

Justice for Real Survivors

A Concept Note from the Center for Online Safety and Liberty

1. About COSL

The **Center for Online Safety and Liberty (COSL)** is a nonprofit dedicated to empowering individuals and communities to thrive online by building safer digital spaces, fostering creativity, combating harm, and championing digital rights. COSL serves as an incubator for independent projects that tackle pressing issues such as age verification mandates, Section 230 rollbacks, encryption battles, and content-scanning overreach, while also developing open source trust-and-safety tools and nurturing inclusive online communities.

2. Statement of the Problem

The "Justice for Real Survivors" program is directed towards a simple and growing problem: that **politicians and policymakers are intentionally blurring the lines between fictional and non-fictional sex crimes**. This is done at the expense of real survivors who see their experiences fictionalized, creative workers who are at risk of being unfairly targeted, and consumers who are left with superficial solutions to complex issues in media representation. These trends are fueled by moral panics, technological misunderstandings, and political pressures that exploit public fears, often at the expense of evidence-based policy and survivor-centered justice.

This is a global problem:

- This April 2025 in Australia, a female novelist was arrested on child abuse charges over an 18+ erotic novel that she wrote (Beazley, 2025).
- Over the last decade in countries including Canada (Carter, 2020), France (franceinfo & AFP, 2025), and the United Kingdom (Malcolm, 2019), other authors have faced child abuse charges over novels and comic books. One graphic novel targeted was a survivor's memoir of incestual abuse (Af viceland, 2006).
- Librarians and archivists, including some who are survivors (Ward, 2008) are also facing charges over virtual child abuse crimes (Hixenbaugh et al., 2024). Some have received punishments higher than those received by convicted sex traffickers and molesters (SHG, 2021; Swan, 2023).
- In Denmark, prosecutors are appealing for a tougher sentence against an AI erotic artist, and lawmakers plan to pass a new "virtual" sex crime law the following month, following an Interpol-led global crackdown (Burgess, 2025).
- In April 2025 in the United States a game publisher was forced to withdraw a fantasy erotic game, while in other countries the game was officially censored (Wilde, 2025).

- Across the world from Costa Rica to Russia, LGBTQ+ people and children are disproportionately represented among those who are arrested for victimless obscenity crimes (Gazeta, 2019; Sandí, 2019).
- In the United States, the government is attempting to overrule a 1969 precedent to allow adults to be charged over simple possession of obscene content, including private journals (case details on request).
- In global governmental fora, countries are being pressured to add new criminal offences for virtual sex offences (Lanzarote Committee, 2024; UN Committee on the Rights of the Child, 2019).
- Some jurisdictions, such as Australia, do not even record the difference between virtual and real image-based offences in official statistics (Malcolm, 2024).
- Over the past year powerful lobbies have coalesced around new linguistic norms that legitimize the use of the term “abuse materials” even when no actual children were involved (ECPAT, 2025; Thorn & All Tech is Human, 2024), a trend that even law enforcement views as misguided (Lanning, 2010, p. 111).
- Recent research demonstrates that the conflation of real Child Sexual Abuse Materials with animation leads to unsuccessful moderation practices on adult platforms that might unfairly target uploaders and content creators (Petit, 2025).

These developments have often been driven by unsubstantiated claims of harm or by selectively citing research to emphasize hypothetical risks while ignoring considerations of literary, artistic, political, or scientific value, resulting in policy shaped more by moral panic than by evidence (Lievesley et al., 2023, p. 401).

Meanwhile, systemic failures in protecting real survivors persist:

- Fewer than 4% of real sexual assaults ever result in a felony conviction (Walinchus et al., 2025), and only 3.5% of CSAM reports are ever even investigated by legal authorities (Bischoff, 2021).
- Only miniscule funding is made available for resources for the prevention of sexual abuse (Letourneau, 2022), and practitioners of sexual abuse prevention are subject to stigmatizing attacks (Walker, 2023).
- The definition of content that is “obscene” or “harmful to minors” is being stretched to include sex education materials, and LGBTQ+ fiction, biographies and art, putting people such as survivors, teachers, librarians, authors, and artists at risk (Malcolm, 2025).

While fictional and educational content can contribute to societal harms—such as by reinforcing stereotypes, spreading misinformation, or retraumatizing survivors—these are real but fundamentally different in nature from the direct, personal harms caused by sexual abuse.

The tools we use to address such cultural harms are typically discursive and democratic: public debate, education, critical media literacy, and content moderation—not criminal prosecution or

surveillance. Treating these distinct forms of harm as equivalent risks diluting the seriousness of real abuse and undermining the rights of creators and communities alike.

3. About the Justice for Real Survivors Project

This is an ambitious project to begin to reshape laws, policies, social norms, and language to prioritize real sex crimes with real victims, and to clearly distinguish them from crimes under obscenity or censorship laws.

