiding victim-blaming language. These nuances are reflected transversally across the different sections of the Guidelines. Of relevance, the terms “survivor” and “victim” are both used within the this second edition (see [Section P](#) for more details), with the latter being mostly used when referring to children as victims of crimes in legal contexts.

The Core Group, in line with Article 12 of the UN Convention on the Rights of the Child, involved victims and survivors of childhood sexual exploitation and sexual abuse in the revision of the Guidelines, with a particular focus on how to refrain from victim-blaming language.<sup>11</sup> Their views and experiences are reflected in particular in the sub-sections on “survivor” and “victim-blaming”, as well as in sections and sub-sections on “sexual violence against children”, “child prostitute”, “children subjected to sexual exploitation”, and “trafficking of children for sexual purposes”.

The Terminology Guidelines contain a set of terms that professionals and international agencies commonly apply in their work on the prevention and elimination of sexual exploitation and sexual abuse of children. They are meant to be “universal” and applicable to work against these phenomena in all settings, including humanitarian settings.

---

<sup>11</sup> Consultations with groups of child and youth victims and survivors were made possible thanks to the broad networks of the member organisations of the IWG. The children and young people participated voluntarily to the consultations and their privacy, and the confidentiality of their contributions were fully protected.

The meaning of each term is explained from a linguistic point of view, and its use is analysed. Where there is need for caution in the use of a certain term, this is indicated. Moreover, the use of certain terms is discouraged. For each term that has been defined in international and/or regional legal instruments, such definitions are included. Where relevant, information from General Comments of human rights treaty bodies is also used, as well as resolutions and recommendations by international and regional organisations. All participating experts also contributed through providing relevant reports and publications produced by their respective organisations.

Much has changed in recent years in the terminology used in the field of child protection, in particular as a result of new and rapidly evolving technological means, including artificial intelligence and virtual reality, to commit or facilitate different forms of sexual exploitation and/or abuse. In the second edition of the Terminology Guidelines, it is recognised that practically any form of child sexual exploitation and sexual abuse can be facilitated by technology. While this holds true, it is equally true – and important to remember in today’s technology-oriented world – that many forms of sexual exploitation and sexual abuse of children continue to occur without any involvement of technology.

At the same time, certain forms of child sexual exploitation and sexual abuse tend to occur more specifically in the digital environment. Therefore, this second edition has expanded on [Section G](#) of the Guidelines, giving it the new title “Technology-facilitated sexual exploitation and sexual abuse of children”.

Given the ever-changing nature of sexual exploitation and sexual abuse of children, in particular those committed through or facilitated by technology, these Terminology Guidelines may need to be reviewed again in the future, to reflect the ever-increasing interconnections between the digital and the in-person environment, and the ensuing difficulty to properly distinguish between what happens online and in-person.

### **Roadmap to the Terminology Guidelines**

As many linguists claim, language is a living thing; growing, changing, reproducing and reinventing itself over time. For obvious reasons, the Terminology Guidelines cannot pretend to be exhaustive, and a careful choice has had to be made with regard to the content. A first and major challenge for the IWG therefore related to deciding which terms to include in the Guidelines, and which to leave out. The decision to include a term was led by the following rules/criteria:

- The term has a legal definition in international and/or regional treaties related to sexual exploitation and/or sexual abuse of children.
- The term, although not having a legal definition under international law, is frequently used in the context of sexual exploitation and/or sexual abuse of children.
- The term is used for conduct whose primary purpose is to facilitate, enable, propagate, incite, or engage in the sexual exploitation or sexual abuse of a child.
- The term creates misunderstanding among different stakeholders regarding the child's rights and entitlements to protection from sexual exploitation and sexual abuse under international law.
- The term validates, encourages, propagates, or incites stereotypes, societal attitudes, cultural beliefs, or norms that are harmful or undermine the child's right to protection from sexual exploitation and sexual abuse.

These rules have been good guidance, both for the first (2016) and second (2025) edition of the Terminology Guidelines but have not always been decisive. On a few occasions, the IWG found a term not covered by one of the rules but nevertheless considered significant enough to be included in the Guidelines.

It should be noted that the IWG deliberately left out most “slang” and “catch-words” used in relation to the sexual exploitation and sexual abuse of children. While frequently used, including by children and young people, slang refers to a type of language consisting of words and phrases that are 1) very informal, 2) often more common in speech than in writing, and 3) typically restricted to a particular context or group of people. While some particularly broadly used slang expressions are included in specific sections of the Guidelines, the general tendency has been to leave such terms and expressions out, in order to foster a universal understanding of the Guidelines.

With regard to both slang and symbols such as emojis, the IWG acknowledged the importance of paying attention to such expressions and symbols, in particular when they are used by children and young people, including victims and survivors of sexual exploitation and sexual abuse. Slang and symbols differ widely and may be used by a specific group of people reflecting their social and cultural attitudes, values and context. They can foster a feeling of belonging to a particular (age or social) group and collective identity and can be an important way for youth to bond and fit in among peers. Child protection professionals, in particular those working in direct contact with communities and children, can benefit enormously

from becoming familiar with and understanding symbols and expressions used by children and youth in their region, as it may empower them to build connection and enable positive conversations on difficult topics. Nevertheless, due to its high level of contextual differences and rapidly changing nature, the decision was made not to attempt to cover such terminology in the present Guidelines.

Furthermore, the IWG discussed the inclusion of categories of children considered especially at risk of being sexually exploited or abused, such as street-connected children, runaway children, children on the move, and working children. The IWG decided not to include these children as separate groups. At the same time, during the consultation rounds for the second edition the IWG gave further thought to the fact that children in certain contexts may be particularly exposed to both sexual exploitation or abuse and to the effects of harmful language, including terms and expressions that can be perceived as victim-blaming. Therefore, it was decided to add specific considerations to certain factors of vulnerability, intersectionality and/or exposure, and to be particularly mindful in how terminology is used particularly when working with specific groups of children. Such considerations include also gendered language, which has increasingly become an issue of discussion not only in the English language. References to gender and other language nuances relating to specific sensitivities have been integrated throughout the text in the second edition of the Terminology Guidelines. Moreover, [Section P](#) on the “Child victim of sexual exploitation and/or abuse” has been expanded to include a more in-depth reflection on victim-blaming language. In addition, based on the views and experiences of the consulted victims and survivors of childhood sexual exploitation and sexual abuse, some members of the IWG developed a separate brief technical guidance to explain further the use of language to avoid victim-blaming.

This second edition maintains the order in which the terms included in the Guidelines are structured, moving from the key term “child” to more general terms like sexual violence against children, child sexual abuse, and child sexual exploitation, followed by more specific terms like exploitation of children in prostitution, sexual abuse or sexual exploitation in the digital environment and in the context of travel and tourism. The final sections address child victims of sexual exploitation and sexual abuse, adult perpetrators of sexual crimes against children as well as children who have displayed harmful sexual behaviours. Within each section dealing with these (general and specific) terms, the IWG also identified directly related terms and included them in sub-sections.

In this second edition, minor edits have been made to a number of terms to switch the order of the words and place the term “child” or “against a child” at the end of the expression instead of the beginning to place more focus on the act as such and, in some instances, to clarify that general terms also applicable to wider contexts, within these Guidelines relate explicitly to children (see for example [Sub-section B.4](#) where “child sexual assault” has been replaced with “sexual assault against a child”).

The last challenge was the numbering of the sections and sub-sections. For the first edition of the Terminology Guidelines, the IWG decided to use numbering that is identical for the different language versions to make comparison between them easier. This necessitated the use of a number with the mention “*Reserved*” for when a certain term is not included in one of the language versions but exists in another. In this second edition, the numbering has been kept intact where possible. Nevertheless, a few additional sub-sections have been added within the different main sections, and the title and structure of [Section C](#) has been changed to “Technology-facilitated sexual exploitation and sexual abuse of children”.

For a proper understanding and use of the Guidelines, two terms need special attention in this introduction: “child” and “sexual activity”.

For the scope of this document, the participating organisations agreed that the term “child” should refer to any person under the age of 18 years, in accordance with the Convention on the Rights of the Child (CRC).<sup>12</sup> Nevertheless, for the purposes of clarity, the first term addressed by the Terminology Guidelines is precisely the term “child”, in order to illustrate the current state of the art and existing debates relative to this concept.

Furthermore, for the scope of the Terminology Guidelines, the term “sexual activity” refers to any real or simulated explicit and non-explicit sexual conduct or acts of a sexual nature. The term “sexual activity” is very often used within definitions of child sexual exploitation and sexual abuse, but its precise scope is rarely defined. Neither the CRC nor its Optional Protocol on the sale of children, child prostitution, and child pornography (OPSC)<sup>13</sup> clearly define the term “sexual activity”. The OPSC mentions only such sexual activities that are explicit (although they might be simulated) and fails to explain what exactly is included in this notion, thus leaving a potential gap in international law with regard to sexual activities that would be considered “non-explicit”. A legal definition of “sexually explicit conduct”

<sup>12</sup> UNGA. (1989, November). [Convention on the Rights of the Child](#). Article 1.

<sup>13</sup> UNGA. (2000, May). [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#).

was set forth by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“the Lanzarote Convention”)<sup>14</sup> and its explanatory report in 2007, including in this notion “*at least the following real or simulated acts: a) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between children, or between an adult and a child, of the same or opposite sex; b) bestiality; c) masturbation; d) sadistic or masochistic abuse in a sexual context; or e) lascivious exhibition of the genitals or the pubic area of a child. It is not relevant whether the conduct depicted is real or simulated.*”<sup>15</sup> In addition, in its first implementation report adopted in December 2015, the Lanzarote Committee “invites Parties to review their legislation to address all serious harm to the sexual integrity of children by not limiting their criminal offences to sexual intercourse or equivalent acts”.<sup>16</sup>

Today, there is no doubt that all forms of sexual conduct involving penetration should be included within the ambit of “sexual activity” but, as shown above, legal definitions have also included masturbation and lascivious exhibition of children’s genitals as constituting sexually explicit conduct.<sup>17</sup> For the purposes of this document, the notion of “sexual activity” includes both explicit and non-explicit sexual activities that cause harm to a child.

<sup>14</sup> Council of Europe. (2007, October). [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#).

<sup>15</sup> Council of Europe. (2007, October). [Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#). Paragraph 143.

<sup>16</sup> Lanzarote Committee. (2015, December). [First Implementation Report - Protection of Children against Sexual Abuse in the Circle of Trust: The framework](#). 16.

<sup>17</sup> See [US Code, Title 18, Part I, Chapter 110: Sexual exploitation and other abuse of children](#). § 2256 defines “sexually explicit conduct” as including sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the anus, genitals, or pubic area of any person.

# TERMINOLOGY GUIDELINES

*The three circles indicate how a certain term can be used:*

- *The green circle indicates that a term can be used without any particular concern in the context of the protection of children from sexual exploitation and sexual abuse: its meaning appears to be generally understood without confusion and/or the term is not harmful to the child. Terms with a green circle will be accompanied by the text: “This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.”*
- *The orange circle indicates some disagreement as to whether the term should be used or not, or as to how it should be used (e.g. with what meaning), and suggests specific care be taken when using it and how, in the context of the protection of children from sexual exploitation and sexual abuse. Terms with an orange circle will be accompanied by the text: “Special attention should be paid to how this term is used.”*
- *The red circle indicates terms that should be limited or avoided completely in the context of the protection of children from sexual exploitation and sexual abuse. Terms with a red circle will be accompanied by the text: “The use of this term should be avoided.”*

## SECTION A

# CHILD

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## A.1. Definitions in legally binding instruments<sup>18</sup>

“Child” is not a contentious term as such and is used in a large number of international legal instruments. While the precise textual legal definition of “child” can vary slightly depending on the instrument, it is clear that a quasi-universal understanding of the legal notion exists:

- 1989: Article 1 of the CRC sets forth that, “[f]or the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”
- 1990: Article 2 of the African Charter on the Rights and Welfare of the Child (ACRWC) states that, “[f]or the purposes of this Charter, a child means every human being below the age of 18 years.”<sup>19</sup>
- 1999: Article 2 of International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour sets forth that the term “child” shall apply to “all persons under the age of 18”.<sup>20</sup>
- 2000: The OPSC refers explicitly, in its Preamble, to Article 1 of the CRC.
- 2000: Article 3(d) of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing

---

<sup>18</sup> The legal instruments referred to throughout this document follow first a hierarchical order (international instruments before regional instruments) and second a chronological order (year of adoption from past to present).

<sup>19</sup> Assembly of Heads of State and Government of the Organization of African Unity. (1990, July). [African Charter on the Rights and Welfare of the Child](#). Article 2.

<sup>20</sup> International Labour Organization. (1999, June). [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#). Article 2.



the UN Convention against Transnational Organized Crime (“the Trafficking Protocol”), defines the child as “*any person under 18 years of age*”.<sup>21</sup>

- 2001: The Council of Europe Convention on Cybercrime (“the Budapest Convention”) uses the term “minor” in Article 9 dealing with “child pornography” and states that it includes all persons under 18 years of age. However, a State party may require a lower age limit, which shall not be less than 16 years.<sup>22</sup>
- 2007: The Lanzarote Convention establishes in Article 3(a) that a child is “*any person under the age of 18 years*”.
- 2024: The UN Convention against Cybercrime, in its Article 14-2, states that the term “child sexual abuse or child sexual exploitation material” shall encompass content that depicts, describes, or represents any person under the age of 18.<sup>23</sup>

## A.2. Terminology considerations

It should be noted that these documents do not necessarily define *who is a child* but rather the scope of their applicability under international law: the provisions are applicable to all persons below the age of 18, with or without exceptions. For instance, Article 1 of the CRC makes an exception to the applicability of the CRC, mentioning the possibility that the age of majority is attained before the age of 18 under national law. This is also the case for the OPSC, which explicitly refers to Article 1 of the CRC and thus adopts the same scope of applicability.

The ACRWC, on the other hand, does not allow for such exceptions: regardless of the provisions on the age of majority in the domestic law, the provisions of the Charter are applicable to all persons below the age of 18. The same is true for ILO Convention No. 182.

Despite the exception set forth by the CRC, it is noteworthy that the Committee on the Rights of the Child has consistently recommended that all states extend the scope of the CRC to all persons under the age of 18 years.<sup>24</sup>

<sup>21</sup> UNGA. (2020, December). [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#). Article 3(d).

<sup>22</sup> Council of Europe. (2021, November). [Convention on Cybercrime](#). Article 9.

<sup>23</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 14-2.

<sup>24</sup> CRC Committee. (2003, November). [General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child \(arts. 4, 42 and 44, para. 6\)](#). CRC/GC/2003/527.

While emphasising the importance of ensuring all persons under the age of 18 are considered children and granted the rights and protection that come with this status, it should also be acknowledged that older children in their adolescent years are commonly referred to (especially in non-legal contexts) as “adolescents” or “teenagers” (see [Sub-sections A.3.v](#) and [A.3.vi](#)).

**Conclusion:** In line with the majority of international legal instruments and with international practice,<sup>25</sup> the Terminology Guidelines advise that the term “child” be understood as including any person who is under the age of 18 years.

## A.3. Related terms

### A.3.i. Age of majority

- *Special attention should be paid to how this term is used.*

The age of majority is prescribed in law and is, in many countries, set at 18 years. This is the legally defined age at which a person becomes an adult, with all the attendant rights and responsibilities of adulthood. It means a person has full capacity to act or engage in any kind of legal activity and/or business, and is liable for their own actions, such as contractual obligations or liability for negligence. In general, parental duty of support to a child ceases when the child reaches the age of majority.<sup>26</sup>

Sometimes, a person can acquire the full decisional capacity of someone having reached the age of majority despite not having attained a certain age, through a certain act, for instance by entering marriage.<sup>27</sup> It can also be the result of emancipation (see [Sub-section A.3.iii](#) on “Minor”).

As an age marker, age of majority is a commonly misunderstood term and is sometimes confused with other legal age markers such as the age of consent to marriage, the age of sexual consent, or the minimum age of criminal responsibility.

**Conclusion:** Because of the abovementioned risk of confusion, care should be taken to ensure this term is used correctly. Moreover, the term is best used in a legal context, while being less relevant in other domains, including with regard to child sexual exploitation and sexual abuse as protection is to be afforded based on the definition of a child as any person below 18 years of age.

<sup>25</sup> See e.g. UNICEF. (2022, May). [Legislating for the digital age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse](#). New York: UNICEF.

<sup>26</sup> See, for instance, US Legal. (n.d.). [Age of Majority Law and Legal Definition](#).

<sup>27</sup> See [Section L](#) on “child/early marriage”.

## A.3.ii. Age of sexual consent

- *Special attention should be paid to how this term is used.*

### A.3.ii.a. Legal definitions

- 2007: The Lanzarote Convention, in Article 18 on sexual abuse, refers to the “legal age for sexual activities” (Article 18(1)(a)), and leaves it up to the States Party to the Convention to decide the age below which it is prohibited to engage in sexual activities with a child (Article 18(2)).
- 2011: The EU Directive 2011/93 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography uses, in Article 2, the expression “age of sexual consent” and sets forth that it means “*the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child*”.<sup>28</sup> The text of the European Commission’s proposal from February 2024 to recast the Directive retains the same definition.<sup>29</sup>

### A.3.ii.b. Terminology considerations

There is no international or regional treaty that establishes a legal age for sexual activities. The CRC, the OPSC, ILO Convention No. 182, and ACRWC are silent with regard to the age of sexual consent, leaving it entirely up to the States to establish this age. The legal age of sexual consent varies between countries, although many set the age of sexual consent at between 14 and 16 years of age.<sup>30</sup>

The Lanzarote Convention and many national legal systems make a distinction between sexual relations among peers (under 18) and sexual relations between a child and an adult. To acknowledge the evolving capacities of the child, and the fact that children who have reached the age of sexual consent have the right to engage in sexual relationships (provided these are not exploitative or abusive), the Lanzarote Convention has introduced an exception to the obligation of State Parties to criminalise certain conduct. This is done by referring to “*the age below which it is prohibited to engage in sexual activities with a child*” or “*the legal age for sexual activities*” (Articles 18(1)(a) and 23). Thus, for instance, the solicitation

<sup>28</sup> European Union. (2011, December). [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 2(b). (Note that the Directive is wrongly referred to as 2011/92/EU on the Eur-lex website).

<sup>29</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>30</sup> For a comparative review of the legal age for sexual activities in States that have ratified the Lanzarote Convention, see: Council of Europe. (2023, September). [Comparative study of the legal age for sexual activities in the State Parties to the Lanzarote Convention](#).

of a child above the age of sexual consent does not necessarily amount to a criminal offence in itself (but can do so, depending on the circumstances).<sup>31</sup> Furthermore, States may decide not to criminalise acts causing the child to witness sexual abuse or sexual activities (“corruption of children” (Article 22)) if they have reached the age of sexual consent. Lastly, States Party to the Lanzarote Convention may decide not to criminalise the production or possession of child sexual abuse material if said production is done with the consent of a child that has reached the age of sexual consent and if the possession is for personal use only (Article 20(3)).<sup>32</sup>

The Committee on the Rights of the Child has addressed this issue in 2016 in its General Comment No. 20 on the Rights of the child during adolescence, indicating that “*States parties should take into account the need to balance protection and evolving capacities, and define an acceptable minimum age when determining the legal age for sexual consent. States should avoid criminalising adolescents of similar ages for factually consensual and non-exploitative sexual activity.*”<sup>33</sup>

Similarly, in 2021, the African Committee of Experts on the Rights and Welfare of the Child has discussed the linkages between children’s evolving capacities and age of sexual consent in its General Comment No. 7 on Article 27 of the ACRWC, and invited State Parties to decriminalise “*consensual, non-abusive and non-exploitative sexual activities among child peers*”.<sup>34</sup>

Based on the above, despite international and regional treaties not establishing an age of sexual consent, there is an increased trend towards recognising the evolving capacities of the child when defining the age of sexual consent. Note also that the EU Directive 2011/93 sets forth that the terms of imprisonment for crimes involving sexual exploitation or sexual abuse of children can differ depending on the gravity of the crime and on whether the child has reached the age of sexual consent.<sup>35</sup> The text of the European Commission’s proposal from February 2024 to recast the Directive retains these provisions.<sup>36</sup>

<sup>31</sup> If the circumstances of Lanzarote Convention Article 18.1.b. apply. For more on this, see [Section H](#) on “solicitation of children for sexual purposes”.

<sup>32</sup> See also: Lanzarote Committee. (2019, June). [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children.](#)

<sup>33</sup> CRC Committee. (2016, December). [General Comment No. 20 on the implementation of the rights of the child during adolescence.](#) Paragraph 40.

<sup>34</sup> African Committee of Experts on the Rights and Welfare of the Child. (2021, July). [General Comment No. 7 on Article 27 of the ACRWC on “Sexual Exploitation”.](#) Paragraph 46-55.

<sup>35</sup> European Union. (2011, December). [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.](#) Article 3(5).

<sup>36</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\).](#)

**Conclusion:** To avoid possible misunderstandings or grey areas in the law, it should be clear that the age of sexual consent as defined by law means that engaging a child *below* that age in sexual activities is prohibited,<sup>37</sup> and that the consent of such a child is legally irrelevant. A child *at or above* the age of sexual consent may, with their consent, be engaged in sexual activities. However, no child should ever, under any circumstances, be able to legally consent to their own exploitation or abuse. It is therefore important that States criminalise all forms of sexual exploitation and abuse of children up to the age of 18 years and consider any presumed “consent” to exploitative or abusive acts as null and void.<sup>38</sup>

### A.3.iii. Minor

● *Special attention should be paid to how this term is used.*

“Minor” is a term often seen in legislative texts. In major dictionaries, it is referred to as a legal term indicating a person who is “*under the age at which you legally become an adult*”<sup>39</sup>—that is, who has not attained the age of majority—which could be attained before (or after) the age of 18 depending on the legislation of each country. The CRC does not employ this term at all and instead uses the term “child” to refer to any person under the age of 18.

In some languages, such as French and Spanish, the term “minor” can send a misleading message of children having no capacity, and/or being “less” than an adult. Therefore, the term “person(s) under the age of 18” is often preferred in non-legal contexts. No particular stigma or negative connotations are related to the latter, which can be used to refer to children in a neutral manner.

The term “minor” is also used in relation to emancipation—that is, “emancipated minor”. To be emancipated means to not or no longer

<sup>37</sup> It can be noted that, to reflect the reality of sexual activities among adolescents and avoid penalising consensual relationships among peers, some States have added a legal exception whereby sexual activity between two adolescents under the age of sexual consent and who are very close in age does not necessarily amount to a criminal offence if both persons claim to be in a freely chosen intimate relationship.

<sup>38</sup> See, for instance, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR), Observation on Switzerland under Convention No. 182: “*The Committee emphasized that it is necessary to make a distinction between the age of sexual consent and the freedom to engage in prostitution*”. (2013). [Observation \(CEACR\) - adopted 2013, published 103<sup>rd</sup> ILC session \(2014\)](#).

See also the case law of the European Committee of Social Rights, which, in the case of FAFCE v. Ireland, held that: “*Article 7§10 requires that all acts of sexual exploitation of children be criminalised. [...] States must criminalise the defined activities with all children under 18 years of age irrespective of lower national ages of sexual consent*”. (2014, September). [Federation of Catholic Family Associations in Europe \(FAFCE\) v. Ireland: Complaint 89/2013](#). Paragraph 58.

<sup>39</sup> See Oxford Advanced Learner’s Dictionary. Cambridge Dictionaries online also refers to the term as a legal term.

be restricted by legal, social, or political considerations.<sup>40</sup> It has positive connotations when referring to, for instance, women’s emancipation during the 1960s and the acquisition of rights and opportunities.

However, this term is also seen in the context of childhood and in particular in relation to child marriage as a way to become emancipated and can then have a different connotation. Indeed, the risk exists that a child who is emancipated may lose their protection as a child under national law.<sup>41</sup> An emancipated minor can be a person who, because their parents have died or are otherwise not in a position to take care of them, is in charge of their family and/or household. A minor can also be emancipated through court order (sometimes with parental consent) as a result of their involvement in a business activity and because of having become economically independent. In some countries, a child may also become emancipated if they get married (voluntarily or involuntarily) or join the army.<sup>42</sup> Emancipation can be the result of a court decision, of a legal provision, or of a situation in practice.

**Conclusion:** Because its meaning can vary greatly depending on national legislation, and sometimes has a negative connotation, the term “minor” should be used sparingly in the context of child sexual exploitation and sexual abuse and be reserved for legal issues.

With regard to the term “emancipated minor”, care should be taken so as not to use it in a way that would exclude such a person from the protection from which all children should benefit, independent of their living situation and status.

### A.3.iv. Juvenile

● *Special attention should be paid to how this term is used.*

“Juvenile” is another frequently used term to refer to persons under the age of 18. Originally, the term derives from the Latin word *juvenis*, which means “young”, “a young person”.<sup>43</sup> It is today often used in the context of criminal justice, where it has a clear and precise meaning, referring to children in conflict with the law—that is, “juvenile offender”<sup>44</sup> or “juvenile

<sup>40</sup> See, for instance, Oxford Advanced Learner’s Dictionary or Cambridge Advanced Learner’s Dictionary and Thesaurus.

<sup>41</sup> CRC Committee. (2011, April). [General Comment No. 13: The right of the child to freedom from all forms of violence](#). CRC/C/GC/13. Footnote 13 asserts that “[t]he Committee considers that Article 19 [protection from all forms of violence] applies also to children under the age of 18 who have attained majority or emancipation through early marriage and/or forced marriage.”

<sup>42</sup> See, for instance, Children’s Rights Council. (n.d.). [Child Emancipation](#).

<sup>43</sup> See Oxford Advanced Learner’s Dictionary.

<sup>44</sup> The Cambridge Dictionaries refer to this term (noun) as a legal term and provide the examples of “juvenile crime”, “juvenile offender”.

delinquent” (see [Sub-section Q.4.viii](#)). It is also, although less frequently, used in connection with victims—that is, “juvenile victim”.<sup>45</sup>

The term “juvenile” has increasingly come to be associated with young persons behaving “badly” and the negative connotations of illegal or criminal behaviour have led to the term being felt as labelling and stigmatising.

**Conclusion:** “Juvenile” is a term that can be labelling, leading to stereotyping and marginalising children in conflict with the law or children in contact with the justice system, rather than supporting them. If used at all, it should be strictly reserved for the legal context, in particular in the field of child justice,<sup>46</sup> and only for children that have reached the age of criminal responsibility.

### A.3.v. Adolescent

● *Special attention should be paid to how this term is used.*

While major dictionaries define adolescent as “[...] a young person in the process of developing from a child into an adult”,<sup>47</sup> and thus in a non-numerical manner, a number of UN agencies have defined “adolescents”, both in English and in Spanish, as persons up to the age of 19 years of age,<sup>48</sup> and adolescence as “the phase of life between childhood and adulthood, from ages 10 to 19”.<sup>49</sup> However, the term “adolescent” is not a legal term, and it is not referred to at all in the CRC or in the OPSC.

The term “adolescent” was included in the title of the World Congress III Against Sexual Exploitation of Children and Adolescents because Spanish-speaking stakeholders explained that “child” in Spanish mainly refers to very young children and does not include adolescents. The term “adolescent” could be a way of defining the “in-between” phase between childhood and adulthood, thus recognising that adolescents (who legally are still children if under 18 years of age) are in a phase of evolving capacities in which they can take partial or full responsibility for certain actions (e.g. sexual consent, access to sexual and reproductive health services or the regulated right to work), while also acknowledging their lack of full legal capacity and, importantly, lack of capability to consent to abuse or exploitation.

<sup>45</sup> See, for instance, Puzanchera, C., Hockenberry, S., Sickmund, M. (2022, December). [Youth and the Juvenile Justice System: 2022 National Report](#). Pittsburgh, PA: National Center for Juvenile Justice.

<sup>46</sup> The term “child justice” is used throughout this document instead of “juvenile justice”, following the approach taken by the CRC Committee in its [General Comment No. 24 \(2019\) on children's rights in the child justice system](#).

<sup>47</sup> See, for instance, [Oxford Learner's Dictionary online](#).

<sup>48</sup> UN Department of Economic and Social Affairs (UNDESA). (n.d.). [Definition of Youth](#).

<sup>49</sup> World Health Organization (WHO). (n.d.). [Adolescent Health: Overview](#).

**Conclusion:** When this term is used in the context of child sexual exploitation and sexual abuse, it is important to distinguish between adolescents up to age 18 (who legally should be considered children) and adolescents aged 18 and above, and to ensure adolescents under the age of 18 are granted the rights and protection accorded to all children.

### A.3.vi. Teenager

- *Special attention should be paid to how this term is used.*

The term “teenager” is closely related to that of “adolescent”, and these two terms are often defined in an identical fashion, in particular with regard to the upper age limit of 19 years.<sup>50</sup> The term “teenager” has, semantically speaking, a very clear definition: it means a person between 13 and 19 years of age—that is, a person in their “teens”—and thus refers in the English language to the suffix “teen” in the words “thirteen”, “fourteen”, and so forth.

**Conclusion:** While there is no particular indication against the use of this term, care should be taken when it is used in the context of child sexual exploitation and sexual abuse, so as to distinguish between teenagers up to age 18 and teenagers aged 18 and above, and to ensure teenagers under the age of 18 are granted the rights and protection accorded to all children.

### A.3.vii. Young person/young people/youth

- *Special attention should be paid to how this term is used.*

The UN defines youth as “a period of transition from the dependence of childhood to adulthood’s independence. That is why, as a category, youth is more fluid than other fixed age-groups.”<sup>51</sup> For statistical purposes, the UN defines “youth” as the 15–24-year-old age group,<sup>52</sup> and the World Bank has adopted the same definition.<sup>53</sup> The UN uses the terms “youth” and “young people” interchangeably.<sup>54</sup>

<sup>50</sup> Compare, for instance, the definition of “adolescent” by the UN with the very clear and apparently uncontested definition of “teenager” that can be found in most dictionaries. The intermingling of these two terms can also come from the fact that the term “teenager” does not exist in French and Spanish, for instance, and is mainly translated into these languages as “adolescent”.

<sup>51</sup> UNDESA. (n.d.). [Definition of Youth](#).

<sup>52</sup> UNGA. (1995, December). [Resolution 50/81 on the World Programme of Action for Youth to the Year 2000 and Beyond](#). A/RES/50/81. Paragraph 9 of this resolution states that the UN defines youth as the age cohort of 15–24. The same age group is reiterated in UNGA Resolution [A/RES/56/117](#) in 2001, Commission for Social Development Resolutions [E/2007/26](#) & [E/CN.5/2007/8](#) in 2007, and UNGA Resolution [A/RES/62/126](#) in 2008. See UNDESA. (n.d.). [Definition of Youth](#).

<sup>53</sup> See, for instance, World Bank. (n.d.). [DataBank: Metadata Glossary](#).

<sup>54</sup> UNDESA. (n.d.). [Definition of Youth](#).



The African Youth Charter defines “youth” as “every person between the ages of 15 and 35 years” and uses the terms “youth” and “young people” interchangeably. The Charter also specifies that those young people who are between 15 and 17 years of age (i.e. youth under the age of 18) shall be considered minors.<sup>55</sup>

**Conclusion:** When using these terms in the context of child sexual exploitation and sexual abuse, it should be clarified whether they do or do not include persons aged 18 or older. Moreover, special care should be taken to guarantee the legal rights of persons under the age of 18 years.

### A.3.viii. Child in the digital environment

● *Special attention should be paid to how this term is used.*

The term “child in the digital environment” is not of particular relevance in itself, but it is crucial to consider the concept of the child in digital spaces, and distinguish between the presence of the child online and representations of the child online. The meaning of the term “child”, as referred to above in this section, sometimes becomes more difficult to grasp in the digital environment as it may relate to two different issues:

1. **The presence and actions of the child online:** A child acting in the digital environment is not different from a child acting in-person, even if their access to certain online services without parental consent may well be allowed before the child turns 18. While younger children may be more vulnerable than older children to certain digital products, all young persons under the age of 18 years are entitled to special protection. Children’s rights are the same online as in-person, as the child is a rights holder in any environment or context.<sup>56</sup>
2. **The representation of the child online:** A child is a child at one specific moment in time, but childhood is, by definition, a temporary and passing status, which the child will leave behind as they grow older and moves on to adulthood. Yet the sexual abuse images of a child can remain online long after they have reached adulthood, and continue to be consumed (e.g. viewed, distributed, exchanged, sold, and bought). Victimisation of children can take place in one country at a given time, but, through the dissemination of child sexual abuse material, could continue in various countries with different legislation, or at a much later moment in time.

<sup>55</sup> African Union. (2026, July). [African Youth Charter](#).

<sup>56</sup> CRC Committee. (2021, March). [General comment No. 25 \(2021\) on children’s rights in relation to the digital environment](#). CRC/C/GC/25. Paragraph 4: “The rights of every child must be respected, protected and fulfilled in the digital environment.”

The OPSC, the Lanzarote Convention, the Budapest Convention, and the UN Convention against Cybercrime all cover acts that go beyond the production of child sexual abuse material, including, among the constituent elements of the crime, acts such as offering, making available, distributing, transmitting, procuring, and possessing child sexual abuse material,<sup>57</sup> independent of the time elapsed since the production of such material. Indeed, the Lanzarote Convention also includes simulated representations or realistic images of a non-existent child (Article 20).

**Conclusion:** A child is any person under the age of 18, whether in the digital environment or elsewhere. Protection from sexual exploitation and sexual abuse must never be lessened by the fact that an act is committed in the digital environment.

Furthermore, with regard to the representation of the child online, the illegal image of a child does not stop being illegal because the person depicted in the image has become an adult, and the child is still a victim of child sexual abuse material. Thus, the image or recording of a child online remains that of a child even when the person depicted has moved into adult age.

---

<sup>57</sup> Council of Europe. (2021, November). [Convention on Cybercrime](#). Article 9; In addition, Article 3(c) of the OPSC mentions disseminating, exporting, importing, and selling. Article 14-1(a) of the [UN Convention against Cybercrime](#) also addresses offering, making available, distributing, transmitting, while articles 14-1(b) and 14-1(c) cover procuring and possessing, respectively.

## SECTION B

# SEXUAL VIOLENCE AGAINST CHILDREN

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## B.1. Definitions in legally binding instruments

- 1989: The CRC does not define “sexual violence”, but includes “sexual abuse” in its definition of “violence” in Article 19<sup>58</sup> and specifically addresses protection from sexual exploitation and sexual abuse in Article 34.
- 2011: The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (“the Istanbul Convention”) refers to “sexual violence” in its Article 36. Moreover, Article 3 of the Convention explicitly extends the scope of the instrument to include girls under 18 years of age.<sup>59</sup>

## B.2. Non-binding instruments

The term “sexual violence” is increasingly used in resolutions of the UNGA and of the Human Rights Council (HRC). Some examples are included below.

---

<sup>58</sup> “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

<sup>59</sup> Council of Europe. (2014, May). [Convention on Preventing and Combating Violence against Women and Domestic Violence](#).

- 2022: HRC Resolution 49/20 on the Rights of the child: realizing the rights of the child and family reunification acknowledges that *“sexual violence in [conflict] situations disproportionately affects girls, but that boys are also targets”*.<sup>60</sup>
- 2022: UNGA Resolution 76/304 on International cooperation for access to justice, remedies and assistance for survivors of sexual violence.<sup>61</sup>
- 2023: HRC Resolution 53/7 on the Right to education mentions that *“girls are disproportionately represented among out-of-school children [...] owing to, inter alia, gender-based discrimination and violence, including sexual violence”*.<sup>62</sup>
- 2023: UNGA Resolution 78/188 on The girl child expressed deep concern that *“school-related violence against girls, including sexual violence and harassment on the way to and from and at school, [...] continues to deter girls’ education”*.<sup>63</sup>
- 2023: General Comment No. 26 of the Committee on the Rights of the Child on Children’s rights and the environment, with a special focus on climate change, notes that *“the financial hardships, food and clean water shortages and fragile child protection systems brought about by [environment-related] shocks undermine families’ daily routines, place an extra burden on children and increase their vulnerability to [...] sexual violence.”*<sup>64</sup>
- 2023: The Declaration for the Protection and Integration of Migrant and Refugee Children of the General Assembly of the Organization of American States declared its intent to *“advance in gender-responsive policies that allow equitable and equal and non-discriminatory access to physical and mental health care [...] to those in need of urgent medical attention for diseases or conditions associated with or exacerbated by the migration process, including all forms of sexual and gender-based violence”*.<sup>65</sup>
- 2024: HRC Resolution 55/13 on the Prevention of genocide recognises that *“early warning signs of genocide may also include [...] the creation of conditions that facilitate acts of sexual violence against [women and children]”*.<sup>66</sup>

<sup>60</sup> HRC. (2022, April). [Resolution 49/20 on the Rights of the child: realizing the rights of the child and family reunification](#). A/HRC/RES/49/20. 4.

<sup>61</sup> UNGA. (2022, September). [Resolution 76/304 on International cooperation for access to justice, remedies and assistance for survivors of sexual violence](#). A/RES/76/304.

<sup>62</sup> HRC. (2023, July). [Resolution 53/7 on the Right to education](#). A/HRC/RES/53/7. 3.

<sup>63</sup> UNGA. (2023, December). [Resolution 78/188 on The girl child](#). A/RES/78/188. 6.

<sup>64</sup> CRC Committee. (2023, August). [General comment No. 26 on children’s rights and the environment, with a special focus on climate change](#). CRC/C/GC/26. Paragraph 35.

<sup>65</sup> General Assembly of the Organization of American States. (2023, June). [Declaration for the Protection and Integration of Migrant and Refugee Children](#). 5.

<sup>66</sup> HRC. (2024, April). [Resolution 55/13 on the Prevention of genocide](#). A/HRC/RES/55/13. 6.

### B.3. Terminology considerations

Although the term “violence” is often used in connection with some form of physical act, the original meaning of “violent” signifies *“having a marked or powerful effect”*.<sup>67</sup> While English dictionaries often refer to “violence” as the use of physical force, it is also recognised that violence means *“actions or words that are intended to hurt people”*.<sup>68</sup> Indeed, it is increasingly recognised that violence against children can be not only physical but also psychological and sexual.<sup>69</sup>

The notion of “sexual violence” has been used mainly when referring to adults, often in relation to gender-based violence and in the public health discourse, and is often associated with rape.<sup>70</sup> The Declaration on the Elimination of Violence Against Women, adopted by the UNGA in 1993, defines violence against women as *“any act of gender based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”*.<sup>71</sup> It encompasses, but is not limited to, *“physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs”*.<sup>72</sup>

The 1993 Declaration has become a text of reference at the global level and has guided, for instance, the work of the World Health Organisation (WHO), which, in 2002, defined sexual violence as *“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,*

<sup>67</sup> See Oxford Advanced Learner’s Dictionary, origin of the word “violent”.

<sup>68</sup> Cambridge Advanced Learner’s Dictionary and Thesaurus.

<sup>69</sup> See the abovementioned references to UNGA resolutions as well as CRC Committee, [General Comment No. 13](#).

<sup>70</sup> See, for instance, Krug, E., et al. (2002, October). [World Report on Violence and Health](#). Geneva: WHO. Chapter 6, 149, where it is explained that *“[s]exual violence includes rape, defined as physically forced or otherwise coerced penetration – even if slight – of the vulva or anus, using a penis, other body parts or an object. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape. Sexual violence can include other forms of assault involving a sexual organ, including coerced contact between the mouth and penis, vulva or anus.”*

<sup>71</sup> UNGA. (1993, December). [Declaration on the Elimination of Violence Against Women](#). A/RES/48/104. Article 1.

<sup>72</sup> Ibid., article 2.

*including but not limited to home and work”.*<sup>73</sup> It is further specified that “coercion” can include “*a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats.*”<sup>74</sup>

The UN Secretary-General’s Study on Violence against Children, and its accompanying World Report on Violence against Children, reinforces the discourse on sexual violence against children at the UN level,<sup>75</sup> and takes as a starting point the CRC (in particular Article 19) and the WHO definition of sexual violence. The study systematically refers to sexual violence and contextualises it in the various settings, including, among others, sexual abuse, sexual exploitation, sexual harassment, and Internet-related sexual offences. Since then, an increasing number of UNGA and HRC resolutions have referred to sexual violence against children,<sup>76</sup> often specifically addressing child sexual exploitation and sexual abuse. Over the past years, the discourse in the field of child protection has also moved towards a more “violence-based” language (e.g. violence against children instead of child abuse).

While there is no overall internationally agreed legal definition of sexual violence, which is mentioned neither in the CRC nor in the OPSC,<sup>77</sup> it is important to note that Article 7 of the Rome Statute of the International Criminal Court includes among crimes against humanity “*rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity*” (when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack).<sup>78</sup>

In a report to the Security Council, the UN Secretary-General states, “*Under international law, sexual violence is not synonymous with rape. The statutes and the case law of the International Tribunals for the Former Yugoslavia and Rwanda and the Special Court for Sierra Leone, and the Elements of Crimes of the International Criminal Court, define sexual violence to also encompass sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity, which may, depending on the circumstances, include situations of indecent assault, trafficking, inappropriate medical examinations and*

<sup>73</sup> Krug, E., et al. (2002, October). [World Report on Violence and Health](#). Geneva: WHO. Chapter 6, 149.

<sup>74</sup> Ibid.

<sup>75</sup> Pinheiro, P. S. (2006). [World Report on Violence against Children](#). Geneva: United Nations Publishing Services.

<sup>76</sup> See, for instance, UNGA Resolutions [76/304](#) (2022), [78/187](#) (2023), and [78/188](#) (2023).

<sup>77</sup> It should be noted, however, that the French version of the CRC uses the terminology *violence sexuelle* where the English text refers to sexual abuse. See Articles 19 and 34 of the CRC.

<sup>78</sup> United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. (1998, July). [Rome Statute of the International Criminal Court](#). Art 7(g).

*strip searches.*<sup>79</sup> The disaggregation of sexual violence offences into the categories listed above permits a more focused approach to prevention.<sup>80</sup>

The notion of “sexual violence” is more and more often used as an umbrella term that includes sexual exploitation and sexual abuse.<sup>81</sup> This is in line with General Comment No. 13 of the Committee on the Rights of the Child, which clearly states that violence against children can be both physical and mental, and that the latter includes “*psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect*”.<sup>82</sup> A similar approach can be found in the Sustainable Development Goals adopted by the UNGA in September 2015,<sup>83</sup> which include sexual exploitation as a form of violence. The implementation of the 2030 Agenda for Sustainable Development entails monitoring progress on both the elimination of all forms of violence against women and girls (Target 5.2)<sup>84</sup> and the elimination of all forms of violence against children (Target 16.2).<sup>85</sup>

In response to the lack of comparable data on violence against children, in 2023 UNICEF launched the International Classification of Violence against Children, which includes definitions of all forms of violence against children and aims at providing a tool to categorise incidents of violence and assess the extent to which national definitions and data collection efforts comply with internationally agreed standards. The International Classification defines violence against children as “*any deliberate, unwanted and non-essential act, threatened or actual, against a child or against multiple children that results in or has a high likelihood of resulting in death, injury or other forms of physical and psychological suffering*”, and further clarifies that an “act” can include among others “*an act of a sexual nature*” which is defined as a “*a physical, verbal or nonverbal conduct that involves any*

<sup>79</sup> United Nations Secretary-General. (2010, November). [Report on the Implementation of Security Council Resolutions 1820 \(2008\) and 1888 \(2009\)](#). A/65/592 – S/2010/604. Paragraph 4. See also Security Council Resolutions on sexual violence in conflict [1820 \(2008\)](#), [1888 \(2009\)](#), and [1325 \(2000\)](#).

