

Stepping up initiatives against digital sexual abuse

Preface

During the past year, the media have presented a number of stories about young people, usually girls, whose nude pictures have been shared on the Internet against their will. For every such story, there is a human being who has been deprived of the right to decide over her – or his – own body and what she – or he – wishes to share with other people: When the video that was made for a now ex-boyfriend – or ex-girlfriend – is shared by that person who now feels hurt, angry and rejected. When the photos of a fun flirt have ended up on a website with intimate photos of local girls. Or when an e-mail account has been hacked and content that was not meant for anyone else stolen. Every time this happens is one time too many.

With the Government's package of initiatives against digital sexual abuse, we are sending a clear signal that everyone has the right to draw the line on what intimate details they wish to share with other people. Also on the Internet. We will step up preventive initiatives and create awareness of digital etiquette among young people. We will react with sanctions and consequences. And we will collect new knowledge in the area.

There is nothing shameful about being a victim of digital sexual abuse. It is not wrong to have sent an intimate picture of yourself to a girlfriend or boyfriend. To many – especially young people – cultivating friendships, flirting and playing with their identity on the social media are quite natural. There is nothing wrong with that. But it is both wrong and despicable to forward and share nude pictures or intimate videos of others against their will. In most cases, it is also illegal.

We want to create a change of culture in the youth environments that reward sharing nude pictures of others without their consent with social standing. Among the young people who are not aware of when sexual curiosity turns into serious and illegal abuse. We can best do that by launching a preventive effort. By strengthening education in digital etiquette and by teaching the young people to respect their own and others' boundaries. By creating an understanding of the fact that gender equality and mutual respect also apply on the Internet.

Only a minority of cases concerning digital sexual abuse ends up in court. We want to change that. We want to make it easier to report cases of digital sexual abuse to the police, strengthen police capacity to seize and secure evidence and promote a more transparent and uniform approach to such cases in the local police districts. In addition, we will increase the maximum penalty for unlawful forwarding of pictures concerning another person's private life from six months to two years under particularly aggravating circumstances.

As great as the abundance of possibilities is on the social media, as great is the risk of losing control of your own pictures and videos. At worst, a picture can live forever on the Internet and it can be shared indefinitely. Therefore, we must take action against digital sexual abuse and help the victims whose sexual material is shared on the Internet against their will.

Karen Ellemann, Minister for Equal Opportunities and Nordic Cooperation

Søren Pape Poulsen, Minister for Justice

Merete Riisager, Minister for Education

Facts

What is the scope of digital sexual abuse and sharing of nude pictures?

In recent years, various studies have been carried out, in Denmark and internationally, to identify young people's view on sharing nude pictures. The studies have i.a. examined how many young people that share pictures of themselves and others. However, the amount of knowledge and studies in the area is still limited in Denmark as well as internationally.

Facts about sharing nude pictures

- 17 percent of boys/men and 20 percent of girls/women in the age group 15-25 have forwarded or posted a sexual picture or video of themselves.
- 10 percent of boys/men and 4 percent of girls/women in the age group 15-25 have forwarded or posted a sexual picture or video of someone else.
- 17 percent of boys/men and 13 percent of girls/women in the age group 15-25 have experienced that others have forwarded or posted a sexual picture or video of them. Data on the percentage who experienced sharing without their consent is not available.
- 53 percent of the 15-30-year-olds have received nude pictures.
- 22 percent of the 15-30-year-olds have no problem forwarding a nude picture of someone they do not know.
- SSP staff (the local collaboration between schools, social service and police) in 30 municipalities have knowledge about local folders containing nude pictures of young girls that are being shared among young people.
- Save the Children Denmark's hotline (www.sletdet.dk) (in English "delete it") has, since its launch on 1 May 2016, received approx. 300 enquiries. The majority concerns how to delete material. Three in four enquires are from girls, and the age group 14-17-year-olds accounts for most enquiries.

Source: Ungeprofilundersøgelsen 2015: <https://www.skolesundhed.dk/Files/CMS/Ungeprofilunders%C3%B8gel-sen%202015.pdf>

YouGov for the Danish television channel DR2 in the programme 'Ung, nøgen og udstillet' (Young, naked and exposed): <https://www.dr.dk/tv/se/ung-noegen-og-udstillet/-/ung-noegen-og-udstillet#!/>

Save the Children Denmark: <https://redbarnet.dk/nyheder/ny-film-skal-hjaelpe-unge-der-faar-delt-noegenbilleder/>

Facts

Facts about sanctions

If you forward or publish sexual material, it may constitute digital sexual abuse, which is a punishable offence. This applies irrespective of whether you have received the material from the person in the picture or from someone else.

