



## Research Article

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Received: 7 September 2023 / Accepted: 7 December 2023 / Published: 5 January 2024

# Analyzing Online Sexual Grooming of Minors and the Case of the Albanian Criminal Framework

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DOI: <https://doi.org/10.36941/ajis-2024-0012>

## Abstract

*Out of all of the digital sex crimes that have emerged during the revolution that is happening to technology, sexual grooming of minors, is one of the most problematic and unaddressed criminal phenomena. Sexual grooming of minors has moved from the offline realm to the online realm, becoming a tangible concern to all of the children who surf the Internet daily. Today, pervasive internet connectivity has propelled cybercrime to the forefront of law enforcement concerns globally. Particularly, social media platforms have become the favored and easily accessible tools for perpetrators, amplifying the incidence of digital sex crimes. This situation is exacerbated by the inherent dangers of online sexual grooming, which serves as a precursor to child sexual abuse. While not always an obligatory step preceding such abuse, the distinct characteristics of online sexual grooming underscore its heightened concern and complexity. This article delves into the dynamics of the sexual grooming of children, exploring its patterns, offenders' and victims' typology, and relevant legal framework in juxtaposition with the analysis of the Albanian criminal framework regarding this issue. For writing this article, we have used the Desk Review approach method as well as analyzing relevant legal frameworks where necessary, among other aspects.*

**Keywords:** *sexual grooming, sexual abuse, social media, digital sex crimes*

## 1. Introduction

Before we delve into the legal issues that sexual grooming of children presents, it is important to first give some background and context on this specific occurrence. The term "grooming" of children first emerged in the 1980s in the US. (Lanning, 2017). Grooming of children can be defined as a highly predatory behavior that happens mostly between a minor and an adult with the offender's main motive being sexually abusing the child.

One of the main characteristics of grooming is that this criminal activity lasts for a time, which

means it's not a one-time type of action. Spending time with their victims and working hard to create a bond between them, is one of the main goals of groomers either happening in the real world or online. It is also relevant to state that sexual abuse in these circumstances doesn't always follow the same pattern and can have various forms accordingly.

One of the main issues concerning grooming is the fact that it is little understood, sometimes it is completely overlooked, and oftentimes it isn't even acknowledged. This is especially true from the victim's point of view, where finding and analyzing facts is often quite difficult with underage children because of legal hindrances. (Burgess & R.Hartman, 2017).

In the 1980s when grooming of children became a more prevalent term, law enforcement agencies around the world started noticing certain patterns regarding the sexual abusers of children. (Lanning, 2017).

Especially in the USA, the more visible pattern was the acquittance level between the perpetrator and the victim. The perpetrator knew the victims quite well and this served as a factor for the commission of the sexual offense later. One of the things that law enforcement agencies noticed at this point regarding child sexual abuse is that the perpetrator often was part of certain organizations such as Boy Scouts, summer camps, etc., clearing the distance between them and their victims. (Lanning, 2017). By inserting themselves in these youth organizations, offenders shortened dramatically the distance between themselves and their victims. As a result of these actions, it was infinitely easier for them to proceed with the sexual abuse.

Since the 1980s a lot of things have changed, one of the main factors that has contributed to this change is the Internet and especially social media. The Internet facilitates significantly cybercrime. There is an abundance of programs, websites, chat rooms, and apps on the Internet, that can be used by perpetrators to commit online sexual grooming of children. The old offenders who enrolled themselves in youth organizations have moved on from this tactic and now surf the internet to find "suitable" victims, to reach sexual gratification. According to the FBI, predators are everywhere online, and they are working hard to engage with children frequenting cyberspace. (Kempf, 2012).

To better understand and be clearer about the sexual grooming of children, it should be emphasized that this criminal phenomenon is divided into 5 main stages. (Winters & Jeglich, 2021). It is also equally important to emphasize that although online sexual grooming of children is a relatively new phenomenon related to the advent of the Internet, grooming per se is not. Grooming has always been present and closely associated with the criminal offense. However, it is also considered a precursor of sexual abuse, and depending on the type of jurisdiction it retains considerable limitations and legal hurdles to be properly identified and later sentenced in a court of law.

Typically, a victim passes through several stages during the process of grooming. These stages or phases are done following other factors for example, what type of offender is the person responsible for the grooming, what are their main tools or *modus operandi* of their choice, special characteristics of their victims, etc. The stages include:

1. Selection of the victim.
2. Isolating the victim so that they spend more time with the perpetrator.
3. Building a trusting and emotional relationship with the victim.
4. Physical and mental preparation of the victim for sexual acts.
5. Maintaining a "relationship" between the offender and their victims.

