



“Revenge Porn”

Image-based
sexual abuse

“REVENGE PORN” / IMAGE-BASED SEXUAL ABUSE

Disclosing intimate images or videos, or threatening to disclose intimate images or videos of another person without their consent, is a form of abuse. It can happen in many different circumstances and across different types of relationships, but it is used as a way to control, manipulate or humiliate the person in the images and videos.

It is often perpetrated during or following the end of an intimate relationship and it's usually referred to as “revenge porn”. Because this term risks trivialising a serious criminal offence, in this guide we will instead refer to this behaviour as “image-based sexual abuse”, which more accurately describes the act itself.

Image-based sexual abuse is a serious issue and can cause severe professional, reputational, economic, and psychological harm to the person affected. Amnesty International research found that more than a quarter of women in the UK experiencing online abuse and harassment receive threats of physical or sexual assault.¹

If you have been affected by image-based sexual abuse there are people you can speak to about it. If you need legal advice, call our Sexual Harassment Legal Helpline every Thursday, 5 to 8pm. For information on other support services, please see the section at the end of this guide.

¹ <https://www.amnesty.org.uk/press-releases/more-quarter-uk-women-experiencing-online-abuse-and-harassment-receive-threats>.

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IMAGE-BASED SEXUAL ABUSE AND THE CRIMINAL LAW

If someone discloses, or threatens to disclose, photographs or videos which show, or appear to show, you in an intimate situation, without your consent, they are committing a crime in Scotland. Those convicted can face up to five years imprisonment under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

Within the meaning of the law, an “intimate situation” is defined as a situation where:

- a) the person is engaging or participating in, or present during, an act which
 - i. a reasonable person would consider to be a sexual act, and
 - ii. is not of a kind ordinarily done in public

or

- b) the person's genitals, buttocks or breasts are exposed or covered only with underwear.

“Disclose” means showing the images or videos to another person, giving another person the images or videos, or making them available for another person. This covers both online and offline disclosures.

To have committed a crime the person who has disclosed, or threatened to disclose, the image or video must have intended:

- to cause fear, alarm or distress

or

- was reckless as to whether it would cause this. Recklessness means that it was a foreseeable result of their actions.

DEFENCES TO THE CRIME

If intimate photos or videos are already in the public domain with the consent of the person in them, it is not a crime to share these. For example, if a person takes a sexual photo of themselves and uploads it to a public website, people who share the photo would not be committing a crime.

There is a defence to the crime if the person in the images or videos consented to them being disclosed, or the person who disclosed them “reasonably believed” that they consented.

There is also a defence if the person in the image or video willingly took part in the intimate situation in a place which members of the public had access to and were present at the time.

CHILDREN AND YOUNG ADULTS

Sharing images and videos of children is very serious and dealt with under a different law. It is illegal to take, distribute, or download explicit content of individuals under the age of 18. As a result, it is illegal for websites to host any such content, **with or without consent**.

If you are under 18, it is important that you report what has happened to the police on the non-emergency number 101 as soon as possible. You can also report any content found online straight away to The Internet Watch Foundation (www.iwf.org.uk) for review. They will ask you to verify your age, then they will then try to have the image or video removed for you.

IMAGE BASED SEXUAL ABUSE AND CIVIL LAW

You may have a civil claim in law against an individual, company or organisation involved. Any civil action can be difficult to pursue often because of the need to establish a legal relationship, the identity of the perpetrator and a legal wrong. Any action must also be raised within specific time limits set down in law.

This area of law is legally complex and you should seek advice if you want to consider this.

GATHERING/PRESERVING EVIDENCE

When your intimate images have been published online, your immediate reaction may be that you want to delete all of the content as quickly as possible. This is your choice, but if you want to try to report a disclosure as a crime then it may be best to contact the police first before reporting the content and risk having evidence removed prematurely.

Evidence and information gathered appropriately by you may be considered by the Police if they decide to investigate matters.

