Integrum Institute

Safersurfing

National Association of Families and Parents of Lithuania

Pro Vita e Famiglia APS – ETS

Federation of Catholic Family Associations in Europe

European Centre for Law and Justice

WRITTEN COMMENTS

submitted to the European Court of Human Rights

in the case of

A v. France

(Application No. 17650/25)

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October 26, 2026

1. The intervening organizations are members of the European Child SHIELD Platform,[1] a network of more than 30 NGOs and legal, medical, and field experts from 19 European Union (EU) member States. It addresses pornography as a public health issue, with a particular focus on protecting children from it. The interveners wish to demonstrate that violence is inherent in pornography, which is widely accessible online, leading to its massive consumption and resulting in serious consequences, particularly for the rights of women and children. They therefore urge the European Court of Human Rights (the Court) to take a realistic look at various issues raised by pornography, as Judge Pinto de Albuquerque had urged in his concurring opinion following the *Pryanishnikov* judgment.[2] In doing so, they will demonstrate that pornography is a catalyst for violence (I), and that States have an important role to play in regulating it online (II).

I. PORNOGRAPHY AS A CATALYST FOR VIOLENCE

2. Pornography is a continuum of violence that bridges the offline and online worlds. It begins offline during the production phase and continues online through the dissemination of violent content (A), which in turn generates large-scale violence in the real world (B).

A. The Violent Production of Violent Content

3. **Pornographic production is marked by violence,**[3] particularly against women, whose sexual exploitation and objectification are evident: they are a *"'raw material' [...] to be exploited to the fullest before they are [...] 'burned out'."*[4] Criminal cases and testimonies from actors reported by associations and the press[5] show that human trafficking is systemic within the industry, a fact acknowledged by international documentation.[6] That said, women do not enter the porn industry of their own free will, as they all share the common trait of being in vulnerable situations: they often come from broken families or foster homes, are victims of abuse, or live in poverty and dependency.[7] They are forced to perform harmful and humiliating sexual acts that cause sexually transmitted diseases, physical harm, and *"lasting physical disabilities."*[8] Alcoholism and substance abuse are common, particularly as a means of coping with pain and humiliation.[9] The mental health of the individuals portrayed in these productions is consequently impaired: one study showed that *"at least 90% of women working in the adult*

[1] See Appendix 1: Advocacy document of the European Child SHIELD Platform (2024).
[2] ECHR, *Pryanishnikov v. Russia*, No. 25047/05, Sept. 10, 2015.
[3] See also: A. Billon, A. Borchio Fontimp, L. Cohen, L. Rossignol, "Porno : L'enfer du décor (Porn: Hell behind the Scenes)," Information Report No. 900 (2021–2022), French Senate, Delegation for Women's Rights, September 27, 2022.
[4] L. de Foucher, N. Chapuis, and S. Laurent, "« C'était des viols déguisés en vidéo » : le réseau, le recruteur et les proies," *Le Monde*, December 15, 2021.
[5] "I Was Tricked Into Doing Porn," *New York Post*, May 17, 2017; On the "Girls Do Porn" case: "22 Women Say They Were Exploited by Porn Producers," *New York Times*, August 29, 2019; "Czech Casting: Women Lured by Modeling Gigs, Manipulated into Shooting Porn," *Prague Morning*, July 18, 2020; Sexual Violence in Porn: ""French Bukkake", une filière de traite des femmes", *Le Monde*, September 28, 2022.
[6] Report of the Fourth World Conference on Women, Beijing, September 4–15, 1995, §230.n; United Nations Model Law on Trafficking in Persons (2010), Art. 5.1.s; UN, A/HRC/56/48, Prostitution and Violence Against Women and Girls, May 7, 2024, §25; European Parliament, Resolution on Trafficking in Human Beings, A4-0326/95, Official Journal No. C 032 of February 5, 1996, p. 88, D and H; OSCE and UN Women, Guidance - Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic, July 2020, Recommendation 78; PACE, Resolution 1835 (2011) Violent and Extreme Pornography, 9.3.3; PACE, Resolution 2412 (2021) Gender aspects and human rights implications of pornography, 10.4.11.
[7] See Robin D'Angelo, *Judy, Lola, Sofia, et moi*, Editions Goutte d'Or, 2018.
[8] UN, A/HRC/56/48, cited above, paras. 10 and 15. See also UN, E/CN.4/1995/42, Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences, Nov. 22, 1994, para. 237.
[9] See D. M. Hughes, "Sex Trafficking of Women for the Production of Pornography," Citizens Against Trafficking, July 1, 2010, 3–4.

film industry exhibit symptoms of post-traumatic stress disorder (PTSD).”[10] According to another, 52% of porn actresses require mental health care—1.7 times more than in the general population—and *“one-third [suffer] from depression, compared to 13% of the general population.”*[11] Self-destructive behaviors leading to premature death, particularly by suicide, are common in this industry.[12]

4. **Online pornography is thus nothing more than the digital dissemination and monetization of violence**. It has been proven that violence is ubiquitous in pornography and has continued to increase in both frequency and intensity over the past few decades.[13] An analysis of the 50 most popular pornographic videos revealed that 88% of the scenes contain physical violence and 49% contain at least one instance of verbal abuse, while in approximately 90% of cases, the violence is perpetrated against women, whose response is neutral or expresses pleasure.[14] Furthermore, much pornographic content depicts crimes such as rape, incest, and child sexual abuse. Such illegal content derived from actual assaults is widely available online.[15] Deepfake and AI-generated pornography, meanwhile, poses new threats.

