

A comparative review of child sexual abuse definitions

Prepared by the

Tasmanian Policy Exchange

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Acknowledgement of Country

We acknowledge the palawa/pakana of lutruwita, the traditional owners of the land upon which we live and work. We pay respects to Elders past and present as the knowledge holders and sharers. We honour their strong culture and knowledges as vital to the self-determination, wellbeing, and resilience of their communities. We stand for a future that profoundly respects and acknowledges Aboriginal perspectives, culture, language, and history.

About the Tasmanian Policy Exchange

The Tasmanian Policy Exchange (TPE) was established in 2020 to enhance the University's capacity to make timely and informed contributions to policy issues and debates which will shape Tasmania's future.

The TPE works with government and community partners to identify and address significant issues where the University can make a positive impact on Tasmania's future. It also works with staff from across the University of Tasmania to develop evidence-based policy options and longer-term collaborations.

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Help and support

This report discusses sensitive topics related to child sexual abuse, which may bring up strong feelings or cause distress for some readers. Please prioritise your emotional well-being and seek support – from family and friends, a counsellor, or a doctor – if needed.

The following services can also give you help and support:

Crisis and suicide prevention	If you or someone else is in immediate danger, call Triple Zero: 000 Lifeline: 13 11 14, https://www.lifeline.org.au/
Mental health support	Kids Helpline: 1800 55 1800, https://kidshelpline.com.au/ Beyond Blue: 1300 22 4636, https://www.beyondblue.org.au/
Child sexual abuse support and advice	Blue Knot Foundation: 1300 657 380, https://blueknot.org.au/ Bravehearts: 1800 272 831, https://bravehearts.org.au/ National Redress Scheme: 1800 737 377, https://www.nationalredress.gov.au/ Survivors & Mates Support Network: 1800 472 676, https://www.samsn.org.au/ National Office for Child Safety: https://www.childsafety.gov.au/

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1 Background

The independent ‘Commission of Inquiry into the Tasmanian Government’s responses to Child Sexual Abuse in Institutional Settings’ (the Col) was established on 15 March 2021. The Col’s final report was released on 31 August 2023, and featured 191 recommendations. Recommendation 19.1 was that:

*The Tasmanian Government should develop a whole of government child sexual abuse reform strategy for preventing, identifying and responding to child sexual abuse, including child sexual abuse in institutions and harmful sexual behaviours.*¹

The Col stated that the strategy “should include agreed definitions of child sexual abuse, institutional child sexual abuse and harmful sexual behaviours that can be used across government and beyond”.²

In December 2023, the Tasmanian Government released its response to the Col, *Keeping Children Safe and Rebuilding Trust*. The Tasmanian Government accepted all of the Col recommendations, including the development of a Tasmania-specific strategy featuring definitions of the terms listed above.

This report summarises research into the definitions of child sexual abuse, institutional child sexual abuse and harmful sexual behaviours used in relevant strategies and frameworks in Australia and globally to help inform the development of Tasmania’s strategy.

Scope and methodology

The TPE conducted a comprehensive desktop review of domestic and international strategies and frameworks related to CSA, as well as relevant academic literature. The relevant policy documents and papers that feature a definition of at least one of the key terms are provided in Table 1 below.

Table 1: Relevant strategies, plans and policy documents addressing child sexual abuse

Australia	National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030 Australian Child Maltreatment Study Report Royal Commission into Institutional Responses to Child Sexual Abuse Final Report
New Zealand	To Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence
United Kingdom	Tackling Child Sexual Abuse Strategy 2021

¹ Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings (2023), *Final Report*, August 2023, <https://www.commissionofinquiry.tas.gov.au/report/listing>, vol. 1, 105

² *Ibid.*, 12

Wales	National Action Plan: Preventing and Responding to Child Sexual Abuse
European Union	EU strategy for a more effective fight against child sexual abuse
United Nations	UN Convention on the Rights of the Child – General comment no. 13 (2011)
World Health Organisation	INSPIRE Handbook: Action for implementing the seven strategies for ending violence against children 2018 Preventing Child Maltreatment: a guide to taking action and generating evidence (2006) Responding to child maltreatment: a clinical handbook for health professionals (2022) Handbook on developing national action plans to prevent child maltreatment (2018)

2 Definitions

Definitions matter, particularly in relation to complex, difficult topics. The Royal Commission noted that using the right words and terms when discussing CSA can ‘empower and educate’, while inappropriate wording can have ‘silencing, stigmatising and other harmful effects’.³ Moreover, language reflects the attitudes of policymakers, practitioners, and broader society, and therefore influences how CSA and related concepts are recorded and reported.⁴ In the international context, inconsistent definitions across countries make it more difficult to understand the international prevalence of CSA, and create challenges for inter-jurisdictional investigation and prosecution.⁵ This is particularly concerning given the rise of online CSA (see Section 2.1.3), which operates across borders.

