Child Sexual Exploitation: Definition and Guidance

Introduction

The following definition and guidance for professionals on Child Sexual Exploitation (CSE) has been agreed for use by the Safeguarding Board for Northern Ireland and its member agencies. This document has been developed by the CSE Knowledge Transfer Partnership NI and draws on a wide range of research and practice learning to provide professionals working with children and young people, with an introduction to the issue of CSE.

Child Sexual Exploitation: Definition

'Child sexual exploitation is a form of sexual abuse in which a person(s) exploits, coerces and/or manipulates a child or young person into engaging in some form of sexual activity in return for something the child needs or desires and/or for the gain of the person(s) perpetrating or facilitating the abuse.'
(SBNI 2014, adopted from CSE Knowledge Transfer Partnership NI).

As noted in the definition above, CSE is a form of sexual abuse. Sexual abuse is defined as 'forcing or enticing a child to take part in sexual activities'[1] – CSE clearly falls within this.

The key factor that distinguishes cases of CSE from other forms of child sexual abuse is the concept of exchange – the fact that someone coerces or manipulates a child into engaging in sexual activity **in return for something** they need or desire and/or for the gain of those perpetrating or facilitating the abuse. The something received by the child or young person can include both tangible items and/or more intangible 'rewards' OR 'benefits' such as perceived affection, protection or a sense of value or belonging.

Just because a young person receives something they need or desire does not mean they are not being abused. Taking advantage of this need or desire, and making the young person think they are in control because they are getting something in return, is part of the abusive process.

Fear of what might happen if they do not comply can also be a significant influencing factor. The gain for those perpetrating or facilitating the abuse can include financial benefit, status or control. Like other cases of child sexual abuse, cases of CSE can incorporate a range of different sexual offences, including rape or sexual activity with a child, abuse of a child through prostitution or pornography, indecent photographs of a child or meeting a child following sexual grooming (see Appendix 1). CSE refers, not to the specific offence, but the context within which the offending occurs.

1 "Sexual abuse involves forcing or enticing a child to take part in sexual activities. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways" (Cooperating to Safeguard Children/ACPC Regional Policies and Procedures)

It is important to recognise that CSE, although predominantly experienced by those aged 12 plus, is not a catch-all category for all forms of sexual violence and abuse experienced in adolescence. Cases that do not involve the concept of exchange, for example, will not fall within the definition, even where sexually exploitative behaviours are present and significant harm is being experienced. It is therefore critical that CSE is not viewed in isolation from the more inclusive concepts of sexual abuse and sexual violence[2] and other relevant concepts such as domestic violence,[3] trafficking[4] or going missing from home or care in order to ensure that young people suffering these forms of violence and abuse are not overlooked.

Identifying CSE

As a result of the complexity of the transactional interaction outlined above, and the often conflicting feelings this engenders in victims, young people are frequently reluctant to disclose experiences of CSE. Because of this – and because of the hidden nature of much of the abuse – CSE can be very difficult to identify.

Many children and young people – and professionals – can misinterpret such experiences as consensual and fail to recognise the exploitation involved. This can contribute to misplaced feelings of loyalty or shame on the part of victims (many of whom will consequently not self-disclose) and a potential failure to identify abusive situations on the part of professionals. However, the fact that all such scenarios are typified by a power imbalance in favour of those perpetrating the abuse and/or some form of vulnerability or limited availability of choice on the part of the young person clearly delineates/distinguishes the experiences as abusive.

Just because a young person does not see themselves as a victim, doesn't mean that they aren't. Our statutory responsibility to protect children and young people from abuse extends to all under 18s, irrespective of whether or not they view themselves as a victim of abuse.

What does CSE look like in practice?

CSE can take a variety of different forms. It can take place in person or online; or a combination of both. It can involve both contact and non-contact sexual activities. The following examples, although all very different in nature and involving different sexual offences, would all fall under the definition of CSE:

1. A 21 year old male persuading his 17 year old 'girlfriend' to have sex with his friends to pay off his drug debt;
2. A 44 year old woman posing as a 17 year old female online and persuading a 12 year old male to send her a sexual image, and then threatening to telling his parents if he didn't continue to send more explicit images;
3. A 14 year old male giving a 17 year old male oral sex in return for money;
4. A 14 year old male getting a 14 year old female to text a topless image of herself in return for a bottle of alcohol;
5. A 13 year old female offering and giving an adult male taxi driver sexual intercourse in return for the taxi fare home;

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2 Sexual violence and abuse is defined as 'any behaviour (physical; verbal, virtual/digital) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender or sexual orientation) without their informed consent or understanding' (DHSSPS 2014; Stopping Domestic and Sexual Violence and Abuse Consultation Document)

3 Domestic violence and abuse is defined as 'threatening, controlling, coercive behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender or sexual orientation) by a current or former intimate partner or family member' (ibid)

4 Child trafficking is defined as 'the recruitment, transfer, harbouring or receipt of a child, whether by force or not, by a third person or group, for the purposes of different types of exploitation' (DHSSPSNI and PSNI 2011: Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking). This can include movement between and within countries.