<sup>80</sup> Sexual slavery or enforced prostitution, for example, may differ in terms of its logic from the execution of a specific policy of forced pregnancy during a campaign of “ethnic cleansing” designed to achieve a military or political end, or rape concurrent with looting to terrorise the population or as a result of overly lax command and control structures. Depending on the circumstances of the offence, sexual violence can constitute a war crime, a crime against humanity, an act of torture, or a constituent act of genocide.

<sup>81</sup> See Krug, E., et al. (2002, October). [World Report on Violence and Health](#). Geneva: WHO. See also Inter-Agency Standing Committee (IASC). (2015, August). [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Contexts](#). 323. The guidelines use WHO’s definition and adds that “[s]exual violence includes, at least, rape/attempted rape, sexual abuse and sexual exploitation” and “[s]exual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.”

<sup>82</sup> CRC Committee. (2011, April). [General Comment No. 13: The right of the child to freedom from all Forms of violence](#). Paragraphs 4 and 25. The Committee also emphasised in the General Comment that the choice of the term violence “*must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment)*”.

<sup>83</sup> UNGA. (2015, September). [Transforming our World: 2030 Agenda for Sustainable Development](#). A/RES/70/1.

<sup>84</sup> UN Sustainable Development Goal 5, Target 2: “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”.

<sup>85</sup> UN Sustainable Development Goal 16, Target 2: “End abuse, exploitation, trafficking and all forms of violence against and torture of children”.

*part of the body used for sexual activity or references to sexuality, and has a sexual intent or connotation”.*<sup>86</sup>

The increased use of the term “violence”, in particular when used to refer to sexual exploitation and sexual abuse, has given rise to concern with regard to the focus that this term may draw to acts of commission, with the risk of making acts of omission (e.g. neglect/lack of supervision/lack of parental care leading to children’s vulnerability to sexual abuse/exploitation) less visible. This is also something that has been underlined in the field of gender-based violence, where the attention is often drawn to those who “commit” violence, leaving unattended the fact that violence can be as much a result of “omission” as of “commission”.<sup>87</sup> With regard to children, the Committee on the Rights of the Child, the European Court of Human Rights, and the Inter-American Court of Human Rights have all been clear on the fact that violence against children includes failure to protect children from danger or harm and that it is the duty of the State to do so (positive obligations).<sup>88</sup>

“Sexual violence” has become an important term in programming and policy-making, and is increasingly found in public discourse. When interpreted broadly, it has the advantage of being an all-encompassing term including all degrees of violence and all forms of suffering inflicted (physical, psychological, or sexual) as well as all kinds of acts (through contact, without contact, by omission). It is important for policymakers and legislators to, on the one hand, pursue an integrated approach to the protection of children and, on the other hand, to monitor and act to prevent and respond to new forms of sexual violence and to adopt all necessary measures to ensure children’s effective protection, including providing appropriate referral mechanisms.<sup>89</sup>

With regard to children, the terms “sexual abuse” and “sexual exploitation” are, as the following sections will show more in detail, firmly established in international law and remain key when addressing violations of children’s

<sup>86</sup> UNICEF, Division of Data, Analytics, Planning and Monitoring. (2023, December). [International Classification of Violence against Children](#). New York: UNICEF. 14.

<sup>87</sup> See, for instance, Basu, A. (2015, November). [Gender-Based Violence: Acts of Commission and Acts of Omission](#).

<sup>88</sup> CRC Committee. (2011, April). [General Comment No. 13: The right of the child to freedom from all Forms of violence](#). Paragraph 20; European Court of Human Rights. (1985, March). [Case of X and Y v. the Netherlands, Judgement of 26 March 1985](#); Inter-American Court of Human Rights. (2009, November). [Case of González et al. \(“Cotton Field”\) v. Mexico”, Judgment of 16 November 2009](#).

<sup>89</sup> A referral mechanism is a cooperative framework through which state actors fulfil their obligations to protect and promote the rights of victims. The CRC Committee, in its [General Comment No. 13](#), sets forth in Paragraph 50 that “*The person receiving the report should have clear guidance and training on when and how to refer the issue to whichever agency is responsible for coordinating the response. [...] Professionals working within the child protection system need to be trained in inter-agency cooperation and protocols for collaboration. The process will involve: (a) a participatory, multi-disciplinary assessment of the short- and long-term needs of the child, caregivers and family, which invites and gives due weight to the child’s views as well as those of the caregivers and family; (b) sharing of the assessment results with the child, caregivers and family; (c) referral of the child and family to a range of services to meet those needs; and (d) follow-up and evaluation of the adequateness of the intervention.*”



rights that are of a sexual nature. In many domestic legal systems,<sup>90</sup> as well as within EU law,<sup>91</sup> the use of violence can represent an aggravating factor in a sexual crime against a child.

Lastly, sexual violence may constitute a form of torture or other cruel, inhuman, or degrading treatment or punishment under certain circumstances. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment sets forth that “[t]orture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”<sup>92</sup> The UN Committee against Torture has stated that it views “sexual violence and trafficking as gender-based acts of torture and within the purview of the Committee”,<sup>93</sup> and has repeatedly linked sexual violence to torture.<sup>94</sup> A similar approach can be found within the Inter-American Commission on Human Rights, which has admitted and opened a hearing on the reports of sexual torture of women in Mexico, promising also to continue with the theme.<sup>95</sup> Furthermore, the UN Human Rights Committee established under the

<sup>90</sup> Some examples: in Brazil “[Dos crimes contra a liberdade sexual](#)”; in Argentina “[Delitos contra la integridad sexual](#)”; in Spain “[Delitos contra la libertad e indemnidad sexuales](#)”; in France “[Des atteintes à l’intégrité physique ou psychique de la personne](#)”; in Germany “[Offences against sexual self-determination](#)”.

<sup>91</sup> European Union. (2011, December). [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](#). Article 9 on “aggravating circumstances”: “*In so far as the following circumstances do not already form part of the constituent elements of the offences [...], Member States shall take the necessary measures to ensure that the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances [...]: (g) “the offence involved serious violence or caused serious harm to the child.”*”

<sup>92</sup> UNGA. (1984, December). [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#). Art 1.

<sup>93</sup> See, for instance, The Advocates for Human Rights, Stop Violence Against Women. (n.d.). [International Law - United Nations System: UN Committee Against Torture](#). It should be noted, however, that the UN Committee against Torture considers only violations committed by a State Party, and does not address issues relating to individuals or non-State actors exclusively. See, for instance, Office of the United Nations High Commissioner for Human Rights (OHCHR). (n.d.). [Fact Sheet No.17, The Committee against Torture](#).

<sup>94</sup> For instance, in its [Concluding Observations on the Fifth Periodic Report of the Russian Federation](#), (29 October–23 November 2012), the Committee against Torture expressed the following concern (Paragraph 14): “*Despite consistent reports of numerous allegations of many forms of violence against women throughout the State party, the Committee is concerned that there are only a small number of complaints, investigations and prosecutions of acts of domestic violence and violence against women, including marital rape.*” More recently, its [Concluding observations on the initial report of Iraq \(11-12 August 2015\)](#), the Committee expressed particular concern about “*reports of ISIL fighters raping female captives, and about the fact that this extremist group has instituted a pattern of sexual violence, slavery, abduction and human trafficking targeted at women and girls belonging to religious and ethnic minorities (see S/2015/203, paras. 28-31). It is equally concerned by reports of sexual violence committed by members of the Iraqi army and militias on all sides of the conflict. The Committee is further concerned at the apparent impunity enjoyed by the perpetrators of such acts (arts. 1, 2, 4 and 16).*”

<sup>95</sup> See Inter-American Commission on Human Rights. (2015, March). [Reports of Sexual Torture of Women in Mexico](#). 154 Period of Sessions.

International Covenant on Civil and Political Rights<sup>96</sup> recognises that sexual violence and abuse may constitute a form of torture or cruel, inhuman, or degrading treatment.<sup>97</sup> The Covenant deliberately refrains from elaborating an explicit definition of torture, on the basis that the nature, purpose, and severity of an act—not a pre-existing list of offences or crimes—should determine whether it is torture.<sup>98</sup> In all circumstances, the State is obligated to take measures to protect children from any form of sexual violence or abuse, whether perpetrated by persons acting in an official capacity, outside their official capacity, or in a private capacity.<sup>99</sup>

**Conclusion:** 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 narrower 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.



*“It really traumatises when adults or professionals use ‘rape’ or say, ‘oh were you raped?’ It makes me feel very uncomfortable and also really scared.”*

*“Instead of using terms like ‘rape’ or ‘molestation’, I would prefer they use ‘sexual violence’.”*

*(Insights from two participants in the consultations with children, young people and survivors in the Philippines)*

<sup>96</sup> The UN Human Rights Committee is the treaty-monitoring body for the UN International Covenant on Civil and Political Rights established under Article 28 of the International Covenant on Civil and Political Rights, 23 March 1976, 999 U.N.T.S 1057.

<sup>97</sup> See for instance, the following Concluding Observations by the Human Rights Committee: Cabo Verde, [CCPR/C/CPV/CO/1](#); Honduras, [CCPR/C/HND/CO/1](#); Kenya, [CCPR/C/KEN/CO/3](#), paragraph 17; Malawi, [CCPR/C/MWI/CO/1](#), paragraph 15; Mozambique, [CCPR/C/MOZ/CO/1](#), paragraph 17. See also UN Human Rights Committee. (2011, March). [Views: Communication No. 1608/2007](#). CCPR/C/101/D/1608/2007.

<sup>98</sup> UN Human Rights Committee. (1992, March). [CCPR General Comment No. 20: Article 7 \(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment\)](#). Paragraph 4.

<sup>99</sup> *Ibid.*, paragraph 2.

## B.4. Related terms

### B.4.i. Sexual assault against a child

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

“Sexual assault” is defined as *“the action or an act of forcing an unconsenting person to engage in sexual activity; a crime involving forced sexual contact”* or *“sexual contact that usually involves force upon a person without consent”*.<sup>100</sup>

### B.4.ii. Childhood sexual violence/abuse/exploitation

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Childhood is the state or period of being a child (i.e. any person below 18). The term childhood sexual violence is frequently used in the academic literature to refer to sexual violence having occurred during a person’s childhood, independent of whether that person is still a child or not. The term focuses on sexual violence occurring during the period of childhood, analysing for instance the prevalence of childhood sexual violence in a certain region or population, or addressing risk and protective factors for childhood sexual violence. It arguably describes sexual violence against children in a more neutral manner, refraining from identifying against whom an act has been committed and addressing sexual violence in childhood as a phenomenon to be studied.

The term “childhood” can, in a similar manner, be associated with sexual exploitation and sexual abuse of children. These terms may be useful when referring in general to adults having experiences of childhood sexual exploitation and childhood sexual abuse.

<sup>100</sup> See Oxford British and World English Dictionary and Merriam-Webster English Dictionary.

## SECTION C

# CHILD SEXUAL ABUSE/SEXUAL ABUSE OF CHILDREN

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## C.1. Definitions in legally binding instruments

- 1989: The CRC refers to “*all forms of sexual exploitation and sexual abuse*” in its Article 34, which elaborates on the requirement for State Parties to protect children from sexual exploitation and sexual abuse as follows: “*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; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.*”
- 1990: The ACRWC refers in Article 27 to “all forms of sexual exploitation and sexual abuse”.
- 2007: The Lanzarote Convention refers to both the “sexual exploitation and [the] sexual abuse of children”. The Preamble sets forth that “[a]ll forms of sexual abuse of children, including acts which are committed abroad, are destructive to children’s health and psycho-social development.” The Convention further states in Article 3(b) that “[s]exual exploitation and sexual abuse of children shall include the behaviour as referred to in Articles 18 to 23 of this Convention.” This includes sexual abuse, offences

concerning child prostitution, child pornography, the participation of a child in pornographic performances, corruption of children, and solicitation of children for sexual purposes. Article 18(1) refers specifically to “sexual abuse”, which it defines for the purposes of criminalisation as follows: “(a) 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”<sup>101</sup> and: “(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.”

- ✦ 2011: The EU Directive 2011/93 sets forth, in its Article 3, a thorough definition of offences concerning sexual abuse, and includes in that definition the fact of causing a child to witness sexual activities or sexual abuse, engaging in sexual activities with a child, and coercing, forcing, or threatening a child into sexual activities with a third party. The text of the European Commission’s proposal from February 2024 to recast the Directive plans to expand Article 3 to encompass the act of causing a child below the age of sexual consent to engage in sexual activities with another person, even in situations that do not involve coercion, force, or threats.<sup>102</sup>

## C.2. Non-binding instruments

The term “child sexual abuse” is often used in resolutions of the UNGA and of the HRC on the rights of the child (known as Omnibus Resolutions) and other non-binding international or regional documents (e.g. of the Council of Europe).

## C.3. Terminology considerations

The CRC does not make clear what the distinction is between child sexual abuse and child sexual exploitation. However, it is noteworthy that the sexual abuse of children requires no element of exchange and can occur for the mere purpose of the sexual gratification of the person committing the act, whereas the sexual exploitation of children can be distinguished

<sup>101</sup> It should be noted that Article 18(3) sets forth that Article 18(1)(a) does not cover consensual sexual activity between children.

<sup>102</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

by an underlying notion of the presence of a perceived form of ‘exchange’, whether tangible (food, shelter, clothing) or intangible (protection, affection, etc), including when the child may not appear to receive anything, such as in the use of technology, but someone is benefiting from the abuse (for more details on sexual exploitation of children, see [Section D](#)). Child sexual abuse is often - but not always - committed by someone known to the child and who has some form of authority or power over them.<sup>103</sup> Such authority can be based on family ties (e.g. a relative), a position of authority or control (e.g. a teacher, coach), or other factors. The power a person can have over a child can also derive from the establishment of a relationship of trust or dependency, for the purpose of manipulating the child to engage in sexual activities.<sup>104</sup>

In accordance with major dictionaries, abuse refers to the cruel or violent, including sexual, treatment of someone, especially regularly or repeatedly.<sup>105</sup> The fact that a person who sexually abuses a child more often than not is someone familiar to the child also facilitates the repetition of the act.<sup>106</sup>

Child sexual abuse has been defined as *“any sexual activity between a child and closely related family member (incest) or between a child and an adult or older child from outside the family. It involves either explicit force or coercion or, in cases where consent cannot be given by the victim because of his or her young age, implied force”*.<sup>107</sup>

The WHO provides a detailed definition of “child sexual abuse”: *“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.”*<sup>108</sup>

<sup>103</sup> See for instance Lanzarote Committee. (2015, December). [First implementation report - Protection of children against sexual abuse in the circle of trust: The framework](#) .

<sup>104</sup> Ibid.

<sup>105</sup> See Oxford British and World English Dictionary.

<sup>106</sup> There appears to be a clear correlation between the fact that the perpetrator of child sexual abuse is often a known and trusted caregiver and the fact that child sexual abuse often occurs repeatedly over longer periods of time, in an increasingly sexually invasive manner. See, for instance, WHO. (2003). [Guidelines for Medico-Legal Care for Victims of Sexual Violence](#). Geneva: WHO. Chapter 7, 76.

<sup>107</sup> Dominguez, N., Nelke, C., Perry, B. (2002). Child Sexual Abuse. Encyclopaedia of Crime and Punishment, Vol 1. Cited in: IASC. (2015, August). [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Contexts](#). 321.

<sup>108</sup> Cited in: Murray, L., Nguyen, A., Cohen, J. (2014, April). [Child Sexual Abuse](#). *Child and Adolescent Psychiatric Clinics of North America*, vol. 23(2), 321-337.

Child sexual abuse can be committed with (“contact abuse”) or without physical contact (“non-contact abuse”). Common examples of “non-contact sexual abuse” are sexual harassment of children, including verbal harassment such as unwanted sexual comments.<sup>109</sup> With the surge of technology-facilitated child sexual abuse, it becomes increasingly necessary to pay attention to such non-contact forms of abuse—and the consequences they have for children.

**Conclusion:** The sexual abuse of children requires no element of exchange and can occur for the mere purpose of the sexual gratification of the person committing the act. Such abuse can be committed without explicit force, with other elements, such as authority, power, or manipulation being determining factors. Moreover, it is noteworthy that, when the child has not reached the age of sexual consent, there should be no legal requirement to establish any of these elements. The mere fact of the sexual activity taking place is sufficient to constitute abuse. Furthermore, child sexual abuse can take the form of both contact and non-contact abuse. Child sexual abuse is a broad category that, at its core, defines the harm caused to children by forcing or coercing them to engage in sexual activity, whether they are aware of what is happening or not. As such, it is an appropriate umbrella term for many of the other terms referred to in this document. The terms “child sexual abuse” and “sexual abuse of children” are used interchangeably in English and pose no particular problem. Linguistically speaking, “abuse” as a word in this context already implies the mistreatment of *someone else* and appears sufficiently clear on its own to ensure no confusion arises. Both “child sexual abuse” and “sexual abuse of children” thus clearly refer to the fact that someone else is subjecting the child to the abuse.

## C.4. Related terms

### C.4.i. Incest

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

“Incest” refers to the sexual activity between two people who are very closely related in a family, for example siblings, or parent and child. Incest involving a child constitutes sexual abuse. While some domestic legal systems require blood ties for a sexual activity to constitute incest, others have broadened the notion to include family members who are not blood-related but who are still considered too close to engage in sexual activities (e.g. step-parents).

<sup>109</sup> See [Sub-section C.4.v](#) on “Sexual harassment of a child”.

Others still recognise only “vertical” incest, meaning the law does not cover sexual relations between siblings. In accordance with major dictionaries, “incest” refers to *“sexual relations between people classed as being too closely related to marry each other”*.<sup>110</sup> It is sometimes also defined as *“the crime of having sexual intercourse with a parent, child, sibling, or grandchild”*.<sup>111</sup>

#### C.4.ii. Rape of a child

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Rape is the crime of forcing someone (in this case a child) to have sex against their will, and it often involves the use of physical force or violence.<sup>112</sup> In some countries, the rape of a child is an act defined by domestic law that can be committed only against a female person, thus making it a gender-based crime.<sup>113</sup> It is important when using this term, to ensure that it is used in a gender-neutral manner, referring to an act which can be committed against a person of any gender, and by a person of any gender. Furthermore, while the crime of rape typically requires some form of penetration,<sup>114</sup> some countries have moved away from the term “rape” in the Criminal Code and adopted laws on, for instance, “sexual assault”, which broaden the scope of the crime to include also sexual acts that do not involve penetration.<sup>115</sup>

#### C.4.iii. Sexual molestation of a child

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Molestation refers to the act of touching or attacking someone, especially a child, in a sexual way.<sup>116</sup> The word “molest” derives from the Latin words *molestare* (“to annoy”) and *molestus* (“troublesome”).<sup>117</sup> The term “molestation” is widely used in family law contexts, where it usually relates

<sup>110</sup> See for instance Oxford British and World English Dictionary.

<sup>111</sup> Ibid.

<sup>112</sup> See Oxford Advanced Learner’s Dictionary and Cambridge Essential English Dictionary.

<sup>113</sup> For instance, in India, the crime of rape can only be committed by a man against a woman or a girl, see Republic of India. (2023, December). [Bharatiya Nyaya Sanhita](#). Section 63. A 2024 Analysis by the European Parliamentary Research Service (EPRS) showed that Bulgaria and Slovakia had legal definitions of rape making it possible to commit the crime only against a woman. See EPRS. (2024, January). [Definitions of rape in the legislation of EU Member States](#). 30.

<sup>114</sup> See, for instance, the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) system definition of rape: *“penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim”*; French Republic. (1992, July). [Criminal Code, version in force as of 9 December 2024](#). Article 222-23: *“Tout acte de pénétration sexuelle, de quelque nature qu’il soit, ou tout acte bucco-génital commis sur la personne d’autrui ou sur la personne de l’auteur par violence, contrainte, menace ou surprise”*.

<sup>115</sup> See, for instance, Canada. (1985). [Criminal Code \(Current to November 11, 2024\)](#). Articles 271 et seq.

<sup>116</sup> See Oxford Advanced Learner’s Dictionary and Cambridge Essential English Dictionary.

<sup>117</sup> See Oxford Advanced Learner’s Dictionary.



to spousal/parental relations (e.g. “non-molestation clauses” in the context of matrimonial proceedings/spousal separation/domestic violence in common law countries).<sup>118</sup>

#### C.4.iv. Sexual touching of children

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

There is no internationally agreed (legal) definition of sexual touching of children. Nevertheless, “to touch” means to physically bring a bodily part into contact with something or someone, and the term “sexual touching of children” mainly refers to the act of touching the private parts of a child’s body, and/or making the child touch their own private parts, for the purpose of one’s own sexual arousal/gratification.<sup>119</sup>

Sexual touching often marks, along with sexual comments,<sup>120</sup> the beginning of a gradually increasing process of sexual abuse of the child by an adult or by another child.<sup>121</sup> For that reason, it may represent a crucial stage of intervention to avoid further sexual abuse of the child.

**Conclusion:** Sexual touching of a child is a form of sexual abuse. While the term “sexual touching” can of course have positive connotations when referring to adult consensual sexual relationships, it refers to abusive acts when committed on children, except where both parties are children over the age of sexual consent or for whom a close-in-age exemption applies, and the touching is consensual.

#### C.4.v. Sexual harassment of a child

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

“Harassment” refers to the act of “*annoying or worrying somebody by putting pressure on them or saying or doing unpleasant things to them*”.<sup>122</sup> 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

<sup>118</sup> See, for example, United Kingdom of Great Britain and Northern Ireland. (1996, July). [Family Law Act](#).

<sup>119</sup> In the US and the UK, for instance, sexual touching of a child is a form of sexual assault (“sexual assault by touching”). The touching must be deliberate and have a sexual motive, and includes any physical contact, including touching through clothing, as well as direct contact with the other person’s skin.

<sup>120</sup> See Sub-section C.4.v on “Sexual harassment of a child”.

<sup>121</sup> “The sexual abuse of children frequently occurs as repeated episodes that become more invasive with time. Perpetrators usually engage the child in a gradual process of sexualizing the relationship over time.” See: WHO. (2003). [Guidelines for Medico-Legal Care for Victims of Sexual Violence](#). Geneva: WHO. Chapter 7: Child sexual abuse.

<sup>122</sup> See Oxford Advanced Learner’s Dictionary.

when creating an intimidating, hostile, degrading, humiliating, or offensive environment (Article 40).

The Istanbul Convention currently provides the only international legal definition of “sexual harassment”, although such acts are commonly recognised as a form of gender-based violence.<sup>123</sup>

“Unwanted sexual comments” can be a form of sexual harassment. The process of sexual abuse may include or even start with unwanted sexual comments on, for instance, the way the child is dressed or is using make-up or on their physical beauty, thus embarrassing the child. While such comments do not always lead to sexually abusive activities, they may still cause harm to the child and may be considered a form of non-contact abuse.<sup>124</sup>

Sexual harassment of a child can also take the form of “sexual bullying”. While bullying is not necessarily related to sexual abuse or exploitation, it can contain such elements and be linked to unwanted sexting, grooming, and sexual extortion. Sexual bullying is sometimes used to refer to coercion, intimidation, or enticement to sexual activity from peers, or unwanted pressure from peers to have sex.<sup>125</sup> Sexual bullying can also be a form of cyber-bullying, carried out in the digital environment.

The notion of sexual harassment is used more often with regard to adults – especially women – than it is for children, and frequently in relation to situations happening in the workplace, elsewhere outside the home (although it can also take place within the home/family setting) or in the digital environment. Sexual harassment of children can happen at school or in other places, however, and can be committed by for instance teachers, coaches, or other persons in a position of care for or authority over the child,<sup>126</sup> as well as other children.<sup>127</sup>

<sup>123</sup> See, for instance, WAVE (Women Against Violence Europe) and UN Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia. (2014). [Strengthening Health System Responses to Gender-based Violence in Eastern Europe and Central Asia – A Resource Package](#). 17, 18.

<sup>124</sup> Child sexual abuse is often divided into contact and non-contact sexual abuse, the latter including acts where the abuser does not touch the child. See for instance UNICEF, Division of Data, Analytics, Planning and Monitoring. (2023, December). [International Classification of Violence against Children](#). New York: UNICEF. 31. The Rape, Abuse and Incest National Network (RAINN) defines “sexual harassment” as including “*unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature*”. See RAINN. (n.d.). [Sexual Harassment](#).

<sup>125</sup> See, for instance, Strasburger, C., et al. (2019, May). [Teenagers, Sexting, and the Law](#). *Pediatrics*, vol. 143(5); United Kingdom of Great Britain and Northern Ireland, Home Office. (2021). [Tackling Child Sexual Abuse Strategy](#); Anti-Bullying Alliance. (2022). [Sexual and Sexist Bullying: Developing Effective Anti-Bullying Practice – A guide for the school and children’s workforce](#).

<sup>126</sup> For instance, the US Department of Education acknowledges that sexual harassment can be conducted by school employees, other students, and third parties. See US Department of Education. (n.d.). [Sex-based harassment](#). See also Jeglic, E. (2023, May). [Educator Sexual Misconduct Remains Prevalent in Schools](#). *Psychology Today*.

<sup>127</sup> See, for instance, United Kingdom of Great Britain and Northern Ireland, Department for Education. (2024, September). [Keeping children safe in education 2024: Statutory guidance for schools and colleges](#). 113, 114.

Another related term frequently used in relation to adults, in particular in the field of violence against women and domestic violence, is that of “cyberstalking”.<sup>128</sup> Stalking is the crime of illegally following and watching over someone for a long period of time in a way that is annoying or frightening.<sup>129</sup> Cyberstalking (also referred to as digital stalking or online stalking) refers to stalking, pursuing or monitoring a person via digital means, and has been defined as the repeated use of electronic communications to harass or frighten someone.<sup>130</sup>

Cyber-flashing, or the act of someone using digital means to send an image of their naked body, especially their genitals (sexual organs), to someone who has not asked them to do this,<sup>131</sup> can also amount to a form of sexual harassment. Cyber-flashing and sending unsolicited sexual imagery to a child is not only a form of sexual harassment but can also amount to the exposure of a child to harmful content, i.e. children accessing or being exposed to, intentionally or incidentally, age-inappropriate sexual or violent content, or content otherwise considered harmful to their development.<sup>132</sup>

Children also fall victims of cyberstalking and cyber-flashing,<sup>133</sup> and these have become issues in need of attention also in the field of child protection, taking into account all the specificities that come with children’s young age and limited consent.

**Conclusion:** Importantly, “sexual harassment” refers not only to sexual conduct with the explicit intention to violate the dignity of another person (i.e. purpose) but also to conduct of a sexual nature that a person experiences as offensive or intimidating (i.e. effect).<sup>134</sup> “Unwanted sexual comments” can be an example of this, since the person making the comments may not necessarily intend for them to violate the dignity of the person, although that is the effect they may cause.

<sup>128</sup> See, for instance, European Institute for Gender Equality (EIGE). (2022). [Combating Cyber Violence against Women and Girls](#). Luxembourg: Publications Office of the European Union.

<sup>129</sup> Oxford Advanced Learner’s Dictionary.

<sup>130</sup> Oxford Dictionaries.

<sup>131</sup> Cambridge Essential English Dictionary.

<sup>132</sup> For more details on exposure to harmful content, see [Sub-section F.4.vii](#).

<sup>133</sup> See for instance UNICEF. (2022, May). [Legislating for the digital age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse](#). New York: UNICEF; See also ECPAT, Interpol, and UNICEF. (2021-2022). [Disrupting Harm: Research across 13 countries in Southeast Asia and Eastern and Southern Africa](#). Safe Online.

<sup>134</sup> Council of Europe. (2011, October). [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#). Paragraph 208 specifies that the acts must have the “purpose or effect of violating the dignity of the victim”.

## SECTION D

# CHILD SEXUAL EXPLOITATION/ SEXUAL EXPLOITATION OF CHILDREN

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## D.1. Definitions in legally binding instruments

- 1989: As mentioned in [Section C](#) on “child sexual abuse”, the CRC refers to “*all forms of sexual exploitation and sexual abuse*” in its Article 34, and explicitly to “*(b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.*”
- 1990: The ACRWC refers to all forms of sexual exploitation and sexual abuse, and explicitly mentions in Article 27 “*(a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; (c) the use of children in pornographic activities, performances and materials*”.
- 2000: The OPSC refers to sexual exploitation in its Article 3, whereby it is required of State Parties to criminalise the sexual exploitation of the child in the context of what the OPSC defines as sale of children (Article 3.1(a)(i)a).

- 2007: The Lanzarote Convention, as mentioned above, refers to the behaviour constituting the offences of child sexual exploitation and child sexual abuse as described in Articles 18–23. The Preamble refers to exploitation as “*the sexual exploitation of children, in particular child pornography and prostitution*”.
- 2011: The EU Directive 2011/93 defines offences concerning sexual exploitation in its Article 4, and includes in that definition acts such as 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. The text of the European Commission’s proposal from February 2024 to recast the Directive updates the terminology of the offences defined in Article 4 without altering their substantive scope or nature, replacing “child prostitution” with “exploitation [of children] in prostitution” and “pornographic performances” with “child sexual abuse performances.”<sup>135</sup>

## D.2. Non-binding instruments

The term “child sexual exploitation” is often used in resolutions of the UNGA and of the HRC on the rights of the child (known as Omnibus Resolutions) and other non-binding international or regional documents (e.g. of the Council of Europe).<sup>136</sup>

## D.3. Terminology considerations

A child is a victim of sexual exploitation when they are involved in a sexual activity in exchange for something (e.g. gain or benefit, or even the promise of such)<sup>137</sup> from a third party and/or the perpetrator.

A child may be coerced into a situation of sexual exploitation through physical force or threats. However, they may also be persuaded to engage in such sexual activity as a result of more complex and nuanced factors, either

<sup>135</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>136</sup> To mention a few, see UNGA Resolution 74/174 of 18 December 2019; HRC Resolution 52/26 of 4 April 2023; Council of Europe Parliamentary Assembly, Resolution 2547 of 19 April 2024 on the Protection of children against online violence.

<sup>137</sup> In legal language, this notion of exchange is well covered by the term “consideration”, which refers to “*anything given or promised or forborne by one party in exchange for the promise or undertaking of another*”. See Feinman, J. (Ed.). (2005, April). [One Thousand and One Legal Words You Need To Know](#). Oxford University Press. Nevertheless, in non-legal contexts, the term “consideration” is mainly used in a different sense (careful thought or sympathetic regard), which may cause confusion. The more general notion of “exchange” is therefore preferred in the present Guidelines.

human or situational, including a power imbalance between the victim and the perpetrator.<sup>138</sup> While any child may be sexually exploited, children may also find themselves in situations perpetrators can take advantage of (e.g. poverty, abuse/neglect, unaccompanied/homeless). Furthermore, the age of a child may increase their vulnerability to sexual exploitation, with older children often mistakenly assumed to be either consenting to their own abuse or not in need of protection.

“Exploitation” in this context is thus a key term, the meaning of which marks its difference from sexual violence and sexual abuse of children. The main distinction lies in the notion of exchange involved in exploitation, which is lacking from the concepts of abuse and/or violence.

According to major dictionaries, “exploitation” is the use of something or someone else (unfairly) for one’s own advantage,<sup>139</sup> the action of taking advantage of a person or situation, especially unethically or unjustly for one’s own ends,<sup>140</sup> or treating others unfairly in order to gain an advantage or benefit.<sup>141</sup> This idea of extracting or incurring a benefit, advantage, or gain from the sexual act involved in exploitation does not necessarily, as the meaning of the word clearly shows, have anything to do with a monetary gain, but can be any type of benefit.

It is noteworthy that the notion of exchange is often involved in the context of child sexual abuse material, such material often being exchanged for other child sexual abuse material or for monetary gain, and thus also amounts to child sexual exploitation. At the same time, the abuse depicted in the material may not originally have been committed for monetary gain. In this sense, the acts committed against the child, as well as the image of the child, can be both abusive and exploitative simultaneously.

It should be noted that children can be victims of child sexual exploitation but also engage in harmful sexual behaviours towards other children. The latter is sometimes described as “peer-on-peer” or “peer-to-peer” sexual exploitation.<sup>142</sup>

**Conclusion:** What distinguishes the concept of child sexual exploitation from other forms of child sexual abuse is the underlying notion of exchange

<sup>138</sup> See, for instance, National Society for the Prevention of Cruelty to Children. (n.d.). [Child sexual exploitation](#); Barnardos. (n.d.). [Child sexual abuse and exploitation](#).

<sup>139</sup> Cambridge English Dictionary.

<sup>140</sup> Collins English Dictionary.

<sup>141</sup> Oxford Advanced Learner’s Dictionary.

<sup>142</sup> See Mythen, G., Weston, S. (2024, January). [Educating Young People about Vulnerability to Sexual Exploitation: Safeguarding Practitioners’ Standpoints at the Intersections of Gender, Sexuality and Risk](#). *The British Journal of Social Work*, vol. 54(1), 363-380. 374, 376.

present in exploitation. While these two phenomena must be distinguished, it is also important to acknowledge that there is considerable overlap between them, and that, semantically, the distinction will probably never be completely clear. For example, many cases of child sexual abuse also involve some kind of exchange—often to win trust or ensure silence (especially non-tangible benefits like small gifts, attention, and affection). Similarly, the idea of exploitation is arguably applicable to all victims of abuse in the sense of exploiting the vulnerability of a child. Just as noted above in the section on “child sexual abuse”, the terms “child sexual exploitation” and “sexual exploitation of children” are used interchangeably in English and pose no particular problem.

## D.4. Related terms

### D.4.i. Commercial sexual exploitation of children

- *Special attention should be paid to how this term is used.*

There is no definition under international law for the term “commercial sexual exploitation of children”, and the term has increasingly been used interchangeably with the abovementioned term “child sexual exploitation/sexual exploitation of children”. This can be observed, for instance, in the outcome documents from the three World Congresses against the Sexual Exploitation of Children. The outcome document of the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, the so-called Stockholm Declaration and Agenda for Action, refers to commercial sexual exploitation of children, defining this phenomenon as follows: *“It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.”*<sup>143</sup>

For the second World Congress, in Yokohama in 2001, the title continued to be World Congress against Commercial Sexual Exploitation of Children. However, in the outcome document of the second World Congress, the Yokohama Commitment, there was a clear tendency to move away from the term “commercial” when mentioning the protection of children from all forms of sexual exploitation.<sup>144</sup> The term was, nevertheless, still included in

<sup>143</sup> First World Congress against Commercial Sexual Exploitation of Children. (1996, August). [Stockholm Declaration and Agenda for Action](#). Paragraph 5.

<sup>144</sup> Second World Congress against Commercial Sexual Exploitation of Children. (2001, December). [Yokohama Global Commitment 2001](#). For instance, Paragraph 2 repeatedly refers to sexual exploitation *tout court*.

the framework of criminal responsibility and accountability, and as part of the “fight” or “combat” against commercial sexual exploitation of children.<sup>145</sup>

At the third World Congress in Rio de Janeiro in 2008, the term “commercial” was dropped from the title, to make the World Congress against the Sexual Exploitation of Children and Adolescents. This decision came after discussions among various participating organisations and Congress organisers, which concluded that the term “commercial” in the context of sexual exploitation of children did not add anything to this notion and was, therefore, redundant. In the outcome document of the third World Congress, the Rio Declaration, no mention whatsoever is made of the term “commercial”, except in Paragraph 59, which sets forth that the States shall: “[u]ndertake national and international coordinated measures to curb and stop the involvement of organised crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.” Again, the term ‘commercial’ thus appears only within the framework of criminal responsibility and accountability – in this case regarding members of organised crime.

The EU Directive 2011/93, on the other hand, appears to include commercial aspects into the term “sexual exploitation” by indicating that states should, in combating sexual exploitation of children, make full use of “*existing instruments on the seizure and confiscation of the proceeds of crime*” (Paragraph 23). The text of the European Commission’s proposal from February 2024 to recast the Directive preserves this language, positioned in Paragraph 27.<sup>146</sup> Moreover, Article 7 of the OPSC requires that State Parties shall take measures for the seizure and confiscation of goods used to commit or facilitate offences under the OPSC and proceeds derived from such offences.

There are arguments in favour of maintaining the term “commercial” in the context of (organised) criminality and financial transactions. For instance, in the context of the financial coalitions,<sup>147</sup> the commercial nature of certain financial transactions and websites that provide access to children for sexual exploitation and sexual abuse, as well as to child sexual abuse material, the use of “commercial” is felt to be important as a way to distinguish this particular form of exploitation and to underline the focus

<sup>145</sup> Ibid., paragraph 5.

<sup>146</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>147</sup> See the [US Financial Coalition Against Child Sexual Exploitation](#) and its [Asia-Pacific counterpart](#).



on the accountability of payment and money transfer providers.<sup>148</sup> This term also conveys the sense that criminals and criminal networks profit from the sexual commodification and objectification of children. As such, commercial sexual exploitation of children could be used as a subset of “sexual exploitation of children”.

From a linguistic point of view, major English dictionaries set forth that the term “commercial” refers to something/someone “concerned with or engaged in commerce”, “making or intended to make a profit”, or “having profit rather than another value as a primary aim”.<sup>149</sup> Furthermore, such dictionaries refer specifically to the fact of “buying and selling” things, goods, or services that have “been produced with the aim of making money”.<sup>150</sup>

**Conclusion:** As explained in [Sub-section D.3](#) on child sexual exploitation, the term “exploitation” refers to the unfair use of something/someone for one’s own advantage or benefit, which includes both monetary and non-monetary exchanges. For the reasons set forth in this sub-section, a distinction can thus be made between “sexual exploitation” and “commercial sexual exploitation”, with the latter being a form of sexual exploitation where the focus is specifically on monetary benefit, often relating to organised criminality where the primary driver is economic gain.



*“The term ‘commercial sexual exploitation’ should not be used. Using ‘commercial’ terms sounds like legitimatising sexual exploitation.”*

*(Insight from a participant in the consultation with adult survivors in Nepal)*

#### D.4.ii. Reserved

Reserved for the term “*violencia sexual comercial*” in the Spanish version of the Terminology Guidelines.

<sup>148</sup> The Financial Coalitions work to enhance “collaboration across sectors [...] to better understand the commercial business models of illegal merchants involved in the sale, access and distribution of child sexual abuse images in order to develop tools towards their prevention”, see International Telecommunication Union. (n.d.). [The Financial Coalition Against Child Pornography \(FCACP\)](#). INHOPE has also underlined the importance of addressing the commercial nature of child sexual abuse material.

<sup>149</sup> See Oxford Advanced Learner’s Dictionary, Collins English Dictionary.

<sup>150</sup> See Cambridge English Dictionary, Merriam-Webster English Dictionary.

## SECTION E

# EXPLOITATION OF CHILDREN IN/FOR PROSTITUTION

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## E.1. Definitions in legally binding instruments

- 1989: Article 34 of the CRC requires State Parties to take measures to prevent the “exploitative use of children in prostitution”. However, this expression is not defined.
- 1990: Article 27(b) of the ACRWC sets forth that State Parties shall take measures to prevent the “use of children in prostitution or other sexual practices”.
- 1999: ILO Convention No. 182 refers in its Article 3(b) to “the use, procuring, or offering of a child for prostitution”, defining it among the “worst forms of child labour”.
- 2000: The OPSC uses the term “child prostitution” in Article 2(b), and defines it as follows: “[c]hild prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.” In addition, Article 3(b) requires States to criminalise the following constituent parts of the offence of child prostitution: “offering, obtaining, procuring, or providing a child for child prostitution”.

- 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”*.
- 2011: The 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”. The text of the European Commission’s proposal from February 2024 to recast the Directive replaces the term “child prostitution” with “child exploitation in prostitution” but otherwise retains the original definition.<sup>151</sup>

## E.2. Non-binding instruments

- 1990: The UN Commission for Human Rights (now the HRC) appointed a Special Rapporteur on the sale of children, child prostitution and child pornography.<sup>152</sup> The Resolution by which the appointment was made does not contain a definition of “child prostitution”. In 2017 and further in 2023, the title of the mandate was amended through Resolutions by the Human Rights Council and as of February 2025 reads “Special Rapporteur on the sale, sexual exploitation and sexual abuse of children”.
- 2019: The Committee on the Rights of the Child’s Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography *“encourages State parties to avoid the use of the term ‘child prostitution’ as much as possible, and to use instead the term ‘sexual exploitation of children in prostitution’*. In addition, the Committee strongly recommends that States parties do not to use terms such as “child prostitute” or “child sex worker”, and to replace them by “children who are prostituted” or “children exploited in prostitution”.<sup>153</sup>

<sup>151</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>152</sup> UN Commission on Human Rights. (1990, March). [Resolution 1990/68 on Sale of Children](#). E/CN4/RES/1990/68.

<sup>153</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 55.

### E.3. Terminology considerations

“Sexual exploitation of children in/for prostitution” is frequently referred to as “child prostitution”, both in legal instruments adopted in the 21<sup>st</sup> century and in mass media. This form of exploitation consists of a child performing a sexual act in exchange for (a promise of) something of value (money, objects, shelter, food, drugs, etc). It is not necessarily the child who receives the object of exchange, but often a third person. Moreover, it is not necessary that an object of exchange is actually given; the mere promise of an exchange suffices, even if it is never fulfilled.

The use of the term “child prostitution” has been questioned, since it may arguably be interpreted in a manner to imply that the phenomenon represents a legitimate form of sex work or that the child has given their informed consent.<sup>154</sup> For this reason, other terms that better reflect the fact that the child is a victim of exploitation and that they are entitled to protection have been suggested. Indeed, even a slight twist of the term, from “child prostitution” to “prostitution of children” could serve to indicate that the child is being subjected to prostitution *by someone/something*<sup>155</sup> rather than freely choosing it.

While there is an existing legal definition of “child prostitution”, which is firmly anchored in a number of international<sup>156</sup> and national<sup>157</sup> legal instruments, it should also be noted that “child prostitution” is not a universal legal term and that some of the major legal instruments related to children’s rights and child protection refrain from using it. As illustrated in [Sub-section E.1](#) on legal definitions, the CRC instead uses the term “exploitative use of children in prostitution”, the ACRWC refers to “use of children in prostitution” as a form of sexual exploitation, and ILO refers to “the use, procuring, or offering of a child for prostitution”.<sup>158</sup>

<sup>154</sup> The problematic connotation related to the term “child prostitution” was highlighted already in 2005: “these constructions [*child prostitution*’ and *child prostitute*] on their own, fail to make it clear that children cannot be expected to make an informed choice to prostitute themselves”. See: NGO Group for the Convention on the Rights of the Child, Subgroup Against the Sexual Exploitation of Children. (2005, January). [Semantics or Substance? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children](#). 14.

<sup>155</sup> “Something” could here refer to, for instance, the living conditions of the child, which may mean that they have no real choice.

<sup>156</sup> The OPSC, the [Lanzarote Convention](#), and Directive 2011/93/EU.

<sup>157</sup> For instance, in some parts of the US, law enforcement officials are obliged to arrest sexually exploited children on child prostitution charges for them to subsequently access rehabilitation services. See, for instance, Los Angeles Times. (2015, October). [Sheriff to staff: Stop arresting children on prostitution charges, stop saying ‘child prostitute’](#). It is noteworthy that the UK, in its Serious Crime Act 2015, has removed all references to “child prostitution” and has substituted them with the term “sexual exploitation of a child”. See United Kingdom of Great Britain and Northern Ireland. (2015, March). [Serious Crime Act 2015](#). Section 68: Child sexual exploitation.

