

**MARCH 2023**



# **TECHNOLOGY-FACILITATED GENDER-BASED VIOLENCE AGAINST WOMEN**

**IBSA and Deepfake Pornography**



# ABOUT THE AUTHOR



**Jillian Maginot** is an undergraduate student at Saint Louis University studying International Business B.S. and Political Science B.A. with a focus on International Relations.

She is passionate about various issues, including the protection of women online and the rights of United States Indigenous women. She also sees the advancement of education around the world as extremely important, as it is through education that the world becomes better than it was yesterday.

# ABOUT POLITICS4HER



**Politics4Her** is an intersectional feminist platform & youth-led movement advocating for the inclusive participation of young women and girls in politics. Politics4Her works to broaden dialogue and to bring international human rights into practice through advising policymakers and states by bringing international best ideas. Politics4Her strives to contribute to a more equitably governed world by democratizing national laws and legislation.

# ABOUT THE PROGRAM



**The Young Feminist Scholars Programme** is meant for any student who is extremely passionate about feminism and gender issues. The goal will be for each scholar to deliver a report specializing on a region in the world covering issues related to gender-based violence and/or women's political participation.

Our two criteria for our scholars are to identify as international feminists (regardless of their gender) and most importantly to be able to showcase leadership. Scholars get to work in research, writing, policy as well as communications advocacy. Our main goal is for them to explore these different fields and see what they are most interested in while offering them guidance and mentorship so that it potentially helps them launch their early career.

# TRIGGER WARNING



Please note that this policy brief includes words and phrases that should be avoided, as it discusses topics related to sexual violence and sexual harassment. You may come across some that you consider discriminatory or have historically been used to oppress certain people or groups.

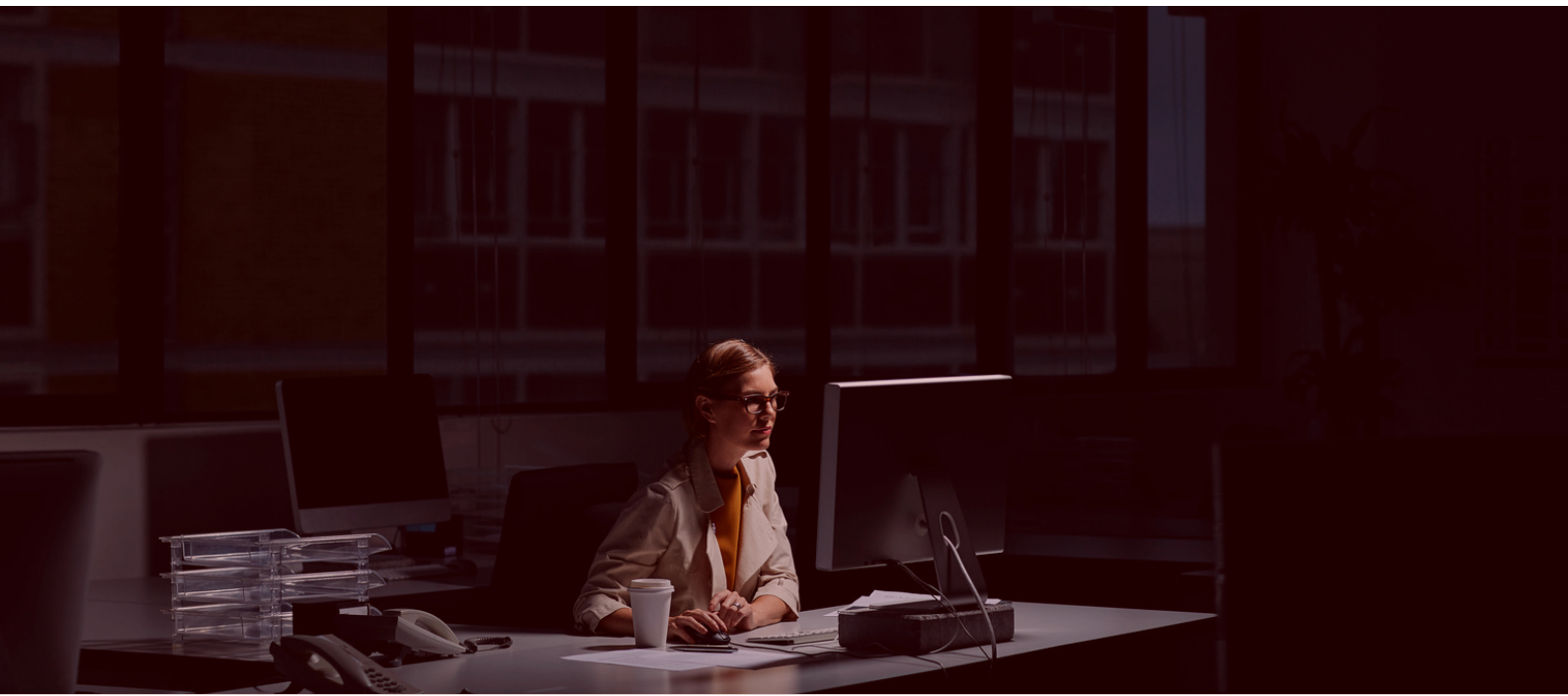
These may cause distress to people who have experienced discrimination based on their identity. Given the nature of this policy brief, we understand that many of the issues it discusses are personal and emotive for many people. While naming oppressions is necessary to deconstruct them, we recognize that this can take a toll on those directly affected. Please take care in the reading of the policy brief and prioritize your well-being.

# EXECUTIVE SUMMARY



Internet Based Sexual Assault (IBSA) and Deepfake pornography are the newest threats against women in the modern world. In the past, IBSA, otherwise known as "revenge porn" or "non-consensual pornography" (Kirchengast, 2019), was the primary form of this epidemic. This includes a survivor's sexually explicit imagery being nonconsensually posted on the internet. However with the development of A.I. technology, fake sexual imagery known as "deepfakes" can also be created and distributed. Unfortunately in both these cases, the psychological and social repercussions on female survivors are quite severe.

This article will define the crimes of IBSA and Deepfake pornography and perform four case studies on the following countries: India, Australia, Uganda, and the United States. The information for each will be gathered from scholarly articles and government reports so that through these cases and the characterization of the crimes in each, this article will then submit a policy recommendation for the countries of the world and the United Nations.



## INTRODUCTION

The internet and A.I. technology are largely regarded as gifts of the modern world, and undoubtedly they have contributed to many great advancements in our society. However, it's also created new avenues of online gender-based violence. This article will examine two forms of sexual crimes via the internet; Internet-Based Sexual Assault (IBSA) and Deepfake pornography.

IBSA refers to when a perpetrator puts sexually explicit or nude imagery of a person on the internet, either on a pornography site or on social media. The images or videos are real, and though survivors had no intention of sharing them publicly, a perpetrator did so without their consent and/or knowledge. Deepfake pornography refers to the creation of false images and videos,

wherein it appears a person is engaging in sexual acts even when they never did.

Although this version of IBSA does not use real imagery, both have very similar effects. Women may lose their jobs and social relationships, be publicly humiliated, or even become targets of harassment and sexual crimes. In very unfortunate cases, women have also died by suicide.

This issue is worldwide, and so this policy brief will conduct four case studies centering on India, Australia, Uganda, and the USA. It will also be giving policy recommendations to several countries, as well as to the UN. There must be global recognition of how pervasive this issue is and how policymakers should take further legal steps to implement regulations to protect women from online gender-based violence in the international and national contexts.

## METHODOLOGY

The information presented in this article was collected from qualitative sources. Information and data pertinent to each of the case studies and policy recommendation was found in published journal articles, as well as government reports.