5. **Many survivors or people who have been portrayed in such content face difficulties in having non-consensual content** in which they appear **removed from platforms**.[16] This is due in part to the slow or non-existent response from certain profit-driven platforms, given that *“at the core of the pornography business model is the facilitation of video uploads by users,”*[17] which leads to exponential dissemination of the content, as well as to the cynicism of producers who demand a higher sum to remove content than the amount earned to produce it.[18] Victims thus suffer the double punishment of having experienced an assault and then being *“forced to chase their own abuse. They are constantly retraumatised and, even many years after the initial abuse while abusive material continues circulating.”*[19] Sometimes recognized and harassed,

[10] N. Dumont, “Morts prématurées dans l’industrie du X : non, le porno n’est pas glamour,” *Sphères*, December 19, 2020 (our translation).
[11] M. Perreault, “Suicides et dépression chez les actrices pornos : 52 %,” *La Presse*, June 16, 2012 (our translation).
[12] D. Lestrade, “Décès d’Arpad Miklos : pourquoi tant de suicides dans le porno gay ?”, *Slate*, Feb. 6, 2013; L. Braun, “Porn Stars Seem to Be Coming, Then Going: Dying Young in the XXX Industry,” *Toronto Sun,* Jan. 19, 2018.
[13] See Shor E, Liu X. “The Rise of Spanking, Hitting, and Strangulation: A Longitudinal Evaluation of Aggression in Pornography.” J Sex Res. Oct. 9, 2025: 1–13.
[14] Ana J. Bridges, Robert Wosnitzer, Erica Scharrer, Chyng Sun, and Rachael Liberman, “Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update,” Violence against Women 16, no. 10 (2010): 1065–1085. See also F. Vera-Gray, C. McGlynn, I. Kureshi, K. Butterby, “Sexual Violence as a Sexual Script in Mainstream Online Pornography,” The British Journal of Criminology, vol. 61, no. 5, 2021; Carrotte ER, Davis AC, Lim MS, “Sexual Behaviors and Violence in Pornography: Systematic Review and Narrative Synthesis of Video Content Analyses,” J Med Internet Res, May 14, 2020.
[15] 73.5% of non-consensual pornography was found on the visible web; 23.2% on the deep web; and 3.3% on the dark web, according to Chris Warkentin, House of Commons of Canada*, Ensuring the Protection of Privacy and Reputation on Platforms Such as Pornhub*, June 2021, p. 36. See also “The Children of Pornhub,” *New York Times*, Dec. 4, 2020 (investigation into child sexual abuse content on Pornhub); “Aux États-Unis, 34 femmes portent plainte contre Pornhub pour des vidéos d’abus sexuels,” *Le Monde*, June 18, 2021. See also F. Vera-Gray, C. McGlynn, I. Kureshi, K. Butterby, “Sexual violence as a sexual script in mainstream online pornography,” op. cit., p. 1254.
[16] See Chris Warkentin, op. cit., pp. 1, 10, 14–15; “UN experts alarmed by complicity of online pornographic platforms and other intermediaries in sexual exploitation of women and girls,” UN, Press release, May 15, 2026.
[17] UN, A/HRC/56/48, para. 25.
[18] S. Laurent, L. de Foucher, and N. Chapuis, “Pratiques dégradantes et arnaques en série : les supplices de l’internationale du porno,” *Le Monde*, Dec. 17, 2021.
[19] “UN experts alarmed by complicity of online pornographic platforms…,” op. cit.

their daily lives and mental health are impacted to the point of having to change jobs or even attempt suicide.[20]

6. Through harmful sexual practices and stereotypes, a lack of mutual respect, and the denial of consent, **pornography instills in society a seriously distorted view of women and sexuality, trivializes violence, and minimizes its consequences**. Several of the intervening organizations observe in the field that the persistence of violent content on pornography platforms leads to the normalization of sexual violence and significant "desensitization," particularly among young people. This view is spreading all the more as society becomes "pornified" due to the massive and widespread consumption of pornography.[21] This content—which is free, unlimited, and always available via smartphones—is the quintessential consumer good. Thus, *"When pornography is understood as a key social institution legitimizing sexual norms, then this distortion between what counts as criminal, what counts as harmful and what counts as sexual constitutes in itself a form of 'cultural harm'."*[22] This is, however, true of all pornographic content, since it objectifies the human beings depicted,[23] even in the absence of physical or verbal violence as such: there is no such thing as "ethical pornography." As in 2011, the Parliamentary Assembly of the Council of Europe (PACE) once again expressed *"[deep concern] about the growing dissemination of violent and extreme pornographic content, as it normalises gender-based violence and creates an environment conducive to an increase in such violence. Such content also encourages the imitation of violent acts, including dangerous practices*."[24] It does, in fact, have real-world consequences.

