

Vogal Training Safeguarding Newsletter

Revenge Porn – A Sexual Offence

Revenge porn is a sexual offence and was classified as such in the Criminal Justice and Courts Act 2015. If convicted an individual can be imprisoned with a sentence of up to two years'. The law defines it as distributing private explicit images without the consent of the person featured in the material, which is commonly done maliciously to shame ex-partners.

Sending explicit or nude images of this kind may, depending on the circumstances, also be an offence under the Communications Act 2003 or the Malicious Communications Act 1988. Behaviour of this kind, if repeated, may also amount to an offence of harassment under the Protection from Harassment Act 1997.

The distribution of material refers to any form of sharing, whether online via social media, websites or offline via physical copies. The material can either show a sexual activity or a person shown in a sexual way or with their genitals exposed.

English revenge porn law classifies a number of offences, including:

- The non-consensual sharing of any explicit film or photograph showing people engaged in a sexual activity
- The non-consensual sharing of any explicit film or photograph showing an individual depicted in a sexual way or with their private parts exposed, where what is visible in the image would not be seen in public

The revenge porn law covers the sharing of this explicit media both online and offline. This includes:

- Anything posted on social networking sites such as Facebook
- Messages shared via text or messaging apps such as WhatsApp
- Images and videos shared via email
- Images and videos published on a website
- The distribution of physical copies such as photographs, discs or tapes
- Important definitions relating to revenge porn

Under the law, the definition of 'private' is any material that would not normally be viewed by the public. 'Sexual' refers to images or videos that expose the genitals or that contain content that a reasonable individual would consider as sexual.

Revenge porn legislation in England does not require that the explicit material in question contains both images of a person engaged in a sexual activity and a state of full or partial nudity. The victim could be fully clothed and taking part in a sexual activity and the sharing of this material would still qualify as a criminal offence.

The prosecution of revenge porn cases has been treated very severely by the criminal courts, with custodial sentences frequently being imposed. The courts view the sharing of such intimate material as an extremely serious offence, with sentences reflecting where the material has been published or sent and how intimate the material may be.

Revenge Porn is often distributed maliciously with the purpose of causing embarrassment or distress. The images are sometimes accompanied by personal information about the individual, including their full name, address and links to their social media profiles.

Sharing sexual images and videos via digital media on devices such as smartphones has become normalised in today's society. However, once the image or video has been sent, the sender no longer has control over it and it is possible for the recipient to share the sexual image or video across many different platforms – with or without the consent of the sender. This is a criminal act and offenders face prosecution and prison.

A 2016, The Crown Prosecution Service (CPS) report stated that 206 people were prosecuted for revenge porn in the first year of the offence becoming classified. It is anticipated that this number may increase given the popularity of social media as a platform for sharing and communication on all levels.

The Ministry of Justice is launching a campaign aimed at raising awareness of the new legislation surrounding Revenge Porn. The aim of the **Be Aware B4 You Share** campaign is to:

- Make it clear to potential perpetrators that sharing explicit images, without consent, is unacceptable; it is a crime and will be prosecuted
- Discourage those thinking that sharing explicit images is a bit of fun by emphasizing the impact that the sharing of private sexual images can have on a victim
- Advise victims to report the crime to the police

More information can be found here:

[Revenge Porn: be aware b4 you share - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

For victims of Revenge Porn under the age of 18, there is now a new tool for those to report nude photos of themselves online.

The service - from the Internet Watch Foundation and Childline - aims to help children and young people who have been groomed, or whose partners have posted photos of them online. The IWF will examine the images and try and remove them if they break the law. It says the tool is a "world first" and could help many worried individuals. The IWF works to remove child abuse material from the internet.

If a picture or video has already appeared online, they can share the URL and the charity will examine the images. If the pictures break the law, the IWF will work to have them removed.

And if the content has not yet appeared online but a person is worried it might, the charity can create a digital fingerprint for the picture - known as a hash - which will be shared with tech companies and law enforcement around the world to help prevent it from being uploaded and shared.

Young people can report the images anonymously, as long as they verify their age, or they can leave their details and get support from Childline.

Anyone who makes a report should expect to receive feedback on the outcome in one working day.

Revenge Porn Support can be accessed here - [Remove a nude image shared online | Childline](#)

For anyone over the age of 18 there is also support via the Revenge Porn Helpline.

This UK service supports adults (aged 18+) who are experiencing intimate image abuse, also known as, revenge porn. The Helpline was established in 2015 alongside the legislation to support individuals.

The main areas they can help with are:

- Intimate images shared without consent
- Threats to share intimate images
- Images recorded without consent (Voyeurism)
- Webcam blackmail (Sextortion)
- Upskirting

The Helpline can assist with a number of things including:

- Non-judgemental and confidential advice - Individuals will receive advice and support on a 1-1 basis from one of the helpline practitioners.
- Reporting and removal of content - The Helpline can help with reporting and removing content online. Whilst they cannot guarantee removal of all images, they have exceptional partnerships with the internet industry and hold an excellent takedown record.
- Social media advice - Advice on the social media platform's community guidelines and policies and how to report and remove content to which they should respond promptly. If not, they can help.
- Reporting to the police - Advice on how and what evidence you need to gather and when you should approach the authorities.
- Legal advice – They have an effective and positive working relationship with the QMUL Legal Advice Centre. Offering specialist support for victims, their clients are signposted to free, accessible, client-centred legal consultations. They can also offer support and legislative advice to law enforcement agencies.

There are things which the Helpline cannot assist with:

- They cannot help anyone under the age of 18. The UK law states it is illegal to take, distribute, or download explicit content of individuals under the age of 18. You can report what has happened to the police on the non-emergency number 101 as soon as possible, and report content found online straight away to The Internet Watch Foundation as detailed above for review.
- They cannot support people from outside of the UK. There is a list of international organisations offering similar support [here](#).
- They do not have the capacity to provide long term counselling to their clients and if this is what they are looking for, there's a list of services which can definitely help.
- They cannot undertake criminal investigations or report to the police on the victim's behalf. Victims will need to ring the 101 non-emergency police number, give the call handler brief details and ask for an appropriate officer to return your call.

Revenge Porn Helpline - 0345 6000 459

