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**Master's degree in
Human Rights and Multi-level Governance**



CHILD SEXUAL ABUSE
IN THE DOMESTIC CONTEXT:
THE CASES OF UNITED KINGDOM AND
NETHERLANDS

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Abstract

Every year, millions of girls and boys around the world face sexual abuse and exploitation. Sexual violence occurs everywhere - in every country and all segments of society. A kid can experience sexual abuse or exploitation at home, at school, or in the community. Children's safety may also be at risk due to the growing usage of digital technologies. Very often, abuse occurs at the hands of someone a child knows and trusts. Statistically, about one in 10 girls has experienced sexual violence and the actual figure is probably higher, but such abuse often goes unreported. Many negative effects could result from the abuses, including potential infections and STDs in addition to social, psychological, and physical harm. This thesis will analyse the phenomena of “child sexual abuse in the domestic context” and the objective is to understand the role of policies and legislative instruments in regulating and condemning these crimes against human rights. From both a legal-legislative and social perspective, we will examine the various points of intervention and prevention that national and international society has to offer. There will also be a focus on minors living in the UK and the Netherlands who are under the age of 18. The research emphasizes lived experiences, problem management, and prevention from the viewpoints of victims, caregivers, and offenders. The information gathered and determined to be pertinent in both realities will be discussed at the end.

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Introduction

Brief presentation of the topic

Millions of boys and girls experience sexual exploitation and abuse every year. Everywhere there is sexual violence, in every society and every nation. A kid can experience sexual abuse or exploitation at home, at school, or in the community. Children's safety may also be at risk due to the growing usage of digital technologies.

Youngsters will frequently be abused by someone they know and trust.

According to statistics, one in ten girls has suffered sexual violence; however, the true number is likely greater because the abuse frequently goes undetected.

Numerous negative effects could result, including potential infections and STDs in addition to social, psychological, and physical impairment. Because of their diminished capacity for self-care, victims of this kind of abuse also struggle in adulthood.¹

The Global status report on preventing violence against children 2020 offers a comprehensive overview to get a cursory idea of the scope of child sexual abuse in the worldwide context. It is estimated that approximately 300 million children between the ages of 2 and 4 regularly endure harsh discipline from their caregivers and that one in two children between the ages of 2 and 17 encounter some type of violence every year. 120 million females have had some type of forced sexual intercourse before the age of 20, and one-third of 11–15-year-old children globally have experienced peer bullying in the past month.

One in three kids experiences emotional abuse, and one in four kids live with a mother who has experienced intimate partner violence globally.

The homicide rate worldwide for people aged 0 to 17 was 1.7 per 100,000, with boys experiencing a rate of 2.4 per 100,000, more than double that of girls (1.1 per 100,000).

The COVID-19 pandemic also had a significant impact on the prevalence of violence against children and was predicted to have long-lasting detrimental effects.

¹ Unicef, "Sexual violence against children," Unicef, accessed February 2023, <https://www.unicef.org/protection/sexual-violence-against-children>

Over the course of their lives, children exposed to violence are more likely to develop mental illnesses and anxiety disorders, high-risk behaviours like drug and alcohol abuse, smoking, and unprotected sex, chronic diseases like cancer, diabetes, and heart disease, infectious diseases like HIV, and social issues like subpar academic performance and further involvement in crime and violence. These effects have significant financial impacts. In the United States, it has been estimated that child abuse costs \$428 billion over the course of a lifetime. In East Asia and the Pacific, however, the economic costs of child abuse's aftereffects range from 1.4% to 2.5% of the region's annual gross domestic product.

With these figures, it is simpler to appreciate the scope of this occurrence concretely; however, a detailed analysis of this phenomenon will be provided in the paper that follows.²

State of art and research question

Numerous academics, organizations, and agencies have researched the dynamics of children's rights. They weren't initially thought to be true social components outside of the family setting, and they weren't thought to require specialized analysis. After some time, it became clear that children needed to be safeguarded because they were both the present and the future of society and because they were living, breathing people.

Since that time, states have agreed upon guiding principles and constraints that must be upheld within each community to prevent breaches of children's human rights. This thesis assignment will analyse numerous government papers on child protection using the varied strategies put out over time.

From a social, political, and legal standpoint, the analysis will concentrate on domestic child sexual abuse. The research question specifically tries to determine how laws and other legal frameworks interact with the occurrence of CSA in society and how to prevent, limit, and punish it.

² WHO, UNICEF, UNESCO and UN Secretary-General's Special Representative on Violence against Children, *Global status report on preventing violence against children 2020*, <https://www.who.int/publications/i/item/9789240006379>

Although there has been a tremendous increase in public awareness and focus on child sexual abuse throughout time, it is crucial to underline that the gravity of this issue was only realised much later than other aspects of children's rights.

The public's knowledge of child sexual abuse rose throughout the 1970s and 1980s as a result of the information and research that were being published on the subject. This helped to clarify the dynamics of child sexual abuse and to point out the necessity of victim justice, protection, and prevention.³

Many national and international agencies have made it their mission to combat child sexual abuse. Examples include Darkness to Light, a US organisation dedicated to the prevention of child sexual abuse, and ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes), an international organisation dedicated to the protection of children against commercial sexual exploitation.

To combat the problem of child sexual abuse, national laws and policies have been developed. Many nations have passed specialised legislation to punish child sex abuse offences and guarantee victim help.

To prevent and address child sexual abuse, UNICEF, WHO, and other international organisations have made significant contributions to education, research, and the creation of policies. Additionally, awareness-building initiatives have been supported to inform the public about the dangers and repercussions of child sexual abuse as well as to encourage reporting and providing aid to victims.

Despite the advances made, child sexual abuse is still a pervasive and challenging issue on a global scale. It is essential to keep working to stop such abuse, safeguard children, hold offenders accountable, and give victims the help they need.

Methodology

This study's foundation is a thorough search of relevant online and offline sources, followed by need-based skimming.

³ K12academics. "History of Child Sexual Abuse." K12academics. Accessed June 2023, <https://www.k12academics.com/sexual-abuse/child-sexual-abuse/history>

As a result, it was a survey that drew from books and studies written by many entities, including universities and NGOs, and that consulted both foreign and domestic government records.

Male and female minors under the age of 18 who live in more or less developed nations are the major subject of this article. The research emphasizes lived experiences, problem management, and prevention from the viewpoints of both victims and offenders.

As a result, the final proposal is a compilation thesis that includes an interpretation of the created content, arguments or ideas put forth by academics, as well as other social elements.

Regarding the data gathered, governments and international partners have recently shown a rising interest in investigating more efficient methods of gathering data to track and report violence against children. Administrative statistics come from incidents of child abuse that have been discovered, reported, documented, and managed by authorities and service providers from a variety of industries, including the police, prosecutors, courts, and many others.

In-depth information on the frequency and characteristics of child abuse, as well as its causes and offenders, is also available in survey data. Results obtained from data gathered from a nationally or sub-nationally representative sample of children can be extrapolated to the full kid population.

At the district, provincial, and national levels, administrative data are frequently gathered and compiled, whereas survey data are only collected sometimes (every few years) or once. The drawback of such data is that they may not accurately reflect all children who are victims of violence because many kids never tell adults, service providers, or teachers about their experiences.

They shouldn't be viewed as statistics on prevalence because higher rates of incidents reported in an area may simply indicate better data management and recording procedures or more services available, not necessarily higher levels of violence.

However, administrative statistics can show how many occurrences were found and reported to the appropriate authorities and service providers.

This discussion of the data that was gathered is known as the problem of underreporting, and it will be addressed in the thesis work.

The protection of young abuse victims during investigations has received increased focus in recent years. To ensure that investigators communicate with children during the investigation process properly and sensitively, particular standards and regulations have been developed as a result. This strategy seeks to lessen additional trauma for kids while also giving them the proper emotional and psychological assistance.

New tools for gathering information and looking into child sexual abuse are now available thanks to digital technologies. However, the complexity and constant change of digital technology pose particular difficulties. Digital evidence, such as messages, photographs, or videos, might be essential to a successful investigation since abusers can utilise digital tools to carry out their crimes.

The employment of concealment strategies and the preservation of personal information, however, might make the collection of evidence challenging and necessitate specialised knowledge for its recovery.

In the case of child sexual abuse, international collaboration has grown in importance. These crimes frequently involve international actors, such as child trafficking networks or online paedophiles. To share information, acquire evidence, and bring cases against offenders, law enforcement and investigative agencies must cooperate. Harmonising inquiry tactics and sharing information might be difficult, nevertheless, due to national legal, cultural, and language variations.

Finally, during investigations into child sexual abuse, privacy protection and the security of digital data have emerged as crucial concerns. It is essential to guarantee the safety of victims and the secure handling of their data. To maintain the validity of the inquiry, digital evidence must be safeguarded against unintentional or deliberate change or destruction.

Despite the advancements, the investigation of child sexual abuse continues to be a difficult and developing task. To solve this grave violation of children's rights, coordination amongst experts, suitable training, responsible use of digital technologies, and international cooperation are essential.

Structure of the thesis

The work is separated into three portions in terms of general structure.

In the first chapter, we will examine the idea of child abuse in all of its manifestations, including domestic sexual abuse. We will examine the relationship between it and the topic of this thesis in the social environment based on gender, taking into account gender-based violence and its function.

The final section will be devoted to the current legal frameworks and enforcement methods used in Europe to monitor and defend children's rights.

After the study issue has been examined, the following two chapters will focus on case studies that have been picked to show how current laws against child sexual abuse are implemented in the domestic setting.

Data on the nature of the child sexual abuse phenomena in the two countries, the Netherlands and the United Kingdom, will be presented. Following data and statistics on this, the reporting processes will be examined while considering any potential ramifications and various methodologies.

To paint a clear and accurate image of the tactics used to combat child abuse, the second section of both chapters will be devoted to the policy situation. All measures for protection, safeguarding, and victim assistance will be examined.

The final section will be devoted to legal intervention techniques, or how national and international legal systems step in to address the issue.

Regarding the former, the Lanzarote Convention and the Convention on the Rights of the Child, to which both nations are parties, will be the main topics of discussion.

On the other hand, each state's proposed legal components and various intervention options will be carefully examined from a national perspective.

This research project made it possible to examine some significant aspects of child sexual abuse in the household setting from the perspective of the phenomena.

The conclusions of this thesis, which also contain a brief dialogue between the Netherlands and the United Kingdom, will detail the research's findings in detail.

Chapter one: Child sexual abuses in the domestic context

1. Definitions and concepts of minor physical abuse

The terms used today to refer to domestic child abuse are many and change according to the context and discourse in which they are used.

The most common ones—abuse, neglect, maltreatment, and victimization—indicate a serious failure on the part of the child's caretakers to ensure the child's health and well-being. This risky behaviour may result in harm or deficiency on the social and medical fronts. There are various definitions offered by different components of society as well as further classifications. Generally, the one proposed by the Child Abuse Prevention and Treatment Act (CAPTA) is: "Any recent act or failure to act on the part of a parent or caregiver, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm."⁴

Abuse may occur at any time within the family or community and the abuser may be a known person or a stranger. There are cases where this can occur between two children and intervention to restore protective well-being must be directed at both.⁵

Child maltreatment is broken down into four categories after careful consideration of all potential variations. All these categories share a negative impact on a child's growth and development because of abuse and shortcomings in either an active or passive care setting. They can be categorized into neglect, emotional/psychological abuse, sexual abuse, and physical abuse.⁶

The first category, neglect, is also the most prevalent and denotes a lack of supervision or care for the child to the point that physical or psychological harm results.

This behaviour can have major effects on the child, including attachment issues or health problems.

⁴ Senate and House of Representatives of the United States of America in Congress, *Child Abuse Prevention and Treatment Act* (1974)

⁵ Parent and Guardians, "What are the types of abuse and how I recognize them?," accessed February 2023, <https://www.tusla.ie/children-first/parents-and-guardians/what-are-the-types-of-abuse-and-how-do-i-recognise-them/>

⁶ Ludwig, Stephen, and Gary R. Fleisher, *Psychosocial emergencies: Child abuse*. 3rd edition (Baltimore: Lippincott Williams & Wilkins, 1993), 1429–1463

While poverty may be a contributing factor to neglect, it is not always the case. Other problems, such as caregiver substance addiction, domestic abuse, or mental illness, may also have an impact.

Emotional abuse refers to the systematic mistreatment, emotional or psychological, of a child within its relationship with its parent or caregiver. This involves the non-fulfilment of basic needs – such as attention, affection, security, and approval - towards the child by the adults who are supposed to care for him/her.

This description excludes irregular and infrequent problems that could arise in family life. These inadequacies can happen knowingly as well as inadvertently when parents fail to provide for their children's emotional requirements.

The signs of emotional abuse are less obvious and harder to spot. It also takes more than one piece of evidence to prove it; instead, it requires ongoing observation.

The third type of abuse, known as physical abuse, refers to incidents in which a child is either physically harmed or is put in danger of being physically damaged. There is always cause for concern when a child is physically harmed, whether it happens only once or repeatedly. The most prevalent forms of physical abuse include beating, pushing, and punishing, but they can also include suffocation, poisoning, or genital mutilation.

The final category, sexual abuse, deals with the involvement of the child in behaviours that satisfy or arouse the adult; this includes sexual actions like oral sex or masturbation, as well as sexual activities through pornography.

Many abusive behaviours, including those committed by siblings and other family members, define this sort of abuse. The harassment is typically continued over time until the victim, or someone close to him, like one of his friends or siblings, becomes suspicious of the perpetrator over time or exhibits physical symptoms.

Once more, when these offences are prosecuted, the child's safety and well-being come first. From a legal standpoint, any incidents involving minors under the age of 17 constitute child sexual abuse.

Nonetheless, a thorough case-by-case investigation is done to comprehend the circumstances and determine whether it constitutes child abuse.⁷

⁷ Parent and Guardians, "What are the types of abuse and how I recognize them?," accessed February 2023, <https://www.tusla.ie/children-first/parents-and-guardians/what-are-the-types-of-abuse-and-how-do-i-recognise-them/>

Defining and categorising these types of phenomena is useful not only to identify them and prosecute the perpetrators, but also to understand their different nature and create appropriate prevention and awareness programmes. One must assess if the behaviour is abusive or neglectful, how it affects the child, and the caregiver's aim to distinguish between one situation and another and place it in the appropriate category.

Based on information gathered from allegations of abuse, some research was done to comprehend the prevalence of abuse. First, the several sources from which it can arise received specific attention. There may be greater or less risk depending on the kind of injury discovered on the minor. To be able to prevent injuries, a surveillance system focused on each specific injury was proposed to identify risk and protective factors and possible interventions to reduce the injury through the most efficient practices.⁸

Helfer's⁹ model is one of the most well-known of the many models that have been suggested for explaining child abuse and neglect. He focuses on the child's potential involvement in abusive dynamics and stresses that the needs and desires of the child should never serve as an excuse for the harm that has been done. This doesn't change the fact that a person's personality or physical traits can make them more likely to abuse or neglect a child.

Prematurity and handicap are two factors in children that increase their risk of abuse and neglect¹⁰. They have a particularly large impact since they weaken the link between parents and children and put additional stress on caregivers owing to medical fragility and care.¹¹ As a result, these particular needs may affect whether or not children are mistreated. It is the responsibility of the caregiver to recognize potential dangers to the kid and give them advice. This is not to imply that all premature or impaired children

⁸ Christoffel, Tom, and Susan Gallagher, *Injury prevention and public health: Practical knowledge, skills and strategies*. (Sudbury: Jones and Bartlette Publishers, Inc., 2006)

⁹ Helfer, E. Ray, "The etiology of child abuse," *Pediatrics* 51, no.4 (1973): 777-779.

Helfer, E. Ray, *The developmental basis of child abuse and neglect: An epidemiological approach*, (Chicago: University of Chicago Press, 1987)

¹⁰ Breslau, Naomi, Kathleen S. Staruch, and Edward A. Mortiment, "Psychological distress in mothers of disabled children," *American Journal of Disabilities of Children* 136, no.8 (1982): 682-686.

White, Roger, M. I. Benedict, L. Wulff, and M. Kelly, "Physical disabilities as risk factors for child maltreatment: A selected review," *Physical Disabilities* 57, no.1 (1987): 93-101.

Garbarino, J., P. Brookhouser, and K. J. Authier, *Special children, special risks: The maltreatment of children with disabilities*, (New York: Aldine, 1987)

¹¹ Sameroff, A., and L. Abbe, *Psychology: From research to practice The consequences of prematurity: Understanding and therapy*, (New York: Plenum, 1978)

experience abuse, as parents' responses to stress are sometimes irrational; yet stress and frustration are telling signs of child abuse¹² .

Abuse has many negative impacts, but the majority are related to the body's physical, emotional, and developmental elements. Depending on the type of injury, the organs affected, and the extent of the damage, caregiver-caused injuries may be more or less severe. The physical consequences of abuse include burns, frostbite, scars, contusions (bruises), and burns, without going into too much detail.

The so-called "mediating" elements, which specifically serve to lessen the harmful effects, are the ones that affect whether injuries are more severe or less severe.

These have to do with personality traits, a child's coping mechanisms, the resources available, how individuals affected by the circumstance perceive it, and adult behaviour.¹³

The mental impacts, which mostly appear when the abusive dynamics are sustained over time and are internalized or externalized depending on the child's propensity, are in addition to the physical repercussions.

The effects of abuse on a child's mental health are wide-ranging and have an impact on many areas of that child's life. Among the most prevalent effects include anxiety, sadness, PTSD, eating and relationship disorders, suicidal thoughts, and substance misuse.¹⁴

Once more, responses vary from situation to situation, and some kids are more "resilient" than others, meaning that they have protective variables in their lives that lessen the negative consequences mentioned above.¹⁵

These factors include the child's character and the make-up of their social support system.¹⁶ Whether the consequences of child abuse are physical or emotional, they are typically severe and harmful, even when they are minimized.

¹² Straus, M. A., and G. K. Kantor, *Stress and child abuse*, (Chicago: University of Chicago Press, 1987)

¹³ Augoustinos, M, "Developmental effects of child abuse: Recent findings," *Child Abuse and Neglect* 11, no.1 (1987): 15-27

¹⁴ Goldman, J., M. Salus, D. Wolcott, and K. Kennedy, *A coordinated response to child abuse and neglect: The foundation for practice. National Clearinghouse on Child Abuse and Neglect Information*, (Administration for Children and Families, Children's Bureau Office on Child Abuse and Neglect Department of Health and Human Services, 2003)

¹⁵ Heller, S. S., J. A. Larrieu, R. D'Imperio, and N. W. Boris, "Research on resilience to child maltreatment: Empirical considerations," *Child Abuse and Neglect* 23, no.4 (1999): 321-338.

¹⁶ Goldman, J., M. Salus, D. Wolcott, and K. Kennedy, *A coordinated response to child abuse and neglect: The foundation for practice. National Clearinghouse on Child Abuse and Neglect Information*, (Administration for Children and Families, Children's Bureau Office on Child Abuse and Neglect Department of Health and Human Services, 2003)

Abuse of children not only has a terrible effect on the child and the family, but also on society as a whole. There are other costs associated with abused and abandoned children in the community, which are broken down into direct and indirect costs.¹⁷

The former, on the other hand, concentrates on long-term needs such as education and health care for the abused kid; the former includes expenses for the victims' urgent needs (hospitalization, psychologists, etc.). These types of phenomena need to be defined and categorized to be prosecuted, identified, and understood to develop effective preventative and awareness-raising initiatives. It is crucial to assess if the behaviour is abusive or negligent, the effect it has on the kid, and the intention of the caregiver to determine which category one case belongs to with another.

Caretakers possess the clinical expertise and knowledge necessary to distinguish between injuries caused by abuse and/or neglect from those caused by other causes among the different methods of classification. They are assisted by other experts, clinical social workers, whose job it is to explain the rules and teach them how to file reports of probable child abuse. The next phase in the medical evaluation process is to determine whether or not the child's injuries are accidental. This is an important step since failing to catch child abuse puts the patient at a high risk of future injuries.

A medical record is created during the examination together with a relevant standard form, allowing the health care provider to gather all the required information about the history and examination. It also includes references to the statements the youngster makes during the visit to give an illustrative description of the events.

The family history must be disclosed because some injuries may be related to it. Also, children who speak frequently can, barring exceptional circumstances, provide a history of injuries, so paying attention to them is essential.

The youngster is separated from the caretakers during the medical record data collection so that he or she can describe the dynamics in the home without feeling frightened by his or her potential abusers. The medical history begins with a request for a description of the injury, regardless of who supplies the information. Since the file is an actual legal record that can be utilized in future legal procedures, all this information is essential. It is crucial

¹⁷ Wang, C.-T., and J. Holton, "Total estimated cost of child abuse and neglect in the United States," in *Economic impact study*, (Chicago, Illinois: Prevent Child Abuse America, 2007)
Gelles, R. J., and S. Perlman, "Estimated annual cost of child abuse and neglect," in *Prevent Child Abuse America*. (Chicago, Illinois: Prevent Child Abuse America, 2012)

that the questions asked to adhere to the rules to avoid being deceptive or objective. If there are several visits, the material will be supplemented with that which was already presented to provide a complete and accurate picture of the case. It is possible that previous injuries were treated in other places, and it is, therefore, necessary to request documentation to get all the necessary information.

The interaction between the caregiver and the child is the most crucial aspect to be examined during the interview.¹⁸ The first red flags are raised when the caring adult is unaware of how serious the child's wounds are or when he or she is insensitive to the child's needs and fails to provide for them. In addition to this, the interaction between kids and caregivers is also vital, especially when unexpected dynamics occur between them. The adult must be emotional support and has to encourage the child in his/her growth; this function is lacking when he/she belittles the child and does not support him/her emotionally.

The incongruence of the history and the physical examination, or the fact that the child's injuries do not match what is described, is another potential red flag, again relating to the caregivers' responsibilities. Typically, domestic falls or other similar accidents do not result in injuries as severe in children as those examined.

Children may be injured or suffer injuries when they are not supervised by a responsible adult; in these cases, it is necessary to analyse the child's health before and after the accident to determine whether or not the necessary medical care was provided. It is also possible for caretakers to make up stories or downplay the damage the child has experienced; frequently, these allegedly "unexplained" injuries cover up abuse.

In some instances, it is scientifically demonstrated that the child could not have self-inflicted specific injuries in the way the facts have been stated, especially for self-inflicted injuries or injuries inflicted by peers or brothers. Testimonies are necessary for these situations as well, although they may lead the health inspectors to believe that abuse has occurred.¹⁹

The subjective and human element of these interviews forces the parents and child to deal with a trying circumstance that could overwhelm them to the point where they are unable

¹⁸ Schmitt, B. D., C. A. Grosz, and C. A. Carroll, *The child protection team: A problem oriented approach* (Cambridge: MA: Ballinger, 1976)

¹⁹ Giardino, Angelo P., Michelle A. Lyn, and Eileen R. Giardino, *A Practical Guide to the Evaluation of Child Physical Abuse and Neglect* (Houston: Springer, 2019)

to tell a complete and coherent tale. Confused information may cause professionals to believe that abuse is occurring when it is not. Siblings can also be blamed and implicated by caretakers who use them as scapegoats to avoid being accused of child abuse; in these situations, the parents may threaten the hurt children to prevent the truth from coming to light.

As we previously stated, abusive environments persist over time, and certain dynamics or information may elude the notice of health professionals, particularly when the abusers are skilled and know how to conceal such indications. Because of this, a comparison with earlier discussed medical histories may reveal a discrepancy with testimonies or misleading statements that caregivers may have made in the past but later forgotten.

1.1 Insight into child sexual abuse

We will now examine the specific phenomenon of sexual abuse and the dynamics surrounding it in detail after giving a thorough outline of what child abuse is in general. The term "child sexual abuse" (CSA) encompasses all types of sexual behaviour, including full sexual encounters, attempted sexual encounters, oral-genital contact, fondling of the genitalia directly or through clothing, exhibitionism, exposing children to adult sexual activity, and using children for prostitution or pornographic purposes. Instead of being viewed as a condition or diagnosis, it should be regarded as a multifaceted life experience.²⁰

The first movements that took an interest in the CSA phenomenon were feminist and sexual abuse-focused, and they have been working to raise awareness of this issue on a European level ever since the 1970s by contrasting child sexuality with adult sexuality.²¹ The characteristics of sexual abuse of minors are unique, and as a result, the definition, and guidelines for protecting children from it differ from State to State depending on which factors are deemed to be more important than others. This, however, results in a

²⁰ Putnam, Frank, W., and M.D, "Ten-Year Research Update Review: Child Sexual Abuse," *American Academy of Child & Adolescent Psychiatry* 42, no.2 (2003): 269-278.

²¹ Finkelhor, D. *Sexually victimized children*. (New York: Free Press, 1979)

lack of uniformity in the management and regulation of this crime, limiting even the attempts at collective action at a higher level.

This, however, results in a lack of uniformity in the management and regulation of this crime, limiting even the attempts at collective action at a higher level. In addition to this, public stigma and taboos surrounding this topic have slowed down research advancements from both a social and scientific perspective; these dynamics are well described by the phrase "conspiracy of silence". This also points to the lack of data, which are frequently extracted from private paediatric and psychiatric practice records.²²

A further problem related to data collection is the phenomenon of under-reporting. It is estimated that between 4% and 16% of children are abused each year, but only a tenth of these are included in the statistics proposed by social services.

This is because abuse is often not suspected, and children do not report the assaults. In addition, the lack of a specific definition common to all states also leads to some cases being excluded rather than others at the discretion of the national law, removing from the general statistics further data related to CSA.

If, on the other hand, self-reports are submitted, they are not always accurate and conclusive, or the caregivers do not know how to behave properly in these certain situations. Further obstacles are the anxieties and fears related to the social stigmatisation that can result from making this information public; this often leads children not to report abuse.

Also, because the powerlessness, traumatic sexualisation and betrayal suffered by the child lead to significant, often lasting, and alarming negative consequences.

As can be understood from this brief social contextualisation of the phenomenon of abuse, it is variable, which implies that the resulting outcomes vary from case to case also due to several factors such as the age and sex of the child, the age and sex of the perpetrator, the type of relationship between the two, and the frequency and duration of the abuse.

Children are frequently discouraged from reporting abuse due to their anxiety and fears about the social stigma that can come from making this information public.

²² Pettis, Katherine W., and Dave R. Hughes, "Sexual Victimization of Children: A Current Perspective," *Behavioral Disorders* 10, no.2 (1985): 136-144.

