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EXPLOITATION OF MINORS FOR PORNOGRAPHIC PURPOSES THE SOCIODEMOGRAPHIC AND CRIMINAL PROFILE OF THE PERPETRATOR

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Abstract: The paper presents research in the form of a survey aimed at examining the sociodemographic and criminal profile of the perpetrator of the crime of displaying, acquiring and possession of pornographic material and exploitation of a juvenile for pornography under Article 185 of the Criminal Code of Serbia, with particular reference to the imposed criminal sanctions. The survey was conducted at the beginning of 2018 and included 62 convicted male persons aged 18 to 70, prosecuted under jurisdiction of the Special Prosecutor's Office for Combating High-Tech Crime in the period from 2012 to 2016. The results of the research show that the perpetrators of the said criminal offense are exclusively male individuals of an average age of 36.6 years, whose structure in terms of the working status is extremely diverse, starting from workers of various occupations, students to pensioners. In terms of other socio-demographic characteristics, the results of the survey show that the largest percentage of the convicted offenders have completed secondary school, that the number of the employed and unemployed is the same, that they are not married, gravitate towards urban areas, and have not been convicted before. In terms of the modus operandi, the results of the survey show that two methods of execution are dominant: the first implies the use of P2P technology on the Internet and the use of certain closed networks, which allow searching, downloading and sharing of photos and audio-visual data whereas the other involves creating a false profile on the Facebook social network.

Keywords: exploitation of minors for pornographic purposes, pedophilia, sociodemographic profile of the perpetrator, crime profile of the sexual predators.

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INTRODUCTION

The extensive application of information communication technologies through computers and mobile phones, i.e. the use of the Internet, has significantly affected many aspects of modern life, enabling not only greater connectivity, easier communication and access to information of different content, but unfortunately also opened the possibility for potential risks and many abuses (Baić, Ivanović, Simeunović-Patić, 2017). Such progress has almost without any limitations opened up the possibility of researching the virtual world, both for those who know a lot about it - tech-savvy and for the minors, who know much less about it (Baić, 2018; Pregrad, Mikulić, Tomić-Latinac, Šeparović, 2009). The particular danger lies in the fact that this type of communication allows for greater anonymity, which in the end can lead to the appearance of disinhibitive behavior, which is characterized by easier contact with unknown persons and easier communication of intimate data (Baić et al., 2017, Kuzmanović, Lajović, Grujić, & Medenica, 2016). Greater openness and confidentiality are also linked to the ease of hiding the real and presenting a false identity, which may be a problem, especially when the identities of those asumed to be peers are adopted by ill-disposed adults, that is, by "sexual predators" who lurk for minors and exploit their emotional, psychological or physical weaknesses and abuse them for sexual purposes (Baić et al., 2017; Ivanović, Lajić, & Joga, 2016). Therefore, the misuse of information communication technologies (ICT) and the increasing global expansion of the Internet access resulted in the fact that juvenile pornography has become one of the most widespread forms of sexual victimisation of the youngest population (Pavlović, Petković, & Matijašević-Obradović, 2014).

The Serbian Criminal Code - in the context of the use of an electronic communications tool - refers to juvenile pornography in Article 185 and defines it as "showing, acquiring and possessing pornographic material and exploiting a minor for pornography". For this reason, and given the problem we are dealing with, the object of our interest has just been directed towards this criminal offense, which includes several illegal activities starting from: production, offering or making available, then distributing, transferring, possessing and consciously obtaining juvenile pornography. Therefore, within the Criminal Code of Serbia, the concept of exploitation of minors (through information communication technologies) is linked to criminal offenses against sexual freedom, that is, to juvenile pornography, created by the exploitation of minors,² children aged up to 14 years and minors aged 14-18.

