



Analysis on the Terminology guidelines for the protection of children from sexual exploitation and sexual abuse

In order to effectively fight against sexual exploitation and sexual abuse of children, communication is essential. But how can we ensure that it contributes to an effective protection of victims? First, by agreeing on the vocabulary used. Indeed, many disagreements and confusions persist as to existing notions. Terms such as « paedophile », « child prostitution » or « child pornography » are increasingly criticised as being imprecise, harmful, or stigmatising towards children. However, depending on the words used, different images and perceptions will be created¹. Thus, the proper use of terms is necessary in order to adopt coherent laws and policies to address these issues.

The purpose of this document is to define a number of key terms, which ECPAT Belgium advises to adopt in order to avoid causing any harm to victims.

Sexual abuse or sexual exploitation of children?

In reality, these are terms with different meanings.

What distinguishes these two notions is the underlying notion of **exchange (like money, gifts, food or promise of a better future)**. When a benefit (financial or otherwise) is perceived, it is called sexual exploitation. On the contrary, the transaction does not necessarily fall within the notion of sexual abuse, which can occur for the mere purpose of the sexual gratification of the person committing the act.

Distinction between sexual abuse and sexual exploitation is not always clear, as children may, for example, be sexually abused by an adult who films the abuse and then sells the material produced

¹ Brut., (2020). *The Right Words to Define Sexist and Sexual Violence*. (« *Les Bons Mots Pour Définir Les Violences Sexistes Et Sexuelles*. ») [Online video]. Consulted on December 2, 2020 on <https://www.brut.media/fr/news/les-bons-mots-pour-definir-les-violences-sexistes-et-sexuelles-1313c1c1-9ead-4bd0-8743-3d84f7ed47f5>.

on the Internet. In this situation, the child is first abused and then exploited. This line has become more blurred since the emergence of new technologies.

By the way, it should also be remembered that each viewing and/or sharing of such material constitutes in turn a new violation of the rights of the child. About it, if the Internet is increasingly used as a means of sexually exploiting children, violence is by no means virtual. Their seriousness and the impact on the victims remain very real.

Sexual abuse or sexual violence/assault ?

What we want to avoid

Many victims do not support the use of the term « sexual abuse ». Abuse traditionally refers to excessive use, overstepping boundaries², and would not be appropriate when talking about sexual behaviour towards a minor, as it implies that there could be « normal sexual use » (non-excessive) between an adult and a child. This notion of abuse is also problematic in so far as it places abuse in the context of a perceived « right to sexuality » as the norm.

Two concepts that better reflect the seriousness of the act are preferred: sexual violence and sexual assault. Indeed, these two notions better highlight the brutality of the acts committed.

The proposed alternative

The concept of « sexual violence » is defined as « any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances of a sexual nature, (...) using coercion, by any person regardless of their relationship with the victim, in any setting, including, (...), home and work ».³

As for the notion of « sexual assault », it refers to « any violation of physical and sexual integrity committed with violence, coercion, threat or surprise ».⁴ This term is frequently used in the legal framework of French-speaking countries.

Child prostitution or sexual exploitation of children for the purpose of prostitution?

The terms used to describe the sexual exploitation of children for the purpose of prostitution are often a matter of debate.

What we want to avoid

Child prostitution: This term could imply that so-called « child prostitution » is a legitimate form among others, of prostitution and/or that the child has given his or her consent. However, legally, a child is **never able to consent** to his or her own sexual exploitation. We therefore also advise to avoid the notion of voluntary/self-engaged prostitution.

² Brut., *op. cit.*, p. 1.

³ E. Krug et al., *World report on violence and health: summary*. Geneva, World Health Organization, 2002, p. 17, available on https://www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf?ua=1

⁴ Sexual assault. *Definition of sexual assault and other elements*. Consulted on November 4, 2020 on <https://www.endvawnow.org/en/articles/453-definicion-de-agresion-sexual-y-otros-elementos>

The proposed alternative

Sexual exploitation of children for the purpose of prostitution: This concept helps to avoid an over-stigmatization of the child. Moreover, the phenomenon and the violence of exploitation are clearly underlined here, leaving no doubt as to its non-responsibility and the fact that the child is not to be held responsible for the acts that follow from her/his situation.

Child pornography or child sexual abuse/exploitation material?