Additionally, the child's sense of helplessness, traumatic sexualization, and betrayal have serious, even terrifying deleterious effects.²³

From this brief social contextualization of the phenomenon of abuse, it is clear that it is variable in nature, which implies that the outcomes also vary from case to case due to a number of factors, including the age and sex of the child, the age and sex of the perpetrator, the nature of the relationship between the two, and the frequency and duration of the abuse. 10% of incidents of child maltreatment that have been formally documented involve CSA, which is associated with particular risk factors. Girls are 2.5 to 3 times more at risk than boys, even though boys make up roughly 22-29% of all CSA victims and are sometimes underrepresented because they are less likely to speak up and discuss the trauma they have experienced.²⁴ The danger rises with age; thus, age is a significant factor as well. In other words, the older the children, the higher the risk.

This is also influenced by gender because it begins earlier and lasts longer for females. Blindness, deafness, and mental retardation are examples of physical impairments that damage a child's credibility and are linked to a higher risk.²⁵

This is related to the fact that the child will be more reliant on their parents, require ongoing care, and have more communication difficulties. The family constellation, or the absence of one or both parents, is the final and most important risk factor.²⁶

When a father figure is missing and a stepfather is present to fill the gap, females are more likely to experience abuse from either the father or other men.²⁷

²³ Sharples, Tiffany, "Study: Most Child Abuse Goes Unreported," Time, accessed March 2023, <https://content.time.com/time/health/article/0,8599,1863650,00.html>

²⁴ US Department of Health and Human Services. "Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System." (Washington, DC: US Government Printing Office, 1998)

Fergusson, D., M Lynskey, and L Horwood, "Childhood sexual abuse and psychiatric disorder in young adulthood, I: prevalence of sexual abuse and factors associated with sexual abuse," *J Am Acad Child Adolesc Psychiatry* 35, no.10 (1996): 1355–1364.

Finkelhor, D, "Epidemiological factors in the clinical identification of child sexual abuse," *Child Abuse & Neglect* 17, no.1 (1993): 67–70.

Sobsey, D., W. Randall, and R. Parrila, "Gender differences in abused children with and without disabilities," *Child Abuse & Neglect* 21, no.8 (1997): 707–720.

Lab, D., J. Feigenbaum, and P. De Silva "Mental health professionals' attitudes and practices towards male childhood sexual abuse," *Child Abuse & Neglect* 24, no.3 (2000): 391– 409.

²⁵ Westcott, H, and D. Jones, "Annotation: the abuse of disabled children," *Journal of Child Psychology and Psychiatry* 40, no.4 (1999): 497–506.

²⁶ Finkelhor, D, "Epidemiological factors in the clinical identification of child sexual abuse," *Child Abuse & Neglect* 17, no.1 (1993): 67–70.

²⁷ Mullen, P., J. Martin, J. Anderson, S. Romans, and G. Herbison, "Childhood sexual abuse and mental health in adult life," *The British Journal of Psychiatry* 163, no.6 (1993): 721-732

Absence also refers to a parent's lack of involvement in their child's life. This can happen for several reasons, such as mental health issues, physical ailments, alcoholism, marital issues and so on.²⁸ Despite being important facts, socioeconomic position and ethnicity have little bearing on the phenomena of CSA and are not factors in determining whether or not these practices spread.²⁹ More factors can be considered, such as the chronology, for instance. When the incidence of this particular phenomenon was carefully examined, it was found that both the prevalence of child neglect and public and professional knowledge of the phenomenon had increased since the 1970s.³⁰

Because of all these factors, sexually abused children make up a very diverse population and it is challenging to make easy generalizations. Children who have witnessed abusive behaviour in families may imitate the suggested patterns as a result. Numerous studies have been conducted on this subject, and it has come to light that there is insufficient information on CSA to make particular inferences because the studies centre on the generational impacts of all forms of child abuse. However, the research has also helped to clarify the importance of gender in transmission between generations.³¹

There are many negative consequences of childhood sexual abuse, but the main ones are MSDs, major depressive disorders, borderline personality disorder, somatization, substance abuse, PTSD (post-traumatic stress disorder), identity dissociation, and bulimia nervosa. Abuse has highly serious consequences from both a personal and community standpoint because depression is a widespread public health issue that is associated with

²⁸ *Ibidem*.

Fergusson, D., M Lynskey, and L Horwood, "Childhood sexual abuse and psychiatric disorder in young adulthood, I: prevalence of sexual abuse and factors associated with sexual abuse," *J Am Acad Child Adolesc Psychiatry* 35, no.10 (1996): 1355–1364.

Nelson, Elliot C., Andrew C. Heath, Pamela A. F. Madden, and et al, "Association between self-reported childhood sexual abuse and adverse psychosocial outcomes: results from a twin study," *Archives of General Psychiatry* 59, no.2 (2002): 139-146.

²⁹ Mennen, F, "The relationship of race/ethnicity to symptoms in childhood sexual abuse," *Child Abuse & Neglect* 19, no.1 (1995): 115-124.

Shaw, J., J. Lewis, A. Loeb, J. Rosado, and R. Rodriaguez, "A comparison of Hispanic and African-American sexually abused girls and their families," *Child Abuse & Neglect* 25, no.10 (2001) 1363–1379.

Finkelhor, D, "Epidemiological factors in the clinical identification of child sexual abuse," *Child Abuse & Neglect* 17, no.1 (1993): 67–70.

³⁰ US Department of Health and Human Services. "Child Maltreatment 1996: Reports from the States to the National Child Abuse and Neglect Data System." (Washington, DC: US Government Printing Office, 1998)

Finkelhor, D, *Child Sexual Abuse: New Theory and Research*. (New York: Free Press, 1984)

³¹ Vogel, M, "Gender as a factor in the transgenerational transmission of trauma," *Women & Therapy* 15, no.2 (1994): 35–47.

Banyard, V, "The impact of child sexual abuse and family functioning on four dimensions of women's later parenting," *Child Abuse & Neglect* 21, no.11 (1997): 1095–1107.

significant morbidity and mortality. Other problematic attitudes have also been identified, and these can be categorized into three groups based on their causes: mental diseases, dysfunctional behaviour, and neurobiological dysregulation.³²

Psychiatric diseases include depression, suicidality, anxiety, and substance addiction disorders. Research has found that women who experienced sexual abuse as children are more likely than men to experience these problems.³³ Additionally, it has been demonstrated that these illnesses are significantly influenced by psychological stress.³⁴ On the other hand, someone who exhibits dysfunctional behaviour has issues with their self-worth and acceptance, is fragmented, has trouble handling intense emotions, and lacks harmony in their feelings and self-concept. All of these feelings cause rigidity, erratic or inconsistent behaviour, and the inability to successfully self-direct by values and moral principles that have been internalized.

Last but not least, neurobiological dysregulation refers to certain nervous system tensions that lead to an imbalance in neurological function. This can result in fibromyalgia, chronic pain, chronic fatigue syndrome, learning disorders, memory loss, overeating/dying, anxiety disorders, insomnia, and age-related cognitive issues. Even after the trigger for these emotions is removed, the kid often lives with the trauma associated with abuse for many years, if not their entire lives. Physical issues of a different kind exist in addition to psychological and behavioural repercussions and are influenced by several factors, including the child's sex. First, there is a chance that sexually transmitted illnesses including HIV, syphilis, condyloma-acuminata, progenerital herpes, and traumatic lesions could be spread during the abuse. These are the main infections that have been found, and they can take many different forms. They can endanger a child's life or have long-lasting repercussions.

To be able to recognize any indicators of abuse, medical personnel must be familiar with the typical and aberrant physical characteristics of children.³⁵ In any case, abusers

³² Watkins, B., and A. Bentovim, "The sexual abuse of male children and adolescents: a review of current research," *Child Psychology & Psychiatry & Allied Disciplines* 33, no.1 (1992): 197-248.

³³ Henderson, J, "Is incest harmful?," *Canadian Journal of Psychiatry* 28, no.1 (1983): 34-39.

³⁴ Stein, J. A., J. N. Golding, J. M. Siegel, M. A. Burnam, and S. B. Sorenson, "Longterm psychological sequelae of child sexual abuse. The Los Angeles Epidemiological Catchment Area Study," In *Lasting effects of child sexual abuse*, by G. E. Wyatt & E. J. Powell. (Beverly Hills: Sage, 1988)

³⁵ Johnson, Charles, F, "Child sexual abuse," *The Lancet* 364, no.9432 (2004): 462-470.

Pandhi, Deepika, Sanjeev Kumar, and B. S. N. Reddy, "Sexually Transmitted Diseases in Children," *The Journal of Dermatology* 30, no.4 (2014): 314-320.

frequently take care to leave no evidence of their crimes, thus it won't always be feasible to discover abuse by physical evidence. To give the child time to heal and prevent their injuries from being noticed, it is also possible to keep the injured child away from public areas like schools and in touch with other adults.³⁶

CSA and SBP (sexual behaviour problems), or unusual and infrequent components of childhood sexuality that can develop into a variety of harmful dynamics, have been discovered to have a strong relationship. Particularly, a connection between physical abuse and the emergence of coercive and aggressive sexual behaviour that may potentially result in the sexual exploitation of others was discovered.³⁷ The risk of early pregnancy and desire for conception are also increased by SBPs, perhaps due to dissociation and the need to satiate unmet psychological demands.³⁸ Additionally, underweight new-borns have been linked to higher delivery problems, which may be brought on by stress, sadness, social isolation, and substance abuse.³⁹

As was already said, CSA encourages and affects these harmful behaviours, endangering the health of the child and, in cases of pregnancy, the unborn child as well. Numerous research has been conducted to determine the optimum course of treatment for child sexual abuse victims, and it has been found that cognitive-behavioural therapy (CBT) with fewer sessions is frequently successful, particularly for some symptoms.⁴⁰ The modalities can include the non-abusive parent if it is thought necessary and beneficial for the child, although this varies from situation to case. Treatment is modified by how the child responds because the "sleeping effect" can confuse assessments in some asymptomatic cases.

³⁶ *Ibidem*.

³⁷ Benoit, J. L., and W. A. Kennedy, "The abuse history of male adolescent sex offenders," *Journal of Interpersonal Violence* 7, no.4 (1992): 543-548.

Becker, J. V., "What we know about the characteristics and treatment of adolescents who have committed sexual offences," *Child Maltreatment* 3, no.4 (1998): 317-329.

³⁸ Becker-Lausen, E, and A Rickel., "Integration of teen pregnancy and child abuse research: identifying mediator variables for pregnancy outcome," *Journal of Primary Prevention* 16, (1995): 39-53.

Widom, C., and M. Ames, "Criminal consequences of childhood sexual victimization," *Child Abuse & Neglect* 18, no. 4 (1994): 303-318.

³⁹ Stevens-Simon, C., and S. Reichert, "Sexual abuse, adolescent pregnancy, and child abuse," *Archives of Pediatric and Adolescent Medicine* 148, no.1 (1994): 23-27.

⁴⁰ Cohen, J., A. Mannarino, L. Berliner, and E. Deblinger, "Trauma-focused cognitive behavioral therapy for children and adolescents: an empirical update," *Journal of Interpersonal Violence* 15, no.11 (2000): 1202-1223.

There may be other motivations and risk factors, such as substance addiction and mental illness, or it may be that the youngster is masking the discomfort that he or she feels. Anyhow, it's extremely likely that asymptomatic kids will get worse after starting medication before they get better.⁴¹ However, concerning the symptomatic ones, they exhibit the above-discussed effects, and cognitive-behavioural therapy is seen to be the most successful, particularly for specific symptoms.

In general, it is crucial to identify and report any instances of abuse that may take place, but neither medical professionals nor the children themselves should ever assume that the abuse will end after making a disclosure.⁴² Children who self-reported abuse were found to receive less care and assistance than those whose abuse was detected by an adult; the latter group recovered more quickly.⁴³

Therefore, it is essential to recognize and address child abuse as soon as it occurs. It is also critical to provide children with preventative and education programs.

These programs seek to teach kids how to spot probable abuse scenarios, respond in a self-protective way, and discuss them with a reliable adult.⁴⁴

Increasing children's knowledge is necessary to protect them, but it can also make them anxious, uncomfortable, and have social interaction issues.

Home visits are another technique of preventive that aims to educate and support parents who are overworked or at risk to help them become better parents. Particular focus is given to these programs to risk factors like unemployment, marital problems, and social isolation.

2. Link between domestic sexual abuse and gender-based violence

⁴¹ D. Finkelhor and L. Berliner, "Research on the treatment of sexually abused children: a review and recommendations," *Journal of American Academy of Child and Adolescent Psychiatry* 34, no.11 (1995): 1408–1423.

⁴² S. Palmer, R. Brown, N. Rae-Grant, and M. Loughlin, "Responding to children's disclosure of familial abuse: what survivors tell us," *Child Welfare* 78, no.2 (1999): 259–282.

⁴³ D. Nagel, J. Noll, F. Putnam, and P. Trickett, "Disclosure patterns of sexual abuse and psychological functioning at a 1-year follow-up," *Child Abuse & Neglect* 21, no.2 (1997): 137-147.

⁴⁴ J. Rispens, A. Aleman, and P. Goudena, "Prevention of child sexual victimization: a meta-analysis of school programs," *Child Abuse & Neglect* 21, no.10 (1997): 975–987.

CSA has a clear connection to gender-based violence, which is one of the most pervasive human rights violations in the world. Understanding what is meant by GBV and its qualities is crucial before delving more into this relationship. By this word, we refer to a variety of harmful behaviours that are specifically targeted towards women and girls due to their gender, such as sexual assault, husband abuse, mutilation, and coercion.

This category includes a variety of social dynamics, such as drug misuse, chronic pain, despair, and many others, that might have severe repercussions for abused women.

Abuse of women by male intimate partners is one of the most ubiquitous forms of gender-based violence. A woman can experience coercion and sexual abuse at any point in her life. These behaviours range from forceful rape to non-physical forms of pressure that coerce girls and women into having sex against their choice.

One in three women is now affected by gender-based violence, but despite this, it is exceedingly challenging to research these subjects because they are still taboo in society and little trustworthy data is gathered on them.⁴⁵ Furthermore, this form of violence affects women and girls everywhere, regardless of their socioeconomic status, and is unaffected by social or economic borders. In addition to its negative societal effects, GBV is problematic because it costs nations up to 3.7% of their GDP.

Since children who experience violence as young children are more likely to become survivors or offenders themselves in the future, failing to address this issue now will result in higher costs later on.⁴⁶

Gender norms, or social norms about the roles and obligations of men and women, respectively, are a common source of justifications for violence. The cultural element is important when deciding whether or not to "support" GBV because some cultures hold that males should govern their female partners or that they have the right to make decisions about their bodies. These appear to be extreme conceptions, yet even in communities that are more conscious of these social periods, disparities are maintained via unconscious forces. Additionally, other elements have some degree of influence on these dynamics. Girls are more likely than boys to experience sexual abuse as children, which can result in illnesses and unintended pregnancies. Therefore, one may assume that

⁴⁵ L. Heise, M. Ellsberg, and M. Gottmoeller, "A global overview of gender-based violence," *International Journal of Gynecology and Obstetrics* 78, no.1 (2022): S5–S14.

⁴⁶ *Ibidem*.

most CSA victims are female, and the data gathered would support this assumption, but is this truly the case?

Given that men are less likely to discuss and disclose abuse, concerns have been raised concerning whether cases of male abuse are underreported.⁴⁷ Data on male and female victims must be compared to have a clear picture of how gender-based violence affects the phenomenon of abuse. Starting with homosexual incest, it is well-recognized that father-son abuse happens in society, but it is underrepresented in literature. As a result, children are frequently reluctant to report abuse for fear of being stigmatized as homosexual or weak.⁴⁸

Speaking of figures, some research has revealed that between 10% and 17% of sexually assaulted children are men.⁴⁹ This, however, contradicts Finkelhor's results, which showed that most male victims of CSA did not report the abuse and that there is at least one male victim of CSA for every two female victims of CSA.⁵⁰ The fact that each institution or entity involved in this type of phenomenon has a distinct definition of sexual abuse and categorizes a case as abuse or not according to certain rules is another issue related to the failure to report abuse. This problem is in addition to the failure to testify. For instance, despite both having experienced the same kind of assault, two children with the same injuries may get different diagnoses depending on where they go.⁵¹

Several factors affect the ratio of CSA to victims of different sexes. Family size is a significant influence because 44% of male victims are from households with four or more kids, compared to 49% of female victims from families with three or more siblings. These statistics are important because, whereas 20% of females were placed in foster care or with family members, only 4% of males were taken from their homes. This disparity in

⁴⁷ S. M. Sgroi, "The sexual assault of children: Dynamics of the problems and issues in program development," In *Sexual abuse of children: Implications from the sexual trauma treatment program of Connecticut*, in Connecticut's Sexual Trauma Treatment Program (New York: Community Council of Greater New York, 1979), 3-18.

Katherine W Pettis and Dave R. Hughes, "Sexual Victimization of Children: A Current Perspective," *Behavioral Disorders* 10, no.2 (1985): 136-144.

⁴⁸ M. Nasjleti, "Suffering in silence: The male incest victim," *Child Welfare* 59, no.5 (1980) 269-276.

⁴⁹ V. De Francis, *Protecting the Child Victim of Sex Crimes Committed by Adults*, (Denver: American Humane Association, 1969).

L. Scherzer and P. Lala, "Sexual offenses committed against children," *Clinical Pediatrics* 19, no.10 (1980): 679-685.

⁵⁰ D. Finkelhor, "Risk factors in the sexual victimization of children," *Child Abuse & Neglect* 4, no.4 (1980): 265-273.

⁵¹ R. Pierce and L., H. Pierce, "The sexually abused child: a comparison of male and female victims," *Child Abuse & Neglect* 9, no.2 (1985): 191-199.

child protection may indicate that the vulnerability of males to subsequent sexual experiences is not sufficiently considered by child protection service providers.

Since 38% of men and 12% of females did not have a father at home, the function of the father in the family is especially important. Furthermore, just 24% of the boys and 58% of the females resided with their biological fathers. Most boys (92%) resided with their natural mothers. In conclusion, the number of children in the household and the father's position affect how the CSA treats victims of both sexes.

There are several things to think about while analysing the family's role in the abuse. The stepfather is the primary culprit in the majority of cases involving female abuse (23%), according to a survey of family members, relatives, and caregivers from the state protective services agency. However, when the attacker was the victim's biological father, there was a significant difference between the two groups. Particularly, 41% of the cases involving girls and only 20% of the situations involving men involved the biological father. Furthermore, it was discovered that abusers of male children frequently victimized multiple children in a single family. The perpetrators' sexual behaviour revealed a stronger preference for oral sex with men (52%) than with women (17%).

In addition, 40% of the time, as opposed to 21% for female victims, the attackers masturbated the male victim. Males fondled less frequently (32%) than females (63%).

Situational factors also have an impact on the abusive dynamics in addition to family factors. For instance, the non-offending parent is less likely to be able to shield the child from the abusive environment if they are suffering from a mental or physical condition. The non-offending parent was found to be emotionally ill in 24% of the cases, and physically ill in 14% of the cases.

Lastly, only 17% of the males and 26% of the females described the perpetrator as a tyrant, whereas 40% of the instances had an emotional illness and 12% involved drinking.

In terms of the assistance offered to children and families in cases of domestic abuse, 28% of cases in the male sample had been previously reported and verified by a protective services worker, compared to 31% of cases in the female sample. What services were provided to kids and their families between the earlier reports and this one is unknown.

In any case, 36% of the male cases had police involvement at the time of the current report, compared to 1% of the female cases where the offender had been locked up.

Only one of the women was asked to testify in court; none of the men were.

Protective services personnel recommended counselling to 56% of the male children or their families; however, in none of the male cases and only 4% of the female cases did the court compel counselling. When the cases were evaluated at least a year later, 36% of the male children and/or their families had finished therapy, but none of the boys or their families were still receiving visits.

Comparing this number to the female group, where only 18% had finished treatment, the difference is substantial. Additionally, compared to the female group, 10% of the male youngsters had a medical evaluation, primarily for sexual infections. Only one child was ultimately taken from their family and placed in foster care. Therefore, it may be inferred from this little research that there are important distinctions in how we treat sexually abused female children and how we treat male children, their families, and ourselves.

The dynamics also differ from the perspective of victimization, the traits of which we shall analyse before moving on to examine the gender differences.

The act of intentionally harming one or more people, whether physically, sexually, psychologically, or morally, is what gives rise to the phenomenon of victimization. This phenomenon is frequently linked to illegal activity that either goes unreported because of power imbalances between the perpetrator, the victim, and the appropriate authorities or, if reported, does not result in an inquiry because there is insufficient evidence.

Abuse or victimization committed by criminals falls into four broad kinds. It is crucial to remember, though, that many offences of abuse may fall under more than one category. The four most important ones are listed below, along with examples for each.

The first category, physical victimization, includes kidnapping, maltreatment, and assault in vehicles. Contrarily, sexual victimization describes the act of showing one's genitalia to someone without that person's consent, coercing that person into engaging in sexual activity or engaging in physical contact with that person without that person's agreement. The third kind of victimization deals with psychological abuse, which can take the form of kidnapping, mental control, using someone else's fear as a weapon against them, intimidation, or stalking.

Finally, moral victimization involves punishing people under the guise that they are not "good" while the offender is, blaming people because they are "bad," or claiming moral superiority over someone and telling them that they deserve to suffer because they are beneath them.

The types of victims identified in this context also differ and are divided into four groups in addition to these distinctions. There are many similarities between various victimization experiences, even though each person's experience is unique. As they are directly impacted by an act of violence, which can take many different forms, victims can be primary or direct victims. Primary victims may experience physical, psychological, and financial harm because of victimization. Indirect victims are those who experience a significant emotional toll because of the violence experienced by a close friend or loved one. On the other hand, secondary victims are people who were present during the assault or who can speak from personal experience about what happened. These people, including first responders, family members, friends, and neighbours, may also experience psychological trauma. Finally, tertiary victims are those who were impacted by the incident despite never having known the victim of the crime.

Depending on internal and environmental conditions, each person who becomes a victim of crime or abuse experiences diverse and impacts. Because of this, victims have the option to seek state-funded victim services that pay for their legal, medical, psychological, and rehabilitation expenses. To be eligible for this financing, one must adhere to the state's unique laws and regulations, including the need to assist law enforcement and submit all required paperwork. The road to receiving assistance and financing becomes much more challenging if you do not feel secure in cooperating with the authorities or if they do not fully investigate your case.

Understanding what effects victimization may have on abused children requires having a general understanding of the problem and its characteristics. Depending on three primary factors—their fitness as a target, their capacity for self-defence, if any, and their environment—children may be at risk of victimization. The youngster may be affected and exhibit severe reactions and symptoms that differ from case to case depending on these factors and the severity of victimization.⁵²

Although children are generally more vulnerable to victimization than adults are, academic research on this topic has only recently begun.⁵³ Due to a lack of disciplinary attention, stereotypes and beliefs regarding child victimization have spread more widely

⁵² D. Finkelhor, "The victimization of children: A Developmental Perspective," *American Journal of Orthopsychiat* 65, no.2 (1995): 177-193.

⁵³ C.S. Widom, "Childhood victimization: Risk factor for delinquency," In *Adolescent stress: Causes and consequences*, 201-222. (Hawthorn, NY: M.E. Colten & S. Gore, 1991)

without the necessary adjustments or modifications that would arise from a thorough investigation of the subject. In a very fundamental sense, the forms of victimization that children experience are determined by their age and stage of development, while how they respond to it depends on their strengths and vulnerabilities that are unique to that time.⁵⁴

It's critical to look at the many victimizations, how they present, and their prevalence to comprehend these specifics. Risk and violence can be useful analytical tools depending on the particular topic because they are separate parts of developmental victimology.

Unfortunately, because statistical sources do not collect or tabulate these data for all ages, there are no reliable statistics for many forms of victimization that span the entire childhood period. Furthermore, a child's age frequently affects both his or her propensity to disclose or report abuse as well as their likelihood to be victimized.⁵⁵

Therefore, it is important to consider differences in risk according to age, even though the distribution of the risk of victimization is frequently an indicator of disclosure rather than actual risk. Finding the elements that affect risk differently depending on the age of the population and separating them into characteristics of children and those of their surroundings could be a solution. Children's traits can be further subdivided into two groups: protective ability and target suitability. Furthermore, according to Boney-Mc Coy and Finkelhor⁵⁶, the act of victimization itself appears to weaken children's defences against further victimization. These dynamics can be represented by a complex model in which children are victimized in various ways depending on their surroundings. Their lack of choice among friends and restricted autonomy significantly increases their vulnerability to victimization. In other words, a child's vulnerability depends on their capacity to control their environment and decide to stay away from potentially harmful guardians and offenders.⁵⁷

⁵⁴ C. M. Newberger and E. DeVos, "Abuse and victimization: A life-span developmental perspective," *American Journal of Orthopsychiatry* 58, no.4 (1988): 505-511.

⁵⁵ D. Finkelhor and L. Baron, "High-risk children," in *A sourcebook on child sexual abuse*, edited by D. Finkelhor (Newbury Park, CA: Sage Publications, 1986), 60-88.

⁵⁶ S. Boney-McCoy and D. Finkelhor, "Psychosocial sequelae of violent victimization in a national youth sample," *Journal of Consulting and Clinical Psychology* 63, no.5 (1995): 726-736.

⁵⁷ J. P. Lynch, "Victim behavior and the risk of victimization: Implications of activity-specific victimization rates," in *Victims and criminal justice* edited by H. Kaiser, Kury and H. J. Albrecht (Freiburg: Eigen verlag Max Planck Institute, 1991), 543-566.

Furthermore, it appears that the act of victimization reduces children's capacity to fend off further victimization and to quickly leave environments that turn unpleasant or dangerous.⁵⁸ The likelihood of experiencing violence appears to depend increasingly on individual choices as youngsters become more independent in controlling their environment. A component that links child development with the likelihood of victimization, which encompasses both personal and environmental factors, is the degree of children's dependency demands. The peculiarity of these forms of victimization is that they go against both the social norm that adults should satisfy children's dependency needs and the needs themselves; they are forms of victimization that do not affect adults, except for those who become incapacitated and, like children, are viewed as needing assistance. Unfortunately, a false perception that younger kids are free from victimization and only teens are accountable for it has crept into society.

Because children are frequently viewed as being in the minority when compared to women and dependent people, this approach has resulted in an underestimating of the sorts of victimization they experience. Children themselves suffer because of the limitations that other societal regulations frequently place on their options for safety.⁵⁹

There are various types of child abuse that, though not always, may involve addiction. This category includes sexual abuse since, due to children's dependency and immaturity, some behaviours that are typically accepted between adults can be damaging to children. Some instances of sexual abuse may also involve coercion and violence that harms not only dependent children but anyone. As children get older, they become more independent and their risk of victimization approaches that of adults.⁶⁰

Addiction-related victimization, like abandonment, primarily targets very young children. Teenagers, on the other hand, are more likely to commit crimes like murder or stranger entrapment that are unrelated to addiction.⁶¹ Furthermore, relatives are more likely to

⁵⁸ S. Boney-McCoy and D. Finkelhor, "Psychosocial sequelae of violent victimization in a national youth sample," *Journal of Consulting and Clinical Psychology* 63, no.5 (1995): 726-736.