Let's go through these stages one by one:

First, the perpetrator starts by looking for a victim. By "looking for a victim", we mean finding a victim who must meet several characteristics to be considered "suitable" for grooming. Typically, perpetrators pay special attention to young children who have social or emotional problems, whose parents are divorced, or who have various problems at school or in the family. These types of victims are very much preferred, because of a lack of parental control, and emotional or otherwise issues, they make the perfect victim to control. The Internet is an important and easy-to-use tool, that these perpetrators can employ to find and identify young victims who meet these specific criteria.

Secondly, after contact is established between the offender and the victim, the next phase is the separation or isolation of the victim from others. This phase is also very important because by isolating the victim from family members or other peers, they will spend more time with the abuser. The abuser actively works to create a special relationship with the victim. One of the tactics used is spending more and more time together with them. Either online or offline, time spent in these circumstances provides for a stronger bond between the victim and the perpetrator. Being also a minor, the victim has difficulty in understanding or fully perceiving reality. Thus, staying isolated from a person who has such intentions, for a long time, influences their psychology in an undisputed way.

Thirdly, another extremely important phase is the creation of a relationship of closeness, trust, emotional connection, etc. between the victim and the perpetrator. This is an important phase for the entire grooming process as the two subsequent phases will depend automatically on this phase. By staying close to the perpetrator and almost entirely isolated from others, the victim begins to create emotional and spiritual connections with the perpetrator. If the victim has social problems, the perpetrator is often seen as the only "stable" factor in their life, encouraging and further strengthening the strong emotional bond that existed between them. The perpetrator uses their influence on the child to dramatically change the course of their thinking and feeling, shaping them to their liking, ultimately resulting in the creation of a strong "relationship" among them.

Fourthly, after establishing a trusting and emotional relationship with the victim, the grooming process moves on to the physical and mental preparation of the victim for sexual acts. This may include normalizing sexual language and behavior, desensitizing the victim to sexual acts, and progressively escalating sexual contact to more intimate or invasive acts. The abuser may also use bribes, gifts, or other forms of manipulation to convince the victim to engage in sexual activities. They might also threaten or coerce the minor to keep their relationship secret, especially from other adults in the child's life. Secrecy is a key factor during the sexual grooming of minors, either online or offline.

Finally, the last stage of grooming is the sexual abuse itself, which may take many forms, including sexual abuse, sexual assault, child pornography, and more. After conducting the abuse, the perpetrator will want to foster a relationship with the victim. If the perpetrator has spent a lot of time grooming their victim, it becomes easier for them to manipulate the victim. Other methods that offenders use to keep the abused minor under their control include but are not limited to, bribes, gifts, threats, coercion, etc (Kaylor, Winters, Jeglic, & Cilli, 2022)

It's important to note that not all cases of grooming lead to sexual abuse, and not all sexual abuse involves grooming. However, grooming is a common tactic used by sexual predators to gain access to and control over their victims. Therefore, recognizing the signs and understanding the phases of grooming is crucial in protecting children and preventing sexual abuse either online or offline.

Sexual grooming of children has undergone significant changes since the earliest reporting in the 1980s of this criminal phenomenon. With the integration of the Internet and especially social media in our daily lives, it is becoming very easy for perpetrators to sexually groom children online. The Internet also provides perpetrators with a very necessary step, which is anonymity. Lurking on young children online has never been easier in the age of technology. Ultimately, this article will also explore and examine online sexual grooming of minors, the tactics used by groomers and their typology, the relevance of sexual grooming of children, why it should be criminally prosecuted, and in conclusion the stark juxtaposition of the various positions on grooming in countries where it's not an acknowledged criminal offense like Albania.

## 2. Methodology

### 2.1 Research Context and Analysis

The issue of sexual grooming of minors is a highly sensitive and relatively underexplored topic within the field of criminal law. Several factors contribute to this relative neglect, ranging from limited awareness of the criminal phenomenon to legal obstacles that persist in various regions around the world, this is especially true with underage minors' victims of sexual grooming. (Burgess & R.Hartman, 2017)

It is important to recognize that sexual grooming often serves as a precursor to the actual sexual abuse of minors. Consequently, law enforcement agencies tend to allocate greater resources and attention to cases of direct sexual abuse, oftentimes neglecting the grooming phase as an irrelevant and unimportant part of minors' sexual exploitation.

This oversight has significant consequences, as grooming is frequently not recognized as a distinct criminal offense in numerous countries globally. This becomes even more intricate when the entirety of the grooming process occurs exclusively within the online sphere, with no physical contact between the perpetrator and the victim. In such instances, the absence of overt sexual acts or behaviors makes it exceptionally challenging for law enforcement agencies to gather the requisite evidence for prosecution. This virtual impunity for potential offenders exacerbates the gravity of the problem, particularly in the context of technological advancements that have amplified the reach and impact of child sexual grooming.

