

**DIGITAL VIOLENCE AGAINST WOMEN IN THE MODERN ERA:
DISSEMINATION OF INTIMATE OR MANIPULATED CONTENT WITHOUT
CONSENT**

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Abstract: Digital violence against women has become a pervasive issue in the modern era, manifesting in various forms, including the non-consensual dissemination of intimate or manipulated content. This phenomenon reflects the intersection of technological advancements with deeply entrenched gendered power imbalances, causing profound psychological, social, and legal repercussions for victims. This study explores the multifaceted dimensions of digital violence, focusing on the unique challenges posed by the dissemination of intimate content without consent. By analyzing the historical evolution of technology's role in perpetuating violence, this paper contextualizes the emergence of digital violence and highlights the gaps in legal frameworks and societal responses. Emphasizing the victimological aspects, it underscores the urgent need for comprehensive prevention strategies, legal reforms, and technological interventions. Ultimately, this study aims to contribute to a more nuanced understanding of digital violence against women, fostering actionable insights to combat this pressing issue in an increasingly digital society.

Keywords: Digital Violence, Non-consensual Content Dissemination, Gender-Based Violence; Victimology; Legal frameworks.

Introduction

In the contemporary landscape of violence against women, digital violence has emerged as a pervasive and insidious phenomenon. This study seeks to elucidate the multifaceted dimensions of digital violence, particularly its manifestation in the dissemination of intimate or manipulated content without consent. Such acts represent a profound violation of privacy and dignity, perpetuating harm in both the private and public spheres. Digital violence encompasses a range of gendered behaviors, including harassment, stalking, unauthorized access to private electronic data, and the public dissemination of such data. These acts are often compounded by hateful or sexually explicit comments that target women disproportionately, reflecting deeply entrenched societal power imbalances. In line with the Istanbul Convention, this form of violence is inherently gendered, with women predominantly victimized and men most frequently identified as perpetrators. The focus of this study is the non-

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consensual dissemination of intimate or manipulated content, an egregious example of digital violence that demands comprehensive analysis. This phenomenon not only undermines individual autonomy but also perpetuates broader patterns of gender-based violence, underscoring the urgent need for targeted interventions by policymakers or legislators, educators, activists, and civil society. By examining this issue, we aim to foster a more nuanced understanding of digital violence and contribute to the ongoing discourse on acceptable conduct in the digital age.

Definition of Digital Violence Against Women

The current socio-technical context shows the existence of a large number of violent threats against women. One form of violence is digital violence against women, which is a continuum of traditional forms of gender-based violence. In the „real world“, these are intimacies that were used to control women, cause social exclusion, or drive them to their death (Yadav, 2023). Nowadays, they have moved to the digital world, but the dynamics of control and punishment are similar. When this type of behavior is transferred to online spaces, it expresses new dimensions due to the particular characteristics of the Internet. Some of the general types of violence that can be generated or combined in this environment are: (1) harassment; (2) impersonation; and (3) usurpation of identity. In addition, a form of personal intimate violence has been identified that is exclusively digital, including non-consensual sharing of intimate content. Unlike other forms of digital violence, which can be considered only as anti-types of digital crimes, non-consensual sharing of intimate content has sufficiently different characteristics (Martin, 2021).

It is widely assumed that various forms of threats or other kinds of intimate digital manipulation, which may or may not constitute the basis of a crime, have a profound psychological toll on the victim to whom they are specifically addressed (Nyholm, 2022). Additionally, these manipulations, alongside the associated threats, bring with them a heavy burden of stigmatization and severe consequences that significantly affect both social and occupational life, impacting interpersonal relationships and professional interactions, not to mention the hair-raising and alarming psychological effects. The phenomenon known as „revenge porn“ is considered part of a broader continuum that includes other forms of digital or anonymous violence that exacerbate domestic violence situations, such as harassment, defamation, the dissemination of fake news, and various other forms of aggression (Citron, 2022). While the realm of Darknet pornography primarily exists to cater to and showcase already existing digital sexual content, the disturbing production of cyber-violence necessitates a considerable amount of time and intimate manipulation to coerce the victim into producing new and sought-after images under duress. It is this kind of „demanded“ cooperatively produced images that newly proposed legislation aims to prevent, seeking to protect victims from the insidious cycle of exploitation and abuse inherent in such practices (Al-Hadrawi *et al.*, 2024).