<sup>158</sup> The word “use” in this expression is not limited to the personal but takes on a broader meaning, by means of which a child is made available for sexual exploitation and abuse by others, through their prostitution. The ILO CEACR has clarified that it is those who use, procure or offer a child for prostitution that should be liable to criminal penalties, and that all child victims of prostitution must be treated as victims rather than offenders. See [Observation \(CEACR\) - adopted 2021, published 110th ILC session \(2022\), Worst Forms of Child Labour Convention, 1999 \(No. 182\) - Egypt \(Ratification: 2002\)](#).

A potentially negative aspect of the term used in the CRC, “exploitative use of children in prostitution”, is that it might be understood as there also being a non-exploitative use of children in prostitution. This is of course not what the CRC is suggesting but, in order to ensure a more neutral terminology, the ACRWC, which refers simply to “use”, might represent an alternative. More recent texts, such as the European Commission’s proposal from February 2024 to recast The EU Directive 2011/93 have replaced the term “child prostitution” with “child exploitation in prostitution”,<sup>159</sup> suggesting a broader consensus on the inappropriateness of the term.

**Conclusion:** In order to avoid the risk of stigmatising children exploited in/for prostitution, or of inadvertently legitimising such practices, it is preferable to use terms other than “child prostitution” to define this phenomenon, in particular in non-legal contexts. Moreover, it is noteworthy that, while the qualification of the act under international law is still to be found in existing legal documents, which often use the term “child prostitution”, nothing prevents States from using other, more suitable terms to criminalise the same acts. “Exploitation of children in prostitution” or “exploitation of children for prostitution” represent a more appropriate way to address the issue, because it underlines the element of exploitation of the child and leaves no doubt as to the fact that the child is not to be held responsible for the acts that follow from their situation.

## E.4. Related terms

### E.4.i. Children in (a situation of) prostitution

● *Special attention should be paid to how this term is used.*

This term refers more to the situation or living conditions of a child, thus indicating that there are cases and circumstances in which children are exploited in prostitution. While this term expresses a reality in a neutral fashion, without necessarily stigmatising or shifting the blame onto the child, it also omits completely the element of exploitation and of responsibility of the/those person(s) behind it.

Moreover, this term can be used to indicate that the child is living in an environment of prostitution without being sexually exploited themselves. For instance, the parents of the child or other members of the family may be involved in prostitution either as sex workers or as pimps. The term may then indicate that a child is at risk of becoming a victim of (an environment of) prostitution, but not necessarily a child already exploited in prostitution.

<sup>159</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

## E.4.ii. Child prostitute

- *The use of this term should be avoided.*

Concerns have been raised that the terms “child prostitution” and, even more so, “child prostitute” could imply that the child has consented to engage in prostitution or open up an assumption of (co)responsibility of the child in their own exploitation. As mentioned above, alternative terms, such as “exploitation of children in prostitution”, are preferred as they capture the fact that a child can never voluntarily choose to be exploited in prostitution but rather is a victim of sexual exploitation.

In March 2015, a national campaign to remove the phrase “child prostitution” from all legislation in the United Kingdom<sup>160</sup> led to the adoption of the Serious Crime Act, which *“amends the Sexual Offences Act 2003 to remove references to child prostitution and child pornography [... and] replace these terms with references to the sexual exploitation of children”* (Chapter 68, Paragraph 51). Furthermore, the offence of loitering or soliciting for the purposes of prostitution, which used to apply to all persons aged 10 years or over, is now limited to adults (Chapter 68, Paragraph 52).

Similar voices have been raised in the United States, where anti-slavery and human rights groups have been arguing for the removal of this term from legislation and other use.<sup>161</sup>

**Conclusion:** The term “child prostitute” should never be used in legislative or policy documents or in practice, as it may harm the child and/or risk shifting the blame onto the child.



*“The word ‘child prostitute’ should not be used, it should not be used to describe a child who is being victimised. [...] we should never use that term to describe a person or a child experiencing sexual exploitation. The word ‘prostitute’ can hold a lot of meanings that can be misinterpreted or misused.”*

*(Insight from a participant in the consultation with children, young people and survivors in the Philippines)*

<sup>160</sup> See Guardian. (2015, January). [End use of outdated term ‘child prostitution’, says MP](#); Manchester Evening News. (2015, February). [Victory for MP’s campaign to rid laws of the phrase ‘child prostitution’](#).

<sup>161</sup> See Rights4Girls. (n.d.). [No Such Thing Campaign](#); For instance, in April 2024, Oklahoma enacted landmark legislation to replace the term “child prostitution” with “child sex trafficking” throughout its State Statutes, following a years-long advocacy campaign led by the Oklahoma Coalition Against Human Trafficking. See State of Oklahoma, House of Representatives. (2024, March). [House Approves Updated Language in Statutes Related to Child Sex Trafficking](#); Oklahoma State Legislature. (n.d.). [Bill Information for HB 3450](#).

### E.4.iii. Child sex worker

- *The use of this term should be avoided.*

The concern relative to this term is similar to that regarding the abovementioned term “child prostitute”. While frequently used to refer to adults, the terms “sex work” and “sex worker” should never be used to refer to children sexually exploited through prostitution, since they could imply that this is a legitimate occupation for a child or shift the blame onto the child.

### E.4.iv. Children/adolescents/young people selling sex

- *The use of this term should be avoided.*

“Young people selling sex” is a term used in relation to policy and programme interventions in the field of HIV/AIDS. It has been used to refer to people 10–24 years of age: children 10–17 years and young adults 18–24 years old.<sup>162</sup> While adults (18 years old and above) can of course also be victims of sexual exploitation, it is important to note that, in relation to children under the age of 18 years, reference should always be made to the fact that they are sexually exploited. Children should not be referred to as persons “selling sex”.<sup>163</sup>

### E.4.v. Voluntary/self-engaged prostitution

- *The use of this term should be avoided.*

In relation to the issue of the exploitation of children in prostitution, it is necessary to address the terms “voluntary prostitution” and “self-engaged prostitution”, which are sometimes used in situations where it is perceived that young boys or girls have made an informed choice to engage in prostitution.

In this regard, it must be noted that a child does not under international law have the capacity to consent to their own sexual exploitation. As such, any form of consent or seemingly “voluntary” conduct is irrelevant in respect of protecting children under the age of 18 from all forms of sexual exploitation.<sup>164</sup>

<sup>162</sup> See, for instance, WHO. (2015). *Technical Brief: HIV and Young People Who Sell Sex*. 3.

<sup>163</sup> See UNAIDS. (2015). *UNAIDS Terminology Guidelines*. 5. “[S]ex work is defined as the consensual sale of sex between adults, [and] children (people under 18 years) cannot be involved in sex work. Instead, children involved in sex work are considered to be victims of sexual exploitation.”

<sup>164</sup> Ibid.

**Conclusion:** With regard to children involved in prostitution, the terms “voluntary” and “self-engaged” should be avoided. Children under the age of 18 who are involved in prostitution should always be seen and addressed as victims of sexual exploitation.

#### E.4.vi. Transactional sex

● *The use of this term should be avoided.*

“Transactional sex” is described as a commodified relationship in which sexual acts are exchanged for goods, cash, or benefits, often linked to economic survival, educational achievement, enhancing one’s economic opportunities, or boosting one’s social status.<sup>165</sup> The term “transactional sex” first appeared in the 1990s<sup>166</sup> as part of the discourse on HIV transmission patterns among young women in Sub-Saharan Africa. Indeed, transactional sex has been associated with increased risk of sexual violence, and higher risk of HIV transmission.<sup>167</sup> In public health circles, transactional sex is distinguished from prostitution on the basis that it revolves around an implicit, rather than an explicit, agreement or predetermined retribution, forms part of a broader set of social obligations,<sup>168</sup> is often embedded in an emotional relationship, and is generally not perceived by communities as a form of prostitution or sexual exploitation.<sup>169</sup>

The motivation behind transactional sex may vary depending on the socioeconomic factors and cultural context in which the relationship occurs. There are a number of different forms of transactional sex: (1) transactional sex for basic needs, known as “survival sex”, involves the exchange of sexual activities for food, clothing, or shelter; (2) transactional sex for school grades, known as “sex for grades” involves students engaging in sexual activities in exchange for passing grades on exams or higher grades; (3) transactional sex for luxury items or social upward mobility, known as the “sugar daddy”, “sugar mommy” phenomenon, involves young adults exchanging sexual activities for cell phones, jewellery, fashionable clothes, meals at expensive

<sup>165</sup> Williams, T.P., et al. (2012, April). *Transactional Sex as a Form of Child Sexual Exploitation and Abuse in Rwanda: Implications for Child Security and Protection*. *Child Abuse & Neglect*, vol. 36(4), 354-361. 355; see also Hunter, M. (2002, July). *The Materiality of Everyday Sex: Thinking beyond ‘Prostitution’*. *African Studies*, vol. 61(1), 99-120. 101; Bantebya, G., et al. (2014, December). *Cross-Generational and Transactional Sexual Relations in Uganda: Income Poverty as a Risk Factor for Adolescents*. London: Overseas Development Institute. 3.

<sup>166</sup> Standing, H. (1992, March). *AIDS: Conceptual and Methodological Issues in Researching Sexual Behaviour in Sub-Saharan Africa*. *Social Science and Medicine*, vol. 34(5), 475-483; Ankomah, A. (1992, June). *Premarital Sexual Relationships in Ghana in the Era of AIDS*. *Health Policy and Planning*, vol. 7(2), 135-143. 137.

<sup>167</sup> Dunkle, K., et al. (2004, October). *Transactional Sex among Women in Soweto, South Africa: Prevalence, Risk Factors and Association with HIV Infection*. *Social Science Medicine*, vol. 59(8), 1581-1592. 1582.

<sup>168</sup> Choudhry, V., et al. (2015, May). *Transactional Sex and HIV Risks – Evidence from a Cross-Sectional National Survey among Young People in Uganda*. *Global Health Action*, vol. 8.

<sup>169</sup> Dunkle, K., et al. (2004, October). *Transactional Sex among Women in Soweto, South Africa: Prevalence, Risk Factors and Association with HIV Infection*. *Social Science Medicine*, vol. 59(8), 1581-1592. 1582; See also Leclerc-Madlala, S. (2003, December). *Transactional Sex and the Pursuit of Modernity*. *Social Dynamics*, vol. 29(2), 213-233.



restaurants, or other items indicative of higher social status;<sup>170</sup> and (4) transactional sex for materialistic expressions of love, involving gift giving as a way of expressing affection.<sup>171</sup>

Applying a child protection legal framework, children engaged in transactional sex should be viewed as victims of sexual exploitation on the basis that children cannot consent to engaging in sexual activities in exchange for material benefits or any other form of consideration.<sup>172</sup> The possible argument of the perpetrator that the child consented to this form of sex is legally irrelevant: the consent of a child cannot justify exploitation.<sup>173</sup> However, in this context, determining whether a child (where the child is above the age of sexual consent) engaged in a sexual relationship with an adult constitutes sexual exploitation or a mutually consensual sexual relationship remains problematic.

What makes transactional sex exploitative is the imbalance of power, which is used by an adult to manipulate, coerce, entice, or compel a child into engaging in sexual activities, in exchange for something the child needs, and/or to the advantage of the perpetrator or a facilitator. Even if the activity appears to be consensual, it should always be understood as a power imbalance in which the child is being taken advantage of in constrained environments.<sup>174</sup> The power imbalance may be imputed where there is a significant age gap or economic asymmetry between the adult and the child. For example, some States criminalise sexual conduct between an adult and a child (or between two persons under the age of 18 years) only where the age difference is more than three or five years.<sup>175</sup> However, age on its own cannot be determinative of exploitation, and a child may be at equal risk of sexual exploitation by an adult with a lesser age difference, if that adult abuses their position of power or authority. When a teacher offers a pupil good grades in exchange for sexual acts, they are exploiting their position of authority to coerce a child into engaging in sexual acts. When a child needs shelter, food, and protection, they may engage in a sexual relationship with an adult to fulfil those survival needs. It is the adult's ability to provide such basic needs, material goods, or upward social mobility, which is the basis of

<sup>170</sup> Kuate-Defo, B. (2004, August). [Young People's Relationships with Sugar Daddies and Sugar Mummies: What Do We Know and What Do We Need to Know?](#) *African Journal of Reproductive Health*, vol. 8(2), 13-37. 15.

<sup>171</sup> MacPherson, E.E., et al. (2012, June). [Transactional Sex and HIV: Understanding the Gendered Structural Drivers of HIV in Fishing Communities in Southern Malawi.](#) *Journal of the International AIDS Society*, vol 15 (Suppl. 1).

<sup>172</sup> Williams, T.P., et al. (2012, April). [Transactional Sex as a Form of Child Sexual Exploitation and Abuse in Rwanda: Implications for Child Security and Protection.](#) *Child Abuse & Neglect*, vol. 36(4), 354-361. 355; See also CRC, Article 34 and OPSC, Article 2.

<sup>173</sup> Ibid.

<sup>174</sup> Veitch, H., Cody, C. (2021). [Understanding Sexual Violence Against Children as a Rights Violation: engaging with the challenges.](#)

<sup>175</sup> See, for instance, definitions of sexual assault against minors in different states of the US at: RAINN. (2023, April). [Rape and Sexual Assault Crime Definitions.](#) Similar provisions exist in Canadian law, see: Government of Canada. (n.d.). [Age of Consent to Sexual Activity.](#)

the power imbalance in the relationship; and it is the decision by the adult to exploit this power imbalance to coerce, entice, or compel a child into performing sexual acts that result in the victimisation of the child through what is sometimes defined as “transactional sex”.

**Conclusion:** There is no clear definition of transactional sex under international law, and no systematic legislative response to transactional sex. In relation to adults, there appears (at least in some contexts) to be a greater acceptance of “transactional sex” than there is for “prostitution”. Nevertheless, the phenomenon of “transactional sex” remains elusive in the child protection framework. Within the field of protection of children from sexual exploitation, this terminology would not be the most appropriate, as it would risk (inadvertently or not) legitimising certain forms of child sexual exploitation.

#### E.4.vii. Use of children for pornographic performances

- *Special attention should be paid to how this term is used.*

A number of international legal instruments refer to the “use of children for pornographic performances”, thus extending the notion of “pornographic” to cover not only what is recorded and/or documented but also what is performed live. This term is used in Article 34(c) of the CRC, which refers to “*the exploitative use of children in pornographic performances and materials*”, thus focusing both on the act of performances and on the eventual material outcome. Article 27(c) of the ACRWC refers to the “use of children in pornographic activities, performances and materials”, whereas Article 3(b) of ILO Convention No. 182 contains the expression “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”. This notion can protect children from some situations of exploitation involving live performances of a sexual nature without producing any pornographic material (i.e. no recording).<sup>176</sup>

Lastly, the Lanzarote Convention goes even further, by detailing different types of “use” of a child and requiring State Parties to criminalise a series of offences concerning the participation of a child in pornographic performances, such as recruiting a child into participating in pornographic performances or causing a child to participate in such performances; coercing a child into participating in pornographic performances or profiting

<sup>176</sup> It should be noted that the age of sexual consent is irrelevant in this context, and consent to take part in consensual sex is not the same as consent to participate in the production of sexual performances.

from or otherwise exploiting a child for such purposes; and knowingly attending pornographic performances involving the participation of children.

For the same reasons explained in [Section F](#) regarding the term “child pornography”, the term “pornographic”<sup>177</sup> in connection to the child is misleading and can result in stigmatising or otherwise harming the child being used for this purpose. A more neutral term to describe this phenomenon, and to put the accent on the sexualisation of the child, is “use of children for sexual performances”.

**Conclusion:** The notion of “using a child” for sexual purposes (whether performances or other) has the benefit of placing the accent on the fact that the child is subjected to a crime and does not bear the responsibility for what happens to them. In that sense, it represents a more neutral term, which avoids stigmatising or placing the blame on the child.

In addition, the term “pornographic” in relation to the child is inappropriate and is better replaced by “sexual”. In this context, the term “use of children for sexual performances” or “exploiting children through sexual performances” should thus be the preferred terms, particularly in a non-legal context.

---

<sup>177</sup> Pornography derives from the Greek *pornographos* and means writing about “prostitutes”.

## SECTION F

# CHILD PORNOGRAPHY

- *The use of this term should be avoided.*

## F.1. Definitions in legally binding instruments

- 1989: The CRC refers to “the exploitative use of children in pornographic performances and material” in Article 34(c). However, no definition of this term is provided.
- 1990: The ACRWC refers to “the use of children in pornographic activities, performances and materials” in Article 27(c).
- 1999: ILO Convention No. 182 uses the expression “the use, procuring or offering a child [...] for the production of pornography or pornographic performances” in article 3(b).
- 2000: The OPSC uses the term “child pornography” in Article 2 and defines it as *“any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child for primarily sexual purposes”*. In addition, through Article 3(c), States are required to criminalise the following constituent parts of the offence of child pornography: *“[p]roducing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes child pornography.”*
- 2001: Article 9(2) of the Budapest Convention contains the term “child pornography”, which is defined as “pornographic material that visually depicts: (a) a minor engaged in sexually explicit conduct [sexually explicit conduct is defined in the same way as in the Lanzarote Convention] (b) a person appearing to be a minor engaged in sexually explicit conduct;

(c) realistic images representing a minor engaged in sexually explicit conduct”.<sup>178</sup>

- 2007: Article 20.2 of the Lanzarote Convention contains the term “child pornography”, which is defined as “any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes”. The Lanzarote Convention prohibits, through Article 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”.
- 2011: Article 2 of the EU Directive 2011/93 defines “child pornography” as “(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”. The text of the European Commission’s proposal from February 2024 to recast the Directive replaces the term “child pornography” with “child sexual abuse material” while expanding the original definition. One notable change is that section (iv), labelled (d) in the proposal, was slightly revised to read: “realistic images, reproductions, or representations of a child engaged in sexually explicit conduct or of the sexual organs of a child, for primarily sexual purposes”. Another is the inclusion of “any material, regardless of its form, intended to provide advice, guidance or instructions on how to commit child sexual abuse or sexual exploitation or child solicitation”.<sup>179</sup>
- 2024: Article 14 of the UN Convention against Cybercrime avoids the term “child pornography”, opting instead for “online child sexual abuse or child sexual exploitation material”. Article 14-2 states that this term “shall include visual material, and may include written or audio content, that depicts, describes or represents any person under 18 years of age: (a) Engaging in real or simulated sexual activity; (b) In the presence of a person engaging in any sexual activity; (c) Whose sexual parts are displayed for primarily sexual purposes; or (d) Subjected to torture

<sup>178</sup> Council of Europe. (2007, October). [Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#). Paragraph 100.

<sup>179</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

*or cruel, inhumane or degrading treatment or punishment and such material is sexual in nature.*<sup>180</sup>

## F.2. Non-binding instruments

- 1990: By adopting Resolution 1990/68, the UN Commission on Human Rights decided to appoint a Special Rapporteur on the sale of children, child prostitution and child pornography.<sup>181</sup> The Resolution does not define “child pornography”. In 2017 and further in 2023, the title of the mandate was amended through Resolutions by the Human Rights Council and as of February 2025 reads “Special Rapporteur on the sale, sexual exploitation and sexual abuse of children”.
- 2019: The Committee on the Rights of the Child’s Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography “recommends that States parties, in line with recent developments, avoid the term ‘child pornography’ to the extent possible and use other terms such as the ‘use of children in pornographic performances and materials’, ‘child sexual abuse material’ and ‘child sexual exploitation material’”.<sup>182</sup>

## F.3. Terminology considerations

“Child pornography” is a concept in need of clarification, because it has quite a complex legal definition as a crime. The term is used to describe child sexual abuse material, but also to describe the offences of producing/preparing, consuming, sharing/spreading/disseminating, or knowingly accessing/possessing such material.<sup>183</sup> In order to enable an effective law enforcement response to the phenomenon of “child pornography”, it is essential to attach a criminal consequence to the conduct of each participant in the chain, from production to possession/consumption.<sup>184</sup>

For a full understanding of the existing legal definitions of the term “child pornography”, it is, moreover, useful to address more in detail some of the

<sup>180</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 14.

<sup>181</sup> UN Commission on Human Rights. (1990, March). [Resolution 1990/68 on Sale of Children](#). E/CN4/RES/1990/68.

<sup>182</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 60.

<sup>183</sup> Thus, the act of using a child for the production of pornographic material and the actual material that results from this use, are sometimes conflated.

<sup>184</sup> Council of Europe. (2007, October). [Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#). Paragraph 139.

components of this notion as included in the OPSC, the Lanzarote and Budapest Conventions, and the EU Directive 2011/93.

### **OPSC:**

- ◆ *“any representation, by whatever means”*

The use of the expression *“any representation, by whatever means”* reflects the broad range of pornographic material available in a variety of media, which depict children in a manner intended to sexually arouse or gratify the user. This includes, but is not limited to, visual material such as photographs, movies, drawings, and cartoons; audio representations; live performances; written material in print or online; and physical objects such as sculptures, toys, or ornaments. It arguably also covers realistic images that can be artificially created but do not depict real children, the so called *“digitally generated child sexual abuse material”* (see [Sub-section F.4.ii](#)). There remain significant variations in the national laws of States Parties to the OPSC with regard to the kinds of representations included in the criminalisation of *“child pornography”*.

- ◆ *“or any representation of the sexual parts of a child for sexual purposes”*

The term *“for sexual purposes”* refers to the intent behind the production and/or use of the material, and it is only those representations that were (intended to be) used for sexual purposes that are deemed to be *“child pornography”*. For example, photographs of a child’s genitalia produced for a scientific textbook would not be considered pornographic, whereas the same images (re)produced for a pornographic website may be deemed *“child pornography”*.

- ◆ *The constitutive elements of the offence*

In terms of the material representing the sexual abuse of a child, the OPSC requests State Parties to criminalise the following acts: *“[p]roducing, distributing, disseminating, importing, exporting, offering, selling or possessing [...] child pornography.”*

### **Lanzarote Convention:**

- ◆ *“any material that visually depicts a child”*

By this formulation, the Lanzarote Convention contains a somewhat narrower definition than the OPSC, in that it specifies that child pornographic material must be *visually* depicted, thus potentially excluding, for instance, audio representations. The Explanatory Report to the Convention confirms this interpretation. From the explicit addition of a possibility for State Parties to choose not to criminalise the production and

possession of “*pornographic material consisting exclusively of simulated representations or realistic images of a non-existent child*” (Article 20(3)),<sup>185</sup> it becomes clear that the Lanzarote Convention otherwise covers also such material, often called digitally generated child sexual abuse material” (see [Sub-section F.4.ii](#)).

◆ *The constitutive elements of the offence*

In terms of the material representing the sexual abuse of a child, the Lanzarote Convention goes further than other existing legal instruments by requesting State Parties criminalise the following acts: “*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, through information and communication technologies, to child pornography*”.

**Budapest Convention:**

- ◆ “*any material that visually depicts a minor [...] a person appearing to be a minor [...] realistic images representing a minor [...]*”

This definition (which preceded the one in the Lanzarote Convention) also contains the potentially limiting term “visually depicted”. Nevertheless, this Convention explicitly covers realistic images representing a minor engaged in sexually explicit conduct. It also goes a step further by including “persons appearing to be minors” in the definition of “child pornography”.

◆ *The constitutive elements of the offence*

The Budapest Convention requires the criminalisation of the following acts: “*producing child pornography for the purpose of its distribution through a computer system; offering or making available child pornography through a computer system; distributing or transmitting child pornography through a computer system; procuring child pornography through a computer system for oneself or for another person; possessing child pornography in a computer system or on a computer-data storage medium*”.

**EU Directive 2011/93:**

- ◆ “*any material that visually depicts a child*” or that “*visually depicts any person appearing to be a child*” engaged in real or simulated sexually explicit conduct;

<sup>185</sup> It is noteworthy that this non-application clause refers only to production and possession, and not to the other elements listed by the Convention.



- ◆ “any depiction of the sexual organs of a child” or of “any person appearing to be a child” “for primarily sexual purposes”;
- ◆ “realistic images of a child engaged in sexually explicit conduct or [...] of the sexual organs of a child, for primarily sexual purposes”

The definition included in the EU Directive is very similar to that of the Budapest Convention and covers representations both of real children and of persons appearing to be children, as well as realistic images of children. Again, this instrument is limited in the sense that it requires the material to “visually depict” sexual conduct or sexual organs.

The text of the European Commission’s proposal from February 2024 to recast the Directive would, if adopted, slightly alter this definition to include “realistic images, reproductions or representations of a child engaged in sexually explicit conduct or of the sexual organs of a child, for primarily sexual purposes.” The change aims to cover technological advancements and emerging forms of sexual abuse material, such as augmented, extended, and virtual reality settings, as well as the misuse of artificial intelligence to create “deepfakes,” in a “sufficiently technology-neutral and hence future-proof way”.<sup>186</sup>

Interestingly, the recast proposal takes a significant and unprecedented step forward by broadening the definition of child sexual abuse material to include “any material, regardless of its form, intended to provide advice, guidance, or instructions on how to commit child sexual abuse, sexual exploitation, or child solicitation.” If adopted, this would represent the first instance of an international legally binding instrument explicitly targeting such underlying enablers of abuse.<sup>187</sup>

- ◆ *The constitutive elements of the offence*

On the other hand, like the Lanzarote Convention, the EU Directive explicitly mentions that “[k]nowingly obtaining access, by means of information and communication technology, to child pornography should be criminalised.” It further details that, “[t]o be liable, the person should both intend to enter a site where child pornography is available and know that such images can be found there” (Article 5.3). Apart from replacing the term “child pornography” with “child sexual abuse material,” the text of the European Commission’s proposal from February 2024 to recast the Directive largely

<sup>186</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>187</sup> Ibid.

retains the original language regarding access to such materials, with the only notable change being the replacement of “site” with “online location”.<sup>188</sup>

### UN Convention against Cybercrime:

- ◆ “[T]he term ‘child sexual abuse or child sexual exploitation material’ shall include visual material, and may include written or audio content, that depicts, describes or represents any person under 18 years of age: (a) Engaging in real or simulated sexual activity; (b) In the presence of a person engaging in any sexual activity; (c) Whose sexual parts are displayed for primarily sexual purposes; or (d) Subjected to torture or cruel, inhumane or degrading treatment or punishment and such material is sexual in nature.”<sup>189</sup>

This definition includes visual material and potentially written or audio content, making it broader than the Lanzarote and Budapest Conventions and the EU Directive 2011/93, but not as expansive as the OPSC. What is groundbreaking, however, is the inclusion of materials depicting children as observers of sexual activity, even if they are not directly participating. By covering such content, the UN Convention against Cybercrime acknowledges the harm inflicted on children through their mere exposure to sexual acts. Additionally, it goes beyond traditional definitions of child sexual abuse material by explicitly including material where torture or cruel, inhumane and degrading treatment is inflicted on children (when of a sexual nature).

- ◆ *The constitutive elements of the offence*

The UN Convention against Cybercrime provides a comprehensive framework, covering actions such as “*producing, offering, selling, distributing, transmitting, broadcasting, displaying, publishing or otherwise making available*” (Article 14-1(a)), “*soliciting, procuring or accessing*” (Article 14-1(b)), “*possessing or controlling*” (Article 14-1(c)) “*child sexual abuse or child sexual exploitation material through an information and communications technology system*”. In addition, it stands out from previous binding instruments by providing that States Parties may separately criminalise the act of financing the above-mentioned offences (Article 14-1(d)), emphasising the importance of holding financial enablers to account.

Sexualised images of children (see [Sub-section F.4.iv](#) on “Child Erotica”), which represent child (semi-) nudity or erotic posing with no explicit

<sup>188</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>189</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 14-2.

sexual activity, but which sexualise the child directly or indirectly,<sup>190</sup> are not recognised by any of these legal instruments as falling under the definition of “child pornography”, and remain legal in many States.<sup>191</sup> The legal vacuum that the omission of images representing child (semi-) nudity or erotic posing from current legal definitions of “child pornography” constitutes was noted already in 2003.<sup>192</sup> At the time, the most likely reason for this omission was that it challenges the debate of censorship on the Internet.<sup>193</sup> Whether for that reason or others, international legal instruments adopted or proposed more recently, such as the Lanzarote Convention, the EU Directive 2011/93 and its recast proposal, and the UN Convention against Cybercrime have maintained the same approach, whereas some national legal provisions<sup>194</sup> and law enforcement bodies, such as the Child Exploitation and Online Protection Centre since 2013, include “nudity or erotic posing with no sexual activity” in the scale of images considered child sexual abuse.<sup>195</sup>

**Conclusion:** As shown in [Sub-section F.1](#) on legal definitions, the term “child pornography” is firmly anchored in international legal instruments adopted in the 21<sup>st</sup> century,<sup>196</sup> although its precise definition varies somewhat depending on the legal instrument one looks at. This has contributed to the use of the term also in domestic legislation. Thus, “child pornography” remains important for the definition of a crime in many countries.

<sup>190</sup> For more on the concept of child erotica, it is recommended to read Save the Children Denmark. (2020). [Everyday Pictures of Children in Sexualizing Context](#).

<sup>191</sup> For instance, Ireland’s [Child Trafficking and Pornography Act 1998](#), as amended, defines “child pornography” as including any visual representation: “(i) that shows [...] 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 [...] 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”; Nigeria’s [Cybercrime \(Prohibition, Prevention, Etc\) Act, 2015](#), as amended, defines it as including “pornographic 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; and (c) realistic images representing a minor engaged in sexually explicit conduct”.

<sup>192</sup> Save the Children Europe Group. (2003, June). [Position Paper on Child Pornography and Internet-Related Sexual Exploitation of Children](#). 10.

<sup>193</sup> Ibid. See also UN Commission on Human Rights. (2004, December). [Report submitted by Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography](#). E/CN.4/2005/78. Paragraphs 20-21.

<sup>194</sup> For instance, South Africa’s [Criminal Law \(Sexual Offences and Related Matters\) Amendment Act 32 of 2007](#), Section 1(1)(l) refers to images showing or describing the body of such person in a manner or circumstances which, within the context, violate or offend the sexual integrity of that person; Australia’s [Criminal Code](#), Section 473.1 uses the term “sexual pose” in the definition of child abuse material; Norway’s [Penal Code](#), Section 311, criminalizes a wide range of acts linked to both “*depiction of sexual abuse of children*” and “*depiction which sexualises children*”; The West Virginia Code ([§61-8C-3a. Prohibiting child erotica; penalties](#)) prohibits adults from producing, possessing, displaying, or distributing visuals depicting partially clothed children under 16, or up to 18 if they have an intellectual disability, if the visuals (1) are unrelated to the sale of a commercially available legal product and (2) are intended for sexual gratification or arousal.

<sup>195</sup> CEOP. (2013, June). [Threat Assessment of Child Sexual Exploitation and Abuse](#). 22. The scales of child sexual abuse considered are (i) nudity or erotic posing with no sexual activity; (ii) sexual activity between children, or solo masturbation of a child; (iii) non-penetrative sexual activity between adult(s) and child(ren); (iv) penetrative sexual activity between child(ren) and adult(s); (v) sadism or bestiality.

<sup>196</sup> It is noteworthy that earlier international treaties, such as the CRC, the ACRWC, and ILO Convention No. 182, focused on the *use* of children in pornography rather than on the resulting material, and do not contain the term “child pornography”.

Nevertheless, for reasons that the following sub-section will explain, and especially since the publication of the first edition of the Terminology Guidelines, there has been a broader consensus among international organisations, law enforcement bodies and child protection agencies on the inappropriateness of this term, and to suggest alternative terminology. Significant examples of this new consensus, already shaping proposed legal frameworks, include the UN Convention against Cybercrime and the text of the European Commission’s proposal from February 2024 to recast the EU Directive 2011/93, both of which have moved away from using the term “child pornography”.

Just as is suggested in [Section E](#) with regard to the term “child prostitution”, while the qualification of the act under international law is still to be found in existing legal documents, which often use specific terms such as “child prostitution” and “child pornography”, nothing prevents States from using other terms to refer to such criminal acts.

Colloquial terms to refer to “child pornography” (e.g. “child porn”, “kiddy porn”, or “paedo-porn”) should be avoided altogether.

## F.4. Related terms

### F.4.i. Child sexual abuse material/child sexual exploitation material

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Since the adoption of the first edition of the Terminology Guidelines, the term “child sexual abuse material” has increasingly been used to replace the term “child pornography”,<sup>197</sup> as also recommended by the Committee on the Rights of the Child in its 2019 Guidelines regarding the implementation of the OPSC. This switch of terminology is based on the argument that sexualised material that depicts or otherwise represents children is indeed a representation, and a form, of child sexual abuse, and should not be described as “pornography”.<sup>198</sup>

<sup>197</sup> See, for instance, INHOPE. (2022, November). [What is CSAM?](#); and INHOPE. (2021, January). [What is Child Sexual Abuse Material?](#); European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#); UNGA. (2024, December). [United Nations Convention against Cybercrime](#).

<sup>198</sup> See, for instance, Internet Watch Foundation. (2019, November). [There is #NoSuchThing as child pornography. There is only child sexual abuse](#); National Society for the Prevention of Cruelty to Children. (2023, January). [Why language matters: why we should never use ‘child pornography’ and always say child sexual abuse material](#); INHOPE. (2023, May). [Child Sexual Abuse Material vs Child Porn](#); US Department of Justice. (2023, June). [Child Sexual Abuse Material](#).

Pornography is a term primarily used for adults engaging in consensual sexual acts distributed (often legally)<sup>199</sup> to the general public for their sexual pleasure. Criticism of this term in relation to children comes from the fact that “pornography” is increasingly normalised and may (inadvertently or not) contribute to diminishing the gravity of, trivialising, or even legitimising what is actually sexual abuse and/or sexual exploitation of children.<sup>200</sup> Furthermore, as with the terms discussed above, “child prostitution” and “child prostitute”, the term “child pornography” risks insinuating that the acts are carried out with the consent of the child,<sup>201</sup> and represent legitimate sexual material.

In light of the above, the European Parliament, in its Resolution on Child Sexual Abuse Online of 11 March 2015, explicitly set forth that it *“is essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term ‘child sexual abuse material’ rather than ‘child pornography’”*.<sup>202</sup>

This has been the general approach of the law enforcement sector in recent years, and it has led the way in characterising “child pornography” as forensic evidence of the sexual abuse or exploitation of children. Law enforcement bodies in many countries, as well as Europol and INTERPOL at the international level, thus tend to reject the term “child pornography” and use either “child sexual abuse material” or “child sexual exploitation material”.<sup>203</sup>

The EU Directive 2011/93 refers, in its Preamble, to the fact that *“[c]hild pornography frequently includes images recording the sexual abuse of children by adults”*, but argues that child pornography can also be something broader, by adding *“[i]t may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child’s knowledge. Furthermore, the concept of child*

<sup>199</sup> While legal in most of Europe and in North America, pornography is not legal in most other parts of the world.

<sup>200</sup> See for instance Frangež, D., et al. (2015, October). [The Importance of Terminology Related to Child Sexual Exploitation](#). *Journal of Criminal Investigation and Criminology*, vol. 66(4), 291-299.

<sup>201</sup> *“Child Sexual Abuse Material [...] is believed to more accurately reflect the seriousness and the very nature of the content as well as challenge any notion that such acts might be carried out pursuant to the consent of the child”*. Quayle, E., et al. Cited in: ECOSOC, Commission on Crime Prevention and Criminal Justice. (2014, May). [Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children](#). E/CN.15/2014/CRP.1. 10.

<sup>202</sup> European Parliament. (2015, March). [European Parliament resolution of 11 March 2015 on child sexual abuse online \(2015/2564\(RSP\)\)](#). Paragraph 12.

<sup>203</sup> Europol, Newsroom. (2011, December). [Joint Action in 22 European Countries against Online Child Sexual Abuse Material in the internet](#); see also Combating Child Online Sexual Abuse, Virtual Global Taskforce. (2015, October). [Child Sexual Exploitation Environmental Scan 2015](#). 32. Interpol. (n.d.). [Crimes against children: Appropriate terminology](#).

*pornography also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes*” (Recital Paragraph 8). The text of the European Commission’s proposal from February 2024 to recast the Directive replaces the term “child pornography” with “child sexual abuse material,” mostly retaining the original language—now situated in Recital Paragraph 10.<sup>204</sup>

Following this description, “child sexual abuse material” would arguably encompass a narrower set of acts than “child pornography”, since the latter could go beyond the representation of an act of sexual abuse against a child. This is precisely where the term “child sexual exploitation material” becomes particularly important, because it encompasses material that sexualises and is exploitative to the child although it is not explicitly depicting the sexual abuse of a child.<sup>205</sup>

Moreover, certain forms of sexual conduct involving children are not covered by current legal definitions of “child pornography”, but could nevertheless be seen as falling within the ambit of sexual exploitation of children (e.g. sexual or nude posing, see [Sub-section F.4.iv](#)). In these cases, the law enforcement sector tends to refer to such material as “child sexual exploitation material”, a broader category that encompasses both material depicting child sexual abuse and other sexualised content depicting children.

Consequently, “child sexual abuse material” is used to describe a subset of “child sexual exploitation material” where there is actual abuse or a concentration on the anal or genital region of the child. In practice, the terms are often used interchangeably by child protection agencies and other international organisations. Both terms refer to material that depicts and/or that documents acts that are sexually abusive and/or exploitative to a child. Such material can be used in criminal intelligence investigations and/or serve as evidence material in criminal court cases. Today, most child sexual abuse/exploitation material is exchanged, bought, and sold online, making the online dimension of this crime almost omnipresent.

Lastly, the term “child sexual abuse images” has also sometimes been used in this context. However, it is important to note that, by limiting the terminology to “*images*”, the risk exists of excluding other forms of material representing child sexual exploitation and sexual abuse, such as audio files, written story lines, or other potential forms of recording. Therefore, many

<sup>204</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>205</sup> Frangež, D., et al. (2015, October). [The Importance of Terminology Related to Child Sexual Exploitation](#). *Journal of Criminal Investigation and Criminology*, vol. 66(4), 291-299. 296.

child protection organisations as well as law enforcement agencies working on these issues prefer the term “material” to “images”. Moreover, in relation to child sexual exploitation and sexual abuse, it appears important to add the qualifier “sexual” to the term “child abuse/exploitation material”, because “child abuse material” may also refer to other forms of violence that are not necessarily of a sexual nature.

**Conclusion:** The term “child pornography” is still a legal term in international and domestic legal treaties that explicitly include it. However, for the reasons set forth in the paragraphs above, this term should be avoided to the extent possible, in particular when referring to non-legal contexts. In such contexts, “child sexual abuse material” or “child sexual exploitation material” should be the terms of choice.<sup>206</sup>

The term “child sexual abuse material” can be used as an alternative to “child pornography” for material depicting acts of sexual abuse and/or focusing on the genitalia of the child. The term “child sexual exploitation material” can be used in a broader sense to encompass all other sexualised material depicting children.

#### F.4.ii. Digitally generated child sexual abuse material

● *Special attention should be paid to how this term is used.*

As explained in detail in the sub-section above on legal definitions, several international legal instruments include “*realistic images of a child engaged in sexually explicit conduct*” in the definition of illegal material, even where no real child is depicted. In addition, the Guidelines regarding the implementation of the OPSC, adopted by the Committee on the Rights of the Child in 2019, state in paragraph 63 that “[t]he Committee is deeply concerned about the large amount of online and offline material, including drawings and virtual representations, depicting non-existing children or persons appearing to be children involved in sexually explicit conduct, and about the serious effect that such material can have on children’s right to dignity and protection. The Committee encourages States parties to include in their legal provisions regarding child sexual abuse material (child pornography) representations of non-existing children or of persons appearing to be children, in particular when such representations are used as part of a process to sexually exploit children.”<sup>207</sup>

<sup>206</sup> Ibid. Frangež, D., et al. make the same recommendation, based on research carried out in five European countries and Europol.

<sup>207</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 63.

Digitally (or computer-) generated child sexual abuse material is the production, through digital media of any kind, of child sexual abuse material and other wholly or partly artificially or digitally created sexualised images of children. With the rapid development of artificial intelligence, digitally created content becomes both increasingly frequent and realistic. The realism of such images creates the illusion that children are actually involved, although this is not the case. This type of material is sometimes referred to as “virtual child pornography”<sup>208</sup> or “non-photographic child sexual abuse material”.<sup>209</sup>

This type of material is covered by the Budapest Convention (Article 9(2)(c)), the Lanzarote Convention (Article 20(2)), and the EU Directive 2011/93 (Article 2(c)(iv)) and referred to by these legal instruments as “*realistic images of a child engaged in sexually explicit conduct*”. At the national level, there is some debate as to whether or not digitally generated child sexual abuse material which does not depict real children should be included in offences related to “child pornography”,<sup>210</sup> and the Lanzarote Convention allows State parties to opt out of criminalising such imagery.<sup>211</sup>

Digitally generated child sexual abuse material can include, but is not limited to, pseudo photographs, comics, drawings, and cartoons such as *manga*<sup>212</sup> and *anime*,<sup>213</sup> which depict children involved in sexual activities or in a sexualised manner, and full movies of child sexual abuse that do not involve real children.

Despite the use of the prefix “digitally generated”, it is important to recall that, while most artificially created child sexual abuse material is indeed created with the help of a digital device, a hand-drawn picture depicting a child involved in sexual activities can also represent child sexual abuse material.

<sup>208</sup> Liu, S. (2011). *Ashcroft, Virtual Child Pornography and First Amendment Jurisprudence*. *UC Davis Journal of Juvenile Law and Policy*, vol. 11(1), 1-54. The author refers to three categories of “virtual child pornography”: wholly computer-generated “child pornography”, morphed “child pornography”, and “child pornography” made by using youthful-looking adults.

<sup>209</sup> While not strictly related to terminology, it is noteworthy that some studies have shown children to be disproportionately exposed to sites specialising in non-photographic pornography. See for instance British Board of Film Classification (BBFC). (2022, December). [New BBFC research reveals children are more exposed to sites specialising in non-photographic pornography, compared to adults](#).

<sup>210</sup> See, for instance, US Supreme Court. (2002, April). *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002). In this case, the Ninth Circuit held the Child Pornography Prevention Act (1996) invalid on its face, finding it to be substantially overbroad because it bans materials that are neither obscene nor produced by the exploitation of real children. In the UK, on the other hand, pseudo child pornography is treated identically to child sexual abuse material depicting real children, except with regard to sentencing for the offence, which may be lighter in the case of pseudo child pornography.

<sup>211</sup> It should be noted that out of the 48 States having ratified the Lanzarote Convention, only three have made a reservation to exclude the production and possession of CSAM consisting exclusively of simulated representations or realistic images of a non-existent child. In the remaining 45 States parties, such material must be criminalised.

<sup>212</sup> A style of Japanese comic books and graphic novels, typically aimed at adults as well as children.

<sup>213</sup> A style of Japanese film and television animation, typically aimed at adults as well as children.



With regard to “non-photographic child sexual abuse material”, the term has been suggested to capture all child sexual abuse material not based on photographs of children, including both hand-made drawings (i.e. not digitally produced) and digitally created imagery. While this term may indeed be used, attention should be paid to techniques which merge or manipulate photos or videos of real children with other imagery.

This is the case of for instance “pseudo photographs”, which represent “*an image, whether made by computer-graphics or otherwise howsoever, which appears to be a photograph*”.<sup>214</sup> Such photographs, which are also sometimes referred to as “morphed”, “merged”, or “blended” images, are created by digitally combining a number of photographs or portions of photographs (often of children and adults) to create an individual image.<sup>215</sup> In the days before computer-aided photo editing was available, offenders would place the picture of the head of a child about whom they were fantasising onto that of the naked body of an adult or another child.

