

**COMBATING IMAGE-BASED  
SEXUAL ABUSE ONLINE:  
A legal perspective on  
the Western Balkans**

By Megi Reçi

Edited by Ena Bavčić

2024/2025

# About DCAF

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

DCAF's Foundation Council members represent over 50 countries and the Canton of Geneva. Active in over 70 countries, DCAF is internationally recognized as one of the world's leading centres of excellence for security sector governance (SSG) and security sector reform (SSR). DCAF is guided by the principles of neutrality, impartiality, local ownership, inclusive participation, and gender equality. For more information visit [www.dcaf.ch](http://www.dcaf.ch) and follow us on Twitter [@DCAF\\_Geneva](https://twitter.com/DCAF_Geneva).

## **DCAF - Geneva Centre for Security Sector Governance**

Maison de la Paix

Chemin Eugène-Rigot 2E

1202 Geneva, Switzerland

Tel: +41 22 730 94 00

[info@dcaf.ch](mailto:info@dcaf.ch)

[www.dcaf.ch](http://www.dcaf.ch)

## **Contributors**

Editor: Ena Bavčić

Design & Layout: Elmæ Muslija

Photo: Adi Goldstein, Unsplash

## **Disclaimer**

The opinions expressed in this publication are those of the authors alone and do not necessarily reflect the position of the institutions referred to or represented within this publication.

# Table of Contents

<b>Introduction .....</b>	<b>4</b>
<b>Legal framework surrounding image-based sexual abuse online.....</b>	<b>6</b>
I.....	6
II.....	8
III.....	10
IV.....	12
<b>Image-based sexual abuse online and international regulation.....</b>	<b>14</b>
Image-based sexual abuse online through the perspective of the European Court of Human Rights .....	14
Image-based sexual abuse online and Istanbul Convention.....	15
Potential spillover of EU regulatory efforts on image-based sexual abuse online .....	16
<b>Judicial responses to image-based sexual abuse online.....</b>	<b>18</b>
North Macedonia.....	18
Montenegro.....	20
Albania.....	22
Serbia.....	25
<b>Conclusions and recommendations.....</b>	<b>27</b>

# Introduction

The rise of technology-facilitated gender-based violence in the Western Balkans, particularly image-based sexual abuse online, has revealed significant systemic failures in addressing these violations. This study focuses on a specific form of online violence: non-consensual creating, altering or manipulating, taking or recording, processing, distributing or threatening to distribute intimate images.

Despite growing awareness, the region has witnessed an alarming increase in incidents where perpetrators disproportionately target women, including minors, who are often individuals known to them or online groups that share explicit content without consent. Institutional responses have been inadequate, reflecting broader societal and legal gaps in dealing with these issues. While some civil society organisations have been actively raising awareness and advocating for change, survivors of these violations frequently face re-traumatisation and societal stigmatisation, further discouraging both reporting and seeking legal recourse.

For instance, in the case of the infamous "Albkings" Telegram group, which distributed explicit images of women and minors among over 100,000 predominantly Albanian male members from Kosovo, Albania, and the diaspora, was ultimately shut down after Kosovo law enforcement intervened.<sup>1</sup> The action followed reports from victims, leading to the arrest of several suspects for identity theft and related crimes. However, the prosecutions did not address the central issue of non-consensual image distribution, exposing a significant gap in legal protections, while similar groups continued to proliferate.

Similarly, in North Macedonia, the "Public Room" Telegram groups gained notoriety for circulating explicit images of women and girls<sup>2</sup>. While authorities identified the group admins and seized their devices, the investigation primarily focused on charges related to child pornography and the abuse of personal data, rather than the core offence of non-consensual intimate image distribution. This case also highlighted the lack of cooperation from Telegram with national law enforcement, further complicating the investigation. As in Kosovo, new groups quickly emerged, and the national authorities continued to face challenges in obtaining electronic evidence from the platform.

In Serbia, the issue of non-consensual image sharing via similar Telegram groups has been widespread too, yet institutional responses remain insufficient. Despite public outcry and specific

---

<sup>1</sup> Balkan Insight (2024) <https://balkaninsight.com/wp-content/uploads/2024/06/THECASE-OF-ALBKINGS.pdf>

<sup>2</sup> Institute of Criminological and Sociological Research (2024) [https://www.iksi.ac.rs/izdanja/the\\_position\\_of\\_victims\\_in\\_rs.pdf](https://www.iksi.ac.rs/izdanja/the_position_of_victims_in_rs.pdf)

cases highlighted by civil society organisations<sup>34</sup>, effective legal action against perpetrators has been lacking.<sup>5</sup> However, the coordinated reporting to shut down harmful groups by the civil society organisation Osnazene has demonstrated a potential for improved responses when public pressure is applied. This was achieved by encouraging social media followers to use a provided email template to contact Telegram, urging them to shut down the groups in question.<sup>6</sup>

In Albania, there have been cases where women victims of image-based sexual abuse online have committed suicide due to intense societal pressure. In at least one instance, the Albanian police arrested the author of image-based sexual abuse online on charges of "causing suicide," highlighting that action was taken only when online crimes led to extreme physical-world consequences. These cases have continuously sparked public debate on the need for explicit criminalisation of image-based sexual abuse online and related threats.<sup>7</sup>

Across other Western Balkan countries, including Montenegro, similar groups and online platforms continue to be primary channels for the distribution of non-consensual intimate images. Victims frequently refrain from reporting these crimes due to societal stigma and the psychological toll they endure, leading to limited legal action.<sup>8</sup> Research in Bosnia and Herzegovina indicates that institutional responses often fall short in supporting victims of image-based sexual abuse online due to systemic loopholes. Moreover, even in the cases when the system operates effectively, this form of violence has continued to proliferate in online spaces.<sup>9</sup>

Overall, these cases underscore the systemic challenges in addressing non-consensual intimate image distribution throughout the Western Balkans, extending beyond the specific countries and platforms highlighted. A common denominator is the profound lack of sensitivity and urgency in institutional responses to reported cases. Law enforcement and the judiciary often fail to recognise the severity of these crimes, viewing online threats as less serious than physical harm. The absence of comprehensive legal frameworks, institutional capacity, and victim support mechanisms, combined with deeply entrenched patriarchal norms, exacerbates the challenges in effectively combating these violations.

3 Tampon zona (2024) <https://tamponzona.rs/podcasts/telegram-grupe-uzroci-i-moguca-resenja-stasa-ivkovic-i-milena-vasic/#:~:text=U%20studiju%20su%20sa%20nama%20sta%C5%A1a%20lvkovi%C4%87,%20osniva%C4%8Dica%20udru%C5%BEenja%20i>

4 Osnazene (2024) <https://osnazzene.org.rs/blog/telegram-iza-senke-incest-decija-i-osvetnicka-pornografija/>

5 Nedeljnik (2023) <https://www.nedelnik.rs/dosije-petnica-dve-godine-kasnije/#:~:text=Ovako%20su%20glasile%20poslednje%20dve%20re%C4%8Denice%20u%20tekstu%20koji%20je>

6 Osnazene (2024) <https://osnazzene.org.rs/blog/template-gasenje-telegram-grupa-2/>

7 Citizens Channel (2024) <https://newsletter.citizens.al/p/emergence-kombetare-boshlleku-ligjor-dhe-presioni-shoqeror-shtyjne-grate-drejt-vetevrasjes>

8 BIRN (2024) [https://www.birn.me/istrazivanje/zrtve-osvetnicke-pornografije-rijetko-prijavljuju-nasilnike-0#:~:text=Milica%20\(ovo%20nije%20pravo%20ime%20sagovornice\)%20imala%20je%2019%20godina](https://www.birn.me/istrazivanje/zrtve-osvetnicke-pornografije-rijetko-prijavljuju-nasilnike-0#:~:text=Milica%20(ovo%20nije%20pravo%20ime%20sagovornice)%20imala%20je%2019%20godina)

9 DCAF (2023) [https://www.dcaf.ch/sites/default/files/publications/documents/Online-actions-offline-harms\\_EN-2nov2023.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/Online-actions-offline-harms_EN-2nov2023.pdf)



Given that existing research<sup>10</sup> has addressed image-based sexual abuse online in Kosovo and Bosnia and Herzegovina, this report focuses on the legal framework and institutional response on the matter in the remaining Western Balkan countries: Albania, Montenegro, North Macedonia, and Serbia.

