
GRUPO DE ESTUDOS
EM CRIMINOLOGIAS
CONTEMPORÂNEAS

PORTO ALEGRE

PROJECT LEAKED

RESEARCH ON
NON-CONSENSUAL
SHARING OF
INTIMATE IMAGES
IN BRAZIL (2018)

PROJETO VAZOU: PESQUISA SOBRE VAZAMENTO NÃO CONSENTIDO DE IMAGENS ÍNTIMAS NO BRASIL

RESULTS AND CRIMINOLOGICAL ANALYSIS

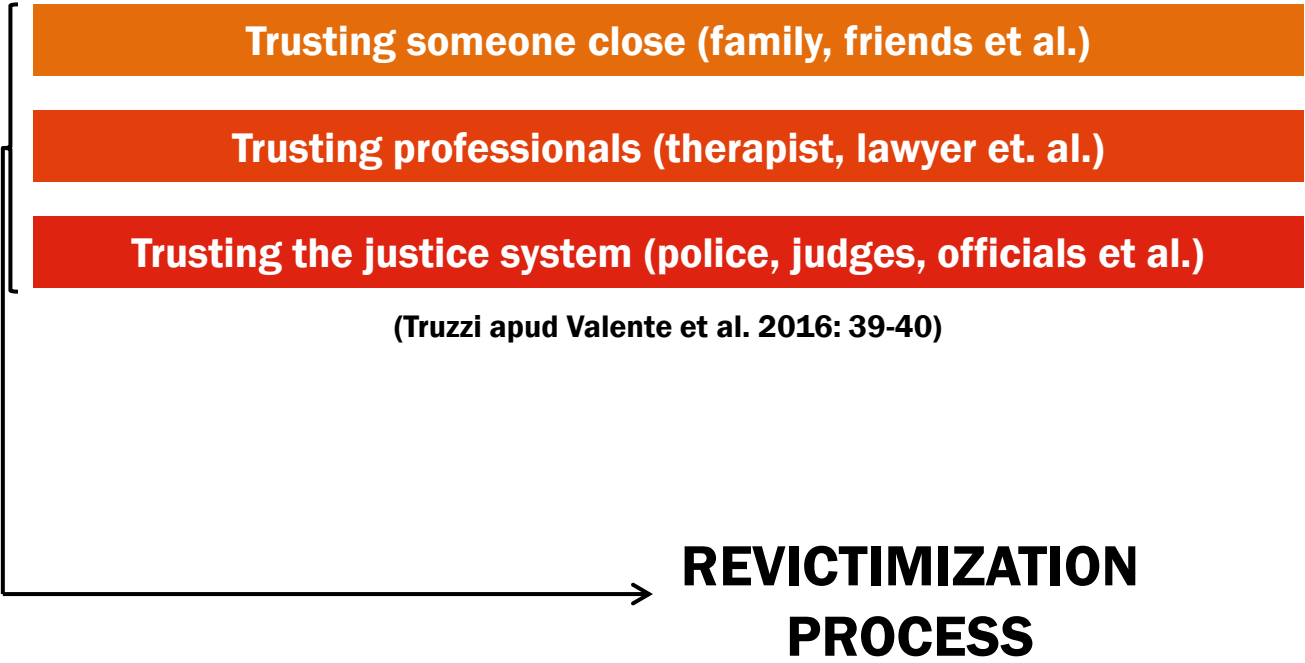
REVENGE PORN

Non-consensual sharing of intimate images is a kind of contemporary violence. However, regardless of the increasing number of cases reported by the media and the developing academic interest (interviews, case studies, research on sentencing), little is known about its motives and effects, characteristics of perpetrators and victims, which social networks are mainly used etc. Especially because of the **low rate of reports (under notification → hidden figures*) and, as a consequence, the **lack of credible official references.****

* Difference between all actual leaking/sharing and those reported. Acknowledging this enables noticing that there are much more deviance and crime than the justice system is able to identify, investigate and prosecute.

