



# The Importance of Computer Forensics in Combating Cyber-Sexual Violence against Adult Women

**Barrera FG\***

Carlos III University of Madrid, Spain

**\*Corresponding author:** Federico González Barrera, Carlos III University of Madrid, Madrid St 126, Building 4, 4.0.45, Getafe, Madrid, Spain, 28903, Tel: +61 0458 303 509; Email: fedgonza@der-pu.uc3m.es

**Received Date:** March 31, 2023; **Published Date:** April 20, 2023

## Introduction

Since the recent COVID-19 pandemic, worldwide societies enlarged the daily use of new technologies and Internet. Even these advances have brought positive aspects in different fields like medicine or education; cybercrime could be highlighted as the main risk within the digital space.

The aim of this paper is to present the main results of my PhD that deals with the treatment of adult victims of cyber-sexual violence from the European and Spanish perspective. Since 2012, the European Parliament has been enacting different Directives, Regulations and strategies in order to combat cybercrime and try to help victims of cyber violence [1].

However, the implementation of these regulations in the Member States has been irregular. For example, in Spain, while there is a proper regulation of victims' rights and interests, in practice legal operators are not applying this regulation properly due to different factors (e.g., lack of human or material resources, the myths related to gender violence or the lack of training of legal professionals in computer forensics and cyber violence) [2].

Furthermore, these crimes are not harmonised along Europe. For instance, while in Spain cyber-harassment is considered as cyber-violence against women (art. 172ter of the Spanish Criminal Code) in Slovakia there is not a proper regulation in relation to cyber-harassment.

Adult women (as well as children) are clearly exposed to this phenomenon that encompasses different types of felonies (e.g., cyber-stalking, online grooming, doxing, image-based sex abuse, cyber-harassment, among others) and are part of

the violence related to their gender [3].

These criminal conducts have increased in last years, situation that was aggravated due to the COVID-19 restrictions and the increase in the use of the Internet. In this sense, a survey, developed by the European Union Agency for Fundamental Rights (FRA), sustains that 5% of the EU women have suffered cyber-violence victims along their lives. In addition, this study highlights that 77% of the surveyed women confirmed that they were victims of cyber harassment [4].

Moreover, a study of the European Parliament estimates that 7% of EU women have experienced cyber harassment or cyber stalking during the past 12 months [5].

To end with the 'state of the art', the European Union research project DeStalk [6] considers that one out of ten women have experience any kind of cyber-sexual violence since the age of fifteen. Furthermore, 70% of European women have borne cyberstalking from a current or former partner.

The impact of this phenomenon on victims' life is quite severe. Firstly, even the crime is committed via online; most of women feel that their physical security is threatened. Furthermore, the content that is published on the Internet stay there forever. This reality has traumatic and psychological effects on victims. Moreover, these crimes can lead victims to reduce their self-confidence or suffer anxiety, stress, or panic attacks [7].

Apart from these consequences, women that decide to report the crime are exposed to suffer the secondary victimization. This situation exists when the criminal justice systems failed to help victims not only in attending them during the report

phase (e.g., interview in the police stations, necessity to obtain answers or being believed), but also to deal with the obstacles that they may face during a criminal process.

This reality gets aggravated when the so-called 'myths' or stereotypes surrounding sexual crimes appear (e.g., when victims are questioned about why they send a sexual image to their partner) [8]. Moreover, these myths and social norms, along with the patriarchal societies, lead victims to blame themselves for what happened. Due to this lack of support by the political and judicial systems, victims decide not to report the crime as they do not feel encouraged to do so [9].

Some proposals already achieved to improve the situation of adult victims of cyber-violence are the following ones:

- Training on digital cyber-violence against women and secondary victimisation from a gender perspective to the legal operators involved in the criminal justice system and sexual violence
- Creating a real supportive and specialised system for victims of cyber-violence
- Creation of a charter of digital rights and interests for victims of cyber-violence
- Create comprehensive approach protocols focused on comprehensive service on the interests of victims. These protocols should be created based on stakeholders and victims consultation and include a procedure to remove the sexual material published
- Strengthen the police stations by having specialised police officers in cyber-sexual violence that understand the gender perspective and do not have stereotypes about this phenomenon
- From the Spanish perspective, it is proposed the importance of giving free legal aid attention to victims of these crimes so that victims can have a free lawyer along the procedure
- Create a specific service within the Victims' Attention Offices and provide sufficient and specialised human resources to attend, assist or inform victims
- Potentiate and invest on computer forensics to prosecute these crimes and ensure the digital evidence that could be obtained along the procedure
- Improve the use of fair and ethical Artificial Intelligence to prevent these crimes as well as detect and prosecute the alleged offenders
- Implement the Budapest Convention to strengthen the international criminal cooperation to guarantee not only the preservation of the electronic evidence, but also find the alleged offender that could commit these crimes from a different jurisdiction
- Gender education for kids and teenagers on how to use the new technologies, what is considered as cyber-violence against women and what to do if they are victims. This is essential to prevent these crimes

- The importance of harmonisation at the European Union level.

Finally, the research follows a desk-based research at the international, European Union, Australian and Spanish level. This methodology includes an in-depth analysis of the main regulations, Acts and legislations surrounding the topics. In addition, the method follows a research on the main literature from the Common Law and Civil Law systems noting the main differences between them in the treatment towards victims.

Furthermore, a data analysis in order to explain the 'state of art' is included. Case-law research is included in order to understand the complexities and the obstacles that adult victims have to face from the perspective of the judicial system. Finally, the PhD includes a comparative research with the Australian legal system and, specifically, the South Australian regulations in relation to all the addressed topics. Along this comparative research, Australian judges, public prosecutors, lawyers, police officers, forensics experts or NGOs were interviewed in order to understand the Australian legal system from a practical perspective.

## References

1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of crime, and replacing Council Framework Decision 2011/220/JHA; Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children and child pornography; or European Parliament resolution of 14 December 2021 with recommendations to the Commission on combating gender-based violence: cyber violence.
2. Soleto H, Grané A, Fiodorova A, Barrera FG, López CR, et al. (2021) Drawbacks faced by victims of sexual crime at each state of the criminal proceedings: Spanish National report RE-TREAT. SSRN.
3. GREVIO (2021) GREVIO General Recommendation No. 1 on the digital dimension of violence against women. Council of Europe, France.
4. FRA (European Union Agency for Fundamental Rights) (2014) Violence against women: an EU-wide survey. European Union, Austria.
5. Lomba N, Navarra C, Fernandes, M (2021) Combating gender-based violence: Cyber violence. European Parliament Research Services, Brussels, Belgium.

6. Destalk is a company specialized in detecting and stopping cyberviolence against women and it was created by a European Union funded project.
7. Amnesty International (2020) Triggers of violence and abuse against women on Twitter. In Toxic Twitter, Amnesty International, London.
8. Powell A, Henry N (2017) Sexual violence in a Digital Age 1<sup>st</sup> (Edn.), Palgrave Macmillan, London.
9. European Institute for Gender Equality (2022) Combating Cyber Violence against Women and Girls. European Institute for Gender Equality, Vilnius, Lithuania.