6. Three 15 year old females being taken to party houses and given 'free' alcohol and drugs, then told they have to 'pay' for them by having sex with six adult males;
7. A 12 year old female being told she has to give oral sex to six 14 year old males, if she wants to remain part of the peer group;
8. A 12 year old female who views a 19 year old male as her 'boyfriend' and engages in sexual activity with him in order to maintain the relationship;
9. A 15 year old female bringing two 13 year old females to a party (where they are sexually assaulted) in order to prevent her from being sexually assaulted again.

These examples are by no means exhaustive – other forms of CSE currently exist and new forms continue to develop. Nor are they mutually exclusive – some young people will experience abuse through a range of these scenarios, either simultaneously or in succession. Some may also concurrently be both a victim and perpetrator, as is the case in the final scenario above.[5]

As noted above, different manifestations of CSE incorporate different sexual offences. Scenario one, for example, includes the offence of abuse through prostitution (that applies to all under 18s), whilst the abuse outlined in scenario 8 includes the offence of rape of a child under 13. Appendix 1 provides an overview of the various offences that may be being perpetrated within cases of CSE.

Who does CSE affect?

Any child under the age of eighteen can be a victim of CSE. Although younger children can also experience CSE, the abuse most frequently impacts upon those of a post-primary age with the average age at which concerns are first identified being 12-15 years of age.

Sixteen and seventeen year olds, though legally able to consent to sexual activity, can also be sexually exploited. The Sexual Offences (NI) Order includes a number of specific sexual offences that apply to this age group, including abuse through pornography or prostitution and abuse of a position of trust (see Appendix 1).

Recognising that CSE primarily affects young people of a post-primary age – and highlighting the need to consider and respond to risk within this age group –is not about trying to control or police adolescent sexuality. It is, however, about recognising that adolescents, even those who can legally consent to have sex, can be victims of abuse where their experience of sexual activity occurs in situations characterised by exchange, a power differential and/or an absence of freely given, informed consent.

Although most identified cases of CSE relate to young females, research repeatedly shows that young males are also abused in this manner. Social workers who participated in Beckett's 2011 study of CSE in NI identified concerns about CSE for 1 in 20 young males, aged 12-17 years, on their caseload. This compares to an equivalent rate of 1 in 5 females, however this gender differential is likely, in part, an issue of identification:

- Young males may be particularly reluctant to identify abuse through CSE due to fear of being stigmatised or disbelieved;

- Some professionals identify that they are unintentionally less likely to identify, or act upon, risk for males when faced with the same presenting concerns as with females:

5 Although the risk these young people pose to other young people must be addressed, good practice guidelines within the UK stipulate that this be approached through the lens of recognising the behaviours were influenced by the concurrent victimhood of the young person. Under 18s who pose a risk to other young people should also be considered 'children in need' under the Children (NI) Order 1995.

"There was another fella…came back in a duvet. I don't even think he had underwear on, but it wasn't treated that worryingly as such. But…if that was a girl that came back in a duvet, alarms would be sounding everywhere". (quoted in Beckett, H, 'Not a World Away;' the Sexual Exploitation of Children and Young People in Northern Ireland, 2011:68)

Much of the discourse around CSE in recent months would indicate that children in care are the only children at risk of CSE. This is not the case. Whilst some children in care (particularly those in residential care) are known to experience disproportionate risk of CSE, and require a particular degree of protection in this regard, they are by no means the only young people at risk of this form of abuse.

The majority of CSE victims across the UK are living at home. CSE can affect young people from any walk of life and it is important that we are mindful of risk across the general youth population and the wide range of factors that can heighten young people's vulnerability to this form of abuse. These include, but are not limited to:

- Social isolation;
- Low self esteem;
- Being in a state of poverty or financial hardship;
- Living in difficult domestic circumstances;
- Having a disability;
- Substance misuse;
- Prior experience of abuse, particularly sexual abuse;
- Recent bereavement / family breakdown;
- Experiencing bullying;
- Disengagement from education;
- Involvement in crime;
- Online vulnerability and lack of recognition of risk in the online world;
- Links with other young people who are sexually exploited;

Who is perpetrating CSE?

Although CSE is often assumed to be perpetrated solely by adults, recent learning highlights the fact that CSE can also be perpetrated by young people's peers. It can be perpetrated on an individual or group basis, or indeed a combination of both. Although most attention has been paid to male perpetrators, research and practice evidence also reveal cases of females perpetrating such abuse.

