

What is 'revenge porn'?

'Revenge Porn' is a term often used by the media to describe the disclosure of private sexual images or videos. However under the law incidents do not have to involve revenge or pornographic images. The sharing of private sexual images can be done by anyone; ex-partners, an ex-partner's new partner, computer hackers, work colleagues. Sometimes people share images for a financial benefit, or threaten to share images if a victim does not pay money (often referred to as 'sextortion'). When posting images online it is not unusual for perpetrators to include other personal details such as the victim's address, social media account and/or place of work to encourage the harassment and humiliation of their target. Images may be posted with unpleasant or even sexually violent comments. There have been cases in the UK of a person's sexuality being disclosed to friends and family through the distribution of intimate images. A survey hosted on endrevengeporn.org (an American website) from August 2012 to December 2013 found that:

- 90% of victims are women
- 49% of victims said they had been harassed or stalked by users who saw their material
- 59% had their full names published with the images.

How are images distributed?

The sharing of private sexual images can be done in a number of ways:

- uploading online to a website or social media account,
- providing a hard copy of the image,
- Sending a message or email to another,
- physically showing another a photo or video which is and remains on a single electronic device, and/or
- creating bogus social media accounts.

The criminal law does not distinguish between these methods.

How do images spread online?

Once images are published online, there are three main ways in which they can spread:

1. The images can be shared on social media platforms by perpetrators who encourage others to do the same.
2. The image/s can be uploaded to a specifically designed revenge porn website by a perpetrator, who encourages other users of the website to share the image/s.

The hosts of the website itself may also share the image with other revenge porn websites.

3. One of the ways that the image can be accessed is through a search engine, which does not host any content itself but displays the image through a link to the hosting website.

Reddit, Twitter, Google and Bing and others now provide mechanisms for the removal of non-consensual private sexual images. Some porn aggregators like Porn Hub now also provide mechanisms for the removal of non-consensual images on the victim's request. *You can find links to content removal forms below.*

What should I do if there is an image of me online?

1. There are a number of ways you might be informed about images being online. You could find them yourself, be told by a friend, or even by the perpetrator.

If you find out about the image being online by a stranger contacting you through a social network, do not make any contact with them or add them as a friend.

- **Immediately** change your privacy settings so that your friends list is not public.
 - It is not uncommon for people who make contact in this way to identify and humiliate victims by disclosing the images they have discovered to friends and family.
 - They may also try to blackmail you into paying them. If this happens do not make any payments and contact the police **immediately**.
2. Make sure you retain evidence of the image online. Taking screenshots of the image and of any offensive or threatening comments, taking note of the website address where you found the image and the people involved on social networking sites can all help the police if or when you decide to make a complaint.
 - When making screenshots of private or public messages of a threatening or offensive nature be sure to note the date and time.
 - The more evidence you can retain of the better.
 3. The next step is to try to limit the spread of the images online using the features discussed in the sections below.
 4. You should also increase your privacy on social media or temporarily delete your accounts. If you think an account of yours has been hacked, change all the passwords.

[Click here for information about changing your privacy settings on Facebook.](#)

5. This is the time to make a complaint to the police. **Give the section below on the law a read to get an idea of what is and isn't legal in the UK.**

- Call 101 for a non-emergency response and speak to a local police officer to report the crime, or go to the station in person.
- When reporting the events to the police, be as clear as possible and take any evidence you have collected with you.

In the recent past there have been cases where victims called the police only to be told or have it implied that it is the victim's fault for taking the images in the first place. You should never be met with this response, and should always expect a non-biased, non-judgmental reaction from the police. Any harassment, online abuse, extortion, or threat to post your intimate images is against the law.

The Courts and Criminal Justice Act 2015, s33 came into force on the 13th April 2015. If private sexual images were disclosed after this time then an offence has been committed under the new act. If the police respond saying that the new legislation is not in force, correct them! If the images were disclosed before this date there may still be criminal offences committed under previous legislation.

Limiting the spread:

Finding out where the images are hosted

Google's reverse image search allows you to find the location(s) where an image is hosted online. Instead of using text to find images, it allows you to enter images into the search bar to find exact matches. To do this procedure take these steps:

- go to Google
- click Images in the top right corner
- click the camera icon in the search bar
- enter a link to the image or upload it directly from your files.

Limiting the spread:

Removing the image from search results

Please note that it is important to document evidence of image disclosure if and when you decide to make a complaint to the police. That said, victims should approach image removal in two ways.