UNDERNOTIFICATION REASONS

Hypothesis #1: The 'shame sieves'



UNDERNOTIFICATION REASONS

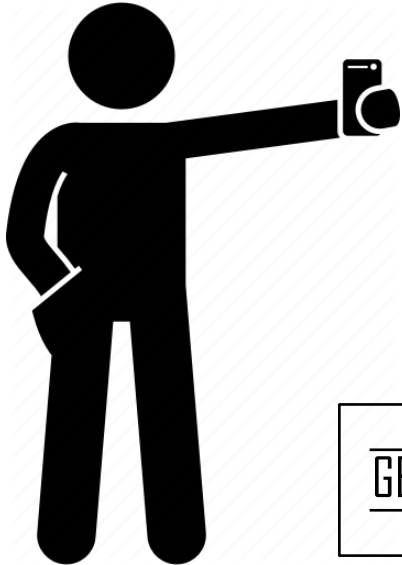
Hypothesis #2: It is possible that victims do not report the leaking because **they may believe that they took the risk** or that **they are the one to blame**, as in the cases when the person sends the ‘nude’ that is subsequently leaked.

In a research with 470 undergraduate students enrolled in first-year seminar classes of a private university in a southern state of the United States, from August to December 2015, one third of those who had their nudes shared with others beyond the intended recipient felt angry at themselves for initially sending the picture: ‘I was angry at myself for letting this happen to me’. (Branch et al. 2017)



UNDERNOTIFICATION REASONS

Hypothesis #3: Based on the results, which inform that most people who answered the questionnaire were women (84%), it is possible to suggest a **major silence** among men who were victims (something as denial); or that **men don't understand the exhibition of their intimate images as a violence, nor the society morally condemns them for that.**



The **lack of data is a barrier** to the understanding of the phenomenon; as a consequence, appropriate prevention and repression policies can not be implemented.

The **Project Leaked** sought to gather this information from the experiences of non-consensual sharing victims.

Objective: Concentrate information that may comprise a reference for research, become a starting point for discussions and an incentive to learning.

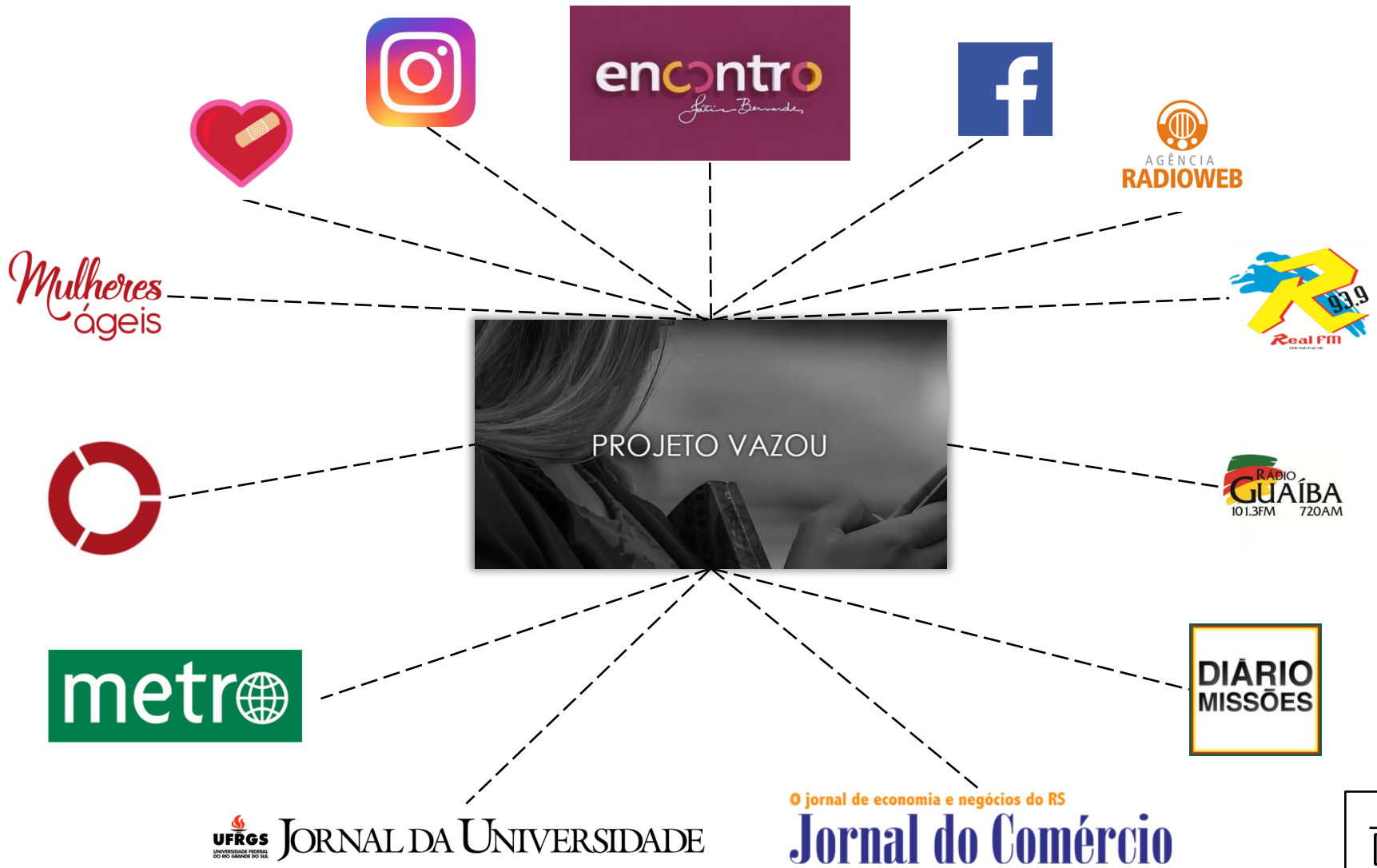
Methodology: qualitative research (exploratory and explanatory), through an on-line questionnaire* with closed and open-ended questions.

