

Survey Report on Image-Based Sexual Violence

影像性暴力經驗調查報告

January 2021



ACSVAW
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Sexual Violence
Against Women

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Preface

The Association Concerning Sexual Violence Against Women (“ACSVAW”) encourages sexual violence victim-survivors to make their voices heard, such that the public would pay more attention to the issue of sexual violence against women. We have established RainLily, Hong Kong’s first sexual violence crisis centre, and education centre to raise public awareness of sexual violence both on campuses and in our community.

Image-based sexual violence (“IBSV”) has recently attracted much attention in our society. Different from other forms of sexual violence, IBSV is a continuous act where the victim’s intimate images may be continuously distributed and stay permanently on the internet. Since there is no proper legislation in place, there is no way to end the online dissemination of intimate images even after reporting to the police. To plug this legal loophole, we submitted a proposal to the Law Reform Commission of Hong Kong (“Law Reform Commission”) in 2018, suggesting that the government should criminalise the relevant act of non-consensual filming of an individual for sexual purposes, on top of the introduction of the offence of voyeurism. Last year, we held a number of seminars with legal professionals, social welfare institutions and business organisations, urging for legislative reforms. Our efforts led to the Law Reform Commission issuing a report on “Voyeurism and Non-consensual Upskirt-photography” in 2019, speeding up the legislative process.

In terms of education, most people know very little about the problems of IBSV. Many do not know how to respond to IBSV incidents, nor do they know how they could stop IBSV from happening as a bystander. In view of this, we cooperated with detective agencies, lawyers, colleges and universities, artists and non-governmental organizations to organise art exhibitions and tours in universities, hoping to gradually bring social changes in a youthful and soft manner. It is certainly important to enhance the sensitivity of professionals in relation to IBSV, as this will help reduce secondary harm caused to the victims when they chose to report the incidents. In terms of provision of service, we offer counselling services and would accompany the victims when making reports to

the police. We also advise the victims on how to collect relevant evidence while identifying different methods to stop intimate images from being further distributed.

At the moment, it is our priority to encourage victims of IBSV to seek assistance. We understand that they may be reluctant to ask for help due to self-blame, or because others lay the blame on them. Moreover, there is a lack of public understanding of IBSV in Hong Kong, in addition to a shortage of specialised support services. Therefore, we hope that this survey report can provide the public with more detailed insights into the issue of IBSV.

Ms. Linda S.Y. Wong

Executive Director

Association Concerning Sexual Violence Against Women

Executive Summary

The Association Concerning Sexual Violence Against Women launched the survey 'Taking and Distributing Intimate Images Without Consent' in 2019 to collect the public's experiences in 'Image-Based Sexual Violence (IBSV)'. These experiences include: taking intimate images without consent; distributing, sharing, circulating and selling intimate images without consent; threatening or extorting to distribute intimate images; and creating fake pornography.

The research is comprised of a questionnaire survey and in-depth interviews to collect both quantitative and qualitative data. The target population is people who have experienced any kind(s) of IBSV in the past 3 years. A total of 206 people have filled in the questionnaire. Through the questionnaire, we got in touch with 11 victims and conducted in-depth interviews with them. We also conducted an in-depth interview with 1 co-worker of social welfare organization. The research aims to delineate the prevalence of different kinds of IBSV encountered by the public; to collect the data of the forms of IBSV experienced by the public, including the common places of occurrence and identities of the perpetrators; to study victims' situations and feelings when facing IBSV and the impacts of IBSV on them; to study victims' responses and actions taken when facing IBSV and the reasons; and, to give concrete recommendations on reducing and preventing IBSV from happening and minimizing the harms brought to victims.

According to the key findings of the questionnaire, non-consensual taking of intimate images was the most common form of IBSV. It is then respectively followed by voyeurism, threats or extortion, distribution of intimate images without consent, theft of intimate images, discovery of hidden cameras, and creation of fake pornography. Most respondents were aged 24 or below. The most common places of occurrence were public transports, streets, mobile messaging apps and homes. Most perpetrators were strangers, partners and friends of victims. Most respondents felt angry, frightened and worried, while some disclosed that they have thought to commit suicide or had committed suicide, which

is noteworthy. When facing IBSV, most respondents revealed that they did not know how to react, pretended that nothing had happened and left the place; relatively fewer respondents have reported the case to the police, sought help from people around them, sought help from social service organizations or notified the staff. As for the respondents who never sought help from or mentioned to others, the common reasons are 'don't want to make trouble or make things worse', 'deemed help-seeking to be useless', 'don't know how to respond' and 'afraid of blaming of hypersensitivity from others'. For respondents who had reported the case to the police, the majority of them were rejected. The common reasons of rejection include insufficiency of evidence, lack of laws and the police deeming the case to be not serious. For recommendations on reducing IBSV, most respondents agreed to have specific legislation.

According to the key findings of individual in-depth interviews, the respondents felt violated in terms of sexual autonomy from the perpetrator's behaviors that disregarded or violated their will. IBSV brought continuous impacts that lasted for long time. It brought irreversible consequences for respondents whose intimate images were distributed on the internet. Apart from intimate images being distributed on the internet, some respondents experienced doxing while some experienced cyber bullying, which aggravated the harms. Regarding the far-reaching harm, the respondents refused to disclose their experiences or ask for help, worrying that others would blame themselves. A respondent tried to report to the police, but the police judged whether the case should be filed based on wrong criteria, and the case was ultimately rejected. Coupled with the police's lack of knowledge on handling IBSV cases, current judicial structures have increased the difficulty for victims to seek help.

The report makes the following recommendations on how society can reduce and prevent IBSV and harms to victims: first, to establish specific sexual offences in Hong Kong to tackle different forms of IBSV; second, to strengthen public education which teaches people not to

commit IBVS; third, to strengthen public education which stresses the responsibilities of bystanders in reducing IBSV; fourth, internet platform providers to establish users' guide and removal mechanisms regarding non-consensual distribution of intimate images; fifth, to provide training on intimate partner violence and IBSV for law enforcement agencies.

1. What is Image-based Sexual Violence

Image-based sexual violence refers to:

- **Taking intimate images* without the person's consent**, sometimes involving voyeurism (* "Intimate image" means an image that shows the person's genitals, buttocks or breasts, whether exposed or covered with underwear);
- **Distributing, sharing, circulating and selling intimate images without the person's consent**, including images taken with or without consent;
- **Threatening, intimidating, blackmailing** with distribution of intimate images, including images taken with or without consent;
- **Non-consensual sexualised photoshopping**, also known as "morph porn" or "deepfake porn", in which software and/or artificial intelligence are used to splice image of an individual with nude or sexual material obtained elsewhere, generating nude or sexual images digitally.

Common examples:

- Surreptitious filming of an individual changing clothes or taking shower;
- Upskirting/ upskirt-photography;
- Filming sexual intercourse without the person's knowledge;
- Coercing an individual into filming intimate images;
- Uploading intimate images to online forums, sharing on social media and sending to friends;
- Threatening an individual with sex videos;
- Logging into a person's Google account without consent to obtain intimate images;
- Photographers disseminating, without consent, privately-shot intimate photos to online forums;
- Blackmailing an individual with "deepfake porn".

The behaviours of "image-based sexual abuse" exist in a continuum

The term "image-based sexual abuse" comes from the academic article entitled "Beyond 'Revenge Porn': The Continuum of Image-based Sexual Abuse" written by the British scholars Clare McGlynn, Erika Rackley and Ruth Houghton and published in *Feminist Legal Studies* in 2017. The authors believe that "image-based sexual abuse", which includes acts of filming, distributing, circulating, threatening to distribute and sexualised photoshopping, exists in a "continuum". These behaviours of image-based sexual abuse are closely related to and indivisible from one another, for example, the intimate images being distributed might be obtained through non-consensual filming; alternatively, one might have superimposed an individual's head or body part onto a pornographic image, and then threaten to distribute or distribute that photoshopped image. Furthermore, image-based sexual abuse shares common characteristics with other forms of sexual violence. For instance, these acts are committed without the persons' consent, violating their sexual autonomy; with humiliation, intimidation, control, and harassment commonly cited as motives of the perpetrators. Based on the above, McGlynn and others established the concept of "image-based sexual abuse" to accurately describe and convey the nature and impacts of these types of behaviours.