Types of Digital Violence Against Women

When digital violence is exerted against women, it can manifest in a multitude of shapes and forms that vary widely in their execution and impact. We single out several distinct types, such as the malicious dissemination of manipulated nude or intimate images, the invasive practice known as doxxing, the harrowing experience of stalking, the unsettling crime of identity theft, the traumatic violation of virtual rape, the pervasive issue of cyberbullying, or even a mix of the various forms mentioned above. While most acts or forms of digital violence can be related to a certain extent or overlap with already established offline wrongs, we have opted to provide a comprehensive and extensive overview of their various iterations, implications, and impacts on victims (Viola & Voto, 2023). Defining each form in detail is crucial not only for an isolating analysis but also because many acts and practices differ considerably across cultures and societies. For instance, „sexting“ is a clear example of this cultural variation: while in some countries it is esteemed and regarded as acceptable by a majority of observers, in others it may be viewed as highly inappropriate or even constitute a serious criminal offense. Understanding these nuances is vital in order to effectively address and combat the phenomenon of digital violence, ensuring that responses are sensitive to the cultural context in which they occur (Hearn & Hall, 2022). This awareness can also help foster a more

informed dialogue about the rights of individuals, the responsibilities of digital platforms, and the need for better protective measures for women facing these forms of violence in the online sphere (Lucas, 2022).

Dissemination of Intimate Content Without Consent. – The term „revenge porn“, commonly employed in both everyday discourse and official publications to describe the dissemination of intimate content without consent, is inadequate and misleading for the purposes of this analysis (and in general). This terminology inaccurately suggests that such acts are primarily motivated by sexual „revenge“ and implies that the intimate content involved is inherently pornographic in nature. Additionally, the use of this term unnecessarily stigmatizes the victims, who may be perceived as complicit in the creation or sharing of the content. It is also important to distinguish such acts from the legitimate production of adult pornography, which is protected under the principle of freedom of expression. In alignment with these considerations, the term „dissemination of intimate content without consent“ has been adopted as a more precise and less stigmatizing descriptor (Naezer & van Oosterhout, 2021).⁹⁸

