



Sexualised Violence Using Digital Media

Quality Criteria for Dealing with Images of Abuse



take action | **beyond**
against cyber | **digital**
sexual | **violence**

Beyond Digital Violence (ByeDV)

The project ByeDV aims at developing quality criteria for the implementation of professional standards for dealing with sexualised violence using digital media committed against children and adolescents. The distinguishing feature of the project is the close collaboration between research and practice. Colleagues from counselling centres validate the usability of empirically developed recommendations for professionally dealing with sexualised violence with digital media.



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Quality Criteria for Dealing with Images of Abuse

Three scenarios to consider.

Scenario 1:

A picture of a thirteen-year-old's penis circulates in a class group chat, and he is being made fun of as a result. You are not sure whether you should file a criminal complaint.

Scenario 2:

The mother of a five-year-old comes to your office hours. She found naked pictures on her partner's computer of her child splashing around. In the same file, she also found videos of other children engaging in sexual acts. The mother asks if you can store a backup copy of the file.

Scenario 3:

A teenager sends her underwear and nude photos of herself to multiple boys and men in exchange for gift certificates. The girl says she doesn't see any problem with this behaviour.

Over a two-year period, we discussed scenarios like these with a group of specialised practitioners. In these discussions, the following questions surfaced:

a) Under what circumstances must photographs and videos be interpreted as abuse images?

b) Which standards are factors for success when dealing professionally with abuse images?

Abuse images – sometimes also referred to as exploitative or abuse material – hurt, first and foremost, the individual depicted. They can lead to a completely unexpected disclosure of violence and exposure that is beyond the individual's control. Due to the potential circulation of abuse images, they can be the source of tension within one's social environment or lead to additional violence and accusations in one's peer group, at school or among family. Affected persons often experience denigration, so-called victim blaming, and a strong sense of powerlessness.

The quality criteria in this brochure present a conceptual exploration for support services when implementing institutional procedures for addressing abuse images. With this brochure, we assume that your institution already has a concept for protection measures when dealing with cases of sexualised violence against children and adolescents. As such, it aims to address all types of institutions that work with children and adolescents.

What are abuse images according to a psychosocial framework?

The term abuse image includes photographs, videos and other content (for example animations or sound recordings) that sexualise children or depict children engaged in sexual acts – i.e. child sexual abuse. The sex therapist Laura Kuhle and her colleagues¹ expand the term to include images of partially clothed children or nude images that originally did not have sexual connotations – such as children splashing around in water – if the use of the image suggests abuse. This happens, for example, if the images are part of a so-called set, i.e. a collection of sexually explicit images, or if the comment section of a video on social media references sexual or violent fantasies. In such cases, a young person's sexual self-determination is violated.

We are additionally using the term 'abuse images' to refer to content that affects the sexual integrity of young

people, for example, the non-consensual distribution of erotic images that were originally created in a consensual manner.

According to our definition, abusive images are images, videos or other content that violate the sexual self-determination of young people and/or serve the purpose of portraying childhood and adolescence in a sexualised way.

We are applying a psychosocial framework, because our work focuses on the emotional consequences experienced by victims as well as the reactions within their social environment. However, whether and under which circumstances a depiction of abuse is criminally liable varies from country to country.

¹ Kuhle, L. F., Oezdemir, U., & Beier, K. M. (2018). Sexueller Kindesmissbrauch und die Nutzung von Missbrauchsabbildungen. In K. M. Beier (Hg.). Pädophilie, Hebephilie und sexueller Kindesmissbrauch (S. 15–25). Wiesbaden: Springer VS.

What is current EU policy regarding the regulation of abuse images?

According to the European Commission, it is estimated that nearly 60% of child sexual abuse material worldwide is hosted on EU servers. Currently, companies that detect abuse material on their servers can voluntarily report it. The [Child Sexual Abuse Directive](#) combating sexual abuse and sexual exploitation of children and child pornography aims to harmonise prevention and protection measures as well as to facilitate investigation and prosecution of offenders. Its implementation and enforcement have been challenging, particularly with regard to establishing criminal law across member states.