It has been observed that this type of material can also include the practice whereby young adults are recorded or photographed in child-like poses, staged with props to reinforce the impression of youth; this has been referred to as “pseudo-infantile pornography” or “initiation pornography”.<sup>216</sup> While this is not uniformly addressed by international law, it is noteworthy that the Budapest Convention and the EU Directive 2001/93 both explicitly include persons appearing to be children in the definition of “child pornography”. The text of the European Commission’s proposal from February 2024 to recast the Directive also retains this provision in its definition of “child sexual abuse material”.<sup>217</sup>

Another term used in this context, and representing a sub-category of digitally generated child sexual abuse material, is that of “AI generated child sexual abuse material”, referring to material created with the help of artificial intelligence.<sup>218</sup> A serious emerging concern with AI generated child sexual abuse material relates to the fact that artificial intelligence is often trained

<sup>214</sup> United Kingdom of Great Britain and Northern Ireland. (1978, July). [Protection of Children Act 1978, as amended in 2008](#). Section 7(7).

<sup>215</sup> A morphed image has been changed from what it was originally into something else (e.g. by use of computer software). In the context of child sexual exploitation and sexual abuse, an image of a child can be morphed by, for instance, blending it with a pornographic image of an adult, so it appears as if it is a child who is engaged in sexual activities. This is a term coined in the 1990s from the term “metamorphosis”, which signifies a process of transformation in which something changes completely into something different to what it was.

<sup>216</sup> HRC. (2009, July). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M’jid Maalla](#). A/HRC/12/23. Paragraph 22.

<sup>217</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>218</sup> See for instance Internet Watch Foundation. (2023, October). [How AI is being abused to create child sexual abuse imagery](#).

on real images of children, and the close-to-perfection of AI tools means that it becomes increasingly difficult to distinguish between AI generated imagery and imagery of real children. This represents a challenge to victim identification, as an image could appear to be AI generated when instead there is a victim to be identified.

Although digitally generated child sexual abuse material does not necessarily involve direct physical harm to a child in its creation, it is still harmful because 1) it can victimise or revictimise children whose likeness are used; 2) it is known to be used in grooming children for exploitation; 3) it fuels very real fantasies, encourages the propensity of perpetrators of sexual offences, and contributes to maintaining a market for child sexual abuse material; 4) it creates a culture of tolerance for the sexualisation of children and thereby cultivates demand;<sup>219</sup> and 5) it may increase the likelihood that a perpetrator will attempt to contact a child.<sup>220</sup>

**Conclusion:** The term “digitally generated child sexual abuse material” encompasses all forms of material representing children involved in sexual activities and/or in a sexualised manner, with the particularity that the production of the material does not involve actual contact abuse of real children but is artificially created to appear as if real children were depicted. It includes what is sometimes referred to as “virtual child pornography” as well as “non-photographic child sexual abuse material” (unless hand-drawn) and “pseudo photographs”. It also includes AI generated child sexual abuse material.

Although most artificially created child sexual abuse material is computer-generated, it is important not to exclude the possibility that such material can be, for instance, drawn by hand. Despite its known harmful effects on children, digitally generated child sexual abuse material is not illegal everywhere.

The term “virtual” frequently used in this context should not be interpreted as not being real or existing only online. Although “virtual child pornography” refers to digitally generated child sexual abuse material, it has been created with the purpose of conveying the impression that it depicts children involved in sexual activity. There is nothing “virtual” or unreal in the sexualisation of children. Such terms risk minimising the harm that children can suffer from these types of practices or the effect that such material

<sup>219</sup> ECPAT International. (2012, April). [Protection and the OPSC: Justifying Good Practice Laws to Protect Children from Sexual Exploitation](#). *ECPAT Journal Series No. 2*. 20.

<sup>220</sup> Insoll, T., et al. (2022, March). [Risk Factors for Child Sexual Abuse Material Users Contacting Children Online](#). *Journal of Online Trust and Safety*, vol. 1(2).

can have on the cognitive distortions of offenders or potential offenders. Therefore, terms such as “digitally generated child sexual abuse material” are better suited to describe this phenomenon.

In addition, the term “virtual” is increasingly used to refer to the use of technology to create immersive and/or interactive environments that realistically emulate the experience of sensations such as sight, hearing and touch in a three-dimensional space through the use of a headset and/or touch/feedback (haptic) equipment such as gloves and suits. With the rapid development of virtual reality and the metaverse,<sup>221</sup> this term appears most appropriate to refer to a specific environment in which child sexual abuse or other harmful acts can be perpetrated or experienced. The term should not be used to refer to a form of child sexual abuse, as this may diminish the gravity of such acts and minimise the harm that they can cause.

#### F.4.iii. Sexualised images of children

● *Special attention should be paid to how this term is used.*

The term “sexualised images of children” often refers to images which are used for sexual purposes, but which do not necessarily represent the sexual abuse of a child or meet the legal standard of child sexual abuse.<sup>222</sup>

Most countries do not have a legal definition of the term “sexualised”.<sup>223</sup> The legality of sexualised images of children therefore depends largely on the *intent* of a person to sexualise a child in an image or to make use of an image *for sexual purposes* (e.g. for sexual arousal or gratification).

In some cases, “sexualised images of children” refers to context more than content, and can include (everyday) images of children placed in a sexualising context, such as a pornographic website, a website containing child sexual abuse material, or a website discussing sexual interest in children. When a family picture of, for instance, a young child in a bikini or in high heels is shared and eventually circulated on pornographic websites or on websites/forums for persons with a sexual interest in children, the use of what was initially a family picture constitutes a serious violation of the right

<sup>221</sup> Allen, C. (2023, September). [Child Safeguarding and Immersive Technologies: An outline of the risks. Commissioned by NSPCC.](#) Limina Immersive.

<sup>222</sup> See for instance: Witting, S.K. (2020, June). [Child sexual abuse in the digital era: Rethinking legal frameworks and transnational law enforcement collaboration.](#)

<sup>223</sup> In France, content of a sexual nature includes images of children, naked, semi-naked or clothed, with focus on genitalia or the nudity or in sexually explicit positions, wearing age-inappropriate clothing or with age-inappropriate objects suggesting a sexually explicit setting.

to privacy and should be dealt with as an offence<sup>224</sup> regardless of whether the images are deemed pornographic or not. In addition, the distribution of an image of a child for sexual purposes could constitute an offence under “child pornography” laws even if the image was not initially produced for sexual purposes, and the person depicted in the image could be a victim of sexual exploitation. This would be a typical situation where a picture can be exploitative without depicting sexual abuse, and where law enforcement would classify the image in the abovementioned category of child sexual exploitation material instead of child sexual abuse material.

Sexualised images of children also relate to the notion of “non-consensual intimate imagery”, frequently used in the fields of violence against women, domestic and gender-based violence.<sup>225</sup>

Examples of “non-consensual intimate imagery” are the phenomena of “upskirting” and “downblousing”, which are increasingly being criminalised at the national level. “Upskirting” refers to “the act of taking photos or videos to show under somebody’s skirt or dress without their knowledge or permission”,<sup>226</sup> and “downblousing” refers to the act of taking a picture above a person’s cleavage,<sup>227</sup> also without their knowledge or permission.<sup>228</sup>

These acts have also been defined as taking a photograph under a person’s clothing or down somebody’s shirt, blouse or top, without their consent, with intention of obtaining sexual gratification, or to cause humiliation, distress or alarm. These acts are usually performed in a public, often crowded, place, making it hard to spot people taking such images. It is a form of image-based sexual abuse.<sup>229</sup> With regard to children, and in particular girls, these acts have been particularly observed in school areas.<sup>230</sup>

<sup>224</sup> Depending on the legal system, this could amount to, for instance, a data protection breach or a copyright infringement.

<sup>225</sup> See for instance Stop Non-Consensual Intimate Image Abuse. (n.d.). [Home](#). It is noteworthy that the [outcome document](#) of the 67<sup>th</sup> session of the UN Commission on the Status of Women (March 2023) recognised the harm caused to girls and, especially when non-consensual, to women by the use, sharing or dissemination, or threat thereof, of intimate or personal sexually explicit content. It further urged governments to condemn and take all appropriate measures, including legal action, to combat the use of digital tools for non-consensual sharing of personal, sexually explicit content of women. In addition, in May 2024, the EU adopted a new [Directive 2024/1385](#) on combating violence against women and domestic violence, which includes criminalisation of the act of non-consensual sharing of intimate material. The [UN Convention against Cybercrime](#), adopted in December 2024, also includes criminalisation of non-consensual dissemination of intimate images.

<sup>226</sup> Oxford Advanced Learner’s Dictionary.

<sup>227</sup> The term “downblouse” has been added as a new “word suggestion” in Collins English Dictionary with the proposed definition “referring to a picture taken by pointing a camera above a person’s cleavage”.

<sup>228</sup> In Germany, the acts of “upskirting” and “downblousing” are formally criminalised in the German Criminal Code since 2021. See: Nordrhein-Westfalen, Polizei. (n.d.). [“Upskirting” und “Downblousing” ist strafbar](#).

<sup>229</sup> In 2022, these acts were included in the [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\)](#).

<sup>230</sup> See, for instance, UK House of Commons, Women and Equalities Committee. (2023, July). [Attitudes towards women and girls in educational settings](#). Fifth Report of Session 2022–23.

Non-consensual intimate imagery is commonly associated with adults, and the notion of “non-consensual” could appear to indicate that certain intimate images could also be “consensual”. The term therefore requires attention when used in relation to children who have not reached the age of sexual consent. A difficulty in interpreting the notion of “non-consensual” lies in the understanding of where (i.e. at what stage) there was, or was not, consent. A person may consent to the making of an intimate picture but not to its distribution, for instance. When it comes to children, this difficulty is enhanced by considerations relating to sexual consent in general, and the impossibility for any child to consent to their own sexual exploitation or abuse, in particular.

“Sexualised child modelling” is a phenomenon sometimes referred to under the umbrella of “sexualised images of children” to refer to images/videos produced in a professional setting (professional studio or professional shooting outdoors with the logo of an agency attached)<sup>231</sup> while “sexualised child posing” is also used and refers to content produced in a non-professional environment.

**Conclusion:** The term “sexualised images of children” still involves a level of uncertainty in terms of the legality of such imagery. While the determination of a certain image as child sexual abuse material does not depend on a subjective element, the publication or distribution of an image can be done with or without the purpose of sexual gratification and, consequently, be illegal or legal. Distinguishing between the different uses of a picture and focusing on the (illegal) use of a child’s image for purposes of sexual gratification, could be a means to determine if the depicted child is the victim of an offence.

#### F.4.iv. Child erotica

● *The use of this term should be avoided.*

“Child erotica” consists of images of children posing semi-nude or nude with the emphasis on sexualising the child.<sup>232</sup> Sometimes called “posing pictures”,<sup>233</sup> this practice is an issue in several countries, where laws on child sexual abuse material do not cover images of children engaged in non-explicit sexual poses or conducts or where there is no focus on the nude sexual parts of the child (e.g. the genitalia are covered by some form of

<sup>231</sup> See for instance: INHOPE. (2017). [Annual Report 2016](#). 6-7.

<sup>232</sup> HRC. (2009, July). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography](#), Najat M’jid Maalla. A/HRC/12/23. Paragraph 20.

<sup>233</sup> Save the Children Europe Group. (2003, June). [Position Paper on Child Pornography and Internet-Related Sexual Exploitation of Children](#). 10.

clothing). Since such images are not illegal everywhere, they can be quite freely disseminated and serve to underpin the belief of some persons that the sexualisation of children is normal. They can also be circulated within (online) networks of people with a sexual interest in children and, depending on national legislation, this circulation may or may not constitute a crime. In criminal investigations and court rulings on child sexual exploitation, it has been proven that websites publishing “child erotica” are sometimes used as a first step to, and can serve as a cover up of, the sexual exploitation of children, as well as being used in the grooming process.<sup>234</sup>

“Erotica” is a term associated with entertainment and art, often linked to pornography. Just as the term “child pornography” has been considered inappropriate because pornography is a term used for adults engaging in consensual sexual acts distributed (often legally) to the general public for their sexual pleasure, the term “erotica” is inappropriate in association with children and should be avoided. In accordance with major dictionaries, “erotica” refers to books, pictures, and other material intended to make somebody feel sexual desire or that produce sexual desire and pleasure.<sup>235</sup> The terms “sexualised images of children” or “child sexual exploitation material” are more appropriate.

#### F.4.v. Self-generated/produced sexual content involving children

● *Special attention should be paid to how this term is used.*

Children and adolescents under 18 years may take sexual pictures or videos of themselves. While this conduct in itself is not necessarily illegal or socially unacceptable, there are risks that any such content can be circulated online or in-person to harm children or be used as a basis for extortion.

While such content is often referred to as “self-produced” or “self-generated”, there is a potential risk in using these terms as an opposite to “coercive” or “coercively produced content”, since it might imply the child is to blame for the abuse resulting from it. Although children (in particular adolescents) may willingly produce sexual content, this does not mean they consent to or are responsible for the exploitative or abusive use and/or distribution of these images. Production on the one hand, and subsequent use (sharing,

<sup>234</sup> See, for instance, Kolker, R. (2017, September). [How Police Cracked Canada's Largest Child Pornography Ring](#). Walrus; Federal Bureau of Investigation. (2009, July). [Child Molester Nets 40-Year Sentence Under New Federal Anti-Grooming Law](#).

<sup>235</sup> See Oxford Advanced Learner's Dictionary and Cambridge British English Dictionary.

dissemination) on the other hand, must therefore be clearly separated.<sup>236</sup> Another term which has a broader meaning but could arguably include images taken by children is “image based sexual abuse”. This broader categorisation encompasses a multitude of forms of sexual exploitation and sexual abuse through the use of media but does not imply blame of the child.

Moreover, when content is self-generated by children (sometimes also called “youth-produced”)<sup>237</sup> and no adult is visible in the image, the reasons behind its production (e.g. the potential coercion or manipulation) are sometimes disregarded. In this context, it is important to distinguish content created within a romantic relationship between consenting older adolescents from content featuring younger children where, by definition, exploitation is involved—even if the means of producing/recording the content are the same. Indeed, especially when very young children appear in such content, it is possible that another person has dictated or ordered the sexual acts depicted. For any sexual material depicting very young children, the assumption ought to be that it is the result of an abusive or coercive relationship with an adult or another child. The element of “self-produced” is often only a perception, having led some organisations to speak of “perceived first-person produced content”, to underscore the fact that some form of coercion or manipulation is frequently behind the production of such imagery.

A main concern around the terms “self-produced” and “self-generated” is that they tend to place excessive weight on who produced the image, rather than on the context in which it was produced. Understanding the context in which sexualised content has been produced and shared, including whether coercion or manipulation has been involved, and whether an offender has been present, either remotely or in the same room but not visible in the content, is crucial, both for legal and protective actions.

Placing the blame on the child who produced an image has indeed created challenges in legal and law enforcement approaches to this type of sexual exploitation and sexual abuse, and there have been several cases of children facing criminal charges simply for having sent a sexualised image of themselves (“sexts”, see [Sub-section F.4.vi](#)) to someone they knew (e.g.

<sup>236</sup> Alternative terms such as “first-person produced imagery” have been proposed in the attempt to more accurately reflect the nature of the content without placing undue blame on victims, with the caveat that they still indicate that it is the person depicted in the material who has produced it.

<sup>237</sup> Self-generated content has also been defined as a subset of user-generated content, which comprises images and videos that are produced by and feature children, especially teens. See Quayle, E., et al. (2012). [Online behaviour related to child sexual abuse](#). Council of the Baltic Sea States, Stockholm: ROBERT project. 51. See also United Nations Office on Drugs and Crime (UNODC). (2015, May). [Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children](#). Vienna: UNODC.

a peer they are in a romantic relationship with).<sup>238</sup> As explained in [Sub-section C.4.v](#) on “sexualised images of children”, it is important in such cases to distinguish between the initial image and the use being made of it. At present, there is limited understanding of these types of material, and “sexts” and “self-produced sexual content” are often seen as one and the same, leading to children being seen as/held liable for their own exploitation or abuse. This needs to be changed to ensure a child-centred approach to safeguarding and protection.<sup>239</sup>

Key treaty and monitoring bodies have addressed this issue. In 2019, the Lanzarote Committee stated that “[t]he self-generation of sexually suggestive or explicit images and/or videos by children does not amount to “the production of child pornography” when it is intended solely for their own private use”.<sup>240</sup> In its 2019 Guidelines regarding the implementation of the OPSC, the Committee on the Rights of the Child also expressed concern that “the self-generated aspect of such material could increase the risk that the child is considered responsible instead of being treated as a victim”, underscoring that “children should not be held criminally liable for producing images of themselves”.<sup>241</sup> The Committee further recommended that “[s]elf-generated sexual material by children that they possess and/or share with their consent and solely for their own private use should not be criminalized” in its General Comment No. 25.<sup>242</sup> Aligning with these principles, the UN Convention against Cybercrime provides that States parties “may” take steps to exclude the criminalisation of “[c]onduct by children for self-generated material depicting them”. However, it stops short of making such exclusions mandatory.<sup>243</sup>

In relation to the term “self-generated content”, the term “indecent” is sometimes added to define the type of images or content. In accordance with major English dictionaries, “indecent” is something that is “*thought to be morally offensive, especially because it involves sex or being naked*”.<sup>244</sup> In using the term “indecent” when referring to content produced by children

<sup>238</sup> See, for instance, Guardian. (2014, July). [Teenagers Who Share ‘Sexts’ Could Face Prosecution, Police Warn](#). For the US, see, for instance, New York Times. (2010, March). [Rethinking Sex Offender Laws for Youth Sexting](#). See also Criminal Defense Lawyer. (2022, December). [Teen Sexting Laws and Penalties](#).

<sup>239</sup> It should be noted that the Lanzarote Committee [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#), adopted in 2019, provides guidance to policy makers on this issue, in particular how to distinguish cases where content may constitute CSAM, and underscoring that any criminal prosecution should only ever be as a last resort in specific circumstances. <https://rm.coe.int/opinion-of-the-lanzarote-committee-on-child-sexually-suggestive-or-exp/168094e72c>

<sup>240</sup> Lanzarote Committee. (2019, June). [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#). Paragraph 3.

<sup>241</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 67.

<sup>242</sup> CRC Committee. (2021, March). [General comment No. 25 \(2021\) on children’s rights in relation to the digital environment](#). CRC/C/GC/25. Paragraph 118.

<sup>243</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 14-4(a).

<sup>244</sup> See, for instance, [Oxford Advanced Learner’s Dictionary](#).



and adolescents, it is important to bear in mind that it does not have an objective criterion, and to ask the questions of when and why something is indecent and who has the authority to define what is morally offensive or not.<sup>245</sup> For this reason, it may be useful to remove from this context the term “indecent”, which is hard to define in an objective manner. As an alternative, the term “sexual” or “sexualised” could be employed.

**Conclusion:** The terms that appear to most accurately define this type of material are “first-person generated/produced sexual content involving children” or “self-generated/produced sexual material involving children”. These terms make it clear that the content has been produced by at least one person depicted in it (whether illegal or not, and whether coerced or not); is sexualised in nature (but leaving aside “indecent”, which may involve a more subjective value judgement); and involves children.

Nevertheless, special attention is needed when using these terms to avoid shifting blame onto the child.<sup>246</sup> It is important to contextualise the content, giving due consideration to potential coercion of any kind, and the fact that the “self-produced” nature of the content is often nothing more than a perception. Where possible, in particular in contexts where it is irrelevant by whom the material was produced, the broader term “image-based child sexual abuse” may be preferred.

#### F.4.vi. Sexting

● *Special attention should be paid to how this term is used.*

“Sexting” has been defined as the “*self-production of sexual images*”,<sup>247</sup> or as the “*exchange of sexual messages or images*” and “*the creating, sharing and forwarding of sexually suggestive nude or nearly nude images through mobile phones and/or the internet*”.<sup>248</sup> Sexting is a form of self-generated sexually explicit content,<sup>249</sup> and the practice is “*remarkably varied in terms of context, meaning, and intention*”.<sup>250</sup>

<sup>245</sup> Definitions of what is “indecent” are often determined by community standards and, under legal systems that employ this notion, by a jury or a judge. The competent authority must then determine whether or not a particular image is indecent or constitutes child sexual abuse material.

<sup>246</sup> See also: United Nations Children’s Fund. (2022). [Legislating for the digital age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse](#). UNICEF: New York. 63.

<sup>247</sup> Cooper, K., et al. (2016). [Adolescents and Self-Taken Sexual Images: A review of the literature](#). *Computers in Human Behavior*, vol. 55, 706-716.

<sup>248</sup> Ringrose, J., et al. (2012). [A qualitative study of children, young people and ‘sexting’: a report prepared for the NSPCC](#). London: National Society for the Prevention of Cruelty to Children. 6.

<sup>249</sup> UNODC. (2015, May). [Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children](#). Vienna: UNODC. 22.

<sup>250</sup> Cooper, K., et al. (2016). [Adolescents and Self-Taken Sexual Images: A review of the literature](#). *Computers in Human Behavior*, vol. 55, 706-716. 24.

While “sexting” is possibly the most common form of self-generated sexually explicit content involving children and is often done by and among consenting adolescents who derive pleasure from the experience, there are also many forms of “*unwanted sexting*”. This refers to the non-consensual aspects of the activity, such as sharing or receiving unwanted sexually explicit photos, videos, or messages, for instance by known or unknown persons trying to make contact, put pressure on, or groom the child. Sexting can also be a form of sexual bullying,<sup>251</sup> where a child is pressured to send a picture to a boyfriend/girlfriend/peer, who then distributes it to a peer network without their permission.

Unwanted sexting is related to the discussion above on sexual harassment and unwanted sexual comments,<sup>252</sup> and research has shown that the practice of sexting is far from gender-neutral. It has been suggested that unwanted sexting “*might be understood as an online extension of [...] sexual harassment*” against girls.<sup>253</sup> However, boys’ experiences of unwanted sexting should not be disregarded or minimised, as this may hinder their access to necessary support.<sup>254</sup>

**Conclusion:** “Sexting” can be a consensual activity between peers, although research has shown that girls feel pressured or coerced into it more often than boys.<sup>255</sup> When sexting leads to abuse or exploitation, it is crucial that the fact that the material is self-generated does not result in blaming the child for what happens or in holding the child criminally liable for the production of child sexual abuse material.

#### F.4.vii. (Exposure to) Harmful content

● *Special attention should be paid to how this term is used.*

Exposure to harmful content refers to children accessing or being exposed to, intentionally or incidentally, age-inappropriate sexual or violent content, or content otherwise considered harmful to their development.<sup>256</sup> Harmful content can thus cover a much broader range of material than child sexual abuse material and include any content that could cause harm to the child,

<sup>251</sup> For more detail on sexual bullying, see [Section C, Sub-section 4.v](#) on “Sexual harassment of a child”.

<sup>252</sup> See [Sub-section C.4.v](#) on “Sexual harassment of a child”.

<sup>253</sup> Cooper, K., et al. (2016). [Adolescents and Self-Taken Sexual Images: A review of the literature](#). *Computers in Human Behavior*, vol. 55, 706-716. See also Ringrose, J., Regehr, K., Milne, B. (2021, December). [Understanding and Combatting Youth Experiences of Image-Based Sexual Harassment and Abuse](#). 10.

<sup>254</sup> See, for instance, Mclocklin, G., et al. (2024, March). [Disclosure Decisions and Help-Seeking Experiences Amongst Victim-Survivors of Non-Consensual Intimate Image Distribution](#). *Victims & Offenders*, 1-27.

<sup>255</sup> Ringrose, J., Regehr, K., Milne, B. (2021, December). [Understanding and Combatting Youth Experiences of Image-Based Sexual Harassment and Abuse](#). 10.

<sup>256</sup> UNODC. (2015, May). [Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children](#). Vienna: UNODC. 13.

including (but not limited to) adult pornography and child sexual abuse material. It is important, however, for legislation to contain a clear definition of harmful content, as it is possible to consider many types of content “harmful”, potentially resulting in criminalisation bordering on censorship or a violation of other freedoms.

Exposure of children to harmful content that is “pornographic” in nature is sometimes referred to as the “corruption” or “pornification” of children.<sup>257</sup> This can be the case, for instance, if an adult deliberately shows (harmful content or) pornography to a child or watches pornography in the presence of a child. The first example could be a form of non-contact sexual abuse,<sup>258</sup> and harmful and or sexual content is often used in the process of grooming children. When a person sends unsolicited imagery of their own sexual organs to another person (in this case a child), this is referred to as “cyber-flashing”.<sup>259</sup>

Exposure to harmful content can normalise harmful sexual behaviour for children as individuals or within their peer groups. This could be seen as a form of “corruption of children”, although more through societal sexualisation of children rather than as a result of the intentions or actions of any specific individuals.<sup>260</sup>

**Conclusion:** Harmful content should not be used as a synonym for “child sexual abuse material” or “child pornography”, as it is a much broader concept and can refer to content other than sexualised material, for instance violent video games or websites that encourage hate speech. Moreover, “harmful content” does not necessarily refer only to illegal material but can also include material that is legal but still harmful to a person considering their age, level of maturity, contextual factors etc.

#### F.4.viii. Corruption of children for sexual purposes

- *Special attention should be paid to how this term is used.*

The term “corruption of children for sexual purposes” refers to acts causing the child to witness sexual abuse or sexual activities, and can be found,

<sup>257</sup> “Pornification” is defined by the Oxford British and World English Dictionary as “*the increasing occurrence and acceptance of sexual themes and explicit imagery in popular or mainstream culture*”. With regard to children, it is used to refer to the increasing sexualisation of children in society, which can contribute to normalising sexual behaviours and attitudes among young children.

<sup>258</sup> See [Sub-section C.3](#) on “Child sexual abuse/sexual abuse of children”, terminology considerations.

<sup>259</sup> For more detail on cyber-flashing, see [Sub-section C.4.v](#) on “Sexual harassment of a child”.

<sup>260</sup> Coy, M., et al. (2013, November). ‘[Sex without Consent, I Suppose that Is Rape: How Young People in England Understand Sexual Consent](#)’. Report commissioned for the Office of the Children’s Commissioner’s Inquiry into Child Sexual Exploitation in Gangs and Groups.

for instance, in Article 22 of the Lanzarote Convention. The Article, which is entitled “corruption of children”, sets forth that “[e]ach 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.”

“Online sexual corruption of a child” is sometimes used in legal standards<sup>261</sup> as an alternative term to “online solicitation of children for sexual purposes” (“grooming”).<sup>262</sup>

The term “corruption” in itself refers to the “*action or effect of making someone or something morally depraved*”<sup>263</sup>—that is, the “*act or effect of making somebody change from moral to immoral standards of behaviour*”.<sup>264</sup> Considering this general definition, the term “corruption of children for sexual purposes” may be stigmatising or misleading as it places the emphasis on the immorality of the act instead of the abuse committed against a child. Although used within legal contexts, the wider use of the term should be avoided and the description of the acts (i.e. forcing/causing a child to witness sexual abuse or sexual activities) should be used instead.

<sup>261</sup> Some state laws in the US use this language, see for instance OregonLaws. (n.d.). [ORS 163.432: Online sexual corruption of a child in the second degree.](#)

<sup>262</sup> For more details on online solicitation of children for sexual purposes, see [Section H](#).

<sup>263</sup> See Oxford British and World English dictionary.

<sup>264</sup> See Oxford Advanced Learner’s English dictionary.

## SECTION G

# TECHNOLOGY-FACILITATED CHILD SEXUAL EXPLOITATION AND SEXUAL ABUSE

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## G.1. Definitions in legally binding instruments

- 1989: The CRC refers, in its Article 34, to “the exploitative use of children in pornographic performances”, without specifying whether such performances are carried out in the digital environment or elsewhere, and without indicating whether or not such performances are technology-facilitated.
- 1990: The ACRWC refers, in its Article 27(c), to the “use of children in pornographic activities, performances and materials”. Like the CRC, this instrument does not specify how or where (which environment) such activities or performances are carried out.
- 1999: ILO Convention No. 182 contains, in Article 3(b), a prohibition of “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.
- 2007: The Lanzarote Convention details different types of “use” of a child and requires State Parties to criminalise a series of offences concerning

the participation of a child in pornographic performances, such as recruiting a child into participating in pornographic performances or causing a child to participate in such performances; coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; and knowingly attending pornographic performances involving the participation of children.

- 2011: The EU Directive 2011/93, in its definition of “pornographic performance” (Article 2(e)) includes a *“live exhibition aimed at an audience, including by means of information and communication technology, of (i) a child engaged in real or simulated sexually explicit conduct; or (ii) the sexual organs of a child for primarily sexual purposes”*. The text of the European Commission’s proposal from February 2024 to recast the Directive replaces the term “pornographic performance” with “child sexual abuse performance” but otherwise retains the original definition.<sup>265</sup>
- 2024: The UN Convention against Cybercrime exclusively targets actions committed through or by means of information and communications technology systems, including offences related to “online child sexual abuse or child sexual exploitation material” (Article 14); solicitation or grooming for the purpose of committing a sexual offence against a child (Article 15); and non-consensual dissemination of intimate images (Article 16).<sup>266</sup>

## G.2. Non-binding instruments

- The Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies, adopted in 2017, makes it clear that all of the offences set out in the Lanzarote Convention remain criminalised whatever the means used to commit them, including through the use of such technologies, even if not explicitly mentioned in the text of the Convention.
- The Guidelines regarding the implementation of the Optional Protocol to the Convention in the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Committee on the Rights of the Child during its 81<sup>st</sup> session in May 2019, state that the CRC and the OPSC are fully applicable in the digital environment (paragraph 1), and aim at “fostering a deeper understanding of the Optional Protocol’s

<sup>265</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>266</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#).

substantive provisions and of the various modern forms of sale and sexual exploitation of children in light of developments in the digital environment” (paragraph 9).

## G.3. Terminology considerations

Technology is an increasingly pervasive element in sexual offending against children and it is becoming rare that no technology at all is used at some stage of the preparation, commission, or further dissemination (in the case of child sexual abuse material) of the sexual exploitation or sexual abuse of a child.

Although not always used to facilitate or commit a sexual crime, the overarching role of technology in facilitation means that it can cover crimes committed in both digital and non-digital environments. Firstly, a sexual offence committed in the digital environment is, by definition, facilitated by technology. Secondly, a broad variety of sexual offences committed in-person are made possible with the help of technology, for instance to connect perpetrators of sexual offences, exchange information and coordinate actions.

The terms included under Sub-section G.4 “Related terms” focus mainly on sexual offences committed in the digital environment. Nevertheless, any of the offences listed in the present Guidelines could be, in part or in whole, facilitated by technology. The digital environment is particularly relevant also in [Section F](#) relating to terminology to describe different forms and manifestations of child sexual abuse material, and [Section H](#) relating to terminology to describe grooming of children for sexual purposes.

## G.4. Related terms

### G.4.i. Child sexual abuse online

- *Special attention should be paid to how this term is used.*

As explained in [Sub-section A.3.viii](#) on the child in the digital environment, sexual exploitation and sexual abuse of children increasingly take place in the digital environment, or with some connection to it.

Child sexual abuse online can be any form of sexual abuse of children (as set forth in [Section C](#)), which has a link to the digital environment.<sup>267</sup> Thus, sexual abuse can take the form of, for instance, sexual molestation and/or sexual harassment through social media or other digital means.

Child sexual abuse also takes on a digital dimension when, for instance, acts of sexual abuse are photographed or video-/audio-recorded and then uploaded and made available online, whether for personal use or for sharing with others (see [Sub-section G.4.ii](#) on “child sexual exploitation online”). Each repeated viewing and/or sharing of such recorded material constitutes a new violation of the rights of the child. More details on different forms of child sexual abuse in the digital environment are provided in the sub-sections to follow.<sup>268</sup>

It is important to note, however, that child sexual abuse online is not, in and by itself, a new and distinct form of sexual abuse. Rather, different manifestations of child sexual abuse are facilitated by and within the digital environment, and can increase the accessibility to children by persons looking to sexually abuse them. For this reason, it has been argued that the qualifier “online” should be used in connection with the environment in which the child sexual abuse takes place, rather than to indicate a distinct form of abuse, and should therefore be added at the end of the term rather than at the beginning. Following this reasoning, it appears appropriate to speak of “child sexual abuse online” or, to cover all forms of digitally/technology-facilitated abuse, “technology-facilitated child sexual abuse”.

“Virtual child sexual abuse” is a term sometimes used as a synonym for child sexual abuse online. Care should be taken not to confuse these two terms, which have different meanings. More details on virtual child sexual abuse can be found in [Sub-section F.4.ii](#) on “digitally generated child sexual abuse material”.

**Conclusion:** The term “child sexual abuse online”<sup>269</sup> has become a widely used term to refer both to the sexual abuse of children that is facilitated by technology (e.g. online grooming) and to sexual abuse of children that is committed elsewhere and then repeated by sharing it online through,

<sup>267</sup> Both the Lanzarote Convention and the Budapest Convention cover such offences regardless of the means used to commit them. See Lanzarote Committee. (2017, May). [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies \(ICTs\)](#). This opinion makes it clear that all of the offences set out in the Lanzarote Convention remain criminalised whatever the means used to commit them, including through the use of ICTs, even if not explicitly mentioned in the text of the Convention. See also Council of Europe. (2021, November). [Convention on Cybercrime](#). Article 9.

<sup>268</sup> See [Section F](#) on “Child pornography”, [Sub-section G.4.iii](#) on “Live online child sexual abuse”, and [Section H](#) on “Solicitation of children for sexual purposes”.

<sup>269</sup> Or, in its inverted form, “online child sexual abuse”.



for instance, images and videos (see Sub-section G.4.ii on “child sexual exploitation online”). The preferred term in the case of the former is “technology-facilitated child sexual abuse”.

### G.4.ii. Child sexual exploitation online

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

As previously explained, sexual exploitation and sexual abuse of children increasingly take place in the digital environment, or with some link to it. The term “child sexual exploitation online” refers to the use of technology as a *means* to exploit children sexually. Indeed, the terms “ICT-facilitated”<sup>270</sup> and “cyber-enabled”<sup>271</sup> child sexual exploitation are sometimes used as alternatives to define these practices.

The reference to “child sexual exploitation online” includes all acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the digital environment. It includes any use of technology that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted. This notion can thus encompass (but is not limited to):

- ✦ sexual exploitation that is carried out while the child is online (such as enticing/manipulating/threatening a child to perform sexual acts in front of a webcam<sup>272</sup>);
- ✦ identifying and/or grooming children online with a view to exploiting them sexually (whether any further exploitation occurs, or if any acts that follow are carried out in person or in the digital environment);
- ✦ the distribution, dissemination, importing, exporting, offering, selling, possession of, or knowingly obtaining access to child sexual abuse/exploitation material online (even if the sexual abuse that is depicted in the material was carried out in person).

<sup>270</sup> UNODC. (2015, May). [Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children](#). Viena: UNODC.

<sup>271</sup> McGuire, M., and Dowling, S. (2013, October). [Cyber Crime: A Review of the Evidence](#). *Research Report 75*, UK Home Office. 5.

<sup>272</sup> A webcam is a video camera that feeds or streams its image in real time to or through a computer-to-computer network. A video stream may be viewed, saved, or sent on to other networks, for instance via the Internet. A webcam is usually connected by a cable to a computer or built into computer hardware. What it records can be seen on a website or on another computer as it happens. Webcams can also be wirelessly connected or connected to a local area network.

**Conclusion:** The line between child sexual exploitation in the digital environment and in other environments is often blurred and, with the rapid evolution of technology, child sexual exploitation with some digital component is increasingly common. While the term “child sexual exploitation online” can be used as an umbrella-term to indicate such forms of sexual exploitation that have a link to the digital environment, it should be recalled that technology is a means, albeit very potent, to exploit children sexually; it is not, in and by itself, a distinct type of sexual exploitation.

For more details on different manifestations of child sexual exploitation which can be technology-facilitated, see [Section F](#) on “child pornography”; the other sub-sections of this Section G; and [Section H](#) on the solicitation of children for sexual purposes.

### G.4.iii. Live online child sexual abuse

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Live online child sexual abuse – commonly known as live streaming of child sexual abuse (see [Sub-section G.4.iv](#)) is a practice on the rise, related both to the exploitation of children in prostitution and sexual performances and to the production of child sexual abuse material. Given the absence of a clear definition of these practices as an offence, this field has seen an absence of adequate criminalisation.<sup>273</sup> However, while not explicitly included in major international legal instruments on child protection, it is crucial to note that live online child sexual abuse would fall under many existing legal provisions related to child sexual exploitation and sexual abuse. Thus, the recruitment and use of a child for participation in any type of pornographic performances,<sup>274</sup> whether online or in-person, must be criminalised in accordance with the CRC (Article 34(c)), the ACRWC (Article 27(c)), ILO Convention No. 182 (Article 3(b)), and the Lanzarote Convention (Article 21). Moreover, it could fall under the OPSC definition of “child prostitution”: “the use of a child in sexual activities for remuneration or any other form of consideration” (Article 2(b)). When the live performance by the child is recorded or registered, this can amount to the production of child sexual abuse material, also covered by all major legal instruments as discussed in [Sub-section F.1](#).

<sup>273</sup> Often, existing “child pornography laws” are insufficient for trends such as live streaming of sexual abuse, sexual abuse “to order”, etc. See, for instance, International Centre for Missing and Exploited Children. (2023). [Child Sexual Abuse Material: Model Legislation and Global Review - 10<sup>th</sup> Edition, 2023](#); and ECPAT International. (2022). [Legislation Addressing Online Child Sexual Exploitation and Abuse. Disrupting Harm Data Insight 4](#). Global Partnership to End Violence Against Children.

<sup>274</sup> For more details on the use of children for pornographic performances, see [Sub-section E.4.vii](#).

Nevertheless, live online child sexual abuse often represents a dual abuse of the child. The child is coerced to participate in sexual activities, alone or with other persons—an act that already constitutes sexual abuse. The sexual activity is, at the same time, transmitted live through technology and watched by others remotely. Often, the persons watching remotely are the persons who have requested and/or ordered the sexual abuse of the child, dictating how the act should be carried out (see [Sub-section G.4.v](#)), and those persons may be paying for the abuse to take place. Live online child sexual abuse has been observed to take on both commercial and non-commercial forms,<sup>275</sup> and there are cases where it has been set up as a proper business with the only apparent objective being to make money out of the sexual exploitation of the children involved.

**Conclusion:** It is important to note that live child sexual abuse has been prohibited under international law since the adoption of the CRC, through provisions related to “the use of children for pornographic performances” (see [Sub-section E.4.vii](#)).

#### G.4.iv. Live streaming of child sexual abuse

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Live online child sexual abuse is often transmitted to viewers through “streaming” over the Internet. This means the data are transmitted instantaneously to the viewer, who can watch and engage while the abuse is occurring. Importantly for the viewer, streaming leaves no trace on the device, because no file is downloaded; when the streaming is stopped the child sexual abuse material is gone, unless the offender deliberately records it.<sup>276</sup> This increases the perception of impunity of the offender, and

<sup>275</sup> For instance, in the case of the Queen vs. Ian Watkins and others, it was observed how the accused encouraged a mother to sexually abuse her daughter in front of a webcam. There was no apparent commercial aspect to the crime (The Law Courts, Cathays Park, Cardiff CF10 3PG. (2013, December). [Case No: 62CA1726112](#)). In other known cases, young girls have performed sexual acts on themselves while collecting payments. Yet other cases have appeared purely commercial, with adults acting as facilitators and offering live online child sexual abuse on demand and in exchange for money transfers. For examples of non-commercial forms, see US Attorney’s Office, Southern District of Illinois. (2019, August). [Alton Man Sentenced To More Than 33 Years in Federal Prison for Live Streaming the Sexual Abuse of a Child](#); US Attorney’s Office, Western District of Texas. (2022, June). [San Antonio Man Sentenced to 28 Years in Prison for Producing Child Pornography](#). For examples of commercial forms, see US Attorney’s Office, Western District of North Carolina. (2021, March). [Federal Jury Convicts Marion, N.C. Man Of Child Pornography](#). US Attorney’s Office, Eastern District of Missouri. (2023, September). [St. Louis County Man Accused of Paying to Watch Sexual Abuse of Children](#).

<sup>276</sup> Streaming is a technology that consists of playing data before the entire file has been transmitted, sending the information directly to the computer or device of the recipient (via a webcam, audio interface, etc.) without any need to save the file onto a hard disk (although streaming material can also be recorded and saved to a file). Unless the content is deliberately recorded, it is available only on one occasion and leaves no trace on the device once it has been viewed. In relation to online child sexual exploitation cases, most of the incidents that relate to live streaming involve real-time production and transmission of the audio/video data through the webcam at the victim’s end.

creates specific challenges for the investigation after the incident of abuse, particularly relating to the recovery of evidence and the identification of victims and offenders. Live streaming may also be referred to as “on-demand child sexual abuse”.

In relation to live streaming of child sexual abuse, another phenomenon – referred to as “capping” – has also become frequent. Capping is the act of taking a screen capture to save imagery or bits of videos of someone else without their knowledge.<sup>277</sup> Capping is often done to capture or record sexual acts over live stream. Nevertheless, with regard to children, capping can also include capturing innocuous imagery of children and using it for sexual purposes.<sup>278</sup> Capping can be done for a person’s personal sexual gratification or with the aim to share and/or exchange child sexual abuse material with others. Capped imagery can also be used to sexually extort a child into performing sexual acts.<sup>279</sup>

**Conclusion:** It has been observed that live streaming of sexual abuse is “no longer an emerging trend but an established reality”.<sup>280</sup> It is important to note that terms such as “streaming” and “webcam” merely describe a technological means that take into account neither the intention of the perpetrator nor the result of the committed acts—namely, the sexual abuse and/or exploitation of a child.

Regarding the use of these terms, it is important not to overemphasise the focus on the “technological” aspect (i.e. which tool is used to commit a certain act), since the evolution in the digital environment is extremely rapid and new devices and tools with new names continue to emerge on the market on an almost daily basis.

#### G.4.v. Child sexual abuse to order

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

“Child sexual abuse to order” refers to a specific type of online sexual abuse that consists of a perpetrator requesting or dictating beforehand—or while the abuse takes place—that a certain action be carried out. The abuse is

<sup>277</sup> The term capping has been used by a number of child protection organisations and agencies globally, including for instance INHOPE, WeProtect, the e-Safety Commissioner Australia, and Protect Kids Online Canada.

<sup>278</sup> WeProtect Global Alliance. (2021, October). *Global Threat Assessment 2021: Working together to end the sexual abuse of children online*. 70.

<sup>279</sup> For more detail on sexual extortion see [Sub-section H.4.iii](#).

<sup>280</sup> Combating Child Online Sexual Abuse, Virtual Global Taskforce. (2015, October). *Child Sexual Exploitation Environmental Scan 2015*. 72.

displayed via webcam or recorded to a file for the viewing/consumption of the person who ordered/dictated it, sometimes in exchange for payment.

**Conclusion:** Child sexual abuse to order can be a modality of live streaming, with the added element that the person viewing the streaming takes an active part in determining how the sexual abuse should be carried out. The same technologies (e.g. streaming, webcam) are used as for other online crimes.