A survey was also conducted with university students to better determine the prevalence of IBSA and deepfake pornography in everyday life. The questions survey asked for basic information on each of the respondents such as age, gender, and nationality. It later inquired as to if they were ever a target of IBSA or deepfake pornography, if they knew of anyone who had been victimized, and if in either case whether they had pursued

legal action as a result.

The survey also asked how serious the respondent felt the crimes of IBSA and deepfake pornography were on a scale of 1-5, and if they thought that these acts should be crimes.

The survey was done anonymously by all respondents, for the sake of protecting survivors of IBSA or deepfake pornography and their data.

To determine the specific policy recommendations, information, and data were collected from the UN Charter and Universal Declaration of Human Rights (UDHR), as well as published journal articles. ■

## WHAT IS INTERNET-BASED SEXUAL ASSAULT?

Internet-Based Sexual Assault (IBSA) is the purposeful dissemination of a person's sexually explicit imagery on the internet. Previously this act was known as "revenge porn", which refers to the dynamic of an ex-boyfriend becoming enraged that his girlfriend broke up with him and putting her intimate images on the internet in retaliation. However, this is far from the only instance of IBSA. Manifestations of this crime can come in many forms, which is a reason why it's extremely difficult to define and punish this crime.

For example, IBSA could describe the countless cases that fit the description of "revenge porn". This dynamic is present often in domestic violence cases, wherein a woman may be deterred from leaving her abuser by the threat of having her sexually explicit images posted on the internet (Burris, 2021).

Nevertheless, IBSA could also be where perpetrators of sexual crimes document the act and share it publicly, whether that crime be rape, molestation, or non-consensual voyeurism.

This is why the assumption that this crime would disappear if women stopped taking nude photos does not stand. The crime far extends this situation.

Many women have described this crime as "digital rape" (Wanjiku, 2021), which is befitting the extreme psychological



effects on survivors such as severe depression, anxiety, or suicidal ideation. However, the effects on a survivor's life can also include them being ostracized from social relationships, or even barred or fired from certain jobs. Survivors of IBSA are often occupationally discriminated against for fear of the company's reputation being affected ((Kakungulu-Mayambala, 2021).

The other dilemma of IBSA is its permanency. The photo or video can never be erased, and many women have reported this makes them feel as though they are constantly being "re-victimized".

Furthermore, whether the women are teachers, beauty pageant winners, or politicians, the social and economic repercussions are very similarly debilitating to their lives.



The assumption that this crime would disappear if women stopped taking nude photos does not stand. The crime far extends this situation.



## THE TERMINOLOGY

IBSA has as many names as it has formed. However, this article will be referring to this crime as Internet-Based Sexual Assault instead of "Revenge Porn" or "Non-Consensual Pornography". Given the myriad of ways the crime can manifest, the term "Revenge Porn" simply does not encapsulate the devastating effect of IBSA on a survivor. It also incorrectly implies that a woman had committed some wrongdoing in the first place, perhaps deserving of the "revenge" she has been given.

Additionally, although "Non-Consensual Pornography" or NCP does take away this dynamic, it does not seem to completely suit the crime either.

The crime of rape becomes diluted when using the term "non-consensual sex" because it implies that there can be sex that is nonconsensual. Creating this gray area between sex and rape only hurts survivors, and in an attempt to reduce this same effect occurring in the following article, it will refer to the crime as IBSA instead of NCP. ■

## WHAT IS DEEPAKE PORNOGRAPHY?

Deepfake Pornography is the false creation of pornographic images or videos. A perpetrator of this act will often take images of a woman's face and/or clothed body and "photoshop" them into existing pornography. The result is often so realistic that it would require an expert to judge if the imagery is truly fake or not. However, even in cases where the result is not realistic, the same damage is often done to the woman's reputation and well-being as if it were.

Initial concerns about deep fakes were that they would be used to confuse people politically (BBC, 2019), however, it quickly became clear this was not the worst consequence of this new technology.

Sensity is an AI company that specializes in determining the difference between deepfakes and real photos.

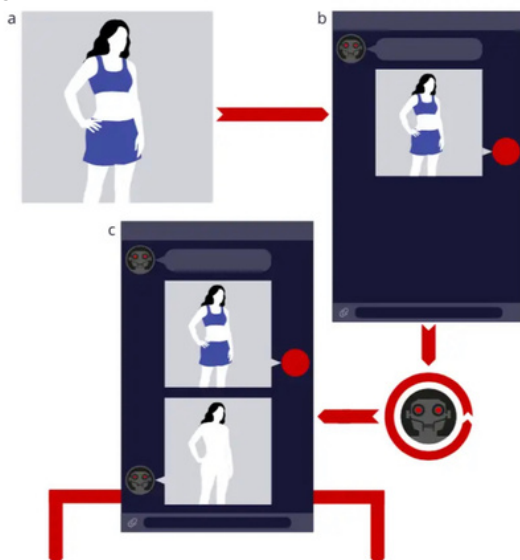
They primarily work for other companies, handling the technology side of running background checks on prospective employees. However, they also have developed several special reports on deepfakes, such as the one in 2020 that found that **96% of all deepfakes were pornographic and non-consensual**. Additionally, almost 100% of these pornographic deepfakes were of women and girls, some of them minors (Hamilton, 2020).

Deepfake technology used to be only accessible to programmers who were trained to use it. However, with the creation of an open-source program called DeepNude, almost anyone can make false pornography of whomever they wish, usually, a woman gave the technology only works for female genitalia.

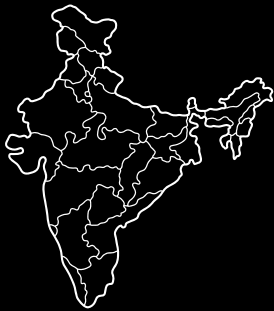
Apps and bots offering this service have become very popular. At the time of Sensity's investigation, they found that over 680,000 women had been targeted using this technology, many of them minors, and many of them most likely unaware they had been targeted at all.

Although many may believe the effect on survivors is not as serious because deepfakes are not real, they have been found to cause the same mental anguish and effect on livelihoods as in cases of IBSA. ■

Image: Business Insider



# THE CASE STUDIES



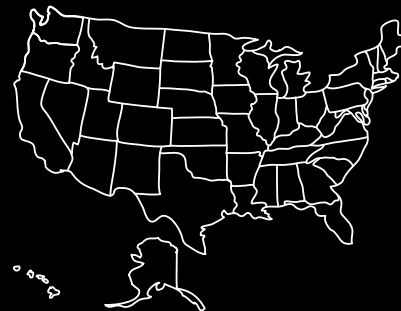
**INDIA**



**AUSTRALIA**



**UGANDA**



**USA**

## THE CASE OF INDIA: INTERNET-BASED SEXUAL ASSAULT

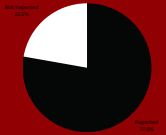
"We have lost all honor in society. Only God knows if her rape video is being watched by the world."

This was said by Manju Balram, a mother whose daughter was violently raped in 2014. She was only 16 years old when the two men assaulted her, one holding a gun, and the other recording on his cellphone.

Balram's daughter was warned that if she told her family or the police about her assault that they would upload the video to the internet. However, she exhibited such worrisome behavior, such as refusing to eat or sleep, that she eventually told her family and they reported the crime. Just a day later, a sign was hung from the family's front door saying "Gang Rape", publicly identifying Balram's daughter as the victim of a crime, and acknowledging the threat of the video being made public.

She is not the only one. In India, many more women and girls like Balram's daughter have been sexually assaulted or even murdered, and it is extremely common in both these cases for videos of the crimes to be uploaded to the internet. The problem has only gotten worse throughout the years, expanding into what has been referred to as a **"revenge porn economy"** (Rama, 2014). Perpetrators can make money off the IBSA material they obtain and porn websites make money as more people

**Only 35% of IBSA survivors  
file reports to the police**



visit the videos online.

