Kvenréttindafélag Íslands

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Efni: Umsögn Kvenréttindafélags Íslands um frumvarp til laga um breytingu á almennum hegningarlögum, nr. 19/1940 (bann við hefndarklámi), þingskjal 668 - 436. mál.

Kvenréttindafélag fagnar því að á þessu þingi er lagt fram frumvarp þar sem ákvæði um „hefndarklám“ er bætt við kynferðisbrotakafla almennu hegningarlaganna.

„Hefndarklám“ er hugtak sem hefur verið notað hér á landi og erlendis til að vísa til klámfengis eða kynferðislegs myndefnis sem miðlað er á netinu án samþykkis þess sem þar sést. Hugtakið er að mörgu leyti villandi þar sem þessu efni er ekki alltaf dreift í hefndarskyni: Ljósmyndum er vissulega stundum dreift í hefndarskyni, en þeim er líka stolið og komið í dreifingu af einstaklingum sem engin tengsl hafa við þann sem er á myndinni, ljósmyndir eru teknar af einstaklingum í óþökk þeirra og/eða án þess að þeir viti af því, ljósmyndum er dreift af vanþekkingu, grunnhyggni, grandaleysi, í stríðni, ljósmyndum er dreift sem gjaldmiðli á spjallsíðum, ljósmyndir eru notaðar til að kúga og viðhalda þrælkun einstaklinga sem hafa verið seldir mansali, o.s.frv.

Í öllum tilvikum er um að ræða efni þar sem einstaklingur er sýndur nakinn og/eða á kynferðislegan máta og dreift án samþykkis þess einstaklings. Margir vilja því meina að betra hugtak yfir fyrirbærið sé „klám án samþykkis“ (e. „nonconsensual pornography“). Þessi þýðing er þó óþjál á íslensku og er að mati félagsins heldur ekki nógu lýsandi, þar sem þetta hugtak lýsir ekki ógninni sem felst í og fylgir með myndbirtingu kláms án samþykkis.

Kvenréttindafélagið mælir með að hugtakið „hrelliklám“ sé notað um þetta fyrirbæri. Í hugtakinu „hrelliklám“ er áherslan ekki aðeins á myndefnið heldur einnig á það að birting myndefnisins felur í sér ofsóknir og aðför að frelsi einstaklingsins, sem og á þá staðreynd að með þessum myndbirtingum fylgja oft beinar ofsóknir í símtölum, tölvupóstum, skilaboðum á netinu, o.s.frv. Hugtakið „hrelliklám“ fellur vel að íslenskri orðanotkun, en hugtakið „eltihrellir“ hefur öðlast fastan sess í tungumálinu sem þýðing á enska orðinu „stalker“, einstaklingur sem eltir annan mann, ofsækir og ógnar.

Hrelliklám er ný birtingarmynd ofbeldis þar sem efni sem tekið er í trúnaði eða án vitundar þess sem er á myndinni er sett í dreifingu á netinu og með öðrum leiðum. Hrelliklám verður sífellt algengara hér á landi og þolendur þess eiga fá ráð til að bregðast við birtingu þess. Erfitt er að eyða efni sem einu sinni er komið á netið.

Hrelliklám er sívaxandi vandamál á þessari öld. Í viðamikilli rannsókn sem gerð var árið 2013 af bandaríska tölvufyrirtækinu McAfee, sem sérhæfir sig í öryggismálum á netinu, kom í ljós að 13% viðmælanda höfðu reynslu af því að persónuleg gögn þeirra, þ.á.m. myndefni, væri komið í dreifingu.

Engar sambærilegar rannsóknir hafa verið gerðar á umfangi hrellikláms hér á landi. Árið 2014 var þó gerð óformleg könnun meðal menntaskólanema til að athuga umfang þess lags kláms, í grein Ragnheiðar Davíðsdóttur „Nektarmyndamenning netheima: Krípskot og hefniklám“ sem birtist í *19. júní*, ársriti Kvenréttindafélags Íslands 2014. Fjórir viðmælendur, tveir strákar og tvær stelpur, voru valdir til að deila reynslu sinni, og fylgir sú grein þessari umsögn. Allir viðmælendur höfðu fengið sendar og sent sjálfir ljósmyndir og/eða myndskeið þar sem einstaklingur er sýndur nakinn og/eða á kynferðislegan máta. Sumt myndefnið var sent með samþykki og sumt án samþykkis.

Þjóðríki og fylki um allan heim hafa sett lög á síðustu árum sem reyna að vernda þolendur hrellikláms og hindra dreifingu þess. Margar mismunandi leiðir hafa verið farnar í þeim efnum. Lengsta reynslan og dýpsta þekkingin á lagasetningu gegn hrelliklámi er án efa í Bandaríkjunum, en þar hafa 16 fylki sett löggjöf til að stemma stigu við hrelliklámi og fer hvert fylki sínar leiðir við útfærslu þessara laga.

Í janúar 2015 kom út grein eftir Mary Anne Franks, lagaprófessor við lagadeild Háskólans í Miami, þar sem hún ber saman þær mismunandi leiðir sem farnar hafa verið í Bandaríkjunum og í löndum utan Bandaríkjanna við lagasetningu gegn hrelliklámi. Greinin ber titilinn „Drafting an Effective 'Revenge Porn' Law: A Guide for Legislators“ og er sérstaklega ætluð löggjafarvaldinu sem vinnur að gerð slíkra laga, en greininni mælir Franks með svokallaðri „fyrirmyndarlöggjöf“ gegn hrelliklámi þar sem hið besta úr mismunandi lagasetningum fylkja og landa er tekið til. Umsögn Kvenréttindafélags Íslands byggist að hluta til af hugmyndum Franks, og afrit af grein hennar fylgir þessari umsögn.

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Kvenréttindafélag Íslands gerir eftirfarandi athugasemdir við frumvarpið eins og það er lagt fyrir í þingskjali 668 – 436. máli.

1. grein

Í fyrstu grein þessa frumvarps er lagt til að á eftir 210. gr. b laganna komi ný grein, 210. gr. c, svohljóðandi: Hver sem flytur inn, aflar sér eða öðrum, birtir eða dreifir myndefni, ljósmyndum, kvikmyndum eða sambærilegum hlutum þar sem einstaklingur er sýndur nakinn eða á kynferðislegan hátt án samþykkis þess sem á myndunum er, skal sæta fangelsi allt að 1 ári en allt að 2 árum ef brot er stórfellt.

Kvenréttindafélag Íslands fagnar því að ákvæði um hrelliklám sé sett inn í XXII. kafla hegningarlaganna um kynferðisbrot. Hrelliklám er kynferðisbrot.