To preserve evidence, save any message threads, images, and screenshots of websites (with the URL visible) together with the dates and times they were sent. Store these in a secure place, such as a password protected hard-drive. If you find this distressing, you could ask someone you trust to help you with this. You should always do this responsibly and securely ensuring you have permission to do so if any third parties are involved.

To find out how to take a screenshot from the device you are using (tablet, PC, iOS or Android mobile phone) see: www.take-a-screenshot.org. If you have had sexual content recorded without your consent via Skype, also make a note of the perpetrator's Skype ID. To get that, right click on their profile, select 'View Profile' and then look for the name shown in blue.

REPORT THE PHOTOS/VIDEOS TO HAVE THEM REMOVED

If you plan on reporting the crime to the police, wait until they have confirmed it's okay to do this.

Most mainstream social media platforms allow you to report a user or inappropriate content directly:

- Facebook - [see the Facebook help centre](#)
- Twitter - [see the Twitter help centre](#)
- Snapchat - [see Snapchat support](#)
- Tumblr - [see the Tumblr community guidelines](#)
- Instagram - [see Instagram help centre](#)

There are several additional steps which you can take to have content removed from other websites:

- Find out which websites have a copy of the image or video. You can do this by trying a reverse image search. Find out how on [Google's support website](#)
- Contact the owner of each website and ask them to remove the photo or video - find out how to contact them on [Google's support website](#)
- Ask search engines to remove images — read how to do this on [Google's support website](#).

If the website refuses to remove your photos or videos, you could try contacting them again with representation from a lawyer. If you have reported to the police, explain that the photos or videos are part of a criminal investigation —this may persuade them to remove them. If you are struggling to have your images removed, the [Revenge Porn Helpline](#) may be able to support you with this.

ABOUT US

The Scottish Women's Rights Centre (SWRC) is a collaborative project that provides free legal information, advice, advocacy and representation to women affected by violence and abuse.

Who is involved?

We are a collaboration between Rape Crisis Scotland, JustRight Scotland and the University of Strathclyde Law Clinic.

Need more information?

To learn more about us, visit our website and follow us on our social media channels.

www.scottishwomensrightscentre.org.uk

 /scottishwomensrightscentre

 @SWRC_

 /swrc



SUPPORT AGENCIES AND USEFUL CONTACTS

Scottish Women's Rights Centre – Sexual Harassment Service

Our service offers legal information, advice, and representation to women who have encountered sexual harassment in the workplace, in further education and online.

Helpline: 08088 010 789 (open every Thursday, 5 to 8pm)

Website: www.scottishwomensrightscentre.org.uk/sexual-harassment

Revenge Porn Helpline

The Revenge Porn Helpline is the UK's only service dedicated to supporting all adults who have been victim of intimate image abuse.

Phone: 0345 6000 459

Email: help@revengepornhelpline.org.uk

Website: <https://revengepornhelpline.org.uk/>

Victims of Internet Crime (VOIC)

VOIC is a website where victims of image-based abuse can share their stories, coping strategies and seek support from one another.

Website: <https://voic.org.uk/>

Get Safe Online

Get Safe Online offers unbiased, factual and easy-to-understand information on online safety.

Website: <https://www.getsafeonline.org/>

The National Stalking Helpline

The National Stalking Helpline can help if you are worried that you may be being stalked or are being continually harassed (this may be the case if your intimate content is being re-circulated or re-posted online).

Phone: 0808 802 0300

Email: advice@stalkinghelpline.org

Victim Support

Victim Support Scotland provide support and information services to victims and witnesses of crime in Scotland.

Helpline: 0800 160 1985

Website: <https://www.victimssupportsco.org.uk>

Rape Crisis Scotland

Phone: 08088 01 03 02 (open daily 6pm to midnight)

Email support: support@rapecrisisscotland.org.uk

Text support: 07537 410027

Website: www.rapecrisisscotland.org.uk