

The Naked Threat

**It's time to
change the
law to protect
survivors from
image-based
abuse**



Refuge


For women and children.
Against domestic violence.

“It was like having a bucket of ice-cold water thrown over me. I was gripped by terror, fearing he would share something so deeply intimate without my consent. I felt so exposed and ashamed. The threat of those photos being shared was my worst nightmare - I had no choice but to comply with his continued abuse or face potential humiliation.

The photos were a part of his plan to intimidate and pressure me into submission and compliance...

The threat was always there and as the years went on, it was like I ceased to exist. He made me feel invisible to everyone and if I displeased him in any way, I knew he could use those pictures to ruin my reputation...

Women need legal options to challenge this unacceptable behaviour. I firmly believe that threatening to share intimate images should be made a criminal offence in England and Wales.”

Natasha, survivor of domestic abuse

Executive summary

This report seeks to establish, for the first time, the scale of how threats to share intimate or sexual images or videos without consent are being increasingly used as a tool of coercive control and domestic abuse. The images may have been obtained with or without the individual's consent and may include threatening to share these images on social media, or send them to the individual's friends, family, new partner, or employer.

The impact of threats to share intimate or sexual images can be enormous, with many survivors experiencing long-term harm to their mental health, safety and wellbeing. Refuge is therefore calling for the law to be extended so that this form of abuse is criminalised.

Refuge has seen a marked increase in the number of survivors it supports whose current or former partners threaten to share intimate or sexual images of them. As a result, in June 2020, Refuge commissioned a representative survey amongst adults in England and Wales (n=2,060), designed to explore the prevalence and impact of this form of abuse. Refuge complimented this survey by speaking in-depth to several survivors who had experienced threats to share intimate or sexual images or videos without consent.

We found that 1 in 14 adults, equivalent to 4.4 million people in England and Wales, have experienced threats to share their intimate images or videos. The research demonstrated that threats to share sexual images is undoubtedly a domestic abuse issue – the vast majority of women who experienced threats to share were threatened by their current or former partner, with the majority of these survivors experiencing other forms of abuse alongside the threats.

Our research showed that this form of abuse can have an enormous impact, leaving women living in fear, significantly impacting their mental health and emotional wellbeing and forcing them to change their behaviour in ways which could impact their safety. This includes women feeling forced into telling the perpetrator where they are, resuming or continuing the relationship, or allowing contact with their children.

The sharing of sexual images or films without consent in order to cause distress is a crime (under section 33 of the Criminal Justice and Courts Act 2015); however threatening to share intimate images and videos is not. This leaves many people living in fear and without the legal protection they need.



Extending section 33 of the Criminal Justice and Courts Act 2015 to criminalise threats to share sexual images or films without consent with the intent to cause distress, is a straight-forward change to the law that will ensure survivors have the legal protection they need.

Explicitly outlawing threats to share sexual images or films will send the clear message to the public that these threats can cause a huge amount of harm and this legal change will have the potential to act as a deterrent to this abuse being committed. The Government should therefore amend the law urgently.

Threats to share in England and Wales

Refuge has an expert tech abuse team, all of whom have been trained specifically to support and respond to complex tech abuse cases - where technology is being used to coerce, control, and abuse women and their children. Refuge firmly believes that the answer to tech abuse is not to discourage survivors from using technology, but instead to empower women to use technology safely, increase the protection provided by the law and social media companies, whilst ensuring there are consequences for perpetrators. Refuge's tech abuse team has a unique insight into how this form of abuse is developing, and the barriers survivors face to keeping safe.

As of January 2019, 72% of our clients reported experiences of technology-facilitated abuse. One aspect of this form of abuse Refuge's tech abuse team increasingly sees are threats to share intimate or sexual images being used to coerce and control women, both during relationships with abusers and after separation.

To explore this issue further, in June 2020, Refuge commissioned a representative survey of adults in England and Wales (n=2,060), to assess the prevalence of threats to share intimate or sexual images or films. Refuge is a specialist service provider for women survivors of domestic abuse; therefore the focus of this report is on the specific experiences of women who have experienced threats to share intimate or sexual images.

