

Tackling Online Abuse: Written evidence submitted by Women's Aid Federation of England on 11/08/2020 (TOA0011)

Women's Aid Federation of England is the national charity working to end domestic abuse against women and children. We are a federation of nearly 180 organisations which provide just under 300 local lifesaving services to women and children across the country. Our support services, which include our Live Chat Helpline, the Survivors' Forum, the No Woman Turned Away Project, the Survivor's Handbook, Love Respect (our dedicated website for young people in their first relationships), the national Domestic Abuse Directory and our advocacy projects, help thousands of women and children every year. We welcome the opportunity to respond to the Petitions Committee's inquiry into Tackling Online Abuse. Our response sets out background information on the nature and impacts of online abuse, and the harm it has on survivors of domestic abuse and other forms of violence against women and girls.

Online abuse is generally defined as the use of the internet or any other electronic means to direct abusive, unwanted and offensive behaviour at an individual or group¹. As well as often being racist and homophobic in nature, online abuse is a gendered issue, disproportionately affecting women and girls. Research consistently shows that women are subjected to more bullying, abuse, hateful language and threats online than men².

Violence against women and girls (VAWG) is increasingly perpetrated online – both through specific, online crimes (such as 'sextortion') and through the use of technology to perpetrate 'traditional' crimes. For example, perpetrators can use technology as a vehicle to stalk and harass, behaviour which is persistent, unwanted and causes fear to victims, in what the Crown Prosecution Service (CPS) term 'cyberstalking'³. Online forms of abuse and VAWG do not exist in the 'virtual world' alone. Women experiencing VAWG are not only abused offline, but frequently abused online by their partners or ex-partners. Women's Aid key recommendations therefore are:

- Online abuse is recognised as a harmful form of domestic abuse and VAWG and must be fully integrated within the existing policy and legal framework for these crimes;
- Ensure the government's proposed code of practice for online providers explicitly covers the prevention and response to online VAWG, and is developed in partnership with survivors and specialist services;
- Deliver further law reform to ensure that victims of all forms of image-based sexual abuse have equal access to protection, including anonymity in court.

Online Abuse

Many women experiencing domestic abuse are not only abused offline but are harassed, abused and stalked online by their partners or ex-partners. In intimate partner abuse cases, online stalking and harassment is usually part of a pattern of coercive and controlling behaviour which encompasses online abuse and harassment as well as physical abuse, economic abuse and sexual abuse. Many perpetrators use online abuse as a way of controlling their partners through surveillance and monitoring, even when they are not in the same physical space as them. Recent convictions for coercive control show how abusers are manipulating digital tools to harass, abuse and entrap women.⁴ Online and digital abuse includes behaviours such as:

- Monitoring of social media profiles, messages or emails;
- Abuse on email or social media platforms, including threats to friends, family or pets;
- Spreading lies or personal information about you online;
- Creating a website to harass, humiliate, or abuse;
- Setting up fake social media or email profiles;

"Online abuse needs to be taken more seriously - like all forms of harassment - the police need to understand that it is not a joke. Zero tolerance."

Anonymous Survivor

¹ Women's Aid, Virtual World, Real Fear: Women's Aid Report into online abuse, harassment and stalking (Bristol: 2014). Accessible online

² The Centre for Gender Equal Media, Parliamentary Briefing - Online Abuse Parliamentary Debate: Law Reform and Funding Specialist Support Services, 6 July 2016

³ Crown Prosecution Service, Violence Against Women and Girls Crime Report, 2015-16. Accessible online

⁴ Crown Prosecution Service, Violence Against Women and Girls Report - 10th Edition, 2016-17. [Accessible online](#)

- Image based sexual abuse - including sharing private photos online without your consent (so-called ‘revenge pornography’);
- Using GPS or other geolocator software to track your movements;
- Using spyware.

A 2015 Women’s Aid survey of 693 survivors⁵ who had been abused online by their partner or ex-partner found that for 85% of respondents the abuse they received online from a partner or ex-partner was part of a pattern of abuse they also experienced offline. For half (50%) of survivors responding the online abuse they experienced also involved direct threats to them or someone they knew. Despite the prevalence of, and harm caused by, online abuse, however, survivors continue to report poor responses, outdated legal protections and a lack of understanding about the nature and impact of this form of the crime. It is crucial that urgent action is taken to ensure that survivors feel safe online.

