

GENDER-BASED DIGITAL VIOLENCE IN SERBIA:

A REVIEW OF TRENDS



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Impressum

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GLOSSARY

According to the UN-Women definition, gender-based violence facilitated by technology includes any act committed or amplified by using digital tools or technologies causing physical, sexual, psychological, social, political, or economic harm to women and girls because of their gender.¹ Various forms of gender-based digital violence are increasingly present in Serbia. The definitions provided here are based on the “Glossary of Gender-Based Violence Facilitated by Technology”,² published by the United Nations Population Fund (UNFPA):

> GENDER-BASED ONLINE HARASSMENT:

Refers to continuous attempts to impose unwanted communication or contact in ways that may expectedly cause anxiety or fear. This can manifest in sending unwanted images or comments, spreading defamation, insults and threats. The offenses are usually rooted in misogynistic, homophobic, or sexist stereotypes.

> VIRTUAL MOBING:

Occurs when a group of individuals, often in a coordinated manner, spread negative comments about a targeted person via social media, emails, or messages. The abuse is mainly motivated by dissenting opinions and the targets of such attacks in the context of gender-based violence are organizations and activists for women’s rights and other marginalized groups, as well as female journalists.

> GENDERED OR SEXIST HATE SPEECH: MESSAGES THAT INCITE VIOLENCE OR DISCRIMINATION BASED ON GENDER, SEXUAL ORIENTATION, OR GENDER IDENTITY.

Image-Based Sexual Abuse: The sharing and/or manipulation of intimate, nude, or sexually explicit photos or videos without consent in order to shame, extort, or silence individuals. This is often referred to as “revenge porn,” a term criticized by women’s rights organizations for a number of reasons. In essence, the term “revenge” suggests that individuals whose images and content are being shared are somehow at fault, and that the act of sharing is a form of retaliation. In reality, abusers often resort to sharing such material following the end of an emotionally or physically abusive relationship, or as a means to discredit the person. Furthermore, using the term “pornography” to describe the non-consensual distribution of intimate content adds an additional layer of sexualisation to material that was never meant for public exposure or any form of distribution.

> DEEPPAKE PORNOGRAPHY:

Digital photo, video, and audio content generated and/or manipulated with the help of artificial intelligence (AI), depicting individuals engaging in sexual activities that never took place. These materials are made without the person’s consent and can be used for extortion, harassment, reputation damage, and sometimes for financial gain or perverted amusement.

> CYBER STALKING:

The use of technology to persistently harass an individual, including actions such as tracking their online activity, sending unsolicited messages, or making repeated phone calls, at times coupled with extortion. These continuous actions instil anxiety and fear, leaving the person concerned for their own safety or the safety of those around them.

Doxing/Targeting: Digital harassment involving the collection and public sharing of personal data with the intent to harm, humiliate, or jeopardize the safety of the targeted individual. Information shared often includes

physical addresses, phone numbers, family contacts, photos, and other sensitive data.

> **SLUT-SHAMING:**

A form of harassment and humiliation, usually targeting women, based on their actual or perceived sexual behaviour, appearance, or sexuality. This involves spreading offensive comments, rumours, or false information about a person's sexual life, with the intent of publicly shaming them and casting them as morally corrupt according to so-called traditional values. This form of violence is often compounded by victim-blaming, where those subjected to gender-based violence are accused of being at fault for their own mistreatment.

> **BODY-SHAMING:**

Derogatory comments targeting a person's physical appearance in comparison to so-called traditional beauty standards for women. This includes posting offensive remarks, mocking, or criticizing aspects such as body weight, height, body shape, and other physical traits, with the intent to publicly humiliate the individual.

> **EXCLUSION:**

The intentional exclusion of women and members of other marginalized groups from online platforms or forums with the aim of suppressing their voices and questioning their abilities.

> **ONLINE THREATS:**

Making threats, often involving physical or sexual violence, directed at individuals or groups. Female journalists, politicians, and activists frequently face such threats as a result of their public opinions or beliefs. These actions perpetuate and reinforce a climate of fear in both digital and physical spaces.

INTRODUCTION

With the expansion of the internet and social media, digital spaces have become new arenas for gender discrimination and abuse. Women and marginalized gender groups³ face increased risks in the digital space, including harassment, hate speech, doxing, stalking, and sexual abuse, along with many other forms of digital violence. Gender-based digital violence stems from social inequality and is often rooted in misogyny, homophobia, and the stereotyping of traditional gender roles.

According to available data, female journalists, activists, politicians, and other women in public life are among the most vulnerable, often subjected to more extreme forms of online abuse.⁴ In Serbia, there is no comprehensive analysis or continuous monitoring of all cases of gender-based digital violence. Some institutions and NGO's monitor certain forms of digital violence through annual reports.

