

# CHILD ABUSE: A FACT SHEET FROM THE DEPARTMENT OF JUSTICE CANADA

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## WHAT IS CHILD ABUSE?

The term "child abuse" refers to the violence, mistreatment or neglect that a child or adolescent may experience while in the care of someone they either trust or depend on, such as a parent, sibling, other relative, caregiver or guardian. Abuse may take place anywhere and may occur, for example, within the child's home or that of someone known to the child.

There are many different forms of abuse and a child may be subjected to more than one form:

**Physical abuse** may consist of just one incident or it may happen repeatedly. It involves deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon.<sup>1</sup> It also includes holding a child under water, or any other dangerous or harmful use of force or restraint. Female genital mutilation is another form of physical abuse.

**Sexual abuse and exploitation** involves using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.<sup>2</sup>

**Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and well being. For example, neglect includes failing to provide a child with food, clothing, shelter, cleanliness, medical care or protection from harm.<sup>3</sup> Emotional neglect includes failing to provide a child with love, safety, and a sense of worth.

**Emotional abuse** involves harming a child's sense of self. It includes acts (or omissions) that result in, or place a child at risk of, serious behavioural, cognitive,

emotional or mental health problems. For example, emotional abuse may include verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes terrorizing a child, or exposing them to family violence.

An abuser may use a number of different tactics to gain access to a child, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. A child who is being abused is usually in a position of dependence on the person who is abusing them. Abuse is a misuse of power and a violation of trust. The abuse may happen once or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.

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## **HOW WIDESPREAD IS CHILD ABUSE IN CANADA?**

It has been difficult to obtain a complete picture of child abuse in Canada because it often remains hidden. Most provincial and territorial child welfare laws require those (including professionals and members of the public) who suspect that a child is being maltreated to make a report to the appropriate child welfare authority. Yet many cases of child abuse remain undisclosed, either because a child does not, or cannot, tell anyone what has happened to them, or because no one reports the abuse to the authorities.

A child who is being abused may endure the abuse for a long time before telling anyone what is happening. Some victims never tell anyone about what they have experienced.

There are many reasons why abuse may remain hidden. For example, an abuser may manipulate, bribe, coerce or threaten a child (or someone they love) to prevent them from telling anyone about the abuse. Depending on their age and stage of development, a child may not be able to communicate what has happened to them, or they may fear they will not be believed. They may be convinced that the abuse is their fault and, if they tell anyone about it, they will be punished. They may fear that they or the abuser will be removed from the home, or suffer other consequences. They may feel ashamed and want to keep the abuse (and related family problems) secret to avoid being stigmatized or have their sexual identity questioned.

A child who is being abused is usually in a position of dependence on the abuser. The power imbalance between the child and the abuser often increases the burden of disclosure. Children who are sexually abused, for example, may not tell anyone for a long time, or ever. Many children who experienced abuse while living in special needs institutions, child welfare facilities, youth detention facilities, and residential schools for Aboriginal children are only now, as adults, reporting the abuse.

Individuals who witness or suspect that a child is being abused may not report it because they:

- want to avoid the demands of becoming "involved"
- have personal views which condone the use of physical punishment
- believe that the abuse is not "serious", especially if the child does not have visible or severe injuries
- believe that reporting the abuse to the authorities is not in the child's best interest
- believe that reporting may not solve the problem because, for example, there may be a lack of appropriate services to help the child
- lack knowledge about the signs and symptoms of abuse
- not understand their responsibility to report abuse
- not know that they can report to child welfare agencies, provincial or territorial social services departments or police departments, or
- not know that a report can be made anonymously, and that there are no legal consequences, unless the report is false and is made maliciously.

