Sexual Exploitation or Child Pornography: Terminological Analysis in Criminal Codes of Southeast European Countries

J. Jurinić*, T. Ramljak**
* Community Service Center Zagreb - Dugave/Accommodation department, Zagreb, Croatia
** Center for Missing and Exploited Children, Osijek, Croatia
jurinic.jakov@gmail.com, tomiislav@cnzd.org

Abstract: The accelerated development of modern technologies and the establishment of new channels of communication have enabled the creation of platforms suitable for committing crimes, especially those related to sexual abuse and exploitation of children on the Internet. These criminal offenses are often unrecognized by the authorities, both due to the nature of the virtual environment and the inconsistency of different experts in interpreting and defining certain terms within the field of sexual abuse and exploitation of children on the Internet. Given the above, the authors of this paper seek to define in more detail the forms of abuse and exploitation of children on the Internet and see how these concepts are defined and used in the Criminal Codes of Southeast European countries, which will contribute to better understanding and harmonization of basic determinants in their terminological and conceptual sense. The method of analysis that will be used in this paper is a simple analysis of the content of legal provisions in the legislations of the countries of Southeast Europe. The purpose of this paper is to provide a clear and coherent overview of key concepts and analyze terminology in criminal codes of Southeast European countries in crimes related to sexual abuse and exploitation of children on the Internet.

Keywords: sexual exploitation of children on the Internet, legislative framework, Southeast Europe, Criminal Code, virtual environment

I. INTRODUCTION

Every day there is an increase in the number of Internet users, especially among children and young people. This is confirmed by a recent survey conducted in the period from 2017 to 2019, whose target group were children aged 9 to 16 from 19 EU member states (including Croatia), and whose goal was to gain insight into their online habits. The results show that in a ten-year period, the number of children who use the Internet has almost doubled, especially children aged 14 to 16, where they spent most of their time on social networks, YouTube or playing online video games [1]. This is completely understandable when taken into account that computer literacy, and activities within the virtual environment led by communication and socialization purposes, represent the normative context of development and growth of today's children and youth. Also, with the daily improvement of technology, the main means of accessing the virtual environment transformed from desktop computers into mobile devices or "smartphones", which enabled the user not just faster and easier access to the desired content, but also the production and sharing of his own content directly on the Internet [2]. This trend is clearly shown by statistics related to the means of Internet access in the European Union. In 2014, 48% of the EU population aged 16 to 74 accessed the Internet via mobile devices, while in 2019 this percentage reached 73%, which indicates an increase of 25% in a five-year period [3].

The area of sexual exploitation of children on the Internet is particularly important in the current situation with the COVID 19 pandemic, given that since March 2020 society has witnessed an unplanned and comprehensive digitalization. Children participated in educational and other activities through an online environment and spent more time online, compared to the period before this global threat. There is still no data on how this has affected the risks of using the Internet, given that research is still ongoing. However, INTERPOL in its report "threats and trends of child sexual exploitation and abuse: COVID 19 Impact" states that "The COVID-19 pandemic and measures taken by many governments to restrict its spread are likely to have had an impact on trends and threats of CSEA (Child sexual exploitation and abuse) offenses across the world" [4]. The theory of routine activities states that the daily use of the Internet (especially the problematic one) is associated with more frequent exposure to the risks of the online world[5], [6], [7]. Also, the structure of routine activities in society affects the types of situations that arise, and changes in these activities can result in changes in the situations and behaviors that people encounter. It is on these assumptions that INTERPOL bases the theoretical hypothesis that the changing elements of the environment due to the Covid 19 pandemic affect the occurrence and extent of sexual exploitation of children on the Internet. This area certainly needs to be focused on in the future research.