Although statistics on IBSA are quite slim, it is known that only 35% of survivors report, which reflects the fact that many are apprehensive to publicize what has occurred (Sandeep, 2014). Besides the victim-blaming attitude police have been found to display towards IBSA, it has also been observed that once a survivor speaks out, Internet users will attempt to seek out the video to view it for themselves. The trial, therefore, acts as a beacon to those wishing to further harass these girls and women, particularly in cases where the videos are of crimes such as rape and murder.

This is confirmed in the personal account of Prashant Mali, an advocate and the President of Cyber Law Consulting in India, where he says that calls to the legal center are overwhelmingly concerning IBSA. He explains the two cases wherein the perpetrators were intimately involved with the survivor and posted the IBSA intending to make it viral.

Mali's recount of these situations was disturbing, particularly when considering that women in India are often targeted based on their age and religion (Sandeep, 2021).

## THE CASE OF INDIA: DEEPPAKE PORNOGRAPHY

In relation to deepfakes, the pattern seems to be that women who are already in the public sphere are particularly at risk.

The feminist media critic, Anita Sarkeesian, was victimized when her face was used in "hardcore" deepfake pornography. It was uploaded to Pornhub where it gained over 30,000 views and comments that said this was "the deepfake we need and deserve", implying that this was done in retaliation for her opening "her smarmy mouth".

In another instance, Rana Ayyub, an Indian journalist, was put into a deepfake pornography video. The response to the video was overwhelming. Countless men sent messages to her phone threatening they would tear her clothes off, exile her from the country, or even urge other men to gang-rape her.

The sheer multitude of aggressive and terrifying messages resulted in her seeking hospitalization. "This has a lasting impact on your mind", Ayyub stated, "And there's nothing that could prevent it from happening to me again".



Image: AlJazeera

**"This has a lasting  
impact on your mind.**

**And there's nothing  
that could prevent it  
from happening to  
me again."**

**-Rana Ayyub**

## THE CASE OF INDIA: INDIAN LEGISLATION

India does not have a specific law targeting the criminalization of IBSA or deepfake pornography. However, the country does have many laws that have been applied successfully in cases of IBSA. The Information Technology Rules of 2021 is the most recent, and most proactive of these legislations, as it regulates how social media enterprises operate in the country.

### INDIAN PENAL CODE

**The following acts are illegal:**

- Accost a woman with the intent to outrage her modesty (*Punishable by up to 2 years in prison*)
- Defamation, applicable to photos and videos, not just spoken word
- Voyeurism, a person watching or recording a women engaging in a sexual act without her knowledge, and/or disseminating the material (*Punishable by up to 3 years in prison*)

### INFORMATION TECHNOLOGY ACT (2000)

- Illegal to transmit or publish obscene and/or sexual material electronically

### INFORMATION TECHNOLOGY RULES (2021)

**Social media companies are required to:**

- Hire a grievance officer to respond to all complaints within 72 hours, and be obligated to resolve the issue within a month of notification
- Must remove nude or semi-nude material (IBSA or deepfakes)
- If a larger company, must hire a Nodal officer that can be contacted 24/7 to work with police

## THE CASE OF AUSTRALIA: INTERNET-BASED SEXUAL ASSAULT AND DEEPFAKE PORNOGRAPHY

In 2016, Australia's school system was shocked and scandalized. A website that had been running since the previous year was being used by teenage boys to swap, exchange, and request nude images of their female peers. Male students would add to the site, and keep a running list of all female students whose nude photos they wanted to see. They shared the girls' full names, addresses, and phone numbers in the hopes that if someone did not already have nude photographs of them, some could be produced.

Even more disturbing was when one young woman requested that nude photos of her friend be removed from the site. In response, she was taunted and mocked before being added to the "list" so that the male users could victimize her as well.

In another case, a young woman pleaded for her photos to be taken down as she had become stressed and suicidal. The response was that the photos belonged to "the internet", and that it was her fault for acting like a "slut."

Sharna Bremner from End Rape on Campus said, "These boys and men are behaving like a pack of hyenas hunting their prey, and then sharing the spoils with the rest of the group. . . They're reducing girls to objects and trophies to be traded like nothing more than swap cards in the playground" (Funnell, 2016).

At the time of the website's discovery, students from 71 high schools and colleges around Australia were involved. Unfortunately, because the website was not based in Australia, the police could not shut it down (Funnell, 2016).



**"They're reducing girls to objects and trophies to be traded like nothing more than swapcards on the playground."**

## THE CASE OF AUSTRALIA: INTERNET-BASED SEXUAL ASSAULT AND DEEPFAKE PORNOGRAPHY

In a recent survey, as many as 1 in 5 Australians are survivors of IBSA.

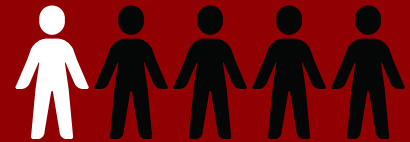
According to a report for the Criminology Research Advisory Council of Australia in 2019, it was found that there were a variety of factors that played into the crimes of IBSA and deepfake pornography, however, the biggest indicator seemed to lie in the perpetrator's relationship to the victim (Henry, 2019).

Overall, men were more likely than women to be perpetrators of IBSA, whether the victim was female or male. Additionally, women were more likely to be targeted either by a partner/ex-partner or a stranger. This aligns with many findings from other sources, and the stereotype of "revenge porn" is that a woman is victimized by a disgruntled ex-boyfriend/husband. Strangers are the other biggest threat to women, which is to be expected given the trends of 'upskirting' and 'downblousing'; explicit photos of women taken in public.

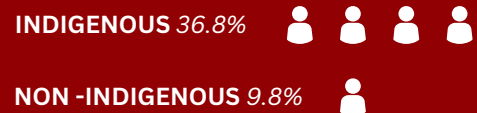
Other risk factors included a significantly higher risk of being targeted if the survivor was Indigenous (Aboriginal and Torres Straight Islander) or disabled.

Moreover, the data in this report was quite glaring, and better encapsulates the full risk of being a survivor of IBSA.

**1 in 5** Australians are  
a survivor of IBSA



Indigenous Australians  
are **4x more likely**  
to be targeted by IBSA



Disabled Australians are  
**8x more likely**  
to be targeted by IBSA





## ■ THE CASE OF AUSTRALIA: AUSTRALIAN LEGISLATION

Australia has six states with separate legal procedures. Three of those states, Western Australia, Southern Australia, and New South Wales, have comprehensible legislation regarding IBSA and deepfakes. In the case of Western Australia, survivor Noelle Martin had a key role in the introduction of new laws criminalizing these two acts, once she was targeted by deepfake pornography and realized there were no laws regarding the act. Now, a perpetrator may face up to 3 years in prison and be required to pay more than \$11,000 in fines. Southern Australia and New South Wales have similar legislation, although the penalties are less severe.

Their approach to legislation has been distinct in that Australian legislators do not wish to criminalize people who take nude photographs of themselves. Sexting is not the crime they seek to establish. Instead, the laws are specific to include the act of further distribution of such photos without consent, taking a sexually explicit photo of someone without their consent, or even simply threatening to do so.



## THE CASE OF UGANDA: INTERNET-BASED SEXUAL ABUSE

Throughout the many cases of IBSA, few have resulted in an arrest warrant for the perpetrator. However, this is exactly what occurred in the case of Desire Luzinda, a popular Ugandan singer whose former boyfriend decided to circulate intimate photos of her in retaliation for their breakup. The sexually explicit photos of Desire were published on many platforms, however, they were also eventually used in tabloids that continued the humiliation and shame of the musician.

Luzinda was 26 at the time and swore she had never taken nude photographs of herself. However an arrest warrant was issued for her crime against morality, and although she managed to evade arrest, she was socially forced to beg for forgiveness for such photos existing. This miserable situation occurred because of the Anti-Pornography Act (APA) that was in effect at the time, criminalizing the "indecent show and representation of sexual parts for sexual excitement".