## Legal framework surrounding image-based sexual abuse online

The legal landscape surrounding image-based sexual abuse online in Albania, Montenegro, North Macedonia, and Serbia reflects similar approaches, challenges, and opportunities for prosecution and redress. Each jurisdiction employs varying, often ambiguous, and inadequate provisions within its legislation, primarily categorised under sexual offences and privacy or private life violations.

### I.

In **Albania**, the criminalisation of image-based sexual abuse online is not addressed through a specific legal provision; however, other criminal violations within the Criminal Code<sup>11</sup> aiming to protect the right to private life, and fight sexual crimes, touch upon some of its elements.

In this context, the Code penalises **unjust interference in private life** (Article 121), which includes setting up devices that serve for listening, recording, or transmitting words or images, as well as the storage for publication, or the publication of data that expose an aspect of the private life to the person without their consent. This constitutes a *misdemeanour* and is punishable by a fine or imprisonment of up to two years. While this provision is the closest reference to image-based sexual abuse online in the Albanian Criminal Code, it lacks key components such as a clear definition of intimate images, the types of images covered, the means of distribution, definitions of consent, and considerations of intent and purpose. It also does not include altering or modifying intimate content, or threats of distribution.

The Albanian Criminal Code encompasses several other crimes and misdemeanours often concurrent or consecutive to image-based sexual abuse online.

For instance, the Code addresses **sexual harassment** (Article 108/a) in any form or through any means, acknowledging the various ways such acts can occur, including online. Sexual harassment is classified as a *crime* and is punishable by imprisonment ranging from one to five years.

<sup>10</sup> DCAF (2023) [https://www.dcaf.ch/sites/default/files/publications/documents/Online-actions-offline-harms\\_EN-2nov2023.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/Online-actions-offline-harms_EN-2nov2023.pdf)

<sup>11</sup> To access the law see: <https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa49-78967c31bf4d>

However, it should be noted that the Code does not apply the same for **stalking** (Article 121/a) as it does not cover stalking that takes place online. According to the Code, stalking includes threatening or harassing someone repeatedly to cause anxiety or fear for one's safety or that of a close person, or to force them to change their lifestyle. This is considered a *crime* and is punishable by imprisonment from six months to four years. When an ex-spouse, former cohabitant, or someone with whom the victim had a relationship commits this crime, the punishment is increased by one-third of the original sentence. If stalking is committed against a minor, a pregnant woman, or a "defenceless" person, or if it involves the use of a mask or weapons, the penalty is raised by half of the original sentence.

Notably, when it comes to **electronic distribution of discriminatory content** (Article 119/a), the Code limits its scope to racist or xenophobic content solely, excluding gender considerations. Moreover, regarding **public insults conducted via electronic means**, (Article 119/b) covers ethnicity, nationality, race, or religion, failing to address other possible motivations e.g., gender, sexual orientation, or gender identity. Both of them are considered *misdemeanours*.

It should be noted, that for some of these acts, such as unjust interference in private life, insult, insult with racial or xenophobic motives via a computer system (Article 59 of the Code of Criminal Procedure<sup>12</sup>), the judicial process can be initiated solely by the victim. The latter must file a request in court and participate in the trial to prove the accusation and seek damages. This places a burden on the victim to initiate the trial and actively provide evidence. The prosecutor participates in the trial solely to secure a conviction or support the defendant's acquittal. If the victim or their attorney fails to appear in court without a valid reason, the court may dismiss the case.

Additionally, several of these acts, including unjust interference in private life, electronic distribution of discriminatory content, and public insults made through electronic means, are classified as misdemeanours rather than crimes. This classification indicates that they are considered less serious, and depending on the court's decision, they may be punishable solely by a fine.

The Criminal Code of Albania was at the time of writing this paper undergoing amendments and was expected to enter a public consultation phase; which may present an opportunity to address these gaps regarding image-based sexual abuse online. Although a public draft has not yet been released at the time of writing this paper, the Ministry of Justice confirmed in response to a freedom of information request that these amendments aim to align with several European Union directives and consider developments in international jurisprudence and the European Court of Human Rights. The relevant directives that partially address non-consensual intimate image distribution, as mentioned by the Ministry of Justice, include Directive 2011/92 "On combating the sexual abuse and sexual exploitation of children and child pornography," and Directive 2012/29 "Establishing minimum standards on the rights, support, and protection of victims of crime."<sup>13</sup>

<sup>12</sup> To access the law see: <https://qbz.gov.al/preview/b4819f4d-c246-49b3-87a9-2e6c8512c975>

<sup>13</sup> Information provided via Freedom of Information Request by the Ministry of Justice, 16/09/2024

Concerns related to necessary amendments to the Criminal Code have been raised by child rights organisations<sup>14</sup> and the Ombudsperson.<sup>1516</sup>

Lastly<sup>17</sup>, another potential remedy for cases of non-consensual intimate image distribution in Albania is through civil courts. When a victim has suffered harm, they have the right to seek compensation, within a year deadline, under the Civil Code. In these cases, the Civil Code allows for claims of non-pecuniary damages in situations where there is damage to health, including mental health, as well as when a person's honour, personality, or reputation is affected, or when their privacy is violated (Article 625)<sup>18</sup>.

## II.

In **Montenegro**, the Criminal Code<sup>19</sup> addresses the unauthorised use of personal information and imagery, aiming to protect the right to privacy. Significant progress has been made in tackling image-based sexual abuse online, as a result of extensive societal discussions and the advocacy efforts of women's rights organisations, which actively reported on the issue and raised awareness of the need for criminalisation<sup>20</sup>. This culminated in a 2023 amendment to the Criminal Code that introduced, among others, image-based sexual abuse online as a new criminal act.