⁹⁸ In contrast to the term „revenge porn“, the concept of image-based sexual abuse – as defined by Clare McGlynn and Erica Rackley – encompasses „the creation and/or distribution of private sexual images without consent, including threats to share images and altered images“ (McGlynn & Rackley, 2017; McGlynn, Rackley & Houghton, 2017). This terminology reflects a more precise and comprehensive understanding of the issue (the term in question is more appropriately categorized as a criminological or victimological concept; from a legal perspective, however, it is more precise and acceptable to adopt the terminology provided in Directive (EU) 2024/1385, which refers to the sharing of intimate or manipulated content without consent; Novaković & Stanković, 2024). It is important to clarify that, within this context, „images“ refers to all types of pictures and videos, whether physical or digital. However, such abuse almost exclusively involves digital images shared via the Internet or other electronic communication methods. A "private image" can be defined as any image where it is reasonable to assume that the depicted individual did not intend or expect it to be shown, sent, shared, or otherwise made accessible to others, except for the recipient or intended viewer (if one exists) (Harper, Fido & Petrozi, 2021; McGlynn & Rackley, 2017). For example, a photograph intended for a pornographic publication or a video created with the clear intention of being shared on an adult content platform would not be deemed private. Conversely, a sexually explicit image (commonly referred to as a „sext“) shared via a private communication platform, such as WhatsApp, would fall under this definition of privacy (McGlynn & Rackley, 2017; McGlynn, Rackley & Houghton, 2017). The definition of a „sexual image“ is less straightforward and may vary depending on cultural and contextual factors. Generally, it includes depictions of sexual acts, individuals in sexualized positions or situations, or images of body parts traditionally considered private or sexual, such as genitalia or breasts. While the categorization of an image as „sexual“ or „private“ is often clear, it is imperative to adopt a broader and context-sensitive approach, assessing these terms based on the unique circumstances of each case (McGlynn & Rackley, 2017). The term image-based sexual abuse effectively underscores the fact that the nonconsensual sharing of private sexual images constitutes a form of sexual abuse, thereby framing it as a serious form of sexual violence. By explicitly linking this form of digital abuse to more commonly recognized physical forms of sexual violence, such as rape, the terminology aims to elicit appropriate legal and policy responses (McGlynn & Rackley, 2017). Moreover, the inclusion of the term „abuse“ extends the definition to include practices such as sextortion – the use of threats to share private sexual images as a means of coercion, whether to maintain a relationship, compel engagement in sexual acts, or achieve other objectives. This form of abuse directly involves leveraging private sexual images to manipulate and exploit the victim (McGlynn & Rackley, 2017). The scope of image-based sexual abuse also includes the nonconsensual creation of images through voyeurism, irrespective of whether such images are subsequently shared. It further encompasses images acquired through hacking. A notable example within this framework is the phenomenon known as „deepfake pornography“. Deepfake videos are created using software that superimposes an individual's face onto another person's body, generating realistic depictions of sexual acts in which the victim has never participated. The creation and distribution of deepfakes constitute a violation of personal rights and inflict harm comparable to that experienced by victims whose actual private images have been shared (Harris, 2019). Additionally, the concept of image-based sexual abuse extends beyond the initial act of „publication“ to include all subsequent

Although „revenge porn“ remains a term widely recognized by the public and frequently utilized by the media, it describes only a subset of image-based sexual abuse. Specifically, it refers to situations where an ex-partner, typically male, disseminates private sexual images of a former partner, typically female, online without consent as an act of retribution following the dissolution of their relationship (Živković, Čubrilo & Dujić, 2022). However, this narrow definition excludes other forms of image-based sexual abuse, such as up-skirting, down-blousing, or nonconsensual image-taking by strangers, whether or not the victim is aware of the act (McGlynn & Rackley, 2017; McGlynn, Rackley & Houghton, 2017). Furthermore, the assumption that revenge is the sole or primary motive behind such behaviors is reductive. Perpetrators may be driven by diverse motivations, including social status enhancement, monetary profit, personal amusement, or the desire to harass the victim. These varied intentions underscore the necessity of shifting the focus away from the motives of the perpetrator and toward their objective actions and the resultant harm inflicted on the victims (McGlynn & Rackley, 2017; Citron & Franks, 2014). The association of this abuse with the term „pornography“ further exacerbates the issue. It conflates a form of exploitation with legal, consensual pornography, particularly in an era where „amateur porn“ has gained widespread popularity (Henry, Powell & Flynn, 2017). This conflation may inadvertently imply consent to the creation of the content, an assumption that is often unwarranted. Even in cases where the individual depicted in the images consented to their creation or produced the images themselves, such consent does not extend automatically to their distribution. Therefore, it is essential to emphasize the nonconsensual nature of these actions and the profound harm they inflict, regardless of the perpetrator's motives or the origins of the content (Kirchengast & Crofts, 2019).