Depending on its specific nature, digital sexual abuse is punishable under various rules:

- **Section 264 d of the Danish Criminal Code** concerning the unlawful forwarding of private pictures concerning another person's private life or pictures of the person in circumstances which can obviously be expected to be withheld from the public.

If, for instance, you forward a nude picture of someone else, the offence will usually come under Section 264 d of the Danish Criminal Code.

- **Section 232 of the Danish Criminal Code** concerning indecent exposure.

If the nude picture forwarded is of a sexual or pornographic nature, the offence may be punishable as indecent exposure under Section 232 of the Danish Criminal Code, *while at the same time* being punishable under Section 264 d.

- **Section 235 of the Danish Criminal Code** concerning the dissemination and possession of pornographic pictures or videos of persons under the age of 18 (the child pornography provision).

If the nude picture forwarded is of a person under the age of 18 and the picture is pornographic, the offence is punishable under Section 235 on child pornography. It is also a punishable offence to possess such a picture without the consent of the person in the picture, even if you do not share the picture with anyone.

- **The Danish Act on Processing of Personal Data**

A picture showing an identifiable individual will often be covered by the Danish Act on Processing of Personal Data. If you post a picture on the Internet contrary to the provisions of the Danish Act on Processing of Personal Data, you have committed a punishable offence.

Prevention and knowledge

The fear of being exposed and shamed on the social media is far too predominant in young people's lives. This is not the way it should be. We need to prevent young people from committing serious – and illegal – digital sexual abuse with one single careless click. No one should be under the delusion that sharing nude pictures of others is just as natural and acceptable as swapping baseball cards.

The Internet is developing so fast that young people's awareness of the legal and ethical boundaries as to how to behave on the social media has not always kept pace with their technical skills. Therefore, young people must be taught how fast pictures and videos spread on the Internet, how easy it is to lose control of shared content and how the Internet challenges the boundaries between what is public and what is private. Schools, parents and police all play an important part in the effort to prevent digital sexual abuse.

Today, for many people – particularly young people – it is just as natural to cultivate new friendships, flirt and play with their identity on the social media as it is out in the “real” world. This is quite natural. But we need more knowledge about how the Internet affects young people, their boundaries, well-being and social conventions.

Sharing private sexual, vengeful and in some cases anti-female content on the Internet shows that the social media both challenge our broad-mindedness and our boundaries between public and private. When large parts of our communication are transferred to the Internet, respect for the private life of the individual, gender equality and the Danish broad-mindedness must also rule on the Internet.

Initiatives

1) Youth-to-youth campaign targeting young people at the youth education programmes regarding the sharing of private sexual material and good manners on the Internet

If we want young people to be able to relate to and take an active stand against sharing private sexual pictures on the Internet, we must talk to them in a language they can relate to and on a media platform they use. Therefore, the Danish Ministry of Education launched a youth-to-youth campaign on YouTube in November 2016. In 10 videos, 10 well-known You-Tubers address the problems associated with sharing pictures and the way we talk to each other online. The videos can also be used in class. The campaign ends in February 2017 and was developed in cooperation with Save the Children Denmark, the Danish Family Planning Association and Children's Welfare in Denmark. (The Danish Ministry of Education)

2) Dialogue film for parents

Some young people have indicated that they would want their parents to ask more questions about their life on the social media. But parents may not know how to approach this subject, which can be quite sensitive. Therefore, the Danish Ministry of Education has cooperated with Save the Children Denmark, the Danish Family Planning Association and Children's Welfare in Denmark to prepare two films, which the schools can use to start a dialogue with the parents as to how to relate to their children's digital behaviour. The material also includes some questions to reflect on for use in the dialogue with the parents. The film can be watched at EMU.dk – Denmark's learning portal. (The Danish Ministry of Education)

3) Inspiration material for the upper secondary education institutions on the prevention of and fight against the sharing of private sexual material

The challenge of preventing digital sexual abuse among the students and dealing with any students who have experienced having intimate pictures or videos shared against their will are rather new to many principals, teachers, student counsellors and other resource personnel. They can now find inspiration how to approach the challenge in new material that will be made available at EMU.dk – Denmark's learning portal. The portal will also include references to already existing material on the subject. (The Danish Ministry of Education)

4) Inspiration material for teachers for use in school assemblies and in class regarding the sharing of private sexual material