For the writing of this article, we have employed a comprehensive Desk Review methodology, entailing an exhaustive examination of existing literature, reports, and scholarly studies within this field. However, specific sections of this article have adopted a more direct approach, involving the direct analysis of legal provisions and referencing relevant case law, from various countries and the Supreme Court of Albania, particularly in the segment dedicated to the examination of Albania's legislation in this field.

We believe that the sexual grooming of minors especially the online counterpart, are incredibly dangerous phenomenon that produces real-world tangible consequences for its victims. Due to this reason, it is extremely important to shed light on this process, to raise awareness between legislators, law enforcement agencies, parents, and other actors.

### 2.2 How does grooming happen online?

The following part of this article will explore the relationship between the sexual grooming of children and the Internet. One of the key factors that influence grooming *per se*, is the creation of a strong bond or relationship between the victim and the perpetrator. This bond isn't created overnight. It actually might need a lot of time to develop. In the 1980s, one preferred way for perpetrators to commit grooming and child abuse was their involvement in youth organizations such as Boy Scouts, to be near the children and to create an opportunity for them to commence the abuse. In the year 2023, things have changed drastically compared to the 1980s. Nowadays, it isn't strictly necessary for a perpetrator to enroll in a youth organization. They can do everything from the commodity of their own homes. With the internet at their fingertips, they can use it as a tool or a *modus operandi*, to find a "suitable" victim and to further engage in sexual grooming. Social media is directly responsible for facilitating the vicious cycle that is the online sexual grooming of children and child sexual abuse in general.

One of the main and most popular platforms for children worldwide is TikTok which in September 2021 accounted for 1.1 billion users, of which 32.5% are between the ages of 10-19 years old. All of this without taking under consideration children under 10 years old, who falsify their age so that they can be users of the platform. (Nguyen, n.d.). This statistic reemphasizes once more that it is extremely important for social media platforms, to enact and enforce sound precautions and rules to

protect the vast population of minors that make up their user base.

### 2.3 What does a typical case of grooming online look like?

A typical example of online grooming would be when a perpetrator finds online a victim who checks most of the criteria, regarding lack of parental control, emotional or otherwise problems, social issues, etc. After identifying the victim, the perpetrator will immediately initiate contact with them through various messaging apps or social media accounts. There is an abundance of websites or social media outlets on the Internet, that a perpetrator can use to commit various criminal acts and to retain complete anonymity. After that, the contact is established with the victim, typically the perpetrator will commence the early phases of grooming until it all transcends to the sexual abuse of the victim.

Again, thanks to the Internet and especially social media, the perpetrator can use these platforms to not only convince the child to undertake sexual acts but to also completely hide their identity online and still be a major abusive force in the life of the minor. These sexual acts may include, sending or receiving nude or sexually explicit photographs or videos of the child, or even going as far as convincing the child to perform sexual acts in front of the cameras. Sometimes perpetrators convince the children to perform sexual acts in front of the cameras with siblings, cousins, friends, etc. Either online or offline, the perpetrators make sure to exercise their influence on the children for long periods, becoming a presence in their daily lives. Time is a crucial factor when it comes to the sexual grooming of children. It is also one of the factors that differentiate the sexual grooming of children from other forms of sexual abuse of children.

In a similar case, a child sex offender who met most of his victims on various social media platforms would convince the child to perform sexual acts in front of the cameras. When the child would comply with their requests, they would use the photographs or videos as leverage to coerce the child to undertake more serious abuse. The photographs and videos were used to threaten the child so that the relationship would remain a secret from others and fulfill the perpetrator's wishes. (EUROPOL EC<sub>3</sub>, n.d.).

According to the same report, about 80% of victims of online grooming are children younger than 10 years old. This statistic is incredibly bleak since the main purpose of online grooming remains the sexual abuse that these children endure at the hands of their perpetrators.

In the UK a 15-year-old girl got acquainted on social media with a 28-year-old. They didn't know each other before this, however, the 28-year-old managed to get her number in just 10 minutes of texting with one another. In 2 weeks, they had exchanged more than 2600 messages. The offender managed to convince the victim to meet in real life at his apartment. When the victim went there, she was given substantial amounts of alcohol, she was sexually abused and then killed. (International Center of Missing and Exploited Children, 2017).

Another unfortunate and similar case is the killing of an Australian teenager, who met online "Kevin", a 17-year-old music student. They chatted mostly online and were in a long-distance relationship, but then decided to meet in person. The victim was waiting for "Kevin" but another person came, a 50-year-old man who was a convicted child sex offender. After a series of conflicts, stemming from the manipulation and deceit on the part of the perpetrator and his victim, he managed to lure her into a secluded area where he killed her and disposed of her body in a nearby lake. (Carly Ray Foundation, 2023). This single case of grooming shocked the Australian public and demands for changes in legislation were made.

