

# Online Grooming

## A growing threat to children in the digital age

*A joint report by*



**CHILD10**



**ONLINE GROOMING - A GROWING THREAT TO CHILDREN IN THE DIGITAL AGE**

**Year:** 2023-04-14

**Production:** Agir Contre la Prostitution des Enfants, Child10 , Child Focus, Protect Children and Netzwerk gegen Menschenhandel

**Website:** [www.child10.org/groomingreport](http://www.child10.org/groomingreport)

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## Introduction of authors

The following report is written by the organizations Protect Children from Finland, Child Focus from Belgium, Agir Contre la Prostitution des Enfants (ACPE) from France, Netzwerk gegen Menschenhandel from Germany and Child10 from Sweden.

**Agir Contre la Prostitution des Enfants (ACPE)** has been a leading force in the fight against the sexual exploitation of children. Their primary goal is to raise awareness and educate institutions and the public about commercial sexual exploitation of children. ACPE also supports affected young people, families, and professionals and participates in trials against perpetrators. Their efforts have helped shape the political agenda in France, resulting in greater recognition of child victims of commercial sexual exploitation and access to necessary support.

**Child Focus** is a Belgian Foundation that has been fighting for the rights of missing and sexually exploited children for over two decades. Their unwavering dedication to help children is evident through the various initiatives they have undertaken, including support helplines, prevention programs, advocacy, and lobbying. Child Focus has made significant contributions to the fight against child abuse by being at the forefront of supporting victims and applying a holistic child rights-based approach to their programs.

**Child10** is an organization that is committed to end child trafficking through a holistic approach that focuses on prevention, protection, and prosecution. Their mission is to work with grassroots organizations and leading experts to develop and advocate for powerful and durable solutions that can help end child trafficking and sexual exploitation. Child10 builds networks of organizations that complement each other and foster stronger national and international coordination and collaboration in this field.

**Protect Children** is a non-profit, non-governmental organization based in Helsinki that envisions a future where no child is subject to sexual harassment, grooming, or sexual violence. The organization's mission is to prevent all forms of sexual violence against children through a research-based, holistic approach. This involves working with a range of stakeholders, including professionals, governments, NGOs, offenders, families, victims, and survivors, to create sustainable solutions that address the root causes of sexual violence.

**Netzwerk gegen Menschenhandel**, or Network against Human Trafficking, is an organization that is committed to end the scourge of human trafficking and sexual exploitation. Their comprehensive approach involves a range of initiatives such as workshops, training, educational materials, and programs in schools, all aimed at preventing exploitation and cyber-grooming. Netzwerk gegen Menschenhandel is dedicated to making a positive impact and taking proactive steps towards preventing human trafficking.

## Executive Summary

This report *Online grooming - a growing threat to children in the digital age* highlights the growing problem of online sexual grooming, the inadequacy of current safeguarding mechanisms and the need for more research and data to better protect children from online exploitation. The report analyzes cases from five European countries: Finland, Belgium, France, Germany, and Sweden.

Grooming, where adults manipulate and abuse children, is not a new phenomenon. Perpetrators using various tactics, such as flattery, kindness, and exploiting vulnerabilities, to build emotional connections with children and offer gifts or incentives in exchange for sexual images or favors, is nothing new. With the rise of technology, however, we see that online grooming is growing rapidly and becoming a widespread problem. Now one perpetrator can reach out to hundreds of children simultaneously.

The COVID-19 pandemic has exacerbated this issue with a significant increase in the number of websites hosting self-generated child sexual abuse material and reports of online enticements.

The report highlights that children across Western Europe have high internet saturation and social media usage with girls spending more time on social media platforms than boys. As children get older, they use social media for social contact with friends or family, using video calls, voice messages and emails regularly. While children under six usually don't own a smartphone, they often have access to their parents' devices, which may or may not be supervised. The most commonly used social media platforms vary across countries, but YouTube, Instagram, TikTok, WhatsApp, and Snapchat are popular among children and youth. The rise in gaming has also raised concerns about the safety of children on gaming platforms, as perpetrators are using these platforms for grooming children.

All countries in this report have a definition of grooming and child sexual abuse and a legal framework in place to address these crimes, but they differ in how they define the terms. Additionally, international, and regional legislation mandates states protect children from all forms of sexual violence.

Although progress has been made when it comes to this issue, there are gaps in legislation, prevention education and technology company efforts to detect and prevent grooming.

## Glossary of Terms

Term	Definition
CSAM (child sexual abuse material)	Child Sexual Abuse Material (CSAM), refers to any visual depiction, including photographs, videos, and drawings, that portrays a child engaging in sexual activity or in a sexually explicit manner.
Direct messaging	Often referred to as DM, is a feature found in various social media platforms and messaging apps that enables users to send private messages to each other. Unlike public posts or comments, direct messages are not visible to the general public or other users, unless they are included in the conversation. Direct messaging is a way to communicate with one or more individuals in a more private and direct manner.
Encryption	Encryption is the process of converting information or data into a code, making it unreadable or unusable without the proper decryption key or password. The purpose of encryption is to protect sensitive information from unauthorized access, as the encrypted data can only be read by those who have the necessary key or password to decrypt it. Encryption is widely used in various applications such as online communication.
Grooming	Refers to the actions taken by an adult to establish trust with a child, often for the purpose of sexual abuse or exploitation. This is a serious form of child abuse and can involve various manipulative techniques, such as flattery, gifts, and attention.
Non-consensual sharing of intimate images	Non-consensual sharing of intimate images, also known as revenge porn, is the act of distributing, sharing, or posting sexually explicit images or videos of a person without their consent.
Non-contact abuse	Non-contact abuse refers to a type of abuse that does not involve physical touch or contact, but rather psychological, emotional, or verbal harm inflicted upon a person. Non-contact abuse can take many forms, including verbal abuse, emotional manipulation, isolation, gaslighting, financial exploitation, cyberbullying, and stalking.
Open access-data	Open-access data refers to data that is freely available and accessible to the public without any restrictions on its use, reuse, or redistribution. Open-access data is typically made available through online platforms and repositories and can include various types of data.

Online enticements	Online enticements refer to the practice of using various means, such as social media, chat rooms, emails, or text messages, to lure and persuade someone to engage in sexual activity or to share sexually explicit images or videos. This can be done by using false identities, manipulative tactics, or offering rewards, such as money or gifts, to convince the victim to comply with the perpetrator's requests.
Sexual exploitation	Sexual exploitation involves a person profiting from the use of another person's body in a sexual manner in order to benefit (financially or otherwise). In general, the perpetrator of sexual exploitation takes advantage of their victim's vulnerable or dependent state, including addictions to drugs or alcohol.
Sexual abuse	Sexual abuse refers to any unwanted or forced sexual activity or behavior that occurs without a person's consent. It can take many forms, including physical acts, such as rape or sexual assault, as well as non-physical acts, such as unwanted sexual comments or exposure to sexual content.
SG-CSAM	Self-generated child sexual abuse material (SG-CSAM), also known as self-generated sexually explicit material, is “explicit imagery of a child that appears to have been taken by the child in the image”. This imagery can be created both consensually (e.g., peer-to-peer sexting) or coercively (e.g., online grooming), and presents the unique challenge of not knowing which by merely looking at the picture or video alone.
Social media	Social media refers to web-based platforms and apps that allow people to create, share, or exchange information, ideas, content, and media with other individuals, groups, or communities. Social media typically involves user-generated content and interaction, allowing users to communicate, collaborate, and network with others on a global scale.

# 1. Background and Overview

Technological developments over the last two decades have increased access to the internet. In 1995, less than 1% of the world's population was active on the internet, today that figure has climbed to 59.5%.<sup>1</sup> In fact, internet saturation among young people between the ages of 15 – 24 in the Global North is nearly 100%.<sup>2</sup> At the same time, the abundance of social media platforms today has connected the world in novel and unprecedented ways with children and young people being at the forefront of this change. While the rapid technological advancements have created new and interactive methods of learning and communication for children, they have not come without significant risks and dangers. One such danger is the risk of online abuse including sexual abuse and exploitation by perpetrators through grooming, sextortion and spreading of child sexual abuse material (CSAM), among others.<sup>3</sup> This paper will focus on the risk of grooming online for sexual purposes.

## 2. What is grooming?

Grooming refers to a scenario where an adult “builds a relationship, trust and emotional connection with a child or young person in order to manipulate, exploit and abuse them. Online grooming is when this process is facilitated, partly or entirely, by the internet or other wireless communications”.<sup>4</sup>

A significant proportion of the world's children today have social media accounts and the age of first joining social media continues to decrease. A 2020 study published by Thorn found that 45% of minors between the ages of 9 – 17 used TikTok at least once a day; the number was 50% for Instagram and as high as 80% for YouTube.<sup>5</sup> Access to the internet has blurred the line between offline and online and created a social space where a child's circle of trust can expand beyond people they meet and interact with in-person. As many as 23% of minors surveyed in 2021 said that they knew more than half their online contacts exclusively through online interactions and for 1 in 3 children, their closest friendships were formed online.<sup>6</sup> This expansion of social space and contacts can be stimulating and beneficial for children by allowing healthy interactions with people they might not otherwise have the possibility to meet. However, it also means that adults with malicious intentions can contact children under false pretenses of either being their own age or posing as a well-meaning, harmless friend. This essentially allows the perpetrators to harm children without ever having to approach them in person thereby reducing the possibility of being detected and stopped. The US FBI estimates that in the US, 750,000 people attempt to contact children for sexual

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<sup>1</sup> Setter, Chloe; Greene, Natalia; Newman, Nick; Perry, Jack. (2021). *Global Threat Assessment 2021. We Protect*. p. 26. Available: <https://www.weprotect.org/global-threat-assessment-21/#report>

<sup>2</sup> International Telecommunication Union (ITU). (2022). *Statistics*. Available: <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

<sup>3</sup> Please note that this report uses the term 'child sexual abuse material' instead of 'child pornography'. Labeling child sexual abuse materials as pornography puts the focus on how the materials are used, as opposed to the impact they have on children, which is long-term and devastating.

<sup>4</sup> National Society for the Prevention of Cruelty to Children (NSPCC). (n.d). *Grooming*. Available: <https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/grooming/>

<sup>5</sup> Thorn. (May 2021). *Responding to Online Threats: Minors' Perspectives on Disclosing, Reporting, and Blocking*. p. 12. Available: [https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats\\_2021-Full-Report.pdf](https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf)

<sup>6</sup> Thorn. (April 2022). *Online Grooming: Examining risky encounters amid everyday digital socialization*. p. 9. Available: [https://info.thorn.org/hubfs/Research/2022\\_Online\\_Grooming\\_Report.pdf](https://info.thorn.org/hubfs/Research/2022_Online_Grooming_Report.pdf)



purposes, every day.<sup>7</sup> Furthermore, according to a recent study, “the average age of first exposure to sexually explicit content among 18-year-old respondents was 12.7 years old, almost a full year younger than the average age of first exposure among 20-year-old respondents, 13.4 years.”<sup>8</sup>

The digital age has shifted notions of privacy and sexuality for young people; acts previously deemed inappropriate, such as interacting with strangers, are now both acceptable and rather common, particularly in the online space. This normalization of communication in digital spaces, often with strangers, has made it possible for perpetrators to contact unsuspecting children while maintaining anonymity. Modern perceptions of sexuality, which may be viewed as liberating for young people can also be exploited by perpetrators, e.g., sexting or sending of nude images online. A growing proportion of child sexual abuse material being identified online includes self-generated sexual content. This means that the images are taken and shared by the victims themselves and may have been taken under pressure, manipulation or coercion.

