

# Perceptions of Narrative Child Sexual Exploitation Material in a German Community Sample

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## Abstract

*Background: Narrative Child Sexual Exploitation Material (N-CSEM) constitutes an under-researched area, partly resulting from difficulties concerning its conceptualization, as well as differences arising from varying national legislations. This paper provides an outline of the current context of N-CSEM and provides an investigation of the legal and moral perception of N-CSEM amongst a German community sample (n = 243).*

*Methods: Based on an online and offline survey, information was collected on participants' demographic information and perceptions of the illegality and severity of a range of sexual activities, targeted towards N-CSEM. Participants also completed an assessment of their attitudes towards sex offenders (using the Attitudes Towards Sexual Offenders Scale).*

*Results: The findings revealed a high variation in participants' responses, indicating a lack of public awareness concerning N-CSEM. Active engagement with N-CSEM (e.g., writing sexually explicit stories) was perceived as more severe than passive engagement (e.g., reading such material). Regression analysis revealed that public perception of NCSEM is only predicted by specific concern about N-CSEM rather than general crime awareness or one's attitudes towards sex offenders.*

*Conclusion: The study revealed some parameters to inform policing and legal decision-making but alerted to the controversial nature of this topic.*

*Keywords: Child Sexual Exploitation Material, narrative child sexual exploitation material, attitudes towards sex offenders, community perception of sex offender*

The internet has not only enabled easy access to adult pornographic material, but has also increased the popularity of sexual explicit material depicting children, so-called child sexual exploitation material (CSEM). In the UK, Internet Service Providers reported that 20,000 attempts to access CSEM were diverted every day in July 2004 (Quayle, 2008). UNICEF estimated that in 2009, more than four million websites depicting CSEM existed and each day 200 new images were added to the existing ones (Kierkegaard, 2011). The scope of the problem is of international nature: In Germany, for example, in 2012 alone 3,239 people were prosecuted for possession of indecent material and 2,465 for distribution of such material (Bundesministerium des Inneren, 2012).

However, the international nature of the issue of CSEM is closely linked to problems in its policing and legal conceptualization. The International Centre for Missing and Exploited Children (2006) proposed a model legislation to combat CSEM on an international level. However, some countries, for example Algeria, Iran, North Korea or Zimbabwe still have no specific laws covering CSEM (International Centre for Missing and Exploited Children, 2013). In addition, there are some problematic issues embedded in the model legislation: As suggested by UNICEF (2009) in the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, a child or young person should be understood as "a person

who is or appears to be under 18 years of age" (Part 8, 145A). However, the age of consent for having sexual intercourse in most Western countries is below the suggested threshold. Gillespie (2010) pointed out that difficulties can occur when the legal age of consent to having sexual contact is lower than the age limit for CSEM: "How should the law react if someone under the age of 18 but above the age of consent wishes to take a photograph of his boyfriend or girlfriend?" (p. 4). In addition, most legal definitions of CSEM (see Interpol, 2008) cannot and should not cover seemingly innocent publications whose sexual connotation is merely based on the mind of the viewer. This may include scenes of naked children playing on the beach, or commercial pictures to advertise children's swimwear. However, even though not of overt value for legal prosecution, such images are often part of an offender's image collection (as discussed in Taylor & Quayle, 2003) and may be of interest for the psychological profiling of an offender. Finally, countries differ in their legal categorization of CSEM, that is, as a sex offence (e.g., in the UK) or as a censorship offence (e.g., New Zealand).