Since this tragic case, the Australian Criminal Code was amended to stipulate as a criminal offense the act of deceiving minors online to engage in sexual activities at a later point in time. (Protecting Minors Online Bill, 2017). The Australian legislators promptly made relevant changes in the national legislation to cover the use of fabricated identities to communicate with minors online, with the motive of having sexual relations with them at a later point in time. These changes are vital in ensuring the safety of minors in cyberspace and also in prosecuting anyone who holds this criminal motive.

2.4 What are the differences between the sexual grooming of children and other forms of child sexual abuse?

If we re-shift the focus on child sexual grooming and other forms of child sexual abuse, it is clear that there are some overlapping. One of the main characteristics of the sexual grooming of children is *time*. Time is considered a crucial element when committing this criminal offense because grooming can happen over a long period when a perpetrator takes time and patience to groom a victim to fulfill their criminal motive. Perpetrators invest considerable time and patience in grooming their victims, aiming to build trust and establish a connection that can eventually lead to direct sexual abuse. However, it's important to note that this pattern isn't absolute, as there are instances where perpetrators may opt for a more expedited approach in initiating sexual abuse against minors.

One of the primary challenges associated with grooming is that it is not always fully understood; at times, it is either overlooked or treated as an integral component of other criminal activities. This view is especially true in various countries around the world, where there is a clear lack of legal provisions that acknowledge grooming as a crime. In many of these countries, the prevailing legal perspective hinges on the belief that if grooming is not established, then the sexual abuse could not have taken place. This approach often limits prosecution to only the explicit criminal actions defined by existing laws at the time of the offense. Consequently, grooming, a critical precursor to many cases of online exploitation, is often overlooked in the legal process, resulting in the acquittance of the offender and a failure to protect the victim.

Given that online grooming can occur without physical contact between the perpetrator and the victim, its impact remains significant. To effectively combat the sexual exploitation of minors in the digital realm, a comprehensive understanding of grooming is essential. Therefore, it is imperative for countries lacking specific legislation on grooming to enact such laws, ensuring the protection of minors from various forms of online exploitation.

Sexual exploitation of children can take many forms. Sometimes, it can happen only once when the perpetrator consumes or attempts to commit sexual acts with the child and sometimes it can happen many times in a period. One key moment to determine if a person is criminally liable for sexual exploitation of a victim, is the age of the victim, sexual maturity of the said person, and consent. When it comes to the age of the child, legislations around the world have varying degrees of opinions. In some countries like the UK for example the age of consent is 16 years old (RapeCrisis, 2023) and in countries like Albania, the age of consent is 14. (Euralius, 2017).

The age and sexual maturity of the victim need to be aligned for the sexual encounter to be legitimate, however, the element of consent may limit these two as well. If a person is above the age of consent and has reached sexual maturity, consent for the consummation of the sexual encounter needs to be expressed, for it not to be considered a criminal offense.

Other forms of child sexual abuse may include but are not limited to, child pornography, child prostitution, child sex tourism, and many more. If we take into consideration all of these forms one by one, all of them revolve around a different axis. For example, in child pornography, the main objective of the perpetrator is possessing, producing, buying, selling, and distributing sexually explicit photographs and videos of young children. Child prostitution and child sex tourism are similar because, in countries where child sex tourism is rampant, like the Philippines, they are virtually the same thing. Rich tourists from all over the world, come either personally or virtually into the Philippines to engage in child sex tourism, taking advantage of low-cost internet, high English proficiency in the country, and an already established sex tourism, thus making the Philippines, a global hotspot for child sexual tourism. (Gill, 2021)

As illustrated in the aforementioned examples, these various forms of child sexual abuse share a commonality in that they involve the actual sexual abuse of a minor, followed by the distinct motives of the perpetrator. From a legal perspective, initiating criminal charges against a perpetrator is often contingent on whether the sexual abuse has occurred or been attempted. Consequently, in many countries worldwide, the crucial element of 'grooming' tends to receive insufficient attention, leading

to several issues. Foremost among these is the challenge faced by law enforcement agencies in pursuing criminal charges against grooming offenders.

In the digital age, grooming, like many other criminal activities, has evolved significantly, as it can now also occur online. In certain legal jurisdictions across the globe, grooming is viewed as a precursor to actual sexual abuse. However, if sexual abuse has not taken place or has not been attempted, criminal prosecution becomes challenging. Now, consider the legal complexities when we introduce the online dimension. The online sexual grooming of young individuals unfolds entirely in the digital realm, often from the perpetrator's home computer. Online, perpetrators can conceal their identities effectively, target a large number of victims, and inflict severe harm on their targets.