According to a recent survey, 40% of the minors questioned agreed that it was common for children their age to share nudes with each other.<sup>9</sup> These images may be leaked through negligence, hacking or even revenge porn but often, they may be the result of a grooming process where an adult encourages a child to create sexual images after winning their trust. Once images are shared with a perpetrator, they may be used to blackmail the victim into producing even more content.<sup>10</sup> Child sexual abuse material has risen exponentially during the Covid-19 pandemic. On a global level, there was a 77% increase in the number of websites hosting self-generated child sexual abuse material (SG-CSAM) in 2020.<sup>11</sup> A 2021 report found that 54% of respondents between the ages of 18 – 20 years had experienced some form of online sexual harm.<sup>12</sup> In fact, “since the start of the pandemic there has been a worrying increase of 97.5% in reports of online enticements (online communication with a child for the purpose of sexual offense).”<sup>13</sup>

### 3. How does online grooming happen?

The NSPCC has found that grooming is increasingly becoming a cross-sectoral problem and multiple social media platforms are used for the same offense. Statistics from the UK show that online grooming crimes have risen by 80% during the last 4 years, 2017/18-2021/22.<sup>14</sup> According to a report published by the European Union Agency for Fundamental Rights

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<sup>7</sup> INHOPE. (2022). *Online grooming: existing legislation and the importance of a global definition recap*. Available: <https://inhope.org/EN/articles/online-grooming-existing-legislation-and-the-importance-of-a-global-definition-recap>

<sup>8</sup> Economist Impact and WeProtect. (2021). *Estimates of childhood exposure to online sexual harms and their risk factors*. p. 5. Available: <https://www.weprotect.org/economist-impact-global-survey/#report>

<sup>9</sup> Thorn. (2020). *Self-Generated Child Sexual Abuse Material: Attitudes and Experiences*. p. 7. Available: [https://info.thorn.org/hubfs/Research/08112020\\_SG-CSAM\\_AttitudesExperiences-Report\\_2019.pdf](https://info.thorn.org/hubfs/Research/08112020_SG-CSAM_AttitudesExperiences-Report_2019.pdf)

<sup>10</sup> Internet Watch Foundation (IWF). (2019). *The Why. The How. The Who. And the Results, Annual Report 2019*. p. 57. Available: <https://www.iwf.org.uk/about-us/who-we-are/annual-report-archive/>

<sup>11</sup> Internet Watch Foundation (IWF). (2020). *Self-generated child sexual abuse online - IWF annual report 2020*. Available: <https://annualreport2020.iwf.org.uk/trends/international/selfgenerated>

<sup>12</sup> Economist Impact and WeProtect. (2021). *Estimates of childhood exposure to online sexual harms and their risk factors*. p. 4. Available: <https://www.weprotect.org/economist-impact-global-survey/#report>

<sup>13</sup> INHOPE. (2022). *Online grooming: existing legislation and the importance of a global definition recap*. Available: <https://inhope.org/EN/articles/online-grooming-existing-legislation-and-the-importance-of-a-global-definition-recap>

<sup>14</sup> National Society for the Prevention of Cruelty to Children (NSPCC). (2022). *Online grooming crimes have risen by more than 80% in four years*. Available: <https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>

(FRA), the number of reported cases of sexual grooming on social media in the EU has also increased in recent years.<sup>15</sup>

Perpetrators use a number of approaches to contact young children online. A common tactic is referred to as the “scatter-gun approach”, whereby perpetrators start the grooming process by contacting hundreds of young people at the same time waiting for a response from one of them.<sup>16</sup> Due to the widespread use and reach of social media, perpetrators have a variety of online channels, some of them fully encrypted, to contact and exploit children while ensuring complete anonymity.

The grooming process typically begins once a perpetrator tries to contact a child online; this is either done through a direct message or by employing more subtle tactics to build an emotional connection, such as, engaging with the child’s content, commenting on their posts, and eventually proceeding to messaging them privately. Flattery, kindness, or other tactics, including exploiting a child’s vulnerabilities around self-esteem, relationships etc., are used to gain the child's trust and build an emotional bond. It is also common to offer gifts or other incentives in exchange for sexual images or favors. Often, what starts off under the pretense of a trustworthy and amicable relationship quickly becomes intimidating and coercive for the child where they are threatened and blackmailed to share sexual images or engage in sexual acts either online or offline.<sup>17</sup> Another commonly used tactic by perpetrators is to disguise their identity and operate under a fake profile. The perpetrator initiates a relationship with a child by pretending to be the same age as them, thereby, causing them to lower any inhibitions. The child, unsuspecting of the manipulation and danger, develops a relationship of trust with the abuser and ends up exchanging information and images of a sexual nature with the perpetrator. The images may then be used by the perpetrator to pose as a child to another victim and encourage them to share their images, thereby creating a chain of victims.

Irrespective of which platform is used to establish the initial contact, perpetrators are quick to move conversations to fully encrypted platforms, such as WhatsApp, to remain undetected from authorities as well as technology companies. In fact, two-thirds of minors from a 2021 survey in the US had been asked by an online contact to move their conversation from a public forum to a private one on a different platform and a quarter of all minors in the sample had participated in daily interactions with an online only contact using a private messaging platform.<sup>18</sup>

## **4. Current safeguarding mechanisms against grooming**

While significant progress has been made in mechanisms to protect children from perpetrators online, sexual grooming online remains a critical and growing threat to child safety in the digital arena. There are still gaps in legislation in many European countries when it comes to addressing grooming, particularly with regards to online grooming

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<sup>15</sup> European Union Agency for Fundamental Rights. (2021). *Fundamental Rights Report 2021*. p. 220. Available: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)

<sup>16</sup> Barnardos. (2015). *Digital Dangers*. p. 16. Available: <https://www.barnardos.org.uk/sites/default/files/uploads/digital-dangers.pdf>

<sup>17</sup> INHOPE. (n.d). *The Impact of Online Grooming*. Available: <https://inhope.org/EN/articles/the-impact-of-online-grooming>

<sup>18</sup> Thorn. (April 2022). *Online Grooming: Examining risky encounters amid everyday digital socialization*. p. 31. Available: [https://info.thorn.org/hubfs/Research/2022\\_Online\\_Grooming\\_Report.pdf](https://info.thorn.org/hubfs/Research/2022_Online_Grooming_Report.pdf)

regardless of the intent to meet the child offline (non-contact abuse).<sup>19</sup> Gaps also remain when it comes to prevention education on grooming and the risk of child sexual abuse online for children in schools as well as their parents and the wider community. Finally, despite sincere efforts on the part of technology companies, which have been doing voluntary detection and sharing the highest number of reports on child sexual abuse material with authorities, efforts continue to fall short in relation to the scale of the problem.

In 2021, WeProtect conducted a survey of 32 technology companies and found that only 37% of the companies currently use tools to detect online grooming of children.<sup>20</sup> According to a 2019 report from NSPCC, Instagram was the most used platform for sexual grooming offenses in the UK, reported in 37% of cases.<sup>21</sup> NSPCC data over an 18 month period further showed a “200% rise in recorded instances in the use of Instagram to target and abuse children.”<sup>22</sup> A recent study by Thorn found that 19% and 17% of minors message with online-only contacts at least once a day on Instagram and TikTok respectively.<sup>23</sup>

Both Instagram and TikTok require users to be at least 13 years old when signing up for an account. In theory, this should help protect the most vulnerable children, however, the safeguards do not work effectively to produce the required results. Since the system depends on self-reporting of age, there is a high incentive for children to misquote their age as older when trying to sign up for a new account. In fact, in a 2022 study from the US, 85% of the surveyed minors reported that their friends pretend to be older when online because they want to access material which they are too young for.<sup>24</sup> While TikTok has introduced security features such as protecting children under 16 from receiving comments or messages from strangers, having their posts downloaded or having public accounts, none of the features can safeguard children until a more robust age verification system is put in place to ensure minors do not end up on social media platforms that are designed for adults.<sup>25</sup>

Meta tested a new age verification system in 2022 whereby if a user attempts to edit their date of birth from under 18 to 18 or above, they would have to verify their age either by uploading their ID, recording a video selfie or asking friends to verify their age. The new system shows commitment and initiative on Meta’s part; however, it lacks heavily in terms of tangible results. Just like fake IDs are used by minors in the real world, they can be used in the digital world, in fact, perhaps with even more ease. There are also concerns when it comes to the ability of Artificial Intelligence to correctly determine a person’s age from a video, especially if makeup or props are used. Finally, the new system only relates to

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<sup>19</sup> International Centre for Missing and Exploited Children (ICMEC). (2017). *Online Grooming of Children for Sexual Purposes: Model Legislation & Global Review*. Available:

[https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children\\_FINAL\\_9-18-17.pdf](https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf)

<sup>20</sup> WeProtect. (2021). *Findings from WeProtect Global Alliance / Technology Coalition survey of technology companies*, p. 79. Available: <https://www.weprotect.org/wp-content/uploads/Survey-of-technology-companies-2021.pdf>

<sup>21</sup> National Society for the Prevention of Cruelty to Children (NSPCC). (2020). *Instagram most recorded platform used in child grooming crimes during lockdown*. Available:

<https://www.nspcc.org.uk/about-us/news-opinion/2020/instagram-grooming-crimes-children-lockdown/>

<sup>22</sup> Forbes. (2019). *Instagram The Worst as Social Media Slammed As ‘A Gateway For Child Abuse’*. Available:

<https://www.forbes.com/sites/zakdoffman/2019/03/01/surge-of-200-in-use-of-instagram-to-target-and-abuse-children/?sh=21fbf35c59c4>

<sup>23</sup> Thorn. (April 2022). *Online Grooming: Examining risky encounters amid everyday digital socialization*. p. 32. Available:

[https://info.thorn.org/hubs/Research/2022\\_Online\\_Grooming\\_Report.pdf](https://info.thorn.org/hubs/Research/2022_Online_Grooming_Report.pdf)

<sup>24</sup> Ibid p. 26.

<sup>25</sup> Guardian. (2021). *TikTok to tackle grooming with safeguards for young users*. Available:

<https://www.theguardian.com/technology/2021/jan/13/toktok-to-tackle-grooming-with-curbs-for-young-users>

existing users which means, those unable to circumvent the system can simply sign up for a new account and misquote their age from the start.<sup>26</sup>

## 5. Scope of the Report

The following report explores the ever-increasing risk of sexual grooming online through analysis of cases from five countries – Finland, Belgium, France, Germany, and Sweden. Initially, we tried to focus particularly on statistics and cases where one of the two most popular social media platforms used by young people today – Instagram and TikTok – were used for grooming. However, upon closer inspection, we found that specific social media platforms are often left unnamed in news reports, and reliable statistics disaggregated by platforms are not available in the countries. Thus, we changed course slightly and have reported aggregate statistics for social media platforms, specifying platforms wherever information was available. The report is intended to shed light on the ways that social media is being used to exploit and groom children, and what immediate and long-term steps need to be taken to protect children in the above-mentioned countries and beyond.

## 6. Data Gathering and Methodology

Compiling the data and statistics for the report was a challenging undertaking, not least because of a lack of a uniform definition of grooming used by each country. The differences in the definition created difficulties in drawing comparisons. Furthermore, data gaps, lack of clarity and especially a lack of transparency in naming the social media platforms used in different cases were common obstacles in data gathering across all countries. The data was gathered from different sources depending on the country. Specific details are given below.

Relevant legislation, data from government ministries and police as well as independent commissions were consulted for understanding the legal aspects of child sexual abuse in all five countries. The latest criminal statistics from the federal police and other relevant government agencies as well as recent reports published by independent commissions and local civil society organizations were used to ascertain the recent statistics and the scale of the problem in the countries. Gathering statistics was especially challenging for France where official statistics were mostly unavailable and responses to surveys conducted by local CSOs were sparse.<sup>27</sup> The case of Belgium is also unique as Child Focus (which is a co-author of the report) is the only competent organization to deal with cases of grooming in Belgium and, therefore, has a fairly clear picture of the evolution of the phenomenon in the country. The numbers and cases described in this report from Belgium are based on reports of (parents, teachers or adults concerned about) young people on grooming, reported to Child Focus. They were reported via the organization's Safer Internet helpline, the toll-free number 116 000.

While Child Focus has used its own cases, a comprehensive search of recent cases of grooming on social media platforms was carried out using key words related to child sexual abuse, child sexual abuse material and grooming in search engines as well as in established

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<sup>26</sup> Forbes. (2022)., *Meta Testing New Age Verification Tools – Experts Explain Why They Won't Work*. Available: <https://www.forbes.com/sites/petersuciu/2022/07/01/meta-testing-new-age-verification-tools--experts-explain-why-they-wont-work/?sh=7a4a9adb2e3e>

<sup>27</sup> Data was gathered from the associations, e-enfance, center hubertine-auclert, cameleon.

online newspapers for the other countries. For Sweden, court cases were also consulted.<sup>28</sup> Where information was available, cases linked to social media platforms, Instagram and TikTok, were chosen. All sources and data used in the report are from 2016 or later.

## 7. Legal Framework

All the countries in the report have a clear definition of grooming and child sexual abuse although the countries sometimes differed in how they defined the term. The only exception was France where the definition of grooming was unclear, and the term was vaguely defined. All countries also have a legal framework in place to address crimes related to grooming and child sexual abuse, even if different terminologies may be used. Many of the laws have been updated recently, the most current example being Finland which strengthened the criminal code in January 2023. A short summary of the legal framework in each of the countries is included in this section. Additional information about the legal framework in each country can be found in Appendix A.

In addition to their own national laws, countries are sometimes bound by international conventions and treaties to which they are signatories or in the case of the countries included in this report, since they are part of the Council of Europe and the European Union. At an international and regional level, the following regulations are in place when it comes to crimes related to child protection including grooming or sexual abuse of children.

**The United Nations Convention on the Rights of the Child** is ratified worldwide in all but one State. Its article 34 grants children the right to be free from all forms of sexual exploitation and abuse. The Convention mandates States that are Parties to it protect children from all forms of sexual violence and is thus binding for its signatories, including the States relevant to this report. Similarly, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, which is also ratified by all five countries, further explicitly lays down the States' obligation to penalize Child Sexual Abuse Material (CSAM) offences in article 3(1)(c).

On a regional level, Council of Europe legislation offers extensive protection for children against sexual violence. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) explicitly mandates that State Parties criminalize various CSAM related offences, as well as soliciting a child for sexual purposes (grooming) in arts. 20 (CSAM) & 23 (grooming). Belgium, Finland, France, Germany, and Sweden are all members of the Council of Europe and are thus bound by its legislation.

