



Sexual harassment of a child

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

“Harassment” refers to the act of *“annoying or worrying somebody by putting pressure on them or saying or doing unpleasant things to them”*.¹⁰² The Istanbul Convention defines “sexual harassment” as any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment (Article 40).

The Istanbul Convention currently provides the only international legal definition of “sexual harassment”, although such acts are commonly recognised as a form of gender-based violence.¹⁰³

“Unwanted sexual comments” can be a form of sexual harassment. The process of sexual abuse may include or even start with unwanted sexual comments on, for instance, the way the child is dressed or is using make-up or on her/his physical beauty, thus embarrassing the child. While such comments do not always lead to sexually abusive activities, they may still cause harm to the child, and may be considered a form of non-contact abuse.¹⁰⁴

The notion of sexual harassment is used more often with regard to adults than it is for children, and frequently in relation to situations happening in the workplace or elsewhere outside the home (although it can also take place within the home/family setting). Sexual harassment of children can happen at school or in other places, however, and can be committed by for instance teachers, coaches, or other staff supposed to care for the child.¹⁰⁵

Conclusion: Importantly, “sexual harassment” refers not only to sexual conduct with the explicit intention to violate the dignity of another person (i.e. purpose) but also to conduct of a sexual nature that a person experiences as offensive or intimidating (i.e. effect).¹⁰⁶ It therefore relates clearly to what is also sometimes called sexual bullying.¹⁰⁷ “Unwanted sexual comments” can be an example of this, since the person making the comments may not necessarily intend for them to violate the dignity of the person, although that is the effect they may cause.

¹⁰² See Oxford Advanced Learner’s Dictionary.

¹⁰³ See, for instance, WAVE (Women Against Violence Europe) and UN Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia, “Strengthening Health System Responses to Gender-based Violence in Eastern Europe and Central Asia – A Resource Package”, *Defining Gender-Based Violence* <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21>

¹⁰⁴ Child sexual abuse is often divided into contact and non-contact sexual abuse, the latter including acts where the abuser does not touch the child. See for instance NSPCC (National Society for the Prevention of Cruelty to Children), “Child Sexual Abuse”, Research Briefing, July 2013. The Rape, Abuse and Incest National Network defines “sexual harassment” as including *“unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature”*. See <https://rainn.org/get-information/types-of-sexual-assault/sexual-harassment>. For similar definitions of sexual harassment explicitly mentioning unwanted sexual comments/statements, see, for instance, <https://sapac.umich.edu/article/63>