Although there are known cases of family members or carers perpetrating CSE, in most cases of CSE risk is primarily located outside of the home environment. This requires a shift away from managing risk within the family home, to managing risk within the wider community and/or the virtual world. Unless there is evidence to indicate otherwise, it also requires a re-conceptualisation of parents/carers as partners in the safeguarding process as opposed to a source of risk in and of themselves.

Identifying CSE

Research repeatedly shows that young people rarely report abuse through CSE. Most concerns are identified by professionals, friends or family or by proactive investigation on the part of authorities rather than self-disclosure on the part of the victim. In recognition of this, good practice guidance on CSE states that all areas should assume that CSE is occurring within their area unless they have evidence to indicate otherwise, be alert to the likelihood of this and plan to protect children and young people accordingly.

A key element of this is awareness of the potential indicators of CSE. These can include, but are not limited to:

- Acquisition of money, clothes, mobile phone etc without plausible explanation;
- Leaving home/care without permission;
- Persistently going missing or returning late;
- Receiving lots of texts/phone calls prior to leaving;
- Agitated/stressed prior to leaving home/care;
- Returning distraught/ dishevelled or under the influence of substances;
- Requesting the morning after pill upon return;
- Truanting from school;
- Inappropriate sexualised behaviour for age;
- Physical symptoms or infections e.g. bruising, bite marks, sexually transmitted infections;
- Concerning use of the internet;
- Entering or leaving cars driven by unknown adults or by taxis;
- New peer groups;
- Significantly older 'boyfriend' or 'girlfriend';
- Increasing secretiveness around behaviours;
- Low self-esteem;
- Change in personal hygiene (greater attention or less);
- Self harm and other expressions of despair;
- Evidence or suspicion of substance misuse.

Whilst these indicators can be usefully used to identify potential risk, it is important to note that their presence does not necessarily mean that CSE is occurring. More importantly, nor does their absence, mean that it is not.

Understanding the complexity and impact of young people's experiences

The abuse and degradation that young people experience in cases of CSE can be immensely damaging to the young person, both in the short term and the long term. Yet, in spite of this, some will continue to maintain links with their abusers despite professional attempts to protect them.

The reasons for this can be highly complex and multi-faceted and time must be taken to understand the particular factors at play in each individual case. Amongst other things, these could include prior negative life experiences and consequent unmet emotional needs, limited ability to identify risk, the manipulative and calculated means used by abusers to entrap and entice and the fact that the negatives are generally tied up with some positives – there can be a sense of gain or some degree enjoyment or gratification (e.g. access to drugs or alcohol; perceived receipt of love or affection), alongside the degradation and abuse.

A pattern of continued contact with the abuser must not be taken to indicate an absence of harm, but rather understood in light of the young person's vulnerabilities and the complex power dynamic of the abusive relationship (such as that observable in situations of domestic violence).

An alternative perspective

Just because a young person does not recognise the abusive nature of their situation, does not mean that they are not being abused. Many young people may not see the exploitative nature of their experience until months or years later, when they are extricated from the situation and able to reflect on the manipulation and power imbalance at play.

Responses to young people will vary considerably based on whether a professional perceives them to be victims or willing participants in an activity.

Professionals therefore need to be supported to identify vulnerability in the midst of challenging behaviour and frequent resistance to, or even apparent disregard for, professional support on the part of a young person. We must always exercise professional curiosity and view the presenting scenario through a child protection lens – though a 13 year old may talk about their 35 year old 'boyfriend', the irrefutable reality is that of victim and abuser and we must respond as such.

Care must however be taken not to simply dismiss young people's perspectives on events in our attempts to help them begin to understand the abusive nature of their experiences, as this can consolidate harm and vulnerability. It is imperative that this work is undertaken in partnership with young people, in a safe environment and at a pace that is appropriate for them. It is also imperative that such work is holistic, addressing the vulnerability and risk factors that contributed to the abuse in the first place rather than simply closing down avenues of contact.

The legislative context of CSE in Northern Ireland

As noted earlier, whilst CSE is not a specific criminal offence in itself, it does encompass a range of sexual offences and other forms of serious criminal misconduct that can be used to disrupt and prosecute this form of abuse (see Appendix 1). Pertinent principles from these include:

- The legal age of consent to sexual activity is 16;
- If the child is under 13, under no circumstances can they be argued to have consented to sexual activity, nor is there any defence of believing the child was of an older age;
- It is an offence to cause or incite a child under 16 to engage in sexual activity, even if you do not actually engage in sexual activity with them yourself;
- It is an offence to (attempt to) meet a child under 16 following sexual grooming, with the intention of committing a sexual offence;
- It is an offence for a person to have a sexual relationship with a child under 18 if they hold a position of trust or authority in relation to them;
- Abuse of a child through prostitution or pornography applies to all under 18s;
- Where the sexual activity with a 16 or 17 year old does not result in an offence being committed, it may still result in harm or the likelihood of harm being suffered
- Non-consensual sex is rape, whatever the age;

If the victim is incapacitated through drink or drugs, or the victim, or his or her family has been subjected to violence or the threat of it, they cannot be considered to have given true consent and, therefore, offences will have been committed.