On a European Union level, Directive 2011/93/EU is binding for all Member States, mandating that each criminalize CSAM offenses and solicitation offenses in articles 5 and 6. As per the nature of Directives, Member States must incorporate the contents into their national legislation. In 2021, the EU proposed new legislation aimed at strengthening child protection online. The proposed EU Regulation 2022/0155 would require service providers to report suspected CSAM on their platforms, thus strengthening the child protection efforts

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<sup>28</sup> The specific newspapers used for each country include Germany - Süddeutsche Zeitung, Der Spiegel, Frankfurter Rundschau; Finland - Yle (Fi, En, Sw), Helsingin Sanomat, Aamulehti, Ilta-Sanomat; Sweden - Aftonbladet, Svenska Dagbladet, and Expressen; France - France Bleue, l'est républicain, ouest france.

taken by social media platforms in all EU countries. The legislation is currently pending voting and approval by the European Parliament.

## 7.1 Sweden

In Sweden, punishment for grooming or offences related to child sexual abuse can range in punishment from a fine to 4 years imprisonment. During 2022, tougher penalty provisions on rape and sexual abuse of children were agreed upon. Tougher penalties included, among other things, crimes related to:

- Exploitation of children for sexual posing
- Rape against children
- Sexual abuse of children
- Purchase of sexual services
- Exploitation of children through the purchase of sexual acts

The above changes entered into force on August 1, 2022, and most increased the punishment for the above-mentioned crimes from a fine to some kind of prison sentence.<sup>29</sup>

It is, however, worth noting that Sweden has received criticism for seeing sexual abuse towards children that takes place online as less serious than that which takes place offline, in turn, leading to weaker punishments for the latter. This may be due to the fact that the legal system in Sweden views abuse online and offline differently, partly because the legal system has faced challenges regarding keeping up with technological developments which facilitates grooming and sexual abuse online.<sup>30</sup>

## 7.2 Finland

New amendments to the Criminal Code of Finland came into force in January 2023 and, among others, concerned laws related to child sexual abuse. Sexual violence against children is regulated in the Criminal Code of Finland, Chapter 20, Section 9, 12-16, 18-22.

Sexual violence against children is referred to in the Criminal Code of Finland as performing a sexual act or touching a child under the age of sixteen years old or coercing a child to these actions. When sexual acts, touching or coercion are committed by a parent, a person in a similar role or someone who lives in the same household with the child, this definition extends to children aged 16-18. Furthermore, the Criminal Code of Finland defines rape as “sexual intercourse with a child under the age of 18”.

The chapter on sexual violence concerns CSAM as well. In the Criminal Code of Finland, CSAM is defined as material depicting a child under the age of 18 in a sexually explicit manner, or material which resembles/simulates a child in a sexually explicit manner. Production, distribution, or possession of CSAM in Finland is punishable.

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<sup>29</sup> Sveriges riksdag. (June 2022). *Skärpt syn på våldtäkt och andra sexuella kränkningar*. Justitiekommitténs betänkande 2021/22: JuU41. Available:

[https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/skarpt-syn-pa-valdtakt-och-andra-sexuella\\_H901JuU41](https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/skarpt-syn-pa-valdtakt-och-andra-sexuella_H901JuU41)

<sup>30</sup> Brottsförmyndigheten. (January 2022). *Övergrepp på nätet behöver tas på allvar*. Available:

<https://www.brottsformyndigheten.se/om-oss/aktuellt/nyheter/overgrepp-pa-natet-behoover-tas-pa-allvar/>

Grooming is defined by the Criminal Code as actions of a person who seeks to arrange a meeting or other contact with a child with the intent to subject the child to offences of sexual violence, including rape, sexual harassment, and sexual abuse, or producing material depicting sexual violence against a child. Grooming is punished by a fine or a maximum of one year's imprisonment.<sup>31</sup>

### 7.3 Germany

In Germany, sexual abuse of children is punishable under Sections 176 et seq. of the Criminal Code.<sup>32</sup> Since July 1, 2021, the Act to Combat Sexualized Violence against Children<sup>33</sup> has been in force, according to which child abuse is punished much more severely. The sexual abuse of children under Section 176 of the Criminal Code has since been upgraded to a felony punishable by a sentence of at least one year and up to fifteen years imprisonment. The distribution, possession, and procurement of child sexual abuse material (referred to as child pornography or child pornographic content in German law) were also upgraded to a felony. In the case of the criminal offense of producing "child pornographic content" that reproduces an actual event, the statute of limitations does not begin to run until the victim reaches the age of 30.

The sexual abuse of non-German children and adolescents committed by German perpetrators abroad can be punished in Germany even if the act is not punishable in the country concerned. Particularly relevant for the offense of cybergrooming are acts without physical contact (§176a) and preparing the sexual abuse of children (§176b). The law recognizes several different forms:

- *Letting the child watch* - §176a para. 1 no. 1 requires that the sexual activity of an adult is actively followed by the child and that the child also consciously perceives the events.
- *Posing* - §176a para. 1 no. 2 states that the direction of the perpetrator to seduce a child into posing is decisive for criminal liability.
- *Pornographic content* - §176a para. 1 no. 3 deals with spatial influence through pornographic content or corresponding erotic speech.
- *Influencing* - §176b para. 1 state that anyone who acts on a child by means of "content" in order to make the child perform sexual acts on or in front of the perpetrator or a third party or to have the perpetrator or a third party perform sexual acts on him or her is criminally liable.

As of January 1, 2021, this new term "content" was introduced to replace the old terminology ("writings" or "information or communication technology"). Despite the absence of the term cybergrooming, it is recognized as a form of sexual abuse of children and young people and is prohibited in Germany. It is punishable if contact is made with the **intention** of leading the child to engage in sexual acts. Photos, videos, and messages with sexual content do not have to be exchanged to constitute cybergrooming.

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<sup>31</sup> The Criminal Code of Finland. Chapter 20. §12-14, 18-21 (19.12.1889/39). Available: <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001>.

<sup>32</sup> The Criminal Code of Germany. Sections 176a-e. Available: [https://www.gesetze-im-internet.de/stgb/\\_176.html](https://www.gesetze-im-internet.de/stgb/_176.html)

<sup>33</sup> German Act to Combat Sexualized Violence Against Children (2021). Available [https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/DE/Bekaempfung\\_sex\\_Gewalt\\_Kinder.html](https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/DE/Bekaempfung_sex_Gewalt_Kinder.html)

## 7.4 France

In France, there is no precise definition of grooming in legal terms, and it can also be called "pédopiégeage" (translated as 'pedophile trapping') which is another term used for grooming. Civil society organizations have defined grooming which corresponds to the offense of "sexual proposition of a minor". The penalties can be up to 2 years imprisonment and a fine of 30,000 euros. If there is an in-person meeting, the article of the penal code provides that the penalties can be increased to 5 years imprisonment and a fine of 75,000 euros. The punishment only applies if the victim is a minor under 15 years of age. In cases where the minor is older than 15 years of age, the offense cannot be applied. It is, however, still possible to apply other offenses such as corruption of a minor with the aggravating circumstance of using a telecommunication network.<sup>34</sup>

## 7.5 Belgium

New adaptations to the penal code in Belgium in 2022 have reframed the legal framework on age for sexual consent and consensual sharing of sexual images. The minimum age of sexual consent is 16, but 14 to 16-year-olds can have sexual relations with mutual consent if the age difference does not exceed three years. The same rules apply to the consensual sharing of intimate images. For non-consensual sharing of intimate images, punishment varies between 6 months to 15 years (plus potentially a fine), depending on aggravating circumstances such as the age of the victim, imbalance in authority or presence of others.

Grooming is defined as an autonomous criminal offense in the Belgian penal code under Article 417/24: "approaching a minor for sexual purposes is proposing to a minor to meet (in the real or virtual world), by any means, for the purpose of committing an offense referred to in this chapter, insofar as this proposal has been followed by material acts that may lead to such an encounter." An effective encounter does not have to take place, but the acts of grooming must be capable of leading to it. (e.g., buying a train or cinema ticket, taking leave for the day of the encounter). Sentences vary between 3 to 5 years imprisonment. Besides defining grooming as an autonomous criminal offense, the Penal Code also stipulates it as an aggravating circumstance punishable by imprisonment from 1 to 5 years and a fine from 500 to 10,000 euros: for offenses committed on a minor below the full age of 16 years, it is an aggravating circumstance if the offenses were preceded by the offender approaching the minor with the intention of committing the offenses in question at a later date. To maintain the aggravating circumstance, the approach must have resulted in an encounter aimed at gaining the minor's trust with the ultimate purpose of committing the offense. This aggravating circumstance is taken into account by a judge when ruling on the sentence.

The Penal Code also identifies the fabrication or dissemination of CSAM as a crime punishable by imprisonment from 5 to 10 years and a fine from 500 to 10,000 euros. Possession and acquisition of these images is punishable by imprisonment from 1 to 5 years and a fine from 500 to 10,000 euros. Merely accessing CSAM is punishable by imprisonment from 1 to 3 years and a fine from 500 to 10,000 euros.

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<sup>34</sup> Légifrance. (2021). *Code pénal Article 227-22*. Available: [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043409063](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409063)



## 8. Key Facts and Statistics

### 8.1 Usage and access to the internet and social media

Internet saturation and social media usage is high among children across Western Europe, and social media is increasingly becoming a medium of self-expression among young people. In fact, as children get older, they attach more importance to social contact with friends and family. We see more video calls, more voice messages, more emails, and much more social media. Across the countries featured in this report, smartphone ownership and social media usage is among the highest in the world.

While children under the age of six don't own a smartphone of their own, they often have access to a parent's devices which may or may not be supervised. It was reported that, by the age of 11, almost all children (98%) own a smartphone in Sweden,<sup>35</sup> which also reported a very high frequency in social media usage on a daily basis, at 84% between the ages of 8 and 19.<sup>36</sup> In Belgium, 29% of children in primary school use social media while among secondary school children, the figure rises to 82%.<sup>37</sup> Similarly, in Finland, the overall internet and social media use among children is relatively high; in 2017, almost all children and adolescents over the age of ten used some social media platform.<sup>38</sup> The age bracket for Finland was comparatively higher as 93% of people aged 16 to 24 in Finland used social media in 2022.<sup>39</sup> In Germany, with increasing age, the amount of time that children and youth spend online has also increased dramatically. A 2022 Bitcom study on Children and Youth Media Usage indicated that by the age of 10, 86% of German children have their own smartphone. In fact, by the age of 12, almost 100% of children have access to social media and smartphones.<sup>40</sup> Among the group, France reported the lowest social media usage with 63% of 8–18-year-olds having an account on at least one social media platform.<sup>41</sup>

### 8.2 Popularity of the various social media platforms

While all countries report a high usage of social media among children, the most popular social media platforms and applications may vary. Across the board, video streaming giant, YouTube, is one of the most popular websites among children and youth. However, social media platforms such as Instagram, TikTok, WhatsApp and Snapchat are not far behind. For all countries surveyed in this report, finding credible statistics for the popularity and use of specific social media platforms among children and youth was difficult and official statistics were either missing or varied widely from unofficial sources.

In Sweden the most commonly used social media platforms among children (born 2010-2019) is YouTube, Snapchat and TikTok, and among young people (born 2000-2009) is

<sup>35</sup> Svenskarna och internet, Internetstiftelsen. (2017). *Svenskarna och internet 2017 - Barn och internet*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2017/barn-och-internet/>

<sup>36</sup> Svenskarna och internet, Internetstiftelsen. (2022). *Svenskarna och internet 2022 - Fler kvinnor än män lägger ut eget material på sociala medier*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/sociala-medier/>

<sup>37</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>38</sup> Tieto ja trendit. (2021). *Mobiiliteknologia mullisti lasten arjen – nettiin ei mennä, vaan siellä ollaan*. Available: <https://www.stat.fi/tietotrendit/artikkelit/2021/mobiiliteknologia-mullisti-lasten-arjen-nettiin-ei-menna-vaan-siella-ollaan/>

<sup>39</sup> Valtari, Minna. (2023). *Sosiaalinen media Suomessa 2023*. LM&SMECO. Available: <https://msomeco.fi/blogi/sosiaalinen-media-suomessa/>

<sup>40</sup> Bitkom. (June 2022). *Kinder & Jugendstudie 2022*. Available: [https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts\\_Kinder\\_Jugendliche\\_09.06.2022\\_0.pdf](https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts_Kinder_Jugendliche_09.06.2022_0.pdf)

<sup>41</sup> E-enfance. (2021). *Réseaux sociaux - Les dangers et risques des réseaux sociaux pour les jeunes*. Available: <https://e-enfance.org/informer/reseaux-sociaux/>

Snapchat, YouTube and Instagram.<sup>42</sup> In Belgium, YouTube is the most popular among children at 86% and young people at 96%. However, research conducted in 2020 found that TikTok and WhatsApp (used by 45% of children and 91% of young people) are firmly heading to the top<sup>43</sup>. Furthermore, the popularity of Snapchat (91%) is increasing rapidly among young people in Belgium. In Finland, TikTok appeared to be the most popular platform as 71% of children reported using the app on a daily basis.<sup>44</sup> In contrast, Instagram was the most popular social media platform in Germany among 16-18 year-olds and appeared to be rising in popularity also among 12-13-year-olds (2022: 40%, 2021: 26%).<sup>45</sup> TikTok, on the other hand, was most popular among 14-15 year-olds, and almost all the children reported using WhatsApp often (82%).<sup>46</sup> Similar findings were reported for France where 69% of the children have an account mainly on Instagram, making it the 12th country in the world with the most users on Instagram. A report published in 2022 also indicated that 84% of people aged 16–25 in France used Instagram while 52% used TikTok in 2021.<sup>47</sup>