A 2020 study by the Autonomous Women's Centre on gender-based digital violence revealed that over half of high school girls in Serbia had been subjected to online sexual comments, and one in ten had experienced their private photos or videos, initially shared in confidence, being made public. Girls also face greater exposure to sexist remarks, blackmail involving the release of private information or images, and online stalking.⁵ One-third of the girls reported that nearly all forms of digital violence they encountered were perpetrated by a current or former intimate partner. In contrast to boys, who generally reported not feeling afraid when subjected to digital violence, over seventy percent of girls expressed feelings of fear and helplessness.

In a 2022 survey of 624 girls aged 18 and 19 from 24 high schools in Belgrade, Niš, and Subotica, 53.2% reported having experienced digital

violence or knowing a female peer who had. The research also uncovered instances of organized group attacks on women and girls, originating from various online groups with 30,000 to 40,000 followers. Most of the girls in the study reported feeling unsafe in the digital space, especially when compared to their male peers.⁶

In 2023, trends from previous years regarding the frequency of complaints and reports to the Commissioner for the Protection of Equality continued, with gender being cited as a personal attribute.⁷ A total of 57 complaints were filed on the basis of gender, and most complaints came from individuals (53). Among the key issues, the Commissioner highlighted discriminatory language and sexist, misogynistic remarks prevalent in public discourse, on social media, and across various platforms.

Numerous factors in the digital environment foster and enable gender-based violence. For instance, the anonymity and perceived impunity of the internet can encourage perpetrators, as well as the lack of adequate legal regulations and protection from digital violence. Furthermore, the algorithmic structure of digital platforms often contributes to, rather than prevents, the spread of gender stereotypes and toxic digital subcultures. Additionally, the digital environment allows a perpetrator to target individuals across cities, countries, or continents with minimal effort from the privacy of their own homes. As a result, deeply rooted traditional patterns of misogyny and discrimination against women and other marginalized groups are transferred into the digital sphere, where gender inequalities and patriarchal norms and values are perpetuated.

Gender-based violence in the digital space limits individuals' freedom of expression, forces women and marginalized gender groups into self-censorship, endangers their mental health, and leads to exclusion from digital life.⁸ Gender-based digital violence occurs on many popular social media platforms, including Facebook, Instagram, WhatsApp, Snapchat, X (formerly Twitter), and TikTok. However, various chat services, forums,

dating apps, and both public and private groups also serve as digital spaces where gender-based violence is reproduced.

FORMS AND EXAMPLES OF GENDER-BASED DIGITAL VIOLENCE IN SERBIA

NON-CONSENSUAL SHARING OF INTIMATE CONTENT

In recent years, several significant cases of violence involving the unauthorized sharing of intimate photos and/or videos of women have been recorded. These cases were mostly associated with popular social media platforms like Instagram and X or via the messaging app Telegram. Individuals who have publicly shared their experiences reported being subjected to blackmail, involving threats to expose their private information or images, along with humiliation and public condemnation. The perpetrators in these cases ranged from current or former partners or spouses, to acquaintances, and even strangers.⁹

Research by the Autonomous Women's Centre found that one in ten high school girls had their private photos or videos, originally shared in confidence, published without their consent.¹⁰ Girls are also more frequently subjected to blackmail, with threats that their private information or images would be exposed unless they complied with sexual demands.

The Telegram app has become a popular and safe space for perpetrators of this type of violence. Since 2021, there have been several different cases of Telegram groups with hundreds to over 50,000 members sharing private photos and videos of women without their consent or knowledge.

February 2021: Public room, Secret room¹¹

March 2021: Ex-Yu Balkan room,¹² Nišlijke¹³

May 2021: Balkan perversions,¹⁴ Leskovac population, Vranje¹⁵

September 2021: Little Balkan room¹⁶

March 2023: 16 active groups¹⁷

One of the most prominent cases that drew public attention involved the Telegram group “Nišlijke”, where tens of thousands of men from the Balkans exchanged private recordings of women without their consent, alongside pornographic material. This case came to light on X, when Staša Ivković, a student at the Faculty of Political Sciences, discovered that content from her Instagram had been shared in these groups. She posted screenshots of conversations where intimate images and videos of other women, including minors, were being shared without their knowledge or consent.

Members of the Ministry of the Interior’s Organized Crime Department, acting on orders from the Special Prosecutor’s Office for High-Tech Crime at the Higher Public Prosecutor’s Office in Belgrade, announced that all necessary measures were being taken to identify the criminal acts and clarify the facts surrounding the content shared in the Telegram groups. They also stated that they would be reaching out to Telegram regarding this case.¹⁸ Shortly afterward, the individual who created and managed the group was arrested in Niš.¹⁹ N.S. was arrested on suspicion of committing the criminal offense of displaying, obtaining, and possessing pornographic material and exploiting a minor for pornography. The suspect did not deny creating the group but claimed he did nothing wrong and did not share the contentious material:

“I only created the group ‘Nišlijke’ as an administrator I didn’t post anything. I don’t know why they now consider me a maniac. What does this have to do with me? I didn’t post anything. It should bother someone else’s conscience, not mine. I created the group for fun. What others posted has

nothing to do with me; I followed all the group's rules.”