In Hong Kong, we usually consider any sexual act or attempted sexual act directed against another person without their consent to be 'sexual violence'. The term does not only limit to sexual assaults of body contact, but also embraces any kind of sexual abuse without body contact that can still cause the victims to feel fear, being insulted and harmed¹. This is aligned with the World Health Organization's definition of sexual violence, 'any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion... Coercion can cover a whole spectrum of

¹ Association Concerning Sexual Violence Against Women. 'Sexual Violence 101'. See: <https://rainlily.org.hk/eng/sv101>

degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats' (WHO, 2002, p.129).² Therefore, we borrow the concept raised by McGlynn and others and contextualise it to "image-based sexual violence (IBSV)" locally referring to the same spectrum of behaviours.

The notion of "image-based sexual violence" is wide enough to cover the better-known concepts such as covert filming, voyeurism, upskirt-photography, leakage of private sexual images and revenge pornography. It connects the above behaviours and highlights their commonalities. At the same time, the notion is a useful tool and framework that not only helps us understand and analyse acts of sexual violence relating to images, but also helps our society to formulate policy and legal reforms.

Considering that the public may be unfamiliar with the concept of "image-based sexual violence", we titled **the survey "Taking and Distributing Intimate Images Without Consent"**. While this title allows the respondents to grasp at first sight the targeted behaviours, this survey indeed covers the full spectrum of image-based sexual violence.

² World Health Organization (WHO) (2002). World Report on Violence and Health. See: <https://rb.gy/jtrf3r>

2. Survey on Experiences of Image-based Sexual Violence

Background

It has been revealed in recent years that a large number of group chats exist in instant messaging applications, in which intimate images are distributed and shared amongst group members. The members often make insulting remarks against the individuals pictured in those intimate images.³ At the same time, sub-forums and threads about covert filming have emerged in online discussion forums.⁴

Such phenomenon warns us of the prevalence of IBSV while showing that many people are indeed experiencing such violence. However, there has never been any collection of data describing and analysing the experiences of IBSV victims in Hong Kong. In view of this, ACSVAW launched the survey “Taking and Distributing Intimate Images Without Consent” in 2019 to gather the public’s experiences of IBSV.

Objectives

- To describe the prevalence of different kinds of IBSV experienced by the public;
- To describe the forms of IBSV faced by the public, including common places of occurrence and identities of the perpetrators;
- To examine the specific situations and feelings faced by the victims after encountering IBSV, and the impacts of IBSV on them;
- To examine the responses of and the actions taken by IBSV victims, and the reasons behind;
- To make specific recommendations on reducing and preventing the occurrence of IBSV.

³ For instance, it has been revealed that on Telegram, the instant messaging application, there are a large number of groups about covert filming such as the “street snap group”, the “school uniform group”, the “tights/feet group” and the “uniform group”, etc. The number of members in each group ranges from 1,000 to 3,000. Members discuss topics related to covert filming and distribute intimate images taken without consent. HK01, 29 July 2017, “Emergence of covert filming Telegram groups, thousands of members share photos with individuals in tights and short skirts (偷拍群組湧現-成員逾千分享黑絲短裙照- 警:適時執法)”. see: <https://cutt.ly/ghfEBwe>

⁴ For instance, HK148Forum, VooHK and CatCatForum.

Methodology

With the aim of examining the public’s experience of IBSV, this survey collected data with mixed research methods — questionnaire and individual in-depth interviews.

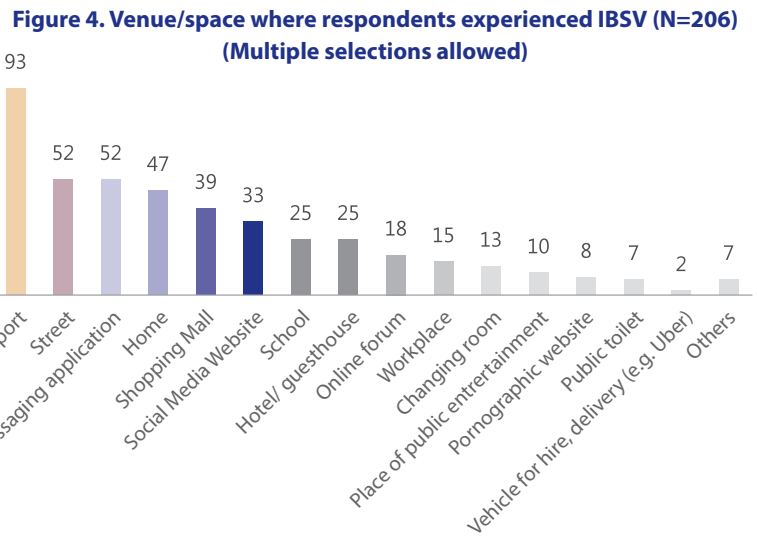
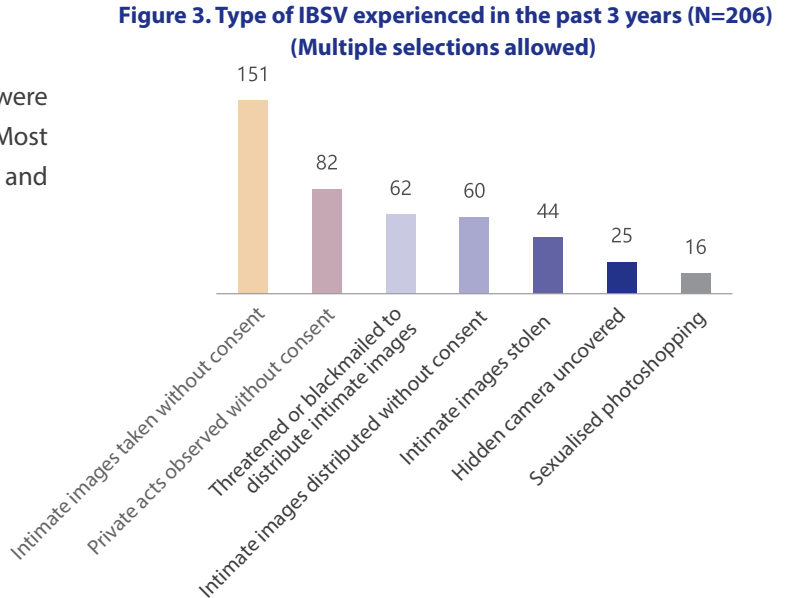
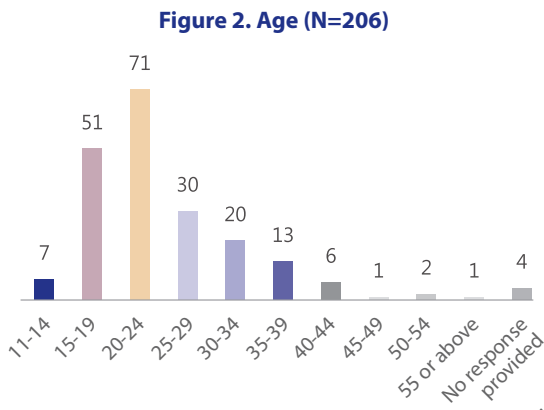
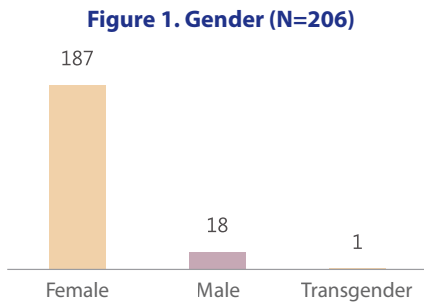
Regarding the **questionnaire** targeting at individuals who have experienced IBSV in the past 3 years, ACSVAW designed an online questionnaire and uploaded it onto our official website. Data collection was carried out from 6 May 2019 to 31 January 2020. In the end, we received 206 valid responses, including 187 women, 18 men and 1 transgender person.

As for **in-depth interviews**, we successfully contacted 11 IBSV victims (2 men, 8 women and 1 transgender person) through email and phone, as the questionnaire contained a question asking if the respondent would be interested in a further in-person interview and, if so, for their contact. Regarding the format of individual interviews, with the exception of one video interview conducted with a female respondent and a phone interview with another female respondent, all 9 other interviews were carried out in person. In addition, we also interviewed one female worker of a social welfare agency who had previously assisted IBSV victims.

3. Findings of Questionnaire

3.1. Backgrounds of the respondents

Regarding the gender of the respondents, 187 were female, 18 were male and 1 transgender (Figure 1). Most respondents were aged 20-24 (n=71), 15-19 (n=51) and 25-29 (n=30) (Figure 2).



