

Wording Matters

Reconceptualizing Sexual Violence through Contemporary Legal Terminology

Maend Kullaj, MSc.

Faculty of Social Sciences, Albanian University, Tirana, Albania

Abstract

Among the measures employed to address the prevalence of sexual violence, the very words that define the crimes are overlooked at times. A more critical view is present from both officials and victims, aptly recognizing that even legal language could pose harm. This article delves into the impact legal terminology may have on understanding and responding adequately to sexual violence; how using one term over another may trivialize the gravity of the sexual offense and lead to stigmatization—a stark contrast exists between the terms lewd acts and child sexual abuse, while a more nuanced one does with rape and sexual assault. Crucial distinctions are also found in constitutive elements of sexual offenses, namely the standoff between the elements of force and consent. The article notably draws from revised international terminology guidelines and standards, especially on child sexual abuse and exploitation, including new terms related to novel forms of sexual violence in the digital sphere. Maintaining a semantic analysis, part of the article is dedicated to Albania's approach to defining sexual violence in comparison with international and neighboring standards. The analysis concludes by highlighting the constant evolution of sexual violence terminology and its association with victim protection standards. Rather than defining sex crimes based on the perpetrator's actions, the victim's harm must be the guiding principle of legal terminology. While certainly not the one-all-end-all solution to eliminating sexual violence, it is not without contribution. Recommendations from this article are directed to the relevant professionals to avoid certain outdated and inaccurate concepts and to gravitate toward more contemporary and universal sexual violence terminology, both in law and practice.

Keywords: terminology; sexual violence; contemporary; legal; victim blaming; child sexual abuse material; Albania

Introduction

Sexual violence is a harmful phenomenon that requires a sensitive approach for its effective prevention and elimination. While this sensitization has positively affected the legal and institutional responses from states, it is lacking somewhat when it comes to labeling the criminal offense, perpetrator or victim. However, sensitizing the wording is not necessarily the objective in itself. Rather, it notably serves to provide a clearer

conceptualization of the concepts through accurate and consistent terminology. This, in turn, may lead to a more effective criminal law application and greater protection for victims of sexual violence, especially children.

Even the use of the term sexual violence is intentional in this article since it represents a neutral umbrella concept that encompasses all its manifestations.

Mindful of the importance of consistent terminology, the international community has started to reflect. Since February of last year, a proposal from the European Commission seeks to recast the Child Sexual Abuse Directive (2011/93) predominantly for bringing the terminology used, i.e., child pornography and child prostitution, in line with contemporary international standards. While a commendable initiative, it has not been prioritized by the Council. On the other hand, it should be noted that all new international legislation seems to reflect contemporary terminology, and such is the case with the Violence against Women Directive (2024/1385) and the adopted UN Convention against Cybercrime.

Novel forms of sexual violence, such as those facilitated by technology, have brought about the need to revise and adapt the terminology over the years, even in the author's own work, aiming to establish universal terms and definitions of sexual violence as crucial references.

A very important development in this regard is the concerted work of NGOs such as ECPAT International, leading to the comprehensive March 2025 second edition of the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse as a notable basis for this article.

As for the Albanian case, despite several opportunities for harmonization with European standards and the EU *acquis*, especially the latter in the context of EU accession, the relevant provisions of the amended 1995 Penal Code fail to live up to terminology expectations, in contrast even with its smaller neighbor, the Republic of Kosovo.

While this article seeks to outline the main contemporary terms pertaining to sexual violence and recommend their use, it by no means intends to be exhaustive, owing also to the constant evolution of this terminology. The article does, however, intend to reshape the way the reader views sexual violence by way of language.

Impact of Terminology on the Perception of Sexual Violence

Selecting the appropriate term to refer to a sexual offense implies one that accurately represents its nature and avoids confusion and harm. Conversely, vague terminology

runs the risk of minimizing the seriousness of the offense, especially to public perception,¹ and may be misleading in application.

While literature may debate certain terms and consider them outdated, they are still commonly used in national and international legislation.² When viewed beyond its superficial meaning, even long-standing terminology becomes inadequate.