For over two years, there was no information regarding the legal proceedings related to this Telegram group. However, in October 2023, it was reported that the Special Prosecutor's Office for High-Tech Crime had concluded that there were no grounds to prosecute the group's administrator.

In response to a FOI request from journalists, the Higher Public Prosecutor's Office stated: “In the case initiated after the Ministry of Internal Affairs of the Republic of Serbia's criminal complaint, filed by the Organized Crime Unit of the High-Tech Crime Department on February 6, 2023, a decision was made to dismiss the complaint, as there were no grounds to suspect that the accused had committed a criminal offense subject to ex officio prosecution.”

In early 2023, 16 new active Telegram groups were discovered, where photos and videos of women from across Serbia were being shared without their consent. The largest group had nearly 55,000 members, and some of these groups had been active for over two years. After the investigation was made public, Telegram swiftly shut down 13 groups, with the remaining ones closed shortly thereafter.²⁰ However, administrators of some of the shut-down groups quickly created new ones, which remain active.

DEEPPAKES

Cases of deepfake pornography are still rare in Serbia, but this does not mean they are absent; rather, they are rarely uncovered. Since July 2023 the High-Tech Crime Prosecutor's Office processed several cases in which artificial intelligence was used to generate sexually explicit content, according to a BIRN investigation.²¹ One person was arrested in November 2023 on suspicion of creating sexually explicit content based

on photographs of six women, including one minor.

The suspect was prosecuted for sexual harassment, stalking, and endangering safety. In early December 2023, media reported on a case involving the use of apps that, with the help of artificial intelligence, could render any image nude.²² Examples of the use of such “stripping” apps were recorded in Loznica, Kraljevo, and Belgrade. In January 2024, parents of children at a school in Belgrade discovered that boys in the seventh and eighth grades had used photos of their female classmates and teachers to create nude images of them.²³

In October 2022, MP Staša Stojanović of the Serbian Progressive Party became a victim of an attempted “revenge porn” incident when a user on X posted a private video of a sexual encounter, falsely claiming that the person in the video was the MP.²⁴ Media reported that the manipulated video likely originated from a pornographic site, and the person behind the incident was identified as former SNS member Đorđe Višekruna, who had been repeatedly arrested for making threats. The MP filed a criminal complaint against him.

ONLINE STALKING / HARASSMENT / DOXING / DEEPFAKES

Violence involving the public release of intimate videos and images is often linked to doxing, stalking, and harassment online. People who have experienced such violence testified that their private data was publicly shared, leading to a flood of unwanted messages from strangers, requests for sex, or solicitations for similar services. In some cases, they described constantly blocking profiles that insisted on communication. These types of attacks also often spill over into real-life harassment, demonstrating that gender-based violence rarely appears in a single isolated form.

One of the latest cases of harassment and stalking that came to public

attention occurred in August 2023 in the Belgrade suburb of Batajnica.²⁵ The violence took place on TikTok platform, where an account with over 11,000 followers posted digitally manipulated video clips and photos of girls. The faces of the targeted girls were clearly visible in the videos, and the person behind the account could be heard narrating details from the “biographies” of the girls in question. After gaining popularity, the author of the videos began posting clips in which they followed and stalked the girls on the streets of Batajnica, revealing enough information to easily identify their homes. The parents of several girls reported the case, and two months later, in November 2023, B.B. (24) was arrested by order of the Special Department for High-Tech Crime on suspicion of stalking and sexually harassing girls in Batajnica.²⁶

DOXING / CYBER HARASSMENT - “SPOTTED” PAGES

In recent years, so-called “spotted” pages on Instagram and Snapchat have become popular among teenagers.²⁷ These pages involve users photographing each other in public spaces, such as public transportation or on the streets. The photos are sent to a “spotted” page, which typically has a large number of followers, and the page posts the image, asking followers for the person’s name, phone number, school, or home location. When someone who knows the person responds with such information, it is publicly shared with all followers. In several instances, parents expressed concern for the safety and privacy of their children.²⁸ One of the popular pages was “Serbian Spotted (Bg Bar)” on Instagram, which was shut down after users reported it.

In August 2023, an Instagram page called “Best Girls” was active, where sexualized photos of underage girls were posted along with vulgar comments by the page’s administrator.²⁹ The targeted girls were mostly unknown to the public, but the targets included a singer and TikToker,

Teodora Popovska. The profile was removed after it was reported multiple times by the page “Feminism Is For Everyone” although initially, Meta did not prioritize the reports for removal.