Kvenréttindafélag Íslands mælir þó með að þessi grein sé flutt undir 199. grein XXII. kafla almennu hegningarlaganna nr. 19/1940 um kynferðislega áreitni. Í frumvarpinu er þessi grein sett undir 210. grein laganna sem fjallar um birtingu og dreifingu á klámi. Kvenréttindafélag Íslands vill leggja áherslu að hrelliklám er tegund af kynferðislegri

áreitni, og telur að löggjöfin skuli skilgreina það sem slíkt með því að flytja greinina undir 199. grein sem tilgreinir kynferðislega áreitni.

Í 199. grein er kynferðisleg áreitni skilgreind sem svo: „Kynferðisleg áreitni felst m.a. í því að strjúka, þukla eða káfa á kynfærum eða brjóstum annars manns innan klæða sem utan, enn fremur í táknrænni hegðun eða orðbragði sem er mjög meiðandi, ítrekað eða til þess fallið að valda ótta.“ Hrelliklám er kynferðisleg áreitni þar sem birting myndefnis eða hótun um birtingu myndefnis er beitt til að meiða, kúga og valda ótta.

Árið 2007 dæmdi Hæstiréttur Íslands karlmann sekan fyrir að deila hrelliklámi og var hann sakfelldur fyrir brot gegn 209. gr. almennra hegningarlaga nr. 19/1940 (sjá dóm Hæstaréttar nr. 242/2007). Grein 209 gerir sakhæft lostugt athæfi sem særir blygðunarsemi manna eða er til opinbers hneykslis. Refsiramminn er 4 ár í þessari grein.

Kvenréttindafélag Íslands telur að hrelliklám eigi frekar að falla undir 199. grein laganna um kynferðislega áreitni, en gerir alvarlegar athugasemdir við því að refsiramminn sé í þeirri grein aðeins 2 ár, eða helmingur af refsiramma fyrir brot á 209. grein. Kvenréttindafélag Íslands getur ekki fallist á að kynferðisleg áreitni sé léttvægara brot en lostugt athæfi sem særir blygðunarsemi manna.

Kvenréttindafélag Íslands mælir einnig með að orðalag á þessari 1. grein frumvarpsins sé skerpt. Félagið veltir fyrir sér hvort að orðalag þessarar greinar sé svo vítt að myndbirtingar foreldra af berrössuðum smábörnum sé gerð ólögleg.

Kvenréttindafélag Íslands telur mikilvægt að ekki megi gera ólögmætar myndbirtingar sem sýni nekt einstaklinga, ef myndbirtingin er í almannahag. Þolendur kynferðislegrar áreitni og annarra kynferðisbrota eiga að geta deilt ljósmyndum til að styðja mál sitt. Ekki á t.d. að vera saknæmt að deila ljósmyndum af einstaklingi sem „flassar“ eða afhjúpar kynfæri sín á götu úti. Einnig ætti t.d. ekki að vera saknæmt þegar einstaklingur sem hefur verið áreittur með óumbeðnum ljósmyndum af kynfærum deilir þeim til sönnunar um að áreitið hafi átt sér stað.

2. grein

Í annarri grein þessa frumvarps er lagt til að á eftir 229. gr. laganna komi ný grein, 229. gr. a, svohljóðandi: Hver sem birtir eða dreifir myndefni, ljósmyndum, kvikmyndum eða sambærilegum hlutum og birting eða dreifing er til þess fallin að valda þolanda tjóni eða vanlíðan eða er lítilsvirðandi fyrir þolandann skal sæta fangelsi allt að 1 ári en allt að 2 árum ef brot er stórfellt.

Kvenréttindafélag Íslands styður það að hrelliklám birtist á tveimur stöðum í almennu hegningarlögunum 19/1940, bæði undir XXII. kafla um kynferðisbrot sem og XXV. kafla um ærumeiðingar og brot gegn friðhelgi einkalífs. Þó teljum við mun mikilvægara að hrelliklám falli undir kynferðisbrot, frekar en brot á friðhelgi einkalífs.

Að þessu sögðu, ef ákveðið verður að setja inn ákvæði um hrelliklám inn í XXV. kafla um ærumeiðingar og brot gegn friðhelgi einkalífs, teljum við mjög mikilvægt að einnig séu gerðar breytingar á 242. grein þess kafla þar sem tilgreint er hvernig saksókn fari fram gegn brotum í þeim kafla. Eins og frumvarpið er orðað núna, þá myndi ný 229. grein a um hrelliklám falla undir 3. málslið 242. greinar, sem þýðir það að mál gegn birtingu hrellikláms „getur sá einn höfðað, sem misgert er við."

Kvenréttindafélag Íslands telur að gerendur hrellikláms skuli skýlaust sæta ákæru sem sé höfðuð af ákæruvaldinu, ekki af þolandanum. Það er óásættanlegt að leggja það á herðar þolendur kynferðisbrota og hrellikláms að þurfa að standa í einkamálsóknum til að ná fram rétti sínum. Mælir félagið með að gerð verði breyting á 242. grein 1. málslið, og að ákvæði um hrelliklám sé skilyrt sem brot ákært af yfirvöldum, líkt og brot á 233. grein hegningarlaganna eru í dag.

Ragnheiður Davíðsdóttir

Nektarmyndamenning netheima:

KRÍPSKOT OG HEFNIKLÁM

Á síðustu misserum hefur átt sér stað mikil umræða um dreifingu nektarmynda á netinu, sérstaklega dreifingu ljósmynda sem hafa verið teknar án vitundar þess sem á henni birtist og dreifingu sem er gegn vilja, eða án vitundar, þess aðila. Erfitt er að sporna gegn þessari mynddreifingu og fórnarlömbin eru varnarlaus og eiga í fá hús að venda. Ragnheiður Davíðsdóttir fór á stúfana og tók tali fjögur ungmenni um reynslu þeirra af dreifingu nektar- og kynlífsmynda af íslenskum stúlkum og strákum.

Samskiptamiðlar eins og Snapchat eru gríðarlega vinsælir meðal unglinga þessa dagana. Snapchat er smáforrit (svokallað „app“) sem býður upp á að senda ljósmyndir og myndbandsbrot allt upp í 10 sekúndur frá einum snjallsíma til annars. Sendingin hverfur svo endanlega og á viðtakandi því ekki tök á að sjá myndina eða myndbrotið lengur.

Eða svo er sagt. Í sumum símum er reyndar hæglega hægt að vista þessar myndir með því að taka svokallað skjáskot (myndafrit). Þá er hægt að geyma myndirnar eða gera hvað sem er við þær, meðal annars dreifa þeim.

Ýmis álitamál hafa komið upp bæði hérlendis og erlendis varðandi dreifingu slíkra skjáskota, sérstaklega gagnvart nektarmyndamenningu sem virðist vera að þróast hjá yngri kynslóðunum á Íslandi. Íslenska netsíðan PinkChan hefur til að mynda boðið notendum upp á að skiptast á ljósmyndum af íslenskum stelpum. Sumar þeirra eru ekki nema fjórtán ára.