The APA had many disturbing effects on the lives of Ugandan women. Otherwise known as the "Mini-Skirt Bill" for the fact that it would criminalize provocative clothing, men took it as the license to publicly strip and humiliate any woman who was not wearing modest clothing.

Additionally, it meant that women who were survivors of IBSA would become responsible for the creation of nude photos or videos, for the simple fact that they were the object of the sexual excitement outlawed by the Anti-Pornography Act. This resulted in many protests and the law later being deemed unconstitutional.

The common patterns of IBSA in Uganda have been to target women in the public eye and distribute their naked photos on different forums. The most popular are Whatsapp and "revenge porn" websites such as IsAnyoneUp.com or MyEx.com, both of which popularized the concept of men taking "revenge" on women who have broken their hearts. It also gives these men a chance to "take back control" of a woman that has been lost to them, thereby reinforcing the idea that he owns her body. These websites are usually based out of the USA, and could not be taken down by the Ugandan government even if they wished to.



## ■ THE CASE OF UGANDA: INTERNET-BASED SEXUAL ABUSE

In the article from Bigirwa (2021), the nature of IBSA can be separated into three categories that better explain the psychological causes of this crime.

The first is exploitation, which relates to the fact that perpetrators have the opportunity to make money off of their victim's photos. As mentioned in the analysis of India, there is an "economy" surrounding IBSA which further encourages the perpetration of the crime. The second category is Sextortion which also refers to the monetization of IBSA considering a perpetrator can manipulate their victim into paying for them not to release the photos, as in the case of Judith Heard. However, in cases where the survivor and their abuser are intimate, IBSA is often used as a means to manipulate the woman into staying in an abusive relationship.

The final category of IBSA that was identified was Sexual Trophyism, which describes a "passion for power". What Bigirwa means by this is that typically men who collect sexual photos of women use them as bragging rights, showing off to peers the evidence of whom they have had sex with or received nude photos from.

On the female side of IBSA in Uganda and in many countries, women have internalized many victim-blaming attitudes, and often do blame themselves for being targeted.

This shame has caused many to "apologize, retreat, and isolate" in cases where their nakedness has been made known without their consent. The law then reinforces this dynamic wherein women cannot be sexual agents, and are blamed when a situation occurs where their sexual autonomy is taken from them. It is also difficult for women to even know that they have been victimized, given that the proportion of women using the internet is 25% less than that of men (Kakungulu-Mayambala, 2021).

This cultural understanding of female sexuality stems from the "Culture of Purity" ushered in by British Colonialism and Victorian values. Unfortunately even as the British left Uganda, their harmful practices did not, resulting in laws such as the Anti-Pornography Act.



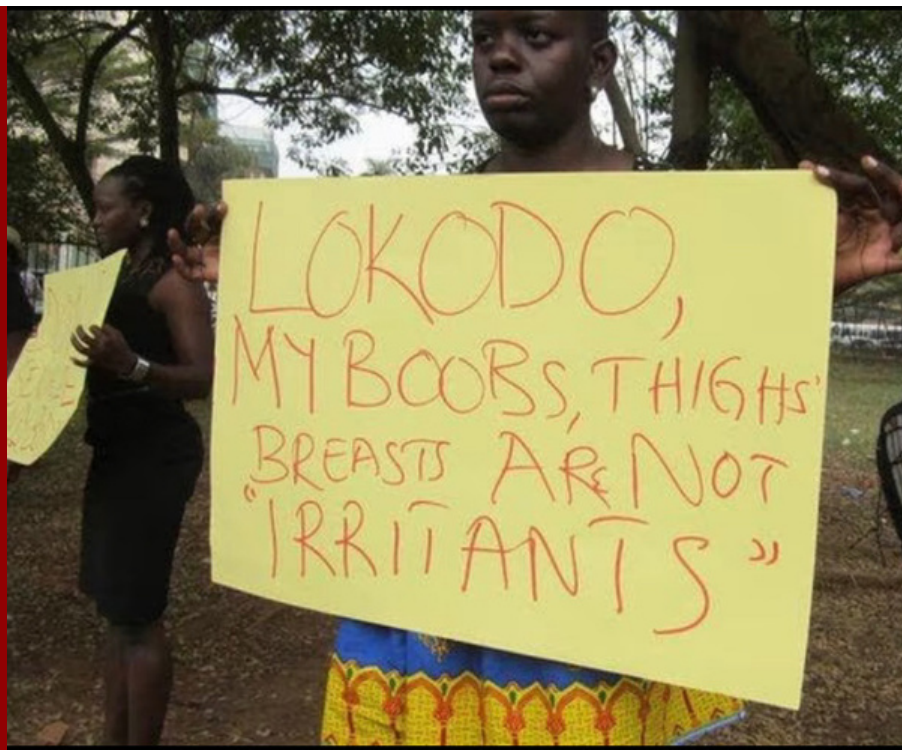
## THE CASE OF UGANDA: UGANDAN LEGISLATION

In 2014, the Anti-Pornography Act was passed into law which prohibited the creation of any material that could be deemed pornographic, including the act of wearing a mini-skirt or writing risqué song lyrics. The wording was extremely vague and encompassing, meaning many different acts could be considered illegal. More specifically, according to Uganda's Ethics and Integrity Minister, Simon Lokodo, women should be arrested if they were wearing "anything above the knee". This law also created a Pornography Control Committee, established in 2017 that would decide what acts should be punished.

This led to many feminist groups and outspoken individuals in the country protesting the law, which fortunately changed the mind of legislators (BBC, 2021).

In 2021, Uganda's Constitutional Court voted unanimously to overturn the APA, deeming it unconstitutional, given the protections that women are supposed to be afforded in the country. They decided that the APA unfairly targeted women in its wording and that there would be no harm done by repealing it. While this was certainly a step in the right direction, there are still no laws targeting IBSA or deepfake pornography, which leaves survivors with no way to receive justice.

"Lokodo,  
My boobs,  
thighs, [and]  
breasts are  
**not** irritants.

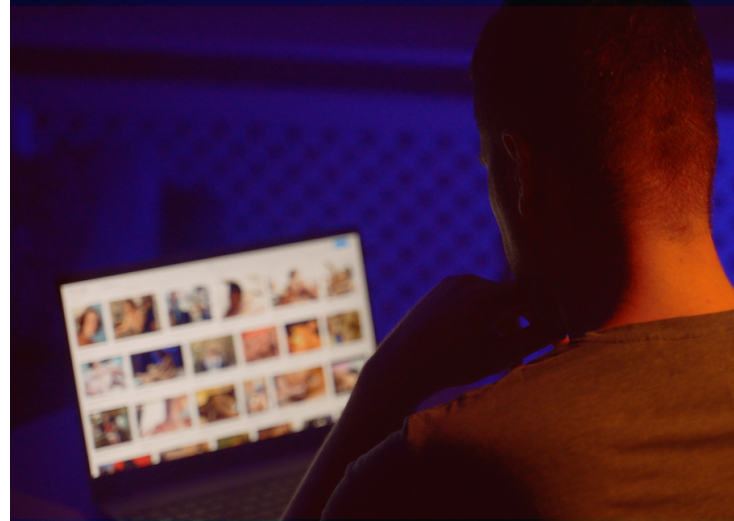


## THE CASE OF THE USA: INTERNET-BASED SEXUAL ASSAULT

The Rolling Stone called Hunter Moore the “most hated man on the Internet”, but many would have probably considered him the vilest one. Hunter Moore was the creator of IsAnyoneUp.com, a website where “revengeful exes come for peace of mind” and post any sexually explicit photos they had of their exes from when they were together.