An interim regulation was adopted in 2021 by the European Parliament to enable and provide a legal framework for private companies to voluntarily scan and report private messages exchanged on their platforms that may contain abuse images or grooming techniques. It has been criticised as too intrusive and at odds with privacy rights.

One country leading the way is Ireland, with the adoption of Coco's Law

(formally the Harassment, Harmful Communications and Related Offences Bill) in December of 2020. Under Coco's law, the following offences are criminalised:

- Distribution or publication of any intimate image without the subject's consent where the intent is to cause harm
- Recording, distributing or publishing an intimate image without consent regardless of intent
- Threatening to distribute or publish an intimate image with the intent to cause harm through the threat

Coco's law defines intimate images as "any visual representation, made by any means,

- a) of the person's genitals, buttocks or anal region and, in the case of a female, her breasts;
- b) of the underwear covering the person's genitals, buttocks or anal region and, in the case of a female, her breasts;
- c) in which the person is nude;
- d) in which the person is engaged in sexual activity."

What characterises an institutional approach to abuse images?

All institutions working with children and adolescents must be prepared to be confronted with images of abuse and the subsequent stress on those affected. Preliminary considerations on how to deal with abuse images therefore strengthen the confidence of those faced with an emergency situation. Based on our implementation process with specialised professionals, we have concluded that the development of an institutional approach, i.e. common convictions and guiding principles, is helpful to enable as many helpers² as possible to have an orientation beyond the case at hand. This approach can be aligned with the criteria outlined below.

² This refers to any person working in educational institutions or child and youth welfare institutions or those who work with the subject of sexualised violence in counselling institutions who may be involved in disclosure processes.

The approaches to dealing with abuse images and victims thereof are based on the psychosocial definition of abuse images, as images/videos that are not punishable under criminal law can also be very distressing to those depicted.

The idea alone that someone is looking at abuse images usually activates strong feelings of shame in those affected.

You can find out more about the psychological consequences on those affected in the brochure

["Basic knowledge and approach"](#).

The awareness that depictions of oneself could be disseminated can cause ongoing feelings of insecurity. Abuse images therefore constitute a form of violence even if the "consumer" or other young people who have been sent the image do not know the person depicted. The consumption and viewing itself is a violation of the sexual self-determination of those affected.

Abuse images are a risk to the welfare of the child. Support services are geared towards establishing protection measures and restoring the well-being of those affected. Although the criminal law assessment of abuse images is not irrelevant, it is often of secondary importance to victims.

At the same time, professionally dealing with abuse images is full of conflicts. It requires a high degree of sensitivity and introspection on the part of those involved in the helping process. The existence of abuse images can trigger strong feelings of powerlessness in those who are providing help, in part because of the risk that the victim will experience a renewed confrontation with the images, and because the subsequent consequences of the images circulating in the affected person's social environment (e.g. victim-blaming, punishment, bans) can jeopardise protection measures.

Quote

"If the quality criteria specify which things have to be accepted and that one is allowed to feel a sense of powerlessness, this can be very relieving for practitioners. I have observed that this 'acceptance' and 'release' even increase my ability to act, because I am not busy trying to solve or ward off these facts and feelings and can turn my focus to where there are possibilities for action."

(Specialised counsellor)

The conceptual development of an approach can help relieve the individual practitioner's perceived accountability. Accepting one's own powerlessness, that abuse images cannot be erased and controlled beyond a doubt, does not mean being incapable of action. Accepting powerlessness merely marks the limits of professional self-efficacy and, if necessary, of one's own mandate to act.

Support services can succeed despite the risk of recurring violence due to abuse images

a) if the organisation makes a habit of establishing cooperative case consultations or supervision in which dealing with feelings of powerlessness is firmly included and permitted, and, b) when helpers take the pressure off each other by jointly reflecting on their mandate for the best interests of the child and open up resonance spaces in which it is permissible to deal with the risk of overreacting, rash actions and a counter-transference of one's own helplessness onto the addressees.

The psychological well-being of helpers and their strategic and deliberate actions are fundamental when providing targeted support to those affected.

Those affected often fear further embarrassment in the form of accusations, blame or prohibitions on media use. This form of recurring violence is to be understood as repeat victimisation. Therefore, it is less effective to provide help that tries to exclude the possibility of recurring violence than it is to focus on how

affected persons can be protected from abuse images despite the possibility of recurrence.