SEXISM, INSULTS, AND HATE SPEECH

Female politicians, actresses, journalists, and activists in Serbia often face numerous derogatory comments and hate speech in the digital space. The goal of such behaviour is to discredit, intimidate, and undermine their work, ultimately deterring women from participating in public life. A BIRN analysis of hundreds of videos posted by TikTok users in eight Balkan countries, including Serbia, shows that the platform has become a space for harassing women and girls over their appearance and actual or perceived sexual behavior.³⁰ Sexism and insults are often accompanied by virtual mobbing and harassment across different platforms, highlighting the many ways that various forms of such violence intertwine and make gender-based violence more dangerous and complex.

> JOURNALIST ANA LALIĆ: In 2020, Ana Lalić was subjected to online abuse, including threats of violence and death, after she criticized the Serbian government’s response to the COVID-19 pandemic. Comments calling her a “traitor” and other derogatory terms flooded the networks following the publication of her article.³¹ Lalić also faced what appeared to be organized online bullying when a paid Google ad with her photo, name, and a message claiming she was working against the state appeared in the Google Store.³² During the same period, similar incidents happened to journalist Žaklina Tatalović, who faced sexist insults from Informer editor-in-chief Dragan Vučićević.³³ The Commissioner for the Protection of Equality, Brankica Janković, condemned the tweets from the Informer editor about Tatalović as an example of sexism that is entirely unacceptable in public communication, particularly against female journalists and other women in public professions.³⁴ The data on attacks against both male and female

journalists collected by professional associations are still not categorized by gender/sex, and an objective challenge lies in establishing criteria to classify an attack as gender-based. The number of attacks on women in journalism has increased significantly in 2020 and 2021, according to data from UNESCO, OSCE, and 'Female Journalist' organization. In mid-January 2021, the organization Local Press published a study on sexist remarks made by local officials toward female journalists, which included experiences of female journalists from Vranje.³⁵

> **JOURNALIST JOVANA GLIGORIJEVIĆ:** A member of the group "Female Journalists Against Violence", Gligorijević has actively advocated for raising awareness about violence against women in public spaces and ethical reporting on cases of violence. Since 2016, she has been the target of online attacks, death threats, misogynistic and sexist comments, and other forms of digital intimidation. Her personal data, including her ID number and home address, as well as family members' data, were publicly posted. Although Gligorijević reported every threat she received to the High-Tech Crime Prosecutor's Office and the Working Group for Journalist Safety, she was never called to testify, nor has anyone been sanctioned for these threats and the publication of her data.³⁶ Other female journalists, including Dragana Pećo, Vanja Đurić, Tamara Skrozza, and others, have also been frequent targets of pro-regime media, anonymous portals, and comments on social media in recent years.

> **ACTRESS MILENA RADULOVIĆ:** After publicly accusing acting instructor Miroslav Mika Aleksić of rape, Radulović faced sexist comments and attempts at victim-blaming on social media such as X and in online media comments.³⁷ Experts warn that such comments and attitudes can discourage survivors of sexual violence from reporting incidents, as instead of being supported and encouraged, they are further pressured by society. Following her support for a Bosnian film's Oscar nomination, son of the folk singer Ceca Ražnatović, Veljko, posted a video on Instagram, saying: "Keep on glorifying those urban types, Europeans, and the rest of

that scum, those godless people who don't believe in God. You're nothing but the lowest of the low for me! I'll stop here to avoid saying something that's not for social media, but Milena, you are nothing but trash".³⁸ A wave of messages slamming Radulović as traitor ensued. Actress Mirjana Karanović has also been repeatedly targeted by harassment campaigns, including sexist insults and inappropriate comments on her social media posts.³⁹

> ACTIVIST MARIJA LUKIĆ: Lukić faced online harassment after she reported the mayor of Brus, Milutin Jeličić Jutka, for sexual harassment. During 2019, Lukić received numerous messages on social media from users who questioned her morals, accused her of lying, and sought to defend Jeličić. Some users even began to download and post her Facebook profile photos, commenting on her appearance and trying to portray her as a bad mother and an immoral person, with comments like: "You, a victim? Coming to work in a mini-skirt and cleavage... You are a disgrace to Brus...".⁴⁰

> FEMINIST ORGANIZATIONS SUCH AS WOMEN IN BLACK AND OSNAŽŽENE (Women Empowered) routinely face misogynistic attacks and threats on social media whenever they protest against injustice or organize activities highlighting violence against women. Since publishing a series of investigations in mid-2024 into groups sharing revenge porn and child pornography on Telegram,⁴¹ members of the organization Women Empowered have been the targets of ongoing insults, sexist and misogynistic comments, and even open threats of physical violence. Female activists from ethnic minorities face the compounded challenges of both gender and racial discrimination in the online sphere, such as Aida Ćorović.⁴²

> ATTACKS ON SCIENTISTS AND INFLUENCERS ON SOCIAL MEDIA
With the rise of TikTok's popularity in Serbia, there has also been an increase in digital violence faced by women who have launched their

educational channels, as seen in the cases of Anja Gretić and Tijana Prodanović.⁴³

ANJA GRETIĆ (history student): After discussing misinformation about the Battle of Kosovo on TikTok, Gretić faced a wave of online abuse, including threats and insults in both comments and private messages.