What we want to avoid

Child pornography/paedo-pornography: The word « pornography » means « any representation, by whatever means, (written, drawn, painted, photographed, etc.) of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes »⁵. This concept is mainly used in the context of sexual activities between consenting adults, whose representations are available to the general public.

It also **refers to the production, use, distribution or possessing of such materials**. It is better to avoid this term when referring to material involving children, as it does not capture the fact that the child is a victim of a sexual act. The idea of staging or implicit coercion is not emphasised. The risk is that it may be perceived as a legitimate form of pornography, or even that the child has consented to it. Furthermore, pornography is often associated with a pleasure industry, and trivialized, which we would like to avoid at all costs when the material produced involves minors. In English, a consensus has been found, according to which this terminology, considered harmful to the child, should be avoided.

The proposed alternative

Child sexual abuse/exploitation material: The advantage of this term is that it no longer allows the child's consent to be inferred. The act committed is clearly designated. Moreover, this term makes it possible to refer to all existing materials with greater precision.

Child sex tourism or sexual exploitation of children in the context of travel and tourism?

What we want to avoid

Sex tourism/paedophile tourism: These terms are problematic in more than one respect. Firstly, because they convey the idea that it is a form of tourism, a leisure activity, a moment of relaxation. Secondly, it excludes many types of travelling offenders, because not everyone is a tourist. The term omits that it refers to serious criminal conduct. On the contrary, there is a risk of legitimising the practice. A potential 'normalisation' of the use of the term 'child sex tourism' could be harmful to the child.

⁵ General Assembly of the United Nations. (2000). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. Consulted on <https://www.ohchr.org/en/professionalinterest/pages/opsccrc.aspx>

The proposed alternative

Sexual exploitation of children in the context of travel and tourism: The term « exploitation » highlights the fact that it is not a form of tourism but sexual exploitation, and a child cannot consent to it. Furthermore, the term includes all types of travel and tourism, including (inter)national travel.

Exploited child or child victim of exploitation?

First of all, it should be noted that the qualification of victim shall not depend in any way on the perpetrator and/or the investigation. Indeed, the prosecution or detection of the offender, the willingness or ability of the victim to provide information or to testify to law enforcement agencies have no impact on the identification of a child as a victim.

What we want to avoid

Exploited/abused child: These terms place the emphasis on what has happened to the child: he or she has been sexually abused/exploited. The child is then given a label: he or she becomes a « child abused/exploited ». The risk is that these children will always be defined by this characteristic and systematically linked to what they have experienced.

The same applies to the terms « child prostitute, child sex worker, child selling sex ». As mentioned above, a child never consents to being exploited, which makes these terms inappropriate as they may imply that the child has made a choice and is responsible for it. Moreover, their use could legitimize these practices.

The proposed alternative

Child victim of sexual exploitation/sexual abuse: again, this alternative aims to avoid the stigmatization of the child. It is a neutral terminology that does not stigmatize children or make them responsible for the exploitation they have suffered. In this case, the children are victims, and are therefore not responsible for it. However, this does not take away their status as children, nor does it define them in a lasting way.

Survivor: The psychological and social support sector sometimes uses this term as an alternative. But it is important never to label a person who does not want to be called « survivor ». Although it carries the risk of implying that the child is no longer going to live but only survive, some victims tend to reappropriate the term. The use of this term in English is becoming increasingly common.

Offenders or perpetrators of child sexual exploitation and abuse?

What we want to avoid

Paedophile: As such, this term is correct. Nevertheless, it is frequently used to describe all child abusers. This is too broad a use. More details on this subject are provided later in the section « Preferential offender V.S. Situational offender: a necessary distinction ».

Customer / Client: This term pertains to economic language. It refers to persons who buy goods or services from a business. This notion omits the fact that it is a criminal act and serious violation of the child's human rights. The term « client » usually refers to a contract, even an informal one,

between two parties: one who sells a good or service and the other who receives it. However, a contract cannot exist without the consent of both parties. Thus, if a person is defined as a « customer » of a child sexual setting, the child's consent would be implied. This term is therefore highly problematic and not recommended.

(Child) Sex tourist: This notion does not underline the fact that it is sexual exploitation, i.e., a reprehensible act. The risk of normalizing such acts would be harmful to the child. Furthermore, the term associates these offences with the tourism sector. In addition, many perpetrators are excluded from the concept: business travellers, military personnel, and anyone in transit in general⁶.

