

# **Comparative analysis of laws for the criminal offense of Grooming in the European Union and the need for inclusion in Kosovo's criminal code**

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**Abstract:** *Grooming* as a criminal offense involves the deliberate actions of an adult to establish emotional connections and trust with a child, often with the intention of eventual sexual abuse or exploitation. This phenomenon includes both physical and digital environments, where perpetrators exploit vulnerabilities and manipulate relationships to gain access to their victims. This paper will compare the criminal codes of the Republic of Kosovo, Slovenia, Austria, Sweden, and Switzerland regarding the criminal offense of "Grooming." Additionally, it includes a case study to better explain why the criminal offense of "Grooming" should be included in the Criminal code, and not have the victims of this offense punished under the sexual abuse criminal offense.

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## **I. Introduction**

"Grooming" in the context of criminal offenses usually refers to the actions of an adult who establishes a relationship with a child, often with the intention of abusing or sexually exploiting them. (Utari, Sri, Arifin, & Preludio, 2024). This can include gaining the child's trust or the trust of their guardians (McBane, 1998), building emotional connections, and sometimes manipulating the child to participate in abusive activities.

In many jurisdictions, grooming itself is considered a criminal offense, regardless of whether any actual abuse or sexual exploitation has occurred. Laws vary by region, but common elements include prohibiting adults from engaging in behavior designed to facilitate abuse, such as online communications or physical meetings with the intent to exploit a child (Sorell, 2017).

It is important to emphasize that grooming can occur both online and offline, and perpetrators may use various tactics to manipulate and control their victims (Jeglic & Winters, 2024). Awareness and education are crucial in preventing and identifying grooming behaviors to protect children from potential harm.

Despite variations in legal definitions and penalties across jurisdictions, the essential elements of grooming include deceptive communication, gradual desensitization to inappropriate behaviors, and eventual coercion or manipulation into abusive situations (Morina, Curri, & Curri, Treatment Of Rape In Kosovo From 2019 - 2021: Quality Assurance, Legal And Forensic Aspects, 2023). The understanding of care tactics is essential for preventive efforts and interventions, emphasizing the importance of early detection, education, and protective measures to safeguard children from harm.

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## Hypothesis

Hypothesis 1: Criminalizing the offense of grooming in Kosovo will reduce the number of cases of sexual abuse of minors.

Hypothesis 2: Harmonizing Kosovar legislation with European Union standards for grooming will increase the effectiveness of protecting minors from sexual exploitation.

Hypothesis 3: The inclusion of a grooming offense in the Kosovo Criminal code will facilitate the criminal prosecution of perpetrators and ensure justice for victims.

Hypothesis 4: Strong anti-grooming laws in Kosovo will contribute to public awareness and prevention of sexual abuse cases.

Hypothesis 5: Legal support and protection for grooming victims in Kosovo will improve if this offense is explicitly criminalized.

## Research Questions

Question 1: What are the key elements of the offense of grooming in the legislation of European Union member states?

Question 2: How is the offense of grooming addressed in the legislation of the Republic of Kosovo, and what are the current shortcomings?

Question 3: What are the main differences between the criminal codes of Kosovo, Slovenia, Austria, Sweden, and Switzerland regarding the offense of grooming?

Question 4: How has the criminalization of the offense of grooming in European Union countries impacted the reduction of sexual abuse cases involving minors?

Question 5: What are the potential benefits of including the offense of grooming in the Criminal code of the Republic of Kosovo?

## Methodology

In this paper, methods of comparative analysis between the criminal codes of the European Union member states and the need for the inclusion of this criminal offense in the Criminal Code of the Republic of Kosovo have been used. You can employ a range of scientific methods to analyze and compare the legislation and discuss the need for legal changes. Here are some of the scientific methods you could use:

### Literature Review:

Review and analyze existing literature on the topic of grooming, including definitions and legal implications. This involves gathering information on fundamental concepts and identifying gaps in existing research. (Curri, Challenges of Republic of Kosova in Her Fight Against Corruption, 2022).