This conflation of real and virtual sex crimes does an injustice to survivors. It harms them by diverting resources away from their support, devaluing the language describing their trauma, and silencing legitimate speech, including their own stories. It also disproportionately affects other marginalized groups, such as LGBTQ+ communities, artists, sex workers, and educators through censorship and criminalization of their speech.

In some of the cases highlighted in the bullet points above, we will be intervening directly, such as by filing amicus curiae briefs in lawsuits and submissions to enquiries. In other cases, the program's theory of change is longer term, and includes placing articles on the issues of concern to us in major publications, and through direct podcasting, blogging, code development, community coordination, and grassroots-led advocacy.

Through research, coalition-building, policy advisory, public campaigns, and strategic litigation support, the program will make a meaningful difference by:

- Mapping how stakeholders distinguish (or fail to distinguish) real image-based abuse content from fictional/AI-generated content.
- Uniting survivor groups, legal experts, technologists, and policy advocates into a standing advisory coalition.
- Advocating for evidence-based, transparent approaches to managing harmful fictional content without conflating it with real abuse content.
- Elevating public understanding and political will via open letters, targeted campaigns, media stories, and conference panels.
- Building on our own existing exploratory research to develop an agenda for further empirical study into the actual effects of fantasy sexual materials, and to explore avenues for funding this work.
- Creating a compelling narrative to drive social change and disseminating it through advertising, blogging, podcasting, op eds, and other digital and traditional media.

The program aims to ensure that legal frameworks prioritize real survivors and allocate resources towards their needs, as well as towards the prevention of real sexual abuse. At the same time, it aims to reduce the censorship of legitimate expression, while also upholding the due process and privacy rights that are imperilled by attempts to conflate real and virtual sex crimes.

Through this work, we envision a world where survivors' voices are centered, where resources are directed toward real prevention and support, and where free expression is respected and protected. Success will be reflected in reformed policies, amplified survivor voices, and a public narrative that clearly distinguishes real abuse from fictional content.

4. Organizational Background

Founded in 2018 and relaunched in 2025, the Center for Online Safety and Liberty (COSL) now serves as an incubator for independent projects addressing the intersection of online safety and digital liberty. Our work spans four pillars:

- **Safer Hosting:** Creating secure, welcoming online spaces
- **Supporting Fans:** Fostering creative self-expression and community
- **Cyberbullying and Abuse:** Addressing online harm as a preventable public health issue
- **Legal Advocacy:** Defending digital expression and privacy rights

Current projects include:

- **Liberato:** A secure foundation for free expression online depends on creators' confidence that their web host will resist undue pressure to remove content or disclose private information. Liberato is a non-profit hosting service for websites and virtual servers, that was formed for exactly that purpose..
- **Trust and safety tool development:** Trust and safety (T&S) tools and policies offer a more proportional and effective response to concerns motivating the censorship and criminalization of creative content. COSL is developing a suite of open source tools based on popular technologies such as Wordpress, to ensure that online safety is truly accessible to all.
- **The Harmful to Minors archive:** An open data repository of takedown and suspension notices pertaining to sex and gender, which frequently claim that such content is "harmful to minors". The archive aims to provide more transparency into these requests and hold those who make them to a higher standard of accountability.

Notable past achievements include:

- **Stakeholder coordination:** Organizing the 2019 Multi-Stakeholder Dialogue that produced an influential set of Best Practice Principles for Sexual Content Moderation and Child Protection, guiding Internet platforms on strategies for protecting children from sexual abuse while also upholding their rights and the rights of others.
- **Legal activism:** Joining with the Woodhull Freedom Foundation, Human Rights Watch, the National Coalition for Sexual Freedom, the Free Speech Coalition, and

others to file an amicus brief in a constitutional challenge to the anti-sexwork law FOSTA/SESTA, highlighting its harm to survivors and free speech.

- **Supporting research:** Commissioning a world-first peer-reviewed conceptual paper on the use of fantasy and fictional sexual materials by those who express a sexual interest in children, exploring the potential for such outlets to benefit such people who are seeking help, support, or trying to manage their sexual attractions.
- **Fighting CSAM:** Reaching over 250,000 at-risk individuals with anti-CSAM deterrence ads. When clicked, these ads direct the would-be CSAM viewer towards instructions on reporting illegal content and resources that can help them stop seeking out harmful content.

COSL is Chaired by Dr. Jeremy Malcolm, an expert in digital rights and project management with a history of securing funding from major donors like the Ford Foundation, Open Society Foundations, IDRC and Google. COSL's diverse Directors, Advisors, and staff include professionals from the fields of social work, mental health, the creative sector, online trust and safety, and the sex industry. COSL is uniquely well-equipped to execute this program.

10. Expression of Interest Request

This project is envisioned as a medium-scale initiative suitable for a one- to two-year funding cycle. COSL welcomes both unrestricted core funding and project-specific support, and is committed to transparency and accountability in all financial reporting. For more information or to discuss partnership opportunities, please contact: Dr. Jeremy Malcolm, COSL Chair at jeremy@c4osl.org.

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