List of Terms

Many items in the following list of terms and definitions are adopted from the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines). The advent of new terms and reflection on existing terms prompted the drafting of these Terminology Guidelines, the purpose of which is to “provide all individuals and agencies working for the prevention and elimination of all forms of sexual exploitation and sexual abuse of children with guidance for the understanding and use of the different terms and concepts they may encounter in their work.”

Additional sources of definitions are cited below.

Child

In line with the majority of international legal instruments and international practice, the term “child” should be understood to include any person who is under the age of 18 years.

A number of related terms are seen in legislation and policy documents, such as “age of majority”, “minor”, “juvenile”, “adolescent”, “teenager” and “young person”. As the definitions for these terms often differ based on national legislation and jurisdiction, special attention should be paid to how these terms are used in the context of child sexual exploitation and sexual abuse, with their use primarily limited to those instances where the term is explicitly defined in specific national legislation.

Child sexual exploitation

A child is a victim of sexual exploitation when they take part in a sexual activity in exchange for something that either they or third parties receive. This underlying notion of exchange distinguishes child sexual exploitation from other forms of child sexual abuse and is not limited to a monetary benefit. In addition to physical force or threats, a child may also be sexually exploited through more nuanced dynamics, such as a power imbalance between the child victim and perpetrator.

While previously common, moving away from using “commercial sexual exploitation of children” is recommended as whether money or other benefits are exchanged does not influence the severity of the exploitation.

Child, early and forced marriage

Child marriage involves at least one of the parties being a child. The term may also refer to the act of marrying off a child with or without their consent. As there is no clear international conceptualization of “child marriage” across international legal instruments, and national legislation varies on the definition of “child”, persons who have attained the age of majority in their country, but are under 18, are at risk of

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2 Ibid., Foreword.
3 Ibid., 6.
4 Ibid., 6–11.
5 Ibid., 25.
6 Ibid., 24–25.
7 Ibid., 63.
8 Ibid.
falling outside the scope of this term. Both UNICEF and the Committee on the Rights of the Child consider child marriage to be a marriage in which at least one of the parties is under 18.  

Early marriage can be understood to be broader than child marriage in that it encompasses situations where one or both of the parties is under 18 but have attained the age of majority in their country and situations where both parties are over 18 but other reasons may be unable to fully consent to the marry. Forced marriage can refer to both child and early marriage, though is generally distinguished by emphasizing the lack of free or full consent owing to a lack of maturity and/or capacity by one or both the parties.

**Child sexual abuse material and child sexual exploitation material**
The term “child sexual abuse material” is increasingly replacing “child pornography”. The switch in terminology is based on the argument that sexualized material that depicts or otherwise represents children is a form of child sexual abuse and should not be described as ‘pornography’, which is a term used to define consensual sexual acts between adults distributed to the general public. Use of the term “child pornography” thus risks trivialising or legitimising the sexually exploitative nature of the material and should be limited to those instances when reference is made to international and domestic laws containing the term.

A related term, “child sexual exploitation material”, is a broader category that can be used to describe all material that sexualises a child but not does explicitly depict sexual abuse.

**Online child sexual exploitation**
This term is generally understood to mean all acts of a sexually exploitable nature carried out against a child that have, at some stage, a connection to the online environment. This encompasses, but is not limited to, exploiting of the victim while they are online (such as through live-streaming of abuse), identifying and/or grooming victims with the intention of exploiting them sexually (either online or offline), and interacting with child sexual exploitation material online. Crucially, it is important to remember that the Internet is a means for perpetrators to sexually exploit children online, rather than a distinct type of sexual exploitation.

**Exploitation of children in prostitution**

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9 Ibid.
11 Ibid., 64.
12 Ibid., 65–66.
13 Ibid., 38.
14 Ibid.
15 Ibid., 40.
16 Ibid., 39.
17 Ibid.
18 Ibid., 28.
19 Ibid.
The exploitation of children in prostitution is a form of exploitation consisting of a child performing a sexual act in exchange for (a promise of) something of value (money, objects, shelter, food, drugs, etc.).\(^{20}\) It is often a third person who receives the object of exchange, rather than the child, and mere promise of an exchange suffices to constitute exploitation.\(^{21}\) This term appropriately underlines the element of exploitation that a child is subject to and makes clear that a child cannot be held responsible for the acts that follow from their situation.\(^{22}\) Use of “child prostitution” should be avoided as it may imply a child has given consent and risks legitimising what can only be defined as a form of child sexual exploitation.\(^{23}\)

**Grooming for sexual purposes**

“Grooming” refers to the process of building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person.\(^{24}\) Grooming is not limited to acts where a physical, in-person meeting has occurred or been attempted.\(^{25}\) It should be noted that the term “online grooming for sexual purposes” may be used when the relationship is built via information and communication technologies.