The non-consensual dissemination of intimate content, commonly referred to as „revenge pornography“, has become a pervasive global issue exacerbated by the rapid advancement of digital technologies. Empirical studies confirm that the primary victims of this form of digital violence are women. The unauthorized sharing of intimate images and recordings without the consent of the person depicted results in profound psychological, social, and emotional consequences. Such actions violate an individual's dignity, privacy, and bodily autonomy, often with the intent to instill fear, cause public humiliation, or exert control through blackmail. Historically, various forms of gender-based violence have been used as mechanisms of control and oppression against women. In the digital era, these patterns persist and evolve, taking new and increasingly harmful forms. To address this emerging reality, it is crucial for legal systems to recognize and criminalize these acts explicitly. The introduction of revenge pornography as a distinct criminal offense in various jurisdictions represents a significant step forward in ensuring accountability and providing adequate protection for victims.

Therefore, digital violence against women encompasses a wide array of harmful behaviors that include stalking, threats, monitoring, intimidation, and various forms of abuse. This alarming phenomenon reflects the extent to which such violence permeates contemporary society, prompting several nations to enact specific legislation aimed at curbing and penalizing those who perpetrate these acts. One particularly distressing aspect of digital violence is the dissemination of intimate content, which refers to the act or concerted effort to spread sexually revealing or sexually explicit images or videos that were created privately with the expectation that they would remain confidential (Ley & Rambukkana, 2021).

distributions of the content. This broader perspective incorporates the actions of both „primary“ distributors – such as an ex-partner – and „secondary“ distributors, whose involvement facilitates the further dissemination of nonconsensual images online, exacerbating the harm inflicted on victims (Živković, Čubrilo & Dujić, 2022). Although secondary distributors may not bear the same level of criminal liability as the original perpetrators, their role in enabling such images to „go viral“ is significant. Similarly, platforms that allow such distributions play a crucial role in perpetuating victim suffering and must be held accountable for their contribution to this abuse (McGlynn & Rackley, 2017).

Victimological Aspects of Digital Violence Against Women

Although it is crucial to understand the impact of digital violence against women on the target population, research on this matter is scarce (in Western Balkans region). Violence against women can have psycho-emotional, social, physical, and economic aspects, and may lead to post-traumatic stress disorder, anxiety, depression, issues with intimacy, and/or suicidal thoughts. Many women have stated that dealing with this form of violence is a complex process and that the recovery period can take longer if the violence was distributed through voluntary verification of identity or if there is evidence of what happened. They were deeply affected by the embarrassment of the people who saw the image, felt guilt and shame over the burden of the intimate content, and presented a challenge when it came to maintaining public reputation (Khan *et al.*, 2023). Of course, the social stigma facing the victims can make it even more difficult. People who are aware of this type of violence often view those who publish intimate content without permission as predictable and irresponsible as the victims. This also prevents them from using social or professional support resources. Given the evidence discussed in various empirical studies, it seems that victims experience similar psychological consequences to victims of other forms of abuse due to their intimate status (Sacco & Ricci, 2022).

Digital violence leaves deep and lasting traces on the emotional and psychological lives of its victims, often manifesting in ways that are unique to each individual. This is particularly true for women, who are disproportionately more exposed to „console“ harassment and online abuse, facing a range of threats and humiliations that can lead to severe emotional distress (Enock *et al.*, 2024). Women often suffer the most significant harm when the violence is categorized as psychological or sexual in nature; the negative impact is amplified even further when such violence is directed at women during times of political instability or societal upheaval (Gosse, 2021). The stark differences found in the feelings and responses of both genders following instances of cyber abuse underscore a specific vulnerability among women, highlighting the unique and often harsh prejudices they encounter within cyberspace. Such online environments can be hostile and damaging, creating a space where toxic behaviors are not only tolerated but have become so normalized that it is challenging for anyone to even recognize the vast array of abuse taking place. As a result, many individuals may not only fail to acknowledge what they are experiencing, but they may also feel overwhelmed by the situation and unable to seek help or support for those distressing emotions. Feelings of helplessness are especially prevalent among survivors of intimate partner violence, sexual abuse, and exploitation, as the weight of their experiences often leaves them feeling trapped and without recourse. This sense of entrapment can be particularly isolating, highlighting the urgent need for awareness, education, and resources dedicated to addressing these very real issues in our increasingly digital world (Cheek *et al.*, 2023).

