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

Phedra Neel

Policy advisor to the State Secretary for Gender Equality, Equal Opportunities and Diversity

29 November 2022

1. Introduction

National context

- No agreed definition of gender-based cyber-violence
 - Digital sexual violence
 - Digital sexist violence

2. Belgian legal framework

First steps taken in 2016

Legal issues to persecute an act of recording or observing naked people or people in the middle of an explicit sexual act

- New crime of voyeurism
 - Offline voyeurism
 - Digital voyeurism
- Non-consensual distribution of intimate images
 - Included as a special form of voyeurism

2020 reform

- Voyeurism
- Non-consensual distribution of intimate images
 - Addition of its own aggravating circumstances
 - With economic or hurtful intent
 - Beginning of execution is considered to be an executed crime
 - Special procedure
 - Fines when not cooperating with judicial authorities
 - Institute for the Equality of Women and Men

2022 reform

- NCII gets its own article
- Economic or hurtful intent gets its own article

Clarifications on 'new' forms of gender-based cyber-violence

- Upskirting
- Deepfakes
- Digital exhibitionism

2022-2023 reform

- Sending intimate material to people who did not ask for this material

Advantages of current legislation

- Naked or explicit sexual act → definition of a naked person
 - Recording (also audio) or observing directly or via tools
 - Showing, making accessible or distributing
 - No harmful intent needed
 - No specific scope of publicity
- incl. secondary offenders

Possible improvements

Threatening to expose

Non consensual possession of intimate images

→ Evaluation of legislation

3. Non-legislative measures

Non-legislative measures

- In collaboration with the Minister of Justice and other competent ministers
- Role of the Institute for the Equality of Women and Men
- Inspired by the Convention of Istanbul: prevention, protection, prosecution and policy
- ex. Training of police and public prosecutors, templates for victims and bystanders to address the culprit, tool on consent in the digital age, research into 'dickpics' and non-consensual possession ...

Thank you

Phedra Neel

Phedra.neel@schlitz.fed.be

<https://igvm-iefh.belgium.be/en>