B. The Widespread Consequences of Pornography Consumption

7. While the consequences of pornography consumption are manifold in terms of mental, physical, and sexual health for consumers, we emphasize that **the violence portrayed extends beyond the screen and spills over into the real world**: countless studies demonstrate the correlation between pornography consumption and real-world sexual violence.[25] The primary victims are children and women.

8. **Since pornography is widely accessible online, young people are massively exposed to it, at the cost of particularly harmful and lasting effects,**[26] especially given the characteristics of the developing brain. In particular, such exposure is linked to sexual abuse of children. On the one hand, many child welfare professionals consider exposure to pornography (particularly unintentional exposure, which accounts for more than 40% of first encounters with it) to be a form of "psychological rape." This *"shock is akin to psychological paralysis, as the*

[20] See Chris Warkentin, op. cit., p. 11-12; S. Laurent, L. de Foucher, and N. Chapuis, "Pratiques dégradantes et arnaques en série : les supplices de l'internationale du porno," *Le Monde*, Dec. 17, 2021.
[21] UN, A/HRC/56/48, §20: *"28,258 users are watching pornography every second, and 35 per cent of all Internet downloads are related to pornography. […] Pornhub [is] the technology company with the third-greatest impact on society in the twenty-first century*."
[22] F. Vera-Gray, C. McGlynn, I. Kureshi, K. Butterby, "Sexual violence as a sexual script in mainstream online pornography," op. cit., p. 1257.
[23] J. Peter and P. M. Valkenburg, "Adolescents' exposure to a sexualized media environment and their notions of women as sex objects," Sex Roles 56 (2007): 381–395.
[24] PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, §1; PACE, Resolution 1835 (2011) Violent and Extreme Pornography, §6.
[25] E.g., G. Mestre-Bach, A. Villena-Moya, C. Chiclana-Actis, "Pornography Use and Violence: A Systematic Review of the Last 20 Years," Trauma, Violence & Abuse, 25(2), 2024, 1088–1112; P. J. Wright, R. Tokunaga, A. Kraus, "A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies: Pornography and Sexual Aggression," Journal of Communication, Dec. 2015, 66(1):183–205.
[26] See Appendix 1: Advocacy document from the European Child SHIELD Platform (2024); ECLJ, Combating Pornography – Volume 1: Regulating Access to Pornography, Report, September 2023, p. 11 et seq.

child lacks the tools or maturity to process these images."[27] Furthermore, there is unanimous agreement on a rise in sexual violence among minors: PACE noted that *"Law-enforcement authorities have reported a massive spike in cases of harmful sexual behaviour by children*."[28] Child welfare professionals[29] and numerous studies[30] point to early exposure to pornography as a contributing factor, as highlighted by the Council of Europe and the UN.[31] Thus, *"we are losing a precious generation of children who believe that sexual violence is the norm,"*[32] which is alarming because children are the adults of tomorrow.

9. **Women's status and rights are threatened by pornography**, **which promotes violence against them**, as has been widely documented in international documents.[33] The objectification portrayed in pornography has a direct impact on the respect accorded to women: *"Where sexuality should be a continuum of experiences and learning, pornography leads to the dehumanization of women, which is reflected at all levels of society*,"[34] in intimate, family, professional, or public life. In particular, it is common for men to view pornography and wish to reenact with their partner or coworker the acts they have seen on screen, including those that are subjugating, humiliating, or violent: the Court ruled on such cases in 2025.[35] Some also turn to persons involved in prostitution for this purpose,[36] which further fuels sex trafficking. Within

[27] M. Hernandez-Mora, "L'influence de la consommation de pornographie sur le mineur consommateur," in O. Sarton and C. de Gatellier, *Violences sexuelles entre mineurs : agir, prévenir, guérir… Les spécialistes répondent*, Artège, 2023, p. 123-124 (our translation).

[28] PACE, Resolution 2429 (2022) For an assessment of the means and provisions to combat children's exposure to pornographic content, §3. See also A. Gewirtz-Meydan, D. Finkelhor, "Sexual Abuse and Assault in a Large National Sample of Children and Adolescents," Child Maltreatment, 25(2), 2020, 203–214; M. Romero, *"La prise en charge des mineurs auteurs d'infractions à caractère sexuel à la protection judiciaire de la jeunesse*," research report, Ministry of Justice (France), October 2022: "A *significant increase between 1996 and 2018—with nearly one in two cases of rape and sexual assault against minors handled by the public prosecutor's office in 2020 involving a juvenile offender*" (our translation).