Access to the images can be limited by filling out a search engine's content removal form.

- Search engines like Google don't host any content themselves, but aim to provide a full search directory of the web. So if the search engine decides to remove content, it's just like having your name and number taken off the phonebook.
- Google now provides a 'right to be forgotten' service, which is a legal right people have in the European Union in some circumstances to remove information about themselves from search engines. You can also use this tool to request removal of multiple sites from Google's directory without having to complete separate forms.

[Google's content removal form](#)

[Google's Right to be Forgotten form](#)

[Microsoft's content removal form](#)

This will make it much harder for people to find your images with a search engine, but people could still access your images in other ways.

Limiting the spread:

Getting the images removed from the hosting website

- Reporting images on Facebook is straightforward – on the top right corner of most content, there is a drop-down box with the option to make a report.
- Reddit content removal requests should be sent to contact@reddit.com.
- Twitter now has a [content removal form](#) you can fill out.

It is much more difficult to remove images from revenge porn websites, which have a financial stake in hosting the images. Full instructions for removal should be consulted below, but here are a couple of points:

- As an example, myex.com terms and conditions state that users can only upload material with:

the written consent or release of each identifiable person in the submission to use their name or likeness to enable inclusion and use of the submission in the manner contemplated by the Website and these terms.

Quoting this term to them when submitting a request for removal may put more pressure on them to remove the images.

- Websites that host images without the consent of the people in the images are not reputable and will not make image removal easy. They often share images with each other, making it even more difficult for content to be permanently removed.
- Porn Hub: <http://www.pornhub.com/content-removal>
My Ex: <http://www.myex.com/removal-policy/>

Limiting the spread: DMCA takedowns

The Digital Millennium Copyright Act 1998 is an American law designed to protect the rights of copyright holders whose work is being infringed online. Anyone can begin a takedown, not just US citizens, as long as the country hosting the website is DMCA-compliant. This includes the United States and much of Europe.

This is a fairly complex procedure and we would suggest that you visit one of the following websites that have useful information, guidance and template letters.

DMCA advice websites:

- [Undox](#) provides a template for DMCA notices.
- [Who is Hosting This](#) can also generate a notice when you input your details.
- [The DMCA website](#) contains a list of how to avoid becoming a victim of revenge porn. This site is more about prevention than dealing with consequences, but there is some useful information about takedown notices as well.

Website and search engine DMCA takedown forms:

- [Google](#)
- [Bing](#)
- [Microsoft](#)
- [Imgur](#)
- [Photobucket](#)
- [Facebook](#)

The Criminal Law in England and Wales

The law is slowly catching up with technology. Several countries around the world have passed laws that specifically criminalise the disclosure of intimate images. This includes the UK. Under the Law in England and Wales perpetrators were prosecuted under a number of different statutes, but a law specifically designed to combat the disclosure of private sexual images was introduced this year.

There is no such thing as 'I'm not pressing charges' in the United Kingdom.

Once you make a complaint to the police, what happens to the offender is largely up to the Crown Prosecution Service. They consider the evidence presented to them by the police (which may include a witness statement and other documents you provide) and decide whether there is sufficient evidence to prosecute a case. They also consider whether it is in the public interest to prosecute a case.

You don't need to be a legal genius when you go to the police for help, but it pays to be in the know. Reading the summaries of the laws below will give you an idea of what is and is not legal in England and Wales.

The new law

Section 33 of the Criminal Justice and Courts Act came into force in the UK on 13 April 2015. This makes it an offence to disclose a **private sexual photograph** or film if the disclosure is made **without the consent** of an individual who appears in the photograph or film, and with the **intention of causing that individual distress**.

