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The Alliance of the Child Protection in Humanitarian Action (the Alliance) supports the efforts of humanitarian actors to achieve high quality and effective child protection interventions in humanitarian settings. Through its technical Working groups and Task Forces, the Alliance develops inter-agency operational standards and provides technical guidance to support the work of child protection in humanitarian settings.

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## INTRODUCTION

### WHY DO WE NEED A REVIEW OF EXISTING DEFINITIONS?

Article 19 of the UN Convention on the Rights of the Child (UNCRC) requires States to protect children against all forms of abuse, neglect, exploitation, and violence.<sup>i</sup> However the Convention neither defines these terms nor explains the distinctive differences between them.<sup>ii, iii</sup> The definition of child protection in emergencies in the first edition of the Minimum Standards for Child Protection in Humanitarian Action is the prevention of and response to “abuse,” “neglect,” “exploitation”, and “violence” without elaborating on what, precisely, these terms mean. Likewise, many humanitarian organisations have adopted definitions of child protection based on the language used in Article 19 of the UNCRC. Problematically, these terms are often used interchangeably and carry different meanings both within and across organisations.

Further confusion arises from the fact that academics, scholars, and practitioners have a tendency to use one term – typically “abuse” or “violence” – as the umbrella term for a full range of types of child maltreatment: including neglect; exploitation; and physical, sexual, and psychological violence and abuse.<sup>iv,v</sup> This creates challenges for the identification of cases, the measurement of incidence rates, and the determination of appropriate protective mechanisms.

## CHALLENGES IN DEFINING ABUSE, NEGLECT, EXPLOITATION AND VIOLENCE

There are several factors that complicate attempts to define the four types of child maltreatment that fall within the remit of child protection in humanitarian action.

- The definitions of “abuse,” “neglect,” “exploitation” and “violence” must be broad enough to accommodate variations in form, such as physical, sexual, emotional, psychological and economic.
- Definitions for the terms “abuse,” “neglect,” “exploitation” and “violence” are often overlapping and interlinked, with unclear boundaries between them. For example, abuse, exploitation, and violence may all be sexual, thus an incident of sexual violence perpetrated by a stranger may be incorrectly labelled as sexual abuse, given abuse is defined as being perpetrated by someone who holds a position of trust, responsibility, or power in relation to the child.
- One type of maltreatment may happen in conjunction with another. The *same act* may constitute more than one type of child maltreatment, or a child may experience *multiple acts* of maltreatment concurrently, committed by the same perpetrator or by different perpetrators. For example, exploitation is often accompanied by neglect, and/or actual or threatened violence.
- Child maltreatment must be understood as relating to the experiences of the child over the course of time rather than as single acts that occur in isolation. For example, a specific act of violence perpetrated by a family member may take place after years of abuse by the same perpetrator. Or prolonged physical abuse within the home may lead a child to flee and thus increase her/his vulnerability to economic or sexual exploitation.
- The definitions of “abuse,” “neglect,” “exploitation,” and “violence” involve the same four elements – (a) the nature of the act, (b) the relationship between the perpetrator and the child, (c) the perpetrator’s motivation or intent, and (d) the outcomes for the child. Sometimes there is significant overlap in these elements. For example, violence and exploitation both comprise acts of commission.

## THE BENEFITS OF CONCEPTUALLY COHERENT DEFINITIONS

This report suggests definitions that describe the main elements (nature of the act; perpetrator relationship to the child; motivation or intent; and outcomes) in ways that recognise the overlap and highlight the distinctions between each type of maltreatment. Whilst seeking to remain succinct and clear, using plain English. The benefits to developing conceptually coherent, practical, evidence-based definitions of abuse, neglect, exploitation, and violence include:

- Enabling more accurate identification, monitoring, and reporting of child protection concerns; better measurement of impact and child wellbeing; and thus more tailored prevention, mitigation, and response actions.
- Improving an understanding of the socio-ecological factors (inherent in the child, the family, the community and society) that increase children’s vulnerability to maltreatment in general, and to specific types of maltreatment in particular,
- Providing consistency in terminology within the Child Protection in Humanitarian Action (CPHA) Sector, and between child protection actors and actors in other humanitarian sectors,
- Clarifying operational responsibilities between child protection actors and colleagues in other humanitarian sectors, and
- Facilitating the standardisation of child protection vocabulary across other Child Protection Minimum Standards (CPMS) working languages.

## NOTE ON THE WAY TERMINOLOGY IS USED IN THIS REPORT

The term maltreatment is used as an umbrella term in this report to cover and refer to all four forms of child protection concern being discussed – namely: “abuse,” “neglect,” “exploitation,” and “violence.” Despite not having yet gained traction among child protection actors working in humanitarian settings, “maltreatment” was chosen as it is used as a general term by the World Health Organisation, and may be seen as more “neutral” as a catchall term.

The World Health Organisation definition states: “Child maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”<sup>vi</sup> Here it is expanded to cover harm inflicted by those unknown to the child.

The word perpetrator is used here as shorthand for the “alleged” or “so-called” author of an act that causes, or has the potential to cause, harm to a child. The term is used for conceptual clarity. When dealing with child protection cases the individual who is thought to be the author of the act should be referred to by name or by their relationship to the child. Care should be taken to not accuse individuals. Child Protection actors do not investigate cases or deliver justice themselves. Child protection actors will most often work with the child, caregivers, and the wider community to provide psychosocial support, case management support, advice, or guidance (e.g. parenting classes) to address child protection concerns without judgement.

For further clarification on the definitions of the terms “caregiver,” “harm,” and “perpetrator” as used in this report please see the glossary of terms.

## **METHODOLOGY**

This report was produced by Proteknôn Consulting Group for the Child Protection Minimum Standards Working Group of the Alliance for Child Protection in Humanitarian Action. This was part of a 31-day consultancy contract with four deliverables. The other deliverables to follow are:

- Report of evidence on child neglect in humanitarian contexts – risks and effective prevention and response strategies
- Key recommendations for strengthening the issue of neglect within the CPMS
- Webinar on child neglect in humanitarian settings

Steps in the process of the current report were:

- i. Review of literature to identify pre-existing definitions and explanations of abuse, neglect, exploitation, and violence
- ii. Draft report including one-sentence definition and maximum one-page explanation and unpacking of the definition for each of the four terms abuse, neglect, exploitation, and violence
- iii. Circulate report for comments – to be shared with members of reference group – including representatives from the CPMS working group and the Alliance
- iv. Incorporate feedback and finalise report

## Literature identification process

The literature review focussed on guidance and reference material most commonly used by child protection actors in humanitarian settings. It sought to identify definitions, explanations, or descriptions for the terms abuse, neglect, exploitation, and violence. Sources of publications included:

- Key UN bodies and agencies – including the UN General Assembly, United Nations Children’s Fund (UNICEF), UN High Commissioner for Refugees (UNHCR), World Health Organisation (WHO), the Office of the Special Representative of the Secretary-General on Violence against Children (OSRSG/VAC), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA), the International Labour Organisation (ILO), the UN Committee on the Rights of the Child and the UN Committee on the Elimination of Discrimination against Women. This included Conventions, General Comments of the Committee on the Rights of the Child, and Commentaries on articles of the CRC.
- Interagency groups, bodies, and initiatives, such as Actions for the Rights of Children
- Members of the Alliance for Child Protection in Humanitarian Action. Published documents were identified by accessing agencies’ websites or through web searches.<sup>vii</sup>
- Academic bodies and institutions

## Literature review process

- The authors – Leilani Elliott and Hannah Thompson – reviewed the literature, identifying and extracting all definitions for “abuse,” “neglect,” “exploitation,” and “violence.
- It was noted when resources described or indicated aspects of only one or certain elements of the definition (the elements being: the nature of the act, the relationship between the perpetrator and the child, the perpetrator’s motivation or intent, and the outcomes for the child).
- Each of the forms of maltreatment includes variation in forms – for example the sub-categories of abuse are emotional abuse, physical abuse, or sexual abuse. Due to time constraints and the need to keep the report brief, the ways in which different actors in the humanitarian sector define such sub-categories were not explored. The review process did not include a detailed comparative analysis of the meaning and use of the terms used to



describe variations informs. New definitions for these terms are not proposed. Some of the pre-established definitions have been paraphrased and put into a list is under the different headings “variations in forms” and further paraphrased definitions are given in the annexes.