[29] M. Hernandez-Mora, op. cit., p. 134; B. Smaniotto, "Réflexions autour de l'impact de la pornographie… sur la sexualité adolescente," *Revue de l'enfance et de l'adolescence,* 2017/1 (No. 95), pp. 47–56.

[30] ML Ybarra, KJ Mitchell, M Hamburger, M Diener-West, PJ Leaf, "X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?" Aggress Behav. Jan–Feb 2011;37(1):1–18; EA Waterman, R Wesche, G Morris, KM Edwards, VL Banyard, "Prospective Associations Between Pornography Viewing and Sexual Aggression Among Adolescents," J Res Adolesc. Dec 2022;32(4):1612–1625; I. Schuster, P. Tomaszewska, B. Krahé et al., "Violent Pornography Use and Acceptance of Sexual Coercion in Adolescents: The Mediating Role of Risky Sexual Scripts and Low Sexual Self-Esteem." Sex Res Soc Policy (2025); A. Águila-Otero, N. Pereda, "Victimization and Perpetration of Online Sexual Violence Among Spanish Adolescents and Its Relationship with the Consumption of Pornography," Journal for the Study of Education and Development, 2025.

[31] See Appendix 2: GREVIO, *Building trust by delivering support, protection and justice* – First thematic evaluation report - Austria, GREVIO (2024)4, September 10, 2024, p. 4, paras. 5–6; UN, A/HRC/56/48, para. 21; UN, A81/132, July 7, 2026, para. 56. See M. Crabbe, *"Safeguarding Children from the Risks of Accessing Online Pornographic Content*," Thematic guidance note prepared under the supervision of the Steering Committee for the Rights of the Child (CDENF), p. 12.

[32] K. A. Jenson, "Sexual Assault Nurse Links Porn to Child-on-Child Abuse: Interview with National Expert Heidi Olson," Defend Young Minds, April 21, 2020.

[33] See Annex 2: Report of the Fourth World Conference on Women, Beijing, September 4–15, 1995, paras. 118 and 236; UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, Violence against Women (Eleventh Session, 1992), Articles 11 and 12; UN, A/HRC/56/48, para. 18; PACE, Resolution 1835 (2011) Violent and Extreme Pornography, §7.

[34] Collective, "Les méthodes de l'industrie pornographique sont identiques à celles des réseaux de traite des êtres humains," Opinion Piece, *Le Monde*, December 21, 2020 (our translation).

[35] See, e.g., ECHR, *L. and Others v. France*, No. 46949/21, April 24, 2025, para. 8; ECHR, *E.A. and European Association for Combating Violence Against Women at Work v. France*, No. 30556/22, September 4, 2025, para. 47.

[36] See Annex 2: UN, A/HRC/56/48, para. 18; UN, E/CN.4/1995/42, para. 209. See also M. Farley (2007), "Renting an Organ for Ten Minutes": What Tricks Tell Us about Prostitution, Pornography, and Trafficking, in *Pornography: Driving the Demand for International Sex Trafficking*, Los Angeles, Captive Daughters Media.

couples, pornography leads to a dynamic of submission and violence: a 2010 study on women who are victims of domestic violence revealed that 73% of those who had been raped reported that their partner consumed pornography.[37] Indeed, according to the UN Special Rapporteur on violence against women and girls, *"The increase in rape, including gang rape, can be linked to the increased male consumption of pornography*."[38] The high-profile French case of the Mazan rapes of Gisèle Pelicot is another example of the serious consequences of pornography in the real world: for ten years, this woman was the victim of filmed rapes committed by her husband and dozens of men he invited, while she was unconscious, drugged by her spouse. While these men do not appear to fit a typical profile, their consumption of pornography is nevertheless a proven fact.

10. In light of the violence depicted in and stemming from pornography, the role that States must play in combating it is fundamental, particularly with regard to its regulation online. In June 2026, PACE thus stated that *"the harmful effects that extreme and violent content may have on individuals and society as a whole"* are among the *"serious concerns that should be addressed by legislators and policy makers in Europe and beyond."*[39]

II. THE ROLE OF STATES IN ADDRESSING PORNOGRAPHIC VIOLENCE, PARTICULARLY ONLINE

11. There is a growing global awareness of the practices of the pornography industry and the harmful consequences of its widespread consumption due to its online availability: States can and must regulate this space.[40] International cooperation is necessary.[41] Furthermore, while dialogue and cooperation between States and online stakeholders are advocated,[42] the failure of self-regulation by pornography platforms is glaringly evident given the online proliferation and accessibility of illegal content:[43] since these platforms' willingness to cooperate is questionable, States are justified in intervening in light of the harm caused. In order to protect their own citizens, they must effectively regulate pornography, since it violates human rights (A) and because of specific obligations regarding the protection of victims (B).