The German legal background regulates CSEM in three paragraphs in the criminal code (StGB: § 176; §176a; 184b). It is punishable to produce, distribute and possess any kind of pornography (identified by distinct sexual context and poses) involving a child (under 14; termed *child pornography*) as well as any kind of pornography involving an adolescent (over 14 but under 18; termed *adolescent pornography*; to simplify terminology both will be termed as CSEM in this study). CSEM is considered to include pictures, videos, recordings, data storage as well as written forms that can include any realistic material developed by any kind of computer technology, which mostly excludes comics or drawings (Kuhnen, 2007). It appears from above that the legal conceptualization of material that does not depict a real, identifiable victim is difficult to ascertain. However, narrative CSEM (N-CSEM) seems to have a high popularity amongst identified CSEM offenders; for example, Merdian (2012) found that 47.37% of CSEM users in her sample reported N-CSEM usage. This may be linked to enhanced sexual fantasy: Chaplin, Rice, and Harris (1995) reported increased discriminatory power in phallogometric assessments of sexual arousal when both visual and narrative stimuli were combined. The attractiveness of narrative CSEM may also be based on its availability online and the difficulties that arise in its classification as *exploitation material*. In 2001, the conviction of Brian Dalton in the United States of America for possession of self-made CSEM stories has received much attention from media and civil rights defenders as an act against the First Amendment (see "Child Pornography Writer", 2001). Textual CSEM is placed on the edge between obscenity and art; indeed, Nabokov's (1955) *Lolita*, describing the romantic relationship between a professor and a 12 year old girl, has been selected as one of the 100 best English-speaking novels since 1923 by the magazine *Time*. Even the works of Shakespeare comprises numerous indications and clear descriptions of obscene scenes involving sexual acts with children or between children (Roberts, 1985); the most famous example being Rome and Juliette, with Juliette only being 13 years at Romeo in his mid-twenties. Publicly available movies or literature often contain explicit descriptions of violence or murder scenes despite that fact that the infliction of violence and murder is illegal in all Western countries. This controversial and reoccurring debate call for a clarification of the harm implication in the availability of N-CSEM, and if there is a requirement for its legal classification.

Changes in the legal system are often stimulated by public perception (Cohen & Jeglic, 2007; Lam, Mitchell, & Seto, 2010; Mears, Mancini, Gertz, & Bratton, 2008). As described in Mancini, Shields, Mears, and Beaver (2010), sex offender laws in America were enhanced during 2004, although the rate of sexual crimes were lower than in previous years. These legislations came to life as a consequence of public concern with regards to sex offenders, mostly fuelled by the intense media coverage of child sex offenders and child abductions, especially with the focus on "stranger-danger" (Quinn, Forsyth, & Mullen- Quinn, 2004). Indeed, attitudes to sex offenders are consistently found to be negative and have the potential to impact on both the formation of public policy (Harper &

Hogue, 2014; Hogue & Peebles, 1997; Kernsmith, Craun, & Foster, 2009) as well as effective rehabilitation (Willis, Levenson, & Ward, 2010). Recent research from Germany has shown that particularly those sex offenders labeled as *pedophile* are responded to with strong negative emotions and become socially stigmatized (Jahnke, Imhoff, & Hoyer, 2015; Imhoff, 2015). Being able to understand public perceptions, their decision making, and knowledge gaps aids in targeting public education and in the development of policies responsive to the public's needs. As such, the current study was aimed to examine the extent to which attitudes towards sex offenders impacted on judgments of N-CSEM material, using Germany as an example country. In specific, this study was aimed to integrate N-CSEM in the legal discussions surrounding CSEM, to clarify the role and concept of N-CSEM, and to assess the perceived severity and risk posed by this material.

## Methodology

### Participants

Overall, 349 respondents initially participated in this study. Participants who did not complete the demographic section, who reportedly were under 18 years, or who showed monotonous response behavior (e.g., responded to all items with "1") were excluded from the study, resulting in  $n = 243$  participants (male:  $n = 84$ ; female:  $n = 158$ ; online recruitment:  $n = 193$ ; offline recruitment:  $n = 50$ ). Participants' age ranged from 18 to 75 years ( $M = 36.15$  years,  $SD = 14.3$  years). Table 1 provides an overview of the economical, educational and family situation of the participants; the sample is characterized by the high percentage of females as well as their generally high educational standard and awareness of safe internet usage.