### **Development of new definitions**

The authors mapped out existing definitions and identified the core elements of these definitions as described in published papers, UN conventions, guidance, and reports in order to determine the main areas of distinction and overlap. Discussion with a wider group led to the development of the definitions proposed here.

The new definitions aim to:

- Pinpoint the distinct and unique elements of each term (abuse, neglect, exploitation, and violence);
- Recognise and allow for overlap between the elements of the terms (abuse, neglect, exploitation, and violence), and
- Are worded in a way that is succinct and clear to all readers.

### **Details of report review and revision process**

- A rough draft report written by the authors was initially shared within Proteknôn for feedback and comment. Revisions were incorporated.
- A zero draft was shared with members of the Alliance for Child Protection in Humanitarian Action. Feedback was received and this second, final draft produced.

## **REPORT OUTLINE**

The report begins by defining the four terms “abuse,” “neglect,” “exploitation” and “violence”. The analysis and presentation of a definition for each term follows the same structure:

- Specific challenges in defining the term,
- Proposed definition and variations in form,
- Analysis of the elements of the definition (relationship between perpetrator and child, perpetrator’s motivation or intent, impacts on the child), and
- Considerations in humanitarian settings.

The report next considers linkages between the four terms and the ways in which acts of child maltreatment may intersect or overlap. Finally, the report provides a summary of conclusions and recommendations.



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## Abuse

### SPECIFIC CHALLENGES IN ESTABLISHING A DEFINITION OF ABUSE

Whilst some actors see the possibility of abuse being perpetrated by strangers,<sup>viii</sup> here the emphasis is placed on distinguishing abuse – deliberate harmful acts perpetrated by those who have a relationship *of trust, power, or responsibility* with the child – from violence – deliberate harmful acts perpetrated by known individuals *and/or* strangers. The scope of “relationship of trust, power or responsibility with the child” includes parents, family members, and other permanent, temporary, proxy and de facto caregivers.<sup>ix</sup>

### PROPOSED DEFINITION OF ABUSE

A deliberate act with actual or potential negative effects upon a child’s safety, wellbeing, dignity, and development. It is an act that takes place in the context of a relationship of responsibility, trust, or power.<sup>x,xi</sup>

## Variations in forms

Child abuse covers four main types of harm to children as perpetrated by an individual in a position of responsibility, trust, or power:<sup>xii</sup>

- **Emotional or psychological abuse** is when a caregiver acts or behaves in ways that have an adverse effect on the emotional health and development of a child. Such acts include restricting a child's movements, denigration, ridicule, threats and intimidation, discrimination, rejection, and other nonphysical forms of hostile treatment that deny the child an appropriate and supportive environment in which to thrive. They are acts that may result in psychological and social deficits in the growth of a child;<sup>xiii</sup>
- **Neglectful abuse** is the deliberate or wilful failure of a caregiver to provide for or protect the child, generally for discriminatory reasons. Forms of abuse that are neglectful also include instances where caregivers fail to report violence against a child.<sup>xiv</sup> Some forms of neglect fall outside of the category of abuse;<sup>xv</sup>
- **Physical abuse** is a caregiver's use of physical force to cause actual or possible physical injury or suffering;
- **Sexual Abuse** is when a caregiver involves 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, or else that violates the laws or social taboos of society".<sup>xvi</sup>

## ELEMENTS OF THE DEFINITION OF ABUSE

### Perpetrator relationship with the child

Abuse is understood to cover acts of maltreatment that are committed by an individual – either an adult or another child – who is, as result of their role, position, age, or stage of development – in a position of responsibility, trust, or power over the victim."<sup>xvii</sup>

### Motivation or intent

Abuse is characterised as being an act of commission. Threatening to cause harm is also considered to be abusive. An incident intending or causing harm that involves a child will be classed as abusive "regardless of any justification or reason that may be provided for the ill treatment including discipline, legal sanction, economic necessity, the child's own consent to it, or in the name of cultural and religious practice."<sup>xviii</sup> This includes coping strategies that the parents or caregivers may consider protective, such as child marriage in the hope of protecting a child against sexual violence.

## Impacts on the child

Abuse may result in actual or potential harm to a child's health, survival, development, or dignity.<sup>xxix</sup> Examples of the types of harm that result from the full range of forms of abuse include physical injury including burns, bruises, broken bones, and traumatic brain injury; and decline in psychological wellbeing such as eating and sleeping disorders, feelings of guilt, difficulty with making and maintaining relationships, disassociation, risk-taking behaviour, hyper-vigilance, anxiety, or persistent fear.<sup>xxx</sup> Child abuse has been shown to impair brain development with regions of the brain failing to form or grow, as they should. These consequences may have short-, medium- and long-term psychological implications, such as delays to cognitive development or emotional difficulties. Abusive experiences may have a profound impact upon the development and function of the nervous system.<sup>xxxi</sup> Emerging evidence indicates that abuse may affect sensory systems, as well as the network architecture and circuits involved in threat detection, emotional regulation, and reward anticipation.<sup>xxxii</sup>

## ABUSE IN HUMANITARIAN CONTEXTS

During times of crisis, caregiver coping abilities are reduced, tensions are increased, poverty and food insecurity becomes acute.<sup>xxxiii</sup> Family structures may be significantly altered due to death. Heads of households may flee, become separated from their families, or join armed forces or groups. This results in an increase in the household dependency ratio and may cause emotional and financial stress – potentially exacerbating abuse within the home.<sup>xxxiv</sup> Behaviours of both adults and children are altered, as they are more likely to witness traumatic events. Negative coping mechanisms such as drugs and alcohol may also rise. Children who witness conflict or other emergency events are more likely to show signs of post-traumatic stress and displays of anger and aggressiveness, which may provoke abusive reactions from parents, caregivers, and peers.<sup>xxxv</sup> Older children with post-traumatic stress are prone to perpetrate interpersonal violence themselves.<sup>xxxvi</sup>



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## Neglect

### SPECIFIC CHALLENGES IN ESTABLISHING A DEFINITION OF NEGLECT

Debate over the definition of neglect centres on a lack of consensus regarding issues such as<sup>xxvii</sup>:

- What are the minimum requirements associated with caring for a child? Are these minimum requirements absolute or culturally relative? Do they change over time and space?
- What constitutes “failure or inability to provide” the conditions of living necessary for the child’s development? Should “failure or inability to protect” be included?
- Must the parent’s or caregiver’s failure or inability to provide for / protect the child be intentional?
- Should the focus be on parental omissions in caring for children, independent of contributory factors (such as poverty), or on children’s experiences, (i.e.: the impact on a child’s health, safety, and well-being)?