Grooming can be used as a short-name substitute for the equally appropriate “solicitation of children for sexual purposes.”\(^{26}\)

**Sexual exploitation of children in the context of travel and tourism**

“Sexual exploitation of children in (the context of) travel and tourism” is exploitation embedded in a context of travel, tourism or both.\(^{27}\) The offence can be committed by either foreign or domestic tourists and travelers and longer-term visitors.\(^{28}\) The reference to both “travel” and “tourism” ensures that multiple types of offenders are covered.\(^{29}\) “Child sex tourism” is a term that should be avoided, as it may mistakenly give the idea that it is a legitimate form of tourism and may associate the offence with the entire tourism industry.\(^{30}\) Further, the exclusive reference to tourism and tourists excludes other types of travelling offenders (e.g., business travelers, military personnel, offenders in transit, etc.).

**Severe Forms of Human Trafficking**

There are different views about what acts constitute trafficking and definitions vary within applicable international instruments and within regional instruments and national laws. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) contains the most expansive definition of trafficking:

“The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, or deception of the abuse of power or of a position of vulnerability of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation should include,”

\(^{20}\) Ibid., 29.  
\(^{21}\) Ibid.  
\(^{22}\) Ibid., 30.  
\(^{23}\) Ibid., 30.  
\(^{24}\) Ibid., 51.  
\(^{25}\) Ibid., 51–52.  
\(^{26}\) Ibid., 51.  
\(^{27}\) Ibid., 55.  
\(^{28}\) Ibid.  
\(^{29}\) Ibid.  
\(^{30}\) Ibid., 56.
at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The Palermo Protocol covers children. State Parties are required to criminalize all acts falling within this definition, including attempts and serving as an accomplice. The definition covers three components:

--An act: recruitment, transportation, transfer, harboring, or receipt of persons.

--A means: threat or use of force or other forms of coercion.

--A purpose: exploitation.

Under the Palermo Protocol, when the victim of trafficking is under age 18, it is not necessary to prove that a particular means was used to get the consent of the child. ECPAT has provided additional guidance on the meaning of “act” as follows:

--Recruitment: Search for and physical conscription of one or more children with the sole objective of trafficking for exploitation.

--Transportation: The means by which children are moved from one place to another.

--Transfer: Process of moving children from one place to another.

--Harboring: Process of keeping child victims of trafficking hidden until arrangements are made for their transfer/transportation.

--Receipt: Act by which a person comes to be in possession of a trafficked child.

Other international instruments may apply. For example, the UN Convention on the Rights of the Child states that all State Parties must “take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, sale of or traffic in children for any purpose or in any form.” The UN Optional Protocol (to the CRC) on the Sale of Children, Child Prostitution, and Child Pornography (OPSC) (outdated terms in original) also contains a provision prohibiting the sale of children that could apply, which covers “any act or transaction whereby a child is transferred by an person or group of persons to another for remuneration or any other consideration.” The UN Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), covering the girl child, likewise requires State Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

While the sexual exploitation of children may involve trafficking as an element, it is important to note that forms of child sexual exploitation occur without the child having been trafficked.

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31 Palermo Protocol, 2000, Article 3(a)
32 Palermo Protocol, 2000, Article 3(c) and 3 (d)
33 ECPAT, 2008, Strengthening laws addressing child sexual exploitation: A practical guide, p. 44
35 UN Optional Protocol (to the CRC) on the Sale of Children, Child Prostitution, and Child Pornography, Article 2, 2002
should be distinguished from “sale” in that the “sale of children” always involves some form of commercial transaction and may not necessarily be for the purpose of the child’s exploitation.33

Terms describing Child Labour: The following definitions are drawn from the International Labour Organization’s 2017 Global Estimates of Child Labour.39

Children in Employment: This category includes children who are “working in any form of market production and certain types of non-market production (principally, the production of goods such as agricultural produce for own use). This group includes children in forms of work in both the formal and informal economy; inside and outside family settings; for pay or profit (in cash or in kind, part-time or full-time); and domestic work outside the child’s own household for an employer (paid or unpaid).”40

Children in Child Labor: This category “excludes children in employment who are in permitted light work and those above the minimum age whose work is not classified as a worst form of child labour, or, in particular, as ‘hazardous work’”. 41

Children in the Worst Forms of Child Labour: These children are involved with work that falls into one of the following categories:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.”42

Children in Hazardous Work: Children in this category are “involved in any activity or occupation that, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety, or morals. In general, hazardous work may include night work and long hours of work, exposure to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads; and work in an unhealthy environment which may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibrations damaging their health. Hazardous work by children is often treated as a proxy category for the worst forms of child labour.” 43

36 UN Convention of the Elimination of All Forms of Discrimination Against Women, Article 6, 1979.
38 Ibid., 61
39 Ibid., 60.
40 Ibid., 61.
41 Ibid., 61.
42 Ibid., 61.
Children in Light Work. According to Article 7 of ILO Convention No. 138, national laws or regulations may permit the employment or work of persons from 13 years of age (or 12 years in countries that have specified the general minimum working age as 14 years) in light work which is:

(a) not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.”

39 Global estimates of child labour: Results and trends, 2012-2016
International Labour Office (ILO), Geneva, 2017
40 Ibid., 20-21
41 Ibid., 21
42 Ibid., 21
43 Ibid., 21
44 ILO Convention No. 138 on the Minimum Age, 1973 Convention concerning Minimum Age for Admission to Employment
45 Ibid., 21