



Image-Based Sexual Abuse: The Australian Experience

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23 July 2024



New Developments



What's Changed in 10 Years?

Public awareness

New laws

Less victim-blaming

Technology company responses

Terminology



Conceptualisation

Technology-facilitated
abuse (TFA)

Technology-facilitated
gender-based violence (TFGV)

Child sexual
abuse material
(CSAM)

Digital dating
abuse (DDA)

Technology-
facilitated
domestic
violence (TFDV)

Technology-
facilitated
sexual violence
(TFSV)

Online gender-
based abuse
(OGA)

Cyberstalking,
impersonation,
hacking, and
monitoring

Technology-
facilitated sexual
assault (incl.
threats)

Image-based
sexual abuse
(IBSA)

Online sexual
harassment (OSH)

Online gender-
based hate speech
(OGHS)

Image-based sexual abuse (IBSA)

Non-consensual recording/filming

Non-consensual creation (incl. "deepfakes")

Non-consensual sharing ("revenge porn")

Threats to share ("sextortion")

Unwanted/unsolicited sharing ("cyberflashing")

Pressure/coercion/threats to share ("sexting coercion")



Prevalence

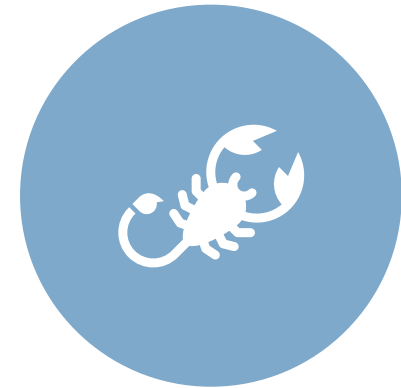
2019 Survey: Australia, NZ & UK



1 IN 3: IMAGES
TAKEN



1 IN 5: IMAGES
SHARED



NEARLY 1 IN 5:
THREATS

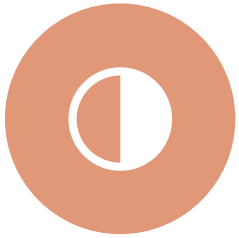
See Henry et al. (2020): *Image-based sexual abuse: The causes and consequences ...*

- Young people higher rates of victimisation.
- Men and women: similar rates but higher levels of harm for women.
- LGB+ higher rates and greater harms.
- Indigenous people higher rates.
- Most common methods for distribution: social media, email and mobile phone messages.
- Perpetrators - more likely to be men.



Impacts

IBSA Harms



SOCIAL RUPTURE



MISTRUST



CONSTANCY



LACK OF
CONTROL/FREEDOM



SOCIAL ISOLATION

See McGlynn et al. (2021): "It's torture for the soul": The harms of image-based sexual abuse

Barriers to Reporting

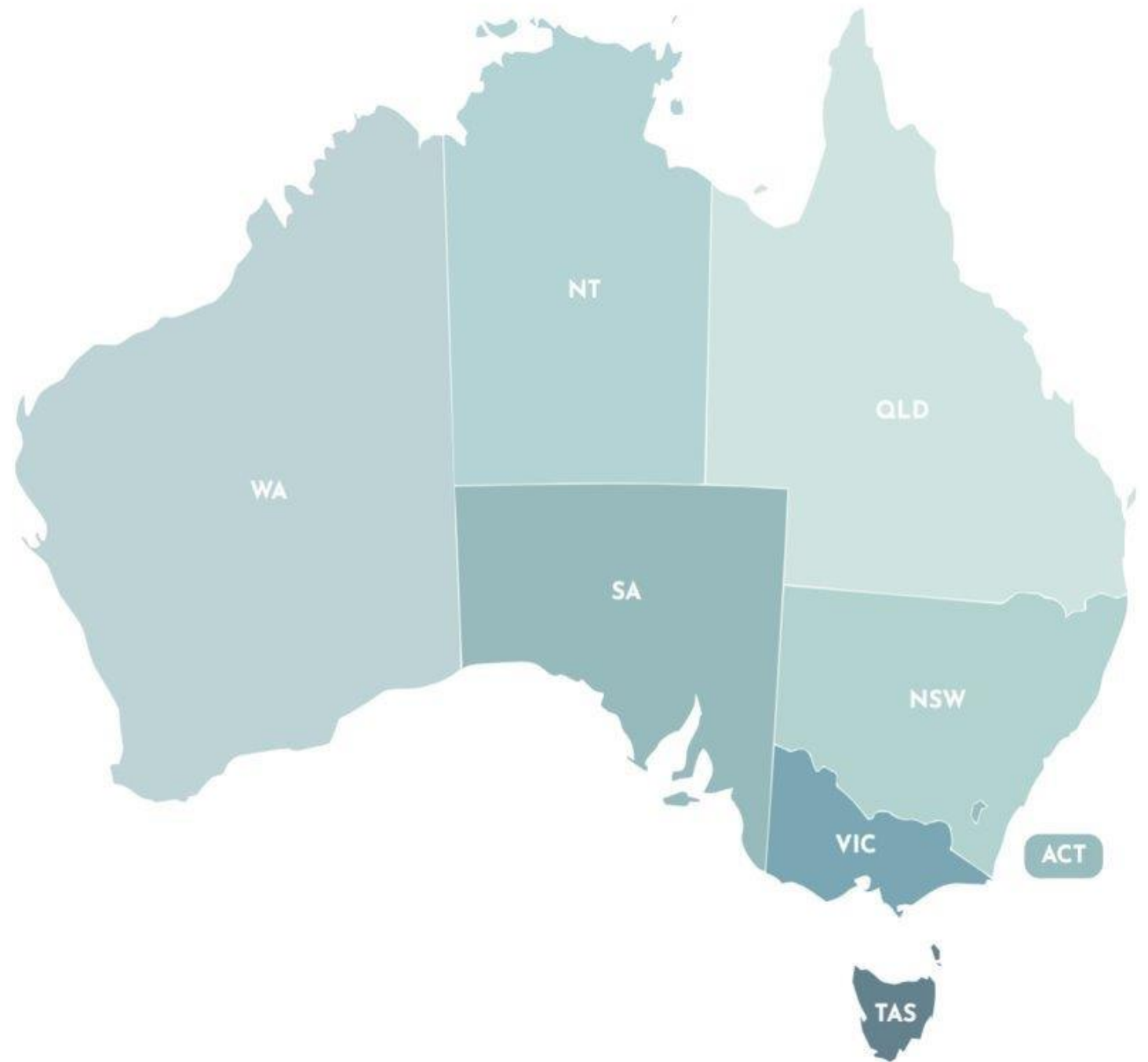
Victim-survivors of IBSA often:

- don't know that what had happened to them was *wrong or was a criminal offence*;
- don't know whether anything *could be done* about it;
- don't know *where to go for help*;
- feel *overwhelmed by the information* that they could or couldn't find online;
- experience *judgment and blame* from others;
- don't want to *talk to anyone* about their experience... and yet
- want the *issue to go away* and the content to be taken down, removed or deleted (see Henry (2024) "It wasn't worth the pain to me to pursue it" in *Criminalizing Intimate Image Abuse*).



Australian Laws

Australian Criminal Law





Aggravated federal offence: non-consensual distribution of "private sexual material" of a person over 18 (max. 5 years prison or 7 years if 3+ civil penalty orders made).



New federal bill introduced in June 2024 to create standalone IBSA offence (max. 6 years prison). Two aggravated offences (max. 7 years prison if 3+ civil penalty orders made Or max. 7 years prison if person was responsible for creatin or alteration of the material). New bill expressly mentions that intimate photos, videos or audio can be altered or created entirely using digital technology (e.g. deepfakes)

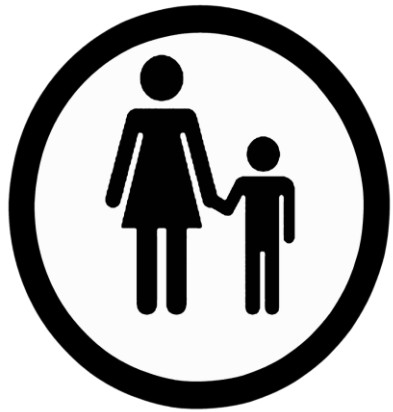


Under Australian law, there is no requirement to prove intent to cause distress or harm. Also, upskirting, threats to share images, and digitally altered images covered.

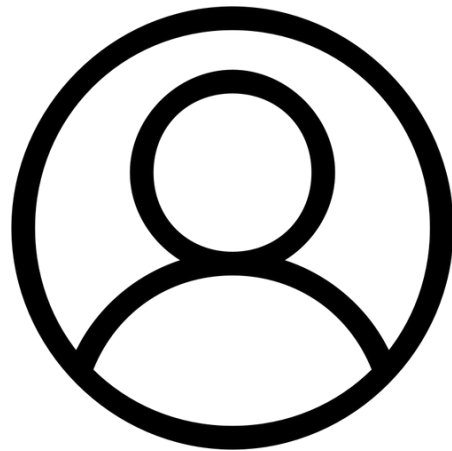
Australian Civil Law

- Privacy.
- Breach of confidence.
- Anti-discrimination/sexual harassment.
- Defamation.
- Copyright.

The Australian eSafety Commissioner and the *Online Safety Act 2021*



CYBERBULLYING



IBSA



ONLINE CONTENT



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**ABHORRENT VIOLENT
CONTENT**

eSafety Stats (from their annual report 2022-23)

eSafety Commissioner:

- Received 9,060 reports about IBSA.
- Requested removal of material and URLs from 6,500 locations; 87% removal success rate.
- 175 complaints per week are made about IBSA.
- 117% increase in reporting since the previous reporting period.
- IBSA: biggest increase over a 5-year period compared with cyberbullying and adult cyber abuse.
- 75% (3 in 4) reports come from men and boys.
- 1,700 victims of sexortion in the first quarter of 2023.

(<https://www.esafety.gov.au/about-us/corporate-documents/annual-reports>).

Conclusion & Discussion



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