Vol. 95 issue 2, 2024

RIDP

Gert Vermeulen, Nina Peršak
& Stéphanie De Coensel *(Eds.)*

Researching the boundaries of **sexual integrity, gender violence and image-based abuse**

Revue Internationale de Droit Pénal
International Review of Penal Law
Revista internacional de Derecho Penal
Международное обозрение уголовного права
刑事法律国际评论
المجلة الدولية للقانون الجنائي
Revista Internacional de Direito Penal
Rivista internazionale di diritto penale
Internationale Revue für Strafrecht

MAKLU

Researching the boundaries of **sexual integrity, gender violence and image-based abuse**

Edited by

Gert Vermeulen
Nina Peršak
Stéphanie De Coensel

RIDP
Revue Internationale de Droit Pénal
International Review of Penal Law
Revista internacional de Derecho Penal
Международное обозрение уголовного права
国际刑事法律评论
المجلة الدولية للقانون الجنائي
Revista Internacional de Direito Penal
Rivista internazionale di diritto penale
Internationale Revue für Strafrecht

Maklu

Antwerpen | Apeldoorn | Portland

AIDP – Association Internationale de Droit Pénal | The International Association of Penal Law is the oldest association of specialists in penal law in the world. Since 1924, it is dedicated to the scientific study of criminal law and covers: (1) criminal policy and codification of penal law, (2) comparative criminal law, (3) international criminal law (incl. specialization in international criminal justice) and (4) human rights in the administration of criminal justice. The Association's website provides further information (http://www.penal.org).

RIDP – Revue Internationale de Droit Pénal | The International Review of Penal Law is the primary publication medium and core scientific output of the Association. It seeks to contribute to the development of ideas, knowledge, and practices in the field of penal sciences. Combining international and comparative perspectives, the RIDP covers criminal law theory and philosophy, general principles of criminal law, special criminal law, criminal procedure, and international criminal law. The RIDP is published twice a year. Typically, issues are linked to the Association's core scientific activities, ie the AIDP conferences, Young Penalist conferences, world conferences or, every five years, the International Congress of Penal Law. Occasionally, issues will be dedicated to a single, topical scientific theme, validated by the Scientific Committee of the Association, comprising high-quality papers which have been either presented and discussed in small-scale expert colloquia or selected following an open call for papers. The RIDP is published in English only.

Peer review: All contributions are subject to double-layered peer review. The primary scientific and peer review responsibility for all issues lies with the designated Scientific Editor(s). The additional scientific quality control is carried out by the Executive Committee of the Editorial Board, which may turn to the Committee of Reviewers for supplementary peer review.

Disclaimer: The statements and opinions made in the RIDP contributions are solely those of the respective authors and not of the Association or MAKLU Publishers. Neither of them accepts legal responsibility or liability for any errors or omissions in the contributions nor makes any representation, express or implied, with respect to the accuracy of the material.

© 2024 Gert Vermeulen, Nina Peršak & Stéphanie De Coensel (Editors) and authors for the entirety of the edited issue and the authored contribution, respectively. All rights reserved: contributions to the RIDP may not be reproduced in any form, by print, photo print or any other means, without prior written permission from the author of that contribution. For the reproduction of the entire publication, a written permission of the Editors must be obtained.

ISSN – 0223-5404
ISBN 978-90-466-1263-7
D/2024/1997/33
NUR 824
BISAC LAW026000
Theme: LNF, LAR, JBFK2

Maklu Publishers
Somersstraat 13/15, 2018 Antwerpen, Belgium, info@maklu.be
Koninginnelaan 96, 7315 EB Apeldoorn, The Netherlands, info@maklu.nl
www.maklu.eu

USA & Canada
International Specialized Book Services
920 NE 58th Ave., Suite 300, Portland, OR 97213-3786, orders@isbs.com, www.isbs.com

Editorial Board

Executive Committee

General Director of Publications & Editor-in-Chief | Gert VERMEULEN, Ghent University and Institute for International Research on Criminal Policy, BE

Co-Editor-in-Chief | Nina PERŠAK, Institute for Criminal-Law Ethics and Criminology, SI

Editorial Secretary | Stéphanie DE COENSEL, Ghent University, BE

Editors | Gleb BOGUSH, University of Cologne, DE | Dominik BRODOWSKI, Saarland University, DE | Juliette TRICOT, Paris Nanterre University, FR | Michele PAPA, University of Florence, IT | Eduardo SAAD-DINIZ, University of São Paulo, BR | Francisco FIGUEROA, Buenos Aires University, AR | Ahmed KHALIFA, Ain Shams University, EG | Megumi OCHI, Ritsumeikan University, JP

President | Katalin LIGETI, University of Luxembourg, LU

Vice-President in charge of Scientific Coordination | André KLIP, Maastricht University, NL

Committee of Reviewers – **Members** | Isidoro BLANCO CORDERO, University of Alicante, ES | Steve BECKER, Attorney at law, USA | Peter CSONKA, European Commission, BE | José Luis DE LA CUESTA, Universidad del País Vasco, ES | José Luis DÍEZ RIPOLLÉS, Universidad de Málaga, ES | Antonio GULLO, Luiss University, IT | LU Jianping, Beijing Normal University, CN | Sérgio Salomão SHECAIRA, University of São Paulo and Instituto Brasileiro de Cienciais Criminais, BR | Eileen SERVIDIO-DELABRE, American Graduate School of International Relations & Diplomacy, FR | Françoise TULKENS, Judge at the Turkey Tribunal, BE | Emilio VIANO, American University, USA | Roberto M CARLES, Universidad de Buenos Aires, AR | Manuel ESPINOZA DE LOS MONTEROS, WSG and Wharton Zicklin Center for Business Ethics, DE | Nicola RECCHIA, Goethe-University Frankfurt am Main, DE – **Young Penalists** | Luyuan BAI, Southwest University of Political Science and Law, CN | Alejandra PASTRANA, University of Cádiz, ES

Scientific Committee *(names omitted if already featuring above)* – **Honorary President** | John VERVAELE, Utrecht University, NL – **Executive Vice-President** | Jean-François THONY, President, the Siracusa International Institute for Criminal Justice and Human Rights, IT – **Vice-Presidents** | Carlos Eduardo JAPIASSU, Universidade Estacio de Sa, BR | Ulrika SUNDBERG, Ambassador, SE | Xiumei WANG, Center of Criminal Law Science, Beijing Normal University, CN – **Secretary General** | Stanislaw TOSZA, University of Luxembourg, LU – **Treasurer** | Cristina MAURO, Public Prosecutor, Paris, FR – **Secretary of Scientific Committee** | Alice GIANNINI, Maastricht University, NL – **Members** | Lorena BACHMAIER, Complutense University of Madrid, ES | Sabine GLESS, University of Basel, CH | Fernando MIRO LLINARES, University Miguel Hernández of Elche, ES | Juliette LELIEUR, Université de Strasbourg, FR | Slawomir STEINBORN, University of Gdańsk, PL | Bettina WEISSER, University of Cologne, DE | Liane WÖRNER, University of Konstanz, DE | Jean Baptiste PERRIER, Aix-Marseille University, FR | Jean Pierre MATUS, University of Chile, CL | Maria FILATOVA, Tashkent State University of Law, UZ | Chenguang ZHAO, Beijing Normal University, CN | Miren ODRIOZOLA, University of the Basque Country, ES | Francesco MAZZACUVA, University of Parma, IT – **Associated Centers** *(unless already featuring above)* | Filippo MUSCA, Istituto Superiore Internazionale di Scienze Criminali, Siracusa, IT | Anne WEYEMBERGH, European Criminal Law Academic Network, Brussels, BE – **Young Penalists** | Dawid MARKO, University of Gdańsk, PL | Gonzalo GUERRERO, Universidad de Buenos Aires, AR

Honorary Editorial Board **- Honorary Director** | Reynald OTTENHOF, University of Nantes, FR – **Members** | Christine VAN DEN WYNGAERT, Kosovo Specialist Chambers, NL | Eugenio Raúl ZAFFARONI, Corte Interamericana de Derechos Humanos, CR

Summary

Preface: challenges and trends in regulating and addressing sexual and gender crime, offline and online
Gert Vermeulen, Nina Peršak & Stéphanie De Coensel 7

Sexual integrity

It's (not) a man's world. The EU's failed breakthrough on affirmative sexual consent
Gert Vermeulen & Wannes Bellaert 15

Defining rape in French-speaking European countries: with and without a reform
Salomé Lannier, Justine Arnal, Elise Delhaise & Camille Perrier Depeursinge 35

The limits of the new Finnish consent-based rape law
Otava Piha 55

Sexual acts constituting rape: perspectives from Greek and European law
Chara Chioni-Chotouman 79

Approaching sexual harassment from the perspective of Hungarian law
Agnes Czine 97

The definition of rape in Polish criminal law: discourse on the need for change
Natalia Daśko 117

Swipe, hook-up and harassment: the complex scripts of dating app culture
Laura Byn 135

Tinder tales: exploring the normalisation of online sexual harassment in modern dating
Laura Byn 169

Gender violence

Gender-based sexual crimes in the Brazilian criminal code of 1940: from moralism to paternalism?
Ana Silvia Sanches do Amaral 197

Genocide, rape and sexual violence: an analysis of ICTY and ICTR case law
Isabelle Dianne Gibson Pereira 229

Understanding inceldom: an adapted framework for analysing the incel community within an online radicalisation approach
Renée Pattyn 245

A way forward: criminal law as a possible remedy in addressing gynaecological and obstetric violence?
Lorenzo Bernardini and Sara Dal Monico 269

Image-based and online sexual abuse

Abuse process including (cyber) grooming and online sexual solicitation
Maria Gahn 299

The policing and reporting of online child sexual abuse material: a scoping review
Nena Decoster 323

The datafication of intimacy: criminalisation and prosecution of image-based (or rather: data-based) sexual abuse in Germany
Liane Wörner and Lena Gmelin 367

Emerging trends in criminalising (non-consensual) sexual deepfakes: challenges and perspectives from England and Wales, the US and the EU
Clementina Salvi 391

Criminalisation of the dissemination of non-consensual sexual deepfakes in the EU. A comparative legal analysis
Can Yavuz. 419

An empirical and legal analysis of sexual deepfakes in the EU, Belgium and the Netherlands
Sofie Royer, Jan-Jaap Oerlemans & Rolf van Wegberg 459

Artificial Intelligence and image-based sexual abuse: an Analysis of non-consensual deepfakes in light of Portuguese criminal law
Túlio Felippe Xavier Januário 483

ABUSE PROCESS INCLUDING (CYBER) GROOMING AND ONLINE SEXUAL SOLICITATION

Maria Gahn[*]

Abstract

The press repeatedly reports cases where adults ask children for nude photos or meetings via social media. Various repressive and preventative mechanisms are in place to address this. However, the number of unreported cases is high. Despite their supposedly deterrent preventive effect, repressive measures, especially penal provisions, do not offer sufficient protection. This raises the additional question of possible preventive measures. However, these are time-consuming regarding human resources if, for example, undercover investigators are being used. For this reason, attempts are being made at a technical level to track down punishable chats with sexualised content between adults and children. Although the specific goals and methods are not always identical, there are patterns in the perpetrators' behaviour which can be grouped by the different phases of the exploitation process. This knowledge can be used to train chatbots to act as a susceptible child to attract potential perpetrators before they exploit real children. Additional safety measures relate to message filtering, to safeguarding the online presence of children as well as to education.