Let's take for example the term "child pornography". Although firmly established in existing international law,³ referring to it as "pornography" minimizes the harm inflicted on the child victims and "can even inaccurately imply that consent was given", just like in adult sexual content.⁴ On the other hand, switching instead to the contemporary term "child sexual abuse/exploitation material" (CSAEM) accurately represents the activity as documented evidence (material) of a form of child sexual abuse being committed.⁵ The contrast in this case should be apparent.

Terminology guidelines also discourage the use of slang and catchwords referring to sexual violence, since it may lead to victim blaming.⁶ Such is the case with "revenge porn", which is slang for the "online dissemination of private sexually explicit photos or videos of one or more people without their knowledge and consent".⁷ The issue with this misleading term is best described by the victims themselves: "[...] What did I do to deserve "revenge"? What porn? That is my body in that video. That is a video I never wanted and never consented to. I have the right to regain control over my private life, my data, and my body."⁸ Acknowledging that which is private is not pornographic,⁹ a broader and more apt term is "non-consensual intimate image abuse"¹⁰ or "non-consensual intimate imagery"¹¹.

¹ Iris Shehaj and Maend Kullaj, "Decoding cyberviolence: Online perpetration, offline victimization", in *International Academic Conference 'Crime, Society, Criminal Law and Justice Reform' (Book of Proceedings)*, (OSCE Presence in Albania, 2024), 496. ResearchGate.

² European Institute for Gender Equality (EIGE), *Combating Cyber Violence against Women and Girls*, (Publications Office of the European Union, 2022), 17, https://eige.europa.eu/sites/default/files/documents/combating_cyber_violence_against_women_and_girls.pdf.

³ Susanna Greijer and Jaap Doek, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, 2nd ed. (ECPAT International, 2025), 62, <https://ecpat.org/wp-content/uploads/2025/04/Second-Edition-Terminology-Guidelines-final.pdf>.

⁴ EIGE, *Combating Cyber Violence*, 17-8.

⁵ *Ibid.*, 18; Greijer and Doek, *Terminology Guidelines*, 63.

⁶ Greijer and Doek, *Terminology Guidelines*, ix.

⁷ Shehaj and Kullaj, *Decoding cyberviolence*, 499.

⁸ DCAF – Geneva Centre for Security Sector Governance, *Online Actions, Offline Harms: Case Studies on Gender and Cybersecurity in the Western Balkans*, ed. Ena Bavčić (DCAF, 2023), 51, <https://idmalbania.org/study-report-the-freedom-to-defend-rights-in-online-spaces-challenges-for-women-human-rights-defenders-in-albania/>.

⁹ *Ibid.*

¹⁰ EIGE, *Combating Cyber Violence*, 18.

¹¹ Greijer and Doek, *Terminology Guidelines*, 71.

Wording matters with sexual violence, and it should be guided primarily by the harm inflicted on the victim rather than basing definitions on the actions of the perpetrator.

International Standards on Sexual Violence Terminology

Initial conceptualization

The main international legislation came about in the early twenty-first century when the wording was not the primary concern as much as the need for action.

The United Nations adopted the Optional Protocol to the Convention on the Rights of the Child (1990) on the sale of children, child prostitution and child pornography in May 2000. It was followed by the Council of Europe with the Convention on Cybercrime in 2001, also known as the Budapest Convention, which included offenses related to “child pornography”.

Some developments were made in 2007 with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), which, apart from holding on to terms such as child prostitution, child pornography and child pornographic performances, its Chapter V pioneered with offenses titled “sexual abuse”, “corruption of children” and “solicitation of children for sexual purposes”¹², the latter being quite ahead of its time.

Then came the landmark Council of Europe Convention on preventing and combating violence against women and domestic violence in 2011, commonly known as the Istanbul Convention,¹³ which notably provides definitions for violence against women and domestic violence and model offenses for “sexual violence, including rape” (Art. 36) and “sexual harassment” (Art. 40). Importantly, the model offenses are based on the contemporary element of sexual consent, a definition for which is also provided.

At the end of that year, following the Human Trafficking Directive (2011/36/EU), the EU adopted Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, drawing from the Lanzarote Convention but opting for the same terminology.

These international standards prompted major reform in national legislation as regards sexual violence. In 2012, UN Women even published a revised Handbook for Legislation on Violence against Women, notably recommending, inter alia, for the

¹² Also known by the shorter term “grooming”.