**Table 1: Demographic Characteristics of the Study Sample (n = 243)**

Demographic	Frequency	Percent	Response Rate (n)
<b>Gender</b>			<b>243</b>
Male	84	34.6	
Female	158	65	
<b>Do you have children?</b>			<b>243</b>
Yes	86	35.4	
No	156	64.2	
<b>Relationship Status</b>			<b>243</b>
Married	77	31.7	
Intimate Partnership	87	35.8	
Single	77	31.7	
<b>Highest Educational Level</b>			<b>241</b>
Secondary school (year 5 to 9)	4	1.6	
Secondary school (year 5 to 10)	15	15	
A-Levels (Abitur)	74	74	
Graduate School	22	22	
University	89	89	
<b>Do you use the internet at home?</b>			<b>242</b>
Yes	240	99.6	
No	1	0.4	

<b>Do you use the internet at work, or have you while in employment?</b>		<b>242</b>
Yes	189	77.8
No	52	21.4
<b>Have you received any formal training or guidelines in safe internet usage?</b>		<b>239</b>
Yes	79	32.5
No	159	65.4
<b>How would you describe your political ideology?</b>		<b>231</b>
Left-winged	130	14
Liberal	2	20.6
Social democratic	38	44.4
Conservative	72	14.8
Right-winged	1	0.4
<b>Which papers, as paper or online, do you read regularly?</b>		<b>243</b>
Newspapers	130	53.5
Tabloids	2	0.8
Both	38	15.6
None	72	29.6

## Instrument

The study employed selected items from the questionnaire *Exploring Community Attitudes Towards Narrative Child Sexual Exploitation Material*, developed by [removed for peer review]. The original questionnaire focused on demographic information, on the perception of illegality of a range of offline and online activities of sexual- and nonsexual nature, including CSEM, and a rating of their severity. The survey also contained the Attitudes Toward Sex Offender Scale (ATS; Hogue, 1993) as a measure of general attitudes towards sex offenders, which is a 36- item questionnaire. The ATS consists of 36 statements that participants rank on a 5 point Likert scale (from *strongly disagree* to *strongly agree*), providing a potential range of scores from 0 to 144, with lower scores representing more negative attitudes towards the offender group. All questionnaires were translated into German and adapted to the German legislation. All items are presented in the result section.

## Procedure

Participants were recruited online as well as offline through street-recruitment in the area around Darmstadt/ Frankfurt (Germany). Online recruitment was achieved through snowball sampling and online fora, where the link to the survey was published. The study was conducted in compliance with the Code of Conduct for Psychologists in the UK (Ethics Committee of the British Psychology Society, 2009).

## Results

### Perception of N-CSEM and General Crime Awareness

As part of the *Exploring Community Attitudes Towards Narrative Child Sexual Exploitation Material*, participants were asked about their knowledge of the legal status of N-CSEM in Germany; the

responses varied across the scale, with 55.2 % considering *reading* N-CSEM as illegal ("very strongly agree" and "somewhat agree" responses) and 63.8 % considering *writing* N-CSEM illegal ("very strongly agree" and "somewhat agree" responses).

In the second section, participants were asked to rate different types of child material in terms of their classification as *child pornography*, including a reference to narrative material (see Table 2). Overall, the majority of participants rated any media depicting a child in a sexual context as child pornography, regardless of the specific type of media. Agreement was strongest for visual depiction of child sexual exploitation, including videos or photos, both digitally and non-digitally. Agreement was slightly higher to material depicting a real, potentially identifiable victim in comparison to a non-identifiable victim (e.g., audiotape or sound file: 89.3% agreement) or a non-real depiction (e.g., computer-generated images: 84%; cartoon drawing: 78.3%). Eighty percent of participants classified narrative material as child pornography. However, classification as child pornography was linked to sexual explicitness; whereas only 40% of participants classified a non-sexual image of a child that was used in a sexual context as child pornography, agreement increased with the addition of a sexual heading to the image (72.2%).