TIJANA PRODANOVIĆ (astrophysicist): As a female scientist who speaks about astrophysics on TikTok and Instagram, Prodanović has been subjected to online harassment, primarily focusing on criticizing her appearance and intelligence. This reflects a trend faced by many women in STEM fields.

> FEMALE POLITICIANS AND GENDER-BASED DIGITAL VIOLENCE

Women in politics in Serbia are more often the targets of online violence and hate speech than their male counterparts. They are subjected to vulgar comments, as well as threats. Prime Minister Ana Brnabić has been the target of misogynistic attacks questioning her femininity and anti-LGBTQ rhetoric on social media due to her sexual orientation. Opposition politician Marinika Tepić has repeatedly been the target of sexist insults and humiliation, with the most recent incident in December 2023 involving hate speech based on her national and religious background.⁴⁴

CYBERSTALKING AND OBSESSIVE ONLINE FOLLOWING

Unwanted calls and messages are a form of harassment carried out using modern technology, falling under the broader category of digital or online violence directed at women and girls. These behaviours violate a woman's personal space and sense of digital privacy. This type of harassment occurs through persistent contact, such as repeated calls

or messages, even after the woman has expressed disinterest or asked for it to stop. The Instagram page “All My Seens” tracks and shares examples of unsolicited messages women receive on various social media platforms, often involving requests for friendship.⁴⁵ This page, created for entertainment purposes, also highlights the widespread issue of unwanted messages and persistent contact from men.⁴⁶ Women and girls with public profiles on platforms are especially vulnerable to this form of harassment because it is easy for anyone to message them. Some of these messages include sexual fantasies, comments on their appearance or behaviour, or proposals for sexual services. Some women cite this type of harassment as their primary reason for setting their profiles to private, as they no longer feel safe knowing strangers can follow or contact them. According to a survey by the Autonomous Women’s Centre, titled “Youth and Experiences of Sexual Harassment”, 6 in 10 girls and 3 in 10 boys have received unwanted sexual messages or calls.⁴⁷ The study also found that 90% of young people recognize “unwanted calls and messages of a sexual nature” as sexual harassment.

RESTRICTION AND CONTROL FACILITATED BY TECHNOLOGY

Intimate partners spying on phones and secretly reading messages has become a recognizable trend in Serbia in recent years, aided by the spread of monitoring software. According to media reports, applications that allow access to the contents of someone else’s phone can be purchased for about 10,000 RSD per month (~85 EUR), and thousands of people use these apps. This software allows the user to listen in to phone calls, read messages from various chat apps, and even activate the camera to take photos. One of the companies selling this software is SpyTech, which

has sold 3,500 new licenses and extended 4,000 licenses in recent years, operating in Serbia, Montenegro, Bosnia and Herzegovina, and Croatia. The deliberate use of digital technology to stalk, track, or control women causes fear and distress in the targeted individuals.

RESPONSES AND CHALLENGES IN ADDRESSING DIGITAL VIOLENCE

The unauthorized sharing of intimate images is a serious issue in Serbia, largely because of weak legal protections and the lack of proactive steps taken by online platforms. Since what's often called "revenge porn" isn't specifically criminalized under Serbian law, people enduring this kind of abuse face limited options for protection and justice.

Additionally, people exposed to digital violence face enormous challenges in removing sensitive content from digital spaces. Social media, forums, and messaging apps often have unclear or inadequate guidelines for removing intimate images or videos shared without consent. The process of reporting and requesting content removal is often complicated, and platforms take an unacceptably long time to respond. Targeted individuals are often re-traumatized because they have to search the internet to track where the content has been shared, repeatedly report it, and argue for its removal.

EXISTING PROTECTION MECHANISMS

Legal Framework

Serbia's Criminal Code does not have a specific criminal offense for so-called "revenge pornography" but the protection can be provided through related offenses: Stalking (Article 138a), Unauthorized Photography (Article 144), Unauthorized Publication and Display of Another Person's

Documents, Portraits, or Recordings (Article 145), Sexual Harassment (Article 182a), Domestic Violence (Article 194), Extortion (Article 215), and, when minors are involved, the Displaying, Obtaining, and Possessing Pornographic Material and Exploiting a Minor for Pornography (Article 185, Paragraphs 4 and 5), and the Use of Computer Networks or Other Communication Technologies to Commit Sexual Crimes Against Minors (Article 185b, Paragraph 2). The Special Prosecutor’s Office for High-Tech Crime, within the Higher Public Prosecutor’s Office in Belgrade, is responsible for prosecuting cybercrime. Only cases of child pornography, stalking, extortion, or sexual harassment are prosecuted ex officio, while for the unauthorized sharing of someone else’s recordings—which is common in cases of revenge pornography—the targeted person needs to initiate a private lawsuit.