Þessi menning hefur kallað eftir nýyrðum á borð við „krípskot“ og „hefniklám“ og nýjum hugtökum á borð við „rafrænt einelti“. Þetta hefur gengið svo langt að til að mynda Ríkislögreglustjóri, Barnaverndarstofa og SAFT hafa óskað eftir lokun ákveðinna vefsíðna sem buðu upp á slíkt efni.

En hvar liggja mörk tjáningarfrelsis og friðhelgi einkalífs eða annarra verndarhagsmuna? Það hljóta flestir að vera sammála því að varasamt sé að takmarka tjáningarfrelsi netverja með ritskoðun.

Slíkt kann þó að vera nauðsyn. En jafnvel þótt netþjónustufyrirtæki loki fyrir aðgang að sóðalegum vefsíðum dregur það vart úr notendum þeirra. Þeir virðast halda áfram að birta og vísa á nektar- og kynlífsmyndir af íslenskum stúlkum og strákum.

„Netið er magnaður miðill. Netheimar og nýir samskiptamiðlar eru að breyta menningu okkar. Hraðfleyg upplýsingatæknin með sínum samskiptamáta kallar á að hlustað sé á reynslusögur þeirra yngri.“

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Öll fjögur höfðu fengið sendar myndir til sín í gegnum Snapchat. Að auki könnuðust þau öll við einhvern sem hafði sent og móttekið ljósmyndir. Af viðtölum við þau fjögur að dæma finnst þeim nektarmyndir frekar eðlilegar, en voru ósammála um mögulega skaðsemi þeirra.

STÚLKA, 19 ÁRA

Ég held að fólk sendi nektarmyndir af sér af margvíslegum ástæðum. Fólk í fjarsamböndum sendir þær til dæmis til að halda nánd og „minna á“ hvað bíður hins aðilans þegar þau hittast á ný. Þetta gæti líka verið sýniþörf eða einhvers konar athyglissýki. Ég held að karlar sem senda óumbeðnar myndir af kynfærum sínum geri það til að svala einhverri frumstæðri þörf til að sýna fram á vald.

Ég hef fengið sendar myndir frá kannski fimm manns, frá báðum kynjum, bæði í gríni en líka fyrir kynferðislega athygli. Ég hef líka stundað að senda myndir. Ég byrjaði að senda þær þegar ég var 17 ára, til stráks sem ég hafði verið að sofa hjá á tímabilinu, það var eiginlega smá einkahúmor á milli okkar.

Ég hef ekki orðið fyrir neikvæðri reynslu af því að senda nektarmyndir. Jafnframt hef ég ekkert á móti þeim svo lengi sem sendandi og sá sem fær hana senda til sín hafa veitt samþykki sitt og geri sér grein fyrir hvaða afleiðingar það hefur ef myndirnar komast í dreifingu.

En þannig ganga hlutirnir ekki alltaf fyrir sig. Ég þekki til stelpu sem sendi

„Þegar þau hættu saman tók strákurinn upp á því að dreifa myndunum til vina sinna sem dreifðu þeim áfram til vina sinna. ... Hún var niðurlægð, baktöluð og útskúfuð en strákurinn lenti aldrei í vandræðum.“

afar kynferðislegar myndir til kærasta síns sem vistaði þær. Þegar þau hættu saman tók strákurinn upp á því að dreifa myndunum til vina sinna sem dreifðu þeim áfram til vina sinna. Vinir hennar fréttu af þessu og sáu myndirnar. Að lokum heyrðu foreldrar hennar af þessu öllu saman. Hún var niðurlægð, baktöluð og útskúfuð en strákurinn lenti aldrei í vandræðum.

Ég held að sending á nektarmyndum hafi stóraukist eftir tilkomu Snapchat en þar fer dreifing á nektarmyndum aðallega fram, en líka á samskiptamiðlum eins og Facebook. Nektarmyndir eru kannski ekki orðnar eðlilegur partur af samfélaginu, heldur frekar í lífi vissra aðila, þá sérstaklega af yngri kynslóðinni.

Ég hugsa að það sé frekar jafnt hlutfall milli kynjanna þegar það kemur að því að senda nektarmyndir, en ég held að strákar séu meira í því að biðja um nektarmyndir. Ég held líka að strákar séu líklegri til þess að dreifa myndunum en stelpur en þá frekar í þeim tilgangi til að monta sig, en stelpur frekar í hefndartilgangi.

STRÁKUR 17 ÁRA

Fólk sendir nektarmyndir aðallega í gríni á vini sína en líka fyrir athygli. Pör senda hvort öðru myndir en mér finnst það ekki sniðugt. Ég myndi aldrei senda svona myndir á stelpur. Ég treysti þeim ekki. Ég hef sent myndir á vini mína í gríni.

Fyrstu myndina sendi ég til vina minna 16 ára, bara til að sjá hvaða viðbrögð ég fengi. Þau voru frekar slæm. Ég hef oft fengið sendar myndir, en bara frá strákum og alltaf í gríni. Ég hef örugglega fengið sendar um fimmtíu myndir af stelpum frá vinum mínum. Þeir hafa þá fengið myndirnar frá stelpunni og dreift þeim síðan.

Ég hef vistað skjáskot frá PinkChan og þekki marga sem eru með slíkar myndirnar vistaðar. Ég þekki til dæmis stelpu sem vistaði myndirnar af öllum stelpum sem hún þekkti og sendi síðan öðrum þær. Ég held að fólki finnist allt í lagi að vista myndirnar því þeim líður eins og manneskjan á myndinni sé ekki manneskja. Þetta verður svo óraunverulegt á netinu. Næstum eins og klám. Síður eins og PinkChan virka eins og markaður. Þú getur skipt á myndum fyrir mynd. Þú getur jafnvel beðið um sérstaka stelpu og að lokum eru stelpurnar mismetnar í virði myndanna.

Ég held að stelpur stundi ekki svona því að þær hafa ekki áhuga á klámi. Þetta er í eðli karla því að það er komið öðruvísi fram við okkur en konur í uppeldinu. Ég held líka að kynþokki kvenna selji betur en karla. Það er til dæmis til strippari í London sem auglýsir sig á SnapChat og hefur öðlast heimsfrægð. Hún sendir nektarmyndir af sér ásamt tíma og stað þegar hún er að vinna. Ég held að strákar sendi oftar svona myndir af sér, því þeir taka sig ekki jafn alvarlega. Fólk sem er á móti nektarmyndum eru þeir sem bera meiri virðingu fyrir sjálfum sér og átta sig á því að svona myndir hverfa sjaldan alveg frá sjónarsviði.

