

1800RESPECT

NATIONAL SEXUAL ASSAULT, DOMESTIC
FAMILY VIOLENCE **COUNSELLING** SERVICE



More than “Revenge Pornography”: The Prevalence, Impacts and Available Responses to Image-Based Abuse in Australia

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December 2017

Webinar Overview

- Research background
- Terminology
- Prevalence
- Harms
- Legal Responses
- Challenges
- Non-Legal Remedies

Presenters

- Dr Asher Flynn, Senior Lecturer in Criminology at Monash University
- Associate Professor Nicola Henry, Vice-Chancellor's Principal Research Fellow, RMIT University

- National survey with 4,274 persons aged 16-49 years.
- Interviews with 52 participants across Victoria, NSW and SA:
 - 7 police
 - 14 legal/policy experts
 - 19 domestic/sexual violence service stakeholders
 - 2 LGBTIQ representatives
 - 3 youth sector representatives
 - 4 academics
 - 2 industry representatives
 - 1 disability support representative.

More than Revenge

- Revenge is not the only motivation.
- Distribution of images isn't the only problem.
- Not all images are “pornographic” or serve the purpose of pornography.
- Victim-blaming connotations.
- Focus is on the content but should be on the abusive action of perpetrators.

Three Key Behaviours

1. The non-consensual taking or creation of nude, semi-nude or sexual images;
2. The non-consensual distribution of nude, semi-nude or sexual images;
3. Threats to create and/or distribute nude, semi-nude or sexual images.

NON-CONSENSUAL CREATION OR TAKING OF INTIMATE IMAGES

“There were four flatmates; one male and three females, and the male had set up cameras around the house to video the girls either getting changed, coming out of showers, all of that kind of stuff ... He got caught out when he left something on his computer screen that one of them noticed. And one of them made a complaint and then they found all this footage that he’d been keeping of all the girls” (Robert, Police).

“A supervisor at work was taking photos of her on his mobile phone ... of him touching her breasts and she wasn’t sure, but she thought that he also took a photo of her vagina as well. [She] said repeatedly that she wanted him to stop and she was really afraid that he would put the photos on Facebook” (Esther, Support) .

NON-CONSENSUAL DISTRIBUTION OF INTIMATE IMAGES

“She’s been approached in public ... She thinks her ex has posted something in a closed group inciting a range of men to find her and rape her ... She’s being approached at the beach, with men with cameras, being filmed on the beach, and she’s had to flee” (Christine, Support).

“She was at work in the sex industry and she was assaulted by a group of men and then that was posted on a dominant sort of online forum where a lot of people were able to see it and she was just devastated” (Ashley, Support).

THREATS TO DISTRIBUTE AN INTIMATE IMAGE

“The threat of having that image disseminated amongst work and family and friends is usually the way to keep somebody within an abusive relationship” (Michelle, Legal).

“He had captured their sexual life on DVDs and photographs ... He was using threats to distribute revenge porn as a way of maintaining control over her” (Denise, Support).