It is quite certain that the digitalization of society, supported by the accelerated development of technology has introduced numerous advantages, but it is also clear that despite the mentioned advantages of the online environment, each individual was given the opportunity to commit various risky and punishable behaviors, led by sexual abuse and exploitation of children on the Internet.
What is particularly worrying is that the vast majority of children and young people don’t perceive such behaviors (whether they come from a known or an unknown person) as dangerous, or in most cases are not even aware of them, which greatly favors the further spread of this type of illegal actions [8]. Another extremely important aspect that should be addressed when studying and dealing with the area of sexual abuse and exploitation of children online, is the terminological and conceptual inconsistency of key terms and definitions within this area, and their different standardization in national legislation. The above contributes to a kind of confusion within the public and professional discourse and thus makes it difficult for all experts involved, to identify and timely act when suppressing these crimes. Harmonization of terminologies within national activities and at the international level would enable a unified professional discourse and clearer monitoring of trends and comparison with other countries.

II. SEXUAL CRIMES AGAINST CHILDREN IN THE ONLINE ENVIRONMENT: TERMINOLOGICAL AND CONCEPTUAL INCONSISTENCY

Concepts such as peer violence, sexual exploitation of children, sexual abuse of children, etc., may lead to misunderstanding and confusion in the public, especially if these terms are put in the context of digital environment [2]. One of the explanations may certainly be the society’s lack of awareness of sexual offenses in the virtual space, but equally attention should be paid to the inconsistency of opinions and attitudes of experts dealing with sexual abuse and exploitation of children in the online environment. Namely, it is often the case that experts interpret certain concepts within the mentioned area differently and guided by that, fail to reach a consensus regarding their relationship and meaning [2]. For example, some authors argue that online form of abuse among children is only a subtype or continuation of abuse happening in real life [9], while others conduct research showing structural differences between online and traditional forms of violence and abuse among children and youth [11], [12], [7]. There are also conflicting opinions coming from different authors when interpreting crimes in a virtual environment, where some emphasize the non-existence of online crimes, while others are in favor of their narrower definition and classification [13]. It is clear, that in the field of online sexual offenses there is a terminological and conceptual inconsistency that needs to be harmonized, in order to enable better monitoring of trends and their deeper understanding, all with the aim of timely recognition and prevention of such criminal activities.

BASIC CONCEPTS AND THEIR DEFINITIONS

In order to be able to give a systematic explanation of the basic concepts in the field of online crimes against children, it is necessary to start with the definitions of their traditional forms. The first important term refers to child sexual abuse (CSA), which authors define as behavior that typically involves unwanted and inappropriate sexual treatment of a child by the perpetrator (adult or a peer). Also, this behavior can take place on three levels, two of which include direct contact (eg. touching or different types of sexual activity) and indirect contact, which is most often manifested through persuading children into having sex and exposing them to explicit sexual content [14]. It is the last dimension of sexual abuse that due to its nature can easily be linked to crimes committed in an online environment. Furthermore, sexual exploitation of children (CSE) is a form of sexual abuse in which the perpetrator blackmails the child, asking it for sexual services in exchange for something the child wants or needs [15]. Finally, the term recruitment of a child for sexual purposes or so-called “sexual grooming” refers to a process in which the perpetrator using various manipulative strategies, seeks to approach the potential victim (ie. the child) in order to gain her trust and encourage her to participate in any kind of sexual activity [16].

The relocation of these behaviors into online space has resulted in the establishment of new forms of illegal actions that required perpetrators to possess a higher level of competence associated with the use of modern technologies. At the same time, the virtual environment provided the perpetrator with the possibility of anonymous action and easier finding of potential victims. In view of the above, the concept of online child sexual abuse (OCSA) is most broadly defined as a form of child abuse in the digital environment that includes various behaviors and actions directed towards the child, with the aim of achieving a particular sexual service. On the other hand, sexual exploitation of children on the Internet (OCSE) is a form of sexual exploitation of a child that occurs when an individual or group uses an imbalance of power to force, manipulate or deceive a child into sexual activity through avirtual environment [17]. It should be emphasized that the criminal offenses of sexual abuse and exploitation of children on the Internet are mainly aimed at the production and dissemination of materials depicting the commission of these illegal acts against a child, or the production and dissemination of so-called “child pornography” [18]. In addition, it is worth mentioning the term "online grooming", i.e. recruitment of a child using information and communication technologies (ICT), which is defined as sexual exploitation of children in cyberspace, especially through social networks, chat groups or forums, with the ultimate intention of sexual or online abuse of a child or with the intention to produce child pornography [19].