1 Introduction

The topic of sexual abuse of minors reveals many complex facets. Traditional notions of rape are the exception. In reality, child sexual abuse usually takes place in a supposedly safe social environment. Perpetrators take a targeted approach, prepare, and often act manipulatively. Grooming in the sense of approaching the social environment of children is, therefore, no new phenomenon.[1] In fact, even before the possibilities offered by technology, abusers sought out professions and associations where they have access to children. This practice takes place not only in physical but also in digital space, although the behaviour there may vary greatly. In order to develop preventative approaches, a comprehensive analysis is required of the factors influencing the behaviour and online presence of minors, as well as the types of perpetrators and their methods. A differentiated view of the process, starting with the establishment of an abusive situation through the manipulative behaviour of the perpetrator(s), marks the starting point. Several attempts to categorise perpetrators and compile typical approaches have been undertaken in literature. The most common ones are publications on the so-called (online or cyber) grooming process. 'Grooming', in this context, means in short, making contact with the

[*] Maria Gahn is a Research Assistant and PhD Candidate at the Chair for Europeanization, Internationalization and Digital Transformation of Criminal Law and Criminal Procedure of Prof. Dr. Dominik Brodowski, LL.M. (UPenn). I thank him, as well as Julia Reichmann and Florentine Dreßler – in addition to the editors – for proofreading and constructive criticism. For correspondence: <maria.gahn@uni-saarland.de>.

[1] Elena Martellozzo, Online Child Sexual Abuse: Grooming, Policing and Child Protection in a Multi-Media World (Routledge, Oxon 2012) 9.

aim of child sexual abuse.[2] The key elements are to draw the child into the offender's sphere of influence and to gain their trust.[3] The behaviour is considered to be 'cyber' grooming[4] if at least a part happens on the internet using information or communication technology.[5]

However, not every message sent to children via information or communication technology with sexualised content is to be considered cyber grooming. Especially in the case of mass messages[6] containing sexual photos, links and sometimes videos, no (more specific) selection of addressees takes place, and the actual initiation phase is skipped. Mass messages that do not target minors but are sent without restriction in order to spread malware or sell content shall not be discussed here. Depending on the legal system, this might constitute a criminal offence, at least if the distribution to minors was (at a minimum) tolerated. However, this behaviour is fundamentally different from the targeted initiation of abuse. Those other intentions should, therefore, be disregarded here. The 'single intent […] to see webcam sex'[7] as targeted in Sweetie 2.0 refers to a (rapid) achievement rather than building trust. However, only one type of offender with this specific offence is examined in this project. The aim here is to provide a more comprehensive overview.

---

[2] Adrian Haase, *Computerkriminalität im Europäischen Strafrecht: Kompetenzverteilung, Harmonisierungen und Kooperationsperspektiven* (Mohr Siebeck, Tübingen 2017) 140; Christian van Endern, 'Sexueller Missbrauch von Kindern ohne Einwirken auf ein Kind: Zur Versuchsstrafbarkeit des Cybergroomings' [2020] NJW 1033; Anja Kegler, 'Schutz von Kinder und Jugendlichen vor sexueller Gewalt in digitalen Medien' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 617, 619.

[3] Jesko Baumhöfener, 'Versuchtes Cybergrooming: Grenzbereich des polizeilichen Gefahrenabwehrrechts und Legitimation des „Präventionsstrafrechts"' [2021] MMR 30; Elena Martellozzo, *Online Child Sexual Abuse: Grooming, Policing and Child Protection in a Multi-Media* World (Routledge, Oxon 2012) 79; Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 240 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024.

[4] For an overview of various terms used in the literature see Anne-Marie McAlinden, *Children As 'Risk': Sexual Exploitation and Abuse by Children and Young People* (Cambridge University Press, Cambridge 2018) 46.

[5] Thomas Fischer, 'Stellungnahmen der Sachverständigen: Deutscher Bundestag – Ausschuss für Recht und Verbraucherschutz, Wortprotokoll der 69. Sitzung' 39 (Bundestag, 6 November 2019), <www.bundestag.de/resource/blob/674558/d5ee9d9665e0de54464e84d8caa4d17c/wortprotokoll-data.pdf> accessed 11 July 2024; see also the detailed overview over various definitions used in the literature in Georgia M. Winters and Elizabeth L. Jeglic, Sexual Grooming: Integrating Research, Practice, Prevention, and Policy (Springer Nature, Switzerland 2022) 42.

[6] According to a new study, 30% of minors surveyed in Germany have already been involuntarily confronted with sexual content on the internet. See Medienpädagogischer Forschungsverbund Südwest (mpfs), '*JIM-Studie 2023: Jugend, Information, Medien*' 54 (mpfs, 29 November 2023) <www.mpfs.de/studien/jim-studie/2023/> accessed 11 July 2024.

[7] Hans Henseler and Rens de Wolf, 'Sweetie 2.0 Technology: Technical Challenges of Making the Sweetie 2.0 Chatbot' in Simone van der Hof and others (eds), *Sweetie 2.0: Using Artificial Intelligence to Fight Webcam Child Sex Tourism* (Springer, The Hague 2019) 113, 118

Looking at the abuse process from a criminal law perspective, the first aspect to consider are the different aims. It is, inter alia, largely dependent on the intended purpose whether the planned offence will exclusively take place online or whether it will be transferred to the real world. This can also affect the type and the frequency of the abuse. In order to work out the processes, the main goals, and the countermeasures that occur in practice, a comprehensive literature review was primarily carried out. Additionally, there are also empirical influences based on previous professional experience[8] and non-scientific press articles.

2 Perpetrator types and their targets

The four (main) purposes of the misuse of the internet in relation to sexual interests in children are, according to *Keith F. Durkin* 'to traffic child pornography, to locate children to molest, to engage in inappropriate sexual communication with children, and to communicate with other pedophiles.'[9] However, a strict separation of aims is not possible. Even a distinction between contact happening exclusively online such as cybersex, voyeurism or exhibitionism (fantasy driven behaviour), and desired real-life contact (contact driven behaviour)[10] is not always possible.[11]

2.1 Hands-off offences

One goal may be to 'merely' gain possession of child sexual abuse material (CSAM).[12] The offender asks the child to send them photos or videos of themselves or to perform sexual acts in front of a webcam and record them. The offender is, therefore, not (yet) interested in physical contact with the victim. Depending on the offender, the behaviour varies from a simple request to send or 'swap' images in order to obtain the relevant recordings. In social networks, an increasing amount of offers to purchase pornographic material or sexual acts for 'pocket money'[13] or virtual money[14] can be found. Further-

[8] Data Protection Center Saarland, 'Schulworkshops' (Datenschutz Saarland, June 2023) <www.datenschutz.saarland.de/themen/schule-und-bildung#c2398 > accessed 11 July 2024.

[9] Keith F. Durkin, 'Misuse of the Internet by Pedophiles: Implications for Law Enforcement and Probation Practice' [1997] Federal Probation Journal 14.

[10] On this distinction: Peter Briggs and Walter T. Simon and Stacy, 'An Exploratory Study of Internet-Initiated Sexual Offenses and the Chat Room Sex Offender: Has the Internet Enabled a New Typology of Sex Offender?' [2011] Sexual Abuse 72, 87.

[11] Laura Jayne Broome and Cristina Izura and Nuria Lorenzo-Dus, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' (2018) 79 Child Abuse & Neglect 434 <https://doi.org/10.1016/j.chiabu.2018.02.021> accessed 11 July 2024.

[12] See the practical case of BGH (German Supreme Court) order of March 10, 2020 – 4 StR 624/19, NStZ-RR 2020, 276.

[13] See, for example, in the context of so-called cat calling: Elisa Hoven and Anja Rubitzsch and Barbara Wiedmer, 'Catcalling – Eine phänomenologische und strafrechtliche Betrachtung' [2022] KriPoZ 175, 182.

[14] Thomas-Gabriel Rüdiger 'Cybergrooming in virtuellen Welten – Chancen für Sexualtäter?' [2012] Deutsche Polizei 31 <https://hpolbb.de/sites/default/files/field/dokumente/Ruediger/cybergrooming_in_virtuellen_welten_-_ruedigerpolizei_2_2012.pdf> accessed 11 July 2024.

more, several cases have been reported in where the perpetrator pretended to be a photographer wanting to take photos in order to cast the victim as a model.[15] In some cases, the offender is not interested in the image material but in the chatting itself, mainly the exchange of sexual preferences and interests. There are so-called adventure [Original: Erlebnistäter] or novelty offenders[16] who have no specific preference regarding children but follow this goal. Therefore, this is an area where prevention should be focused on.