### PROPOSED DEFINITION OF NEGLECT IN RELATION TO CHILD PROTECTION

The intentional or unintentional failure of a caregiver – individual, community, or institution (including the State) with clear responsibility by custom or law for the well-being of the child – to protect a child from actual or potential harm to the child’s safety, wellbeing, dignity, and development or to fulfil that child’s rights to survival, development, and wellbeing. Within this definition, the term “ability” includes the existence, non-discriminatory availability, and accessibility of essential goods and services. Harm may be visible or invisible. An act may be categorised as neglectful whether or not the caregiver intends to harm the child.<sup>xxviii</sup>

## Variations in forms

Child neglect may be divided into six categories, namely<sup>xxix</sup>:

- **Physical neglect** – failure to protect a child from harm or to fulfil a child’s rights to basic necessities including adequate food, shelter, clothing, and basic medical care;
- **Medical neglect** – failure to seek timely and appropriate medical care for a serious physical or mental health problem;
- **Emotional neglect** – caregivers being emotionally or psychologically unavailable or chronically inattentive to a child; failing to nurture or encourage the child; denying the child warmth and opportunities for developmental enrichment or exposing the child to intimate partner violence, drug, or alcohol abuse;
- **Educational neglect** – the failure to secure a child’s education through attendance at school or otherwise;
- **Supervisory neglect** – failure to provide safe and appropriate adult supervision that—in light of a child’s age, development, or situation; the duration and frequency of the unsupervised time; and the environment in which a child is left unsupervised—places the child at risk of harm.
- **Abandonment** – caregiver failure to maintain contact with a child or to provide reasonable support for a specified period of time.
- **Discriminatory neglect** – is where a caregiver neglects a certain subset of their children due to individual characteristics. The individual level characteristics that most often lead to discrimination relate to gender identity or the fact that a child is living with a disability. Discriminatory neglect may take the form of physical, medical, emotional, educational, or supervisory neglect or abandonment.

While neglect has generally been defined dichotomously (neglect or no neglect) the drawing of lines between the two is often arbitrary and unclear. Consequently, the trend has been toward considering children’s needs along a continuum, “ranging from being met fully to not being met at all”.<sup>xxx</sup>

## ELEMENTS OF THE DEFINITION OF NEGLECT IN RELATION TO CHILD PROTECTION

### Perpetrator relationship to the child

Articles 18.1 and 27.2 of the Convention on the Rights of the Child emphasise that primary responsibility for the upbringing and development of the child and for securing the conditions of living

necessary for the child's development lie with the child's parents, legal guardians, or others responsible for the child.<sup>xxxii</sup> Thus in child protection a failure to protect or provide for the child constitutes neglect when perpetrated by a parent or other person responsible for the child's care, such as a teacher or a staff member of an institution.<sup>xxxiii</sup>

### **Motivation or intent**

Article 27.2 of the CRC requires parents and others responsible for the child "to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development". A number of scholars also define neglect as the failure of a parent or caregiver to fulfil the child's rights to physical and emotional wellbeing, development, and protection where they have the means, knowledge, and access to services to do so.<sup>xxxiv</sup> Scholars recognise that neglect may be unintentional and arise from socio-ecological factors such as a lack of awareness, physical or mental capacity, required knowledge and skills to care for the child or other insurmountable problems – such as non-existent, inaccessible, or discriminatory services – faced by the parents or caregivers.<sup>xxxv</sup> It may facilitate support and response to a child's protection needs if neglect is defined in terms of overlooking or not fulfilling a child's rights to survival and development. This is consistent with the international obligation to treat the best interests of the child as the primary concern<sup>xxxvi</sup>. Accordingly, neglect is defined in terms of the child's experiences, regardless of intention or causation.<sup>xxxvii</sup>

The question then becomes: under what circumstances during humanitarian action should neglect be considered a child protection issue, requiring an intervention such as case management, family strengthening, community-based support, as opposed to a matter to be referred to non-child protection partners (*for example* shelter, health, nutrition, education, food security, livelihoods) for assistance? We propose that neglect should be considered a child protection issue during humanitarian action when:

- a. Parents or caregivers fail to protect or provide for the child from physical, sexual, psychological, and emotional harm and ensure the child's survival and development – despite having the abilities, knowledge and financial capacities to do so, or
- b. Parents or caregivers (a) recognise that they lack the abilities, knowledge and financial capacities to protect or provide for the child and ensure the child's survival and development and (b) fail to take reasonable steps to seek the assistance that would enable them to do so; or

- c. The State, as de facto caregiver and ultimate duty-bearer, fails to provide the conditions, services, and enabling environment necessary for children’s protection, survival, and development when a child is in the State’s care.

We propose that neglect may not be solely a child protection issue when:

- a. The rights of the child being overlooked fall under the responsibility of another response sector, AND
- b. The perpetrator is not the child’s usual primary caregiver – but is another duty-bearer such as the State.

When a **caregiver is doing all they can** but systems outside the family level are inadequate or limited, then the State, other service providers, or other actors may be considered neglectful. In these scenarios child protection actors will provide complementary support to the child (for example Mental Health and Psychosocial Support), to the family (for example case management and referral), and to other sectors (through for example: advocacy, child participation, child safeguarding, or mainstreaming of child protection), but lead responsibility for delivery of services may fall to another sector.

Examples of such forms of neglect include: State-run education that excludes all the girls in a conflict-affected country; shelter provision that leaves significant numbers of children without a home or in an unsafe housing situation; or parties to conflict blocking food distributions in an area causing child malnourishment. In these instances, although children’s rights are not being fulfilled, child protection actors may support or coordinate but would not lead a process for addressing these particular unmet rights of education, shelter, and food.

That said, in cases of child maltreatment that do not involve caregivers (i.e.: when another party is neglectful), child protection actors would be involved if the child were experiencing other forms of maltreatment, whether perpetrated by a caregiver or a third party.

### **Impacts on the child**

The issue of actual versus potential harm presents a further definitional challenge. Circumstances of possible neglect would constitute child protection concerns if they result in, present a significant risk of, or have the potential to harm a child, whether or not harm to the child is the intended outcome.<sup>xxxvii</sup> A child who is neglected by her/his parents may not experience neglect if a third party (such as a family member, friend or neighbour) steps in to protect or provide for the child. An intervention such as family strengthening may be required in order to help parents better fulfil their obligations as the child’s primary caregivers.