**Table 2: Perceived Classification of Material depicting a Child in a Sexual Context**

Should the following material be classified as child pornography, if it describes/depicts a child in a sexual context or describes/ depicts sexual actions involving a child?

Item	Percentage of Agreement (%)	Response Rate (n)
a digital video	92.6	239
a movie or video	92.2	238
a photo	91.4	239
a magazine	91.4	239
a digital image	90.9	238
an audiotape or sound file	89.3	238
an animated sequence or animation video	84.9	239
computer-generated images	84.0	239
a story	80.3	238
a cartoon drawing	78.3	238
a non-sexual photo of a child with a sexual heading	72.2	238
a non-sexual photo of a child used for sexual arousal	40.5	239

Participants were further asked to rank the perceived severity of a range of sexual behaviours, including both legal and illegal activities (see Table 3; 0 = no penalty; 10 = most severe penalty). Participants correctly recognized that the viewing and distributing of adult pornography is not penalized ( $Mdn = 1$ ). However, there was little variance in the distribution of the remaining penalty scores: Participants ranked sexual assault and the viewing/distributing/production of CSEM with the highest severity ( $Mdn = 10$ ). Indecent exposure to child was rated as more severe ( $Mdn = 8$ ) than to a person older than 16 years ( $Mdn = 7$ ). The active creation of material depicting a non-real child, including computer drawings and writing of a sexual story, was rated higher ( $Mdn = 7$ ) than

reading the material ( $Mdn = 6$ ).

The distribution of scores of the perceived severity of N-CSEM is displayed in Figure 1. Again, it appears that writing of the material is perceived to be a more severe activity than passive engagement (reading) with N-CSEM, and that an identifiable victim is considered more severe than an unknown victim (higher variance in score distribution).

**Table 3: Perceived Severity of Sexual Behaviours**

Which do you think is the most appropriate penalty for the following sexual behaviors?			
Item	Median Score (0 = no penalty; 10 = most severe penalty)	Response Rate (n)	
Sexual assault or rape of a person over 16 years	10	238	
Sexual assault or rape of a child	10	239	
Viewing child pornography	10	237	
Distributing child pornography	10	235	
Taking photos of a child for sexual purposes without the child noticing it	10	238	
Indecent exposure to a child	8	235	
Writing sexual stories about a child known to the person	8	237	
Writing sexual stories about a child unknown to the person	8	238	
Creating sexual drawings or computer-generated images of a child	8	237	
Indecent exposure to a person over 16 years	7	238	
Reading sexual stories about a child	6	236	
Distributing adult pornography	1	234	
Viewing adult pornography	1	237	

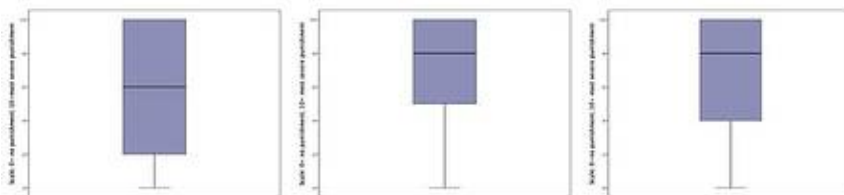


Figure 1: Perception of Severity. Left: Reading sexual stories about a child; Middle: Writing sexual stories about a child known to the person; Right: Writing sexual stories about a child unknown to the person.

The last section on N-CSEM perception asked participants about the legal classification of a person who engages in a range of sexual activities (see Table 4). The range of scores shows that participants were more hesitant to internalize behavior (i.e., classify as person as *sex offender*) than to judge one's behavior as required in the previous tasks. Overall, it appeared that the identification of a sexual intention was linked to the label of a sex offender. Touching a child, taking photos or watching a child for sexual purposes thus received the highest rankings (89.3% - 82%); however, viewing CSEM or writing sexual stories about a child were rated lower (76.2% - 68%). Reading sexual stories about a child received the lowest percentage of agreement at 60.2%.