Bearing in mind that this is a criminal offense characterized by severe consequences, significant vulnerability of the youngest population, poor control, and a large dark figure, the aim of this paper is to promote the improvement of the child protection system by raising the awareness of both expert and general public in Serbia and beyond its borders in order to strenghten the systems for

² In the legislative system of the RS there are two categories of minors in the broader sense of the word 'minor' – children who are up to 14 years of age and minors from 14–18 years of age (within this group there are two more categories – younger minors 14-16 and older minors 16-18). Within the scope of this criminal offence there is a special form of this act which is aggravated form of the criminal offence under Article 185 CC when the object of the criminal offence is a child.



protection of children and juveniles. It is with this objective in mind that the paper presents a research study on exploring the socio-demographic and criminal profile of the perpetrator of the criminal offense under Article 185 CC, focusing in particular on the sentencing policy applied to such cases.

In the text below, the authors will elaborate a review of some of the avail-

able research results that have dealt with the problem of exploiting minors for pornographic purposes, as well as the sociodemographic characteristics of the perpetrators of this crime, and then present the results of the research concerned and, finally, give a brief and general overview of the main results, their implications and recommendations for improving the system of protecting minors from exploitation on the Internet.

OVERVIEW OF PREVIOUS RESEARCH

A more significant and organized presence of juvenile pornography, that is, photographs and magazines that depict minors in a sexual context, was recorded in the 1960s in some European countries, such as Denmark, Norway, Sweden and the Netherlands. Today, in the 21st century, thanks to the development of information and communication technologies, juvenile pornography has become global criminal activity, which unfortunately continues to expand continuously through the Internet. According to a research published in England in 2003, some 27,000 sexual predators visited websites with juvenile pornographic content (Robbins & Darlington, 2003), while today the number, according to the federal authorities in the US alone, is between 500,000 and 750,000 thousand. This is certainly one of the reasons why more attention is paid to this issue in contemporary research in relation to the problems of peer violence in the virtual world (Livingstone, Kirwil, Ponte, & Staksrud, 2013). The results of the studies that deal with the victimological aspects of this phenomenon show that 25% of users of social networks aged between 10 and 17 were exposed to unwanted pornographic content (Herring, 2002), that is, 19% of female juveniles experienced online sexual harassment at least once (Mitchell, Finkelhor, & Wolak, 2007).

In Croatia, a survey was conducted in 2015 covering 76 convicted perpetrators of the exploitation of minors for pornography on the Internet (Vejmelka, Brkić, & Radat, 2017). The results of the study showed that the perpetrators were exclusively male, of the average age of 41.3 years, and that there was a relatively large number of prisoners aged 56 and over. In terms of education levels, the results showed that the largest number of convicts had secondary school education (65.8%), but there was also a certain percentage (21.1%) of persons with higher and high education (in terms of Serbian standards, equivalent to college and university degrees), as well as those who completed master studies. The structure of the convicts according to the working status was diverse, starting with students, individuals who own private companies, to pensioners. The highest number of convicts was employed (44.7%), while the percentage of the unemployed was 38.1%. Regarding the marital status, as many as 60.5% of



the offenders were unmarried (single, divorced), and had no offspring.

When we summarize some of the foreign pedophile (sexual predator) studies, the final conclusions that are drawn imply that they are a heterogeneous group with different socio-demographic characteristics (Schiffer, 2008; McCarthy, 2010; Henshaw, Ogloff, & Clough, 2017), who use minors exclusively to satisfy sexual needs (Seto & Eke, 2005). In 90% and more cases, they are male, homosexual or bisexual persons oriented towards minors, aged 26-40, where the share of minors (as perpetrators) is about 11%. In the communities in which they live, they are not recognized as a threat, but rather as individuals who are well integrated, functional and without any previous convictions. However, a large number of those who were prosecuted repeated the criminal offenses to the detriment of children or minors (Seto, Cantor, & Blanchard, 2006). In terms of pathology there are different opinions, ranging from those that pedophiles are persons with disorders, frequently with serious emotional disorders, caused by negative cognitive distortions (Sheldon & Howitt, 2007), up to the view that no pathology has been diagnosed for this category of perpetrators (Price, Lambie, & Krynena, 2015).

In 2015, within the National Study on the Social Problem of Child Sexual Abuse, a survey was conducted in Serbia covering 2,053 pupils, aged 10 to 18 from 97 primary and secondary schools. The results of the survey show that sexual harassment and violence are most common at home (33%), on social networks (22%), in open space (park/nature) (14%) and at school (7%). Almost a third of respondents (31%) received pictures or messages with explicit sexual content, via SMS or the Internet (Facebook and other social networks) (Bogavac, Otašević, Cucić, & Popadić, 2015).