 www.projeto vazou.com

* Available at Google Forms platform, and open to answers from April to November 2018.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

RESEARCH REPERCUSSION



RESULTS

- **141 valid answers**
- **Most respondents identified themselves as young females**

84% women | 16% men

24 years was the most frequent age (median)

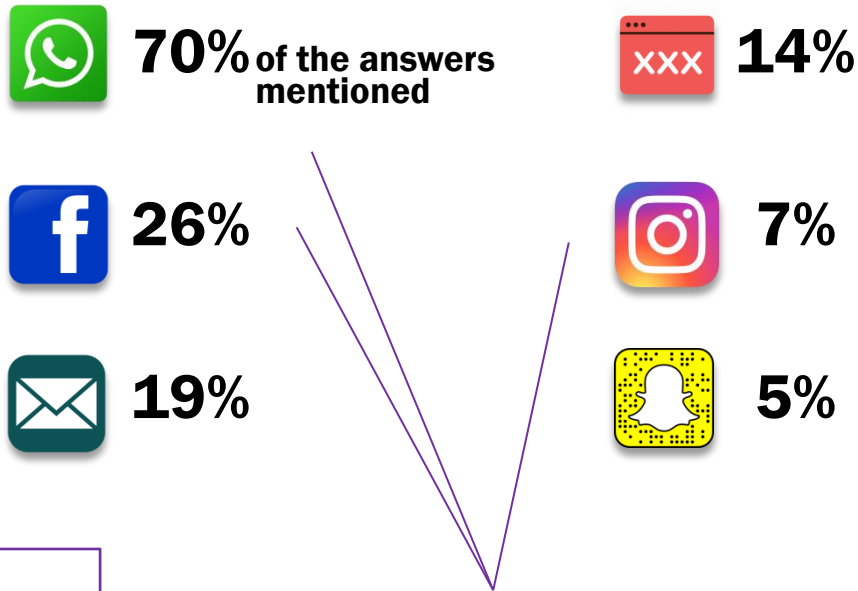
The most frequent age at the time of the photos/videos record was 19 years



RESULTS

- **81% knew who leaked the files**
- **In 82% of the cases, the victim had or has a relationship with the person who leaked the files.**
 - **From these: 39% love affair, 31% ‘friends with benefits’.**
 - **This dismantles the myth of the strange offender (hacker); and**
 - **it renders enforceable domestic violence’s restraining orders.**
- **84% of those who leaked the files were men**

RESULTS

'To which apps were the files leaked to?'