Publicly available statistical data on related criminal offenses differ depending on the source:

REPUBLIC STATISTICAL OFFICE OF SERBIA DATA:⁴⁸

CRIMINAL OFFENSE	2022	2021	2020	2019
Sexual Harassment	199	180	166	174
Displaying, Obtaining, and Possessing Pornographic Material	44	70	29	29
Stalking	422	383	382	375
Unauthorized Publication and Display of Another Person’s Documents, Portraits, or Recordings	44	20	11	18
Extortion	114	100	66	54

Civil Society Organizations

Non-governmental organizations (NGOs) for women's rights and combating violence against women offer various forms of legal aid, helplines, and emotional and psychological support. Most are based in Belgrade, such as the Autonomous Women's Centre, which operates the oldest helpline in Serbia and runs the platform "I Can Say No, Love Is Not Violence" which provides guides and advice for young people exposed to digital violence.⁴⁹ SHARE Foundation, an NGO focused on digital rights, offers digital and legal support. The foundation also runs the Cyber Intimacy platform, which provides detailed guidelines for reporting private content shared without consent on various platforms.⁵⁰ The Network of Female Journalists Against Violence has developed guidelines for media reporting on cases of intimate image abuse and other forms of digital violence.⁵¹

OVERVIEW OF CURRENT INITIATIVES

> WORKING GROUP FOR AMENDMENTS TO THE CRIMINAL CODE

The Ministry of Justice began the process of amending the Criminal Code in 2021, forming a working group. According to media reports, it is unclear when the group was established, who its members are, or how many meetings have been held.⁵² One official announcement stated that the proposed amendments would be adopted in 2024.⁵³ Several NGOs submitted proposals for amendments related to digital violence against women.

> EUROPEAN UNION – DIRECTIVE ON COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

A significant aspect for Serbia and its accession process is the EU legislation in force or in preparation concerning gender-based digital violence. In 2022, the European Commission published a draft directive for combating violence against women and domestic violence. In 2023, the European Parliament worked on proposals that would make several forms of cyber violence, such as revenge pornography and online harassment, criminal offenses in the EU.⁵⁴ In April 2024, the European Parliament adopted the first directive on violence against women, which, among other things, criminalizes various types of cyber violence.⁵⁵ Specifically, the Directive criminalizes the sharing of intimate images without consent, including deepfake content created using AI tools, which could help deter revenge pornography. Cyberstalking, online harassment, misogynistic hate speech, and “cyber flashing” (sending unsolicited nude images or videos) are also recognized as criminal offenses.⁵⁶ The Directive requires EU member states to develop measures that help users identify cyber violence, know

how to prevent it, and seek help if it occurs. Member states will also be required to provide an online portal for reporting such cases. EU member states have until 2027 to implement the new rules.

> AUTONOMOUS WOMEN'S CENTRE – PROPOSAL TO CRIMINALIZE THE ABUSE OF SEXUALLY EXPLICIT RECORDINGS

In May 2022, the Autonomous Women's Centre, as part of a coalition of civil society organizations PreUgovor, submitted a proposal to the Ministry of Justice's working group to add a new provision to the Criminal Code—Article 145a, Abuse of Sexually Explicit Recordings—in Chapter 14, which addresses criminal offenses against human rights and civil liberties.⁵⁷

The proposal recommends a prison sentence of three months to three years and a fine for anyone who, without the consent of the person depicted, shares or sends such content to others. The proposal also addresses deepfake pornography, which would be punishable in the same way. If the sexually explicit recording becomes available to others via the internet, it would be considered a more severe offense, with a prison sentence of six months to three years, plus a fine. The proposal further stipulates that, if the offense causes severe consequences for the person or involves a minor, multiple perpetrators, or multiple victims, the perpetrator would be punished with imprisonment of two to ten years and a fine.

The Autonomous Women's Centre defines private sexually explicit recording as “a recording depicting an individual, sexual organs, or a nude body, which was not intended for public dissemination”. The proposal also states that the crime would be prosecuted upon the injured party's request.

In its reasoning for advocating the inclusion of this criminal offense, the Autonomous Women's Centre emphasized the need to make this type of prohibited behaviour visible and legally regulated, creating a framework to

effectively address the frequent cases of so-called revenge pornography. The Autonomous Women's Centre warns that the consequences of this relatively new social phenomenon in Serbia can lead not only to feelings of shame, anxiety, and fear but also to more severe consequences that require harsher sanctions, such as long-term trauma that may lead to suicide, job loss, and societal condemnation. For these reasons, it is necessary to demonstrate to potential perpetrators that such behaviour is prohibited and punishable.