2.2 Hands-on offence

'Classic' abuse is probably the most common aim that comes to people's minds. This refers to perpetrators who contact children in order to victimise them through a sexual act. Distinctions can be made, in particular, between singular and continued abuse, as well as according to the type of behaviour of the offender. The latter can range from manipulative behaviour to force. The rape situation can, especially from the perpetrator's perspective, be contrasted with the so-called intimacy-seeking[17] individuals who seek a kind of intimate relationship with the minor. This type of offender has a particular interest in maintaining a long-term relationship, presenting the actions as if there is a consensual relationship between the offender and the victim, which is implied by manipulative behaviour.[18] These perpetrators do not see themselves as offenders, but as well-wishers of the child.[19]

2.3 Loverboy method

The so-called 'loverboy method' is sometimes seen as a separate subform[20] of cyber grooming, to which minors also fall victim.[21] The 'loverboy' pretends to be interested in a relationship and then isolates the victim from their family and social environment and

[15] Julia von Weiler, *Im Netz: Kinder vor sexueller Gewalt schützen* (Herder, Freiburg 2014) 76.

[16] Lukas Roser, Die Kinder- und Jugendpornografiedelikte im Zeitalter der Neuen Medien (Duncker & Humblot, Berlin 2024) 103; similar Korinna Kuhnen, Kinderpornographie und Internet (Hogrefe, Göttingen 2007) 196; Jasmin Palm, *Kinder- und Jugendpornographie im Internet: Eine materiell-rechtliche Untersuchung der Rechtslage in Deutschland* (Peter Lang, Frankfurt am Main 2011) 12.

[17] Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 14 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024; Eleni Alexiou, *Cyber-Grooming: Eine kriminologische und strafrechtsdogmatische Betrachtung* (Peter Lang, Berlin 2018) 133.

[18] See for example BGH order of February 8, 2018 – 3 StR 274/17, BeckRS 2018, 12997 para 4.

[19] Constanze Winter, Tausend Tode und ein Leben: Sexualisierte Gewalt gegen Kinder – Ursachen, Folgen und Therapie (Kohlhammer, Stuttgart 2015) 25; in detail on cognitive distortions of paedophilia Sabrina Eberhaut, Kindesmissbrauchstypische kognitive Verzerrungen und ihre Relevanz für die Diagnose einer Pädophilie (Ulm 2023); Jürgen Oelkers, 'Sexualisierte Gewalt in der Jugend- und Reformbewegung' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 52 speaks of 'service to the sexuality of the child' and 'stable justification strategies' [orignial in German].

[20] Edith Huber, *Cybercrime: Eine Einführung* (Springer, Wiesbaden 2019) 140, which, however, focuses on the pretence of an amorous relationship.

[21] In 2022, almost 10% of the identified victims were minors, Bundeskriminalamt 'Menschenhandel und Ausbeutung' (BKA, 11. September 2023) 25, <www.bka.de/SharedDocs/Kurzmeldungen/DE/Kurzmeldungen/230911_BLB_Menschenhandel.html> accessed 11 July 2024.

pushes them into prostitution.[22] Cases of online prostitution, in particular the sale of pornographic material, are also categorised here. This includes all forms of deliberate pretence of romantic feelings for the commercial exploitation of the victim. A higher degree of unscrupulous behaviour is expected in cases of commercial motivation.[23] Although this does not appear to be generalisable, economic gain appears to be a significant motive for unscrupulous behaviour. It was stated in German case law that the loverboy method is of great economic interest to young men with criminal tendencies, as it enables the offenders to lead an extravagant lifestyle without having to pay for it themselves.[24] However, this applies to any form of human trafficking[25], even if the exploitation of human beings is not based on this manipulative scheme. The loverboy method is also used for non-commercial purposes. In one case, for example, an offender used several fake accounts to impersonate both the loverboy and an apparent friend in order to convince the victim to have sex with the latter as a 'proof of trust'.[26]

3 Grooming process

Several categorisations of the grooming process in the broader sense can be found in the literature. The number and specific categorisation of the phases and their names vary.[27] The models listed there comprise between two and seven phases, some of which begin

[22] Deutscher Bundestag, 'Drucksache 18/9095', (Bundestag, 06 July 2016) 34 <https://dserver.bundestag.de/btd/18/090/1809095.pdf> accessed 11 July 2024; See for example BGH order of February 8, 2018 – 3 StR 274/17, BeckRS 2018, 12997 para 4; LG (regional court) Düsseldorf judgment of November 17, 2016 – 50 Js 620/15-5/16, BeckRS 2016, 118539 para 31; OLG Celle (Higher Regional Court) order of April 6, 2020 – 2 HEs 5/20, BeckRS 2020, 6511 para 2; LKA NRW, 'Loverboys – Prostitution statt Liebe' (Polizei NRW, 2023) <https://polizei.nrw/artikel/loverboys-prostitution-statt-liebe> accessed 11 July 2024; See the impressive cases in Helena Schmid, 'Mit Drogen vollgepumpt, als Sexobjekt missbraucht: Die traurigen Schicksale der Loverboy-Opferhttps' (Blick, 11 January 2020) <www.blick.ch/schweiz/mit-drogen-vollgepumpt-als-sexobjekt-missbraucht-die-traurigen-schicksale-der-loverboy-opfer-id15698559.html> accessed 11 July 2024; especially with regard to foreign women who are first brought to Germany using this method and forced into postitution there Brian Valerius, '§ 232 StGB' in Bernd von Heintschel-Heinegg and Hans Kudlich *BeckOK-StGB* (61st edn, C.H. Beck 2014) para 43.

[23] In relation to obtaining child pornographic material: Jasmin Palm, Kinder- und Jugendpornographie im Internet: Eine materiell-rechtliche Untersuchung der Rechtslage in Deutschland (Peter Lang, Frankfurt am Main 2011) 12.

[24] VG Hannover Beschl. v. 4.10.2023 – 5 B 3687/22, BeckRS 2023, 28894, BeckRS 2023, 28894 para 73.

[25] See additionally on webcam child sex tourism: Bart Schermer and others, 'Legal Aspects of Sweetie 2.0' in Simone van der Hof and others (eds), *Sweetie 2.0: Using Artificial Intelligence to Fight Webcam Child Sex Tourism* (Springer, The Hague 2019) 3.

[26] LG Leipzig judgment of 30.4.2019 – 2 KLs 442 Js 44829/18 jug, BeckRS 2019, 43984 para 13.

[27] See the non-exhaustive overview of 17 models at Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 21 f. and additionally but also non-exhaustive Manon Kleijn and Stefan Bogaerts, 'Sexual Offending Pathways and Chat Conversations in an Online Environment' [2021] Sexual Abuse 871, 873; Jürgen Oelkers, 'Sexualisierte Gewalt in der Jugend- und Reformbewegung' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 52; Judith Ohlmes, *Pädosexuelle Täter: Merkmale und Strategien als Ansatzpunkte präventiver Maßnahmen* (Johannes Herrmann J&J-Verlag, Wettenberg 2005) 59–71.

with identifying a target, but some of which only start with gaining access to victims, befriending a potential victim, or even sexualisation. Models can be used to organise data to make predictions as heuristic tools for communication and education. The more precisely the typical behaviour of perpetrators is known, the more specifically children can be warned about this.[28] It is also evident that tools created on the basis of empirical models could essentially help to monitor (eg, 'Net Nanny'), detect (provide notifications), predict (interactive user education), and mitigate (eg, suspending account) grooming.[29] The focus is usually on detecting (and reporting of) harmful conversations,[30] sometimes using machine learning approaches.[31] Previous attempts in literature to group data sets by building grooming phases assigned specific questions to each of those groups. For example, the question 'what do you like to do?' is assigned to the group 'exchange of personal information', whereas a meeting request is assigned to the group

[28] Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 232 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024.

[29] Miljana Mladenović and Vera Ošmjanski and Staša Vujičić Stanković, 'Cyber-aggression, Cyberbullying, and Cyber-grooming: A Survey and Research Challenges' [2020] ACM Computing Surveys 1:17 <https://doi.org/10.1145/3424246> accessed 11 July 2024.

[30] See Vaibhav Kasar and others, 'A Social Media System for detecting Child Predators' [2023] International Journal of Digital Technologies [IJDT] 39 < https://journal.nielit.edu.in/index.php/01/article/view/32> accessed 11 July 2024; India McGhee and others, 'Learning to Identify Internet Sexual Predation' [2011] International Journal of Electronic Commerce 103 <www.jstor.org/stable/41300734> accessed 11 July 2024; Nuria Lorenzo-Dus and Anina Kinzel and Matteo Di Cristofaro, 'The communicative modus operandi of online child sexual groomers: Recurring patterns in their language use' [2020] Journal of Pragmatics 15 <https://doi.org/10.1016/j.pragma.2019.09.010> accessed 11 July 2024; Hady Pranoto and Fergyanto E. Gunawan and Benfano Soewito 'Logistic Models for Classifying Online Grooming Conversation' [2015] Procedia Computer Science <https://doi.org/10.1016/j.procs.2015.07.536> accessed 11 July 2024; see also the approach of identifying adults pretending to be children by their language Maxime Meyer, *Machine learning to detect online grooming* (Department of Information Technology, Uppsala 2015) <https://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A846981&dswid=7607> accessed 11 July 2024.

[31] With further references: Jinhwa Kim and others, 'Analysis of Online Conversations to Detect Cyberpredators Using Recurrent Neural Networks' in Archna Bhatia and Samira Shaikh (eds), *Proceedings for the First International Workshop on Social Threats in Online Conversations: Understanding and Management* (European Language Resources Association, Marseille 2020) 15 <https://aclanthology.org/2020.stoc-1.3/> accessed 11 July 2024; Nur Rafeeqkha Sulaiman and Maheyzah Md. Siraj, 'Classification of Online Grooming on Chat Logs Using Two Term Weighting Schemes' [2019] International Journal of Innovative Computing 43 <https://core.ac.uk/download/pdf/288476955.pdf> accessed 11 July 2024.

'approach'.[32] Categorisation must not be subdivided too granularly.[33] This would be too inflexible with regard to non-rigid chats. Conversations often start with a greeting and small talk. However, it is also not inappropriate to open with a compliment. Other problems with the automated detection of cyber grooming are the 'data acquisition bottleneck',[34] and that 'public datasets […] are mostly in English'.[35] In addition, there are variations such as spelling errors, abbreviations and slang,[36] or certain words are replaced by emojis[37].