III. "CHILD PORNOGRAPHY" OR SOMETHING ELSE ...

Looking at the previously mentioned notion of recruiting a child in an online environment, it is noticeable that the author uses the term “child pornography” when explaining its meaning. In accordance with the above, arises the question, what exactly is child pornography and what does it imply? The term “pornography” comes from the Greek words porni (fornication) and graphein (write, illustrate), and is
defined as a representation of sexual behavior through various sources (books, pictures ...), the purpose of which is to achieve sexual arousal in its consumer [20]. It is important to stress that according to the society's opinion, pornography mainly refers to visual depictions of sexual behavior that takes place between adults, who consciously and voluntarily agreed to the same, which is an extremely important feature that distinguishes the usual form of pornography from child pornography [21].

DEFINING THE TERM - "CHILD PORNOGRAPHY"

In order to better understand the very concept of child pornography and assess the appropriateness of its use in the field of sexual abuse and exploitation of children in the online environment, it first needs to be defined. Author Gillespie studying the concept of child pornography, analyzes 3 interrelated elements that make up its essence. The first element refers to the concept of the child which, although often used in everyday speech, can be viewed from different perspectives, which can also serve in creating opinions about who in the context of child pornography should be considered a child. The first criterion is presented as the biological maturity of a person within which the author focuses on puberty, i.e. the period in which the human body begins to develop and change abruptly. In addition, it is common for a person to start researching their sexuality during puberty, so the question arises whether a person experiencing those changes should still be considered a child. That assumption is also used as an argument in lowering the legal limit for consent to sexual intercourse, which in most countries is not 18 years (but somewhere in the range of 14-16 years of age). The advantage of this criterion are objective and easily visible physical changes that occur in a person, and on the basis of which can be determined if that person is in the pre-pubertal or pubertal phase. On the other hand, the problem with this definition is that not all children enter puberty at the same time, and also that their biological maturity and ability to reproduce does not imply their psychological and emotional readiness for any type of sexual act. The second criterion refers to the maturity of the person, i.e. whether the child should be considered a person who is not mature enough to understand the consequences of her actions. Unfortunately, this criterion is also not credible given that it is difficult to verify it, due to the fact that not every person matures in the same way, or at the same rate. The last criterion refers to the age of the person, which as such is taken as a valid factor that determines who is legally considered a child and who is not. The illogicality of the age criterion is that the age of 18, which in most legislations is taken as the limit after which a person reaches the age of majority and is no longer legally considered a child, is often not in line with the age required to consent to sexual intercourse. It is this discrepancy that can lead to a bizarre situation in which a 19-year-old man and a 17-year-old girl can legally have sexual intercourse, but if certain material is exchanged between them (videos showing their sexual act or their nude photos), both can be criminally responsible. The second element that the author Gillespie mentions refers to the type of material that is considered child pornography. Here he emphasizes that although the most recognizable, child pornography does not only involve visual content such as photos and videos, but attention should also be paid to written and audio materials that can often be neglected. The last, but not less important element that the author emphasizes, refers to the purpose of the child pornography material itself. As mentioned before, many authors agree that unlike "common pornography", which depicts sexual intercourse between adults who have voluntarily consented, child pornography often includes children who have not given their consent to participate in it, or are too young to understand the seriousness and severity of their own actions. On the other hand, the segment that makes it difficult to directly convict and prove the commission of a crime against children is that not all child pornography materials show blatant sexual abuse and exploitation of a child or endangering its welfare, so some authors argue that categorizing material as child pornography should not be based on the content itself, but on the effect and reaction that the material provokes in its user. It is clear that such classification of child pornography would very likely include more material and thus protect more children, but unfortunately such practice is practically impossible to prove and identify, given that the perpetrators (whether they are producers, distributors or consumers of child pornography) represent one heterogeneous group, not only based on their physical characteristics but also on the reactions that each of them experiences when consuming child pornography [22]. Consequently, the term child pornography defined in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse is defined as material that visually depicts a child engaging in actual or simulated sexually explicit activity or any depiction of a child's sexual organs for primarily sexual purposes [23]. On the other hand, the Convention on cybercrime defines child pornography as pornographic material that visually depicts a juvenile engaging in sexually explicit conduct, a person who appears to be a juvenile engaging in sexually explicit conduct, or actual images of such acts [24]. Finally, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography and the Prohibition of the Participation of Children in Armed Conflict states that child pornography means the display, by any means, of a child in real or simulated explicit sexual activity or the display of child body parts primarily for sexual purposes [25]. It is evident from the cited legal sources that despite different definitions of the term itself, in each of the definitions the legislators place emphasis on the material that visually depicts a child/minor in a sexually explicit act. However, the question that arises here is whether child pornography is at all a suitable term for use in public and professional discourse and also
whether it should be replaced by another more appropriate term. The answer to the question posed above will be answered in the following chapter.