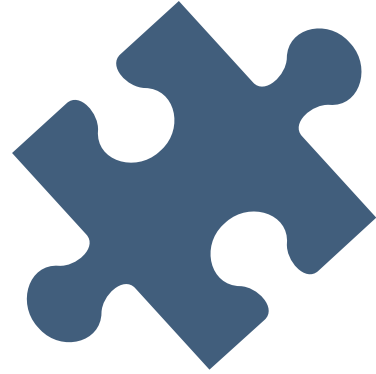


## NEGLECT IN HUMANITARIAN CONTEXTS

Humanitarian emergencies may compromise the degree to which caregivers protect and provide for children. Parents' concerns over resource scarcity; reduced access to basic services; the weakening of family and community support structures; disruptions to social protection and safety nets; and migration for food, water or employment may be time and energy consuming. Caregivers may suffer mental health problems or psychosocial distress due to crisis events. Caregivers may resort to alcohol or drug abuse as a negative coping mechanism. The disruption to caregiver wellbeing may reduce caregivers' attention to their children's needs, causing neglect. In addition, the need to rebuild lives and cope with extreme circumstances may divert caregivers, reducing the level to which they recognise, acknowledge, and seek to fulfil their children's needs. Where caregivers do not respond by seeking support to fill the gap in meeting children's needs, the level and scale of neglect is also potentially exacerbated.

This leads to the questions: Are minimum requirements for caring for a child absolute or are they dependent on what is achievable in that humanitarian environment? Does neglect vary dependent upon the location specific, socially determined definition of what is acceptable treatment of a child?

Different cultures may have different perspectives on what constitutes minimum requirements for a child's survival and development. These are determined by socio-cultural norms. However, the Alliance for Child Protection in Humanitarian Action subscribe to the belief that all children have equal rights as enshrined in the UN Convention on the Rights of the Child. Work carried out by the Alliance seeks to ensure these rights are all met. Where humanitarian crisis impact upon the abilities of caregivers to provide for their children and fulfil their children's rights – the State and humanitarian actors neglect children if they do not provide assistance and protection in order to fill capacity gaps.



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## Exploitation

### SPECIFIC CHALLENGES IN ESTABLISHING A DEFINITION OF EXPLOITATION

Despite being referenced in six of articles of the Convention on the Rights of the Child<sup>xxxviii</sup>, the concept of exploitation was never defined in the preparatory discussions during drafting of the Convention. The UN Committee on the Rights of the Child has not found it necessary to define exploitation during the course of its supervisory work.<sup>xxxix</sup> It is unclear whether exploitation requires that the harmful acts occur in the context of abuse of a position of vulnerability, differential power, or trust.

### PROPOSED DEFINITION OF EXPLOITATION

When an individual in a position of power and/or trust takes or attempts to take<sup>xl</sup> advantage of a child for their own personal benefit, advantage, gratification, or profit. This personal benefit may take different forms: physical, sexual, financial, material, social, military, or political. Exploitation may involve remuneration in cash or in kind (such as social status, political power, documentation, freedom of movement, or access to opportunities, goods or services) to the child or to a third person/s.<sup>xli</sup>

## VARIATIONS IN FORMS

Child exploitation may be divided into three categories, namely:

- **Economic exploitation** – slavery and slave-like practices, servitude, bonded or indentured labour;<sup>xlii</sup>
- **Harmful or hazardous labour** – work that, by virtue of the child's age or the nature of the work, is prejudicial to any aspects of the child's welfare, *among other things* the child's health or physical, mental, spiritual, moral or social development.<sup>xliii</sup> This includes the use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances<sup>xliv</sup> and children's association with armed forces and armed groups.<sup>xlv</sup>
- **Sexual exploitation** – child prostitution, the trafficking or sale of children for sexual purposes (including forced marriage), child pornography and grooming for sexual purposes – including on-line;<sup>xlvi</sup>

Many children are coerced, kidnapped, trafficked, sold, and deceived into exploitative situations.<sup>xlvii</sup> Some children may be thought to have chosen to enter exploitative situations in order to receive money, gifts, or affection. However, a child is not considered able to provide full and informed consent. Any so-called consent,<sup>xlviii</sup> local legislation on age of majority, or a mistaken belief in the age of the child<sup>xlix</sup> does not negate the fact that an act is exploitative.

## ELEMENTS OF THE DEFINITION OF EXPLOITATION

### Perpetrator relationship to the child

A perpetrator of child exploitation is any person who facilitates, recruits, transports, transfers, harbours, receives or uses a child for the purposes of exploiting that child.<sup>1</sup> This person may be an adult or peer, a caregiver or family member, known or unknown to the child.

### Motivation or intent

Exploitation occurs in the context of a benefit or exchange of value. This benefit may take the form of financial remuneration or payment in kind, such as access to goods, services, or employment, in return for the child's services.<sup>li</sup> Child exploitation can also occur in non-commercial contexts within the family – for example, early marriage and 'bride price' (sale for marriage), which exemplify traditional forms of sexual exploitation.<sup>lii</sup> Persons facilitating the exploitation may not intend to exploit or harm the child; instead they may be resorting to negative coping strategies designed to secure protection, status, goods, or services that they deem essential for the survival of the child and/or his/her/their family.

A child-focused approach requires that the definition of exploitation be concerned with the transactional nature of the arrangement and the potential impacts on the child rather than the motivations of those involved. A child's participation in family subsistence or culturally related family activities – such as hunting, fishing or agricultural activities – do not constitute exploitation, as long as these activities are properly supervised, appropriate to the child's age, non-hazardous, and do not interfere with the child's education and development.<sup>liii</sup>

### **Impacts on the child**

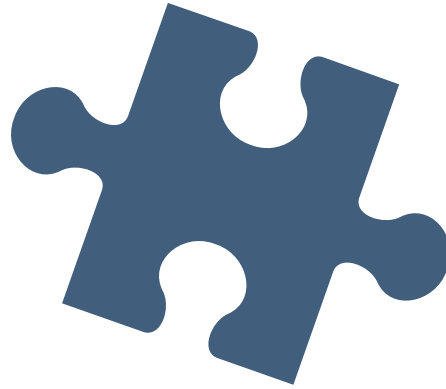
The UNCRC requires that children be protected from “performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development”<sup>liv</sup> and “all other forms of exploitation prejudicial to any aspect of the child's welfare”.<sup>lv</sup> Other articles of the UNCRC dealing with exploitation do not expressly mention or describe the form of harm caused,<sup>lvi</sup> however the activities described clearly endanger the child's health; physical, mental, spiritual, moral or social development; and welfare. This then leads to the question of whether the activity must cause harm to the child in order to qualify as exploitation. A key phrase in article 32.1 is that the work is “likely to be hazardous... or harmful”, implying that the mere risk of harm to a child is sufficient to define an act as exploitative. Additional UN documents have further extended the scope of harm, prohibiting both actual and attempted exploitation.<sup>lvii</sup>

## **EXPLOITATION IN HUMANITARIAN CONTEXTS**

Humanitarian emergencies take a toll on parents' abilities to protect and provide for their children, particularly among already vulnerable and chronically poor populations. Crises are associated with loss of shelter and livelihoods, increased poverty and food insecurity, reduced access to goods and services, more pronounced power differentials, and a dependence on external assistance. Children and families may adopt negative coping strategies to survive, or fall victim to predatory behaviour.<sup>lviii</sup> The 1996 UN Study on the Impact of Armed Conflict on Children outlines some of the implications and consequences in conflict settings. It found that “while children may appear to choose military service, the choice is not exercised freely... One of the most basic reasons that children join armed groups is economic. Hunger and poverty may drive parents to offer their children for service. In some cases, armies pay a minor soldier's wages directly to the family... Children themselves may volunteer if they believe that this is the only way to guarantee regular meals, clothing or medical attention”.<sup>lix</sup> Meanwhile, “poverty,

hunger and desperation may force women and girls into prostitution, obliging them to offer sex for food or shelter, for safe conduct through the war zone or to obtain papers or other privileges for themselves and their families". [Some] girls have done so in the hope of securing greater protection. [For] example, there have been reports of girls as young as twelve submitting themselves to paramilitary forces as a means of defending their families against other groups".<sup>lx</sup>