1. The word 'disclosure' means not only the initial perpetrator's disclosure but also any subsequent disclosure. So, sharing an image online that has already been uploaded by someone else still counts as a disclosure even if the person to whom it is shared has already seen it.
2. 'Consent' is to the disclosure of the photograph or film, not the taking of the photograph or film.
3. To be private, the images have to be of 'something that is not of a kind ordinarily seen in public.' This could include:
 - people coming out of the bath,
 - people in a state of undress in a changing room,
 - people sunbathing naked/topless.
4. To be sexual, the images do not have to be pornographic, but they have to:
 - show all or part of an individual's exposed genitals or pubic area or,
 - something that a reasonable person would consider to be sexual because of its nature, or
 - its content, taken as a whole, is such that a reasonable person would consider it to be sexual.
5. Images are not seen as private and sexual under this section if they are only private and sexual because they are combined with another image. For example, the victim's head has been photo shopped onto another person's naked body.
6. It is a defence for people accused of this offence if:
 - they reasonably believed that the images had previously been disclosed for reward (i.e. money), and that
 - they had no reason to believe the previous disclosure wasn't with the person in the photos consent.
7. A person will **not** have committed the offence of disclosure with the intention to cause distress if the distress occurs merely as a natural consequence of the disclosure of the image. **The perpetrator has to specifically intend to cause the victim distress by disclosing the images.**
8. This offence is triable either summarily by Magistrates or a District Judge, or on indictment, by a jury. If convicted, perpetrators can face up to two years imprisonment, be ordered to pay compensation to the victim, can be ordered to pay court costs and could be made the subject of a civil restraining order issued by the criminal courts.

Recent convictions under the new legislation

*David Jones, 53, of Merseyside, was sentenced to **3 months imprisonment** for disclosing 12 images of his ex that were 2 decades old. He posted the images to fake social media profiles and plead guilty to 5 counts of disclosing private sexual images with the intent to cause distress, though he claimed he was attempting to rekindle their romance.*

*Paige Mitchell, a 24-year-old woman from Stevenage, slapped her girlfriend after an argument and uploaded 4 images to Facebook with insulting captions. They were online for 30 minutes before the defendant was told by her mother that she was breaking the law. **Mitchell was handed a six-week sentence for the disclosure, and a two-week sentence for common assault, to run at the same time. Both sentences of imprisonment were suspended for 18 months.***

Overlap with existing offences

If you are considering making a complaint to the police, you should be aware that it may be more appropriate for the authorities to charge a perpetrator under pre-existing legislation rather than the new section 33 offence.

Harassment - The Protection from Harassment Act 1997 s2

- It is an offence to pursue a course of conduct against another that the defendant knows or ought to know amounts to harassment.
- For the purposes of this offence, harassment includes negative emotion by repeated molestation, annoyance or worry, alarming the person or causing the person distress with oppressive and unreasonable conduct. **Stalking is a prime example of harassment.**
- A 'course of conduct' must be proven for a harassment charge to succeed in court.
- This can be as little as two incidents over six months, but there must be more than one incident by an individual perpetrator.

Blackmail offences under the Theft Act 1968, s21

It is not uncommon for perpetrators to claim to possess private sexual images of a person and attempt to extort money from that person by threatening to disclose the images if they don't pay up.

- A person is guilty of blackmail if they make an unreasonable demand to another and threaten them if they do not comply.
- The demands are for the perpetrator's own gain or with the intention to cause loss to another.
- Perpetrators can demand that victims **do** something or **do not** do something.
- Blackmail is punishable by up to 14 years imprisonment.

*Zeeshan Aqsar, a 19-year-old studying law at Nottingham Trent University, was jailed for **two and a half years** for blackmailing a 15-year-old girl with images she had sent him on Snapchat. He had used an app to save the images without her knowledge.*

The Communications Act 2003, s127

- It is an offence to send messages or other matter through a public communications network that are grossly offensive or of an indecent, false, obscene or menacing character for the purpose of causing annoyance, inconvenience or needless anxiety to another.

In South Wales 27 people were cautioned and a further 27 were charged between 2010 and 2014 under this Act.

The Malicious Communications Act 1988, s1

- It is an offence to send communication (letters, electronic communication or articles of any description) that is grossly offensive, indecent, obscene, conveys a threat or is false, with intent to cause distress or anxiety. **There is no requirement that the communication reaches the intended recipient for the offence to be made out, only that it is sent.**
- CPS guidelines state that the issue in cases of revenge porn will be 'whether the message or communication is grossly offensive, indecent obscene or false, not whether the image itself is indecent or obscene.'
- As a result of recent amendments to this offence it is now triable either on summary or indictment, with a new maximum of 2 years imprisonment on

indictment. Offences committed before the 13th of April 2015 are triable only on summary, with a maximum of 6 months imprisonment and/or an unlimited fine.

Between 2010 and 2014 in South Wales, five people were cautioned. Between 2010 and 2014 in South Wales, five people were cautioned and eight people were charged under this Act.

The Computer Misuse Act 1990, s1

- It is an offence to access computer material when the access the perpetrator intends to secure, or enable to be secured, is unauthorized.
- This offence may be useful to the police if the perpetrator gained access to the private sexual images by means of hacking.
- The maximum sentence is two years imprisonment.

