House of Commons: The Women and Equalities Committee  
‘Sexual harassment of women and girls in public places inquiry’

Written evidence submitted jointly by:

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1. EXECUTIVE SUMMARY

1.1 The UK Government’s Ending Violence against Women and Girls Strategy 2016–2020, which includes sexual harassment in public places, needs to be more comprehensive and consider:

- Offline and online violences, and their connections with each other;
- The interaction between violences in public and private spaces, and appropriate responses;
- The interaction between violences at the local, national and international levels, and appropriate responses;
- Involving a range of organisations and actors at the international, national and local levels;
- How the greater use of ICTs and the blurring of online/offline can facilitate the elaboration of face-to-face harassment to online stalking, trolling and various vengeful practices.

1.2 Interventions should include:

- Pursuing international cooperation between states, and between states and non-state actors;
- The development of international legislation to target transnational perpetrators of these crimes, and those who profit from these crimes;
- The development of greater regulation and responsibility of internet providers and other relevant technology companies;
- Civil laws so that victims-survivors can sue for damages from perpetrators and those who profit;
- Current copyright and privacy laws should be more comprehensive;
- Better coordination and cooperation of service provision from the myriad of specialist and mainstream services;
• More should be done to assist victims-survivors deal with the fallout of crimes;
• More education programmes and awareness-raising in the public, workplace and domestic realms;
• Re-education of offenders;
• A greater focus on research, data and statistics collection to facilitate strategic planning; and
• Should be conducted with awareness of intersectional gendered analysis, including of men and masculinities.

2. THE PROBLEM

2.1 A YouGov poll conducted between 12th-14th September 2017 of 1697 Great British women found “the majority (52%) of 18-24-year-old women say they have experienced sexual harassment in a public place in the last five years. Among British women of all ages the figure is 24%, with older women less likely to have been harassed than young women.” Streets, pubs, clubs, bars, festivals, concerts, sports matches, public transport, and the workplace being the most common offline places.

2.2 Violence against women and girls in the UK is increasing (Crown Prosecution Service; CPS, 2017). In 2007-2008 those offences contributed to 7.1% of the CPS caseload. In 2016-2017 that increased to 19.3%. Around 20% of those were for offences in public places.

2.3 Sexual harassment occurs both offline and online, and in public and private spaces.

2.4 There were 465 prosecutions for violation by way of non-consensual distribution of sexual images, so-called “revenge pornography”, in 2016-2017, a rise from 206 in the previous year (CPS, 2017).

2.5 There is a more general increase in the pornographisation of public space, both online and offline, with the unprecedented historical expansion of (online) pornography (Attwood, 2009; Dines, 2010; Hearn, 2006; Hearn & Jyrkinen, 2007; Hughes, 2002; Jeffreys, 2013), and more general ‘mainstreamification’ or ‘normalisation’ of pornography in society. These tendencies have multiple effects, especially on younger people. The 2014 study, Young People, Sex and Relationships: The New Norms (Parker, 2014), surveyed a representative sample of 500 18-year-old young people: “Almost eight out of 10 young women (77 per cent) say ‘pornography has led to pressure on girls or young women to look a certain way’, while almost as many (75 per cent) say ‘pornography has led to pressure on girls and young women to act a certain way’.” Online pornography is part and parcel of many children’s, young people’s, and indeed adults’, lives.

2.6 Most sexual harassment of women and girls is done by men and boys.

2.7 Women and girls experiencing sexual harassment, or the threat thereof are very diverse, including in terms of gender identification and gender expression (for example, lesbian, bisexual, intersex, transgender), different
ages, classes, ethnicities, racialisation, (dis)ability, (dis)able-bodiedness, and further social differences. In addition, some people who have been earlier assigned as female, girls or women, subsequently identify as non-binary, queer, male, men and/or boys. In some cases, sexual harassment intersects with further forms of harassment and abuse, for example, racial harassment and hate speech, in ways that are likely to compound the crime.

2.8 What often underlies violation by image distribution is that image copyright means the author of the image – the person who took the photo – has, in effect, the right to do what they wish with a photograph even if the person in the photo or video does not consent to this. One US survey indicated that 80% of victims-survivors took the pictures in question themselves, thus giving them the legal rights to the photographs in question (Johnson, 2013). Many websites offering take-down services often also ask for copyright registration numbers the copyright office after they registered the photos. We wonder what the probability is of a couple seeking joint copyright after taking sexually explicit images and photographs?

2.9 The problem with current legislation and responses is that they are slow, costly, and, sometimes ineffective at removing the images from online websites. While prosecutions are pending the images remain online and continue to affect survivors. Cooper (2016) argues that courts should have the right to force technology companies to swiftly deindex the images from search engines, and delete the image from websites.