⁵⁹ H. H. Foster and D.J. Freed, "A bill of rights for children," *Family Law Quarterly* 6 (1972): 343-350.

⁶⁰ D. Finkelhor, "The victimization of children: A Developmental Perspective," *American Journal of Orthopsychiatry* 65, no.2 (1995): 177-193.

⁶¹ D. Finkelhor and J. Dziuba-Leatherman, "Victimization of children." *American Psychologist* 49, no.3 (1994): 173-183.

abuse young children than outsiders. This is because children are dependent on family and caregivers, who may neglect their duties and subject the youngsters to victimization.⁶² Different developmental factors have an impact on boys' and girls' vulnerability to victimization. For instance, because of the process of sexual maturity, rape has a higher danger for women than it does for boys. Gender differences become more pronounced with age, and it stands to reason that victimization patterns will also become more gender specific. To put it another way, younger children may experience less gender-specific patterns of victimization since their behaviours and physical attributes are more like those of older children; older children, however, may experience more different patterns of victimization for each gender.⁶³ These inequalities first appear during the reporting and disclosure of sexual abuse since men are socially expected to be sexually dominated, which is confused with having been abused. Given that men frequently abuse children, the social stigma that is engendered is also linked to the homosexual aspect.⁶⁴ However, because they are viewed as being more vulnerable, female victims are frequently targeted for this. Girls were primarily victimized in this way by older men in their close-knit social circle rather than by outsiders.⁶⁵ The idea of social stigma is directly tied to the victimization process and implies that the stigmatized person has some characteristic that society views as abnormal.⁶⁶

Phelan provides a thorough and convincing characterization of the stigmatization process in greater detail: “Stigma occurs when (1) a sufficiently powerful group of people identify a human characteristic as being socially relevant and warranting special labelling or categorization; (2) dominant cultural beliefs link labelled individuals to undesirable characteristics or stereotypes; (3) labelled persons are placed in distinct categories separating “us” from “them”; (4) people have negative emotional reactions to labelled

⁶² A. J. Sedlak, National incidence and prevalence of child abuse and neglect: 1988-Revised report (Rockville, MD: Westat, Inc, 1991)

⁶³ D. Finkelhor, “The victimization of children: A Developmental Perspective,” *American Journal of Orthopsychiatry* 65, no.2 (1995): 177-193.

⁶⁴ R. Badgley, *Report of the Federal Committee on Sexual Offenses Against Children and Youth* (Ottawa: Federal Departments of Justice and Health and Welfare, 1984)

D. Finkelhor, *Child Sexual Abuse: New Theory and Research* (New York: Free Press, 1984)

⁶⁵ D. Finkelhor, “Risk factors in the sexual victimization of children,” *Child Abuse & Neglect* 4, no.4 (1980): 265-273.

⁶⁶ Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity*, (New York: Simon & Schuster, Inc, 1963)

persons; and (5) labelled persons experience status loss and discrimination that lead to unequal outcomes.’⁶⁷

In conclusion, the dominant group in society stigmatizes deviant group members by attributing negative character qualities, depriving them of power and transferring it to the group rather than the stigmatized individual.

Myths regarding male sexual potency and victims of sexual violence show how stigma fuels these kinds of misconceptions. The societal construction of masculinity is a crucial factor in this discussion. Hegemonic masculinity, which fluctuates throughout time and geography, is the dominant and ideal form of masculinity to which all men strive, claim Connell and Messerschmidt.⁶⁸ However, this kind of masculinity is heteronormatively constructed by the white middle class, so homosexuals or men of colour are seen as deviating from the prevailing norms of masculinity. According to Rye, Greatrix and Enright⁶⁹, this can result in variations in how society assigns responsibility to the victim. Female victims of abuse are frequently held accountable for the sexualization of their bodies and for 'attracting' the abuser to them by their manner and behaviour. While the women were responsible for ensuring that the conditions for abuse were established, the children bear some of the blame for being weak as men and being mistreated.

In any event, the victimization process takes a very long time, and it's important to recognize that victimization also has a social component. There may be internal victimization in addition to the victimization that society perpetuates on an 'external' level. According to Bard and Sangrey⁷⁰, victims of abuse go through a "loss of balance" because they can no longer perceive their surroundings as secure. The illusion of being "invulnerable" to everything also crumbles between illusion and reality, in addition to everything else.⁷¹ The abuse itself shatters the inclination to think, "It can't happen to me,"

⁶⁷ J. C. Phelan, "Geneticization of Deviant Behavior and Consequences for Stigma: The Case of Mental Illness," *Journal of Health and Social Behavior* 46, (2005): 307-322.

⁶⁸ R. W. Connell and James Messerschmidt, "Hegemonic Masculinity: Rethinking the Concept," *Gender and Society* 19, no.6 (2005): 829-859.

⁶⁹ B. J. Rye, Sarah A. Greatrix, and Corinne S. Enright, "The Case of the Guilty Victim: The Effects of Gender of Victim and Gender of Perpetrator on Attributions of Blame and Responsibility," *Sex Roles* 54, (2006): 639-649.

⁷⁰ M. Bard and D. Sangrey, *The crime victim's book* (New York: Basic Books, 1979)

⁷¹ L. S. Perloff, "Perceptions of vulnerability to victimization," *Journal of Social Issues* 39, no.2 (1983): 41-61.

K. L. Scheppele and P. B. Bart, "Through women's eyes: Defining danger in the wake of sexual assault," *Journal of Social Issues* 39, no.2 (1983): 63-80.

and the victim is forced to deal with the suffering and healing process of an incident she thought would never happen to her. The victim starts to experience feelings of 'helplessness' and dread because she thinks anything could happen to her.⁷² A genuine sense of security is lost, which causes tremendous worry and a sense of helplessness. The victim's preoccupation with the risk of the traumatic incident recurring often serves as a manifestation of this perception of vulnerability.⁷³

As a result, there are no appreciable differences between male and female victims in the specific instance of domestic child abuse, according to the analysis conducted to determine the impact of gender-based violence. In both situations, new factors appear that alter the dynamics of the phenomenon without removing one genre from the other.

It has also become clear how crucial it is to work on society as well as to safeguard children to eradicate CSA, as well as the relevance that the social impact and its ramifications have on victims and their rehabilitation.

3. Analysis of the phenomenon in the European context with emphasis on law tools

The international community considers sexual assault as a major violation of human rights, and as such, it is investigated and punished harshly. Following certain occurrences and circumstances scholars had realized that children, as extremely vulnerable, saw their rights violated in countless situations. For this reason, they started to focus their interest on children and their rights.

3.1 Convention on the Rights of the Child

R. Janoff-Bulman and L. Lang-Gunn, Coping with disease and accidents: The role of self-blame attributions, in *Social-personal inference in clinical psychology: A synthesis*, edited by L. Y. Abramson, (New York: Guilford Press, 1988), 116-147.

⁷² M. Wolfenstein, *Disaster: A psychological essay*, (Glencoe, Illinois: The Free Press and Indian Hills, California: Falcon's Wing Press, 1957)

⁷³ Ronnie J. Janoff-Bulman and Irene H. Frieze, "A Theoretical Perspective for Understanding Reactions to Victimization," *Journal of Social Issues* 39, no.2 (1983): 1-17.

Eglantyne Jebb, a British pioneer in children's rights, therefore decided to start her effort to enhance child safety in 1924.

The United Nations established the Convention on the Rights of the Child (CRC) in 1989 because of this initial step toward the recognition of children's rights. All states, except for the United States, have ratified this document, which covers all children's human rights.

The first significant finding was that children should be protected for who they are today rather than for when they will become adults in society. As a result, society is held accountable for upholding the Convention's requirements. This convention also alters the perception that kids aren't just their parents' property; they're also people with rights.

In general, the document focuses more on fundamental rights, basic needs, and protection rather than political and economic rights. In some circumstances, commitment in the form of guardianship also entails removing children from their parents; this understanding is essential given that most of the physical and sexual abuse of children occurs within the setting of the family. The Convention also recognizes that parents have strong rights over the government and emphasizes the value of family support.⁷⁴

The CRC, which is the most generally ratified human rights convention, "has had a significant impact on national legal systems around the world and national legislation in particular".⁷⁵ Following the adoption of the CRC, new laws prohibiting the sexual exploitation of children have been passed in several global regions, including Asia, Latin America, Central and Eastern Europe, Western Europe, some Middle Eastern nations, and African states, according to a 2007 UNICEF survey of 52 member states.

A UN survey conducted in 2011 revealed that 90% of the 100 states surveyed had laws specifically outlawing the sexual exploitation of minors, including child pornography and prostitution. In 73 countries, Dubowitz⁷⁶ conducted a thorough analysis of state-level legal definitions and responses to the CSA/E and discovered that 86% of the states he surveyed had a defined definition of child sexual abuse. As a result of different state-by-state classifications, Asia was the only continent to receive a score below 80%. Even

⁷⁴ Thomas Hammarberg, "The UN Convention on the Rights of the Child--And How to Make It Work," *Human Rights Quarterly* (The Johns Hopkins University Press) 12, no.1 (1990): 97-105.

⁷⁵ T. Liefwaard, and J. E. Doek, *Litigating the rights of the child: The UN Convention on the Rights of the Child in domestic and international jurisprudence*, (Springer, 2015)

⁷⁶ H. Dubowitz, "Child sexual abuse and exploitation—A global glimpse," *Child Abuse & Neglect* 66 (2017): 2-8.

though the Convention on the Rights of the Child is grounded in international law, data indicate that implementation efforts have primarily concentrated on punishing offenders rather than aiding victims in their recovery.⁷⁷

State submission of routine reports on implementation is required by the Convention on the Rights of the Child (CRC) and its Optional Protocols. The UN Committee on the Rights of the Child specifically requests states to give data broken down by age, gender, and type of recorded violation on various aspects of sexual abuse against children. However, the inaccessibility of statistical annexes containing this data restricts the ability to track development. The paucity of reporting by some nations, along with the expense of translating the annexes, has so far made it difficult to create international baselines for these indicators, which has limited possibilities to track progress. In addition, many states send implementation reports infrequently. The quality and specificity of CRC implementation on this topic should be improved by increased public accessibility and regular reporting at the state level on certain quantitative indicators of sexual violence against children.

The timing is right to consider the global commitment to protecting human rights and children's welfare as we have just passed the 30th anniversary of the adoption of the Convention on the Rights of the Child. But according to the most recent meta-analytical data, worldwide, 12.7% of children experience sexual abuse. Additionally, there are still knowledge gaps regarding sexual abuse in low- and middle-income countries as well as a dearth of resources for survivors to access support services.

Implementing the recommendations provided by the Council of Europe Conventions on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) and Protection of Children from Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) is given special consideration.

Additionally, a specific strategy for children's rights has been developed for the years 2022–2027, and it will put special emphasis on creating initiatives to uphold the current policy framework's provisions and safeguard human rights, democracy, and the rule of law online.

⁷⁷ June Simon, Ann Luetzow and Jon R. Conte, “Thirty years of the convention on the rights of the child: Developments in child sexual abuse and exploitation,” *Child Abuse & Neglect* 110, no.1 (2020).

The susceptibility of children to abuses of human rights is increased by the absence of proper legal, familiar, and social protection services, as well as justice, education, and health systems.

3.2 Council of Europe's Strategy for the Rights of the Child

The Council of Europe's Strategy for the Rights of the Child strives to bring together all significant internal and external stakeholders of the organization to develop a clear vision with time-bound goals. Taking up complicated, cross-cutting issues calls for a plan that incorporates all players and outlines roles for everyone. Effective child rights protection must take place at the international, European, national, regional, and local levels, but is hampered by the desire to work alone.⁷⁸

As with previous strategies, a multi-level consultation process was conducted from September 2020 to June 2021. Governments of the member nations of the Steering Committee on the Rights of the Child (CDENF), the Council of Europe, and international organizations, particularly NGOs and delegations from third countries acting as observers, were the ones that started this process. Additionally, 220 kids were consulted between February and June 2021 through a participatory process. To build the strategy around a set of strategic objectives relevant to children's needs and requirements, this method set out to develop those objectives. The plan is divided into six key areas with interdisciplinary approaches; we will concentrate on the area titled "Freedom from violence for all children." Violence against children violates their human rights and hurts their social development, as was already mentioned. The Covid-19 pandemic increased physical, psychological, and sexual abuse of children while highlighting the susceptibility of child protection services to crises. Inadequate finance or subpar research frequently impedes the advancement of the battle against child abuse. This is another reason why it's crucial to take a cross-sectoral strategy to step up preventive and bolster reporting and response mechanisms.

⁷⁸ Council of Europe. *Strategy for the rights of the child*. (Strasbourg: Council of Europe, 2022)

Iteration with those affected should not be undervalued either because services or interventions are less successful when children are not included. The desire to develop and execute programs in schools for students and their families to foster gender equality and recognize potential victims is one of the key recommendations made in this respect by children. In addition, it is requested that member states be assisted in upholding their duties and that the issue of abuse is addressed in care and custody settings.

There are also a variety of potential measures that authorities could implement to fight abuse. Since the strategies are only frameworks, it is up to the states to put them into practice however they see fit. The strategies to be used must be child-friendly, gender-sensitive, and discrimination-sensitive. Collaboration with the previously mentioned organizations, such as the Council of Europe and the CDENF, is crucial for achieving an ambitious agenda. The most pressing priorities will be identified and put into action thanks to this cooperation-based framework, which will also be adaptable to new requirements.⁷⁹

This program and the Council of Europe's work are two essential tools in the fight against CSA, but throughout time, efforts to protect children's rights have needed to be supplemented with other elements. Sexual assault on children continues to be pervasive and covert over the globe, costing society both financially and in terms of lives lost. Despite this, many nations lack support systems for child sexual abuse victims, including counselling and reporting channels. In this regard, as was expected, the Lanzarote Convention was expanded by the Council of Europe and the United Nations to include all conceivable categories of sexual offences against children.

3.3 Lanzarote Convention

The Council of Europe's Lanzarote Convention, which has become a global standard for laws and policies, is a significant international legal tool for preventing and ending sexual abuse against minors. As it focuses on preventing and eliminating sexual violence against children, particularly in the "area of trust," which refers to the family context made up of

⁷⁹ Simon, June, Ann Luetzow, and Jon R. Conte, "Thirty years of the convention on the rights of the child: Developments in child sexual abuse and exploitation," *Child Abuse & Neglect* 110, no.1 (2020).

the child's family or other people who have a trusting relationship with the child, this international legal document has become a global reference for legislation.⁸⁰ To prevent sexual violence against children, as well as to protect its victims and hold offenders accountable, governments in Europe are required under the Lanzarote Convention to enact laws that criminalize abuse. These laws must also place a strong emphasis on protecting children's best interests. Additionally, it encourages collaboration between nations to reach the same ends.

The four pillars of the strategy are prevention, protection, prosecution, and promotion of cross-border collaboration.

First, it calls for children to be educated about the risks of sexual exploitation and abuse and to be given the tools they need to protect themselves. To do this, they must be made aware of the potential threats to which they may be exposed. Additionally, prevention is aimed at those who interact with children, who should always be watched over and trained, as well as sexual offenders, who should be watched over.

Protection, the second P, supports reporting any suspicions of sexual exploitation or abuse, whether in person, over the phone, or online. Programs for assisting victims and their families should also be established, as well as immediate psychological aid. To safeguard the victim's security, privacy, identity, and reputation, all of this must be integrated with child-friendly legal action.

A citizen may be prosecuted for an offence even if it was done outside of their country of residence under Prosecution, 3 P, which lays forth general rules to ensure an effective, proportionate, and deterrent system of punishments in all countries.

The last P, promotion, which is crucial for the actual implementation of the Lanzarote Convention, focuses on national and international cooperation. Criminal penalties are offered concerning child prostitution for both those who use and recruit youngsters.⁸¹

The Convention defines child pornography as an offence when it is produced, distributed, offered, or in one's possession. In response to the growing problem of minors being sexually assaulted by adults they met online, such as in chat rooms or gaming websites, grooming has also been added to the Convention. Therefore, cooperation is necessary to be able to combat these crimes, especially when networks cross international boundaries.

⁸⁰ Council of Europe, *Convention on the Protection of Children against sexual exploitation and sexual abuse*, (Lanzarote: Council of Europe, 2007)

⁸¹ *Ibidem*.

The Lanzarote Committee, the organization that oversees the application of the Lanzarote Convention, was founded to demonstrably witness the outcomes of this process through time. This is accomplished via a monitoring process that is separated into rounds on a certain subject. The goal is to simultaneously build momentum behind a particular component of the monitoring issue among all parties and to encourage the sharing of effective techniques. Since, as was already indicated, most of the sexual abuse against children is carried out by people who are close to the kid or are present in the child's social environment, the first round of monitoring will be centred on the "Protection of children against sexual abuse in the area of trust."

Two reports about safeguarding children from sexual assault in the context of trust have been released by the Lanzarote Committee, which oversees the application of the Lanzarote Convention. The first report, which was released in December 2015, looks at laws and court processes, while the second report, released in January 2018, evaluates measures to stop sexual abuse and protect victims. Additionally, the Committee carried out an urgent monitoring cycle in June 2016 to map the management of the risks of child sexual exploitation and abuse in the refugee crisis. A fact sheet, checklist, and manual for policymakers and frontline staff were created in support of child prevention and protection after the report from this monitoring cycle was adopted in March 2017. For its second round of monitoring the protection of children from sexual exploitation and abuse through information and communication technologies (ICTs), the Committee adopted a questionnaire in June 2017.

Last but not least, the Lanzarote Committee is in charge of encouraging information exchange, sharing of experiences, and sharing of best practices among States to enhance their capacity to prevent and combat child sexual exploitation and abuse, as envisioned in the Convention. To achieve this, it may plan events like information-sharing and capacity-building projects run by the Lanzarote Committee.

3.4 ONE in FIVE Campaign

The Council of Europe launched the ONE in FIVE Campaign to Stop Sexual Violence Against Children in Rome in 2010. This initiative aims to empower various societal

segments, such as governments, parliaments, and parents, to take the necessary precautions to prevent sexual violence against children. Through advocating for the signing, ratification, and implementation of the Lanzarote Convention, the ONE in FIVE Campaign aims to specifically involve national parliamentarians in the fight against sexual violence against children. Additionally, it seeks to promote the legislative and political implementation of the Convention's common standards as well as the facilitation of the exchange of best practices.

To accomplish these objectives, the Parliamentary Assembly collaborates with the Council of Europe's executive department. It creates communication materials, drafts report on child sexual abuse, and plans discussions and other awareness-raising activities. The Parliamentary Assembly has also established a network of contact parliamentarians, made up of 38 members chosen by national legislatures; members from non-member countries and other international organizations are also welcomed to join. This network meets during the Parliamentary Assembly sessions in Strasbourg, but it also serves to combat sexual assault against children and to facilitate the sharing of best practices in legislative and political action. Additionally, the network distributed a guide for lawmakers to support the Lanzarote Convention.⁸²

The Underwear Rule is a tool that the Council of Europe created to raise awareness about the importance of teaching children about their right to set their boundaries and to discuss this right with their guardians. This tool will be translated into all EU languages due to its positive reception.⁸³ It was developed in conjunction with the ONE in FIVE campaign to involve both kids and adults. Using kid friendly Kiko and Manye materials, the goal is to educate kids about the underwear rule. The purpose is to teach parents and kids how to react when someone tries to touch them, where to go for help, and where not to let them.⁸⁴ The initiative's educational resources are crucial because they assist parents and other adults in teaching kids the value of understanding that their body belongs to them, that there are good and bad secrets, and that there are appropriate and inappropriate

⁸² Council of Europe, "ONE in FIVE Campaigns - Campaign materials," Council of Europe Portal, accessed 2023, <https://www.coe.int/en/web/children/campaign-materials1>

⁸³ Council of Europe, "The Underwear Rule (UWR) / The Council of Europe One in Five Campaign to stop sexual violence against children," European Economic and Social Committee, 2011, accessed March 2023, <https://www.eesc.europa.eu/en/documents/underwear-rule-uwr-council-europe-one-five-campaign-stop-sexual-violence-against-children>

⁸⁴ Council of Europe, "The Underwear Rule," Council of Europe Portal, accessed March 2023, <https://www.coe.int/en/web/children/underwear-rule>

touches. The instructional program "Kiko and the Manymes" teaches kids between the ages of 4 and 7 the "golden rules of screens." Children gain a foundational understanding of online privacy and image protection through a brief movie, a storybook, and adult suggestions.⁸⁵

These are the primary international organizations that deal with safeguarding and recognizing children's rights; each state can then choose how to incorporate the standards established by the international organization at the national level. Due to this, we will examine how the Netherlands and the United Kingdom have collaborated and intervened internationally in the chapters that follow.

3.5 European Union's commitment

The EU should also be taken into consideration.

It has also been developing a plan to be able to stop both physical and online child sexual assault. It will serve as the EU's framework from 2020 to 2025. The implementation of this policy is crucial given the alarming rise in reports of child sexual abuse reported online and in cases of child sexual abuse generally reported in EU Member States as well as within the EU.

The European Union (EU) takes a variety of measures to combat these crimes, including coordinating multilateral police operations in which the European Cybercrime Centre of Europol plays a significant role. Since many children have found themselves alone and without sufficient supervision by their parents and caregivers, Covid has also contributed to these dynamics of abuse. The lockdown has also resulted in victims of domestic abuse having to spend every day with their abuser. To make considerable success, the strategy relies on a multi-stakeholder, multi-disciplinary approach that involves all pertinent sectors. It strives to direct the actions of numerous essential actors, including law enforcement, social services, health experts, educators, child protection agencies, the

⁸⁵ Council of Europe, "The Underwear Rule - Kiko and the Manymes – and the new 'Golden Rules on Screens'," Council of Europe Portal, accessed 2023, <https://www.coe.int/es/web/children/kiko-and-the-manymes>

court, industry, and civil society, using both legislative and non-legislative mechanisms, such as coordination and finance.

It focuses specifically on eight practical objectives and makes use of all EU-level resources to accomplish them. It strives to increase the efficiency of law enforcement, provide victims with better support, and encourage more effective prevention.

On the legal front, it is suggested working with member states to properly implement the directive on child sexual abuse, ensuring an effective response to the issue through EU legislation, and launching a study shortly with the purpose of identifying potential gaps and priority actions.

In terms of finance and collaboration, the policy seeks to establish a prevention network across the EU to allow the sharing of best practices and knowledge, as well as money to increase the ability of law enforcement agencies to cope with technologically savvy abusers.⁸⁶

In general, it seems that the EU and other international organizations are focusing on preventing child sexual abuse, especially from the standpoint of cyber and international crimes, based on the data gathered and those that are currently available. This is not to say that it is not interested in stopping domestic violence, but it is perhaps harder to spot, especially at a larger scale like that of the EU. As a result, there is no special policy targeted at preventing child sexual abuse in the family, but there is a general attempt to acknowledge and respect children's human rights.

The Commission also plans to start a study on the establishment of a European Centre for Preventing and Combating Child Sexual Abuse and keep assisting IT professionals who are developing innovative technical ways to report and identify online abuse.

The final project focuses on the creation of international standards for the safety of children.

⁸⁶ European commission, "EU Strategy for a more effective fight against child sexual abuse," European Commission Migration and Home Affairs, accessed April 2023, https://home-affairs.ec.europa.eu/policies/internal-security/child-sexual-abuse/eu-strategy-more-effective-fight-against-child-sexual-abuse_en

Chapter two - Child sexual abuses in the United Kingdom: policy and legislation

1. Measuring child maltreatment in the United Kingdom

To be able to best analyse the current situation regarding children's rights and the sexual abuse perpetrated on children, it is useful to know some general information about the chosen country.

The UK has made a substantial contribution to the international scene as a member of the European Union (EU). After joining in 1973, it developed several intricate relationships with other members that were marked by difficulties, disputes, and even tensions.⁸⁷

The UK has made contributions to the EU in a variety of sectors, including security, politics, economy, and international cooperation. It has had a significant impact on EU decision-making, affecting strategies and policies. With its standing as a significant financial and commercial hub, London has served as one of the EU's primary economic capitals.

The UK's membership in the EU has not, however, been without controversy. Concerns over national sovereignty, immigration, EU regulation, and other facets of EU membership have grown over time. These challenges have sparked internal discussion and prompted demands for a referendum on the UK's membership in the EU.

British residents were asked to cast a vote on Brexit, the UK's exit from the EU, on June 23, 2016. Following the referendum, which showed a 52% vote in favour of leaving, talks to determine the terms and conditions of separation began.

In-depth consideration of many topics, including commerce, citizens' rights, border difficulties, and security cooperation, to name a few, was essential during the difficult Brexit negotiations. The UK and the EU arrived at a Brexit agreement that was acceptable to the majority of UK lawmakers and the EU after numerous deadline extensions, heated political debates, and changes in the prime minister.

⁸⁷ European Union, "History of the European Union 1970-79," European Union, Accessed 2023, https://european-union.europa.eu/principles-countries-history/history-eu/1970-79_en

The UK officially exited the EU on January 31, 2020, making history as the first nation to do so. After that, there was a transitional period during which the UK's relationship with the EU was outlined and negotiated. Numerous complicated topics, notably the post-Brexit trade deals, were tackled during this phase.⁸⁸

Both the UK and the EU suffered substantial repercussions from the UK's decision to leave the EU. Trade, migratory patterns, foreign policy, and other facets of the two sides' relationship have all been impacted. As both parties work to forge a new connection based on shared interests, it has also produced new obstacles and opportunities.

Children's rights in the UK face a serious threat because of Brexit, especially in Northern Ireland. Minimizing the effects of Brexit on all citizens of Northern Ireland and the Republic of Ireland is crucial because they are the only areas of the UK that physically border the EU and have a history of border-related conflict. Brexit's effects on the Good Friday Agreement, stability, and the potential development of a physical border between Northern Ireland and the Republic of Ireland are all major causes for concern because they could restrict access to services across the island, including the free flow of people and goods.⁸⁹

Despite these challenges, the UK continues to cooperate with the EU in several areas, including commerce, security, and research. Both parties acknowledged its significance.