What if the image is of a person under the age of 18?

The law in this area exists not only to protect children from harm by adults, but also to protect them from themselves. The Child Exploitation and Online Protection Centre is 'aware of cases where self-taken indecent images (which were not produced as a result of grooming or facilitation) have ended up on paedophile chat sites and forums.'

Under guidelines issued by the Association of Chief Police Officers of England, Wales and Northern Ireland, 'first time offenders **should not usually face prosecution** for such activities, instead an investigation to ensure that the young person is not at any risk and the use of established education programmes should be utilised.'

CEOP accept that in some cases, e.g. persistent offenders, a more robust approach may be called for- for example the use of reprimands. It is recommended that prosecution options are avoided, in particular the use legislation that would attract sex offender registration.

In one recent incident this year a 14-year old boy in the north of England had his details stored on a police database after sending an indecent image of himself to a female classmate. Though the boy was not arrested his details could be stored for up to ten years, and could come up in DBS check, potentially affecting his future employment prospects.

There are two main Acts which criminalise the distribution and possession of such images:

The Protection of Children Act 1978, s1

- It is an offence for a person to take, or permit to be taken, any indecent photograph of a child.
- The maximum penalty for this offence on conviction on indictment is ten years imprisonment.

Criminal Justice Act 1988, s160, s 160(a)

- It is an offence for a person to possess an indecent photograph or pseudo-photograph (for example, high-quality computer generated image which when printed looks like a photograph) of a child.
- The offence is punishable on summary conviction by up to 6 months imprisonment or a £5,000 fine or both.

Restraining Orders

- Under section 5 of the Protection from Harassment Act 1997, the court may make restraining orders against an individual convicted of a crime to further protect the victim.
- The individual is prohibited from making contact with the victim and may be prohibited from going into certain areas or streets, depending on what the order specifies.
- It is a civil order which incurs criminal liability if breached.
- Breaching it can result in 5 years imprisonment on indictment, or 6 months and/or an unlimited fine on summary conviction.
- Under s 5A of the Act, the court may also make a restraining order against an individual **acquitted** of a crime if this is deemed necessary to protect another person from harassment.

If a restraining order is not granted as a result of criminal proceedings, you can also apply for a **civil order in the form of an injunction or a non-molestation order**. Further guidance on this can be found at: <https://www.gov.uk/injunction-domestic-violence/how-to-apply>.

Getting advice and support

There are a number of organisations you can contact if you think there may be an image of you online:

Revenge Porn Helpline

- Set up in February 2015 specifically to tackle intimate images posted online.
- Through their industry contacts, the [Revenge Porn Helpline](http://www.revengepornhelpline.org.uk/) can help you take down images and limit their spread: <http://www.revengepornhelpline.org.uk/>
- Call them on 0845 6000 459 Monday to Friday 10am – 4pm for assistance with any revenge porn related matters. Calls are 5p per minute, costs more to call from a mobile. They're happy to call you back if you'd prefer not to be charged.

'So you got naked online?'

- Resource published by the South West Grid for Learning and UK Safer Internet Centre for children, young people and parents: <http://swgfl.org.uk/products-services/esafety/resources/So-You-Got-Naked-Online/Content/Sexting-Toolkit>
- Offers advice and explores strategies to support the issues resulting from sexting incidents. Lots of useful advice if you're worried there's an image of you online.

CEOP's thinkuknow.co.uk

- Website run by the Child Exploitation and Online Protection Centre, an organisation dedicated to protecting children: <https://www.thinkuknow.co.uk/oldparents/Nude-Selfies-What-parents-and-carers-need-to-know/>
- Four informative short films aimed at parents and guardians on understanding nude selfies and sexting.

Practical advice to help keep images secure

There are several questions to ask yourself when taking a private sexual image of yourself or allowing someone else to take one of you:

- Do I trust the person I'm sending the image to?
- What would my grandma think if she saw this image?

For many people sexting and the sharing of private sexual images has become a normal part of flirting and relationships– can people really be expected to stop doing this altogether? If you're in a healthy consensual relationship with a person you trust then there is every reason to share images with them, as long as you are aware of the potential consequences.

At present the UK civil law is lagging behind some other EU member states. In December 2015 a German court ruled that a man who possessed private sexual images of his ex-wife should destroy the images after their divorce, regardless of whether he intended to disclose them or not.