3. THE EFFECTS

3.1. Victim-survivors of sexual harassment report a host of negative effects: feelings of humiliation, shame, embarrassment; reputation damage; problems with intimate partners, family, friends, work colleagues and, in public; sexual shame; sexual problems; body image issues; becoming paranoid and hyper-vigilance; concern for personal safety; some have even taken their own life (Ellsberg et al., 2015). For example, a 24-year-old victim, Anisha, talking on BBC Newsbeat (2014) about being a victim of “revenge pornography” says people recognise her in public and turn up at her door as well as contact her by phone, text messages, emails and through Facebook. She now struggles to find a job because an employer can see the images of her from a simple Google search. Even when victims have attempted to switch schools, move to another community or engage with therapy, they may remain taunted as with the Nova Scotia teenager Rehtaeh who eventually took her own life (Thanh Ha & Taber, The Globe and Mail, 2013).

4. THE CONTEXT

4.1 Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature - sexual harassment in public places - may be verbal (e.g. whistling at someone, cat calls; making sexual comments about a person’s body, clothing, anatomy, or looks; sexual comments or innuendos; asking about sexual fantasies, preferences, or history, and other personal questions about social or sexual life), non-verbal (e.g. looking a person up and down (elevator eyes), staring at someone; blocking a person’s
path; following the person; making sexual gestures with hands or through body movements; making facial expressions, such as winking, throwing kisses, or licking lips), and physical (e.g. giving a massage around the neck or shoulders; touching the person’s clothing, hair, or body; hugging, kissing, patting, or stroking; touching or rubbing oneself sexually around another person; standing close or brushing up against another person) (United Nations, n.d.).

4.2 Sexual harassment in public places is yet another part of the multifarious possibilities for violence and abuse against women and girls, which may be physical (hitting, shoving, kicking, biting or throwing things), emotional (yelling, controlling actions, making threats) or sexual (rape, sexual assault, non-consensual sexual acts, applying pressure to consent to do something sexual). And thus, non-consensual distribution of sexual images/“revenge pornography” can then be understood as another form of gendered and sexual violence and abuse that ranges across femicide, rape, stalking and non-contact harassment (Blumenstein & Jasinski, 2015).

4.3 Sexual harassment, and violence and abuse against women and girls in public places, happens both off- and online. For example, cyberabuses – that is, intentional online behaviour to harm another, often repeatedly, where the victim is typically unable to defend herself (Slonje, Smith & Frisén, 2013) can take several forms such as cyberbullying, cyberstalking – the intent to threaten or induce fear in the targeted person by circulating or sending repeated messages and photos (often via hyperlinks to purpose-built revenge pornography sites, but also via other non-purpose-built websites and platforms, including those considered mainstream), online aggression, ‘flaming’¹, ‘happy slapping’², stalking (both online and offline) and trolling (Hearn & Parkin, 2001) and violation by sexual image distribution, “revenge pornography” (Hall & Hearn, 2017).

4.4 Online sexual harassment, and violence and abuse against women and girls in public places should be considered both local, national, transnational and international. For example, Chrissy Chambers, a woman whose ex-boyfriend uploaded an alleged revenge pornography video of him having sex with her while she was allegedly drunk lives in the United States where the alleged offence took place, but claims her ex-boyfriend posted the videos in the United Kingdom, so she has had to pursue the case in the United Kingdom (Finch, 2015). MyEx.com was reported to be the largest revenge porn-specific website operated by several anonymous US individuals in coordination with colleagues in the Philippines, and hosted by Web Solutions B.V., Netherlands, where there is no specific “revenge porn” law, but had a global reach (Steinbaugh, 2014). Indeed, the impact may also be global. For example, a 24-year-old victim talking on BBC Newsbeat (2014) said that although her ex-boyfriend posted explicit images of her on a couple of websites, they are now on over 200 websites across the globe.

¹ A hostile interaction between people on the internet often involving profanity.
² A group of people film or photograph, and then circulate online, their assault of a person.
4.5 The development of technology has facilitated the explosion in crimes in public places such as ‘upskirting’\(^3\) (Powell, 2010), and private images sent by ‘sexting’\(^4\) may become public (Hasinoff, 2015). A survey of 5,000 adults (Match.com, 2012) found that 57% of men and 45% of women had received an explicit photo on their phone, and 38% of men and 35% of women had sent one. Whilst some forms of electronic pornography such as sexting may be considered consensual, Ringrose et al.’s (2012) interview and focus group study of sexting shows it is often coercive and is often linked to peer-pressure, harassment, bullying, and even violence. Thus, there is a complex relationship between sexual offences and harassment in private and public spaces.