#### G.4.vi. Webcam child sex tourism/webcam child sex abuse

● *The use of the term should be avoided.*

“Webcam child sex tourism” is a term that was coined to emphasise the transnational character of the crime, in which a person can sit in front of a computer and order and watch child sexual abuse taking place in another country, without having to travel.<sup>281</sup> However, this term does not appear to be the most appropriate to define the live online sexual abuse of a child, and risks being misleading for several reasons. First, it introduces one more term to define an issue that already has a number of different names or labels (e.g. “online/live child sexual abuse”, “live streaming of child sexual abuse”, etc.) and thus risks adding to an already existing confusion. Second, it appears to imply that the response to these types of crimes lies with the tourism sector.<sup>282</sup> And third, it raises the question of the appropriateness of the term “child sex tourism”, which represents a debated issue in itself (discussed in [Section I](#)). In the same context, the more neutral “webcam child sexual abuse” has also been used.<sup>283</sup> While this term appears more adequate than “webcam child sex tourism”, it is important to recall that a “webcam” is, just like “streaming”, a technological means used to view live online child sexual abuse and could, as such, be replaced by another technology at any time.

**Conclusion:** The term “webcam child sex tourism” should be avoided. The term “webcam child sex abuse” can be used bearing in mind that it refers to a specific technological device and that “live online child sexual abuse” or “live streaming of child sexual abuse” are broader and more appropriate.

<sup>281</sup> See, for instance, Terre des Hommes Netherlands. (2014, June). [Sweetie: Case Study](#). YouTube; Universiteit Leiden. (2019, July). [Sweetie 2.0—Using Artificial Intelligence to Fight Webcam Child Sex Tourism](#).

<sup>282</sup> For further details on child sex tourism, see [Section I](#).

<sup>283</sup> Brown, A. (2016, June). [Safe from harm: Tackling webcam child sexual abuse in the Philippines](#). UNICEF Philippines; de Tribolet-Hardy, F., Hill, A., and Habermeyer, E. (2020, November). [Webcam Child Sexual Abuse. A New Facet in the Assessment of Internet Sexual Offenses](#). *Forensische Psychiatrie, Psychologie, Kriminologie*, vol. 14(4).

## SECTION H

# SOLICITATION OF CHILDREN FOR SEXUAL PURPOSES

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## H.1. Definitions in legally binding instruments

- 2007: The Lanzarote Convention is the first international legal instrument to define and refer to the act of “solicitation of children for sexual purposes”. Thus, the Convention (art. 23) requires states parties to criminalise *“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 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”*.
- 2011: The EU Directive 2011/93 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography follows the Lanzarote Convention and also includes a definition of solicitation of children for sexual purposes (article 6):
  - *“1. 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 [...].*

- 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.”*

The text of the European Commission’s proposal from February 2024 to recast the Directive largely retains this definition but introduces a significant change by removing the phrase “who has not reached the age of sexual consent,” thereby expanding its scope to include all children. In addition, it replaces “child pornography depicting that child” with the broader term “child sexual abuse material”.<sup>284</sup>

- 2024: The UN Convention against Cybercrime, in its Article 15, defines “solicitation or grooming for the purpose of committing a sexual offence against a child” as *“the act of intentionally communicating, soliciting, grooming, or making any arrangement through an information and communications technology system for the purpose of committing a sexual offence against a child, as defined in domestic law, including for the commission of any of the offences established in accordance with article 14 of this Convention [on offences related to online child sexual abuse or child sexual exploitation material]”*.<sup>285</sup>

## H.2. Non-binding instruments

- 2011: The Committee on the Rights of the Child, in General Comment No. 13, mentions that *“in contact with others through ICT, children may be bullied, harassed or stalked (child ‘luring’) and/or coerced, tricked or persuaded into meeting strangers off-line, being ‘groomed’ for involvement in sexual activities and/or providing personal information”*.
- 2011: Resolution 2011/33 by the Economic and Social Council on Prevention, Protection and International Cooperation against the Use of New Information Technologies to Abuse and/or Exploit Children stresses that, *“new information and communications technologies and applications are being misused to commit child sexual exploitation crimes and that*

<sup>284</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>285</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 15.

*technical developments have permitted the appearance of crimes such as the production, distribution or possession of child sexual abuse images, audio or video, the exposure of children to harmful content, the grooming, harassment and sexual abuse of children and cyberbullying”.*

- 2016: HRC Resolution 31/7 on the Rights of the child: information and communications technologies and child sexual exploitation calls upon States to *“define legally, in accordance with international human rights law and obligations, and criminalize all relevant conduct related to the sexual exploitation of children online and offline, including but not limited to its newest forms, such as the solicitation of children for sexual purposes known as ‘child grooming’”*.<sup>286</sup>
- 2019: UNGA Resolution 74/174 on Countering child sexual exploitation and sexual abuse online notes that *“child sexual exploitation and sexual abuse may take many forms, such as, but not limited to [...] grooming for sexual purposes”*.<sup>287</sup>
- 2021: The Committee on the Rights of the Child, in its General Comment No. 25 on children’s rights in relation to the digital environment, mentions that *“Sexual offenders may use digital technologies to solicit children for sexual purposes and to participate in online child sexual abuse.”*<sup>288</sup>
- 2023: UNGA Resolution 78/187 on the Rights of the child calls upon States to *“criminalize relevant conduct related to violence against children online and offline, including but not limited to forms of sexual exploitation and abuse of children, such as child grooming”*.<sup>289</sup>

### H.3. Terminology considerations

The term “solicit” means *“to ask somebody for something”* or *“to try to get something or persuade someone to do something”*.<sup>290</sup> The solicitation of children for sexual purposes is often referred to as “grooming” or “online grooming”. It can be described as a practice by means of which an adult “befriends” a child (often online, but in-person grooming also exists and should not be neglected) with the intention of sexually abusing them. As of February 2025, only the EU Directive 2011/93 sets forth that attention must also be paid to *offline* grooming and that states should criminalise

<sup>286</sup> HRC. (2016, March). [Resolution 31/7 on the Rights of the child: information and communications technologies and child sexual exploitation](#). A/HRC/RES/31/7. Paragraph 4.

<sup>287</sup> UNGA. (2019, December). [Resolution 74/174 on Countering child sexual exploitation and sexual abuse online](#). A/RES/74/174. 1.

<sup>288</sup> CRC Committee. (2021, March). [General comment No. 25 \(2021\) on children’s rights in relation to the digital environment](#). CRC/C/GC/25. Paragraph 81.

<sup>289</sup> UNGA. (2023, December). [Resolution 78/187 on the Rights of the child](#). A/RES/78/187. Paragraph 53.

<sup>290</sup> Oxford Advanced Learner’s Dictionary.



such practices as well (Recital 19).<sup>291</sup> The text of the European Commission’s proposal from February 2024 to recast the Directive preserves this language, positioned in Recital 22.<sup>292</sup>

Only two legally binding international instruments contain an obligation to criminalise the solicitation of children for sexual purposes: the Lanzarote Convention and the EU Directive 2011/93.

The Lanzarote Convention (Article 23), requires as constitutive elements of this crime 1) the solicitation of children for sexual purposes (i.e. “sexual chatting with a child”<sup>293</sup>); 2) the intentional proposal to meet the child for the purpose of committing a sexual offence; and 3) posterior “material acts leading to such a meeting”. This does not require that a sexual offence involving physical contact is committed. It suffices that concrete steps to make the meeting happen were taken (e.g. the perpetrator arriving at the meeting place).

The EU Directive 2011/93 divides the definition of the offence in two, whereby the same “material acts” are required for any proposal by an adult to meet with a child, but the act of soliciting a child to provide sexual images of themselves (“child pornography depicting that child”) is also, in and by itself, punishable (Article 6.2). This is also the case in the text of the European Commission’s proposal from February 2024 to recast the Directive, though it replaces “child pornography depicting that child” with the term “child sexual abuse material”, encompassing a wider range of materials.<sup>294</sup>

Upon its entry into force, the UN Convention against Cybercrime should become the third legally binding instrument containing an obligation to criminalise the solicitation of children for sexual purposes. Notably, it requires two constitutive elements for this crime: 1) the intentional act, which includes “*communicating, soliciting, grooming, or making any arrangement through an information and communications technology system,*” and 2) the purpose, which is “*committing a sexual offence against a child.*”<sup>295</sup> The provisions of the Convention are therefore broad enough to encompass both in-person and online forms of abuse. Furthermore, neither an actual

<sup>291</sup> European Union. (2011, December). [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](#). Recital 19.

<sup>292</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>293</sup> Council of Europe. (2007, October). [Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#). Paragraph 157.

<sup>294</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>295</sup> UNGA. (2024, December). [United Nations Convention against Cybercrime](#). Article 15.

meeting between the perpetrator and the child nor material acts leading to such a meeting are required to constitute the crime; the mere act of communicating with the child with the intent to commit a sexual offence against them is sufficient. However, in-person grooming remains outside the scope of this text.

Considering the rapid evolution of technology and of new forms of technology-facilitated criminality, it can be seen as worrying that a concrete physical meeting or, at least, material acts leading to such a meeting is required by existing legal instruments governing this offence. The UN Convention against Cybercrime advances the baseline by removing this obligation, reflecting a forward-thinking approach to addressing the realities of technology-facilitated abuse. It is indeed clear that, in many grooming cases today, children are being sexually abused and exploited online, and the “meeting” is never a physical meeting but takes place online. Data on online grooming from the United Kingdom have suggested that children are most frequently lured or manipulated into producing sexual images or videos without any intention by the “groomer” of meeting the children in real life.<sup>296</sup> This boosts the production of child sexual abuse material and is often linked to other forms of exploitation such as “sexual extortion” (see [Sub-section H.4.iii](#)) and blackmailing. Moreover, experience shows that victims of grooming often suffer the same consequences as victims of physical sexual abuse or exploitation. In addition to this, they often have to deal with shame and stigma, feeling as if they had, to some extent, contributed to their own exploitation (e.g. because initially they agreed to turn on their webcams and/or take photos), as well as the anxiety of permanently losing control of the images and not knowing who has seen them. To reflect this reality, it is necessary to extend the definition of “grooming” to cover meetings in the online sphere.<sup>297</sup>

To respond to this evolving situation, in an opinion adopted in June 2015 on Article 23 of the Lanzarote Convention, the Lanzarote Committee held that “[t]he solicitation of children through information and communication technologies does not necessarily result in a meeting in person. It may remain online and nonetheless cause serious harm to the child.”<sup>298</sup> Moreover, the Committee sets forth that “[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

<sup>296</sup> CEOP. (2013, June). [Threat Assessment of Child Sexual Exploitation and Abuse](#). Paragraph 38.

<sup>297</sup> See e.g. United Nations Children’s Fund. (2022). [Legislating for the digital age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse](#). UNICEF: New York. 69.

<sup>298</sup> Lanzarote Committee. (2015, June). [Opinion on Article 23 of the Lanzarote Convention and its explanatory note](#). Paragraph 17.

*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.”<sup>299</sup>*

Another potential weakness of the legal instruments that address grooming is that they oblige States to criminalise such acts only when carried out against children who have not reached the age of sexual consent. This does not necessarily provide adequate protection to children above that age who may still be lured or manipulated into an exploitative situation. However, both the text of the European Commission’s proposal from February 2024 to recast the EU Directive 2011/93 and the UN Convention against Cybercrime represent a welcome shift towards abandoning this approach, extending protection from grooming to all children, regardless of age. It is also noteworthy that the Committee on the Rights of the Child has urged States parties, particularly those whose legal provisions on online grooming exclude acts against children aged 16 to 18, to amend their legislation so that grooming of all children up to the age of 18 is criminalised.<sup>300</sup>

Today, numerous examples exist of national legal systems that criminalise the pure use of information and communication technology with the purpose of committing a sexual offence against children.<sup>301</sup>

**Conclusion:** There appears to be no linguistic or other logical reason why the definition of solicitation of children for sexual purposes should be limited to acts where a physical, in-person meeting has been attempted and/or occurred. While occurring increasingly online, the solicitation of children for sexual purposes can lead to sexual abuse online or in-person

<sup>299</sup> Ibid., Paragraph 20.

<sup>300</sup> CRC Committee. (2019, September). [Concluding Observations on the Report Submitted by Georgia under Article 12 \(1\) of the OPSC](#). CRC/C/OPSC/GEO/CO/1; CRC Committee. (2013, October). [Concluding Observations on the Initial Report of the Republic of Moldova submitted under Article 12 of the OPSC](#). CRC/C/OPSC/MDA/CO/1.

<sup>301</sup> See for instance Philippines, [Republic Act No. 11930, July 30, 2022](#), Section 4(m): criminalises engaging in the luring or grooming of a child through online or offline means or a combination of both. Section 3 defines grooming as “*predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, [...] whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form of [child sexual abuse and exploitation materials]*”; Australia, [Criminal Code](#), Article 474.27 (“*Using a carriage service to “groom” persons under 16 of age*”): criminalises using a carriage service to transmit a communication with the intention of making it easier to procure the recipient to engage in sexual activity with the sender, a participant, or another person. According to Australia’s Criminal Code, “sexual activity” must be interpreted broadly, encompassing different kinds of sexual activity. This term must not be confused with the more limited term “sexual intercourse”; Argentina, [Criminal Code](#), Article 131: criminalises contacting a child through electronic communications, telecommunications, or any other data transmission technology with the purpose of committing any offence against their sexual integrity (six months to four years of imprisonment); Costa Rica, [Criminal Code](#), Article 167 bis (“*Sedución o encuentros con persona menor de edad o incapaz por medios electrónicos*”), imposes a penalty of two to four years of imprisonment for establishing sexual or erotic communications with a child through electronic means. This penalty increases to three to five years if the perpetrator seeks to arrange an in-person meeting with the child.

(or both) and can be harmful to the child even if it never moves outside the online environment. Similarly, solicitation and grooming can occur solely in-person, although it is often facilitated by some form of information and communications technology, for example phone or text contact. This may particularly be the case where a child is introduced to a perpetrator by a peer and is then groomed and tricked into believing an abuser is their boyfriend/girlfriend—a form of sexual abuse that has been described as the “boyfriend model” of child sexual exploitation.<sup>302</sup> Thus, the act of soliciting a child to, for instance, provide sexual images of themselves is part of this practice. By consequence, the following elements appear necessary in the definition of the (online) solicitation of children for sexual purposes: 1) contacting a child; 2) (if online, through technology); 3) with the intent of luring or inciting the child; 4) to engage in any sexual activity by any means, whether online or in-person.

## H.4. Related terms

### H.4.i. Grooming of children for sexual purposes

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

In the context of child sexual exploitation and sexual abuse, “grooming” is the short name for the solicitation of children for sexual purposes. “Grooming/online grooming” refers to the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate sexual contact with that person.<sup>303</sup> Grooming is defined by major dictionaries as the act of “*prepar[ing] or train[ing] (someone) for a particular purpose or activity*”, and in the specific context of child sexual exploitation and sexual abuse as “*(of a paedophile) prepare (a child) for a meeting, especially via an Internet chat room, with the intention of committing a sexual offence*”<sup>304</sup> or “*the criminal activity of becoming friends with a child, especially over the internet, in order to try to persuade the child to have a sexual relationship*”.<sup>305</sup>

As with the solicitation of children for sexual purposes, there appears to be no linguistic or other logical reason why the definition of “grooming” should be limited to acts where a physical, in-person meeting has been attempted and/or occurred. Research has shown that grooming, which is a term that

<sup>302</sup> Jago, S., et al. (2011). *What's Going on to Safeguard Children and Young People from Sexual Exploitation? How Local Partnerships Respond to Child Sexual Exploitation*. Luton: University of Bedfordshire.

<sup>303</sup> See, for instance, European Online Grooming Project. (n.d.). [Home](#).

<sup>304</sup> See Oxford British and World English Dictionary.

<sup>305</sup> See Cambridge Advanced Learner's Dictionary & Thesaurus.

suggests a course of conduct evolving over a period of time while the offender subtly gains the trust of their victim, is not the most frequent form of online sexual exploitation of children today. *“While slow-time grooming of a single victim still occurs, there is evidence that the dynamics of this threat have changed considerably over the last few years. Today, the period of time between initial engagement with a child and an offending outcome is often extremely short”* and *“[o]ffenders focus on quickly gaining leverage over a victim rather than first establishing a trusting relationship.”*<sup>306</sup> For this reason, the term “child sexual exploitation online” has sometimes been preferred to cover not only specific practices such as grooming but also other, more direct and coercive, forms of solicitation of children for sexual purposes.<sup>307</sup>

#### H.4.ii. (Sexual) Enticement of children online

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

“Grooming” has sometimes also been defined as *“online enticement of children for sexual acts”*.<sup>308</sup> According to major dictionaries, “enticement” refers to something used to attract or tempt someone,<sup>309</sup> which indeed reflects a common way of proceeding of the person “grooming” a victim with the aim of sexually exploiting them. The term “online enticement” has also been used by, for instance, the United States’ Department of Justice, which defines the practice as follows: *“Child predators often use the internet to identify, and then coerce, their victims to engage in illegal sex acts. These criminals will lurk in chat rooms or on bulletin board websites that are popular with children and teenagers. They will gain the child’s confidence and trust, and will then direct the conversation to sexual topics. Sometimes they send the child sexually explicit images of themselves, or they may request that the child send them pornographic images of themselves. Often, the defendants plan a face-to-face for the purpose of engaging in sex acts.”*<sup>310</sup>

**Conclusion:** Enticement of children is sometimes used as a synonym of “solicitation of children for sexual purposes” or “grooming”.

<sup>306</sup> CEOP. (2013, June). [Threat Assessment of Child Sexual Exploitation and Abuse](#). 10.

<sup>307</sup> Ibid.

<sup>308</sup> UN Commission on Human Rights. (2004, December). [Report submitted by Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography](#). E/CN.4/2005/78. Paragraph 13.

<sup>309</sup> See Oxford British and World English Dictionary.

<sup>310</sup> US Department of Justice. (2010, August). [The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress](#). 3.

### H.4.iii. Sexual extortion of children

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child*

Sexual extortion is the blackmailing of a person with the help of sexualised images of that person in order to extort sexual acts or material, money, or other benefits from them under the threat of sharing the material without the consent of the depicted person (e.g. posting images on social media). Often, the influence and manipulation typical of perpetrators of grooming over longer periods of time (sometimes several months) turns into a rapid escalation of threats, intimidation, and coercion once the person has been persuaded to send the first sexual images of themselves.

Sexual extortion is considered a feature of online solicitation of both children and adults, and there has been an increase of the use of this type of blackmailing, including more extreme, violent, sadistic, and degrading demands by offenders.<sup>311</sup> When carried out against children, sexual extortion involves a process whereby children are coerced into continuing to produce sexual material and/or told to perform distressing acts under threat of exposure to others of the material that depicts them. In some instances, the abuse spirals so out of control that victims have attempted to self-harm or commit suicide as the only way of escaping it.<sup>312</sup> Sexual extortion can occur in different ways, such as financial extortion for instance by criminals who do not necessarily have a sexual interest in the person but use sexualised imagery as a leverage for blackmailing; in the context of a sexually abusive and exploitative relationship; or in the context of a romantic/sexual relationship (which then also turns abusive).

Children, in particular teenage boys, have also increasingly been exposed to what is often referred to as “financial sexual extortion”.<sup>313</sup> This practice is characterised by deceiving or manipulating the victim into sharing intimate or sexual images of themselves, and then to demand money in exchange for not disseminating the images to the victim’s circle of family and friends.

<sup>311</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 69.

<sup>312</sup> Combating Child Online Sexual Abuse, Virtual Global Taskforce. (2015, October). [Child Sexual Exploitation Environmental Scan 2015](#). 25; International Centre for Missing & Exploited Children. (2022, November). [Sexual Extortion of children: the never-ending story](#); Europol. (2017). [Online sexual coercion and extortion as a form of crime affecting children: Law enforcement perspective](#). 21.

<sup>313</sup> WeProtect Global Alliance. (2024, June). [Briefing Paper - A web of deceit: Financial sexual extortion of children and young people](#).

**Conclusion:** The recommended term is “sexual extortion of children”, which emphasises that this is a form of extortion that is sexual in nature and that the act is carried out against a child. The colloquial, often-used term “sextortion” should be avoided, as it does not show clearly that it is a matter of sexual exploitation against a child and risks trivialising a practice that can produce extremely serious consequences.

## SECTION I

# SEXUAL EXPLOITATION OF CHILDREN IN (THE CONTEXT OF) TRAVEL AND TOURISM

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## I.1. Definitions in legally binding instruments

- 2000: The OPSC refers to the term “child sex tourism” in its Preamble as well as in Article 10(1), where it is set forth that “*States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.*” Article 10(3) continues: “*States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.*”
- 2007: The Lanzarote Convention mentions the “travel and tourism sector” as an actor in the “*elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation*” (Article 9(2)).



- 2011: The EU Directive 2011/93 contains a provision on “measures against advertising abuse opportunities or child sex tourism” (Article 26). Recital 29 of the Directive defines this phenomenon as *“the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children”*. The text of the European Commission’s proposal from February 2024 to recast the Directive updates the terminology in Article 26, replacing “child sex tourism” with “sexual abuse and sexual exploitation of children in travel and tourism.” In the definition, the term is further refined to “sexual exploitation of children in travel and tourism,” while the rest of the definition remains unchanged.<sup>314</sup>
- 2019: The UN Tourism (previously known as UN World Tourism Organisation) Framework Convention on Tourism Ethics expressly recognises the problem of sexual exploitation of children in travel and tourism, and defined it as contrary to the essence and the objectives of tourism: *“The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism”*.<sup>315</sup>

## I.2. Non-binding instruments

- 1996: The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was created.<sup>316</sup>
- 2013: The Committee on the Rights of the Child’s General Comment No. 16 on State obligations regarding the impact of the business sector on children’s rights highlighted *“[f]or example, child sex tourism can be facilitated by travel agencies operating on the Internet as they enable the exchange of information and planning of sex tourism activities.”*
- 2016: The Global Study on the Sexual Exploitation of Children in Travel and Tourism uses the terminology of its title defining it as *“acts of sexual exploitation embedded in a context of travel, tourism, or both”*.<sup>317</sup>
- 2023: The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children presented to the HRC a *“Thematic study on the*

<sup>314</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>315</sup> UN World Tourism Organization. (2019, September). [Framework Convention on Tourism Ethics](#).

<sup>316</sup> See [www.thecode.org](http://www.thecode.org)

<sup>317</sup> ECPAT International, Defence for Children-ECPAT Netherlands. (2016, May). [Offenders on the Move: Sexual Exploitation of Children in Travel and Tourism](#).

*exploitation and sexual abuse of children in the context of travel and tourism*".<sup>318</sup>

- 2023: UNGA Resolution 78/187 on the Rights of the child strongly condemns *"all forms of violence, harassment and abuse against children in all settings, online and offline, [...] including sexual exploitation of children in the context of travel and tourism"*.<sup>319</sup>

### I.3. Terminology considerations

The term "sexual exploitation of children in (the context of) travel and tourism" refers to sexual exploitation of children that is embedded in a context of travel, tourism, or both. The offence can be committed by either foreign or domestic tourists and travellers and longer-term visitors. In the past, it has been defined as a practice involving *"people who travel from their own country to another and engage in commercial sex acts with children"*.<sup>320</sup> According to major dictionaries, "sex tourism" is the *"organisation of holidays with the purpose of taking advantage of the lack of restrictions imposed on sexual activity and prostitution by some foreign countries"*<sup>321</sup> and the *"act of travelling to another country for the purpose of paying to have sex, especially with children"*.<sup>322</sup> Nevertheless, it has been noted that child sexual exploitation also occurs in the context of domestic travel and tourism and is not restricted to the crossing of a national border.

In the outcome documents of the three World Congresses against Sexual Exploitation of Children, numerous references are made to the sexual exploitation of children in travel and tourism. Article 4(d) of the Stockholm Declaration and Agenda for Action mentions the tourism industry as an actor in the prevention and protection of children from sexual exploitation and refers to "sex tourism" and the need to "strengthen and implement laws" to tackle this problem.

The Yokohama Global Commitment points to the need for *"the comprehensive, systematic and sustained involvement of the private sector, such as [...] members of the travel and tourism industry [...], in enhancing child protection, including their adoption and implementation of corporate policies and codes of conduct to protect children from sexual exploitation"*.

<sup>318</sup> UNGA. (2023, July). [Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh. A/78/137.](#)

<sup>319</sup> UNGA. (2023, December). [Resolution 78/187 on the Rights of the child. A/RES/78/187.](#) Paragraph 49.

<sup>320</sup> US Department of State, Office to Monitor and Combat Trafficking in Persons. (2005, August). [The Facts About Child Sex Tourism.](#)

<sup>321</sup> Oxford British and World English Dictionary.

<sup>322</sup> Cambridge English Dictionary.

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents repeatedly refers to the sexual exploitation of children and adolescents in travel and tourism. The Declaration highlights global concern regarding the continuing high level of sexual exploitation of children and adolescents, including as a result of increased mobility in travel and tourism.

The term “sexual exploitation of children in (the context of) travel and tourism” is to be used as an alternative to the term “child sex tourism”. It focuses on the fact that the child is being sexually exploited, and that such exploitation occurs within a specific context. It covers the notion of “travel”, which implies the action of moving from one place to another for any purpose (but which does not always imply tourism) and the notion of “tourism”, which refers to the commercial organisation and operation of holidays and visits to places of interest (which can exclude certain forms of travel). Thus, while covering the traditional concept of tourism and the tourism industry, this term also captures business travel, cultural or other forms of exchanges, travelling workers, and longer-term transits outside one’s home region/country.

It is noteworthy that the travel and tourism sector has particular characteristics and stakeholders/duty-bearers, making it important to develop specific strategies to prevent and tackle child sexual exploitation committed within this context. Specific travel/tourism actors in the circuit of child sexual exploitation (such as hotels, travel agencies, tour operators, transportation companies, airlines, bars, and restaurants) become, knowingly or not, intermediaries in the commission of these offences, and can also play a role in their prevention. In particular, businesses within the travel and tourism sector should be guided by the UN Guiding Principles on Business and Human Rights and the Child Rights and Business Principles to respect and support the prevention of and response to child sexual exploitation, as well as by the UN Tourism Framework Convention on Tourism Ethics.

**Conclusion:** While other terms, such as “child sex tourism” (see [Sub-section I.4.i](#)), are sometimes used to refer to this phenomenon, the term “sexual exploitation of children in (the context of) travel and tourism” represents the most adequate manner of referring to this practice, and ought to be the preferred term in the field of child protection.

## I.4. Related terms

### I.4.i. Child sex tourism

● *The use of the term should be avoided.*

The term “child sex tourism” is broadly used,<sup>323</sup> but it has become increasingly debated. It was already under discussion prior to the Third World Congress of 2008, and in the outcome document of the Congress, the Rio Declaration, the term used was the abovementioned “sexual exploitation of children in travel and tourism”. It is noteworthy that in Latin America this term has prevailed over that of “child sex tourism” for over two decades.

Nevertheless, the term has been discouraged within the ECPAT network, as well as by the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children.

The reasons underlying the increasingly critical debates around the term “child sex tourism”, in particular by child protection professionals and law enforcement bodies, are that the term may inadvertently give the idea that this is a legitimate form of tourism, and may also associate the crime with the entire industry. Furthermore, by referring exclusively to tourism and tourists, it excludes many types of travelling offenders, such as business travellers and military personnel, and offenders in transit or residing out of their country more generally.<sup>324</sup> Lastly, the term completely omits the fact that it refers to serious criminal conduct that a large number of States have included in the scope of extraterritorial legislation. The potential “normalisation” of the practice through the use of the term “child sex tourism” risks being harmful to the child.

**Conclusion:** “Child sex tourism” is a term that could, for the abovementioned reasons, be harmful to the child. The alternative term “sexual exploitation of children in (the context of) travel and tourism” appears more appropriate; this explicitly mentions that the child is being exploited and adequately broadens the focus from the actions of offenders to a wider perspective on the settings in which the exploitation takes place.

<sup>323</sup> The term has previously been used by a number of actors and networks, including, for instance, the United States' Department of Justice in its [National Strategy for Child Exploitation Prevention and Interdiction](#), the Federal Bureau of Investigation, and the Council of Europe Parliamentary Assembly in a resolution entitled [Fighting “Child sex tourism”](#).

<sup>324</sup> See, for instance, ECPAT International, Defence for Children-ECPAT Netherlands. (2016, May). [Offenders on the Move: Sexual Exploitation of Children in Travel and Tourism](#).

## I.4.ii. Voluntourism

- *Special attention should be paid to how this term is used.*

The term “voluntourism” refers to an industry that merges volunteer work with tourism. This practice enables travellers to engage in volunteer work as part of their holidays. Voluntourism has become one of the fastest-growing segments of the alternative tourism market, attracting millions of participants globally.<sup>325</sup>

When it comes to voluntourism opportunities which include contact with children, voluntourism should be distinguished from professional volunteering, as the former usually refers to products offered through the travel market to volunteers who in general lack specific and relevant skills and qualifications.

Although travellers may have good intentions, voluntourism may negatively impact children, in some cases opening venues for perpetrators (both domestic and international) to sexually exploit children, in orphanages and other settings where children are present. While the concept of ‘voluntourism’ generally includes an element of international travel, similar risks to children also apply in the context of domestic and local travel and tourism, when unskilled persons are allowed to volunteer with and for children in an organisation or an orphanage (also when such activities may not be organised by a company).<sup>326</sup>

A known form of voluntourism is referred to as “orphanage tourism”, which includes any form of visiting or volunteering in residential care facilities for children, whether domestically or abroad, as part of a travel or tourism experience.<sup>327</sup>

**Conclusion:** Voluntourism is a term encompassing a variety of activities ranging from short to longer-term visits in the context of travel and tourism, whether international or domestic. When including contact with children, unregulated voluntourism by unskilled persons may negatively affect the wellbeing of children, with certain forms of voluntourism posing additional risks by providing avenues and spaces for perpetrators to sexually exploit and abuse children. The term should be used with caution and clearly distinguished from regulated and professional volunteering.

<sup>325</sup> Smith Rotabi, K., et al. (2017, April). *Altruistic Exploitation: Orphan Tourism and Global Social Work*. *The British Journal of Social Work*, vol. 47(3), 648-658.

<sup>326</sup> ECPAT International. (2022, January). *How voluntourism may facilitate the sexual exploitation of children*.

<sup>327</sup> Van Doore, K. E., and Nhep, R. (2023, November). *Orphanage tourism and orphanage volunteering: Implications for children*. *Frontiers in Sustainable Tourism*, vol. 2.

## SECTION J

# SALE OF CHILDREN

- *Special attention should be paid to how this term is used.*

## J.1. Definitions in legally binding instruments

- 1989: The CRC sets forth, in its Article 35, that “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form,” but does not provide a definition of these terms.
- 1999: The ILO Convention No. 182 refers to “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict” (Article 3) but does not define the terms “sale and trafficking of children”.<sup>328</sup>
- 2000: The OPSC defines “the sale of children” in its Article 2 as follows: “Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”. Moreover, article 3 contains a request to criminalise the following acts: “(a) In the context of sale of children as defined in article 2: (i) Offering, delivering or accepting, by whatever means, a child for the purpose of: a. Sexual exploitation of the child; b. Transfer of organs of the child for profit; c. Engagement

---

<sup>328</sup> As explained further down in these Guidelines, the ILO Convention No. 182 covers not only the prohibition of practices amounting to the worst forms of child labour but also immediate and effective measures for their elimination as a matter of urgency (Article 1). See [Section O](#) on “Worst forms of child labour”.

*of the child in forced labour; (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption”.*

## J.2. Non-binding instruments

- ✦ 1990: By adopting Resolution 1990/68, the UN Commission on Human Rights decided to appoint a Special Rapporteur on the sale of children, child prostitution, and child pornography. However, the Resolution does not define “sale of children”. In 2017 and further in 2023, the title of the mandate was amended through Resolutions by the HRC and now reads “Special Rapporteur on the sale, sexual exploitation and sexual abuse of children”.
- ✦ The many periodic and thematic reports by the different persons serving as Special Rapporteur on the sale, sexual exploitation and sexual abuse of children refer to the sale of children.

## J.3. Terminology considerations

The most detailed legal definition of “sale of children” can be found in the OPSC, which, as mentioned above, defines this notion as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. The first Special Rapporteur on the sale, sexual exploitation and sexual abuse of children identified, in a report in 1993, the following forms of sale of children: sale by adoption, sale for child labour exploitation, and sale of children’s organs. Under an additional category of “*other forms of sale*”, the Special Rapporteur included “*disappearances, abductions and kidnappings of children*”, as well as “*child soldiers*”.<sup>329</sup> A more recent Special Rapporteur included “*child marriage*” within the category of sale of children.<sup>330</sup>

A question that has arisen with regard to the sale of children is whether a child can be sold for a limited amount of time, and repeatedly. While one former Special Rapporteur excluded this possibility from the definition of

<sup>329</sup> ECOSOC. (1993, January). [Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1992/76. E/CN.4/1993/67.](#)

<sup>330</sup> HRC. (2013, December). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid. A/HRC/25/48. Paragraphs 26–27.](#)

“sale of children”,<sup>331</sup> more recent Special Rapporteurs appear to have included this possibility by, for instance, addressing the practice of temporary marriages.<sup>332</sup> Notably, these marriages were identified as “dangerous coping mechanisms” endured by girls in refugee camps, with parents forcibly marrying off their daughters to secure the family’s livelihood through dowries.<sup>333</sup> Because they involve remuneration, in the form of dowry being exchanged for the transfer of a child, such situations may amount to sale of children under the OPSC.

The similarity between the concepts of “sale of children” and “trafficking of children” has led to confusion between the two, and they are often used in conjunction and without any clear distinction, including in existing international treaties (see e.g. the CRC and ILO Convention No. 182). This confusion has led to disparate uses and interpretations of the terms and has become an issue with which major child protection agencies continuously grapple.

The confusion surrounding the term “sale of children” has also been observed at State level, as States Party to the OPSC, and thus obliged to report on its implementation at the national level, often report on the anti-trafficking legislation they have adopted also in the context of sale of children.<sup>334</sup>

Nevertheless, despite a certain irrefutable overlap, “sale of children” is not identical to “trafficking”, and a more in-depth analysis does allow some fundamental, albeit minor, distinctions to be made. Indeed, under international law “sale of children” requires *both* the transfer of a child from person to person and a transaction, consisting of some form of remuneration. As the next section will demonstrate, this is not necessarily the case for trafficking.

<sup>331</sup> ECOSOC. (1999, January). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos](#). E/CN.4/1999/71. Paragraph 33. The Special Rapporteur defined the sale of children as “*the transfer of parental authority over and/or physical custody of a child to another on a more or less permanent basis in exchange for financial or other reward or consideration [...] to exclude transactions that are strictly on a temporary basis, as when a child is ‘rented’ out, in order to obviate confusion as to whether the transaction constitutes sale or pimping, for example.*”

<sup>332</sup> See, for instance, HRC. (2012, December). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid](#). A/HRC/22/54. Paragraph 32. It should be noted that the report focused on the sexual exploitation of children in travel and tourism, in the context of which the Special Rapporteur mentioned temporary child marriages, and that it was not made clear whether the Special Rapporteur considered this a form of sale of children.

<sup>333</sup> HRC. (2017, July). [Joint report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children](#). A/72/164. Paragraph 40.

<sup>334</sup> The Special Rapporteur on the sale of children, child prostitution, and child pornography has also noted this confusion in, for instance, government briefings for her country visits.



The Committee on the Rights of the Child has emphasised that the sale of children always involves some form of commercial transaction, which trafficking does not require. On the other hand, unlike trafficking, the purpose of exploiting the child is not a required constitutive element for the sale of children, although the effect of the sale can still be exploitative.<sup>335</sup> An example of this is the sale of children for illegal adoption, whereby a child could be illegally sold to a couple wishing to adopt a baby and who has every intention to treat that child well and provide a good and caring living for them.<sup>336</sup> Lastly, despite the fact of involving a transfer from one person to another, “sale of children” can take place without physical moving the child out of their social environment.<sup>337</sup>

**Conclusion:** “Sale of children” is not necessarily related to sexual abuse and sexual or other forms of exploitation but can also occur, for instance, for purposes of illegal adoption, child marriage and labour. Sale of children is thus a broader concept, within which elements of sexual abuse or sexual or other forms of exploitation can (and often do) exist/occur. Lastly, it should also be noted that the term “illegal adoption” may also mean that an adoption was performed in violation of existing national laws, without this necessarily relating to the sale of a child.

<sup>335</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 15. However, it should be noted that while this is true in most relevant treaties, the purpose of sexual or labour exploitation is a required constitutive element of the sale of children under ILO Convention No. 182 on the Worst Forms of Child Labour, as it is a labour-focused instrument.

<sup>336</sup> It is noteworthy that illegal adoptions, namely adoption adoptions that are the result of crimes such as the abduction and sale of and the trafficking in children, violate multiple child rights norms and principles, including the best interests of the child. See HRC. (2016, December). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography](#). A/HRC/34/55. Paragraph 91.

<sup>337</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 46.

## SECTION K

# TRAFFICKING OF CHILDREN

- *Special attention should be paid to how this term is used.*

## K.1. Definitions in legally binding instruments

- 1989: Article 35 of the CRC sets forth that *“States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”*
- 1990: Article 29(a) of the ACRWC mandates that *“States Parties to the present Charter shall take appropriate measures to prevent: (a) the abduction, the sale of, or traffick of children for any purpose or in any form, by any person including parents or legal guardians of the child.”*
- 1999: ILO Convention No. 182, Article 3(a), refers to *“the sale and trafficking of children”* as a worst form of child labour.
- 2000: The OPSC refers to *“traffic in children”* in its Preamble, expressing concern regarding the *“significant and increasing international traffic for the purposes of sale of children, child prostitution, and child pornography”*.
- 2000: The Trafficking Protocol refers to *“trafficking in persons, particularly women and children”* and defines it as follows (Article 3.a): *“[t]he 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.” Article 3(c) further sets forth that “[t]he recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.”*

- 2005: Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings provides the following definition: *“Trafficking in human beings’ shall mean 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.”* Just like the abovementioned Trafficking Protocol, this Convention continues by specifically setting forth in Article 4(c) that *“[t]he recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means set forth in subparagraph (a) of this article.”*
- 2007: The Preamble to the Lanzarote Convention refers to “trafficking in children”.
- 2011: The EU Directive 2011/36 on Preventing and Combating Trafficking<sup>338</sup> sets forth in Article 2(1) that the following offences must be criminalised as trafficking of human beings: *“[t]he 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.”* Furthermore, Article 2(5) specifies that *“[w]hen 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.”* In June

<sup>338</sup> European Union. (2011, April). [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.](#)

2024, the European Parliament and Council amended the EU Directive 2011/36 by adopting the EU Directive 2024/1712, though the provisions outlined above remained unchanged.<sup>339</sup>

## K.2. Non-binding instruments

- 2004: The Commission on Human Rights adopted Decision 2004/110, by which it decided to appoint a Special Rapporteur on trafficking in persons, especially women and children, to focus on the human rights aspects of the victims of trafficking in persons.<sup>340</sup>
- 2006: The UNICEF Guidelines on the Protection of Child Victims of Trafficking reference the above-mentioned Trafficking Protocol to provide a definition of child trafficking.<sup>341</sup>
- The periodic and thematic reports by the Special Rapporteur on trafficking in persons, especially women and children, refer to trafficking. Some of the reports focus more specifically on the trafficking of children and its links to sexual exploitation.<sup>342</sup>
- 2015: The Inter-Agency Standing Committee's Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action refers to trafficking of persons exactly as it is defined by the Trafficking Protocol.<sup>343</sup>
- 2017: The Special Rapporteurs on the sale, sexual exploitation and sexual abuse of children and on trafficking in persons, especially women and children addressed the vulnerabilities of children to sale, trafficking, and other forms of exploitation in situations of conflict and humanitarian crisis in a joint report.<sup>344</sup>
- 2019: The Alliance for Child Protection in Humanitarian Action updated its Minimum Standards for Child Protection in Humanitarian Action, integrating the issue of trafficking into relevant standards and referencing the Trafficking Protocol.<sup>345</sup>

<sup>339</sup> European Union. (2024, June). [Directive \(EU\) 2024/1712 of the European parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#).

<sup>340</sup> UN Commission on Human Rights. (2004, April). [Decision 2004/110: Special Rapporteur on trafficking in persons, especially in women and children](#). E/CN.4/DEC/2004/110; and ECOSOC. (2004, June). [Decision 2004/228: Special Rapporteur on trafficking in persons, especially women and children](#).

<sup>341</sup> UNICEF. (2006, August). [Guidelines on the Protection of Child Victims of Trafficking](#). New York: UNICEF. 9.

<sup>342</sup> See, for instance, ECOSOC. (2006, February). [Integration of the human rights of women and a gender perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda](#). E/CN.4/2006/62. This document contains a study on the relationship between trafficking and the demand for commercial sexual exploitation.

<sup>343</sup> Inter-Agency Standing Committee. (2015, August). [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action](#). 323.

<sup>344</sup> HRC. (2017, July). [Joint report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children](#). A/72/164.

<sup>345</sup> Alliance for Child Protection in Humanitarian Action. (2019). [Minimum Standards for Child Protection in Humanitarian Action](#). Humanitarian Standards Partnership. Introduction, Annex 2.

- 2022: UNGA Resolution 77/194 on Trafficking in women and girls recognised that *“trafficking in persons disproportionately affects women and girls and that men and boys are also victims of trafficking in persons, including for sexual exploitation”*.<sup>346</sup>
- 2023: HRC Resolution 53/9 on Trafficking in persons, especially women and children, urged States to promote *“gender-responsive measures to combat and eliminate all forms of trafficking in women and children, including for sexual exploitation”*.<sup>347</sup>
- 2023: In a report to the HRC, the Special Rapporteur on trafficking in persons, especially women and children, noted that *“[d]isplaced and stateless women and girls are at a heightened risk of trafficking for the purpose of sexual exploitation, including as a consequence of the activities of organized criminal groups, which force people to cross borders in search of international protection”*.<sup>348</sup>

### K.3 Terminology considerations

Child trafficking is the recruitment and/or transport, transfer, harbouring, and receipt of a child by others with the intent of exploiting the child through various means, like prostitution, begging, child labour, etc. As shown in [Sub-section K.1](#) on legal definitions, a consistent feature of “trafficking” under international law is that its purpose is the exploitation of a human being (in this case the child). This feature also represents the main distinction between “trafficking” and the “sale” of children.

A former Special Rapporteur on trafficking in persons, especially women and children, has noted that trafficking as defined by the Trafficking Protocol contains four constitutive elements: *“act, means, end result, and victim status”*, and points out that *“[i]f the victim is a child, then the means element becomes irrelevant, and the question of whether trafficking has occurred will be determined solely by reference to the act and the end result elements.”*<sup>349</sup>

As noted by the UNICEF Implementation Handbook for the OPSC, *“[m]ost acts that meet the definition of sale also meet the definition of trafficking, but there are some situations of sale that are not trafficking and vice*

<sup>346</sup> UNGA. (2022, December). [Resolution 77/194 on Trafficking in women and girls](#). A/RES/77/194. 4.

<sup>347</sup> HRC. (2023, July). [Resolution 53/9 on Trafficking in persons, especially women and children](#). A/HRC/RES/53/9. 4.

<sup>348</sup> HRC. (2023, July). [Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally](#). A/HRC/53/28. Paragraph 7.

<sup>349</sup> ECOSOC. (2006, February). [Integration of the human rights of women and a gender perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda](#). E/CN.4/2006/62. Paragraphs 35-36.