Perpetrators of child exploitation may also include aid workers and others with a responsibility to protect. For example, between 2008 and 2013, the UN received 480 allegations of sexual exploitation and abuse in field missions; over one-third of these cases involved a child.<sup>lxi</sup> A 2015 UN report revealed that a significant number of women and girls had engaged in transactional sexual relationships with UN peacekeeping personnel. For rural women, hunger, lack of shelter, baby care items, medication and household items were frequently cited as the "triggering need".<sup>lxii</sup> In some instances, women and girls were allegedly forced to have sex with UN peacekeepers in exchange for material aid.<sup>lxiii</sup>



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## Violence

### SPECIFIC CHALLENGES IN ESTABLISHING A DEFINITION OF VIOLENCE

In the General Comment No.13 on Article 19, the UN Committee on the Rights of the Child chose the term “violence” to represent all forms of harm to children, namely abuse, neglect, exploitation and violence,<sup>lxiv</sup> while at the same time suggesting that other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight.<sup>lxv</sup> This creates a feedback loop within which violence is both an umbrella term for child maltreatment and a component of child maltreatment, equivalent to abuse, neglect and exploitation.

### PROPOSED DEFINITION OF VIOLENCE

Violence against children encompasses all acts that involve the intentional use of power or verbal or physical force, threatened or actual, against a child or against a group of children that either results in or has a high likelihood of resulting in actual or potential harm to the child or children’s safety, wellbeing, dignity, and development. Possible forms of harm include injury; death; disability; decreased psychological, psychosocial, or mental health; or maldevelopment.<sup>lxvi</sup>

## Variations in forms

Violence against children may be broken down into four broad sub-categories:

- **Emotional or psychological violence** – that which causes harm to the psychological or emotional wellbeing of the child;
- **Physical violence** – violence that is of or relates to the body – includes hitting, beating. In humanitarian contexts this may include killing, maiming, torture, and abduction;
- **Sexual violence** – any sexual act or attempt to obtain a sexual act from a child, it includes unwanted sexual comments, touching or looking at a child for sexual pleasure;
- **Witnessing violence against others** – incidents where the child is present when violence is taking place rather than directly experiencing violence themselves.

## ELEMENTS OF THE DEFINITION OF VIOLENCE

### Perpetrator relationship with the child

Violence against children is most often carried out within the context of relationships of differential power. However, both known and unknown assailants may inflict harm. Adults and other children may be perpetrators. There may be multiple direct and indirect co-perpetrators involved in one incident of child maltreatment. Acts of violence may be self-directed (namely suicide and self-mutilation), interpersonal, or collective.<sup>lxvii</sup> Interpersonal violence against children covers that which is inflicted by peers (e.g. bullying at school); perpetrated by family members (e.g. domestic violence), by intimate partners, by parents or caregivers (e.g. corporal punishment); those with the responsibility to care for and fulfil the rights of a child (e.g. teachers, humanitarian workers, nurses, doctors, police persons, staff of residential institutions); or employers. Collective violence includes both State-perpetrated violence<sup>lxviii</sup> – for example genocide, rape as a weapon of war, and torture – and organised violent crime – such as gang warfare and gang rape.<sup>lxix</sup>

### Motivation or intent

Acts of violence are considered intentional. They may be premeditated or unplanned and spontaneous. The perpetrator is wilfully and voluntarily engaged in an act of violence. Where incidents *accidentally* impact upon the lives and wellbeing of children but the act of violence itself was *intended to harm someone* – such as laying out landmines, bombing, or gunfire in times of war – they are considered acts of violence against children. If the author of an act that resembles violence does so

under the duress of another individual or group, then they too are experiencing violence, and should not necessarily be considered as the ultimate perpetrator. Acts of violence may also be carried out in self-defence.

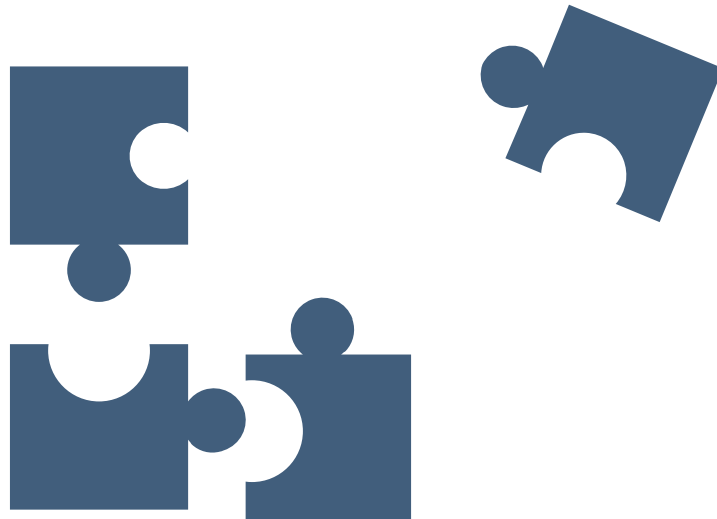
### **Impacts on children**

Children experiencing violence may demonstrate a range of life-threatening internal and external injuries and physical trauma, as well as far-reaching psychosocial consequences. Children may be infected with HIV or sexually transmitted diseases.<sup>lxx</sup> Furthermore children may experience social exclusion resulting from family and community negative perceptions of child survivors.

## **VIOLENCE IN HUMANITARIAN CONTEXTS**

Examples of forms of violence against children that may occur because of or be exacerbated as a result of humanitarian events include: intimate partner violence; rape and rape as a weapon of war; children caught in crossfire, children injured by unexploded ordnance; summary execution; corporal punishment; maiming; torture; child marriage; and female genital mutilation.<sup>lxxi</sup> Acts of violence may sometimes be perpetrated in self-defence or as a consequence of real or perceived threats to the life and wellbeing of the supposed perpetrator. For example, children who are associated with armed forces and groups are at once perpetrators and survivors of violence. A family member who is being threatened with death if they do not comply may rape a child. Programmatic responses to such incidents should reflect and be based on a full understanding of the circumstances, including the role of other actors in driving the violence.