Another key issue that is associated with grooming is that sometimes, the perpetrators do not meet physically with the child. This is especially true, with online grooming that happens over the internet on various chatting apps or social media channels and where sometimes the offender and the victim never meet in real life, but only online. Physical sexual abuse may also never happen, thus creating an incomplete puzzle. According to the "International Center for Missing and Exploited Children", it is important to criminally charge the perpetrator regardless, of whether they meet in real life with the minor or not. (International Center of Missing and Exploited Children", 2017).

The same report emphasizes that the sexual grooming of children should be subject to criminalization irrespective of the methods employed, whether conducted online or offline. The rationale for uniformly criminalizing child sexual grooming, regardless of the outcome or the means, is straightforward. Grooming is an intricate and extremely dangerous criminal activity that inflicts severe and lasting consequences upon the victim.

As evident from the previously mentioned cases and corresponding legislative changes, online grooming of minors is primarily driven by the perpetrator's pursuit of sexual gratification. It's noteworthy that physical meetings between the perpetrator and the victim are not always part of online grooming; sometimes, the entire abuse occurs in the digital realm. Nevertheless, calls for legislative reform have arisen, urging the criminalization of such acts, regardless of whether offline meetings occur or not.

Grooming constitutes a highly predatory behavior marked by the perpetrator's primary motive of achieving sexual satisfaction through manipulative techniques applied to the victims. This emphasizes the necessity of legally prosecuting the entire grooming process. In countries where grooming lacks specific legal definitions, several issues arise. One significant concern is that if the perpetrator and the victim never meet in person, and sexual abuse does not transpire, the perpetrator may evade legal consequences. Additionally, these situations can inflict severe psychological damage on victims, distorting their perception of reality and leaving these critical issues unaddressed.

## 2.5 *The correlation between sexual grooming of minors and the Internet*

Nowadays the Internet and social media have become an integrated part of our lives. Since the creation of the first social media platforms, we have become more connected, drastically shortening the distance between us. However, the main issue with social media, in general, is the fact that since we have become more interconnected so has crime become too.

One of the main concerns regarding social media platforms is that clear guidelines should be enacted to detect signs of child sexual exploitation. According to (Bischoff, 2023), in 2022 the social media giant Facebook has flagged over 73.3 million pieces of content of child nudity and child sexual exploitation. Naturally, Facebook isn't alone in this, other social media platforms like Instagram, Snapchat, Discord, TikTok, and more, remove millions of pieces of content that are considered child abuse or child sexual exploitation.

To combat the sexual exploitation of children on social media, these platforms have engaged in several tools to detect the creation and sharing of content on the sexual abuse of children. For example, Facebook uses several tools that vary from pop-up notifications and alerts that notify users if the content they are about to view, is related to child sexual exploitation or not. (Wong, 2021).

Nevertheless, it is imperative to acknowledge that this ongoing struggle is progressively challenged by the continuous evolution of technology. The digital landscape has emerged as a fertile terrain for the online grooming of children, firmly establishing the Internet as a predominant medium for the perpetuation of sexual grooming and other forms of child sexual exploitation.

The two main elements of a criminal offense have always been *mens rea* and *actus reus*. “Guilty mind” and “guilty actions”, combine the elements of having a criminal intent and undertaking the various actions and sometimes omissions (inactions) to conduct the criminal offense. (Cornell Law School, 2023). These two elements need to be in harmony for a perpetrator to be criminally liable for a criminal offense in a court of law. In the case of sexual grooming of minors, the perpetrator needs to have a fully formed criminal intent, which is sexual gratification, and the means used to achieve this intent. The preferred means of such offenders, nowadays, constitute a computer system and an Internet connection.

Concerning online grooming, the favored *modus operandi*, or *actus reus*, employed by perpetrators is reliant upon various social media platforms. This was even more facilitated when in the early stages of the Internet and social media, there were virtually zero restrictions on the interactions between users online.

During this period, practically anyone possessed the capacity to establish a personal profile and subsequently engage in unrestricted messaging with other users. Regrettably, this unencumbered accessibility remains extant in specific platforms and websites, wherein individuals can, without any obligatory identification, engage in anonymous and cost-free dialogues with others.