We found that threats to share intimate or sexual images or films without consent is a common form of abuse, with 1 in 14 adults in England and Wales having experienced threats to share.

However, this picture is not uniform across different groups. Threats to share are much more common amongst young people (aged 18-34), with 1 in 7 young women and 1 in 9 young men experiencing threats. This suggests that threats to share are becoming increasingly common amongst younger people, meaning that this issue could grow in prevalence if proactive steps are not taken to protect people.

That said, while 60% of those who had experienced threats to share intimate or sexual images were aged 39 and under, almost 1 in 8 were in their 60s, and 1 in 20 were in their 70s, demonstrating that individuals of any age can be vulnerable to this form of abuse.

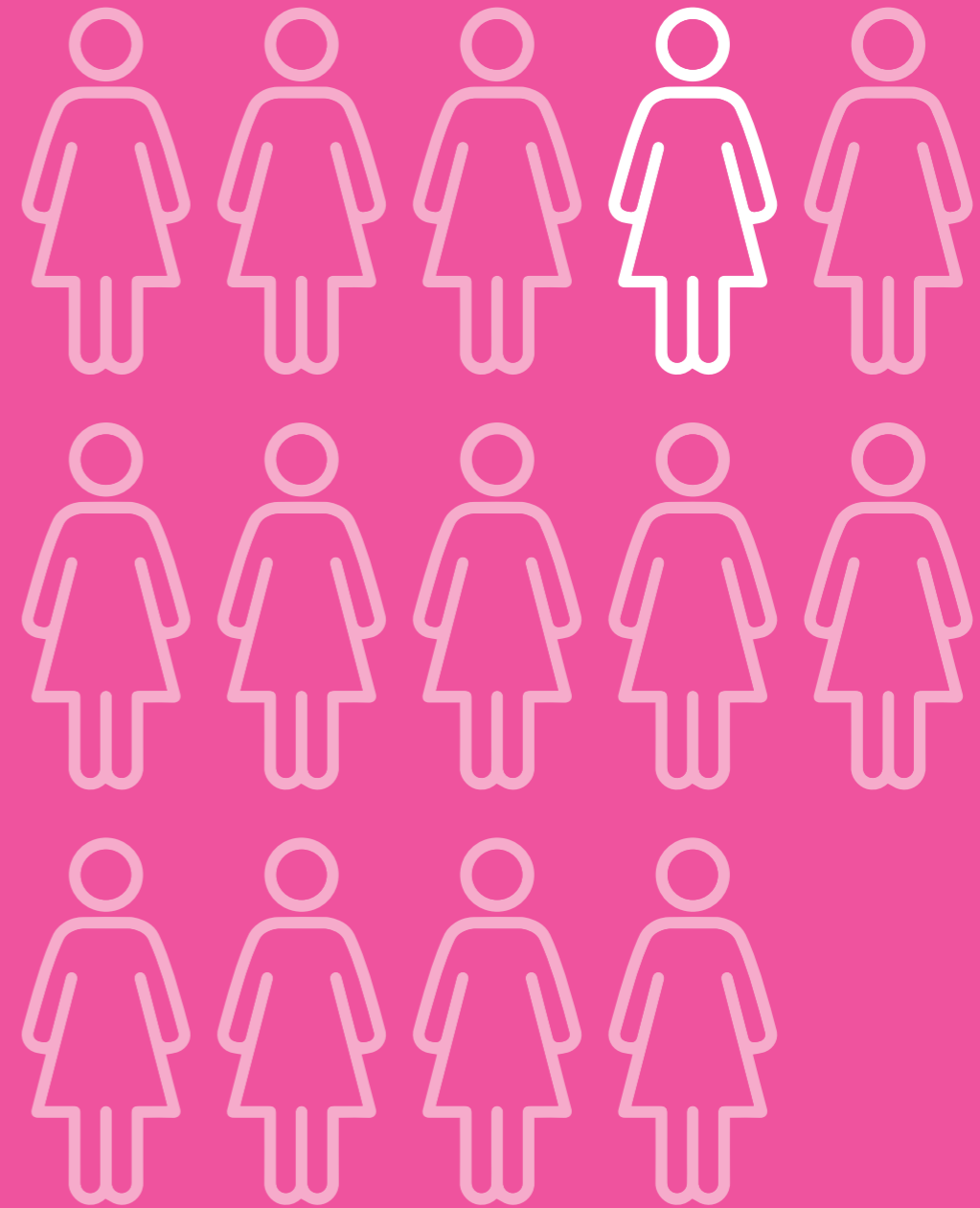
72%

of threatened women were threatened by their current or ex-partner.

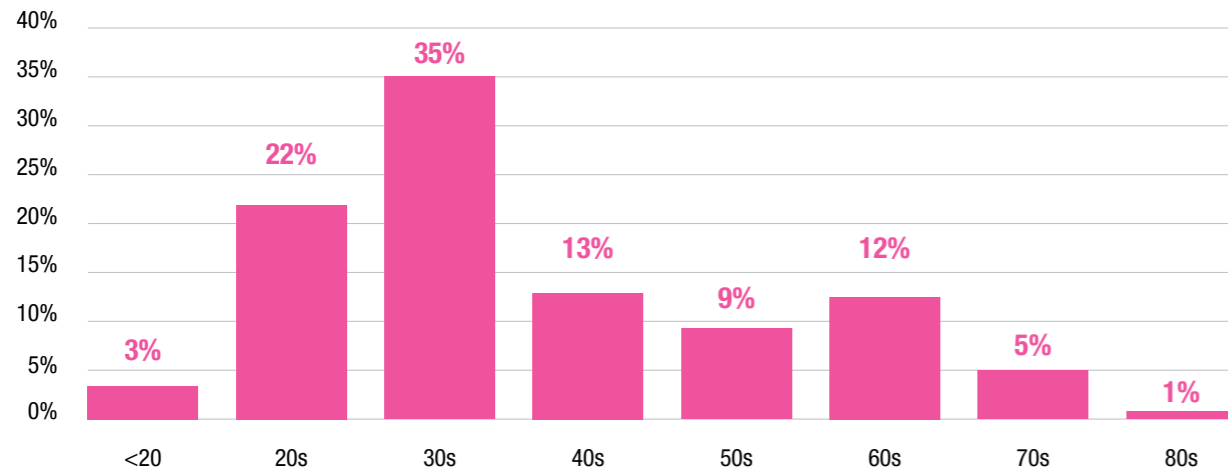
1 in 7

young women have experienced threats to share their intimate images or videos.

1 in 14 adults in England and Wales have experienced threats to share intimate images or videos



Age of those being threatened



While young women are twice as likely to experience threats to share compared to the general population, men are much more likely to be the perpetrator – twice as many men compared to women were perpetrators of threats (56% compared to 26% where the gender is known).

The images used to threaten and control were obtained in a variety of different ways. In nearly half (47%) of cases amongst threatened women, the intimate image/video was shared with consent. 5% said they didn't know how the image was obtained or whether it even existed. In two-fifths (40%) of cases, consent was not given – including a quarter (23%) who were photographed/recorded without consent and a tenth (10%) whose images were hacked.

The survey also brought to light the scale of those potentially at risk of threats to share. 25% of women and 30% of men have either shared an intimate image or film of themselves with someone else, or believe that someone has an intimate image or film of them.

Sharing intimate or sexual images is an increasingly common element of flirtation and romantic relationships, particularly amongst the younger population – 27% of young men and 43% of young women have shared such images with another person. It is therefore essential that the law protects those whose images are then used to abuse them.