This website popularized the “revenge porn” tactic, particularly in cases of abusive relationships. As mentioned previously in the Case of Uganda, sextortion is the label for situations wherein an abuser is using IBSA to punish or manipulate women. Due to the abuses perpetrated on the site, IsAnyoneUp.com was eventually removed from the Internet. However, the legacy of these types of forums has endured quite strongly in the USA. The phenomenon that has become more common is “slutpages”, the definition for the website used in Australia between 71 schools and colleges to shame female students.

Slutpages refer to any web group, website, or email list that is dedicated to the dissemination of non-consensual sexually explicit imagery, usually of women. Users will non-consensually obtain and/or non-consensually share nude photos and videos of women with the purpose of trading or commenting on them later.



According to Maas (2021), almost all images on slutpages are of women. Users are primarily men, however, there are particular distinctions in the main social groups that perpetrate the IBSA.

The article explains that young men in the military or involved in Greek life in their universities and colleges are more likely than other groups to participate on slutpages. They were also more likely to share nude photos that they did not have consent to share and to use vault apps wherein they collect masses of nude photographs, trading with others to obtain more. This terrifying behavior has been exhibited at Pennsylvania State University, wherein male students were found to be using a private Facebook group to share photos of girls undressed, intoxicated, or even unconscious.

This behavior nationwide has struck fear in young women in university and the military alike.

## THE CASE OF THE USA: INTERNET-BASED SEXUAL ASSAULT

### MALE PEER SUPPORT THEORY

The psychology behind this behavior is called the Male Peer Support Theory, which describes how violent and misogynistic men often align with each other and employ certain behaviors like using "slutpages" to achieve peer recognition and bonding. In turn, these men often become more misogynistic, using these behaviors to further encourage each other into harming women.

In recent years, Pornhub has been held responsible for its monetization of rape and minor videos. Although they were not complicit in the creation of such content, it has been shown many times that they did not have a vested interest in removing such material even when made aware of its nature.

This occurred in the case of Rose Kalemba, who was only 14 years old when she was kidnapped and violently raped by two men. A third man videotaped the crime and posted it on Pornhub.

Rose became aware of this several months later and immediately began attempting to contact Pornhub to take

down the videos, but they wouldn't even respond. She had to impersonate an attorney for Pornhub to remove the videos, however, it was already too late. Due to their previously available download feature, the videos had already surfaced on countless other forums.

Many years later, in 2019, Rose spoke out publicly about Pornhub's negligent approach to her case and found out that countless other women and men had experienced the same issue. Rose explains that this phenomenon occurred simply because Pornhub had been making money from the videos of their assault, traumas, and pains, and they weren't going to stop unless they started losing that money. Her story combined with many others led to countless protests against Pornhub, calling on them to bear more responsibility. The movement began to refer to Pornhub as **Traffickinghub**, in light of their negligence to remove material that contained the trafficking of women and children.



## THE CASE OF THE USA: DEEFAKE PORNOGRAPHY

In January of 2023, deepfake pornography was once again brought to the forefront of public discussion. On the popular video game streaming site, Twitch, streamer Brandon Ewing's "AtrioC" accidentally showed the wrong tab, and revealed he had bought and viewed deepfake pornography of his female colleagues and acquaintances. The subsequent reaction was immediate.

Countless individuals following the stream screen-shotted the images of the deepfake pornography and shared them on different websites, along with the names of the women who had been targeted. The women themselves also spoke out condemning Ewing, particularly in the fact that they knew each other.

One streamer, QTCinderella openly shared her reaction and emotions she felt upon discovering what Ewing had done. Another streamer, SweetAnita, was equally disturbed but in a different way, for she didn't even know that deepfake

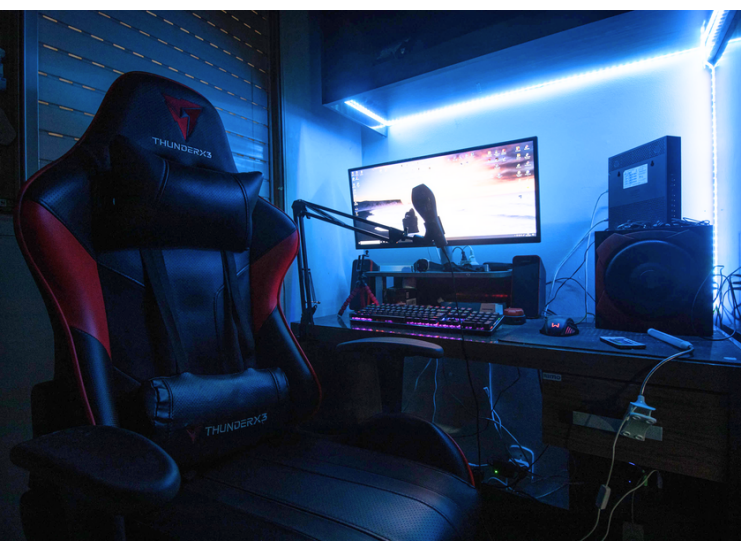
pornography existed of her until the scandal.

QTCinderella and SweetAnita were both greatly emotionally affected by the creator of their deepfake pornography, but also by Ewing's act of financially supporting the perpetrator and viewing the videos himself. The various perpetrators that create deepfake pornography and later consume it also create many types of victims.

On the side of QTC Cinderella and SweetAnita, they were overwhelmed by the discovery that their faces had been used in pornographic material that they had never agreed to participate in.

The fact that they were in the public eye affected the notoriety of this scandal, however, women at all levels of public life are debilitated by deepfake pornography.

One striking example of this is when an elementary school teacher in Ohio was a victim of deepfake pornography. Her students' parents found the material and felt "uncomfortable " that she was still teaching, so the school fired her. Moreover, whether the material is fake or real, survivors of IBSA and deepfake pornography experience effects related to all aspects of their lives due to the non-consensual sexualization of their images.



## THE CASE OF THE USA: UNITED STATES LEGISLATION

This separation of states defines the problem that exists in the USA (and Australia), wherein there's rarely a federal legal consensus on developing issues. However, as of February 2023, 48 states and Washington D.C. have laws against IBSA or non-consensual pornography. Only Massachusetts and South Carolina have no legislation. Additionally, in March of 2022, the Violence Against Women Act Reauthorization Act of 2022 federally protected women by allowing IBSA survivors to file a federal lawsuit against the person who disclosed their images non-consensually. In this sense, the USA has begun the process of handling IBSA.

However, the Federal Communications Decency Act of 1996 protects websites and service providers from liability in cases of IBSA and child pornography if they were not co-creators. By simply being the publishers of posted content, they also have no legal obligation to remove material unless it was copyright or child pornography.

In relation to deepfake pornography, the legislation is almost non-existent. The only two states that have banned deepfake pornography are Virginia and California.

For the rest, there are no protections available to survivors for legal recourse, and considering previous court cases concerning this topic, it seems unlikely that there will be an adequate response to the threat of deepfake pornography.

This is in reference to the Supreme Court decision in **Ashcroft v. Free Speech Coalition**, in which the Supreme Court Justices held that child deepfake pornography was protected by the First Amendment because no child was harmed.

### ASHCROFT V. FREE SPEECH COALITION

In 2002, the Supreme Court struck down two provisions of the federal Child Pornography Prevention Act of 1996, which had made "virtual child pornography" illegal.

The Supreme Court ruled that virtual child pornography was protected by the First Amendment as it was not considered "obscene" and was not "actual child pornography".

This was because in many cases, the deepfake pornography used computer imaging and adult faces, meaning no children were involved in the creation of this material (Ward, 2009).