Although many cases of abuse are still not reported to either police or child welfare authorities, data from police reports and child welfare authorities is still the most important source of information about child abuse. A recent study, the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) estimated the extent of child abuse in Canada based on data from child welfare authorities.<sup>4</sup> The CIS is an important milestone in providing a national picture of child abuse. This study collected information about more than 7,000 child welfare investigations conducted across the country during a three-month period in 1998. Based on this data, the CIS estimated that there were 135,573 child maltreatment investigations in Canada in 1998 - a rate of almost 22 investigations for every 1000 children in Canada. Child welfare workers were able to confirm that the abuse had occurred in almost half (45%) of all cases.<sup>5</sup>

The key findings of the CIS include<sup>6</sup>:

**Physical abuse:** In 1998, about one third (31%) of investigations involved physical abuse as the primary reason for the investigation. Physical abuse was confirmed in about one third (34 %) of these investigations, a rate of 2.25 cases of confirmed physical abuse for every 1,000 children in Canada.

**Sexual abuse:** One in ten (10%) investigations in 1998 involved sexual abuse as the primary reason for the investigation. Sexual abuse was confirmed in more than one third (38%) of these cases, a rate of 0.86 cases per 1,000 children.

**Neglect:** Neglect was the primary reason for investigation in 40% of all cases in 1998. Neglect was confirmed in 43% of these cases, a rate of 3.66 cases per 1,000 children.

**Emotional maltreatment:** In 1998, 19% of all investigations involved emotional maltreatment as the primary reason for the investigation. Emotional maltreatment was confirmed in more than half (54%) of these cases, a rate of 2.20 cases per 1,000 children.

In addition to the CIS findings, the 1999 General Social Survey on Victimization (GSS) provides additional information on the extent to which children are exposed to family violence. The GSS found children in approximately half a million households had either heard or witnessed a parent being assaulted during the five years prior to the survey.<sup>7</sup>

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## WHAT FACTORS CONTRIBUTE TO CHILD ABUSE?

There is no single, definitive cause of child abuse, and any child - regardless of age, gender, race, ethnicity, cultural identity, socioeconomic status, spirituality, sexual orientation, physical or mental abilities or personality - may be vulnerable to being abused. Child abuse is a complex problem and there are many different contributing factors (individual, familial, social). Many experts believe that child abuse is linked to inequalities among people in our society and the power imbalance between adults and children. A child is usually in a position of dependence on his or her abuser, and has little or no power compared to the abuser.

There is increasing understanding that a child's vulnerability to abuse may be increased by factors such as dislocation<sup>8</sup>, colonization<sup>9</sup>, racism, sexism, homophobia, poverty and social isolation.<sup>10</sup> For example, in the past, many children sent to institutions experienced abuse. Most of these children were from marginalized groups in our society including, among others, children with disabilities, children from racial and ethnic minorities, Aboriginal children and children living in poverty.<sup>11</sup>

There are also factors that may increase a child's vulnerability to being abused - or compound the effects of abuse. For example, a child's caregivers may experience barriers that prevent them from acquiring the necessary skills, resources and supports to prevent abuse, or they may lack access to the services and supports they need to address it.

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## WHAT ARE THE CONSEQUENCES OF CHILD ABUSE?

Child abuse has devastating consequences for victims. Depending on its form(s), duration and severity, abuse may affect every aspect of a child's life; it may have consequences that are psychological, physical, behavioural, academic, sexual, interpersonal, self-perceptual or spiritual.<sup>12</sup> The effects of abuse may appear right away, or surface only in adolescence or adulthood. Further, the effects may differ according to the nature of the response to the abuse, and whether the abuse was

disclosed or reported. In some cases, the consequences are fatal.<sup>13</sup>

Girls and boys are affected differently by abuse. Compared to boys, girls are more likely to internalize their response to violence, and experience, for example, suicidal ideation, eating disorders, low self-esteem and psychological disorders. Boys are more likely to externalize their response to violence, displaying, for example, increased aggression, delinquency and spousal abuse. Boys who have been exposed to violence in their homes are more likely to be violent in their adolescent and adult relationships than boys not exposed to violence.<sup>14</sup>

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## PREVENTING AND RESPONDING TO CHILD ABUSE

In Canada, child welfare laws require that all cases of suspected child abuse must be investigated to determine if a child is in need of protection. If a child is determined to be in need of protection, the child welfare authorities may respond by, for example, providing counseling and support for the family, removing the child (temporarily or permanently) from the home, or removing the abuser(s) from the home. Criminal sanctions may also apply in cases of sexual or physical abuse.