One of the pivotal stages in the context of online sexual grooming of children entails the identification of susceptible individuals among the child population, who may potentially become targets of online exploitation. Internet platforms play a pivotal role in facilitating the identification and protection of potential victims. Notwithstanding the prominence of social media giants such as Facebook, Instagram, and TikTok, a multitude of other platforms persist, characterized by their scarcity of robust restrictions and guidelines aimed at the detection and prevention of instances of child abuse or child sexual exploitation. Additionally, most perpetrators view the Internet as a very efficacious tool for committing these nefarious acts but also as a free lawless space, where they are free to act as they wish without any repercussions from the law.

Known as the *Lawless Space Theory* of child exploitation, this theory explores the idea that the Internet is a safe space for perpetrators completely shielded from the eyes of the law. (Schmidt, 2023). The Lawless Space Theory, true to its name, suggests that the safest space an offender feels is the virtual world, because:

- a. The contact with the victim is done mostly online
- b. Cyberspace is perceived to be a “wild western”, type of environment. No laws can penetrate it. Thus, completely slipping from the radar of law enforcement agencies.
- c. The offender sometimes may limit themselves only to the online part of the abuse, without undertaking proactive actions in the real world.

Another significant aspect of online sexual grooming of minors, via the Internet involves the deployment of enticement, substance abuse, sexualization, and the cultivation of an environment steeped in secrecy. (Ringenberg, Seigfried-Spellar, Rayz, & Rogers, January 2022).

It is imperative that social media not be dismissed as merely a tool facilitating these nefarious processes; rather, it should be regarded with the utmost gravity in the context of perpetrating sexual offenses against children. This is emphasized by empirical evidence demonstrating heightened victimization among children who engage in online relationships. (Deep, 2016).

Sometimes offenders may use different techniques when approaching children, some may use a fast and aggressive approach and others may use a slower and time-consuming method, with the latter group spending more time with their victim, trying to create a bond between them. Differently, the first group uses a more aggressive and fast-paced technique that uses high sexualization as a method to commit the offense. (Michalopoulos & Mavridis, 2013).

The Internet and especially social media provide for secrecy and anonymity which are two main



elements that offenders use to their advantage when committing criminal acts online. According to (Kempf, 2012), unsupervised chatrooms are the main tool offenders use to groom and then sexually exploit young children. One of the most notorious ones is Omegle which allows its users to connect with strangers online via video, with virtually no supervision. The website is anonymous and free to use entirely. (ChildNet, 2021).

In this context, websites like Omegle represent a "gold mine," not only for naturally curious children but also for individuals with nefarious intent who seek to groom and/or sexually exploit them. However, it is crucial to acknowledge that Omegle is not the exclusive platform with the potential for such exploitation. Offenders can effortlessly exploit other social media channels, including but not limited to Facebook and Instagram, to identify young children as potential targets. To engage the interest of these young individuals, offenders often assume entirely fabricated personas, skillfully manipulating and persuading children to comply with their wishes.

Notably, a troubling statistic reveals that 43% of teenagers who initially encountered a stranger online subsequently engaged in real-life meetings with these individuals (Kempf, 2012). This re-emphasizes once more, the urgency of addressing the issue comprehensively, as it transcends the confines of the virtual realm and has tangible, real-world implications for the safety and well-being of minors.

After contact is established with a "desired" victim, the later stages of grooming involve several other criminal actions. For example, the perpetrator may require certain favors from the victim. These may include sending to the perpetrator sexually explicit videos or images of themselves. (Deep, 2016). Once the sexually explicit photographs or videos are sent, the offenders use them as leverage to extort the child further. (Deep, 2016).

That last reason is one of the main issues when it comes to the prosecution of online grooming in many countries in the world. Since the possibility exists that the offender may never shift the abuse from online to offline, it generates a huge discussion in this matter. On the other hand, it shouldn't be forgotten that some countries around the world, consider online sexual grooming of children as a precursor to the actual sexual abuse, and thus it still *slips* from the hands of justice. In the eyes of the law, of the countries that follow this type of philosophy, sexual grooming of children isn't paid too much attention, unless the perpetrator actively commits criminal acts that directly affect the victim.

There have been numerous attempts to classify sexual groomers. Various studies have made different characterizations of sexual groomers because it's very difficult to give a rigid definition or make a fool-proof characterization of them. Schmidt classifies online sexual groomers into 2 main categories. The two main common types of offenders when it comes to online sexual grooming of children are the fantasy-driven type and the contact-driven offender. (Schmidt, 2023). The fantasy-driven type of offenders, reach their sexual gratification exclusively online. This means that these types of offenders limit themselves to sexually explicit behaviors done completely online and they rarely meet with their victims face-to-face. The sexually explicit behaviors may include cybersex, voyeuristic, exhibitionistic, etc.

The other type of offenders has varying degrees of similarities with the first case; however, they do represent an entirely different categorization list. They are offenders who reach sexual gratification only through close contact with the victim, meaning that they must meet with their victims face-to-face.