4.6 Sexual offences in public places such as ‘upskirting’ and ‘revenge porn’ can be highly lucrative, for some. For example, Hunter Moore was claimed to have been earning between $8,000 and $30,000 per month in advertising revenue. Other revenge porn websites charge for access; for example, Revenge Porn Net charges $1.95 for a two-day trial membership, $24.95 for a one-month membership, $49.95 for three months’ membership, and $57.50 for six months’ membership. Many websites also demand fees for ‘take-down services’. Reputation Repair charges $1,459 for ‘expedited removal’ from cheater sites and ‘future attack prevention’ (Hall & Hearn, 2017).

5. CONCLUSION

5.1. Tackling the sexual harassment of women and girls in public places should consider the complex relationships between public and private, online and offline, and between local, national and transnational conditions.

6. RECOMMENDATIONS

6.1 Effective interventions for tackling sexual harassment and other abuses of women and girls in public spaces, both offline and online, requires strategic planning at international, national and local levels and requires a multidisciplinary and multi-organisation response. Although countries need to develop their own individual national and regional action plans there also needs to be a global action plan given some abuses such as violation by image distribution cross-border.

6.2 Given universal laws for convicting perpetrators of violation by sexual image distribution do not exist, and in many countries, the criminal legal frameworks are either non-existent or securing convictions is very difficult there needs to be greater international cooperation and the development of and cross-border laws, pursuing perpetrators and those who facilitate these crimes.

6.3 Stronger civil laws should also be in place so that victims can sue perpetrators for damages.

\(^3\) The act of taking a photograph of underneath a person’s skirt without their consent.  
\(^4\) The sending of explicit sexually images by text message.
6.4 Other forms of sexual harassment in public places such as ‘upskirting’ should be made an offence.

6.5 There is a need for national-level coordination and funding of policies, and also local-level cooperation of the services needed to serve victims. At the local level, services need coordination in order to ensure that a focus on the needs of the victim is achieved. The international and regional levels are important for exchanging best practice.

6.6 Specialised services focused on the needs of victims-survivors should be developed. Many programmes to support victims-survivors of gender and sexuality-based crimes tend to focus on how to reduce the risk of revictimisation, such as social support and safety behaviours. However, most tend to focus on dealing with the legal process of bringing offenders to court, or the removal of the images. Yet, more needs to be done to help victims deal with the fallout. It would help therefore, if protocols of cooperation between relevant authorities and existing support services were strengthened to provide a range of emotional- and practical-based support service, and a web page could be developed for the dissemination of learning and support materials for victims, educators, agencies and the media.

6.7 There is also a need to raise public and popular awareness of sexual harassment, for example, the potential risks of revenge porn that can follow from sexting. One method of doing so is to include this on educational and training curricula on sex and relationships, and on equality and diversity, in both educational institutions and other locations, such as workplace, religious and sports organisations. Charities and educational groups are reported to be concerned that many teenagers are not being taught about issues like sexting, online pornography, consent and healthy relationships, including the illegality of child sexting and revenge pornography. The primary focus of sex and relationship curricula tends to be on sexuality and health, and what constitutes a healthy relationship; this should include how to communicate online, and also deal with the ending of relationships, problem solving, and training on relationship skills and emotion regulation.

6.8 As most sexual harassment is done by men and boys, gendered analysis and understanding of sexual harassment is necessary in educational and training in schools, other educational institutions, and other locations, such as workplace, religious and sports organisations. Gendered analysis and understanding of sexual harassment needs to encompass the relation of sexual harassment to wider patterns of masculinity/masculinities, and the devaluing of women and girls by men and boys. Sexual harassment needs to be understood in terms of intersections of gender, sexuality, and further social divisions, such as age, class, ethnicity, racialisation, (dis)ability. Educators themselves need to be educated and trained on gendered understandings.
6.9 The criminalisation of non-consensual distribution of sexual images is likely to act as a deterrent for some, but not for others. Where legislation does not act as a deterrent, investigators can use software, such as EnCase, to produce an image of the alleged offender’s hard drive to see deleted computer files, such as cache files, swap files, temporary files, unallocated space or slack space, and left traces of their browser history, address books, date and time stamps and so on to use as admissible evidence. Once convicted, and punished, re-education intervention may be one possible way forward for offenders.

6.10 There needs to be greater regulation and responsibility of internet providers and other relevant technology companies who facilitate online sexual harassment and abuses.

6.11 Current copyright and privacy laws should be more comprehensive to allow victims-survivors the right to have images swiftly removed and deindexed. Courts should also have greater powers to force technology companies to comply with this;

6.12 Strategic planning requires a regular and consistent research, data and statistics in order to provide the evidence to evaluate policy developments and the effectiveness of interventions. Thus, better, and more comprehensive annual data collection and reports need to be in place.

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7. REFERENCES