Looking more thoroughly at time spent on various social media platforms, among the girls in Sweden, the percentage that use social media more than three hours per day is over 40% from the age of 14 and over 50% at the age of 17–18.<sup>48</sup> Similarly, in Germany 6–9-year-olds spend an average of 49 minutes per day online and 16–18-year-olds an average of 166 minutes. A big portion of this time is spent on social media, sending messages (86%) or playing video games (61%).<sup>49</sup> A 2021 study from Finland reported that 34% of children aged 5–12 used TikTok daily or several times a week, whereas 62% of children aged 13–16 used TikTok every day.<sup>50</sup> This is consistent with findings from other countries where TikTok is also more popular among younger children. In Belgium, 82% of teenagers spend more than 1 hour on social media every day while 30% spend over 3 hours.<sup>51</sup> On the other hand, in France, people aged 15-24 spent 19 minutes using Instagram on average per day in 2020.<sup>52</sup> Another important finding of the report is that parents are often unaware of the amount of time their child spends online and what activities they participate in while using the internet. Data from Germany shows that 68% of German children have no parental limits imposed on the amount of time they are allowed to spend online.<sup>53</sup>

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<sup>42</sup> Svenskarna och internet, Internetstiftelsen. (2022). Svenskarna och internet 2022 - Fler kvinnor än män lägger ut eget material på sociala medier. Available:

<https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/sociala-medier/#graph-2404>

<sup>43</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>44</sup> DNA Uutishuone. (April 2021). *Tutkimus: Yhä suuremmalla osalla 6-vuotiaista on jo oma älypuhelin – DNA:n asiantuntija kertoo, mitä jokaisen vanhemman tulee vähintään tietää hankkiessaan puhelinta lapselleen*. Available:

<https://corporate.dna.fi/lehdistotiedotteet?type=st2&id=69905663&scrollTo=UJpEOgFgPw1f>

<sup>45</sup> Medienpädagogischer Forschungsverbund Südwest (mpfs). (2022). *JIM - Studie 2022*. p. 32. Available:

[https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM\\_2022\\_Web\\_final.pdf](https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM_2022_Web_final.pdf)

<sup>46</sup> Bitkom. (June 2022). *Kinder & Jugendstudie 2022*. Available:

[https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts\\_Kinder\\_Jugendliche\\_09.06.2022\\_0.pdf](https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts_Kinder_Jugendliche_09.06.2022_0.pdf)

<sup>47</sup> Asselin, Christophe. (2021). *Instagram, les chiffres incontournables en 2022 en France et dans le monde*. Digimind.

Available: <https://blog.digimind.com/fr/agences/instagram-chiffres-incontournables-2020-france-et-monde#monde>

<sup>48</sup> Statens Medieråd. (2021). *Unga & medier 2021 - En statistisk undersökning av ungas medievanor och attityder till medieanvändning*. Available:

[https://www.statensmedierad.se/download/18.57e3b0a17a75fbf0654916e/1632377641632/Ungar%20och%20medier%202021\\_anpassad.pdf](https://www.statensmedierad.se/download/18.57e3b0a17a75fbf0654916e/1632377641632/Ungar%20och%20medier%202021_anpassad.pdf)

<sup>49</sup> Bitkom. (June 2022). *Kinder & Jugendstudie 2022*. Available:

[https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts\\_Kinder\\_Jugendliche\\_09.06.2022\\_0.pdf](https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts_Kinder_Jugendliche_09.06.2022_0.pdf)

<sup>50</sup> DNA Uutishuone (April 2021). *Tutkimus: Yhä suuremmalla osalla 6-vuotiaista on jo oma älypuhelin – DNA:n asiantuntija kertoo, mitä jokaisen vanhemman tulee vähintään tietää hankkiessaan puhelinta lapselleen*. Available:

<https://corporate.dna.fi/lehdistotiedotteet?type=st2&id=69905663&scrollTo=UJpEOgFgPw1f>

<sup>51</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>52</sup> Asselin, Christophe. (2021). *Instagram, les chiffres incontournables en 2022 en France et dans le monde*. Digimind.

Available: <https://blog.digimind.com/fr/agences/instagram-chiffres-incontournables-2020-france-et-monde#monde>

<sup>53</sup> Bitkom. (June 2022). *Kinder & Jugendstudie 2022*. Available:

[https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts\\_Kinder\\_Jugendliche\\_09.06.2022\\_0.pdf](https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts_Kinder_Jugendliche_09.06.2022_0.pdf)

Differences were also found between the social media usage of girls and boys with girls being more active on social media platforms as compared to boys in all the countries featured in this report. In France, 60% of 11 - 18-year-olds on TikTok were girls.<sup>54</sup> Similarly, data from Finland from 2017 shows that 73% of girls and over 50% of boys aged 15-19 reported checking social media continuously. Furthermore, over 75% of girls aged 10-14 and over 60% of boys of a similar age said that they used social media at least once a day.<sup>55</sup> In Sweden, a similar trend is observed and women and girls, in addition to spending more time online, also tend to share more of their images and videos on social media platforms - this is particularly true for Instagram and TikTok.<sup>56</sup> The clear differentiation is also apparent in Germany where boys tend to use more gaming platforms, such as Discord (boys: 26 %, girls: 7 %) and Twitch (boys: 16%, girls: 5%) while girls more often use social media platforms such as Instagram (girls: 70%, boys: 54%) and TikTok (girls: 61%, boys: 48%).<sup>57</sup>

## 9. Grooming and child sexual abuse

### 9.1 Scale and characteristics of child sexual abuse and grooming

In recent decades, several countries have been shaken by the upsurge in the number of cases of child sexual abuse, particularly, where the internet has been used in some way. The Police Crime Statistics (PKS) in Germany recorded an increase in cases related to the dissemination, procurement, possession, and production of known and investigated CSAM in 2021. The German police investigated 15,507 cases of child sexual abuse (of those 4,321 on the internet), an increase of 6.3% as compared to the previous year.<sup>58</sup> In addition, there were 681 cases of sexual abuse of minors and adolescents and 44,276 cases of depictions of child sexual abuse or child sexual abuse material (CSAM).<sup>59</sup> Alarmingly, the dissemination of CSAM by minors also increased sharply - more than tenfold since 2018 (from 1,373 suspects under the age of 18 to 14,528 in 2021). Research in recent years has shown that about one in seven to one in eight adults in Germany has experienced sexual violence in their childhood or adolescence. Among women, one in five to six is affected.<sup>60</sup> Cases from Belgium paint a similarly concerning picture; Child Focus received 2,147 reports of CSAM in 2021, an increase of 4.3% compared to the year before and a 187.8% increase since 2017.<sup>61</sup>

Amidst the increasing cases of child sexual abuse, the concerning trend of grooming has also emerged, particularly, over the past decade. Despite this, there is a significant gap in research and statistics when it comes to the phenomenon of grooming. Even more

<sup>54</sup> Génération Numérique. (2021). Enquête 2021. p. 3. Available:

[https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021\\_0.pdf](https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021_0.pdf)

<sup>55</sup> Tieto ja trendit. (2021). *Mobiiliteknologia mullisti lasten arjen – nettiin ei mennä, vaan siellä ollaan*. Available:

<https://www.stat.fi/tietotrendit/artikkelit/2021/mobiiliteknologia-mullisti-lasten-arjen-nettiin-ei-menna-vaan-siella-ollaan/>

<sup>56</sup> Svenskarna och internet, Internetstiftelsen. (2022). *Svenskarna och internet 2022 - Fler kvinnor än män lägger ut eget*

*material på sociala medier*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/sociala-medier/>

<sup>57</sup> Medienpädagogischer Forschungsverbund Südwest (mpfs). (2022). *JIM - Studie 2022*. p. 29. Available:

[https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM\\_2022\\_Web\\_final.pdf](https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM_2022_Web_final.pdf)

<sup>58</sup> Bundeskriminalamt (BKA). (2021). *PKS 2021 Bund - Falltabellen*. Available:

<https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2021/PKSTabellen/BundFalltabellen/bundfalltabellen.html>

<sup>59</sup> Bundeskriminalamt (BKA). (May 2022). *Anstieg bei Verbreitung, Erwerb, Besitz und Herstellung von Darstellungen sexualisierter Gewalt gegen Kinder im Jahr 2021*. Available:

[https://www.bka.de/SharedDocs/Kurzmeldungen/DE/Kurzmeldungen/220530\\_PK\\_KindlicheGewaltopfer2021.html#:~:text=Laut%20PKS%20sind%20im%20Jahr,durch%20sie%20ausermittelten%20Delikte%20an.](https://www.bka.de/SharedDocs/Kurzmeldungen/DE/Kurzmeldungen/220530_PK_KindlicheGewaltopfer2021.html#:~:text=Laut%20PKS%20sind%20im%20Jahr,durch%20sie%20ausermittelten%20Delikte%20an.)

<sup>60</sup> UBSKM. (n.d). *Zahlen zu Sexuellem Kindesmissbrauch in Deutschland*. Available:

<https://beauftragte-missbrauch.de/themen/definition/zahlen-zu-sexuellem-kindesmissbrauch-in-deutschland#:~:text=Zwei%20repr%C3%A4sentative%20Studien%20aus%20den,Jugend%20sexuelle%20Gewalterfahrungen%20machen%20musste>

<sup>61</sup> Figures obtained from calls to Child Focus helpline between 2017 to 2021. Source: Child Focus.

worrisome is the lack of statistics on grooming occurring on leading social media platforms popular with children and youth despite evidence and cases of grooming routinely emerging on these platforms. This lack of data has consequences, the most prominent one being that adults, often parents, are unaware of the risks and dangers faced by children online, thereby, lacking the knowledge to protect them. This lack of data was a prominent challenge in compiling the following section. Regardless, an attempt has been made to piece together a picture to further the understanding of the crime of grooming and its characteristic features.

In a 2017 Swedish study conducted by Barnafriid and Stiftelsen Allmänna Barnhuset, 5,873 youth studying in their final year of high school were asked if they had been contacted online where the purpose of the connection had been sexual in nature, and the perpetrator was at least 5 years older than them. As high as 23.2% of the youth responded positively to the above.<sup>62</sup> Similarly, 62% of children in Finland between 2019-2020 were contacted online by a person they suspected was an adult or at least five years older than them.<sup>63</sup> Every second child received messages with sexual content from adults at least once a month.<sup>64</sup> The rise in cases of grooming and sexual violence was also reported by Sekasin chat (providing mental support for young people) which claimed to have received an increasing number of calls related to grooming, constituting over 50% of inquiries overall.<sup>65</sup> In Belgium, Child Focus opened 43 files<sup>66</sup> related to grooming in 2021.<sup>67</sup> It is important to take into account that grooming online saw a sharp upsurge, especially in the pandemic year 2020, and has been rising consistently ever since. Young people were increasingly active online in 2020 and thus more exposed to online risks. Child Focus opened 411 new cases of problems related to online safety where 81% of these cases related to the infringement of minors' sexual integrity. Particularly during periods of lockdown, an explosive increase in cases was reported. Overall cases of grooming increased by 71% during 2020.<sup>68</sup>

While the number of grooming victims is on the rise, the age of the victims continues to decrease, the victims are getting younger and the abuse more horrific. In Sweden, it was reported that 26% of the 841 respondents in a 2020-2021 study testified that they had been contacted online for sexual purposes by an adult before they turned 15.<sup>69</sup> France reported that 19% of children between the ages 11 and 18 had encountered problems on the internet.<sup>70</sup> 46% of these problemes concerned encounters with a stranger, however what sort of problem this entailed, for example if they were exposed to grooming or other forms of sexual abuse are not known.<sup>71</sup> In Belgium, out of the 43 grooming files opened by Child Focus in 2021, the victims were girls under 16 years old in 75% of the cases.<sup>72</sup> The age group of 10 - 12 years old was, however, also identified as increasingly vulnerable.<sup>73</sup>

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<sup>62</sup> Jonsson, Linda., Svedin, Carl Göran. (2017). *Fördjupningsrapport - Barn utsatta för sexuella övergrepp på nätet*. Barnafriid., Stiftelsen Allmänna Barnhuset. Available: <http://psykologtidningen.se/pdf/pdf-arkiv/Rapport-Sexuella-overgrepp-pa-natet.pdf>

<sup>63</sup> Juusola A. et al. (2021). Grooming in the Eyes of the Child - a report on the experiences of children on online grooming. In Pelastakaa Lapset. Pelastakaa Lapset. Available: [https://pelastakaa.lapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming\\_in\\_the\\_eyes\\_of\\_a\\_child\\_2021.pdf](https://pelastakaa.lapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming_in_the_eyes_of_a_child_2021.pdf)

<sup>64</sup> Ibid.

<sup>65</sup> Yle News. (August 2021). *Yle investigates: Online sexual exploitation of children alarmingly prevalent*. Available: <https://yle.fi/a/3-12074154>

<sup>66</sup> A single file can contain multiple cases and involve many victims and perpetrators.

<sup>67</sup> Figure obtained from Child Focus caseload.

<sup>68</sup> Ibid.