The categorisation chosen here is primarily intended to enable concrete preventive *and* repressive measures to be linked. Accordingly, not only the often-discussed grooming process in the narrower sense but the entire process, from preparatory actions to the prevention of the investigation of criminal offences, will be presented in the subsequent overview. The data sets described above are a fundamental approach. However, this only takes effect after contact has already been made. Going beyond this, a preventive approach using fake profiles and social media would be a further step towards prevention. This may include active participation in a chat with a presumed offender, with the goal of interfering with their behavior before a crime against a specific child is committed (agent provocateur). When designing such a system, it is important to be aware of typical targets of offenders and the grooming process.

---

[32] India McGhee and others, 'Learning to Identify Internet Sexual Predation' [2011] International Journal of Electronic Commerce 103, 108 f. <www.jstor.org/stable/41300734> accessed 11 July 2024; and following up Jinhwa Kim and others, 'Analysis of Online Conversations to Detect Cyberpredators Using Recurrent Neural Networks' in Archna Bhatia and Samira Shaikh (eds), *Proceedings for the First International Workshop on Social Threats in Online Conversations: Understanding and Management* (European Language Resources Association, Marseille 2020) 15, 16 <https://aclanthology.org/2020.stoc-1.3/> accessed 11 July 2024; April Kontostathis and others, 'Identifying Predators Using ChatCoder 2.0' in Pamela Forner and others (eds) *CLEF (Online Working Notes/Labs/Workshop)* (CEUR-WS.org, 2012) <https://downloads.webis.de/pan/publications/papers/kontostathis_2012.pdf> accessed 11 July 2024.

[33] Miljana Mladenović and Vera Ošmjanski and Staša Vujičić Stanković, 'Cyber-aggression, Cyberbullying, and Cyber-grooming: A Survey and Research Challenges' [2020] ACM Computing Surveys 1:2 <https://doi.org/10.1145/3424246> accessed 11 July 2024.

[34] Nick Pendar, 'Toward Spotting the Pedophile: Telling victim from predator in text chats', *International Conference on Semantic Computing* [2007] IEEE 235 <https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4338354> accessed 11 July 2024.

[35] Miljana Mladenović and Vera Ošmjanski and Staša Vujičić Stanković, 'Cyber-aggression, Cyberbullying, and Cyber-grooming: A Survey and Research Challenges' [2020] ACM Computing Surveys 1:17 <https://doi.org/10.1145/3424246> accessed 11 July 2024.

[36] Miljana Mladenović and Vera Ošmjanski and Staša Vujičić Stanković, 'Cyber-aggression, Cyberbullying, and Cyber-grooming: A Survey and Research Challenges' [2020] ACM Computing Surveys 1:16 <https://doi.org/10.1145/3424246> accessed 11 July 2024.

[37] Hans Henseler and Rens de Wolf, 'Sweetie 2.0 Technology: Technical Challenges of Making the Sweetie 2.0 Chatbot' in Simone van der Hof and others (eds), *Sweetie 2.0: Using Artificial Intelligence to Fight Webcam Child Sex Tourism* (Springer, The Hague 2019) 113, 120.

3.1 Preparation phase

If the preparatory actions are included in the first phase of the process, it is often referred to as identifying or targeting a child/a potential victim. This can be extended to other preparations. On the one hand, there is some preparation of the social environment. Perpetrators offer to be the family's confidant or to help with household chores or babysitting. On the other hand, the offender needs to identify a suitable environment (offline or online), such as playgrounds, certain game apps and social networks. Then, the offender can create an individual background or an (online) profile.

3.1.1 Suitable victim

The starting point of a grooming process is the selection of a suitable victim. Whether a victim is 'suitable' from the perpetrator's perspective is determined not only by their appearance but also by the minor's (online) behaviour. Depending on the perpetrator's interests, very different criteria will be considered. In general, girls are at a higher risk than boys when it comes to sexual offences.[38] However, according to one particular study, the majority of the alleged victims in a clerical environment were male.[39]

A differentiation can also be made here according to the aim. Offenders who want to obtain child pornographic material as quickly as possible (hyper-sexualised offenders) favour risk-taking children.[40] In the online context, revealing pictures may have an impact.[41] It may be relevant if the child has a large number of 'friends' or subscribers – perhaps even of different age groups – as this also increases the chances of the offender not being blocked or reported immediately upon making contact. Especially revealing pictures could, from the offenders' point of view, be seen as an invitation. A perpetrator who wants to abuse the child as soon as possible will contact those apparently 'open-

[38] See the overview for cases in Germany Bundeskriminalamt, 'Anzahl der polizeilich erfassten Kinder, die Opfer von sexuellem Missbrauch wurden, nach Geschlecht von 2011 bis 2022' in Statista <https://de.statista.com/statistik/daten/studie/1012029/umfrage/anzahl-der-opfer-von-sexuellem-missbrauch-von-kindern-nach-geschlecht/> accessed 11 July 2024; on prostitution and pornography see Unicef Österreich, 'Kinderprostitution, Kinderpornografie, Kinderhandel Zerstörte Kindheit' 2 (Unicef, 2008) <https://unicef.at/fileadmin/media/Infos_und_Medien/Info-Material/Kinderhandel_Sexuelle_Ausbeutung/Zerstoerte_Kindheit_-_Grundsatzpapier_neu__2008_.pdf> accessed 11 July 2024; analysing various studies Lukas Roser, *Die Kinder- und Jugendpornografiedelikte im Zeitalter der Neuen Medien* (Duncker & Humblot, Berlin 2024) 128.

[39] Georgia M. Winters and Elizabeth L. Jeglic and Karen J. Terry, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923, 925, 932 f.

[40] Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 14, 16 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

[41] Anja Kegler, 'Schutz von Kindern und Jugendlichen vor sexueller Gewalt in digitalen Medien' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 617, 618; Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 76.

minded' children, too. However, the limits of the specific online presence are difficult to define.

In contrast, an offender who is aiming for longer-term abuse or wants to build from their perspective a 'relationship' with the victim often emphasises the child's existing weaknesses and, therefore, their vulnerability. It is easier to isolate them and win them over with attention and compliments.[42] Children who crave attention or who lack self-esteem are more likely to build up a basis of trust. The perpetrator may want to use financial or material means to lure the child. Negative comments by third parties on the victim's profile, as well as melancholy posts or constantly 'being online', can also be a gateway for offenders. As Webster and others summarise aptly: 'The 'intimacy-seeking' groomer also seems likely to match with the vulnerable victim, since both want intimacy and both mistake the online interaction for a real romantic relationship.'[43] There is also the possibility that children first seek contact with adults, who then exploit the existing contact.[44] However, many contacts are made online daily. While some perpetrators specifically choose a child based on a variety of criteria, some have to develop strategies to avoid mixing up the victims due to the considerable numbers involved.[45] Social background does not always play a role. Parallels between the children can only be drawn insofar as they surf the internet regularly. It can be observed that the energy expended by offenders to select victims can vary greatly.

3.1.2 Suitable social environment

External circumstances, such as the social environment of children, also matter. There are statements in the literature asserting that children from 'broken homes' are more at risk than those from 'healthy' families.[46] A child living in stable circumstances and being socially well-connected is less likely to consider accepting help from strangers, seeking close contact with initial strangers, and so on, and is, therefore, less at risk in the long

---

[42] 16; Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 238 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024; Georgia M. Winters and Elizabeth L. Jeglic and Karen J. Terry, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923, 938.

[43] Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 16 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

[44] Edith Huber, *Cybercrime: Eine Einführung* (Springer, Wiesbaden 2019) 140.

[45] Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 51 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

[46] Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 238 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024: 'dysfunctional family dynamic'; Critical on the mention of single-parent homes Georgia M. Winters and Elizabeth L. Jeglic and Karen J. Terry, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923, 938.

run. Children who are emotionally neglected and thrown back on themselves from apparently socially strong families, so-called 'orphans of prosperity' [German 'Wohlstandswaisen'],[47] are also at risk.

It has also become apparent that cases of abuse are increasing in certain settings. These include churches, associations, children's and youth facilities, and, above all, the regular family.[48] To generalise, it can be said that structures where many children typically spend time can pose a risk. In terms of long-term abuse, power imbalances play an essential role. 'Perpetrators who are strangers are an exception – but not on the internet'.[49] Platforms on which experience has shown that many children are registered also attract paedocriminals.[50] Technical implications of the applications are important as well. TikTok, in particular, has been warned against, since the network attracts paedophiles due to its design and use by children, as well as the unrestricted chat function.[51] Under video clips of minors, sexual comments can be found, such as 'beautiful milk tanks'.[52] There is, therefore, already a disinhibition in the public sphere, leading to sexualised messages in private chats being perceived as less inappropriate than in other networks. Technical risk management can also be considered, such as the use of multiple proxy servers.[53]

3.1.3 Overcoming own reservations and 'disguise'

The offender may have to prepare not only the victim and their environment but also themselves. If the offender is still concerned about making contact with children in general or acts of abuse in particular, an inner process will take place to overcome this (so-

[47] Designation for well-paid and educated but very busy parents.

[48] See an overview of various studies in Independent Commissioner of Child Sexual Abuse Issues, 'Zahlen und Fakten: Sexuelle Gewalt gegen Kinder und Jugendliche' (March 2023) footnote 7 <https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen_und_Fakten/Fact_Sheet_Zahlen_und_Fakten_zu_sexuellem_Kindesmissbrauch_UBSKM.pdf> (Beauftragte Missbrauch, May 2023) accessed 11 July 2024.

[49] Independent Commissioner of Child Sexual Abuse Issues, 'Where Does Abuse occur?' <https://beauftragte-missbrauch.de/en/themen/definition/where-does-abuse-occur> (Beauftragte Missbrauch) accessed 11 July 2024.

[50] Nellie Bowles and Michael H. Keller, Video Games and Online Chats Are 'Hunting Grounds' for Sexual Predators (nytimes, 7 December 2019) <www.nytimes.com/interactive/2019/12/07/us/video-games-child-sex-abuse.html> accessed 11 July 2024.

[51] Inga Pöting, 'Cyber-Grooming bei TikTok: Neue App, alte Probleme' (mobilsicher, 18 November 2018) <https://mobilsicher.de/ratgeber/cyber-grooming-bei-tiktok-neue-app-alte-probleme> accessed 11 July 2024;

[52] Jugendschutz.net, 'Sexuell belästigende Kommunikation in Social Media Formen und Einfallstore bei TikTok und Instagram' 4 (jugendschutz, February 2023) <www.jugendschutz.net/fileadmin/daten/publikationen/praxisinfos_reports/report_sexuell_belaestigende_kommunikation_in_social_media.pdf> accessed 11 July 2024.