*versa*.<sup>350</sup> The Handbook, which was published in 2009, also sets forth that the sale of a child becomes trafficking when an element of movement is involved: *“Moving a child out of his or her social environment is a key element of the concept of trafficking because this is thought to increase the vulnerability of the victim.”*<sup>351</sup> Importantly, such movement does not necessarily involve the crossing of a border, and an act can amount to trafficking even *“when it occurs in the victim’s own home village, town or city”*.<sup>352</sup>

However, as is clear from [Sub-section K.1](#) on legal definitions, the definition set forth by the EU Directive 2011/36, which remained unchanged by the EU Directive 2024/1712,<sup>353</sup> seems to move away from this requirement of movement as an inherent feature of trafficking, by adding to the previously adopted legal definitions that an *“exchange or transfer of control over those persons”* may suffice for an act to amount to trafficking. This resembles the definition of “sale” where the child must indeed be transferred from one group or person to another, but does not necessarily imply the physical movement of the child.

Just as the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children has stated, the UNICEF Handbook also explains that *“[i]n some cases, child trafficking and the sale of children overlap, and differences in the definition do not have any effect on the actual experience of a child and his or her exploitation. However, the distinction is important with regard to the prosecution of perpetrators, creating indicators for identification and determining the best interests of the child, including with regard to the child’s repatriation to his or her family. Finally, in order to more effectively address the trafficking and sale of children, it is important to identify the root causes and to pinpoint any gaps in child protection systems.”*<sup>354</sup>

Thus, the legal analysis of “sale” and “trafficking” shows two coherently upheld differences between these two acts. First, the “sale of children” always involves some form of commercial transaction, which trafficking in children does not require (e.g. trafficking of a child by means of deceit, force,

<sup>350</sup> UNICEF Innocenti Research Centre. (2009, February). [Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child pornography](#). Florence: UNICEF Innocenti Research Centre. 4.

<sup>351</sup> *Ibid.*, 9-11.

<sup>352</sup> ECOSOC. (2006, February). [Integration of the human rights of women and a gender perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda](#). E/CN.4/2006/62. Paragraph 44.

<sup>353</sup> European Union. (2024, June). [Directive \(EU\) 2024/1712 of the European parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#).

<sup>354</sup> UNICEF Innocenti Research Centre. (2009, February). [Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child pornography](#). Florence: UNICEF Innocenti Research Centre. 9-11.

or abduction). Second, trafficking always has the purpose of exploiting the child, whereas the “sale of children” must not necessarily lead to or be for the purpose of their exploitation (e.g. the sale of children for illegal adoption).<sup>355</sup>

Given the scope of the Terminology Guidelines, which is to address terminology related to the sexual exploitation and sexual abuse of children, specific attention is granted here to the trafficking of children for sexual purposes. This form of trafficking may require a distinct kind of response, in terms of both prevention and protection, from other kinds of trafficking.

Trafficking for sexual purposes, also called “sex trafficking”, is a particular form of trafficking in which “*the human rights of women and children are violated as women and children*”.<sup>356</sup> While children can be trafficked for a variety of reasons and purposes, one in five child victims is trafficked for sexual exploitation.<sup>357</sup>

It should also be noted that, just as with many other forms of child sexual exploitation and sexual abuse, trafficking of children for sexual purposes is increasingly facilitated by technology. Human trafficking organisations have become increasingly digital, with the Internet becoming an important enabler of criminal activities in this area.<sup>358</sup> Human traffickers are increasingly using social media and online platforms to recruit victims for sexual and labour exploitation, as well as other forms of servitude. Traffickers, using Internet platforms and social media channels, either actively “hunt” those who they deem as vulnerable to falling victim to trafficking, or passively “fish” for potential victims by posting advertisements and waiting for potential victims to respond.<sup>359</sup> In 2022, the Council of Europe published a study on “Online and technology-facilitated trafficking in human beings”, analysing this phenomenon, including how traffickers exploit technology to reach their aims.<sup>360</sup>

<sup>355</sup> See CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156. Paragraph 55. Paragraph 15. However, it should be noted that while this is true in most relevant treaties, the purpose of sexual or labour exploitation is a required constitutive element of the sale of children under ILO Convention No. 182 on the Worst Forms of Child Labour, as it is a labour-focused instrument.

<sup>356</sup> ECOSOC. (2006, February). [Integration of the human rights of women and a gender perspective: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda](#). E/CN.4/2006/62. Paragraph 63.

<sup>357</sup> Digidiki, V., et al. (2023). [From Evidence to Action: Twenty years of IOM child trafficking data to inform policy and programming](#). Boston: FXB Center for Health and Human Rights at Harvard University & Geneva: International Organization for Migration. 28.

<sup>358</sup> Europol, Newsroom. (2023, October). [Targeted: human traffickers luring victims online](#).

<sup>359</sup> UNODC. (n.d.) [Technology and Human Trafficking: Avoid the Trap!](#)

<sup>360</sup> Council of Europe, Group of Experts on Action against Trafficking in Human Beings. (2022, April). [Online and technology-facilitated trafficking in human beings](#).

In this context, attention should be paid to the terminology around technology-facilitated trafficking. Some organisations, particularly in the United States where “trafficking” has long been a popular term to refer to child sexual exploitation, increasingly speak of “online trafficking”, referring not to technology-facilitated trafficking but to when child sexual abuse material and sexualised imagery of children “move” (i.e. are shared) from one State to another. In order to avoid confusion, care should be taken in how these terms are used and defined.

**Conclusion:** Trafficking of children has a clear and consistent international legal definition. Trafficking can be committed for many different purposes, an important one of which is related to sexual exploitation. Moreover, children trafficked for other purposes, such as child labour, are often sexually abused even when this was not the initial purpose of their trafficking.

So-called “sex trafficking” is sometimes conflated with the term “sexual exploitation of children”.<sup>361</sup> While sexual exploitation of children can (and often does) amount to trafficking for sexual purposes, it must be recalled that adults can also be victims of trafficking, and that trafficking has, as mentioned above, four constitutive elements (three in the case of children). Moreover, although the sexual exploitation of children in prostitution is often related to trafficking, it is important to note that there are many other forms of child sexual exploitation that occur without the child having been trafficked.



*“The term ‘sold’ should not be used.  
Many trafficking victims/survivors are  
termed as ‘sold’.”*

*(Insight from a participant in the  
consultation with adult survivors in Nepal)*

<sup>361</sup> This is particularly the case in the US, where all children who are sexually exploited are addressed as victims of “sex trafficking”. See United States. (2000, October). [Victims of Trafficking and Violence Protection Act](#). Sections 103:3, 8 and 9.



## SECTION L

# CHILD/EARLY MARRIAGE

- *Special attention should be paid to how this term is used.*

## L.1. Definitions in legally binding instruments

- ✦ 1962: The UNGA Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages states that State Parties should take legislative action to specify a minimum age for marriage (Article 2).
- ✦ 1979: The UNGA Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) prohibits the “*betrothal and marriage of a child*” in Article 16(2).<sup>362</sup>
- ✦ 1989: The CRC does not specifically mention child marriage, but it does state in Article 24(3) that all appropriate measures should be taken to “*abolish traditional practices prejudicial to the health of children*” and references other positive children’s rights that are connected to child marriage, such as the right to freedom of expression and the right to protection from all forms of abuse.
- ✦ 1990: The ACRWC is the only human rights treaty that expressly requires State Parties to set the minimum age for both persons entering a marriage at 18 years (Article 21(2)).<sup>363</sup>

---

<sup>362</sup> “*The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*”

<sup>363</sup> ECOSOC. (2007, December). [Forced Marriage of the Girl Child: Report of the Secretary-General](#). E/CN.6/2008/4. Paragraph 3.

## L.2. Non-binding instruments

- 1948: The Universal Declaration of Human Rights sets forth in Article 16(2) that marriage shall be entered into only with the free and full consent of the intending spouses.
- 1965: UNGA Recommendation on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (Resolution 2018/20) sets the minimum age to at least 15 years of age.
- 1994: CEDAW General Recommendation No. 21 on Equality in Marriage and Family Relations states that *“notwithstanding”* the CRC’s definition of child, *“the Committee considers that the minimum age for marriage should be 18 years for both man and woman”* (Paragraph 36).
- 2003: General Comment No. 4 by the Committee on the Rights of the Child on *“adolescent health and development in the context of the CRC”* mentions *“early marriage”* and states that *“[t]he Committee strongly recommends that States parties review and, when necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years for both girls and boys”* (Paragraph 16).
- 2005: Council of Europe Resolution 1468 on forced marriages and child marriages defines child marriage as *“the union of two persons at least one of whom is under 18 years of age”* (Paragraph 7).
- 2011: UNGA Resolution 66/140 on the Girl Child refers to both child marriage and early marriage, but also includes child marriage in the notion of early marriage (pp. 3 and 4).
- 2013: Several UNGA and HRC resolutions referred to the terms *“child, early, and forced marriage”*.<sup>364</sup>
- 2014: An HRC report on *“Preventing and Eliminating Child, Early and Forced Marriage”* defines child marriage as *“a marriage in which at least one of the parties is a child”*, while early marriage is *“often used interchangeably with ‘child marriage’ and refers to marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage. Early marriage can also refer to marriages where both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options”*.<sup>365</sup>

<sup>364</sup> UNGA Resolution 68/146 on the Girl Child; UNGA Resolution 68/148 on Child, Early, and Forced Marriage; HRC Resolution 24/23 on Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps.

<sup>365</sup> OHCHR. (2014, April). [Preventing and Eliminating Child, Early and Forced Marriage](#). A/HRC/26/22.

- 2014: The African Union appointed a Special Rapporteur on child marriage.<sup>366</sup>
- 2015: The HRC adopted a resolution on “strengthening efforts to prevent and eliminate child, early and forced marriage”.<sup>367</sup>
- 2017: The European Parliament adopted Resolution 2017/2663(RSP) on ending child marriage.<sup>368</sup>
- 2017: The African Committee of Experts on the Rights and Welfare of the Child established and appointed a Special Rapporteur on Child Marriage and Other Harmful Practices.<sup>369</sup>
- 2017: The African Committee of Experts on the Rights and Welfare of the Child and the African Commission on Human and Peoples’ Rights adopted a Joint General Comment on Ending Child Marriage. This document outlines State obligations, emphasising legislative, institutional, and other necessary measures to address and prevent child marriage.<sup>370</sup>
- 2018: The Parliamentary Assembly of the Council of Europe adopted Resolution 2033 on Forced marriage in Europe, in which it called on Member States to “*prohibit, without exception, child marriage and abolish differences between girls and boys in terms of the minimum age for marriage*”.<sup>371</sup>
- 2019: A (revised) joint General Comment by the Committee on the Rights of the Child and the CEDAW Committee on harmful practices includes a definition of child marriage, and states that “[c]hild marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age.” The joint General Comment continues: “A child marriage is considered to be a form of forced marriage, given that one or both parties have not expressed full, free and informed consent.”<sup>372</sup>
- 2023: The HRC adopted Resolution 53/23 on Child, early and forced marriage: ending and preventing forced marriage.<sup>373</sup>

<sup>366</sup> African Union, Social Affairs. (2014, October). [Appointment of the Special Rapporteur on Child Marriage](#).

<sup>367</sup> HRC. (2015, July). [Resolution 29/8 on Strengthening efforts to prevent and eliminate child, early and forced marriage](#). A/HRC/RES/29/8.

<sup>368</sup> European Parliament. (2017, October). [European Parliament resolution of 4 October 2017 on ending child marriage \(2017/2663\(RSP\)\)](#).

<sup>369</sup> African Committee of Experts on the Rights and Welfare of the Child. (2017, December). [Resolution on the appointment of a Special Rapporteur on Child Marriage and Other Harmful Practices in Africa](#).

<sup>370</sup> African Committee of Experts on the Rights and Welfare of the Child, African Commission on Human and Peoples’ Rights. (2017). [Joint general comment on ending child marriage](#).

<sup>371</sup> Council of Europe, Parliamentary Assembly. (2018, June). [Resolution 2233 \(2018\) on Forced marriage in Europe](#).

<sup>372</sup> CEDAW and CRC Committees. (2014, November). [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31-CRC/C/GC/18. The joint general recommendation/general comment on harmful practices was initially adopted in 2014. It was subsequently revised by the Committee on the Elimination of Discrimination against Women at its seventy-second session and by the Committee on the Rights of the Child at its eightieth session.

<sup>373</sup> HRC. (2023, July). [Resolution 53/23 on Child, early and forced marriage: ending and preventing forced marriage](#). A/HRC/RES/53/23.

- ✦ 2023: UNGA Resolution 78/188 on the Girl child emphasises that “*child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of discrimination and violence*”. It further urges all States to “*enact, uphold and strictly enforce laws and policies aimed at preventing and ending child, early and forced marriage and protecting those at risk*”.<sup>374</sup>

### L.3. Terminology considerations

“Child marriage” and “early marriage” are not terms found in international legal instruments, but they are frequently used in “soft law”<sup>375</sup> language, where the two terms are often used interchangeably or in conjunction with one another.

Child marriage is a marriage or union in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent. Because of the lack of a universal legal definition of “child marriage” establishing an age limit, and the divergent national legal definitions of what is a child, persons under the age of 18 years but who have attained majority under the national law applicable to them still risk falling outside the scope of this term. Moreover, in many countries around the world, children aged 16 and 17 years, and sometimes even younger, who wish to get married can do so with their parents’ consent or permission of the authorities.<sup>376</sup> General Comment No. 4 of the Committee on the Rights of the Child on adolescent health and development urges countries to set the minimum age for marriage for both men and women (with or without parental consent) to 18 years.<sup>377</sup> In 2014, the Committee on the Rights of the Child defined child marriage as any marriage where at least one of the parties is under 18 years of age.<sup>378</sup>

International child protection organisations tend to use the term child marriage in similar ways. UNICEF, for instance, has defined ‘child marriage’ as “both formal marriages and informal unions in which a girl or boy lives with a partner as if married before the age of 18”, thus also recognising the

<sup>374</sup> UNGA. (2023, December). [Resolution 78/188 on The girl child](#). A/RES/78/188. 6, 10.

<sup>375</sup> Soft law refers to rules that are not strictly binding in nature but that can still have a certain legal significance, such as (in the context of international law) resolutions, guidelines, policy declarations, or codes of conduct.

<sup>376</sup> For a list of the countries that allow child marriage, see Girls not Brides. (n.d.). [Child marriage atlas](#).

<sup>377</sup> CRC Committee. (2003, July). [General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child](#). CRC/GC/2003/4. Paragraph 20.

<sup>378</sup> CEDAW and CRC Committees. (2014, November). [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 9.

importance of including non-formal marriages or unions in this notion.<sup>379</sup> Save the Children has referred to “a formal or informal union where one or both parties are under the age of 18”.<sup>380</sup>

It is important not to omit reference to informal marriages or “unions” when addressing child and early marriage. Informal marriages or unions are common in Latin America<sup>381</sup> and increasingly elsewhere. These are equivalent to formal marriages but lack legal recognition, complicating data collection and accountability. Various terms describe these unions, including consensual or self-initiated union, early union, and cohabitation.<sup>382</sup>

The term “early marriage” has been defined in a similar manner. Although the term “early” does not necessarily refer to someone aged less than 18 years old,<sup>383</sup> it is frequently found in that context. The term can also be found in UN documents in the phrase “early marriage, including child marriage”,<sup>384</sup> implying that early marriage encompasses child marriage but also includes situations that do not qualify as child marriage, such as marriages in which one or both spouses are below the age of 18 but have attained majority under state laws.<sup>385</sup> As set forth by a report by the HRC addressing these issues, although early marriage is often used interchangeably with child marriage “*[i]t refers to marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage. Early marriage can also refer to marriages where both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options.*”<sup>386</sup>

Following this reasoning, early marriage could be seen as a broader term than child marriage, since this notion also includes other factors than the age element (e.g. physical, emotional, sexual, or psychosocial development factors) as potentially making a marriage inappropriate and considered too early to be permitted.

<sup>379</sup> See, for instance, UNICEF. (2023, June). [Child marriage](#).

<sup>380</sup> Save the Children. (2021). [Preventing and Responding to Child, Early, Forced Marriage and Unions: Technical Guidance 2021](#).

<sup>381</sup> Working Group of the Joint Interagency Programme to End Child Marriage and Early Unions in Latin America and Caribbean. (2022). [Child, early and forced marriage and unions: Harmful practices that deepen gender inequality in Latin America and the Caribbean](#). Santiago: United Nations.

<sup>382</sup> PLAN International. (2020, October). [Child, early and forced marriage and unions](#). Policy brief.

<sup>383</sup> According to the Oxford Advanced Learner’s Dictionary, early means “arriving, or done before the usual, expected or planned time”.

<sup>384</sup> See, for instance, UNGA. (2011, December). [Resolution 66/140 on The girl child](#). A/RES/66/140.

<sup>385</sup> Sexual Rights Initiative. (2013, August). [Analysis of the Language of Child, Early, and Forced Marriages](#). 2.

<sup>386</sup> OHCHR. (2014, April). [Preventing and Eliminating Child, Early and Forced Marriage](#). A/HRC/26/22. Paragraph 5. See also: PLAN International. (2020, October). [Child, early and forced marriage and unions](#). Policy brief.

It has also been underscored how the term “early” highlights how these unions disrupt education, entry into the labour market, and overall development of children, causing long-term adverse effects.<sup>387</sup>

Occasionally, the term “underage marriage” has been used to define marriages involving at least one person who has not attained the age of majority.<sup>388</sup> Children who are (to be) married are often referred to as “child brides”.<sup>389</sup>

It has been observed that families sometimes marry off their children (in particular their daughters) with the aim of protecting them or granting their security.<sup>390</sup> This may particularly be the case in contexts of humanitarian crisis and armed conflict.<sup>391</sup> However, although the purpose of the marriage may indeed be to protect the child, and not to make any gain or cause any harm, the reality is more complex and the risk that the marriage will result in harm to the child is extremely high. Often the child is married very young, and in many cases obliged to marry a person who is decades older.<sup>392</sup> Sexual abuse may thus occur in the act of consummating the marriage. Moreover, it has been observed that international indicators on maternal health, education, food security, poverty eradication, HIV/AIDS, and gender equality are all negatively linked to high child marriage rates.<sup>393</sup>

**Conclusion:** The terms “child marriage” and “early marriage” are often used interchangeably. Nevertheless, the latter can take on a somewhat broader definition, since it can also include persons having attained the age of 18 years but who, for other reasons, may be unable to give their free, full, and informed consent to marry. Both terms should be used with care bearing in mind the abovementioned nuances (for more details, see also [Sub-section L.4.i](#) on “Forced marriage”).

<sup>387</sup> Working Group of the Joint Interagency Programme to End Child Marriage and Early Unions in Latin America and Caribbean. (2022). [Child, early and forced marriage and unions: Harmful practices that deepen gender inequality in Latin America and the Caribbean](#). Santiago: United Nations.

<sup>388</sup> See, for instance, Voice of America. (2015, November). [Underage Marriage Higher for Females than Males in Pakistan](#).

<sup>389</sup> See, for instance, [Girls Not Brides](#), a global partnership of more than 550 civil society organisations from over 70 countries committed to ending child marriage.

<sup>390</sup> CARE International. (2015, May). [“To Protect Her Honour”: Child Marriage in Emergencies – the Fatal Confusion between Protecting Girls and Sexual Violence](#). *Gender and Protection in Humanitarian Contexts: Critical Issues Series*, No. 1.

<sup>391</sup> See, for instance, Mazurana, D., Marshak, A., and Spears, K. (2019). [Child marriage in armed conflict](#). *International Review of the Red Cross*, vol. 101(911), 575-601. 590. “A consistent finding in studies of conflict-affected families and child marriage is that many families who marry off their young girls are doing so in an effort to protect them from real or perceived threats of increased sexual violence because of the conflict.” See also [Girls Not Brides](#). (2024, October). [Child Marriage in Conflict- and Crisis-Affected Settings: Evidence and Practice](#). 7. “Adolescent girls are at increased risk of child marriage across different forms of crisis, including conflict, climate emergencies, displacement, pandemics and acute economic and food insecurity. Where these forms of crisis overlap, or where girls face multiple intersecting forms of marginalisation – for example, refugee girls with a disability – risks of child marriage increase further, and girls are less likely to access support once married.”

<sup>392</sup> CEDAW and CRC Committees. (2014, November). [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 21.

<sup>393</sup> See [Girls Not Brides](#). (n.d.) [About child marriage](#).

## L.4. Related terms

### L.4.i. Forced marriage

- *Special attention should be paid to how this term is used.*

The term “forced marriage” is often used interchangeably or in conjunction with the terms “child marriage” and “early marriage”, addressed in the subsection above.

#### L.4.i.a. Legal definitions

- 2011: Article 37 of the Istanbul Convention sets forth that the *“intentional conduct of forcing an adult or a child to enter into a marriage [must be] criminalised”*.<sup>394</sup>

#### L.4.i.b. Non-binding instruments

- 1948: The abovementioned Universal Declaration of Human Rights, Article 16.b., declares that *“marriage shall be entered into only by the free and full consent of the intending spouses”*.
- 2005: The Council of Europe Parliamentary Assembly, in its Resolution 1468 on forced marriages and child marriages, defines “forced marriage” as the union of two persons, at least one of whom has not given their full and free consent to the marriage (Paragraph 4).
- 2014: The abovementioned Report of the Office of the UN High Commissioner for Human Rights on preventing and eliminating child, early, and forced marriage defines forced marriage as *“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”* (paragraph 6).
- 2014: The abovementioned Joint General Comment No. 31 by the CEDAW Committee and the Committee on the Rights of the Child on harmful practices defines forced marriages as *“marriages where one or both parties have not personally expressed their full and free consent to the union”* (Paragraph 23).

<sup>394</sup> Council of Europe. (2011, October). *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*. Paragraph 195-197.

#### L.4.i.c. Terminology considerations

A forced marriage is a marriage or union to which one or both of the spouses did not give their free or full consent or is/are not able to owing to lack of maturity and/or capacity. As set forth in the *Semantics or Substance* publication from 2005, there is a distinction to be made between child marriage and forced marriage, based on the following: “A *distinction should be made [...] between the two concepts so that there is room on the one hand to highlight the concerns particular to the marriage of young people aged under 18 while also stressing, on the other hand, the various forms and degrees of force that may be used to arrange the marriage of both children and adults.*”<sup>395</sup>

Child marriage and early marriage are sometimes seen as forced marriages because it is considered that children cannot give their full, free, and informed consent to marry.<sup>396</sup> Nevertheless, as illustrated in the previous subsection, there are nuances to this definition and child marriage can, under very specific circumstances, also exist without force. It must also be recalled that the practice of forced marriage exists for both children and adults.

It has been noted how the term “forced” in this context underscores the unequal power dynamics between genders that drive child, early and forced marriages, often influenced by poverty, violence, domestic responsibilities, and limited educational opportunities.<sup>397</sup>

In July 2015, the HRC adopted a resolution recognising that “[c]hild, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence.”<sup>398</sup> In September 2015, the 193 Member States of the UN committed to the eradication of this practice by 2030, by adopting the Sustainable Development Goals.<sup>399</sup>

It is crucial to ensure that the discourse around child, early and forced marriages does not oversimplify the issue by solely focusing on age, neglecting other critical factors such as poverty, gender inequality, and other

<sup>395</sup> NGO Group for the Convention on the Rights of the Child, Subgroup Against the Sexual Exploitation of Children. (2005, January). *Semantics or Substance? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children*.70.

<sup>396</sup> CEDAW and CRC Committees. (2014, November). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices*. CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 20.

<sup>397</sup> Working Group of the Joint Interagency Programme to End Child Marriage and Early Unions in Latin America and Caribbean. (2022). *Child, early and forced marriage and unions: Harmful practices that deepen gender inequality in Latin America and the Caribbean*. Santiago: United Nations.

<sup>398</sup> HRC. (2015, July). *Resolution 29/8 on Strengthening efforts to prevent and eliminate child, early and forced marriage*. A/HRC/RES/29/8. Paragraph 1.

<sup>399</sup> UNGA. (2015, September). *Transforming our World: 2030 Agenda for Sustainable Development*. A/RES/70/1. Goal 5.3 reads “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.”



societal factors, including expectations around female sexuality.<sup>400</sup> Child, early, and forced marriage can be a *channel to* and a *form* of child sexual exploitation and sexual abuse.<sup>401</sup> This can be the case when the child is, for instance, used for sexual purposes in exchange for goods or payment in cash or in kind. Often, in such cases, parents or a family member marry off a child to gain benefit or to support the household, as with a dowry system. Dowry is understood as covering both the sum paid by the future spouse to the family of the bride (so called “bride price”) and the sum paid by the bride’s family to the future spouse’s family. In some countries, a child who is a victim of rape can be forced to marry the perpetrator in order to save the latter from prosecution.<sup>402</sup> Such a marriage could be seen to legitimise further sexual abuse. Child marriage can also intersect with the concept of child trafficking when children are recruited, harboured, transported, transferred, or received with the intent to exploit them in slave-like conditions, such as servile marriage or domestic and sexual slavery. In such circumstances, child marriage can become a mere camouflage for trafficking of children for sexual purposes. Furthermore, child marriage can constitute a form of sale of children, such as where young girls are given as wives to men in exchange for money,<sup>403</sup> for instance as a means to settle family debts or provide economic security to families. The requirement to provide a dowry for younger girls can serve as an incentive for parents to arrange to marry their daughters at an early age.<sup>404</sup>

**Conclusion:** Child, early, and forced marriage are closely related and overlapping practices, which have been defined as a form of harmful practices<sup>405</sup> as well as a form of slavery.<sup>406</sup> The three terms can be used separately or in conjunction, paying attention to the fact that they can have slightly different meanings. While child marriage involves at least one person who is under the age of 18, early marriage can also refer to persons having attained the age of 18 but for whom the marriage can be considered early because of other factors. Forced marriage can refer to child and early marriage, but it also affects adults.

<sup>400</sup> Das, M., et al. (2022). *Singularity and Diversity in Child, Early, and Forced Marriage and Unions*. *Journal of Adolescent Health*, vol. 70(3), supplement, S1-S4.

<sup>401</sup> ECPAT International. (2020, November). *Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children*. Bangkok: ECPAT International.

<sup>402</sup> CEDAW and CRC Committees. (2014, November). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices*. CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 23.

<sup>403</sup> UNGA. (2010, August). *Report of the Special Rapporteur of the Secretary General on the Sale of Children, Child Prostitution and Child Pornography*. A/65/221. Paragraph 22.

<sup>404</sup> HRC. (2013, December). *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid*. A/HRC/25/28. Paragraph 26.

<sup>405</sup> CEDAW and CRC Committees. (2014, November). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices*. CEDAW/C/GC/31-CRC/C/GC/18.

<sup>406</sup> See Anti-Slavery International. (n.d.). *What is child marriage?* “Child marriage can be referred to as slavery, if the following three elements are present: If the child has not genuinely given their free and informed consent to enter the marriage; If the child is subjected to control and a sense of ‘ownership’ in the marriage itself, particularly through abuse and threats, and is exploited by being forced to undertake domestic chores within the marital home or labour outside it, and/or engage in non-consensual sexual relations; If the child cannot realistically leave or end the marriage, leading potentially to a lifetime of slavery”.

## L.4.ii. Teenage marriage

- *Special attention should be paid to how this term is used.*

“Teenage marriage” is an often-used term to differentiate the marriage between younger children and that of teenagers (13–19 years old). In the media it is sometimes also referred to as “teen marriage”. “Teenage marriage” is not a term that has been defined in international legal instruments.

**Conclusion:** Since it can include persons who have attained the age of majority (persons up to 19 years of age) this term cannot be considered a synonym for child marriage. If it is used, it should be borne in mind that the term could contribute to the confusion surrounding the definition of child marriage unless there is clear explanation as to what it is intended to cover.

## L.4.iii. Temporary marriage

- *Special attention should be paid to how this term is used.*

The term “temporary marriage” refers to short-term contract marriages that often serve as an excuse to cover up or condone sexual exploitation or abuse.<sup>407</sup> Examples of such temporary and transactional practices are different forms of *muta’a*, such as *nikah al-muta’a* (short-term marriage), *zawaj al-muta’a* (pleasure marriage), *zawaj al-safka* (a contract marriage based on benefits and interests), and *zawaj al-misyar* (traveller’s marriage or summer marriage).<sup>408</sup>

Temporary marriages have been identified as a serious problem for girls, and it has been noted that in some cases “[f]amilies will agree to the temporary ‘marriage’ of their daughter in exchange for financial gains, also referred to as a contractual marriage, which is a form of trafficking in human beings.”<sup>409</sup>

**Conclusion:** Temporary marriage should not be seen as a form of marriage and the term “marriage” in this context appears inappropriate. The recommended term to use in this context is the sexual exploitation of children.

<sup>407</sup> ECPAT International. (2020, November). [Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children](#). Bangkok: ECPAT International. 7.

<sup>408</sup> For more information on Islamic temporary marriages, see, for instance, Badran, S., Turnbull, B. (2019, January). [Contemporary Temporary Marriage: A Blog-analysis of First-hand Experiences](#). *Journal of International Women’s Studies*, vol. 20(2), 241-256; Helandri, J., Achmad, G., Supriadi, S. (2023). [Mut’ah Marriage in Islamic Perspective](#). *Indonesian Journal for Islamic Studies*, vol. 1(1), 38-47.

<sup>409</sup> CEDAW and CRC Committees. (2014, November). [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 24.

## SECTION M

# HARMFUL PRACTICES

- *Special attention should be paid to how this term is used.*

## M.1. Definitions in legally binding instruments

- 1989: CRC Article 24(3) states that parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
- 1990: ACRWC Article 21 sets forth that all State Parties shall take the measure to eliminate harmful social and cultural practices.
- 2000: The OPSC states in its Preamble that traditional harmful practices represent a contributing factor to the sale of children, child prostitution, and child pornography.
- 2005: The Istanbul Convention sets forth in Article 42(1) that State Parties shall *“take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts”*.

## M.2. Non-binding instruments

- 1992: CEDAW General Recommendation No. 19 sets forth that *“[i]n some States there are traditional practices perpetuated by culture and tradition that are harmful to the health of women and children.”*<sup>410</sup>

---

<sup>410</sup> CEDAW Committee. (1992). [General Recommendation No. 19: Violence against Women](#). Contained in Document A/47/38. Paragraph 20.

- 2014: The CEDAW Committee and the Committee on the Rights of the Child adopted Joint General Comment No. 31 on harmful practices.
- 2023: UNGA Resolution 78/188 on The girl child recognises that “*girls living in poverty, including those living in rural and remote areas, are more likely to experience harmful practices, such as child, early and forced marriage and female genital mutilation*”. It further urges all States to enact and enforce legislation to protect girls from “*all forms of violence, discrimination, exploitation and harmful practices in all settings*”.<sup>411</sup>
- 2023: UNGA Resolution 78/187 on the Rights of the child strongly condemns “*all forms of violence, harassment and abuse against children in all settings, online and offline, [...] including harmful practices [such as] female genital mutilation and child, early and forced marriage*”.<sup>412</sup>
- 2023: The African Committee of Experts on the Rights and Welfare of the Child and the African Commission on Human and Peoples’ Rights adopted a Joint General Comment on Female Genital Mutilation. This document reiterates the duty of States to eliminate this harmful cultural practice that affects ‘the welfare, dignity, normal growth and development of the child’.<sup>413</sup>

### M.3. Terminology considerations

International law clearly prohibits all forms of harmful practices and, as shown in [Sub-section M.1](#) on legal definitions, States are obliged to undertake measures to eliminate such practices. Harmful practices are often linked to child and early marriage,<sup>414</sup> but also include other practices that are seen as harmful to the child, such as corporal punishment and female genital mutilation/cutting. At the national level, there are sometimes attempts to justify these practices based on the principle of the “best interests of the child” or on a historic or cultural reasoning. Nevertheless, both the Committee on the Rights of the Child and the CEDAW Committee have firmly rejected such justifications, as has the Istanbul Convention.

Indeed, while such practices are often referred to as religious, traditional, or cultural, it is of little importance where they come from and of greater importance how they affect the child. Therefore, the present Guidelines simply refer to “harmful practices”.

<sup>411</sup> UNGA. (2023, December). [Resolution 78/188 on The girl child](#). A/RES/78/188. 2, 11.

<sup>412</sup> UNGA. (2023, December). [Resolution 78/187 on the Rights of the child](#). A/RES/78/187. Paragraph 49.

<sup>413</sup> African Committee of Experts on the Rights and Welfare of the Child, African Commission on Human and Peoples’ Rights. (2023, June). [Joint general comment on female genital mutilation](#).

<sup>414</sup> CEDAW and CRC Committees. (2014, November). [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC/31-CRC/C/GC/18. Paragraph 7 refers to child, early, and forced marriage as one of the “most prevalent and well documented” forms of harmful practices. Others are female genital mutilation, polygamy, crimes committed in the name of so-called honour, and dowry-related violence.

The term “harmful practices” may not always amount to sexual exploitation and sexual abuse of children, but there are a number of practices harmful to the child that do, or that contribute to increasing the vulnerability of the child to sexual exploitation and sexual abuse. One clear example is child, early, and forced marriage, addressed in detail in the previous section of these Guidelines.

Female genital mutilation can also have a severe impact on girls’ sexuality and sexual identity and is generally associated with traditions or customs based on controlling a woman’s sexuality.<sup>415</sup> It refers to all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons (usually to suppress female sexuality). It is performed in line with tradition and social/religious norms and considered under international treaties as a practice harmful to children who are subjected to it.<sup>416</sup> It represents a form of gender-based discrimination<sup>417</sup> and can be experienced as a form of sexual abuse.<sup>418</sup> Other examples of harmful practices that relate to children’s and young women’s sexuality are:

Breast ironing – this is a practice often performed by a mother, in which the breasts of pubescent girls are pounded using tools such as spatulas, grinding stones, hot stones, and hammers as a means of delaying their development and, arguably, protecting them from rape and other types of unwanted male attention.<sup>419</sup>

Virginity tests – this term refers to the examination of the female genitals as a way to determine sexual chastity.<sup>420</sup>

Adult initiation rites – this is a practice to mark the move from childhood to adulthood and demonstrate a change in the child’s social status. These traditions include harmful, degrading, and humiliating practices such as forced public nudity, beatings, hazing,<sup>421</sup> and rape.

<sup>415</sup> The Advocates for Human Rights, Stop Violence against Women. (n.d.). [Female Genital Mutilation: Definition & Prevalence](#).

<sup>416</sup> Council of Europe. (2014, May). [Convention on Preventing and Combating Violence against Women and Domestic Violence](#). Article 38 requires the criminalisation of female genital mutilation.

<sup>417</sup> UNICEF. (n.d.). [What is female genital mutilation?](#)

<sup>418</sup> Sometimes, these practices are not considered sexual abuse because they are not carried out for sexual gratification. Nevertheless, the victim may experience them as such.

<sup>419</sup> See, for instance, UN Women, Virtual Knowledge Centre to End Violence against Women and Girls. (2011, January). [Breast ironing](#).

<sup>420</sup> Virginity testing is defined as a harmful practice in CRC Committee [General Comment No. 13](#), Paragraph 29.

<sup>421</sup> Hazing is a form of initiation ritual, and a practice often occurring in the sports/military environments. It refers to a harmful or dangerous activity expected of a person to join or enter a group. See, for example, David, P. (2004, December). [Human Rights in Youth Sport: A Critical Review of Children’s Rights in Competitive Sport](#). Routledge. 71-73.

Forced abortion/sterilisation – This term refers to the acts of performing an abortion on a pregnant girl or woman without her prior and informed consent and to performing surgery that has the purpose or effect of terminating a woman’s capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.<sup>422</sup>

Although these practices are not necessarily considered sexual abuse, they represent, without any doubt, a violation of the human rights of the child to respect for and protection of their physical (and sexual) integrity.

The adjectives “traditional”, “cultural”, and “religious” are often used to refer to harmful practices of a specific origin, whether belonging to religious rituals or culture and/or tradition.<sup>423</sup> In accordance with theories of cultural relativism, it has sometimes been argued that certain practices can be justified if they are anchored in strong and long-lasting traditions.<sup>424</sup> Nevertheless, it is increasingly held that children’s right to protection from physical and psychological harm is a universal right, and that practices involving such harm of a child cannot be justified using arguments based on cultural relativism theories.

**Conclusion:** In the context of sexual exploitation or abuse of children, it is more appropriate to use the term “harmful practices” instead of “traditional harmful practices”, since it refers to the more neutral principle of harm and avoids cultural and other relative or more subjective factors. Harmful practices are harmful irrespective of their alleged origin or attempted justification.

Not all harmful practices constitute sexual exploitation or sexual abuse. Nevertheless, it should be recalled that the above-mentioned forms of harmful practices can seriously affect the sexuality of the victim, and the victim may experience them as a form of sexual abuse.

<sup>422</sup> Council of Europe. (2014, May). [Convention on Preventing and Combating Violence against Women and Domestic Violence](#). Article 39 requires the criminalisation of forced abortion and sterilisation.

<sup>423</sup> The 2015 IASC [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action](#), in quoting the 2006 UN Secretary General’s Report on the Rights of the Child, refer to harmful traditional practices as “[c]ultural, social and religious customs and traditions that can be harmful to a person’s mental or physical health. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices include female genital mutilation (FGM); forced feeding of women; child marriage; the various taboos or practices that prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; and dowry price. Other harmful traditional practices affecting children include binding, scarring, burning, branding, violent initiation rites, fattening, forced marriage, so-called honour crimes and dowry-related violence, exorcism or ‘witchcraft’” (p. 322).

<sup>424</sup> See, for instance, Human Rights Watch. (n.d.). [The Trouble with Tradition: When “Values” Trample over Rights](#).

## SECTION N

# CONTEMPORARY FORMS OF SLAVERY/ CHILD SLAVERY

- *Special attention should be paid to how this term is used.*

## N.1. Definitions in legally binding instruments

- 1926: According to the Slavery Convention, “[s]lavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.”<sup>425</sup>
- 1930: The ILO Committee of Experts on the Application of Conventions and Recommendations has used ILO Forced Labour Convention No. 29, although it does not explicitly contain the term “slavery”, to address slavery and slave-like practices. Its definition of “forced labour” (Article 2) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” is understood also to cover slavery and slave-like practices. The 2014 Protocol to the Forced Labour Convention does not change the

---

<sup>425</sup> League of Nations. (1926, September). [Slavery Convention](#). Article 1.

definition of “forced labour” but adds, in its Preamble, an explicit mention of the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

- 1948: The Universal Declaration of Human Rights contains a strong prohibition of slavery in its Article 4: *“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”* but does not define the concept.
- 1956: The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines slavery and practices similar to slavery that must be abolished as *“(a) Debt bondage [...]; (b) Serfdom [...]; (c) Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person; (d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”*<sup>426</sup>
- 1999: Article 3 of ILO Convention No. 182, which defines worst forms of child labour, includes: *“(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”*

## N.2. Non-binding instruments

- 2007: The HRC appointed a Special Rapporteur on contemporary forms of slavery, including its causes, and consequences.<sup>427</sup> Included in the mandate is the issue of children working in slavery or slavery-like conditions.<sup>428</sup>
- 2011: The Committee on the Rights of the Child has included “sexual slavery” in the notion of child sexual exploitation and sexual abuse.<sup>429</sup>

<sup>426</sup> Conference of Plenipotentiaries convened by Economic and Social Council resolution 608(XXI) of 30 April 1956 and done at Geneva. (1956, September). [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#).

<sup>427</sup> HRC. (2007, September). [Resolution 6/14: Special Rapporteur on contemporary forms of slavery](#). A/HRC/RES/6/14.

<sup>428</sup> OHCHR. (n.d.). [Special Rapporteur on contemporary forms of slavery](#).

<sup>429</sup> CRC Committee. (2011, April). [General Comment No. 13: The right of the child to freedom from all forms of violence](#). CRC/C/GC/13. Paragraph 25(d).



Neither of these two documents contains a definition of slavery or child slavery.

### N.3. Terminology considerations

As can be seen from the abovementioned legal definitions of slavery, the notion of slavery and slave-like practices includes a much broader set of acts than those covered within the scope of the present Guidelines. The Guidelines therefore focus on contemporary forms of slavery that involve or are directly linked to child sexual exploitation and sexual abuse.

A number of the terms and concepts addressed in the Guidelines are also considered forms of slavery or slave-like practices. This is particularly the case for trafficking of children, sale of children, worst forms of child labour, and certain harmful practices.

While traditional forms of slavery have been addressed since the 19<sup>th</sup> century, the term “slavery” has returned in new shapes in recent years and can today be found in the notions of, for instance, “contemporary forms of slavery”, “modern slavery”, and “modern day slavery”. The term “slavery” has thus taken on a much broader meaning and today incorporates many forms of child sexual exploitation and sexual abuse.

Major dictionaries define slavery as *“the condition of being legally owned by someone else, or the system in which some people are owned by others”*<sup>430</sup> (the more classical definition), but also as *“a condition of having to work very hard without proper remuneration or appreciation”*,<sup>431</sup> which indicates the possibility of a more informal system or situation. Most forms of contemporary slavery fall under this latter definition, and are considered illegal, although still existing.

With regard to contemporary forms of slavery affecting children, “child slavery” has been defined as children being in a hazardous situation and being exploited for someone else’s gain, often under threats and/or use of violence, such as children who are used for profit through prostitution or for the production of child sexual abuse material, forced begging, petty theft;

<sup>430</sup> Cambridge Academic Content Dictionary

<sup>431</sup> Oxford British and World English Dictionary.

children who are used for child labour; children who are used to take part in armed conflict; and child domestic workers/children in domestic servitude.<sup>432</sup>

Sexual slavery is slavery for the purposes of sexual exploitation and it can affect both children and adults (mainly women). It includes trafficking of children for sexual purposes<sup>433</sup> and the sale of children for sexual purposes.<sup>434</sup> The Trafficking Protocol sets forth that trafficking of human beings must be for the purposes of exploitation, including slavery and practices similar to slavery (Article 3(a)),<sup>435</sup> and the Special Rapporteur on trafficking in persons, especially women and children, has underlined that “[t]rafficking is a grave violation of a number of human rights, especially the right to liberty and the right not to be held in slavery or involuntary servitude.”<sup>436</sup>

The Government of United States has used the term “modern slavery” to refer to human trafficking,<sup>437</sup> and the Government of the United Kingdom in 2015 adopted the Modern Slavery Act in order to “*make provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes*”.<sup>438</sup> The Modern Slavery Act specifically includes provision related to the sexual exploitation of children.<sup>439</sup>

Child marriage has also been seen as a form of slavery or slave-like practices. “[M]any married children can experience levels of suffering, coercion and control that meet international legal definitions of slavery and slavery-like practices, often with economic powers of ‘ownership’ and control exercised over them.”<sup>440</sup>

<sup>432</sup> Anti-Slavery International. (n.d.). [What is child slavery?](#) Oxford British and World English Dictionary defines “servitude” as the state of being a slave or completely subject to someone more powerful, whereas Cambridge Advanced Learner’s Dictionary and Thesaurus defines “servitude” as the state of being under the control of someone else and of having no freedom.

<sup>433</sup> See, for instance, Polaris Project. (n.d.). [Recognizing Sex Trafficking](#).

<sup>434</sup> The Special Rapporteur on the sale of children, child prostitution and child pornography has addressed the issue of “modern-day slavery” within the scope of her mandate. See, for instance, UNGA. (2015, July). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography](#). A/70/222. Paragraph 5.

<sup>435</sup> For more details on the trafficking of children, see [Section K](#).