Until the 2023 amendment of the Criminal Code of Montenegro, when the new criminal act of "Abuse of one's videos, recordings, photographs, portraits, audio recordings or texts that contain sexually explicit content" (Article 175a) was introduced, the proceedings of such cases could have been initiated only by a private lawsuit. Since the amendment, the proceedings can be initiated ex officio.<sup>21</sup>

In this context, the Code now specifically covers the **abuse one's of videos, recordings, photographs, portraits, audio recordings, or texts that contain sexually explicit content** (Article 175a). It penalises individuals who distribute such content to third parties without consent, with potential imprisonment of up to two years. Like the previous article, it thoroughly addresses the issue of consent. The article also includes provisions for **creating or altering sexually explicit**

14 CRCA (2024) <https://www.crca.al/en/crca-ecpat-albania-submits-for-approval-to-the-albanian-parliament-urgent-amendments-to-the-criminal-code/>

15 Ombudsperson of Albania (2021) <https://www.avokatipopullit.gov.al/media/manager/website/reports/MBROJTJA%20E%20F%C3%8BMIJ%C3%8BVE%20NGA%20ABUZIMI%20DHE%20SHFRYT%C3%8BZIMI%20SEKSUAL.pdf>

16 Information provided by Ombudsperson's office via Freedom of Information Request on 30/09/2024

17 NVO Prima (2021) <https://nvoprima.org/assets/files/Polazna-studijaoosvetnikojpornografiji.pdf#:~:text=Osvetni%C4%8Dka%20pornografija%20u%20krivi%C4%8Dnim%20zakonima%20veze.%20Me%C4%91utim,%20u%20mnogim>

18 To access the law see: <https://qbz.gov.al/preview/f010097e-d6c8-402f-8f10-d9b60af94744>

19 To access the law see: Krivični zakonik Crne Gore

20 NVO Prima (2021) <https://nvoprima.org/assets/files/Polazna-studijaoosvetnikojpornografiji.pdf#:~:text=Osvetni%C4%8Dka%20pornografija%20u%20krivi%C4%8Dnim%20zakonima%20veze.%20Me%C4%91utim,%20u%20mnogim>

21 To access the Law on Amendments to the Criminal Code see: 3257-18458-23-1-23-9-8.pdf



**material without authorisation**, whether using a computer system or other means, treating these offences with equal severity. This also includes the **using or making available of such content to a third party**.

Additionally, the Code criminalises the **unauthorised publication or presentation of written texts, portraits, photographs, films, or phonograms** (Article 175) that significantly infringe upon an individual's privacy. It explicitly addresses the issue of consent, requiring the approval of the person who created the written text or is associated with it, as well as the consent of individuals depicted in portraits, photographs, or films, or whose voice is captured on a phonogram, along with any other necessary consents mandated by law. Offenders may face a fine or imprisonment for up to one year. However, if the violation is committed by someone in an official capacity while performing their duties, the penalty can increase to a maximum of three years in prison.

**Unauthorised collection and use of personal data** (Article 176) is also addressed, establishing that anyone who provides, communicates to others, or uses personal data without permission for purposes other than those for which the data was collected, may be sentenced to a fine or imprisonment not exceeding one year. This also applies to individuals who collect personal data in violation of the law.. Furthermore, anyone who **impersonates another person** to exercise their rights, gain benefits, or interfere with their private life, may face imprisonment for up to one year. The penalties can range from three months to three years in prison if these offences are committed by an official while performing their duties.

Additionally, the Code penalises **unauthorised photographing** or recording that significantly invades an individual's privacy (Article 174). This also includes acts of delivering or showing such recordings to a third party or enabling a third party to gain an understanding of such recordings. The consequences include fines or imprisonment for up to one year, with harsher penalties (up to three years) for officials committing these acts in their official capacity.

Other criminal acts like **stalking** are also defined (Article 168a) by the Criminal Code, covering unauthorised monitoring and other actions aimed at physically approaching a person; seeking to establish contact with the person against one's will (directly, through a third party or means of communication); misuses the personal data of the person (to order goods and services); and also threatening to attack the life, body, or freedom of the person in question or people close to him or her. Prescribed penalties include monetary fines or imprisonment of up to five years, depending on the circumstances of the case.

Moreover, **sexual harassment** is also addressed (Article 211c). The Article covers any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which is intended to violate the dignity of a person or a group of people who have such an effect; especially when such behaviour induces fear or creates a hostile, degrading, intimidating, degrading or offensive sur-

rounding. Proceedings for these acts are initiated through a private lawsuit. Depending on the circumstances, the prescribed penalties include imprisonment for up to 6-24 months.

In conclusion, Montenegro's Criminal Code provides strong protections against the unauthorised use of personal information and imagery, especially with its explicit provisions addressing various types of non-consensual intimate image abuse; though it lacks dedicated provisions on threats to distribute such content, except general ones related to sexual harassment. The 2023 amendment signifies notable progress and demonstrates a commitment to safeguarding individual privacy by prioritising consent and imposing strict penalties for violations, including those committed by officials.

### III.

In **North Macedonia**, the Criminal Code<sup>22</sup> does not contain a specific provision that directly criminalises the distribution of intimate photos or videos without the victim's consent. Instead, certain related behaviours that violate human rights and freedoms are detailed in the Code, along with sexual crimes.

For example, **unauthorised recording** (Article 152) criminalises photographic, film, or video recordings of a person or their private premises without consent. This includes the direct transmission of such recordings to a third party, as well as showing the recording to them or otherwise enabling third parties to become acquainted with such recordings. Penalties range from fines to one year in prison, increasing from three months to three years for officials acting in their capacity. It should be highlighted that prosecution for this offence, when committed by private citizens, can only be initiated through a private lawsuit.

The **misuse of personal data** (Article 149) penalises the unauthorised collection, processing, or use of personal data without consent, with penalties including fines or imprisonment of up to one year. The same applies to anyone who accesses a computer information system containing personal data to use it for their own or someone else's benefit or cause harm to another. If committed by an official, the penalties can increase to three years.

Furthermore, the **production and distribution of child pornography** (193/a) is criminalised with severe penalties including imprisonment of at least five years for producing, distributing, or transmitting such material. If these offences are committed using computer systems or means of mass communication, penalties increase significantly, to up to eight years. Acquisition or possession of such material is also punishable by up to eight years in prison. The Code extends beyond private individuals and encompasses cases where such an offence is committed by a legal entity.

---

<sup>22</sup> To access the law see: <https://www.slvesnik.com.mk/Issues/75a2a79bf50f4420a995d414a3bb73f1.pdf>

Additionally, the Code addresses **stalking** (Article 144/a), which refers to the repeated intrusion into someone else's private life without authorisation. This includes unwanted contact that causes feelings of insecurity, anxiety, or fear, including when it involves the misuse of personal data or public information channels. Penalties range from fines to imprisonment for up to three years, with harsher sentences if the victim is a child or someone with whom the perpetrator has had an intimate relationship. In these cases, penalties can increase from six months to five years of imprisonment. However, prosecution for stalking requires the victim to file a report on the case. Acquisition or possession of such material is also punishable by up to eight years in prison. The Code also includes cases where such an offence is committed by a legal entity.

In terms of sexual offences and sexual harassment (Article 190/a), the Code covers a wide range of actions that violate a person's dignity, cause discomfort, offence, humiliation, or fear, including those that utilise electronic means of communication. Penalties for sexual harassment can range from fines to imprisonment for up to one year, increasing from six months to three years, when the victim is in a subordinate position or vulnerable position.

While the current legal framework offers some protections, gaps remain in the direct criminalisation of non-consensual intimate image distribution. In addition, prosecution for certain offences, such as unauthorised recording, or stalking, relies on the victim's initiative, placing the burden of initiating legal proceedings on the victim. This can impose psychological and financial strain and deter them from taking legal action, reducing the effectiveness of legal protection.

Ongoing discussions about changes to the Criminal Code could provide opportunities for improvement. A proposed amendment in 2022 included, among others, the incrimination of unauthorised distribution of photographic, film, and video recordings of a sexual nature. However, the Parliament did not yet adopt the Draft at the time of writing this paper.<sup>23</sup>

Additionally, victims of crime can pursue remedies for harm resulting from non-consensual intimate image distribution, allowing them to seek compensation for material and non-material damages (Article 53 of Law on Criminal Procedure)<sup>24</sup>. Moreover, the legislation on personal data protection (Article 101) grants the right to compensation for material and non-material damages caused by improper processing of personal data<sup>25</sup>. These civil avenues offer a potential path for redress alongside criminal prosecution.