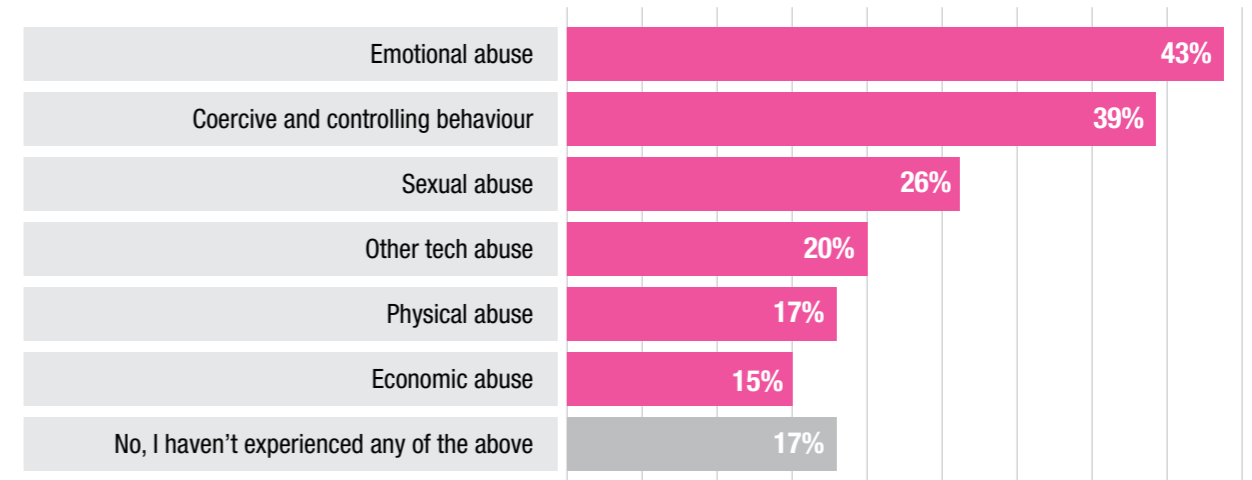
Also important to note is that threats to share are most commonly experienced as part of a pattern of domestic abuse – 72% of women who have experienced threats to share were threatened by a current or former partner. Many had been threatened more than once, almost half (47%) of women and 30% of men who were threatened by a current partner, and 38% of women and 32% of men who were threatened by an ex, reported that this was the case.

The vast majority (83%) of women who experienced threats to share from their partners or ex-partners also experienced other forms of abuse demonstrating that, as with all forms of domestic abuse, threats rarely occur in isolation.

43% of women experienced coercive and controlling behaviour in addition to threats to share and 39% experienced emotional abuse, highlighting the broader background of emotional manipulation and control abusers seek to instil.

1 in 5 women experienced other forms of tech abuse in addition to the threats to share, such as monitoring their phones or other devices, using technology to track their location or spy on them, harassing them through constant messages and phone calls, threatening to share information about them online, or stalking them through fake social media accounts. Additionally, more than 1 in 4 women were sexually abused and more than 1 in 6 women were physically abused.

Other forms of abuse experienced by women threatened by their current or ex-partner



83%
of women threatened by their current or ex-partner experienced other forms of abuse.

More than 1 in 4
women experienced sexual abuse alongside threats to share.

Following separation, Alison's ex-partner told her that during their relationship he had drugged and raped her and recorded the incidents on his phone on numerous occasions. He threatened to share the videos with her family and friends.

Alison reported these threats to the police. The police officer involved said there was little that could be done until he actually shared the videos, as threatening to do so wasn't a crime.

However, the police offered to speak to her ex-partner, who informed them that he had deleted the videos. Her ex-partner then contacted Alison again and told her he had lied to the police, still had the videos, and threatened to share them again.

