Entry

Image-Based Sexual Abuse: Online Gender-Sexual Violations

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Definition: Image-based sexual abuse describes the offline or online non-consensual sharing of real or fake images or videos with (un)known others of a person that are either sexually explicit or sexually suggestive. New information and communication technologies (ICTs) provide many open-ended and undefined possibilities for image-based sexual abuse (IBSA), such as 'revenge pornography', 'upskirting', deepfake pornography, sexual spycamming, and cyberflashing, to name just a few. These forms of abuse refer to the online, and also at times offline, non-consensual distribution or sharing of explicit images or videos of someone else by ex-partners, partners, others, or hackers seeking revenge, entertainment, or peer group status. The vast majority of these are committed by men against women. Given the many adverse impacts on physical and psychological health and well-being it has on its victim-survivors, exploring this form of online gender-sexual abuse and violation becomes an important endeavor. Situating the discussion within debates on gender and sexuality, the entry discusses the increasing use of new technologies for online gender-sexual abuse and violation, highlighting the motivations of those perpetrating IBSA, the negative physical and psychological impacts of IBSA on victim-survivors, and what has been, and could be, done to combat image-based sexual abuses and other misuses of new technologies, notably through legal, policy, and practice interventions within and between nations.

Keywords: non-consensual; image-based sexual abuse; digital gender-sexual violations; violence; abuse

1. Introduction

1.1. Contexts and Histories

Modern information and communication technologies (ICTs) provide many open-ended and undefined possibilities for image-based sexual abuse (IBSA). ICTs bring several distinctive features and affordances to everyday life, such as the compression of time and space across distance and physical separation; communicative instantaneousness in real time; asynchronicity; blurring 'real' and 'representational', and online/offline boundaries; wireless portability and globalized connectivity; and personalization. All of these features can be relevant in assessing IBSA, and in particular, the relative ease of perpetrating and disseminating IBSA. There is a multiplicity of forms of IBSA which include colloquially termed 'revenge pornography', 'upskirting', 'downblousing', deepfake pornography, sexual spycamming, cyberflashing, online child sexual abuse, sex trafficking, commercial sex exploitation, online pornography—to name just a few [1].

Such forms of IBSA are part of the long histories of the relationship between sex, sexuality, and technologies that have developed from the peep show to telephones (e.g., 'call girls', sex lines, specialist telephone sexual services, as well as telephone sex itself), video and television (e.g., sex videos, sex channels, sex pay TV), and more recently the Internet

(e.g., non-connection sex, virtual sex, sexual storytelling, sexual genres) [2]. The multiplicity of forms of sex and sexual representation using ICTs has also been accompanied by an increasing move from passive to more active engagement (e.g., hologramic sex, augmented reality sex, immersive reality sex) and the creation of IBSA materials (e.g., deepfake pornography, sexual spycamming) [1]. The symbiotic relationship between sex, sexuality, and ICTs, and interactivity is also part of the broader histories of the 'mainstreamification' of sex [3], where the boundaries between public and private are shifting from one of external censorship to an 'informed' consumer culture. That is, the relationship between the two spheres is becoming more fluid and porous, with sex often taking center stage, and where access to and use of publicly available sexualized materials is normalized. Men tend to access and use such materials, online or not, for revenge or other purposes more than women, albeit with less gender difference for younger people for some forms and declining use with age [4]. Such broad tendencies have multiple effects, especially on younger people, such as pressures on women and girls to look or act in certain sexualized ways [5].

While the use of technology for sexual purposes is as old as the printing press, what differentiates the modern world is the near-universal availability of sex and sexualized materials on the Internet and technological devices for accessing it, as well as the speed in which it can be accessed [6]. The ability to both devise and view sexualized materials, whether in private, at home, or in public, along with the relative anonymity of these activities as afforded by various new technological developments, has arguably contributed to the mushrooming of IBSA. Indeed, Woods and McGlynn [7] point out that in some countries, a third of participants in their study had been victim-survivors of IBSA, and a fifth had experienced threats to share explicit materials.

Some scholars [8] have found links between 'sexting', the sending, receiving, or forwarding of sexualized materials by mobile devices such as smartphones and tablets and IBSA. The taking and sending of materials may be consensual in 'sexting', but the receiving and forwarding of them are non-consensual [9]. Some studies [10] estimate that around 50% of young adults have either sent or received a 'sext', with men seeming to view 'sexting' more positively compared to women [11]. However, whilst both men and women may send 'sexts' and perceive it as "arousing", "exciting", and "flirty" [12], other studies [13] suggest that some girls and women may feel pressured or even coerced, to reciprocate in 'sexting'. Once those sexualized materials have been taken, they can be used and re-used in IBSA [8].

1.2. Diverse Perspectives on Violence and Abuse

Given this context, IBSA can be situated and understood from several different traditions and perspectives. Firstly, the public display of sexualized images and videos in some forms of IBSA means it can be viewed as a relatively new form or genre of pornography and especially as part of the explosion of (online) pornography [14–16], and more general pornographization [6] in and across societies [3]. What these terms refer to is the sense that some societies are becoming different, sexually different, by virtue of the mass of sexual representations and discourses in play, with pornography and related sexual imaging increasingly permeating contemporary culture and perhaps even blurring the lines between what is understood as sexuality and what might be considered non-sexual or less sexual [17].