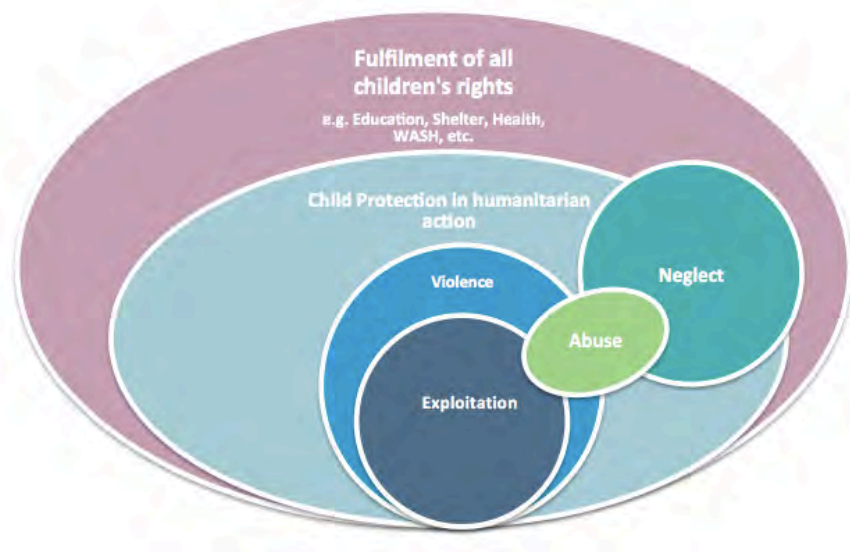




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## Linkages between terms

As noted in the introduction, the *same act* may constitute more than one type of child maltreatment, depending on (a) the nature of the act, (b) the relationship between the perpetrator and the child, (c) the perpetrator’s motivation or intent, and (d) the impacts on the child. Having more clearly defined terms each having certain distinctive elements does not detract from the fact that a single harmful event may be described using two or more of the terms “abuse,” “neglect,” “exploitation,” and “violence.



## ABUSE

**Abuse** is an aggravating factor – it cannot happen on its own, only in conjunction with another form of maltreatment. It occurs when someone in a relationship of responsibility, trust, or power perpetrates the maltreatment. For example:

- **Abuse** and **Violence** are both intentional. Violence is abusive when it is perpetrated by someone within a relationship of responsibility (perpetrator). Violence perpetrated by a stranger is not abuse.
- **Abuse** and **Neglect** overlap when neglect is perpetrated deliberately by someone with the responsibility to protect and provide for the child. Neglect is a form of abuse when it is deliberate and wilful. For example: (i) when caregivers have the means and knowledge to protect and/or provide for a child but do not do so; or (ii) when caregivers who do not have the means to protect and provide for a child deliberately fail to seek a way to secure the means necessary to secure the support and protection the child requires. Neglect is not abuse when the harm caused to a child is unintended.<sup>lxxii</sup>
- **Violence, Abuse, and Exploitation** overlap when acts of exploitation are perpetrated or facilitated by someone within a relationship of responsibility and/or trust (motive + perpetrator).

## EXPLOITATION

There is strong inter-sectionality between exploitation and other forms of child maltreatment. For example, exploitation that is facilitated or perpetrated by a person who is in a position of responsibility, trust, and/or power in relation to the child would also constitute abuse. Some forms of exploitation, such as sexual exploitation, involve multiple forms of child maltreatment. Children who are exploited for prostitution or sold into marriage suffer not only sexual violence, but also physical and psychological violence.<sup>lxxiii</sup> Other children may experience sexual victimisation, such as child pornography, which may not be accompanied by physical force or restraint but which is nonetheless psychologically traumatic.<sup>lxxiv</sup>

**Exploitation** sits entirely within **Violence**. **Violence** is exploitative when it takes place for remuneration in cash or kind, implying some profit or exchange of value (motive). Some forms of violence are not exploitative.

## VIOLENCE

Confusion between **Violence** and **Abuse** arises when some actors use the term 'child abuse' to encompass acts of ill treatment by strangers and those known to the child.<sup>lxxv</sup> Based on the definitions of maltreatment presented here, in order to create greater conceptual clarity, when a known individual with caregiver responsibility perpetrates an intentional act causing harm to a child, it may be classed as abuse or violence. When an intentional act of ill-treatment is perpetrated by a stranger who does not have caregiver responsibility, it is classed as violence, and should not be considered abuse

## NEGLECT

Because both **Abuse** and **Neglect** involve the behaviours of parents, caregivers, or others with legal responsibility for the care of the child, some consider neglect as part of the definition of *abuse*. We propose that neglect overlaps with abuse when the failure to protect or provide for a child is deliberate, negligent, or stems from discriminatory motives.

**Neglect may fall outside of child protection** in humanitarian action when the rights being overlooked relate to another sector of work and /or the perpetrator is not a usual, primary caregiver. In this scenario other duty-bearers – such as the state or humanitarian actors – who are not meeting the child's survival and development needs, despite caregiver action to seek these needs are met are the neglectful party.

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## Conclusion and recommendations

Through a review of the existing use of the terms abuse, neglect, exploitation, and violence by child protection actors in the humanitarian sector this report has found significant confusion and overlap. Proposed definitions have been set out that seek to establish distinguishing features for each of the terms. Distinction between the terms may be summarised as:

- Abuse is harm to a child that is intentional and perpetrated by someone in a position of responsibility, trust, or power in relation to the child.
- Neglect in relation to child protection is the intended or unintended failure to protect or provide for a child, perpetrated by the child's permanent, temporary, or proxy caregiver. In cases where no such caregiver exists, the de facto caregiver is the State.
- Exploitation is intentional, is perpetrated by an individual in a position of power or trust, and involves benefit to the perpetrator.
- Violence is the intentional perpetration of a violent act – physical, verbal, or emotional – whether or not the intention is to actually harm the child. Violence may be perpetrated by known or unknown persons, and may be self-inflicted, inter-personal, or collective.

## RECOMMENDATIONS

Recommendations stemming from the development of this report include:

- Test the definitions proposed here with a range of actors globally. Ensure those with whom the definitions are tested speak a range of different languages and are not solely English mother-tongue speakers.
- Revise the proposed definitions according to feedback.
- Translate the definitions of these key terms into a range of languages used by child protection actors in humanitarian settings for testing and revision.
- Agree on a new, clearer definition of child protection in humanitarian action that avoids the use of terms that are used in variable ways and are not clearly defined in legislation or conventions. It should seek to identify terms that may be more commonly used in other languages and thus easier to translate. A proposed definition is set out below.

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# Annexes

## ANNEX 1: GLOSSARY OF KEY TERMS USED

**Caregiver:** “The definition of “caregivers”, referred to in article 19, paragraph 1, as “parent(s), legal guardian(s) or any other person who has the care of the child”, covers those with clear, recognized legal, professional-ethical and/or cultural responsibility for the safety, health, development and well-being of the child, primarily: parents, foster parents, adoptive parents, caregivers in kafalah of Islamic law, guardians, extended family and community members; education, school and early childhood personnel; child caregivers employed by parents; recreational and sports coaches – including youth group supervisors; workplace employers or supervisors; and institutional personnel (governmental or nongovernmental) in the position of caregivers; for example responsible adults in health-care, juvenile-justice and drop-in and residential-care settings.”<sup>lxxvi</sup>

- **De facto caregiver:** In certain situations – among other things “children without a primary or proxy care giver or another person who is entrusted with the protection and well-being of the child such as, for instance, children in child-headed households, children in street situations, children of migrating parents or unaccompanied children outside their country of origin – the State is obliged to take responsibility as the de facto caregiver or the one who has the care of the child, even if these children are not within the context of physical care settings such as foster homes, group homes or NGO facilities.”<sup>lxxvii</sup>

**Child:** means “Every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.”<sup>lxxviii</sup>

**Harm:** injury, pain, suffering, or trauma of a physical or emotional nature. Harm caused to children may be visible or invisible.

**Incident:** “...is defined as an act or series of acts of violence or abuse by one perpetrator or group of perpetrators. May involve multiple types of violence (physical, sexual, emotional, economic, socio-cultural); and may involve repetition of violence over a period of minutes, hours, or days.”<sup>lxxix</sup> A single incident may involve more than one child and/or more than one perpetrator. The same child may experience multiple incidents of maltreatment, perpetrated by one or more people. Similarly, a single perpetrator may perpetrate multiple acts of child maltreatment, against one or more children.