3.2. The forms of IBSV reported by the respondents

Most respondents reported that someone had taken intimate images of them without their consent (n=151), someone had observed their private acts without their consent (n=82) and, someone had threatened or blackmailed to distribute intimate images of them (n=62), in the past three years (Figure 3). The reported IBSV incidents most commonly took place on public transports (n=93), on the streets (n=52) or through instant messaging applications (n=52) (Figure 4). Regarding the perpetrators' identities, most respondents indicated that the perpetrators were strangers (n=116) or their partners (n=47) (Figure 5). Most perpetrators were male (n=178) (Figure 6).

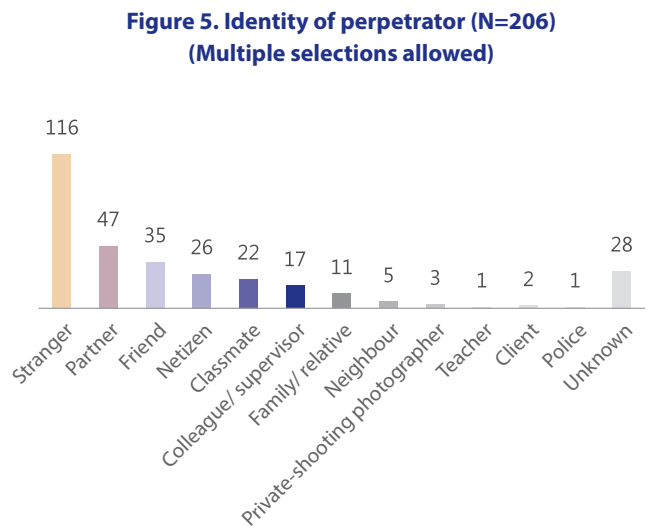


Figure 6. Gender of perpetrator (N=206)
(Multiple selections allowed)

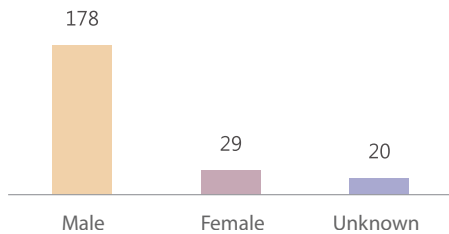
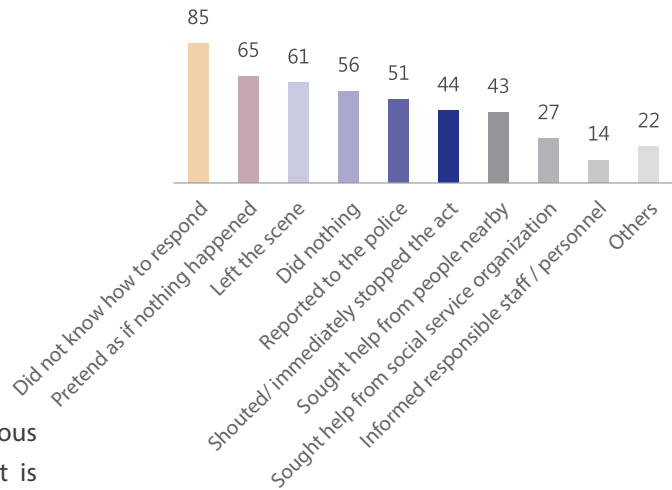


Figure 8. Reactions (N=206)
(Multiple selections allowed)



3.3. Reactions and responses to IBSV

When faced with IBSV, most respondents felt furious (n=128), frightened (n=119) and worried (n=112). It is worth noting that 29 respondents had considered or attempted to commit suicide (Figure 7). As to how the respondents reacted to IBSV incidents, most of them indicated that they did not know how to respond (n=85), followed by pretending as if nothing happened (n=65), leaving the scene (n=61), and not taking any actions (n=56) (Figure 8). Out of all 206 respondents, 106 of them never sought help from others or had never mentioned their experience to others. The most common reasons were, amongst others, that the respondents tried to avoid any troubles / did not want to make a big deal out of it (n=48); they considered it useless to seek help (n=48); they did not know how to respond (n=43); they worried that others would think that they were making a fuss over the experience (n=38) (Figure 9).

Figure 7. Feelings (N=206)
(Multiple selections allowed)

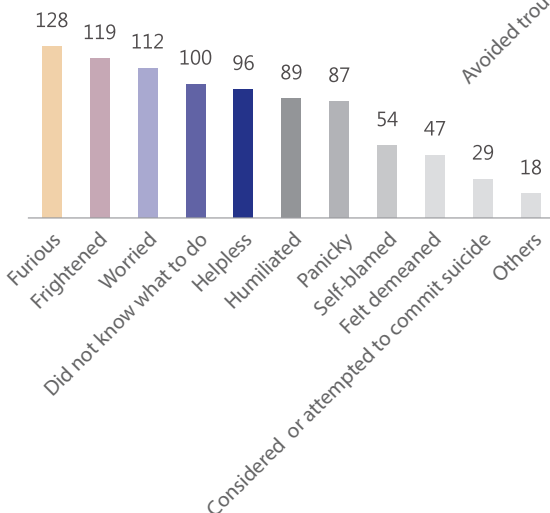
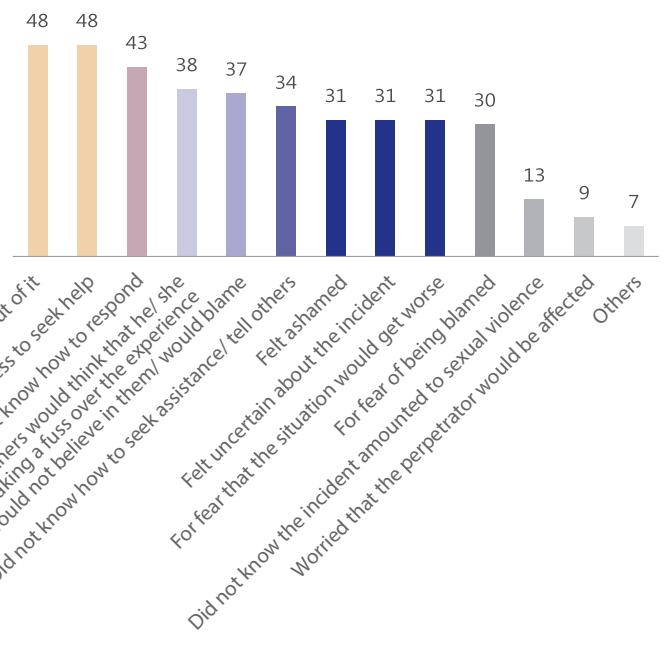


Figure 9. Reasons for not seeking help or mentioning the experience to others (N=206)
(Multiple selections allowed)



3.4. Experiences of seeking assistance through the judicial system

Figure 8 demonstrates that 51 respondents had reported to the police in relation to their IBSV experience. However, the police refused to initiate investigation for 35 of them. Follow-up actions were taken by the police for 15 respondents (Figure 10). Indicated by the 35 respondents, whose reports were declined by the police, the most common reasons for police’s rejection were insufficiency of evidence (n=23) and no legislation in place (n=20) (Figure 11).

3.5. Recommendations considered to be effective in reducing IBSV

Regarding the measures proposed to reduce IBSV in our society, most of the respondents believed that it was necessary to establish specific legislation against IBSV (n=137), to increase the penalties (n=111), to provide bystander education (n=108), and to establish reporting and content removal mechanisms on the internet (n=102) (Figure 12).