<sup>436</sup> HRC. (2015, March). [Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro](#). A/HRC/29/38. Paragraph 29.

<sup>437</sup> White House. (2012, September). [The Obama Administration Announces Efforts to Combat Human Trafficking at Home and Abroad](#).

<sup>438</sup> United Kingdom of Great Britain and Northern Ireland. (2015, March). [Modern Slavery Act 2015](#).

<sup>439</sup> Ibid.

<sup>440</sup> ECOSOC, Commission on the Status of Women. (2023, December). [Statement submitted by Anti-Slavery International, Girls Not Brides: The Global Partnership to End Child Marriage, Global Campaign for Education, Soroptimist International, and Stichting CHOICE for Youth and Sexuality, non-governmental organizations in consultative status with the Economic and Social Council](#). E/CN.6/2024/NGO/XX. 2.

**Conclusion:** While a broad range of child sexual exploitation and sexual abuse have been labelled “slavery” and constitute a violation of the international legal framework on slavery, it must be recalled that the notion of slavery is much wider and encompasses human rights violations against both children and adults. Furthermore, slavery is far from limited to sexual violence and can include forced labour and trafficking for other than sexual purposes.

The terms “forced labour”, “human trafficking” and “slavery” have often been used interchangeably and there has been a tendency to use one or the other as an umbrella term to capture a large spectrum of manifestations that could amount to any or all of these phenomena. Although there are similarities and a certain overlap between the trafficking of children, contemporary forms of slavery, and worst forms of child labour, it should be recalled that these phenomena are not identical, and contain certain crucial differences, including in terms of their legal definition.<sup>441</sup> For instance, a child may be born into a situation of forced labour, including a situation of sexual exploitation, without having been trafficked. Furthermore, child sexual exploitation and sexual abuse also occur in forms that do not meet the constitutive elements of forced labour or slavery. It has been noted that, while many coercive situations can be alternatively identified, and even prosecuted, as either forced labour, human trafficking, or slavery, blurring of definitions causes confusion.<sup>442</sup>

---

<sup>441</sup> See, for instance, ILO Fundamentals. (2020). [Toolkit on Developing National Action Plans on Forced Labour](#). Geneva: International Labour Organization. 95-97.

<sup>442</sup> See, for instance, Paavilainen, M. (2015, September). [Towards a Cohesive and Contextualised Response: When is it necessary to distinguish between forced labour, trafficking in persons and slavery?](#) *Anti-Trafficking Review* 5, 158-161.

## SECTION O

# WORST FORMS OF CHILD LABOUR

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## O.1. Definitions in legally binding instruments

- 1989: Article 32 of the CRC sets forth that *“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”*
- 1990: Article 15 of the ACRWC states that *“(1) Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, spiritual, moral, or social development. (2) States Parties to the present Charter take all appropriate legislative and administrative measures to ensure the full implementation of this Article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization’s instruments relating to children, States Parties shall in particular: (a) provide through legislation, minimum wages for admission to every employment; (b) provide for appropriate regulation of hours and conditions of employment; (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article; (d) promote the dissemination of information on the hazards of child labour to all sectors of the community.”*

- 1999: Article 3 of ILO Convention No. 182 defines worst forms of child labour as follows: “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” Under another category of worst forms of child labour—namely, so-called “hazardous work”—“[w]ork which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (emphasis added) must be prohibited for all children under 18 years of age. “The types of work referred to under Article 3(d) shall be determined by national laws or regulations” (Article 3(d) and 4).

## O.2. Non-binding instruments

- 1999: ILO Recommendation 190<sup>443</sup> supplements the provisions in ILO Convention No. 182 concerning worst forms of child labour. It includes some particularly relevant provisions:

  3. “In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, *inter alia*, to: (a) work which exposes children to physical, psychological or sexual abuse [...]”<sup>444</sup>
  11. “Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by: (a) gathering and exchanging information concerning criminal offences, including those involving international networks; (b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances; (c) registering perpetrators of such offences.”

<sup>443</sup> General Conference of the ILO. (1999, June). [R190 - Worst Forms of Child Labour Recommendation, 1999 \(No. 190\)](#).

<sup>444</sup> Some examples of national provisions on this topic (e.g. prohibiting employment of under-18 in sex shops, night-clubs, massage parlours, etc.) can be found in ILO. (2012, August). [The Tripartite Process of Determining Hazardous Child Labour – Guide for Facilitators](#). 105, 106.

12. “Members should provide that the following worst forms of child labour are criminal offences: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and (c) the use, procuring or offering of a child for illicit activities.”
15. “Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following: [...] (d) providing for the prosecution in their own country of the Member’s nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country.”

### O.3. Terminology considerations

The term worst forms of child labour pertains specifically to the field of (international) labour law, and includes a whole range of practices that go beyond the scope of these Guidelines. However, the sexual exploitation of children is explicitly included in the definition of the worst forms of child labour. ILO Convention No. 182 is the only universally ratified ILO Convention<sup>445</sup> and the UN promoted it<sup>446</sup> as one of the international instruments relevant for children alongside the CRC. It legally obliges States not only to prohibit sexual exploitation of children and other worst forms of child labour but also to take immediate and effective measures towards its elimination as a matter of urgency. The latter measures include, among other things, enforcement through penal or other sanctions, time-bound measures for prevention, removal of and direct assistance to children affected, and their rehabilitation and social integration. State Parties are also obliged to design and implement programmes of action to eliminate the worst forms of child labour and to establish or designate appropriate monitoring mechanisms.

Furthermore, in the framework of the internationally agreed Sustainable Development Goals, a clear commitment is made to “take immediate and effective measures to [...] secure the prohibition and elimination of the worst forms of child labour [...] and by 2025 end child labour in all its forms”.<sup>447</sup>

<sup>445</sup> The list of ratifications is available at ILO. (n.d.). [Ratifications of Convention No. 182 - Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#).

<sup>446</sup> See, for instance, UNGA. (2002, May). [Resolution S-27/2: A World Fit for Children](#). A/RES/S-27/2. Paragraph 29.

<sup>447</sup> Sustainable Development Goal 8, Target 7. See ILO. (2015, September). [Targets for Goal #8: Decent work and economic growth](#).

Some concern has been expressed related to the fact of calling, for instance, the sexual exploitation of children in prostitution or for the production of child sexual abuse material a form of labour, rather than seeing it as a crime, and thus as harmful or detrimental to the child.<sup>448</sup>

Regarding the question as to whether sexual exploitation of children is 'labour', it is noteworthy that the preparatory report to ILO Convention No. 182 sets forth that “[c]hild prostitution, child pornography and the sale and trafficking of children are crimes of violence against children. They must be treated as crimes and attacked as the most serious crimes are attacked. Such repellent abuses are so far removed from any normal notion of work or labour that it seems strange to focus on them in an ILO report. Yet while they are crimes they are also forms of economic exploitation akin to forced labour and slavery. Any new international standards on the most extreme forms of child labour must therefore specifically aim at abolishing the commercial sexual exploitation of children.”<sup>449</sup>

Thus, it is clear that the inclusion of a topic within an ILO standard neither signifies any acknowledgement of it as a form of legitimate labour nor requires its regulation in terms of, for instance, employment relationship as evidenced by its absolute prohibition and lack of possibility to consent to this form of labour under the age of 18 years. Forced labour, including slavery, is also addressed under ILO standards with the aim of its abolition and not for the purpose of legitimising or regulating such practices.

Child sexual exploitation can amount to one of the worst forms of child labour as defined by ILO Convention No. 182 directly (Article 3(b)), but sexual exploitation and/or abuse can also be a result of other manifestations of the worst forms of child labour, such as sale and trafficking (Article 3(a)), or hazardous work (Article 3(d)). For instance, child labour in domestic work is often associated with sexual abuse. Some of the most common risks children face in domestic work include humiliating or degrading treatment, such as physical and verbal violence, and sexual abuse by members of the family the child is working for. These risks increase when the child lives in the household where they work as a domestic worker.<sup>450</sup>

With regard to the term “child labour in domestic work”, ILO coined this terminology expressly to clear out the confusion that had previously

<sup>448</sup> See the case law of the European Charter of Social Rights, which, for instance, in the case of FAFCE vs. Ireland, held that “Article 7§10 requires that all acts of sexual exploitation of children be criminalised. [...] States must criminalise the defined activities with all children under 18 years of age irrespective of lower national ages of sexual consent.” (2014, September). [Federation of Catholic Family Associations in Europe \(FAFCE\) v. Ireland: Complaint 89/2013](#).

<sup>449</sup> International Labour Conference. (1998). [Child Labour: Targeting the Intolerable](#). Report 86 VI (1). 66.

<sup>450</sup> See ILO. (n.d.). [Child labour and domestic work](#).

surrounded the notion of “child domestic work”.<sup>451</sup> Indeed, “child domestic work” could encompass also such situations where children have reached the relevant minimum age for work and are performing work that is permitted under national laws.<sup>452</sup> The terms “child labour in domestic work” or “hazardous domestic work” on the other hand, refer to situations where domestic work is carried out by children below the relevant minimum age or puts the child (independent of their age) in hazardous conditions or in a slavery-like situation. In certain countries, specific terms are used to refer to child labour in domestic work, such as *criadazgo* in Paraguay<sup>453</sup> or *restavèks* in Haiti.<sup>454</sup>

**Conclusion:** Even where they are not directly used for purposes of sexual exploitation as defined by ILO Convention No. 182 Article 3(b), children who are working (whether in child labour or as young workers of legal working age) are vulnerable to and run an elevated risk of being exposed to different forms of sexual violence and abuse in the workplace.<sup>455</sup>

At the same time, it is important not to lose sight of the fact that child sexual exploitation and sexual abuse can occur outside of, or unrelated to, the context of child labour. Moreover, the fact of considering some forms of sexual exploitation a form of child labour should never lead to considering sexual exploitation as a legitimate form of work or to shifting the blame onto the child, who remains at all times a victim of exploitation.

The term “child labour in domestic work” has been coined by ILO to refer to such situations where children are not in a legitimate situation of work in the domestic work sector.

<sup>451</sup> This was done with the adoption in 2011 of C189, the Domestic Workers Convention, concerning decent work for domestic workers. The confusion had arisen in particular when translating this term into languages such as French and Spanish. For an explanation of ILO’s understanding of the two terms, see ILO. (n.d.). [Child labour and domestic work](#).

<sup>452</sup> The ILO [Minimum Age Convention, 1973 \(No. 138\)](#) sets out international labour standards regarding the minimum age for admission to work.

<sup>453</sup> See, for instance, CRC Committee. (2013, October). [Concluding Observations on the Initial Report of Paraguay on the OPSC](#). CRC/C/OPSC/PRY/CO/1. Paragraphs 34–35: “While noting the prohibition of the long-established and socially encouraged practice of *criadazgo*, the Committee regrets that the practice has not been defined as a possible case of the sale of children in accordance with articles 2 and 3 of the Optional Protocol”; “The Committee recommends that the State party amend its criminal legislation to criminalize the practice of *criadazgo* as a case of the sale of children whenever it fulfils the criteria in articles 2 and 3 (a) of the Optional Protocol. The Committee also recommends that the State party take appropriate measures to deter this practice.”; See also ILO CEACR. (2021). [Observation \(CEACR\) - adopted 2021, published 110<sup>th</sup> ILC session \(2022\), Worst Forms of Child Labour Convention, 1999 \(No. 182\) - Haiti \(Ratification: 2007\)](#).

<sup>454</sup> See, for instance, CRC Committee. (2016, January). [Concluding Observations on the Combined Second and Third Periodic Reports by Haiti](#). CRC/C/HTI/CO/2-3. Paragraph 62: “the Committee, while noting the efforts taken by the State party to criminalize the exploitation of child domestic workers (so-called “*restavèks*”) is concerned that the number of child domestic workers remains high. It also notes with concern that: (a) Many child domestic workers are forced to work in slavery-like conditions, are subjected to physical, emotional and sexual abuse by their host family, and are frequently malnourished and stunted.”; See also ILO CEACR. (2023). [Observation \(CEACR\) - adopted 2023, published 112<sup>nd</sup> ILC session \(2024\), Worst Forms of Child Labour Convention, 1999 \(No. 182\) - Paraguay \(Ratification: 2001\)](#).

<sup>455</sup> This is expressly recognised by the 2006 UN World Report on Violence against Children, which states that “the most common forms of violence against children in the workplace are: physical violence [...], psychological (emotional) violence [...], sexual violence, including sexual harassment, fondling and rape” (p. 242).



## SECTION P

# CHILD VICTIM OF SEXUAL EXPLOITATION AND/OR ABUSE

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## P.1. Definitions in legally binding instruments

- 1989: The CRC uses, but does not define, the term ‘victim’.
- 2000: The OPSC uses, but does not define, the term ‘victim’.
- 2007: Article 3(c) of the Lanzarote Convention defines ‘victim’ as “any child subject to sexual exploitation or sexual abuse”.

## P.2. Non-binding instruments

- 2005: The UN Guidelines on Justice in Matters involving Child Victims or Witnesses of Crime<sup>456</sup> define “victims” as “*children and adolescents, under the age of 18, who are victims of crime [...] regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders*”.

---

<sup>456</sup> ECOSOC. (2005, July). [Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. E/RES/2005/20](#). Paragraph 9(a).

### P.3. Terminology considerations

The term “victim” refers to a person who has been hurt, harmed, injured, or killed as a result of a crime, accident, or other event or action<sup>457</sup> or who has suffered because of the actions of someone else.<sup>458</sup> This definition does not take into account how the person in question feels about their situation, and is not intended to label a person as such, but merely states the fact that the person has been subjected to or experienced one of the abovementioned scenarios.

In the legal context, in particular in the framework of judicial proceedings, this definition of “victim” is necessary for a person to be identified and recognised by law or by other means in order to be eligible to access recovery and/or reintegration services and/or to claim compensation. The term “victim” thus remains an important legal term to define duty-bearers and rights-holders.

However, the term “victim” can also refer to *“a person who has come to feel helpless and passive in the face of misfortune or ill-treatment”*.<sup>459</sup> This definition is based on the more subjective element of a person’s (the “victim’s”) own feelings. The fact that “victim” can also be interpreted in this manner has sometimes made the use of the term appear disempowering and has been seen as defining a person in terms of their experiences of abuse or applying a “label” of weakness or helplessness, which is not helpful to the person’s recovery.<sup>460</sup> It has also led to moral judgements as to how a victim should behave, leading to additional risks of stigmatisation of individuals who do not act or behave in accordance with widely held expectations of the “perfect victim”,<sup>461</sup> hence qualifying them as “bad victims”, unworthy or undeserving of support or assistance.

The term “child victim” has, as mentioned above, been defined as children and adolescents, under the age of 18, who are victims of crime.<sup>462</sup> This definition, which appears to include only acts directly intended towards the child while potentially excluding forms of indirect victimisation, is very similar, if not identical, to the definition of adult victims. Yet it has been observed that *“due to [...] vulnerabilities and characteristics unique to*

<sup>457</sup> Oxford British and World English Dictionary; Cambridge Advanced Dictionary and Thesaurus.

<sup>458</sup> Cambridge Advanced Dictionary and Thesaurus.

<sup>459</sup> Oxford British and World English Dictionary.

<sup>460</sup> See, for instance, Guardian. (2014, December). [People who've been raped are survivors not just victims](#), John Humphrys.

<sup>461</sup> “The ideal victim” was first theorised by Nils Christie in Fattah, E.A. (Ed.). (1986). [From crime policy to victim policy](#). London: Palgrave Macmillan. 17-30.

<sup>462</sup> ECOSOC. (2005, July). [Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime](#). E/RES/2005/20.

*children the definition of adult victimization is not suitable for children*<sup>463</sup> and that an adequate definition of “child victim” must “reflect the fact that due to their unique characteristics, vulnerabilities and needs, the injurious effect of crime to children goes far beyond direct victimization”.<sup>464</sup> In this regard, it is noteworthy that the Preamble of the Istanbul Convention recognises that “[c]hildren are victims of domestic violence, including as witnesses of violence in the family.” This view that children who witness violence should also be recognised as victims is increasingly accepted.<sup>465</sup>

Lastly, it is important to recall that any notion related to the consent of the child shall be considered irrelevant in determining that they are a victim of sexual exploitation or sexual abuse. Moreover, the identification of someone as a “child victim” shall not depend on the identification, prosecution, or detection of an offender, nor shall it depend on their willingness or ability to provide the police with information or to testify against the offender.<sup>466</sup>

In the context of child sexual exploitation and sexual abuse, reference is sometimes also made to “children at risk” or “children in vulnerable situations”. These terms refer to children who have not necessarily been victims of abuse or exploitation but who are considered at greater risk than other children owing to their situation and/or circumstances and need to be reached for prevention purposes. These terms can be used without stigmatising the child as long as it is clear that, on the one hand, all children are potentially at risk of sexual exploitation and sexual abuse and, on the other hand, that children are not necessarily vulnerable *per se* but in relation to their surrounding environment (e.g. their evolving capacities and limited decisional power, but also cultural, economic, community, family, and personal factors such as living conditions or disabilities).<sup>467</sup> For this reason, it may be better to avoid the term “vulnerable children”, as it qualifies the child rather than the situation. It has been observed that “[p]eople who have less power have fewer choices and are therefore more vulnerable to abuse” and that, given their limited power, “[c]hildren are especially vulnerable to

<sup>463</sup> Gilad, M. (2014, July). *The Young and the Helpless: Re-defining the Term ‘Child Victim of Crime’*. University of Pennsylvania Law School, Public Law Research Paper No. 14-23. 23.

<sup>464</sup> *Ibid.*, p. 24.

<sup>465</sup> *General Comment No. 13 (2011)* of the CRC Committee on the right of the child to freedom from all forms of violence includes “exposure to intimate partner violence, drug or alcohol abuse” as a form of neglect or negligent treatment (paragraph 20 (b), as well as “exposure to domestic violence” as a form of “mental violence” (paragraph 21(e)). The General Comment contains no further elaboration about the meaning of these inclusions in terms of prevention or responses. It can also be noted that the *Lanzarote Convention*, in its article 22, refers to the act of intentionally causing a child to witness sexual abuse or sexual activities, without having to participate.

<sup>466</sup> UNICEF. (2006, August). *Guidelines on the Protection of Child Victims of Trafficking*. New York: UNICEF. 14.

<sup>467</sup> The Centre for Children in Vulnerable Situations states that it “starts from a perspective trying to avoid stigmatisation, as being convinced that all children and adolescents, notwithstanding their vulnerabilities, still dispose of a large range of strengths and competencies (coping and resilience)”. See Centre for Children in Vulnerable Situations. (n.d.). *Aims and views*.

*abuse.*<sup>468</sup> In requesting that States criminalise acts of child sexual abuse, the Lanzarote Convention refers to the “*particularly vulnerable situation of the child*”, for instance because of “*mental or physical disability or a situation of dependence*” (Article 18(b) third indent). ILO Convention No. 182 refers to the need to identify and reach out to “children at special risk” (Article 7(2)(d)), and the OPSC mentions “particularly vulnerable groups, including girl children” and refers to the need to protect “children who are especially vulnerable” (Preamble and Article 9).

As mentioned in the introduction to this second edition of the Terminology Guidelines, an important factor to take into account when assessing vulnerability is also that of intersectionality, meaning the interconnected nature of social categorisations such as age, race, class, abilities and gender as they apply to a given individual, potentially creating overlapping and enhanced risks of discrimination or victimisation. For instance, research has suggested that LGBTQ+ children may be at greater risk of sexual exploitation and sexual abuse, including in the digital environment.<sup>469</sup> In addition, it should be recognised that professional biases may lead to underestimating risk in different groups (e.g. male children being overlooked in some contexts).

**Conclusion:** In the context of child sexual exploitation and sexual abuse, the term “victim” is a crucial legal term that serves to define children who have been subjected to harmful and/or criminal acts as rights-holders and to avoid any form of responsibility or blame being placed on the child. The term should be used in an objective manner to state the fact that the child has been subjected to a harmful/criminal act, and not be used to label the person as weak and/or helpless.

Taking into account children’s special needs and rights to protection, it is important to use an inclusive notion of the “child victim”, which encompasses not only acts directly aimed at the child but also acts that indirectly cause harm to them.

Outside the legal context, care should be taken to ensure that persons who have been subjected to child sexual exploitation and sexual abuse are not labelled “victims” against their will or in a way that diminishes them or make them feel stigmatised. Indeed, when engaging with persons who have been

<sup>468</sup> UNFPA. (2012, January). [Managing Gender-based Violence Programmes in Emergencies: E-learning companion guide](#). 4, 6.

<sup>469</sup> Barnardo’s. (2016). [Digital dangers. The impact of technology on the sexual abuse and exploitation of children and young people](#). 7; McGeeney, E., Hanson, E. (2017). [Digital Romance: A research project exploring young people’s use of technology in their romantic relationships and love lives](#). London: National Crime Agency and Brook; and Thorn. (2023, June). [LGBTQ+ Youth Perspectives: How LGBTQ+ Youth are Navigating Exploration and Risks of Sexual Exploitation Online](#).

subjected to child sexual exploitation and sexual abuse, it is recommended to use the terms “victim” or “survivor”, or another term they prefer.<sup>470</sup> It is also highly advisable to check with the persons concerned how they want to be referred to.

## P.4. Related terms

### P.4.i. Victim identification (in the context of child sexual abuse material)

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

The term “victim identification” refers to an investigation process by experts to analyse child sexual abuse material/child sexual exploitation material in order to identify the victims of sexual abuse or sexual exploitation depicted in such material. The analysis includes different methodologies, especially in finding potential location indicative objects, remarks, or data within or around the material (content and technical information) and to evaluate them with existing or other relevant information. The goal of this process is to identify the location of the abuse and therefore the victim and offender to enable the safe removal of the child from harm while at the same time allowing evidence of the criminal activity to be secured.

“Victim identification” is a victim-centred discipline within policing and should be included as a constituent part in any child exploitation investigation. It should also be central to any strategy, scheme, or initiative put in place to enhance child safety. For example, Internet service providers who put blocking or removal policies in place should remember that images or videos representing child sexual abuse material depict a real child being abused or exploited and that they deserve every opportunity to be removed from harm.

“Victim identification”, in most countries, is primarily a law enforcement task and is done in accordance with INTERPOL Resolution AG-2011-RES-08 on “promoting victim-centric management of child abuse material at the national level”,<sup>471</sup> which recognises the local nature of the child sexual abuse while acknowledging the global nature of the distribution of the resultant material. Furthermore, Article 15 of the EU Directive 2011/93 stipulates that

<sup>470</sup> Council of Europe. (March, 2024). [Guidelines for policy makers on engaging with victims and survivors of child sexual exploitation and sexual abuse.](#)

<sup>471</sup> ICPO-INTERPOL General Assembly. (2011 October-November). [Resolution AG-2011-RES-08 on Promoting victim-centric management of child abuse material at the national level.](#)

EU Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3–7, in particular by analysing child sexual abuse material, such as photographs and audiovisual recordings transmitted or made available by means of information and communications technologies.<sup>472</sup> The text of the European Commission’s proposal from February 2024 to recast the Directive replaces the previously used term “child pornography” with “child sexual abuse material”, but otherwise retains these provisions.<sup>473</sup>

While the majority of child sexual abuse material is found during police actions against perpetrators (both online and in-person), it is also proactively gathered online and through reports from members of the public. Where not reported to law enforcement directly, these reports are often managed by INHOPE member hotlines in different countries and the material is analysed, triaged, and forwarded to law enforcement for further analysis and uploading to the International Child Sexual Exploitation database.

Since material found in one country may contain information or clues that allow identification of a child in another country, the International Child Sexual Exploitation database plays an important role in ensuring new abuse material relating to an unidentified victim is considered and added to the series. Since child sexual abuse material is rarely just one image or video and is generally recorded during a number of different abuse sessions, all material is grouped together in series based on the victim or victims.

Child sexual abuse material can be subdivided into the categories “Identified”, “Unidentified”, and “Not Distributed”. “Identified” is a series or material where the victim has been identified and removed from harm. “Unidentified” is a series that is circulating online but has not yet been identified. A “Not Distributed” series is one where it is not known if the material has been shared either online or in-person.

**Conclusion:** In the context of child sexual exploitation and child sexual abuse, and in particular with regard to child sexual abuse material/child sexual exploitation material, “victim identification” has become an

<sup>472</sup> Further, EU Member States shall promote regular training for officials likely to come into contact with child victims of sexual abuse or exploitation, including front-line police officers, aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or exploitation (Article 23). For the blocking, “[m]echanisms may also be put in place to block access from the Union’s territory to Internet pages identified as containing or disseminating child pornography” (Article 47). Therefore, Europol supports INTERPOL’s and EU Member States’ actions in victim identification (See Europol. (n.d.). [Child Sexual Exploitation](#)) and training (See Europol. (October, 2016). [17<sup>th</sup> Europol Training course on ‘Combating the Online Sexual Exploitation of Children on the Internet’](#))

<sup>473</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

increasingly important term, which should be understood as a victim-centred approach crucial to the protection of children and their removal from harm.

## P.4.ii. Survivor

● *Special attention should be paid to how this term is used.*

Outside of legal and medical contexts, which often use the term “victim”, the term “survivor” is sometimes preferred, and the two have been used interchangeably. This is the case, for instance, in the psychological and social support sectors because, it is argued, the term “survivor” implies resilience.<sup>474</sup> “Survivor” has also been largely used in the context of violence against women and gender-based violence,<sup>475</sup> and these fields of work have further influenced the field of child protection, which is increasingly using the term interchangeably or in combination with “victim”.

In some contexts, “survivor” is used simply to define anyone who did not die, and has nothing to do with how much the person has overcome. Linguistically, this is the intransitive meaning of the word survive—namely, to continue to live or exist. Nevertheless, a transitive form of the word survive also exists, which entails to “*continue to live despite a dangerous event or time*”.<sup>476</sup> Indeed, in this latter sense of the word, “survivor” does appear to imply some sort of resilience,<sup>477</sup> and can represent an appropriate term. There are examples of regional non-binding instruments that contain the term “survivor” as an alternative to the term “victim”.<sup>478</sup>

In the field of trauma therapy and rehabilitation work, the terms “victim” and “survivor” have also been seen as existing in a continuum, where the person (child) who suffered sexual exploitation or sexual abuse is first a victim, to then move on from the status of “victim” to that of “survivor” as the healing process advances. Such an approach implies that every survivor has, at some point, been a victim. This approach, however, does not necessarily recognise that different children may prefer different terms, nor the importance of

<sup>474</sup> UNFPA. (2012, January). [Managing Gender-based Violence Programmes in Emergencies: E-learning companion guide](#). 8.

<sup>475</sup> See for instance: UNGA. (2006, July). [In-depth study on all forms of violence against women](#). A/61/122/Add.1. Also, UN Women have recommended the use of the combined term “victim/survivor”, see: UN Women. (2023, August). [Submission to the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes](#).

<sup>476</sup> Oxford Advanced Learner’s Dictionary.

<sup>477</sup> In accordance with Oxford Advanced Learner’s Dictionary, “resilience” refers to “*the ability of people [...] to feel better quickly after something unpleasant, such as shock, injury, etc.*”, whereas Oxford British and World English Dictionary defines it as “*the capacity to recover quickly from difficulties; toughness*”.

<sup>478</sup> See ASEAN. (2013, October). [Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN](#); and Southern African Development Community (SADC). (1998, September). [An addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government](#).

choice with regard to how different individuals wish to identify themselves and be identified.<sup>479</sup>

A technical distinction in law could be that a person is a victim until they receive remedies/reparations, which would then enable them to move beyond victim status (and become a survivor). A more “qualitative” understanding of victim/survivor should, however, be based on subjective experiences and appreciations. Indeed, it has been pointed out that “[e]very survivor [...] is an individual, and will experience harm in different ways.”<sup>480</sup>

**Conclusion:** The term “survivor” is increasingly used in the child protection sector, either interchangeably or in combination with the term “victim”, to refer to persons who have suffered harm and victimisation.

Just as people (including children) may reject the term “victim” and see it as a label they do not identify with, the same could happen with the term “survivor”. Outside of the legal context, it is important never to label a person who does not want to be called “victim” or “survivor”.



*“When I talk to adults/professionals, I like it when they use words such as ‘survivor’ because it makes me feel strong and resilient.”*

*(Insight from a participant in the consultation with children in Uganda)*



*“I don’t like it when professionals refer to me as ‘abused’. It will make us remember the events and feel unconfident.”*

*(Insight from a participant in the consultations with children, young people and survivors in the Philippines)*

### P.4.iii. Children subjected to sexual exploitation/sexual abuse

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

Alternatives to the terms “victim” and “survivor” have sometimes been sought, and a number of terms have been suggested in their place.<sup>481</sup> In

<sup>479</sup> It should be noted that for very young children, the capacity of exercising such free choice may be limited.

<sup>480</sup> UNFPA. (2012, January). [Managing Gender-based Violence Programmes in Emergencies: E-learning companion guide](#). 7.

<sup>481</sup> The Interagency Working Group discussed different terminology related to the child victim at length. The most relevant examples have been included in these Guidelines.



the effort to find a term that does not attribute a “label” to the child, the suggested terms (such as “children experiencing/having experienced sexual exploitation” or “children with lived experiences/histories of child sexual abuse”) sometimes risk inadvertently shifting the blame onto the child, and fail to adequately reflect both the responsibility of the State to protect children from human rights violations and the fact that the child has been the subject of a crime. Describing the sexual exploitation and sexual abuse of a child as an “experience” may also inadvertently trivialise the crime.

Other terms, such as “exploited children” or “abused children” avoid using “victim” and seek to place the emphasis on what has happened to the child (the child was sexually exploited, abused, etc.). These terms arguably express in a more neutral manner that a child has been a victim of a crime. Nevertheless, because these types of terms are still used as nouns, there is still the risk that a “label” is ascribed to the child (who becomes an “abused child”, etc.).

**Conclusion:** The expression “children subjected to sexual exploitation or abuse” describes a situation in a more neutral fashion without labelling the child with a noun. At the same time, the term clearly denotes that the responsibility does not lie with the child but with the person who subjected the child to the exploitation/abuse. From a linguistic perspective, to subject somebody to something means “*to make somebody suffer or be affected by something*”, usually something unpleasant.<sup>482</sup>

#### P.4.iv. Victimisation

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

The term “victimisation” refers to the act of victimising someone; singling (someone) out for cruel or unjust treatment.<sup>483</sup> The sexual exploitation and sexual abuse of children represent forms of victimisation,<sup>484</sup> whereby the child is the victim of the exploitation/abuse. In this context, victimisation tends to refer to a process more than to a single act.

Victimisation has been described as a process where a person moves from a pre-crime state (pre-victimisation) to the crime event itself (victimisation), to initial coping and adjustment (transition), and finally to a state where

<sup>482</sup> Oxford Advanced Learner’s Dictionary.

<sup>483</sup> Oxford British and World English Dictionary.

<sup>484</sup> The University of the Pacific has made a [list](#) of types of victimisation.

being a crime victim is just part of one's life experience (resolution).<sup>485</sup> More specifically in relation to the sexual abuse of children, it has been suggested that the victimisation process involves three overlapping processes: firstly the sexualisation of the relationship, secondly the justification of the sexual contact, and thirdly the maintenance of the abusive relationship with the child.<sup>486</sup>

#### P.4.v. Self-victimisation

- *The use of the term should be avoided.*

It is widely held that children cannot consent to their own exploitation or abuse. Therefore, to use the term “self-victimisation” in the field of sexual exploitation and sexual abuse of children, which could infer that the child is responsible or to blame for the crime they have suffered, is inappropriate.

Other similar terms sometimes used are “children putting themselves at risk” or “children with risky/risk-taking behaviours”. Such terms may also contribute to shifting the blame onto the child, and failing to recognise when a child has been sexually exploited or sexually abused.

#### P.4.vi. Re-victimisation

- *Special attention should be paid to how this term is used.*

The term “re-victimisation” has been defined as including “*any sexual abuse or assault subsequent to a first abuse or assault that is perpetrated by a different offender to the initial victimisation*”,<sup>487</sup> and refers to a pattern wherein the victim of abuse and/or crime has a statistically higher tendency to be victimised again, either shortly thereafter or much later in adulthood in the case of abuse as a child. Research has shown that this pattern is particularly notable in cases of sexual victimisation.<sup>488</sup> As with the term “victimisation” (Sub-section P.4.iv), re-victimisation can often be seen as a process, rather than as a single act.

<sup>485</sup> Casarez-Levison, R. (1992). An empirical investigation of the coping strategies used by victims of crime: Victimization redefined. In: Viano, E. (Ed.). (1992, January). *Critical issues in victimology: International perspectives*. New York: Springer Publishing.

<sup>486</sup> Berliner, L., Conte, J.R. (1990). *The process of victimization: The victims' perspective*. *Child Abuse & Neglect*, vol. 14(1), 29-40.

<sup>487</sup> Stathopoulos, M. (2014, May). *Sexual revictimisation: Individual, interpersonal and contextual factors*. Australian Centre for the Study of Sexual Assault. 2.

<sup>488</sup> Finkelhor, D., et al. (2007, May). *Re-victimization Patterns in a National Longitudinal Sample of Children and Youth*. *Child Abuse and Neglect*, vol. 31(5), 479-502. See also Stathopoulos, M. (2014, May). *Sexual revictimisation: Individual, interpersonal and contextual factors*. Australian Centre for the Study of Sexual Assault. One of the key messages of this report is that “*people who are sexually abused in childhood are two to three times more likely to be sexually re-victimised in adolescence and/or adulthood*”, with a series of scholarly works on the issue quoted.

One area in which the notion of “re-victimisation” has become increasingly important is in the framework of child sexual abuse material. Such material has been recognised as “*the re-victimisation of the child by serving as a permanent record of abuse*”,<sup>489</sup> and it has been argued that “[t]he possessor of child pornography directly harms the child in the image by exacerbating the primary harm.”<sup>490</sup> While this interpretation of the term “re-victimisation” may be important and useful, it is also critical to note that this scenario differs from traditional theories of re-victimisation, which focus on how a person who is a victim of, for instance, sexual abuse is rendered more vulnerable by their experience and becomes easier for other perpetrators to identify, approach, and harm. It has been observed how this scenario plays out also among perpetrators of sexual offences in the digital environment, whereby such individuals use technology to try to identify child victims depicted in child sexual abuse material in order to coerce those children into further sexual abuse.<sup>491</sup>

**Conclusion:** The term “repeat victimisation” is also used to refer to the issue of re-victimisation<sup>492</sup> and the two can be used interchangeably. The term “re-victimisation” is sometimes also used interchangeably with the term “secondary victimisation”.<sup>493</sup> However, these two concepts have different definitions and should be distinguished from one another.

#### P.4.vii. Secondary victimisation

● *Special attention should be paid to how this term is used.*

The term “secondary victimisation” relates to further victimisation following on from the original (sexual) victimisation. It has been defined as “[t]he victim-blaming attitudes, behaviour, and practices engaged in by community service providers, which results in additional trauma for sexual assault survivors”<sup>494</sup> or as the negative social or societal reaction or consequence of the primary victimisation, which the victim experiences as a further violation.<sup>495</sup>

<sup>489</sup> Taylor, M., Quayle, E. (2003, February). *Child Pornography: An Internet Crime*. Routledge. 24.

<sup>490</sup> Ost, S. (2009). *Child Pornography and Sexual Grooming*. Cambridge University Press. 123.

<sup>491</sup> Information from the Internet Watch Foundation, April 2024.

<sup>492</sup> Finkelhor, D., et al. (2007, May). *Re-victimization Patterns in a National Longitudinal Sample of Children and Youth*. *Child Abuse and Neglect*, vol. 31(5), 479-502.

<sup>493</sup> See, for instance, Gillespie, A. (2011). *Child Pornography: Law and Policy*. Abingdon: GlassHouse/Routledge.

<sup>494</sup> Campbell, R., Raja, S. (2005, February). *The Sexual Assault and Secondary Victimization of Female Veterans*. *Psychology of Women Quarterly*, vol. 29(1), 97-106. See also The Advocates for Human Rights, Stop Violence Against Women. (2013, August). *Secondary Victimization*.

<sup>495</sup> Orth, U. (2022, December). *Secondary Victimization of Crime Victims by Criminal Proceedings*. *Social Justice Research*, vol. 15(4), 313-325.

Thus, secondary victimisation of children can be the result of the (wrongful) responses of individuals or institutions to the victim, such as victim-blaming and inappropriate language or handling by medical/legal personnel or by other organisations with which the victim has contact after suffering exploitation/abuse. It can also be the result of a treatment that does not correspond to the principles of child-centric justice, such as repeated police/court hearings, repeated health controls, etc., by multiple persons during the judicial process.<sup>496</sup>

The term “re-traumatisation” is sometimes used as a synonym to “secondary victimisation”, referring to the fact that the child victim is traumatised again during the (mis-)handling of their case.

This notion should not be confused with the fact that other persons surrounding the “direct” victim, or the offender could also feel victimised. The latter could also be referred to as collateral (/indirect) victimisation.

In addition, the term “secondary traumatisation” is sometimes used in the field of therapeutic intervention to refer to the indirect trauma in persons (both professionals and close ones) caring for victims of traumatic events.<sup>497</sup> Other terms used to refer to this phenomenon are “vicarious traumatisation” or “traumatisation by proxy” and may be preferred for the sake of avoiding confusion.

**Conclusion:** “Secondary victimisation” follows after an initial victimisation and relates to the way a victim of sexual exploitation or sexual abuse is treated after such an experience. It should be distinguished from the abovementioned term “re-victimisation” and should not be confused with the concept of “vicarious traumatisation” in persons assisting victims and survivors of traumatic events.

#### P.4.viii. Victim-blaming language

Victim-blaming, victim facilitation and victim precipitation<sup>498</sup> are some of the many labels used to examine the concept of shared responsibility for criminal acts. Placing responsibility for victimisation on the victim and

<sup>496</sup> In this regard, the 2005 [UN Guidelines on Justice in Matters involving Child Victims or Witnesses of Crime](#) are a key tool to avoid the secondary victimisation of sexually exploited/abused children.

<sup>497</sup> See, for instance: Vukčević Marković, M., Živanović, M. (2022, October). [Coping with Secondary Traumatic Stress](#). *International Journal of Environmental Research and Public Health*, vol. 19(19); Vang, M.L., Pihl-Thingvad, J., Shevlin, M. (2022, July). [Identifying child protection workers at risk for secondary traumatization: A latent class analysis of the Professional Quality of Life Scale-5](#). *Journal of Traumatic Stress*, vol. 35(6), 1608-1619; Barbee, A., Purdy, L., Cunningham, M. (2023, September). [Secondary Traumatic Stress: Definitions, Measures, Predictors, and Interventions](#).

<sup>498</sup> A theory addressing the idea that some victim dispositional traits contribute to or provoke experiences of mistreatment.

categorising victims into different “types” has, historically, been a tendency among victimologists.<sup>499</sup> While the stated objective of such victimology research is victim prevention, it has resulted in placing undue responsibility on victims and survivors, and in excusing offenders’ behaviours. Victim-blaming causes serious harm to victims and survivors, who have to cope with not only the consequences of being victimised, but also the added burden of being blamed for what has happened to them.<sup>500</sup>

In the case of children who are victims or survivors of sexual exploitation and sexual abuse, victim-blaming, labelling and stigmatising language is still frequently used, often inadvertently, whether in the media, by close ones, or by involved professionals.<sup>501</sup> Negative reactions, including the use of language which may insinuate blame, from support providers may serve a silencing function, leading victims to stop talking about their experiences to anyone at all.<sup>502</sup>

Blame has been described as twofold: on the one hand, blame can relate to character, whereby blame is attributed to a stable factor such as personality and, on the other hand, it can relate to behaviour, whereby blame is attributed to a changeable factor such as the way the victim acts and reacts.<sup>503</sup>

**Conclusion:** Victim-blaming language refers to words and expressions which, knowingly or not, make the victim feel responsible and guilty of what has happened to them. It can also make professionals, and the broader public believe that the victim is to blame, hence weakening the protection of

<sup>499</sup> Eigenberg, H., Garland, T. [Victim blaming](#). Cited in: Moriarty, L. (Ed.). (2008). *Controversies in victimology*, Second edition. 22-24.

<sup>500</sup> Ibid., 31. See also Barnardo’s. (2024). [Language matters - Use of language in child sexual abuse & exploitation practice: 2024 Review](#). 5, 9. This resource notes that victim-blaming language “*implies that a person who has been victimised is, in some way or form, complicit or responsible, for the harm they have been subjected to*”, adding that it “*places responsibility on a child to change, rather than on the abuser to stop harming a child*”.

<sup>501</sup> Ibid., 10. Barnardo’s notes that “[e]xamples of victim blaming vary widely, from what a child was doing or saying, or not doing/saying, through to their family circumstances.” Such examples include using where they were, what they were doing, who they were with, or how they looked or behaved to shift blame onto the child. It may also involve assumptions/remarks about whether the child was under the influence of alcohol or drugs, sexually active, or whether they have reported their abuse or exploitation to the police. Victim-blaming can also involve placing responsibility on the child to keep themselves safe or framing their exploitation as a “lifestyle choice”; For further discussion on the impact of victim-blaming narratives in the context of child sexual exploitation, see Beckett, H. (2019, January). [Moving beyond discourses of agency, gain and blame: Reconceptualising young people’s experiences of sexual exploitation](#). This article highlights how harmful narratives, such as those portraying victims as making ‘active lifestyle choices,’ overlook structural constraints surrounding their experiences and lead to the misidentification of abuse and a failure to provide appropriate support.

<sup>502</sup> Ahrens, C.E. (2006, November). [Being Silenced: The Impact of Negative Social Reactions on the Disclosure of Rape](#). *American Journal of Community Psychology*, vol. 38(3-4), 263-274; Appiah, A., Baguley, S., SPACE, Farooq, R. (2021, June). [Making Words Matter - Attending to Language when working with children subject to or at risk of Exploitation: A Practice & Knowledge Briefing](#). 6.

<sup>503</sup> E.g. Janoff-Bulman (1979) and Davies, Rogers, Whitelegg (2009). Cited in: Van der Bruggen, M., Grubb, A. (2014, September-October). [A review of the literature relating to rape victim blaming: An analysis of the impact of observer and victim characteristics on attribution of blame in rape cases](#). *Aggression and Violent Behavior*, Vol. 19(5), 523-531.

victims and the reach of victim assistance services. Victim-blaming language has the potential of exacerbating the harm that child victims and survivors suffer. Victim-blaming language, behaviours or attitudes can feel to the victim like a second assault,<sup>504</sup> and lead to secondary victimisation (see [Sub-section P.4.vii](#)). In addition, victim-blaming language can negatively impact children’s ability to recognise what is happening to them and to seek help. It also reinforces stereotypes, negatively influencing how the broader public perceive child sexual exploitation and sexual abuse, and how professionals can identify and respond to child victims and survivors.



*Professionals should be compassionate and use kind and comforting words. They should use a positive and warm tone and try to use words that are positive and encouraging for the victim. They should consider the feelings of the child they are talking to or about and think about the consequences of their words.*

*(Insight from two participants in the consultations with children, young people and survivors in Cameroon and Malaysia)*



*“Professionals should use empowering language that acknowledges the strength and resilience of survivors and avoid victim-blaming language and irrelevant terms like virginity status.”*

*(Insight from a participant in the consultation with children and young people in Kenya)*



*“Use words that empower and uplift the child rather than making them feel broken or beyond help. Terms that focus on recovery, support, and the future can help in fostering a positive outlook.”*

*(Insight from a participant in the consultation with children in Uganda)*

<sup>504</sup> Ahrens, C.E. (2006, November). *Being Silenced: The Impact of Negative Social Reactions on the Disclosure of Rape*. *American Journal of Community Psychology*, vol. 38(3-4), 263-274.