¹³ Although we might as well stop referring to it as such considering Türkiye’s withdrawal from the Convention.

replacement of offenses of rape and “indecent” assault with a broad offense of sexual assault, recognizing the evolution of terminology.¹⁴

Evolution of terminology

Moving forward, the review of existing terminology found it incompatible with current social and technological developments. This led to policy changes from the international community.

In 2019, the UN Committee on the Rights of the Child adopted guidelines for implementing the 2000 Optional Protocol, in which it acknowledges that terms such as “child pornography” and “child prostitution” are gradually being replaced for being misleading and harmful to children, and it encourages states to observe the relevant terminology guidelines. The Committee of Parties to the Lanzarote Convention followed suit in 2022 by recommending that states avoid using the term “child pornography” and replace it with the term “child sexual abuse material”.¹⁵

In an attempt to future-proof the Istanbul Convention, GREVIO adopted in October 2021 General Recommendation No. 1 on the digital dimension of violence against women, asserting that the existing sexual violence provision was broad enough to also cover digital violence. Notably, it recommends the adoption of comprehensive and inclusive terminology such as “violence against women in its digital dimension”, in order to address all forms of violence against women and girls perpetrated via digital means, including future ones.

Moving beyond this non-binding approach, the EU Commission’s February 2024 proposal for a targeted revision of Directive 2011/93/EU would effectively make the adoption of contemporary legal terminology compulsory for member states. Noting the ambiguity of the current definitions, this proposal seeks to bring them in line with international terminology guidelines, namely substituting the term “child pornography” with “child sexual abuse material”, the term “child prostitution” with “child exploitation in prostitution”, “pornographic performance” with “child sexual abuse performance”, and “child sex tourism” with the term “the sexual exploitation of children in travel and tourism”. The proposal also refines the definitions, but unfortunately, consensus has not yet been reached for its adoption.

¹⁴ United Nations Entity for Gender Equality (UN Women), *Handbook for Legislation on Violence against Women*, (New York: UN Women, 2012), 24, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/12/UNW_Legislation-Handbook%20pdf.pdf.

¹⁵ Greijer and Doek, *Terminology guidelines*, 3.

On 14 May 2024, the EU reinforced and complemented¹⁶ the Istanbul Convention by adopting Directive 2024/1385 on combating violence against women and domestic violence. From Chapter 2 on the “offences concerning sexual exploitation of women and children and computer crime”, Articles 5 and 7 should be set apart. In embracing the digital dimension, Article 5 is aptly titled “Non-consensual sharing of intimate or manipulated material”. Apart from the sharing, it also criminalizes the threat of doing so, referring to the phenomenon of “sexual extortion”. While it is more commonly known by its portmanteau “sextortion”, such catchwords should be avoided since they may trivialize this harmful practice that constitutes a clear form of sexual exploitation, especially when dealing with child victims.¹⁷

Article 7 titled “Cyber harassment”, in paragraph “c” criminalizes a form of online sexual harassment termed “cyberflashing”¹⁸, i.e., sending unsolicited images or videos of one’s naked body to a person. The behavior can also be broadly categorized under “unwanted sexting”, and when the victim is a child, it may also amount to “exposing the child to harmful content”.¹⁹

On the other hand, a missed opportunity with Directive 2024/1385 is the omission of the proposed ex-Article 5 on rape and the elements of valid sexual consent.²⁰

2024 ended with the adoption of the UN Convention on Cybercrime in December. While it hasn’t opened yet for signature, compared to the counterpart Budapest Convention, it has notably opted for contemporary terminology at the global level. Among the criminalization provisions, Article 14 is aptly titled “Offences related to online child sexual abuse or child sexual exploitation material”, doing away with the outdated term “child pornography”. Additionally, the Convention includes the “solicitation or grooming for the purposes of committing a sexual offense against a child” (Art. 15), while Article 16 criminalizes the “non-consensual dissemination of intimate images”, also providing a definition for “intimate images”, but unlike Article 5 of Directive 2024/1385, it does not criminalize sexual extortion.