A. Pornography: A Violation of Human Rights Justifying State Action

12. **Pornography and its inherent violence (see I) violate human dignity and the prohibition against torture and inhuman or degrading treatment**.[44] Indeed, it dehumanizes the people depicted,[45] particularly women, and objectifies them by transforming them into sexual objects and their bodies into commodities. Their dignity is violated because they are

[37] M. A. Layden, "Pornography and Violence: A New Look at the Research," *The Social Costs of Pornography: A Collection of Papers* (2010), 57–68.
[38] UN, A/HRC/56/48, §18.
[39] PACE, Recommendation 2310 (2026) Violent Pornography: A Test for Human Rights, June 25, 2026, §6.
[40] Jack L. Goldsmith, "The Internet and the Abiding Significance of Territorial Sovereignty," Volume 5, Issue 2, Indiana Journal of Global Legal Studies (1998).
[41] PACE, Recommendation 2310 (2026) Violent Pornography: A Test for Human Rights, §3; PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, §§13 and 19.4.1.
[42] Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2011), Art. 17.1; GREVIO, General Recommendation No. 1 on the Digital Dimension of Violence Against Women, Oct. 20, 2021, §57.g; PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, 19.2.1.
[43] See, e.g., F. Vera-Gray, C. McGlynn, I. Kureshi, K. Butterby, "Sexual Violence as a Sexual Script in Mainstream Online Pornography," *op. cit.*, pp. 1255–1256.
[44] European Convention on Human Rights, Art. 3; Universal Declaration of Human Rights, Arts. 1 and 5; Charter of Fundamental Rights of the European Union, Arts. 1 and 4.
[45] PACE, Resolution 2670 (2026), §3. See also Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development, and Peace, Nairobi, July 15–26, 1985, §290: *"pornography [reduces] women to mere sexual objects and marketable commodities*."

portrayed as performing a sexual act—which is by nature highly intimate—accompanied by physical and mental violence; the dissemination of content depicting humiliation and criminal behavior further exacerbates the harm caused to their dignity. Even if the individual gives consent, this does not make pornography compatible with human dignity: the Palermo Protocol (Art. 3.b) stipulates that consent to one's own exploitation is irrelevant. To be valid, subjective consent must remain subordinate to the objective dignity of the human being. According to the Court, *"rape and serious sexual assault amount to treatment falling within the ambit of Article 3 of the Convention and implicate fundamental values and essential aspects of "private life" within the meaning of Article 8*."[46] It thus considered *"an affront to human dignity [the] serious, flagrant and extraordinarily intense invasion of [the applicant's] private life in the form of unauthorised filming of the most intimate aspects of her private life […] and subsequent public dissemination of those video images."*[47] However, States have a positive obligation to protect individuals in this regard, even against third parties,[48] and may be held liable, as affirmed by the UN Committee Against Torture.[49]

13. **Pornography violates the right to respect for private and family life**,[50] particularly in cases of non-consensual publication of such content. In a ruling concerning the publication of intimate photos, the Court held that *"the concept of "private life" within the meaning of Article 8 […] covers also the physical and psychological integrity of a person. It moreover extends to aspects relating to personal identity, such as a person's name, picture or image, and the right to control the use of that image. Furthermore, a person's body concerns an intimate aspect of private life."*[51] This is also the case with *"his or her sexual life*."[52] This right is therefore challenged by the retention of data on the Internet, such as pornography, which forms a body of content that is difficult to erase and whose consequences are harmful to the individuals concerned (see I.A). According to the Court, States are justified in intervening by adopting *"measures designed to secure respect for private and family life even in the sphere of the relations of individuals between themselves."*[53]

14. **Pornography violates the prohibition against discrimination based on sex.**[54] It perpetuates harmful gender stereotypes and acts as an obstacle to equality between women and men, as well as to the elimination of discrimination against women. Women are the systemic victims of pornography (see I), which is intrinsically hostile to them, as has been tirelessly affirmed in numerous international documents:[55] notably, *"Pornography is both a symptom and*