---

<sup>23</sup> Glas Protiv Nasilstvo (2024) <https://glasprotivnasilstvo.org.mk/wp-content/uploads/lzvestaj-seksualno-nasilstvo-i-deepfake.pdf>

<sup>24</sup> To access the law see: <https://www.slvesnik.com.mk/>

<sup>25</sup> To access the law see: <https://www.slvesnik.com.mk/Issues/606043d405e847ee92c7eae5c8bd389.pdf>

## IV.

In **Serbia**, the distribution of non-consensual intimate images could be addressed through various offences in the Criminal Code<sup>26</sup>; however, there are no provisions that explicitly target this issue.

For instance, the Serbian Code criminalises **unauthorised photographing** (photos, film, video, or other recording) (Article 144) of individuals, significantly violating their personal lives. This includes delivering such recording to a third party or otherwise enabling others to familiarise themselves with the content thereof. For this offence, the Code prescribes penalties of a fine or imprisonment for up to one year. If committed by an official in the course of their duties, the punishment increases to imprisonment for up to three years. The proceeding is initiated through a private lawsuit.

Similarly, it addresses the unauthorised **publication or presentation of personal texts, images, or recordings** (Article 145). This article explicitly addresses the issue of consent, including the consent of the person who has drawn up the text or to whom it is related; the consent of the person depicted in the portrait, photograph, or film or whose voice is recorded on the phonogram; or the consent of another person whose consent is mandatory by law. Offenders face fines or imprisonment for up to two years, with the increased penalties of up to three years imprisonment for officials acting in their official capacity. The proceeding is initiated through a private lawsuit.

Furthermore, the Serbian Code criminalises **showing, procuring, and possessing pornographic material and pornography with minors** (Article 185). This includes texts, pictures, audio-visual or other content involving minors, and the use of means of information technologies. Penalties range from fines to imprisonment for up to six months for showing such content to minors, while more severe offences, such as using minors to produce pornographic material, carry sentences from six months to eight years, depending on the nature of the act. The Code also addresses the **use of technology to contact minors with the intent to commit various sexual offences** (Article 185b), imposing penalties of six months to five years, and up to eight years if the victim is a child. This includes the cases when it is committed using a computer network or communication with other technical devices.

The Serbian Criminal Code also considers **sexual harassment** (Art. 182a) and **stalking** (Article 138a). The Criminal Code of Serbia defines sexual harassment as “any verbal, non-verbal or physical behaviour that aims at or constitutes a violation of the dignity of the person in the sphere of sexual life, and that causes fear or creates a hostile, humiliating or offensive environment.” Penalties include monetary fines or imprisonment for up to 6-36 months, depending on the circumstance. The victim initiates the proceedings.

---

<sup>26</sup> To access the law see: <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html>

The definition of stalking includes acts such as following a person or taking actions without authorisation to physically approach the person against his or her will; establishing direct or indirect contact (through a third party or means of communication) against one's will; misuse of personal data of another person to order goods or services; and threatening to attack the life, body or freedom of the person or people close to the person in question.

Despite the existing legal framework, there is ongoing debate among legal experts and civil society in Serbia about the necessity of a specific criminal provision for image-based sexual abuse online. Activists and civil society organisations advocate for the introduction of new, dedicated legislation which allows for ex officio investigations. This approach aims to reduce the burden on victims, by allowing for investigations to proceed without the need for victims to initiate legal action and actively gather evidence.

Serbian civil society has advocated<sup>27,28,29</sup> amending the Criminal Code since 2021 when a working group within the Ministry of Justice was established with a task to work on its amendment.<sup>30</sup> However, the issue of criminalising image-based sexual abuse did not receive enough support. In 2023, a member of Parliament proposed a bill to amend the Criminal Code by introducing a new article titled "Abuse of the sexually explicit videos or photographs." The focus was on the abuse of trust between actors, by making the materials available for a third person without the consent of the person on the materials, creating new files and presenting and displaying them as originals or disseminating them to a larger audience. This bill has not passed, indicating the lack of political will from the side of the majority holding parliamentary seats<sup>31</sup>. The Commissioner for the Protection of Equality has also recommended that image-based sexual abuse online be defined as a criminal offence in the Criminal Code.<sup>32,33</sup>

In addition to criminal courts, victims of non-consensual intimate image distribution in Serbia can pursue civil remedies for damages incurred, including those related to mental health, reputation, or privacy violations. Furthermore, personal data protection legislation allows for compensation for both material and non-material damages resulting from violations. The law on the prohibition of discrimination<sup>34</sup> also defines sexual harassment, which can be addressed as a form of discrimination, among other aspects.

---

27 Autonomous Women's Center ZAKUNI SE U ZAKON! Potpiši peticiju da neovlašćeno deljenje intimnih snimaka postane krivično delo - Peticije.online

28 Zenska Solidarnost Žena ženi - solidarna ([zenskasolidarnost.org](https://zenskasolidarnost.org))

29 AZC Naslovna - Autonomni ženski centar ([womenngo.org.rs](https://womenngo.org.rs))

30 Access the document here: Spisak-clanova-radne-grupe.jpg (1125×1453)

31 Access the draft here: 011-732\_23.pdf ([parlament.gov.rs](https://parlament.gov.rs))

32 Paragraf Lex (2024) KRIVIČNI ZAKONIK: Poverenica za zaštitu ravnopravnosti traži da se osvetnička pornografija definiše kao novo krivično delo ([paragraflex.rs](https://paragraflex.rs))

33 Access the document here: 389-24 Objedinjena inicijativa Ministarstvu pravde za izmenu Krivičnog zakonika • Poverenik za zaštitu ravnopravnosti

34 Access the law here: [https://www.paragraf.rs/propisi/zakon\\_o\\_zabrani\\_diskriminacije.html](https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html)



# Image-based sexual abuse online and international regulation

## Image-based sexual abuse online through the perspective of the European Court of Human Rights

For Albania, Montenegro, North Macedonia, and Serbia, the European Convention on Human Rights (ECHR) imposes mandatory obligations as member states of the Council of Europe (CoE). These countries are required to respect and ensure the rights enshrined in the ECHR, which includes taking necessary legislative, administrative, and judicial measures to comply with the Convention. The decisions of the European Court of Human Rights (ECtHR) are binding, meaning that states must implement the Court's judgments and rectify any violations found. This obligation includes providing effective remedies for individuals whose rights have been violated and ensuring that domestic laws and practices align with ECHR standards.

In its case law, the ECtHR has affirmed that states have a positive obligation to protect individuals' privacy from undue interference, even from private actors. For instance, since 2004, in the case of *Von Hannover v. Germany*<sup>35</sup>, the Court ruled that the publication of private information and images about individuals - even when their profile is public - is impermissible if it does not contribute to public debate.

Regarding cyber violence, referring to actions such as the dissemination of intimate photos, stalking, and impersonation, the ECtHR emphasised the necessity for prompt and effective state intervention, particularly for vulnerable groups such as women facing domestic or cyber-related violence. This includes effective investigations and protective mechanisms to prevent further harm. According to the ECtHR, cyber violence falls under Article 8 of the ECHR, the right to respect for private and family life.