„Þetta verður svo óraunverulegt á netinu. Næstum eins og klám. Síður eins og PinkChan virka eins og markaður. Þú getur skipt á myndum fyrir mynd. Þú getur jafnvel beðið um sérstaka stelpu og að lokum eru stelpurnar mismetnar í virði myndanna.“

STELPA, 17 ÁRA

„Hann leit ekki á þetta sem brot gagnvart mér og skildi ekki af hverju ég var svona sár. Næstum eins og hann greindi ekki að ég var á þessum myndum.“

Ég held að fólk sendi nektarmyndir af sér fyrir athygli. Ég hef fengið sendar myndir frá báðum kynjum, þar af kannski tíu strákum. Fyrstu nektarmyndina fékk ég 13 ára frá einhverjum ókunnugum manni sem talaði við mig á samskiptamiðlinum MSN. Það hafði afar slæm áhrif á mig. Síðan þá hef ég oft lent í því að fá óumbeðnar myndir frá strákum sem ég þekki varla. En ég hef líka fengið myndir frá strák sem ég var í sambandi við og frá vinum mínum í gríni. Það finnst mér allt í lagi.

Ég hef bara sent myndir á einn strák sem ég var í sambandi við. Það reyndist mér ekki vel því þegar við hættum saman, byrjaði hann að dreifa myndunum af mér. Ég leyfði kærastanum að vista myndirnar, sem jók sársaukann þegar hann dreifði þeim því ég treysti honum. Ég var heima hjá vinkonu minni þegar ég frétti af þessu og ég hringdi rakleiðis í hann til að ræða þetta við hann. Hann svaraði ekki, heldur svaraði strákurinn sem hafði fengið myndirnar af mér, hlæjandi. Þegar ég loksins náði sambandi við kærastann fyrrverandi réttlætti hann þetta með því að segja að strákurinn hafi átt inni hjá honum því strákurinn hafði sýnt honum myndir af annarri stelpu í staðinn. Hann leit ekki á þetta sem brot gagnvart mér og skildi ekki af hverju ég var svona sár. Næstum eins og hann greindi ekki að ég var á þessum myndum.

Mér finnst hræðilegt hvað nektarmyndir eru orðnar eðlilegar. Ég hef svo oft lent í því að sjá stráka sýna hvorum öðrum skjáskot í símunum sínum, líkt og verðlaun. Mín kynslóð er með nektarmyndir á heilanum. Strákar horfa meira á klám en stelpur. Þeir eru vanir að sjá naktar stelpur á netinu og gera þess vegna lítinn greinarmun. Líklega senda stelpur og strákar jafn mikið af myndum, en í mismunandi tilgangi.

Með aukinni tækni er auðveldara að senda nektarmyndir. Fólk heldur að þær týnist, en svo er ekki. Það er ótrúlega auðvelt að vista myndirnar, svo hverfa myndir aldrei fyllilega af netinu!

STRÁKUR, 16 ÁRA

„Mér er alveg sama þótt stelpur sendi mér myndir. En ef ég frétti að systir mín hefði lent í svona, yrði ég miður mín.“

Fólk sendir myndir af mörgum ástæðum: Fyrir athygli frá hinu kyninu, til að sjá viðbrögð fólks en líka bara í gríni. Einn daginn datt ég inn á síðu sem hét Kik. Þar tókst mér að plata marga tugi útlenskra stelpna til að senda mér myndir af sér. Ég spjallaði við þær í viku eða tvær, þar til þær treystu mér, og þá bað ég um myndir. Svo sendi ég vinum mínum myndirnar. Stundum fékk ég jafnvel myndbönd af þeim. Þetta var einfalt.

Ég gerði það fyrst aðallega til að sjá hvort ég gæti það en svo fór þetta að verða áhugamál hjá mér. Mér hætti að finnast þetta í lagi þegar ég byrjaði með stelpu hérlendis og áttaði mig á því að bakvið myndirnar voru stelpur sem höfðu treyst mér.

Inni á Kik voru líka hópar tileinkaðir því að deila svona myndum og hvern dag fóru hundrað nýjar myndir af stelpum í gegnum hópinn. Ég held að strákar séu meira í því að deila svona myndum, en að stelpur séu þó ekki lausar við það. Kannski af því strákar hafa meiri áhuga á svona hlutum. Strákar senda fleiri myndir, en þeir taka þær kannski ekki jafn alvarlega og stelpur.

Fólk sendir fleiri myndir nú til dags því það er svo létt. Snjallsímar og smáforrit eins og SnapChat gera svona „sexting“ (kynferðisleg smáskilaboð) svo einfalt að þetta komst fljótt í tísku. Nektarmyndir eru þannig orðnar eðlilegur hluti af lífi fólks. Menningin snýst svo mikið um útlit og kynlíf. Þeir sem eru fyrir dreifingu nektarmynda hafa líkast til aldrei þekkt neinn sem hefur lent illa í því. Þetta er svo fjarlægt.

Mér er alveg sama þótt stelpur sendi mér myndir. En ef ég frétti að systir mín hefði lent í svona, yrði ég miður mín.

♦♦♦

Nektarmyndir eru svo sannarlega ekki nýtt fyrirbæri. Í gegnum aldanna rás hafa þær verið náttúrulegar í sjálfum sér og eðlilegur partur af heilbrigðum samskiptum milli kynjanna. Hins vegar eiga þær sér hættulega hlið og hafa skal allan vara á þegar það kemur að miðlun þeirra á samskiptamiðlum nútímans. Þar verður traust vina jafnvel að meta með lengri tíma í huga. ■

Allar myndir í þessari grein eru fengnar frá ljósmyndaþjónustunni Shutterstock.

Drafting An Effective "Revenge Porn" Law: A Guide for Legislators

Mary Anne Franks†

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† Associate Professor of Law, University of Miami School of Law; Director of Legislative and Tech Policy & Vice-President, Cyber Civil Rights Initiative. Contact the author at mafranks@law.miami.edu.

I. Defining the Problem

The disclosure of sexually explicit images without consent and for no legitimate purpose – popularly but misleadingly referred to as "revenge porn" – causes immediate, devastating, and in many cases irreversible harm. A vengeful ex-partner, opportunistic hacker, or rapist can upload an explicit image of a victim to a website where thousands of people can view it and hundreds of other websites can share it. In a matter of days, that image can dominate the first several pages of search engine results for the victim's name, as well as being emailed or otherwise exhibited to the victim's family, employers, co-workers, and peers. Victims are frequently threatened with sexual assault, stalked, harassed, fired from jobs,[2] and forced to change schools.[3] Some victims have committed suicide.[4]

Nonconsensual pornography is not a new phenomenon, but its prevalence, reach, and impact have increased in recent years. The Internet has greatly facilitated the rise of nonconsensual pornography, as dedicated "revenge porn" sites and other forums openly solicit private intimate images and expose them to millions of viewers, while allowing the posters themselves to hide in the shadows.[5] As many as 3000 websites feature "revenge porn,"[6] and intimate material is also widely distributed without consent through social media, blogs, emails, and texts. The Cyber Civil Rights Initiative (CCRI) hears from an average of 20-30 victims every month. Technology and social media make it possible for abusers to "crowd-source" their harassment as well as making it possible for unscrupulous individuals to profit from it.