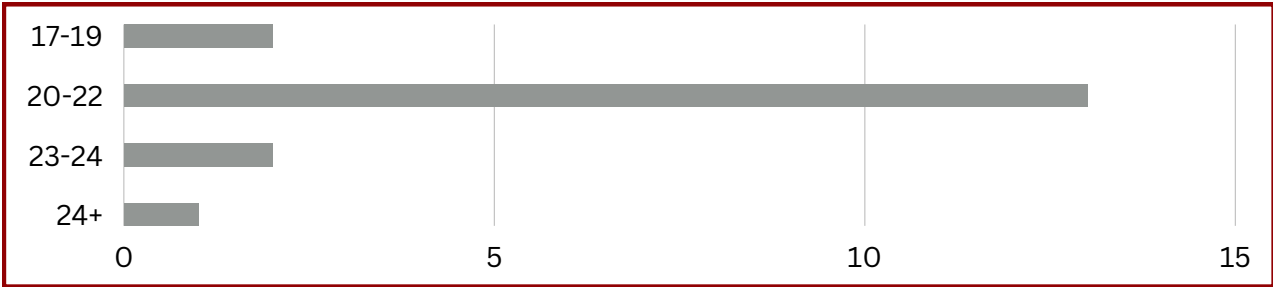




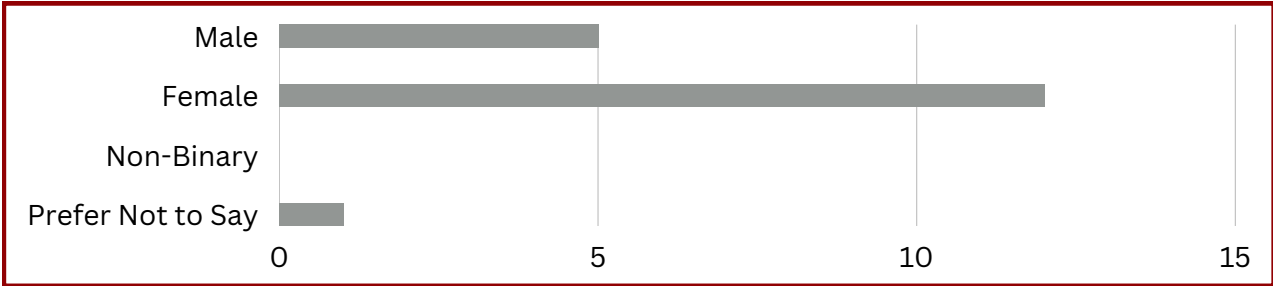
# SURVEY REPORT ON INTERNET-BASED SEXUAL ASSAULT AND DEEPPAKE PORNOGRAPHY

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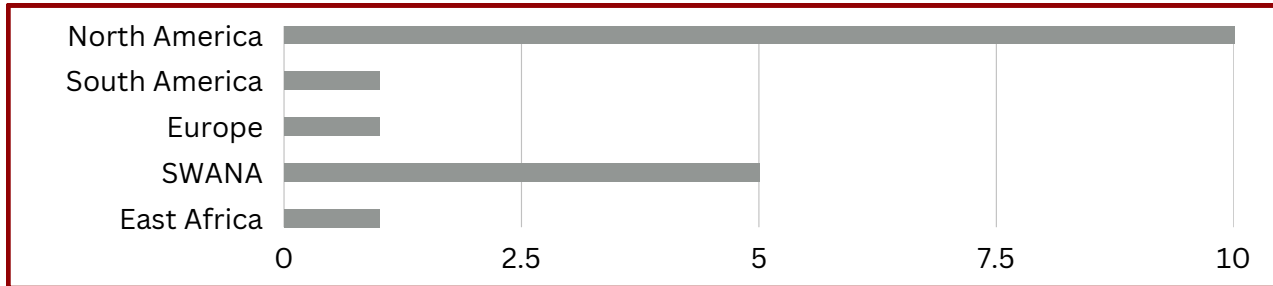
## AGE OF RESPONDENTS IN YEARS



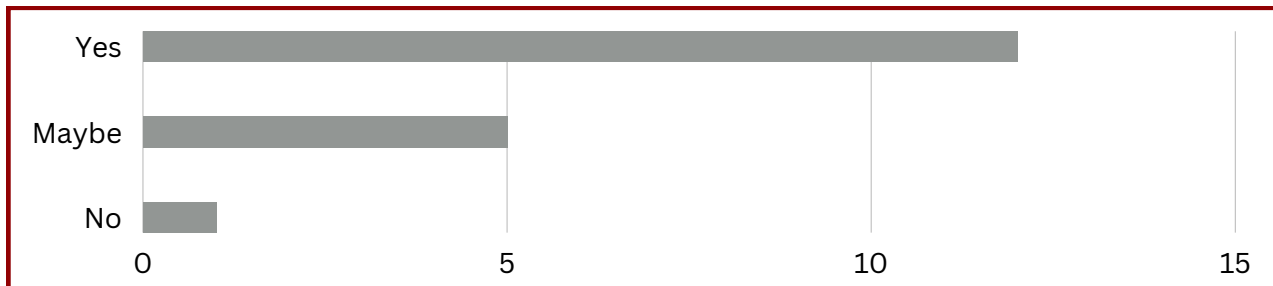
## GENDER OF RESPONDENTS



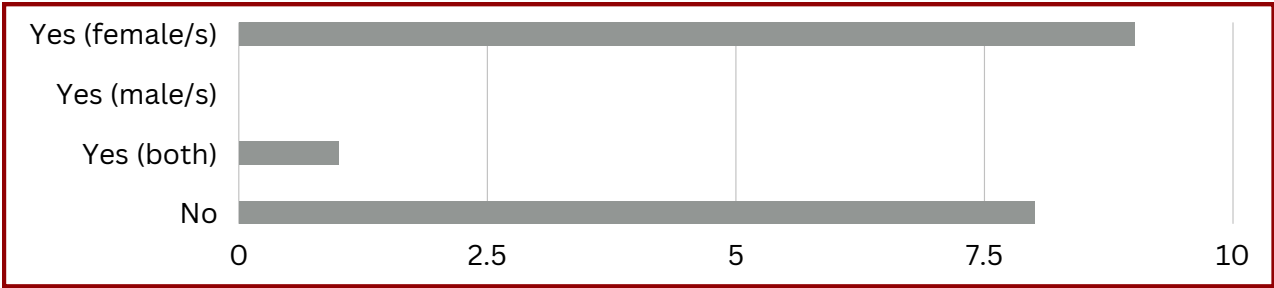
## NATIONALITY OF RESPONDENTS



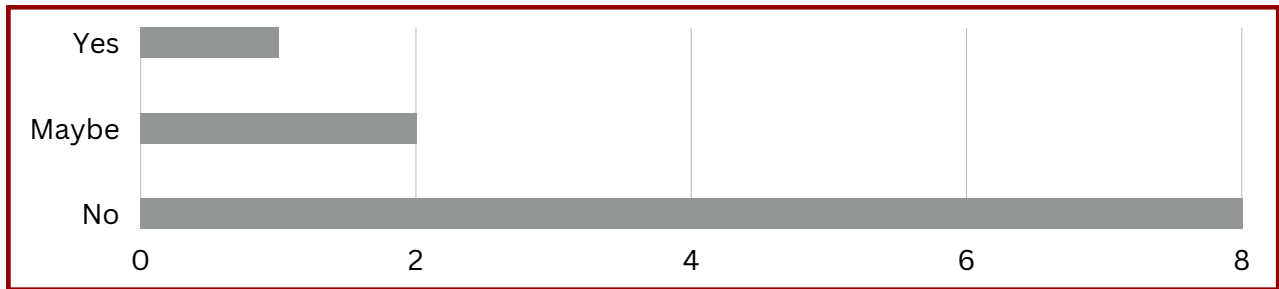
## IS THE RESPONDENT FAMILIAR WITH IBSA OR DEEPPAKE PORNOGRAPHY?