The term “corruption of children” used in Article 22 of the Lanzarote Convention to indicate acts causing the child to witness sexual activities or sexual abuse has been criticized in literature. This vague term must be avoided because “it may be stigmatizing or misleading as it places the emphasis on the immorality of the act instead of the

¹⁶ Maend Kullaj, “How the New European Union Directive on Violence against Women Stands Compared to the Istanbul Convention, and What Albania Could Learn From It”, *Albanian Law Journal*, (2024): 6, <https://www.lawjournal.al/?q=article/how-new-european-union-directive-violence-against-women-stands-compared-istanbul-convention>.

¹⁷ Greijer and Doek, *Terminology Guidelines*, 98.

¹⁸ *Ibid.*, 38.

¹⁹ *Ibid.*, 38, 76-7.

²⁰ Kullaj, *Directive on Violence against Women*, 3.

abuse committed against the child”.²¹ Instead, the description of the act should be used, i.e., forcing/causing a child to witness sexual activities or sexual abuse.²²

“Sexual violence” and “sexual violence against children” are generally accepted umbrella terms that encompass sexual abuse, sexual exploitation, sexual harassment, and even rape or sexual assault, all with regard to acts of commission and omission and associated with physical and psychological violence.²³ However, it should be stressed that in some cases it may be important to maintain a narrower focus on specific manifestations of sexual violence,²⁴ such as using the term “sexual exploitation”.

The preference for the umbrella term “sexual violence” is also shown from the perspective of children, as can be understood by this account in the Philippines: “It really traumatises [me] when adults or professionals use ‘rape’ or say, ‘oh were you raped?’ It makes me feel very uncomfortable and also really scared. Instead of using terms like ‘rape’ or ‘molestation’, I would prefer they use ‘sexual violence’.”²⁵

Staying on the term “rape”, as one of the oldest to exist, some countries have moved away from the term in their criminal laws, replacing it with “sexual assault”, thereby broadening the scope of the crime to also include sexual acts that do not involve penetration.²⁶ Constitutive elements of the crime have also evolved, from previously requiring the use of force or violence to a model based on lack of consent.²⁷

In relation to the term “child prostitution”, referring to the exploited with the term “child prostitute” has been observed. This is a harmful label that should be avoided without exception, both in law and practice, because it may bear the implication that the child has somehow consented to engage in the activity of prostitution, in some sense even bearing responsibility for their own exploitation.²⁸ Clearing all misconceptions, the child, in this case, is not a perpetrator, but rather a victim of sexual exploitation, which is why the favored terminology is “exploitation of children in prostitution”, as proposed by the EC.

Some considerations are in order for the terminology used to refer to perpetrators of sexual violence. A common term is “sex offender”, which encompasses perpetrators of sexual offenses involving both adult and child victims.²⁹ Other related terms include “rapist”, which is not preferred since it is limited considering that rape is not the only

²¹ Greijer and Doek, *Terminology Guidelines*, 79.

²² *Ibid.*

²³ *Ibid.*, 29.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*, 35; UN Women, *Handbook*, 24.

²⁷ UN Women, *Handbook*, 25.

²⁸ Greijer and Doek, *Terminology Guidelines*, 41.

²⁹ *Ibid.*, 159.

form of sexual violence, and “sexual predator”, which is used more informally and is emotionally charged.

Despite the practicality of the term “sex offender”, a more professional term even outside the criminal justice context is “person convicted of a sexual offense”. On the other hand, the popular term “child sex offender” may cause confusion in some contexts, with regard to who (a child or an adult) has committed the offense.³⁰ To avoid this, if the perpetrator is an adult, the recommended term is “person convicted of a sexual offense against children”, while if it is a child, the terms to be used are “child in conflict with the law” or “children who have displayed harmful sexual behavior”.³¹

The terms “pedophile” and “pedophilia” are also present, albeit misunderstood when indicating a person convicted of child sexual abuse or sexual exploitation rather than a mental disorder.³² While it is true that some of the perpetrators suffer from pedophilic disorders, the term “pedophile” should be avoided “as it tends to wrongly conflate a clinical disorder with criminal offending”.³³

Worth distinguishing are two terms often confounded and used interchangeably. This is the case with “revictimization” and “secondary victimization”. “Revictimization” or “repeat victimization” is defined as experiencing further sexual violence following the initial victimization, by a different offender.³⁴ On the other hand, “secondary victimization”, which is mentioned in the Istanbul Convention, occurs after the sexual violence has taken place and concerns the inappropriate response from the community and professionals in treating the victim.

