



GLAMOUR, The End Violence Against Women Coalition (EVAW), #NotYourPorn and Professor Clare McGlynn of Durham University call on the next government to create an Image-Based Abuse Law that works for victims and survivors.

Tackling image-based abuse requires a holistic approach. Prevention must be the priority, alongside a comprehensive criminal law, and effective alternate and additional routes of redress via civil measures. Specialist support is also required, along with the accountability of tech companies who profit from this abuse.

The nature of image-based abuse is multifaceted, with different actors initiating, facilitating and perpetuating it, often leading to complex circumstances that the criminal law cannot deal with alone. While additions to criminal law are needed, this will not work in isolation.

We call on the next government to introduce an Image-Based Abuse Law that:

**1. Strengthens criminal laws.**

- Amend the criminal law to ensure a comprehensive and straightforward legal regime based on consent, not the motives of perpetrators.
- A comprehensive image-based abuse law would criminalise all forms of the non-consensual creating, taking, sharing or soliciting of intimate images (and includes threats to share).
- This includes the non-consensual creation and/or solicitation of sexually explicit deepfakes.<sup>1</sup>
- Improve criminal justice responses to image-based abuse.
- Publish data on reports, prosecutions and convictions of image-based abuse offences with an equalities analysis.

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<https://www.durham.ac.uk/research/current/thought-leadership/2024/04/deepfake-porn-why-we-need-to-make-it-a-crime-to-create-it-not-just-share-it/>

### **Why is strengthening criminal law important?**

- It sends a clear message that this conduct is harmful and wrong.
- It provides victims and survivors with the option to secure justice through the criminal justice process.
- It strengthens the power of regulators such as Ofcom to ensure tech platforms do more to prevent online VAWG and provides a basis for them to take action against internet services.

### **2. Improves civil laws for survivors to take action against perpetrators and tech companies.**

- Introduce a statutory civil offence of image-based abuse so that victims and survivors can take action against perpetrators and recover damages, following the example of the Protection of Harassment Act 1997 which includes civil and criminal remedies.
- Introduce new powers for the civil courts to make orders, without the need for a criminal prosecution or conviction, including:
  - Orders against perpetrators to delete material and prohibit further distribution
  - Orders against internet platforms including social media companies and pornography websites to take down imagery or disable access to it
  - Orders against internet service providers to block access to imagery or non-compliant websites
- Create a straightforward online court regime to process claims and make orders

### **Why is improving civil law important?**

- Civil remedies recognise victim-survivors' desire for avenues to support and redress beyond the criminal law.
- It gives the ability to take fast, effective, and at times pre-emptive action to have images removed and limit further distribution with minimal additional stress to victims.
- It addresses the borderless nature of online distribution channels by targeting both content hosts and individuals who share images without consent.

### **3. Prevents image-based abuse through comprehensive relationships, sex and health education.**

Prevention of image-based abuse must respond to people's lived realities, particularly the way our lives are increasingly experienced online. This should include:

- High quality and comprehensive relationships, sex and health education that is properly resourced and developed by experts to include media literacy, critical analysis of mis and disinformation, digital citizenship and healthy relationships online.
- A broader public awareness campaign that tackles the behaviours and attitudes that underpin image-based abuse.
- Provision and promotion of effective and high quality media literacy programmes that are independent and fully funded.
- A mandatory online programme for all individuals convicted of an image-based sexual abuse offence that is developed by experts in violence against women and girls and evidenced to reduce potential risk of future harm.

#### **Why is prevention important?**

Prevention is the most important element when tackling image-based abuse as it stops the harm from happening in the first place, rather than after the fact. Effective prevention understands that inequality is a key driver of violence against women and girls and works to dismantle the systems and attitudes which drive it.

#### **4. Funds specialist services that provide support to victims and survivors of image-based abuse.**

Proceeds from the Digital Services Tax and Ofcom fines must be used to sustainably fund vital services which provide expertise and support to survivors who often have nowhere else to turn.