Child sexual exploitation

It is important to note that CSA is recognised as distinct from ‘child sexual exploitation’ (CSE). CSE is a form of sexual abuse characterised by some form of exchange or perceived ‘trade’, whereby the child or young person is coerced, manipulated or deceived into a sexual interaction for tangible and/or intangible goods. However, there is significant overlap between the concepts of CSA and CSE, given that exploitation and abuse are often interlinked ([Alderson and Ireland 2020](#)).

³ Royal Commission into Institutional Responses to Child Sexual Abuse (2017) Final Report, <https://www.royalcommission.gov.au/child-abuse/final-report>, *Final Report*, vol. 2, 24

⁴ K. Alderson and C.A. Ireland, (2020). Child Sexual Exploitation: Definition and the importance of language. *Abuse: An International Impact Journal*, 1 (1). <https://researchonline.ljmu.ac.uk/id/eprint/15703/1/Child%20Sexual%20Exploitation%20Definition%20and%20the%20importance%20of%20language.pdf>, 57

⁵ Ignite Philanthropy and Economist Impact (2022). *Out of the Shadows Index 2022* https://cdn.outoftheshadows.global/uploads/documents/OOS_Index_Global_Report_2022_EN_V2_2023-02-08-174957_kmfz.pdf, 39

2.1 Defining ‘child sexual abuse’

There is currently no shared global definition of CSA. This reflects that “systematic and sophisticated policy and public health efforts to prevent, identify, and respond to CSA remain in their relative infancy”.⁶ The lack of a shared definition can “distort or limit the capacity of researchers, clinicians, legislators, policy makers and communities to measure, treat, prevent, interrupt, and respond to CSA”.⁷ A selection of definitions used by different countries and international organisations is provided in Table 2.

A major barrier to ending child sexual abuse is the invisibility of the issue. The lack of reporting on these indicators perpetuates this invisibility

– [de Silva et al.](#)

Table 2: Summary of CSA definitions from various countries and international organisations

<p>Australia</p>	<p><u>Australia’s National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030</u></p>	<p>The Strategy includes two definitions:</p> <p><u>Definition 1</u> (in ‘Terminology’, p. 17)</p> <p><i>We use the terms:</i></p> <ul style="list-style-type: none"> • child sexual abuse for any act that exposes a child or young person to, or involves a child or young person in, sexual activities that: <ul style="list-style-type: none"> ○ they do not understand ○ they do not or cannot consent to ○ are not accepted by the community ○ are unlawful. • children and young people for people under the age of 18. <p><u>Definition 2</u> (in ‘Glossary’, p. 57)</p> <p><i>We use the Royal Commission’s definition of child sexual abuse, which is: ‘any act that exposes a child to, or involves a child in, sexual processes that are beyond their understanding, are contrary to accepted community standards, or are outside what is permitted by law’. Sexually abusive behaviours can include:</i></p>
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⁶ Mathews, B. and Collin-Vézina, D., (2019) Child Sexual Abuse: Toward a Conceptual Model and Definition, Trauma, Violence & ABUSE, Volume 20, Issue 2.

<https://journals.sagepub.com/doi/pdf/10.1177/1524838017738726>, 131

⁷ Ibid., 132

		<ul style="list-style-type: none"> • <i>the sexual touching of genitals</i> • <i>masturbation</i> • <i>oral sex</i> • <i>vaginal or anal penetration by a penis, finger or</i> <i>or</i> • <i>any other object</i> • <i>sexual touching of breasts</i> • <i>voyeurism – spying on or watching another</i> <i>person</i> • <i>doing something private without their</i> <i>permission</i> • <i>exhibitionism – exposing yourself in public</i> • <i>exposing the child or young person to</i> <i>pornography</i> • <i>grooming</i> <p>Children and young people are people under the age of 18.</p>
	<p><u>Royal Commission</u></p>	<p><i>We consider child sexual abuse to be:</i></p> <p><i>Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child’s inhibitions in preparation for sexual activity with the child.</i></p> <p><i>We considered the production, consumption, dissemination and exchange of child sexual exploitation material to be child sexual abuse.</i></p>
	<p><u>Australian Child Maltreatment Study</u></p>	<p><i>Sexual abuse includes any sexual act inflicted on a child by any adult or other person, including contact and non-contact acts, for the purpose of sexual gratification, where true consent by the child is not present. True consent will not be present where the child either lacks capacity to give consent, or has capacity but does not give full, free, and voluntary</i></p>

