

*Gender equality in the digital age: a task for Europe.  
Combating gender-based cyber-violence*

# **Image-based sexual abuse**

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# What is IBSA?

**The creation and / or distribution of private sexual images without consent, including threats to share images and altered images.**

(McGlynn, Rackley)

→ taking, making, sharing and threatening with sharing

Real images only? (deep fake technology, nudifying apps)

# Different contexts of IBSA

- Revenge porn
- Domestic violence
- (Cyber)bullying and (cyber)harassment
  - Specific intent to silence public figures and to harm political candidates
- Sexual gratification (or mere misogyny)
- Sexploitation (monetization of intimate images)
- Sextortion (blackmail)
- Sexual violence
  - Sharing images of a sexual assault, or coercing the victim into having sex

# Proposal for a Directive on combating violence against women and domestic violence

## *Article 7*

### **Non-consensual sharing of intimate or manipulated material**

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

- (a) making intimate images, or videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of end-users by means of information and communication technologies;
- (b) producing or manipulating and subsequently making accessible to a multitude of end-users, by means of information and communication technologies, images, videos or other material, making it appear as though another person is engaged in sexual activities, without that person's consent;
- (c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act.

# Challenges of the IBSA laws

- Scope
  - Non-consensual making, or only sharing?
  - Previously consensually shared images (“revenge porn”)
- Intent
  - Condition for general application, or graver crime/higher penalty rate/aggravating circumstance
- Due to technological development, broad concept of IBSA crimes (conduct) is necessary
- Teen sexting/child porn, “sharenting”, serious public interest