> COMMISSIONER FOR THE PROTECTION OF EQUALITY – PROPOSAL TO CRIMINALIZE THE ABUSE AND PUBLICATION OF SEXUALLY EXPLICIT CONTENT

In November 2022, the Commissioner for the Protection of Equality submitted an initiative to amend the Criminal Code to include the criminalization of the abuse and publication of sexually explicit content.⁵⁸ In the proposal sent to the Ministry of Justice, it was noted that the internet can often be a place of hate and hostility. “The latest research in Serbia shows that over 78% of surveyed young girls do not feel safe in the digital space, even though they spend at least three hours a day online. Additionally, more than 74% of girls reported never being part of any awareness campaign on gender-based violence facilitated by technology.”

The initiative stated that introducing a new criminal offense was necessary to specifically penalize the abuse of “real or forged sexually explicit content and/or revenge pornography. It is particularly important to punish the act of making this content available to third parties or a larger group of people, especially when it is shared via the internet or other means of communication.”

> MEMBER OF PARLIAMENT ALEKSANDAR OLENIK – PROPOSAL TO CRIMINALIZE THE ABUSE OF SEXUALLY EXPLICIT IMAGES OR VIDEOS

In early April 2023, MP Aleksandar Olenik submitted a proposal to the Speaker of the National Assembly to introduce a new criminal offense called “Abuse of Sexually Explicit Images or Videos”. The proposal stipulates that anyone who abuses a position of trust by sharing sexually explicit material without the subject’s consent would be sentenced to up to two years in prison. If the image or video becomes publicly available via the internet, the sentence would increase to three years.

In June 2023, the Government of Serbia responded to this proposal, submitting its opinion to the National Assembly. The opinion highlighted that the existing criminal offense under Article 145 of the Criminal Code, Unauthorized Publication and Display of Another Person’s Documents, Portraits, or Recordings, already provided penalties for those who publish photos or videos without consent, thereby significantly infringing on the subject’s private life. The current penalty for this offense includes a fine or up to two years in prison, with a more severe penalty (up to three years in prison) for cases where a public official commits the offense while performing their duties. Given this, the Government of Serbia expressed the view that it was not necessary to introduce a new criminal offense.

REGIONAL EXPERIENCES WITH THE ABUSE OF PRIVATE IMAGES OR VIDEOS

An analysis of comparative practices in the region reveals that some countries have already taken or are taking steps to specifically penalize the abuse of sexually explicit content. For example, Croatia adopted amendments to its criminal law in 2021, introducing the specific offense of abusing sexually explicit recordings. Additionally, at the end of 2023, Montenegro passed a draft law amending its Criminal Code to introduce a new offense—abuse of another person’s sexually explicit recording, photograph, portrait, audio recording, or document.

A detailed overview of the situation regarding gender-based violence in the

region can be found at the SHARE Foundation's Cyber Intimacy website, which also offers additional resources and contacts of organizations in the region working on this issue.

GLOBAL INITIATIVES AND TOOLS FOR PROTECTION FROM DIGITAL VIOLENCE

- #MyImageMyChoice: An initiative addressing the misuse of intimate images, launched by the creators of the documentary "Another Body".
- Glitch: A UK-based nonprofit organization advocating for online safety and digital citizenship. They have created numerous resources to help individuals affected by digital violence.
- Bodyright: The world's first 'copyright' aimed at preventing the online misuse of bodies. When sharing images online, users can add a copyright symbol to parts of the image showing exposed skin, marking them with a "b" symbol.
- #NotYourPorn: A movement protecting sex workers and minors from the unauthorized sharing of intimate content.
- StopNCII.org: A free tool designed to support individuals whose intimate images have been misused and published online without their consent. The tool creates a unique identifier for selected images and searches the internet to remove all copies found.

CONCLUSIONS AND RECOMMENDATIONS

DIRECTED TOWARD: STATE INSTITUTIONS

LEGISLATIVE AND JUDICIARY BODIES

RECOMMENDATION:

Adopt laws that explicitly criminalize gender-based digital violence, including sexual digital violence.

DESIRED OUTCOME:

Effective legal protection for victims and sanctions for perpetrators of digital violence.

DIRECTED TOWARD: STATE INSTITUTIONS

POLICE AND JUSTICE SYSTEM

RECOMMENDATION:

Continuously educate and train judicial authorities and police personnel to recognize and respond to gender-based digital violence.

DESIRED OUTCOME:

Increased institutional capacity to adequately address cases of gender-based digital violence.