1.2 Overview of the children's rights situation in the United Kingdom

It would be helpful to first discuss the overall state of children's rights in the nation before delving into the specifics to better analyse the true scope of the abuse epidemic in the United Kingdom. Kilby's Child Offending Statistics⁹⁰, the Department of Health's Child Protection Register from 2000, Children Reported to the Department of Health's Child Protection Services from 2001, and other government statistics are taken into

⁸⁸ EUR-Lex. "Brexit: EU-UK relationship." EUR-Lex. Accessed 2023, <https://eur-lex.europa.eu/content/news/Brexit-UK-withdrawal-from-the-eu.html?locale=en>

⁸⁹ Children's Commissioner, *Report of the Children's Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child* (Children & Young People's Commissioner Scotland, 2020) <https://www.cypcs.org.uk/resources/crc-report-2020/>

⁹⁰ P Kilsby, *Aspects of crime: Children as victims*. (London: Crime and Criminal Justice Research Unit, Home Office, 2001)

consideration when compiling data. These sources demonstrate that many individuals do not view the act of being whipped or severely beaten to the point of laceration as abuse since they typically think that it was a necessary and acceptable form of punishment.⁹¹

The disparities observed in research where participants were asked to score a series of violent behaviours before being asked whether they felt abused are evidence of this. In addition, it has been discovered that physical abuse experiences affect views toward physical punishment, with individuals who have experienced abuse tending to justify physical punishment more.⁹²

The international society has repeatedly emphasized the need for a unified system to ensure the protection of children's rights, and these issues are due to the absence of a shared understanding and set of standards regarding the phenomena of CSA. The analysis of the Children's Commissioners of the United Kingdom of Great Britain and Northern Ireland's report to the United Nations Committee on the Rights of Child, which identifies new trends and key issues, some of which have already been observed, while being a result of Brexit and the Covid-19 pandemic, contains all this information and much more. The Children's Commissioner for England (CCE), the Northern Ireland Children and Young People's Commissioner (NICCY), the Children and Young People's Commissioner for Scotland (CYPCS), and the Children's Commissioner for Wales (CCFW) are independent children's rights organizations that operate in England, Northern Ireland, Scotland, and Wales.

All these organizations, despite having various statutory mandates, place a strong emphasis on the advancement and defence of children's rights, particularly those guaranteed by the United Nations Convention on the Rights of the Child (UNCRC), while also taking into account the perspectives and experiences of young people.

Some central government duties in the UK are transferred to the independent legislatures and executive branches of the governments in Scotland, Wales, and Northern Ireland.

As a result, while some issues, like immigration, are treated uniformly across the UK, other ones are given to the devolved administrations.

⁹¹ M. E. Bower and J. F. Knutson, "Attitudes toward physical discipline as a function of disciplinary history and self-labeling as physically abuse", *Child Abuse & Neglect*, 20, no.8 (1996): 689–699.

⁹² L. R. Kelder, J. R. McNamara, B. Carlson, & S. J. Lynn, "Perceptions of physical punishment", *Journal of Interpersonal Violence*, 6 no.4: (1991), 432–445.

In any case, as the UK continues to be the UNCRC's implementing body and needs all the data to monitor and respond, it is crucial to work together and communicate information and recommendations unique to each region.

We will break the subject down into smaller areas for analysis to better comprehend the current state of affairs in the UK concerning children's rights in general and abuse in particular. All of the subjects discussed will be associated with the CSA phenomena and efforts to combat it, either directly or indirectly.

1.1.1 UNCRC and National law

The UNCRC has not been incorporated into domestic law and cannot be enforced in domestic courts, even though the UK ratified the Convention in 1991 and despite recommendations from the UN Committee on the Rights of the Child.⁹³ Additionally, the Optional Protocol to the Convention that addresses the communication mechanism has not been ratified by the United Kingdom.

The UNCRC (Incorporation) (Scotland) Bill⁹⁴, which was specifically introduced by the Scottish government in 2020 to immediately incorporate the UNCRC into domestic law, was introduced with this in mind.⁹⁵ However, this commitment does not apply to public organizations in Wales, where it is stated in the Rights of Children and Young People (Wales)⁹⁶ of 2011 that ministers must accord the UNCRC fair consideration. Due compliance does not equate to incorporation because the Convention is at a lower level than the policy.⁹⁷

⁹³ Convention on the Rights of the Child, "Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.", (United Nations: Committee on the Rights of the Child, 2016). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/149/88/PDF/G1614988.pdf?OpenElement>

⁹⁴ Convention on the Rights of the Child, "(Incorporation)(Scotland) Bill", (United Nations, 2021). <https://www.parliament.scot/-/media/files/legislation/bills/current-bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill/stage-3/bill-as-passed.pdf>

⁹⁵ Scottish Government, *National Taskforce for Human Rights Leadership* (2020), Scottish Government. Accessed May 2023: <https://www.gov.scot/groups/national-taskforce-for-human-rights-leadership/>

⁹⁶ National Assembly for Wales, *Rights of Children and Young Persons (Wales) Measure 2011*, Legislation.gov.uk. Accessed May 2023, <https://www.legislation.gov.uk/mwa/2011/2/contents>

⁹⁷ S. Hoffman and S. O'Neill, *The Impact of Legal Integration of the UN Convention on the Rights of the Child in Wales*, (Equality and Human Rights Commission (EHRC), 2018). https://www.equalityhumanrights.com/sites/default/files/the_impact_of_legal_integration_of_the_un_convention_on_the_rights_of_the_child_in_wales_eng.pdf

Last but not least, ministers in England and Northern Ireland are not required by law to serve in these jurisdictions.

The Northern Ireland Assembly Committee is required by the "New Decade, New Approach" agreement to explore the construction of a Bill of Rights⁹⁸ and to fully incorporate the Convention on the Rights of the Child into it.

1.1.2 Children not involved in decision-making

Child Rights Impact Assessments (CRIAs) are seriously lacking in the UK's policy and legislative processes, and children are not included or informed about their rights. From the standpoint of children and the priority that their voice and rights should have in society.

There isn't a model for monitoring and evaluating CRIAs in Scotland, and there isn't a set procedure for conducting Child Rights Impact Evaluations (CRIEs).

The CRIA evaluations as outlined in the program, which among other things should be updated from 2014⁹⁹ haven't been finished by the Welsh government, nevertheless. Additionally, although evaluations have been posted online, it's not apparent how the procedure will be followed to track the outcomes.¹⁰⁰ To promote child welfare, all government ministries, state agencies, and other organizations must collaborate in Northern Ireland.¹⁰¹ It needs to be addressed that CRIA evaluations are only carried out concerning the Looked After Children Strategy and not when drafting government legislation or policy.¹⁰² Lastly, after initially ignoring the needs of children affected by

⁹⁸ Northern Ireland Affairs Committee, *New Decade, New Approach Agreement*, (House of Commons, 2019-2021). <https://committees.parliament.uk/publications/1867/documents/18309/default/>

⁹⁹ Welsh Government, *Children's Rights Scheme 2014*, (The Rights of Children and Young Persons (Wales), 2014). <https://www.gov.wales/sites/default/files/publications/2020-10/childrens-rights-scheme-2014.pdf>

¹⁰⁰ Welsh Government, *Written Response by the Welsh Government to the Report of the Children, Young People and Education Committee Entitled Children's Rights in Wales*, (Children, Young People and Education (CYPE) Committee, 2020) <https://business.senedd.wales/documents/s105741/Welsh%20Government%20response%20-%20%2023%20September%202020.pdf>

¹⁰¹ Northern Ireland Assembly, *Children's Services Co-operation Act (Northern Ireland) 2015*, <https://www.legislation.gov.uk/nia/2015/10/contents>

¹⁰² Department of Health and Department of Education, *Strategy for Looked After Children: Improving Children's Lives*, (2018) <https://www.exchangewales.org/wp-content/uploads/sites/14/2020/10/Looked-After-Children-Strategy-Version-V-3.0.pdf>

the pandemic, England has started to give them priority by revisiting its areas of responsibility and implementing a CRIA evaluation methodology.¹⁰³

1.1.3 Inadequate resources and a lack of transparency

It is challenging to comprehend how much money is allotted to children in the UK and whether it is effective or ineffective due to a lack of a consistent approach, lack of openness, and lack of clarity. Therefore, an evaluation of finances, accountable organizations, and child services is required.

Budget cuts in Scotland have led to the termination or curtailment of local government services, which has had a detrimental effect on children's rights. Limited accountability and transparency have also been a result of the procurement of public services, particularly those in schools.¹⁰⁴ The Welsh Government cut funds in crucial areas, which had a significant negative effect on children's rights. The fact that these cuts have since been reversed is concerning, but these circumstances persist.¹⁰⁵ In Northern Ireland, the availability of childcare has decreased as a result of budget cuts and a lack of transparency in the distribution of funds for children's services. Before the epidemic, there was a £3 billion shortfall in England's statutory children's services.¹⁰⁶

Around £10 billion would be needed to meet the needs of all vulnerable children.¹⁰⁷ However, it was challenging to gain financing due to austerity measures and a lack of national statistics on child vulnerability, child outcomes, and spending on children's services.

¹⁰³ UK Parliament, *Written Ministerial Statement for Universal Children's Day*, (2018) <https://questions-statements.parliament.uk/written-statements/detail/2018-11-20/HCWS1093>

¹⁰⁴ Joseph Rowntree Foundation, *The Cost of the Cuts: The Impact on Local Government and Poorer Communities*, (Glasgow, University of Glasgow: 2015) <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/Summary-Final.pdf>

¹⁰⁵ Children's Commissioner of Wales, *Evidence to the Children, Young People and Education Committee's Inquiry into Children's Rights in Wales*, (2019) <https://business.senedd.wales/documents/s94615/CRW%2011%20Childrens%20Commissioner%20for%20Wales>

¹⁰⁶ Local Government Association, *Local Government Association Briefing Chancellor's Budget*, (2018) <https://www.local.gov.uk/sites/default/files/documents/Budget%202018%20-%20LGA%20briefing.pdf>

¹⁰⁷ Office of the Children's Commissioner, *A Manifesto for Children Budget*, (2019) <https://www.childrenscommissioner.gov.uk/resource/a-manifesto-for-children/>

Governments in the UK and its member states must adopt a child rights-based approach to budget planning, including a child rights impact study, and make sure that funds for children's services are allocated transparently. The public should have easy access to transparent budget documentation.

These analyses should also demonstrate the efficacy or inefficacy of the adopted measures and the best areas for financial investment.

1.1.4 Incomplete data gathering and analysis

Over the years, Scotland's public sector has evolved data reporting in an uncoordinated and inconsistent manner. There aren't enough trustworthy statistics on kids with disabilities, and the published statistics on kids with ASN aren't in-depth.

Wales lacks comprehensive or in-depth information on the amount spent on paediatric mental health services outside of specialised programs. There is a lack of information on several concerns, including residential care for children, frequency of mental illness among children, child mortality by ethnicity, children with impairments, and school bullying.¹⁰⁸

Processes for information exchange, monitoring, and evaluation are included in the 2019 Northern Ireland Children and Young People's Strategy.¹⁰⁹ There are, however, issues with the paucity of accurate information on UNCRC rights and the gaps in children's services, particularly for mental health care and Special Educational Needs (SEN) provision in mainstream schools. Due to this, it is challenging to pinpoint service gaps and evaluate how existing services affect results.

Due to the lack of comprehensive government statistics on child vulnerability in England, the state's capacity to recognize and meet the needs of children is constrained.

¹⁰⁸ E. R. Barrance, *The Human Rights of Children in Wales: An Evidence Review*. (Wales Institute for Social and Economic Research, Data and Methods: 2019) https://www.childcomwales.org.uk/wp-content/uploads/2019/06/EvidenceReview_ENG_060619.pdf

¹⁰⁹ Department of Education Northern Ireland, *Children and Young People's Strategy*, (2019-2029) <https://www.education-ni.gov.uk/sites/default/files/publications/education/CYPS%20Easy%20Read.pdf>

It is challenging to gauge how the epidemic may affect children and state responses because the pandemic has brought to light severe data gaps and concerns in all jurisdictions.

1.1.5 Laws protecting against aggression

Scotland's Children (Equal Protection from Assault) (Scotland) Act 2019 and Wales' Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 have both adopted legal revisions since 2016.¹¹⁰ Both governments must give robust implementation a high priority and offer specialized support for good parenting.

However, there is still legislation that permits the defence of appropriate punishment for child abuse in England and Northern Ireland. Governments ought to take action to eliminate this defence and adjust to the changes made in Scotland and Wales.

1.1.6 Support for sexual assault victims during their childhood

The Barnahus model (Children's House), a child-friendly, interdisciplinary, multi-agency centre for child victims and witnesses where children could be interviewed and medically examined for forensic purposes, comprehensively assessed, and receive all pertinent therapeutic services from appropriate professionals, is taken as a relevant reference concerning child support.

The Barnahus model was used to develop a particular judicial system that caters to the requirements of kids who may have been victims of abuse or violence.¹¹¹ This concept is being implemented in Scotland as part of a pilot project, and it should be available to all minors who have experienced sexual assault up until the age of 18. However, 16 and 17-year-olds should not be viewed as adults and are not eligible for this support.

¹¹⁰ Welsh Parliament, *Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020*, <https://www.legislation.gov.uk/anaw/2020/3/contents/enacted>

¹¹¹ Evgenia Generalova, "What is Barnahus and how it works," Children Protection Hub, accessed May 2023, <https://childhub.org/en/child-protection-multimedia-resources/what-barnahus-and-how-it-works>

There are no facilities comparable to the Barnahus model in Wales or Northern Ireland. Regional safeguarding boards must evaluate the therapeutic assistance offered to children in Wales as part of a 2019 national action plan to identify and close care gaps. It is anticipated that existing and future child sexual assault referral centres will follow the Barnahus model and get sufficient financing.¹¹² Concerns regarding the lengthy time frame, which averages 986 days, needed to conclude cases of sexual offences against children were brought up in a 2019 review of the law and processes in cases of serious sexual offences in Northern Ireland.¹¹³

Additionally highlighted is the uneven deployment of special measures. Legal staff have limited interaction with child victims before trial, the pre-trial record of cross-examination is unavailable, and the duration and type of cross-examination frequently fail to account for the fragility of young witnesses, leading to extra suffering.¹¹⁴ The Executive is dedicated to responding to these discoveries and may even consider using the Barnahus approach. Most child sexual assault victims in England do not receive proper identification or support. It is frequently distressing to go through the inquiry process, which includes lengthy delays in getting cases to court. Based on the Barnahus model, a program called The Lighthouse was established in London to provide a secure environment for young people who had experienced sexual abuse or exploitation.¹¹⁵

1.1.7 Laws concerning crimes against children sexually

In England and Wales, there were more sexual offences against children between 2017–18 and 2018–19.¹¹⁶ Wales has no specific data provided.

¹¹² Welsh Government, *National Action Plan – Preventing and Responding to Child Sexual Abuse*, (2019) <https://www.gov.wales/sites/default/files/publications/2019-07/national-action-plan-preventing-and-responding-to-child-sexual-abuse.pdf>

¹¹³ Gillen Review, *Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland*, (2019) <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf>

¹¹⁴ NICCY, *NICCY's Advice to Sir John Gillen's Review of Sexual Offences Cases*, (2018) <https://www.niccy.org/publications/2018/september/07/review-of-sexual-offences-cases/>

¹¹⁵ University College London Hospitals, “The Lighthouse”, NHS University College London Hospitals, accessed May 2023, <https://www.uclh.nhs.uk/our-services/find-service/children-and-young-peoples-services/lighthouse>

¹¹⁶ ONS, *Child Sexual Abuse—Appendix tables*, (Office of National Statistics: 2020) <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/childsexualabuseappendixtables>

The Scottish Government withholds specific information on all reported rape cases as well as other sexual offences committed against children. The Domestic Abuse and Family Proceedings Bills are currently being debated in the Northern Ireland Assembly. It is necessary to reform the law to ensure that children who are victims of harm and violence receive proper care and efficient intervention, as well as to ensure that children who engage in harmful and violent behaviour are subjected to legal, civil, and criminal processes.¹¹⁷ Only 6,560 of the 34,000 children in England who are most in danger have been recognized by children's services, despite increased warnings about gang-related violence, social marginalization, and knife crime.¹¹⁸ Services, such as thorough local protections, greater data utilization, and a focus on children at risk of gang exploitation, must be created or strengthened to protect children from exploitation and violence. Children are recognized under the Domestic Abuse Act, however, abuse in close relationships between children is not. The standards don't adequately define, address, or understand child abuse in close relationships. To plan a reaction, the police and child guidance agencies identify and document it. It should be done regularly.

1.1.8 Early Intervention and Childcare's Relevance

Increased funding is required in the UK for early intervention services for at-risk families. Governments should prioritize prevention before problems get out of hand, particularly in the early years.

In Scotland, decreased funding for local authorities has had an impact on how well families are supported. The availability of childcare for working parents in Wales with children aged three to four for up to 30 hours per week is a good thing, but it ought to be made available to all children, regardless of the employment status of the parents. Broad eligibility for non-working parents should be taken into account in the new early childhood education and care strategy that is being suggested.

¹¹⁷ NICCY, *Domestic Abuse and Family Proceedings Bill*, (2020)

<https://www.niccy.org/publications/domestic-abuse-and-family-proceedings-bill/>

¹¹⁸ Office of the Children's Commissioner, *Keeping Kids Safe: Improving Safeguarding Responses to Gang Violence and Criminal Exploitation*, (2019) <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/CCO-Gangs.pdf>

Additionally, the number of kids in state care is both rising and is substantially greater (102 per 100,000 kids) than in England (64 per 100,000 kids).¹¹⁹ To assist families, multi-agency early intervention programs must be implemented. To guarantee adequate assistance for children and their families in Northern Ireland, the Executive must assure ongoing investment in preventative and early intervention programmes.

Despite consultations, there has been no publication of a childcare strategy. From 2009/10 to 2017/18, total investment in England in childcare services decreased by almost 11%¹²⁰; in addition, money for health visitors and other early intervention programs is also under pressure.¹²¹ It has been demonstrated that the Troubled Families approach, which offers focused treatment to address the broader causes of family instability, greatly lowers the risk that a kid will require state aid, and it should be expanded. It is critical to boost the local government's capacity to offer early intervention assistance and pay closer attention to kids' results.

1.1.9 Kids in foster care

Children in care all around the UK are negatively impacted by a bad planning system, which causes instability, uncertainty, subpar care standards, and isolation.

The Independent Care Review, which focused on the reform of services to support children and families with an emphasis on early intervention and user-centred systems, offered important suggestions for improving the care system in Scotland. Young people say that they are not always given enough support to attend hearings, especially younger children and those involved in legal disputes, despite the Children's Hearings system's stated goal of taking a child-centred approach.

¹¹⁹ H. Hodges and D. Bristow, *Analysis of the Factors Contributing to the High Rates of Care in Wales*, (Wales Centre for Public Policy, 2019) <https://www.wcpp.org.uk/publication/analysis-of-the-factors-contributing-to-the-high-rates-of-care-in-wales/>

¹²⁰ Institute of Fiscal Studies, *Public Spending on Children in England: 2000 to 2020*, (Office of Children's Commissioner: 2018) <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/06/Public-Spending-on-Children-in-England-CCO-JUNE-2018.pdf>

¹²¹ Office of the Children's Commissioner, *Best Beginnings in the Early Years*, (2020) <https://assets.childrenscommissioner.gov.uk/wpuploads/2020/07/cco-best-beginnings-in-the-early-years.pdf>

Children from England and Wales are frequently sent to unsupervised institutions or taken away from their homes because there are not enough services, such as specialized residential services, close to where they live.¹²² Children in Wales who require complicated social care and mental health services frequently lack support and access to specialized residential services and are instead housed in unsuitable facilities throughout the nation, perhaps even in England or Scotland. For these kids, it is necessary to create suitable local care facilities.

Owing to frequent changes in social workers, schools, and guardians, many foster children in England face a great deal of instability¹²³; this precarious condition causes youngsters to lose their freedom owing to unsuitable circumstances. Particularly in unregulated settings, some placements fall short of the required level of care.¹²⁴ The suggestion to forbid minors under 16 from residing in establishments that only permit "support" ought to be extended to all minors under 18.¹²⁵ To improve the calibre and stability of placements for children in care, a comprehensive assessment of the foster care system is required. The long-delayed Adoption and Children's Bill and the updated Children in Care Strategy must be presented immediately in Northern Ireland. The best interests and rights of all children are not always respected by policies meant to guarantee that they have access to the correct resources, assistance, and placements. Children with complicated needs should also be considered, as they need specialized facilities.

1.2 CSA: dimensions of the phenomenon on the territory, statistics, and information about it

The United Kingdom has significant gaps and shortcomings in child protection, which must be remedied as quickly as possible, according to the report of the Children's

¹²² Office of the Children's Commissioner, *Stability Index*, (2019) <https://www.childrenscommissioner.gov.uk/resource/stability-index-2019/>

¹²³ *Ibidem*.

¹²⁴ Office of the Children's Commissioner, *Unregulated: Children in Care Living in Semi-Independent Accommodation*, (2020) <https://assets.childrenscommissioner.gov.uk/wpuploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf>

¹²⁵ Department for Education and The Rt Hon Sir Gavin Williamson CBE MP, "Strict New Measures to Protect Vulnerable Children in Care", Gov.UK, accessed May 2023 <https://www.gov.uk/government/news/strict-new-measures-to-protect-vulnerable-children-in-care>

Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child. The dynamics and quantity of CSAs in the nation are directly reflective of them.

Then some reports are more detailed, like the one from the Child Sexual Abuse Competence Centre (CSA Centre), which gives a summary of the cases of child sexual abuse reported in the UK in 2020–21. The official data are significant for tracking reactions and regional variations in recognizing and responding to child sexual abuse, even though they are lower than estimates of the scope of sexual abuse. This data demonstrates that a sizable number of assessments were flagged by local authority children's services as having concerns about child sexual abuse and exploitation. However, there are notable regional differences in the number of cases of sexual abuse and sexual exploitation that have been reported, with certain authorities reporting more than others. The highest identification rates were reported by local authorities in the North-East and Yorkshire and Humber, whilst London councils typically have lower rates. More than 89,000 child sex offences were reported, up 18% from the previous year, according to police statistics. The bulk of cases involves child sexual abuse offences, which are then followed by image offences, rape, or sexual assault offences.¹²⁶

In England and Wales, surveys indicate that 15% of girls and young women and 5% of boys and young men are sexually abused before the age of 16, translating to an estimated 500,000 youngsters in a single year.¹²⁷ However, many people can refrain from reporting their experiences due to the shame attached to child sexual abuse.

Official statistics cover incidents of child sexual abuse that are reported to the police, sexual violence reporting hotlines, or local government children's services. The number of documented incidents, however, is far smaller than estimates of their incidence since few children can recognize and verbally disclose the abuse they have experienced.

¹²⁶ Kairika Karsna, *Child sexual abuse in 2020/2021: trends in official data*, (Centre of expertise on child sexual abuse, 2022) <https://www.csacentre.org.uk/documents/child-sexual-abuse-in-2020-21-trends-in-official-data/>

¹²⁷ Kairika Karsna and Kelly Liz, *The scale and nature of child sexual abuse: Review of evidence*, (Centre of expertise on child sexual abuse, 2021) <https://www.csacentre.org.uk/documents/scale-nature-review-evidence-0621/>

Between 550,000 and 850,000 persons in the UK, according to one study, are sexual risks for children, but the majority of these incidents go unreported or undiagnosed.¹²⁸ Many sexual abuse victims decide not to communicate about their experiences, either out of embarrassment, fear of not being believed, or fear of future assault. Data from government agencies may not accurately reflect the scope and severity of the problem and only provide a limited picture of child sexual abuse. Instead, of waiting for children to express their concerns, professionals must become more adept at identifying the symptoms and patterns of sexual abuse and sexually violent behaviour.

The percentage of investigations that result in charges has fallen in recent years, even though the number of documented offences is relatively high and does not reflect the actual prevalence of the phenomenon. With a conviction rate of 66%, almost 6,900 individuals were tried in prosecutions. For under-18s and offences involving sexual grooming and image, immediate prison terms were less common. Despite COVID-19 limits, there was a 20% rise in the number of minors assisted, according to Sexual Assault Referral Centres (SARCs), with the majority of contacts taking place in person.¹²⁹

The research draws attention to the need to close the discrepancy between official data and estimates of the prevalence of child sexual abuse. To ensure that geographic location does not alter the likelihood of abuse identification and reaction, it also emphasizes the significance of addressing regional differences in child sexual abuse identification and response.

2. Policy scenario

Policies are a set of rules, guidelines, principles, and procedures that are developed and adopted by organisations, governments, institutions, or other entities to guide their actions, decisions, and behaviour. They are used by states to provide a common frame of reference in which how to deal with certain issues or problems is explained and in which

¹²⁸ National Crime Agency, *National Strategic Assessment of Serious and Organised Crime 2021*, (London: NCA, 2021) <https://nationalcrimeagency.gov.uk/who-we-are/publications/533-national-strategic-assessment-of-serious-and-organised-crime-2021/file>

¹²⁹ Kairika Karsna, *Child sexual abuse in 2020/2021: trends in official data*, (Centre of expertise on child sexual abuse, 2022) <https://www.csacentre.org.uk/documents/child-sexual-abuse-in-2020-21-trends-in-official-data/>

common objectives or outcomes that must be achieved are established. Their function is important because they regulate behaviour and promote the well-being of individuals, organisations, and society as a whole. This is also the case when it comes to combating child sexual abuse and recognising and respecting children's rights. In this section, we will look at the main policies adopted by the UK in this area.

2.1 Tackling Child Sexual Abuse Strategy: United Kingdom strategies

Leaders in the UK are primarily concerned with combating all forms of child abuse in a way that protects children while being tenacious in its pursuit of offenders, ensuring that perpetrators are identified, apprehended, and prosecuted. Children may experience abuse at the hands of a family member or someone in a position of trust, by strangers in their neighbourhood, by gangs or groups, or by peers who may also have experienced abuse. The UK government has decided to arm the police with the instruments, resources, and authority to detect and address more cases of CSA, maintain the promotion of a child-centred and trauma-informed approach to policing, and make sure that prosecutors can prosecute more offenders to combat the numerous forms of sexual abuse that are pervasive in society.

Additional resources to the current method that concentrates on maximising the impact on all forms of child sexual abuse have been suggested as the best way to overcome this social challenge. These resources should be sufficiently agile to adjust to change. We have made significant investments in recent years and will continue to do so to increase the ability of local and federal law enforcement agencies to address and stop major crimes. The number of police officers has increased, recruitment efforts have been supported, and numerous investigations and operations involving child sexual abuse have been funded. At this point, efforts can have a big influence on society because CSAs endanger staff members' capacity, welfare, and health.