### Comparative Legal Analysis:

Description: Comparing the penal codes of different countries to identify differences and similarities in the regulation of the criminal offense of grooming.

Objective: To examine how various countries address this criminal offense and what lessons can be learned to improve the legislation in Kosovo.

### Case Study Analysis:

Description: Analyzing specific cases, such as the case of the pedophile professor in Prizren.

Objective: To illustrate how current laws are applied in practice and to identify weaknesses and challenges in their implementation.

## Comparative Aspects of the Criminal Offense “Grooming”

### Comparative Aspects:

- **Definitions:** Each country may have slightly different definitions for grooming and the behaviors it involves. Penalties vary but generally include imprisonment and fines, reflecting the seriousness of the offense.

- **Focus:** There is a common emphasis on preventing exploitation through education, awareness campaigns, and legal barriers.
- **International Cooperation:** Given the online nature of grooming, countries may collaborate internationally to combat cross-border offenses.

**Summary:** While these countries share common goals in protecting minors from exploitation through grooming (Berisha & Curri, 2024), differences in legal frameworks and penalties reflect diverse societal and legislative approaches to addressing this severe criminal offense.

#### Kosova:

In Kosovo, specific laws regarding grooming may not be explicitly labeled as such but might fall under broader categories like sexual abuse, exploitation of minors, or related criminal offenses (Kuvendi i Kosovës, 2019). These laws are designed (Curri, The Causes of Terrorism, 2023) to protect minors from predatory behavior and to prosecute individuals involved in grooming activities.

#### Croatia:

In Croatia, the regulation is primarily addressed under the Penal Code. It generally falls under criminal offenses related to the sexual exploitation of minors (Skupstina Hrvatske, 1998). Specific provisions may focus on enticing or establishing relationships with minors for sexual purposes. Penalties may vary depending on the severity of the offense and the circumstances.

#### Sweden:

Sweden has robust legislation against grooming, often classified as sexual offenses against children (Sweden Parliament, 1965). The law covers actions such as online communication aimed at the sexual exploitation of minors. Swedish law emphasizes protecting children from exploitation and abuse, with significant penalties for offenders.

#### Switzerland:

Swiss law addresses grooming as part of its sexual offenses and exploitation legislation. It includes provisions for online grooming and actions leading to the sexual exploitation of minors (Swiss Criminal Code art.187, 2017). Penalties are determined based on the severity of the offense and may include imprisonment and fines.

#### Slovenia:

In Slovenia, the regulation is generally covered by laws related to sexual offenses and the exploitation of minors (Slovenia Penal Code, art.173, 2008). The focus is on preventing adults from establishing relationships with minors for sexual exploitation. Legal provisions may include measures against online grooming and similar predatory behaviors.

#### Austria:

Austrian law prohibits grooming under legislation related to sexual offenses and the protection of minors (Criminal Code (Strafgesetzbuch, StGB) , 1998). It includes measures against adults who attempt to exploit minors using deceptive or coercive means. Penalties can range from fines to imprisonment, depending on the severity and circumstances of the offense.

#### Comparative Aspects:

Each country may have slightly different definitions for grooming and the behaviors it encompasses. Penalties vary but generally include imprisonment and fines, reflecting the seriousness of the offense. There is a common emphasis on preventing exploitation through education, awareness campaigns, and legal barriers (Morina, Curri, & Curri, Treatment Of Rape In Kosovo From 2019 - 2021: Quality Assurance, Legal And Forensic Aspects, 2023). Given the online nature of grooming, these countries may also collaborate internationally to combat cross-border offenses. Summarizing: While these countries share common goals in protecting minors from exploitation through grooming, differences in legal frameworks and penalties reflect diverse societal and legislative approaches to addressing this severe criminal offense.