Leaked files:
 **87%** (of the answers)
 **35%** (of the answers)

RESULTS

- **Around 60% affirmed they knew about the record and had authorized/sent it**

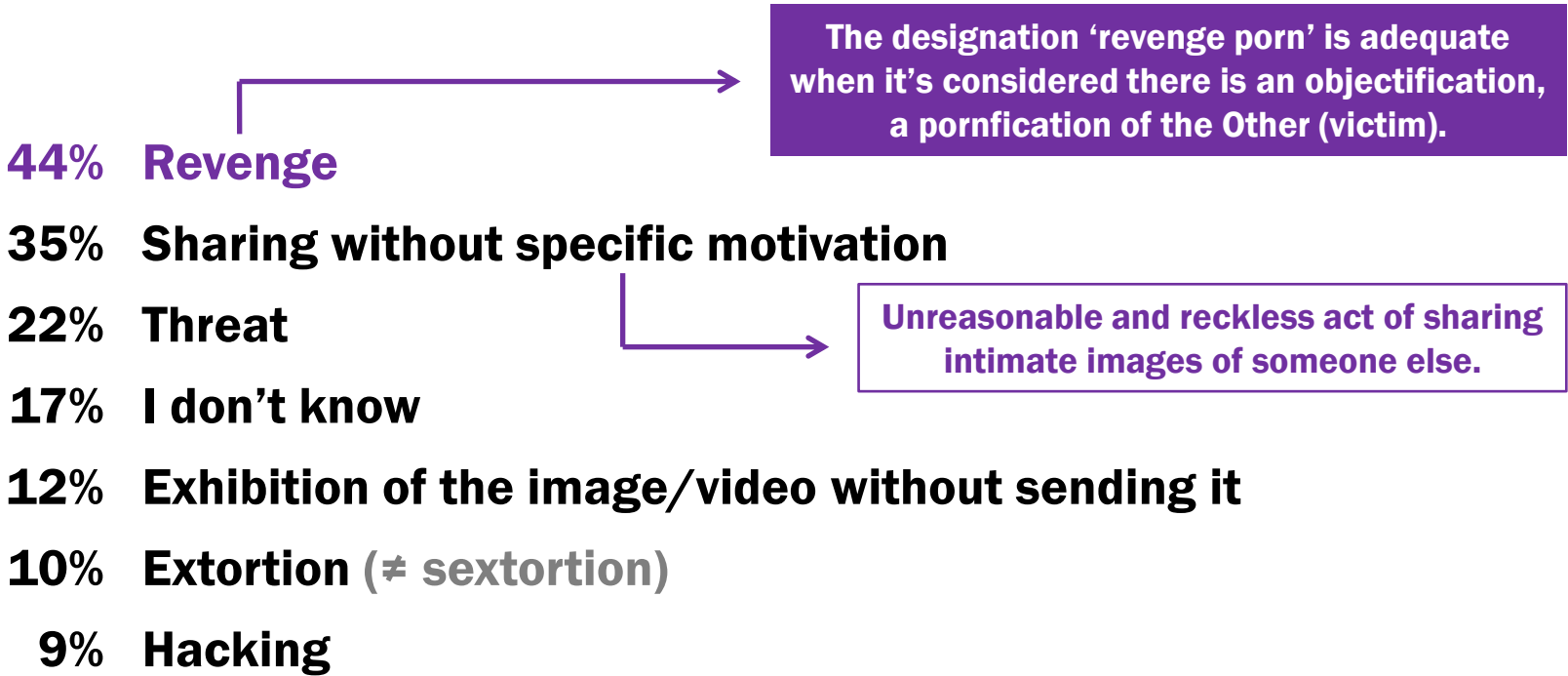
This percentage and the accounts that were provided indicate that, in most cases, there was consent to the exhibition of the intimate images to an original known recipient, which is peculiar to sexting, yet the files were later shared without a new consent.