		<i>consent. Operationally, acts of sexual abuse include forced intercourse; attempted forced intercourse; other acts of contact sexual abuse (e.g., touching, fondling); and non-contact sexual acts (e.g., voyeurism, exhibitionism).</i>
New Zealand – <u>National Strategy</u>	<i>Child sexual abuse includes any exposure of a child under 16 to sexual acts or sexual material. Child sexual abuse and harmful sexual behaviour can also occur within families, at school, and online.</i>	
Wales – <u>National Strategy</u>	<i>Child sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening, including: physical contact, including penetrative or non-penetrative acts; non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.</i>	
United Kingdom – <u>National Strategy</u>	<i>Child sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.</i>	
European Union – <u>Strategy</u>	<i>[Child] sexual abuse and sexual exploitation of children can take multiple forms and they can occur both online (e.g. forcing a child to engage in sexual activities via live streaming or exchanging child sexual abuse material online) and offline (e.g. engaging in sexual activities with a child or causing a child to participate in child prostitution).</i>	
United Nations - <u>Convention on the Rights of the Child (General comment 13)</u>	<i>[Child] sexual abuse and exploitation includes: (a) The inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity; (b) The use of children in commercial sexual exploitation; and (c) The use of children in audio or visual images of child sexual abuse; (d) Child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries) and sale of children for sexual purposes and forced marriage. Many children experience sexual victimization which is not accompanied by physical force or restraint but which is nonetheless psychologically intrusive, exploitive and traumatic.</i>	
WHO	<u>Responding to child maltreatment: a</u>	<i>... the involvement of a child or an adolescent in sexual activity into which he or she has been</i>

	<p><u>clinical handbook for health professionals</u></p>	<p><i>forced or tricked; which they may not understand is wrong; and about which they may be afraid to tell someone. Sexual abuse involves the intent to gratify or satisfy the needs of the perpetrator or another third party, including that of seeking power over the child. It includes:</i></p> <ul style="list-style-type: none"> • <i>non-contact sexual abuse (e.g. threats of sexual abuse, verbal sexual harassment, sexual solicitation, indecent exposure, exposing the child to pornography);</i> • <i>contact sexual abuse involving sexual intercourse (i.e. sexual assault or rape);</i> • <i>contact sexual abuse excluding sexual intercourse but involving other acts such as inappropriate touching, fondling and kissing.</i> <p><i>Child sexual abuse is often carried out without physical force, but rather with some type of emotional manipulation. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility or trust or power over the survivor.</i></p>
	<p><u>Preventing Child Maltreatment: a guide to taking action and generating evidence</u></p>	<p><i>... the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.</i></p>
	<p><u>Handbook on developing national action plans to prevent child maltreatment (2018)</u></p>	<p><i>[Child] sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else violates the laws or norms of society. Children can be sexually abused by adults and other children who are – by virtue of their age (five or more years older) or stage of development – in a position of responsibility, trust or power over the victim. This may include, but is not limited to: pimping or</i></p>

		<i>forcing the child to indulge in an unlawful sexual activity; using the child for exploitation in prostitution or other unlawful sexual practices; and exploiting the child for pornographic performances and materials.</i>
	<u>INSPIRE Handbook</u>	<i>Sexual violence [against children] includes non-consensual completed or attempted sexual contact; non-consensual acts of a sexual nature not involving contact (such as voyeurism or sexual harassment); acts of sexual trafficking committed against someone who is unable to consent or refuse, and online exploitation.</i>

2.1.1 Common themes and differences

Although there are several commonalities across the definitions summarised above, there are also important differences. Table 3 provides a summary of these similarities and differences across seven definitional components:

- **Age** – While all definitions refer to children, some add ‘young people’ and/or define an age range.
- **List of sexual activities** – Several definitions provide lists (of varying lengths) of activities that constitute CSA, although this is sometimes omitted from high-level definitions for national strategies (e.g. New Zealand).
- **Penetrative and non-penetrative abuse** – The Welsh and UK Strategies both specify that CSA can include both penetrative and non-penetrative abuse, and the second Australian National Strategy and Royal Commission’s definitions both refer to sexual activities that are penetrative and non-penetrative. The other definitions do not include this element.
- **Community norms** – WHO typically includes reference to actions that violate the ‘laws or social taboos of society’, and Australia appears to have followed this approach by referring to actions that are not accepted by the community.
- **Power imbalances** – While most definitions do not include references to power imbalances between perpetrator and victim, some of the WHO definitions do refer to actions by adults or children ‘in a position of responsibility, trust or power over the victim’ due to their age or stage of development.⁸
- **Sexual gratification** – Only one definition (WHO, Responding to Child Maltreatment) refers to the proscribed activities being for the purpose of sexual gratification of the perpetrator or of a third party.

⁸ Power imbalances in CSA, even in cases of CSA perpetrated by a child on another child, may be present in several senses including age, physicality, cognitively, psychologically, culturally and gender - see Mathews & Collin-Vezina 2019, op cit.

- **Contact vs non-contact activities** – This difference is sometimes made explicit (e.g. in the definition from Wales) and sometimes expressed through the provision of examples (e.g. the Royal Commission definition).
- **Consent** – Some definitions (e.g. from INSPIRE) focus on non-consensual activities, whereas most refer to activities that a child ‘cannot consent to’ or ‘cannot give informed consent to’. Similarly, several definitions frame CSA as involving sexual activity that the child does not understand or comprehend.
- **Perpetrators** – Several definitions specify that children can be sexually abused by adults or by other children, with the WHO usually specifying that CSA by other children requires the perpetrator to be in a position of power over the victim/survivor.