It is important to include information about and work with digital abuse in the youth education programmes. Therefore, the Danish Ministry of Education has collected some inspiration material for teachers at the upper secondary education programmes including the vocational training programmes to address the subject in class or school assemblies. The material is available for the subjects Danish (STX, HF, HHX, HTX), social studies (STX, HF) and society and health (EUD) and has been prepared by the Danish Family Planning Association. In addition, Save the Children Denmark has prepared material for the purpose to be applied in school assemblies. The material is available at EMU.dk – Denmark's learning portal. (The Danish Ministry of Education)

5) Strengthening digital competencies in the subjects at the upper secondary education programmes focusing on ethics

The digitised society increases the need for digital etiquette. So far, IT competencies at the upper secondary education programmes have primarily focused on the application of digital tools. But as great as

the abundance of options is on the Internet, as great is the risk of losing control of your data, your pictures and information about yourself shared when sitting at the computer. New curricula will strengthen the digital etiquette and digital competences in the subjects at the upper secondary education programmes. Focus will i.a. be on ethics, communities, digital identity and the consequences for yourself and others of sharing material on the Internet. (The Danish Ministry of Education)

6) Establishing a hotline for sexually abusive behaviour in the upper secondary education programmes

In the winter 2017, an acute hotline will be established for schools that experience cases where a student's private sexual material has been shared among the school's students. The hotline will provide advice on how to handle a specific case or on how the school can prevent sharing among the school's students. The hotline will be staffed by the learning consultants for the upper secondary education programmes. In the future, the learning consultants will, in their work with the schools, also focus on the ensurance of a school culture that discourages sexually abusive behaviour. (The Danish Ministry of Education)

7) Survey of legislation and legal practice concerning digital abuse in a Nordic context

The Nordic Council of Ministers will conduct a survey of legislation and legal practise concerning digital abuse in the Nordic countries. This survey is expected to be published in mid-2017 and constitutes part of the ongoing cooperation on sexism and hateful speech, including digital sexual abuse and young people in the Nordic Council of Ministers. (Minister for Equal Opportunities and Nordic Cooperation)

8) Information material for young people in the Nordic countries on digital abuse

In the context of the Nordic Council of Ministers, information material on digital abuse will be prepared specifically targeting children and young people in the Nordic countries. The purpose of the information material is i.a. to make the young people aware of the rights and possibilities of the individual, e.g. with regard to having pictures removed from the Internet. The information material is expected to be published in 2017. (Minister for Equal Opportunities and Nordic Cooperation)

9) Study of girls' and boys' view on gender, body and sexuality

In 2017, the Minister for Equal Opportunities will launch a study that will produce new knowledge about boys' and girls' view on gender, body, sexuality and digital behaviour. Among other things, the study will focus on the young people's expectations relating to gender, body and sexuality, how they affect the young people's well-being, education, social life and their boundaries and behaviour on the social media. This new knowledge will inform a debate about respecting your own and other people's boundaries, the well-being of young people and their expectations with regard to their own body. (Minister for Equal Opportunities and Nordic Cooperation)

10) Information initiatives

Many young people are not aware of the seriousness of an offence digital sexual abuse is. They often see it as something they can do without punishment and involvement by the police. The Danish National Police will help raise awareness about digital sexual abuse via the social media, including e.g. by publishing the results of concrete police responses to digital sexual abuse. The purpose of this action is to communicate clearly to the public that digital sexual abuse is a punishable offence; an offence that has extensive consequences for both victim and offender. (The Danish Ministry of Justice)

Help for the victims

No victim of digital sexual abuse should feel that they are alone with the problem. They should know that they can get help, both at their educational institution, if applicable, and from the police.

People whose nude pictures or other intimate material have been shared on the Internet without their consent often struggle with a feeling of shame because they may have taken the pictures themselves – pictures they sent to someone they used to trust. This may make it difficult for them to ask for help. Therefore, it is important that the youth education programmes ask whether the students have been the victim of digital sexual abuse. This way, it will only require an honest answer to get the attention of the school management. At the same time, it must also be easier to report digital sexual abuse to the police.

The psychological and social consequences for persons whose privacy has been invaded through the sharing of pictures or intimate videos on the Internet without their consent are often extensive. This is i.a. due to the loss of control and of the right to decide over their own body. Some victims find it helpful to be able to confront the offender with the consequences of his – or her – action. This may be relevant in case of a rejected girlfriend or boyfriend, a brief flirt or someone who earns money on sharing the private sexual material of other people. It is important for the victims to get some sort of closure, even though their pictures may be on the Internet forever, thus repeating the digital abuse over and over again.

