

## GUIDANCE 14

### 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.

Abuse or harm can be suffered by a child or young person by acts of abuse perpetrated upon them by others.

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

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
- Pushing, shaking, or throwing
- Observing violence
- Use of excessive force in handling
- Suffocation
- Fabricated/induced illness
- Beating, slapping, hitting, or kicking
- Pinching, biting, choking, or hair pulling
- Deliberate poisoning
- Female genital mutilation
- 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

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
- Unresponsiveness of the parent/carer. Lack of comfort and love
- Conditional parenting in which the level of care shown to a child is made contingent on his/her behaviour or actions
- Under or over protection of the child. Continuous lack of praise and encouragement
- Emotional unavailability of the child's parent/carer
- Use of unreasonable or harsh disciplinary measures
- Premature imposition of responsibility on the child. Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- 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

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 (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 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.
- Sexual exploitation of the child, including encouraging the child to solicit for sexual acts, recording images 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) (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

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
- Non organic failure to thrive, i.e a child not gaining weight due not only to malnutrition but also emotional deprivation
- Unhygienic conditions
- Lack of protection, and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Malnourishment, lacking food, unsuitable food, or erratic feeding
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions
- Inattention to basic hygiene
- Abandonment or desertion

**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).

6. Ignoring / excluding
7. Damaging property
8. Spreading rumours
9. Sending abusive text messages
10. Making racial ethnic or cultural comments

**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 childcare 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.

1. Name calling
2. Fighting / kicking / punching / hair pulling
3. Making suggestive / sarcastic comments
4. Intimidation
5. Threatening