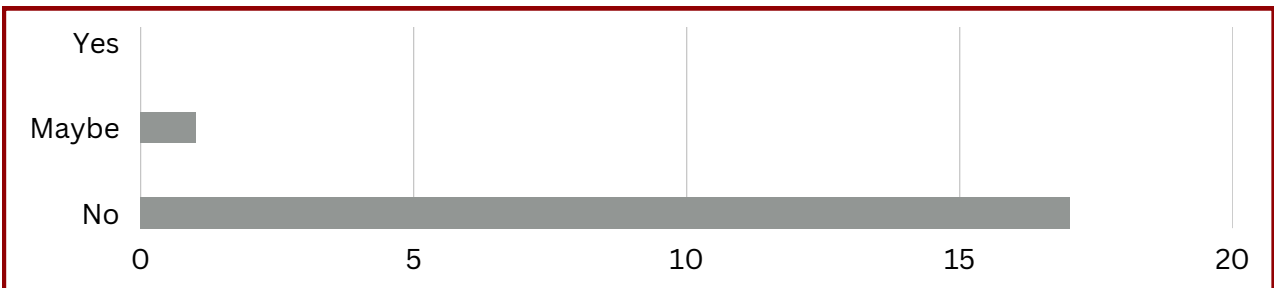
**DOES THE RESPONDENT PERSONALLY KNOW A SURVIVOR OF IBSA?**



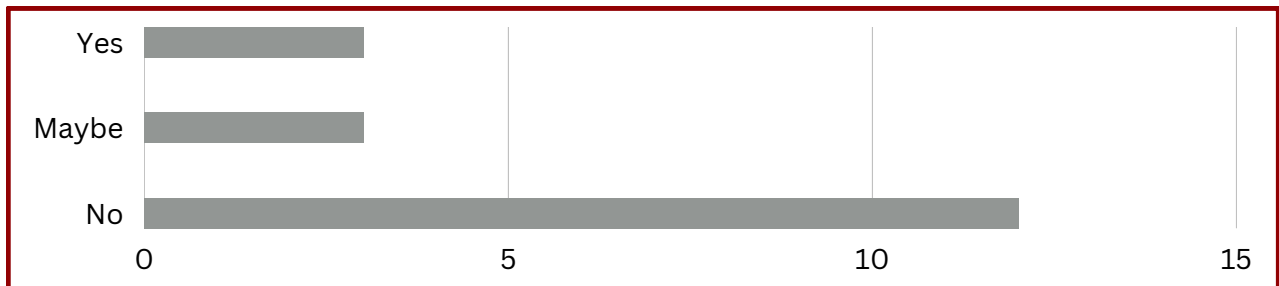
**IF THE RESPONDENT ANSWERED YES ABOVE, DID THIS PERSON TAKE LEGAL ACTION?**



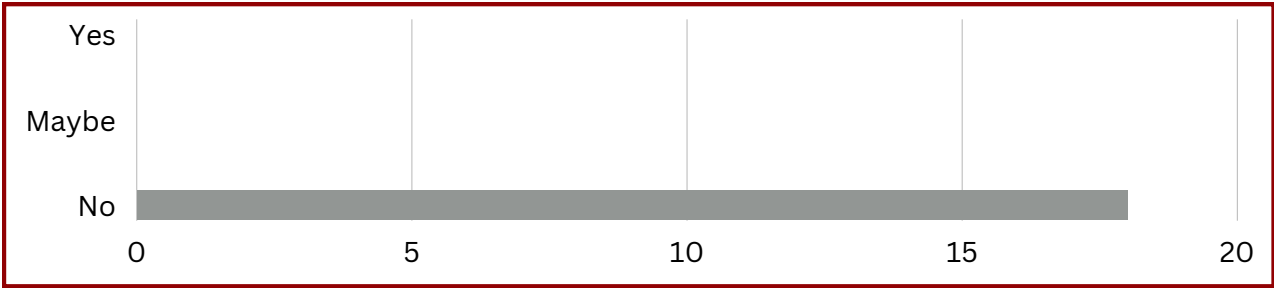
**IS THE RESPONDENT A SURVIVOR OF IBSA?**



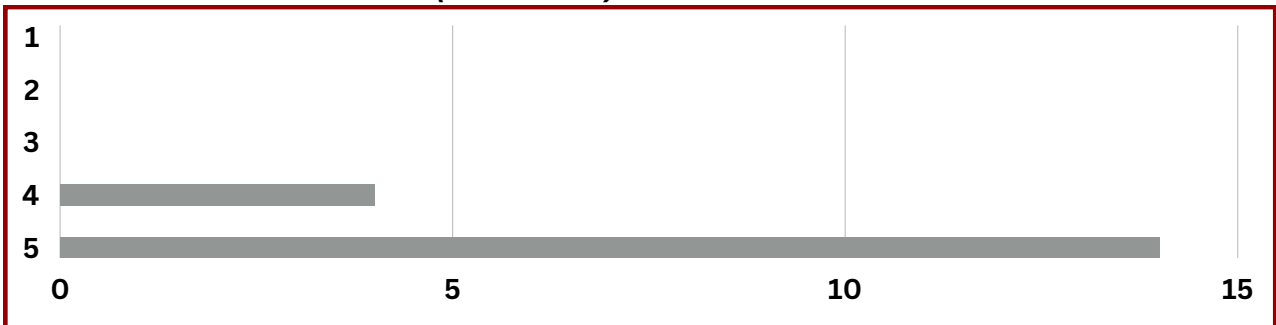
**DOES THE RESPONDENT PERSONALLY KNOW A SURVIVOR OF DEEPPFAKE PORNOGRAPHY?**



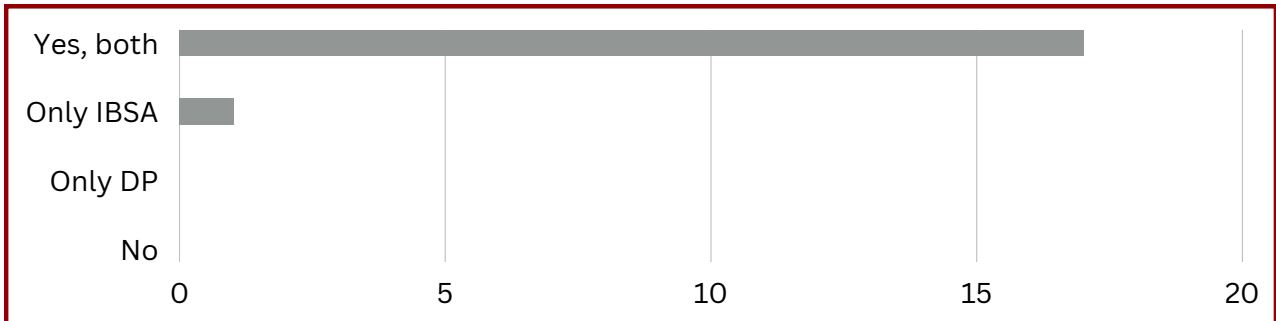
**IS THE RESPONDENT A SURVIVOR OF DEEFAKE PORNOGRAPHY?**



**HOW SERIOUS DOES THE RESPONDENT CONSIDER THE ACTS OF IBSA AND DEEFAKE PORNOGRAPHY (SCALE 1-5)?**



**DOES THE RESPONDENT CONSIDER IBSA AND DEEFAKE PORNOGRAPHY TO BE CRIMES?**



## CONCLUSION

Through the examination of four case studies (India, Australia, Uganda, and the USA), it is clear that the issues of IBSA and deepfake pornography are worldwide. With increased access to the Internet came new ways for women to be victimized, and much of the world was either ill-prepared or outright neglectful in considering what would come next. This lack of response has led to countless women being targeted by the crimes of IBSA and deepfake pornography, or being re-victimized following related sexually-charged crimes.