[46] ECHR, *L. and Others v. France*, supra, §192. See also: ECHR, *Aydin v. Turkey* [GC], No. 23178/94, Sept. 25, 1997, §87.
[47] ECHR, *Khadija Ismayilova v. Azerbaijan*, Nos. 65286/13 and 57270/14, Jan. 10, 2019, §116; ECHR, *M.Ș.D. v. Romania*, No. 28935/21, Dec. 3, 2024, §116.
[48] On this point, see Venice Commission, *Report on the balance between fundamental rights and freedoms relevant to violent pornography in the case law of European constitutional courts and international tribunals*, Report No. 1271/2025, March 2026, para. 32 et seq.
[49] See Annex 2: Committee Against Torture, General Comment No. 2 - Implementation of Article 2 by States Parties, CAT/C/GC/2, January 24, 2008, §18.
[50] European Convention on Human Rights, Art. 8(1); Universal Declaration of Human Rights, Art. 12; Charter of Fundamental Rights of the European Union, Art. 7
[51] ECHR, *M.Ș.D. v. Romania*, supra, §115. See also ECHR, *K.U. v. Finland*, No. 2872/02, Dec. 2, 2008, §41.
[52] ECHR, *Khadija Ismayilova v. Azerbaijan*, supra, §106. See also ECHR, *Beizaras and Levickas v. Lithuania*, No. 41288/15, Jan. 14, 2020, §109.
[53] ECHR, *Khadija Ismayilova v. Azerbaijan*, supra, §112.
[54] European Convention on Human Rights, Art. 14. International Covenant on Civil and Political Rights, Art. 3 and 26. On this point, see Venice Commission, *Report on the balance between fundamental rights and freedoms relevant to violent pornography*…, op. cit., para. 35 et seq.
[55] See Annex 2: PACE, Resolution 2412 (2021) Gender aspects and human rights implications of pornography, §2; European Parliament Resolution of September 14, 2023, on the regulation of prostitution in the EU: its cross-

a cause of violence against women," and it "*turns women's subordination into a natural phenomenon. […] what pornography does goes beyond its content: it eroticizes hierarchy, it sexualizes inequality. […] This trend towards seeing pornography as an act of sex discrimination is an important landmark in the struggle for women's equality and for the elimination of violence against women*."[56] The Court affirmed that *"violence against women, including domestic violence, constitutes a form of discrimination. Such discrimination may arise not only from explicit policies of different treatment but also from* de facto *situations in which general policies or measures have disproportionately prejudicial effect on women, irrespective of discriminatory intent."*[57] It is therefore urgent to combat pornography, in accordance with international law aimed at ending violence against women.[58] This also advances Sustainable Development Goal 5 on "Gender Equality," particularly Target 5.2, which is to *"Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation."* States are justified in taking action in this regard, including when discrimination is perpetrated by non-State actors.[59]

15. **Pornography is contrary to internationally recognized children's rights:**[60] pornographic platforms and their violent content are widely accessible to minors, particularly due to a lack of robust age verification, which exposes them to serious consequences (see I.B) and undermines prevention and protection efforts led by civil society. Preventing children's exposure to pornography is essential:[61] some States are therefore taking measures in this area.[62] Obligations arise under EU law for member States: these stem from the Audiovisual Media Services Directive[63] and the European Digital Services Act (DSA), which harmonizes the rules applicable to platforms, particularly regarding the protection of minors and the regulation of online content.[64] The Court, for its part, has often affirmed *"the need, where their physical and*

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border implications and impact on gender equality and women's rights (2022/2139(INI)), I.; UN, A/HRC/56/48, §24.

[56] UN, E/CN.4/1995/42, Nov. 22, 1994, paras. 69, 235, 236, 246.

[57] ECHR, *B.A. v. Iceland*, No. 17006/20, Aug. 26, 2025, §84.

[58] See Annex 2: United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), Art. 1, 2, 5(a), 6; Report of the Fourth World Conference on Women, Beijing, Sept. 4–15, 1995, para. 224. See also the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011); PACE, Resolution 1835 (2011), §7; EU Directive 2024/1385 on combating violence against women and domestic violence (May 14, 2024), Recital 75 and Art. 2.

[59] See Annex 2: CEDAW, General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, July 26, 2017, para. 9 and §24.1.b.

[60] Geneva Declaration (1924), preamble and Art. 1; Convention on the Rights of the Child (1989), preamble and Art. 17(e): *"States Parties shall encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being"*; Charter of Fundamental Rights of the European Union, Art. 24.

[61] PACE, Resolution 1835 (2011) Violent and Extreme Pornography, §8; PACE, Resolution 2429 (2022) For an assessment of the means and provisions to combat children's exposure to pornographic content; Committee of Ministers of the Council of Europe, Recommendation Rec(2001)8 on self-regulation concerning cyber content, September 5, 2001; *"the freedom to use new communications and information services should not prejudice the human dignity, human rights and fundamental freedoms of others, especially of minors."*

[62] See Appendix 1: Advocacy Document of the European Child SHIELD Platform (2024).

[63] Member States must ensure that audiovisual media services *"which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. […] The most harmful content, such as […] pornography, shall be subject to the strictest measures*" (Art. 6a).