Initiatives

1) Follow-up on sexually abusive behaviour in well-being measurements at the upper secondary education programmes

In order to improve the schools' options for discovering and acting on any problems of digital abuse, the upcoming mandatory well-being measurements to be carried out at the Danish upper secondary schools will be used to keep an eye on to what extent students experience having sexual material shared on the Internet against their will. Including digital abuse in the future well-being measurements also sends a clear signal that this type of behaviour on the Internet affects the student's well-being, and therefore the schools have a responsibility for taking action. The option of also bringing digital abuse into focus in relation to the well-being measurement at the vocational training programmes will be examined with a view to including questions in this regard in the upcoming well-being measurement in the autumn of 2017. (The Danish Ministry of Education)

2) When the police are approached by a victim

The Danish Ministry of Justice's survey of digital sexual abuse has shown that there are examples of victims in cases regarding digital sexual abuse who have experienced not being met with the requisite seriousness or sufficient recognition in their meeting with the police. In cooperation with the Director of Public Prosecutions, the Danish National Police will prepare information material on how digital sexual abuse can be reported to the police, what the victim can expect from police proceedings in the case and other information about what to do if you are the victim of digital sexual abuse. The information material will help create transparency for the citizen as to how the police handle cases concerning digital sexual abuse. The material will also, internally in the police force, be able to contribute to a more uniform approach to such cases. In addition, the Danish Ministry of Justice has launched a survey of the citizens' experience of the meeting with the police when e.g. reporting an offence. (The Danish Ministry of Justice)

3) Easier access to reporting digital sexual abuse

Victims of digital sexual abuse may feel shameful and helpless and this may in some cases prevent them from seeking help. The Danish National Police have started developing a reporting platform on the police website for i.a. cases involving the illegal sharing of private sexual material. The purpose is to make it easier for the victims to report digital sexual abuse, while at the same time enabling the police to receive and handle the reports in an easy and professional way. (The Danish Ministry of Justice)

4) Focus on the use of victim-offender conferences

A victim of digital sexual abuse may feel the need to tell the offender about the consequences of his – or her – action and what has happened subsequently. This may help the victim deal with the anger and anxiety caused by the digital sexual abuse. With a view to helping the victim put the incident behind her – or him – and move on, the police will focus on the possibility of using victim-offender conferences in cases concerning digital sexual abuse if the conditions in this regard are met. The Danish National Police secretariat for victim-offender conferences will in connection with the launch of the initiatives call the attention of Denmark's victim-offender mediators and coordinators to the initiative regarding focus on the use of victim-offender conferences in cases concerning digital sexual abuse. (The Danish Ministry of Justice)

5) Victim counselling

The Danish Ministry of Justice's survey has shown that victims in cases concerning digital sexual abuse may feel that they are not being offered sufficient help when they report their case to the police. Also, in some cases, the victim has erroneously believed that special counselling is only available to victims of violence. The police will take care to tell victims of digital sexual abuse about the possibility of victim counselling which is available to victims of all kinds of offences. Furthermore, the Victim Counselling Service has planned feature days for 2017 and 2018 regarding counselling and support of victims of cybercrime, including counselling sessions in cases concerning digital sexual abuse. (The Danish Ministry of Justice)

Consequence and punishment

Sharing nude pictures and videos of others without their consent is illegal. Digital sexual abuse may, depending on its nature, be punishable under Section 264 d of the Danish Criminal Code on the forwarding of private pictures, Section 232 of the Danish Criminal Code on indecent exposure or Section 235 of the Danish Criminal Code on the dissemination and possession of pornographic material of persons under the age of 18. But many people – especially young people – do not understand how serious an offence digital sexual abuse is. They do not realise that sharing something, which they may not even have given particular thought to, may end in them being refused access to class at their school, questioning by the police and a criminal record.

In case of more organised digital sexual abuse, everybody knows that digital sexual abuse is illegal. Therefore, the instigators use foreign websites and self-destructing file-sharing platforms that make it difficult for the police to track down the instigators.

Unfortunately, there are many cases concerning digital sexual abuse today that do not end up in court. There may be several reasons for this: The cases are not reported to the police or it is difficult to seize and preserve sufficient evidence for criminal prosecution.

Therefore, we will strengthen police capacity to seize and preserve evidence and ensure that the punishment for digital sexual abuse reflects the nature and severity of the offence. No one must doubt that we, as a society, regard the repeated humiliation and invasion of their privacy to which the victims are exposed when their intimate pictures are shared again and again as a very serious offence.

