

It is a criminal offence in England and Wales for someone to abuse you through the internet or social media. It is also a crime for someone to share private sexual photographs or films of you with other people, to cause you distress. This is sometimes called **revenge porn**.

If you experience these kinds of abuse you can report them to the police. You may also be able to apply to the Family Court or the county court for protection. This legal guide is designed to give you information about the ways in which the law can protect you. Rights of Women publishes a number of other legal guides that may be useful including **Domestic violence injunctions** and **Harassment and the law**. You can access our full range of legal guides at www.rightsofwomen.org.uk.

What is revenge porn?

Revenge porn is when someone shows a **private sexual** photograph or film of you to another person or people, without your consent and with **the intention of causing you distress**. It is an offence whether they show someone, share it with others via social media, email or any other form of communication. It can also be an offence for another person to then re-share or re-post the private sexual image or film with others. Revenge porn is not the legal name for this offence but it is a term which is commonly used and understood.

A photograph or film is **private** if it shows something of a kind that is not ordinarily seen in public.

A photograph or film is **sexual** if it shows all or part of a person's exposed genitals or pubic area, or if a reasonable person would consider the photograph or video to be sexual because of its nature.

A person who is found guilty of an offence of sharing sexual or private photographs or videos without consent can be sentenced to up to two years in prison or fined, or both.

When is not revenge porn?

It is **not** revenge porn if someone shares a sexual or private photograph or video of you in order to prevent, detect or investigate a crime. So for example, someone might need to show a sexual photograph or video of you to the police to help them investigate a crime.

The law states that it is **not** revenge porn if the photograph or video is shared for the purposes of journalism. For example, a private photograph of you could be published in a newspaper as part of a news story if the person who shared the photograph reasonably believed it was in the public interest.

The law also states that it is **not** an offence for someone to share a photograph or video of you if they believed that it had already been shared or published, with your consent and that

you had been paid. For example, if there is a photograph of you on a pornographic website, someone might see it and assume you have consented to it being posted and been paid for the photo. They might then share it with someone else. That is not an offence. However if the person who originally posted the image did so without your consent, they may be guilty of an offence.

Reporting revenge porn to the police

If someone has shared a private sexual photograph or video of you without your consent you can report this to the police. In an emergency you can contact the police for assistance by dialling 999. The police may be able to attend the scene of the incident to protect you from further abuse and arrest your abuser. In non-emergencies you can contact the police by dialling 101. See our legal guide **Reporting an offence to the police: a guide to criminal investigations** which provides more information on reporting an offence to the police, providing a statement, and the police investigation process.

What is online abuse?

Online abuse is any abusive behaviour which happens over the internet. It is not a legal term and it may include many different types of behaviour. The law should protect you from abuse whether it happens over the internet, face to face, via telephone or by any other means of communication. If someone is abusing you online, they may be guilty of a criminal offence. There are a number of criminal offences which can be committed online and

which you can report to the police. You can also seek protection from further abuse by applying to the court for an injunction. An injunction is a court order which can forbid your abuser from doing certain things such as contacting you, threatening you or posting things about you online.

Online abuse: criminal offences

The following types of behaviour are criminal offences which commonly happen online as well as offline. If you experience any of these types of behaviour you can report them to the police. Remember to take screenshots (photographs) or copies of the abusive messages or posts:

- **Threats to kill and threats of violence** – it is a criminal offence for someone to threaten to harm or kill you or put you in fear of violence. It is an offence whether these threats happen online, through social media, text message, Whatsapp, Facebook Messenger, Twitter or through any other means of communication. You can report any such threats to the police
- **Harassment** – this is when a person behaves in a way which is intended to cause you distress or alarm. The behaviour must have happened on more than one occasion and could include incidents of online abuse, text messages, phone calls, vandalism, violence or any other harassing behaviour. Harassment is a criminal offence and you can report it to the police. For more information see our legal guide **Harassment and the law**

- **Coercive control** – this is when a person with whom you are personally connected repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared. This behaviour may include online abuse and it may include monitoring your activities online. If you think you may be experiencing coercive control and to find out whether you are personally connected to your abuser, see our legal guide **Coercive control and the law**
- **Malicious communications** – it is an offence for someone to send you a message or email that is grossly offensive, indecent, obscene or menacing. It is also an offence if someone sends messages that they know are false (untrue) or repeatedly contacts you by telephone in order to annoy you or make you anxious. You can report this behaviour to the police
- **Blackmail** – it is a criminal offence for someone to blackmail you and if someone is blackmailing you, you can report it to the police. Blackmail is when someone makes unwarranted (unjustified) demands of you with threats in order to get something from you or to cause you loss. The maximum sentence for blackmail is up to 14 years in prison. It may also be an offence of blackmail if someone uses intimate images of you to threaten you and make you participate in sexual activity, which is sometimes called webcam blackmail
- **Stalking** – stalking is when someone says or does two or more things which make you fear that violence will be used against you or which causes you alarm or distress and has a serious impact on your usual day-to-day activities. It is common for stalking to occur online. Stalking is a criminal offence. If you are being stalked and you decide to report what has been happening to the police, it is a good idea to provide the police with a completed stalking risk checklist which can be found on the National Stalking Helpline website: www.stalkinghelpline.org/