The term "revenge porn" is misleading in two respects. First, perpetrators are not always be motivated by vengeance. Many act out of a desire for profit, notoriety, or entertainment, including hackers, purveyors of hidden or "upskirt" camera recordings, and people who distribute stolen cellphone photos. The term "revenge porn" is also misleading in that it implies that taking a picture of oneself naked or engaged in a sexual act (or allowing someone else to take such a picture) is pornographic. But creating explicit images in the expectation within the context of a private, intimate relationship - an increasingly common practice[7] - is not equivalent to creating pornography. The act of disclosing a private, sexually explicit image to someone other than the intended audience, however, can accurately be described as pornographic, as it transforms a private image into public sexual entertainment. Many victim advocates accordingly use the term "nonconsensual pornography."

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[2] *See* Ariel Ronneburger, *Sex, Privacy, and Webpages: Creating a Legal Remedy for Victims of Porn 2.0*, 21 Syracuse Sci. & Tech. L. Rep. 1 (2009), 10.

[3] *See* Danielle Keats Citron & Mary Anne Franks, *Criminalizing Revenge Porn*, 49 Wake Forest L. Rev. 345 (2014).

[4] Emily Bazelon, Another Sexting Tragedy, Slate, April 12, 2013.

[5] Dylan Love, It Will Be Hard to Stop the Rise of Revenge Porn, Business Insider, Feb. 8, 2013.

[6] The Economist, Revenge Porn: Misery Merchants, July 5, 2014.

[7] In a recent survey of 1100 New Yorkers, nearly half (45%) reported that they had recorded themselves having sex. New York Post, New Yorkers Reveal What Their Sex Lives Are Really Like, Sept. 3, 2014.

Nonconsensual pornography refers to sexually explicit images disclosed without consent and for no legitimate purpose. The term encompasses material obtained by hidden cameras, consensually exchanged within a confidential relationship, stolen photos, and recordings of sexual assaults. Nonconsensual pornography often plays a role in intimate partner violence, with abusers using the threat of disclosure to keep their partners from leaving or reporting their abuse to law enforcement.[8] Traffickers and pimps also use nonconsensual pornography to trap unwilling individuals in the sex trade.[9] Rapists are increasingly recording their attacks not only to further humiliate their victims but also to discourage victims from reporting sexual assaults.[10]

The rise in this destructive conduct is due in part to the fact that malicious individuals do not fear the consequences of their actions. Before 2013, there were few laws in the United States explicitly addressing this invasion of sexual privacy, even as concerns over almost every other form of privacy (financial, medical, data) have captured legal and social imagination. While some existing voyeurism, surveillance, and computer hacking laws prohibit the nonconsensual observation and recording of individuals in states of undress or engaged in sexual activity, the nonconsensual *disclosure* of intimate images has been largely unregulated by the law. This is beginning to change.

II. Global and U.S. Legislative Efforts

In 2009, the Philippines became the first country to criminalize nonconsensual pornography, with a penalty of up to 7 years' imprisonment.[11] The Australian state of Victoria outlawed non-consensual pornography in 2013.[12] In 2014, Israel became the first country to classify non-consensual pornography as sexual assault, punishable by up to 5 years imprisonment;[13] Canada criminalized the conduct the same year.[14] The United Kingdom, Brazil, and Japan are currently considering legislation on the issue.[15] In 2014, a German court ruled that an ex-partner must delete intimate images of his former partner upon request.[16]

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[8] *See* Jack Simpson, Revenge Porn: What is it and how widespread is the problem?, The Independent, July 2, 2014; Annmarie Chiarini, "I was a victim of revenge porn." The Guardian, Nov. 19, 2013.
[9] *See* Ann Bartow, *Pornography, Coercion, and Copyright Law 2.0*, 10 Vand. J. Ent. & Tech. L. 799, 818; Marion Brooks, The World of Human Trafficking: One Woman's Story, NBC Chicago, Feb. 22, 2013.
[10] Tara Culp-Ressler, 16 Year-Old's Rape Goes Viral on Twitter, Think Progress, July 10, 2014.
[11] World Intellectual Property Organization, *Anti-Photo and Video Voyeurism Act of 2009* (Republic Act No. 9995), http://www.wipo.int/edocs/lexdocs/laws/en/ph/ph137en.pdf
[12] Daily Mail, 'Revenge porn' outlawed: Israel and Australia ban spurned lovers from posting compromising photos of their exes, Jan. 8, 2014.
[13] Yifa Yaakov, Israeli law makes revenge porn a sex crime, Times of Israel, Jan. 6, 2014.
[14] House of Commons of Canada, Bill C-13.
[15] Alex Cochrane, Legislating on Revenge Porn: An International Perspective, Society for Computers and Law, July 24, 2014.
[16] Philip Oltermann, 'Revenge porn' victims receive boost from German court ruling, The Guardian, May 22, 2014.

Before 2013, only three U.S. states – New Jersey, Alaska, and Texas[17] – had criminal laws directly applicable to nonconsensual pornography. Between 2013 and 2014, 13 states passed criminal legislation to address this conduct: **Arizona[18], California, Colorado, Delaware, Georgia, Hawaii, Idaho, Illinois, Maryland, Pennsylvania, Utah, Virginia, Wisconsin.** The Cyber Civil Rights Initiative advised 11 of these states, though it is important to note that the final versions of many of these laws may not reflect CCRI's recommendations. The conduct carries felony penalties in six of these states (Arizona, Hawaii, Idaho, Illinois, New Jersey, and Texas) and is a misdemeanor offense in the other ten.[19]

Legislation has been introduced or is pending in several other states, as well as the District of Columbia and Puerto Rico. As of January 2015, the Cyber Civil Rights Initiative has advised or is advising nine of these states: **Alabama, Florida, Kansas, Kentucky, Missouri, New York, Oklahoma, Oregon, Washington,** as well as **Washington, D.C.** Updated information about enacted and pending legislation can be found at the National Conference of State Legislatures (NCSL) Revenge Porn Legislation Page. For a list focused solely on states that have passed revenge porn laws, see attorney and CCRI Board Member Carrie Goldberg's blog.

CCRI is also working with the office of Congresswoman Jackie Speier (D-CA) on a federal criminal bill to be introduced in early 2015.[20]

III. Elements of an Effective Law

Unfortunately, many laws that have been passed or are pending regarding nonconsensual pornography suffer from overly burdensome requirements, narrow applicability, and/or constitutional infirmities. A strong law must be clear, specific, and narrowly drawn to protect both the right to privacy and the right to freedom of expression. The following is a list of features an effective law should have, as well as features that should be avoided.