Nevertheless, the European Online Grooming Project EOGP (Stephen Webster, Ciulla, Milazzo, Schimmenti, & Craparo, 2012), redefines the offenders of online sexual grooming of children in a different way and adds another type of offender to the list of Schmidt. According to the EOGP, online sexual groomers can be divided into 3 main categories:

1. **Intimacy-seeking groomer** includes a group of offenders with no prior criminal records. These types of offenders wish to be in "*consenting relationships*" with their victims. When it comes to the term "consenting relationships", it is understandable that consent granted by a minor below the legal age of consent, which has varying degrees of naivety, is utterly void. They seek to form a relationship with their victims, thus cementing their influence on them.

The intimacy-seeking offenders were found to have no sexually explicit materials (photos, videos, recordings, etc.) of children under their possession. They also spend a lot of time online with the victim trying to get to know them, until eventually meeting them offline.

2. **Adaptable-style groomer**, these types of groomers were found to have sexually explicit material depicting minors. However, their online grooming style was quite flexible. This means that these offenders would adapt to the response they had from their victim online. They would adapt their personalities and even their grooming techniques to correspond with their victims. Thus, increasing their chances of being successful in their criminal activity.
3. **The Hyper-sexualized groomer**, this category of groomers is characterized by a highly sexual rhythm. They would have substantive amounts of pornography and rapidly share images or videos of their genitals online after establishing contact with a victim. The hyper-sexualized groomer would also highly sexualize the victim and rapidly escalate the abuse. The main supportive beliefs would include “dehumanizing their victims”. However, since the abuse, in this case, was quite fast as compared to the other two cases, they would rarely escalate it to in-person abuse. One key feature of this group was that meeting their victims offline, was less prevalent compared to the other two groups.

Understanding the main behavior patterns and motives of online sexual grooming is very important, not only to prevent abuse and protect minors online but to also give a full panorama of the character of an offender in the court of law. Offenders that have previous criminal records, especially related to child sexual abuse can be seen as an aggravating circumstance, thus effectively reflecting on the sentencing.

In conclusion, the act of sexually grooming children constitutes a highly dangerous criminal behavior that specifically preys upon underage minors, with the sinister intent of subjecting them to sexual abuse. Regrettably, grooming is frequently misconstrued and, in some instances, is not accorded the attention it warrants. Nonetheless, the profound and enduring impact that grooming inflicts upon its victims is substantial, rendering it an issue that cannot be ignored. A comprehensive understanding of grooming, particularly in its contemporary manifestation as online sexual grooming, holds the potential to contribute significantly to enhancing the safety of children navigating the digital realm.

### 2.6 *The issues in criminalizing minors' grooming in Albania*

During this Article, it has been emphasized numerous times that grooming, as a criminal phenomenon, is unfortunately not paid the appropriate attention by legislators in various parts of the world. One of the main reasons why this happens is because grooming is solely considered the preliminary phase of the sexual abuse of the minor. Law enforcement agencies tend to overlook these preliminary phases and pay more attention to the actual sexual abuse if it has been consumed or attempted. Such is the case of Albania as well.

At the time of writing this article, the Albanian national criminal legislation lacks a specific and specialized legal provision addressing the issue of sexual grooming of children, both in the physical and online realms. This absence is deeply regrettable and unfortunate as it leaves a significant gap in the legal framework, ultimately failing to provide adequate protection for the victims of this criminal activity. It is imperative to recognize that sexual grooming of minors is a tangible, real-world issue fraught with complex challenges that inflict genuine harm upon its victims. Additionally, the legal system must respond appropriately and address this matter with the seriousness and urgency it warrants. The proliferation of online sexual grooming exacerbates this concern, making it all the more pressing and worrisome.

It has been stressed numerous times that cases of online sexual grooming of minors are increasing rapidly, with the insertion of technology as a modus operandi of the offender. With each new case of sexual grooming of children that happens, legislators all over the world are moving

further the agendas to criminalize this phenomenon regardless if the actual sexual abuse has happened or not.

If we go back to the Albanian case, the Chapter of the Albanian Criminal Code that provisions sexual crimes can be considered outdated and in need of reform. With the emergence of new typologies of sexual crimes, the law struggles to keep up with these offenses, creating a huge vacuum while dealing with these new types of crimes. Crime is in constant development, making it imperative for the law to catch up to it.

Article 108 "Immoral Acts" part of the Albanian CC, explores the possibility of a perpetrator that proposes a minor under the age of 14 to meet so that they can conduct any of the criminal acts provisioned in this Chapter of the Criminal Code.<sup>1</sup> This particular Article of the Albanian CC can be considered the best defense against potential cases of grooming. However, the wording of Article 108 is a bit vague, leaving a lot of room for interpretation. This poses a great deal of concern, because one of the main pillars of criminal liability, is that a person can't be charged for a crime if, at the time of the committing of the crime, it wasn't provisioned in the law.