At the end of 2015, another important study of this issue was conducted in Serbia, which was carried out as a unique virtual experiment, based on real events. For the purpose of this research, a virtual image of an underage Belgrader was created and nicknamed so as to suggest the age of 12 (Ana12BG) (Ivanović et al., 2016). The results of the research have shown that the Internet "chatting" was mainly based on sexually-orientated conversations, initiated by 80% of minors, as well as almost 90% of people aged 40 and over. About 30% of minors and about 40% of people over 40 years of age asked for sexually explicit photos from the virtual "Ana". The authors state that the Internet is certainly a medium used by a large number of individuals whose sexual tendencies tend to be satisfied in contact with minors (Ivanović et al., 2016).

METHODOLOGICAL FRAMEWORK OF RESEARCH *Sample*

The survey included 62 convicted male persons, aged 18 to 70, who were prosecuted in the period from 2012 to 2016 under the jurisdiction of the Special Public Prosecution Office for Combating High-Tech Crime, in Belgrade, for the committed criminal offense of displaying, acquiring and possession of pornographic material and exploitation of a minor for pornography under Article 185 of the Criminal Code of Serbia.



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Procedure

The research was carried out at the beginning of 2018 on the premises of the Special Public Prosecution Office for Combating High-Tech Crime, in Belgrade, and it involved the analyses of the available documentation from the cases. All the analyses were made on the data collected in the dossier review for each convicted person, for which - due to the confidentiality of the data - the consent was obtained from the Republic Public Prosecutor's Office and the Special Prosecutor's Office for High–Tech Crime (Cybercrime).

The research first examined the structure of the population of the perpetrators in terms of the most important sociodemographic features, such as age, education, occupation, employment, marital status, the type of the place of residence and previous convictions. The socio-economic status data were not complete and were therefore not included in the analysis. The second part of the research concerned the analysis of the modus operandi in order to identify the characteristic pattern of behavior of the perpetrator of the crime. At the same time, the paper also presents the results of the imposed criminal sanctions.

Data processing methods

The research applied qualitative and quantitative data processing methods. The qualitative data analysis was applied to the data on the (1) mode of operation (*modi operandi*), i.e. the manner of committing the crime, and (2) the occupation of the perpetrator. In both cases, the procedure for carrying out the analysis was identical. Quantitative data processing methods were applied to: (1) descriptive statistics and frequency tables, in order to obtain a basic insight into the data structure, as well as (2) χ 2 test, to examine the significance of the relationship between categorical variables.

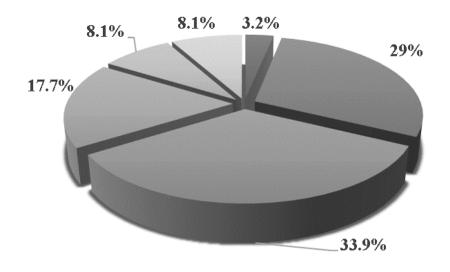
RESULTS

Age structure

The age of the convicted persons ranges from 18 to 70 years. The average age is 36.64 years, while 68% of the convicts $(\pm 1 \text{ standard deviation from the arith$ $metic mean})$ are in the range of 23.85 to 44.49 years. In relation to the age decade (Chart 2), the largest number of convicted persons is aged 31 to 40 (33.9%) and ages 21-30 (29.0%), slightly less than the age from 41 to 50 years (17.7%), while very few convicted persons are between 61 and 70 years of age (8.1%), as well as up to 20 years of age (3.2%).



Baić, V. D., Ivanović, Z. M., Oljača, M. V. (2019). Exploitation of minors for pornographic purposes



18 years **21-30 31-40 41-50 51-60 61-70**

Chart 1: Age structure of convicted persons

Education

The results show that the level of education among the convicted persons is not equal ($\chi 2$ (3) = 70.0, p <.001). Analyzing the data, it was determined that the largest number has a secondary school education (71.0%), while there was a significantly smaller number of convicts with elementary (8.1%), high (college) (9.7%) and higher (university) education (11.3%) (Chart 2).