[53] Eleni Alexiou, Cyber-Grooming: Eine kriminologische und strafrechtsdogmatische Betrachtung (Peter Lang, Berlin 2018) 89.

called self-grooming).[54] Obtaining information from specialised forums (eg, in the darknet) may also be part of this phase.[55]

The outer disguise depends on the setting. Especially in game apps with avatars, grooming offenders can easily disguise themselves.[56] But even in social networks, professional images can be chosen to be different from one's image. There are known cases in which a perpetrator creates several different identities in order to impersonate various people.[57] The FBI has also uncovered cases in which several groomers create accounts in order to chat and exchange material with real children in groups (group grooming).[58] However, false background stories are also possible in real life. For example, there is a recent case in which a football coach posed as a physiotherapist for over six years and invited children for 'massages' to allegedly improve their blood circulation.[59] Sometimes, however, children also chat with adults they recognise as such.[60]

3.1.4 Criminal law connection

Criminal prosecution does not generally apply here, as only non-punishable preparatory acts are involved. Depending on the use of images to create a profile, copyright violations

---

[54] Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 87; See also and regarding regional differences in the spread of sexual offences not discussed here: Jürgen Biedermann and Thomas-Gabriel Rüdiger and Cindy Ehlert, 'Zusammenhänge der regionalen Verteilung von Tatverdächtigen bei digitalen Sexualdelikten mit kindlichen Opfern mit dem Verteilungsmuster anderer Straftaten und soziostrukturellen Merkmalen' [2024] MschrKrim, 133, 134.

[55] Christian Rath, 'Anleitungen zu sexuellem Missbrauch: Neuer Paragraf soll Kinder schützen' (Taz, 12 May 2021) <https://taz.de/Anleitungen-zu-sexuellem-Missbrauch/!5772145/> accessed 11 July 2024.

[56] Thomas-Gabriel Rüdiger 'Cybergrooming in virtuellen Welten – Chancen für Sexualtäter?' [2012] Deutsche Polizei 30 <https://hpolbb.de/sites/default/files/field/dokumente/Ruediger/cybergrooming_in_virtuellen_welten_-_ruedigerpolizei_2_2012.pdf> accessed 11 July 2024; currently very popular and affected is Fortnite: Timo Stukenberg, Cybergrooming, Online-Chats und -Spiele als Einfallstor für sexuellen Missbrauch (Deutschlandfunk, 24 May 2020) <www.deutschlandfunk.de/cybergrooming-online-chats-und-spiele-als-einfallstor-fuer.724.de.html?dram:article_id=477289> accessed 11 July 2024.

[57] Specifically, a potential partner, their friend and a third party to create a threatening setting BGH order of March 10, 2020 – 4 StR 624/19, NStZ-RR 2020, 276; 'That way I could transfer information about me through two channels. I would typically pretend to be a younger girl as girls tend to talk more openly and honestly to other girls' Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 47 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

[58] CBS News, 'FBI warns of 'group grooming' tactics used by sexual predators targeting children' (CBS News, 6 July 2023) < https://www.cbsnews.com/sanfrancisco/news/fbi-warns-of-group-grooming-tactics-used-by-sexual-predators-targeting-children/> accessed 11 July 2024.

[59] N-tv, '8 Jahre Haft für 800 Fälle Jugend-Fußballtrainer gesteht sexuellen Missbrauch' (n-tv, 15 Januar 2024) <www.n-tv.de/sport/Jugend-Fussballtrainer-gesteht-sexuellen-Missbrauch-article24662858.html> accessed 11 July 2024.

[60] Anja Kegler, 'Schutz von Kinder und Jugendlichen vor sexueller Gewalt in digitalen Medien' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 617, 619.

or similar offences may be considered. A false age statement may violate contractual agreements with the operators of social networks, but is not a case for criminal law.

However, there is already an initial approach to prevention here: less content in children's profiles and disclosures about their age and preferences can limit the selection of these children as victims. Institutions must organise protection for children in general and vulnerable groups in particular.

Even more crucial is the general prevention of offenders. To this end, there are projects that offer a contact point for non-offenders if they feel too attracted to children.[61] The therapy aims to show people with corresponding preferences strategies that enable them to live a life without committing sexual offences against minors. In addition, those factors that make a 'suitable victim' and a 'suitable social environment' are relevant when creating fake accounts.

3.2 Non-sexual contact

Contact is made in very different ways depending on the intended offence, the chosen victim, and, of course, the offender themselves. As explained above, some offenders express very specific ideas and wishes in their first message or simply send vulgar content; see more precise the next phase (3.3). In contrast, offenders who initially want to establish a basis of trust are much more cautious, sometimes flattering and initially trying to start a harmless conversation. If the conversation is started in a game, the chat is often moved to a private instant messaging provider.[62] It seems to be difficult for children to recognise harmful intentions due to the nice language and the use of many emoticons or smileys.[63] Depending on the offender's behaviour, this phase can last a few minutes[64] or take a long time.[65] If the offender sexualises the situation early on, the naming in the literature is sexual solicitation; if there is a longer periode it is called cyber grooming or online sexual grooming.[66] If the contact is (initially) made online, it can vary whether and when the

[61] See, for example, the project that has been operating since 2005: Kein Täter werden, 'Hilfe für Menschen, die sich sexuell zu Kindern hingezogen fühlen' (Kein Täter werden, 31 December 2023) <www.kein-taeter-werden.de/> accessed 11 July 2024 and the newer project Charité and others, 'Stop CSAM' (Stop CSAM) <https://stop-csam.charite.de/en/> accessed 11 July 2024.

[62] Juliane A. Kloess and others, 'A Qualitative Analysis of Offenders' Modus Operandi in Sexually Exploitative Interactions With Children Online' [2017] Sexual Abuse 563, 564.

[63] Julia von Weiler, *Im Netz: Kinder vor sexueller Gewalt schützen* (Herder, Freiburg 2014) 47 f.

[64] Laura Jayne Broome and Cristina Izura and Nuria Lorenzo-Dus, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' (2018) 79 Child Abuse & Neglect 434 <https://doi.org/10.1016/j.chiabu.2018.02.021> accessed 11 July 2024.

[65] See, for example, the analysis of chat progresses in Manon Kleijn and Stefan Bogaerts, 'Sexual Offending Pathways and Chat Conversations in an Online Environment' [2021] Sexual Abuse 871, 879 ff.

[66] Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 65 f.

event moves from the virtual space to the real world.[67] The perpetrator may try to arrange an actual meeting as soon as possible after contact has been made, or may initially maintain an ongoing online relationship and sexualise the conversation at this point. Cautious offenders carry out risk assessments in this phase, ie they gather (more) information about contacts, school, family and the like.[68] The perpetrator offers the child their attention. They listen to the child's worries and needs and try to help them with advice –[69] 'the sympathetic older friend'.[70] Regular contact and common interests are used to create trust.[71] Offenders offer gifts or privileges to win the child's affection.[72] In multiplayer games, items such as jewels, gold and armour are considered, which are difficult or impossible to obtain in the game without paying real money. In the real world, in addition to valuables and money, activities, alcohol and drugs can also be offered.[73] The closer the bond that the perpetrator can establish with their victim, the more afraid the child will be of losing the perpetrator as a contact person as well as their closeness and trust. This also means that the child might be prepared to do more 'in return'. In addition, offenders

[67] In the study by *Briggs and others*, the duration was between one and 180 days of chatting before the first meeting or arrest, see Peter Briggs and Walter T. Simon and Stacy, 'An Exploratory Study of Internet-Initiated Sexual Offenses and the Chat Room Sex Offender: Has the Internet Enabled a New Typology of Sex Offender?' [2011] Sexual Abuse 72, 84.

[68] As a separate phase in Laura Jayne Broome and Cristina Izura and Nuria Lorenzo-Dus, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' [2018] 79 Child Abuse & Neglect 434, 439 <https://doi.org/10.1016/j.chiabu.2018.02.021> accessed 11 July 2024.

[69] From conversations with victims: 'Whenever my Mum and me had had a row, the first person I'd tell, I'd start speaking to was him.' or 'I trusted him a hell of a lot with a lot of my life basically.' Helen C. Whittle and Catherine E. Hamilton-Giachritsis and Anthony R. Beech, '"Under His Spell": Victims' Perspectives of Being' in Groomed Online' Nigel Parton (eds), *Contemporary Developments in Child Protection Volume 3: Broadening Challenges in Child Protection* (MPI, Basel 2015) 84, 91.

[70] Julia von Weiler, *Im Netz: Kinder vor sexueller Gewalt schützen* (Herder, Freiburg 2014).

[71] Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 76.

[72] Eleni Alexiou, Cyber-Grooming: Eine kriminologische und strafrechtsdogmatische Betrachtung (Peter Lang, Berlin 2018) 133; Judith Ohlmes, Pädosexuelle Täter: Merkmale und Strategien als Ansatzpunkte präventiver Maßnahmen (Johannes Herrmann J&J-Verlag, Wettenberg 2005) 62 f.; Georgia M. Winters and Elizabeth L. Jeglic, Sexual Grooming: Integrating Research, Practice, Prevention, and Policy (Springer Nature, Switzerland 2022) 8; Georgia M. Winters and Elizabeth L. Jeglic and Karen J. Terry, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923, 940; Amy C. Wood and Jacqueline M. Wheatcroft, 'Young Adult Perceptions of Internet Communications and the Grooming Concept' (2020) 10 SAGE Open 1, 6 <https://journals.sagepub.com/doi/10.1177/2158244020914573> accessed 11 July 2024.