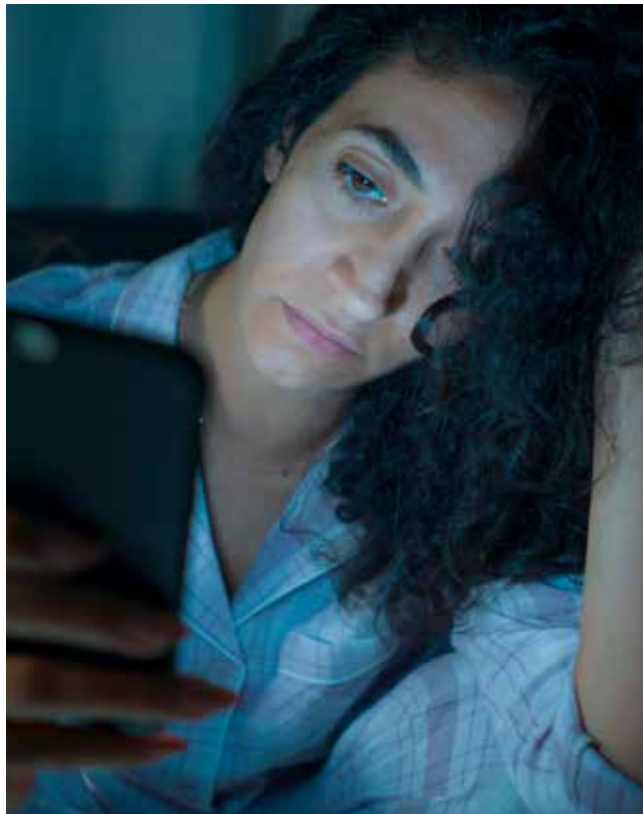
Alison is a pseudonym

Impact of threats to share

The survey and discussions with the women that Refuge supports showed that threats to share intimate or sexual images or films has an enormous impact on women's mental health and emotional wellbeing, causing feelings of fear, shame, anxiety, and isolation.

83% of women from our survey said that the threats themselves impacted their mental health or made them feel ashamed or frightened. More than 1 in 3 women felt frightened, almost 1 in 5 feared for their physical safety and more than 1 in 7 felt more at risk of physical violence as a direct result of the threat to share their intimate or sexual image.

A third of women said that the threat made them feel ashamed, anxious, and used and a quarter felt isolated. The feeling of isolation was likely compounded by the fact that almost 1 in 5 women left the house less and/or used social media less as a result of the threats, and the same proportion said that the threats directly impacted their relationships with friends and family.



83% of threatened women said that the threats to share their intimate photos or videos impacted their mental health and emotional wellbeing.

Almost 4 in 5 women changed the way they behaved as a result of the threats.

More than 1 in 10 women felt suicidal as a result of the threats.

Natasha, a survivor Refuge has supported, experienced threats to share her intimate images from her partner at the time:

'I'd been in a relationship with my ex-husband for six months when he first ordered me to remove my clothes and pose for intimate photos. In the beginning, I thought taking these photos was an act of intimacy, but they were actually being used as another form of domestic abuse - and as another way to control me. I'd repeatedly tell him that I didn't feel comfortable taking intimate photos. When I refused, he would taunt me saying, 'you're so uptight,' then bring up things I'd disclosed to him about my past sexual experiences. He would berate me and mock my appearance until I gave in. Posing for these photos made me feel so dirty and worthless, but I was just a teenager and I wanted to make him happy. I never imagined these pictures would become leverage for my abuser's campaign of isolation and coercive control.

'One day I'd planned to meet my mum at the local train station, but my ex-husband was adamant that it was too dangerous for me to walk there alone. Reasoning with him was useless, he just wanted me all to himself. "What about if I send these photos to your Mum and Dad then?" he said, revealing a folder on his laptop with the intimate pictures he'd taken. "Do your parents want to see their slut of a daughter?" It was like having a bucket of ice-cold water thrown over me. I was gripped by terror, fearing he would share something so deeply intimate without my consent. The threat of those photos being shared was my worst nightmare - I had no choice but to comply with his continued abuse or face potential humiliation.