Affected persons can be involved in the support process by making relevant steps transparent and always taking their needs into account. Participation can help to gradually dissipate strong feelings of powerlessness caused by the existence of abuse images. The knowledge gained through the experiences of those affected – what they perceive as threatening or stressful but also as helpful – conversely enables us to better understand how to deal with situations that involve multiple stressors and set priorities for action.

Key questions are as follows:

- Which stressors need to be addressed first?
- When considering the the affected person's perspective versus signs of an acute threat, what takes priority: protection from further boundary violations within the social environment, the containment of further dissemination, feelings of disgust that

the abuse images continue to be consumed, the origin of the abuse images, one's own feelings of shame and guilt, the feeling of isolation, or fears and burdens brought about by one's own media use?

The fantasy of omnipotence – that feeling by a practitioner of having the mandate to undo the existence of images of abuse and their consequences – can be countered by the conviction that relationships of solidarity between helpers and victims and within the victim's environment can relativise the threat of abuse images.

Suggestions on how to live with the threat of recurrences can be found in our collection of abstracts with recommendations for professionals as well as in our brochure

["Quality Criteria for Developing Coping Strategies"](#).

At what point in the disclosure process should abuse images be addressed?

When sexualised violence is first suspected, the existence of abuse images can rarely be ruled out. Abuse images must be considered during the disclosure process in order to be able to take them into account further along in the process and to enable helpers, together with those affected, to establish sustainable protection measures.

Discussing whether or not abuse images may have been produced and disseminated always happens at the earliest possible stage of help and counselling sessions. Doing so requires basic knowledge of how to conduct sensitive conversations with victims. Within the framework of specialised counselling for victims, prevention materials, especially visuals that show, for example, how mobile phones can violate personal boundaries, can be used in an age-appropriate manner and facilitate non-verbal counselling approaches.

In the context of a threat assessment – by this we mean the initial evaluation by first responders, counselling services provided by specialised centres or agencies with a specialised range of services as well as clarifications to the risk of a child’s well-being by the Youth Welfare Office – a possible risk of dissemination is addressed for the sake of transparency. This is done in consultation with the guardians, as long as doing so does not compromise the protection of the affected person.

Informing victims about a possible risk of dissemination only takes place when there are indications that abuse images may have been produced or disseminated. This takes into account the level of stress on those affected and the extent to which they have been stabilised. The aim of informing them about this possibility is to regain the ability to act against the risk of dissemination.

If you are interested in more in-depth information about informing affected persons about the possible risk of dissemination, see our

abstract collection with recommendations for professionals: [Discussing \(potential\) dissemination of abuse images with victims and their families.](#)

In the context of stabilisation, the affected person should never be led to believe that abuse images no longer exist or that a renewed confrontation with them can be ruled out so long as it is assumed or known that abuse images have been disseminated.

Affected persons should be prepared for how they can protect themselves in case of a renewed confrontation with the images, including information about the help options and legal rights they have, the technological and legal options for containment, how resilience can be built up preemptively and what aspects of psychoeducation can help.

You can find more on stabilising those affected in our brochure [“Quality Criteria for Developing Coping Strategies”](#).

What should be taken into account when assessing the risk of harm, the examination of abuse images and the preservation of evidence?

The existence of abuse images indicates a violation of the sexual self-determination of young people and thus a threat to their well-being. In this respect, it may be tempting to use the style/method in which the images were created as the yardstick for the risk assessment. However, it is problematic to do a risk assessment based on an evaluation by anyone who is not an authorised specialist:

- Strictly speaking, every time an abuse image is viewed, it constitutes a renewed violation of the sexual self-determination of those depicted.
- The images themselves do not necessarily make the context of violence sufficiently comprehensible (e.g. scenario 1).

- An examination of abuse images is usually upsetting for the viewer.
- It must always be taken into account that the possession of abuse images may be punishable according to the criminal laws of the respective country; especially if it is so-called child pornographic content.

Risk assessments by counselling centres are not carried out by means of an examination of the abuse images themselves, but are based on impressions of relationships, power dependencies, further indications of violence or neglect, sexualised online communication, impressions of stress as well as the wants and needs of the young person.

