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Pornography: Non-consensual, Vengeful, Online – Matthew Hall and Jeff Hearn

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Introduction

Revenge pornography is the online, at times offline, non-consensual distribution, or sharing, of explicit images of someone else by ex-partners, partners, others, or hackers seeking revenge or entertainment – also known as non-consensual pornography (NCP) or, more colloquially, revenge porn. Although male ex-partners are reported as the main perpetrators, current partners, (ex-)friends of both victims and perpetrators, people known to the victim, people seeking revenge for friends, people seeking to deter others sexually interested in their current partner, amongst others, can find explicit images and share them, for purposes of revenge (Tyler, 2016).

Sexually suggestive or explicit images and videos do not, however, need to be of someone known to the poster. Indeed, in 2014, a woman in the USA began a lawsuit against her ex-partner for superimposing images of her head onto naked body shots of someone else and posting them on *Facebook* as if they were 'really' her (Mazza, 2014). Complete strangers and internet hackers may also be involved, sometimes of high profile victims. Revenge pornography appears in a variety of online and offline locations and formats, including specific revenge porn sites, pornographic websites that allow the uploading of amateur images and videos, as well as on mainstream platforms, such as *Facebook* and *Tumblr*.

Revenge porn is popular. Hunter Moore's notorious website *IsAnybodyUp*, before being closed down in April 2012, averaged 150,000-240,000 unique page views per day, with approximately 35,000 submissions of photo content each week. *Revenge porn* can be highly lucrative, for some. Hunter Moore was claimed to have been earning between $8,000 and $30,000 per month in advertising revenue. Other revenge porn websites charge for access; for example, Revenge Porn Net charges $1.95 for a two-day trial membership, $24.95 for a one month membership, $49.95 for three months' membership, and $57.50 for six months' membership. Many websites also demand fees for 'take-down services'. In 2015 in the US *Ugotposted.com* site and *changemyreputation.com* owner, Kevin Bollaert, was convicted on 27 felony counts of identity theft and extortion, and given an 18-year prison sentence for charging victims to have their images removed from his revenge porn website. He had published over 10,000 nude photos on his first website, linked them to the women's social media accounts, and then directed them to his second website, where he charged $350 or more to have the images expunged. Companies and sites such as *Reputation Stars, Remove My Name, and Online Defamation Defenders* offer to remove negative material more generally for between a few hundred and a few thousand dollars (Tynan, *The Guardian*, April 26, 2016). *Reputation Repair* charges $1,459 for 'expedited removal' from cheater sites and 'future attack prevention'.

The impacts of revenge porn

The online survey 'Effects of Revenge Porn' conducted in 2013 by the Cyber Civil Rights Initiative and *EndRevengePorn.org* found that 90% of victims are women (Franks, 2016). As one might expect, given the increase in 'sexting', the typical victim age group is teens to thirties. However, there are reports of police investigating child victims as young as seven. The negative impact revenge porn has on its victims can be profound in terms of physical and psychological health and well-being, as with many other forms of violence and abuse. The complication with online revenge porn is that there is an element of *not knowing* what has been done, or where the images or text have been placed and replicated. Victims report a host of negative effects, including feelings of humiliation, shame and embarrassment with intimate partners, family, friends, work colleagues and, in public, sexual shame and sexual problems, body image issues, education and employment disruptions, concerns for personal safety, becoming paranoid and hyper-vigilant, loss of trust, and reputation damage. Some have faced stalking, harassment and threats of being gang raped because of their personal information being in the public domain. Some victims have taken their own lives.

Legislation against revenge porn

Universal laws for convicting revenge porn perpetrators do not exist. In 2009, the Philippines became the first country to criminalise non-consensual pornography, with a penalty of up to 7 years' imprisonment. In 2014, Israel became the first country to classify non-consensual pornography as sexual assault, punishable by up to 5 years' imprisonment. Germany and Japan have now made revenge porn a criminal offence. England and Wales joined these countries in February 2015, with Northern Ireland and Scotland following suit in February and March 2016 respectively. In

many countries, however, the legal frameworks for prosecuting revenge porn perpetrators are either non-existent or securing convictions is very difficult.

In Australia, Sweden and the USA, the picture is more mixed. There are no specific revenge porn laws in Australia, although there are broad criminal laws that can be used to prosecute online abuse. Currently, the states of Victoria and South Australia have their own laws to criminalise the sharing of intimate photos without consent, and in February 2016 a Senate committee recommended this should be introduced nationally. Similarly, Sweden does not currently have specific revenge porn laws, but people have been tried for defamation. In the USA too the picture is mixed with 27 states and the District of Columbia having laws barring non-consensual pornography. Some states, for example, Texas, Alaska, and New Jersey, have broad privacy laws that can be interpreted to encompass revenge porn. However, criminal penalties vary between states, prosecutions are still rare, and many law enforcement agencies are not fully equipped to deal effectively with such allegations and crimes (Franks, 2016).

Combating revenge porn

So, to use a well-worn phrase: what is to be done? As is often the case with social problems, appropriate responses include matters of politics, policy, law, education, intervention, and support. At the forefront there are many active feminist-led campaigns on cultural political change online, and associated websites designed to oppose revenge porn and support those who suffer. Campaigns variously seek to rectify weaknesses in legislation, advocate more action and interaction between governmental, not-for-profit, legislative, and commercial actors, and promote support programmes for victims, the punishment of crimes and re-education programmes for perpetrators, and gender and sexualities educational programmes,

in schools, colleges and universities, workplaces and elsewhere.