The photos were a part of his plan to intimidate and pressure me into submission and compliance. The threat was always there and as the years went on, it was like I ceased to exist. He made me feel invisible to everyone and if I displeased him in any way, I knew he could use those pictures to ruin my reputation. Until the day I was able to escape, the fear never left me. He would still talk about going through my phone and sending intimate pictures to my contacts. Today I'm happily re-married and my ex is in prison, but I know he still has those photos of me somewhere. Knowing an abuser has intimate photos feels like you're being violated. Those images were for his own gratification and a tool to keep me compliant. I had no way of proving my ex had shared these images but the threat of sharing them was equally distressing and compounded my isolation.'

Many women, just like Natasha, frequently have their mental health impacted – almost 1 in 5 experienced panic attacks because of the threats and more than 1 in 10 felt suicidal.

In addition to survivors' mental health and wellbeing being impacted, the vast majority of women (78%) changed the way they acted as a direct result of the threats, including making decisions which could put them at further risk of harm, violence, and abuse. 1 in 10 women said that the threats forced them to allow the perpetrator to have contact with their children, and almost 1 in 10 said they were forced to

continue or resume the relationship and/or tell the perpetrator where they were, potentially placing them at even higher risk of harm. This is particularly poignant given that in England and Wales, an average of two women are killed every week in a domestic homicide and the initial period after fleeing an abuser is when women are at highest risk of being killed.

What happens after the threat?

Following the threat, almost a quarter (23%) of women and 40% of men said the image was then shared, most frequently on Facebook (54%), WhatsApp (53%), Twitter (37%), and Instagram (32%). It is very possible that if threatening to share intimate or sexual images was unlawful, survivors could have taken steps at a much earlier stage, for example reporting the threat to the police and pursuing a criminal justice outcome, which may have meant the image was never shared. A clear law criminalising threats to share intimate and sexual images could also lead to social media companies creating more robust systems to report illegal threats made on their platforms, and take action.

A significant proportion of people who were threatened – 1 in 20 – were unsure whether the intimate or sexual image or film even exists, meaning that it could never be shared. However, irrespective of whether the perpetrator goes on to carry out the threat, it is the power of the threat itself which has an enormous impact on women's mental and emotional wellbeing.

The majority of women (63%) do not report the threats to the police – only 1 in 3 women felt empowered to do so. A common theme among the women who opted not to report the threats to the police was fear, shame, or because they did not think the police would take it seriously. For example, one respondent said

“I didn't want anyone in my family to know, since then I've found other women who said he did the same.”

63%

of women do not report the threats to the police.

Less than 14%

who reported the threats to the police felt that they received a good response.

Of those who did report to the police, less than 14% felt that they received a good response. A poor police response features commonly amongst the stories of the survivors Refuge supports, such as Nita.

Nita was trying to flee her abusive ex-partner. She had to move repeatedly to different areas as her ex-partner was stalking her, moving to each new area in which she was trying to settle. Her ex-partner harassed her by sending numerous messages every day.

When she ignored the messages, he sent her some naked pictures he had taken of her during their relationship. He threatened to share the images if she did not talk to him. When Nita approached the police they said that they would talk to the perpetrator about stalking but explained that they could not do anything about him threatening to share the images as he had not shared them with anybody else yet so it was not a crime.

Nita is a pseudonym

It is likely that the low levels of reporting and satisfaction with the police response is, at least in part, due to the fact that threats to share intimate and sexual images are not clearly criminalised in England and Wales.

In 2015, the Criminal Justice and Courts Act created the offence of disclosing private sexual photographs and films without consent with intent to cause distress. However, the section 33 offence does not include threats to disclose private sexual images or films.

The current legal landscape

Theoretically, some threats to share intimate or sexual images or films without consent could be prosecuted under the coercive or controlling behaviour offence (section 76 of the Serious Crime Act 2015), or the Protection from Harassment Act 1997. However, the coercive control offence does not cover acts carried out post-separation, when couples are no longer living together, which the survey indicates is when threats to share intimate or sexual images are frequently used to coerce, control, and abuse (57% of women who experienced threats were threatened by an ex-partner).