The violation that would have undeniably taken place through the distribution of non-consensual pornographic material or the manipulation of private images would have caused a profound sense of extreme emotional and psychological distress in the women who survived such traumatic experiences. The psychological impact that these women reported during their interviews was striking; they found themselves suffering from depression, anxiety, and severe post-traumatic stress disorder (PTSD), what can prompt dangerous suicidal thoughts, addiction issues, and psychological self-harm. Alongside these serious matters, the women also faced significant problems with self-esteem, which led many to withdraw from their social lives. They often chose to isolate themselves within the confines of their own homes, avoiding interaction with others and thereby intensifying their feelings of loneliness and despair. Some of these women openly expressed that they had „hit rock bottom“, experiencing the most profound depression of their lives due to their circumstances (Brighi *et al.*, 2023). It was distressing to hear that disorders like anorexia and bulimia became their unfortunate „coping mechanisms“, as they struggled to regain some sense of control over their bodies and lives. The insidious nature of isolation compounded all of these issues, leaving these women feeling as though there was no hope left for a brighter or more fulfilling future. They were under the painful impression that, due to society’s relentless obsession with the superficial importance of image and identity, they had become utterly worthless. In addition to their struggles, these women also endured the cruelty of online shaming and the degrading experience of „slut shaming“, further eroding their sense of self-worth and exacerbating their already fragile mental states (Falduti & Tessaris, 2023).

In conclusion, this type of digital violence seems to have very strong psychological repercussions for both the victims and the perpetrators. Victims often no longer trust others and lose self-confidence when it comes to cyber interventions. Furthermore, the speed of recovery was extended by the large number of unknown individuals to the victim. Therefore, understanding victims is very important when we prepare interventions to combat digital violence because interventions can be made not only by the aggressor but also by the victim's reluctance to gather support. These conclusions are crucial for decision-makers with regard to prevention. In addition, it is important to pay attention to those who are most at risk in terms of their environment and personal characteristics.

Legal Frameworks and Responses

Existing legal frameworks connected with gender-based violence online generally aim to address the larger issue of gender-based violence. Taking a „toolbox“ approach, we can ascertain the ways in which international legal responses and standards have some ability to address digital violence. Generally, there is no international normative framework that directly or explicitly addresses the issue of non-consensual access and distribution of intimate or manipulated content (excluding Directive (EU) 2024/1385 adopted for the European Union level, as a supranational legal document) (Novaković & Stanković, 2024). Thus, we turn to domestic legal frameworks and responses to get an understanding of the gaps and the inconsistencies that exist when addressing digital violence.

In general, there are significant gaps and inconsistencies across the world as to whether there was an ability of states to respond to digital forms of violence in line with a right to privacy. A key obstacle to pursuing legal action is highlighted to be „the effectiveness of law enforcement“. Many cases of non-consensual intimate imagery harassment reported here result in the closure of investigations by police due to „political obstacles, small punishment, and low profit“ or because there is a „lack of law to regulate this“. With regard to extant case law and precedents, „a significant number of reported cases confirmed the absence or loose diffusion of criminal regulations against non-consensual pornographic material and ICT-enabled violence of a sexual and gender-based nature“. Ultimately, the scarce adaptation of criminal laws and policies is said to further contribute to a lack of protection for women and girls. This points to a further need for legislative reform to holistically address technological prevention and emerging concerns. This is done in an attempt to address gaps, foster harmonization of legal processes, and tacitly draw attention to the importance of international collaboration. Domestic law, as it stands, is ultimately responsible for disempowering and undermining the fundamental rights and freedoms of women across the globe. Generally, from the cases considered here, there are no standalone responses to both intimate imagery and manipulated content; cases either exist regarding one or the other. Although we must be cautious about over-hypothesizing an instance of violence, the extent of two non-consensual events that occur alongside one another seems isolated. With this in mind, it is likely that the issues surrounding intimate and manipulated content might be distinct in their social meaning, and therefore also in their legislative and policy responses. A woman who has had sexual images shared of her – without her consent – may be viewed as damaged, impure, or „spoilt“, and oppressed within the confinements of predefined gender roles. A woman who has had her likeness stolen for use in online simulations need not be damaged, *per se*, but rather might constitute an incursion on privacy and result in a distortion of self-representation. In anticipation of this issue, we also propose to differentiate pathways for seeking recompense. Even when attempting to address instances of violence against women, both acts of aggression result in a forensic process that investigates very distinct criminal acts.

