

'Revenge Porn': Image-based sexual exploitation

'Revenge porn' is a criminal offence. Laws in South Australia criminalise the distribution or threat to distribute intimate images of a person without their consent. This factsheet outlines the law, supports and reactions to image-based sexual exploitation.

Further information can be obtained by contacting the VSS Helpdesk on 1800 VICTIM (1800 842846).

1. What is 'revenge porn'?

'Revenge porn' is a term used to describe the distribution of sexually explicit or intimate images of another person without their consent. Such behaviour is not always motivated by revenge. A more accurate term is 'image-based sexual exploitation', but the term 'revenge porn' is more commonly used in the media.

Distributing intimate images tends to occur through social media channels, SMS and MMS and is generally intended to cause harm, distress, humiliation or embarrassment to the person in the image.

Anyone can be affected by image-based sexual exploitation, but most victims are women.

In addition to seeking 'revenge' by ex-partners, image-based sexual exploitation is often used to control the subject in the context of domestic abuse. Other motivations include blackmail, coercion, sexual gratification, social notoriety or financial gain.

2. Is image-based sexual exploitation an offence in South Australia?

In 2013, the *Summary Offences Act 1953* (SA) was amended to make it an offence to engage in humiliating, indecent or degrading filming, and to distribute an invasive image.

In October 2016, new laws also made it an offence if a person threatens to distribute an invasive image or image obtained by indecent filming of a person. Threatening to distribute an invasive image of a person under 17 years of age carries a maximum penalty of two years jail or a \$10,000 fine. Threatening to distribute an invasive image of

an adult carries a maximum penalty of one year in jail or a \$5,000 fine.

3. What is an invasive image?

An invasive image is a photo or video of a person engaged in a private act or in a state of undress.

Sometimes images are accompanied by personal information about the subject when they are distributed.

4. What is indecent filming?

Indecent filming means filming of a person privately undressing, engaging in a sexual act or using the toilet or filming a person's private region without their consent.

Under the *Summary Offences Act*, private region of a person means the person's genital or anal region, or in the case of a female, the breast, when covered by underwear or bare.

5. What if I have consented to having intimate images taken or sent intimate selfies?

Unless you are under 18 years, it is not an offence to consent to intimate images being taken of yourself, or sending them to others ('sexting').

Recent research undertaken at Flinders University found that 80 per cent of the adult South Australians who participated in the study had sent or received intimate images (Mckinlay 2016).

If you are a victim of image-based sexual exploitation you haven't done anything wrong – the person who shared your photo or video is in the wrong and has broken the law.'

6. What are common reactions to being a victim of image-based sexual exploitation?

Everyone reacts differently after experiencing crime. Some common responses to image-based sexual exploitation reported **by victims include:**

- changes in behavior, such as withdrawing from social interaction
- damage to reputation at work or amongst social circles
- feeling violated, shamed, embarrassed or humiliated
- feeling anxious or worried
- feelings of anger and/or betrayal
- being fearful of the perpetrator and/or their motivations
- experiencing fear for your safety or the safety of your family
- feeling like you are being watched or are under surveillance
- feeling a loss of control.

7. What do I need to report image-based sexual exploitation to South Australia Police?

If you decide to report the crime to police, you may need to keep evidence of what has been posted by taking screenshots of any images, posts, or messages and copying the web addresses (URLs) of the content.

8. What can I do to have the image removed from websites?

Google can help you to remove an image from Google's search results. To learn more, go to: <https://support.google.com/websearch/answer/4628134>

If someone has distributed invasive images of you, you can report the incident to the webmaster or administrator of the website where the images were posted and ask for them to be removed.

9. Getting support

Recovering from crime can take time, but you don't have to go through it alone. VSS provides free counselling, information and support to people impacted by crime and abuse.

If you have been the victim of image-based sexual exploitation and have experienced domestic and family abuse, our Women's Domestic Violence Court Assistance Service can assist you with Intervention Orders and general legal advice regarding image-based sexual exploitation (including threats to distribute).

FURTHER INFORMATION

If you would like more information about how to access counselling or legal advice regarding domestic abuse, please contact the VSS Helpdesk on **1800 VICTIM (1800 842846)** or view our website at victimsa.org

More information about eSafety for Women can be found at <https://www.esafety.gov.au/women/take-control/online-abuse/revenge-porn>



**VICTIM
SUPPORT
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victimsa.org**