The distribution of scores concerning N-CSEM is displayed in Figure 2; the box plots again reflect the active-passive and known-unknown victim severity continua identified above.

**Table 4: Classification of a Person Engaging in Sexual Behaviours**

Would you describe the following people as <i>sex offenders</i> ?		
Item	Percentage of Agreement (%)	Response Rate
Someone who touches a child in a sexual manner	89.3	223
Someone who takes photos of a child for sexual purposes without them knowing it	83.2	221
Someone who watches a child for sexual arousal, without the them knowing it	82	222
Someone who views child pornography	76.2	220
Someone who writes sexual stories about a child that he or she knows	74.2	222
Someone who writes sexual stories about a child that he or she does not know	68	221
Someone who views commercial pictures of children for their sexual arousal	65.1	222
Someone who reads stories about children with a sexual theme	60.2	222

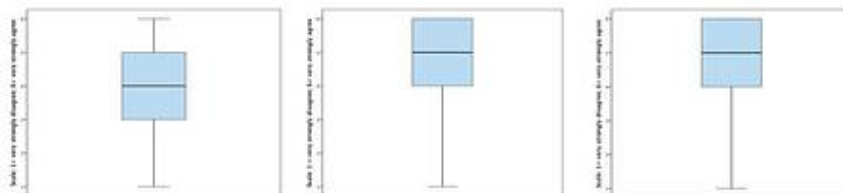


Figure 2: Classification as a "Sex Offender". Left: someone who reads stories about a child with a sexual theme; Middle: someone who writes sexual stories about a child he or she knows; Right: someone who writes sexual stories about a child he or she does not know

Finally, participants were asked to rank their concern about crime on a scale from 1 ("not at all concerned") to 5 ("extremely concerned"). Figure 3 shows the expressed concern about crime, for both crime in general ( $Mdn = 3$ ), as well as sexual crime ( $Mdn = 4$ ). The distribution of scores indicates a normal distribution for concern about general crime; however, the concern about sexual crime is skewed towards the higher end of the scale.

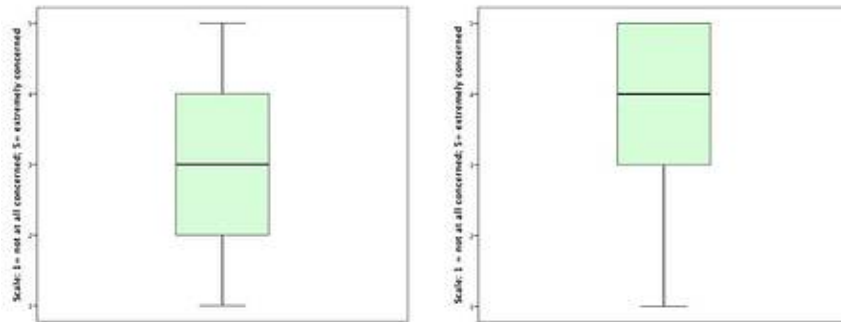


Figure 3: Boxplot analysis. Left: Expressed Concern about Crime in General; Right: Expressed Concern about Sexual Crime

