

Addressing the Online Dimensions of Sexual Violence Against Women and Girls

Shadow report for GREVIO

First thematic evaluation:

Building trust by delivering support, protection and justice

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1. Introduction

- 1.1 Online sexual violence against women and girls represents a profound violation of fundamental human rights. Individual victims are often powerless against large websites and online platforms, and organizations advocating for victims' rights struggle to make significant progress against online sexual violence. The number of victims of online sexual violence is substantial.
- 1.2 The consequences of online sexual abuse extend beyond the initial dissemination of images and encompass a broad range of psychosocial challenges. Victims commonly experience severe mental health issues, such as depression, anxiety, and posttraumatic stress disorder (PTSD), which parallels the psychological consequences observed in victims of hands-on sexual abuse. Moreover, individuals subjected to online sexual abuse often report greater distress and negative life consequences than victims of other forms of technology-facilitated sexual violence. Also, the disclosure of online sexual abuse victimization can precipitate significant disruptions in employment and social support networks, compounding survivors' experiences of isolation and vulnerability. Online sexual violence is a threat for an individual's (mental) health, and thus, for the society as a whole.
- 1.3 Combatting this heinous form of criminality involves three steps. The first step is prevention, for example by raising awareness. The second bridgehead is taking action when incidents occur, such as by trusted flaggers removing harmful content and providing immediate help to victims. The third step is implementing effective legislation and regulation, such as the Digital Services Act (DSA).
- 1.4 Despite the involvement of numerous regulators in the Netherlands, none of these regulators are taking sufficient action to solve the problem. Factors such as insufficient budget, inadequate staffing levels, limited expertise, and a lack of mandate illustrate that neither the government nor the regulators perceive the situation as urgent enough to prompt decisive action.
- 1.5 The Istanbul Convention offers an important legal framework to prevent and combat the digital dimension of violence against women. Member states, including the Netherlands, must ensure the legislative and other measures necessary to prevent this type of violence. In October 20, 2021, GREVIO issued specific recommendations on the digital dimension of violence against women.¹ In its report, GREVIO recognizes violence against women committed in the digital sphere as an increasingly prevalent global issue with grave consequences.
- 1.6 This shadow report is a collaborative effort by Stichting Offlimits, Stichting Landelijk Centrum Seksueel Geweld, Privacy First, Fonds Slachtofferhulp and Boekx Advocaten. Each organization addresses the issue of online sexual violence through its own specialized approach. Stichting Offlimits supports individuals affected by online harassment and abuse, with a particular focus on sexual (child) abuse and exploitation. Centrum Seksueel Geweld provides extensive assistance to victims of sexual violence, both online and offline, offering forensic, medical, and psychological care through a multidisciplinary team of professionals. Privacy First advocates for privacy rights and emphasizes the importance of data protection

¹ <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>

laws. Fonds Slachtofferhulp aids crime victims and their families in the Netherlands by providing financial support, counseling, and legal assistance. Boekx Advocaten specializes in privacy law and is dedicated to supporting victims of various forms of online violence.

- 1.7 The purpose of this report is to contribute to the first thematic evaluation by GREVIO on the implementation of the Istanbul Convention in the European part of the Kingdom of the Netherlands. Specifically, it explicitly calls for adequate attention to instances of violence against women and girls in the digital realm, highlighting them as manifestations of gender-based violence covered by the Istanbul Convention.

2. Definition of Online Sexual Violence

- 2.1 The digital aspect of violence against women encompasses a broad spectrum of behaviors falling under the definition articulated in Article 3a of the Istanbul Convention. This definition includes *"all acts of gender-based violence against women that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."*
- 2.2 Online sexual violence means that technology is used to willingly harm victims or coerce victims into sexual acts. It includes phenomena such as Child Sexual Abuse and/or Exploitation Material (CSAM/CSEM), unwanted sexting, sextortion, sexual exposure, and unwanted sexual approaches such as grooming. This violence occurs online or is facilitated by technological means like smartphones, social media apps and artificial intelligence.
- 2.3 Key aspects of online sexual violence include online publication of material containing sexual acts without consent (CSAM/CSEM and Image Based Sexual Abuse and/or Violence (IBSA/IBSV) regarding adults) and the coercion, distribution, and use of intimate images or video's for blackmail. Consequences of online violations are similar to physical and sexual violence, causing psychological, physical and emotional harm in the offline world. Victims experience guilt, shame and fear of recognition, and offline threats, especially if personal information is shared (doxing). Online sexual violence is criminalized as it harms individuals and breaches societal norms. This harmful behavior disproportionately targets women and girls and forms a central element of gender-based violence against women. On top of that girls and women feel less inclined/motivated to report online sexual violence because of societal gender-norms (i.e. victim-blaming). And as research has shown that immediate help is of the utmost importance to prevent revictimization, this is a risk.