**THE SUITABILITY OF USING THE TERM CHILD PORNOGRAPHY**

Many authors state that the term child pornography is very controversial and that as such should not be used in everyday speech, and especially not within the field of sexual abuse and exploitation of children on the Internet [2], [22]. One of the main reasons for taking such a stand is that this kind of definition and terminology denies and neglects the abusive nature of this crime and it is presented as a kind of consensual relationship between the perpetrator and the child [2]. The authors Taylor and Quayle also agree that the essence of sexual abuse and exploitation of a child is based on the imbalance of power between the perpetrator and the victim, and this imbalance also applies to situations in which the child, in addition to not giving consent, is often not aware that it is being abused or exploited. That is why the consequences that can result from that kind of behavior should not be defined as child pornography [26].

In addition to the mentioned authors, many experts working in the field of child protection from sexual abuse in the online environment, also warn of the inappropriateness of the term "child pornography" and advocate for its change [27]. An example of good practice in this regard is the cooperation between INTERPOL and 18 international organizations, which resulted in the development of guidelines for the use of adequate terminology, known as the "Luxembourg Guidelines", all with the aim of avoiding trivialization and minimization of criminal offenses in this area [4], [17], [28], [29]. Namely, the alternative terms that many experts propagate, and which are also proposed by the mentioned organizations, are: "documented materials of sexual abuse of children" or "materials depicting sexual abuse and exploitation of children," which fully reflect the real nature and severity of these criminal offenses [21]. In the continuation of this paper, authors will focus on presenting the international legal sources and basic legal provisions of the countries of Southeast Europe dealing with the field of child protection from sexual abuse and exploitation, in order to gain a more complete insight into ways of classifying and regulating that kind of illegal behavior, with a particular focus on the use of the term child pornography in the mentioned field. It is important to mention that authors of this paper are not lawyers or any other type of legal experts, therefore the presentation of legislative framework won't include analysis from a legal standpoint, but a brief overview of the most important international legal sources and Criminal Codes of Southeast European countries.

The development of the Internet and related technologies has had a great impact on the transformation of existing, but also the emergence of new forms of crimes led by sexual abuse and exploitation of children in the online environment. Therefore, arose the need for incrimination of these types of behaviors and for including various factors into their prevention. It should be emphasized that most of the countries belonging to Southeast Europe, are members of the United Nations and the Council of Europe, which makes them mandatory signatories to many conventions and protocols, and that being said, it is important to understand the difference between a directive and a convention, whereby an EU directive represents a legal act which requires member states to accomplish a particular set of goals without dictating the means on how to do it, while an international convention is defined as an agreement between different countries that is legally binding on the state, but only after that state ratifies it. The first such convention, which is also the most important document for the protection of fundamental freedoms and rights of children at the global level, is the Convention on the Rights of the Child, adopted at the 44th session of the United Nations General Assembly on November 20th, 1989 [21]. As a type of legally binding act, the Convention on the Rights of the Child stipulates that a child is any human being under the age of 18, unless, under the law applicable to the child, majority is attained earlier. Also, in its article 34 it obliges all states parties to protect children from all forms of sexual exploitation and abuse, by taking all measures to prevent: a) the inducement or coercion of a child to engage in any unlawful sexual activity; b) exploitation of a child in prostitution or any other unlawful sexual activity; c) exploitation of the child in pornographic performances and materials [30].