Initiatives to support officers and ensure their stability and readiness to manage delicate cases have also been launched through the National Police Wellbeing Service and the Police Covenant. The National Crime Agency (NC) received a funding boost of £20.76 million in 2020, with £9.86 million of the amount going towards addressing child rights

abuse, particularly on the dark web.¹³⁰ The government must make sure that law enforcement organisations have the knowledge and authority necessary to combat crime and safeguard children. Law enforcement authorities now have access to several legal instruments, including Sexual Harm Prevention Orders (SHPOs), Sexual Risk Orders (SROs), and Child Abduction Alerts, to combat child sexual abuse. To increase the reaction time and style, it is also anticipated that additional authorities and civil orders would be taken into consideration.¹³¹ Also highlighted is the reform of the advance bail system, which aims to use advance bail more frequently to safeguard witnesses, victims, and survivors, encourage the prompt handling of police investigations, and include victims and survivors more fully in the process. In addition, the laws governing advance bail and search warrants need to be changed to safeguard witnesses and victims and to allow for access to electronic evidence like online child porn.

The work of the Home Office has been crucial in helping law enforcement better recognise vulnerable circumstances, react to them, and implement safeguarding procedures. The National Vulnerability Action Plan and the Vulnerability Knowledge and Practice Programme, both of which aim to enhance law enforcement knowledge and practice, are funded.¹³² The Ministry also provides funding for the College of Policing to evaluate and study the viability of strategies to deal with violence and vulnerability.

To provide justice for victims and stop additional abuse, it is essential to properly charge, prosecute, and punish those who commit child sexual abuse. Although there has been progress in this area, there have been 29% fewer prosecutions for these offences overall since 2017.¹³³ The response of the justice system needs to be enhanced through cooperation between government agencies and partners participating in the legal process to increase the frequency of successful prosecutions.

¹³⁰ UK Home Office, *Tackling Child Sexual Abuse Strategy*, (HM Government, 2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

¹³¹ UK Government, “Sex offender management: Police, Crime, Sentencing and Courts Act 2022 factsheet,” GOV.UK, accessed May 2023, <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-sex-offender-management-factsheet>

¹³² Vulnerability Knowledge and Practice Programme, “Coordinating and improving the policing response to vulnerability,” Vulnerability Knowledge and Practice Programme, accessed May 2023, <https://www.vkpp.org.uk>

¹³³ UK Home Office, *Tackling Child Sexual Abuse Strategy*, (HM Government, 2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

Additionally, investments are planned to strengthen the entire criminal justice system, including the building of new jail facilities to support the criminal justice system's efforts to rehabilitate offenders and modernise prisons.

Rapid case progression is crucial for victims, so the government will collaborate with the police, the Association of National Police Chiefs (ANC), and the Crown Prosecution Service (CPS) to better understand the case management procedure and find areas for improvement. Additionally, there is a need for improved early contact between the police and the prosecution system to develop stronger cases for the court. This requires greater communication and cooperative working between the two systems. The CPS will cooperate with the police to put a combined action plan against rape and other severe sexual offences into effect. The CPS adopts the recommendations made in the Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) inspection report on rape.¹³⁴

A focus on the effects of trauma on memory and the evolving nature of sexual behaviour in the internet age will be emphasised in modifications to training and guidelines for prosecutors handling child sexual abuse cases.

2.2 Prevention

A basic overview of the organisations involved in prevention is required before diving into the plan. As the primary initiator of the Council of Europe's Lanzarote Convention, which was approved in 2018 and aims to promote universally accepted standards for the protection of children, the UK is seen as a global leader in the response to child sexual abuse.

The UK is a member of the Virtual Global Taskforce, an international organisation that brings together law enforcement, NGOs, and business partners to combat child sexual exploitation online and in other contexts. On a global scale, the UK government collaborates with other nations to share technology and information, and it makes use of its diplomatic network to enhance coordination and embrace best practices. This nation's

¹³⁴ UK Government, "HM Crown Prosecution Service Inspectorate," GOV.UK, accessed May 2023, <https://www.gov.uk/government/organisations/hm-crown-prosecution-service-inspectorate>

efforts to fight the CSA will be strengthened by the establishment of the Foreign, Commonwealth and Development Office (FCDO).¹³⁵ Additionally, the protection of children will get special consideration in international aid initiatives and collaboration with the Global Partnership to End Violence Against Children.¹³⁶

SOCnet, an intergovernmental network run by the UK, combines programmatic and diplomatic efforts to stop child sexual abuse on a global scale. The goal of the policy is to enhance child protection both within and outside of the UK. In terms of prevention, the strategy's main goal is to stop child sexual abuse from happening. Inspection reports underscore the need to strengthen the management of registered sex offenders (RSOs), taking into consideration the risk they pose to children, as the number of child abusers monitored by probation and the police continues to climb. Therefore, prevention is essential for both protecting children and lessening the strain on law enforcement and other agencies when it comes to prosecuting offenders.

To safeguard children and ease the burden on law enforcement, the initial stage of prevention focuses on discouraging people from abusing children. It is crucial to mention some programmes designed to intervene with those at risk of abusing others, including the Lucy Faithfull Foundation, which offers help and counselling to people who believe someone has been abused or is worried about their actions or ideas. The Stop It Now! campaign and the Lucy Faithfull Foundation's helpline services are funded, along with national and local initiatives to prevent crime.¹³⁷ Therefore, health professionals must be knowledgeable about child sexual abuse so they can point victims in the right direction for support and foster a better understanding of offenders and their actions. The Home Office will compile data and information on child sexual offenders to aid in decision-making. It will also collaborate with neighbourhood partners and community organisations to create strategic plans for involving the neighbourhood in the fight against child sexual abuse.

¹³⁵ UK Home Office, *Tackling Child Sexual Abuse Strategy*, (HM Government, 2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

¹³⁶ United Nations, "Global Partnership to End Violence against Children," United Nations, accessed May 2023, <https://sdgs.un.org/partnerships/global-partnership-end-violence-against-children>

¹³⁷ Lucy Faithfull Foundation, "Number seeking help to stop viewing sexual images of children doubles," Stop It Now!, accessed May 2023, <https://www.stopitnow.org.uk/home/media-centre/news/number-seeking-help-to-stop-viewing-sexual-images-of-children-doubles/>

A second stage is required to assess probation and jail administration and how these elements may affect the preventative procedure. Locking up child sex offenders is crucial for ensuring the victims' justice, safeguarding the public, and preventing reoffending; however, some legislative changes are required regarding the sentencing and release of offenders. For example, the most serious sexual and violent offences should require a prisoner to serve two-thirds of their sentence, and release decisions should consider when an offender has omitted to disclose crucial information. It should also be noted that the probation system needs to be improved to combat recidivism and safeguard the public. This includes both increasing the oversight of offenders and consolidating probation services under the National Probation Service's control.¹³⁸

Recognising that recidivism outcomes take time to ascertain and that the objective is to obtain long-term evaluations to measure recidivism outcomes and detect significant changes between treatment and comparison groups, the Ministry of Justice must assess the effectiveness of accredited rehabilitation programmes.

The third stage deals with offenders' management within the community while continuing the conversation on offenders. In this sense, the UK is dedicated to creating a strong system and has tough rules to deal with convicted sex offenders. Sexual offenders must be reported and dealt with by the police in the neighbourhood. In this regard, law enforcement organisations must possess the instruments and expertise required to keep an eye on offenders and discourage reoffending. They may ask the court to impose limitations through civil orders, such as measures to prevent sexual harm and orders to reduce sexual risk. The UK also aims to enhance these civil orders by granting courts the authority to impose positive obligations, expanding the scope of police agencies that can be held accountable for violations of civil orders, and clarifying the level of proof needed to apply for a civil order. To streamline the process of registering convicted sex offenders who committed their crimes overseas and to better equip law enforcement agencies to cope with such individuals, provisions on electronic monitoring of those who are subject to these orders will also be passed.¹³⁹

¹³⁸ HM Prison & Probation Service, *Action Plan Submitted: 15th February 2019*
A Response to: A thematic inspection of work with men convicted of sexual offences, 2019,
<https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2019/02/HMIP-Action-Plan-Men-Convicted-of-Sexual-Offences.pdf>

¹³⁹ UK Government, "Sex offender management: Police, Crime, Sentencing and Courts Act 2022 factsheet," GOV.UK, accessed May 2023, <https://www.gov.uk/government/publications/police-crime->

To lessen the risk, they offer to the public and the strain they place on law enforcement, the evidence for managing criminals who have served their terms in the community will also be increased. This will entail looking at the best practices for health and penal services that manage the risk offenders pose and deter criminal behaviour. Fourthly, the emphasis is on making sure that agencies collaborate and promptly exchange information to mitigate the risk that child sex offenders pose. Through MAPPA, the UK government promotes multi-agency collaboration to track criminals and communicate information about them with partners in the criminal justice system and the field of child protection. Supporting councils of strategic administration in enhancing the training made accessible to people working under agreements will further improve this process. By establishing a clear and legal basis for disclosure, the information-sharing procedures within MAPPA will be enhanced and made simpler. Prisons and probation must collaborate and exchange information with guardianship partners to effectively manage MAPPA and safeguard the safety of children. This will allow them to identify instances in which an offender might endanger a kid. By creating a new policy framework on child protection and rewriting the manual on public protection in prisons, clear expectations will be created for probation and prison employees.¹⁴⁰

Additionally, there is a focus on the localised prevention. Recognising the need to act both online and in the local communities where children reside, the government is adopting several steps to safeguard children from sexual abuse. Local safeguarding partners are crucial to identifying the unique dangers in each region and putting prevention and safeguarding strategies into action, thus it is necessary to involve them to intervene on all fronts and in the most effective way. Therefore, initiatives like the Ministry of the Interior-funded Innovation for Children's Social Care and Prevention Programme have been started, which aims to create cutting-edge strategies to prevent abuse by supporting regional projects and encouraging the sharing of best practices.

Additionally, the government will collaborate with the Contextual Safeguarding Network and other parties to assist key workers in recognising and addressing safeguarding issues,

[sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-sex-offender-management-factsheet](#)

¹⁴⁰ Youth Justice Board for England and Wales 2010. *Multi-Agency Public Protection Arrangements (MAPPA)*. 2010.

https://www.proceduresonline.com/bradford/yos/user_controlled_lcms_area/uploaded_files/MAPPA_Guidance_for_YOTs_2010.pdf

such as the potential for child sexual abuse and exploitation.¹⁴¹ Children's interactions with the social care system will be shaped by the findings of independent reviews from these programmes. It becomes clear that protection and prevention go hand in hand, and when combined with other efforts, they enable the fight against CSA.

In general, the goal is to make sure that laws and policies are current in every way to safeguard children and stop child sexual abuse. To accomplish this, considerable efforts have been undertaken in recent years to recognise and address all types of child abuse, including child sexual assault, particularly within families.

Enhancing safety measures across the board in the healthcare system is also vital to guarantee the safety of youngsters. Health Education England and the National Health Service Improvement (NHSEI) will evaluate the necessary safeguarding training for healthcare professionals and tighten the safeguarding standards in standard NHS contracts. To assist local commissioners in developing and implementing contextual approaches to safeguarding, a new safeguarding commissioning assessment tool will also be made available. Recognising the significance of safeguarding the wellness of individuals working in the health system, the NHS has also allotted funds to provide mental health care for workers.¹⁴²

The Department for Education (DfE) is considering proposals to change regulations to ensure children's safety in education, and additional support will be given to school safeguarding officers in England and Wales. This will be done by sharing useful materials from the Child Sexual Abuse Centre (CSA) with educational institutions. The DfE will collaborate with local governments and the appropriate personnel in the children's social care sector to advance consistent training and enhance the capacity to recognise and address child sexual abuse. The training of child social workers will also receive attention, and government-funded training sessions will include specialised material on child sexual assault.

¹⁴¹ Contextual Safeguarding Team, "Practice Development," Durham University, accessed May 2023, <https://www.contextualsafeguarding.org.uk/our-work/practice-development/>

¹⁴² NHS Confederation, "2022/23 NHS priorities and operational planning guidance: what you need to know," 2021, accessed may 2023, <https://www.nhsconfed.org/publications/202223-nhs-priorities-and-operational-planning-guidance>

They are crucial in the fight against child sexual abuse, thus it's necessary to look after their physical and emotional well as it may impair their performance.¹⁴³

Resources and toolkits are also offered to increase awareness among the public and professionals to improve the identification of child sexual abuse and support victims.

To conduct a wider variety of actions, it is crucial to include everyone who interacts with children in the detection of abuse.

2.3 Protection and safeguarding

Safeguarding is the third key area of the child protection programme.

It is essential and includes making sure that kids are safe in the places they spend time, like communities and institutions. It is crucial to work to provide children with a better start in life, to support and educate families, and to provide targeted assistance to at-risk groups. Systematic adjustments should also be made to enhance interagency collaboration and cross-border cooperation. To stop child sexual abuse and safeguard children and young people, ongoing awareness-raising, and the dissemination of official communications in a variety of contexts are crucial.

Every organisation and organisation in the UK are essential to the fight against CSA. The Secretaries of State oversee advancing child welfare throughout the nation, while the government oversees recognising and combating child sexual abuse, involving numerous government departments and agencies. Through multi-agency safeguarding arrangements, the Department of Education (DfE), the Department of Health and Social Care (DHSC), and the Home Office collaborate to ensure that local health, police, and council leaders work successfully together.¹⁴⁴

Partners in safeguarding collaborate to find and safeguard children who have been sexually abused. National safeguarding facilitators for the police are funded by the Home

¹⁴³ Department of Education, *Working together to safeguard children*, (HM Government, 2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

¹⁴⁴ UK Home Office, *Tackling Child Sexual Abuse Strategy*, (HM Government, 2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

Office, while national facilitators for local governments and the health sector are supported by the DHSC and DfE. These facilitators aid in putting the new rules into action and enhancing cooperative relationships. The government continues to assist local authorities in safeguarding partners in their efforts to effectively address sexual exploitation as well as other extra-familial exploitation and damage. The DfE's Child Exploitation Support Programme has received funding to enhance local communities' strategic responses and create regional approaches to safeguarding exploited children.

The government is looking into information-sharing barriers and ways to improve the efficiency of using technology to assess risk to children because information exchange is so important. By the end of 2023, it is intended to expand the child protection information-sharing system to include all healthcare facilities.¹⁴⁵

The independent Child Protection Practise Review Group oversees drawing lessons from significant child protection occurrences and collaborates with regional safeguarding partners to find and disseminate information. To facilitate information exchange between relevant authorities and organisations dealing with sex offenders and child safety, multi-agency public protection agreements are also available. To guarantee the best possible assistance for children and child protection activities, all these elements must function in concert.¹⁴⁶

Despite all the collaboration and data that may be obtained through it, most cases are still kept secret. Encourage victims to come forward so that the abuse can be discovered early, and children can be shielded from further harm. It is also vital to guarantee that victims and survivors, both children and adults, have prompt access to high-quality support through universal and specialised programmes that cater to their various needs.

It is vital to understand that children are not responsible for stopping sexual abuse and that it is never their fault if they are the target. Because of their youth and the inherent power differences between children and adults, criminals take advantage of children's and young people's vulnerability and abuse them.

¹⁴⁵ *Ibidem*.

¹⁴⁶ Hazel Kemshall and Jason Wood, *Public protection in practice: Multi-Agency Public Protection Arrangements (MAPPA)*, (Bristol University Press, 2008), 111-128. <https://academic.oup.com/policy-press-scholarship-online/book/20462/chapter-abstract/179641090?redirectedFrom=fulltext&login=false>

Making sure children get the finest start in life is essential to safeguarding them against sexual assault as they grow up. The Healthy Child programme, the Green Paper on Prevention, and the transformation of mental health services for children and young people are just a few of the efforts the British government has opted to pursue to accomplish this.

Additionally, initiatives are being made to give young people additional chances to form dependable bonds with significant adults, such as through participation in the Youth Investment Fund. In order to ensure that underprivileged children receive a nutritious diet, money will be invested in food programmes and holiday activities. The establishment of a National Centre for Family Centres and Integrated Family Services, which will encourage best practices and innovation in integrated family services, demonstrates the government's commitment to the family unit paradigm. In particular, the latter project seeks to end domestic violence and other types of violence, particularly against women and girls. Teachers will be able to educate about child sexual assault and other forms of abuse in a high-quality manner because of the required Relationship, Sex, and Health Education (RSHE).¹⁴⁷

Teachers and other members of the school staff play a crucial part in this process by safeguarding children and offering support. Additionally, parents and guardians will receive education and assistance regarding all forms of child sexual abuse, including potential dangers in the home. To guarantee the consistent application of the available tools and to increase awareness, the police will examine the child sex offender disclosure programme. The overall objective of the UK government is to gather data on what prevents child sexual abuse and keeps kids safe from abuse of any kind.

2.4 Support of the victims

Because of their age and the power differential between children and adults, all children are predisposed to be abused; therefore, abuse does not occur because of a child's

¹⁴⁷ Ofsted, Care Quality Commission, HM Inspectorate of Probation, and HM Inspectorate of Constabulary and Fire & Rescue Services, *The multi-agency response to child sexual abuse in the family environment*, (UK Government, 2020) <https://www.gov.uk/government/publications/the-multi-agency-response-to-child-sexual-abuse-in-the-family-environment>

vulnerability, but rather because of an offender's propensity and capacity to take advantage of that vulnerability. To increase awareness of the plight of vulnerable children and their families and to offer assistance, safeguarding partners, neighbourhood organisations, and the government must collaborate.

Programmes to assist families in need, social assistance to children during the COVID-19 pandemic, support for vulnerable children, youth, and families affected by the pandemic, as well as investments to improve the educational outcomes of vulnerable children, offer assistance to children and youth at risk of sexual exploitation and crime, and prevent harmful sexual behaviour, have received some government funding. It is also crucial to address sibling sexual abuse, protect and support children who are in custody or who have been remanded in custody, and identify the overlaps between various forms of vulnerability and abuse.

The government is also committed to providing victims of recent and past child sexual abuse with high-quality support. This entails addressing current issues in the field and enhancing the calibre and consistency of the help offered. The government is looking at service gaps related to child sexual abuse to better target financing to make the victim support industry more financially viable. Significant additional money has also been invested in services for victims and survivors of child sexual abuse, including funding for national non-profit organisations, initiatives to raise the standard of support, counselling services, and specialised assistance. Additionally, money has been set aside to hire sexual violence counsellors, commission local services, and enhance access to medical care. The English government has boosted investment to enhance SARC services, especially those for children, since it understands the value of support services like sexual assault referral centres (SARCs). To better assist victims and survivors, health professionals are being urged to embrace trauma-informed practices.

Additionally, it has created a commissioning framework for commissioners of support services for child sexual abuse and is working with local commissioners to assist them in commissioning services customised to the requirements of various areas. Additional recommendations for racial and ethnic minorities effective support will be created.

The plan to stop violence against women and girls will make sure that those who have been abused, especially those who have survived child sexual assault, can obtain the assistance, and support they require.

In addition, the government is giving specialised funds and resources to assist male victims as it is aware that men and boys can also become victims of sexual assault.

The government is also creating a programme to assist victims and survivors in this field to address the effects of sexual assault and harassment in the international aid sector.¹⁴⁸

Several projects, such as promoting awareness of the support services available to victims, especially the LGBTQ+ and BAME populations, are underway to enhance access to support. A public relations campaign will also be developed to promote the availability of services for victims of sexual assault. A social media campaign has also been created to direct children and teenagers who are in danger of sexual abuse to counselling and support from a reliable adult or friend. Even if they have not reported the abuse, the government is dedicated to giving victims and survivors of child sexual abuse the support they require. To ensure their welfare and enhance their chances of being charged with a crime and being found guilty, individuals must get support throughout the criminal justice prosecution process.

The Ministry of Justice has released a new Victims' Code that specifies victims' rights and the standard of care they can anticipate from criminal justice organisations.¹⁴⁹

Additionally, a new right was established that allows victims who qualify to be directed to the Victim Contact Scheme automatically.¹⁵⁰ Special measures like recorded interviews, live court connections, and recorded intermediaries will continue to be used for juveniles and vulnerable adult victims in the criminal justice system, and in 2020, the availability of these types of interviews was expanded in every Crown Court in England and Wales. To assist witnesses, new remote video link protocols have also been introduced.

The Criminal Injuries Compensation Scheme is also undergoing reforms to make it possible for victims of sexual abuse to receive compensation. The process of determining compensation is currently being sped up, and complex and delicate concerns are being

¹⁴⁸ UK Home Office, *Tackling Child Sexual Abuse Strategy*, (HM Government, 2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973236/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf

¹⁴⁹ Victims Commissioner, *New Victims' Code comes into force – "a positive step forward for victims,"* (UK Government, 2021) <https://victimscommissioner.org.uk/news/new-victims-code/>

¹⁵⁰ Ministry of Justice, "New set of rights for victims of crime," 2020, GOV.UK, accessed May 2023 <https://www.gov.uk/government/news/new-set-of-rights-for-victims-of-crime>

handled better. Consideration is being given to the IICSA's suggestions to enhance access to compensation through civil courts.¹⁵¹

2.5 Monitoring

Positive or negative trends in the issue are regularly tracked as part of the monitoring process, which is primarily focused on the collecting and comparison of data on child sexual abuse.

Additionally, as was already indicated, the comparison is the greatest way to keep track of and manage this information. The police, the government, the ministry, or another institution dealing with child sexual abuse must be referred to by every region of the nation and by every entity dealing with the issue.

Furthermore, there are regional deadlines that must be met for the regions to comply with targets, reforms, and/or strategies that are applied both locally and nationally.

Overall, CSA is a widely debated and felt issue in the UK, and the nation is continually searching for innovative approaches to address this phenomenon.

3. Legal aspects of intervention

Within the social context, policies are essential, but laws are also required to address specific issues and establish boundaries. These laws have legal force because they have been formally passed by legislative bodies or by governments. They specify the legal rights, obligations, and liabilities of society and are required of all citizens. They control how people behave, establish moral guidelines, and impose punishments for breaking the law. They also apply to the entire area covered by the legal system in which they were passed.

¹⁵¹ Criminal Injuries Compensation Authority and Ministry of Justice, *Criminal injuries compensation: a guide*, (UK Government, 2014) <https://www.gov.uk/guidance/criminal-injuries-compensation-a-guide>

This section analyses the main international and non-international legislation on child abuse and child protection.

3.1 Aspects and elements at international level

The Convention on the Rights of the Child and the Lanzarote Convention are the two key conventions that deal with the protection and protection of minors and have been ratified by the United Kingdom.

3.1.1 The Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) has had a significant impact on children's rights in the UK since its ratification in 1991. The CRC provides a legal framework that obliges the UK to protect and promote children's rights and the country's progress is monitored every 5 years through reports to the United Nations Committee of children's rights. Its influence can be seen in several areas.¹⁵²

First, among these, the CRC emphasises a child-centred approach, giving the child's interest top priority in all choices and actions. This strategy has directed attention to child welfare and involvement in sectors including education, health, child protection, and juvenile justice.

Second, the Convention supported a rights-based strategy and acknowledged that children are the legal owners of their rights. Children now feel more empowered and encouraged to take an active role in issues that impact them.

To bring national legislation into compliance with international standards, it has also sparked legislative adjustments in the UK. This covers issues like child protection, education, the rights of people with disabilities, and the involvement of kids, making sure that laws reflect their rights.

¹⁵² Equality and Human Rights Commission, "Young People's Human Rights: CRC Factsheet - The CRC in the UK," accessed May 2023,

https://www.equalityhumanrights.com/sites/default/files/the_crc_in_the_uk_0.pdf

Influence has also grown in policymaking, resulting in efforts to tackle child abuse, poverty, and access to social services, medical care, and education.

The reporting and evaluation processes at the CRC have also increased accountability. The UK government routinely assesses its performance in implementing children's rights, promoting openness, and highlighting areas for improvement. The Convention has made it easier for civil society to participate, enabling groups, advocates, and kids themselves to support and uphold children's rights. It offered a forum for discussion and teamwork, enhancing the voice of kids in decision-making processes.

Despite this development, several issues still need to be addressed, including child poverty, the rights of disabled children, foster children, refugee and immigrant children, and mental health support. To overcome these issues and guarantee the full implementation of children's rights in the UK, ongoing efforts are required. The UN received a joint report on children's rights in 2022 from the Children's Commissioners of Wales and Northern Ireland. The study identified issues of concern, including poverty, mental health, and UK government plans to change the Human Rights Act.

The United Nations Committee has demanded an explanation from the British government regarding what it is doing to protect children's rights. The Commissioners express their opinions on what can be changed as well as the good things that governments have done.

Even if there have been some improvements since the last report in 2016, there are still several problems concerning a variety of rights. The Commissioners have submitted a report on the voices and experiences of children, and it is crucial to provide children and young people a voice in decisions. Wales, Scotland, and Northern Ireland all have similar worries about poverty and mental health. Every area of a child's life is impacted by poverty, including the price of travel to and from school. Children who are raised in underprivileged environments might not have the financial means to take advantage of possibilities for career or personal growth.

Scotland is still dealing with many of the same problems it did six years ago, according to Commissioner Bruce Adamson, who also noted that many children's circumstances have gotten worse.¹⁵³

Additionally, he drew attention to the fact that Scotland continues to imprison children and has a criminal responsibility age of only 12 years, which is lower than the required international minimum. The Scottish Government is urged to act quickly to defend and uphold children's rights by tackling issues with poverty, mental health, and juvenile justice.

3.1.2 The Lanzarote Convention

Getting back to the Lanzarote Convention, the other significant legal document initially stated, it has been essential in increasing public awareness of child sexual exploitation and abuse and in fortifying UK legal frameworks and policies to better safeguard children. The British government has been spurred by this to examine and update current legislation as well as to create new policies to stop and deal with child sexual exploitation and abuse. It targets many types of sexual assaults against minors as part of UN and Council of Europe standards, and its implementation strengthens the UK's commitment to this struggle. To combat the sexual exploitation of children at the national level, the government has also increased funding for the National Crime Agency and introduced legislation with tougher measures, such as the creation of new crimes, the expansion of extraterritorial jurisdiction, and the improvement of cooperation between law enforcement agencies on a national and international level.

The Lanzarote Convention has also encouraged the growth of multi-agency strategies and safeguard procedures in the UK, promoting tighter collaboration between diverse stakeholders, including governmental organisations, law enforcement, social service providers, medical experts, and NGOs. The identification of victims, the provision of support services, and the punishment of offenders have all improved because of this

¹⁵³ Children & Young People's Commissioner Scotland, "Reporting on the UNCRC," accessed May 2023, <https://www.cypcs.org.uk/rights/human-rights-monitoring/reporting-on-the-uncrc/#h-latest-report-2022>

cooperative approach.¹⁵⁴ The Convention has had a substantial impact on public awareness of child sexual exploitation and abuse, the promotion of preventative programmes, and children's ability to understand their rights and seek assistance, when necessary, in addition to the statutory and procedural reforms.