Initiatives

1) Clarification of the principal's authority

The principals face a special challenge in that the students' sharing of pictures and videos often takes place outside the school. Therefore, some principals have been unsure about their authority. As a consequence, an amendment of the Executive Order on Rules of Study and Conduct at the Upper Secondary Education Programmes is contemplated, so that it will include a specification of the principal's authority to impose sanctions on a student if he – or she – has shared another student's private sexual material without the consent of that student. The principal's authority is expected to apply also if the material was shared outside school hours or outside the institution's area but where the sharing of the material has an impact on conditions at school. The Danish Ministry of Education is i.a. working on adding a new provision on bullying on the social media to the Executive Order on Rules of Study and Conduct at the Upper Secondary Education Programmes. As is the case today, the principals at the upper secondary schools will be able to impose sanctions on a student, e.g. by refusing him – or her – access to class for up to 10 days. The sanction must always be proportionate to the student's violation. The Executive Order will be submitted for consultation in the spring of 2017. It is the intention to give the same authority to principals at vocational schools. (The Danish Ministry of Education)

2) Securing evidence

In cases concerning digital sexual abuse, evidence is often volatile. Therefore, it is important to seize and preserve the evidence to allow an effective investigation of the offences. The Danish National Police will, in cooperation with the Director of Public Prosecutions, prepare some guidelines for the police districts on the seizure and preservation of digital evidence in cases concerning digital sexual abuse with a view to strengthening police capacity, at an early point in the proceedings, to seize and preserve the evidence necessary for the further investigation and prosecution. (The Danish Ministry of Justice)

3) Focus on the prosecution service's handling of cases concerning digital sexual abuse

Depending on its nature, digital sexual abuse may be punishable under Section 264 d of the Danish Criminal Code on the forwarding of private pictures concerning another person's private life or pictures of the person in circumstances which can obviously be expected to be withheld from the public, Section 232 of the Danish Criminal Code on indecent exposure, Section 235 of the Danish Criminal Code on the dissemination of pornographic material of persons under the age of 18 or the Danish Act on Processing of Personal Data. Depending on the circumstances, the offence may be punishable under several provisions at the same time. The Director of Public Prosecutions will elaborate and specify the guidelines governing the prosecution service's proceedings in cases concerning digital sexual abuse, including bringing charges in cases involving the unlawful sharing of pictures etc. with sexual content. In order to ensure a level of sanctions commensurate with the severity and nature of the cases, the prosecution service will also focus on ensuring that charges are brought under all the relevant provisions of the Danish Criminal Code on publishing or sharing of pictures and videos with sexual content and that the sentences claimed by the prosecution service reflect the nature and severity of the offence, including the fact that digital sexual abuse is a sexual offence but also concerns the forwarding of private pictures and videos. (The Danish Ministry of Justice).

4) Higher sentences

The Danish Criminal Code Council is currently completing a review of the part of the Danish Criminal Code that concerns offences against personal honour and certain individual rights. In this connection, the Council has notified the Danish Ministry of Justice that the Council finds it appropriate to propose a higher sentence for violation of Section 264 d of the Danish Criminal Code on privacy violations in connection with e.g. digital sexual abuse. The Danish Criminal Code Council is thus expected to propose that the maximum penalty be increased to imprisonment for up to two years in particularly aggravated circumstances. For instance, where the offender has forwarded material of a particularly explicit nature, to many people, on the Internet or of a large number of victims. When someone is a victim of digital sexual abuse, the damaging effects may be extensive and of a lasting nature as the information and pictures can spread far and wide and very fast. In practice, it can be difficult, in some cases bordering on impossible, to remove them again. An increased maximum penalty will emphasise the severity of the offence. (The Danish Ministry of Justice).

Facts

If you need help or are looking for more information about digital sexual abuse

There are several options available to prevent digital sexual abuse and help the victims of digital sexual abuse.

The ethical code against sharing private sexual material consists of seven principles whose purpose it is to create a school culture without digital sexual abuse. The code has been developed in cooperation between the former Minister for Children, Education and Gender Equality, Ellen Thrane Nørby, and a number of representatives of the youth education programmes.

Sletdet is run by Save the Children Denmark, the Danish Crime Prevention Council and Sikkerchat.dk and offers counselling specifically for children and young people who experience having private, intimate or humiliating information, pictures or videos shared.

Sexlinien (the sex line) is run by the Danish Family Planning Association and offers counselling for young people in the age group 15-25 on sex, sexuality etc.

StopChikane (end harassment) is run by a women's society with support from the Danish Victims Fund and offers counselling for men and women who have been victims of online harassment and digital sexual abuse. StopChikane will be launched on 1 March 2017.