The next document that binds to the Convention on the Rights of the Child and helps to achieve its purpose is the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography which expands the measures that need to be taken by States Parties to protect children from being used for sale or exploited for the purpose of prostitution or pornography. Also, Article 3, paragraph c) of the Optional Protocol stipulates that each State Party shall ensure that the following acts and activities are fully covered by criminal law, whether committed in the State, abroad or on an individual or organized basis: production, distribution, import, export, offering, sale or possession of child pornography for sexual purposes [25]. Another important document that has influenced the strengthening of the legal framework for the protection of children from sexual abuse and exploitation is the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the Lanzarote Convention, named by the Spanish city of Lanzarote where the Convention was created on the 25. October 2007. The Convention highlights the problem of the rapid spread of sexual abuse and exploitation of children, in particular through
information and communication technologies, and advocates taking action against such forms of illegal activity and encourages international cooperation. It is important to emphasize that it is the first regional agreement specifically dedicated to the protection of children from sexual violence, but also the first international legal instrument that required the incrimination of seducing children for sexual purposes, the so-called "sexual grooming". Also, the Convention includes the "principle of extraterritoriality", which means that citizens or residents of a State Party may be prosecuted for certain offenses even when committed outside the national borders of that State. In its Article 20, the Convention prescribes the obligation to prosecute those perpetrators whose acts relate to; producing, offering or transmitting child pornography, distributing or transmitting it, possessing child pornography or obtaining it for oneself or others [23]. The only possibility to deviate from the stated obligation (mentioned in paragraph 3 of the same article) is provided if during the production and possession of pornographic material it refers to simulated depictions or real images of a non-existent child and if children shown on the mentioned materials exceed the set age limit or if they have given their consent for the production of that material. Also, any State Party to the Convention may reserve the right not to apply, in whole or in part, sanctions relating to knowingly access to child pornography through information and communication technologies, which is a segment that should be further addressed and elaborated in more detail.

Another Convention that deals with sexual abuse and exploitation of children in the online environment and also the use of information and communication technology to produce and disseminate child pornography material, is the Convention on Cybercrime or the so-called Budapest Convention. Adopted by the Council of Europe on 23 November 2001., this Convention represents the first international agreement dedicated to the regulation of crimes committed via the Internet and other computer networks, which includes among others, criminal offenses related to child pornography [31]. It should be noted that unlike some other legal sources, the Convention on Cybercrime uses the term juvenile, not child, in its definition of child pornography, which states that child pornography refers to pornographic material that visually depicts a minor engaging in sexually explicit conduct, a person who appears to be a minor engaging in sexually explicit conduct, or actual images of the mentioned acts [24].

Finally, Directive 2011/92/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography from 2011., needs to be mentioned. Namely, in the Directive, criminal offenses against the sexual integrity of a child are divided into four different groups which are; criminal offenses of sexual abuse, sexual exploitation and criminal offenses related to child pornography and criminal offenses of luring children for sexual purposes. The Directive itself aims to harmonize national criminal policy to combat these illegal acts within the borders of the European Union [32]. Accordingly, it states in Article 12 that the offenses of sexual abuse and sexual exploitation of children should be subjected to more effective punishment, in particular those forms of sexual abuse and exploitation of children that are aided and abetted by the use of information and communication technology. It also advocates the incrimination of conscious and desired access to child pornography through information and communication technologies and taking measures to remove this content from publicly available platforms.

V. USE OF THE TERM "CHILD PORNOGRAPHY" IN THE LEGISLATIVE FRAMEWORK OF THE COUNTRIES OF SOUTHEAST EUROPE

In the previous chapter, it was shown how the area of sexual abuse and exploitation of children (for pornographic purposes) is regulated by international acts and conventions. In this chapter it will be analyzed how the mentioned area is regulated and classified in the Criminal Codes of Southeast European countries consisting of: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Kosovo, Montenegro, Northern Macedonia, Romania and Serbia. Also, special focus was placed on the use of the term child pornography and its scope of representation in the legislative framework of these countries.