A shared responsibility

Although the police and social services will lead in investigating and responding to CSE, they cannot effectively fulfil this role without the co-operation of other professionals and agencies. No one agency can, or should, address the challenge of preventing and responding to sexual exploitation in isolation.

Both research and practice evidence show that an effective response to the issue requires acceptance of a shared responsibility across statutory bodies, and a commitment to working collaboratively with the voluntary/community sector, and wider society to protect children and young people from this form of abuse. We all have an important role to play in this, particularly in relation to prevention, identification and early intervention, all of which are critical to an effective response to CSE. The Safeguarding Board for Northern Ireland has developed a public information campaign on CSE – "The More You Know, The More You See. For further information go to **www.safertoknow.info**

Definition and summary guidance on CSE

NORTHERN IRELAND DEFINITION AND SUMMARY GUIDANCE ON CSE

'Child sexual exploitation is a form of sexual abuse in which a person(s) exploits, coerces and/or manipulates a child or young person into engaging in some form of sexual activity in return for something the child needs or desires and/or for the gain of the person(s) perpetrating or facilitating the abuse.'

The something received by the child or young person can include both tangible items and/or more intangible 'rewards' OR 'benefits' such as perceived affection, protection or a sense of value or belonging. Fear of what might happen if they do not comply can also be a significant influencing factor. The gain for those perpetrating or facilitating the abuse can include financial benefit, status or control.

CSE can take a variety of different forms. It can take place in person or online and involve both contact and non-contact sexual activities, including the production and distribution of sexual images or exposure to such images. Whilst CSE is not a specific criminal offence in itself, it does encompass a range of sexual offences and other forms of serious criminal misconduct that can be used to disrupt and prosecute this form of abuse.

Any child under the age of eighteen, male or female, can be a victim of CSE, including those who can legally consent to have sex. The abuse most frequently impacts upon those of a post-primary age and can be perpetrated by adults or peers, on an individual or group basis.

CSE can be difficult to identify. Many children and young people – and professionals – can misinterpret such experiences as consensual and fail to recognise the exploitation involved. This can contribute to misplaced feelings of loyalty or shame on the part of victims, many of whom will consequently not self-disclose, and a potential failure to identify abusive situations on the part of professionals. However, the fact that all such scenarios are typified by a power imbalance in favour of those perpetrating the abuse and/or some form of vulnerability or limited availability of choice on the part of the young person clearly delineates/distinguishes the experiences as abusive.

Appendix 1: The Legal Framework

The Sexual Offences (NI) Order 2008 provides for a number of offences that between them could enable prosecution of all cases of CSE. These are categorised by the age of the victim and include:

- Rape and other offences against children under 13 (articles 12-15). The Order clearly stipulates with reference to these offences that a child under 13 can never be argued to have consented to sexual activity, nor is there any defence of believing the child was of an older age.
- Offences against children under 16 (articles 16-22). These include
  - Sexual activity with a child;
  - Causing or inciting a child to engage in sexual activity;
  - Engaging in sexual activity in the presence of a child;
  - Causing a child to watch a sexual act;
  - Arranging or facilitating commission of a sex offence against a child;
  - Meeting a child following sexual grooming.

  Article 20 specifically considers child sex offences committed by other children or young persons, of use in cases of peer on peer abuse.

- Offences against children under 18 (articles 23-42). Recognising the continued vulnerability of 16/17 year olds in certain situations these offences cover:
  - Abuse of position of trust;
  - Familial sexual offences;
  - Abuse of child through prostitution or pornography;
  - Indecent photographs of child aged 16/17.

The law also provides for a number of civil remedies that can be used in cases of CSE including Sexual Offences Prevention Orders (available post conviction of an offence) and Risk of Sexual Harm Orders (that do not require a prior conviction). The Children (NI) Order 1995 and the Child Abduction (NI) Order 1985 can also be used in cases where children are going missing as part of the exploitation.

Safeguarding Board for Northern Ireland
18 Ormeau Avenue, Belfast BT2 8HS

Tel: **028 9031 1611**
Email: **sbnisupport@hscni.net**

www.safeguardingni.org
www.safertoknow.info
Twitter/Facebook safeguardingni