Concerning their Attitudes toward Sex Offenders, participants had a mean score of  $M = 66.83$  ( $SD = 20.74$ ) on the ATS, indicating a tendency towards negative attitudes against sex offenders. There was a strong positive relationship between the expressed concern for crime in general and sexual crime ( $r_S = .7$ ;  $p < .01$ ); however, there was only a moderate relationship between negative attitudes towards sex offenders (indicated by a low score on the ATS) and concern about crime ( $r_S = -.28$ ;  $p < .01$ ) and concern about sex crime ( $r_S = -.37$ ;  $p < .01$ ). Interestingly, having had children was negatively related to concern about crime in general ( $r_S = -.18$ ;  $p < .01$ ) and sex crimes ( $r_S = -.13$ ;  $p < .05$ ); however, the identified effect was very small. The perception of the severity of N-CSEM was positively correlated with the expressed concern about crime in general ( $r_S = .19$ ;  $p < .01$ ) as well as about sexual crimes ( $r_S = .29$ ;  $p < .01$ ) and with more negative attitudes towards sex offenders ( $r_S = -.34$ ;  $p < .01$ ); however, again, the effect sizes were very small.

## Predictors of the Perception of N-CSEM

In order to understand which factors inform participants' decision-making of the illegality of reading or writing stories about children with a sexual theme, logistic regression analyses were conducted to assess the impact of ATS scores, perception of the seriousness of N-CSEM, concern about crime in general, and concern about sex crime on the perceived illegality of N-CSEM. Given the lack of a theoretical model for the research question, a backwards-stepwise entry model was employed; with that, all variables are simultaneously entered into the model and then deleted in a stepwise process, according to the strength of their predictive relationship to the dependent variable.

Table 5 lists the parameters of the logistic regression at every step of the analysis, for both reading and writing N-CSEM. Overall, regression analysis showed that both models are relatively weak



predictors of the perceived illegality of N-CSEM. For the perceived illegality of *reading* N-CSEM, the only significant predictor is the perceived severity of N-CSEM; however, all variables together lead to an accurate classification of 71.5% of participants ( $\chi^2 = 45.93$ ;  $p < .001$ ). The model loses power with a reduction in predictor variables (69.2% of participants correctly classified with only one predictor), with the highest predictive power for Step 2 (72% of participants correctly classified). The perceived illegality of *writing* N-CSEM was predicted by an individual's perceived severity of N-CSEM and ATS scores. However, the predictor model for writing N-CSEM does not improve the classification of participants at any stage of the model.

**Table 5: Perceived Illegality of N-CSEM: Results of the Logistic Regression Analysis (Backwards-Entry)**

		Is it illegal to read stories about children with a sexual theme?				Is it illegal to write stories about children with a sexual theme?			
	Predictor	ATS	PoS1	Concern Crime	Concern SexCrime	ATS	PoS1	Concern Crime	Concern SexCrime
Step 1	B	-0.005	0.407	-0.070	0.234	-0.023	0.295	0.035	-0.123
	St.Error	0.008	0.074	0.203	0.199	0.009	0.069	0.202	0.199
	Wald	0.303	30.244	0.119	1.382	6.558	18.283	0.030	0.382
	Sig.	0.582	0.000	0.730	0.240	0.010	0.000	0.862	0.537
	Exp (B)	0.995	1.502	0.932	1.263	0.977	1.343	1.036	0.884
Step 2	B	-0.005	0.408		0.186	-0.023	0.294		-0.100
	St.Error	0.008	0.074		0.143	0.009	0.069		0.149
	Wald	0.285	30.507		1.694	6.640	18.303		0.452
	Sig.	0.594	0.000		0.193	0.010	0.000		0.501
	Exp (B)	0.996	1.504		1.205	0.977	1.342		0.905
Step 3	B		0.419		0.212	-0.021	0.290		
	St.Error		0.072		0.135	0.008	0.068		
	Wald		34.286		2.440	6.365	18.051		
	Sig.		0.000		0.118	0.012	0.000		
	Exp (B)		1.520		1.236	0.979	1.337		
Step 4	B		0.431				0.342		
	St.Error		0.071				0.065		
	Wald		37.015				27.381		
	Sig.		0.000				0.000		
	Exp (B)		1.538				1.407		

## Discussion

The current study aimed to explore the perception of Narrative Child Sexual Exploitation Material (N-CSEM) within a German community sample, and aimed to identify which factors inform the perceived illegality of this material. The broader aim of this study was to inform policy-making efforts about the public attitudes towards N-CSEM, and to contribute to the discussion surrounding the legal classification of N-CSEM.