**Perpetrator:** is an individual, a group, or an institution that directly inflicts, supports, encourages, condones, or enables acts of child maltreatment.<sup>lxxx</sup> They act in ways that infringe on the human rights of the survivor of violence. Perpetrators are in a position of real or perceived power, decision-making and/or authority and can thus exert control over the child whom they are harming.<sup>lxxxi</sup>

- **Direct versus indirect perpetrator:** A direct perpetrator is an individual, a group, or an institution that directly inflicts, supports, encourages, condones, or enables acts of child maltreatment.<sup>lxxxii</sup> They act in ways that infringe on the human rights of the survivor of violence. An indirect perpetrator is an individual or group, who, along with others, is in support of, condones, is responsible for, or has enabled an act of maltreatment. They may or may not be present at the precise the moment that the act of maltreatment occurs. Perpetrators are in a position of real or perceived power, decision-making and/or authority and can thus exert control over the child they are harming.<sup>lxxxiii</sup>
- **Primary versus secondary perpetrators:** A primary perpetrator “is the person or people that directly inflicted the violence or abuse against the survivor.”<sup>lxxxiv</sup> A secondary perpetrator “is the

person or people who did not directly commit the violence against the survivor but [...] played an indirect role in the violence through planning, instigating, ordering, or aiding and abets in the planning, preparation or execution of the crime.<sup>lxxxv</sup> For example, if one man rapes a woman while a second man holds her down, the one doing the raping is the primary perpetrator and the one holding her down is the secondary perpetrator.<sup>lxxxvi</sup>

## ANNEX 2: CHILD MALTREATMENT WITHIN A SOCIO-ECOLOGICAL FRAMEWORK

A child's vulnerability to maltreatment in general, and to specific types of maltreatment, depends on the existence and interplay of factors at various levels:<sup>lxxxvii</sup>

- **Child-level risk factors** – biological and personal history aspects such as sex; age; education; income; disability; impaired brain and cognitive development; psychological disorders; harmful use of alcohol; drug abuse; and a history of aggression or maltreatment.
- **Family-level risk factors** such as a lack of emotional bonding; poor parenting practices; family dysfunction and separation; associating with delinquent peers; children witnessing violence within the home; and early or forced marriage.
- **Community-level risk factors** such as poverty; high population density; transient populations; low social cohesion; and unsafe physical environments.
- **Society-level risk factors** such as the legal and social norms that create a climate in which different types of child maltreatment are encouraged or normalised; health, economic, educational and social policies that maintain economic, gender or social inequalities; absent or inadequate social protection; social fragility owing to conflict, post-conflict or natural disaster; and weak governance and poor law enforcement.

Recognising the risk factors at each of these levels can help determine appropriate protective measures, both in preventing and responding to child maltreatment.

### Children at greater risk of maltreatment

Women and girls with disabilities are often at greater risk of the full range of forms of harm – violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.<sup>lxxxviii</sup>

### Children at greater risk of neglect

Children perceived by caregivers as non-productive, burdensome or of lesser social value – such as children born out of wedlock, step-children<sup>lxxxix</sup> or other non-biological children under an adults care; children with disabilities or chronic illnesses<sup>xc</sup>; children younger than 4 years of age<sup>xcii</sup>; and children in institutional care<sup>xcii, xciii</sup> – are at greater risk of neglect. Additionally, the prevalence of gender inequality throughout the world contributes to boys being favoured, placing girls at greater risk of neglect.

### Children at greater risk of exploitation

The largest employment category for girls under 16 years of age is domestic work, which often takes the form of unregulated employment and exploitation, and sometimes servitude or slavery.<sup>xciv</sup>

### Children at greater risk of violence

The likelihood of experiencing a specific form of violence varies according to the individual characteristics of a child. Groups of children that are particularly at risk of violence include: children with disabilities; those from minority or indigenous groups;<sup>xcv</sup> “street children,” those in contact with the law, displaced children,<sup>xcvi</sup> and children on the move.<sup>xcvii</sup> Certain forms of violence impact upon certain categories of children more frequently. Data indicates that girls are more likely to experience sexual violence, intimate partner violence, and child marriage; and boys are more likely to be tortured, killed, or injured in conflict.<sup>xcviii</sup> Subsequently assumptions about the characteristics of children who experience certain forms of violence may conceal the realities and variations that take place across contexts, leading the needs of certain children to go hidden and unaddressed.



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# Endnotes

<sup>i</sup> United Nations Convention on the Rights of Child, United Nations, 1989, Article 19, available at:

[https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.227408798.263609704.1524581065-192632033.1523609680](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.227408798.263609704.1524581065-192632033.1523609680) UNCRC Article 19 (1) “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>ii</sup> The UN Committee on the Rights of the Child in General Comment No. 13 provides a definition of violence, this is discussed in the section on violence below. UN Committee on the Rights of the Child General Comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13, 18 April 2011

<sup>iii</sup> The Child Protection Working Group (CPWG) agreed a definition of child protection in emergencies in 2010. This definition is: “the prevention of and response to abuse, neglect, exploitation and violence against children.” The Child Protection Working Group (CPWG) is now the Alliance and the Child Protection Area of Responsibility. The CP AoR ensures the coordination of national and international humanitarian actors’ efforts to protect children in humanitarian environments. The Child Protection Area of Responsibility is part of the cluster system. The Alliance for Child Protection in Humanitarian Action (“The Alliance”) has an overall goal to ensure the quality and effectiveness of actions to protect children in humanitarian settings. The Alliance supports national and international actors. The Alliance leads on advocacy, learning, and standard setting for the sector. Both the Child Protection Area of Responsibility and The Alliance have adopted the CPWG’s 2010 definition of child protection in emergencies. Whilst the original definition spoke about child protection in emergencies, the sector has now moved to talking about humanitarian action as opposed to emergencies, to reflect the continuum from development to humanitarian phases.

<sup>iv</sup> Save the Children and Child Protection, Save the Children, December 2007, available at:

<https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>

<sup>v</sup> For example: WHO World Report on Violence and Health (2002), available at:

[http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1), UNICEF (2014) Hidden in Plain Sight: A statistical analysis of violence against children, available at:

[http://files.unicef.org/publications/files/Hidden\\_in\\_plain\\_sight\\_statistical\\_analysis\\_EN\\_3\\_Sept\\_2014.pdf](http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf)

<sup>vi</sup> Child maltreatment: Fact sheet, reviewed September 2016, <http://www.who.int/mediacentre/factsheets/fs150/en/>

<sup>vii</sup> The list of agencies’ whose publications were reviewed includes: Save the Children, IRC, Plan International, World Vision, War Child, Terre des Hommes, UNHCR, UNICEF, WHO, and the Organisation of African Unity

<sup>viii</sup> Reference: Save the Children and Child Protection, Save the Children, December 2007, available at:

<https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>

<sup>ix</sup> For a complete definition of the term “caregiver” see Annex 1: Glossary of key terms used

<sup>x</sup> This definition draws upon definitions for abuse as presented in:

- Save the Children, (December 2007), Save the Children and Child Protection, available at: <https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>: “A deliberate act of ill treatment that can harm or is likely to cause harm to a child’s safety, well-being, dignity and development.” “Abuse includes all forms of physical, sexual, psychological or emotional ill treatment.”
- WHO Consultation on Child Abuse Prevention, 1999, cited on page 59 of World Report on Violence and Health (2002), WHO, [http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1): “Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

<sup>xi</sup> Notable changes to the definition are the removal of the terms “exploitation” and “neglect” so as to avoid confusion for those using the current definition of child protection in emergencies (“the prevention of and response to abuse, neglect, exploitation and violence against children.”)