The effects of IBSA and deepfake pornography are horrific and extend to all aspects of women's lives. They may lose their jobs, be forced to drop out of school or be ostracized by their peers and families. They may experience negative effects on their psychologies and bodies, and may even be made into targets for later abuses and crimes.

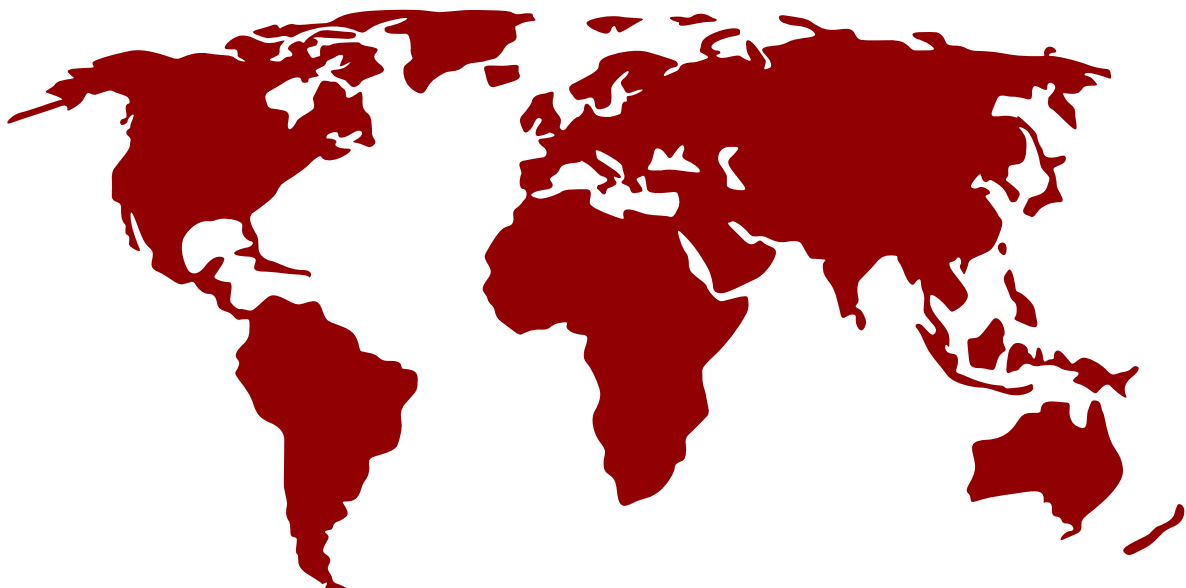
Meanwhile, the perpetrators often commit this crime for the reason of controlling

women's bodies and sexualities, or making mockeries of it.

In this sense, IBSA and deepfake pornography are symptoms of a larger issue of misogyny existing in the world.

These crimes exist because of a global society that diminishes women's sexual autonomy. It is due to this that those laws must be implemented all over the world to properly tackle the problem. As seen in the Case of Australia, harmful websites that are based out of the country cannot be shut down, and the Australian government's range to handle the issue was limited. This dynamic occurs in many other cases as well, wherein a lack of cooperation hurts survivors.

Therefore, all countries must not only have the legislation but be willing to work together for women's lives to be properly protected from IBSA and deepfake pornography. It is for this reason that this article calls on the UN to pass international legislation to promote these protections. Women deserve lives free from online technological violence.



## POLICY RECOMMENDATIONS

The United Nations and its member nations must take legislative action to tackle the issues of Internet-Based Sexual Assault and Deepfake Pornography. However, there are two aspects to the problem that must be addressed, and it is useful to examine them separately.

### THE RESPONSIBILITY OF INDIVIDUALS

Many individual perpetrators can hide behind the anonymity provided by the internet. However, in IBSA and deepfake pornography cases wherein a perpetrator can be identified, they should face prosecution for the applicable crime. It can be left to particular countries to decide how a perpetrator should be punished, whether that includes fines and/or jail time.

However, it should be mandated on an international level that the acts of IBSA and deepfake pornography are crimes and violate the rights of women. This must include the act of non-consensually documenting a sexual act or person nude, as well as the act of sharing it; whether that be in forwarding it to another individual or uploading it to the internet in any way.

Furthermore, in tying individual responsibility and media company responsibility, media companies should be encouraged to keep a list of individuals who have been convicted of IBSA and/or deepfake pornography so that their uploaded material can be monitored more closely.

## POLICY RECOMMENDATIONS

### THE RESPONSIBILITY OF MEDIA COMPANIES

Media companies such as Pornhub, Facebook, or Snapchat are often legally protected from responsibility for what users post on their sites, and they have capitalized on their capabilities. In the case of IBSA and deepfake pornography, this usually means that the material stays online because it is generating profit for the company. Only when threatened with legal action do media companies respond to survivors' claims, however without the proper tools to prosecute these companies, it will not happen. Countries must create these tools.

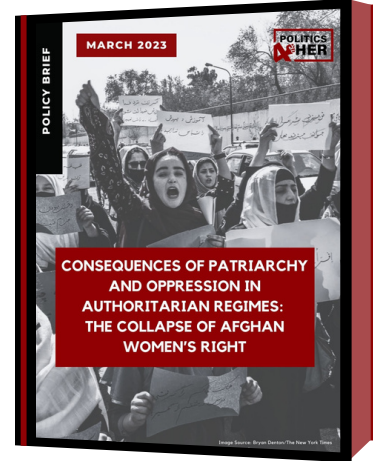
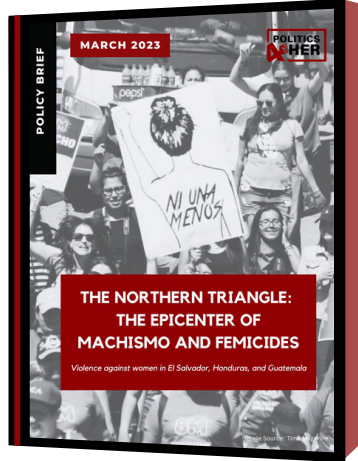
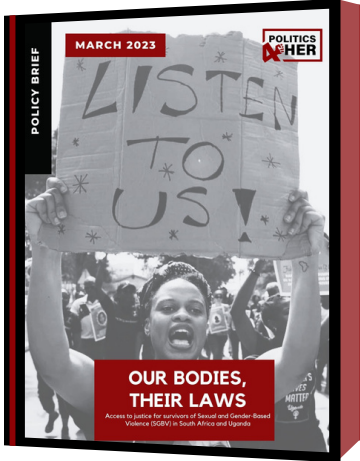
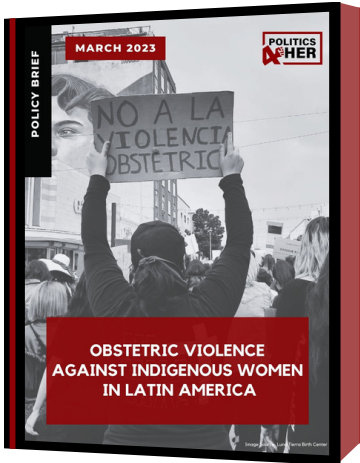
Depending on the size, media companies must be legally mandated to implement either an individual or team dedicated to dealing with complaints of IBSA and deepfake pornography. They must also make themselves available to local, state, or federal law enforcement so if a case is made known to the company, they can adequately respond to the claim within 48 hours. This amount of time allows for the company to respond, while also considering that the material must be removed as soon as possible. If the IBSA or deepfake pornography has not been removed in the time mandated, then the media company must face financial penalties.

Additionally depending on the media company's size, they must also be legally mandated to implement a moderation team that is suitable to the number of uploads on their websites. It will be the moderators' responsibility to filter uploads to the sites and remove illegal material. With these two separate divisions of media companies, there will be a system in place to prevent the prolonged existence of illegal material on their websites, as well as to handle cases when brought to the company's attention from outside sources.

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