[73] Judith Ohlmes, Pädosexuelle Täter: Merkmale und Strategien als Ansatzpunkte präventiver Maßnahmen (Johannes Herrmann J&J-Verlag, Wettenberg 2005) 62 f.

try to isolate the child physically and mentally.[74] If the contact is online, this means at least gaining time when the child is not being monitored.[75]

This phase is highly problematic in terms of legal judgment. A conversation or chat is not itself a criminal offence. However, Art. 6 para 1 EU Directive 2011/92/EU, for example, is linked to a proposal, by means of information and communication technology, by an adult to meet a child who has not reached the age of sexual consent, 'for the purpose of' committing a sexual crime and that proposal was followed by material acts 'leading to such a meeting'. In this context, sexual conduct of any kind does not need to have occurred yet. However, it is difficult to prove the purpose in individual cases if only general conversations occur beforehand. If one realises that the offender often does not possess any child pornographic material and seeks friendship and closeness more than sexual contact,[76] even the factual formation of an intent is often difficult to classify in terms of time – regardless of the proof. In some cases, the temporal moving forward of the law is even stronger. For example, § 176b of the German Criminal Law (StGB) only requires that the offender influences a child. A meeting is not required. Thus, drawing the exact line between unpunishable behaviour and punishable preparatory acts is difficult.

This phase is particularly relevant for using undercover investigators or chatbots.[77] If law enforcement agencies or organisations, disguised as children, are active on the internet, the focus can be shifted to their fake accounts before a real child becomes involved. However, the deployment of police officers as *agent provocateur* involves a considerable amount of time. Firstly, they 'have to learn children's language […,] about pop music, children's TV programmes, computer games, fashion etc.'[78] The early chat phases of a grooming process are therefore also important, and can contribute to a criminal investigation, mainly to acquire typical chat behaviour from the start. And secondly, there are the chats themselves. In particular, intimacy seeking offenders often have long conversations and take things slowly.[79] The investigation therefore requires more time. Bearing

[74] Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 242 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024.

[75] India McGhee and others, 'Learning to Identify Internet Sexual Predation' [2011] International Journal of Electronic Commerce 103, 106 <www.jstor.org/stable/41300734> accessed 11 July 2024.

[76] Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 82 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

[77] See, for example, the pioneer in this field <www.terredeshommes.nl/en/projects/sweetie> accessed 11 July 2024.

[78] Elena Martellozzo, Online Child Sexual Abuse: Grooming, Policing and Child Protection in a Multi-Media World (Routledge, Oxon 2012) 114.

[79] Laura Jayne Broome and Cristina Izura and Nuria Lorenzo-Dus, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' (2018) 79 Child Abuse & Neglect 433, 441 <https://doi.org/10.1016/j.chiabu.2018.02.021> accessed 11 July 2024; Stephen Webster and others, European Online Grooming Project (European Online Grooming Project, March 2012) 14, 81 < https://europeanonlinegroomingproject.com/wp-content/file-uploads/European-Online-Grooming-Project-Executive-Summary.pdf > accessed 11 July 2024.

in mind that groomers often offer their victims help, listen to their problems and share interests, this should be included in chats initiated by law enforcement agencies. The undercover investigator must therefore offer a 'target', but this must not be too obvious.

Another important factor is prevention through educating the children and their parents.[80] They must be aware of the consequences of disclosing information, sharing images[81] and videos, and even more so of a possible meeting with strangers. It must be avoided that children are too easily contacted and especially isolated by an offender. Many social networks offer the option of excluding contact by strangers, limiting the visibility of content for strangers, or creating so-called parent accounts that allow content to be reviewed.

3.3 Sexualisation of the relationship and abuse

If perpetrators feel that the bond between themselves and the victim is stable enough, they will try to sexualise the relationship. This can be done, for example, by desensitising the child through speech. The sexualisation of the conversation can range from subtle to seemingly spontaneous to aggressive.[82] The perpetrator may initially make apparently harmless enquiries, for example, about a steady partner or previous sexual experiences.[83]

3.3.1 Online

On the internet, seemingly harmless emojis[84] that refer to sexual acts, if used in a particular context, can be used to enable a smoother transition to sexual conversation. The offender can easily incorporate sexual jargon like 'welcum' for 'welcome' into the text and, if necessary, dismiss it as an error.[85] As minors sometimes use the Internet as a medium for information about sex, they might consider this type of conversation in an

[80] Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 78, 80.

[81] See on the misuse of normal images of children via the internet: STRG_F, 'Exklusive Datenrecherche: Wie Pädosexuelle Bilder klauen' <www.youtube.com/watch?v=kq7FFAf94X8> accessed 11 July 2024.

[82] Laura Jayne Broome and Cristina Izura and Nuria Lorenzo-Dus, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' (2018) 79 Child Abuse & Neglect 433, 440; see the various, more aggressive examples in Juliane A. Kloess and others, 'A Qualitative Analysis of Offenders' Modus Operandi in Sexually Exploitative Interactions with Children Online' [2017] Sexual Abuse 563.

[83] Georgia M. Winters and others, 'The Sexual Grooming Model of Child Sex Trafficking' [2021] Victims&Offenders Trafficking 60, 66.

[84] On the meaning of aubergines, and others see Louella Alderson, '25 Sexting Emojis & Their Meanings' (Sosyncd, 21 July 2023) <www.sosyncd.com/25-sexting-emojis-their-meanings> accessed 11 July 2024.

[85] India McGhee and others, 'Learning to Identify Internet Sexual Predation' [2011] International Journal of Electronic Commerce 103, 106 < www.jstor.org/stable/41300734 > accessed 11 July 2024.

anonymous setting to be interesting. Sometimes an offender also sends or gives pornographic material[86] or asks them if they would like to exchange or sell nude pictures.[87] Since such an exchange within a partnership is sometimes seen as a proof of love,[88] a request of nude photos does not seem too unusual for those minors.[89] Child pornographic material is sometimes used deliberately to reinforce the appearance of normality of sexual contact between adults and children.[90] The increasing availability of artificially created child pornography[91] further increases this danger. As there are statistical correlations between the consumption of pornographic material and sexting behaviour among minors, this is not a harmless method.[92] Perpetrators may also send 'nude photos of themselves' to their victims, masturbate during the communication, or 'attempt[t] to teach their victim to masturbate'.[93]

[86] So in BGH order of January 22, 2015 – 3 StR 490/14, NStZ-RR 2015, 139; Georgia M. Winters and others, 'The Sexual Grooming Model of Child Sex Trafficking' [2021] Victims&Offenders Trafficking 60, 66.

[87] SOL-Redaktion, 'Schwerer sexueller Missbrauch von Kindern: Polizei nimmt Mann (36) aus Saarbrücken fest' (Sol, 27 March 2020) < www.sol.de/saarland/schwerer-sexueller-missbrauch-von-kindern-polizei-nimmt-mann-36-aus-saarbruecken-fest,59372.html > accessed 11 July 2024.

[88] Anja Kegler, 'Schutz von Kinder und Jugendlichen vor sexueller Gewalt in digitalen Medien' in Alexandra Retkowski and Angelika Treibel and Elisabeth Tuider (eds) *Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis* (Beltz Juventa, Weinheim 2018) 617, 618.

[89] See a statistic by age group: Statista, 'Ist es schon vorgekommen, dass Du erotische/ aufreizende Fotos/ Videos von Dir selbst über das Handy oder den Computer verschickt hast?' (Statista, 2022) <https://de.statista.com/statistik/daten/studie/440284/umfrage/versand-erotischer-selfies-von-jugendlichen-in-der-schweiz-nach-alter/> accessed 11 July 2014.

[90] From the diary of an abused girl (translated from German): 'Daddy gave me two magazines as a present. Again, with naked men and girls... Daddy says these girls really enjoy sex. Not like me, that I'm always blubbering and puking [...]', Dirk Bange and Kerstin Geisel, 'Kinderpornographie: Eine der Ursachen sexueller Ausbeutung von Kindern' [1990] Pädagogik extra und demokratische Erziehung 20, 21; Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 241 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2014.

[91] See Martin Steinebach, 'KI-generierte Abbildungen von Kindesmissbrauch Entwicklungen, Gegenmaßnahmen und Probleme' [2024] DuD, 304, 305.

[92] Landesanstalt für Medien NRW, 'Studie untersucht den Zusammenhang zwischen Erfahrungen mit Pornografie und Sexting-Verhalten unter Minderjährigen' (Medienanstalt, 30 August 2023) <www.medienanstalt-nrw.de/presse/pressemitteilungen/pressemitteilungen-2023/2023/default-af363343c0/studie-zu-erfahrungen-mit-pornografie-und-sexting-verhalten-von-minderjaehrigen.html> accessed 11 July 2024.

[93] Peter Briggs and Walter T. Simon and Stacy, 'An Exploratory Study of Internet-Initiated Sexual Offenses and the Chat Room Sex Offender: Has the Internet Enabled a New Typology of Sex Offender?' [2011] Sexual Abuse 72, 82.

3.3.2 *Offline*

If the contact takes place in the real world, perpetrators often test the victim's limits by 'accidentally' touching them or initiating the behaviour through seemingly everyday interactions such as playing, bathing or cuddling.[94] If there is no defence reaction, the intensity is increased. This blurs the boundaries between basically normal friendly behaviour – such as hugging and stroking over the head – and a transition to sexual behaviour such as touching intimate parts of the body. In particular, sexually uneducated or poorly educated children find it challenging to recognise when they are leaving the realm of the normal and miss the moment when defensive action would be necessary. Children given too little physical and emotional closeness at home are thus placed in the dilemma of not wanting to hurt the other person because they fundamentally enjoy their closeness and affection but also wanting to ward off the increased intrusiveness. In some cases, the desired closeness is almost earned through their sexuality.

In addition to or instead of purely manipulative and misleading behaviour, sexual contact is also brought about by pressure or blackmail. Pressure can be built up through the victim's feelings of inferiority, for example.[95] Especially among juveniles, the most common tactic is making the victim feel guilty or arguing.[96]

3.3.3 *Criminal law connection*

In this phase, repressive action is of decisive importance. Whether passing on pornographic material to minors, obtaining or passing on child pornographic material, or physical assaults – the offences have shifted into the area of 'classic' sexual criminal law.

One major problem is the vast number of unreported offences. In the author's preventive school workshops[97], children have responded to questions about why they did not show sexualised messages to their parents or the police, for example: 'Is that enough for the police to do something about it?' to 'No, that's really embarrassing' or 'I begged my mum for months until I was finally allowed to get Instagram. If she realises what's going on there, I would have to delete it immediately'. In general, the children have blocked the contacts and deleted the chats. This behaviour, even if it initially protects them from further messages from the same perpetrator, leads to a high number of unreported cases of cyber grooming. One of the ways in which these cases can be investigated is through

[94] See an older statistic on the frequency of procedures: Reuben A. Lang and Roy R. Frenzel, 'How Sex Offenders Lure Children' [1988] Sexual Abuse 308.