Table 3: Overview of components in various CSA definitions

	Age	List of sexual activities	Penetrative and non-penetrative abuse	Community norms	Power imbalance	Sexual gratification	Contact and non-contact [†]	Consent	Perpetrators
Australia - National Strategy – Definition 1	✓	X	X	✓	X	X	X	✓	X
Australia - National Strategy – Definition 2	✓	✓	✓‡	✓	X	X	X	X	X
Australia - Royal Commission	X	✓	✓‡	✓	X	X	X	X	X
Australia – Australian Child Maltreatment Study	X	✓	X	X	X	✓	✓	✓	X
New Zealand	✓	X	X	X	X	X	X	X	X
Wales	X	✓	✓	X	X	X	✓	✓	X

[†] Here we are only including more explicit references to contact and non-contact CSA, rather than, for example, lists of sexual activities which may fall under either category.

[‡] Here there is no explicit mention of penetrative and non-penetrative acts, but rather lists of sexual activity are provided that include such acts.

UK	X	✓	✓	X	X	X	✓	✓	✓
EU	X	✓	X	X	X	X	✓	X	X
United Nations	X	X	X	X	X	X	X	X	X
WHO – Responding to child maltreatment: a clinical handbook for health professionals	X	✓	X	X	✓	✓	✓	X	✓
WHO – Preventing Child Maltreatment	X	X	X	✓	✓	X	X	✓	✓
WHO – Handbook on developing national action plans	X	✓	X	✓	✓	X	X	✓	✓
WHO – INSPIRE Handbook	X	✓*	X	X	X	X	✓	✓	X

* Provides two examples of non-contact abuse.

2.1.2 Analysis

Challenges

Developing a clear and practical definition of CSA involves several challenges, which may include the following:

1. **Applicability across different use cases** – The term ‘CSA’ is ‘used in many contexts and by professionals from many fields, who may have different mandates and goals’.⁹ For example, legal professionals are likely to prefer specific definitions that facilitate effective prosecution and the protection of defendant rights; whereas clinicians may prefer broad definitions that enable them to provide support to the widest possible range of victims.
2. **Legal definitions** – Charges of child sexual abuse, and the defences against such charges, may depend on legal definitions of what constitutes abuse and also the age of consent in the particular jurisdiction. We also see that legislative provisions change over time in line with societal standards and recommended reform.¹⁰ For example, as was the case previously in Tasmania, the *Criminal Code Act 1924* (Tas) under s 125A established the crime of ‘Maintaining sexual relationship with young person’ which has been subsequently amended to now be ‘Persistent sexual abuse of a child or young person’.¹¹ Indeed the CoI recommended that the Tasmanian Government should introduce legislation to provide that the acquiescence or apparent consent of the victim should never be considered a mitigating circumstance. It also recommended that professional education for judicial officers include challenging the myths and misconceptions about consent in relation to CSA (Recommendation 16.18).
3. **Cross-cultural comparability** – Although a range of studies have found that CSA is considered morally

Age of consent in Tasmania

The age at which a person can consent (defined as ‘free agreement’) to sex with any other person in Tasmania is 17. Tasmania’s laws provide a legal defence when a mutually consensual sexual interaction is between two young people close in age:

- If a person is of or above the age of 15 years and the accused person was not more than 5 years older than that person; or
- If a person is of or above the age of 12 years and the accused person was not more than 3 years older than that person.

<https://aifs.gov.au/sites/default/files/publication->

⁹ J.J. Haugaard (2000). The challenge of defining child sexual abuse. *American Psychologist*, 55(9), 1036–1039. <https://doi.org/10.1037/0003-066X.55.9.1036>, 1037

¹⁰ For more information see S. Ring, K. Gleeson, & K. Stevenson (2022). *Child Sexual Abuse Reported by Adult Survivors: Legal Responses in England and Wales, Ireland and Australia*, Routledge

¹¹ For more information see Tasmania Law Reform Institute (2012). *Sexual Offences Against Young People, Final Report No. 18*, October 2012, https://www.utas.edu.au/_data/assets/pdf_file/0008/319814/YoungPeopleSexualOffencesFR.pdf

wrong across a wide range of societies, ‘subtle aspects of cultural variance may present challenges’.¹² For example, the age at which a person is considered to be an adult may vary across the cultures that coexist within a country, and may also vary within each of those cultures depending on personal attitudes.

4. **Defining consent** – It is usually considered that either children are coerced – e.g. physically, emotionally, psychologically or economically – into consenting and/or are unable to give true consent due to their developmental stage and the fact that they are under the age of consent.
5. **Specifying sexual acts** – For CSA to occur, it must involve a sexual act. But what constitutes a sexual act? For example, ‘some acts may not clearly be related to obtaining sexual gratification, but they may be inherently related to sex and may be legitimately perceived by the child as a sexual act, whether at the time or retrospectively’.¹³ Grooming could fit into this category, whether it leads to a sexual act or not.¹⁴

Elements often included in CSA definitions

Some definitions define the age range within which one is considered a child. For example, New Zealand’s definition of CSA applies to anyone under the age of 16, whereas Australia’s includes children and young people under the age of 18 (see Table 2).