Overall, the Lanzarote Convention has improved responses to child sexual exploitation and abuse, strengthened legal protections for children, promoted awareness-raising and prevention activities, and encouraged cooperation between various agencies.

3.2 Aspects and elements at domestic level

In addition to each state having important laws on child sexual abuse, which will be discussed below, there are tactics used throughout the United Kingdom that entail the collaboration of various components, as was said in the previous sentence.

3.2.1 Sexual Offences Act del 2003

Sexual activity with children under 16 is prohibited by the Sexual Offences Act of 2003. A proposed law is included that would ensure a new section on sexual crimes, their prevention, the protection of children from the harm caused by other sexual actions, and other related goals. As a result, all sexual offences and the associated criminal acts are defined, as well as the conditions under which specific situations must be handled beginning with their reporting, prevention, and protection.

The government's intentions to reform the law on sexual offences and to strengthen measures to protect the public from sexual offences were laid out in the 2002 publication of the White Paper Protecting the Public: Strengthening Protection Against Sex Offenders and Reforming the Law on Sexual Offences. These two documents, Setting the Boundaries (2000) and Review of Part 1 of the Sex Offenders Act 1997 (2001), led to this

¹⁵⁴ UK Government, "UK government ratifies Lanzarote Convention to tackle child sexual exploitation," GOV.UK, 2018, accessed May 2023, <https://www.gov.uk/government/news/uk-government-ratifies-lanzarote-convention-to-tackle-child-sexual-exploitation>

suggestion.¹⁵⁵ The Act is divided into three parts, the first of which applies only to England and Wales (except for Sections 15–24, 46–54, 57–60, 66–72, and 78–79, which also apply to Northern Ireland), the second of which also applies to Northern Ireland (except Sections 93 and 123–129), and the third of which applies to Scotland.

The first of these components, which focuses on child sexual offences and offences involving the abuse of a position of trust towards a child, proposes new laws on sexual offences, defines the terms "consent" and "sexual," and suggests new definitions for the terms "sexual" and "sexual conduct." Familial sex crimes, crimes involving relatives who are adults, and crimes intended to safeguard those with mental illnesses are considered. In terms of age, the Protection of Children Act of 1978, which covered children up to the age of 18, is limited to those who are 16 years old or older, with certain exceptions where the child is older, and the defendant is the child's partner. Additionally, prostitution-related offences, child pornography crimes, and predatory crimes are discussed.

The second section of the text focuses mostly on how sexual offenders are managed and treated. It outlines steps to maintain public safety, monitor sex offenders, prevent their recurrence, and give victims the support they need. The main topics covered in the second section of the law are those related to notice requirements, risk assessment and management, civil orders, sentence extensions, minor protection, and subsidiary offences. Except for Annex 4 and the risk of sexual harm orders, it includes Scotland in addition to England, Wales, and Northern Ireland.

The final portion covers basic legal provisions, such as initiation provisions and minor and consequential revisions to the legislation.¹⁵⁶

The Sex Offences Act of 2003 had a profound effect on society in some ways. In addition to emphasising the protection of children and other vulnerable individuals, it provided enhanced legal protection against sexual assaults. It has also encouraged victims to report crimes by increasing public awareness of sexual offences and victims' rights. The law has also enhanced victim assistance by encouraging the creation of specialised services. It has promoted the prevention and deterrence of sexual offences and implemented procedures

¹⁵⁵ Ministry of Justice, "New set of rights for victims of crime," 2020, GOV.UK, accessed 2023, <https://www.gov.uk/government/news/new-set-of-rights-for-victims-of-crime>

¹⁵⁶ UK Home Office, *Sexual Offences Act 2003*, <https://www.legislation.gov.uk/ukpga/2003/42/notes#:~:text=It%20covers%20the%20non%2Dconsensual,and%20conclusive%20presumptions%20about%20consent>

for the efficient management of offenders. On a global scale, the law has shaped laws in other nations. In conclusion, the law has enhanced both domestically and globally victim protection, raised awareness, offered support, deal with sex offenders, and encouraged prevention.

3.2.2 Sexual Offences (Northern Ireland) Order 2008

The Northern Ireland Parliament enacted the Sexual Offences (Northern Ireland) Order 2008 in June of that year, and it became effective on February 2, 2009. The Sex Offences Act in Northern Ireland saw significant amendments because of this document, which was intended to safeguard children from exploitation and abuse of their sexuality and to make clear consent-related concerns in situations of rape and sexual assault.

The maximum punishments for sexual offences have been altered to better reflect the gravity of the behaviour involved, and the consent question has also been addressed in these circumstances. In addition, 16 is the legal age of consent for both heterosexual and non-heterosexual sex. The crime of abuse of a position of trust, which involves adults who act sexually against minors under the age of 18, has also been defined, and roles that make up a position of trust, such as nursing homes, hospitals, nursing homes, etc., have been formed.

The ruling also addresses offences perpetrated against people who have mental illnesses and specifies punishments in cases where the victim is unable to provide their own.

Many legislative measures were added by the Northern Ireland Sexual Offences Order of 2008 with the goals of safeguarding children from sexual exploitation, enhancing the understanding of consent and sexual abuse, and advancing gender equality in the legal system. Through the introduction of various measures aimed at bolstering legal protections and tackling sexual assaults, this document has significantly impacted society. The consent age was decreased to 16, the definition of unlawful sexual behaviour was enlarged, and new offences were created to protect those with mental illnesses. The decree also made offences like "crawling on the sidewalks" and "soliciting for prostitution" illegal to combat predatory behaviour. Maintaining a brothel now carries harsher penalties, and incidents of trust abuse are also more clearly defined. The Ordinance also

established a gender-neutral approach to sexual offences, guaranteeing the same level of protection for everyone. Overall, these rules have contributed to a safer and more equitable society.¹⁵⁷

3.2.3 The Sexual Offences (Scotland) Act 2009

An important piece of legislation that fully addresses and updates Scotland's sex offence statutes is the Sexual Offences (Scotland) Act 2009.

The common law offences of rape, sodomy, and covert damage to women were abolished by this law, which also established a variety of new statutory sexual offences. Particularly when they take place without the subject's consent, new statutory offences connected to sexual conduct have been established. The legislation gives a broad definition of consent as "free agreement" and then lists several situations in which such free consent—and so consent itself—does not exist.

The law also creates new statutory offences like rape, penetration-related sexual violence, sexual violence, sexual coercion, forcing someone to engage in sexual activity, forcing someone to watch images of sexual activity, indecent communication, sexual exposure, voyeurism, and drugging someone for sex. It also adds new "protective offences" that make engaging in sexual activity with those who are unable to provide their permission due totally or entirely to age or a mental illness illegal. Sexual activity with younger minors (under 13) and older children (13 to 15) is prohibited under separate "protective" charges.

The "abuse of a position of trust" is another offence that is prohibited by this document. This law also makes it illegal to "abuse a position of trust," which happens when a guardian or other trusted individual engages in sexual activity with a kid or a person who has a mental illness.¹⁵⁸

¹⁵⁷ Northern Ireland Parliament, *SEX AND THE LAW*, (FPA, Health Social Services and Public Safety and HSC Public Health Agency, 2014) <https://www.amh.org.uk/wp-content/uploads/2019/03/northern-ireland-sex-and-the-law.pdf>

¹⁵⁸ Scottish Parliament, "Sexual Offences (Scotland) Act 2009," Legislation.gov.uk, accessed May 2023, <https://www.legislation.gov.uk/asp/2009/9/notes#:~:text=The%20Act%20-%20an%20Overview&text=The%20Act%20repeals%20the%20common,that%20takes%20place%20with%20consent>

The 2009 Sex Offences Act (Scotland) significantly changed society. Integrating and updating earlier legislation has strengthened the legal system and increased its ability to address sexual offences. Additionally, it has improved consensus rules by defining consensus more precisely and raising awareness of the value of consensus as well as victim protection by delivering better support services and enabling survivors to demand justice. Priority is given to protecting those who are most vulnerable, and the courts are given the authority to impose harsher punishments for certain sexual offences, serving as a deterrent and guaranteeing proper punishment. Finally, it encourages education and prevention through extensive outreach and sex education activities.

Overall, the Sexual Offences (Scotland) Act 2009 strengthened legal protection, encouraged consensus culture, supported survivors, and improved sexual crime prosecution, making society a safer and more equitable place.

3.2.4 The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

A significant Scottish law designed to safeguard children and stop sexual offences against them is the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. To accomplish these goals, the law contains several important clauses and measures. To address child sexual abuse and exploitation, the law first creates new offences. These offences encompass a variety of exploitation techniques, including child pornography, child prostitution, solicitation, and child trafficking. The law aims to safeguard kids from these heinous acts by addressing several exploitation-related issues. To enhance the safety of kids, the law also creates protective orders. These directives include those that prevent sexual harm and child abuse. To lessen possible harm and safeguard the safety of children, these orders act as preventive measures by placing limits on individuals who may sexually harm children.

Thirdly, the law sets a requirement to notify those who have been found guilty of child sex offences. The purpose of this requirement is to create a tight surveillance system for those who have a history of sexual offences against children. It entails people registering

with the police and providing pertinent information about their activities and whereabouts.

The Child Protection Disclosure Scheme, also known as the "Disclosure Scheme," is the law's final provision. It enables the competent authorities to share information about individuals who may present a risk to children with the parents or guardians of children to increase their safety.

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 is a comprehensive piece of legislation that, among other things, creates new offences, establishes protection orders, enforces notification laws, and makes it easier to inform interested parties. Its overall goal is to protect children from sexual abuse and exploitation.¹⁵⁹

3.2.5 The Domestic Abuse Act 2021

A significant piece of UK legislation called the Domestic Abuse Act 2021 seeks to improve legal protections for domestic abuse victims. It applies to England and Wales and was given royal assent on April 29, 2021. The law makes numerous significant improvements to the domestic violence legal framework, enhancing support for victims and empowering offenders. The expansion of the definition of domestic abuse is a fundamental component of the Domestic Abuse Act 2021. It acknowledges that abuse can manifest itself in a variety of ways, including coercive or dominating behaviour, physical violence, and emotional abuse. Domestic violence can be harmful to a victim's health, safety, or general well-being, according to the law. The establishment of a warning and a protection order against domestic violence is an important component of the law. These legal actions, referred to as DAPN and DAPO, are designed to give victims urgent protection. Abusers may be subject to limitations, such as contact limits or a requirement to take part in behaviour modification programmes.

¹⁵⁹ Great Britain Parliament, *Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9): explanatory note*, (Stationery Office, 2005) <https://www.scie-socialcareonline.org.uk/protection-of-children-and-prevention-of-sexual-offences-scotland-act-2005-asp-9-explanatory-notes/r/a11G00000017sxaIAA>

The effects of domestic violence on children are acknowledged by the law as well. It acknowledges that kids who see or experience domestic abuse are also victims. This acknowledgement ensures the adoption of suitable assistance and protection measures for children who are domestic abuse victims.

The law further expands the definition of "revenge porn" to include threats to release private sexual images and videos. Greater victim protection is provided by this extension, which also holds offenders accountable for their acts.

It also refers to the idea of "relevant persons" who may apply for a protection order on behalf of a victim of domestic abuse. Social workers, educators, and health professionals who can recognise and assist victims of domestic abuse are some examples of these pertinent individuals.

Additionally, the law requires municipal governments to support and assist domestic abuse victims and their children in finding safe homes. This obligation tries to stop victims from being made homeless or compelled to return to abusive circumstances.¹⁶⁰

In general, the Domestic Abuse Act 2021 offers a substantial advancement in the fight against domestic violence. More victims are protected, domestic abuse is better understood, and a more robust legal system is in place to hold offenders accountable. The law attempts to assist victims, educate the public about domestic violence, and help prevent and lessen domestic violence in England and Wales.

3.3 Aspects and elements from a women's rights perspective

There are documents on women's rights that can have an important impact on the fight against child abuse, bearing in mind that some of them are aimed at female children.

¹⁶⁰ UK Home Office, *Domestic Abuse Act 2021 Statutory Guidance Consultation Government response*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089716/Domestic_Abuse_Act_2021_Statutory_Guidance_Consultation_-_Government_Response.pdf

3.3.1 The Convention on the Elimination of All Forms of Discrimination against Women

In 1979, the UN General Assembly approved the international human rights treaty known as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).¹⁶¹ Although CEDAW primarily aims to end discrimination against women, it also has an unintentional impact on how the United Kingdom (UK) addresses child sexual abuse.

The UK's strategy for combating child sexual abuse has been inspired by the CEDAW convention in several ways. First off, the UK has passed rules and regulations to protect women and girls from all types of violence, including child sexual assault, as a signatory to CEDAW. These laws offer a framework for holding perpetrators accountable and protecting victims.

Second, CEDAW emphasises the value of educating people about women's and girls' rights and spreading their understanding of them.

This involves advocating for educational initiatives that inform kids about their rights, consent, and how to safeguard themselves from abuse in the context of child sexual abuse. To increase public awareness of child sexual abuse and to provide resources for reporting and prevention, the UK has launched programmes and campaigns.¹⁶²

Third, CEDAW emphasises the value of offering assistance to victims of violence, such as child sexual assault. The UK has created several resources to assist victims and survivors of child sexual abuse, including helplines, counselling, and advocacy. Through these services, survivors will have access to justice, treatment, and reintegration into society.¹⁶³

¹⁶¹ Equality and Human Rights Commission, "Convention on the Elimination of Discrimination against Women (CEDAW)," accessed May 2023, <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/convention-elimination-discrimination>

¹⁶² UK Government, *United Nations Convention on the elimination of all forms of discrimination against women. United Kingdom's eighth periodic report*, (GOV.UK, 2011-2017) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698249/UN_convention_on_the_elimination_of_all_forms_of_discrimination_against_women_8th.pdf

¹⁶³ Ministry of Justice, and The Rt Hon Dominic Raab MP, "New 24/7 support service for victims of rape launched," 2022, GOV.UK, accessed May 2023, <https://www.gov.uk/government/news/new-24-7-support-service-for-victims-of-rape-launched>
Crown Prosecution Service, "What support is available to help you - Rape and Serious Sexual Assault," accessed May 2023, <https://www.cps.gov.uk/rasso-guide/what-support-available-help-you-0>

Last but not least, CEDAW mandates that state parties submit recurrent reports on their implementation status. By allowing for examination and accountability, this reporting procedure encourages nations like the UK to fill in any gaps in its response to child sexual abuse. Additionally, it gives civil society organisations and advocacy groups a chance to track how the UK is implementing CEDAW and push for tougher laws against child sex abuse.¹⁶⁴

The UK's response to child sexual abuse has been positively impacted by CEDAW, but it's crucial to recognise that the precise impact can be difficult to measure and may vary based on factors including national legislation, policy implementation, and societal attitudes. The UK's domestic legislation and activities are essential in completing and putting into practice the CEDAW convention's guiding principles.

3.3.2 The Istanbul Convention

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention, is a binding agreement that was adopted in 2011. While domestic violence and violence against women are its main targets, it also contains measures about children's safety, particularly how to deal with child sexual abuse.

There are numerous methods to see how the Istanbul Convention has affected child sexual abuse in the UK. First, the UK has pledged to take legal measures to prevent and address violence against women and children, including child sexual abuse, as a signatory to the Convention. The Convention mandates that many forms of violence, including non-consensual sexual activities against children, be made illegal. The UK has put into effect laws that follow the principles of the Convention and are intended to address child sexual abuse, such as the Sexual Offences Act 2003 and the Children Act 1989.

¹⁶⁴ United Nations Human Rights Office of the High Commissioner, "Reporting guidelines- Committee on the Elimination of Discrimination against Women," accessed May 2023, [https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines#:~:text=CEDAW%20uses%20a%20simplified%20reporting,b\)%2C%20of%20the%20Convention](https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines#:~:text=CEDAW%20uses%20a%20simplified%20reporting,b)%2C%20of%20the%20Convention)

The Istanbul Convention also stresses the significance of offering complete support services to victims of violence, particularly child sexual assault victims. It promotes the development of specialised services for victims and survivors, such as shelters, hotlines, and counselling services.¹⁶⁵ The UK has created a variety of specialised support services and helplines for child sexual abuse victims following the Convention.

Thirdly, the Convention emphasises the value of educational initiatives and preventative efforts for violence against women and children, including child sexual abuse. It focuses on the significance of educating people—including kids, adults, and the general public—about positive relationships, consent, and the effects of violence. To increase awareness, provide resources, and encourage early intervention, the UK has established preventative efforts and awareness campaigns that target child sexual abuse.

The Istanbul Convention also encourages state parties to work together internationally to combat violence against women and children. To combat child sexual abuse and other types of violence, it promotes the sharing of best practices, information exchange, and coordination of efforts. As a member of this cooperative framework, the UK can engage with other nations to develop and put into action plans to stop child sexual abuse.

While the Istanbul Convention establishes guidelines and benchmarks for dealing with child sexual abuse, it is important to note that the specific application and effects of its provisions in the UK may vary depending on domestic laws, policies, and resources devoted to combating child sexual abuse.

3.3.3 The Strategy 2016-2020 - "Ending Violence against Women and Girls"

During that time, the UK Strategy 2016-2020, dubbed "Ending Violence against Women and Girls," had a big impact on how the country dealt with child sexual abuse. The policy primarily addressed violence against women and girls, but it also had several indirect effects on efforts to address child sexual abuse.

¹⁶⁵ Ministry of Justice, and The Rt Hon Dominic Raab MP, "New 24/7 support service for victims of rape launched," 2022, GOV.UK, accessed May 2023, <https://www.gov.uk/government/news/new-24-7-support-service-for-victims-of-rape-launched>
Crown Prosecution Service, "What support is available to help you - Rape and Serious Sexual Assault," accessed May 2023, <https://www.cps.gov.uk/rasso-guide/what-support-available-help-you-0>

First, the approach placed a focus on violence prevention and awareness-building for all types of violence, including child sexual assault. It is intended to encourage good relationships, combat negative attitudes and behaviours, and inform the public about how violence against children affects them. The technique improved understanding of the causes and effects of child sexual abuse by addressing the larger issue of violence against women and girls.

Second, through promoting interagency cooperation to combat violence against women and girls, the strategy indirectly influenced efforts to combat child sexual abuse. Sharing of information and improved reactions to child sexual abuse cases were made possible by cooperative cooperation among many organizations, including law enforcement, social services, healthcare providers, and educational institutions.

Thirdly, the policy emphasized the importance of providing complete support services for those who have experienced violence, especially child sexual assault victims. These services catered to child victims even though they were primarily intended against women and girls. Child victims benefited from and benefited from the availability of support services, such as counselling, helplines, and shelters, which helped with their recovery and protection.

Fourthly, the strategy indirectly impacted responses to child sexual abuse by influencing the creation and enhancement of laws and policies concerning violence against women and girls. Legal measures and policies addressing violence against women and girls frequently included aspects pertinent to child sexual abuse, like stepping up prosecution, improving victim protection, and dealing with online abuse, all of which benefited child victims.

Last but not least, the approach supported research and information gathering to improve comprehension of the problem of violence against women and girls, indirectly advancing understanding of child sexual abuse. Informed by trends, service shortages, and new difficulties relating to child sexual abuse, robust research and data collection activities helped enhance policy and practice.¹⁶⁶

¹⁶⁶ HM Government, *Ending Violence against Women and Girls, Action plan 2016-2020: progress update*, (London, 2019)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/783190/VAWG_Progress_Update_Web_Accessible.pdf
HM Government, *Ending Violence against Women and Girls 2016-2020: strategy refresh*, (London, 2019)

Overall, despite the strategy's primary focus on violence against women and girls, it had indirect effects that could be seen in the UK's rates of child sex abuse. In the context of tackling violence against women and girls, it contributed to a larger framework of prevention, assistance, collaboration, and policy formulation that helped young sexual assault victims.

3.4 Abuse: Guidelines on Prosecuting Cases of Child Sexual Abuse

In the UK, guidelines are available to help prosecutors deal with cases of child sexual abuse. These rules offer prosecutors a framework to make sure that these matters are handled sensitively, effectively, and while taking the child's interests into account. The guidelines aim to assist the legal system by considering the special difficulties and vulnerabilities that are related to child sexual abuse victims.

To prosecute cases of child sexual abuse, the Crown Prosecution Service (CPS) in England and Wales has created guidelines. These recommendations emphasise the need for a victim-centred approach and acknowledge that adolescents may find it difficult to report abuse and provide supporting documentation. To make sure that child welfare is a top concern throughout the process, the rules encourage prosecutors to work with specialised support agencies.

Additionally, they emphasise the value of prompt and efficient communication with child victims and their families as well as the provision of suitable support measures. Prosecutors are urged to collaborate closely with the police, social services, and other organisations in charge of safeguarding and helping young sex abuse victims.

Addressing the problem of kid witnesses and any difficulties they might have in providing their statements is equally crucial. They emphasize the employment of unique safeguards to protect young witnesses, such as video-link depositions, screens to keep children away from the defendant, or the presence of an advocate during their testimony. These steps are intended to lessen the trauma experienced by the trial's young victims.

<https://www.globalwps.org/data/GBR/files/Ending%20Violence%20Against%20Women%20and%20Girls%20Strategy%202016-2020.pdf>

Additionally, detailed information on probative factors to consider in cases of child sexual abuse is provided. They are aware that the nature of these crimes frequently suggests that there may be a lack of evidence and that it may be necessary to rely on the veracity and consistency of the child's statement. It is urged that prosecutors carefully consider the evidence at hand, taking into consideration witness testimony, medical data, and any other pertinent details. The rules also cover the subject of consent in situations involving young victims. They emphasise that minors are legally unable to consent to any sexual activity and that the defendant's acts, not the child's behaviour or purported assent, should be the focus of the court proceedings.¹⁶⁷

Overall, the established procedures for prosecuting child sexual abuse cases in the UK are meant to guarantee a careful and considerate handling of these instances. They give prosecutors a framework to manage these difficult cases, protect the rights of the victims, and bring charges against those responsible for child sexual abuse.

¹⁶⁷ Crown Prosecution Services, *Child Sexual Abuse: Guidelines on Prosecuting Cases of Child Sexual Abuse*, (2023) <https://www.cps.gov.uk/legal-guidance/child-sexual-abuse-guidelines-prosecuting-cases-child-sexual-abuse>

Chapter three – Child sexual abuses in the Netherlands: policy and legislation

1. Measuring child maltreatment in Netherlands

Four nations make up the Kingdom of the Netherlands: the Netherlands, Aruba, Curaçao, and St. Maarten. Even while there is some human rights cooperation, each nation is free to uphold its duties under human rights conventions on its own. To achieve an analogous effect based on comparable institutions in the Caribbean setting, the new rules and laws also apply to the Caribbean Netherlands.

These nations uphold democracy and the rule of law and are dedicated to advancing and defending human rights, which are thought to be necessary for a democratic society. However, recent years have seen a considerable negative impact on human rights in the Kingdom, particularly as a result of the actions taken to combat the COVID-19 outbreak. Existing problems in sectors including education, healthcare, and employment were made worse by the pandemic. In response to these difficulties, demonstrations took place, which reflects a general dissatisfaction. The Kingdom of the Netherlands is dedicated to re-establishing public confidence in government and sees advancing human rights as a crucial component of achieving this objective.¹⁶⁸

In 1958, the Netherlands formally joined the European Economic Community and the European Union. The country saw a considerable economic benefits from joining the EU, including access to the single market and development funding. The Netherlands was given political representation in the EU institutions, although questions concerning national sovereignty were raised. In general, joining the EU had positive economic and political effects, but it also caused issues with power over decision-making.¹⁶⁹

¹⁶⁸ Human Rights Council, *National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21**, (UN General Assembly: A/HRC/WG.6/41/NLD/1, 2022) https://www.upr-info.org/sites/default/files/country-document/2022-10/A_HRC_WG.6_41_NLD_1_E.pdf

¹⁶⁹ European Union, "Netherlands," European Union, accessed May 2023, https://european-union.europa.eu/principles-countries-history/country-profiles/netherlands_en

1.1 Overview of the children's rights situation in the Netherlands

It would be helpful to first discuss the overall state of children's rights in the nation before delving into the specifics to better understand the true scope of the abuse epidemic in the Netherlands.

Since 2015, the Netherlands has decentralised its government and given municipalities responsibility for several duties, including youth welfare. As the parties involved frequently disregard the Convention on the Rights of the Child (CRC), this decision has affected the achievement of direct children's interests. In this regard, the UN Committee on the Rights of the Child stated in the same year that the protection of rights is a state obligation and that the Kingdom of the Netherlands as a whole is a party to the Convention.¹⁷⁰

The UN organisation that exclusively works with children's rights on a global level, UNICEF Netherlands, is the primary body in charge of preventing, protecting, and promoting children's rights in the Netherlands. UNICEF Netherlands aims to enhance the living conditions of children, promote equal rights, shield them from violence, and guarantee access to education, health, and other crucial services in collaboration with the Dutch government and other national and international organisations.¹⁷¹ In addition, there are several institutions and organisations in the Netherlands that seek to protect the rights of children and promote their welfare.

The Kinderombudsman (Children's Ombudsman) is an independent organisation that protects children's rights in the Netherlands by looking into matters about those rights and offering support to kids in need. The mission of Defence for Children is to advance and safeguard children. It is a non-governmental organisation that does research, raises awareness, provides legal counsel, and advocates for the rights of children.

¹⁷⁰ Dutch NGO Coalition for Children's Rights, *Children's Rights in The Netherlands*, (2019) <https://resourcecentre.savethechildren.net/document/childrens-rights-netherlands/>

¹⁷¹ UNICEF, "UNICEF the Netherlands," The Netherlands Working Group on international Nutrition, accessed may 2023, <https://the-nwgn.org/about-us/unicef-netherlands/>

Last but not least, Stichting Het Vergeten Kind (The Forgotten Child Foundation) focuses on the welfare and protection of children who are in challenging circumstances, such as those who are in foster care, care institutions, or live in poverty.

These are only a few of the institutions and groups fighting for children's rights in the Netherlands, which also include the government, schools, non-governmental organisations, and other members of civil society. The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen), the Kinderombudsman, and the Dutch Institute for Human Rights (College voor de Rechten van de Mens) collaborated to identify the key concerns relating to children's rights. More than 80 NGOs and specialists worked together to create the List of Issues Before Reporting (LOIPR), which was also supported by the Coalition for the Rights of the Child.¹⁷²

We will evaluate the subject by relying on the problems the experts identified, always keeping in mind their connection to CSAs, to be better able to comprehend the current situation in the Netherlands concerning children's rights and, in particular, abuse.

