



Perpetrators of sexual crimes against children

This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.

Definitions in legally binding instruments

- i. 2000: The OPSC uses the term “alleged offender” to describe an individual who is suspected of committing an offence involving child sexual exploitation (Article 4) and refers to “offender” for persons having committed such an offence (Article 5(5)) and to “accused” for persons within the criminal judicial process (Article 8(6)).
- ii. 2000: The Palermo Protocol uses the term “offender” in the context of criminal proceedings (Article 6(2)(b)) and “perpetrators” in situations prior to arrest or investigation (Article 10(1)(a)).
- iii. 2001: Article 22(3) of the Budapest Convention refers to “alleged offender” to describe persons suspected of committing a criminal offence involving child sexual exploitation.
- iv. 2007: The Lanzarote Convention refers to “convicted sexual offenders” and “persons convicted of offences” to describe individuals already convicted of an offence involving sexual exploitation of children, as enumerated under the Convention (Articles 16 and 37). The term “perpetrator” is used in a generic manner to describe any person who may have engaged in sexual exploitation of children (irrespective of their engagement in the criminal justice process).
- v. 2011: EU Directive 2011/93 refers to “offender” in Articles 9 and 17 and, in its Recital, to “child offender” and “sex offender” (Paragraphs 25, 37, and 43) to describe persons suspected of a sexual offence against a child as well as those convicted of committing such an offence.

Non-binding instruments

- i. 2005: The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime uses multiple terms: “alleged perpetrator” (Paragraphs 31(b), 24(a)) and “alleged offender” (Paragraph 9(a)) for individuals not convicted of an offence; “accused” (Paragraph 8(c)) and “offender” (Paragraphs 20(b), 37) for individuals within the criminal judicial process; and “convicted offenders” (Paragraphs 7(j) and 8(c)) for individuals convicted after a criminal process.
- ii. INTERPOL uses the terms “sex offender” and “travelling sex offender”.³⁷⁷
- iii. Europol uses the term “child sex offender”.³⁷⁸

Terminology considerations

“Offender” and “perpetrator” tend to be the most frequently used terms to refer to individuals having allegedly committed or been convicted of committing sexual offences against children. In accordance with major dictionaries, the term “offender” takes on the principal meaning of a person who commits/ is guilty of a crime.³⁷⁹ The term “perpetrator” appears to take on a slightly broader meaning, referring to a person “*who carries out a harmful, illegal, or immoral act*”,³⁸⁰ as well as someone who has been convicted of committing such a crime or act.³⁸¹

Determining the appropriate term to describe an individual’s involvement in a sexual offence against a child should be

based on two considerations: (i) the individual's role in perpetrating or facilitating the sexual offence against the child; and (ii) the status of the individual in the possible criminal proceedings related to the sexual offence against the child, taking into account the specificities of national legislation.

Regarding the first consideration, some common terms are frequently used in the context of child sexual exploitation to refer to offenders: (i) the "consumer" or "client"—the individual using the child for her/his sexual gratification (in cases of exploitation in exchange for money or any other consideration or the promise of such), with or without the involvement of an intermediary. The term "abuser" may also be used to describe the "consumer"/"client". An "abuser" is a person who treats another person in a cruel or violent way, especially regularly or repeatedly,³⁸² and especially sexually.³⁸³ The term has also been defined as an individual who "*sexually assaults someone, especially a woman or a child*"³⁸⁴; (ii) the "facilitators"—the individuals/entities whose conduct facilitates or aids and abets the commission of the sexual offence against the child (sometimes referred to as "intermediaries"). In sexual crimes against children, this person can be a trafficker, making the child available for sexual exploitation; (iii) the "exploiter"—the individual who receives the main benefit or payment for the sexual exploitation. Linguistically, the term "exploiter" refers to someone "*who uses other people or things for his or her own profit or advantage*".³⁸⁵

Furthermore, an individual's role in perpetrating sexual offences against children can also take the form of solicitation,³⁸⁶ incitement, and the attempt to commit an offence.³⁸⁷

However, there is often overlap between these different notions and, in reality, the situation may be more complex given that it can be difficult to distinguish between these different actors, and that one person may play more than one role.

Regarding the second consideration, three stages can be identified based on the individual's involvement or not in the commission of a sexual offence against a child: (i) "alleged offender" or "alleged perpetrator" for the individual who is suspected of sexual exploitation or sexual abuse of a child but who has not been formally investigated, arrested or charged, indicted, prosecuted, or convicted under the law for any offence; (ii) "suspect" or "accused" for the individual who is being formally investigated for a criminal offence or is involved in an ongoing criminal process for which he or she may be convicted; (iii) "convicted offender" or "convicted perpetrator" for the individual who has been prosecuted and convicted of a criminal offence involving sexual exploitation or sexual abuse of a child.

³⁷⁷ INTERPOL, Crimes against Children, <http://www.interpol.int/Crime-areas/Crimes-against-children/Sex-offenders>

³⁷⁸ Europol, <https://www.europol.europa.eu/content/press/european-police-and-fbi-dismantle-network-child-sex-offenders-1361>.

³⁷⁹ Cambridge Advanced Learner's Dictionary and Thesaurus; Oxford Advanced Learner's Dictionary.

³⁸⁰ Oxford Advanced Learner's Dictionary.

³⁸¹ Cambridge Advanced Learner's Dictionary and Thesaurus.

³⁸² Oxford British and World English Dictionary.

³⁸³ Oxford Advanced Learner's Dictionary.

³⁸⁴ Oxford British and World English Dictionary.

³⁸⁵ Cambridge Advanced Learner's Dictionary and Thesaurus.

³⁸⁶ Directive 2011/93/EU, supra 14, Article 6, on "solicitation of children for sexual purposes".

³⁸⁷ Ibid., Article 7, on "incitement, aiding and abetting, and attempt".

³⁸⁸ Oxford British and World English Dictionary and Oxford Advanced Learner's Dictionary.