[64] Article 28 addresses the protection of minors online, as specified by the European Commission's Guidelines of July 14, 2025, on the protection of minors. "Very large online platforms," three of which are of a pornographic nature, have enhanced obligations and are subject to direct oversight by the European Commission, while the others fall under the jurisdiction of national authorities. The EU Kids Act is currently in the draft stage.

moral welfare is threatened, for children and other vulnerable members of society to benefit from State protection."[65]

16. **At the same time, the right to freedom of expression may be subject to restrictions,**[66] which may apply to pornography that, in certain cases, constitutes criminal acts (incest, child pornography, rape), fails to protect the rights and reputation of those involved in pornography, and harms the health, morality, and well-being of women, children, and men alike (see I).[67]

B. Specific Obligations of States Toward Victims of the Pornography Industry

17. **International law imposes obligations on States toward victims of sexual violence**[68] — including in the context of pornography[69] —regarding protection, access to reporting mechanisms, access to justice and remedies, assistance with *"physical, psychological and social recovery*,"[70] compensation for harm, and holding industries accountable. PACE has thus just called on States to *"ensure that victims of violent pornography, online sexual abuse and non-consensual dissemination of intimate content have immediate access to legal assistance, psychological support, protection measures and accessible reporting procedures*."[71] This involves *"[adopting] comprehensive and coherent legislative frameworks*."[72]

18. **Victims of the pornography industry are particularly vulnerable to the cumulative trauma caused by the continued online presence of illegal content** in which they appear and which results from actual sexual assaults (see I.A). States therefore also have positive obligations to restrict this type of online pornography. The Court's case law on the right to be forgotten[73] is also significant in light of international standards in this area. It has also been enshrined in EU law in the General Data Protection Regulation (GDPR, Art. 17), which defines "personal data" as *"any information relating to an identified or identifiable natural person*" (Art. 4), including a photo or video.

19. **Prohibiting and criminalizing non-consensual and violent content** is part of international standards.[74] It should be noted that nearly thirty member States of the Council of Europe remain parties to the *International Convention for the Suppression of the Circulation of and Traffic in*

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[65] ECHR, *Wetjen et al. v. Germany*, No. 68125/14, March 22, 2018, para. 74; ECHR, *Tlapak et al. v. Germany*, No. 11308/16, March 22, 2018, para. 87; ECHR, *A and B v. Croatia*, No. 7144/15, June 20, 2019, paras. 106–113.
[66] European Convention on Human Rights, Art. 10(2). On this point, see Venice Commission, *Report on the balance between fundamental rights and freedoms relevant to violent pornography*…, op. cit., para. 44 et seq.
[67] See PACE, Resolution 1835 (2011), Violent and Extreme Pornography, §3; PACE, Resolution 2412 (2021), Gender aspects and human rights implications of pornography, §5; PACE, Resolution 2670 (2026), Violent Pornography: A Test for Human Rights, §9.
[68] United Nations General Assembly, Resolution 76/304, International cooperation for access to justice, remedies and assistance for survivors of sexual violence, September 2, 2022, 1, 2b, 2f; Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime, March 15, 2023; EU Directive 2024/1385, note to Art. 25.
[69] See Annex 2: UN, A/HRC/56/48, paras. 54, 55 (pornography is considered there to be filmed prostitution).
[70] Convention on Action against Trafficking in Human Beings, May 16, 2005, Art. 12.
[71] PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, 19.5.7.
[72] Venice Commission, *Report on the balance between fundamental rights and freedoms relevant to violent pornography*…, op. cit., §126.
[73] ECHR, *Hurbain v. Belgium* [GC], No. 57292/16, July 4, 2023.
[74] See Annex 2: Human Rights Committee, General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women), CCPR/C/21/Rev.1/Add.10, March 29, 2000, §22; UN, A/HRC/56/48, §57(a) and (b); PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, §15 and 19.1.3. See also Directive (EU) 2024/1385, Art. 5.1(a); GREVIO, General Recommendation No. 1 on the Digital Dimension of Violence against Women, Oct. 20, 2021, §57.i.; ECHR, *Pryanishnikov v. Russia*, supra, Concurring Opinion of Judge Pinto de Albuquerque, VIII. In the United States, the *Take It Down Act* (May 2025), with its obligations for platforms, is relevant.

Obscene Publications (1923), under which they have committed to prosecuting and punishing the traffic of pornographic material in broad terms, both with regard to the types of content and the related acts.[75] According to the Venice Commission, *"there is a consensus to uphold criminalisation and robust regulations concerning pornographic content involving real, non-consensual violence, coercion or dehumanisation. Violent pornography […] engages States' positive obligations to prevent and address gender-based violence, including if committed online"*.[76] Germany and France have such a ban in place, while related measures will take effect in the United Kingdom in November 2026.[77]

