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## **Children as Victims**

### **Definition**

Across the world children suffer the effects of adversity, persecution, maltreatment, neglect, sexual, physical and psychological violence resulting in death or, sometimes permanent, physical and/or psychological trauma, thereby ending or undermining their prospects for a self-determined and happy life. Forms of victimization include:

- Peer to peer interpersonal and relational violence e.g. bullying (including school shootings and knife crime), street and gang violence, cyberbullying and other online victimization (blackmail, sexting, online child pornography, suicide and mental health conditions promoted via web forums, sexual grooming, gaming and gambling addiction);
- Other relational violence including domestic abuse, sexual abuse and exploitation, neglect, online grooming/sexual exploitation;
- Trafficking, forced prostitution, violence against street children;
- Religious or cultural practices including forced-, early and very early marriage, circumcision or female genital mutilation, breast ironing, exorcism, gender selective abortion or infanticide of girls;
- Injury/Violence, displacement or instrumentalization in the context of war, political/social unrest or military regimes (e.g. baby/child abduction, targeted sexual violence, forcing children into military service);
- Persecution, violence or displacement as part of genocide, ethnic cleansing or 're-education' (e.g. Jews in second World War Germany, Australian Aboriginal people, Uyghur people in China, Yazidi people in Iran);
- Terrorism and radicalization (including online);

- Displacement/migration/death due to natural disaster/effects of global heating, e.g. epidemics, famine, poverty or social/political unrest;
- Structural violence including child poverty, lack of education, food or housing.

Not a comprehensive account of ways children may become victims, this harrowing list illustrates four points:

*First*, it is difficult to clearly differentiate forms of victimization as many of them are closely related and are best understood in each specific case and in context (e.g. effects of global heating, famine, social unrest and displacement may be closely related).

*Second*, while some of them have clear legal (e.g. sexual exploitation) or policy (e.g. structural violence) remedies (effective or not) in many countries/internationally, others have none. For example the victimhood of global heating: when children are climate refugees, and end up dead on a beach or as unaccompanied minors in a European refugee camp, there are no immediate legal or policy remedies to invoke, and they might appear victims of nameless circumstance. Further, while there is no ambiguity around the victim status of a child who drowns crossing the sea, this status is more contested for those who survive and travel on as unaccompanied minors. Acknowledging them to be children (deserving of protection) and victims (refugees) confers rights upon them a young adult economic migrant does not have; further it invokes the need for remedies where these are not clearly defined. So when and how children are positioned as victims is important as it has consequences for them and the agencies/international community encountering them.

*Third*, victim status also relates to the presence and effectiveness of legal or policy definitions of victimhood internationally and nationally. For example where no (or a

very low) age of sexual consent is specified, children would not feature as victims of sexual abuse, or would not be considered children, while an outside agency might still consider them as such. So victim status can be fluid and shifting depending on the context it is discussed in.

*Fourth*, adding to the fluidity of the victim position is the fact that in some cases the child can be both victim and perpetrator (e.g. child soldier, gang violence, bullying), making them ambiguous and risky to engage with while undermining their status as vulnerable and deserving help.

In summary, the status of a child as a victim needs to be considered in context, as it is not just dependent on legal definitions of crime and codes of law (e.g. age of consent), but being defined as a victim has multiple consequences for those it defines as well as for those individuals/agencies encountering them (as depending on status they will be called upon to take responsibility, afford remedy or prevent victimization). Hence the attribution 'victim' itself deserves closer examination vis a vis that of the figure of the child.

### **The ideal victim**

Criminologist Nils Christie's classic concept of the 'ideal victim' highlighted value hierarchies in attribution of victimhood meaning some victims were assumed more deserving of the status than others. The ideal victim was the one who was weak/vulnerable, respectable/innocent, blameless concerning the circumstances of victimization, and where the perpetrator was 'big bad' and crucially a stranger, i.e. not in a personal relationship to the victim. Further the victim must strike a fine balance between demonstrating enough agency to establish victimhood, while remaining weak/passive enough not to come into conflict with other external interests. Christine

Schwöbel-Patel develops this concept to explore contemporary legal, social and political consequences of the construction of the ideal victim in international law, identifying weakness, vulnerability, dependency and grotesqueness as its core attributes. These features, she argues, merge into a feminized, infantilized and racialised stereotype of victimhood that functions perfectly in the context of what she calls an ‘attention economy’; i.e. a context that rewards the unambiguous, extreme and spectacular while obscuring the complex, moderate and considerate.

