



Images, Consent, & Abuse

The Issue:

Billions of images are captured, uploaded online, and distributed electronically every day. As several high-profile cases have documented in recent years, some of these images raise serious safety, privacy, and legal issues around the intersection of abuse and assault, consent, and privacy. Moreover, the digital age that we live in not only allows for rapid distribution and sharing but also creates an irreversible, permanent record of our actions.

Images of individuals, taken with or without consent, are being distributed online as a tactic of abuse by perpetrators with the intent to harass, impersonate, humiliate, and cause harm. Many of these images are sexually explicit and are often posted and shared online with identifying information of the individual, such as their full name, address, phone number, and place of employment or school. The inclusion of identifying information poses a significant risk for further abuse, stalking, and harassment. Victims have been contacted by strangers asking for lewd sexual favors after their picture or videos and personal information have been posted online.

Images may be sent directly to friends, family, and others in the community who know the victim, posted online on popular social networking sites, or uploaded to pornography and/or revenge websites. These websites are profiting off of these images through ads and user fees; one site saw 30 million pages views and earned \$13,000 a month before it was shut down. In some cases, victims are blackmailed into sending more sexually explicit images or meeting the blackmailer in real life by threatening to distribute the images online and to the victims' friends, family, and colleagues.

The Terminology:

This tactic of abuse or harassment through sharing explicit images with the intent to harm is often referred to as “**revenge porn.**” It can also fall under broader terms, such as “cyber harassment” or “sexual shaming” and intersects with other issues, such as sexting, which is the act of sending sexually explicit messages or images. Other terms used to explain this form of abuse include: exploitation or sextortion, where someone blackmails another person by threatening to reveal explicit images; and e-venge, referring to the electronic distribution.

Impact on Survivors:

The effect of this abuse can be devastating, impacting every part of the victim's life and future. Many victims are revictimized in their school, workplace, or community and some have attempted or committed suicide as a result. Unfortunately, a significant amount of victim blaming exists in some of these cases, suggesting that the victim should not have shared the images in the first place. Even if the images were obtained without consent or permission (secretly recording someone or recording a sexual assault), the victim's actions are often questioned.

While educating people about the possible consequences of sharing explicit images is important, most of the danger and harm comes from the subsequent sharing of these images without consent and with the intent to hurt, shame, or abuse the victim. Education should also include digital ethics, in that if someone trusts another with private information, including explicit images, that person shouldn't distribute that image to “get back” at or shame the other person.

Legal Recourses:

In many areas of the country, the distribution of images without consent may only be criminal if the sexually-explicit content is of a minor or of an obvious criminal activity, such as a sexual assault. In cases where the victim is not a minor or when the images were originally taken with the consent of the victim, the laws are often not as protective when those images are then shared by someone else with the intent to harm. Without adequate laws to address this type of intentional abuse and violation of privacy, many survivors are left without recourses. Fortunately, the legal landscape is slowly changing.

Currently, New Jersey, Alaska, and California have passed legislation specifically addressing the distribution of explicit images without the consent of the individual, and 13 other states are considering similar legislation. These new laws criminalize this abusive behavior regardless of the age of the victim or the context in which the images were originally taken.

Additionally, many existing laws may be used to hold the abuser accountable. Harassment, stalking, illegal surveillance, illegal access to electronic information, unauthorized recording/taping, impersonation, identity theft, and privacy or confidentiality violations, are some of the laws that can and have been used depending on the details of the case. Concerns over the distribution of images may also be addressed in restraining orders.

What Can Survivors Do?

- **Document** any content found online by taking screenshots to capture all images and information posted with it. Also record the URL of the sites. Keep a record of any other harassing or unwanted contact to you or anyone you know. Make sure to save all original emails or messages.
- **Create Different Content Online.** Although a natural reaction may be to avoid online spaces, by being online and creating new content, you can gradually bury the information that you don't want to immediately come up in a search engine.
- **Remove Content.**
 - If the content violates the terms of service of the host then it may be taken down if reported to the site. For example, many popular social networking sites and other online spaces do not allow nudity or content that harasses another person. Look for options to report content and/or users.
 - Some services are available to help remove and bury information about you that is online. Their fees vary and some offer discounts for victims of abuse. Three of these are Abine.com, DMCADefender.com, and SafeShepard.com.
- **Set Alerts.** Setting a Google Alert for your name can provide you with a notification if someone uploads information to the internet with your name.
- **Get Assistance & Know Your Rights.** Advocates, attorneys, and law enforcement in your state can better help you understand what your options are. Check to see if laws in your state have been enacted to address this specifically or what could apply. If you took the original photos, then you may have additional options since you have copyright/ownership over the image.
- **Get Informed.** The following websites provide a wealth of information about this issue, as well as listings for attorneys and advocates that may be able to help.
 - Without My Consent – www.withoutmyconsent.org
 - Army of She – www.armyofshe.com
 - End Revenge Porn - www.endrevengeporn.org