Many accounts inform there was a relationship at the time that justified trust for that.

Sexting may also arise from pressures from the partner: many accounts allude to threats, emotional blackmail and requests of intimate images as 'love proof'.

RESULTS

‘Do you know the reason of the leaking?’



RESULTS

- **anxiety (63%)**
 - **social isolation (58%)**
 - **depression (56%)**
 - **posttraumatic stress disorder (33%)**
 - **self-mutilation and suicidal ideation (32%)**
 - **harassment in public spaces (27%)**
 - **school/course/college dropout (16%)**
 - **change of residence (11%)**
 - **assaults (7%)**
 - **job loss (6%)**
 - **trouble finding a new job (5%)**
-
- **didn't bother with the leaking (9%)**
 - **took advantage of the fact to start a positive action (11%)**

‘What happened to you when you found out about the leaking?’

incidence percentage of the effects in answers

RESULTS

Approximately 58% said their families found out about the leaking; from those that knew about it, 43% reacted negatively.





RESULTS

‘How did you recover from the incident?’

I have not recovered yet	39%
Support group, help from friends, empowerment	30%
Psychological treatment	30%
Family support	26%
I did not need any recovery	23%
Psychiatric treatment	16%

incidence percentage
in answers

RESULTS

-  In 82% of the cases, **there was no police investigation**
-  In 86% of the cases, **there was no court case**

What victims want:

- 72% want the punishment of those who leaked the file**
- 60% want the content removal from the networks**
- 55% want indemnity**
- 34% want the identification of those who leaked the file**

* incidence percentage
in answers



**These and other collected data motivated
criminological analyses of the phenomenon:**

**What is the role of 'romantic love'
in revenge porn etiology?**

1

2

What is the culture of sexting?

3

Is this a cybercrime?

4

Is criminalization desirable?

Are there non judicial measures?

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

ROMANTIC LOVE

Many modern relationships remain ruled by the idea of romantic love, reinforced by a sexist culture, and some accounts provided in the research make clear that the leaking/sharing of sexually explicit or suggestive images of a former partner without her/his consent is an attempt to humiliate, harass or punish them, after the rupture of the idealized relationship and lost of 'control'.

CRIMINOLOGICAL ANALYSES

ROMANTIC LOVE

The frustration caused by the failure in accomplishing the perfect compatibility presupposed by the romantic love culture may be the cause of physical, psychological, sexual, patrimonial and moral violence episodes.

Fostering...



**Control
Frustration
Harassment**



**Submission
Objectification
Guiltiness**

The acknowledgment that the leaking/sharing derives mostly from affective relationships is relevant specially because:

(1) This kind of sexual violence is also more frequently perpetrated by intimate people, and not by strangers who explore the vulnerability of information systems.

(2) The high percentage of affective relationships between perpetrator and victim, plus the provided accounts, indicate that, in most cases, there was consent for the exhibition of the intimate images to an original known recipient, which is peculiar of sexting, yet the files were later shared without new consent.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

SEXTING

SEXTING Transmission of sexually explicit or suggestive messages or images (called 'nudes') through mobile phones, what has become quite common with the development of camera phones and smartphones.



Hypothesis

Sending and receiving sexually explicit or suggestive images might be a way of men and women 'do gender'.

'Women are being taught to do gender through the practice of publicizing their body in sexually explicit ways, while men are taught to do gender through the consumption of such material. In addition, sharing sexually explicit photos of women may be a way to demonstrate exertion of sexual control and "do gender" for men.' (Branch et al. 2017: 131)

The visual and textual content rendered in the intimate files shared without consent inherently have a power relation exerted by men over women – what is even more clear in cases of videos recorded from an anonymous male point of view (Nabil 2014).

Counterpoint

Objecting this victimizing perspective, which reads sexting as a reproduction of gender violence against women (what seems to be a consensual interaction is in fact the reinforcement of a sexist image of women, enabling abuse and constraint episodes), sexting may be understood from a **liberating perspective**, i.e. as an opportunity, provided by new media, to represent authentic experiences of women sexuality, even with the potential of rewriting the codes of sexuality.