[95] 'Be a baby after all, eh?' [original in German] Julia von Weiler, *Im Netz: Kinder vor sexueller Gewalt schützen* (Herder, Freiburg 2014) 80.

[96] Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy* (Springer Nature, Switzerland 2022) 171.

[97] See the offer of the Data Protection Center Saarland, 'Schulworkshops' (Datenschutz Saarland, June 2023) < www.datenschutz.saarland.de/themen/schule-und-bildung#c2398 > accessed 11 July 2024.

automated searches of text, image, or audio material. The prosecution of child pornography is already being driven forward to a large extent by reports from the NCMEC[98], but this is viewed critically with regard to the privacy of the many innocent people searched.[99]

When it comes to initiating sexual contact with adults, education is crucial. Children need to understand as early as possible which actions are not proper. They need to be empowered to set boundaries. There must also be contact centers where they can report incidents. For parents, it is decisive to signal to their children that it is always better to approach them rather than yield to blackmail, even in the event of prohibited behaviour by the children themselves.

3.4 Maintenance and covering up

The final phase occurs after the (first) abuse. In this phase, a distinction must be made between a single offence and continued offences. If the perpetrator has achieved their goal and does not intend to continue the offence, they will aim to secure the victim's silence. This can be done by means of blackmail, such as violence against the victim or persons close to the victim,[100] or the publication of pictures. The threat of bodily harm is also not unusual in this context.[101] With younger children, offenders sometimes also use surreal threats.[102] If nude images have already been sent or sexting chats exist from online interaction, these are used as blackmail material to receive further material or other sexual acts; the result is a vicious circle.[103]

3.4.1 Continued abuse

If continued abuse is aimed for, the behaviour is often more manipulative. This can be achieved by reinforcing the favours the victim has already 'enjoyed' from the preparation phase onwards. In one case, for example, sexual contact with the offender's alleged cousin was offered if the 14-year-old chat partner shared pictures of himself and his little

[98] NCMEC, 'Case Resources' (Missingkids) <www.missingkids.org/ourwork/caseresources> accessed 11 July 2024.
[99] Simon Pschorr and Liane Wörner, 'Strafverfolgung in Deutschland aufgrund US-amerikanischer Daten' [2023] StV 274.
[100] Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 244 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024.
[101] LG Detmold judgment of September 05, 2019 – 23 KLs – 22 Js 1087/18 – 14/19, BeckRS 2019, 44970 para 253.
[102] She would be taken by ghosts if she revealed anything: LG Detmold judgment of September 05, 2019 – 23 KLs – 22 Js 1087/18 – 14/19, BeckRS 2019, 44970 para 253.
103 Thomas-Gabriel Rüdiger 'Cybergrooming in virtuellen Welten – Chancen für Sexualtäter?' [2012] Deutsche Polizei 31 < https://hpolbb.de/sites/default/files/field/dokumente/Ruediger/cybergrooming_in_virtuellen_welten_-_ruedigerpolizei_2_2012.pdf > accessed 11 July 2024.

sister (11 years old) with the offender. The 14-year-old had, in turn, obtained photos and videos of his sister by promising her access to computer games.[104]

It has been observed that victims of abuse maintain contact because the perpetrator offers something in return.[105] Sometimes, the childlike love and affection of the victim towards the perpetrator is 'played on'.[106] On the one hand, perpetrators diminish what happened and justify it as normal.[107] This effect can be amplified in hierarchical structures or in connection with religion.[108] Perpetrators describe their actions as 'showing love'.[109] On the other hand, perpetrators (less frequently)[110] suggest to the child that their joint actions are a secret, for example, because the offender would have to go to prison otherwise.[111] Emotional blackmail is often implicitly used in the social environment, such as the prospect of divorce, which makes the mother sad. The suggestion that outsiders would not believe the victim is also to be considered.[112] Offenders suggest the act was voluntary, and the victim is therefore partly to blame.[113]

---

[104] Michael Günter, 'Die Sexualisierung des Lebens in der virtuellen Welt: Erregung, Abwehr der bedrohlichen «sinnlichen Strömung» und Selbstvergewisserung in fantastischen Welten' [2014] Kinderanalyse 258, 261.

[105] Be it favour and goodwill: LG Detmold judgment of September 05, 2019 – 23 KLs – 22 Js 1087/18 – 14/19, BeckRS 2019, 44970 para 61; or trips Barbara Kavemann and others, *Erinnern, Schweigen und Sprechen nach sexueller Gewalt in der Kindheit: Ergebnisse einer Interviewstudie mit Frauen und Männern, die als Kind sexuelle Gewalt erlebt haben* (Springer, Wiesbaden 2016) 83.

[106] 'The guy disgustingly uses me, and I love him with all my infantile heart' [original German]: Constanze Winter, *Tausend Tode und ein Leben: Sexualisierte Gewalt gegen Kinder – Ursachen, Folgen und Therapie* (Kohlhammer, Stuttgart 2015) 27.

[107] See again: Dirk Bange and Kerstin Geisel, 'Kinderpornographie: Eine der Ursachen sexueller Ausbeutung von Kindern' [1990] Pädagogik extra und demokratische Erziehung 20, 21.

[108] Loreen N. Olson and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231, 241 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024; Georgia M. Winters and Elizabeth L. Jeglic and Karen J. Terry, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923, 927 f.

[109] Constanze Winter, Tausend Tode und ein Leben: Sexualisierte Gewalt gegen Kinder – Ursachen, Folgen und Therapie (Kohlhammer, Stuttgart 2015) 25.

[110] Judith Ohlmes, Pädosexuelle Täter: Merkmale und Strategien als Ansatzpunkte präventiver Maßnahmen (Johannes Herrmann J&J-Verlag, Wettenberg 2005) 70.

[111] BGH order of April 14, 2020 – 5 StR 644/19, BeckRS 2020, 9038 para 4; LG Bonn judgment of August 20, 2008 – 22 KLs 13/08, BeckRS 2011, 9547 para 5; on the family context Heidi Kastner, *Täter Väter: Väter als Täter am eigenen Kind* (Knaur, Munich 2009) 59.

[112] On examples from interviews: Barbara Kavemann and others, Erinnern, Schweigen und Sprechen nach sexueller Gewalt in der Kindheit: Ergebnisse einer Interviewstudie mit Frauen und Männern, die als Kind sexuelle Gewalt erlebt haben (Springer, Wiesbaden 2016) 126.

[113] Georgia M. Winters and others, 'The Sexual Grooming Model of Child Sex Trafficking' [2021] Victims&Offenders Trafficking 60, 66 'Made to feel responsible'.

3.4.2 Lover-boy method

With the lover-boy method, both approaches are initially considered. As long as the victim pursues prostitution out of love for the perpetrator, no violence is necessary. However, if the victim wants to leave, this changes. As it is generally the case with forced prostitution, not only violence and deportation abroad can be considered, but also the removal of the passport and a complete elimination of contact with the previous social environment.

3.4.3 Criminal law connection

Offences against freedom – such as threats – are, therefore, primarily to be considered on the repressive side. Sexual offences are also to be taken into account in continued abuse cases. The manipulative strategies that make maintenance possible are particularly relevant in the context of therapy. Offenders who first build up a considerable basis of trust before the relationship then lead to a long-term abusive relationship pose an increased risk to the psychological state of the victim. The ongoing abuse situation creates a kind of parallel world in which victims doubt their own perception. Considering that former victims of abuse can later become perpetrators,[114] this, in return, helps effective prevention in the long run.

4 Conclusion

Overall, it can be noted that many different aspects can influence the realisation of abuse, its duration and intensity. Preventive measures play a decisive role from the outset. The addressees here are not only the perpetrators themselves but also the potential victims, parents, and other institutions, as well as operators of apps and social networks. The strategies that perpetrators use to manipulate minors for abuse and to guarantee subsequent secrecy are not identical. However, there are many parallels. These can be used not only for detection – and therefore prevention – but also, in principle, they can be helpful for undercover investigators' actions and social bots' training. The different types of perpetrators – especially the different targets – are relevant to these considerations. Yet, the human or bot must be able to react flexibly enough and, in particular, not behave too predictably.

References

Alexiou E, Cyber-Grooming: Eine kriminologische und strafrechtsdogmatische Betrachtung (Peter Lang, Berlin 2018)

[114] 29% of first-time paedophile offenders suffered sexual abuse themselves as a child, Dieter Urban and Heiko Lindhorst, 'Vom Sexualopfer zum Sexualtäter? Unterscheiden sich pädosexuelle Straftäter von anderen Sexualstraftätern durch ein erhöhtes Opfer-Täter-Risiko? Eine empirische Pilotstudie (2003) 14 Soziale Probleme 137, 147 <https://www.ssoar.info/ssoar/handle/document/24857> accessed 11 July 2024.