Offences of both coercive and controlling behaviour and harassment also require a course of conduct to be perpetrated, and therefore could not be used if the threat had only been made once. However, a single threat to share an intimate or sexual image can have a devastating, long-term impact.

Refuge's expert tech abuse team report that the police almost never take action in response to the threats to share intimate and sexual images experienced by the women

they support. In their experience, because threats are not included in the offence covering sharing sexual images without consent, the police commonly tell survivors such as Nita and Alison that this form of abuse is not against the law and they can only take action if the abuser goes on to share the image. These offences therefore do not sufficiently protect people against threats to share intimate or sexual images.

Other countries have already acted to clearly criminalise this form of abuse. Under Scottish Law (section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016) both threats to share, as well as the actual sharing of private sexual images, are explicitly criminalised. Threats to share intimate or sexual images or films without consent are also explicit criminal offences in New Zealand, Australia, and several US states.

The most straightforward, clear, and effective way to offer protection to survivors of threats to share intimate images is to amend section 33 of the Criminal Justice and Courts Act 2015 to explicitly outlaw threats to share sexual images or films in England and Wales.

Conclusion

Overall, the survey and experiences of survivors being supported by Refuge clearly demonstrates that threats to share intimate or sexual images are being used as a powerful tool of domestic abuse for a significant proportion of the population. 1 in 14 adults in England and Wales have experienced threats to share, rising to 1 in 7 young women, with 72% of threatened women experiencing threats from a current or ex-partner, and 83% of these women experiencing other forms of abuse alongside the threats, including more than 1 in 4 being sexually abused.

Threats to share intimate or sexual images have a severe, lasting impact on survivors' mental and emotional wellbeing, with 83% of women saying that the threats directly impacted their mental health and more than 1 in 10 saying the threats made them feel suicidal. Threats are also having a direct impact on women's physical safety, with almost 1 in 10 saying they were forced to resume or continue the relationship and/or tell the perpetrator were they were.

Threats to share intimate or sexual images or films are not adequately covered by the criminal law in England and Wales. Only a third of threatened women approached the police and only 14% of these women felt that they had a good police response. This is at least, in part, because only a small proportion of threats to share are covered by existing criminal law, such as the coercive and controlling behaviour offence or harassment offences, neither of which were designed with threats to share intimate or sexual images or films in mind.

Furthermore, this issue only has the potential to grow – 25% of women and 30% of men have either shared an intimate or sexual image of themselves or believe a current or ex-partner has an intimate image of them, with 43% of young women and 27% of young men saying that they have shared an intimate image or film of themselves. It is therefore important that the law protects those whose images are then used to abuse and control them. The survey found an overwhelming majority of the public (85%) wanted to see threatening to share intimate or sexual images made a crime.

The law is in urgent need of change to protect those who receive threats to share intimate or sexual images, which will also send a clear message to the public that threatening to share such images is wrong and causes enormous harm. Affording this protection to victims can be achieved by extending section 33 of the Criminal Justice and Courts Act 2015 to explicitly outlaw threats to share private sexual photos or films without consent with the intent to cause distress. This is a straight-forward, simple change the Government should make rapidly, to ensure survivors of this form of abuse have legal protection.

Additional notes

About Refuge: Refuge is the largest specialist provider of gender-based violence services in the country, supporting over 6,500 women and children on any given day. Refuge opened the world's first refuge in 1971 in Chiswick and, 49 years later, provides: a national network of 48 refuges, community outreach programmes, child support services, and independent advocacy services for those experiencing domestic, sexual, and gender-based violence.

We also run specialist services for survivors of tech abuse, modern slavery, 'honour'-based violence, and female genital mutilation. Refuge runs the National Domestic Abuse Helpline which receives hundreds of calls every day and can be reached on **0808 2000 247**.

www.refuge.org.uk
www.nationaldahelpline.org.uk



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Against domestic violence.**

Research was carried out by Opinium between 2nd and 10th June 2020. The sample consisted of 2,060 adults aged 18+ living in England and Wales and was weighted to a nationally representative criteria.

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