In a relatively recent case of 2021, *Volodina v. Russia*<sup>36</sup>, the ECtHR found that Russia violated Article 8 by failing to protect the victim from cyber violence, and assigned the latter non-pecuniary damage compensation. Russian law enforcement exhibited significant delays in responding to her complaints, only opening an investigation two years after her initial report. During this time, the police dismissed her concerns as not "real," arguing that the photos were shared online rather than in mainstream media. Even after identifying the perpetrator, no protective measures were taken, and the case was ultimately closed due to the statute of limitations expiring. The Court noted the state's inaction in investigating her claims and preventing further harm, indicating systemic issues in addressing violence against women in the digital realm.

<sup>35</sup> Application no. 59320/00, Judgement of the European Court of Human Rights 24/09/2004

<sup>36</sup> Application no. 40419/19, Judgement of the European Court of Human Rights 14/12/2021

The standards established by the ECtHR require that states not only investigate complaints effectively but also provide preventive remedies such as restraining orders and protection mechanisms for victims. These are relevant for all Council of Europe members facing similar challenges within their jurisdictions, such as the Western Balkans. Failure to comply with these obligations, as seen in the ECtHR rulings, can expose CoE member states to further legal action.

## **Image-based sexual abuse online and Istanbul Convention**

In addition to the ECHR, the Western Balkan countries covered by this report are also signatories to the Council of Europe's Istanbul Convention.

The Istanbul Convention, although without directly addressing image-based sexual abuse online, establishes a solid framework for combating various forms of violence against women and domestic violence, including those occurring in the digital realm, such as stalking and sexual harassment<sup>37</sup>. The Convention places obligations on states to prevent, investigate, and prosecute all forms of violence, ensuring effective protection and support for victims. This includes adapting legal frameworks to encompass newer forms of violence such as image-based sexual abuse online, which intersects with forms of violence addressed by the Convention, such as psychological violence and sexual harassment. The states shall also encourage the private sector, the information and communication technology sector, and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

GREVIO reports, which monitor the implementation of the Convention, have highlighted the issue of online and technology-facilitated violence against women, including in the countries of the region. They identify the need for increased attention and resources to be allocated toward preventing and prosecuting this type of violence, by introducing legislative reforms to both substantive and procedural laws, as well as establishing specialised units dedicated to investigating and prosecuting these crimes<sup>38</sup>.

By fulfilling these obligations, Western Balkan countries can strengthen their commitment to protecting victims and effectively combating all forms of violence against women, in conjunction with the implementation of the Istanbul Convention.

---

<sup>37</sup> Council of Europe (2021) <https://edoc.coe.int/en/violence-against-women/10686-protecting-women-and-girls-from-violence-in-the-digital-age.html#>

<sup>38</sup> Council of Europe/GREVIO (2024) <https://rm.coe.int/grevio-s-first-thematic-evaluation-report-on-albania/1680b1a0ca>

## Potential spillover of EU regulatory efforts on image-based sexual abuse online

Despite the widespread nature of cyber violence, even within EU member states existing regulations on image-based sexual abuse online have been fragmented and insufficient, leaving numerous legal gaps. Until recently, there had been no comprehensive EU legislation that specifically addresses violence against women and domestic violence in a unified way. A 2024 *Directive on combating violence against women and domestic violence*<sup>39</sup> marked the first step towards filling that void, setting minimum standards that Member States can build upon based on their unique circumstances. One of the Directive's key focuses is on the non-consensual distribution of intimate or manipulated images.

In this regard, the directive includes provisions aimed at criminalising forms of violence that disproportionately affect women, including certain aspects of cyber violence that have been overlooked at the national level, e.g., non-consensual sharing of intimate or manipulated material, cyberstalking, cyber harassment, cyber incitement to hatred or violence. It also emphasises the need for better support for victims by ensuring that national authorities are adequately equipped to handle these sensitive cases, providing victims with tailored protection and support, addressing their individual needs, with particular safeguards for children affected by such violence, as well as judicial redress for those affected.

Beyond legal protections, the Directive promotes proactive steps to prevent violence through awareness, professional training, cooperation between Member States, and enhanced data collection, ensuring a more unified and effective response at both the national and EU levels.

Importantly, to effectively safeguard the rights of the victims, EU member states are required to take suitable measures aimed at the removal of the harmful content in question. Considering that removal at the source may not always be feasible, for instance, because of legal or practical difficulties relating to the execution or enforcement of an order to remove content, member states should also be allowed to provide measures to disable access to such material. Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the relevant offences, it is necessary for the effective protection of the victims' rights to provide for the possibility of issuing, subject to certain conditions, such orders employing interim measures, even prior to the termination of such criminal proceedings.

---

<sup>39</sup> Official Journal of the European Union <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>

Given that measures to remove or disable access to content may affect not only victims but also content providers, service intermediaries, users, and the general public, these actions are required to be transparent, necessary, and proportionate, ensuring legal certainty and judicial redress for all affected parties. According to the directive, a fair balance between rights, including freedom of expression, must be maintained, while orders should target the most appropriate service provider to minimize harm, especially to free speech. These measures must comply with the Digital Services Act's rules, including the prohibition on general monitoring or active fact-finding obligations for the platforms in tackling illegal content.

On the other hand, the *Digital Services Act (DSA)* itself is a landmark piece of EU legislation that came into effect in 2024, aiming at creating a safer online environment by addressing illegal content and increasing transparency and accountability for online platforms. Despite appearing gender blind at first glance, the DSA can play a key role in combating image-based sexual abuse online by imposing strict content moderation obligations on platforms, such as social media services, file-sharing sites, and websites, requiring them to act quickly on notices of illegal content. Victims of such image distribution can request the removal of the material, and the DSA mandates that platforms provide clear processes for challenging decisions if necessary. It also requires platforms to use both automated and human moderation to address complaints effectively.

Moreover, the DSA ensures transparency in how content is managed, with particular accountability measures for very large platforms. The latter often include pornographic sites, which are frequently used for further dissemination of non-consensual intimate content. The DSA takes a risk-based approach, categorising platforms by size and influence, with stricter rules applied to very large online platforms. This increases the pressure on platforms to respond quickly to requests from authorities, including in cases involving non-consensual intimate images. Platforms found negligent in preventing the spread of such content can face severe penalties, creating a strong incentive to comply with regulations.

Finally, the DSA establishes a framework that promotes cooperation between specialized national authorities and online platforms, allowing authorities to request data relevant to investigations, including cases of non-consensual intimate image distribution.

For the countries of the Western Balkans, a significant catalyst for legislative advancements, alongside obligations from international conventions, is the European Union integration process. In this context, aligning national legislation with EU standards has become a central priority. Among other measures, existing research has highlighted the need to harmonise national laws in the Western Balkans with the DSA<sup>40</sup>. To effectively address image-based sexual abuse, it should be considered alongside the Directive on combating violence against women and domestic violence.

---

40 Partners Serbia (2024) <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>

# Judicial responses to image-based sexual abuse online

To evaluate the judicial response to cases of image-based sexual abuse online, **a total of 239 Freedom of Information (FOI) requests were submitted** to judicial authorities, government and human rights institutions, in Albania, North Macedonia, Montenegro, and Serbia. Depending on the institutional responses to these FOIs, different levels of detail and statistical data disaggregation were available for each country. This asymmetry in data and the differences in FOI responses affect the scope and depth of the analysis across jurisdictions.