Since the 1960s, significant steps have been taken to address child abuse in Canada<sup>15</sup> including, for example:

- the introduction of mandatory reporting laws
- the creation of child abuse registries
- changes to the *Criminal Code* and the *Canada Evidence Act* (see Reforming the law and enhancing its implementation);
- the extension of time limits for laying charges in child sexual abuse cases, and
- the establishment of child protection agencies run by First Nations.

Further, since the landmark reports by Badgley (1984)<sup>16</sup> and Rogers (1990)<sup>17</sup>, legislation to address child sexual abuse has been created and efforts to address the sexual exploitation of children are ongoing. Following the 1996 report of the Royal Commission on Aboriginal Peoples<sup>18</sup>, the federal government acknowledged its role in the occurrence of physical and sexual abuse in residential schools, and implemented a community-based healing strategy for Aboriginal communities (Gathering Strength).<sup>19</sup>

Given the extent of child abuse in Canada - as well as the complexity of this issue and its enormous impact - effectively preventing, identifying and responding to child abuse is an enormous but essential task. Addressing this issue requires the ongoing commitment and collaboration of community members, practitioners, and policy makers across Canada. Community supports and services for victims and their families are essential.

The Department of Justice Canada and its partners - including non-governmental organizations, provincial and territorial governments and the private sector - are actively involved in addressing child abuse issues through legal reform, public and professional education, research and support for programs and services. Some of this work is linked to the Department's participation in the federal government's current Family Violence Initiative which focuses on violence against women and children that occurs in the home, while other areas of activity are linked to other initiatives including, for example, the National Children's Agenda, the Aboriginal Justice Strategy, and the National Strategy on Crime Prevention and Community Safety.

### **Reforming the Law and Enhancing its Implementation**

In Canada's child welfare system, the provinces and territories are responsible for providing the care and services necessary to ensure children's welfare and safety. The federal government is responsible for ensuring that, as far as possible, the *Criminal Code* provides protection for children from extreme forms of abuse, neglect and exploitation. For example, child abusers may be charged under the *Criminal Code* for assaulting children.

In recent years, the *Criminal Code* has been amended to create new criminal offences relating to child sexual assault, to specifically include female genital mutilation in the aggravated assault provision, and to amend the provisions on child sex tourism. Currently, Bill C-15 proposes legislation to protect children from sexual exploitation by criminalizing a number of specific actions including luring children on the Internet; transmitting, making available, or exporting child pornography on the Internet; or intentionally accessing child pornography on the Internet. Sentencing provisions are also to be strengthened. Bill C-15 also proposes measures to make it easier to prosecute people involved in child sex tourism.

Federal law also seeks to protect child witnesses. For example, recent amendments to the *Canada Evidence Act*, which define the forms of evidence that may be admitted in court, allow children, depending on their age and the type of offence involved, to be accompanied by a support person when they testify in court. Further, children can no longer be cross-examined by an accused; they may be allowed to provide testimony outside the courtroom or behind screens; and a videotape may be admitted as evidence, in lieu of a child's in-person testimony.

As part of the Children as Victims Project, the Department of Justice Canada is conducting a comprehensive review and consultation with its provincial/territorial partners and the public to determine the need for further reforms to criminal law and policy, particularly with respect to specific offences against children, children's testimony, and sentencing. The Project is exploring:

- **adding new child-specific offences to the *Criminal Code*:** other child-specific offences under review include: criminal physical abuse of a

child, criminal neglect of a child, criminal emotional abuse of a child, child homicide, and failing to report suspected crimes against children.