<sup>69</sup> Svedin, Carl Göran; Landberg, Åsa; Jonsson, Linda. (2021). *Unga, sex och internet efter #metoo*. Stiftelsen Allmänna Barnhuset. Available: <https://allmannabarnhuset.se/product/unga-sex-och-internet-efter-metoo/>

<sup>70</sup> Génération Numérique. (2021). Enquête 2021. p. 6. Available:

[https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021\\_0.pdf](https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021_0.pdf)

<sup>71</sup> Génération Numérique. (2021). Enquête 2021. p.6. Available:

[https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021\\_0.pdf](https://m.centre-hubertine-auclert.fr/sites/default/files/fichiers/les-pratiques-numeriques-2021_0.pdf)

<sup>72</sup> Figure obtained from Child Focus caseload.

<sup>73</sup> Identified through expert interviews with Child Focus case managers, police commissioners, and offender therapists.

While all children regardless of gender can be at risk of abuse and the number of unreported cases among boys is widely believed to be even higher than for girls, sexual abuse and exploitation is a gendered crime, and this is apparent in the clear gender differences between the victims of grooming. According to research, girls receive more nude pictures from adults and are asked to send nude pictures of themselves more often.<sup>74</sup> Across the countries in this report, girls were found to be at a higher risk for online grooming and were more often victims. In Germany, girls made up 74% of the victims compared to boys at 26%.<sup>75</sup> The situation in Belgium was also found to be very similar where the victims were girls in 75 – 80% of the cases compared to boys in 25%.<sup>76</sup> In Finland, the gender dimension was slightly less emphasized with children who reported being contacted by an adult stranger constituting 67% girls and 34% boys.<sup>77</sup>

In Sweden, the risk of being exposed to grooming was found to be 3.8 times higher for girls than for boys. A 2020-2021 study by Stiftelsen Allmänna Barnhuset identified that girls had been contacted by a man in 97-99% of the cases while boys had been contacted by a woman in 58-75% of the cases. It is also interesting to note that overall the group that had been contacted the most consisted of people not identifying as girls or boys (40.4%).<sup>78</sup> Another study of 1,465 children from ECPAT Sweden found that 88% of the girls and 53% of the boys had received unwanted naked pictures; 44% girls and 13% boys had been asked to send nude pictures of themselves; 23% girls and 16% boys had had their pictures distributed and lastly, 57% girls and 21% boys had been asked to sell their nude pictures.<sup>79</sup>

While the victims are female, the perpetrators are mostly male. According to statistics from the German Independent Commissioner on Questions of Child Sexual Abuse (UBSKM), sexual abuse is committed by men and male adolescents in about 75-90% of cases, and by women and female adolescents in about 10%-25% of the cases. In 2021, 94% of the perpetrators suspected of child abuse were male, and 6% were female. Many cases of grooming occur in situations where the perpetrator is known to the victim, however, with the ease of the Internet and social media, grooming cases are increasingly occurring online where the perpetrator is a stranger.<sup>80</sup> Moreover, we see that reports of grooming suffer from a large number of unreported cases, which means that many victims don't report. This leads to the fact that numbers about grooming probably only show the tip (or at least only a part) of the iceberg and that there are many cases that remain under the surface.

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<sup>74</sup> Juusola A. et al. (2021). *Grooming in the Eyes of the Child - a report on the experiences of children on online grooming*. In *Pelastakaa Lapset*. Pelastakaa Lapset. p.16. Available:

[https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming\\_in\\_the\\_eyes\\_of\\_a\\_child\\_2021.pdf](https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming_in_the_eyes_of_a_child_2021.pdf)

<sup>75</sup> Bundeskriminalamt (BKA). (2021). *PKS 2021 Bund - Falltabellen*. Available:

[https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2021/PKSTabellen/BundFalltabellen/bundfalltabellen\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2021/PKSTabellen/BundFalltabellen/bundfalltabellen_node.html)

<sup>76</sup> Figure obtained from Child Focus caseload.

<sup>77</sup> Juusola A. et al. (2021). *Grooming in the Eyes of the Child - a report on the experiences of children on online grooming*. In *Pelastakaa Lapset*. Pelastakaa Lapset. p.16. Available:

[https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming\\_in\\_the\\_eyes\\_of\\_a\\_child\\_2021.pdf](https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming_in_the_eyes_of_a_child_2021.pdf)

<sup>78</sup> Svedin, Carl Göran., Landberg, Åsa., Jonsson, Linda. (2021). *Unga sex och internet efter #metoo*. Stiftelsen Allmänna Barnhuset. Available: <https://allmannabarnhuset.se/product/unga-sex-och-internet-efter-metoo/>

<sup>79</sup> ECPAT. (2021). *"Allt som inte är ett ja är ett nej"*. Available:

<https://ecpat.se/wp-content/uploads/2020/12/ECPAT-Rapport2021-Allt-som-inte-ar-ett-ja-ar-ett-nej.pdf>

<sup>80</sup> UBSKM. (n.d). *Sexuelle Gewalt gegen Kinder und Jugendliche*. Available:

[https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen\\_und\\_Fakten/Fact\\_Sheet\\_Zahlen\\_und\\_Fakten\\_UBSKM.pdf](https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen_und_Fakten/Fact_Sheet_Zahlen_und_Fakten_UBSKM.pdf)

## 9.2 Cases of grooming on social media platforms

As mentioned in the scope, this report set out to highlight statistics and cases where one of the two most popular social media platforms used by young people today – Instagram and TikTok – were used in some way. However, throughout the course of our research, we discovered that social media platforms where crimes happened tended not to be disclosed by the authorities or media. Globally, however, and in several of the cases from the countries in this report, Instagram was identified as a commonly used platform, especially for establishing the initial contact.<sup>81</sup> Snapchat is another platform often used by perpetrators. Concerns have also been raised about grooming instances on TikTok, however, since the platform is still quite new, research on the scale and magnitude of the problem is limited. There is a need for immediate steps to increase knowledge about child safety on TikTok especially considering the popularity of the platform among younger children. Another prominent feature of many grooming cases was found to be that communication was quickly moved to an encrypted platform such as WhatsApp or even in-person meetings. The following section highlights aspects of online grooming by analyzing cases of grooming on social media platforms reported in the various countries.

A concerning aspect of online grooming is that a single perpetrator can reach out to and offend tens or hundreds of children. In Sweden, a 35-year-old male was convicted for sexual offenses against 42 children between 10 and 14 years old. The crimes took place over a prolonged period of 4 years, between 2018 - 2022, and the perpetrator used Instagram and Skype to contact the victims and perpetrate the abuse.<sup>82</sup> In a similar case from Finland between 2018-2019, a man in his thirties abused at least 40 children from different parts of the country. All the victims were girls, and the youngest one was 10 years old. The offender coerced the children to participate in sexual conversations and forced them to send explicit pictures of themselves to him while also sending sexual pictures of himself to the children. The victims were contacted mainly via Instagram.<sup>83</sup> In Germany, in 2022 an adult male used Instagram and WhatsApp to sexually harass students. The man asked at least one child to send pictures and to name a secret place, so that the perpetrator could meet the child alone there. Additional unidentified victims were feared by police.<sup>84</sup>

Several cases show that to initiate contact with a child, offenders often pretend to be of the same age as their victims in order to appear harmless and to lure unsuspecting children. In a Finnish case from 2019, 8 girls aged 14-15 were contacted via Instagram by a perpetrator who was pretending to be a teenage boy. The offender groomed at least two of the girls into meeting in person and, according to one of the victims, there were 15 meetings over two months, some of which involved further sexual offenses.<sup>85</sup> Instagram was named in another case from Germany which involved a young man who contacted two youth players from a football club via Instagram and asked for pictures of the boys. The boys informed a

<sup>81</sup> Forbes. (2019). *Instagram The Worst as Social Media Slammed As 'A Gateway For Child Abuse'*. Available: <https://www.forbes.com/sites/zakdoffman/2019/03/01/surge-of-200-in-use-of-instagram-to-target-and-abuse-children/?sh=21fbf35c59c4>; National Society for the Prevention of Cruelty to Children (NSPCC). (2020). *Instagram most recorded platform used in child grooming crimes during lockdown*. Available: <https://www.nspcc.org.uk/about-us/news-opinion/2020/instagram-grooming-crimes-children-lockdown/> ; Yle News. (August 2021). *Yle investigates: Online sexual exploitation of children alarmingly prevalent*. Available: <https://yle.fi/a/3-12074154>

<sup>82</sup> Tingsrätt, Helsingborg. (2022). *35-årig man döms för sexualbrott mot 42 barn*. Sveriges Domstolar. Available: <https://www.domstol.se/nyheter/2022/07/35-arig-man-doms-for-sexualbrott-mot-42-barn/>

<sup>83</sup> Nykänen, R. (2019). *Espoon poliisi tutkii laajaa lasten hyväksikäyttövyhtiä: uhreina noin 40 tyttöä – nuorimmat 10-vuotiaita*. Iltta-Sanomien. Available: <https://www.is.fi/kotimaa/art-2000006097854.html>

<sup>84</sup> Wir sind Müritzer. (2022). *Waren: Mann Belästigt Schüler per whatsapp und instagram*. Available : <https://www.wir-sind-mueritzer.de/allgemein/waren-mann-belaestigt-schueler-per-whatsapp-und-instagram/>

<sup>85</sup> Yle uutiset. (January 2019). *Kolmekymppinen mies tekeytyi teinipojaksi ja saalisti tyttöjä Instagramissa – yhden uhreistaan mies houkutteli sukupuoliyhteyteen useita kertoja*. <https://yle.fi/a/3-10596583>



purchase or even bestowing favors or giving expensive gifts to their victims in an attempt to make them feel special or indebted to the perpetrator.

## 10. The rising popularity of gaming platforms

Gaming has emerged as an increasingly common activity in today's society especially among children and young people. Today, phones, tablets, and computers are all used for the purpose of gaming. Gaming is common among the younger generations and evidence suggests that more men compared to women are involved in gaming, as shown by data from Germany<sup>91</sup>, Sweden<sup>92</sup> and Finland<sup>93</sup>. While gaming platforms are primarily used for playing games, they have also turned into platforms where interaction with other people can be carried out. The notion that gaming is an anti-social activity is a thing of the past, even if the misconception continues to this day. Where children gather, perpetrators gather, and so is the case on gaming platforms as well. While this area is still under-researched, evidence suggests widespread instances of grooming on gaming platforms.

According to statistics from Belgium, the majority of children (53%) and young people (58%) most often play with friends or people they know, virtually or in the same room. The group that usually plays alone is a lot smaller (children: 36%; young people: 28%). This does not mean that they all game with strangers. In fact - only 11% of children and 14% of young people reported gaming with people they don't know.<sup>94</sup> In Sweden, on average 3 out of 10 people spend time playing with their friends on gaming platforms. The number is even higher, 7 out of 10, among children between the ages 8-19. During 2022, 91% of the children under the age of 13 and 83% of those aged 13 - 23 years old had been gaming throughout the year.<sup>95</sup> Similarly, a study in France reported that 98% of children aged 10 to 14 and 89% of children aged 15 - 24 play video games regularly.<sup>96</sup> A similar trend in the age range of gaming users was observed in Finland where, in 2018, only 2.3% of 10-19 year-olds did not play any digital games at all.<sup>97</sup> By 2020, 45% of Finns between the ages of 10 and 19 played digital games on a daily basis.<sup>98</sup> Germany reported the lowest figure among all the countries with 61% of the children playing games online.<sup>99</sup> It is, however, important to note that gaming is not only an activity among children and young people, it is also quite popular among adults. A French study of 4,016 internet users carried out in 2021 put the average age of French gamers at 39 years old.<sup>100</sup>

Not only are more children playing games online, but they are also spending more time gaming. Data from Belgium shows that more than half of the children who game is engaged

<sup>91</sup> Medienpädagogischer Forschungsverbund Südwest (mpfs). (2022). *JIM - Studie 2022*. p. 29. Available: [https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM\\_2022\\_Web\\_final.pdf](https://www.mpfs.de/fileadmin/files/Studien/JIM/2022/JIM_2022_Web_final.pdf)

<sup>92</sup> Svenskarna och internet, Internetstiftelsen. (2022). *En majoritet av barnen umgås med vänner på spelplattformar*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/gaming-och-streamers/#graph-2332>

<sup>93</sup> Yle Uutiset (2019) Uusi tutkimus: Suomalaisista yli 40 prosenttia harrastaa aktiivisesti digipelejä – Tyttöjen, poikien ja nuorehkojen naisten pelikone on puhelin. Available: <https://yle.fi/a/3-10621814>.