The following table shows the previously mentioned countries of Southeast Europe, primarily analyzing the use and representation of the term "child pornography" in their Criminal Code and the incrimination of enticing/recruiting children through information and communication technologies (ICT). The table also shows the membership of countries in the European Union and the Council of Europe, given that membership in these organizations obliges member states to apply the provisions of international laws and conventions dealing with the protection of children from sexual abuse and exploitation, such as the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse or the EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography.

When focusing on the part related to the analysis of the Criminal Code, it shows that almost all countries use the term "child pornography" in their national legislation, but on the other hand only 60% incriminate the crime of enticing/recruiting children for sexual purposes using information and communication technologies or so-called "online grooming." This highlights the importance and the need to use appropriate terminology and harmonize national and international legal frameworks within the area of sexual abuse and exploitation of children.
<table>
<thead>
<tr>
<th>Countries of SE Europe</th>
<th>Member of the European Union</th>
<th>Member of the Council of Europe</th>
<th>Use of the term child pornography in the CC</th>
<th>Mention of enticing/recruiting children using ICT in CC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Bosnia i Herzegovina</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Croatia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Greece</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Kosovo</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Montenegro</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Northern Macedonia</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Romania</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Serbia</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**NATIONAL LEGISLATIVE FRAMEWORKS**

**Albania**
In the Albanian Criminal Code, the only part related to child sexual exploitation and child pornography, is found in Article 117 of Section VIII entitled - "Criminal Acts against Morality and Dignity", where the legislator criminalizes production, import, export, advertising, distribution, publication and other forms of the emergence and spread of child pornography, as well as recruitment, exploitation, compulsion or the persuasion of a child to participate in pornographic shows [33].

**Bosnia and Herzegovina**
The specific political and state structure of Bosnia and Herzegovina has affected its legal system by generating four incompatible Criminal Laws, which are important to include in the analysis, to provide a more complete overview of the legislative framework governing sexual abuse and exploitation of children. These include: the Criminal Code of the Brčko District of Bosnia and Herzegovina, the Criminal Code of the Republika Srpska, the Criminal Code of the Federation of Bosnia and Herzegovina and the Criminal Code of Bosnia and Herzegovina:
The Criminal Code of Bosnia and Herzegovina does not have a separate chapter dealing with the sexual exploitation of children, especially without the use of information and communication technologies [34].
- In the Criminal Code of the Federation of Bosnia and Herzegovina, there are Articles 211 and 212, which fall under the chapter of criminal offenses against sexual freedom and morality, concerning the prohibition of exploitation of children and minors for pornography and the prohibition of introducing children to pornography [35].
- In the Criminal Code of the Republika Srpska, in Chapter XV, addressed - "Criminal offenses of sexual abuse and exploitation of a child", there are some similarities with the Croatian Criminal Code. Namely, although their descriptions and sanctions are somewhat different, this law also cites Articles 175 - "Exploitation of children for pornography" Article 176 - "Exploitation of children for pornographic performances" and Article 177 - "Introduction of children to pornography". One of the novelties is Article 178 - "Exploitation of a computer network or communication by other technical means to commit crimes of sexual abuse or exploitation of a child" which severely punishes the use of computers and other modern technology as a means of committing any form of sexual exploitation of a child, including child pornography [36].
- Criminal Code of the Brčko District of Bosnia and Herzegovina in Chapter XIX, entitled Crimes against sexual freedom and morals, cites two articles related to child pornography which are, Article 208 - "Exploitation of a child or minor for the purpose of pornography" and Article 209 - "Introducing a child to pornography" [37].

**Bulgaria**
In the Bulgarian Criminal Code, the legislator does not explicitly mention the term child pornography, although he links pornography to crimes against children and minors. The word pornography is first mentioned in Article 93, paragraphs 28 and 29 when explaining the terms pornographic material and pornographic performance, and then in Article 155a, the legislator connects it with the use of information and communication technologies by criminalizing any form of misuse for the purpose of gathering information about a person under the age of 18 with the intention of abusing, having sexual intercourse, creating pornographic material or participating in a pornographic show. It is noticeable that in this Criminal Code, the legislator connects the terms child and pornography, which indicates a clear need for terminological modification of certain provisions of the same.