The assessment is carried out in cooperation with several professionals, including specialised and/or experienced practitioners.

During counselling, practitioners must take into account that descriptions of and discussions about the abuse images that a person has been confronted with can be very upsetting and can reactivate traumatic memories.

| Quote

"How should abusive content and images be dealt with in terms of preserving evidence? How should a counselling centre ensure legal compliance when counsellors have access to such material?"

(Specialised counsellor)

Policy demand:

Legally secure structures must be created that allow those affected to make more decisions about when to report abuse.

To this end, a corresponding state mandate could be given to child protection outpatient clinics, which would allow them to store abuse images under certain conditions – e.g. dual control, storage exclusively on protected servers, mandatory disclosure to law enforcement agencies after a certain period of time, or mandatory renewed consultation with those affected – for the purpose of later use in legal proceedings on behalf of those affected.

Preservation of the evidence of abuse images by lawyers, child protection clinics or other specialised professionals, for example a backup copy as in scenario 2, for the purpose of later supporting criminal proceedings is not necessarily exempt from punishment even if a data carrier is under dual control and kept in a safe place.

Depending on local laws, the public prosecutor's office or the police may be obliged to investigate the existence of such material.

What should be taken into account when considering pressing criminal charges?

We assume that the existence of abuse images increases the willingness of parents, educators and other caregivers to report abuse. There is often the assumption that pedagogical professionals are required to report the discovery of abuse images. However, in many countries, there is no general obligation to report

abuse. In the past, specialised counselling centres have repeatedly pointed out that a general obligation to report abuse is detrimental to the best interests of the child.

Web services and social media providers, on the other hand, on whose pages or in whose apps images of abuse are uploaded, usually see themselves as obliged to file criminal complaints. This also means that the "reporting" of images – for example, if there is an intention to delete them – can result in criminal charges being brought against unknown persons.

We generally recommend involving a counselling centre with specialised services or a specialised counselling centre when a decision has to be made about filing a criminal charge. Together with those seeking advice, professionals make assessments based on of the following:

- the risk of dissemination
- the risk of consumption of abuse images by third parties
- the risk of a renewed confrontation with the images, i.e. the revictimisation of those affected

They weigh these risks against the expected added value and the possible acute burdens for those affected by pressing charges – for example, multiple hearings, the duration of proceedings, reactivation of memories of violence, the so-called presumption of innocence in criminal proceedings. The main burden in criminal proceedings is generally borne by the victims.

Those affected should be informed about both the potentials and the limits of criminal prosecution in their particular country, for example any obligation of the criminal prosecution to investigate indications of crimes, the technical possibilities of hashbased searches or a search for abuse images by means of web crawlers, the duration of court proceedings concerning children and adolescents as well as the support possibilities during criminal proceedings, such as psychosocial support, procedural assistance, the possibility of excluding the public from proceedings and extrajudicial video hearings by trained professionals.

So, what are "safe places"?

The existence of abuse images can trigger considerable subjective pressure for professionals to act despite ambiguity regarding who possesses images, in which circles they may surface, what consequences their publication can have on those affected, or whether, on the contrary, evidence is deleted. This is especially problematic when one's own feeling of helplessness becomes the yardstick for the best interests of the child.

In this sense, safe places do not represent spaces that are inaccessible to violence, but rather trustworthy relationships and support services in which those affected know that, in the event of a renewed confrontation, they will experience solidarity, relief and active support according to the following standards:

- The violence is not trivialised.
- Those affected do not experience any blame, regardless of whether they have sent pictures/videos themselves.
- If possible, those affected do not experience media prohibitions.

- They are taught that something can be done about abuse images, even if a permanent deletion is not guaranteed.
- Affected persons are involved in decision-making when an institution, such as a school, feels obliged to follow a certain course of action according to established procedures.
- Those affected are informed about the criminal liability of violence, claims for injunctive relief, restitution and deletion claims, the possibility of violence protection orders and about their claims to child and youth welfare services.
- Those affected are referred to help centres where psychoeducational work is done, for example specialised counselling centres or trauma outpatient clinics.

If you are looking for support from specialised professionals, you can find [details on services local to you via Europe's Rape Crisis Network.](#)

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