Figure 10. Outcome of reporting to the police (N=51)

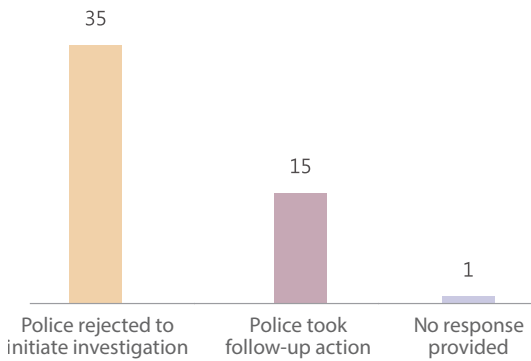


Figure 11. Reasons for police’s rejection of initiating investigation (N=35) (Multiple selections allowed)

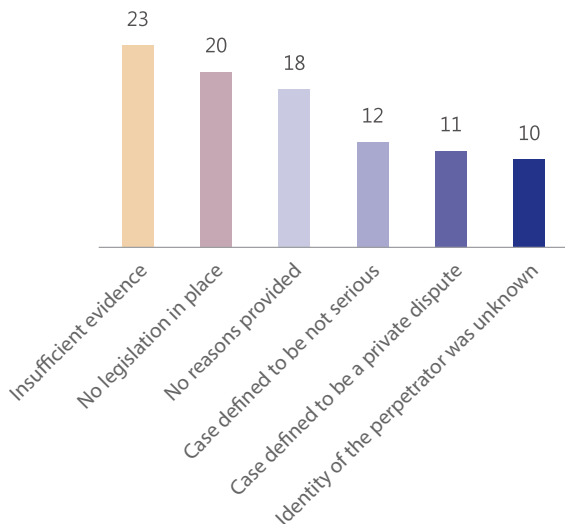
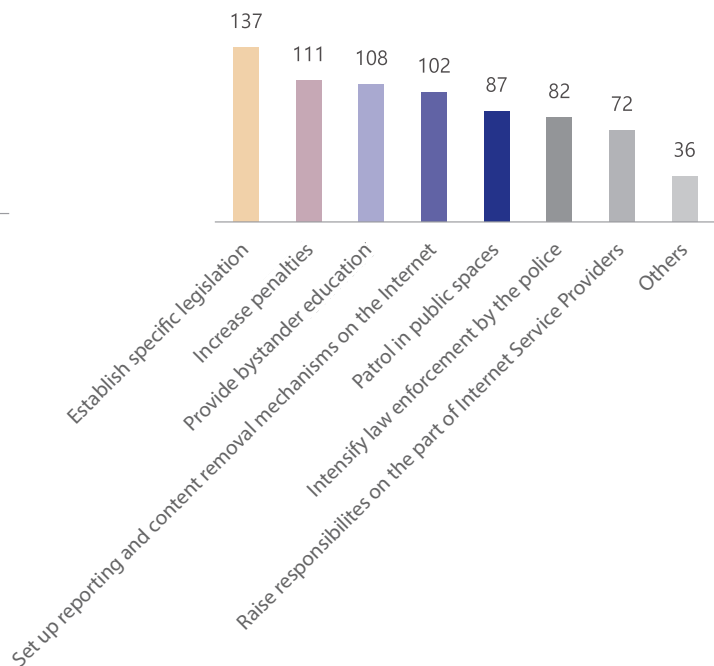


Figure 12. Recommendations (N=206) (Multiple selections allowed)



4. Findings of In-depth Interviews

We contacted 11 IBSV victims through the questionnaire, including two men, eight women and one transgender person. With regards to age, two interviewees were aged 15-19; five were aged 20-24; one was aged 25-29; two were aged 30-34 and one was aged 35-39. To better understand the situations and the difficulties faced by IBSV victims when seeking help and reporting to the police, we also interviewed a staff of a social welfare agency who had provided support to female victims.

Based on the results of the in-depth interviews with the above-mentioned persons, this part analyses and elaborates from the following aspects: how non-consensual filming or distribution of intimate images amounts to sexual violence, the harms brought about by IBSV, the social factors that hinder victims from seeking help and the reasons why the current judicial system fails IBSV victims.

4.1. Taking and distribution of intimate images without consent amount to sexual violence

The acts of covert filming, non-consensual distribution of intimate images, sexualised photoshopping and threatening to distribute intimate images are “sexual violence”, essentially because perpetrators ignore or contradict a person’s will and violate one’s sexual autonomy.

Ignoring or contradicting one’s will

From the interviews, we learned that the intimate images were taken surreptitiously for most cases and the perpetrators then distributed the covertly filmed images without the victims’ knowledge. Whether it concerns the act of filming or distributing, the perpetrators had never asked for the individual’s consent and ignored one’s will. Take Rain⁵, one of the interviewees, as an example, she was told by her friend that a sex video of her was being circulated on the internet. Only until then did Rain realise that she had been secretly filmed during sexual

intercourse by her ex-partner and that her ex-partner disseminated the sex video without Rain’s knowledge. Rain was completely unaware of this, and at the moment she learned that she was secretly filmed and that the intimate video had been distributed, she felt frightened.

“And then she (i.e. Rain’s friend) told me that there’s a [sex] video online and thought it was me in the film... I was wondering how it could happen. Why would I appear on a pornography site? And then, she played the video to me and I recognised myself in the end... I cried and was very frightened. How come this had happened?”

(Rain, interviewee)

Another situation was where the individual knew and consented to the filming of intimate images, but did not agree to the distribution. However, the perpetrator disseminated the images against the individual’s will. This situation is particularly reflected from the experiences of victims who were involved in “private shooting” activities⁶.

Among the questionnaire respondents, 3 of them were “private shooting” models and the perpetrators were all photographers. One of these models, Rebecca, participated in our in-depth interview. When Rebecca first joined the private shooting industry, a photographer violated their agreement and posted her nude photos onto online forums without her authorisation. Rebecca agreed initially that the photographer would be the only person who could view and retain the intimate images taken - this was the consensus reached between the parties. The photographer, however, uploaded the photos onto online forums without her knowledge. It was until then Rebecca discovered that there were plenty of online forums specifically used for disseminating intimate photos taken from private shooting activities. Rebecca firmly believes that models’ participation in private shooting activities is premised on the agreement between the parties. The models only allow specific photographers to view their private body parts and this consent in no way implies that the intimate images can be shared with the public.

⁵ To protect the privacy and security of the interviewees, the names cited in this report are all pseudonyms.

⁶ “Private shooting” activities: Amateur photographers search for models on the internet and they agree on a time and location for shooting.

Rebecca opined that the distribution of intimate images by the photographer was a violation of her personal will and of their mutual agreement.

".....It was a different feeling. My photos were viewed by the public without my consent. It wasn't what I wanted."

(Rebecca, interviewee)

Infringing the right to sexual autonomy

After Rebecca's intimate images from the private shooting activities were circulated without her consent, other photographers whom she had not previously worked with said that they had already seen her nude photos. She felt that she no longer had a choice on *how* and *to whom* to show her intimate body parts.

"Usually, when the photographers and the models communicate, the photographers would ask the models, 'Can you show me your portfolio?' I usually showed them photos of myself with clothes on, fashion shots or less explicit photos. Then at one time, a photographer got back to me in this way, 'I had actually seen your leaked [intimate] images and they were very different from the ones you sent me!' At that moment, I felt like my values were impaired. I never meant to show [my intimate photos] to the public, but some people viewed them on another unintended occasion."

(Rebecca, interviewee)

A person's right to sexual autonomy manifests itself in one's ability to decide and control— under what circumstances, in what way, and to whom— to show his/her body. IBSV, on the contrary, occurs essentially because the perpetrator ignores or denies the above-mentioned rights of an individual, causing the person to feel angry, humiliated, and that his/her values being diminished.

Take the interviewee, Florence, as an example: "down-blousing" once happened to her where someone took photos of her breasts in public places and the images were later distributed on social media sites. Florence had not found out about that until a friend sent her the circulated photos. Florence was most upset about the fact that

the perpetrator deprived her of the right to express and control the ways to express her body. Through the sneak shots, the perpetrator attempted to portray Florence as someone who showed off her figure on purpose and was a dissolute woman. In the photo, Florence appeared as if she was intentionally flaunting her figure, hoping to draw people's attention to her breasts by wearing a spaghetti strap dress, and deliberately leaned down to attract people to film her. She saw for herself how her body expression was arbitrarily distorted while the photos were widely circulated. Yet, she was unable to do anything about it.

"...The photos of me leaning forward and of my breasts being exposed were all over the internet... These photos were all taken from the above or were focused on my breasts. The most hurtful part about 'down-blousing' is that the photos often include my face so it's easy for people who know me to recognise me from the photos. I was really worried that people would view me as the kind of person, who deliberately leaned forward to be filmed. That shaped me as someone who intentionally attracted others' attention - that was the most damaging part."

(Florence, interviewee)

An interviewee, Candy, responded in the questionnaire that she considered that her values were impaired due to covert filming. She explained in the interview, being secretly filmed made her feel that she was not treated as a human. She even thought that her personal will meant nothing to the perpetrator, such that she was more like an object being used to satisfy other people's sexual fantasies.

"The reason why I consider that my values are impaired is, I felt like I became an object for people to take photos of, after being filming covertly. This is not what I wanted. I don't get why others find it ok to film me whenever they want to. I believe that they (i.e. the perpetrators) don't know how to appropriately handle their sexual fantasies. They (i.e. the perpetrators) may think, 'It was just a fantasy of mine, I don't need your consent.'"