Poll Question

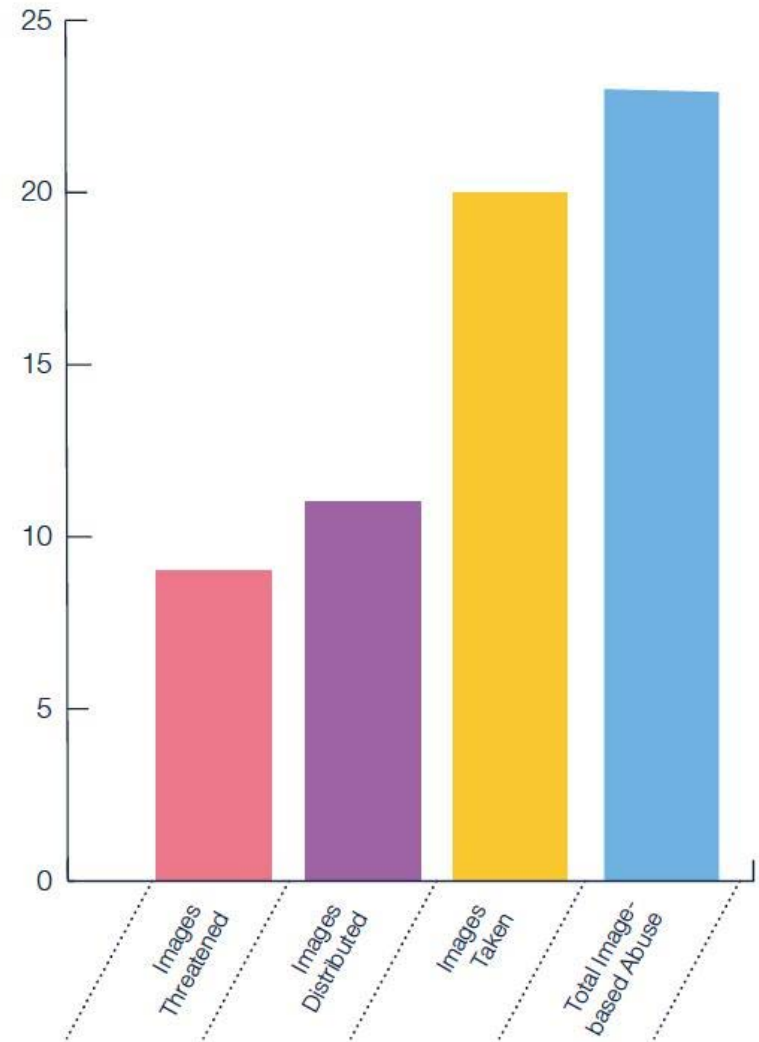
Do you know someone who has experienced one or more of the following?

- Someone has taken nude or sexual images of them without consent?
- Someone has shared nude or sexual images of them without consent?
- Someone has threatened to share their nude or sexual images?
- All of the above?

PREVELANCE OF IMAGE-BASED ABUSE

- 4,274 Australians (aged 16 to 49 years)
- 1 in 5 any IBA victimisation
- 1 in 5 images taken
- 1 in 10 images distributed
- 1 in 10 images threatened
- 1 in 10 downblousing
- 1 in 20 upskirting

Victims of Image-based Abuse
2016 Survey of Australians aged 16-49 (%)



Statutory Reference	Age Group	Male	Female	Total persons
Upskirting	00 - 17 years	≤ 3	≤ 3	4
	18 - 24 years	≤ 3	≤ 3	4
	25 years and over	0	0	0
	Total	4	4	8
Send image without consent	00 - 17 years	4	37	41
	18 - 24 years	≤ 3	17	19
	25 years and over	≤ 3	11	13
	Total	8	68	78
Threatens to send image without consent	00 - 17 years	6	41	47
	18 - 24 years	≤ 3	29	31
	25 years and over	≤ 3	39	41
	Total	10	111	123

Image-based abuse reported among vulnerable Australians:

- 1 in 2 Aboriginal and Torres Strait Islander People;
- 1 in 2 respondents with a disability;
- 1 in 3 lesbian, gay and bisexual (LGB) respondents;
- 1 in 3 young people aged 16 to 19 years;
- 1 in 4 aged 20 to 29 years;
- 1 in 2 respondents who had experienced *pressure/coercion* to send sexual self-images.

PERPETRATION

- 1 in 10 (10.1%) self-disclosed **at least one** IBA behavior:
 - 8.9% *taken* a nude/sexual image without that person's permission.
 - 6.7% *distributed* a nude/sexual image without permission.
 - 1 in 20 (5.4%) had *threatened* someone with distributing.
- More men (13.7%) than women (7.4%) reported IBA perpetration.
- Perpetration highest for *males* aged 20-29 (18.2%) and 30-39 (15.6%).
- Perpetration highest for women aged 20-29 (9.3%) and 16-19 (9.1%).
- Distribution: victim was: partner/former partner (23.7%); family member (19.7%); friend (17.2%).