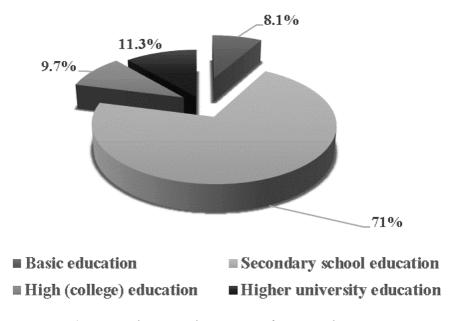


Chart 2: Educational structure of convicted persons



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Occupation

The frequency of individual categories of occupations of the convicted persons is presented in Chart 3. Data is missing for 27.4% of the convicted persons. The largest number of convicts are workers of different professions (27%), followed by students (12.9%), pensioners (8.1%), electrical technicians (6.5%) and employees (4.8%), while the remaining occupations are very little represented, such as graphic artists, pharmaceutical technicians, veterinary technicians, cooks, etc. (1.6 - 3.2%).

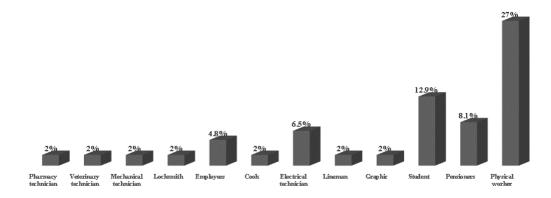


Chart 3: Occupation of convicted persons

Employment

The results show that the highest number of prisoners are either employed or unemployed (both categories amounting to 41.9%) and they are statistically significantly more represented ($\chi 2$ (3) = 28.4, p <.001) than occasional/seasonal employees and pensioners (both categories 8.1 %) (Chart 4).

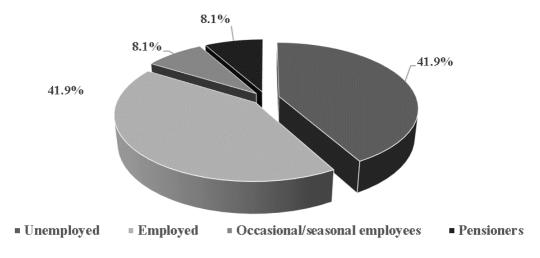


Chart 4: Employment structure of convicted persons

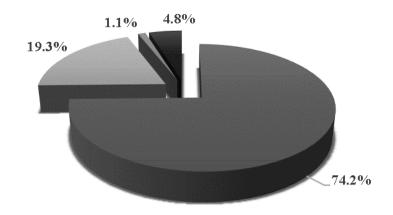


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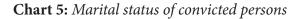
Marital status

The highest number of the convicted persons are not married (74.2%; Chart 5). Unmarried persons are significantly more frequent (χ 2 (3) = 28.4, p <.001)

than married (19.3%), divorced (1.1%) and those living in an extramarital community (4.8%).



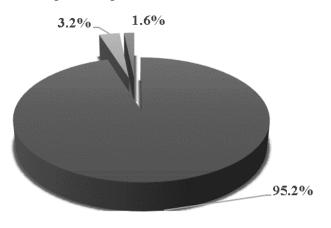
■ Unmarried ■ Married ■ Divorced ■ Extramarital community



Place of residence characteristics

A significantly higher number of the convicted persons ($\chi 2$ (2) = 106.7, p <.001) live in the city (95.2%) compared to the number of those living in villages

(3.2%) or towns (1.6%). The results regarding the characteristics of the place of residence are shown in Chart 6.



■City ■Village ■Suburban

Chart 6: Place of residence of convicted persons

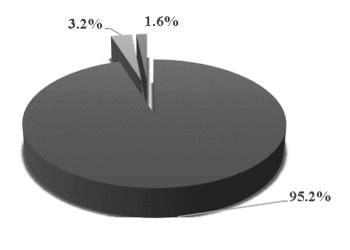


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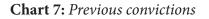
Previous convictions

The results of the survey show that the highest number of convicted persons was not previously convicted (96.7%, Chart 7), while only two persons (3.3%) had previously committed a criminal

offense, both a criminal offense against property and a criminal offense against sexual freedom. These differences are statistically significant ($\chi 2$ (1) = 54.3, p <.001).