In other words, the law needs to be clear and provide for specific circumstances when an action or inaction may constitute a criminal act. If the law doesn't do this, it might create real issues regarding the prosecution of the offender.

However, a significant issue with this criminal offense in the Albanian Criminal Code (CC) is its limited scope. Article 108, which can be utilized in correspondence to sexual grooming, of minors, lacks precise definitions and other mechanisms to combat sexual grooming. The article, in essence, confines immoral acts solely to those actions that are sexual. Moreover, criminal liability under this article is contingent upon the perpetrator engaging in such acts with a person under 14 years of age and/or someone who has not yet reached sexual maturity, according to Albanian law.

One noteworthy aspect of the article is its final paragraph, which presents an intriguing perspective on the potential for a meeting between the victim and the perpetrator. The paragraph employs the phrase, "...*The proposal made by an adult person, by any means or form, to meet with a minor...*". It implies that an adult suggesting a meeting with a minor, using any means or form, can be interpreted also in favor of technology. This interpretation could encompass actions facilitated by technology and the internet. However, it is essential to emphasize that grooming of minors should be criminalized irrespective of whether an actual meeting between the perpetrator and the victim occurs or the methods used to commit it.

In a notable case before the Supreme Court of Albania<sup>2</sup>, an uncle was sentenced to 35 years in prison for engaging in sexual intercourse with his underage nephew. This case exhibits characteristics typical of grooming, as the offender lured and manipulated the victim to establish an emotional bond, ultimately to engage in sexual acts with the minor. At the time of the offense, the victim was a mere 13 years old and resided with his uncle due to his parent's divorce. The perpetrator consistently found opportunities to be alone with his nephew, picked him up from school, allowed the victim to use his smartphone, and even shared the same bed. The offender further employed threats to deter the victim from disclosing their illicit activities to his parents.

Ultimately, the offender was prosecuted under Article 100 of the Albanian Criminal Code, which pertains to "Sexual or homosexual relations with minors under 14." The absence of any explicit mention of the grooming aspect in the final court decision underscores the prevailing notion that grooming is often considered a precursor to the actual sexual offense. In this particular case, where

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<sup>1</sup> This particular Chapter of the Albanian CC, deals with all types of sexual crimes, for more information please see the EURALIUS footnote.

<sup>2</sup> Decision of the Criminal College of the Supreme Court of Albania, no. 00-2022-1700 (Albanian).

the sexual crime had already occurred, and there were no other discernible illegal elements, the court's focus remained centered on determining and classifying the appropriate criminal offense.

Regrettably, this case serves as a stark illustration of the shortcomings in the outdated Albanian legislation that ultimately fails to adequately protect victims of sex crimes, whether they occur in digital or physical contexts. It underscores the urgency of instituting reforms in the field of sex crimes, not only within Albania but in every country worldwide where legislation lags behind the evolving landscape of criminal behaviors. Modernizing laws and regulations to address new criminal trends is crucial in ensuring safety and justice for victims and in holding perpetrators accountable for their actions.

### 3. Conclusions

Sexual grooming of children represents just one of the distressing manifestations of child sexual abuse. This term traces back to the 1980s, as documented in FBI reports when perpetrators actively sought to establish closer connections with their potential victims. This unsettling proximity was achieved through physical involvement in various youth organizations at the time.

However, the landscape has evolved significantly since the 1980s, primarily due to the advent of the Internet, reshaping the dynamics of grooming. Today, the online dimension remains an integral part of this crime, as predators exploit the vast expanse of unsupervised chat rooms and various social media platforms that offer a degree of anonymity. These online spaces are often viewed as fertile grounds for such offenders.

In the case of online sexual grooming, physical contact with the victim is not a prerequisite; the abuse can occur exclusively through digital channels. Regardless of the specific environment in which grooming or abuse takes place, it is imperative to criminalize these actions. Online sexual grooming is a deeply predatory behavior driven by the perpetrator's quest for sexual gratification. As we confront the pressing need for legal reform, we must recognize that the fight against sexual grooming and other sex crimes is an ongoing battle. The legal opinion that doesn't identify grooming as a proper criminal offense should start to reevaluate all the new evidence against grooming, aided by technology.

Ultimately, it is incumbent upon governments, law enforcement agencies, educators, and parents worldwide to recognize the grave societal threat posed by grooming and to undertake the necessary steps to identify, apprehend, and prosecute these offenders. The protection of children from such harm should be an unwavering priority.

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