**Croatia**
In the Criminal Code of the Republic of Croatia, in Chapter XVII, entitled - "Criminal offenses of sexual abuse and sexual exploitation of children" all behaviors related to sexual abuse of children are singled out, and the content of which is harmonized in accordance with the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [21]. In the context of material related to sexual abuse and exploitation of children, ie the so-called child pornography, special emphasis is placed on Article 163 - "Exploitation of Children for Pornography" in which the definition of child pornography is described as "any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes." The article also criminalizes the enticement, recruitment and encouragement of children to participate in child pornography, but also in the process of recording, production and distribution of the same. Article 164, criminalizes the exploitation of children for pornographic
performances, clearly stating what they include, while Article 165, entitled "Introducing Pornography to Children," emphasizes the ways in which a child is exposed to pornographic content. Finally, article 161, entitled - "Child Enticement for the Purpose of Satisfying Sexual Needs" needs to be mentioned, because for the first time in domestic terms, it criminalizes the enticement of children for sexual purposes using, among other, information and communication technology [39].

Greece
The Greek Criminal Code includes several provisions concerning the criminal offenses of sexual abuse and exploitation of children, but in the context of child pornography, Article 348 a) should be singled out, especially paragraph 2 which incriminates intentional production and supply of child pornography, as well as the dissemination and sharing of information in connection with the commission of the said acts via computer system or the use of the Internet, which are punishable by a fine or imprisonment for a term of at least two years. Also, in paragraph 4 of the same article, the legislator states that fines and imprisonment are increased if there is mention of illegal behavior committed as a form of professional activity or the production of child pornography produced from the exploitation of a child with mental illness, physical disability or a child under 15 years of age or as a product of threatening and committing violence against a child [40].

Kosovo
In the Criminal Code of the Republic of Kosovo, there is no part of the legal provisions concerning sexual abuse and exploitation of children, but only in Chapter XX - "Criminal offenses against sexual integrity", Article 228, paragraph 7 defines the term child pornography, denoting any visual image or visual depiction or representation, including any photograph, film, video, image or computer generated image or picture, whether made or produced by electronic, mechanical or other means, showing or representing:
- the genitals (vagina, penis or anus) or the pubic area of a child primarily for sexual purposes;
- a real child engaged in actual or simulated sexually explicit conduct
- a person appearing to be a real child engaged in actual or simulated sexually explicit conduct
- a realistic image of a non-existent child engaged in actual or simulated sexually explicit conduct
[41].

Montenegro
In the Criminal Code of Montenegro, under Chapter XVIII. - "Criminal Offenses against Sexual Freedom", there are two articles related to sexual exploitation of children. Article 211 is directly related to the notion of child pornography and is equally addressed ("child pornography"), while the other, Article 211b refers to the seduction of a child using information and communication technologies with the aim of committing crimes against sexual freedom [42].

North Macedonia
In the Criminal Code of Northern Macedonia, there is no specific chapter which incriminates sexual exploitation of children, but Article 122, paragraph 24 explains the meaning of the term child pornography, stating that it refers to pornographic material that visually displays obvious sexual intercourse with a juvenile or with an elder person resembling a juvenile or displaying the juvenile or the elder person resembling a juvenile in obvious sexual position, or realistic pictures displaying obvious sexual intercourse with a juvenile or displaying juvenile or elder person resembling a juvenile in obvious sexual position [43].

Romania
In the Romanian Criminal Code, Article 347 should be singled out, because it exclusively deals with the regulation of conduct related to the area of sexual abuse and exploitation of a child. First, in paragraph 1, the legislator incriminates the production, distribution, possession, storage and dissemination of child pornography, and then in its extension it states the prohibition of encouraging and recruiting children, as well as their use for the purpose of participating in pornographic performances. It is interesting that in paragraph 2 of the mentioned article, the legislator prescribes more rigorous sanctions if any of the mentioned criminal offenses is committed through a computer system. For example, if a perpetrator uses computer technologies for accessing child pornography, he can be imprisoned from 3 months up to 3 years. Paragraph 4 of the same article provides a definition of material depicting child abuse described as material depicting a child or adult who looks like a child, in sexually explicit behavior, or a simulation of a minor in such behavior, and any representation of the child's sexual organs for sexual purposes [44].

