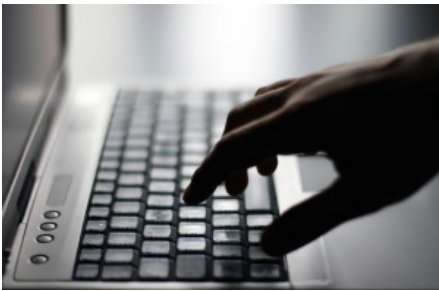


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## Revenge porn: human rights online

Bernard Keenan

*Lily Kendall is an MSc Human Rights student at LSE and an Editor on the LSE Human Rights blog. Her current academic interests centre around hate speech, women's rights on the internet, and pornography. She also writes for the F-Word and is a founding writer of feminist blog [The Hussington Post](#). When not studying, Lily teaches 6-12 year-olds at creative writing workshops.*



*"I think they're slowly trying to take away our internet rights and our freedom of speech because, well, there's a lot of information getting traded right now and they're getting scared."*

Who said this? Edward Snowden? Julian Assange? Anonymous?

Actually it was [Hunter Moore](#), AKA "The Most Hated Man on the Internet", [reacting to a law passed in California in 2013](#) which attempts to limit the practice of "revenge pornography".

"Revenge porn" (variously referred to as "cyber rape", "non-consensual pornography", and, perhaps most creepily, "involuntary porn") is the practice of uploading sexually explicit content of a former partner to the internet in order to exact revenge. Whilst men do appear on revenge porn sites, they're overwhelmingly used to shame women. Other users are encouraged to post misogynistic slurs attacking a woman's appearance and moral standards. The reason revenge porn sites are so successful in ruining women's lives is because society loves to limit and control their sexual conduct. This age-old attitude has now extended its unwelcome reach into cyberspace. Shaming is nothing new, but it just went viral.

Moore's [now defunct](#) site, IsAnyoneUp.com, encouraged visitors to upload sexually explicit content without the consent of the person depicted, along with the victim's full name, Facebook or Twitter profiles, home city, and sometimes place of work. It was designed to ruin lives. [Women have moved towns, changed their names, and lost their jobs](#). They have been solicited by strangers in the street. They have been stalked. On Saturday, 17 May 2014, the UN observes [World Telecommunication and Information Society Day](#) to raise awareness of the possibilities the internet can bring to our society. It's a chance to think about how we can make a concerted effort to protect women's rights on the internet. Without it, cyberspace will remain a space of fear and humiliation for the hundreds of women affected by revenge porn.

If we're to tackle the problem, we need to stop viewing the internet as "virtual" reality. We need to recognise that the internet is a real, tangible location for rights violations. For victims of revenge porn, there is nothing "virtual" about their experience. There is nothing "virtual" about moving house, changing your name, being stalked, or [committing suicide](#). Revenge porn has struck a vein of misogynist gold, which has found a powerful voice on the internet. It's a voice which is no less harmful merely because it speaks through a screen.

Some progress is being made through law. Earlier this year Moore became the second person to be arrested in relation to revenge porn. The FBI obtained information that he'd been involved in hacking and distributing images of minors. Since his release on bail, a "revenge porn law" has been passed in California, [albeit with considerable loopholes](#). Earlier this month, [a similar law was passed in Arizona](#). Israel recently became the first country to outlaw revenge pornography on a national level by [extending existing sexual harassment laws](#) in January 2014.

As much as the [internet can be used as a tool in the promotion of human rights](#), it also presents a significant problem for their protection. This goes beyond the obvious violation of a right to privacy. The internet opens up new opportunities for violations on a global stage. As a phenomenon which targets mainly women, revenge porn is a clear violation of several articles of the [Women's Convention](#) and the [Istanbul Convention](#). The [Additional Protocol to the Council of Europe's Convention of](#)

[Cybercrime](#) recognises racist and xenophobic hate speech on the internet as a violation of the Convention for the Elimination of Racial Discrimination. Yet it is silent on misogynistic expressions (for instance, user comments posted on revenge porn sites), even though they're a clear violation of the Women's Convention.

In the UK, instances of revenge porn are apparently [increasing in frequency](#), though as yet no moves have been made to legislate against it. It's unclear which laws revenge porn would flout or who exactly can be labelled a perpetrator. Is it the person who uploads the image? Is it the owner of the site which hosts it? Are all subsequent reproductions of the image also illegal? These are acute questions that did not exist before the internet presented new problems. Its flexibility means that sites that are shut down one week resurface the next. Photos might disappear from one site but soon pop up again elsewhere.

Predictably, the fight to criminalise revenge porn has met with fierce opposition from those who see it as an attempt to limit freedom of speech. This is not a new complaint, and has been deployed in the past against feminist campaigners. In 1987, as the [feminist sex war](#) raged, anti-porn feminist [Catharine Mackinnon](#) wrote these words: "Women are now men's "speech". It seems that our pain, humiliation, torture, and use is something they want to say."

It's not that free-speech campaigners are condoning revenge porn; they're just concerned that this legislation represents the thin end of the wedge. But is this really a convincing reason not to attempt to protect women's rights online? If we carefully construct censorship laws relating to revenge porn, it's unlikely they could be used to legislate against consensually distributed depictions of sex acts, or to halt the publication of images that are in the public's interest. Revenge pornography, by definition, is when sexual images are uploaded without the consent of the person depicted with the explicit intention of harming them. Most legislation against it therefore requires proof of severe emotional distress on the part of the victim, and intent to cause emotional distress on the part of the perpetrator. Under these conditions, such a law would not prevent lawful distribution of consensual sex acts, or of images in the public interest. By requiring proof of malicious intent, free speech can be distinguished from criminal activity. And the very fact that images are uploaded to sites geared towards revenge porn should be evidence enough to start an investigation, which would discourage people setting up new sites like IsAnyoneUp in future.

In 2013, a working group submitted a [report to the Human Rights Council](#) on discrimination against women. It noted that "the internet has become a site of diverse forms of violence against women, in the form of pornography, sexist games and breaches of privacy." It recommended that states ensure "gender-responsiveness in the promotion and protection of human rights on the internet". Failure to do so is a failure to "support women's equal participation in political and public life through ICTs".

Failure to protect women from revenge porn is a failure to protect their human rights on the internet. It's a failure to protect their human rights, period; internet or no.

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