CRIMINOLOGICAL ANALYSES

SEXTING

For us, the fact that most victims are young is a consequence of a **generational matter**, and not a mere juvenile naivety or recklessness (society's tutelary argument towards youth).



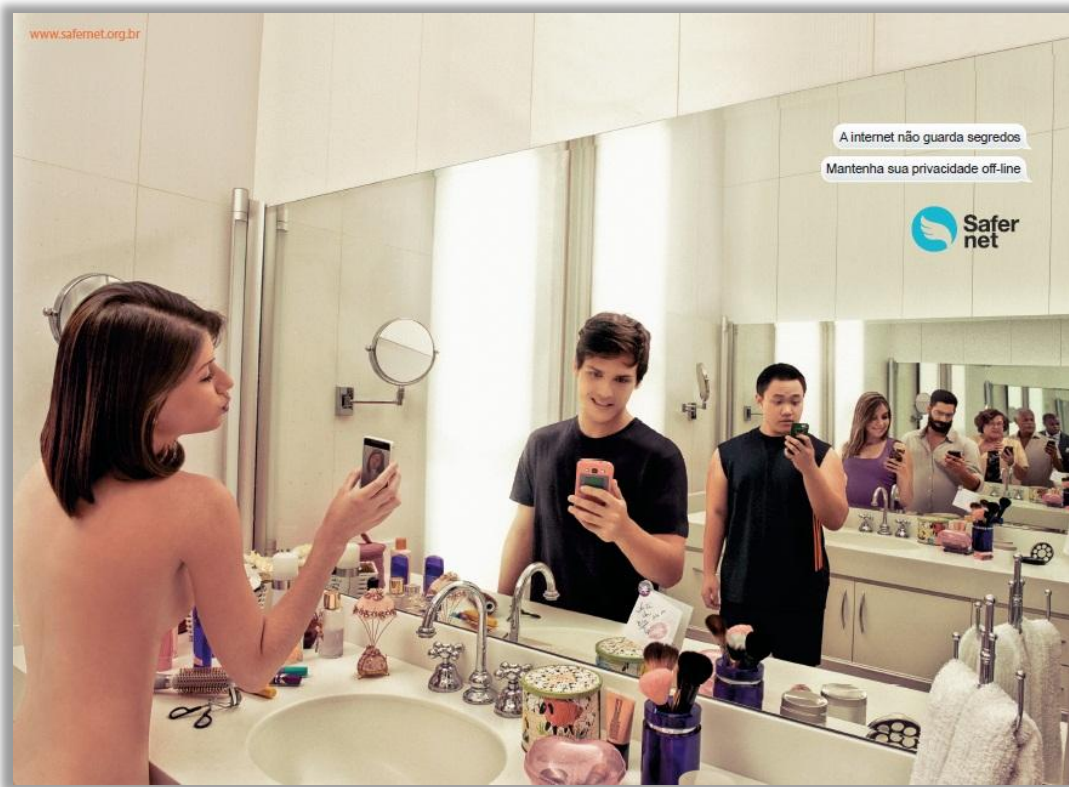
News ways of identification and communication;
New understandings of intimacy and sexuality.

It is more important to point out the consequences of non-consensual leaking/sharing of intimate images and evidence the perpetrator's responsibility for the harm done than to control or punish sexting, which is nothing else than the **exercise of freedom of sexual expression** that all people should be able to enjoy.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

SEXTING



The internet doesn't keep secrets

Keep your privacy off-line

Inversion of responsibility and control of the exercise of freedom of sexual expression.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

CYBERCRIME



Understood as a new practice, promoted by the development of devices and applications that enable the immediate exchange of media files through the internet, it seemed plausible to ask whether the non-consensual leaking/sharing of intimate images could be considered a cybercrime.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

CYBERCRIME

Drawing on David Wall's categorization, which distinguishes generations of cybercrimes, we understand revenge porn as a hybrid cybercrime (second generation). Therefore, the non-consensual leaking/sharing might be understood as a traditional violence (violence against sexual intimacy), with traditional motivation (domestic, and mostly gender, violence), however carried out through a new accessible technological mean that potentializes its effects.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