- **ensuring that the *Criminal Code* provisions concerning age of consent are appropriate.** The areas under review include raising the general age of consent to sexual activity, and a possible amendment to ensure that a child victim's apparent consent cannot be used as a defence.
- **ensuring that the *Criminal Code* contains sentencing provisions to better protect children.** Possible modifications currently under review include provisions to: specifically emphasize the importance of denunciation and deterrence of crimes against children; provide the courts with additional tools to require longer-term supervision and mandate the availability of treatment for offenders who pose a continuing danger of re-offending against children; recognize the frequency and seriousness of child abuse in the home and at the hands of parents and caretakers; (recognize that in cases involving familial child abuse or breach of trust, it is not unusual for the offender to be "of previous good character" or to lack a prior criminal record, and accordingly the courts should place less emphasis than usual on these factors when sentencing offenders in such cases; and require the courts to emphasize the emotional and psychological harms caused to children in assessing the gravity of the offences and the conduct involved.
- **improving the experience of child witnesses and facilitating their testimony in criminal proceedings.** Potential changes under review include: eliminating the required competency hearing for child witnesses; making the use of testimony outside the courtroom or behind screens more widely available; increasing the use of videotaped evidence; changes to the use of hearsay statements; ensuring that delays in the court process do not jeopardize the availability of support for child witnesses; ensuring that supports are available regardless of the type of offence; and ensuring that children are not questioned in ways that are inappropriate to their age and development during cross-examination.

Some of the Department's other areas of activity which impact on the issue of child abuse include:

- The Supreme Court of Canada has recently upheld the *Criminal Code of Canada's* possession of child pornography provision.
- A Federal/Provincial/Territorial Working Group on Prostitution has been addressing the issue of youth involvement in prostitution through research and consultations in most jurisdictions. The Working Group's [report](#) on legislation, policy and practices concerning prostitution-related activities was released in December 1998.
- The Department is actively involved in international efforts to prevent

trafficking in children and child sexual exploitation.

- The family law system and the federal *Divorce Act* are also important tools for addressing the issue of child abuse. The Department is consulting with Canadians to determine how the legal system can improve its response to family violence when parents are separating or divorcing, and what changes (if any) should be made to the federal *Divorce Act* to promote child-centred decision-making in situations of violence to ensure the safety of children and others

### **Other Strategies to Prevent and Respond to Child Abuse**

In addition to reforming the law and enhancing its implementation, the Department of Justice Canada is involved in many other strategies to prevent and respond to child abuse.

#### **Education**

Education involves providing children with knowledge about their rights, and teaching them the skills to identify abuse, ask for help, and avoid being re-victimized. Further, parents and caregivers need information and support to help them care for children in a positive and nurturing manner. The Department supports public legal education programs across Canada that educate the public about family violence, including the prevention, identification and reporting of child abuse.

#### **Professional development and resources**

Many different groups of practitioners may have contact with children who are abused. Enhancing the awareness and skills of judges, Crown prosecutors, defence lawyers, police, health care workers, social workers, psychologists, and teachers about child abuse enables effective intervention. The Department works with its partners to support specialized training for justice system and law enforcement personnel in order to build a coordinated multi-sectoral, multi-disciplinary response with other systems.

#### **Research, data collection and information sharing**

The Department is involved in a number of national-level research and data collection activities related to child abuse that will help to:

- increase knowledge about child abuse and its impacts throughout different stages of life
- improve information exchange between government agencies
- increase the effectiveness of responses to child abuse, and
- enhance services and supports for children.

#### **Support for program and service delivery**

Support and intervention for children and families who have experienced abuse, or who are at risk, are essential. The Grants and Contributions fund supports pilot projects to develop, test and assess models, strategies and tools to improve the criminal justice system's response to child abuse.

Through the National Strategy on Crime Prevention and Community Safety, the Department supports community-based prevention and intervention programs that address risk factors for child abuse.

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## **SUGGESTED RESOURCES ON CHILD ABUSE**

Alliance of Five Research Centres on Violence. *Violence Prevention and The Girl Child: Final Report*. Research funded by Status of Women Canada, 1999.

Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile, 2000*. Ottawa: Statistics Canada; Cat. No. 85-224-XPE, 2000.

Canada. Canadian Centre for Justice Statistics. *Family Violence in Canada: A Statistical Profile, 2001*. Ottawa: Statistics Canada; Cat. No. 85-224-XPE, 2001.

Canada. Health Canada. *Canadian Incidence Study of Reported Child Abuse and Neglect - Final Report*. Report prepared by Nico Trocmé, Bruce MacLaurin, Barbara Fallon, Joanne Daciuk, Diane Billingsley, Marc Tourigny, Micheline Mayer, John Wright, Ken Barter, Gale Burford, Joe Hornick, Richard Sullivan and Brad McKenzie. Ottawa: Minister of Public Works and Government Services, 2001.

Canada. Health Canada. *Child Maltreatment in Canada - Canadian Incidence Study of Reported Child Abuse and Neglect: Selected Results*. Report prepared by Nico Trocmé and David Wolfe. Ottawa: Minister of Public Works and Government Services Canada, 2001.

Canada. Health Canada. *National Clearinghouse Fact Sheets on Family Violence* (series). Ottawa: Health Canada. Available on Internet:  
<<http://www.hc-sc.gc.ca/hppb/familyviolence/>>

Canada. Health Canada. *The Consequences of Child Maltreatment: A Reference Guide for Health Practitioners*. Report prepared by Jeff Latimer. Ottawa: Health Canada, 1998[Online]. Available on Internet:  
<<http://www.hc-sc.gc.ca/hppb/familyviolence/html/98p057eO.html>>

Dauvergne, Mia and Holly Johnson. "Children Witnessing Family Violence." *Juristat*. 21, 6. Ottawa: Canadian Centre for Justice Statistics, Statistics Canada; Cat. No. 85-002-XPE, 2001.

Duffy, Ann and Julianne Momirov. *Family Violence: A Canadian Introduction*. Toronto: James Lorimer & Company Ltd. 1997.

Greaves, Lorraine and Olena Hankivsky. *Selected Estimates of the Costs of Violence Against Women*. London, Ontario: Centre for Research on Violence Against Women and Children, 1995.

Law Commission of Canada. *Restoring Dignity: Responding to Child Abuse in Canadian Institutions*. Ottawa: Minister of Public Works and Government Services, 2000.

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## WHERE TO GET MORE INFORMATION ON CHILD ABUSE

[Department of Justice Canada Family Violence Web Site](#)

[National Clearinghouse on Family Violence](#)

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## ENDNOTES

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<sup>1</sup> Assault and unlawful confinement are criminal offences in Canada.

<sup>2</sup> Child sexual assault and sexual exploitation are criminal offences in Canada.

<sup>3</sup> Failing to provide the necessities of life, such as food or medical treatment, is a criminal offence in Canada.

<sup>4</sup> Nico Trocme, Bruce MacLaurin, Barbara Fallon, Joanne Daciuk, Diane Billingsley, Marc Tourigny, Micheline Mayer, John Wright, Ken Barter, Gale Burford, Joe Hornick, Richard Sullivan, Brad McKenzie, *Canadian Incidence Study of Reported Child Abuse and Neglect* (Ottawa: Minister of Public Works and Government Services Canada, 2001): 1, 9-10. According to information in this report, it is difficult to provide information on the full extent of child abuse in Canada, due to, for example: underreporting of cases of abuse generally, and varying definitional categories of abuse and reporting requirements in each jurisdiction. In addition to the numbers of unreported cases of abuse, some cases of child abuse, usually those that do not involve family members, tend to be reported only to the police and not to child welfare authorities.

<sup>5</sup> Nico Trocme, et al. (op cit): xiv.

<sup>6</sup> Nico Trocme and David Wolfe, *Child Maltreatment in Canada - Canadian Incidence Study of Reported Child Abuse and Neglect: Selected Results* (Ottawa: Minister of Public Works and Government Services Canada): 11-12.