Reporting online abuse to the police

If you experience abuse online you can report it to the police.

Remember to take screen shots or print hard copies of the abusive posts or messages to show to the police. Your abuser may later delete their messages or posts so your screen shots may be very important evidence.

In an emergency you can contact the police for assistance by dialling 999. The police may be able to attend the scene of the incident to protect you from further abuse and arrest your abuser. In non-emergencies you can contact the police by dialling 101. See our legal guide **Reporting an offence to the police: a guide to criminal investigations** which provides more information on reporting an offence to the police, providing a statement, and the police investigation process. For other support and protection see **Useful contacts** at the end of this guide.

Protection in the civil courts from domestic abuse and harassment

If the online abuse that you are experiencing is part of a pattern of abusive or harassing behaviour, you may wish to seek an injunction from the court. An injunction is a court order which can forbid your abuser from doing certain things such as being physically violent, contacting you directly or indirectly (by making someone else contact you) or going to your home address, place of work or children's school.

Depending on your relationship with your abuser you can apply for an injunction under the Protection from Harassment Act 1997 or the Family Law Act 1996.

Domestic abuse: non-molestation orders

If you are **associated** to your abuser you can apply to the Family Court for a domestic violence injunction called a non-molestation order. This application is free to make. You can either make the application yourself or you can instruct a lawyer to make the application for you. If you instruct a lawyer you may be eligible for legal aid to cover your legal fees. If your application is successful the court can make an order directing your abuser not to contact you or harass you again. If your abuser breaches (disobeys) the order it is a criminal offence and you can report the breach to the police.

You are associated to your abuser if you and your abuser:

- Are or were ever married, engaged or in a civil partnership

- Are or were living together (including as flatmates, partners, relations, but not if your abuser is your landlord, tenant, lodger, employer or employee)
- Are relatives, including: parents, children, grandparents, grandchildren, siblings, uncles, aunts, nieces, nephews or first cousins (whether by blood, marriage, civil partnership or cohabitation)
- Have a child together or have or had parental responsibility for the same child
- Are or were in an intimate personal relationship of significant duration

For more information see our legal guide **Domestic violence injunctions**.

Harassment injunctions

If you are not associated to your abuser (see above) then you may still be able to obtain protection from the online harassment and abuse you are experiencing. You can apply to the court for an injunction against any person who has harassed or stalked you or put you in fear of violence by deliberately causing you distress on two or more occasions. This is different from a restraining order which can be made by the criminal court. This is an injunction that you apply for yourself in the county court. The injunction can prohibit your abuser from behaving in a certain way including contacting you, threatening you, or posting things about you online. To find out more about how to apply for a harassment injunction see our legal guide **Harassment and the law**.

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm, and Tues – Thurs 2–4pm.

For all women: call **020 7251 6577** the advice line is open Tues – Thurs 7–9pm and Fri 12–2pm.

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Support with abuse

National Stalking Helpline
0808 802 0300
<http://www.stalkinghelpline.org/>

Revenge Porn Helpline
0845 6000 459
www.revengepornhelpline.org.uk/

Stop Online Abuse
www.stoponlineabuse.org.uk

Finding a solicitor

The Law Society
0207 320 5650
www.lawsociety.org.uk/find-a-solicitor/

Ministry of Justice
020 3334 3555
<http://find-legaladvice.justice.gov.uk/>

Resolution
01689 820272
www.resolution.org.uk/

Emergency contacts

Police (emergency)
999

24 hour domestic violence helpline
0808 200 0247
www.nationaldomesticviolencehelpline.org.uk

Legal advice and support

Citizens Advice
www.citizensadvice.org.uk/index/getadvice.htm

Law Centres Network
020 7749 9120
www.lawcentres.org.uk/

Law Works Clinic Network
<http://lawworks.org.uk/>

Bar Pro Bono Unit
www.barprobono.org.uk/

Personal Support Unit
020 7947 7701
www.thepsu.org/

Disability Law Service
020 7791 9800
<http://www.dls.org.uk/>

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