It is vital that online abuse is recognised as a harmful form of domestic abuse and VAWG, and is fully integrated within the existing policy and legal framework for these crimes. We welcome that the government’s proposed Domestic Abuse Protection Order (DAPO) brought forward in the Domestic Abuse Bill will prohibit a perpetrator from making both offline and online contact. It will be crucial to ensure that breaches of these orders, whether on or offline, are dealt with consistently. We urge the government to ensure action to:

- Improve **police training and tools to tackle online abuse**;
- Include **online and digital forms of abuse in mandatory Relationship and Sex Education** rolled out in schools from September 2020.⁶

Internet Safety

The government recently published a number of commitments to improve online safety. The Online Harms white paper published in April 2019 set out proposals for a new statutory duty of care to make online companies more responsible for the safety of users, codes of practice to set out how companies must meet this duty, and a regulator to enforce this duty and issue the codes of practice. Women’s Aid are calling for the government’s proposed code of practice to explicitly cover how online providers prevent and respond to online violence against women and girls, and to be developed in partnership with survivors and specialist services. We want the code to include the following obligations for online providers:

- **Requirements** on preventing, prohibiting and responding to domestic abuse;
- **Clear expectations for the response** to civil and criminal investigations and proceedings in **domestic abuse and VAWG cases**, how online providers respond to protection orders such as the new DAPO, **and for how evidence is handled, stored and shared**;
- **Working with specialist services to ensure the safety risks** of new products are assessed, tested, and resolved at the design stage;
- The **provision of specialist training for online support teams** on the nature and impact of these crimes.

We know that technology has delivered dangerous new mechanisms for control. It is therefore vital that providers improve awareness and understanding about the safety risks and features of laptops and tablets, and use default settings to improve safety. We are further calling for regulatory action where platforms and products are used explicitly to perpetrate a crime - such as tracking devices and spyware advertised specifically for stalking a partner. We recommend the following action is taken to ensure survivors and victims feel safe online:

- The **sale and marketing of spyware apps or software for the purpose of monitoring a partner or ex-partner is banned** - and the default settings on smartphones to turn the ‘find a friend’ service is turned off.

Online and ‘image-based sexual abuse’

The non-consensual creation and distribution of private sexual images - termed ‘image-based sexual abuse’⁷ - is a widespread and harmful form of online VAWG. Image based sexual abuse involves the non-consensual taking

⁵ Women’s Aid, Online Safety, Accessible online.

⁶ Of 167 responses to this question, 56% (n=94) of survivors stated that the priority for government in tackling online abuse was ensuring that relationships and sex education for children and young people must tackle online abuse.

⁷ Clare McGlynn and Erika Rackley, ‘Image-Based Sexual Abuse’ (2017) *Oxford Journal of Legal Studies* 534–561

and/or sharing of private and sexual images of victims - including so-called 'revenge pornography', 'upskirting', sexual extortion ('sextortion'), 'deepfake' pornography, sharing hacked images and 'porn photo-shopping'. These forms of abuse cause serious harm to victims, and should all be treated as sexual offences with the criminal justice system.

Survivors tell Women's Aid that image-based sexual abuse causes shame, humiliation and significant distress. These offences can cause severe impacts on mental health, causing fear and anxiety, paranoia, depression, trauma and panic attacks. The effects are long-lasting; content is often shared widely and it can be extremely difficult to remove once online - putting them at risk of further abuse and harm - and can even impact a survivor's employment opportunities.

We welcome the government's action to criminalise certain forms of image-based sexual abuse; in 2015 the government criminalised so-called 'revenge porn' through a new offence of sharing private sexual images without a subject's consent with the intent of causing distress, and in April 2019 the Voyeurism Offences (No 2) Act criminalised 'upskirting'. These new offences send a clear message that these behaviours are criminal and unacceptable.

We remain concerned, however, that legal protection for victims of image-based sexual abuse are inconsistent. Whilst upskirting has been classified as a form of sexual offence - which is vital for providing victims with automatic anonymity in the courts - so-called 'revenge porn' has not. The government needs to ensure that the protection of anonymity extends to other forms of image based sexual abuse, to stop discrepancies between offences and victims. Women's Aid further welcomes the Law Commission's wider review of the law around privacy abuses, as called for by the All-Party Parliamentary Group on Domestic Violence and Abuse, to ensure full protection for victims of all forms of image-based sexual abuse. We recommend:

- The government to **extend anonymity in so-called 'revenge porn' cases.**
- Following the Law Commission's review, **deliver further law reform to deliver consistent protection for victims of all forms of image-based sexual abuse.**
- **An investigation in to the regulation or closing down of websites that promote and profit from image base sexual abuse** and for organisations who advertise on such websites to be placed on a blacklist.

"My ex used social media to spread malicious rumours to alienate me from my friends and later tried to cause problems with my current partner through false accusations. He also published nude pictures of me online as well as sending them to friends..... After we split he would log in to mutual friends' accounts to see what I was posting and using the information against me."

Anonymous Survivor