1. The law SHOULD clearly set out the elements of the offense: the knowing disclosure of sexually explicit photographs and videos of an identifiable person when the discloser knows or should have known that the depicted person has not consented to such disclosure.[21] This is

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[17] A portion of Texas's law has recently been held unconstitutional. See Ex parte Thompson (2014).
[18] Arizona's law has been challenged by a lawsuit brought by the ACLU and several bookstores. A judge issued a stay of the law while legislators work to address constitutional concerns. Jamie Ross, Courthouse News Service, AZ Revenge Porn Law Put on Hold by Judge, Dec. 1, 2014.
[19] In Delaware, the offense is a felony if certain aggravating factors are present, e.g. when the perpetrator publishes the images for profit or with the intent to harass the victim. See Section 1335, Title 11 Delaware Code.
[20] Progressive Law Practice, Federal Legislation on Tap to Fight 'Revenge Porn,' Jan. 2015.
[21] See Illinois S.B. 1009 (signed into law December 2014): "A person commits non-consensual dissemination of private sexual images when he or she… intentionally disseminates an image of another person… who is identifiable from the image itself or from information displayed in connection with the

necessary to ensure that individuals who make inadvertent disclosures, or individuals who had no way of knowing that the person depicted did not consent to the disclosure, are not punished.

2. The law SHOULD contain exceptions for sexually explicit images voluntarily exposed in public or commercial settings and narrow exceptions for disclosures made in the public interest. Otherwise, individuals could be prosecuted for forwarding or linking to commercial pornography, or prosecuted for recording and reporting unlawful activity, such as flashing.[22]

3. The law SHOULD NOT confuse mens rea (also called intent) with motive. While the requisite mens rea for each element of a criminal law should be clearly stated, criminal laws are not required to include – and indeed the majority do not include - motive requirements. "Intent to cause emotional distress" or "intent to harass" requirements[23] arbitrarily distinguish between perpetrators motivated by personal desire to harm and those motivated by other reasons. Motive requirements ignore the reality that many perpetrators are motivated not by an intent to distress but by a desire to entertain, to make money, or achieve notoriety.[24] The recent distribution of over a hundred celebrities' private, intimate photos on various websites makes this point abundantly clear: the disclosers in that case were hoping for Bitcoin (online currency) donations, and likely had no personal relationship to their victims at all.[25] A California Highway Patrol officer accused of accessing and forwarding a female DUI suspect's intimate cellphone pictures claimed that obtaining and exchanging such photos was common "game" among officers.[26] Such behavior is clearly not intended to harass or distress the victim; indeed, perpetrators are incentivized to avoid the victim's discovery of such conduct altogether.

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image; and who is engaged in a sexual act or whose intimate parts are exposed… and obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and knows or should have known that the person in the image has not consented to the dissemination."

[22] See Illinois S.B. 1009, which exempts the intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed "when the dissemination is made for the purpose of a criminal investigation that is otherwise lawful"; "for the purpose of, or in connection with, the reporting of unlawful conduct"; when the images involve voluntary exposure in public or commercial settings"; or "when the dissemination serves a lawful public purpose."

[23] See Utah H.B. 71 (signed into law March 2014): "An actor commits the offense of distribution of intimate images if the actor, with the intent to cause emotional distress or harm, knowingly or intentionally distributes to any third party any intimate image of an individual who is 18 years of age or older…"

[24] As the proprietor of a once-popular revenge porn site described his motivations, "I call it entertainment... We don't want anyone shamed or hurt we just want the pictures there for entertainment purposes and business." CBS Denver, 'Revenge Porn' Website has Colorado Women Outraged, Feb. 3, 2014.

[25] See Rob Price, Bitcoin Beggars Try to Profit Off Leaked Celebrity Nudes, Daily Dot, Sept. 1, 2014.

[26] See Matthias Gafni & Malaika Fraley, Warrant: CHP officer says stealing nude photos from female arrestees 'game' for cops, Contra Costa Times, Oct. 24, 2014.

Existing laws on voyeurism, theft, and sexual abuse make clear that whether a perpetrator intends to distress a victim is beside the point: the relevant question is whether he or she intentionally engaged in nonconsensual conduct.

The term "revenge porn" may be partly to blame for these misguided intent requirements, as it implies that this conduct is always motivated by personal animus. The insistence that nonconsensual pornography laws must include a motive requirement seems to originate with the ACLU,[27] but constitutional doctrine does not support this claim. While any statute that regulates expression must avoid constitutional overbreadth, such overbreadth concerns "must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep."[28] That is, the mere possibility that a statute could be applied too broadly is not in itself sufficient grounds to invalidate it.

The ACLU's recommendation is all the more strange considering that the ACLU itself, in objecting to federal stalking provisions of the Violence Against Women Act, characterized "intent to cause substantial emotional distress" elements, as well as intent to "harass" or "intimidate" elements, as "unconstitutionally overbroad."[29] That is, the ACLU maintains that such language is *unconstitutional* in the context of stalking laws while insisting that such language is necessary to ensure the constitutionality of nonconsensual pornography laws.

Ironically, intent to cause harm or distress language potentially *weakens* the constitutionality of nonconsensual pornography laws. Prohibiting only disclosures of sexually explicit images when they are intended to cause distress while allowing disclosures that are not renders a law vulnerable to objections of constitutional under-inclusiveness and viewpoint discrimination.[30]

Notwithstanding, if legislators feel that some reference to harm or distress is necessary, an alternative, constitutionally sound approach would be to employ an objective standard, e.g. "when a reasonable person would know that such disclosure would cause harm or distress."

4. The law SHOULD NOT be so broadly drafted as to include drawings[31] or unusually expansive definitions of nudity (e.g. buttocks or female nipples visible through gauzy or wet

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[27] The ACLU Foundation of Arizona makes this claim in its recent lawsuit against Arizona's non-consensual pornography law, Antigone Books et al v. Horne (2014). The ACLU of Maryland made this claim in its Testimony for the Maryland House Judiciary Committee on HB 43 (Jan. 28, 2014).
[28] Broadrick v. Oklahoma, 413 U.S. 601, 615 (1973).
[29] ACLU, New Expansion of Stalking Law Poses First Amendment Concerns, March 12, 2013.
[30] For example, a Texas court recently held that ruled that the state's improper photography statute could not be rescued from constitutional overbreadth because it only criminalized photographs taken with the intent to arouse or gratify a person's sexual desires. In fact, the court found that such an intent requirement was an "attempt to regulate thought." Ex parte Thompson (2014), 11-12.
[31] Michigan's proposed S.B. 0294 states "A person shall not … post on the Internet any sexually explicit photograph, drawing, or other visual image of another person with the intent to frighten, intimidate, or harass any person."

fabric)[32] in its scope. Too-broad definitions could also lead to "baby in the bath" problems, criminalizing parents who share innocent pictures of their infants.[33] On the other hand, the law SHOULD NOT be so narrowly drafted as to apply only to images featuring nudity, as an image can be sexually explicit without containing nudity.[34]

5. The law SHOULD NOT be so narrowly drafted as to only apply to disclosures made online or through social media,[35] as nonconsensual pornography can also take "low-tech" forms such as printed photographs and DVDs.[36]

6. The law SHOULD NOT be limited to conduct perpetrated by a current or former intimate partner.[37] While such laws usefully highlight the fact that nonconsensual pornography is often a form of intimate partner violence, they allow friends, co-workers, and strangers to engage in this destructive conduct with no consequence.