(Candy, interviewee)

From the interviewees' experiences, it can be seen that IBSV deprives a person of the freedom to express his/her body and devalues a person's self-worth.

4.2. The harms of IBSV are continuous and irreversible

Most interviewees indicated that the acts of IBSV they encountered were committed by their partners. Their partners threatened to distribute intimate images in order to exert manipulation. However, the interviewees' fears did not dissipate upon break-up. The interviewees said, as long as their intimate images were still in their partners' hands, their emotions would still be affected for fear that the images may be distributed online at any time. For some interviewees, their intimate images had already been uploaded onto the internet, they felt that things became irreversible.

Weaponising of intimate images to control partners

After conducting interviews with the victims who were threatened by their partners, we found that the perpetrators' motives were usually unrelated to sexual desires but arose out of the desire to control and dominate their partners. Intimate images became a tool for perpetrators to manipulate their partners by exerting threats and intimidations. The most common intent of such manipulation was to get their partners back.

"Talking about the moment when she (i.e. ex-partner of Benjamin) secretly filmed me. She initially wanted to keep a record of something that can be used to threaten me. At that time, I had already broken up with her but she wanted to use them (i.e. the images) to control me...Or put it in another way, she was a yandere (meaning: a person who is possessive of his/her partner, and would do whatever it takes to avoid losing his/her partner). She would rather destroy a thing if she can't have it. So she was threatening me for us getting back together."

(Benjamin, interviewee)

Since the perpetrators were the victims' partners, they knew about the victims' social circle. They would threaten to distribute the intimate images to the victims' friends, colleagues and family members to scare the victims. The ex-partner of Rain (interviewee) had threatened to distribute Rain's intimate images to her colleagues.

"I'm just an insignificant staff in my company but rumours and scandals can be easily spread within the office, especially people are really interested in these stuff. Coincidentally, some secretly filmed videos had been circulated in our company and also, some videos taken by the girls themselves had been uploaded onto the internet. He (i.e. ex-partner of Rain) said that he knew a "secret page" of our company and similar things often happened there. So he threatened me with this. I also learnt from mutual friends that he keeps that video..."

(Rain, interviewee)

Faced with the threat, Rain was worried and feared that a single little act may irritate her ex-partner and that he really would send the photos to her colleagues. Apart from worry and panic, Rain did not know what to do.

Impacts persist like ticking time bomb

This type of violence brings continuous impacts on individuals. As long as the other party has not completely removed the images, the individual's emotions will continue to be affected.

Benjamin, who was threatened by his ex-partner, mentioned that he knew that his ex-partner still kept the secretly filmed intimate videos of him. Although she ceased her threats at that moment, it was hard to predict whether she would suddenly bring up the videos and threaten him again, or that she would send the videos to Benjamin's friends without any notice.

Even five years have passed, Benjamin's anxiety and fear have not disappeared with time and he was still being affected by the intimate videos. The intimate videos are like ticking time bombs. The stress caused by the fact that they may get distributed at any time haunts him.

"Once she (i.e. Benjamin's ex-partner) is in a bad mood, she may just distribute the videos. So I am really scared, even after five years have passed."

(Benjamin, interviewee)

Benjamin's case is a representation of many victims who have experienced extortion from their partners. Another interviewee, Rain, said that she once discovered that her ex-partner had been storing her intimate images and even threatened to distribute them to her friends and colleagues. Since then, Rain refused to gather with her friends for a long while, worrying that her friends might suddenly tell her that they received her nude photos from an unfamiliar Facebook account. Rain was also afraid of surfing the internet. She feared to come across her nude photos when browsing certain websites. It can be seen that the fear caused by IBSV does not disappear over time, but haunts the victims continuously.

Irreversible impacts once images being uploaded

The speed of information circulation on the internet is extremely high. For victims who had been threatened with distribution of intimate images, they worried that the perpetrators would put the threats into action and distribute the images for real. Once the images are uploaded onto the internet, it is extremely hard to completely remove them. The victims, therefore, felt that things became irreversible. Indeed, whenever information is disseminated online, it will be viewed, forwarded and shared to other social media sites and pages by a large volume of netizens within a short period of time. Some netizens may even download to and take screenshots with their own electronic devices, subsequently send the images to their friends. It is therefore difficult to estimate the number of people who have accessed the images.

The internet also allows images to be circulated for a long time. It seems to Rain and Rita, the interviewees, their distributed sex videos will be existing in the cyber world forever. The fact that the videos have been taken down from a certain website does not mean that they vanish on the internet. The videos may have already been copied to other websites, or may have been stored in some strangers' hard disks. Searching for and reporting the videos on the internet is akin to looking for a needle in a haystack. Apart from anxiety, victims are haunted by pessimism and powerlessness.

"The video has been uploaded onto the internet and many people have viewed it. Personally, I feel that it makes no difference with one more or less people watching the video. After all, it is impossible for me to completely remove something appeared on the internet. Just like years ago, lots of actresses' intimate images were leaked when a celebrity's computer was sent for repair⁷. Although this incident has faded in people's memory, you could still easily find the photos of these actresses. It was obvious that they have made reports to the police. So I believe it's impossible to permanently remove something [from the internet]. I don't think the problem can be fixed."

(Rain, interviewee)

"Once it's uploaded [to the internet], there's nothing I can do. I don't think the images are contained in only one website but it's likely that they are also on some other sites. I didn't report to the website because I think it's useless. Even if that website provider deletes the content, the images may still exist on other websites. I just feel it's not secured."

(Rita, interviewee)

⁷ In 2008, intimate photographs of Hong Kong actor Edison Chen with female actresses, were unlawfully distributed over the internet. Chen brought his computer to the shop for repairs in 2007. Employees of the shop who discovered the intimate photographs of Chen and numerous female celebrities in his computer secretly copied the files and disseminated the photos on the internet without Chen's consent. To know more: https://en.wikipedia.org/wiki/Edison_Chen_photo_scandal

Rebecca reported to the online discussion forum after her intimate images were uploaded onto that forum. However, the content host of that website refused to take any actions, arguing that local laws did not apply. As a result, Rebecca's photos remained online and continued to be circulated.

"They said that the setup and server of their website are not based in Hong Kong so they are not regulated by the law of Hong Kong. I was very angry when getting this response."

(Rebecca, interviewee)

"It's just a photo, take it easy!" It is not uncommon to hear similar comments from bystanders. Contrary to being a trivial matter, intimate photos will be widely circulated once they are uploaded online. Besides, the internet service providers and content hosts often fail to regulate the distribution of intimate images and this makes it hard to remove the images, resulting in continuous harms done to the victims.

4.3. Cyber bullying and doxing intensify the harms

IBSV and cyber bullying are linked in countless ways. One of the biggest fears for victims who have been threatened and whose intimate images have been distributed comes from the bully and offensive comments from netizens.

The anonymity of the internet world allows netizens to hide their personal identities, disseminate information and make all kinds of remarks without bearing any responsibility. Netizens may even unrestrainedly humiliate, bully, harass, abuse and mock the victims, including commenting on their bodies and appearances. Netizens also blame the victims for being an easy boy/girl, that they are just seeking attention or deliberately provoking others to film them, so on and so forth.

Florence, the interviewee, experienced IBSV with a stranger filming her breasts without her consent. The photos were subsequently uploaded onto social media websites. Lots of netizens commented with insulting

remarks, criticising that she was deliberately showing a sexy pose and soliciting others to take photographs of her. When being asked if she had rebutted against the comments made by the netizens, Florence replied that she would rather pretend that she had not viewed the comments and stay silent. She added that if she talked back, she would easily become the focus of the netizens. Both Florence and her photos would then turn into an overheated hype which she would suffer more harm. Therefore, she chose to remain silent, waiting for the incident to fade.

"I chose to pretend that I didn't see them (i.e. the comments). The internet culture is like this— if you speak up, it will generate more intense discussion. I don't want to be the centre of attentions and I wish things could just pass me by and netizens would soon forget it in a few days. That's why I did not speak up."

(Florence, interviewee)

Worse still, some respondents experienced doxing at the same time while his/her photos were being distributed. For instance, their social media account names, telephone numbers and personal emails were disclosed and they were subsequently harassed by strangers, including harassment with sexual connotations.

"I remember that a bunch of photos containing the account name of my IG (i.e. Instagram) once leaked out. Within three months after the leakage of the photos, I'd been receiving direct messages on IG from around 4 or 5 users. I tried changing my account name but it didn't help at all. I was pretty sure, some of the uploaded photos must have contained my personal information..."