■City ■Village ■Suburban



Criminal offenses across the regions of Serbia

The number of crimes committed under Article 185 of the Criminal Code per region of Serbia is presented in Chart 8 (Annex 1). Most of the convicts are from Belgrade (37.1%) and the region of Vojvodina (30.6%), then from the region that includes Šumadija and Western Serbia (16.1%) and South-East Serbia (14.5%), with one convicted person coming from the region of Northeast Serbia (1.6%). The frequency of this crime in the regions of Serbia is expressed as the ratio of the frequency of the crime in the region and the number of inhabitants of the region. The highest number of convicted persons was from the area of Northeastern Serbia (p = 0.000027) and Vojvodina (p = 0.000025), then within the region of Southeast Serbia and Šumadija and Western Serbia (p = 0.000015), while the lowest frequency in the region of Belgrade (p = 0.000015). The link between the number of crimes committed for individual cities and the number of inhabitants is statistically significant



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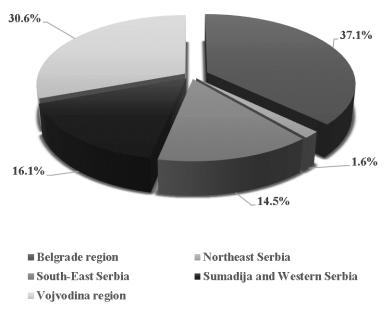


Chart 8: Committed crimes in relation to regions

Sanctions imposed

When it comes to the length of the imposed criminal sanction, the results of the research show that in the majority of cases the perpetrators of the criminal offense referred to in Article 185 of the Criminal Code of Serbia were sentenced to imprisonment of 6 to 12 months (48.4%), as well as from 1 to 2 years (22.6%). The mentioned prison sentences were enforced statistically significantly more often ($\chi 2$ (6) = 72.58, p <.001) in relation to all remaining prison sentences. The results are presented in Chart 9.

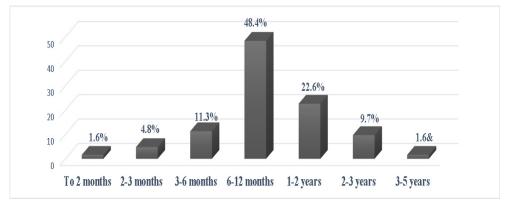


Chart 9: Severity of sanctions of imprisonment for the offence under Article 185 CC



Modus operandi

By analyzing the available documentation, it is very clear that persons convicted of a criminal offense under Article 185 of the Criminal Code of Serbia used information communication technologies, primarily a personal computer and a mobile phone, that is, the Internet for:

- searching, downloading and sharing of photos and audio-visual data generated by the exploitation of minors in sexual conotation;
- exploitation of a minor for the production of pictures and videos of pornographic content;
- displaying images or videos of explicit sexual content;
- intimidation and threat of coercion, in order to keep the victims in fear and obedience.

Regarding the method of execution, it involved the so-called P2P³ technology

and the online social network Facebook. With the help of P2P technology and Shareaza software, Endonkey, LimeWire turbo, Torrent, and eMule, the perpetrators searched, downloaded and shared photos and videos of pornographic content that were created by the exploitation of minors aged 3-17 years. In the search box for the listed content, they entered terms such as "porn", "teen", "beauty", "gorgeus", "pthc", etc. On the Facebook social network, the perpetrators sent requests for friendship to minors, representing themselves as minors, with the aim of gaining and, above all, persuading them to send photographs or videos of explicit sexual content. After receiving the first photos or videos, the victims were blackmailed and threatened to make these contents available to their friends, school colleagues and parents, via the Internet and social networks.

ers via the Internet as a network. With P2P clients based on the Gnutella protocol, users with compatible software can create files on their hard drives, connect to P2P service, and then locate, access and share the desired data.