The notion of the ideal victim can be considered alongside the ‘figure of the child’, which, as Nick Lee, Erica Burman, and others have argued, is based on an implicit understanding of children as dependent and thus passive, immature and thus lacking in knowledge while also innocent, weak and thus vulnerable, in need of protection. Just as Schwöbel-Patel highlights with her reference to infantilization, the child appears to be the ideal victim. Yet it is also clear that in many of the cases discussed above children will emerge as ambiguous victims, difficult to reconcile with the clear cut idea of the ideal victim and the binary system of the law.

It is for example well established that children and young people who engage in criminal, violent or antisocial behaviour (including involvement with gangs, theft, criminal damage, sexual exploitation of younger peers), are often themselves victims (e.g. of domestic abuse, neglect or sexual exploitation). Yet, due to their perceived lack of innocence and passivity authorities struggle to acknowledge their victim status as it is far more straightforward to treat them as offenders. Similarly all cases of relational violence present a victim that is in a (potentially ongoing) relationship with, or dependency on, the perpetrator and might not want to see them punished for various reasons. Clear attribution of victimhood is then troubled by implications of consent and personal choice, and thus agency. Further where sexual victimization is

concerned, the child's apparent agency and lack of sexual innocence (i.e. contradicting their status as a child), might allude to potential agendas of seduction and entrapment. Similarly bullying cases often see victims who are themselves also perpetrators of bullying, and in cases where online interactions are involved original agency is often hard to establish (who shared what and with what intention).

As suggested earlier, the unaccompanied child refugee is ambiguous as they have shown a great deal of agency, determination and resourcefulness, while what they are a victim of is not clearly defined, and most comfortably couched in terms of nameless circumstance meaning there is no perpetrator to blame or system of law to hold responsible for remedy. Again agency translates into the possibility of there being an agenda (economic migrant, sent by their parents for a better life, including them posing as a child when they are not).

Importantly there are reasons children who experience violence or adversity might not see themselves as victims, and/or actively avoid the attribution. For example Jane Callaghan and colleagues report consternation at the reluctance of some young women who experienced forced and/or very early marriage to consider themselves as victims, something that can make the work of support agencies more difficult. Similarly Dorte Marie Søndergaard highlights that research into bullying as well as sexual exploitation shows that frequently children do not see themselves as victims or explicitly (even fervently) refuse this attribution. Lindsay O'Dell, Sharon Lamb and others have shown that the passivity and intensity attached to the victim attribution means those assigned the label feel trapped, immobilized in a position of passive suffering, dependent on external intervention to be rescued and forever defined by the lasting damage the experience of victimization is supposed to have inflicted on them (this is particularly true for ideas around sexual abuse, where the

‘deservedness’ of the victim position and the truthfulness of the victimization is sometimes considered conditional on how long-term and life determining the resulting suffering is). This can make recovery difficult or impossible for those who feel obliged to conform with such implicit ideas about true victimhood, or those who wish to take charge of their life, and despite early marriage not to be burdened or scarred by the victim attribution that comes with associations of being tainted or irreparably damaged.

### **Concluding: Resilience**

The concept of resilience is important in the context of children as victims as it speaks to the question of remedies, and addresses the fact that in many cases nation states and the international community struggle to prevent remedy or even appropriately prosecute the circumstances under which children become victims. Promoting resilience means they might not have to. Michael Rutter originally defined resilience as the ability to overcome adverse conditions, i.e. a ‘bounce-back-ability’, and suggested a combination of social and environmental factors that meant, in certain conditions the encounter with serious risk can still have a good outcome. Promoting resilience in children has become a cornerstone of government initiatives to promote child wellbeing and to mitigate the impact of victimization (before it has even happened). However critics have raised concern that the concept is sometimes misunderstood as a characteristic to be instilled or found within individuals (rather than one emerging from, or residing in, social/environmental context). This places the burden of fostering it on single agencies or even parents, while also providing an excuse for not addressing and changing the circumstances that cause children to become victims in the first place.

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See also: Abuse and Child Abuse; Child Witnesses; Violence; Resilience; Young Offenders

### **Further Reading**

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Søndergaard, D. M. (2015). The dilemmas of victim positioning. *Conferno: Essays on Education, Philosophy and Politics*, 3(2): 36-79.

Schwöbel-Patel, C. (2018). The Ideal Victim of International Criminal Law. *European Journal of International Law*. Vol. 29(3): 703-724.