While the transformation of terminology has undoubtedly changed the way people perceive sexual violence, especially that against children, it cannot be completely determined if and how the evolution of the wording translates to different approaches and actions in practice.³⁵ As it has been pointed out, changes to existing legal terms (especially established ones), “might cause confusion or lack of understanding, and even hinder the effective prevention and elimination of [sexual violence]”, unless this change comes as a result of a joint assessment and cooperation by a broad set of professional actors.³⁶ Nevertheless, terminology alone is not a sufficient measure to address the complex phenomenon of sexual violence, which requires an interdisciplinary approach.

³⁰ Greijer and Doek, *Terminology Guidelines*, 160.

³¹ *Ibid.*, 160.

³² *Ibid.*, 163.

³³ *Ibid.*, 164.

³⁴ *Ibid.*, 149-50.

³⁵ *Ibid.*, viii.

³⁶ *Ibid.*

The Albanian Case

Albania's approach to sexual violence terminology can be described as a combination of some retained wording and some harmonized with international standards. This can be observed in the 1995 Penal Code, specifically in the Sex Crimes Section³⁷ comprising twelve offenses, last amended in May 2013.

A noticeable theme from Articles 100 et seq. is the use of the phrase "sexual or homosexual relations", an outdated distinction made more apparent in Articles 102 and 102/a, which, respectively, punish "forcible sexual relations with adult women" and "forcible homosexual relations with adult men", the latter added following the abolition of Article 116 which criminalized "homosexuality" until January 2001. Some proposed amendments from January of last year seek also to remove the discriminatory language by referring only to "sexual relations", but they have yet to be put on the Assembly's agenda.

In Article 102 we find a clear example of a half-measure. Aiming to transpose Article 36 of the Istanbul Convention following its ratification, the 2013 amendments to Article 102 instead created a major conceptual distinction between victims by providing in the same paragraph and sentence, the presence of the force element for adult women and also the element of nonconsent only between spouses or cohabitants, as if privileging the latter.³⁸

Despite being repeatedly reprimanded by UN, CoE and EU bodies, it seems that Albania finds it difficult to part with "force" as a constitutive element of sexual violence or rape retained from previous codes. Its ambitious neighbor on the other hand, the Republic of Kosovo, has fully embraced the international standards in its amended 2019 Penal Code by opting for "consent" as a constitutive element of sexual violence and reserving the use of "force" as an aggravating circumstance.³⁹ Compared to the Sex Crimes Section of the Albanian Penal Code, even the specific chapter is titled more aptly "Criminal Offenses against Sexual Integrity", emphasizing the violation as opposed to the simple qualifier "sex".⁴⁰

Another shortcoming is the introduction of Article 107/a in 2013, broadly titled "Sexual violence" but narrowly scoped considering that it oddly requires the use of "objects" for "committing sexual violence". It is therefore unsurprising that there has only been a single criminal proceeding registered under this article in over a decade.⁴¹

³⁷ Chapter II "Crimes against the Person", Section VI "Sex Crimes".

³⁸ Kullaj, *Directive on Violence against Women*, 5.

³⁹ Maend Kullaj, "Sex crimes under Kosovan criminal law: A comparative view", *Studime Juridike*, no. 1 (2024): 274. ResearchGate.

⁴⁰ *Ibid.*, 268.

⁴¹ Kullaj, *Directive on Violence against Women*, 5.

Sexual harassment was introduced in 2013 with Article 108 of the Penal Code, and while it mostly follows the Istanbul Convention model, a subtle yet substantive difference is the omission of the term “unwanted” behavior in the definition, which implies the lack of consent. While this term is present in sexual harassment definitions of Albanian gender equality and anti-discrimination laws, its absence in the context of criminal protection is unwarranted considering the prevalence of sexual harassment. The current Kosovan definition is much closer to the Istanbul Convention standard.⁴²

Regarding sexual violence against children, the contemporary Law No. 18/2017 “On the rights and protection of the child” notably foresees protection from all forms of violence and specific protection in Article 26 titled “Protection from trafficking and any form of sexual exploitation and abuse”, including “illegal sexual activity”, “the exploitation of children in prostitution” or “other illegal sexual practices”, “the exposure to, appearance or participation in pornographic or child sexual abuse material”, and makes reference to the Penal Code and other legal acts in force.