"Someone who accessed the photos directly messaged me on IG or Facebook. They said things like, 'Hey cutie, you've been taking [sexy] photos. Do you wanna come out and meet me?'"

(Rebecca, interviewee)

Sometimes, even if the perpetrator merely uploads the photos without disclosing any personal information, netizens could still conduct “human flesh search” using the slightest clues they get from the photos. Netizens would disclose the victims’ real names, personal mobile numbers and addresses, causing nuisance to the victims in their real lives. An interviewee received dozens of anonymous calls every day after her intimate photos were uploaded onto an online discussion forum. She was on the verge of a mental breakdown and her heart pounded whenever she heard the phone rang. This experience was detrimental to her work and life. Her life did not go back to normal until she changed her phone number. Hence, it can be seen that the impacts arising from “human flesh search” do not confine to the virtual world, but also the real world, affecting the victims’ daily lives.

4.4. “Victim blaming” culture poses an obstacle to seeking assistance

Most of the interviewees said that after experiencing IBSV, they refused to mention the incident or ask for help from people around them. They were worried that once they speak out, they would be blamed by others. Such thoughts were particularly prominent among female respondents.

Their worries were highly related to the “victim blaming” culture that prevails in our society. Whenever sexual violence occurs, our society tends not to criticise the perpetrators but puts the blame on the victims. The public generally believe that the harms caused must be attributable to the victims themselves. The accusations against women are particularly serious, with people believing that female victims are wearing revealing clothes that invite covert filming. Others may criticise female victims for having casual sexual relationships with strangers and not being careful enough when making friends which lead to covert filming and non-consensual distribution of intimate images, so on. Due to the social stigmas against them, female victims easily feel ashamed and do not know how to tell others so that they will not be blamed.

Blaming the victims for the clothes they wear

Candy, the interviewee, felt strongly that the victim blaming culture is very serious. She was once secretly filmed by a stranger, but chose not to tell people around her. She believes that if female victims reveal their experience of being covertly filmed, they would instead be blamed. People would doubt, “Why did you wear revealing clothes?” , or “No covert filming would have taken place if you had worn pants instead.” They may even consider that the victims were secretly filmed because they did not know how to protect themselves— “You weren’t careful enough, were you?”, or “You should have protected yourselves better!” These condemnation poses more hardship to Candy.

“If I told my family members who are very conservative and traditional, they would definitely blame me and said ‘It must be because you have worn shorts’. And similarly, when others hear about the incident, the first comment they would ever make is ‘She must be wearing shorts at that time’, or ‘She must be wearing mini-skirts’. They are so used to the mentality that as long as you wear a long dress or pants, the problem of accidental exposure of private parts would be solved.”

(Candy, interviewee)

These voices of condemnation seem to assume that as long as a woman controls her behaviours and the ways she dresses, such as wearing long pants or covering up, she could have avoided the assaults. However, Candy believes that her choice of fashion style, be it pants or mini-skirt, could not eliminate all sorts of thoughts and desires of the perpetrators, let alone controlling such thoughts being imposed on her.

“The victims themselves have already been harmed. You shouldn’t blame them anymore. It’s not their responsibility at all. Some people may think you could easily tackle covert filming if you ‘cover the body like how the Muslims do’. It’s totally irrelevant! I guess, unless we educate people not to covertly film others, one could still be filmed regardless of his/her choice of clothing. It really doesn’t matter what you

wear. Even if you cover your body like a mummy, there could still be people who are interested in filming you... And there will always be someone who thinks that he/she could impose his/her sexual desire on you, and that belief would not be changed simply because you are dressed more conservatively."

(Candy, interviewee)

Criticising the victims' attitudes towards sex

When individuals are being secretly filmed during sexual intercourse by their partners, or when their intimate images are being distributed, the victims' sex lives usually become the centre of discussion. This phenomenon is particularly common among female victims. Women suffer from all kinds of bias and stigma when it comes to sex. For instance, women who are relatively more proactive in sex are labelled to be misbehaved and casual. The public believe that sexual violence occurs because the victims' integrity and conduct are problematic. Betty, the interviewee, knew a male netizen through a dating app while travelling abroad. During their first date, they had sex. Betty later discovered that the man had secretly filmed her during that sexual intercourse. The man later threatened Betty to disclose the images if she did not meet him in person.

Our society expects women to be conservative towards sex. They expect chastity from women such that they should only have sex with regular partner. During the interview, Betty lamented that while it is completely normal for women to search for sexual partners online, it is still difficult for women to tell others about it, especially when people are biased towards women making such choices. Betty believes that if she tells her friends about the incidents of secret filming and threats, the discussion would focus on her search for sexual partners on dating apps, rather than the fact that she experienced IBSV. Her friends would blame her for having a casual sex life and for not being careful about making friends, which caused the occurrence of sexual violence. Hence, Betty refused to tell her friends about the incident or report to the police.

"I didn't want people around me to know that I have 'such kind' of behaviour (i.e. searching for sex partner online) and the covert filming and threats that took place following it... I chose not to report to the police because I know my behaviour would be challenged and questioned, and I would have to repeat the incident over and over again. People tend to think [that sexual violence] happens because the victims misbehaved. They would think it was your fault at the very beginning!"

(Betty, interviewee)

Taking advantage of the public's sexual stigma against women, perpetrators have been using intimate image as a tool to control their partners. Perpetrators are convinced that once intimate images are disseminated, women are more likely to be blamed rather than themselves, and hence making such "threats" tenable.

"He approached me and said we should be friends again. At some point he realised that I was unwilling to talk to him anymore. He then threatened me with the [intimate] video. He even threatened me with evidence he found online a few years ago to prove that I was a slut."

(Rain, interviewee)

When sexual violence occurs, if we only criticise the victims' choice of clothes and conduct, but disregard or downplay the perpetrators' faults, a wrong message would be sent to the victims—"It must be your own problem that causes sexual violence". Such message obstructs victims from revealing the experience to others and hinders them from seeking help.

4.5. The existing judicial system fails victims

At present, there are no specific offences targeting at IBSV in Hong Kong. The prosecuting authority makes use of the existing laws when handling IBSV cases, including the Prevention of Child Pornography Ordinance, the Control of Obscene and Indecent Articles Ordinance and the offences of disorder in public places,⁸ loitering

⁸ Public Order Ordinance, s 17B(2).

causing any person to be concerned,⁹ acts outraging public decency,¹⁰ criminal intimidation¹¹ and blackmail¹².

However, dealing with IBSV cases using these ordinances is neither fish nor fowl and could not achieve the objective. These ordinances were not enacted to regulate IBSV but to achieve other purposes. For instance, the Control of Obscene and Indecent Articles Ordinance aims to control articles that impair public morality; the Prevention of Child Pornography Ordinance prohibits child pornography, pornographic performances of children and child sex tourism; the offences of disorder in public places, loitering causing concern and acts outraging public decency were introduced to maintain public order. The legislative intents of these offences are completely irrelevant to the regulation of acts infringing sexual autonomy. Hence, prosecuting acts of sexual violence under these ordinances is putting the boots in the wrong foot.

The example that best illustrates the above phenomenon is the offence of “access to computer with criminal or dishonest intent”.¹³ In the past, the Department of Justice charged the accused with this offence whenever the case involved the use of computers or smartphones. Therefore, apart from prosecuting computer hackers, this offence has been commonly deployed to prosecute upskirting committed using mobile phones.¹⁴ However, in 2018, the High Court judges believe that the legislative intent of this offence is to target the act of hacking into someone else’s computers to tamper with or steal information stored therein, but not to cover in general any crimes committed with the use of computers, including upskirting with mobile phones. As a result, although there is currently no legislation to prosecute upskirting resulting in a legal loophole, this judgment highlights the improper use of existing laws to bring a charge against IBSV perpetrators.

9 *Crimes Ordinance*, s 160(3).

10 Common law offence.

11 *Crimes Ordinance*, s 24.

12 *Theft Ordinance*, s 23.

13 *Crimes Ordinance*, s 161.