Many definitions include lists of activities which are considered to be CSA (e.g. Australia’s definitions in Table 2). However, these are never exhaustive but are often used to give an indication of what is included. In our age of increasingly online connectivity, it is common that definitions clearly state that non-contact activities can be CSA e.g. the Wales and United Kingdom definitions (see Table 2).

Another common inclusion in definitions is a clarification that children can also be perpetrators of CSA. This seems especially significant as sexually harmful behaviour against children by other children constitutes a significant portion of allegations of child sexual abuse¹⁵, and is increasing.¹⁶ While accepting the Royal Commission’s definition of ‘child sexual abuse’, Palmer and Feldman¹⁷ note that they understand the definition to include both the abuse of children by adults and the perpetration of sexually harmful behaviour against children by other children.

¹² Mathews & Collin-Vezina 2019, op cit., 135

¹³ Ibid., 143

¹⁴ M. Salter, & S. Dagistanli (2015). Cultures of abuse: ‘Sex grooming’, organised abuse and race in Rochdale, UK. *International Journal for Crime, Justice and Social Democracy*

¹⁵ L. Bromfield, C. Hirte, O. Octoman, & I. Katz (2017). *Child sexual abuse in Australian institutional contexts 2008-13: Findings from administrative data*. Sydney, Australia: Royal Commission into Institutional Responses to Child Sexual Abuse

¹⁶ B. Mathews, D. Finkelhor, R. Pacella, J.G. Scott, D.J. Higgins, F. Meinck, H. E. Erskine, H.J. Thomas, D. Lawrence, E. Malacova, D.M. Haslam, D. Collin-Vézina (2024) Child sexual abuse by different classes and types of perpetrator: Prevalence and trends from an Australian national survey, *Child Abuse & Neglect* vol. 147, 2024, 106562, ISSN 0145-2134, <https://doi.org/10.1016/j.chiabu.2023.106562>

¹⁷ D. Palmer & V. Feldman (2017) Toward a more comprehensive analysis of the role of organizational culture in child sexual abuse in institutional contexts, *Child Abuse & Neglect* vol. 74, December 2017, 23-34, <https://www.sciencedirect.com/science/article/pii/S014521341730282X>

Other elements included in definitions

There are several elements present in some of the definitions above that are worthy of discussion in relation to CSA, but seemingly not fundamental to understanding the concept or even potentially unhelpful. An example of this might be to narrow the motivations of the perpetrator down to a desire for sexual gratification (as is the case in the Australian Child Maltreatment Study). It does seem that the goal of sexual gratification on behalf of the perpetrator is not essential, given that CSA could be committed for other purposes, such as establishing dominance or intimidation (as is articulated in the WHO *Responding to child maltreatment: a clinical handbook for health professionals*).

Aligning CSA with acts that contravene community norms and societal taboos may ensure that definitions of CSA are comprehensive and not constrained only to acts which are technically illegal in a given jurisdiction. However, it may also open up difficult questions relating to which community's norms take precedence, and whether all members of a community share the same norms.

Lastly, the presence of a power imbalance between the perpetrator and victim/survivor is inherently a component of CSA, but is not necessary to defining and understanding CSA, except perhaps for understanding CSA perpetrated by another child.

2.1.3 Online child sexual abuse

In line with the increasing adoption of technology, the incidence of online child sexual exploitation and abuse is increasing and evolving. Key trends in online child sexual abuse exploitation include online grooming and solicitation (including sexual extortion), the live streaming of CSA, and the spread of self-generated sexual material through social media.¹⁸

... vague wording may prevent parents, guardians, educators and those working with children from understanding and identifying exactly what constitutes CSEA [child sexual exploitation and abuse]
– [Out of the Shadows Index 2022, 21](#)

The Australian Centre to Counter Child Exploitation (n.d.) defines 'online child sexual exploitation' as 'the use of technology or the internet to facilitate the sexual abuse of a child, including the production and sharing of child sexual abuse material online'. It continues:

Online child sexual exploitation includes a wide range of behaviours and situations. Most commonly this includes grooming, live streaming, consuming child sexual abuse material, and coercing and blackmailing children for sexual purposes.

This could include:

- *An adult engaging a child in a chat about sexual acts*

¹⁸ Virtual Global Taskforce (2015) Virtual Global Taskforce Child Sexual Exploitation: Environmental Scan 2015, The Hague: Europol, https://www.europol.europa.eu/sites/default/files/publications/vgt_cse_public_version_final.pdf

- *An adult sending nude or pornographic images of themselves to a child or exposing themselves via live streaming*
- *Asking a child to view pornographic images/videos*
- *Asking a child to perform sexual acts, expose themselves or share a sexual image*
- *Taking or making and sharing or showing indecent images of children*

Online child sexual exploitation is often thought of as adults abusing children, however, research indicates that more and more child exploitation material is being shared via social media, and is being produced by children themselves. This is sometimes called self-generated sexual content and often takes the form of 'sexting' which is requesting, capturing and sharing of explicit material.