<sup>7</sup> Data from the 1999 General Social Survey, as reported in: Mia Dauvergne and Holly Johnson, "Children Witnessing Family Violence," *Juristat*, 21, 6 (Ottawa: Canadian Centre for Justice Statistics, Statistics Canada, Cat. No. 85-002-XPE, 2001): 1.

<sup>8</sup> "Dislocation" means being removed from one's language, culture, family and

community. Dislocation is a situation that has affected Aboriginal children who were sent to residential schools, as well as immigrants and refugees to Canada.

<sup>9</sup> "Colonization" is "that process of encroachment and subsequent subjugation of Aboriginal peoples since the arrival of Europeans. From the Aboriginal perspective, it refers to loss of lands, resources, and self-direction and to the severe disturbance of cultural ways and values." Source: Emma D. LaRoque, *Violence in Aboriginal Communities* Reprinted from the Book "The Path to Healing" with permission from the Royal Commission on Aboriginal Peoples (Ottawa: Health Canada, 1994): 73.

<sup>10</sup> See: Alliance of Five Research Centres on Violence, *Violence Prevention and The Girl Child: Final Report* (Research funded by Status of Women Canada, 1999): 4-5. See also: Canada. Health Canada, *The Consequences of Child Maltreatment: A Reference Guide for Health Practitioners* (Ottawa: Health Canada, 1998)[Online]. Available on Internet: <<http://www.hc-sc.gc.ca/hppb/familyviolence/html/98p057eO.html>>

<sup>11</sup> Law Commission of Canada, *Restoring Dignity - Responding to Child Abuse in Canadian Institutions - Executive Summary* (Ottawa: Minister of Public Works and Government Services, 2000): 1-2.

<sup>12</sup> For detailed information on these consequences, see: Canada. Health Canada, *The Consequences of Child Maltreatment: A Reference Guide for Health Practitioners* (Ottawa: Health Canada, 1998)[Online]. Available on Internet: <<http://www.hc-sc.gc.ca/hppb/familyviolence/html/98p057eO.html>>

<sup>13</sup> Children and youth are most likely to be killed by members of their own family. Between 1991 and 1999 most child and youth homicides (88%) were committed by parents. Canada. Canadian Centre for Justice Statistics, *Family Violence in Canada: A Statistical Profile* (Ottawa: Statistics Canada; Cat. No. 85-224-XPE, 2001): 16.

<sup>14</sup> Alliance of Five Research Centres on Violence, *Violence Prevention and The Girl Child: Final Report* (Research funded by Status of Women Canada, 1999): 5-7.

<sup>15</sup> Ann Duffy and Julianne Momirov, *Family Violence: A Canadian Introduction* (Toronto: James Lorimer & Company Ltd., 1997): 183, and Canada. Health Canada, *Child Abuse: Reporting and Classification in Health Care Settings* (Ottawa: Health Canada, 1998): 3.

<sup>16</sup> Committee on Sexual Offences Against Children and Youth, *Sexual Offences Against Children in Canada: Report of the Committee on Sexual Offences Against Children and Youth* [the Badgley Report](Ottawa: Supply and Services Canada, 1984).

<sup>17</sup> Special Advisor to the Minister on Child Sexual Abuse, *Reaching for Solutions: The Summary* (Ottawa: Minister of Supply and Services Canada, 1992)[On-line]. Available on Internet:<<http://www.hc-sc.gc.ca/hppb/familyviolence/html/1reach.htm>>

<sup>18</sup> See: Royal Commission on Aboriginal Peoples, *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*. (Ottawa: Supply and Services Canada, 1996) and Royal Commission on Aboriginal Peoples, *The Path to Healing*. (Ottawa: Supply and Services Canada, 1993).

<sup>19</sup> Indian Affairs and Northern Development Canada, *Backgrounder: The Residential School System* [On-line] Available on Internet: <[http://www.ainc-inac.gc.ca/gs/schl\\_e.html](http://www.ainc-inac.gc.ca/gs/schl_e.html)>