## North Macedonia

The FOI data from North Macedonia revealed that 26 cases were registered by the Prosecution Offices in Delcevo, Skopje, Gostivar, Kavadarci, Kicevo, Ohrid, Prilep, Radovis, Shtip, and Veles, from January 1, 2022 to December 31, 2024. These cases involved 22 female victims, with no male victims reported. Eight (8) of these 22 victims were minors.

The 26 cases involved 39 adult perpetrators, of which 36 were men and 3 women.

Most incidents occurred on social media platforms, followed by messaging applications.

The prosecution confirmed the existence of a prior relationship between the perpetrator and the victim in most of the cases. The stated motives for the crimes included the end of a relationship, jealousy or revenge, and financial gain. The majority of cases were prosecuted under charges of misuse of personal data, followed by blackmail, sexual harassment, stalking, and showing pornographic material to a child. Of the 26 cases, 15 were prosecuted, while the remaining cases were either dismissed or are still ongoing, indicating that nearly 57% were successfully prosecuted.

Information from the criminal courts in Gevgelija, Kavadarci, Kicevo, Kumanovo, Prilep, Stip, and Vinica shows that 22 cases were filed between January 1, 2022, and December 31, 2024. Nine (9) of the victims were female, 4 were male, with 11 adults and 2 minors. Most perpetrators were adult males, though a few female and minor perpetrators were also reported. As with the prosecution cases, most incidents occurred on social media, and with others via messaging applications, and most victims had prior relationships with the perpetrators. The motives were similar, involving relationship breakups, jealousy, revenge, and financial gain. The courts ruled on charges of misuse of personal data, blackmail, grooming, and unauthorised recording. Out of 22 cases filed, six resulted in fines, six in probation, and two in imprisonment, indicating that 63% of the cases led to a tangible outcome.

Additionally, from January 1, 2022, to December 31, 2024, the civil courts in Skopje and Vinica handled three cases involving the misuse of personal data and the production and distribution of child pornography, awarding non-pecuniary damages (reputation) in one case, while the others were ongoing.



In conclusion, the data reveals a concerning trend in the misuse of personal data and online abuse, predominantly targeting women and girls across North Macedonia. **The gender imbalance, with female victims in the focus of these crimes, and the frequent prior relationship between victims and perpetrators underscore the personal, often gendered nature of these crimes.** Although the criminal justice system has made efforts to prosecute and convict these offences, resulting in tangible outcomes in over half of the cases, there are still a significant number of cases that remain ongoing or have been dismissed. The civil courts' involvement in awarding non-pecuniary damages signals a level of recognition of the emotional and reputational harm caused by such crimes. However, the available case law of civil courts in this area was very limited.

For detailed information, see Table 1.

*Table 1. Prosecution and Judicial Response in North Macedonia*

Category	Prosecution Offices	Basic Courts— Criminal Cases	Basic Courts— Civil Cases
<b>Timeframe</b>	January 1, 2022– December 31, 2024	January 1, 2022– December 31, 2024	January 1, 2022– December 31, 2024
<b>Locations</b>	Delcevo, Skopje, Gostivar, Kvadarci, Kicevo, Ohrid, Prilep, Radovis, Shtip, Veles	Gevgelija, Kavadarci, Kicevo, Kumanovo, Prilep, Stip, Vinica	Skopje, Vinica
<b>Total Cases</b>	26	22	3
<b>Victims</b>	22 females (8 minors), 0 males	9 females, 4 males (11 adults, 2 minors)	Not specified
<b>Perpetrators</b>	39 adult perpetrators (36 males, 3 females)	Most frequently adults, mostly males, but some female and minor perpetrators	Not specified
<b>Platforms Used</b>	Social media, messaging applications	Social media, messaging applications	Not specified

<b>Relationship between Victims and Perpetrators</b>	The majority had a prior relationship	The majority had a prior relationship	Not specified
<b>Declared Motives</b>	End of relationship, jealousy or revenge, financial motives	End of relationship, jealousy or revenge, financial motives	Not specified
<b>Types of Crimes</b>	Misuse of personal data, blackmail, sexual harassment, stalking, showing pornographic material to a child	Misuse of personal data, blackmail, grooming, unauthorised recording	Misuse of personal data, production and distribution of child pornography
<b>Prosecutions/ Sanctions</b>	15 cases prosecuted	6 cases resulted in fines, 6 in probation, 2 in imprisonment	Non-pecuniary damage awarded in one case

## Montenegro

The data revealed 21 cases registered by various first-instance courts in Montenegro during the 2019 - 2023 period. These were related to unauthorised publication and unauthorised photographing. The cases made available involved different regions, including Berane, Nikšić, Ulcinj, Bar, Kolašin, and Podgorica.

Among these cases, seven (7) pertained to the unauthorised publication and presentation of another person's written texts, portraits, photographs, films, or phonograms. These cases involved monetary fines, with amounts ranging from 800 to 1200 Euros, as well as suspensions of proceedings. Most of these cases were recorded in Berane, suggesting either a possible localised issue with this type of crime or a responsive approach by the authorities; however, generalisation is challenging given the limited number of cases.

In addition, 14 cases involved unauthorised photographing. These cases included a range of sanctions, such as conditional sentences, house prison (with durations of up to two months), dismissals, and refusals. A significant number of cases were reported from Kolašin and Berane.

Overall, in the cases of unauthorised publication of private content and unauthorised photographing that were made available, the system was responsive in nearly half, with 10 cases resulting in fines or other sentences, while 11 were dismissed or remain ongoing.

The absence of disaggregated data on the gender and age of victims and perpetrators, as well as the methods used to commit these crimes in the digital realm, limits the possibility of a more in-depth analysis.

Moreover, the cases covered above may not necessarily involve abuse of intimate content, as Montenegro's Criminal Code explicitly addresses the misuse of videos, recordings, photographs, portraits, audio recordings, or texts containing sexually explicit content under Article 175a - a provision most closely aligned with image-based sexual abuse. In addition, it should be noted that while most cases cover the period from 2019 to 2022, prior to the image-based sexual abuse amendments. Post-2022 data does not indicate significant shifts. Despite Montenegro being the only country to criminalise image-based sexual abuse online, no data was made available on the judicial response to this offence specifically. This suggests that **legal regulation alone may not be sufficient for ensuring system effectiveness**, and could also reflect the early stages of implementing the new amendments.

In conclusion, the data on image-based sexual abuse online in Montenegro highlights concerning trends in the unauthorised publication of private content and unauthorised photographing, while concrete data on image-based sexual abuse is lacking. Although there have been cases resulting in fines and other sentences, the fact that half of the cases remain unresolved indicates challenges within the system in effectively addressing these offences.

For detailed information, see Table 2.