<sup>94</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>95</sup> Svenskarna och internet, Internetstiftelsen. (2022). *En majoritet av barnen umgås med vänner på spelplattformar*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/gaming-och-streamers/#graph-2332>

<sup>96</sup> Le Journal de l'Orne. (2014). *Il utilise les jeux en ligne pour trouver des enfants*. Available: [https://actu.fr/normandie/argentan\\_61006/il-utilise-les-jeux-en-ligne-pour-trouver-des-enfants\\_984875.html](https://actu.fr/normandie/argentan_61006/il-utilise-les-jeux-en-ligne-pour-trouver-des-enfants_984875.html)

<sup>97</sup> Oulu. (2020). *Turvataidot digipeleissä*. Available: <https://www.ouka.fi/documents/6593335/20064831/Turvataidot+digipeleiss%C3%A4.pdf/93255528-226e-42a1-a37f-0a013e7c7b93>

<sup>98</sup> Statista. (2022). *Share of people playing digital games daily in Finland in 2020, by age group*. Available: <https://www.statista.com/statistics/1241949/share-of-population-playing-digital-games-finland/>

<sup>99</sup> Bitkom. (June 2022). *Kinder & Jugendstudie 2022*. Available: [https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts\\_Kinder\\_Jugendliche\\_09.06.2022\\_0.pdf](https://www.bitkom.org/sites/main/files/2022-06/Bitkom-Charts_Kinder_Jugendliche_09.06.2022_0.pdf)

<sup>100</sup> L'essentiel du jeu vidéo. (2021). *LES FRANÇAIS ET LE JEU VIDÉO*. Available: [https://www.sell.fr/sites/default/files/essentiel-jeu-video/essentiel\\_du\\_jeu\\_video\\_novembre\\_2021.pdf](https://www.sell.fr/sites/default/files/essentiel-jeu-video/essentiel_du_jeu_video_novembre_2021.pdf)



in gaming activity for a maximum of 1 hour per school day. Yet 33% indicate that they game longer: between 1 and 3 hours. For young people, that percentage rises to 43%. On weekends, the hourly frequency of gaming is seen to increase with 88% of children playing more than 1 hour on days off and 37% of young people playing longer than 3 hours.<sup>101</sup> Similarly, a study of upper-secondary and vocational school students aged 15-19 in Finland revealed that on average, students spend two hours every day playing digital games.<sup>102</sup>

## 10.1 Popularly Used Gaming Platforms

Different gaming platforms are popular in different countries and among different age groups. In Sweden, virtual platforms such as Roblox and Minecraft are the most common platforms for social interactions and playing games especially among children between the ages of 7 and 12. Fortnite is also popular among children.<sup>103</sup> Similar to Sweden, data from Belgium also confirms that Roblox, Minecraft, and Among Us are widely popular across all age groups. While there are many overlaps between the games children and young people play, some games are significantly more popular with young people. These include, Think GTA, Call of Duty, Fall Guys, and Subway Surfers - perhaps because they are simply less suitable for the youngest. Other games, such as Brawl Stars, Apex Legends, Toca Boca, Farming Simulator and Go-tcha are also popular among young people in Belgium.<sup>104</sup> Contrastingly, in France, online video gaming platforms are less popular, used only by 43% of the players while smartphone gaming and gaming consoles are more popular at 51% and 57% respectively.<sup>105</sup>

## 10.2 Grooming on Gaming Platforms

The popularity of gaming among children and young children has made it an attractive place for perpetrators to gather in hopes of interacting with and exploiting young children. Several instances of grooming on gaming platforms have been reported and civil society organizations across the world have been raising the alarm on dangers children, particularly boys, face on gaming platforms. In Sweden, concerns have been raised regarding grooming cases on Roblox.<sup>106</sup> Children are spending a sizable portion of their time on gaming platforms; however, current knowledge and safeguards are unequipped to protect children on these platforms. At the same time, there is a significant gap in reliable research and data on grooming on gaming platforms. For example, France has no precise data on the risk of grooming in video games even though a man was convicted by the French court on charges of establishing contact with minors via online games for illicit purposes as early as 2014.<sup>107</sup>

Similar instances have been reported in Germany where in 2022 a 29-year-old man contacted a 14-year-old girl through the chat function of the online video game Fortnite. He was able to convince her to meet and drove her 300 km away to a lake. Police found the

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<sup>101</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>102</sup> Salmensalo, Mikko et al. (2022). *Associations between digital gaming behavior and physical activity among Finnish vocational students*. Journal of Public Health. Available: <https://link.springer.com/article/10.1007/s10389-022-01788-y>

<sup>103</sup> Svenskarna och internet Internetstiftelsen. (2022). *En majoritet av barnen umgås med vänner på spelplattformar*. Available: <https://svenskarnaochinternet.se/rapporter/svenskarna-och-internet-2022/gaming-och-streamers/#graph-2332>

<sup>104</sup> Apestaartjaren. (2022). *De digitale leefwereld van kinderen en jongeren*. Available: <https://apestaartjaren.be/>

<sup>105</sup> L'essentiel du jeu vidéo. (2021). *LES FRANÇAIS ET LE JEU VIDÉO*. Available: [https://www.sell.fr/sites/default/files/essentiel-jeu-vidéo/essentiel\\_du\\_jeu\\_video\\_novembre\\_2021.pdf](https://www.sell.fr/sites/default/files/essentiel-jeu-vidéo/essentiel_du_jeu_video_novembre_2021.pdf)

<sup>106</sup> Internetstiftelsen. (2020). *Vad är Roblox, och är det farligt?* Available:

<https://internetstiftelsen.se/podd/dumma-fragor-om-internet/vad-ar-roblox-och-ar-det-farligt/>

<sup>107</sup> Le Journal de l'Orne. (2014). *Il utilise les jeux en ligne pour trouver des enfants*. Available:

[https://actu.fr/normandie/argentan\\_61006/il-utilise-les-jeux-en-ligne-pour-trouver-des-enfants\\_984875.html](https://actu.fr/normandie/argentan_61006/il-utilise-les-jeux-en-ligne-pour-trouver-des-enfants_984875.html)

body of the girl in the lake eight days after her disappearance.<sup>108</sup> This was not an isolated incident and other cases have also been reported in Germany where Fortnite was used. One particular case involved a 26-year-old perpetrator who was training to be a kindergarten teacher. As is often reported in grooming cases, the perpetrator first made contact with the child via Fortnite but quickly moved to the encrypted platform WhatsApp. Once he was caught by the police, it was revealed that he had approached at least 51 boys between the ages of 10 and 14, forcing them to share SG-CSAM in exchange for Fortnite transaction codes.<sup>109</sup> Similarly, another 29-year-old perpetrator had approached several boys, some as young as 8 years old, through Fortnite, later moving to an unnamed video conferencing platform. He offered them a place in his “clan” in exchange for CSAM. He was later arrested after some of the boys went to the police.<sup>110</sup> Fortnite has also been used for the purpose of grooming in Finland where, in February 2019, a 49-year-old man was suspected of committing several crimes of sexual violence against at least 10 children. He had previously been imprisoned for crimes of sexual violence against children.<sup>111</sup>

Several cases from Belgium also report the use of gaming platforms for grooming. In one Belgian case, an 11-year-old girl who was not allowed on social media platforms by her parents was victimized via a gaming platform. Similar to the above-mentioned German case, the perpetrator first made contact with the child via an unnamed video game but quickly moved the conversation to their personal mobile number, after which the situation quickly escalated. Like Germany, many of the reported cases from Belgium were also content driven, meaning that the intention was to abuse the victim for CSAM or SG-CSAM. Platforms such as Discord and Likee were used. In one case, nude photos of both parties were exchanged; the grooming process was fairly short, and the perpetrator quickly resorted to threatening the victim based on the obtained photos. In another case, nude photos were solicited by the perpetrator in exchange for Robux (virtual money used on the gaming platform ‘Roblox’). The victim, a 12-year-old girl, also involved other friends in the process, and there was an exchange of inappropriate and sexually explicit messages between the perpetrator and the victim. There was also an intention to meet and abuse the victim in person as is evident by comments such as, “I’ll let you feel what sex is like for the first time.”<sup>112</sup>

## 11. Underreporting of Grooming Cases

Crimes of sexual violence bear a latent character and are severely underreported. This is evident from the statistics and reports from all countries. Across the board, the numbers of unreported cases are believed to be much higher than the reported cases. Crimes concerning grooming are hard to investigate, and it is particularly challenging to find the victims.

While some children are burdened with a feeling of guilt, shame, and fear that prevents them from opening up about the crime, others might not know how to put their experience into

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<sup>108</sup> Süddeutsche Zeitung. (2023). *Staatsanwaltschaft wirft Angeschuldigtem Mord vor*. Available: <https://www.sueddeutsche.de/panorama/ayleen-mord-teufelsee-gottenheim-anklage-1.5727315>

<sup>109</sup> Hommer, Annika. (2021). *Cybergrooming: Kita-Betreuer gesteht 51 Fälle des Kindesmissbrauchs über WhatsApp*. Mimikama. Available: <https://www.mimikama.at/cybergrooming-kita-betreuer-gesteht-51-faelle-des-kindesmissbrauchs-ueber-whatsapp/>

<sup>110</sup> Deutschlandfunk. (2020). *Online-Chats und -Spiele als Einfallstor für sexuellen Missbrauch*. Available: <https://www.deutschlandfunk.de/cybergrooming-online-chats-und-spiele-als-einfallstor-fuer-100.html>

<sup>111</sup> Tolonen, Anni. (2019). *Näin pedofiilit saalistavat suosikkipeleissä Fortnitessa ja Minecraftissa – asiantuntija neuvoo, kuinka lasta voi suojella verkossa*. Yle Uutiset. Available: <https://yle.fi/a/3-10725554>

<sup>112</sup> Obtained from Child Focus helpline between May and September 2022.

words or whether it is even worth talking about, making it immensely difficult for the full scale of the crime to be understood. In Finland, 34% of children who experienced grooming said they felt embarrassed and 24% felt responsible for the situation.<sup>113</sup> Children who fall victim to grooming experience severe and recurrent trauma which makes it difficult for them to escape the abuse or talk about it. Most children (93%) who manage to share their experience do so with a friend which rarely leads to adults or responsible authorities getting involved.<sup>114</sup> One-third of children decide to never disclose their grooming experience to anyone. Nearly half of the children consider their sexual abuse experience not serious enough to report.<sup>115</sup> As a result, only an estimated 12% of crimes of sexual violence against children get reported to the authorities in Finland.<sup>116</sup> The situation is further complicated by perpetrators often using software that does not allow authorities to track or identify them or their actions online. Where cases are uncovered and reported to authorities, it is often through concerned parents who observe strange behavior from their child or discover suspicious conversations on their child's computer or smartphone. This report, therefore, indicates that the number of silent cases undoubtedly remains high, as young people themselves rarely report the abuse.

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<sup>113</sup> Juusola A. et al. (2021). *Grooming in the Eyes of the Child - a report on the experiences of children on online grooming*. In *Pelastakaa Lapset*. Pelastakaa Lapset. p.19. Available: [https://pelastakaaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming\\_in\\_the\\_eyes\\_of\\_a\\_child\\_2021.pdf](https://pelastakaaalapset.s3.eu-west-1.amazonaws.com/main/2021/08/03151159/grooming_in_the_eyes_of_a_child_2021.pdf)

<sup>114</sup> Ibid. p.22.

<sup>115</sup> Lahtinen, H. M., Laitila, A., Korkman, J., & Ellonen, N. (2018). *Children's disclosures of sexual abuse in a population-based sample*. *Child abuse & neglect*, 76. p. 89. Available: <https://www.sciencedirect.com/science/article/abs/pii/S0145213417304052?via%3Dihub>

<sup>116</sup> Ibid.

## Conclusion

The proliferation of internet and social media platforms has led to an increase in the risk of online grooming for sexual purposes, putting children and young people at risk of sexual abuse and exploitation. The ease of access to the internet, combined with the increasing use of social media platforms by minors, has blurred the lines between offline and online spaces, and allowed perpetrators to contact children under false pretenses. This report shows a rise in cases of grooming and sexual violence across different countries, with the number of grooming victims increasing and the age of the victims decreasing. It is imperative to address the issue of child sexual abuse and grooming and to ensure that children are protected from harm, both online and offline. Governments and technology companies have a critical role to play in protecting children from online grooming and exploitation by implementing measures that ensure the safety of minors online.

While there have been efforts to protect children from online grooming, it remains a growing threat to child safety in the digital world. It has been shown that gaps in legislation, prevention education, and technology company efforts continue to leave children vulnerable. Social media platforms like Instagram and TikTok have implemented safeguards but more needs to be done, including the development of a more robust age verification system to ensure minors do not access platforms intended for adults. The report also acknowledges the challenges in gathering data on grooming and calls for more transparency in naming social media platforms involved in grooming cases. Immediate and long-term steps need to be taken to protect children not only in the five countries studied but also globally.

Additionally, a rise in popularity of gaming platforms has brought with it an increase in the risk of grooming, and many cases of exploitation and victimization have been reported. It is essential to ensure that appropriate safeguards and regulations are put in place to protect children and young people from potential harm. More research and reliable data are needed to understand the risks of grooming and exploitation in gaming platforms and to develop effective interventions to protect children and young people.

While there may be differences in the terminology used, all countries except for France have recently updated their laws, with Finland being the most recent example in January 2023. Each country has its own legal framework, with punishments ranging from fines to imprisonment, for grooming or offences related to child sexual abuse. Some countries have additionally received criticism for having weaker punishments for online grooming and abuse, partly due to the challenges of keeping up with technological developments leading to the argument that legislation needs to be strengthened.

