

# Revenge Porn & The Law



# 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.

# 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.

# How do Images Spread?

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. The image can be accessed through a search engine, which does not host any content itself but displays the image through a link to the hosting website.

# Question????

What is the current law  
on revenge porn?



# What is the Current Law on Revenge Porn?

- 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**.
- 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.
- '**Consent**' is to the disclosure of the photograph or film, not the taking of the photograph or film.
- To be '**private**', the images have to be of 'something that is not of a kind ordinarily seen in public.'

# What is the Current Law on Revenge Porn?

- 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.
- 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.
- 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.

**The perpetrator has to specifically intend to cause the victim distress by disclosing the images.**

## **CRACKDOWN: GOVERNMENT'S PLEDGE TO TACKLE REVENGE PORN**

**Those convicted of revenge porn – the distribution of a private sexual image of someone without their consent and with the intention of causing them distress – could face two years in prison under new laws.**

**It will be made a specific offence, covering the sharing of images both online and offline, in the Criminal Justice and Courts Bill, which is currently going through Parliament.**

**It will mean that images posted to social networking sites such as Facebook and Twitter will be caught by the offence, as well as those that are shared via text message.**

**Images shared via email, on a website or the distribution of physical copies will also be caught.**

**Victims of revenge porn have previously found it difficult to have pictures removed from the internet.**

**Many sites where the images are hosted are based outside the UK, and requests to remove content are often ignored. In some cases, asking for removal results in more attention being brought to the images.**

**The move to clamp down on 'revenge porn' came after 149 cases, the vast majority of them involving women victims, were reported over two and a half years. Only six led to prosecutions.**

**However, the new rules do not affect the consensual 'sexting' of images by under-18s. This is already illegal – but police cannot monitor mobile photo messages.**



# **What are the penalties for someone convicted of revenge porn offences?**

- Someone found guilty can go to prison for up to two years, plus a fine.

# **Could someone be in trouble if they receive an unsolicited naked image on their phone?**

- There is no law against receiving images. However, if you go on to share them you could be breaking the law.
- Simple rule: if you get an image like this, delete it and don't forward.

# **Will the social media companies, such as WhatsApp and Facebook, shoulder any of the responsibility?**

- Under the new law, no. But if victims own copyright of the materials (which usually rests with the person who takes the photo, not the subject), they can potentially sue for copyright infringement, and social media companies often respond to takedown requests based on copyright.
- The law absolves internet companies of responsibility for content posted by users, in order to safeguard free speech. But they still have systems for blocking child pornography, and could clearly do better with revenge porn.
- Many social media platforms have rules that forbid users from posting intimate images taken or distributed without the subject's consent, but if they're posted anyway, their systems for taking them down are often slow, unresponsive and haphazard.

# Case

## Study:

**Teenage boy becomes youngest convicted of posting explicit images.**

**Teenager is youngest person convicted of so-called revenge porn after posting explicit pictures of girlfriend on Instagram**

- A teenage boy who posted an explicit video of his girlfriend on the internet became the youngest person in England and Wales to be convicted under new revenge porn laws.
- The 17-year-old, who cannot be named for legal reasons, admitted posting a video of his then 14-year-old girlfriend masturbating on Instagram after they split up.
- Sparing the teenager jail yesterday, a judge told him that if he had been an adult he would have gone to prison.
- Sentencing him under the section 33 of the Criminal Justice and Courts Act 2015.
- "You were 16 at the time, you are still 17 and I intend to deal with you as a less mature offender."

# What to do?

**Once someone has sexually explicit images or videos of you, it's hard to control how they use them. Here are some tips to help you stay safe online:**

- Even if you are in a relationship, think carefully before you share any sexual images with anyone, regardless of whether this is online, in person or via text message.
- Change your passwords and even temporarily delete your accounts.
- Check your privacy settings on social media regularly to keep them up to date.
- Don't share personal information or contact details online.
- Don't make contact with any strangers who may contact you.

# What to do?

- Turn your webcam off when you are not using it.
- If someone has posted explicit images of you online, report the incident to the website where the images were posted and ask for them to be removed. If you decide to report the crime to the police, try to keep evidence of the incident by taking a record and screenshots of any posts or messages.
- If you need further advice on how to get explicit online material removed, contact the Revenge Porn Helpline on **0845 6000 459**.
- You can talk to your parents, school, the police or CEOP.

# 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?
- If we break up, do I trust this person enough to not share my pictures?

For many people sexting and the sharing of private sexual images has become a normal part of flirting and relationships

If you're in a healthy consensual relationship with a person you trust then you need to be aware of the potential consequences.