

Current sexual abuse laws leave online victims unprotected

July 1 2019, by Erika Rackley, Clare McGlynn And Kelly Johnson



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People's lives have been shattered by so-called "revenge porn," upskirting, fake porn, sexual extortion and videos of sexual assaults and rape shared online. Victims and survivors can experience profound

"[social rupture](#)"—a major devastation that drastically alters all aspects of their lives, as well as the lives of those who love and support them.

And yet, despite greater public awareness and four [new laws](#) in the past five years, legislation is still failing to fully protect victims and provide access to justice. The law is piecemeal, outdated and complicated—several forms of abuse are still not covered.

Not all [victims](#) of these offenses are granted anonymity in court, and the limitations and complexity of the current laws makes it difficult for the police to enforce them [in practice](#).

There have been moves to address these failings—the UK government recently asked the Law Commission to conduct a two-year [review](#). But this means that new laws will not be introduced until 2022—at the very earliest.

Our new [research](#) draws on experiences and recommendations from more than 50 victim-survivors, as well as lawyers, police and third-sector professionals working in this area across the UK. Our findings suggest that action is needed urgently, now, to support and protect those who have suffered from what we have labeled "[image-based sexual abuse](#)".

"Torture for your soul"

While it seems widely recognized that image-based sexual abuse causes considerable harm, many of the victim-survivors we spoke to felt that the real extent and nature of this harm was not properly understood. Many described the abuse as an overwhelming breach that radically disrupted their lives, so much so that many distinguished their lives and sense of self into "before" and "after" their experiences.

One victim-survivor spoke of being "completely, completely broken";

others characterized their experiences as "life-ruining," "hell on earth"—"a nightmare ... [that] destroyed everything." Another, Anna, said: "it's torture for your soul."

Others described the constant nature of the abuse, which is so often ongoing—the material remains "out there," and there is the constant chance that it could be shared, viewed and rediscovered. Each time this happens, it's experienced as a new abuse. Victim-survivors did not speak in terms of a discrete "event" or "incident" which happens and then is over. Rather, the abuse feels relentless and perpetual. As Anna said: "There is no end to it, there is no stop, there is no finale."

Catching up

Victim-survivors are being let down by current laws, which are inconsistent, outdated and confusing. There's an urgent need for a comprehensive criminal law which covers all forms of image-based sexual abuse—regardless of motivation. But while the Law Commission's review is ongoing, there are three things that could be addressed right now.

1. Extend current law to include threats and deepfake porn.

Threats to take or share intimate images without consent are not currently a criminal offense in England and Wales or Northern Ireland. This is a serious omission, because nearly half of the victim-survivors we spoke to had received threats to share nude or sexual images and videos of them without their consent. For many, the threats had life-threatening and paralyzing impacts. As, Louise, told us: "I was embarrassed and I was ashamed ... and I felt stupid. Even now I'm still not sure whether or not she will send them. My mental health deteriorated quite significantly.

I took an overdose."

Nor does the criminal law clearly cover fake porn or "deepfakes," where technology is used to alter videos or images to make them sexual—for example, taking a profile picture from Facebook and digitally altering it, to make it sexual or pornographic. The offense which makes it illegal to share intimate images without consent (as in "[revenge porn](#)") should be extended to include threats and the distribution of fake images.

2. Recognise image-based sexual abuse as a sexual offense.

The government's refusal to categorize *all* of these abuses as sexual offenses suggests they are not listening to victim-survivors. As Lucy told us: "It's an abuse of me and my body. It feels like it's sexual abuse... I know people might say that sounds like an exaggeration, but that is genuinely how I feel..."

There is also no justification for some victim-survivors having anonymity in court—in cases of upskirting, for example—but not in others, such as when an image is shared without consent.

3. Support victim-survivors to take back control.

While organizations including the [Revenge Porn Helpline](#) provide valuable practical assistance and support, too often victim-survivors face the long and painful task of getting their pictures taken down alone. Few are able to access specialist emotional and psychological support, or assistance with navigating the complicated legal terrain.

We recommend establishing an Office for Online Safety, jointly funded by government and relevant industries, tasked with providing well-

resourced and expert assistance to help victim-survivors reclaim control, as well as playing an educative role in combating image-based sexual [abuse](#). This would go a long way to providing increased protections, access to justice and adequate support.

It's clear that image-based [sexual abuse](#) can have devastating impacts and shatter people's lives. If the government truly understands this, it will take action now to correct the most egregious gaps in the law, and increase support for victim-survivors.

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