CRIMINALIZATION

The Brazilian legal system **did not have** a specific legal framework for revenge porn. Hence, it was usual to resort to these traditional crimes:

- Defamation (art. 139, Penal Code)
- Insult (art. 140, Penal Code)
- Threat (art. 147, Penal Code)
- Cracking (art. 154-A, Penal Code)
- Extortion (art. 158, Penal Code)
- Rape (art. 213, Penal Code)
- Child pornography (art. 241-A, Child's and Teenager's Statute)
- ~~Sexual besiegement (art. 61, Misdemeanor Act)~~
- Tranquility disturbance (art. 65, Misdemeanor Act)

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CRIMINOLOGICAL ANALYSES

CRIMINALIZATION

Despite the two recent Penal Code reforms, intended to criminalize the non-consensual leaking/sharing of intimate images, the Brazilian legal system **still does not have** a specific legal framework for revenge porn.

- Sex, nudity or porn scene disclosure (art. 218-C)

Law 13.718/2018 (Bill 5.452/2016)



Applicable only to vulnerable people

- Unauthorized record of sexual intimacy (art. 216-B)

Law 13.772/2018 (Bill 5.555/2013)



The article refers only to recording; not leaking/sharing

Is criminalization desirable?

The legal possibilities traditionally provided imply a **depletion of the justice system**: the judicial remedy is late, the conflicts are not thoroughly solved, the penalty does not act as dissuasion nor as correction, and the victim is not properly addressed.

Alternatives:

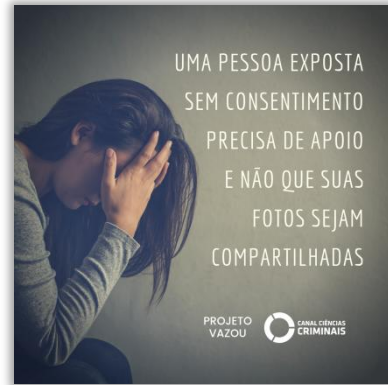
- Restorative justice
- Non-judicial measures

Mapping creative solutions:

1. **Mechanisms in operation:** Deindexation of nudity or sexually explicit images or videos, shared without consent, from the internet research engine's results. (Consecutive action; not preventive.)
2. **Artificial Intelligence programming as prevention:** possibility of technical programming of applications to reduce the exposition of images whose sharing was not consented. (Based on the idea that the cyberspace's architecture is capable of regulating and controlling the behavior of users and the responsibility of internet provider companies.)
3. **Reaction to non-consensual leaking/sharing through hacktivism.** Vigilant actions as hacking, doxing and public shaming.
4. **Consciousness raising and sex education** for young people.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

CAMPAIGNS



Consciousness raising campaign developed in partnership with Canal Ciências Criminais, and publicized on social networks.

REVENGE PORN

MYTHS

- IT'S NOT SEXUAL VIOLENCE
- IT'S NOT DOMESTIC VIOLENCE
- IT'S NOT GENDER VIOLENCE
- IT'S NO BIG DEAL
- IT'S AN ACT OF REVENGE
- VICTIMS ARE TO BLAME

REVENGE PORN

TRUTHS

- IT'S SEXUAL VIOLENCE
- IT'S DOMESTIC VIOLENCE
- IT'S GENDER VIOLENCE
- IT CAUSES SERIOUS HARM
- IT'S AN ACT OF POWER AND CONTROL
- PERPETRATORS ARE TO BLAME

Practical content suggestion for educative and preventive consciousness raising campaigns. (Adapted from McLachlan e Laughton, n.d.)

INSTRUCTIONS

Immediate measures to be taken by victims of non-consensual sharing of intimate images:

- 1. Gather all information available in social networks.**
- 2. File a police report (at women's police station, for female victims).**
- 3. Seek legal guidance with a specialist attorney.**
- 4. Seek emotional support in groups provided by assistance services and/or psychological support in specialized or reference places.**

Practical content suggestion for educative and preventive consciousness raising campaigns.

NON-CONSENSUAL SHARING OF INTIMATE IMAGES IN BRAZIL

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