In conclusion, underreporting of grooming cases is a serious issue that needs urgent attention. Statistics indicate that the majority of these cases remain unreported, leaving the perpetrators to continue their abuse, and the victims to suffer in silence. It is clear that more needs to be done to educate children and parents about the dangers of grooming and the importance of reporting suspicious behavior. Authorities also need to take more proactive measures to investigate grooming cases and provide support for victims. Only by raising awareness and taking action can we hope to reduce the incidence of grooming and ensure the safety and well-being of our children.

# Recommendations

## Data and Research

- **Countries should encourage research activities.** There is a data gap in knowledge on technology-facilitated grooming that needs to be addressed. Up-to-date information on how, where, and how often the crimes are committed would facilitate elaboration of evidence- and research-based solutions to protect children and prevent crimes from happening.
- **Data on technology-facilitated crimes of grooming should be available to organizations, professionals, and the general public.** Open-access data would raise awareness on prevalence and patterns of crimes of technology-facilitated grooming and contribute to the formulation of responses.
- **Reporting needs to be platform specific.** Platforms used by the offender to contact children and commit the crime need to be disclosed. This would determine which platforms are in use, how often and why, as well as provide a basis for efficient collaboration with the platforms to co-create solutions.

## Education and Prevention

- **Countries should require repeated, age-appropriate education** on digital safety skills as part of the national school curriculum beginning in primary school.
- **The digital safety skills curricula should introduce modules to sex education classes that include the online environment,** explain sexting, sextortion, grooming, and behavior patterns used by perpetrators as well as what to do in case one suspects they or someone they know might be groomed. At the same time, the curricula should address victim-blaming and ensure children understand that abuse is never their fault, and they have nothing to be ashamed about, to encourage more children to disclose grooming and abuse.
- **The curricula should further educate children on how to react if their peers disclose abuse to them.** Evidence shows that children are more likely to disclose online grooming and abuse to another child instead of an adult, therefore, children should be provided with ways to handle such information and given guidance on low-threshold ways to involve trusted adults or professionals who can help.
- **Pedagogical professionals should receive training on spotting red flags** indicating grooming and other online risks as well as how to create safe spaces for children to discuss these risks.
- **Parents should receive prevention education** to teach them about the online risks their children face. Parents should be encouraged to be present and aware of their children's activities online, learn how to create a positive environment of trust conducive to discussion of grooming and other online risks. This should further include guidelines to develop an overall environment of trust, openness and mutual respect between the parents and children to encourage children to disclose to their parents if they face abuse or find themselves in a dangerous situation.
- **Raise general public awareness about the prevalence and scale of online sexual violence against children on social media.** Due to the reach and ease of the internet and social media, anyone can be a victim, and anyone can be a perpetrator. Misconceptions, both about who can be a victim and who is likely to be a

perpetrator are dangerous and often invoke a false sense of security in the public. It is, therefore, important to challenge such misconceptions to fully understand the risks.

## **Legislation and Cooperation**

- **Comprehensive EU-wide legislation** needs to address the challenges of the development of technology whilst simultaneously respecting the rights of the child. Legislation needs to be sustainable and must therefore take into consideration the constantly developing nature of technology.
- **Social media companies should be obliged to cooperate** with child protection efforts. Reporting cases and suspicion of crimes against children should be mandated by law. Safeguards should be implemented in EU legislation, including mandating that social media companies utilize CSAM detection tools and age-verification measures on their platforms.
- **The proposed EU Regulation 2022/0155 needs to be accepted** and implemented into States Parties' national legislations to ensure effective detection and reporting of CSAM.
- **Social media company flaggers, educators, law enforcement, social workers, youth authorities and CSOs working on the ground should collaborate on training** to work together on identifying what they are seeing to find solutions together.

## Appendix A: Legal definition and framework

### Finland

The Finnish Criminal Code underwent recent changes in January 2023. Definitions drawn below are taken from the new law.

Sexual violence against children is regulated in the Criminal Code of Finland Chapter 20, Section 9, 12-16, 18-22. Sexual violence against children is referred to in the Criminal Code of Finland 39/1889 Chapter 20, section 14 as “touching or otherwise performing a sexual act on a child below the age of sixteen years, said act being conducive to impairing the child’s development, or inducing a child to perform such an act” and the same actions are considered to be sexual abuse if a child is over the age of 16, below the age of 18 and “the offender is the parent of the child or is in a position comparable to that of a parent and lives in the same household with the child”.<sup>117</sup> Sexual violence against a child is furthermore defined in sections 12-13, defining rape of a child as “sexual intercourse with a child under the age of 18”.

Child sexual abuse material (CSAM) is regulated in the Criminal Code of Finland 39/1889, chapter 20, sections 19-22, referring to the distribution of a sexually offensive picture, aggravated distribution of a sexually offensive picture, possession of a sexually offensive picture depicting a child and following sexually offensive performance depicting a child. Therefore, CSAM in Finnish law is referred to as “sexually offensive picture depicting a child” and defined as material depicting a child under the age of 18, in a sexually explicit manner, or material which resembles/simulates a child in a sexually explicit manner.<sup>118</sup>

Grooming is regulated by The Criminal Code 39/1889 chapter 20, section 18 ‘Solicitation of a child for sexual purposes’ where a fine or at most one year of imprisonment is imposed for actions of a person who seeks to arrange a meeting or other contact with a child with the intent to subject the child to offenses defined in sections 12-16 or producing sexually offensive pictures or recordings as defined in section 19, subsection 1.<sup>119</sup>

### Social climate and government’s efforts

Apart from the Criminal Code, crimes of sexual violence against children in Finland are regulated by the international conventions and treaties that Finland has ratified and committed which include the following - United Nations Convention on the Rights of the Child along with its three optional protocols, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe Convention on preventing and combating violence against women and domestic violence, National Youth Work and Policy Program 2020-2023, Non-Violent Childhoods, action plan for the prevention of violence against children 2020–2025, Communication of the European Union: EU strategy to step up the fight against sexual exploitation of children, Recommendation of the Council of Europe (CM/Rec(2018)7) to check whether legislation and practices in countries implement and protect children’s rights in digital media.

In addition, the Finnish government has initiated or partaken in other efforts to tackle sexual violence against children and grooming in particular. For example, in February 2019 the government defined measures to support police work online and educational projects at

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<sup>117</sup> The Criminal Code of Finland (39/1889, amendments up to 766/2015 included)

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

school that could teach children to recognize grooming and use the internet safely.<sup>120</sup> “Advance, prevent, influence - Action plan for sexual and reproductive health for 2014–2020” had a number of measures on how to prevent sexual violence and reduce its negative consequences.<sup>121</sup>

Finland also went through a comprehensive Criminal Code change in January 2023 as some of the regulations on sexual offenses were outdated. The changes, among other things, are focusing on strengthening the role of consent in the definition of rape. A new age limit of 12 years is set for defining the severity of the crime meaning that acts against children under the age of 12 will always be considered rape, regardless of what was previously referred to as possible “consent”. Furthermore, the definition of sexual harassment has also been extended to offences that do not include physical contact.<sup>122</sup>

All in all, authorities in Finland do exert efforts to address grooming and sexual violence against children in general. The country commits to international agreements and makes relevant amendments to the Criminal Code. It is relatively simple to seek up-to-date academic sources related to grooming or reports from NGOs working in the field of child protection. In addition, there are many reliable newspapers that are drawing attention to the problem when statistics are published, or outbursts are happening. However, it is important to emphasize that 65% of people in Finland agree that the country needs better protection for children online. According to a report published by Protect Children in 2022, 78% of people agree that regulations should require social media platforms to use children’s data in ways that meet children's rights.<sup>123</sup>

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<sup>120</sup> M.Oinas & M. Pietilä. (2020). *Sexual harassment, grooming and sexual violence faced by children and young people in Finland - Situation report September 2020*. Centre of Expertise for Digital Youth Work Koordinaatti. p.17. Available: <https://koordinaatti.fi/system/files/2021-09/Sexual%20harassment%20grooming%20and%20sexual%20violence%20faced%20by%20children%20and%20young%20people%20in%20Finland%202020.pdf>

<sup>121</sup> Ibid.

<sup>122</sup> Eduskunta Riksdagen. (July 2022). *Seksuaalirikoksia koskevan rikoslain 20 luvun kokonaisuudistus*. Available: [https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/aineistot/kotimainen\\_oikeus/LATI/Sivut/seksuaalirikoksia-koskevan-rikoslain-20-luvun-kokonaisuudistus.aspx](https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/aineistot/kotimainen_oikeus/LATI/Sivut/seksuaalirikoksia-koskevan-rikoslain-20-luvun-kokonaisuudistus.aspx)

<sup>123</sup> Insoll T., & Farthing R. (July 2022). *Finland wants better protection for children online*. Protect Children. Available: <https://www.suojellaanlapsia.fi/en/post/finland-wants-better-protection-for-children-online>



## France

In France, there is no precise data on grooming. Indeed, France doesn't have a precise definition of grooming.

However, in the French penal code, article 227-22-1, the action of making a sexual proposition to a minor under 15 years of age by an adult on social media is considered an offense.<sup>124</sup> *“The fact that an adult makes sexual proposals to a minor of 15 years of age or to a person presenting himself as such by using an electronic communication medium is punishable by two years' imprisonment and a fine of 30,000 euros. These penalties are increased to five years' imprisonment and a fine of 75,000 euros when the proposals are followed by a meeting.”*

This article can be considered a definition of grooming although the word is not clearly stated. Criminalizing grooming in this way can be considered prevents more serious behavior from happening (like rape or sexual abuse).

There are other offences on sexual abuse of minors online. For example:

- The act of fixing, recording, or transmitting an image or representation of a minor with a view to its dissemination, where this image or representation is pornographic, is punishable by five years' imprisonment and a fine of 75 000 euros.
- When the image or representation concerns a minor of 15 years of age, these acts are punishable even if they were not committed with a view to disseminating this image or representation (article 227-3 of the French penal code).<sup>125</sup> In the same article of the penal Code: the fact of habitually consulting, or in return for payment, an online public communication service that makes such an image or representation available, or of acquiring or holding such an image or representation by any means whatsoever, is punishable by five years' imprisonment and a fine of 75 000 euros.

The Senate has published an analysis of sexual offenses committed against minors.<sup>126</sup> This analysis indicates that the French penal code considers "any sexual attack committed with violence, constraint, threat or surprise" as a sexual assault. Among sexual assaults, rape, defined as "any act of sexual penetration of any kind committed on the person of another by violence, coercion, threat or surprise," is treated separately. Sexual assaults are punished more severely when committed on children, because the fact that the victim has not reached the age of 15 constitutes an aggravating circumstance.

According to French law this difference in age is also reflected in the classification of certain offenses. Indeed, the offense of sexual proposition only exists if it is made by an adult to a minor under 15 years old, via the internet. In this definition, the age and the use of the internet are two elements of the offense. The offense only exists if all three elements are present:

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<sup>124</sup> Légifrance. (April 2021). *Code Pénal Article 227-22-1*. Available:

[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043409180](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409180)

<sup>125</sup> Légifrance. (April 2021). *Code Pénal Article 227-23*. Available:

[https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043409170](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043409170)

<sup>126</sup> Sénat. (February 2023). *Note De Synthèse*. Available: <https://www.senat.fr/lc/lc21/lc210.html>

- A child under 15 years of age
- A sexual proposition via the internet
- An adult

The use of a telecommunication network or the internet can be an aggravating circumstance for certain offenses concerning minors under and over 15 years old.

A study conducted by ECPAT France in 2017, indicates that online child sexual abuse represents any form of child sexual abuse related to the online environment.<sup>127</sup> Unwanted sexual comments directed at a child on social networks thus constitute a form of online child sexual abuse, as does uploading or posting sexually abusive images or videos. Children can be abused online by both people they know and strangers.

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<sup>127</sup> ECPAT France Luxembourg. (June 2017). *Abus et exploitation sexuels des enfants en ligne*. Available: [https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2018/09/Revue-SECO\\_FR-interactive.pdf#page67](https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2018/09/Revue-SECO_FR-interactive.pdf#page67)

## **Belgium**

### **Minimum age for sexual consent**

The minimum age of sexual consent is 16, but 14- to 16-year-olds can have sexual relations with mutual consent if the age difference does not exceed three years.

The same rules apply to sexting. Therefore, sexting is decriminalized from the age of 16. There is no offense when minors over the full age of 16 years make their own sexually explicit content with mutual consent and share and possess this self-made sexually explicit content among themselves. Mutual consent is required both for making, possessing, and sharing this content among themselves.

### **Grooming**

Grooming is defined as an autonomous criminal offense in the Belgian penal code under Article 417/24: “approaching a minor for sexual purposes is proposing to a minor to meet, by any means, for the purpose of committing an offense referred to in this chapter, insofar as this proposal has been followed by material acts that may lead to such an encounter.”

Conditions of the offense are:

1. A proposal to meet (the proposed meeting may take place online)
2. By any means (whether in the real or virtual world)
3. To a minor
4. Followed by acts that may lead to such an encounter (the encounter need not necessarily have taken place to constitute an offense)
5. The perpetrator must intend to commit an offense against the minor's sexual integrity, sexual self-determination, or morality (it must be shown that the perpetrator intended to violate the minor's sexual integrity, although this intention need not have been realized by committing such an act).

Acts that follow the encounter proposal need not lead to an encounter but must be capable of leading to it. (e.g., buying a train or cinema ticket, taking leave for the day of the encounter).