*Table 2. Judicial Response in Montenegro*

Type of Crime	Court	Year	No. of Cases	Type of Sanction	Height/Length of Sanction
Unauthorised publication and presentation of somebody else's written texts, portraits, photographs, films, or phonogram	Berane (first instance)	2022	4	Monetary fines	800 EUR (2 cases); 1200 EUR (2 cases)
Unauthorised publication and presentation of somebody else's written texts, portraits, photographs, films, or phonogram	Nikšić (first instance)	2022	2	N/A - Suspended	N/A - Suspended (2 cases)
Unauthorised publication and presentation of somebody else's written texts, portraits, photographs, films, or phonogram	Ulcinj (first instance)	2022	1	N/A - Suspended	N/A - Suspended (1 case)
<b>Total Unauthorised Publication Cases</b>			<b>7</b>		

Unauthorised photographing	Bar (first instance)	2023	2	Conditional sentence	Convicted with conditional sentence (2 cases)
Unauthorised photographing	Berane (first instance)	2021	4	House prison	60 days of house imprisonment (4 cases)
Unauthorised photographing	Kolašin (first instance)	2019	5	N/A - Suspended	N/A - Suspended (5 cases)
Unauthorised photographing	Podgorica (first instance)	2022	1	N/A - Dismissed	N/A - Dismissed (1 case)
Unauthorised photographing	Berane (first instance)	2020	2	N/A - Refused	N/A - Refused (2 cases)
<b>Total Unauthorized Photographing Cases</b>			<b>14</b>		
<b>Overall Total</b>			<b>21</b>		

## Albania

The data on prosecution in Albania from 2021 to 2023 reveals notable trends in various types of crimes, particularly sexual harassment and stalking.

Regarding sexual harassment, 229 proceedings were registered over the three years, with 113 cases sent to court and 69 resulting in convictions (49% of cases went to court). While 69 persons were convicted, over the three-year period, a total of 118 perpetrators went to court, while 132 were reported overall.

In 2021, 68 cases of sexual harassment were registered, 34 were sent to court, and 19 were convicted (55%). The number of registered cases peaked in 2022 with 87 proceedings, leading to 45 being sent to court and 29 convictions (64%). In 2023, Albania saw 74 cases of sexual harassment registered, resulting in 34 sent to court and 21 convictions (61%). This fluctuation indicates ongoing issues with sexual harassment but also highlights the judicial system's capacity to address these cases.

However, the data reveal a significant disparity between the number of registered cases and those that are actually processed. Only 50% of the overall reported cases in 2021 were acted upon by the authorities; in 2022, the response was 52%, and in 2023, 46%. This suggests that nearly half of the reported cases fail to progress through the criminal justice system.

Additionally, it should be noted that the data does not provide information on how many of the given cases of sexual harassment took place online, compared to physical environments, the gender or age of victims and perpetrators, or the type of sentences sanctioned.

Stalking cases presented a more significant trend, with a total of 469 proceedings registered during 2021-2023, 230 sent to court, and 177 persons convicted (49% of cases went to court). Over the course of three years, a total of 237 perpetrators faced court, with 177 being held accountable for their actions, and 272 perpetrators reported in total.

In 2021, 145 stalking cases were registered, with 63 going to court and 59 perpetrators convicted. Notably, 2022 recorded the highest number of stalking cases, with 164 registered, 85 sent to court, and 79 convictions. However, in 2023, while the number of registered cases remained high at 160 and 82 went to court, convictions dropped to 39, indicating potential challenges in prosecuting these cases. As with the previous point, it's important to note that the data does not distinguish between online and in-person stalking incidents, nor does it include information on the gender or age of victims and perpetrators, or the types of sentences handed down.

Examining sexual harassment cases, similar data was revealed. The disparity between registered cases and those that are processed remains substantial: in 2021, authorities took action on only 43% of reported cases, which increased to 52% in 2022 and 51% in 2023. This trend suggests that around half of the cases continue to fall short of progressing through the criminal justice system.

However, the data on unjust interference in private life, which mostly resembles some elements of image-based sexual abuse online, reflects a smaller scale of proceedings, with only 42 cases registered over the three years. Out of these, only two (2) cases reached the court (only 5%), leading to the conviction of three (3) persons. The low numbers may indicate a lack of awareness or willingness to report such offences, in addition to law enforcement and judicial challenges in addressing these cases.

In contrast, there were no registered cases for electronic distribution of discriminatory content or public insults conducted via electronic means in 2022 and 2023, and only one in 2021, raising further questions about potential gaps in reporting and prosecution, considering the prevalence of these issues in the online environment.

The limited data from first-instance courts for 2023, indicates that among the cases for insult, 109 cases were recorded, resulting in 6 final convictions (6%), while unjust interference in private life had 27 cases with 5 final convictions (17%), and stalking accounted for 90 cases, leading to 53 convictions (59%).



In conclusion, the data from Albania highlights a **critical need for continued focus on sexual harassment and stalking**, indicating a growing recognition of these issues within society, and the presence of a certain level of institutional response to these cases. However, trends indicate that around half of these cases still fail to progress through the criminal justice system.

In addition, the discrepancies in conviction rates of unjust interference in private life, which mostly resembles image-based sexual abuse online, and the absence of cases in certain categories such as electronic distribution of discriminatory content, or insults, suggest challenges within the judicial process, necessitating further investigation into how these crimes are reported and prosecuted in practice.

For more detailed information see Table 3 and Table 4.

*Table 3. Prosecution Response in Albania 2021-2023*

Type of Crime	Year	No. of Proceedings Registered	No. of Proceedings Sent to Court	No. of Registered Perpetrators	No. of Perpetrators Sent to Court	No. of Convicted Perpetrators
Sexual Harassment	2021	68	34	40	34	19
	2022	87	45	52	47	29
	2023	74	34	40	37	21
Total Sexual Harassment Cases		229	113	132	118	69
Electronic Distribution of Discriminatory Content	2021	1	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Total Electronic Distribution Cases		1	0	0	0	0
Public Insults Conducted via Electronic Means	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Unjust Interference in Private Life	2021	18	2	13	2	0
	2022	15	0	1	0	2
	2023	9	0	0	0	1
Total Unjust Interference Cases		42	2	14	2	3

<b>Stalking</b>	2021	145	63	92	65	59
	2022	164	85	93	88	79
	2023	160	82	87	84	39
<b>Total Stalking Cases</b>		<b>469</b>	<b>230</b>	<b>272</b>	<b>237</b>	<b>177</b>

*Table 4. First Instance Courts' response in Albania 2023*

Type of crime	No. of court cases	No. of convicted persons
<b>Insult</b>	109	6
<b>Unjust interference in private life</b>	27	5
<b>Stalking</b>	90	53

## Serbia

A total of 180 Freedom of Information (FOI) requests on cases of image-based sexual abuse online were submitted to judicial institutions in Serbia, including courts and prosecutor's offices in both the first and second instances. The FOI requests inquired about the cases related non-consensual intimate images distribution that could be processed under the criminal acts of the Criminal Code mentioned in the legal framework. The requests were sent to the judicial bodies electronically, while the responses were received either electronically or via post or in both manners. Considering that the main mean of communication was email, a disclaimer should be made in potential cases of technical difficulties or communication malfunction of institutions.

The total number of received responses to the FOI requests in the time of analysis is 147. A significant number (35%) of these judicial bodies stated that they did not have any cases related to the criminal acts that were mentioned in the FOI request during the time period of the inquiry, or they directed the request to the institution of a different instance, as it was not under their jurisdiction. Notably, 38.33% confirmed that they did not review any cases of image-based sexual abuse online that could relate to the criminal acts that were listed in the FOI request.

On the other hand, the majority of judicial bodies that have encountered the criminal acts mentioned in the FOI request during the time period covered in the inquiry provided anonymized court decisions and statistical data for cases that were under their jurisdiction, both in cases where the decision did or did not contain the element of intimate-image-related sexual abuse. These included crimes like sexual assault, stalking, sexual harassment, unauthorised photography, and more.