When asked how people could check the appropriateness of the language they use, the children, youth and adult survivors that took part in the consultations emphasised the importance of:

- Wherever possible, asking the victim/survivor what terms they prefer and using these.
- Where this is not possible (in legal proceedings for example) explaining why the use of particular language is needed and what this means.
- Always thinking about how the language used might be experienced by victims/survivors.
- Never using words or phrases that could suggest victims/survivors are in any way responsible or to blame for what has happened.
- Avoiding phrases that trivialise or hide the harm – shortening sexual extortion to ‘sextortion’ for example.
- Adapting the language used to be appropriate for the age and understanding of different victims/survivors.
- Thinking about how something is said, as well as what is said. Always speaking with kindness, understanding and empathy.

## SECTION Q

# PERPETRATORS OF SEXUAL CRIMES/ OFFENCES AGAINST CHILDREN

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

## Q.1. Definitions in legally binding instruments

- 2000: The OPSC uses the term “alleged offender” to describe an individual who is suspected of committing an offence involving child sexual exploitation (Article 4) and refers to “offender” for persons having committed such an offence (Article 5(5)) and to “accused” for persons within the criminal judicial process (Article 8(6)).
- 2000: The Trafficking Protocol uses the term “offender” in the context of criminal proceedings (Article 6(2)(b)) and “perpetrators” in situations prior to arrest or investigation (Article 10(1)(a)).
- 2001: Article 22(3) of the Budapest Convention refers to “alleged offender” to describe persons suspected of committing a criminal offence involving child sexual exploitation.
- 2007: The Lanzarote Convention refers to “convicted sexual offenders” and “persons convicted of offences” to describe individuals already convicted of an offence involving sexual exploitation of children, as enumerated



under the Convention (Articles 16 and 37). The term “perpetrator” is used in a generic manner to describe any person who may have engaged in sexual exploitation of children (irrespective of their engagement in the criminal justice process).

- 2011: The EU Directive 2011/93 refers to “offender” in Articles 9 and 17 and, in its Recital, to “child offender” and “sex offender” (Paragraphs 25, 37, and 43) to describe persons suspected of a sexual offence against a child as well as those convicted of committing such an offence. The text of the European Commission’s proposal from February 2024 to recast the Directive retains the same terms.<sup>505</sup>

## Q.2. Non-binding instruments

- 2005: The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime uses multiple terms: “alleged perpetrator” (Paragraphs 31(b), 24(a)) and “alleged offender” (Paragraph 9(a)) for individuals not convicted of an offence; “accused” (Paragraph 8(c)) and “offender” (Paragraphs 20(b), 37) for individuals within the criminal judicial process; and “convicted offenders” (Paragraphs 7(j) and 8(c)) for individuals convicted after a criminal process.
- 2019: The Committee on the Rights of the Child’s Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography use the terms “alleged offender” (Paragraph 82), “alleged perpetrator” (Paragraphs 80, 92), “offender” (Paragraphs 85, 87), “perpetrator” (Paragraphs 15, 95, 113), and “convicted offenders” (Paragraphs 36(d), 106).<sup>506</sup>
- INTERPOL uses the terms “sex offender” and “travelling sex offender”.<sup>507</sup>
- Europol uses the term “child sex offender” and “transnational child sex offender”.<sup>508</sup>

<sup>505</sup> European Commission. (2024, February). [Proposal for a Directive of the European Parliament and the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

<sup>506</sup> CRC Committee. (2019, September). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). CRC/C/156.

<sup>507</sup> Interpol. (2024, September). [20 rescued, 144 arrested in major child abuse operation across South America](#); Interpol. (n.d.). [Project Soteria](#); Interpol. (n.d.). [Crimes against children: Keeping children safe online](#); Interpol. (n.d.). [Crimes against children: Appropriate terminology](#).

<sup>508</sup> Europol. (2023, November). [Europol Programming Document 2024 – 2026](#). 73; Europol. (2024). [Internet Organised Crime Threat Assessment \(IOCTA\) 2024](#). Luxembourg: Publications Office of the European Union. 24.

### Q.3. Terminology considerations

“Offender” and “perpetrator” tend to be the most frequently used terms to refer to individuals having allegedly committed or been convicted of committing sexual offences against children. In accordance with major dictionaries, the term “offender” takes on the principal meaning of a person who commits/is guilty of a crime.<sup>509</sup> The term “perpetrator” appears to take on a slightly broader meaning, referring to a person “*who carries out a harmful, illegal, or immoral act*”,<sup>510</sup> as well as someone who has been convicted of committing such a crime or act.<sup>511</sup>

While the terminology relating to sexual offences against children, and in particular relating to the individuals who commit such offences, has to a large extent been defined by the legal texts (in particular criminal law), it is crucial to consider such terminology also from a non-legal perspective and address terms used by others. First and foremost, the victims and survivors of sexual offences may not necessarily use the legal terms, but often define the individual as their “abuser”. In addition, important work carried out by the child protection sector, the health sector – in particular in terms of prevention of sexual offending and treatment of individuals with a sexual interest in children – also have their terminology. The terms used in that sector are not necessarily defined by whether or not the individual has been accused and/or convicted of a crime, but go beyond the criminal justice system.

To refrain from an unhelpful and potentially stigmatising labelling of individuals who have committed sexual offences against children, the professional field dedicated to the prevention of such offences is increasingly promoting the use of “person first” language, such as the term “people having committed sexual offences against children” or “person convicted of a sexual offence”.<sup>512</sup>

Determining the appropriate term to describe an individual's involvement in a sexual offence against a child may be based on two primary considerations: 1) the individual's role in perpetrating or facilitating the sexual offence against a child, which is always relevant; and 2) the status of the individual in the possible criminal proceedings related to the sexual offence against the child, taking into account the specificities of national legislation. The latter is relevant only in cases where the criminal justice system is involved.

<sup>509</sup> Cambridge Advanced Learner's Dictionary and Thesaurus; Oxford Advanced Learner's Dictionary.

<sup>510</sup> Oxford Advanced Learner's Dictionary.

<sup>511</sup> Cambridge Advanced Learner's Dictionary and Thesaurus.

<sup>512</sup> Willis, G. M. (2018, January). *Why call someone by what we don't want them to be? The ethics of labeling in forensic/correctional psychology*. *Psychology, Crime & Law*, vol 24(7) 727-743; Lucy Faithfull Foundation. (2023, March). *The indirect harm of online sexual abuse: the impact on families of people who offend*.

In addition, the broader context in which an individual's involvement in a sexual offence against a child is discussed may also impact the choice of terminology, for instance prevention, treatment, or victim rehabilitation settings.

Regarding the first consideration, some common terms are frequently used in the context of child sexual exploitation to refer to offenders:

- The individual using the child for their own sexual gratification (in cases of exploitation in exchange for money or any other consideration or the promise of such), with or without the involvement of an intermediary. The term “abuser” is often used by victims and survivors of sexual exploitation and sexual abuse. An “abuser” is a person who treats another person in a cruel or violent way, especially regularly or repeatedly,<sup>513</sup> and especially sexually.<sup>514</sup> The term has also been defined as an individual who “*sexually assaults someone, especially a woman or a child*”.<sup>515</sup> In addition, this individual is sometimes referred to as the “consumer” or, in cases of exploitation, the “client” (see below for further detail on these specific terms).
- The individuals/entities whose conduct facilitates or aids and abets the commission of the sexual offence against the child are frequently referred to as the “facilitators” or the “intermediaries”. In sexual crimes against children, this person may be a trafficker, making the child available for sexual exploitation.
- The individual who receives the main benefit or payment in situations of sexual exploitation is often referred to as the “exploiter”. Linguistically, the term refers to someone “*who uses other people or things for his or her own profit or advantage*”.<sup>516</sup>

Furthermore, an individual's role in perpetrating sexual offences against children can also take the form of solicitation,<sup>517</sup> incitement, and the attempt to commit an offence.<sup>518</sup>

However, there is often overlap between these different notions and, in reality, the situation may be more complex given that it can be difficult to distinguish between these different actors, and that one person may play more than one role.

<sup>513</sup> Oxford British and World English Dictionary.

<sup>514</sup> Oxford Advanced Learner's Dictionary.

<sup>515</sup> Oxford British and World English Dictionary.

<sup>516</sup> Cambridge Advanced Learner's Dictionary and Thesaurus.

<sup>517</sup> European Union. [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](#). Article 6 on “Solicitation of children for sexual purposes”.

<sup>518</sup> Ibid., Article 7, on “Incitement, aiding and abetting, and attempt”.

Regarding the second consideration, in the framework of criminal justice, three stages can be identified based on the individual's involvement or not in the commission of a sexual offence against a child: 1) “alleged offender” or “alleged perpetrator” for the individual who is suspected of sexual exploitation or sexual abuse of a child but who has not been formally investigated, arrested or charged, indicted, prosecuted, or convicted under the law for any offence; 2) “suspect” or “accused” for the individual who is being formally investigated for a criminal offence or is involved in an ongoing criminal process for which they may be convicted; 3) “convicted offender” or “convicted perpetrator” for the individual who has been prosecuted and convicted of a criminal offence involving sexual exploitation or sexual abuse of a child.

## Q.4. Related terms

### Q.4.i. Sex offender

● *Special attention should be paid to how this term is used.*

The term “sex offender” refers to a person who is involved in or has committed an offence of a sexual nature. Offences of a sexual nature include acts such as sexual assault, sexual exploitation, trafficking in persons for sexual purposes, and any other criminal offence, including those committed online and/or facilitated by technology, whose intent and primary purpose is to engage in or facilitate activities or conduct of a sexual nature. Other related terms to “sex offender” include “rapist”. A “rapist” is a person who commits rape—that is, forces somebody to have sex when they do not want to.<sup>519</sup>

The term “sex offender” includes offences involving both child victims as well as adult victims, thus introducing a much broader scope that goes beyond sexual offences against children. In addition, as mentioned in the previous sub-section, in order to avoid labelling or stigmatising the person who commits the offence, the use of “person first” language, such as the term “person convicted of a sexual offence”, would be preferable, in particular when used outside the legal or criminal justice context.

**Conclusion:** On this basis, it is recommended that the terms “persons having committed sexual crimes against children” or “perpetrator of sexual crimes against children” be used as the preferred terminology in the context of child sexual exploitation and sexual abuse. Within the criminal justice context, or if a shorter expression is needed, “perpetrator of sexual offences” or “sex offender” may also be used.

<sup>519</sup> Oxford British and World English Dictionary and Oxford Advanced Learner's Dictionary.

## Q.4.ii. Child sex offender

- *Special attention should be paid to how this term is used.*

The term “child sex offender” is one of the most frequently used terms to refer specifically to individuals involved in sexual crimes against children, and it is particularly used by international law enforcement agencies. The term encompasses all forms of sexual offences against children, including acts carried out through or enabled by technology.

While the term “child sex offender” is not inaccurate, the qualifier “child” before “sex offender” may cause confusion with regard to who (a child or an adult) has committed the offence. To avoid confusion, where the offender is a child, the terms to be used are “children in conflict with the law”, “children who have displayed harmful sexual behaviour”<sup>520</sup> or – as a strictly legal term – “juvenile offender” (see [Sub-section Q.4.viii](#) on “Juvenile sex offender”).

Alternative terms to “child sex offender” are the above-mentioned “persons having committed (or convicted of) sexual crimes against children”, “perpetrator of sexual crimes against children” or “perpetrator of child sexual offences”.

**Conclusion:** The term “child sex offender” can be used to refer to adults who have committed sexual offences against children and represents the most frequently used term in the law enforcement sector. While the term has its place within law enforcement and the criminal justice system, it must also be noted that it may prove unhelpful or even inappropriate in other settings, such as in clinical work with persons who have committed sexual offences against children, or when addressing the general public.

## Q.4.iii. Persons who commit sexual offences against children

- *Special attention should be paid to how this term is used.*

Perpetrators of sexual offences against children, whether such offences are committed online or in-person, may have a variety of harmful or abusive sexual interests and be motivated by a variety of factors. In some cases, perpetrators will have a strong and enduring sexual preference for children; in other cases, they will be more likely to offend when their inhibitions regarding sexual interest in children are weakened or if their arousal patterns

<sup>520</sup> Based on the age of the child, this terminology could be further adapted so to refer to younger children as “children who have displayed problematic sexual behaviour”, and adolescents as “young people who have engaged in harmful sexual behaviour”. See Allardyce, S., Yates, P. (2018). [Working with children and young people who have displayed harmful sexual behaviour](#). Liverpool University Press.

are fuelled and validated by interaction with, for instance, child sexual abuse material.<sup>521</sup>

Thus, in the literature on sexual offending against children, the notion of “perpetrators of sexual offences against children” has been broken down into two broad sub-categories related to their behaviour: 1) the first relates to individuals with a predisposition or motivation to sexually engage with children and who seek out children for sexual interaction (so called “preferential offenders”); and 2) the second relates to individuals who victimise children but “*who do not have a true sexual preference for children*” (so called “situational offenders”).<sup>522</sup>

From a victim perspective, the typology of offender is not necessarily important. Moreover, there is no relation between the typology of offender and the gravity of the act committed. However, the reasons why certain persons commit sexual offences against children can be multiple, and be the result of a complex interplay of macro, interpersonal and individual factors. For instance, mental health issues, intergenerational cycles of abuse and trauma, substance abuse, socio-economic stressors, harmful social norms and values, a culture of violence are all factors that may play a role and that are relevant to consider. Dividing persons committing sexual crimes against children into these typologies can be of value when planning intervention, prevention, early intervention and response strategies and initiatives.

In particular, individuals who do not display any distinguishable sexual preference for children or adolescents but who will nevertheless engage in the sexual exploitation of children if and when they find themselves in situations where a child is readily available for sexual use<sup>523</sup> represent a complex group difficult to define with an accurate term. Such individuals frequently sexually abuse children to whom they have easy access, such as their own or those they may live with or have control over.<sup>524</sup> These individuals are not driven or motivated by sexual fantasies of children<sup>525</sup> but may include individuals who frequent adult sex trade venues or access a wide range of pornography or sexual opportunities and who tend to be reckless or wilfully blind to the situation of sexual exploitation of children.

<sup>521</sup> Lanning, K.V. (2002). *Sex Offender Continuum*. Adapted from Chapter 4 in Peters, J.S., (Ed.). (2002). *Prosecuting Online Child Exploitation Cases*. US Department of Justice. 8.

<sup>522</sup> Lanning, K.V. (2010). *Child Molesters: A Behavioral Analysis*. National Center for Missing and Exploited Children. 34.

<sup>523</sup> Altamura, A. *Understanding Demand for CSEC and the Related Gender Dimensions: A Review of the Research*. *ECPAT Journal Series*, No. 7, 1-15. 4.

<sup>524</sup> Lanning, K.V. (2010). *Child Molesters: A Behavioral Analysis*. National Center for Missing and Exploited Children. 34.

<sup>525</sup> Altamura, A. *Understanding Demand for CSEC and the Related Gender Dimensions: A Review of the Research*. *ECPAT Journal Series*, No. 7, 1-15. See also UN Commission on Human Rights. (2006, January). *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Juan Miguel Petit. E/CN.4/2006/67.

Because the child's age is not the primary factor driving the perpetrator's conduct, motives can be attributed to a wide range of cultural, social, and economic factors.<sup>526</sup> Such individuals do not necessarily have any specific intent to engage sexually with children or do not care about the age of the other person as long as they get their sexual gratification.

It has been posited that the majority of perpetrators of child sexual exploitation fall into this category of persons whose abusive behaviour is principally explained by situational or contextual factors.<sup>527</sup>

Such individuals would also include those who engage in sexual activity with post-pubescent children below the age of consent either knowingly or being reckless about their age. One type of individual which might not fit easily into either of these broad categories is the "older partner". In this case, a person who is also an adolescent engages in sexual relations with someone who is considered underage but is still quite close in age. In some jurisdictions, this issue is dealt with by not prosecuting (unless there is evidence of violence or coercion); in others, legislation includes a sliding scale of age difference to assess liability or criminality.

Notwithstanding these different categories, it must be underscored that the aetiology of offending is much more complex, involving a myriad of socioeconomic, cultural, psychological, biological, cultural, and situational factors<sup>528</sup> which go beyond the scope of these Terminology Guidelines.

#### Q.4.iv.a. Paedophile/person with paedophilic disorder

● *Special attention should be paid to how this term is used.*

A category of persons with a strong and enduring sexual preference for prepubescent children is known as "paedophiles". These individuals have identifiable behavioural traits and their offending, if any, tends to lie within the spectrum of sexually deviant paraphilias.<sup>529</sup>

"Paedophilia" or "paedophilic disorder" refers to a clinical diagnosis of a mental health condition. WHO defines the condition broadly as "*a sustained,*

<sup>526</sup> Ibid.

<sup>527</sup> HRC. (2015, December). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography](#). A/HRC/31/58. Paragraph 29.

<sup>528</sup> Ward, T., Siegart, R.J. (2002, December). [Toward a Comprehensive Theory of Child Sexual Abuse: A Theory Knitting Perspective](#). *Psychology, Crime & Law*, vol. 8(4), 319-351. 344.

<sup>529</sup> "Paraphilia" or "paraphilic disorder" describes a condition of sexual desires or behaviours that involves another person's psychological distress, injury, or death, or a desire for sexual behaviours involving unwilling persons or persons unable to give legal consent. American Psychiatric Association. (2022, February). *Diagnostic and Statistical Manual of Mental Disorders*. Fifth Edition. Text Revision.

focused, and intense pattern of sexual arousal—as manifested by persistent sexual thoughts, fantasies, urges, or behaviours—involving pre-pubertal children”.<sup>530</sup> According to the fifth edition, text revision of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5-TR), paedophilic disorder is a part of a larger group of paraphilic disorders and it is characterised as a “recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger)”.<sup>531</sup> The change in terminology from “paedophilia” or “paedophile” to “paedophilic disorder” starting in DSM-5<sup>532</sup> was intended to reflect the growing acceptance among mental health professionals that not all individuals who present with symptoms of paedophilic disorder are perpetrators of child sexual abuse or exploitation.<sup>533</sup> This recognition is crucial to reduce stigma and to enhance prevention and early intervention initiatives for persons with a sexual interest in children who are worried about sexual thoughts, feelings or behaviours towards children and may seek help if they are not automatically equated with or made to feel like criminals.

The terms “paedophile” and “paedophilia” continue to be overused and misunderstood, often seen as a label for a person convicted of child sexual exploitation or sexual abuse rather than as a term for a clinical condition. In some instances, States have wrongly characterised in legislation all persons with paedophilic disorder as criminals, defining a “paedophile” as “a person who has at any time been convicted of a sexual offence respecting a child”.<sup>534</sup> Such legislation propagates the misconception that child sexual exploitation and sexual abuse is perpetrated exclusively by paedophiles or that anyone diagnosed with paedophilic disorder is or has been engaged in such acts. In truth, while some perpetrators of child sexual exploitation and sexual abuse suffer from the clinical condition of paedophilic disorder, many more perpetrators of sexual offences against children are not diagnosed with paedophilic disorder. It is therefore important that a clear distinction be made between the act of sexual abuse/exploitation and the clinical condition

<sup>530</sup> WHO. (2024, January). *ICD-11 for Mortality and Morbidity Statistics: 6D32 Pedophilic disorder*.

<sup>531</sup> American Psychiatric Association. (2022, February). *Diagnostic and Statistical Manual of Mental Disorders*. Fifth Edition. Text Revision. F65.4.

<sup>532</sup> First, M.B. (2014, December). *DSM-5 and Paraphilic Disorders*. *Journal of the American Academy of Psychiatry and the Law*, vol. 42(4), 191-201.

<sup>533</sup> Despite the changes in the classification of paedophilic disorder, there are criticisms that the abovementioned *Diagnostic and Statistical Manual* has in fact contributed to the misconception that those suffering from paedophilic disorder are synonymous with perpetrators of child sexual abuse: “[m]any in society are likely to equate Pedophilia with child molestation. They are not the same. The *Diagnostic and statistical manual of Mental Disorders, Fifth Edition (DSM-5)* may be contributing inadvertently to the misconception that they are the same” (Berlin, F.S. (2014, December). *Pedophilia and DSM-5: The Importance of Clearly Defining the Nature of a Pedophilic Disorder*. *Journal of the American Academy of Psychiatry and the Law*, vol. 42(4), 404-407.). See also First, M.B. (2014, December). *DSM-5 and Paraphilic Disorders*. *Journal of the American Academy of Psychiatry and the Law*, vol. 42(4), 191-201.

<sup>534</sup> Legislative Assembly of Ontario. (2017). *Bill 145, Protection against Pedophiles Act, 1997*. Definitions.



of paedophilic disorder, which may or may not involve conduct amounting to child sexual exploitation and sexual abuse.<sup>535</sup>

To conclude, while some persons having committed sexual crimes against children have also been diagnosed with paedophilic disorder, the term “paedophile” is not recommended as it tends to wrongly conflate a clinical disorder with criminal offending.

#### Q.4.iv.b. Hebephile or ephebophile

- *Special attention should be paid to how this term is used.*

Other categories of persons with a sexual interest in children are “hebephiles” and ephebophiles. Hebephiles are persons who exhibit a clear and specific sexual preference for children who are in their early to mid-stages of pubertal development (in the age range of 11 to 14 years).<sup>536</sup> While it remains disputed whether hebephilia should be recognised as a clinical condition,<sup>537</sup> these individuals display a discriminable sexual preference for children in a specific age range.<sup>538</sup> Equally, individuals with a preference for older adolescent children (in the age range of 15 to 18 years) have been labelled “ephebophiles”.<sup>539</sup>

#### Q.4.v. Transnational child sex offender

- *Special attention should be paid to how this term is used.*

This term describes a modality of perpetrators of child sexual exploitation who sexually engage with children outside of their country of nationality or habitual residence, including when such acts are committed in the digital environment.<sup>540</sup>

The term “transnational child sex offender” applies to a person who commits sexual exploitation or sexual abuse against one or more children in another country, including while travelling or residing permanently or on a long-term

<sup>535</sup> Altamura, A. *Understanding Demand for CSEC and the Related Gender Dimensions: A Review of the Research*. *ECPAT Journal Series*, No. 7, 1-15.

<sup>536</sup> Blanchard, R., et al. (2009, June). *Pedophilia, Hebephilia and the DSM-V*. *Archives of Sexual Behavior*, vol. 38(3), 335-350.

<sup>537</sup> Prentky, R., and Barbaree, H. (2011, December). *Commentary: Hebephilia – A Would-be Paraphilia Caught in the Twilight Zone Between Prepubescence and Adulthood*. *Journal of American Academy of Psychiatry and the Law*, vol. 39(4), 506-510.

<sup>538</sup> Blanchard, R., et al. (2009, June). *Pedophilia, Hebephilia and the DSM-V*. *Archives of Sexual Behavior*, vol. 38(3), 335-350.

<sup>539</sup> *Ibid.*

<sup>540</sup> CEOP uses it with the reference “overseas”, which is not suitable in many places other than the UK (for having mostly other than sea borders).

basis abroad.<sup>541</sup> Because it only includes persons who cross a national border to commit sexual offences against children, this term does not take into account those travelling within a country or region to commit such offences.

**Conclusion:** The term “transnational child sex offender” is used to refer to a person who sexually exploits and/or abuses children outside their country (including when such acts are committed in the digital environment), including a person who travels to or resides in another country and sexually exploits and/or abuses a child, regardless of their status and of the circumstances of their travel/residence.<sup>542</sup>

#### Q.4.vi. Travelling child sex offender

● *Special attention should be paid to how this term is used.*

A “travelling child sex offender” has been defined as a person who travels in order to commit sexual offences against children. *“Although widely used across the global child protection community for the last decades, the term may be misleading on two counts. Firstly, the use of the term infers travel as a key component of the offending. This is inaccurate as some of the most prolific offenders often permanently reside abroad. Secondly, the term can appear to suggest that the threat is from registered sex offenders who travel.”*<sup>543</sup>

Travelling child sex offenders may travel within their own country or region as well to commit sexual offences against children. This is an important notion to take into account in the framework of international law enforcement cooperation.

**Conclusion:** Some law enforcement agencies still use the term “travelling sex offenders” but it has been increasingly replaced by the above-discussed term “transnational child sex offenders”, which is seen as broader. The advantage of the term “travelling child sex offender” is that it can also encompass persons travelling within a country or region, but not crossing a border, to commit sexual offences against children. However, it must also be recalled that, since such domestic travellers remain under their national jurisdiction, they can also simply be referred to as “perpetrators of sexual crimes against children”. The main point in adding the qualifier

<sup>541</sup> CEOP. (2013, June). [Threat Assessment of Child Sexual Exploitation and Abuse](#).

<sup>542</sup> Examples of such persons could be travellers and tourists but, importantly, the notion also encompasses individuals such as members of civil crisis management, military operations, and “voluntarism”, but also retired people and diplomats.

<sup>543</sup> Child Exploitation and Online Protection Centre (CEOP). (2013, June). [Threat Assessment of Child Sexual Exploitation and Abuse](#).

“transnational” or “travelling” is to denote that such offenders are sometimes acting with impunity because they operate outside of their national jurisdiction. Many States have adopted extraterritorial laws governing sexual offences against children committed in other jurisdictions in order to tackle this situation.

#### Q.4.vii. Child sex tourist

- *The use of the term should be avoided.*

Like “child sex tourism”, the term “child sex tourist” is frequently used to refer to travelling perpetrators of sexual offences against children. The term should be avoided (see [Sub-section I.4.i](#) on “Child sex tourism”).

Similarly, the term “sexpat” is sometimes used, mainly by the media, to refer to foreign perpetrators living for prolonged periods in the country where the offence is carried out. It can refer to foreigners who deliberately go to/settle in a specific country with the intention to sexually exploit children, sometimes because of the lesser (real or perceived) risk of being prosecuted. The term undermines the gravity of the offences committed and trivialises the sexual exploitation of children.

#### Q.4.viii. Juvenile sex offender

- *Special attention should be paid to how this term is used.*

The terms “juvenile offender” and “juvenile sex offender” is frequently used for persons under the age of 18 years who under their national law are considered criminally responsible for sexual offences and have been convicted. It is a predominantly legal term and, if used, should be reserved for the legal and judicial context.<sup>544</sup>

The term “juvenile offender” has come under criticism in recent years, as it arguably labels children as offenders. Even the term “juvenile” in itself, which originally refers – as an adjective – to something “childish or immature”, or something that relates to young people,<sup>545</sup> has come to be strongly associated with the criminal justice system and the age of criminal responsibility, and has as such taken on an increasingly pejorative meaning. Other terms, which refrain from equating the child with the act they have committed, have been suggested as alternatives. Among such terms

<sup>544</sup> See for instance International Covenant for Civil and Political Rights (ICCPR), article 10, which uses “accused juvenile persons” and “juvenile offenders”.

<sup>545</sup> Oxford British and World English Dictionary and Oxford Advanced Learner’s Dictionary.

are “children in conflict with the law” or “children who have committed crimes”.<sup>546</sup> Such terms may be used for children who have reached the age of criminal responsibility and who are in contact with the criminal justice system. For all other children, and in particular younger children below the age of criminal responsibility, further nuance should be added, and it is recommended to refer to “children who have displayed harmful (sexual) behaviour”, or “children who have engaged in harmful sexual behaviour”.

Generally, with regard to the criminal justice system, the same criteria are used with regard to adults and children above the age of criminal responsibility in terms of what constitutes a sexual offence, and the victim of such a crime may be another child or an adult person. The challenge for the justice system in all cases that involve children in conflict with the law lies in taking measures that account for all their rights, and the circumstances of the offence: the age, maturity, and condition of the offending child, the age of the victim, and the gravity of the sexual offence committed.<sup>547</sup>

It is also crucial to underscore that many children who perpetrate harmful acts might also be victims of abuse or violence themselves, or victims of broader systems that have failed them.

**Conclusion:** The term “juvenile sex offender” refers to a child at or above the age of criminal responsibility who has committed an offence of a sexual nature (whether against another child or against an adult). While still frequently used as a legal term in many criminal justice systems, the term can stigmatise the child who has offended by labelling them and equating them with the offence they have committed. It is recommended to use other terms, such as “children in conflict with the law”. In cases where more precision is needed, person first language should always be preferred, such as “children who have committed sexual offences” or “children convicted/accused of sexual offences”.

<sup>546</sup> UNGA. (2019, July). [Global study on children deprived of liberty](#). Paragraph 20; International Commission of Jurists. (2021, December). [Recommendations on the Main Principles Governing the Individual Assessment of Children in Conflict with the Law](#).

<sup>547</sup> Article 5 of the CRC sets forth that the “States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.” The commentary on Rule 4 of the Beijing Rules on the administration of juvenile justice states that “[t]he minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility: that is, whether a child, by virtue of his or her individual discernment and understanding can be held responsible for essentially anti-social behaviour. If the age [...] is fixed too low, or if there is no lower age at all, the notion of responsibility would become meaningless.” See also UNICEF Innocenti Research Centre. (2005). [Innocenti Insight: The Evolving Capacities of the Child](#). Florence: UNICEF Innocenti Research Centre.

The term should not be confused with “child sex offender”, which is often used to refer to a person (usually an adult) who has committed a sexual offence against a child (see above).

Importantly, children who have not reached the age of criminal responsibility should not be referred to as offenders at all, and terminology should be nuanced to reflect not the illegal character of their behaviour but rather the fact that they have displayed or engaged in harmful (sexual) behaviour.

#### Q.4.ix. Facilitator of sexual offences against children

● *Special attention should be paid to how this term is used.*

As explained in the interpretive sub-section above, the term “facilitator” (also known as the “intermediary”) refers to the individual whose conduct facilitates or aids and abets a (sometimes commercial) contact sexual offence against the child. The facilitator may be, but is not necessarily, the person who receives the benefit or payment for the sexual exploitation of a child. The facilitator may be a taxi driver, a hotel receptionist, a family member, or anyone putting another individual in contact with a child for sexual exploitation, whether they are paid for this “service” or not. It can also include the private sector in the domain of information and communication technology and financial services.

A “person-first” language alternative for the term facilitator is a “person facilitating the sexual abuse and/or exploitation of children”.

Children can act as facilitators, for example, where a perpetrator pressures them to introduce or recruit other children. This practice has been described as a form of peer-on-peer sexual exploitation.<sup>548</sup>

Frequently used terms for persons serving the role of intermediaries in the context of child sexual exploitation are “sex trafficker”, “broker”, “pimp”, and “*mamasan*”.

A sex trafficker is someone who engages in human trafficking for the purposes of sexual exploitation.

<sup>548</sup> Office for Standards in Education, Children’s Services and Skills. (2019, October). [What is peer-on-peer abuse?](#)

The term “broker” refers to a person who buys and sells goods or assets for others.<sup>549</sup> In the case of child sexual exploitation and sexual abuse it refers to the person who procures the child for others.

The term “pimp” is defined as “a man who controls prostitutes and arranges clients for them, taking a percentage of their earnings in return”.<sup>550</sup> The US Department of Justice uses the term “pimp” as a synonym for “commercial sex trafficker”,<sup>551</sup> and argues that “[w]hile some believe that the term “pimp” often is used by commercial sex traffickers as a favourable street title for someone who can procure sex for sale and thus should not be used, we use the term as it is commonly known and highlights that these offenders profit by the victimization of children through prostitution.”<sup>552</sup>

“Mamasan” is a term especially used in Japan and East Asia and refers to a woman in a position of authority, especially one in charge of a geisha house or bar.<sup>553</sup>

**Conclusion:** A person who facilitates the commission of sexual crimes against children can be referred to as a ‘facilitator’. Nevertheless, while the specific role played in the commission of a crime can be relevant from a legal point of view in determining the individual’s criminal responsibility, it is important to recall that the facilitator also contributes to sexually victimising the child. From the point of view of the child, the facilitator could harm the child as much or more than the person sexually abusing the child, by putting them in that situation. The gravity of the harm caused by the facilitator of sexual offences against children must not be underestimated.

#### Q.4.x. Non-offending partner

● *Special attention should be paid to how this term is used.*

The term “non-offending partner” is a term commonly used within literature<sup>554</sup> and by professionals in the field of criminology and law enforcement to describe the partner of a person who has (allegedly) committed sexual offences against children. This term is literal in defining the partner as non-offending, as opposed to the person who has committed

<sup>549</sup> Oxford British and World English Dictionary and Oxford Advanced Learner’s Dictionary.

<sup>550</sup> Ibid.

<sup>551</sup> US Department of Justice. (2010, August). [The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress](#). 31.

<sup>552</sup> Ibid., footnote 58.

<sup>553</sup> Oxford British and World English Dictionary.

<sup>554</sup> Duncan, K., et al. (2020, November). [The experiences of non-offending partners of individuals who have committed sexual offences: Recommendations for practitioners and stakeholders](#). Nottingham Trent University & University of Huddersfield.

the acts (the “offender”). Despite the non-offending partner not having committed any criminal offence themselves, research shows that they are often stigmatised and seen as facilitators or intermediaries.

The term non-offending partner should be used only to refer to partners of a person who has (allegedly) committed sexual offences against children, and never to refer to an accomplice or co-offender.

#### Q.4.xi. Offender communities/networks

- *This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.*

The term “offender community” refers to a group or community of offenders linked by their shared interest in child sexual exploitation and sexual abuse. Such communities are predominantly connected through online forums and networks, including on the darknet,<sup>555</sup> and are also referred to as “offenders’ online communities”.<sup>556</sup>

Such offenders’ online communities are used to share a collective interest in child sexual exploitation and sexual abuse, and/or to exchange child sexual abuse material online.

The need for a plural term for offenders is driven by the increasingly prevalent, organised and extreme nature of technology-facilitated child sexual exploitation and sexual abuse. Online communities on the darknet trade child sexual abuse material, exchange tradecraft on identifying and targeting children, and reinforce common cognitive distortions around children and sexual behaviour held by offenders.

#### Q.4.xii. Customer/client/John/Jane

- *The use of the term should be avoided.*

Persons who pay to sexually abuse children for their own gratification are frequently referred to as “customers” or “clients”, or sometimes as “Johns” or “Janes”.<sup>557</sup> The terms “customer” and “client” pertain to economic language and refer to persons buying goods or services from a business. They completely omit the fact that child sexual exploitation is a criminal act and

<sup>555</sup> WeProtect Global Alliance. (2023). [Global Threat Assessment 2023: Assessing the scale and scope of child sexual exploitation and abuse online, to transform the response.](#)

<sup>556</sup> Huikuri, S. (2023, September). [Users of Online Child Sexual Abuse Material.](#) *Journal of Police and Criminal Psychology*, Vol. 38, 904-913.

<sup>557</sup> Oxford British and World English Dictionary defines “John” in this context as “a prostitute’s client”.

a serious violation of the child's human rights, and are thus inappropriate in this context.

**Conclusion:** For the above stated reasons, the terms “customer”, “client”, “John”, and “Jane” should be avoided in the context of sexual exploitation and sexual abuse of children. From a legal/justice perspective, other terms which underline the criminal nature of these acts, such as “perpetrator of child sexual offences”, are more appropriate. From a prevention perspective, it is advised to use person first language including terms such as “person who has committed a sexual offence against a child”.



# ACRONYMS

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>EU</b>	European Union
<b>HRC</b>	Human Rights Council
<b>ICT</b>	Information and Communication Technology
<b>ILO</b>	International Labour Organization
<b>IWG</b>	Interagency Working Group
<b>OPSC</b>	Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography
<b>UN</b>	United Nations
<b>UNGA</b>	United Nations General Assembly
<b>UNICEF</b>	United Nations Children's Fund
<b>WHO</b>	World Health Organization

## ANNEX A

# OVERVIEW OF TERMS AND RECOMMENDATIONS

As one of the purposes of the Terminology Guidelines is to specifically identify and highlight terms to **Avoid** or **Use with Special Attention** the following tables are provided as guidance to the readers. Terms are listed as they appear in the main text of the Terminology Guidelines.

### Terms/phrases to avoid

Term/phrase	Recommended substitute term/phrase
Child prostitution	Exploitation of children in/for prostitution
Child prostitute AND Child sex worker	Children sexually exploited in/for prostitution
Children/adolescents/ young people selling sex	Children sexually exploited in/for prostitution
Voluntary/self-engaged prostitution <i>(when referring to children)</i>	<ul style="list-style-type: none"><li>▪ Exploitation of children in/for prostitution <i>(when referring to the act)</i></li><li>▪ Children sexually exploited in/for prostitution <i>(when referring to the children involved)</i></li></ul>
Transactional Sex <i>(when referring to children)</i>	<ul style="list-style-type: none"><li>▪ Exploitation of children in/for prostitution <i>(when referring to the act)</i></li><li>▪ Children sexually exploited in/for prostitution <i>(when referring to the children involved)</i></li></ul>

<b>Child Pornography</b>	Child sexual abuse material OR Child sexual exploitation material
<b>Child Erotica</b>	Sexualised images of children OR Child sexual exploitation material
<b>Webcam child sex tourism</b>	Live online child sexual abuse OR Live streaming of child sexual abuse
<b>Sextortion</b>	Sexual extortion
<b>Child sex tourism</b>	Sexual exploitation of children in (the context of) travel and tourism
<b>Self-victimisation AND Children putting themselves at risk AND children with risky/risk-taking behaviours</b>	<ul style="list-style-type: none"> <li>▪ Child sexual abuse/sexual abuse of children OR Child sexual exploitation/sexual exploitation of children (<i>when referring to the act</i>)</li> <li>▪ Children who have been subjected to sexual exploitation and/or abuse (<i>when referring to the children involved</i>)</li> </ul>
<b>Child sex offender (<i>when referring to a child</i>)</b>	<ul style="list-style-type: none"> <li>▪ Children in conflict with the law</li> <li>▪ Children who have displayed harmful sexual behaviour</li> </ul>
<b>Child sex tourist AND Sexpat</b>	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual abuse and/or exploitation</li> </ul>
<b>Customer AND client AND John AND Jane</b>	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>
<b>Love boy or similar slang (<i>when referring to sexual offences against children</i>)</b>	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>

## Terms/phrases to use with special attention

Term/phrase	Recommended substitute term/phrase (if any) <sup>558</sup>
Age of majority	/
Age of sexual consent	/
Minor	<ul style="list-style-type: none"> <li>▪ Child</li> <li>▪ Person under the age of 18</li> </ul>
Juvenile	<ul style="list-style-type: none"> <li>▪ Child</li> <li>▪ Children in contact with the law (<i>if referring to the justice system</i>)</li> </ul>
Adolescent	/
Teenager	/
Young person AND Young people AND Youth	/
Child in the digital environment	/
Commercial sexual exploitation of children	Child sexual exploitation OR sexual exploitation of children
Children in (a situation of) prostitution	Children sexually exploited in/for prostitution
Use of children for pornographic performances	<ul style="list-style-type: none"> <li>▪ Exploiting children through sexual performances</li> <li>▪ Use of children for sexual performances</li> </ul>
Digitally generated child sexual abuse material	/
Sexualised images of children	/

<sup>558</sup> For further information on why the term is to be used with special attention, please refer to the main content of these Terminology Guidelines.

<b>Self-generated/produced sexual content involving children AND First-person generated/produced sexual content involving children</b>	/
<b>Sexting</b>	/
<b>(Exposure to) harmful content</b>	/
<b>Corruption of children for sexual purposes</b>	Forcing/causing a child to witness sexual abuse or sexual activities
<b>Child sexual abuse online</b>	/
<b>Voluntourism</b>	/
<b>Sale of children</b>	/
<b>Trafficking of children</b>	/
<b>Child/early marriage</b>	/
<b>Forced marriage</b>	/
<b>Teenage marriage</b>	/
<b>Temporary marriage</b>	Child sexual exploitation OR sexual exploitation of children
<b>Harmful practices</b>	/
<b>Contemporary forms of slavery/child slavery</b>	/
<b>Survivor</b>	/
<b>Children experiencing/ having experienced sexual exploitation</b>	Children subjected to sexual exploitation and/ or abuse
<b>Children with lived experiences/histories of child sexual abuse</b>	Children subjected to sexual exploitation and/ or abuse
<b>Re-victimisation</b>	/

<b>Secondary victimisation</b>	/
<b>Sex offender</b> ( <i>when in the context of child sexual exploitation and abuse</i> )	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>
<b>Child sex offender</b> ( <i>when referring to an adult</i> )	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>
<b>Persons who commit sexual offences against children</b>	/
<b>Paedophile AND Person with paedophilic disorder</b>	/
<b>Hebephile OR Ephebophile</b>	/
<b>Transnational child sex offender</b>	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>
<b>Travelling child sex offender</b>	<ul style="list-style-type: none"> <li>▪ Person who has committed (or convicted of) a sexual offence against a child</li> <li>▪ Perpetrator of sexual crimes against children</li> <li>▪ Perpetrator of child sexual offences</li> <li>▪ Perpetrator of child sexual exploitation and/or abuse</li> </ul>
<b>Juvenile sex offender</b>	<ul style="list-style-type: none"> <li>▪ Children in conflict with the law</li> <li>▪ Children who have displayed harmful sexual behaviour</li> </ul>
<b>Facilitator of sexual offences against children</b>	Person facilitating the sexual abuse and/or exploitation of children
<b>Non-offending partner</b>	/

## Terms/phrases that have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child

- Child
- Sexual violence against children
- Sexual assault against a child
- Childhood sexual violence/abuse/exploitation
- Child sexual abuse/sexual abuse of a child
- Incest
- Rape of a child
- Sexual molestation of a child
- Sexual touching of children
- Sexual harassment of a child
- Child sexual exploitation/sexual exploitation of children
- Exploitation of children in/for prostitution
- Child sexual abuse material/child sexual exploitation material
- Technology-facilitated child sexual exploitation and sexual abuse
- Child sexual exploitation online
- Live online child sexual abuse
- Live streaming of child sexual abuse
- Child sexual abuse to order
- Solicitation of children for sexual purposes
- Grooming of children for sexual purposes
- (Sexual) enticement of children online
- Sexual extortion of children
- Sexual exploitation of children in (the context of) travel and tourism
- Worst forms of child labour
- Child victim of sexual exploitation and/or abuse
- Victim identification (in the context of child sexual abuse material)
- Children subjected to sexual exploitation and/or sexual abuse
- Victimisation
- Perpetrators of sexual crimes/offences against children
- Offender communities/networks

## ANNEX B

# MEMBERS OF THE FIRST INTERAGENCY WORKING GROUP

The first Interagency Working Group, active between 2014 and 2016, comprised representatives from the following organisations (in alphabetic order):

- African Committee on the Rights and Welfare of the Child
- Child Rights Connect
- Council of Europe
- ECPAT
- Europol
- INHOPE - The International Association of Internet Hotlines
- Inter-American Children's Institute, specialized organization of the Organization of the American States (IIN-OAS)
- International Centre for Missing and Exploited Children
- International Labour Office
- International Telecommunication Union
- INTERPOL
- Office of the United Nations High Commissioner for Human Rights
- Plan International
- Save the Children International
- Office of the Special Representative of the United Nations Secretary General on Violence against Children



- United Nations Committee on the Rights of the Child
- Office of the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography
- United Nations Children's Fund (UNICEF)

**Observers to the project**

- London School of Hygiene & Tropical Medicine
- Oak Foundation
- University of Bedfordshire, The International Centre: Researching child sexual exploitation, violence and trafficking