Serbia
In the Criminal Code of Serbia, criminal offenses concerning sexual exploitation of a child and the production and dissemination of child pornography are presented in Article 185, but there is no special chapter in the law dedicated exclusively to protecting children from sexual abuse, as is the case in the Croatian Criminal Code. Nevertheless, the mentioned Article 185 lists sanctions for persons who expose a minor to pornographic content or use it for pornographic performances, but also those who access the mentioned content through information and communication technology. Also, two subparagraphs of this article should be highlighted, one of which refers to inducing a child to participate in sexual activities, while the other is aimed at using information and communication technology as a means of committing crimes against the sexual freedom of minors [45].
VI. CONCLUSION

Criminal offenses of sexual abuse and exploitation of children have become very common in society, primarily due to the development of the Internet and related technologies that have enabled them to move to a virtual environment and offered perpetrators new channels and tools to access potential victims. Apart from the very nature of the virtual environment, what makes it even more difficult to recognize and qualitatively sanction these behaviors is the uneven terminology present within the public and professional discourse, as well as in the national legislations of certain countries. With this in mind, the main goal of this paper was to analyze the terminology related to the area of sexual abuse and exploitation of children on the Internet within the Criminal Codes of the countries of Southeast Europe and see how certain terms are addressed and standardized. A descriptive presentation of the results show that all included countries except Bulgaria and Bosnia and Herzegovina still use the term "child pornography" although its inappropriateness and the need for its change are often emphasized. It should be noted that some countries, such as Croatia, are in the transfer period of harmonizing terminology with international law, given that in addition to the term child pornography which is mentioned only in article 163., they use the more acceptable term sexual exploitation and abuse of children in the online environment. However, that shows the discrepancy is not only noticeable between different legal regulations and different districts (such as in Bosnia and Herzegovina) but also within the same law (e.g. Croatia, Criminal Code). Furthermore, 40% of the countries do not have the crime of enticing/recruiting children for sexual purposes using information and communication technologies incriminated into their Criminal Code, which is very worrying, given that “online grooming” as such is one of the main ways perpetrators approach and seduce potential victims. That is also one of the reasons why there is a growing need for harmonization of the national legal frameworks with existing international standards related to the protection of children from sexual exploitation in the online environment.

In conclusion, in order to systematically protect children from sexual abuse and exploitation online, it is crucial to confine and understand the terms we use in this area, which can help us create new and harmonize existing legislative frameworks, all with the aim of preventing and reducing crimes against children and the preservation of their well-being in the real and virtual life. Primarily, internationally harmonized, appropriate terminology would contribute to more systematic monitoring of trends and statistical indicators and enable comparison between countries. Given that the sexual exploitation of children on the Internet is an extreme way of endangering children that knows no national borders, it requires a systematic, international and cross-sectoral response. The harmonization of terminology and appropriate conceptualization of this area would be the first step in a common, clear and adequate response to the complex challenge of child protection in the online environment.

REFERENCES

MIPRO 2021/ICTLAW 1729


[18] Baseline Mapping." Member state responses to prevent and combat online child sexual exploitation and abuse". Available at: www.coe.int/child


[20] Pornography. Available at: https://www.britannica.com/topic/pornography


[23] Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Available at: https://rm.coe.int/1680084822


ta


[34] Criminal Code of Bosnia and Herzegovina. Available at: https://www.legislationline.org/download/id/8499/file/CC_BiH_am2018_eng.pdf


[39] Criminal Code of Croatia. Available at: https://www.zakon.hr/zz/98/Kazneni-zakon


[41] Criminal Code of Kosovo. Available at: https://www.refworld.org/docid/5b43044e44.html