There were some limitations linked to the procedure of this study. Offline questionnaires were responded to in the presence of one of the researchers, which may have impacted on their response behavior. In addition, offline recruitment was limited to a certain part of Germany (area Darmstadt/ Frankfurt), and may thus be not representative of a German community sample. The extensive length and sensitive nature of the questionnaire resulted in a high drop-out rate.

Overall, participants did not express a clear preference in terms the illegality of NCSEM; *reading* N-CSEM was classified by 55.2% of participants as illegal, writing N-CSEM by 63.8%. In exploring the perception of the severity of sexual activities through the use of a questionnaire, it became apparent that participants' judgments were guided by three factors: Sexual activities was considered as more severe if (1) the portrayed act was clearly depicted and sexually explicit (e.g., visual CSEM rated higher than non-visual CSEM); (2) the portrayed child was identifiable (e.g., a visual representation of the victim; the victim known to the offender); and (3) the offender was actively engaged in the activity (e.g., sexual assault rated higher than indecent exposure to a child; writing N-CSEM rated higher than reading N-CSEM). The active-passive distinction is well-established with regards to forensic behaviours, for example, contact sex offences have been perceived as more severe than viewing CSEM (Elliott & Beech, 2009) as well as with regards to the perception of online and offline sexual harassment (Barak, 2005). In addition, participants were more confident to classify sexual behavior rather than to judge the perpetrating individual; classification as a *sex offender* was linked to an expression of sexual intent on behalf of the perpetrator. Thus, the findings from the current study support the notion to focus the legal classification of N-CSEM on the nature of the material rather than the intent of the person (e.g., as captured in the New Zealand legislation of CSEM; Films, Videos and Publications Classification Act, 1993 No.94). Specific to narrative material, the findings showed that text-based material depicting children in a sexual context were generally perceived as child sexual exploitation material (80.3% agreement) but required a high level of sexual explicitness to be classed as illegal.

In this study, it was also aimed to analyze in more detail how public perception towards N-CSEM was informed. For that, it was investigated if an individual's legal classification of N-CSEM was linked to one's attitudes towards sex offenders, their perception of the severity of N-CSEM, and their expressed concern about crime in general and sex crime specifically. Overall, the current sample expressed a trend towards negative attitudes towards sex offenders; their concern about crime was mediocre but generally higher for concern about sex crime. In general, the predictive models towards both reading and writing N-CSEM were weak, with the perceived severity of N-CSEM being the strongest predictor of one's perception of illegality. It is interesting to note that concern about crime appeared to be the weakest predictor in the perception of the illegality of N-CSEM, followed by attitudes towards sex offenders. However, it should be noted that the perception of illegality of N-CSEM showed high variance amongst the sample; thus, it is likely that the sample is heterogeneous in what predicted their stance towards N-CSEM.

A surprising finding was the negative relationship between having children and the concern about sex crimes as well as crimes in general. This finding is in contrast with previous studies reporting that parents in their sample generally expressed higher concerns about sex offenders (Kernsmith,

Cormartin, Craun, & Kernsmith, 2009) and are more supportive of laws restricting them (Craun, 2010; Mancini et al., 2010).

In summary, the current research was able to point to clear markers of the perceived severity of N-CSEM, namely (1) its sexual explicitness, (2) if the victim is identifiable, and (3) active engagement on behalf of the offender. The study also revealed that it is crucial to educate the community about the definition and legal conceptualization of N-CSEM. Although this study was able to shed some light on the public perception of N-CSEM, it would be advantageous to extend the study, including the opinions and experiences of professionals who work with users of N-CSEM as well as CSEM users to further understand the function of this type of child exploitative material.

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