DIRECTED TOWARD: STATE INSTITUTIONS

Government Agencies and Regulatory Bodies

RECOMMENDATION:

Develop mechanisms and collaborate with technology companies to expedite the removal of harmful content from digital platforms and to sanction perpetrators.

DESIRED OUTCOME:

A safer and more inclusive digital environment.

DIRECTED TOWARD: STATE INSTITUTIONS

SCHOOLS AND EDUCATIONAL FACILITIES

RECOMMENDATION:

Incorporate topics on digital violence, online safety, and gender equality into school curricula.

DESIRED OUTCOME:

Educated students capable of recognizing and preventing digital violence and gender discrimination.

DIRECTED TOWARD: EDUCATIONAL INSTITUTIONS
SCHOOL ADMINISTRATION AND PSYCHOSOCIAL SERVICES

RECOMMENDATION:

Develop school support programs for students who are affected by digital violence, including psychosocial support, counselling, and workshops on safe internet use.

DESIRED OUTCOME:

Adequate support and protection for students with experiences of digital violence.

DIRECTED TOWARD: EDUCATIONAL INSTITUTIONS
SCHOOL MANAGEMENT AND TEACHING STAFF

RECOMMENDATION:

Organize year-round campaigns and lectures on recognizing and preventing gender-based digital violence.

DESIRED OUTCOME:

Increased awareness and prevention of violence among students.

DIRECTED TOWARD: CSOS

CSOS FOR WOMEN'S RIGHTS AND SUPPORT

RECOMMENDATION:

Provide legal, psychosocial, and psychological support to people harmed by gender-based digital violence.

DESIRED OUTCOME:

Better access to resources and assistance necessary for overcoming the trauma caused by violence for those affected by gender-based digital violence.

DIRECTED TOWARD: CSOS

CSOS FOR WOMEN'S RIGHTS AND SUPPORT

RECOMMENDATION:

Provide legal, psychosocial, and psychological support to people harmed by gender-based digital violence.

DESIRED OUTCOME:

Better access to resources and assistance necessary for overcoming the trauma caused by violence for those affected by gender-based digital violence.

DIRECTED TOWARD: CSOS ADVOCACY GROUPS

RECOMMENDATION:

Actively advocate for legislative changes that will more effectively protect individuals at risk of or affected by gender-based digital violence.

DESIRED OUTCOME:

Greater legal protection and justice for those exposed to gender-based digital violence.

DIRECTED TOWARD: CSOS CSOS FOR HUMAN RIGHTS

RECOMMENDATION:

Organize educational campaigns and workshops to raise awareness about digital violence and ways to protect against it.

DESIRED OUTCOME:

Informed and empowered citizens, ready to effectively oppose digital violence.

**DIRECTED TOWARD: CITIZENS
GENERAL PUBLIC**

RECOMMENDATION:

Stay informed about the various forms of gender-based digital violence and its consequences.

DESIRED OUTCOME:

Increased public awareness and engagement in standing up to digital violence.

**DIRECTED TOWARD: CITIZENS
ALL INTERNET USERS**

RECOMMENDATION:

Behave responsibly online, respecting the privacy and dignity of other users.

DESIRED OUTCOME:

A safer and more inclusive online community.

DIRECTED TOWARD: CITIZENS**ACTIVE PARTICIPANTS IN THE DIGITAL SPACE****RECOMMENDATION:**

Report violence to relevant institutions, social media, and online platforms.

DESIRED OUTCOME:

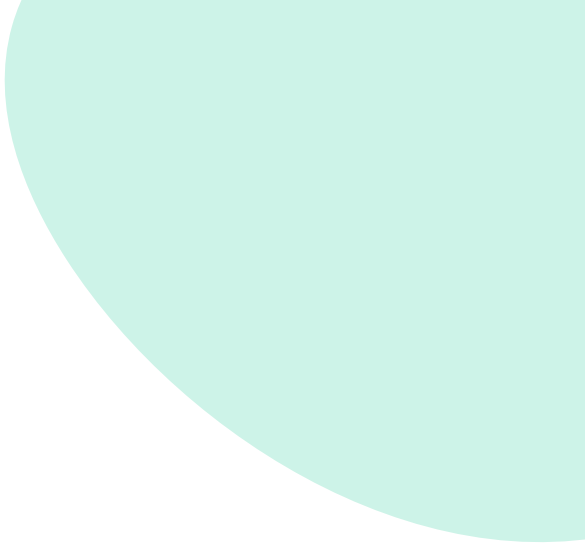
Reduced availability of violent content online and sanctions for perpetrators.

DIRECTED TOWARD: CITIZENS**INFLUENCERS AND DIGITAL CONTENT CREATORS****RECOMMENDATION:**

Promote critical thinking and conversations about the impact of gender stereotypes in the digital space.

DESIRED OUTCOME:

The promotion of equality and respect in the digital space, with empowered users who stand against discrimination and violence.



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