14 HK01, 4 April 2019, “DOJ loses in the case concerning access to computer with criminal or dishonest intent - A summary of the offences being affected (不誠實取用電腦案-律政司敗訴 一文看清甚麼罪受影響)”; see: <https://bit.ly/37bYNhB>

The lack of proper laws against IBSV could easily lead to the public’s misunderstanding that such acts are not serious and do not require legal constraints. Furthermore, our society is filled with myths about sexual violence, misconceiving that sexual violence is mostly conducted by strangers. Hence whenever a perpetrator of sexual violence is someone known by the victim, the police tend to determine the nature of the IBSV incidents to be private dispute. They believe that private disputes cannot be resolved by resorting to the judicial system, but by communication and reconciliation on a personal level. Taking “threats to distribute intimate images” as an example, the interviewee, Benjamin, reported to the police after being threatened by his ex-partner. However, the police refused to initiate investigation and even advised him to find a way to deal with it himself.

“(Interviewer: Also, you mentioned that the police refused to look into your case when you made a report. In fact, what do you think was the most difficult part during the entire reporting process?)”

“To be honest, I don’t think there was anything particularly challenging. I simply felt helpless. I was threatened by someone with a video, but the police told me I couldn’t make a report and they rejected my case. I really had no idea what to do. The police officer advised me to handle the incident on my own. I was perplexed and felt helpless.”

(Benjamin, interviewee)

Benjamin asked the police if criminal liability could be established if his ex-partner has sent the intimate images to her friends. He was given the reply that sending images to friends does not constitute any criminal offence. Criminal liability only establishes if a person distributes and disseminates intimate images publicly. In other words, the police will only initiate investigation if public distribution is involved. It seems that when the police deciding whether a case is a private dispute, the criterion lies at whether the incident occurred in the “public domain”.

“(Interviewer: Can you tell us about how the police commented on the act of your ex-partner sending out your intimate images?) The police said that there was nothing they could do since she was merely sending the images to her friends. (Interviewer: How exactly did the police say that?) They said that the behaviour concerned sending the images to her friends but not publicising them. It is a criminal responsibility to publicise the photos, but between friends... It’s okay to happily share among friends. So the police couldn’t do anything with my ex-partner.”

(Benjamin, interviewee)

Nonetheless, it is hard to define “public domain” in the cyber world. Take Telegram, the instant messaging application, as an example. For some groups, there may only be tens of members in some groups; however, anyone can join the group as long as one has the link. The threshold of approval for joining the group is really low. In that way, should we consider these chat groups in cyberspace to be private groups or public groups?

As this report has emphasised, the harm to an individual caused by non-consensual distribution of intimate images lies at the violation of a person’s will and the infringement of the person’s sexual autonomy. This fact will not be denied simply because the intimate image is only sent to a friend you know. It is plainly wrong to focus on whether the act of distribution involves “public domain” and to use this as a criterion when deciding whether or not to initiate investigation.

In addition to the fact that law enforcement agencies fail to distinguish the nature of the behaviours and hence adopting the wrong criteria to determine whether or not to launch an investigation, as mentioned by Jade, a worker of social welfare agency, the police lack the sensitivity and are often affected by the myths of sexual violence. All these contribute to the challenges faced by the victims when making reports to the police. Jade had once accompanied a female victim, who was threatened by her boyfriend with nude photos, to make a police report. She said that when the victim told the police that the photos were taken contrary to her will, the police

challenged her testimony. “Unfortunately, these questions from the police arose from their narrow understanding of sexual violence. They believe that reluctance only makes sense when the victim resists fiercely or when physical conflict takes place.” Nonetheless, the victims find it hard to respond in such ways, given the power, control and complex emotions in intimate relationship. Jade believes that since the police may not grasp a holistic picture of the situations faced by these kinds of victims, they could hardly put themselves into the victims’ shoes and think from their perspectives:

“The police would question, why didn’t resist strongly if they did not wish to be filmed by their partners; why they didn’t grab the phone from the partner immediately; why they still met their partners afterwards; why they still continued dating. The police seem to believe that you have to fight back fiercely, grab the partner’s cell phone or have a big quarrel to show your unwillingness. But it’s indeed difficult for them to resist against their partner directly. What’s more, in a lot of cases involving secret filming and threats, there has been an inequality of power in the relationship and it’s possible that the perpetrator has been controlling his/her partner for a long time.

The police projected their stereotypes of sexual violence onto intimate relationships, were unable to understand the pressure and distress caused by intimate images to female victims. When facing the police’s challenges, many victims became speechless, did not know how to respond. For some girls who encountered this kind of questioning from the police, they lost confidence and might want to give up. Their experience with the police had undermined their confidence in continuing with the judicial process.”

(Jade, interviewee)

5. Conclusions and Recommendations

IBSV perpetrators disregard victims' will and consider it unnecessary to seek consents from the victims; alternatively, they knowingly violate the victims' will and cause the victims to feel that their bodily autonomy has been infringed. It is precisely such mentalities of the perpetrators — their ignorance and violation of the victims' will — that make filming, distributing or threatening to distribute intimate images without consent the acts of sexual violence.

Based on the findings of the questionnaire, the perpetrators were mostly strangers, followed by the victims' partners. It can be seen from the in-depth interviews that IBSV committed by a partner was a manifestation of power and control. While the perpetrators might think that IBSV was simply a short-term game of manipulation, interviewees' experiences revealed that these images could hardly be removed once distributed online. Some interviewees indicated that certain online platforms and websites refused to take measures to stop the spread of the images, making it impossible to remove them. This caused irreversible consequences and ceaseless repercussions to the victims. Our society needs to be aware of the far-reaching impacts caused by this type of sexual violence.

When facing violence, victims tended to remain silent and not ask for help. The findings of the questionnaire reflected that relatively few respondents reported to the police, sought help from people around them or from social service agencies. The respondents also indicated that the public were inclined to place the blame on the victims and criticise them. This attitude was the main reason why the victims remained silent and refused to report to the police when encountering IBSV.

The findings of the questionnaire revealed that the majority of respondents who chose to report to the police were rejected for investigation. The reasons for rejection included mainly insufficient evidence, no legislation in place, the case being defined as not serious and the case being defined as a private dispute. These reasons were influential to the possibility of a case being accepted or rejected in an intersectional manner. In particular, the

police had no basis for law enforcement due to the lack of legislation. Without a proper law, the police failed to understand that these behaviours have the nature of infringing one's sexual autonomy, and in turn took these cases lightly and regarded them as private disputes. Apart from the absence of a legal foundation, police's deficient understanding of intimate partner violence and IBSV, and the influence of myths also contributed to the fact that the judicial system failed the victims.

The findings of the questionnaire showed that most respondents believed that the "establishment of specific laws against image-based sexual violence" could reduce the occurrence of violence. They considered raising the penalties as the second-most effective method. Their responses demonstrated that there was consensus among the public that specific laws were necessary to recognise the wrongfulness and gravity of IBSV.

Regarding how our society can reduce and prevent IBSV and minimise the harms caused to victims, the rest of this report will provide recommendations in terms of "legal reform", "public education", "responsibility of internet service providers and internet content hosts" and "police training".

Legal reform: Establish specific offences

While the Law Reform Commission's Review of Sexual Offences Sub-committee proposed the introduction of two specific offences, namely voyeurism and non-consensual upskirt-photography,¹⁵ in its report on "Voyeurism and Non-consensual upskirt-photography" published on 30 April 2019, these two proposed offences do not cover all acts of IBSV. As this report points out, the acts of non-consensual filming, distributing, threatening and sexualised photoshopping, are a "continuum". These acts may occur simultaneously and one may draw causal relations among them. Therefore, if the new offences target only non-consensual filming, but not other behaviours, it simply ignores the situations faced by victims in reality. As such, it is recommended that the laws

15 The two offences have been proposed but yet be enacted.

should be comprehensive so as to cover all kinds of IBSV.

Some common law jurisdictions have already had in place specific laws covering the acts of distributing and threatening to distribute intimate images. In particular, Queensland of Australia has implemented a relatively more comprehensive law. The Parliament of Queensland introduced and enacted the new offences of distributing intimate image (s.223)¹⁶ and threats to distribute intimate image or prohibited visual recording (s.229A)¹⁷ under the Criminal Code Act 1899 in April 2019, the maximum penalty of which is three-year imprisonment. Under the law, “intimate images” refer not only to images obtained through filming and recording, but also altered (e.g. photoshopped) images. The legal reform also introduced the “rectification order” (s.229AA)¹⁸ where the court may order a convicted person to take reasonable action to remove, retract, recover, delete or destroy an intimate image or prohibited visual recording; otherwise, the person faces up to 2 years’ imprisonment.