Conclusion

The phenomenon of digital violence against women is emblematic of the broader societal and systemic challenges posed by the convergence of technological advancements with entrenched gender inequalities. As this study illustrates, the non-consensual dissemination of intimate or manipulated content represents a grave violation of privacy, dignity, and autonomy, leaving victims with profound psychological, social, and economic repercussions. This issue is further exacerbated by the inadequacies of existing legal frameworks, which often fail to address the unique complexities of digital violence. The pervasive nature of this form of violence highlights the urgent need for a

comprehensive and coordinated response. Legal reforms must be prioritized to close existing gaps, ensuring that laws are not only responsive to emerging forms of digital abuse but also harmonized across jurisdictions to facilitate international collaboration. Policymakers should draw on best practices, such as those outlined in Directive (EU) 2024/1385, to craft legislative frameworks that reflect the realities of the digital age. Beyond legal measures, the role of technology itself cannot be understated. In reflecting on the broader implications of digital violence, it becomes clear that this is not solely a women's issue but a societal one. Tackling this challenge demands a multi-faceted strategy that combines legal, technological, and cultural interventions. At its core, the fight against digital violence against women is a fight for equality, dignity, and justice in an increasingly interconnected world. By addressing the structural causes and implementing sustainable solutions, we can move closer to a future where digital spaces are not sites of harm but platforms for empowerment and connection. Such a future requires the commitment of governments, corporations, civil society, and individuals to prioritize the safety and autonomy of every person, ensuring that technological progress serves as a tool for equality rather than oppression.

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DIGITALNO NASILJE NAD ŽENAMA U MODERNOM DOBU: ŠIRENJE INTIMNIH ILI MANIPULIRANIH SADRŽAJA BEZ PRISTANKA

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Abstrakt: Digitalno nasilje nad ženama postalo je sveprisutan problem u modernom dobu, manifestirajući se u različitim oblicima, uključujući širenje intimnog ili manipuliranog sadržaja bez pristanka. Ovaj fenomen odražava raskrije tehnološkog napretka s duboko ukorijenjenom rodnom neravnotežom moći, što uzrokuje duboke psihološke, društvene i pravne posljedice za žrtve. Ova studija istražuje višestruke dimenzije digitalnog nasilja, usredotočujući se na jedinstvene izazove koje predstavlja širenje intimnog sadržaja bez pristanka. Analizirajući istorijsku evoluciju uloge tehnologije u održavanju nasilja, ovaj rad kontekstualizira pojavu digitalnog nasilja i naglašava nedostatke u pravnim okvirima i društvenim odgovorima. Naglašavajući viktimološke aspekte, naglašava hitnu potrebu za sveobuhvatnim preventivnim strategijama, pravnim reformama i tehnološkim intervencijama. U konačnici, ova studija ima za cilj doprinijeti nijansiranijem razumijevanju digitalnog nasilja nad ženama, potičući korisne uvide u borbu protiv ovog hitnog problema u sve digitalnijem društvu.

Ključne riječi: digitalno nasilje, širenje sadržaja bez pristanka, rodno zasnovano nasilje, viktimologija; pravni okviri.

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