20. **It is therefore important to ensure the effectiveness of these measures by striving to promptly put an end to the offense**, lest the deterrent effect of criminalization[78] and *"public confidence in their adherence to the rule of law*" be compromised by creating an *"appearance of […] tolerance of unlawful acts*."[79] In the case of content resulting from a sexual assault, this implies addressing its continuation—namely, its online dissemination. PACE has specifically called on States to *"ensure rapid and effective removal procedures for violent content and non-consensual intimate content, including through binding injunction procedures requiring hosting service providers to remove or block access to such material within 24 to 48 hours following notification by competent authorities."*[80] Since the absence or inadequacy of procedural measures allows the offense to continue while it violates the fundamental rights of victims, Directive (EU) 2024/1385 (to be transposed by June 17, 2027) requires Member States to provide for "Measures to remove certain online material," including the issuance of binding injunctions by the authorities.[81] In order to bring French law—which is currently lacking in this regard—into compliance, the French National Assembly recently adopted, on first reading on October 13, 2026, the Proposed Law providing a comprehensive response to the phenomenon of sexual and gender-based violence against women and children, which establishes a procedure allowing the public prosecutor, either on their own initiative or at the request of a victim, *"to refer the matter within forty-eight hours to the president of the judicial court so that he or she may order […] any measure appropriate to prevent or stop harm resulting from the online dissemination, without the victim's consent, of content that manifestly infringes upon their dignity, privacy, or integrity*" (Art. 10). Other measures can help curb the proliferation of illegal content, such as prohibiting re-uploading[82] or requiring pornography platforms to verify the age and consent of individuals appearing in the content,[83] as two UN Special Rapporteurs recently called for.[84] States must ensure that they prosecute platforms that violate the regulations to which they are subject regarding moderation, notification, and the prompt removal of illegal

[75] See the website of the Swiss Federal Department of Foreign Affairs: https://www.fedlex.admin.ch/eli/treaty/1923/0023/fr

[76] Venice Commission, *Report on the balance between fundamental rights and freedoms relevant to violent pornography*…, op. cit., §124.

[77] German Criminal Code, § 184a; French Criminal Code, Art. 222-33-3 (happy slapping) and Art. 226-2-1 (revenge porn); Jamie Grierson, "Pornography with strangulation and incest to be banned in England and Wales next month," *The Guardian*, Oct. 16, 2026.

[78] See, e.g., ECHR, *K.U. v. Finland,* supra, § 43; ECHR, *Opuz v. Turkey,* No. 33401/02, June 9, 2009; and ECHR, *Talpis v. Italy,* No. 41237/14, March 2, 2017.

[79] ECHR, *L. and Others v. France*, supra, para. 196.

[80] PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, para. 19.1.4. See also DSA, 25.

[81] See Annex 2: Directive (EU) 2024/1385, 51, 53, and Article 23.

[82] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, *"European Strategy for a Better Internet for Children*," COM/2012/0196 final, § 2.4.

[83] PACE, Resolution 2412 (2021) Gender aspects and human rights implications of pornography, 10.3.2; PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, 19.2.3. See also Chris Warkentin, op. cit., recommendations 2, 8, and 9.

[84] "UN experts alarmed by complicity of online pornographic platforms…," op. cit.

content.[85] The goal is to ensure that victims of illegal content are not left at the mercy of the platforms' discretion.

21. Thus, **the lack of State protection resulting from a legal loophole or a failure to exercise due diligence in addressing the assault that gave rise to the disseminated content could constitute secondary victimization**, that is, *"suffering endured not as a result of the offense itself, but of the response provided by institutions and actors in the judicial process*."[86] The Court thus found Romania in violation of Article 8 due to its failure to effectively address a "revenge porn" situation: it recognized the need to *"take reasonable measures in order to avert a real and immediate risk of recurrent violence of which the authorities knew or ought to have known.*"[87] Furthermore, it acknowledged that in criminal proceedings, *"the judicial authorities also have a duty to protect the image, dignity and private life of victims of sexual violence*."[88] The Court further affirmed that States' margin of appreciation is limited *"where the activities at stake involve a most intimate aspect of private life."*[89]

[85] See, e.g., the DSA, 87, Art. 6(1), Art. 35(1)(c); PACE, Resolution 2670 (2026) Violent Pornography: A Test for Human Rights, 19.1.6, 19.2.4–5, 19.2.8.
[86] Conseil national des Barreaux, *Rapport sur la victimisation secondaire : le CNB rappelle les enjeux de sa prévention dans le respect de la liberté d'expression de l'avocat et des exigences du procès équitable [Report on Secondary Victimization: The CNB Highlights the Challenges of Preventing It While Respecting Lawyers' Freedom of Expression and the Requirements of a Fair Trial],* May 26, 2026.
[87] ECHR, *M.Ş.D. v. Romania*, supra, §§ 119–120. See also ECHR*, E.A. and European Association for Combating Violence Against Women at Work v. France*, No. 30556/22, Sept. 4, 2025, §138.
[88] ECHR, *L. and Others v. France*, supra, §200.
[89] ECHR, *M.Ş.D. v. Romania*, supra, §117; ECHR, *Khadija Ismayilova v. Azerbaijan*, supra, §115.