HARMS OF IMAGE-BASED ABUSE

- Symptoms of moderate to severe depression/anxiety:
 - 80% *threats* to distribute;
 - 67% *taken* without consent;
 - 75% *distributed* without consent.
- Approximately a third of who reported experiencing IBA were 'very' or 'extremely' fearful for their safety.
- Women who experienced IBA were significantly more likely than males to report feeling afraid for their safety.

AVAILABLE LEGAL RESPONSES

Criminal Offences

- Specific criminal offences in: Victoria, SA, NSW and ACT.
- Jurisdictions without legislation can rely on broader offences.
- No specific criminal offence at federal level.
- Telecommunications law (Cth): use of a carriage service to menace, harass or cause offence: overly broad; not well used.
- Overall, patchwork of inconsistent laws in Australia.

Civil Remedies

- Copyright, breach of confidence, anti-discrimination, defamation.
- Very weak protections against privacy invasions in Australia: no statutory cause of action for an invasion of privacy for individuals.
- Existing civil laws ill-suited in applicability and language; significant costs with civil litigation; privatise the issue; limited preventive function.
- NZ civil scheme example.
- Proposed civil penalty scheme in Australia.

CHALLENGES IN RESPONDING TO IMAGE-BASED ABUSE

“If you get a response at the desk that there’s nothing we can do about that, you just wander off don’t you, because what can you do? The police have told you they can’t do anything” (Donna, Support).

“The comment that ‘the contact offences will always be of higher priority than non-contact offences’ is a widespread attitude among many police that I’ve encountered. I think it’s a deeply problematic one and it reflects a failure to understand the nature of the harm that is caused by [IBA] offences” (Jacqui, Support).

BARRIERS TO REPORTING

“You have a fairly high confidence that, say, people who might work in child exploitation sections are not sharing around images of child porn because everybody acknowledges that it’s abhorrent. Whereas images of naked or semi-naked women, you know ... I can imagine guys thinking that that’s a nice part of their job” (Maki, Academic).

“Sometimes it’s about police response, a lot of the time it’s about ‘this isn’t serious enough’. We’re taught to denigrate the experiences we have and to undersell them and our friends are as well, you know, ‘he didn’t hit you, he was just having a bad day ... It didn’t get physical so what can you report?’” (Lisa, Support).

VICTIM-BLAMING AND HARM MINIMISATION ATTITUDES

According to our survey:

- 70% agreed that ‘people should know better than to take nude selfies in the first place’.
- 62% agreed that ‘if a person sends a nude or sexual image to someone else, then they are at least partly responsible if the image ends up online’.

These attitudes held by:

- 1 in 2 men (50%)
- 1 in 3 women (30%)
- 71.3% of male perpetrators
- 57.9% of female perpetrators.

NON-LEGAL RESPONSES TO IMAGE-BASED ABUSE

- Office of the eSafety Commissioner's online IBA portal:
 - Advice on collecting evidence
 - Takedown service
 - Facebook and eSafety Office pilot trial.
- Other corporate social responsibility measures?
- Importance of education and primary prevention.

facebook



Australian Government

Office of the
eSafety Commissioner

WHERE TO FROM HERE?

1. Improve information and support for those who experience image-based abuse.
2. Community education, awareness and prevention.
3. Better resources for police.
4. Improve legal protections.
5. Work with major social media and blogging platform providers to improve action on removal requests.
6. Training for those working with individuals who experience image-based abuse and criminal justice authorities.

QUESTIONS?

A photograph of two women sitting and talking. The woman on the left has long dark hair and is wearing a purple top. The woman on the right has dark hair pulled back and is wearing a green turtleneck sweater. They are in a room with a woven wall behind them.

THANK YOU FOR YOUR TIME TODAY

NEXT WEBINAR

Date: February 2018

Topic: Trauma-informed Digital Design

Presented by: Blue Knot Foundation

Registration details coming soon.

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