1.1.1 Insufficient knowledge necessitating special instruction

The Convention on the Rights of the Child (CRC) is a document that only 34% of young people claim to be familiar with.¹⁷³

The legislative proposal for clearer citizenship teaching in schools, which the Council of State is presently consulting on, represents a first step in the right direction. The purpose of this suggestion is to incorporate children's rights within the academic programme. However, it's crucial to underline that kids already have rights and are contributing members of society. Unfortunately, there isn't much focus on educating people about children's rights since young people aren't taught about these topics in school or higher education, which means that as they grow up, these gaps still exist.

¹⁷² Dutch NGO Coalition for Children's Rights, *Children's Rights in The Netherlands*, (2019) <https://resourcecentre.savethechildren.net/document/childrens-rights-netherlands/>

¹⁷³ National Youth Council, *There to talk, dare to listen. Dutch youth on the children's rights treaty*, (Utrecht: NJR, 2019)

Politicians, local and regional officials, and anyone working with children must all get specialised training on children's rights to remedy these weaknesses.

The establishment of CRC-compliant targets and indicators for policy creation and monitoring is the next step, as a lack of information can negatively affect implementation and the protection of children's and youth's participation. Additionally, it is important to do a pre-assessment to see whether new laws or policies adhere to the CRC's protections for children's rights.

The retraining of police officers now places more emphasis on a child-centred strategy that upholds kids' rights. As suspects get older, their age is increasingly taken into consideration. To guarantee that the real instruction and behaviour of criminal justice professionals is appropriate and child-friendly, however, such an approach requires additional training and evaluation.

1.1.2 A dearth of training and resources in the field of children's rights

Municipalities have been required to provide juvenile care, employment, and economic support since 2015, and the state is taking several steps to ensure that they can effectively carry out their new responsibilities.

Municipalities that are closer to families might provide youth care, which would increase the system's accessibility, cohesiveness, and efficiency. As a result, there would be less need for treatment and lower costs since these authorities would be encouraged to invest in early detection and prevention. This change has not yet been fully implemented, and because there is no national direction, there are significant disparities between municipalities. The care a child receives consequently is determined by where they reside. It is significant to remember that youth care encompasses parental involvement, proactive measures, community or youth teams, support for young people with mental health issues, and care for kids with impairments. If a juvenile protection or rehabilitation order is made, the towns are responsible for paying for and carrying out that order.¹⁷⁴

¹⁷⁴ Netherlands Jeugdinstituut, "Transformatie jeugdhulp," Netherlands Jeugdinstituut, accessed May 2023, <https://www.nji.nl/transformatie-jeugdhulp/veelgestelde-vragen-jeugdsector>

Specialist knowledge and, in more complicated circumstances, cooperative purchases by municipalities are required to obtain specialised care for young people. However, experience has shown that the required knowledge is still lacking, which causes delays in providing children with adequate care in, for instance, closed facilities. Children don't get the assistance they require when municipalities are unable to offer proper care. The right to appropriate and equal access to care for all children exists, but sadly, this is not the case at present. Children, parents, and carers suffer unexpected repercussions as a result of the decentralisation of responsibilities. There are ambiguities over how to get care, a lack of care availability, greater waiting periods, organisational variances, variations in service delivery between municipalities, and challenges in gaining access to highly specialised services, which should be organised supra-regionally. Inadequacies in the availability and calibre of youth care were discovered during the first examination of the Youth Act. The government's responsibility in promoting children's education and development ultimately requires a greater understanding. Additionally, it's critical to concentrate not only on specialised care but also on the whole spectrum of resources and initiatives required to ensure that kids can develop into healthy, secure, and promising adults.

1.1.3 Poor data gathering and analysis

The way data is currently collected, recorded and used leaves out important details about certain child demographic categories. As a result, it is challenging to create tailored policies and assess their efficacy. This process has many flaws that have been found.

First of all, it is difficult to gather trustworthy information for examining and evaluating the situation since data obtained and recorded in diverse methods are not easily comparable and hence unreliable.

Additionally, it is challenging to compare current data with historical data since the indicators used to quantify data trends evolve. As a result, it is more difficult to make judgements about how well the measures worked.

Additionally, it is difficult to acquire a comprehensive picture of the situation since the data is not appropriately linked, whether at the individual, family, or regional level. This lack of connection generates a bad information environment.

In this regard, there is general information on children who come into touch with the law, but a thorough knowledge of the circumstances that brought them about is lacking. In-depth evaluations of the data at the individual or family level are also lacking.

Additionally, some vulnerable child populations are either difficult to reach or are not well represented in the available data.

For instance, there is a dearth of information on undocumented children, children who are migrants, kids who need mental health care, kids who are in foster care, kids who have been harmed or who have been sexually exploited, and gifted kids.

Finally, the General Data Protection Regulation (GDPR) compliance has complicated information sharing between various organisations. Instead of sharing potentially helpful data, many are reluctant due to unfamiliarity and concern over breaking the GDPR.

1.1.4 The absence of youth from the political, economic, and decision-making processes

Companies must respect human rights, starting with trade policy, following UN standards and the OECD Guidelines for Multinational Enterprises. The voluntary and non-binding method of covenants, however, has restricted company adherence in the Netherlands. Despite several promising programmes, such as the recent Due Diligence Act and the Subsidy Fund to Fight Child Labour, the government does not do enough to safeguard children's rights in business supply chains. Clear legal guidelines are also necessary for government policies that promote international trade while also pursuing sustainable development goals to prevent the trade from superseding human rights.

At the EU level, trade agreement sustainability impact assessments are not sufficiently followed or taken into account, and there are no special assessments of children's rights. Regarding the consideration of children's rights, the evaluation of Dutch businesses based on OECD rules is opaque.

On the other hand, when it comes to making decisions, the Netherlands is paying more attention to youth engagement, albeit it is still not structurally assured in all facets of

practice and policy. Participation is frequently meaningless and depends on the initiative of specific employees. Additionally, it is challenging to reach vulnerable kids and guarantee proper representation in terms of geography and educational level.

Adults frequently lack the knowledge and abilities needed to listen to children and include them in decision-making, but on the other hand, children's participation is divided between and within different towns. The 2018 review reveals that there is still limited opportunity for the child's point of view, both individually and collectively, despite the Youth Act's promotion of listening to children's opinions.¹⁷⁵

The ability of abused children, for instance, to obtain the support they require to deal with what has occurred to them and reclaim control of their life is compromised since they frequently do not participate meaningfully in treatment programmes. Children's meaningful engagement is crucial and should be promoted under the 'Domestic Violence and Child Maltreatment Reporting Code's requirements.

Last but not least, not all children questioned by the police have access to legal counsel in criminal proceedings. While those who are detained and sent to the police station are entitled to legal counsel, those who are released and will be questioned later are not.

This is against the Council of Europe Guidelines on Juvenile Justice and the UN Convention on the Rights of the Child, which emphasize children's right to free legal help to exercise their right to a legal defence.

The 2015 Concluding Observations draw attention to the fact that kids are being kept in police cells far too frequently and for far too long without enough consideration for their youth and fragility. The police and prosecutor should create a child-focused policy for the initial phases of criminal proceedings, taking the kid's best interests into account and looking for alternatives to placing the child in police care. Additionally, the current police stations lack sufficient supervision and are not designed to meet the needs of minors. It is suggested to establish a separate police station for young people, complete with a welcoming environment and the ability for interdisciplinary consultations.

The fact that 80% of minors in juvenile justice facilities are in detention but have not yet received a sentence is concerning. The last option should be detention, and it should be used as little as possible. Pre-trial custody may change under the new legislation, although

¹⁷⁵ Netherlands Organization for Health Research and Development, *Eerste evaluatie jeugdwet*, (Den Haag, 2018), 240. <https://scholarlypublications.universiteitleiden.nl/access/item%3A2952915/view>

it is not yet clear if this will result in a decrease in its use or merely a reduction in its duration. Leiden University research shows that biased effects of pre-trial detention also exist.¹⁷⁶

Between 90,000 and 127,000 children are thought to have been abused in 2017.¹⁷⁷

Although the action programme "Violence has no place in the home" demonstrates that the state takes this issue seriously, there are delays in its execution. To transform the programme into local policies and satisfy the requirements of families and children, the state does not provide enough cash, resources, national administration, or national monitoring.

Despite the Reporting Code Act's national adoption, not all professionals subject to the Act use it. The Act was created to encourage all professionals to report abuse. In reality, a lot of businesses and professionals don't have the time, money, or capacity to include reporting rules and processes in their everyday work.

Finally, reporting and responding to domestic violence and/or child abuse instances are not covered in associated professional training courses.

1.1.6 Insufficient help for children who have been sexually abused

The community team typically offers assistance to families in child abuse cases within three weeks. However, it frequently takes eight months for child abuse victims to get the assistance they require. Inadequate coordination between authorities, a constrained municipal budget, and issues obtaining the appropriate specialised care, which is occasionally more expensive, are a few of the factors contributing to these delays.¹⁷⁸

Municipalities now provide youth care services, which has created several challenges.

With proper case management, multidisciplinary institutes can offer families engaged family-focused care. In three of the thirty regions, the Netherlands is investing in three

¹⁷⁶ Brink. Y. N. Van Den, *Voorlopige hechtenis in het Nederlandse jeugdstrafrecht : wet en praktijk in het licht van internationale en Europese kinder- en mensenrechten*, (Leiden University: Institute of Private Law, 2018) <https://scholarlypublications.universiteitleiden.nl/handle/1887/58743>

¹⁷⁷ Rijksoverheid, *Geweld hoort nergens thuis: Aanpak huiselijk geweld en kindermishandeling*, (2018) <https://open.overheid.nl/documenten/ronl-7ca7ae57-9eb9-42cc-9228-37e0ca59fdd2/pdf>

¹⁷⁸ Netherlands Organization for Health Research and Development, *Eerste evaluatie jeugdwet*, (Den Haag, 2018), 240. <https://scholarlypublications.universiteitleiden.nl/access/item%3A2952915/view>

interdisciplinary centres. A nationwide network that covers the entire nation does not yet exist, though.

1.1.7 A lack of successful preventative initiatives

Municipal policy and implementation of these issues are ineffectively incorporated by the national directorate for prevention and early diagnosis of child abuse. Within this perspective, there is no connection between concrete outcomes and policy actions. In 2014 and 2017, the Children's Ombudsman reported this circumstance.¹⁷⁹

Groups at risk are not immediately and effectively reached by the available facts and knowledge. Families of migrants and refugees, for instance, only get help after their difficulties have gotten worse.¹⁸⁰

Children from migrant families are therefore overrepresented in the harshest types of youth care.

1.1.8 A failure to cooperate

It must be done in a practical way to give children the care they need. Unfortunately, this hasn't been done with enough success. Municipalities, health care providers, paediatricians, schools, and youth care agencies are not yet sufficiently collaborating in the youth area, and as a result, families frequently find themselves dealing with many health care professionals. Children and teenagers deal with a variety of carers with whom they must establish a trustworthy bond.

¹⁷⁹ Children's Ombudsman, *Preventie van kindermishandeling in gemeenten. Van papier naar werkelijkheid*, (Den Haag, 2014) <https://www.kinderombudsman.nl/system/files/publications/2019-Publicatie%20aanmaken/KOM0042014RapportKinder mishandeling.pdf>
Children's Ombudsman, *De gemeentelijke inzet voor preventie van kindermishandeling*, (Den Haag, 2017) <https://www.nji.nl/sites/default/files/2021-05/Rapport-De-gemeentelijke-inzet-voor-de-preventie-van-kindermishandeling.pdf>

¹⁸⁰ Pharos, *Opvoedondersteuning bij migranten en vluchtelinggezinnen*, (Utrecht, 2019) <https://www.opgroeien.be/sites/default/files/tool-documents/factsheet-opvoedondersteuning-bij-niet-westerse-migrant-en-vluchtelinggezinnen.pdf>

To better and more successfully care for young people, specialists from several fields (such as public safety, debt relief, social work, and education) must work together more effectively. Education and youth welfare, for instance, are too disparate. The division of duties, functions, and financial resources is frequently unclear. A lack of time, expertise, and understanding was discovered through a review of municipalities and partnerships.¹⁸¹

This can result in a variety of issues, including absences from school and other detrimental consequences including losing contact with peers and lower social engagement.¹⁸²

The ability of many youngsters in the Netherlands to meet their necessities and engage in social activities is hampered by financial difficulties.

The child benefit system is complex, receiving benefits is challenging, and there is a chance that payments will need to be repaid in the event of a slight rise in income.¹⁸³

There is a lack of direction and national targets to combat poverty, and assistance provided by municipalities focuses mainly on improving the lives of children outside the family environment, without sufficiently addressing the underlying causes of poverty.¹⁸⁴

Municipalities' inconsistent policy standards and poor understanding of data privacy laws make things even more difficult. Since discussing poverty is taboo, it is impossible to effectively reach out to target populations. Additionally, there is a shortage of specialised knowledge to address poverty and debt within municipal care organisations.¹⁸⁵

1.1.9 Safety Measures

¹⁸¹ M. Grinten et al., *Landelijke inventarisatie aansluiting onderwijs en jeugdhulp 2018*, (Utrecht/Nijmegen/Amsterdam: Oberon/KBA Nijmegen/Kohnstamm Instituut, 2018) <https://www.oberon.eu/media/3tfmcqhh/eindrapport-onderwijs-jeugdhulp-2018.pdf>

¹⁸² Netherlands Court of Audit, *Toeslagen terugbetalen*, (Den Haag, 2019) <https://www.kennisbundel.nl/wp-content/uploads/2019/06/rapportToeslagenterugbetalenWR.pdf>

¹⁸³ *Ibidem*.

¹⁸⁴ Children's Ombudsman, *Alle kinderen kansrijk. Het verbeteren van de ontwikkelingskansen van kinderen in armoede*, (Den Haag, 2017) <https://alliantiekinderarmoede.nl/media/uploads/file/rapport-alle-kinderen-kansrijk.pdf>

Social and Economic Council, *Opgroeien zonder armoede*, (Den Haag, 2017) <https://www.ser.nl/-/media/ser/downloads/adviezen/2017/opgroeien-zonder-armoede.pdf>

¹⁸⁵ Bureau Bartels, *Eerste evaluatie van de bestuurlijke afspraken tussen SZW en VNG over kinderen in armoede*, (Amersfoort, 2018)

https://www.eerstekamer.nl/overig/20181121/bijlage_1_eerste_evaluatie_van_de/document

VNG et al., *Naar een betere aanpak van schulden en armoede*, (2016)

<https://vng.nl/sites/default/files/20160405-schuldhulp-brief-pamflet.pdf>

Due to its reliable networks, large bandwidths, and affordable rates, the Netherlands tops the list of nations that post photographs of child sexual assault on websites. From about 3,000 in 2014 to roughly 18,000 in 2017, police have received a considerable increase in reports of internet child sexual abuse. However, the number of researchers working on this issue has not grown correspondingly.¹⁸⁶

Even though the state has invested in the battle against child sexual exploitation online, actions to address the demand side (downloaders/customers) are behind. The risk of showing images of juveniles (particularly teens) that are difficult to take down from the internet and have long-lasting repercussions for those involved has increased as well as the movement of images of child sexual abuse from professional websites to websites where users post amateur shots.

Concerning human trafficking, which is a problem because most Dutch municipalities lack particular regulations for treating victims and dealing with offenders, is the second challenge relating to child safety. Despite the government's aspirations to combat human trafficking, there aren't any specific, quantifiable goals or a financial foundation for such programmes. Targeted steps are required to counteract clients who pay for sex with minors and the unlawful abuse of children by human traffickers.

1.2 CSA: dimensions of the phenomenon on the territory, statistics, and information about it

The Dutch authorities are addressing and keeping an eye on the serious problem of child sexual abuse in the country. The Dutch government has taken action to protect and assist victims of child sexual abuse as well as to prevent and combat crime. The Netherlands has enacted several preventive, education, and awareness-raising initiatives to increase public understanding of child sexual abuse and to give parents, educators, and professionals the tools they need to spot the warning signs of abuse and take appropriate action.

¹⁸⁶ Rijksoverheid, *Uitwerking Veiligheidsagenda 2019 – 2022*, D(en Haag, 2018)
<https://zoek.officiëlebevestigingen.nl/blg-893786.pdf>

children. It is important to keep in mind that these numbers include professional reports of abuse. Because not all instances of child abuse are reported, the lower bound is 3%.

The number of kids who experience one or more types of child maltreatment has not significantly changed between studies conducted in the Netherlands in 2005 and 2010. 96% of children are abused by their biological parents, according to a study. Additionally, physical neglect is the most common type of neglect, followed by emotional neglect, with sexual abuse being the least common type.¹⁸⁸

Given the information gathered, the Netherlands can indeed be regarded as a nation that greatly respects children's rights; this is demonstrated by the execution of the laws and policies that have been put in place to safeguard and advance children's rights. This doesn't change the reality that CSA exists in this state as well, and even while the statistics haven't changed much—and without accounting for all the victims who haven't reported the occurrence and aren't counted here—they haven't changed either.

2. Policy scenario

Policies are a set of rules, guidelines, principles, and procedures that are developed and adopted by organisations, governments, institutions, or other entities to guide their actions, decisions, and behaviour. They are used by states to provide a common frame of reference in which how to deal with certain issues or problems is explained and in which common objectives or outcomes that must be achieved are established. Their function is important because they regulate behaviour and promote the well-being of individuals, organisations, and society as a whole. This is also the case when it comes to combating child sexual abuse and recognising and respecting children's rights. In this section, we will look at the main policies adopted by the UK in this area.

¹⁸⁸ Eeuwijk, Fluer Van, “TRUE: ANNUALLY 119.000 CHILDREN ARE MALTREATED IN THE NETHERLANDS”, EU factcheck.eu, accessed June 2023, <https://eufactcheck.eu/factcheck/true-annually-119-000-children-are-maltreated-in-the-netherlands/>

help to parents through clinics for infants and young children as well as youth and family centres ("Centrum voor Jeugd en Gezin"). A specialist can visit a family's home more frequently if there are issues. They assist parents in identifying their issues and talking about the type of support they require.¹⁹² To fight child abuse, the ministry established a national steering committee and unveiled the action plan "Children Safe at home" in 2007. Through the Dutch Youth Institute, the previous Ministry for Youth and Families was able to promote the nationwide adoption of the RAAK strategy thanks to the action plan. This Dutch phrase, which translates to "right on target" and "effective," tries to capture the nation's vision of developing an all-encompassing strategy to eradicate child abuse. Collaboration amongst experts from the same area is made possible, allowing for a more thorough and effective response to reports of suspected child abuse and more focused preventative efforts. Training and internal knowledge of CSA-related issues are two of the key approaches. As a result, the Netherlands is putting in place several educational initiatives designed to increase public knowledge of the issues surrounding child sexual abuse. These initiatives are designed to be integrated into both schools and communities to give children, parents, and teachers important information on prevention, how to spot abuse signals, and what steps to take to safeguard kids.

Professionals that work closely with minors, such as teachers, health professionals, social workers, and youth workers, can also take advantage of training classes and awareness-raising events. These programmes give students the skills they need to manage situations when abuse may be suspected, identify warning signs, and understand how to file reports. Prevention initiatives emphasise how crucial it is for parents to shield their kids from sexual assault. They actively involve parents in this process by supplying them with knowledge, tools, and guidance on how to spot and stop child abuse. There is helpful advice on how to talk to kids about difficult subjects and how to make a place that is safe and open for kids to discuss abuse.

Concurrently, programmes to raise awareness are being run that are essential in stopping child sexual abuse. These programmes disseminate concise and educational messages about the necessity of early reporting and the ability to spot indicators of abuse through the use of the media, including television, radio, social media, and commercials. These

¹⁹² Government of Netherlands, "Strategy against child abuse." Preventing and identifying signs of child abuse," accessed June 2023, <https://www.government.nl/topics/child-abuse/strategy-against-child-abuse/preventing-and-identifying-signs-of-child-abuse>

Additionally, the new system under consideration seeks to shorten wait times and enhance service continuity. Children and families won't have to switch from one organisation to another, and the amount of information that needs to be duplicated will be reduced. The children and families engaged will have a more consistent and less frustrating experience as a result. It is crucial to emphasise that the scenario is only a beginning point for discussions and evaluations and not yet a complete strategy. All interested parties, including clients and peer advisors, will have the chance to take part in a consultation process starting in April. To specify the specifics and modalities of implementing the suggested system, open issues and questions will be addressed during this process, and further perspectives and contributions will be gathered.

In the autumn, the House of Representatives will hear the findings of this consultation process before formulating a detailed strategy for the future of child and family protection in the Netherlands. The ultimate objective is to develop a system that is more effective, accountable, and focused on meeting the needs.¹⁹⁸

2.4 Support of the victims

A variety of specific services and resources are available in the Netherlands to assist victims of sexual assault. In the Netherlands, victims of sexual abuse can receive assistance in the form of counselling, legal representation, social work services, and victim support centres, among other major support options. Victims of sexual assault have access to expert medical services that provide both emergency and long-term care. Treatment for the physical and psychological effects of the abuse, psychological counselling, and therapeutic support are a few examples of what may be provided. Sexual assault victims who need psychological therapy can get it from experts who specialise in abuse trauma.

¹⁹⁸ Lisa Merkel-Holguin, John D. Fulke, and Richard D. Krugman, *National Systems of Child Protection. Understanding the International Variability and Context for Developing. Policy and Practice*, (Springer, 2019), volume 8. <https://searchworks.stanford.edu/view/13632127>

These experts support victims as they work through the traumatic event, manage its emotional repercussions, and create recovery and healing plans. Programmes for individual or group treatment may be provided, depending on the victim's needs.¹⁹⁹

Social work services are provided to give victims of sexual abuse the tools and assistance they need to deal with day-to-day difficulties. This could involve aid in finding secure accommodation, financial support, help to get to school or a job, and assistance getting access to health and social care services. The Netherlands also has specific support facilities known as "Centra Seksueel Geweld" (Centres for Sexual Violence), which offer victims of sexual abuse a private, secure setting. These facilities offer a wide range of services, such as medical check-ups, counselling, legal support, and assistance with dealing with the abuse's immediate aftereffects.²⁰⁰

The Child Protection Committee, child welfare organisations, juvenile mental health services, law enforcement agencies, and social service providers are the primary organisations participating in this support. The central government of the Bassu countries has also provided funds for the creation of counselling and support centres (Advies-en Meldpunten Kindermishandeling/AMK) as part of its plan to combat domestic violence, particularly abuse against children. As they accept reports of sexual abuse and other forms of maltreatment and provide an access point for specialised aid, they play a crucial role in reporting and dealing with child abuse. They can be extremely helpful in complex cases where the child is not actually being abused but is instead, for instance, witnessing the abuse of a parent or sibling.

Again, quick action is necessary here, and even a youngster who has not been mistreated may still need assistance. The referral service can help the parties find the best organisation to assist them.²⁰¹ These activities are generally meant to help victims of sexual abuse cope with their trauma, get over the physical and emotional effects of the

¹⁹⁹ Mariska de Baat et al., *Combating child abuse and neglect in the Netherlands*, (Utrecht: Netherlands Youth Institute, 2011) https://www.nji.nl/sites/default/files/2021-05/%28301995%29-Daphne_report_Netherlands.pdf

²⁰⁰ Sexual Assault Cente., "Sexual Assault Center," accessed June 2023, <https://centrumseksueelgeweld.nl/en/home-english/>

²⁰¹ Lisa Merkel-Holguin, John D. Fulke, and Richard D. Krugman, *National Systems of Child Protection. Understanding the International Variability and Context for Developing. Policy and Practice*, (Springer, 2019), volume 8. <https://searchworks.stanford.edu/view/13632127>

abuse, and encourage healing and recovery. Resources and services are offered in a private setting that honours the needs and preferences of victims.

2.5 Monitoring

The monitoring process aims to assess the efficacy of adopted policies and initiatives, pinpoint areas that need improvement, and provide guidance for future preventive and support strategy design and execution. By using an evidence-based approach, measures to prevent child sexual abuse can be modified and improved over time while still giving victims the help they need.

The Dutch government adopts a procedure to track advancements in preventing child sexual abuse and providing help for victims. Research is frequently carried out to examine the effects of current policies and efforts; it entails data analysis, programme evaluation, victim response measurement, and service efficacy evaluation. The frequency of complaints of abuse, accessibility to support services, duration of legal processes, and satisfaction with services received by victims are only a few examples of the specific monitoring indicators that have been created to track progress in preventing child sexual abuse and supporting victims. Regular reports are released that contain the findings of evaluations and monitoring. These reports offer details on the existing situation, plus information on the areas that could use improvement. It's critical to have an open discourse about the difficulties and developments in the battle against child sexual abuse. Transparent communication and public information are essential.

Therefore, it is encouraged for impacted companies and communities to contribute feedback, information, and insight to the monitoring process. This information enables a broader perspective, making it easier to modify methods to meet the requirements and circumstances of victims and professionals working in the area.

Initiatives to prevent child maltreatment must periodically monitor the prevalence of abuse, and one of the requirements of the UN Convention is the structural implementation of prevalence studies. At the same time, a European initiative is required to coordinate national studies on the prevalence of child maltreatment to compare the results of various

national programmes on child maltreatment and determine which ones are most successful.²⁰²

3. Legal aspects of intervention

Within the social context, policies are essential, but laws are also required to address specific issues and establish boundaries. These laws have legal force because they have been formally passed by legislative bodies or by governments. They specify the legal rights, obligations, and liabilities of society and are required of all citizens. They control how people behave, establish moral guidelines, and impose punishments for breaking the law. They also apply to the entire area covered by the legal system in which they were passed. The key international and non-international laws about child abuse and child protection will be examined in this section.

3.1 Aspects and elements at international level

The two main conventions, ratified by the Netherlands, that deal with the protection and welfare of children are the Convention on the Rights of the Child and the Lanzarote Convention.

3.1.1 The Convention on the Rights of the Child

As a signatory to the CRC, the Netherlands is required by law to put its provisions into practice and to take the necessary steps to protect minors against sexual abuse. The CRC offers a framework that shapes national laws and policies and directs how the government

²⁰² Eveline M. Euser et al., "Prevalence of Child Maltreatment in the Netherlands," *Child maltreatment* 00, no. 00 (2009): 1-13, <https://journals.sagepub.com/doi/10.1177/1077559509345904>

deals with child sexual abuse. In the Netherlands, there are many parties involved in the response to child sexual abuse, including law enforcement authorities, child protection services, medical professionals, and NGOs.²⁰³

First and foremost, the Netherlands is required by law to execute its guidelines and establish the necessary safeguards to protect children from sexual assault. The CRC shapes national laws and regulations and directs how the government deals with child sexual abuse. It has also passed legislation that makes child sexual abuse and exploitation illegal and carries harsh punishments for perpetrators. Victims and their families can get help from reporting and support services like helplines and specialised centres.