3. Statistics on Online Sexual Violence

- 3.1 The numbers of victims of online sexual violence in the Netherlands are very large:
 - 11% of people aged 16 and older have experienced one or more unwanted online sexual experiences in the past five years. In that age group alone, there are more than

930,000 new cases per year.²

- 30% of all girls and 10% of all boys aged 16-17 are victims of online sexual violence. Just in this age group, an estimated 72,000 girls and 24,000 boys are victims. These figures are from 2020; since then, these numbers are likely to have increased.³
- When adding victims younger than 16, it appears that online sexual violence causes up to a million victims per year. One notable trend is the significant increase in so-called 'self-generated content'. This includes intimate photos made by children as young as 7-10 years themselves, for example using the camera in a phone or computer screen. There is also an increase in sexual material created using artificial intelligence (AI), for instance deepfake porn.⁴

3.2 The precise extent of online sexual violence is difficult to quantify for several reasons. Figures on the nature and severity vary, it is often unclear what behaviors constitute online sexual violence, there may be underreporting, and research in both Dutch and international contexts has predominantly focused on children and adolescents.⁵ Moreover, victims who do report to the police and/or support organizations are believed to represent only the tip of the iceberg. Whilst both men and women may experience incidents online sexual violence, women are considerably more likely to experience repeated and severe forms of online abuse.

4. Notable Recent Examples of Online Sexual Violence in the Netherlands

4.1 There are plenty of examples of cases of online sexual violence that are so severe that they make the news. By way of illustration, we present four recent examples.

- In late May 2024, it was reported that a 29-year-old man from Houten had exploited approximately 60 young girls aged between 10 and 14 online for several years.⁶ The man allegedly approached the girls over the Internet and forced them to perform sexual acts in front of a webcam and send nude photos. One of the alleged victims, a girl of 12, committed suicide as a result of the abuse. Another girl made two suicide attempts. In a similar case, a 6.5-year prison sentence was imposed in late May 2024 on a man who abused dozens of girls online.⁷
- In March 2024, it was revealed that between seventy and eighty well-known Dutch women were victims of deepfake porn videos. With deepfake technology, their faces are photoshopped onto the body of a porn actress. According to research, 95% of all

² Prevalentie van huiselijk geweld en seksueel grensoverschrijdend gedrag onder de bevolking van 16 jaar en ouder in Nederland in 2022. <https://longreads.cbs.nl/phgsg-2022/online-seksuele-intimidatie/>

³ Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (2023). Monitor seksueel geweld tegen kinderen 2018-2022, <https://www.nationaalrapporteur.nl/publicaties/rapporten/2023/12/13/seksueel-geweld-tegen-kinderen-vindt-in-meer-dan-de-helft-van-de-gevallen-plaats-achter-de-voordeur>.

⁴ <https://jaarverslag2023.offlimits.nl/jaarverslag-2023/meldpunt-kinderporno>

⁵ <https://open.overheid.nl/documenten/ronl-4010a1ab-6567-4ffc-a3bc-749df42577b2/pdf>

⁶ <https://nos.nl/artikel/2522503-houtenaar-vervolgd-voor-online-misbruik-slachtoffer-van-12-pleegde-zelfmoord>

⁷ <https://nos.nl/artikel/2521312-celstraf-voor-noordwijker-37-die-tientallen-meisjes-online-misbruikte>

deepfakes on the Internet are pornographic and mainly victimize women.⁸

- In March 2024, the so-called "banga"-lists originating from the Utrecht men's fraternity became the focus of news headlines. These lists included names of girls accompanied by explicit sexual comments, as well as photos, addresses, and contact details. The lists were extensively circulated throughout the country via platforms like Telegram. Offlimits reported the issue to Telegram but received no response. Law enforcement declined to intervene with Telegram, citing the platform's well-known lack of cooperation.⁹
- For the past several years, Offlimits has been successfully litigating against pornographic websites that publish sexual imagery online without the consent of those depicted. In June 2024, Offlimits prevailed in an appeal against Hammy Media, the operator of xhamster.com, a widely accessed pornographic website with over 30 million monthly visitors in the EU.¹⁰

5. Regulatory Authorities

5.1 Regulatory authorities play a crucial role in ensuring consistent and active oversight, especially on online platforms where substantial amounts of sexual violence imagery is published. Key regulators include:

- Public Prosecution Service (Openbaar Ministerie - OM) and police for preventing, investigating, and prosecuting criminal offenses;
- Dutch Data Protection Authority for overseeing the processing of personal data without consent under the General Data Protection Regulation (GDPR);
- Authority for Consumers and Markets and the European Commission for enforcing requirements that digital platforms must meet under the Digital Services Act (DSA);
- Authority for Online Terrorist and Child Pornographic Material for enforcing the prohibition on sharing and distributing terrorist and child pornographic material online;
- Dutch Media Authority for overseeing video platform services under the Dutch Media Act 2008;
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children for investigating human trafficking and sexual violence against children in the Netherlands, and providing advice to governments, other administrative bodies, international organizations, and assistance professionals on combating these issues;
- Netherlands Institute for Human Rights for conducting research, advising the government and parliament, reporting to international human rights institutions,

⁸ <https://www.ad.nl/binnenland/bom-onder-deepfakesite-15-bners-doen-aangifte-blokkade-in-engeland-entientallen-video-s-verwijderd~a49297f3/>

⁹ <https://nos.nl/artikel/2517471-bangalijsten-met-honderden-volgers-op-telegram-advocaten-eisen-actie-van-om>

¹⁰ <https://nos.nl/artikel/2524255-pornosite-verliest-hoger-beroep-en-moet-illegale-beelden-weghalen>

providing information, and promoting human rights education.

- 5.2 It is evident that current enforcement and oversight measures are insufficient in addressing the issue of online sexual violence.
- 5.3 The challenge in combatting online sexual violence against women does not lie in the absence of regulations: there are adequate legal frameworks in place in the Netherlands to address online sexual violence. These include fundamental rights, international treaties that specifically protect women's rights, criminal law provisions, the General Data Protection Regulation (GDPR), and the Digital Services Act (DSA). The problem lies in the ease/convenience with which sexual imagery can be published online, often anonymously and on a large scale. Online platforms typically offer the possibility to flag content within a notice-and-takedown system. However, this approach is inherently reactive, occurring only after the victim's material has already been published online. This approach is fundamentally flawed.
- 5.4 The issue also stems from the lack of adequate enforcement by relevant regulatory bodies. Regulators often appear inactive, failing to take proactive steps to combat this growing problem. None of the regulatory bodies have developed concrete action plans to actively tackle online sexual violence. There appears to be a deficit in budget, capacity, and knowledge. No regulator prioritizes the prevention of online sexual violence, the investigation of violations, or the enforcement of the rules. To the extent that there is any focus on online sexual violence within government policy, it does not specifically address the accountability of large websites and other online platforms for the unauthorized posting of sexual content.

6. Government Responsibility and Support for Regulatory Authorities

- 6.1 According to Article 5, paragraph 2 of the Istanbul Convention, treaty parties (including the Netherlands) are required to take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.
- 6.2 Article 8 mandates that treaty parties allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society. Article 50 clearly instructs treaty parties that responsible law enforcement authorities must promptly and effectively respond and also implement preventive and protective measures.
- 6.3 The Netherlands must comply with the Istanbul Convention's provisions, ensuring legislative and other measures prevent unwanted online sexual behavior that violates personal dignity. Therefore, the Dutch government must ensure regulatory bodies have the necessary resources – i.e. personnel, technical capabilities, and financial support - to effectively fulfill their roles. The Dutch government is also responsible for providing regulatory bodies with sufficient financial resources and capacity-building initiatives to improve their efficiency and responsiveness in handling online sexual violence. Additionally, regulatory bodies may need expanded powers to enforce strict measures

against platforms that facilitate or fail to prevent the distribution of illicit sexual content.

- 6.4 There is an immediate requirement for a unified national strategy that consolidates current knowledge, strengthens capabilities (both in expertise and personnel), and incorporates comprehensive strategies to tackle violence against women, whether online or offline, into governmental policies at both national and local levels.

7. Concluding Remarks

- 7.1 Although every person is at risk for online sexual violence, the majority of victims are women and girls. In the Netherlands, three out of ten girls aged 16-17 have experienced this type of violence, compared to one out of ten boys of the same age. Notable scandals almost exclusively involve female victims.
- 7.2 The main objective of this shadow report by Stichting Offlimits, Stichting Landelijk Centrum Seksueel Geweld, Privacy First, Fonds Slachtofferhulp and Boekx Advocaten is to underscore the urgent necessity for more effective measures in the Netherlands and advocate for enhanced protection of women's rights against online sexual violence.
- 7.3 Regulators must develop a concrete action plan to actively address the issue of online sexual violence against women and determine the necessary steps to achieve this. The government should provide these regulators with the required financial resources, capacity, and, if necessary, expanded powers to actively monitor the online publication of sexual imagery and play an active role in enforcement efforts.

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