Whilst current legal and governmental measures such as, in the UK, HM Government's (2016) *Violence against Women and Girls Strategy 2016 – 2020* (2016) go some way in tackling revenge porn, there should be a more specific focus on online gender and sexuality offences, especially given these are reported as on the rise in some parts of the world. Despite the Revenge Porn Helpline, which was launched in 2015, successfully removing more than 1000 explicit images, much more should be done to stop organisations which host revenge porn images and search engines linking to revenge porn. Google has announced it will stop searches linking to revenge porn images if requested by a person whose image has been posted without consent. Microsoft has said they will remove links from search results when reported by victims, and Twitter, Facebook and Reddit have banned revenge porn posts.

There is ongoing legal disputation on whether Facebook, and similar operators, are liable for civil claims. Those internet organisations providing platforms for posting revenge porn might face future civil actions. Arguably, stronger civil laws should be in place so that victims can sue perpetrators for damages. The absence of overarching international revenge porn laws impedes prosecutions for crimes committed in another country. Without international and cross-border laws on revenge porn, pursuing perpetrators and those who facilitate these crimes is likely to be very difficult (Topping, 2016).

Education and support

Gender and sexual violences are reported to be widespread among adolescents, which makes them vulnerable to a lifelong trajectory of violence, either as victims or perpetrators; thus, robust responses are required (Lundgren & Amin. 2015). There is also a need to raise awareness of the potential risks of revenge porn that can follow from

sexting. One method of doing so is to include this on sex and relationship curricula. Charities and educational groups are reported to be concerned that many teenagers are not being taught about issues like sexting, online pornography, consent and healthy relationships, including the illegality of child sexting and revenge pornography. The primary focus of the UK sex and relationship curriculum is on sexuality and health, and what constitutes a healthy relationship; arguably, this should include how to deal with the ending of relationships, problem solving, and training on relationship skills and emotion regulation.

Many programmes to support victims of gender and sexuality-based crimes tend to focus on how to reduce the risk of revictimisation, such as social support and safety behaviours. Some focus on dealing with the legal process of bringing offenders to court for removal of the images; for example, within the provisions of the 1996 US Digital Millennium Copyright Act. Work by colleagues at the University of Primorska Science and Research Centre, Slovenia (2016) suggests that existing specialist support services and the development of protocols of cooperation between relevant authorities facing non-consensual online sharing of sexually explicit images should be strengthened. They argue this would include: mapping existing specialist support services and sharing best practices among them; promoting cooperation and multidisciplinary networking among crucial national authorities, NGOs and organisations that strive for safe internet use; and tackling non-consensual sharing of sexualised images online. State-of-the-art reports to governmental and non-governmental bodies, such as NOTA, and online-based revenge pornography organisations, such as *End Revenge Pornography, Third Parent, and nobullying.com,* could be developed, along with joint online advice for victims, and support materials for educators, agencies and the media.

Tackling the perpetrators

The criminalisation of revenge porn is likely to act as a deterrent for some, but not for others. Where legislation does not act as a deterrent, investigators can use software, such as *EnCase,* to produce an image of the alleged offender's hard drive to see deleted computer files, such as cache files, swap files, temporary files, unallocated space or slack space, and left traces of their browser history, address books, date and time stamps and so on to use as admissible evidence (Widup, 2014).

Once convicted, and punished, re-education intervention may be one possible way forward for offenders, who are overwhelmingly male. Such interventions might include group cognitive behavioural treatment, in which offenders learn non-violence, through various techniques and exercises, such as the provision of skills in communication, assertiveness, and relaxation techniques. Having said that, considerable caution is necessary around the likely success of such reforming interventions. This is partly because meta-analyses of evaluations of these kinds of interventions in stopping violence and violation in other contexts, notably 'domestic violence' and intimate partner violence, show mixed effectiveness (Jackson *et al.*, 2003; Wathen & MacMillan, 2003; Smedslund *et al.*, 2007; Feder *et al.*, 2008; Arias *et al.*, 2013).

Since revenge porn is one of the many forms of gender- and sexuality-based violences, key lessons from offender interventions should be taken up, for example, feminist re-education group treatment focusing on (largely male) power and control (Eckhardt *et al.*, 2013). There is reason to be more optimistic about broader preventive interventions against violence and sexual violence that address gender power relations more broadly and fundamentally. Such approaches could be applied and modified in relation to preventing revenge pornography. Some fairly well-established methods have been developed in anti-pornography workshops and campaigns, such as the various 'Men Against Pornography' groups, and these can be adapted in working with offenders against revenge pornography. Beyond those, there is the array of specific methods and techniques for working with those who have committed crimes of sexual violence.

Conclusion

In order to tackle revenge porn a multi-faceted, multi-agency and multi-actor approach is required, locally and transnationally, online and offline. Similarly, there is a need for more action-orientated, multidisciplinary research on specific aspects of revenge porn and greater availability of funding for research-linked intervention and support work.

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