- A requirement to properly fund specialist services that provide emotional and practical support to victims and survivors of image-based sexual abuse. Such funding would be based on regular needs assessment, would be long term and would ensure adequate provision for any services led 'by and for' marginalised survivors.
- A requirement to provide free legal support to survivors accessing civil court claims.
- For the Criminal Injuries Compensation Authority to recognise image-based abuse within their regime.
- Ringfence 10% of the income generated by the Digital Services Tax to fund provision of practical, emotional and legal support to survivors of online violence

against women and girls, with a proportion dedicated to specialist 'by and for' services.<sup>2</sup>

- Ringfence 10% of all fines levied against tech companies to fund the provision of practical, emotional and legal support to survivors of online violence against women and girls, with a proportion dedicated to specialist 'by and for' services.

### **Why is funding specialist services important?**

Specialist services are dedicated to supporting survivors. They are experts at providing a wrap-around package that includes emotional and practical support as well as advocacy. They take a trauma-informed, needs-led and strengths-based approach. Support services such as the [Revenge Porn Helpline](#) help remove the heavy burden placed on survivors to navigate the content removal and justice processes. Support from specialists such as [Refuge's Tech Team](#) help secure the tech of victims of technology-facilitated abuse.

However, specialist services face chronic underfunding, with services unable to grow and facing risk of closure thanks to an absence of long term, needs-based funding. Fully-funded services would allow growth and an ability to adapt the support they provide to emerging forms of violence against women and girls.

### **5. Creates an Online Abuse Commission to hold tech companies accountable for image-based abuse.**

The regulation of tech companies is essential in preventing image-based abuse. A strong and effective regulator would monitor and enforce action against tech companies, including making sure illegal content stays taken down, blocking sites for non-compliance, enabling individuals to report platforms for poor practice, and providing an independent commissioner who would champion and advocate for victims and survivors of online abuse. Ofcom, the current regulator, is not set up to do this.

- Create an Online Abuse Commission to hold tech companies to account, headed by a Commissioner who champions the rights and interests of victims and survivors of online abuse.
- The Online Abuse Commission would provide specific focus and specialism regarding online abuse and have powers to work with individuals seeking avenues for redress, including reporting platforms' poor practice and taking action against internet service providers.
- The Online Abuse Commission would be able to monitor trends and be proactive to the evolving forms of online abuse.

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<sup>2</sup> <https://glitchcharity.co.uk/tech-tax-campaign/>

- Require tech companies to participate in the [Non-Consensual Intimate Image Abuse \(NCII\) programme](#) that provides hash matching for image-based sexual abuse images.<sup>3</sup>
- The Online Abuse Commission would have powers to order platforms to remove content, including orders against internet service providers to block access to non-compliant platforms hosting non-consensual material.
- Amend the Online Safety Act 2023 to make all image-based abuse offences ‘priority offences’, including cyberflashing; requiring tech companies to be proactive in tackling this harm.
- Amend the Online Safety Act 2023 to introduce “stay down” measures, meaning that once a non-consensual image has been removed, it stays that way.
- Require a “safety by design”<sup>4</sup> approach from tech companies.
- Require transparency from tech companies on prevention measures, reports of image-based abuse received and any sanctions imposed on users in relation to it.

### **Why is regulation and tech company accountability important?**

Effective regulation holds accountable the companies that profit and make money from image-based abuse. It means that they would be required to introduce meaningful measures such as ‘safety by design’ which would prevent abuse from happening, and respond swiftly and appropriately when it does. Some tech companies are very powerful and skilled at avoiding requirements that could affect their revenue and so a strong regulator is vital.

Please note: This area is fast paced and constantly evolving. These are top line asks and the campaign will be keeping them under review. To discuss any of the above in more detail, please contact [rebecca.hitchen@evaw.org.uk](mailto:rebecca.hitchen@evaw.org.uk)

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<sup>3</sup> <https://stopncii.org/how-it-works/>

<sup>4</sup> <https://www.esafety.gov.au/industry/safety-by-design>