DISCUSSION

The need for conducting this research was reflected in the lack of systematic research related to the problem of exploitation of minors for pornographic purposes, on the territory of the Republic of Serbia, and further beyond its borders. According to the results of the investigation, the persons convicted of committing the criminal offense referred to in Article 185 of the Criminal Code of Serbia are exclusively male, of an average age of 36.6 years, with a relatively large percentage of those between 20 and 30 years of age (29%). In terms of education the results show that the highest number of convicted persons had a secondary school education (71%), while one in six convicts in the sample had a college or university education qualification. The structure of the convicts according to the working status is extremely diverse, starting from workers of different professions, electrical engineers, employees, students, and retirees. At this point, it is important to note that the occupational data was incomplete, especially for those convicted persons who had a college or



³ P2P is a model of communication via the Internet equivalent to the client/server model, most commonly used for file sharing. P2P is the abbreviation for "peer to peer". P2P is technology developed for the exchange of data between us-

university education degree, due to which we remained deprived of this type of information. In terms of employment, we recorded almost identical percentages of those employed and unemployed (42%). If we bear in mind that there was a percentage of persons who were occasional/seasonal employees (8%), and that 8% were pensioners, we come to the conclusion that these are persons who for the most part of their lives did not have work engagement. In terms of other socio-demographic characteristics, the results show that as many as 71% of the convicts were not married, gravitated towards urban areas, and had not been convicted before.

In order to complete the analysis, we also presented the data related to the frequency and distribution of the problem of exploitation of minors for pornographic purposes across the regions of Serbia. The results of the survey show that there is a relative prevalence of the cases in the regions of Belgrade and Vojvodina, that is, the city of Belgrade and Novi Sad (Baić, Kolarević, & Gojković, 2015)⁴ followed by the regions of Šumadija and Western Serbia, the region of Southeastern Serbia and the region of North-East Serbia, with the smallest percentage of committed crimes. Regarding the region of Sumadija and Western Serbia and South-East Serbia, there is a certain uniformity of the distribution of this issue. However, if we observe the frequency of this crime in relation to the number of inhabitants in the regions, we find that the highest number of perpetrators come from the areas of Northeast Serbia and Vojvodina, then from the regions of South-East Serbia, Šumadija and Western Serbia,

while the lowest frequency is recorded in the region of Belgrade.

In an attempt to identify the most prominent characteristics of the conduct of the perpetrator of the criminal offense referred to in Article 185 of the Criminal Code of Serbia, from the aspect of the methods of execution or modi operandi, the analysis found that the perpetrators performed this criminal offense in two ways. The first way involved the use of personal computers and certain software that functioned as a closed network, such as Shareaza, Endonkey, LimeWire Turbo, Torrent, and eMule, within which they inquired into the data related to juvenile pornography. After that, they were given the opportunity to search, download and share photographs and audio-visual data of pornographic content, which were created by the exploitation of minors aged 3-17 years. In most cases the perpetrators stored the data on the hard disk of their personal computers.

The other way meant that the perpetrators created false profiles on the social network Facebook, with the intention to use a falsely created identity of a minor in order to establish contacts with potential victims more easily and engage in the communication with them, asking them to send photos of their sex organs, breasts or naked bodies. In some cases, the perpetrators, after receiving the first photographs, blackmailed and threatened the victims that the photos would be made available to their friends, schoolmates or parents unless they sent them pictures with a sexual connotation. At the same time, a number of perpetrators sent their photographs with explicit contents to victims, such as, for example, images of their genitals in erection, ejaculation, video clips in which they masturbate, and the like.



⁴ Findings on the region of Belgrade and Vojvodina, in particular the cities of Belgrade and Novi Sad, can be related to previous studies of the etiopathogenesis of criminal behaviour, which indicate a significant impact of the migration factors of the population and the process of urbanization.