Going back to the Sex Crimes Section of the Penal Code, Article 100 titled “Sexual or homosexual relations with minors”, apart from the sexual orientation also makes formal distinctions in treatment between the genders of the child victims. While the title became gender-neutral in 2001 having previously only referred to girl victims, the first paragraph currently reads as follows: “Engaging in sexual or homosexual relations with a **minor child**, who has not reached the age of fourteen **or** with a **minor girl** who has not reached sexual maturity, is punishable with imprisonment of seven to fifteen years.” (Emphasis added).

With this inconsistent wording, while the element of sexual maturity or puberty is outdated, it may not apply equally to boy victims of this sexual offense, who formally benefit only from the age of sexual consent set at 14. This instance highlights the importance of using gender-neutral terminology, referring to sexual violence which “can be committed against a person of any gender, and by a person of any gender.”⁴³

The January 2024 draft law mentioned above would solve this issue with the proposal to retitle Article 100 as “Sexual relations with children under the age of sexual relations”, along with raising the age of consent from 14 to 16 years old—following the example of the Republic of Kosovo and other European countries—as well as expanding the *modus operandi* to include acts of any form.

Problematic terminology is also found in Article 108 of the Penal Code, ineptly titled “Lewd acts”, while a literal translation of it would be “Shameful acts”⁴⁴—the same vague term used since at least the penal code of 1952. Its definition in paragraph

⁴² Kullaj, “Kosovan sex crimes”, 279-80.

⁴³ Greijer and Doek, *Terminology Guidelines*, 36.

⁴⁴ AL, *vepra të turpshme*.

one offers no less clarification, simply referring to “committing lewd acts with a minor under the age of fourteen”, in this case somehow also omitting the element of sexual maturity, probably because it is verbatim the provision from the penal code of ‘77. From practice, actions that are criminalized under Article 108 are forms of child sexual abuse that typically include the “sexual touching of a child”⁴⁵ and exposing one’s genitals in front of a child.

On a positive note, the harmonization with the Lanzarote Convention and the Child Sexual Abuse Directive has led to the addition of the third and fourth paragraphs of Article 108 in 2013. The third paragraph notably refrains from using the term “corruption of children”, instead using the suggested description “intentional causing of a minor to witness acts of a sexual nature”, while the fourth punishes the solicitation of children for sexual purposes or grooming, with a similar definition as the Lanzarote Convention, making reference to committing crimes within the Sex Crimes Section or Section VIII ineptly titled “Criminal Offenses against Morality and Dignity”. The January 2024 draft law notably proposes standalone provisions for grooming and unwanted sexting. On the other hand, grooming is not criminalized in the Kosovan penal code.⁴⁶

Section VIII criminalizes some forms of sexual exploitation, namely the exploitation in prostitution (Art. 114) and child sexual abuse material and performance (Art. 117). Article 114 is notably titled the same and is associated with Article 113 concerning the activity of prostitution, while the exploitation of minors in prostitution is an aggravating circumstance.

Article 117 is misleadingly titled “Pornography”, at first glance creating the impression that adult content is illegal in Albania. However, upon reading the provisions, the first paragraph in fact punishes making available adult pornography in locations frequented by children, as a form of exposing them prematurely to sexually explicit content.

The terminology in paragraphs two and three is not consistent with the one used in Article 26 of Law No. 18/2017, as they refer to “child pornography” and “pornographic performances involving children”. The January 2024 draft seeks to amend the terminology, proposing instead more apt terms such as “material containing sexual violence or sexual relations with a child” and “use of children for sexual performances”⁴⁷ and also expanding the modus operandi. In the Kosovan case, while it uses similar wording, it notably provides broad definitions, including for “exploitation of children in pornography”⁴⁸ and “live performances” (Art. 232),⁴⁹ closer to the Lanzarote Convention standard.