Bange D and Geisel K, 'Kinderpornographie: Eine der Ursachen sexueller Ausbeutung von Kindern' [1990] Pädagogik extra und demokratische Erziehung 20

Baumhöfener J, 'Versuchtes Cybergrooming: Grenzbereich des polizeilichen Gefahrenabwehrrechts und Legitimation des „Präventionsstrafrechts"' [2021] MMR 30

Biedermann J and Rüdiger T-G and Ehlert C, 'Zusammenhänge der regionalen Verteilung von Tatverdächtigen bei digitalen Sexualdelikten mit kindlichen Opfern mit dem Verteilungsmuster anderer Straftaten und soziostrukturellen Merkmalen' [2024] MschrKrim, 133, 134

Briggs P and Simon WT and Stacy, 'An Exploratory Study of Internet-Initiated Sexual Offenses and the Chat Room Sex Offender: Has the Internet Enabled a New Typology of Sex Offender?' [2011] Sexual Abuse 72

Broome LJ and Izura C and Lorenzo-Dus N, 'A systematic review of fantasy driven vs. contact driven internet-initiated sexual offences: Discrete or overlapping typologies?' (2018) 79 Child Abuse & Neglect 433 <https://doi.org/10.1016/j.chiabu.2018.02.021> accessed 11 July 2024

Durkin KF, 'Misuse of the Internet by Pedophiles: Implications for Law Enforcement and Probation Practice' [1997] Federal Probation Journal 14

Eberhaut S, Kindesmissbrauchstypische kognitive Verzerrungen und ihre Relevanz für die Diagnose einer Pädophilie (Ulm 2023) <https://d-nb.info/1305617738/34> accessed 11 July 2024

Günter M, 'Die Sexualisierung des Lebens in der virtuellen Welt: Erregung, Abwehr der bedrohlichen «sinnlichen Strömung» und Selbstvergewisserung in fantastischen Welten' [2014] Kinderanalyse 258

Haase A, Computerkriminalität im Europäischen Strafrecht: Kompetenzverteilung, Harmonisierungen und Kooperationsperspektiven (Mohr Siebeck, Tübingen 2017)

Henseler H and de Wolf R, 'Sweetie 2.0 Technology: Technical Challenges of Making the Sweetie 2.0 Chatbot' in S van der Hof and others (eds), Sweetie 2.0: Using Artificial Intelligence to Fight Webcam Child Sex Tourism (Springer, The Hague 2019)

Hoven E and Rubitzsch A and Wiedmer B, 'Catcalling – Eine phänomenologische und strafrechtliche Betrachtung' [2022] KriPoZ 175

Huber E, Cybercrime: Eine Einführung (Springer, Wiesbaden 2019)

Kasar V and others, 'A Social Media System for detecting Child Predators' [2023] International Journal of Digital Technologies [IJDT] 39 < https://journal.nielit.edu.in/index.php/01/article/view/32> accessed 11 July 2024

Kastner H, Täter Väter: Väter als Täter am eigenen Kind (Knaur, Munich 2009)

Kavemann B and others, Erinnern, Schweigen und Sprechen nach sexueller Gewalt in der Kindheit: Ergebnisse einer Interviewstudie mit Frauen und Männern, die als Kind sexuelle Gewalt erlebt haben (Springer, Wiesbaden 2016)

Kegler A, 'Schutz von Kinder und Jugendlichen vor sexueller Gewalt in digitalen Medien' in A Retkowski and A Treibel and E Tuider (eds) Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis (Beltz Juventa, Weinheim 2018) 618

Kim J and others, 'Analysis of Online Conversations to Detect Cyberpredators Using Recurrent Neural Networks' in A Bhatia and S Shaikh (eds), Proceedings for the First International Workshop on Social Threats in Online Conversations: Understanding and Management (European Language Resources Association, Marseille 2020) 15 <https://aclanthology.org/2020.stoc-1.3/> accessed 11 July 2024.

Kleijn M and Bogaerts S, 'Sexual Offending Pathways and Chat Conversations in an Online Environment' [2021] Sexual Abuse 871

Kloess JA and others, 'A Qualitative Analysis of Offenders' Modus Operandi in Sexually Exploitative Interactions With Children Online' [2017] Sexual Abuse 563

Kontostathis A and others, 'Identifying Predators Using ChatCoder 2.0' in P Forner and others (eds) CLEF (Online Working Notes/Labs/Workshop) (CEUR-WS.org, 2012) <https://downloads.webis.de/pan/publications/papers/kontostathis_2012.pdf> accessed 13 May 2024

Kuhnen K, Kinderpornographie und Internet (Hogrefe, Göttingen 2007)

Lang RA and Frenzel RR, 'How Sex Offenders Lure Children' [1988] Sexual Abuse 308

Lorenzo-Dus N and Kinzel A and Di Cristofaro M, 'The communicative modus operandi of online child sexual groomers: Recurring patterns in their language use' [2020] Journal of Pragmatics 15 <https://doi.org/10.1016/j.pragma.2019.09.010> accessed 11 July 2024

Martellozzo E, Online Child Sexual Abuse: Grooming, Policing and Child Protection in a Multi-Media World (Routledge, Oxon 2012)

McAlinden A-M, Children As 'Risk': Sexual Exploitation and Abuse by Children and Young People (Cambridge University Press, Cambridge 2018)

McGhee I and others, 'Learning to Identify Internet Sexual Predation' [2011] International Journal of Electronic Commerce 103 <www.jstor.org/stable/41300734> accessed 11 July 2024.

Meyer M, Machine learning to detect online grooming (Department of Information Technology, Uppsala 2015) <https://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A846981&dswid=7607> accessed 11 July 2024

Oelkers J, 'Sexualisierte Gewalt in der Jugend- und Reformbewegung' in A Retkowski and A Treibel and E Tuider (eds) Handbuch Sexualisierte Gewalt und pädagogische Kontexte: Theorie, Forschung, Praxis (Beltz Juventa, Weinheim 2018)

Ohlmes J, Pädosexuelle Täter: Merkmale und Strategien als Ansatzpunkte präventiver Maßnahmen (Johannes Herrmann J&J-Verlag, Wettenberg 2005)

Olson LN and others, 'Entrapping the Innocent: Toward a Theory of Child Sexual Predators' Luring Communication [2007] Communication Theory 231 <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-2885.2007.00294.x> accessed 11 July 2024

Palm J, Kinder- und Jugendpornographie im Internet: Eine materiell-rechtliche Untersuchung der Rechtslage in Deutschland (Peter Lang, Frankfurt am Main 2011)

Pendar N, 'Toward Spotting the Pedophile: Telling victim from predator in text chats', International Conference on Semantic Computing [2007] IEEE 235 <https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=4338354> accessed 11 July 2024

Pranoto H and Gunawan FE and Soewito B 'Logistic Models for Classifying Online Grooming Conversation' [2015] Procedia Computer Science <https://doi.org/10.1016/j.procs.2015.07.536> accessed 11 July 2024

Pschorr S and Wörner L, 'Strafverfolgung in Deutschland aufgrund US-amerikanischer Daten' [2023] StV 274.

Roser L, Die Kinder- und Jugendpornografiedelikte im Zeitalter der Neuen Medien (Duncker & Humblot, Berlin 2024)

Rüdiger T-G 'Cybergrooming in virtuellen Welten – Chancen für Sexualtäter?' [2012] Deutsche Polizei 31 <https://hpolbb.de/sites/default/files/field/dokumente/Ruediger/cybergrooming_in_virtuellen_welten_-_ruedigerpolizei_2_2012.pdf> accessed 11 July 2024

Schermer B and others, 'Legal Aspects of Sweetie 2.0' in S van der Hof and others (eds), Sweetie 2.0: Using Artificial Intelligence to Fight Webcam Child Sex Tourism (Springer, The Hague 2019)

Steinebach M, 'KI-generierte Abbildungen von Kindesmissbrauch Entwicklungen, Gegenmaßnahmen und Probleme' [2024] DuD

Sulaiman NR and Siraj MM, 'Classification of Online Grooming on Chat Logs Using Two Term Weighting Schemes' [2019] International Journal of Innovative Computing 43 <https://core.ac.uk/download/pdf/288476955.pdf> accessed 11 July 2024

Urban D and Lindhorst H, 'Vom Sexualopfer zum Sexualtäter? Unterscheiden sich pädosexuelle Straftäter von anderen Sexualstraftätern durch ein erhöhtes Opfer-Täter-Risiko? Eine empirische Pilotstudie Lindhorst' (2003) 14 Soziale Probleme 137 <https://www.ssoar.info/ssoar/handle/document/24857> accessed 11 July 2024

Valerius B, '§ 232 StGB' in von B Heintschel-Heinegg and H Kudlich (eds) BeckOK-StGB (61st edn, C.H. Beck 2014)

van Endern C, 'Sexueller Missbrauch von Kindern ohne Einwirken auf ein Kind: Zur Versuchsstrafbarkeit des Cybergroomings' [2020] NJW 1033

von Weiler J, Im Netz: Kinder vor sexueller Gewalt schützen (Herder, Freiburg 2014)

Whittle HC and Hamilton-Giachritsis CE and Beech AR, '"Under His Spell": Victims' Perspectives of Being' in Groomed Online' N Parton (eds), Contemporary Developments in Child Protection Volume 3: Broadening Challenges in Child Protection (MPI, Basel 2015) 84

Winter C, Tausend Tode und ein Leben: Sexualisierte Gewalt gegen Kinder – Ursachen, Folgen und Therapie (Kohlhammer, Stuttgart 2015)

Winters G M and Jeglic E L, Sexual Grooming: Integrating Research, Practice, Prevention, and Policy (Springer Nature, Switzerland 2022)

Winters GM and others, 'The Sexual Grooming Model of Child Sex Trafficking' [2021] Victims&Offenders Trafficking 60

Winters GM and Jeglic EL and Terry KJ, 'The Prevalence of Sexual Grooming Behaviors in a Large Sample of Clergy' [2022] Sexual Abuse 923

Wood AC and Wheatcroft JM, 'Young Adult Perceptions of Internet Communications and the Grooming Concept' (2020) 10 SAGE Open 1, 6 <https://journals.sagepub.com/doi/10.1177/2158244020914573> accessed 11 July 2024

This special issue brings together nineteen topical and innovative papers, researching the boundaries of sexual integrity and affirmative sexual consent, gender violence, and image-based or online sexual abuse, including child sexual abuse material and non-consensual sexual deepfakes. It offers an original and nuanced approach to understanding the important legal elements, various agents and harms of topic-related deviant conduct as well as legislative processes aimed at tackling it. In light of recent societal developments, including changes in societal sensibilities, and recent or on-going legislative amendments at national and supranational levels, research on these topics is timely and much needed.

Gert Vermeulen is Senior Full Professor of European and international criminal law, sexual criminal law and data protection law, Department Chair Criminology, Criminal Law and Social Law, and Director of the Institute for International Research on Criminal Policy (IRCP), all at Ghent University. He is also General Director Publications of the AIDP, and Editor-in-chief of the RIDP.

Nina Peršak is Scientific Director and Senior Research Fellow, Institute for Criminal-Law Ethics and Criminology (Ljubljana), Full Professor of Law, University of Maribor (habilitation), Academic Consultant at the Institute for International Research on Criminal Policy (IRCP), Ghent University, and Co-Editor-in-Chief of the RIDP.

Stéphanie De Coensel is an FWO Postdoctoral Researcher and Visiting Professor in Advanced Criminal Law at the Institute for International Research on Criminal Policy (IRCP), Ghent University, and Editorial Secretary of the RIDP.

www.maklu.be
ISBN 978-90-466-1263-7