#### **Case Study: Exposure of a Pedophile Professor in Prizren**

##### **Case Description:**

In April 2022, the investigative program "Piranjat" on ABC uncovered a serious case of sexual abuse involving a professor in Prizren, who was exposed as a pedophile. The professor was known for his inappropriate behavior towards minor female students.

**Situation:**

"Piranjat" received information from various sources that a well-known professor in Prizren had inappropriate contacts with minor students. The investigative journalists decided to probe the case using covert methods to gather evidence.

**Challenges:**

Evidence Collection: Gathering sufficient evidence to substantiate the accusations was a major challenge for the journalists.

Victim Fear: Many victims felt intimidated and ashamed to speak publicly about their experiences.

Institution Reputation: The educational institution was concerned about the impact of these accusations on its reputation.

**Actions Taken:**

Journalistic Investigation: "Piranjat" journalists used covert methods to document the professor's behavior, including recorded conversations and victim testimonies.

Report Publication: After collecting sufficient evidence, they published a detailed report on their program, showcasing the evidence to the public.

Police Involvement: Following the publication, law enforcement authorities became involved to further investigate and take appropriate legal actions.

**Outcome:**

Arrest and Charges: The professor was arrested and charged with the criminal offense of sexual abuse of minors. The judicial process continued with further evidence and testimonies being collected.

Public Awareness: The case raised significant public awareness about the dangers of pedophilia and the importance of reporting suspicious behavior.

Victim Support: Victims were provided with psychological and legal support to deal with their trauma and assist in the judicial process.

**Documents for Case Study Analysis**

<https://www.gazetaexpress.com/piranjat-demaskohet-profesori-pedofil-ne-prizren/>

**Recommendations**

Recommendations for Including the Criminal Offense of "Grooming" in the Penal Code of the Republic of Kosovo

**Clear and Comprehensive Definition**

Recommendation: The Penal Code of the Republic of Kosovo should include a clear and comprehensive definition of the criminal offense of "grooming." This definition should cover all forms of establishing trust and emotional connections with children by adults for the purposes of sexual abuse, including both physical and digital activities.

Argument: A clear definition helps in identifying and prosecuting grooming activities, ensuring the protection of minors from any form of exploitation.

**Severe and Appropriate Penalties**

Recommendation: Penalties for the offense of "grooming" should be severe and appropriate to reflect the seriousness of the crime. Penalties could include long imprisonment and substantial fines to deter such behaviors.

Argument: Severe penalties will act as a deterrent for individuals considering engaging in grooming and demonstrate that society does not tolerate sexual abuse of minors.

#### **Training for Authorities and Education Professionals**

Recommendation: Special training programs should be developed for law enforcement authorities and education professionals to identify, report, and manage suspicious grooming cases.

Argument: Adequate training ensures that those on the front lines of child protection are prepared to take appropriate actions to safeguard minors and collaborate with relevant authorities.

#### **Public Education and Awareness**

Recommendation: Public awareness campaigns and educational programs should be developed to inform parents, guardians, and children about the risks of grooming and methods to prevent it.

Argument: Education and awareness are crucial preventive measures to protect children from sexual abuse. Informing the public about warning signs and tactics used by abusers is essential for prevention.

#### **International Cooperation**

Recommendation: International cooperation with other agencies and organizations should be promoted to combat grooming on a global scale, exchanging information and successful strategies.

Argument: Grooming often involves international elements, especially through the internet. International cooperation helps in prosecuting perpetrators operating across national borders and enhances the effectiveness of protective measures.

#### **Support for Victims**

Recommendation: Specialized psychological and legal support should be provided for grooming victims to assist in their recovery and ensure they receive justice.

Argument: Victim support is essential for their recovery and ensures they feel protected and supported throughout and beyond the judicial process.

Incorporating the criminal offense of "grooming" into the Penal Code of the Republic of Kosovo is a necessary step to protect children from sexual abuse. Clear definitions, severe penalties, training, public awareness, international cooperation, and victim support are key elements in combating this serious issue and ensuring a safer environment for children.

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