The Dutch government places a high priority on educating the public about child sexual abuse and running public campaigns and school-based programmes to educate kids, parents, and professionals about reporting and prevention.

Collaboration between organisations including law enforcement, social services, healthcare, and the court system is part of a multidisciplinary approach to child protection. This partnership intends to guarantee an efficient reaction, investigation, and victim support.²⁰⁴

3.1.2 The Lanzarote Convention

An international agreement aiming at preventing and combating child sexual abuse is known as the Lanzarote Convention, also known as the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse.

The Lanzarote Convention mandates that signature nations take extensive steps to stop and address child sexual abuse, including criminalising such behaviour and putting in place reliable systems for reporting, looking into, and punishing offenders. It emphasises

²⁰³ General Assembly of United Nations, *Convention on the Rights of the Child*, (Istanbul: resolution 44/25, 2019) <https://www.ohchr.org/sites/default/files/crc.pdf>

²⁰⁴ United Nations Secretary-General, *United Nations Study on Violence against Children. Response to questionnaire received from the Government of the Kingdom of the NETHERLANDS*, (AVT04/BZ76202) <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/StudyViolenceChildren/Response/Netherlands.pdf>

the value of increasing awareness and educating the public about the issue, as well as offering help and protection to young victims.²⁰⁵

The impact of the Convention on the situation in the Netherlands would depend on several variables, including the nation's current laws, policies, and procedures for protecting children and preventing sexual abuse. A nation generally commits to harmonising its domestic laws and practices with the requirements of such a convention when it ratifies it. The Netherlands will be expected to tighten its legislative framework to handle child sexual abuse, increase coordination between pertinent authorities, and boost victim support services by ratifying the Lanzarote Convention. The conference might also inspire the Netherlands to create preventative measures like awareness- and education-raising efforts.

Two modifications to the criminal code were specifically brought about by the Netherlands' acceptance of the Lanzarote Convention. To prevent grooming, criminal justice authorities were first given more authority to prosecute those who pursue youngsters online and sexually abuse them. Second, it became illegal to intentionally expose a kid to sexual abuse or sexual conduct. These modifications show the Netherlands' dedication to upholding the Lanzarote Convention's protection of minors from sexual exploitation and abuse.²⁰⁶

3.2 Aspects and elements at domestic level

As was noted in the preceding sentence, there are tactics in use in the Netherlands that call for the cooperation of the many constituents and are designed to combat the abuse phenomena and provide the best possible support for victims.

²⁰⁵ Council of Europe, *Convention on the Protection of Children against sexual exploitation and sexual abuse*, (Lanzarote: Treaty Series - No. 201., 2007) <https://rm.coe.int/1680084822>

²⁰⁶ Government of Netherlands, "Sentencing," Government of Netherlands, accessed June 2023, <https://www.government.nl/topics/crime-and-crime-prevention/sentencing>

3.1.1 The Dutch Penal Code - Wetboek van Strafrecht

The Dutch Penal Code (Wetboek van Strafrecht) is the primary piece of legislation in the country that guards against the sexual abuse of children. The Penal Code contains many articles that explicitly handle offences involving child sexual abuse. A few of the pertinent articles are the following ones.

The crime of sexual abuse of a child under 12 is covered under Article 244. According to the law, engaging in sexual activity with a kid under the age of 12 or encouraging a youngster to engage in such activity is punishable by imprisonment or a fine.

The crime of sexual abuse of a child between the ages of 12 and 16 is covered in Article 245 of the Constitution. It states that having sex with a child in this age range or inciting a minor to have sex with someone else is illegal and is penalised by a fine or incarceration. The crime of seduction, which entails persuading a child under the age of 16 to engage in unlawful sexual activity, is the subject of Article 247. This offence carries a penalty of either jail or a fine.

The subject of Article 248b is child prostitution. It indicates that participating in sexual activity with a person under the age of 18 for money or other benefit can lead to legal action, jail time, or a fine.

The Dutch Penal Code contains these articles to protect children from sexual abuse and exploitation.²⁰⁷ The code significantly affects how child sexual abuse is addressed and prevented in the country. The following is a succinct summary of its influence.

The Penal Code creates a framework of law that categorises and punishes various types of child sexual abuse. It establishes boundaries for appropriate behaviour and conveys a strong message that child sexual abuse is a serious crime by explicitly defining the offences and their accompanying consequences.

The major effects are deterrence. The special Penal Code provisions that address child sexual abuse serve as deterrence by warning future offenders that committing such crimes might result in jail time or fines. As a result, there are fewer cases of child sexual abuse.

²⁰⁷ International Centre for Missing & Exploited Children, *Netherlands. National Child Protection Legislation*, (2018) <https://www.icmec.org/wp-content/uploads/2018/12/ICMEC-Netherlands-National-Legislation.pdf>

Sexual actions with children under a specific age, kidnapping, and child prostitution are all crimes according to the Penal Code. The law establishes a foundation for the investigation, prosecution, and punishment of offenders by classifying these actions as crimes.

The Penal Code also helps to safeguard child victims by providing avenues for legal action and justice. It establishes the rights of young victims and guarantees that the criminal justice system would treat their cases properly. The Penal Code's punishments can give victims a sense of justice and closure while also serving as a deterrence to such abuse in the future.

Additionally, the Penal Code gives law enforcement and judicial authorities the authority to look into claims of child sexual abuse, compile evidence, and prosecute offenders. It makes it possible to prosecute those responsible for child sexual abuse, ensuring that they are held accountable for their acts.

In conclusion, by providing a legal framework, functioning as a deterrent, protecting victims, and facilitating prosecution and accountability, the Dutch Penal Code plays a critical role in preventing child sexual abuse. By making criminals accountable for their acts, it hopes to make a safer environment for kids.

3.1.2 The National Action Plan on Domestic Violence and Child Abuse - Nationaal Actieplan Geweld tegen kinderen

Every so often, the Dutch government creates comprehensive national action plans to address domestic violence and child abuse. These action plans frequently use a multi-agency approach and place a focus on prevention, intervention, assistance for victims, and perpetrator accountability.

Although national action plans for combating domestic violence and child abuse differ from country to country, they all have similar goals and tactics. These strategies offer a tactical framework for prevention, intervention, and assistance to thoroughly address these problems. National action plans against domestic violence and child abuse emphasise research, education, support services, legislation reforms, and improvements to the legal system. These initiatives seek to increase public awareness, strengthen the

legal system, offer all-encompassing support services, educate professionals, and collect information for evidence-based policies. These programmes aim to effectively address and prevent domestic violence and child abuse by promoting prevention and education, improving laws, enhancing support networks, training experts, and conducting research. In the Netherlands, the establishment of national action plans to address child sexual abuse has had a substantial positive impact. These all-encompassing efforts have produced noticeable advancements in numerous important areas.

The general public's increasing knowledge of child sexual abuse is one notable result. These action plans have successfully increased knowledge of the symptoms and effects of child sexual abuse through focused awareness campaigns and educational initiatives. The possibility of early discovery and intervention has increased as a result of the public's increased awareness and vigilance.

The National Action Plans' improvement of the legal system is another significant effect. These initiatives have sparked legislative changes to strengthen the rules and laws governing child sexual abuse. To better protect victims and make sure that offenders are held accountable for their actions, stricter punishments for offenders, enhanced reporting channels, and expedited investigative processes have been put in place. These action plans have greatly improved the support services provided to victims of child sexual abuse. There are now established comprehensive support networks that include specialised counselling, treatment, medical care, and legal aid. Victims now have easier access to the tools they need to get better and deal with the trauma they've been through.

The creation of more efficient reporting and response procedures has also been given top priority in national action plans. To make reporting abuse incidents easier, specialised helplines and hotlines have been established. The coordination between pertinent agencies has been improved to guarantee a quick and effective reaction to reports, giving victims the help and protection, they need. These action plans have placed a focus on educating and developing the skills of professionals who work with children regularly, including educators, healthcare workers, social workers, and law enforcement officers. By giving these professionals specialised knowledge and abilities, they are more equipped to recognise warning signs of abuse, react correctly, and offer victims the help they need. The National Action Plans have included research and data gathering as essential elements. To comprehend the frequency, patterns, and risk variables connected to child

sexual abuse, these initiatives have emphasised the significance of collecting extensive data and performing research. The knowledge gathered through these initiatives has influenced evidence-based policies and treatments, resulting in focused prevention tactics and ongoing development of current practices.

In conclusion, tackling child sexual abuse in the Netherlands has benefited greatly from the National Action Plans. These programmes have helped to protect, support, and heal victims while holding offenders accountable through increased awareness, strengthened legal frameworks, improved support services, expanded reporting and response systems, professional training, and thorough research.²⁰⁸

3.3 Aspects and Elements from a women's rights perspective

Given that some of them are directed towards female children, there are publications on women's rights that can have a significant impact on the fight against child abuse.

3.3.1 The Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a global agreement that aims to advance and defend the rights of women. Even while CEDAW doesn't deal with child sexual abuse directly, its rules can have an indirect effect by addressing gender discrimination and advancing women's rights.

CEDAW has influenced the legal system and policy initiatives focused on preventing and combating child sexual abuse in the Netherlands. The Dutch government is required to

²⁰⁸ Netherlands Jeugdinstituut, "Wat speelt er rond huiselijk geweld en kindermishandeling?" Netherlands Jeugdinstituut, accessed June 2023, <https://www.nji.nl/kindermishandeling/wat-speelt-er#:~:text=Het%20programma%20Geweld%20hoort%20nergens,op%20generatie%2C%20duurzaam%20te%20doorbreken>

Conny Rijken, *Slachtoffermonitor seksueel geweld tegen kinderen*, (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen: 2017-2021) <https://open.overheid.nl/documenten/ronl-7fc24306dc856b946414b9d87d563ad5a1d9d899/pdf>

take action to end discrimination against women as a result of ratifying CEDAW, including addressing gender-based violence and safeguarding the safety of children.

Through several measures, CEDAW's impact on the child sexual abuse situation in the Netherlands can be recognised. First, regulations about child protection and gender-based violence have been updated to reflect CEDAW principles in the Dutch legal system. These laws offer a framework for dealing with child sexual abuse and protecting women's and children's rights.

Second, increased awareness of and attempts to prevent child sexual abuse have resulted from CEDAW's focus on gender equality and women's empowerment. The Netherlands has put in place initiatives to inform the populace, especially kids, about their rights and how to stop abuse.

Thirdly, CEDAW urges nations to offer assistance to victims of gender-based violence, including sexual assault of children. To help victims of abuse, the Netherlands has set up support networks like hotlines, counselling centres, and shelters.

Last but not least, CEDAW mandates that states gather information and submit reports on the state of women's rights, including gender-based violence. This reporting procedure can help us comprehend the incidence of child sexual abuse and the efficacy of the responses made in its defence. Additionally, it makes the government answerable for taking the necessary steps.

It is critical to realise that CEDAW has a complex impact on the problem of child sexual abuse in the Netherlands and is intertwined with other national laws, policies, and activities. Implementation, resource allocation, continuing evaluation, and adaptation of tactics to effectively address child sexual abuse are some of the variables that affect how effective these measures are.

Along with criminal law, child protection services, and partnerships between governmental organisations, law enforcement, and law enforcement agencies to investigate and prosecute offenders, the Netherlands also has particular laws and policies that are specifically directed at preventing child sexual abuse.²⁰⁹

The UN Women's Convention Network, a cooperative platform where women's and human rights organisations work together to oversee the implementation of the UN

²⁰⁹ General Assembly of United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, (Resolution 34/180, 1979) <https://www.ohchr.org/sites/default/files/cedaw.pdf>

Women's Convention in the Netherlands, is the Dutch network of the CEDAW convention. The network coordinates the creation of a shadow report for the CEDAW Committee with a primary focus on the UN Women's Convention itself. This report serves as a critical evaluation of the official government report and provides perspectives from civil society on the government's compliance with the Convention. The network is dedicated to fostering thorough national reporting on CEDAW and is also actively involved in lobbying for transparency regarding how CEDAW handles Dutch government reports. The network also provides inputs to shadow reports on other UN treaties, where appropriate.

The UN Women's Convention Network's three major goals are to advocate for the correct implementation of the UN Convention on the Rights of the Child, promote the sharing of information and knowledge relating to the UN Women's Convention, and cooperatively produce shadow reports. The General Recommendations of the CEDAW committee offer further clarification of the various sections of the treaty and give treaty nations a foundation for successfully implementing the Women's Convention.²¹⁰

3.3.2 The Istanbul Convention

A legally binding international treaty aiming at preventing and combating various types of violence against women, including sexual violence, is the Istanbul Convention, also known as the Council of Europe Convention on Preventing and combating violence against Women and domestic abuse. It creates a thorough framework to deal with gender-based violence and safeguard victims.

The Istanbul Convention is being implemented by member states, and GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) is in charge of overseeing this process. It carries out evaluations, referred to as baseline assessments, to judge the steps each nation has taken to adhere to the Convention's provisions.

²¹⁰ Emancipator, "Convention of the Elimination of All forms of Discrimination against Women (CEDAW)," accessed June 2023, <https://www.emancipator.nl/en/cedaw2/>

To address violence against women and domestic violence, a nation's legal system, policies, and practices are examined in the GREVIO Baseline Assessment Report. It evaluates things like legislative restrictions, security precautions, victim assistance programmes, and data-gathering techniques. Depending on each country's particular circumstances and efforts, the report's specific conclusions may change.

Regarding the Netherlands, there have been several promising projects to address domestic abuse and other forms of violence against women, create awareness among the younger generation, and dispel gender stereotypes in the workplace and education. Spending on domestic violence programmes has increased, and attempts are being made to track and assess current regulations.

A more gender-neutral strategy, however, has recently been adopted, which might result in gaps in the protection of women. The research also looks at the brand-new Safe Home community-based domestic violence support programme, and it makes the case that it requires a strong gender perspective to guarantee that women's experiences as victims are acknowledged. Additionally, it is noted that there are no rules for taking domestic abuse into account when making decisions for young people and that there are no statistics on violence against women broken down by gender. Many high-priority actions, such as enhancing the application of a gender perspective, ensuring stable funding, implementing gender-specific training, and ensuring specialised support services for women, are recommended to fully comply with the Istanbul Convention's provisions. There are still more areas that require improvement, such as promoting victim reporting rates and aiding NGOs working to end violence against women.²¹¹

3.4 Abuse: Guidelines on Prosecuting Cases of Child Sexual Abuse

The Meldcode is a protocol that outlines instructions for experts in a variety of fields, including healthcare, education, and social work, on how to recognise and react to indications of domestic violence and child abuse. It highlights the actions professionals

²¹¹ Grevio, *Grevio's Baseline Evaluation Report. Netherlands*, (GREVIO/Inf(2019)19 NETHERLANDS, 2019) <https://rm.coe.int/grevio-report-on-netherlands/1680997253>

should take when they have suspicions of abuse, including how to examine the issue, seek advice from co-workers or specialists, and notify the proper authorities.²¹²

In the Netherlands, the Mandatory Reporting Code (Meldcode) offers an organised method for experts in various professions to recognise and react to warning signals of domestic violence, child abuse, and neglect. First and foremost, Meldcode's key procedures involve identifying abuse indicators. Indicators and patterns that may point to domestic violence or child abuse, such as physical harm, behavioural changes, emotional anguish, or neglect, are recognised by professionals.

The following phase entails consulting with co-workers or subject-matter experts, as professionals are urged to do so to get other viewpoints and ideas.

Next, a dialogue with the affected person is required (if appropriate). Depending on the circumstances, experts may decide to have a chat with the affected person, prioritising their safety and well-being and maintaining sensitivity and confidentiality.

The dangers and level of safety for the individual involved must then be evaluated, taking into account things like the degree of abuse, the victim's susceptibility, and the possibility of further injury.

Professionals must alert the appropriate authorities, such as child protection services, the police, or relevant agencies, where there are reasonable grounds to suspect abuse or serious hazards.

Professionals should not only report the abuse but also support the victim by connecting them with services, counselling, or shelters. Additionally, they keep an eye on the issue to guarantee continuing safety and well-being.

These measures represent a complete and coordinated response to abuse cases, enhancing the safety and well-being of persons who have experienced domestic violence or child abuse. It is significant to highlight that while each profession's or organization's specific standards may differ slightly, the fundamental concepts of recognition, consultation, assessment, reporting, support, and monitoring always apply.

²¹² Amsterdam University of Arts, *AHK Domestic Violence and Child Abuse Reporting Code*, (Amsterdam University of Arts, 2019) <https://www.ahk.nl/media/ahk/docs/regelingen/Meldcode-Huiselijk-geweld-EN.pdf>

Conclusions

It is possible to conclude with a broad comparison of the material acquired because of the thorough investigation done on the two chosen countries.

To sum up, the problem of child sexual abuse has gotten a lot of attention in the UK in recent years. The general public is well aware of this issue, and steps have been taken to improve victim identification, prevention, and support. To combat child sexual abuse, this nation has created a lot of laws and regulations, and particular laws harshly penalise child sexual offences and guarantee the safety and support of child abuse victims.

The UK government has also put in place prevention and awareness programmes that teach kids, parents, and medical and educational experts how to spot and report child sexual abuse. Additionally, there are several governmental and non-governmental organisations operating in the UK that actively fight against child sexual abuse and offer assistance to victims.

The Netherlands is another country where child sexual abuse is a serious issue. The nation has created a comprehensive strategy for preventing child abuse and promoting child protection, and it has particular legislation that punishes child sexual offences and guarantees the safety of victims. To deal with child sexual abuse and coordinate the responses of the different government entities, dedicated commissions have also been established.

To raise children's understanding of their rights, the prevention of abuse, and the resources available for support, the Netherlands lays a strong emphasis on prevention through educational programmes in schools. Additionally, the nation has a strong reporting system with clear instructions for professionals dealing with children on how to report and treat cases of sexual abuse. Non-governmental organisations working in the country are likewise committed to preventing child sexual abuse and providing support for its victims.

With a focus on victim protection, prevention, raising awareness, and punishing offenders, both the UK and the Netherlands are taking child sexual abuse seriously. However, due to the distinct realities and cultural settings of the two nations, some specifics and methods may differ slightly between the two. The child protection system in the Netherlands is complex and contains several idiosyncrasies, according to a

comparison of the data gathered. However, there isn't generally much direct contact with the children, and it's frequently difficult to predict what will happen to them in the future. Significantly, sexual assault instances are generally underreported. In contrast, there is strong family support and fewer kids are removed from their homes.

We can more effectively compare the two case studies described above thanks to research on child abuse and neglect in the Netherlands and the UK conducted by Hans Grietens, a professor of child welfare at the University of Groningen.

The Netherlands made changes to its childcare system during the research, starting in 2015, shifting accountability to municipalities and slashing the budget by about 15%.

Due to the National Council for Child Care and Protection and Veilig Thuis, a hotline for domestic abuse cases, both of which exist in the Netherlands, the situation there is quite complicated. By assessing 400 instances in each nation, the researchers studied the laws, regulations, and approaches to child abuse and neglect. They also conducted interviews with parents, children, and professionals who work on child abuse investigations.

Compared to what Dutch law and professionals deem necessary, there isn't much contact with the children involved in the Netherlands.

Grietens says: "You need to prevent a child from having to tell his or her story too often, but it is definitely not good that care providers and juvenile judges in the Netherlands sometimes fail to talk to the child at all. For example, they only speak with the parents and the school. In the United Kingdom, people make considerable efforts to talk to young or highly traumatised children too, and in Germany, children also feel their interests are heard. In the Netherlands, the lack of involvement with the children is most often due to a lack of time."

After a report of abuse, things are swiftly looked into in the UK, and a choice is made regarding the child's future: they may be adopted or placed in a foster family. In contrast to the Netherlands, where it may take a long time to determine whether a child will continue to live with his or her family, this technique has the advantage of providing the child with information about their position at an early stage.

Furthermore, the Netherlands places less emphasis on removing kids from their family context, and educational training programmes are heavily used to oversee families.

Finally, it should be emphasised that while there is no evidence to suggest that fewer instances of sexual abuse are reported in the Netherlands than in the United Kingdom, it should be noted nonetheless.²¹³

From a policy standpoint, the Netherlands, and the United Kingdom both place a high priority on protecting children and preventing child sexual abuse. To protect children and hold sexual abusers accountable, both nations have created regulations and approaches to combat this issue. Even voluntary sexual acts with minors under the age of 16 are illegal in the Netherlands, according to the law. Although the legal drinking age is 16 years old, situations involving minors may be prosecuted harsher. The stringent regulations are designed to safeguard children and provide authorities with a reason to prosecute those who sexually abuse them.

In the Netherlands, specific agencies have been founded to assist victims of sexual assault, especially minors. These facilities provide victims with aid and assistance, including therapy, counselling, and psychological support. The goal is to guarantee that victims are heard, protected, and given the assistance they require to recover from the horrific effects of sexual abuse.

Like the US, the UK has passed stringent legislation to safeguard minors from sexual assault. In the UK, the legal system imposes sanctions on people who engage in sexual activity with minors under the age of consent, which is 16. The nation has put in place a framework for protecting children that includes both governmental and non-governmental organisations. These organisations cooperate to find instances of abuse, carry out necessary investigations, and help victims. The legal system, local law enforcement, and social services are crucial in making sure that children who have been sexually abused are sufficiently safeguarded and supported. Both nations have supported education and awareness-raising efforts to raise public understanding of the warning indicators of child sexual abuse and the importance of reporting such incidents to the appropriate authorities. These initiatives seek to inform the public about sexual assault prevention and child safety.

²¹³ NOW, "Child protection: considerable differences between the Netherlands, the UK and Germany," NOW, accessed June 2023, <https://www.nwo.nl/en/news/child-protection-considerable-differences-between-netherlands-uk-and-germany>

Concentrating on law, it is essential to the fight against child abuse in the Netherlands and the United Kingdom. While the Netherlands' Child Care and Protection Act (Jeugdwet) governs child protection, the UK's Children Act 1989 and the Children Act 2004 give a foundation for it.

However, how well the laws are put into practice and enforced will determine their effectiveness. As previously said, both nations have created policies and procedures for organisations and specialists involved in child protection, but it is essential to guarantee strong coordination between the institutions concerned. Both nations must consider the impact of global agreements and organisations. Important international agreements about children's rights, such as the UN Convention on the Rights of the Child, have both the UK and the Netherlands as signatories. These treaties offer global norms and guidelines for the defence of children's rights and have the power to affect national legislation and policy.

Guidelines and suggestions for child protection are also heavily influenced by international organisations like UNICEF and the World Health Organisation (WHO). These international organisations support the promotion of successful policies and initiatives to prevent and address child abuse through research, studies, and the exchange of best practices. The fact that legislation cannot entirely address the issue of child abuse must be emphasised. A comprehensive strategy is required, encompassing public education and awareness-building, professional development, assistance for families, and victim access to medical and psychological treatment resources.

While the influence of international conventions and bodies can provide guidelines and standards to promote child protection in both the UK and the Netherlands, determining the success of the law necessitates a thorough review of the policies and statistics that are already accessible.

International organisations, governments, civil society, and families throughout the world must work continuously to improve the state of children's rights in the foreseeable future. From this perspective, numerous activities can be taken. The ratification and implementation of international conventions on children's rights, such as the UN Convention on the Rights of the Child, are among the first basic steps. This requires the implementation of laws and regulations that uphold and advance the values reflected in these standards.

Systems for protecting children must also be improved. This means funding the development and improvement of social welfare, high-quality healthcare, education, and psychiatric services for children. Additionally, it is crucial to promote tight collaboration among the agencies charged with protecting children, including the police, social services, educational institutions, and medical personnel.

As we've seen, prevention also plays a significant part in advancing children's rights. Therefore, it is crucial to support projects that raise awareness and educate the public about abuse, bullying, and domestic violence as well as how to respect one another, promote gender equality, and care for children. These initiatives ought to target not only the kids but also the families and the larger community.

Additionally, it is crucial to actively involve kids in the development, implementation, and assessment of programmes and policies that have an impact on them. This necessitates the construction of welcoming and safe venues where kids may express their views and participate in decisions that have an impact on them. Monitoring and research are essential for determining the success of treatments and policies as well as for pinpointing areas that require improvement. To measure progress and adjust plans, it is vital to perform an in-depth study on the state of children's rights and to periodically monitor indicators and statistics.

Finally, strengthening children's rights relies heavily on international cooperation. Sharing best practices, exchanging expertise, and cooperating with nations can all help to advance children's rights internationally.

In conclusion, all interested parties must maintain a consistent commitment to improving the situation of children's rights and adopt proactive measures. Ensuring that children grow up in an environment that is safe, secure, and respectful of their fundamental rights, is a complex process that calls for an integrated and multidisciplinary approach.

The subject of children's rights can be investigated through a variety of academic channels. Analysing how new technologies, such as the Internet and social media, affect children's rights, with an emphasis on online abuse, digital privacy, screen addiction, and online safety issues, could be one of them. The active involvement of children in decisions that affect them at the familial, social, and political levels is a further area that has to be investigated. Further research into methods and technologies to encourage and enable children's participation in society is crucial.

The promotion and preservation of disabled children's rights, including their access to inclusive education, support services, and social inclusion, must also be thoroughly investigated. To secure the inclusion of children with impairments, this field of study can assist identify obstacles and opportunities.

It would be crucial to consider how migration patterns and refugee circumstances can affect children's rights. Children of migrants and refugees need to have their access to school, health care, protection, and social integration factors examined.

Another important topic of research is the contribution that families and parents make to the advancement of children's rights.

The condition of children's rights can be improved by investigating how parents can provide a safe, secure, and respected environment for their children's rights, including elements of parental education, emotional support, and abuse prevention.

Another significant issue that requires consideration is climate change. Considering how climate change may affect children's rights in areas like the environment, food security, health, and psychological well-being can help create laws and initiatives to shield kids from the harmful effects of the changing climate.

A major field of research is the defence of children's rights during times of armed conflict. To safeguard the safety and well-being of the children involved, it is essential to take more comprehensive steps to protect them from conflict-related issues such as sexual abuse, recruiting of child soldiers, and the lack of access to support services.

These revelations present chances for expanding knowledge about and enhancing children's rights. The full respect and protection of children's rights can be ensured by in-depth research, awareness raising, and the adoption of evidence-based policies and programmes.

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