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[32] See Georgia H.B. 838, defining "nudity" as "(A) The showing of the human male or female genitals, pubic area, or buttocks without any covering or with less than a full opaque covering; (B) The showing of the female breasts without any covering or with less than a full opaque covering; or (C) The depiction of covered male genitals in a discernibly turgid state."

[33] See Riya Bhattacharje, Florida pushes bill to criminalize 'revenge porn', MSN News, April 3, 2013: "University of Miami law professor Mary Anne Franks said it was 'a very good sign' that legislators were working toward criminalizing revenge porn, but the proposed bill was too broad in some aspects and too narrow in others. 'It's criminalizing the creation of an image that depicts nudity, but it doesn't define nudity,' Franks said. 'It needs to make clear what it means by nudity and that nudity isn't the only thing we care about. So it is unclear whether it refers to genitalia, buttocks, breasts, etc. or all of the above. That vagueness might mean that a mother who uploads a photo of her baby in the bath to Facebook could face criminal prosecution.'"

[34] See Carrie Goldberg, Seven Reasons Illinois is Leading the Fight Against Revenge Porn, Cyber Civil Rights Initiative, Dec. 31, 2014.

[35] See Georgia H.B. 838, limiting application to a person who "(1) Electronically transmits or posts, in one or more transmissions or posts, a photograph or video … when the transmission or post is harassment or causes financial loss to the depicted person and serves no legitimate purpose to the depicted person; or (2) Causes the electronic transmission or posting, in one or more transmissions or posts, of a photograph or video …when the transmission or post is harassment or causes financial loss to the depicted person and serves no legitimate purpose to the depicted person."

[36] See, e.g., the case of David Feltmeyer, who allegedly distributed sexually explicit DVDs of his ex-girlfriend on the windshields of cars in her neighborhood after she declined to continue a relationship with him. Police: Man Left DVDS of ex Girlfriend Performing Sex Acts on Car Windshields, AP News, March 3, 2007. See also the case of Jovica Petrovic, who sent 8.5 x11 glossy photos of his ex-wife performing sex acts in FedEx envelopes to her boss as well as to her home address, where they were opened by her seven-year-old son. Nicholas Phillips, Sext Fiend, Riverfront Times, April 18, 2013.

[37] See Pennsylvania H.B. 2107: "a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct."

7. The law SHOULD NOT broaden immunity for online entities beyond what is provided by the Section 230 of the Communications Decency Act. Section 230 protects online entities from liability only to the extent that they function solely as intermediaries for third-party content. To the extent that online entities act as co-developers or co-creators of content, they can and should be prosecuted under state criminal law.

IV. Model State Law

An actor may not knowingly disclose an image of another, identifiable person, whose intimate parts are exposed or who is engaged in a sexual act, when the actor knows or should have known that the depicted person has not consented to such disclosure [and under circumstances in which the actor knew or should have known that the depicted person had a reasonable expectation of privacy. A person who has consented to the disclosure of an image within the context of a confidential relationship retains a reasonable expectation of privacy with regard to disclosures beyond such a relationship.][38]

A. Definitions. For the purposes of this section,

(1) "Disclose" includes transferring, publishing, distributing, or reproducing;
(2) "Image" includes a photograph, film, videotape, recording, digital, or other reproduction;
(3) "Intimate parts" means the naked genitals, pubic area, anus, or female adult nipple of the person;
(4) "Sexual act" includes but is not limited to masturbation, genital, anal, or oral sex.

B. Exceptions. This section does not apply to

(1) Images involving voluntary exposure in public or commercial settings; or
(2) Disclosures made in the public interest, including but not limited to the reporting of unlawful conduct, or the lawful and common practices of law enforcement, criminal reporting, legal proceedings, or medical treatment.

V. Supplemental Resources: Revenge Porn Statistics

From a Cyber Civil Rights Initiative survey with 1606 total respondents, 361 victims:

[38] The "reasonable expectation of privacy" language is bracketed because of the benefits and drawbacks of including it. The benefit of including such language is to emphasize that the statute only protects private images. This point is already addressed in B(1) of the exceptions, but including it in the elements might helpfully underscore this aspect. The drawback of this approach is that the term "reasonable expectation of privacy" might create more ambiguity than it resolves, especially considering the doctrinal baggage of the term in Fourth Amendment jurisprudence.

- 61% of respondents said they had taken a nude photos/videos of themselves and shared it with someone else
- 23% of respondents were victims of revenge porn.

Statistics on Revenge Porn Victims:

- 83% of revenge porn victims said they had taken nude photos/videos of themselves and shared it with someone else
- 90% of revenge porn victims were women
- 68% were 18-30 years old, 27% were 18-22
- 57% of victims said their material was posted by an ex-boyfriend, 6% said it was posted by an ex-girlfriend, 23% said it was posted by an ex-friend, 7% said it was posted by a friend, 7% said it was posted by a family member
- Information that was posted with the material:
    - Full name: 59%
    - Email Address: 26%
    - Social network info/screenshot of social network profile: 49%
    - Physical home address: 16%
    - Phone number: 20%
    - Work Address: 14%
    - Social Security Number: 2%
- 93% of victims said they have suffered significant emotional distress due to being a victim
- 82% said they suffered significant impairment in social, occupational, or other important areas of functioning due to being a victim
- 42% sought out psychological services due to being a victim
- 34% said that being a victim has jeopardized their relationships with family
- 38% said it has jeopardized their relationships with friends
- 13% said they have lost a significant other/partner due to being a victim
- 37% said they have been teased by others due to being a victim
- 49% said they have been harassed or stalked online by users that have seen their material
- 30% said they have been harassed or stalked outside of the Internet (in person, over the phone) by users that have seen the material online
- 40% fear the loss of a current or future partner once he or she becomes aware that this is in their past
- 54% fear the discovery of the material by their current and/or future children
- 25% have had to close down an email address and create a new one due to receiving harassing, abusive, and/or obscene messages
- 26% have had to create a new identity (or identities) for themselves online
- 9% have had to shut down their blog
- 26% have had to close their Facebook account
- 11% have had to close their Twitter account
- 8% have had to close their LinkedIn account

