

WE Party Conference

15 – 18 October 2020

Title: Regulation of and liability for the porn industry relating to illegal images

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Type of motion: Policy motion

Motion text:

- 1 The Women's Equality Party Conference 2020:
- 2 • Reaffirms the Women's Equality Party's existing policy to hold website operators
- 3 who intentionally post revenge pornography accountable; introduce a civil remedy
- 4 for victims to be able to seek justice against perpetrators, trolls and website
- 5 operators; and grant victims of sexual cyber-violence anonymity when seeking
- 6 justice.

- Recognises that the number of police recorded offences relating to illegal pornographic images and images of child sexual abuse has increased across all four nations, but that prosecutions in the UK remain low, particularly in relation to 'extreme pornography' relating to serious injury and life threatening behaviour.
- Recognises that the law in the UK does not adequately enforce removal of illegal pornographic images and images of child sexual abuse from porn websites.

The Women's Equality Party calls upon the UK and Scottish Governments to:

1. Introduce new or amend existing legislation to hold companies that own platforms that host and/or allow for the distribution, sharing and discovery of any illegal pornographic content and/or images of child sexual abuse, liable for prosecution.
2. Introduce a new regulatory body that has sole responsibility for monitoring illegal pornographic content and images of child sexual abuse, and has powers to enforce immediate removal of any and all illegal pornographic content and images of child sexual abuse and issue financial penalties.
3. Expand the introduction of civil remedy for victims of all illegal pornographic content and child sexual abuse to seek justice against companies that own platforms that host and/or allow for the distribution, sharing and discovery of any illegal pornographic content and/or child sexual abuse.

Motion rationale:

Although legislation exists to protect survivors of image based abuse (revenge porn, extreme pornography and child abuse), regulators have failed to protect the privacy of individuals and hold pornographic media companies to account.¹

The Criminal Justice and Courts Act 2015 made it 'an offence for a person to disclose a private sexual photograph or film if the disclosure is made without the consent of an individual who appears in the photograph or film, and with the intention of causing that individual distress' - 'revenge porn'.

The Criminal Justice and Immigration Act 2008 criminalises the possession of 'extreme pornography' which includes images which portray life-threatening behaviour, behaviour that is highly likely to cause serious injury and non-consensual acts ('rape porn').

¹ [#NotYourPorn](#) [accessed 14th August 2020]

36 Different acts make it illegal to take, make, distribute, publish or possess indecent images
37 of a child or children²

38 Regardless of these provisions, between 2010/11 and 2014/15, police recorded offences
39 of possession of 'obscene' materials increased drastically. The Office of National
40 Statistics relates this overall increase to a rise in offences specifically relating to
41 possession of images of child abuse and 'indecent' images of adults (see above).³

42 Moreover, the number of prosecutions for possession of images depicting rape, life
43 threatening acts and acts that are highly likely to cause serious injury are as low as 15%,
44 compared to 85% for images depicting bestiality.⁴

45 When image based abuse is uploaded to a porn website, it can be difficult to get
46 removed.⁵ These sites have a method to prevent copyright material appearing, but not
47 child abuse, revenge porn, sexual assault, rape or other forms of sexual abuse material.

48 Ofcom is obligated to regulate porn sites under the Digital Economy Act 2010, but it fails
49 to protect the privacy of individuals and prevent abuse – a new regulatory body with duty
50 to enforce these laws could solve these problems.

51 The need for a regulatory body becomes clearer when we learn that illegal material on
52 Pornhub Et al. has gotten worse in 2020. The Revenge Porn Helpline opened "over 200
53 cases in the four weeks following lockdown orders, and more in one week in mid-April than
54 any week since 2015".⁶

55 For survivors, the regulatory framework offers an inadequate response. New or amended
56 legislation is needed to ensure that platforms that host and/or allow for the distribution,
57 sharing and discovery of illegal content on porn websites can be prosecuted and
58 immediate removal enforced.

² including the Protection of Children Act 1978, the Criminal Justice Act 1988 and the Coroners and Justice Act 2009. Possession of all of the above is also criminalised under the Obscene Publications Act 1959.

³ NSPCC [Online Child Sexual Abuse Images: Doing More to Tackle Demand and Supply](#), November 2016

⁴ McGlynn, C. et al [Possessing Extreme Pornography: Policing, Prosecution and the Need for Reform](#), September 2019

⁵ BBC ['I was raped at 14, and the video ended up on a porn site'](#), February 2020

⁶ BBC [Coronavirus: 'Revenge porn' surge hits helpline](#), April 2020