CONCLUSION

The exploitation of minors for the production, distribution, possession and display of pornographic material is, unfortunately, one of the most severe forms of abuse of the youngest population, and had been recognized as such by the competent state agencies in Serbia. This is supported by the fact that the members of the Ministry of Internal Affairs, the Office for Combating Organized Crime, the Department for Combating High-Tech Crime in cooperation with the Special Prosecutor's Office for High-Tech Crime have, over the past several years, apprehended more than 100 people as part of the operation code named Armageddon. However, the treatment of competent state authorities is limited to the arrest and prosecution of suspects, which is interpreted as preventive even though it is a repressive act. The fact is that the general prevention in the criminal-legal sense is achieved by prescribing criminal offenses, stipulating and applying criminal sanctions, i.e. by their enforcement and execution. However, the results of this study show that the perpetrators were sentenced leniently, because in almost 50% of the cases a prison sentence of 6-12 months was imposed. It should be kept in mind that those offenders have a qualitative disorder related to satisfying their sexual drive, which is why there is a real danger of recidivism. This is a serious problem due to which in the future the legislator should consider tightening the sanctions that are envisaged not only for the commission of the criminal offense under Article 185, but also for all the criminal offenses against sexual liberties, covered by Chapter Eighteen of the Criminal Code of Serbia. The problem of recidivism cannot generally be solved only by

prescribing stricter criminal sanctions, but it ensures at least that the offenders are deprived of their liberty for a long period of time and prevented from committing new criminal offenses.

Regarding the results of this research, we must point out that their potential significance lies in the fact that the obtained data could be an integral part of the operational database of the Ministry of Internal Affairs of Serbia, which would be used by those dealing with sexual offenses. This database should additionally be completed with new data related to criminal behavior of pedophiles, as well as the data relating to general and specific personality characteristics, possible psychological disorders, etc. (Baić, Batić, & Srdić, 2014; Baić, Kolarević, & Ranković, 2017).

Considering the fact that social networks represent the ideal domain for both registered and potential Internet predators (Ivanović et al., 2016), as well as the fact that some underage children in Serbia, even at the age of seven or eight (although the age limit for creating and using a profile on this social network is much higher), thanks to their parents, have their own Facebook profiles, it is logical to assume that the problem of exploitation of minors for pornographic purposes will be more frequent, which is also confirmed by the results of the research carried out in Serbia in 2016 (Ivanović et al., 2016). Since there is no effective technology for protecting privacy from pedophiles, we believe that the comprehensive, systematic approach of all competent state institutions is the most important for the prevention and suppression of exploitation of minors through information and communication technologies. In order to improve the protection system, in addition to tightening the criminal policy and limiting Internet protocols that are not suitable for minors, it is necessary to develop awareness of real risks through the use of media and various school and other projects (Dragin, Muškinja, Duškov, & Bundalo, 2013; Kuzmanović et al., 2016) and promulgate a more secure way of using the Internet, especially due to the fact that Internet control is not sufficient and realistic.

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APPENDIX

Region	City	UBP	UPPr	BS	BSr	Р
Belgrade	Belgrade	21	_23	1659440		
	Zemun	1		168170	1873696	0.000012
	Borča	1		46086		
North-eastern Serbia	Negotin	1	1	37056	37056	0.000027
South-eastern Serbia	Niš	2	- - - - - -	260237		
	Leskovac	1		144206		
	Požarevac	2		75334		
	Pirot	1		57928	590126	0.000015
	Surdulica	1		20319		
	Boljevac	1		139		
	Ivanjica	1		31963		
Sumadija and Western Serbia	Kragujevac	2	- - - 10 - -	179417	_	
	Kruševac	2		128752		
	Valjevo	1		90312		
	Šabac	1		115884	649783	0.000015
	Arandjelovac	1		46225		
	Paraćin	1		54242		
	Despotovac	1		23191		
	Batočina	1		11760		
Vojvodina	Novi Sad	7	19 	341625		
	Sremska Mitro- vica	1		79940		
	Sombor	2		47623		
	Gakovo	1		1810	770499	0.000025
	Subotica	3		141554		
	Zrenjanin	2		123362		
	Novi Kneževac	1		11269		
	Senta	2	_	23316		

Appendix 1: Number of committed criminal offences from Article 185

Legend: UBP - The total number of perpetrators of the offense referred to in Artticle 185 of the Criminal Code of Serbia in relation to the city. UBPr - the total number of perpetrators in relation to the region. BS - number of inhabitants (2011 census). BSr - the total number of inhabitants of all cities in which the perpetrators live, at the level of the region. P - proportion of the perpetrators in the region and the number of inhabitants of the region (BSr).