In England and Wales, after the legal reform in early 2019, the offence of voyeurism¹⁹ now covers upskirt-photography.²⁰ Nevertheless, the UK government believes that the offence of voyeurism cannot sufficiently protect the victims and there has yet been specific laws regulating the acts of taking, making and sharing of intimate images without consent. Hence, in July 2019, the UK government requested the Law Commission to review the current legislation and conduct public consultation, such that the law can keep up with the emerging technologies. The report be published in due course.²¹

It can be seen that governments around the world have long been aware of the prevalence and severity of IBSV. It is necessary for the law to keep up with the latest societal

developments. We suggest that it is time for the Hong Kong government and the Law Reform Commission to carry out legislative works, by making reform proposals with reference to the laws in overseas jurisdictions and introducing specific sexual offences.

Public education: Educate the public not to perpetrate

The survey, “Taking and Distributing Intimate Images Without Consent”, found that IBSV took place mostly between people who know each other, and it was particularly serious in the context of intimate relationship. Therefore, intimacy education and sexual consent education are important. It is emphasised that even between partners, separate consent is needed for sexual intercourse, filming intimate images and distributing intimate images. There is no so-called tacit or implied consent and no one should take consent for granted. Being one’s partner does not mean you must obey all orders of your lover. Everyone has their own boundaries and freedom to express their will. Do not deprive others of their rights and become a perpetrator.

At the same time, we also need to raise the public’s awareness of the harms caused by IBSV and prevent them from being the perpetrators. Some people may think that it is fun to distribute intimate images, or perceive that “it’s just a picture and it’s no big deal”, and thus upload the intimate images to the internet without considering the consequences. However, once uploaded, it is extremely difficult to completely remove the relevant images, making the situations irreversible. Apart from experiencing commonly known negative emotions, 29 respondents indicated that they had committed suicide or had suicidal thoughts. This shows that IBSV brings destructive traumas to the victims, which should not be neglected.

¹⁶ s 223: Distributing intimate image, *Criminal Code Act 1899* (Queensland).

¹⁷ s 229A: Threats to distribute intimate image or prohibited visual recording, *Criminal Code Act 1899* (Queensland).

¹⁸ s 229AA: Rectification order, *Criminal Code Act 1899* (Queensland).

¹⁹ s 67: Voyeurism, *Sexual Offences Act 2003* (England and Wales).

²⁰ s 67A: Voyeurism: additional offences, *Sexual Offences Act 2003* (England and Wales).

²¹ Law Commission, UK, ‘Taking, making and sharing intimate images without consent’, see: <https://www.lawcom.gov.uk/project/%20taking-making-and-sharing-intimate-images-without-consent/>

Public education: Emphasise bystanders' responsibilities

In the case of IBSV, in addition to the perpetrators' responsibilities, bystanders also participate in and contribute to the occurrence of violence by watching, downloading and forwarding the intimate images. Bystanders' acts may even affect the victims' decisions of whether or not to seek help.

IBSV takes place every day and the victim could be anyone we know - our friends, family members and colleagues. They may reveal their experience to us or seek help from us. Meanwhile, as netizens, we are used to expressing all kinds of opinions, comments and judgments on different matters. We may think that we play insignificant roles in IBSV incidents. However, after interviewing the victims, we found out that However, after interviewing the victims, we found out that every single word made by the bystanders affects the victim's decision of whether or not to talk to others and seek help.

Therefore, our public education needs to emphasise the role and responsibility of bystanders by teaching them to reflect on the phenomenon of "victim blaming" and not to make hurtful comments. It is only by so doing will victims have courage to seek help.

"I know many girls around me concern mostly about the perceptions of people around them. They don't necessarily fear the person who took the intimate images, but they are usually concerned about how people around perceive them. When others tell them it's their problems [for having encountered IBSV], they really believe in it and dare not do anything....."

"And perhaps because I am quite open-minded and willing to share and discuss with my friends, they start to realise that it is not necessary to blame the victims. When my friends start to develop a right attitude and they influence each other, and I'd suffer less harm."

(Florence, interviewee)

Apart from educating bystanders to refrain from victim blaming, we could also educate bystanders to change their behaviours. Bystanders could in fact take the initiative to intervene in IBSV incidents. Florence, a victim of covert filming, believed that victims, when being filmed without consent, generally hope that bystanders could step forward and intervene so that the victims do not have to face it alone.

"(Interviewer: If there were a bystander back then, what do you think they could have done to help you?) Personally, I think they could get closer and ask if I am fine. I believe asking out loudly, 'Are you okay?', is the best support one could give to victims. Not only does this act comfort the victim, it also shows to the victim that he/she is not alone. This is also why whenever I see suspicious covert filming on MTR, I immediately move towards the victim and ask loudly, 'Miss, is everything alright?'. My intention is mainly to scare away the perpetrator. I wish when I experienced covert filming, someone had done the same for me."

(Florence, interviewee)

Furthermore, when we see intimate images being distributed on the internet without consent and related posts or articles bullying the victims, we should not view, download, like, share and forward the content. We could even be more proactive by taking the initiative to make a report. By requesting the site to remove the relevant content, we could stop the harm caused to the victims.

Public education should emphasise that bystanders have the ability to change the situation and stop IBSV from happening. We should actively stand up against IBSV instead of standing by.

Responsibility of internet service providers and internet content hosts: Establish user guide and reporting mechanism

IBSV may exist in all types of online platforms and sites, including discussion forums, dating apps and social media sites. We propose that these internet service providers and content hosts should establish user guide and reporting mechanisms with regard to IBSV.

In addition to violating an individual's right to sexual autonomy, IBSV also affected the victims' physical and mental health, according to the findings of the questionnaire. The premise for netizens to enjoy freedom of speech is not to harm others. Respecting the privacy and the will of others is the prerequisite for advocating the formulation of policies of the websites.

We suggest that internet service providers and content hosts should explicitly prohibit netizens from distributing intimate images without the individual's consent, from making bullying comments and from publishing the victims' personal information. They should implement the rules strictly. Whenever the post and/or image violates the rules, the content hosts should take the initiative to remove the relevant content and issue a warning to the original distributor.

In addition, it is recommended that internet and social media providers and platforms should specify the reporting channels in their guidelines and make available reporting forms such that netizens can report posts that violate the relevant rules. To ensure the safety of informants, internet platform providers shall allow reports to be made anonymously and without disclosing personal information.

Once reports and complaints are received from netizens, internet and social media providers and platforms should actively follow up and remove the relevant content and image as soon as possible to reduce the possibility of it being forwarded or downloaded. If different internet platform providers can all formulate specific policies

and measures against IBSV, occurrence of IBSV could be effectively reduced.

Police training: Understand intimate partner violence and image-based sexual violence

The police have a narrow understanding of sexual violence, believing that sexual violence only occurs between strangers. They lack the understanding of sexual violence in context of intimate relationships. If the police have a better grasp of the situations of the victims who suffer sexual violence from partner and think from their perspectives, difficulties faced by the victims in the process of making a report can hopefully be minimized.

Therefore, it is recommended that the police should be trained to learn about intimate partner violence and IBSV. Through putting themselves into the victims' shoes, the police would be equipped with sensitivity and empathy when handling cases of these kinds of sexual violence. Only by so doing could we remove the obstacles that hinder victims on their path to achieving justice.

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Our Works

2018

AUG Submitted paper responding to Law Reform Commission's consultation paper "Miscellaneous Sexual Offences", recommending that the new offence of voyeurism shall encompass 'upskirting'

Published a proposal entitled "**Establishing Specific Offences to Criminalise 'Upskirting' Acts**"

OCT Organised a **public talk** to introduce the laws and tactics to fight against covert filming

Published a **Facebook feature "Covert filming+ Image-based Sexual Violence"** to introduce the concept of "image-based sexual violence" and the existing laws

NOV Launched "**Project Treehole**" to collect stories from victims who have experienced image-based sexual violence

DEC Participated in **SlutWalk** to promote the message that "covert filming is sexual violence"



2019

FEB-MAR Organised art exhibition "**Ask Before You Act**" at 480.0 Gender & Art Space

MAR-APR Organised **educational tours in universities** about image-based sexual violence at the Hong Kong Polytechnic University, the Chinese University of Hong Kong and Hong Kong Baptist University



APR-MAY Conducted **workshop "Who's participated in it?"** to discuss bystanders' roles and responsibilities in relation to image-based sexual violence

MAY Held a **press conference** to respond to the Law Reform Commission's report on "Voyeurism and Non-consensual Upskirt-Photography" and launched the survey entitled "Taking and Distributing Intimate Images Without Consent"



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Activist: Emilia Wong

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