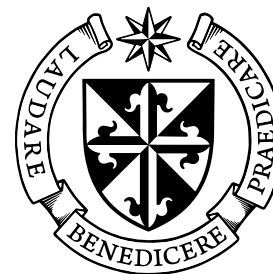


Guidance 13

Definitions of Abuse



Definition and Recognition of Child Abuse

The term 'child' means a person under the age of 18 years, excluding a person who is or has been married.

Physical Abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

Examples

Severe physical punishment.	Beating, slapping, hitting or kicking.
Pushing, shaking or throwing.	Pinching, biting, choking or hair-pulling.
Observing violence. Use of excessive force in handling.	Deliberate poisoning.
Suffocation.	Female genital mutilation.
Fabricated/induced illness.	Allowing or creating a substantial risk of significant harm to a child.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement. This defence could previously be invoked in court proceedings by a parent or other person in authority, who physically disciplined a child. The change in the law now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Emotional Abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver.

Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen. A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer. Emotional abuse may be seen in some of the following ways.

Examples

Rejection. Lack of attachment.	Emotional unavailability of the child's parent/carer.
Unresponsiveness of the parent/carer. Lack of comfort and love.	Use of unreasonable or harsh disciplinary measures.

Conditional parenting in which the level of care shown to a child is made contingent on his/her behaviour or actions.	Premature imposition of responsibility on the child. Lack of continuity of care (e.g. frequent moves, particularly unplanned).
Under- or over-protection of the child. Continuous lack of praise and encouragement.	Exposure to domestic violence. Persistent criticism, sarcasm, hostility or blaming of the child.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk-taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Sexual Abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and, in some instances, occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings or friends, from the suspicions of an adult, and/or by physical symptoms. It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not recognise it as abusive.

Examples

Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child. Any sexual act intentionally performed in the presence of a child.	Intentional touching or molesting of the body of a child for sexual arousal or gratification.
Masturbation in the presence of the child or the involvement of the child in the act.	Sexual exploitation of the child, including encouraging the child to solicit for sexual acts, recording images for the purpose of sexual arousal or gratification.
Sexual intercourse (oral, vaginal, anal). An invitation to sexual touching or intentional touching or molesting of a child’s body, whether by a person or object, for the purpose of sexual arousal or gratification.	Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means.

Child pornography

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

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

Examples

Children being left alone without adequate care and supervision.	Malnourishment, lacking food, unsuitable food or erratic feeding.
Non-organic failure to thrive, i.e., a child not gaining weight due not only to malnutrition but also emotional deprivation.	Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation.
Unhygienic conditions.	Inadequate living conditions.
Lack of protection, and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age.	Inattention to basic hygiene.
Persistent failure to attend school.	Abandonment or desertion.

Northern Ireland

Legislation in relation to definitions of abuse are contained in the Northern Ireland (Co-operating to Safeguard Children Order, 2016, revised 2017)

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

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

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

Sexual abuse occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology).

Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.

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

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

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

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person, taking selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms – such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud, or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature. (Co-operating to Safeguard Children and Young People in Northern Ireland, 2016 - Department of Health, Social Services and Public Safety).

Peer Abuse (As defined in Children First 2015)

In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim and the alleged abuser; that is, it should be considered a child care and protection issue for both children. All abusers must be held accountable for their behaviour and work must be done to ensure that abusers take responsibility for their behaviour and acknowledge that the behaviour is unacceptable. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance. Abusive behaviour which is perpetrated by children must be taken seriously and it is important that such cases are reported.

Bullying (As defined in Children First 2015)

Bullying can be defined as repeated aggression, be it verbal, psychological or physical which is conducted by an individual or group against others. It is behaviour which is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as teasing, taunting, threatening, hitting or extortion by one or more children against a victim. The more extreme forms of bullying behaviour, when perpetrated by adults rather than children, would be regarded as physical or emotional abuse.

The following is a list of examples of bullying – but it is not an exhaustive list.

- Name calling
- Fighting/kicking/punching/hair pulling
- Making suggestive/sarcastic comments
- Intimidation
- Threatening
- Ignoring/excluding
- Damaging property
- Spreading rumours
- Sending abusive text messages
- Racial ethnic or cultural comments