Key points

A Tasmanian definition of child sexual abuse could include the following elements:

- A definition of 'child or young person', e.g. providing an age, or referring to a definition in legislation.
- Reference to consent and understanding, e.g. stating that CSA occurs where the child or young person cannot give informed consent because they are under the age of consent, or if they are at the age of consent, has undertaken acts due to factors that absent consent under the Tasmanian Criminal Code (such as coercion, manipulation, or lack of understanding).
- A list of activities that are considered to constitute CSA, to increase precision and assist with estimating the scope of CSA, identifying the contexts within which it occurs, and recognising the factors that contribute to its occurrence.¹⁹ This list does not have to be exhaustive, but would specify that it includes online child sexual abuse and grooming.
- Specifying that CSA covers both contact and non-contact activities.
- A recognition that CSA can be perpetrated by children and young people, as well as adults.
- An acknowledgement that CSA can include not only perpetrators but third parties too, as in the case of some forms of child sexual abuse and with child exploitative material.

¹⁹ J. Simon, A. Luetzow & J.R. Conte (2020) Thirty years of the convention on the rights of the child: Developments in child sexual abuse and exploitation.
<https://www.sciencedirect.com/science/article/abs/pii/S0145213420300545>, 2

2.2 Defining ‘institutional child sexual abuse’

No definitions of ‘institutional child sexual abuse’ per se were offered in any of the policy documents we analysed for this review. However, it is useful to define what we mean by ‘institutions’ in the context of child sexual abuse. This is especially true as the Commission of Inquiry was tasked by the Order of the Governor with investigating child sexual abuse within ‘institutional settings’ in Tasmania. The Order of the Governor provided more detail, explaining that CSA occurs in an institutional context, for example, if it happens on the premises of government or non-government institutions, if it is engaged in by an official of a government or non-government institution or its activities have in any way contributed to CSA, or it happens where an institution is responsible for adults having contact with children.²⁰

The Order of the Governor defined a ‘non-government institution’ for the Col as an entity “that undertakes, or has undertaken, activities on behalf of the Tasmanian Government to provide services for children” (Appendix A, vol. 8). Therefore, the Col determined that it would focus on non-government institutions that undertake activities on behalf of the Tasmanian Government, or are funded by the Tasmanian Government, to provide services for children. Further, the Col decided that non-government institutions must meet three criteria to be included in the inquiry’s scope:

- The activities are an out-sourced government service, and are contracted rather than funded by grants.
- The Tasmanian Government is the principal funder or it is a substantial amount of funding.
- The public could reasonably assume that the Tasmanian Government is responsible for the provided services, either directly or indirectly (vol. 2, p. 7).

The Col in its final report explained that for government institutions, it focused on the then Department of Education, the Tasmanian Health Service and Department of Health, and the Department of Communities, particularly in relation to the Ashley Juvenile Detention Centre and out of home care (vol. 2, p. 7).

The Royal Commission categorised institutions where it was told child sexual abuse occurred according to management type. These were:

1. Government organisations (including schools, youth detention centres, hospitals),
2. Non-government religious organisations (including places of worship, non-government schools, private hospitals and
3. Non-government non-religious organisations (this means private companies, not-for-profits, and small businesses, such as sports clubs, dance studios, welfare services and children’s residential facilities) (vol. 2, p. 56).

²⁰ Commission of Inquiry, op cit., Appendix A, vol. 8

Key points

A Tasmanian definition of ‘institutional child sexual abuse’ could include the following elements:

- An understanding that child sexual abuse (as defined above) that has transpired within an organisation, both on an organisation’s premises or at other locations where the operations of the organisation is taking place (e.g. a field trip), constitutes ‘institutional child sexual abuse’.
- An organisation is to be understood as a governmental or non-governmental organisation, broadly defined, that may or may not offer services for children but nevertheless, interacts with children as a part of its operations.
- Institutional child sexual abuse may be undertaken by an employee or volunteer of that organisation, or on the premises by a third-party (for instance another child).

Institutional Child sexual abuse occurs during the course of a volunteer or employee’s duties, or whilst executing their authority of their office (e.g. whilst driving a child home).

- The recognition that the failure of organisations to appropriately respond to allegations and known instances of child sexual abuse is also an example of organisational abuse.

2.3 Defining ‘harmful sexual behaviours’

‘Harmful sexual behaviours’ (HSB) include a wide range of behaviours that are committed by children and young people, ranging from behaviours which are inappropriate for their age, through to serious sexual assault. A selection of definitions used in key strategies are included in the table below.