⁴⁵ Greijer and Doek, *Terminology Guidelines*, 36.

⁴⁶ Kullaj, “Kosovan sex crimes”, 276.

⁴⁷ Greijer and Doek, *Terminology Guidelines*, 54.

⁴⁸ AL, *keqërdorimi i fëmijëve në pornografi*.

⁴⁹ Kullaj, “Kosovan sex crimes”, 273, 277.

It would be appropriate also to move Articles 114 and 117 to the Sex Crimes Section (VI), as they are, by nature, the most common forms of sexual exploitation, and should not be associated with notions of “morality and dignity”.

Staying on technology-facilitated sexual violence, the existing Penal Code provides no specific criminal offenses for non-consensual intimate image abuse and sexual extortion. The first can be broadly covered by Article 121 titled “Unfair interference with private life”, as a simple privacy violation, while sexual extortion has been punished in practice as regular extortion through Article 109/b “Coercion by threat or violence for acquiring property”.

The harmonized “Trafficking of adult humans” (Art. 110/a) and “Trafficking of minors” (Art. 128/b) both recognize trafficking for the purposes of “exploitation of others in prostitution” and “other forms of sexual exploitation”, also known as “sex trafficking”.

While it should be noted that there has been ongoing work for a new modern penal code with promising standards, its sex crimes provisions have not yet been formally proposed and the new code is expected to be adopted by the Assembly in 2026 at the earliest. Thus, for the purposes of this article, this draft will not be subject to analysis. In the interim, endeavoring to make slight yet significant revisions to the 1995 Penal Code, such as adapting the terminology as currently proposed and following the example of the EC, would be most welcome.

As regards the procedural aspect, in 2017, among the far-reaching amendments to the 1995 Code of Criminal Procedure, Article 58/b was added titled “The rights of sexually abused victims and human trafficking victims”. The comprehensive Code of Criminal Justice for Minors should be mentioned about the definitions it provides on revictimization and secondary victimization. While both definitions are conceptually sound, the code mistakenly refers to secondary victimization as “secondary/repeat victimization”, when in fact, as mentioned above, repeat victimization is synonymous with revictimization.

On the perpetrator, in 2022 a parallel citizen and parliamentary initiative led to the adoption of Law No. 62/2022 “On the National Register of Persons Convicted of Sex Crimes”, establishing the latter. The adopted text notably opted for the terms “perpetrator of sex crimes” and “person convicted of sex crimes”, instead of the proposed terms “sexual predator” and “pedophile”. However, when defining the term “sex crimes” for the purposes of the Register, the law expressly refers only to offenses from the Sex Crimes Section, thereby excluding prevalent forms of sexual exploitation provided under Articles 110/a, 114, 117 and 128/b of the Penal Code. This means that released persons with final convictions of exploitation of prostitution, child sexual abuse material or sex trafficking would not appear in the National Register—yet another reason to reclassify the latter under “sex crimes”.

Conclusion

Choosing whether to dismiss or pause may very well be associated with how a sexual offense or another is worded. Perceiving the concept of sexual violence accurately is a necessary first step to then applying criminal justice effectively for victims. A simple guide for framing the appropriate terminology is shifting the focus to the victim's harm instead of the perpetrator's actions. This way "revenge porn" easily becomes "non-consensual intimate image abuse" and "child pornography"—"child sexual abuse material".

Evolving criminality has been accompanied by evolving terminology for it. The international community has started to acknowledge the impact of contemporary sexual violence terminology, prompting dedicated recommendations and revisions to long-standing legal acts, while also ensuring that new ones are drafted according to universal terminology guidelines. Amid ample opportunity for compliance, Albania—as an EU accession country—would benefit most from aligning its sexual violence provisions with the current terminology guidelines, as the pending proposals aim to do. This should involve promptly replacing the outdated element of "force" with the contemporary standard of "consent" and revising the vague legal terminology on child sexual abuse and exploitation, in anticipation of the new penal code.

If and how this reconceptualization of sexual violence shapes action moving forward remains of great interest. On the other hand, it should be noted that unless an interdisciplinary approach to addressing the phenomenon is followed, changing the wording risks amounting to mere window dressing.

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