Sentence: 3 to 5 years imprisonment.

Besides defining grooming as an autonomous criminal offense, the Penal Code also stipulates it as an aggravating circumstance for Articles 417/23, 417/50 and 417/55: “For offenses committed on a minor below the full age of 16 years, covered by Sections 1, 2 and 3 of the new Chapter I/1 of Title VIII of Book 2 of the Penal Code, it is an aggravating circumstance that they were preceded by an approach to the minor by the offender with the intention of committing the offenses in question at a later date.” To maintain the aggravating circumstance, the approach must have resulted in an encounter aimed at gaining the minor's trust with the ultimate purpose of committing the offense.

This aggravating circumstance is taken into account by a judge when ruling on the sentence.

### **Non-consensual sharing of sexual images**

Sexting is decriminalized from the age of 16. There is no offense when minors over the full age of 16 years make their own sexually explicit content with mutual consent and share and possess this self-made sexually explicit content among themselves.

## Sentence

	<b>Dissemination</b>	<b>Dissemination for profit or revenge porn</b>
<b>Non-consensual dissemination</b>	Imprisonment of 6 months – 1 year	Imprisonment 1 – 5 years + fine
<b>Non-consensual dissemination against a minor under the age of 16 years old</b>	Imprisonment 15 – 20 years	Imprisonment 15 – 20 years + fine
<b>Non-consensual dissemination against a minor over the age of 16 years old</b>	Imprisonment 10 – 25 years	Imprisonment 10 – 25 years + fine
<b>Position of authority, trust or influence of the offender</b>	Imprisonment 10 – 15 years	Imprisonment 10 – 15 years + fine
<b>Assistance or presence of others at the time of the event</b>	Imprisonment 10 – 15 years	Imprisonment 10 – 15 years + fine

## CSAM

### Art. 417/43. Definition of images of sexual abuse of minors

Images of sexual abuse of minors should include:

- Any material involving the visual depiction in any manner of a minor participating in real or simulated explicit sexual conduct or involving the depiction of the sexual organs of a minor for primarily sexual purposes.
- Any material that involves the visual representation by any means of a person appearing to be a minor engaged in real or simulated sexually explicit conduct, or that involves the depiction of the sexual organs of that person for primarily sexual purposes.
- Realistic images involving the depiction of a non-existent minor participating in sexually explicit conduct or involving the depiction of that minor's sexual organs for primarily sexual purposes.

### Art. 417/44. Fabrication or distribution of images of sexual abuse of minors

Fabricating or disseminating images of sexual abuse of minors is the exhibition, offering, selling, renting, broadcasting, delivering, distributing, making available, handing over, fabricating, or importing, by any means, images of sexual abuse of a minor.

This crime is punishable by imprisonment from five years to 10 years and a fine from five hundred euros to ten thousand euros.

Art. 417/46. Possession and acquisition of images of sexual abuse of minors

Possession and acquisition of images of sexual abuse of minors is the possession or acquisition, whether for a third party or not, of images of sexual abuse of minors.

This offense is punishable by imprisonment from one year to five years and a fine from five hundred euros to ten thousand euros.

Art. 417/47. Accessing images of sexual abuse of minors

Accessing images of sexual abuse of minors is accessing images of sexual abuse of minors by means of information and communication technology.

This offense is punishable by imprisonment of one year to three years and a fine of five hundred euros to ten thousand euros.

## Germany

### Sexual Abuse

In Germany, sexual abuse of children is punishable under Sections 176 et seq. of the Criminal Code. These include:

- [§ 176](#) Sexual abuse of children
- [§ 176a](#) Sexual abuse of children without physical contact with the child
- [§ 176b](#) Preparation of sexual abuse of children
- [§ 176c](#) Serious/Aggravated sexual abuse of children
- [§ 176d](#) Sexual abuse of children resulting in death
- [§ 176e](#) Distribution and possession of instructions for sexual abuse of children

Since July 1, 2021, the Act to [Combat Sexualized Violence against Children](#) has been in force, according to which child abuse is punished much more severely. The sexual abuse of children under Section 176 of the Criminal Code has since been upgraded to a felony punishable by a sentence of at least one year and up to fifteen years imprisonment. Previously, the sexual abuse of children was classified as a misdemeanor and was punishable by a sentence of six months to ten years imprisonment. The serious/aggravated sexual abuse of children, however, has always been a felony. The distribution, possession, and procurement of child sexual abuse material (referred to as child pornography or child pornographic content in German law) were also upgraded to a felony. In the case of the criminal offense of producing “child pornographic content” that reproduces an actual event, the statute of limitations does not begin to run until the victim reaches the age of 30.

Under the German Criminal Code, it is irrelevant whether the sexual contact occurred with the child's consent. Criminal liability is based on the assumption that children do not yet have the necessary maturity to determine their own sexuality. It is equally irrelevant what age the perpetrator is (exception: punishment under § 176c para. 1 no. 2 StGB requires the perpetrator to be of age). The sexual abuse of non-German children and adolescents committed by German perpetrators abroad can be punished in Germany even if the act is not punishable in the country concerned.

Children as perpetrators are protected from punishment due to the lack of criminal responsibility until age 14, but they are not protected from investigation. Juvenile offenders also face sanctions under the Juvenile Justice Act. However, since July 1, 2021, the court can refrain from punishing consensual sexual acts pursuant to Section 176 (2) of the Criminal Code if the difference between the juvenile and the child in age and developmental level or degree of maturity is small, unless the juvenile takes advantage of the child's lack of sexual self-determination. According to police crime statistics 2021, in about 6 percent of recorded cases with identified suspects in sexual acts with children, the suspects themselves are children. In more than 20 percent of cases the perpetrators were either children or adolescents.

The protected legal interest is the overall development of the child undisturbed by premature sexual experiences. The legislator assumes a threat to the legal interest or the possibility of impairment of the child's overall development through sexual acts with him or her without having to prove it. The assumption that sexual abuse often has negative effects on the psychological development of children is considered to be empirically well established. However, the correct age limit is controversial, as the international comparison of the age of consent shows.

## Grooming

Particularly relevant for the offense of grooming are acts without physical contact (§176a) and preparing the sexual abuse of children (§176b). They are a misdemeanor, as the minimum penalty is under one year. The law recognizes several different forms:

Letting the child watch - §176a para. 1 no. 1 requires that the sexual activity of an adult - on himself or a third party - is actively followed by the child and that the child also consciously perceives the events. According to the Federal Court of Justice, it is sufficient if the child witnesses the sexual activities through video transmission.

Posing - §176a para. 1 no. 2 states that the direction of the perpetrator to seduce a child into posing is decisive for criminal liability. The decisive factor is directing the child to perform sexual acts on him/herself; physical proximity is not required.

Pornographic content - §176a para. 1 no. 3 deals with spatial influence through pornographic content or corresponding erotic speech. It is not required that sexual acts occur.

Influencing - §176b para. 1: A prison sentence of three months to five years can be imposed on anyone who acts on a child by means of “content” in order to make the child perform sexual acts on or in front of the perpetrator or a third party or to have the perpetrator or a third party perform sexual acts on him or her.

As of January 1, 2021, the new term “content” was introduced to replace the old terminology (“writings” or “information or communication technology”). In 2004, due to online grooming incidents, attempts were made to explicitly mention and criminalize the initiation of sexual abuse through chat rooms and similar acts in the law. However, this was not successful. In contrast to the German law, the European Union had focused on the content and means of transmission and not on the carrier media, which is why the wording was changed in 2015 as described under Influencing.

Despite the absence of the term grooming, it is recognized as a form of sexual abuse of children and young people and is prohibited in Germany. It is punishable if contact is made with the intention of leading the child to engage in sexual acts (see above). Photos, videos, and messages with sexual content do not have to be exchanged to constitute grooming.

### Child Sexual Abuse Material

German law makes a distinction between “child pornographic content” and “youth pornographic content”. Pornographic content ([§184b section \(1\)](#)) is deemed to be child pornographic content if it relates to:

- a. sexual acts performed by, on or in the presence of a person under 14 years of age (child);
  - b. the reproduction of a child in a state of full or partial undress in a provocatively sexual pose or;
  - c. the sexually provocative reproduction of a child’s bare genitalia or bare buttocks<sup>128</sup>
- Pornographic content is deemed to be youth pornographic content if the person is over 14 but under 18 years of age.

For punishment purposes, German criminal law establishes a difference with regard to the age of the minors concerned. While whoever disseminates, procures and/or possesses *child* pornographic content incurs a penalty of imprisonment for a term of between one year and

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<sup>128</sup> Bundesministerium der Justiz. § 184b, StGB. *Strafgesetzbuch (StGB) § 184b Verbreitung, Erwerb und Besitz kinderpornographischer Inhalte*. Available: [https://www.gesetze-im-internet.de/stgb/\\_184b.html](https://www.gesetze-im-internet.de/stgb/_184b.html)

10 years, whoever disseminates, procures and/or possesses *youth* pornographic content incurs a penalty of imprisonment for a term not exceeding three years or a fine. In the case of children under 14 years of age, it is assumed that they cannot consent to sexual acts which is why the acts are always to be regarded as sexual violence, even if the child would supposedly consent to them.



## Sweden

In Sweden, sexual abuse of children is punishable under chapters 6 and 16 of the Swedish Criminal Code, specifically:

- Chapter 6 § 8 exploitation of children for sexual posing.
- Chapter 6 § 9 exploitation of children through the purchase of sexual acts.
- Chapter 6 § 10 and 10a contact with children for sexual purposes.
- Chapter 16 § 10a child pornography offenses.<sup>129</sup>

### Chapter 6 § 8 exploitation of children for sexual posing:

Exploitation of children for sexual posing entails anyone who promotes or exploits a child under the age of 15 to perform or participate in sexual posing. Before tougher penalties were introduced in August 2022, the sentence for exploiting a child for sexual posing was a fine or imprisonment for a maximum of two years. Since Aug 2022, the penalty of a fine is removed and is no longer a possible punishment. The sentence now entails some form of imprisonment up to a maximum of two years.<sup>130</sup>

The penalty also applies to anyone who commits an act against a child who has turned 15 but not 18 if the posing is likely to harm the child's health or development. Moreover, if the crime is considered to be of a particularly serious nature, the sentence is prison for a minimum of 6 months and a maximum of 6 years. When assessing whether the crime is serious, particular considerations are given to whether the crime referred to an activity that was carried out on a large scale, resulting in significant profit or involved reckless exploitation of the child.<sup>131</sup>

### Chapter 6 § 9 exploitation of children through the purchase of sexual acts:

Exploitation of children through the purchase of sexual acts entails inducing a child under the age of eighteen to commit or endure a sexual act for compensation. Before tougher penalties were established in August 2022, the sentence for this criminal act was imprisonment for a maximum of 4 years. Currently, the penalty is imprisonment for a minimum of six months and a maximum of 4 years.<sup>132</sup>

### Chapter 6 § 10 contact with children for sexual purposes:

Contact with children for sexual purposes entails sexually touching a child under the age of 15 or encouraging a child to commit or participate in any act that has a sexual meaning. Prior to August 2022, the sentence used to be a fine or maximum imprisonment of 2 years. Currently, the sentence who a person can obtain is imprisonment for a maximum of 2 years. If the crime is considered to be of serious nature, the sentence is imprisonment for a minimum of 6 months and a maximum of 3 years.<sup>133</sup>

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<sup>129</sup> Polisen. (March 2022). *Sexualbrott mot barn på nätet - lagar och fakta*. Available:

<https://polisen.se/lagar-och-regler/lagar-och-fakta-om-brott/brott-mot-barn/sexualbrott-mot-barn-pa-natet/>

<sup>130</sup> Sveriges riksdag. (2022). *Brottsbalk (1962:700)*. Available:

[https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700\\_sfs-1962-700#K16](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700#K16)

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

### Chapter 6 § 10a contact with children for sexual purposes:

The crime involves a person making contact with a child under the age of 15 with the aim of committing a sexual crime against the child and it is often referred to as the concept of grooming. The sentence is a fine or imprisonment for a maximum of 2 years.<sup>134</sup>

### Chapter 16 § 10a child pornography offenses:

The legal definition of child sexual abuse material and the conditions for the offence are the following. Someone who:

1. Depicts children in a pornographic image,
2. Distributes, transfers, assigns, displays, or otherwise makes such an image of a child available to someone else,
3. Acquires or offers such an image of children,
4. Mediates contacts between buyers and sellers of such images of children or takes any other similar action aimed at promoting trade in such images, or
5. Possesses such an image of children or views such an image to which he or she has prepared access.<sup>135</sup>

The sentence for child pornography offenses is imprisonment for a maximum of 2 years. A child is defined as a person whose pubertal development has not been completed or who is under the age of eighteen.<sup>136</sup>

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<sup>134</sup> Polisen. (March 2022). *Sexualbrott mot barn på nätet - lagar och fakta*. Available:

<https://polisen.se/lagar-och-regler/lagar-och-fakta-om-brott/brott-mot-barn/sexualbrott-mot-barn-pa-natet/>

<sup>135</sup> Sveriges riksdag. (2022). *Brottsbalk (1962:700)*. Available:

[https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700\\_sfs-1962-700#K16](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700#K16)

<sup>136</sup> Ibid.