Table 4: Strategies with definitions of ‘harmful sexual behaviours’

<p>Australia</p>	<p><u>Australia’s National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030</u></p>	<p>The Strategy includes two definitions:</p> <p><u>Definition 1</u> (in ‘Terminology’, p. 17)</p> <p><i>A broad range of sexual behaviours in children and young people. This includes behaviours that affect their own development, as well as behaviours that are coercive, sexually aggressive or predatory to others.</i></p> <p><u>Definition 2</u> (in ‘Glossary’, p. 58)</p> <p><i>Children with harmful sexual behaviours are children or young people under 18 years old who have behaviours that fall across a range of sexual behaviour problems. These include behaviours that are problematic to the child’s own</i></p>
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		<p>development, as well as those that are coercive, sexually aggressive or predatory towards others.</p> <p>The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they can have on the child or any victims and survivors. It also recognises that the age or capacity of a child who displays harmful sexual behaviours does not determine the harm those behaviours can cause to victims and survivors.</p> <p>Terms such as ‘child paedophile’ or ‘child perpetrator’ are not accurate. They are harmful and cause stigma. We do not use them in the National Strategy.</p>
	<p><u>Royal Commission</u></p>	<p>We use the term ‘children with harmful sexual behaviours’ to refer to children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.</p>
<p>Wales – <u>National Strategy</u></p>	<p>Harmful sexual behaviours (HSB) can be defined as: sexual behaviours expressed by children under the age of 18 years that are developmentally inappropriate, may be harmful towards themselves or others, or be abusive towards another child, young person or adult. This definition of HSB includes both contact and non-contact behaviours (grooming, exhibitionism, voyeurism and sexting or recording images of sexual acts via smart phones or social media applications).</p>	
<p>United Kingdom – <u>National Strategy</u></p>	<p>A proportion of abuse is perpetrated by children and young people themselves, with some prevalent studies suggesting that a third to two thirds of child sexual abuse is perpetrated by under 18s, and the Children’s Commissioner estimating that 25% of intrafamilial abuse is perpetrated by under 18s. Children, particularly in younger age groups, may engage in developmentally inappropriate sexual behaviour, which can be harmful towards themselves and/or others. Harmful sexual behaviour exists on a spectrum from inappropriate through to problematic, abusive and violent.</p>	

The Royal Commission, the Australian National Strategy, and the UK Strategy all note that ‘HSB’ covers a broad range, continuum, or spectrum of behaviours. All the definitions we have considered point out that HSB may refer to behaviour that affects the child’s own development or that of others. In the Australian National Strategy, HSB directed at others is specified as including behaviours that are ‘coercive, sexually aggressive or predatory’; in the UK Strategy it is defined as including behaviours that are ‘harmful’ or ‘abusive’.

All definitions of HSB we have examined refer to the behaviours of children, which makes sense as it is a term developed to specifically refer to inappropriate sexual behaviour of children. A key difference between definitions is the emphasis placed on the developmental stage or capacity of the child or young person. The UK Strategy and the Welsh Plan state that HSB may comprise ‘developmentally inappropriate’ sexual behaviours. The Royal Commission and the Australian National Strategy’s definitions, however, state that HSB are not contingent on the ‘age or capacity’ of a child.

Not only has HSB become an important and widely used term because there is a need to adequately describe inappropriate and exploitative sexual behaviours perpetrated by children and young people, but also because HSB makes up a considerable proportion of instances of child sexual abuse. According to the Australian Child Maltreatment Study (ACMS), in recent years, the prevalence of child sexual abuse by other adolescents (especially by those who are or were in a romantic relationship) has increased.²¹ This is demonstrated in ACMS data which showed that while there has been a decline in adult perpetration of child sexual abuse, there is what the authors term a ‘significant increase’ in offending by adolescents, with those aged 45+ indicating that 12.1% experienced CSA as an adolescent by an adolescent peer, 14.1% of those aged 25-44, and 18.2% of those aged 16-24.²²

In recent years, ‘HSB’ has replaced terms that were previously used to describe inappropriate sexual behaviour in children, such as ‘problem sexual behaviours’ or ‘sexually abusive behaviours’. The terminology used is important – while serious behaviour should not be minimised, certain terms may lead to children or young people being labelled and internalising these labels as part of their identity. This may also result in social exclusion and a lack of community support leading to further disconnection and alienation.²³ Similarly and for these reasons, the definition in the Australian National Strategy states that ‘terms such as “child paedophile” or “child perpetrator” are not accurate. They are harmful and cause stigma’.²⁴ Again, this leads us back to the idea of harmful sexual behaviours as being on a continuum.

²¹ D. Haslam, B. Mathews, R. Pacella, J.G. Scott, D. Finkelhor, D.J. Higgins, F. Meinck, H.E. Erskine, H.J. Thomas, D. Lawrence, E. Malacova (2023) *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*. Australian Child Maltreatment Study, Queensland University of Technology. DOI: <http://doi.org/10.5204/rep.eprints.239397>

²² Mathews et al., op cit., 2024, 5

²³ A. Paton & L. Bromfield (2022) *Continuum for Understanding Harmful Sexual Behaviours*, Australian Centre for Child Protection, May 2022, https://www.unisa.edu.au/siteassets/research/accp/paton-bromfield-may-2022-hsb-continuum_.pdf

²⁴ Nonetheless, under the DSM-V a minor is still able to receive a diagnosis of paedophilia – see, for example, Psychology Today (2022), ‘Paedophilia’, <https://www.psychologytoday.com/au/conditions/pedophilia#:~:text=The%20person%20is%20at%20least,%20or%2013%2Dyear%2Dold>