- 26% have had to avoid certain sites in order to keep from being harassed
- 54% have had difficulty focusing on work or at school due to being a victim
- 26% have had to take time off from work or take less credits in/a semester off from school due to being a victim
- 8% quit their job or dropped out of school
- 6% were fired from their job or kicked out of school
- 13% have had difficulty getting a job or getting into school
- 55% fear that the professional reputation they have built up could be tarnished even decades into the future
- 57% occasionally or often have fears about how this will affect their professional advancement
- 52% feel as though they are living with something to hide that they cannot acknowledge to a potential employer (such as through an interview).
- 39% say that this has affected their professional advancement with regard to networking and putting their name out there
- 3% have legally changed their name due to being a victim
- 42% haven't changed their name, but have thought of it
- 42% have had to explain the situation to professional or academic supervisors, coworkers, or colleagues
- 51% have had suicidal thoughts due to being a victim
- 3% of victims have posted revenge porn of someone else

VI. Supplemental Resources: Illustrative Case Studies

The following cases provide a sense of the scope and severity of this conduct.

1. HOLLY JACOBS

Holly Jacobs is not the name she was born with. A few years ago, the Miami, Florida resident was working on completing her doctorate in Industrial/Organizational Psychology at FIU and had moved on from what she thought had been an amicable breakup with a longtime, long-distance boyfriend.

She was happy in a new relationship, so much so that she posted a picture of herself with her new boyfriend to Facebook to announce their relationship.
Soon after, she received an email that would change her life.

"It's 8:15 where you are. You have until 8:37 to reply. Then I start the distribution."

Holly quickly realized what the sender of the email was threatening to distribute, which also made the sender's identity clear. She and her ex-boyfriend had exchanged intimate photos

throughout their three-year relationship, but she had never thought that he would use them to destroy her life.

Three days after Holly received the email, her pictures were on over 200 websites and she had been inundated with unwelcome sexual propositions from men who had seen them. The pictures had also been sent to her boss and a co-worker. Holly spent the next few months trying to explain the situation to her employer, her family, her friends, and colleagues, and to plead with porn sites and search engines to remove her material. After a solid month writing her dissertation by day and sending takedown notices at night, the material was gone. But not for long. Within two weeks, her material was up on 300 websites.

At that point, Holly gave up trying to change her search results, and started the process to change her name. She couldn't see any other way to escape the material that was following her everywhere, jeopardizing her career, her psychological health, and her relationship.

But that wasn't the biggest change Holly wanted to make. After being repeatedly told by lawyers and police officers that what her ex was doing wasn't against the law, she decided that this should change too. She started the End Revenge Porn Campaign and teamed up with activist Charlotte Laws and law professors Mary Anne Franks and Danielle Citron to form a nonprofit organization, the Cyber Civil Rights Initiative. One of the organization's primary goals is to get revenge porn criminalized in every state and at the federal level. Less than two years later, the formerly obscure issue of revenge porn has been pushed into the public consciousness and more than half of U.S. states have enacted or are considering criminal legislation against the conduct. Read more about Holly here.

2. ALECIA ANDREWS-CRAIN

Alecia Andrews-Crain, a Missouri mother of two, thought she could finally breathe a sigh of relief after the full order of protection against her abusive ex-husband had been granted in February 2014. But one morning only a few days later, as Alecia went about her work as an independent insurance agent, she was greeted by a startling message in her inbox.

Subject: Someone did something nasty to you on [redacted].com

Once she clicked on the link, she saw a photograph of herself taken seven years ago as she stepped out of the shower. She was still married to her husband then, and she had no time to react to his unexpected presence in the bathroom with a camera – just one example of his casually abusive behavior. This seven-year-old picture was now posted to one of the most notorious – and most popular - revenge porn websites. The photo showed up connected to her LinkedIn and Facebook profiles, causing her personal and professional humiliation.

Like Holly, Alecia went to the police, certain that her ex's malicious behavior had to be against the law. In fact, Missouri does not have a law prohibiting the nonconsensual distribution of

intimate images, and the act was not considered a violation of her order of protection. Alecia was left without recourse. Alecia is now advocating for Missouri to reform its criminal laws to address this issue. Read more about Alecia here.

3. ADAM KUHN

Adam Kuhn, chief of staff to Rep. Steve Stivers (R-OH), resigned in June 2014 after an ex-girlfriend tweeted an intimate picture of Kuhn to Rep. Stivers' account. Jennifer Roubenes Allbaugh, who is married, has stated that she was upset with Kuhn for ending their relationship. Albaugh told a Politico reporter that she "just wanted to teach the pompous a——— a lesson." Kuhn is unmarried, and his romantic relationship with Albaugh has no apparent bearing on his public duties. This makes Kuhn's situation different from that of disgraced mayoral candidate Anthony Weiner, whose persistent, surreptitious, extramarital sexting arguably affected his fitness for public office. Kuhn's career and reputation have been unjustly and irreparably harmed by a woman motivated purely by personal antagonism. Read more about Adam Kuhn here.

4. "SARAH"

In 2013, Alex Campbell was sentenced to life in prison for human trafficking. According to the four witnesses who testified against him, Campbell used violence and intimidation to force women into prostitution. One of the women, "Sarah" (not her real name) was forced to perform sexual acts with another woman while Campbell filmed it. Campbell threatened to send this video to Sarah's family if she ever attempted to escape. Sarah's story offers a glimpse of how nonconsensual pornography is used by sex traffickers to keep women in servitude. Read more about Sarah's story here.

5. AUDRIE POTT

In September 2012, 15-year-old Audrie Pott went to a party. Alcohol flowed freely, and soon Audrie was so intoxicated she could barely recognize her friends. Three boys and a girl helped her to an upstairs bedroom. The girl left when the boys starting undressing Audrie and drawing on her breasts and buttocks with markers. The boys then took pictures of themselves sexually assaulting Audrie. When Audrie woke up the next morning, she didn't know where she was or what had happened to her. Seeing the marks on her body led her to ask her friends how they got there. Through Facebook conversations, Audrie learned what the boys had done to her. She also learned that there were pictures, and that those pictures were circulating around the school.

A week later, Audrie called her mother from school at midday and asked to be taken home. She retreated to her room when the two arrived at home; her mother decided to check on her after not hearing anything for 20 minutes. The bathroom door was locked and there was no answer from inside. Audrie's mother forced open the door to find her only child hanging from a belt attached to the showerhead. Paramedics arrived soon after Audrie's mother called 911, but their efforts to save Audrie were unsuccessful. Read more about Audrie's story here.