<sup>xii</sup> Definitions adapted from and based on:

- Desmond Runyan, Corrine Wattam, Robin Ikeda, Fatma Hassan, and Laurie Ramiro, “Child abuse and neglect by parents and other caregivers” in WHO (2002) World Report on Violence and Health, [http://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap3.pdf](http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap3.pdf),
- Theoklitou D, Kabitsis N, Kabitsi A (2012) “Physical and emotional abuse of primary school children by teachers” in *Child Abuse & Neglect* vol.36 (1): 64–70, pp.64–65), and
- Save the Children, (December 2007), Save the Children and Child Protection, available at: <https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>

<sup>xiii</sup> World Health Organization (2006) “Preventing child maltreatment: A guide to taking action and generating evidence”, Geneva, p.10,

[http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1)

<sup>xiv</sup> Report of the independent expert for the United Nations study on violence against children (2006), UN Doc. A /61/299, 29 August 2006, para.25, page 8&9 [https://www.unicef.org/violencestudy/reports/SG\\_violencestudy\\_en.pdf](https://www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf)

<sup>xv</sup> For further details see the definition of neglect below

<sup>xvi</sup> World Health Organization (2006) "Preventing child maltreatment: A guide to taking action and generating evidence", Geneva, p.10,

[http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1)

<sup>xvii</sup> Someone who has primary responsibility for the care of the child includes parent(s), legal guardian(s), or others provide only temporary care for example a teacher, a community worker, or a babysitter or nanny, etc. See Desmond Runyan, Corrine Wattam, Robin Ikeda, Fatma Hassan, Laurie Ramiro: "Child abuse and neglect by parents and other caregivers" in WHO (2002) World Report on Violence and Health, p.59, World Health Organization (2006). "Preventing child maltreatment: A guide to taking action and generating evidence", Geneva, p.10, available at

[http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=2BCCA5E2158F66F734284867913E9C9D?sequence=1); Council of Europe (2007) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Art.18.1(b)

<sup>xviii</sup> Save the Children and Child Protection, Save the Children, December 2007, available at:

<https://resourcecentre.savethechildren.net/library/save-childrens-definition-child-protection>

<sup>xix</sup> Desmond Runyan, Corrine Wattam, Robin Ikeda, Fatma Hassan, Laurie Ramiro: "Child abuse and neglect by parents and other caregivers" in WHO (2002) World Report on Violence and Health, p.59,

[http://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap3.pdf](http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap3.pdf)

<sup>xx</sup> IRC and UNICEF (2012) "Caring for Child Survivors of Sexual Abuse: Guidelines for health and psychosocial service providers in humanitarian settings", [https://www.unicef.org/pacificislands/IRC\\_CCSGuide\\_FullGuide\\_lowres.pdf](https://www.unicef.org/pacificislands/IRC_CCSGuide_FullGuide_lowres.pdf); Hannah Thompson (2016) "A Time of Transition: Plan International's Work with and for Adolescents in Humanitarian Settings, Plan International", [file:///Users/hannah1/Downloads/glo-full\\_report\\_a\\_time\\_of\\_transition-final-io-eng-aug16%20\(1\).pdf](file:///Users/hannah1/Downloads/glo-full_report_a_time_of_transition-final-io-eng-aug16%20(1).pdf);

Thompson, H. (2015) "A Matter of Life and Death: Child Protection Programming's Essential Role in Ensuring Child Wellbeing and Survival During and After Emergencies", Child Protection Working Group and ChildFund, <http://cpwg.net/resources/matter-life-death/>

<sup>xxi</sup> Charles B. Nemeroff (2016): "Paradise Lost: The Neurobiological and Clinical Consequences of Child Abuse and Neglect", available at <https://doi.org/10.1016/j.neuron.2016.01.019>

<sup>xxii</sup> Martin H. Teicher, Jacqueline A. Samson, Carl M. Anderson and Kyoko Ohashi (2016): "The effects of childhood maltreatment on brain structure, function and connectivity" in *Nature Reviews Neuroscience*, Vol.17, 652–666, doi:10.1038/nrn.2016.111, 19 September 2016

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<sup>xxviii</sup> This definition draws upon definitions for abuse as presented in:

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- xliii Convention on the Rights of the Child (1989), Articles 32.1 and 36; International Covenant on Economic, Social and Cultural Rights (1966), Article 10; Lee Sepston (2012): "A Commentary on the United Nations Convention on the Rights of the Child, Article 32: Protection from Economic Exploitation", para.61; Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), Art.3(a)
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<sup>liv</sup> Convention on the Rights of the Child (1989), Article 32.1

<sup>lv</sup> Convention on the Rights of the Child (1989), Article 36

<sup>lvi</sup> Such as article 33 (preventing the use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances), article 34 (protecting the child from all forms of sexual exploitation), article 35 (preventing the abduction of, the sale of or traffic in children for any purposes) and article 38 (ensuring that children under fifteen years of age are not recruited into armed forces)

<sup>lvii</sup> Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse (2003), UN Doc. ST/SGB/2003/13, 9 October 2003, Section 1

<sup>lviii</sup> Child Protection Working Group (2014): Responding to the Worst Forms of Child Labour in Emergencies, p.7

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- WHO (2002): World Report on Violence and Health, available at: [http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1)  
[http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/](http://www.who.int/violence_injury_prevention/violence/world_report/en/)

<sup>lxvii</sup> Definition of child maltreatment given in: WHO, UNODC, UNDP (2014): Global status report on violence prevention [http://www.who.int/violence\\_injury\\_prevention/violence/status\\_report/2014/en/](http://www.who.int/violence_injury_prevention/violence/status_report/2014/en/)

<sup>lxviii</sup> UN Committee on the Rights of the Child General Comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13, 18 April 2011

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- <sup>xci</sup> Cassie Landers (2013): “Preventing and Responding to Violence, Abuse, and Neglect” in *Early Childhood A Technical Background Document*, UNICEF New York, p.8
- <sup>xcii</sup> Including boarding schools, alternative care centres, shelters, infant homes, youth homes, institutions for children with psycho-neurological and severe disabilities, prisons and correctional facilities
- <sup>xciii</sup> UNICEF (2014): “Hidden in plain sight: A statistical analysis of violence against children”, UNICEF New York, p.58
- <sup>xciv</sup> Report of the independent expert for the United Nations study on violence against children (2006), UN Doc. A /61/299, 29 August 2006, para.66
- <sup>xcv</sup> United Nations Children’s Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA), the International Labour Organisation (ILO) and the Office of the Special Representative of the Secretary-General on Violence against Children (OSRSG/VAC), (2013) Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women, [https://www.unfpa.org/sites/default/files/resource-pdf/VAIWG\\_FINAL.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/VAIWG_FINAL.pdf)
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