The proposed alternative

(Child) Sex offender: This notion refers to a person who is involved in or has committed a crime of sexual nature. It includes acts such as sexual assault, sexual exploitation trafficking in persons for sexual purposes, and any other criminal offence, including online. The qualifier « child » before « sex offender » encompass all forms of sexual offences against children including acts carried out through or enabled by the Internet.

Offender: This term takes on the principal meaning of a person who commits or is guilty of a crime⁷. The notion of « perpetrator refers to a person « who carries out a harmful, illegal or immoral act »⁸. Both terms are appropriate.

Transnational / Travelling child sex offender:

- Transnational: This term refers to individuals who commit acts of sexual abuse or exploitation abroad, **outside their country or habitual residence**, including residing permanently or on a long-term basis abroad. It implies crossing a border.
- Travelling: This term refers to people who, while travelling, commit sexual offences against children. It also encompasses persons travelling within a country or region, but **not crossing a border**.

It is better to use the term « travelling child sex offenders » unless the case in question is clearly in a transnational context.

What about the other people involved?

All too often, when thinking about those guilty of sexual exploitation, there is a tendency to consider only those who directly and physically abuse the child. However, there are many facilitators (also known as « intermediaries »), acting in the shadows, who are responsible for the act, at other levels.

A facilitator is a person whose conduct facilitates or aids and abets the (sometimes commercial) contact sexual offence against the child. It contributes directly to sexually victimising the child,

⁶ European Economic and Social Committee, EESC opinion: « *Protecting children from travelling sex offenders* », SOC/317 EESC-2009-1207, July 15, 2009 – July 16, 2009, available on <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/eesc-opinion-protecting-children-travelling-sex-offenders>

⁷ Cambridge Advanced Learner's Dictionary and Thesaurus; Oxford Advanced Learner's Dictionary.

⁸ Oxford Advanced Learner's Dictionary.

even if there is no physical contact between the facilitator and the victim. Facilitators include, for example, taxi drivers consciously driving exploited children to their abusers or hotel receptionists promoting exploitation in their buildings.

Preferential offender V.S. Situational offender: a necessary distinction

A variety of factors motivate child sexual offenders. They are a diverse and complex group that is far from homogenous. However, two sub-categories of perpetrators can be deduced:

Preferential offenders: they are individuals with a predisposition or motivation to sexually engage with children. This is the case with « paedophiles », a term often misused because it corresponds to a precise clinical diagnosis. This disorder does not necessarily imply engaging on it. For example, while some perpetrators of abuse and sexual exploitation suffer from the « paedophile disorder », many more perpetrators are not diagnosed as such.

Situational offenders: these people do not display any distinguishable sexual preference for children and/or adolescents. They engage in sexual exploitation of children if and when the situation allows it (easy access, for example), which explains why 70 to 85% of abuses are perpetrated by persons belonging to the children's circle of trust⁹. These situational offenders are not driven or motivated by sexual fantasies of children and they not necessarily initially intend to abuse a child. It should be noted that the majority of perpetrators of child sexual abuse and exploitation fall into the category of situational offenders.

To conclude...

Today, there is no international consensus on all these qualifications. Moreover, translations into the various languages bring additional challenges. Therefore, it is important to bear in mind that the use of inappropriate terms can undermine or impair the work against child sexual exploitation and abuse. The same applies to intergovernmental and interagency cooperation work. The way we talk is related to the way we understand situations. The best protection can only be offered by being precise and clear about the terms used.

We are aware that many terms that we believe should be avoided are present in legal texts. They are also recurrent in the media. The aim of this document is therefore to propose alternatives that seem to us to be more respectful of victims. The use of some terms can still be difficult today. But change has to start somewhere. ECPAT Belgium hopes to achieve this progressively, starting with its readers.

⁹ Council of Europe. (2020). About one in five children in Europe are victims of some form of sexual violence. Consulted on <https://www.coe.int/nl/web/human-rights-channel/stop-child-sexual-abuse-in-sport>

To learn more about this subject, find out the ECPAT's [Terminology Guidelines for the protection of children from sexual exploitation and abuse](#) (also available in [French](#) and [Spanish](#)).