Of the responses, 17 judicial bodies confirmed the review of at least 33 cases specifically related to image-based sexual abuse online, most of which involved minors. These cases included various forms of abuse, such as storage of pornographic videos featuring minors; sending intimate pictures to a minor; the creation of pornographic videos involving minors; unauthorized recording and distribution of private conversations; sharing intimate images of minors without consent; physically showing intimate pictures to others. The platforms that were used for the unauthorized distribution of images were social media platform, such as Facebook, Instagram, Snapchat, Telegram, WhatsApp or Viber.

In at least 13 of these cases, both the perpetrators (all male) and victims (all female) were minors. One particularly disturbing case involved a perpetrator sharing a victim's intimate image without her consent in a Viber group with 1,488 members. The legal basis for proceedings of these cases are the criminal acts in the Criminal Code that are related to the minor abuse, as described in the legal framework.

While the number of cases involving adults was very limited, it is worth noting that the few cases identified mostly involved offenses related to unauthorized photography or the publication and public presentation of personal images, texts, or recordings without the subject's consent.

The conclusions on the practice in Serbia are two-folded. The analyzed data highlights that the majority of cases that were processed are related to the abuse of minors through the unauthorized distribution of intimate images via mainstream social media platforms. While judicial practice in relation to minors could be identified through the proceedings based on criminal acts that focus on minor abuse in this field, the access to information about the victims of age (adults) is limited.

In the case of both minor and adult victims, these insights open a number of questions that are related to both societal and legal factors. The list includes but is not limited to the constraints imposed by patriarchal structures in society on victims, the lack of awareness regarding the complexity of the issue and psychological consequences of this act on everyday life and during the legal process, the absence of specific procedural guidelines for these cases, and the fact that non-consensual intimate image distribution is not clearly criminalized in the Criminal Code. If this act were criminalized, it would allow not only for much clearer procedures and a dose of certainty but could also lead to a potentially higher number of reported cases. Finally, it is important to note again that the analyzed data is limited to the cases that took place within the timeframe of the research, while a longitudinal study could provide additional insights and more definite conclusions on this issue in Serbia.

## Conclusions and recommendations

The legal frameworks across these jurisdictions illustrate a spectrum of approaches to image-based sexual abuse online. Montenegro stands out for its specific legal provisions, while Albania, North Macedonia, and Serbia rely on broader statutes, which may create challenges in prosecuting image-based sexual abuse online effectively. Key elements such as the creation, manipulation, or alteration of intimate content, as well as threats of publication, are largely absent from the legislation in these countries. However, the recording and distribution of such content are better addressed. All four jurisdictions mostly require victims to initiate legal proceedings, which often leads to underreporting due to the stigma associated with image-based sexual abuse online and the fear of retaliation from offenders. This also places a burden on victims to gather evidence and file a lawsuit. Moreover, a largely unregulated online environment, including the absence of platform accountability regulations<sup>41</sup>, enables violations in the Western Balkans' cyberspace to thrive without consequences, often leaving national authorities powerless in front of platforms' lack of cooperation. (See Table 6.)

Despite varying levels of regulation, the four countries have offered some degree of judicial response to image-based sexual abuse online; however, they have not effectively addressed the magnitude of the issue. A common shortcoming is the lack of disaggregation of official data on cases by gender, age, motive, and other relevant factors, which significantly limits opportunities for analysis and hinders informed interventions in criminal law and policy.

*Table 6. Coverage of Image-Based Sexual Abuse Elements in the Criminal Legislation of Albania, North Macedonia, Montenegro, and Serbia*

	Creating/ altering	Recording	Processing/ distributing	Threatening to distribute	Clear definitions of digital means/ aspects
<b>Albania</b>					
<b>N. Macedonia</b>					
<b>Montenegro</b>					
<b>Serbia</b>					
<i>Table 6. continued</i>	<b>Clear definition of consent</b>	<b>Explicit addressing of intimate images</b>	<b>The burden of proof on the victim</b>	<b>Damage compensation</b>	<b>Regulation of the responsibility of online platforms</b>
<b>Albania</b>					
<b>N. Macedonia</b>					
<b>Montenegro</b>					
<b>Serbia</b>					

<sup>41</sup> Share Foundation (2023) <https://www.sharefoundation.info/en/non-consensual-creation-processing-and-distribution-of-intimate-images-in-the-western-balkans/>

To effectively combat image-based sexual abuse online, the following measures are recommended:

1. **Introduce specific legislation, or specific amendments** within the current criminal legislation, to provide comprehensive definitions of the criminal act, covering the following actions: **creating, altering or manipulating, taking or recording, processing, and distributing, or threatening to distribute intimate images**<sup>42</sup>. Such ‘umbrella’ definitions enable the capturing of a range of interrelated forms of abuse and are not limited to the recording or distribution of intimate materials. The provisions should also cover the various mediums, methods, and tools that can be used to commit, assist, or exacerbate the crime. They should define sexual and/or intimate content, outline the types of content included (such as images, films, videos, texts, etc.), specify the private spaces that are protected (e.g., home, other specific environments), and address issues related to lack or withdrawal of consent, intent, motivations, harm, and sanctioning. **The provisions must guarantee protection to both minors and adults.**
2. Legal frameworks should provide for **swift, and ex officio investigations**, enabling law enforcement authorities to proactively pursue investigations without requiring a victim to file a complaint, and carry the burden of proof. Standards set by the European Court of Human Rights on states' positive obligations, and the Istanbul Convention, should be considered.
3. A **standardised, and transparent data collection framework** that mandates the disaggregation of official data on image-based sexual abuse online by gender, age, motive, and other relevant factors is essential for facilitating in-depth research, informing policy and legal interventions, and ultimately enhancing judicial responses to the issue in the Western Balkans.
4. **Comprehensive access to justice and support mechanisms, including free legal aid and psycho-social counselling**, should be established to empower victims in navigating the legal and societal landscape. Public awareness campaigns of such mechanisms should also be raised, to inform the public of their rights and to reduce the stigma associated with image-based sexual abuse online, encouraging more individuals to report incidents. In implementing these mechanisms, standards set by the Istanbul Convention provisions, and the EU Directive on combating violence against women and domestic violence should be taken into account.
5. **Civil remedies should be accessible** to address and compensate for the full spectrum of harm caused by image-based sexual abuse online, encompassing both pecuniary and non-pecuniary damages. This approach would ensure that victims receive adequate redress for the health, emotional, psychological, and financial impacts of such abuse. Damages could include costs for healthcare services, support services, rehabilitation, loss of income, and other reasonable costs that have arisen as a result of the offence or to manage its consequenc-

<sup>42</sup> Oxford Journal of Legal Studies (2017) <https://academic.oup.com/ojls/article-abstract/37/3/534/2965256?login=false>



es. Standards set by the Istanbul Convention and the EU Directive on combating violence against women and domestic violence should also be incorporated to guide the implementation of these remedies.

6. **Online platforms should be subject to accountability regulations** in the Western Balkans that align with the Digital Services Act. This harmonisation would ensure that online platforms are held responsible for preventing and addressing image-based sexual abuse online, thereby providing a safer digital environment. These regulations should mandate transparency, prompt reporting mechanisms, and cooperation with specialised national authorities to tackle image-based sexual abuse online effectively and protect victims' rights.



Chemin Eugène-Rigot 2E  
P.O.Box 1360  
CH-1211 Geneva 1  
Switzerland

✉ [info@dcaf.ch](mailto:info@dcaf.ch)

☎ +41 22 730 94 00



---

[www.dcaf.ch](http://www.dcaf.ch)

---