An important distinction needs to be made between ‘normal’ or even ‘experimental’ adolescent sexual behaviours which are considered harmless behaviours, as not all sexual behaviour between adolescent peers is harmful, exploitative, or problematic. Agnew and McAlinden (2023) argue that an important distinction between experimental and exploitative behaviour involves going beyond the actual behaviour itself to reflect on the perpetrator’s motivation but also to consider factors of coercion, power and age differences.²⁵

Key points

A Tasmanian definition of ‘harmful sexual behaviours’ could include the following elements:

- A statement that HSB refers to children and young people (under 18 years of age)
- A recognition that HSB refers to a broad spectrum of sexual behaviours
- Provide an indication of the sorts of behaviours that are classified as HSB, such as those that are ‘coercive, sexually aggressive or predatory’, as in the Australian National Strategy.
- An indication that HSB includes those behaviours that are harmful to the one undertaking those behaviours, and those that are directed at others
- An acknowledgment that HSB encompasses both contact and non-contact behaviours (such as grooming, and the making and dissemination of child exploitation material)

²⁵ E. Agnew & A.M. McAlinden (2023). Addressing Harmful Sexual Behaviours Among Children and Young People: Definitional and Regulatory Tensions. In: Gill, A.K., Begum, H. (eds) *Child Sexual Abuse in Black and Minoritised Communities*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-031-06337-4_8. See also G.N. Woodley. & L. Green (2024) We teach school kids about safe sex. We need to teach safe sexting too, *The Conversation*, 15 March 2024, <https://theconversation.com/we-teach-school-kids-about-safe-sex-we-need-to-teach-safe-sexting-too-224748> for a discussion about sexting and young people.

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Table 5: Comparison of 'dimensions of conceptual variance' across different areas. Reproduced from Mathews & Collin-Vézina 2019, 140.

Dimension of Variance	Epidemiological Studies	Policy Documents	Legal Frameworks
<p><i>Dimension 1: Definition of the construct of CSA</i></p> <ul style="list-style-type: none"> • <i>Use of the child's age</i> • <i>Use of the relationship between the child and the person who abuses the child</i> • <i>Use of an element of sexual gratification</i> 	<ul style="list-style-type: none"> • The defined upper age of the child varies (e.g., before 18, before 17, and before 16) • The defined relationship varies (e.g., anyone of any age; anyone at least 5 years older; any adult, relative, family friend, or stranger at least 5 years older; and adult only) • Definition of an element of sexual gratification normally not present; sometimes incorporated by stating "in a sexual way" 	<ul style="list-style-type: none"> • The child's age is never stipulated • The defined relationship is always expressed to include any adult and any child (or any child who is older or uses "power, threat, or other pressure," or who is in a "position of responsibility, trust or power") • Definition of an element of sexual gratification normally not present, with one exception 	<ul style="list-style-type: none"> • In criminal law, the child's age is always stipulated but can vary; the defined relationship is always expressed to include anyone, and sexual gratification is normally not present • In civil law, the child's age is always stipulated but can vary; the defined relationship varies (e.g., anyone; a person in a position of authority), and sexual gratification is normally not present • In child protection law, the child's age is always stipulated but varies; the defined relationship varies, and sexual gratification is normally not present
<p><i>Dimension 2: The definition of the acts that constitute CSA</i></p>	<ul style="list-style-type: none"> • Definition of acts constituting CSA varies in detail (e.g., long list of 12 specific acts, shorter list of 4–6 specific acts, and intercourse only) • Definition of acts constituting CSA varies in nature (e.g., contact acts only, contact acts, and noncontact acts) 	<ul style="list-style-type: none"> • Definition of acts constituting CSA varies in detail (e.g., longer list of acts described conceptually; single, shorter conceptual description) • Definition of acts constituting CSA varies in nature (more detail; less detail) 	<ul style="list-style-type: none"> • In criminal law, the term "CSA" is typically not used, but there is a wide range of different sexual offences which specify acts • In civil law, the term "CSA" is typically not defined – In child protection law, the definition of acts constituting CSA varies (e.g., not defined; limited to criminal acts)

Dimension 3: Consent

- *Whether the concept of consent is present in the definition*
- *If present, the way the concept of consent is defined*

<ul style="list-style-type: none">• Definition of consent varies in presence (i.e., not stated explicitly and stated explicitly)• Definition of consent varies in nature (e.g., when you did not want to, when they should not have, when you did not want them to, and were you ever forced)	<ul style="list-style-type: none">• Definition of consent varies in presence (i.e., not stated explicitly and stated explicitly)• Definition of consent is consistent when present (“does not fully comprehend is unable to give informed consent to or for which the child is not developmentally prepared”)	<ul style="list-style-type: none">• In criminal law, the definition of consent is consistent in both presence and nature (requiring full, free, and voluntary agreement and absence of threat, intimidation, and abuse of power)• In civil law, the concept of consent is not defined or stated explicitly – In child protection law, the concept of consent is not defined or stated explicitly
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