IBSA can be understood as forms of and part of the broad range and continua of gender-based violence (GBV), and given IBSA is largely perpetrated by men [18], kindred framings can be used, such as men's violence against women and girls (VAWG), violence against women and children, and sexual violence, including of (former) intimate partners in specific forms of IBSA such as 'revenge pornography' [19]. Thus, IBSA can be located within the continuum or continua of GBV, sexual violence, and men's violence against women and children, stretching across war and 'peace', interpersonal and structural violence, and other violent processes [20]. IBSA can also be encompassed within the deadly, damaging, dispersed, and diffuse regimes of violence [21,22] that are not immediately or directly

physical on the fleshy body, even though they have harmful physical bodily effects on the violated and the abused. In situating IBSA as GBV, emphasis is placed clearly on gendered power, control, and the intention to harm that are exerted and reproduced structurally and interpersonally. The crux of IBSA as GBV is then the enactment and imbalance of gender-sexual power, often facilitated by the perpetrator's ability to remain anonymous and (superficially) distant. In many ways, seeing IBSA as GBV acts as an umbrella framing of the subsequent approaches to situating IBSA including as exemplars of forms of violence that are novel, continuing to change, and, in that sense, unfinished.

IBSA can also be seen as gender, gendered, sexual, and gender-sexual violating practices. Moreover, these " . . . practices may be interpreted as structured action, resulting from the gender-sexual social order and social structures, sometimes called patriarchy, and/or as a way of doing gender, doing sexuality, or doing gender/sexuality performatively. Either or both ways, it is part of the gender-sexual matrix, dominantly heterosexual, that (re)produces gender categorizations . . . " (p. 29) [1]. IBSA is largely perpetrated by men, and thus it can also be viewed as " . . . a matter of the practices of *men and masculinities* or similar concepts, such as *manhood acts* that happen to take place with the use of or via ICTs. Thus, it can be seen as instances of patriarchal, sexist, hegemonic and dominant forms of masculinities and manhood, and complicit, subordinated, marginalized, ambivalent, resistant, and counter-patriarchal forms." (p. 30) [1]. This is not to deny that some women also perpetrate IBSA, " . . . but to see men's digital violent practices, and the discourses employed within and around them, as part of the diverse repertoires of men and masculinities, and in this sense perhaps less novel, less original, than they may appear to some or in some debates." (p. 30) [1]. In such research, IBSA " . . . may be understood as more about gendered-sexual positions, positionings, practices, within current, and changing, gender-sexual orders, and less about the specific and rapidly changing affordances of ICTs . . . " (p. 30) [1].

In addition, IBSA not only operates along a heterosexual axis but includes IBSA targeted towards, as well as by and between, LGBTIQA+ people [1], with considerable evidence of their greater victimization than for heterosexual people [23]. A range of different focuses is being taken up more fully in recent research. Examples here include how the sending of unsolicited genital images may be relatively accepted amongst some gay and bisexual men [24], how gay and bisexual men who are using geosocial dating apps may be more likely to be victims of 'revenge pornography' than both the general population and the broader lesbian, gay, and bisexual community [25], and how, in some surveys, lesbian, gay or bisexual participants may be more likely to report as having engaged in some form of IBSA perpetration over their lifetime [26], alongside experiencing higher rates of victimization.

Given women are largely the victim-survivors of IBSA, another frame for understanding IBSA is through the lens of digital hate and misogyny, as on the manosphere. While it is difficult to ascertain whether there has been an increase in such behaviors (before the internet, they would have been more localized and therefore less visible), it is clear that the advent of Web 2.0 and the development of social media have amplified them and that amplification, together with women's activism, has raised and extended public awareness of online misogyny. It can be difficult to determine perpetrators' emotions and intentions associated with IBSA, as they may not be reliable witnesses and may insist that they engage in these behaviors 'for a laugh' rather than to express hatred [18]. It is, therefore, valuable to analyze the words and expressions used, as well as the ways they are experienced [1]. Such analysis reveals that IBSA communicates misogyny that may be entwined with other forms of prejudice and hate.

Since IBSA is committed by, through, and with technologies, IBSA can be seen as part of the technologization of socialities, sexualities, and violence in their multifarious possibilities. In other words, IBSA is online and other technologically-linked activity and activity that harms another, often intentionally so and often repeatedly, where the victim-survivor is typically unable to defend themselves. Moreover, technology is far from neutral in terms of intersectional gendered power but embodies intersectional gendered power

relations already 'built-in' to its structures, functions, and deployments. More specifically, the roots of some platforms are in men's abuse of women. For example, Oliver [27] reminds us that social media technology was borne out of sexist attitudes and practices towards women on college campuses. Mark Zuckerberg invented Facebook "to post pictures of girls for his college friends to rate and berate" [27] when he was in a fraternity; Evan Siegel, the inventor of Snapchat, sent messages "referring to women as 'bitches', 'sororisluts,' to be 'peed on' and discussed getting girls drunk to have sex with them" [27]; and Sean Rad and Justin Mateen, founders of Tinder which was introduced on colleges campuses, were involved in a sexual harassment complaint in which Mateen was accused of sending the President of Marketing "sexist messages calling her 'slut', 'gold-digger' and a 'whore'" [27].

1.3. Transnationalizations and Mediatizations

IBSAs can also be characterized as borderlessness, difficult-to-control, and, at times, perhaps increasingly, transnational—in their production, consumption, counter-interventions developed against it, and their very existence as a new and developing online-offline configuration [28]. A transnational perspective foregrounds two key elements: first, the nation or national boundaries, and second, 'trans' (across) relations, as opposed to 'inter', 'supra', or 'intra' relations [29]. Thus, the nation is simultaneously affirmed and deconstructed in that national borders, and nation-based governance and controls may become less powerful. Moreover, the second element of 'trans' in transnational can be understood as referring, initially at least, to both moving between nations, as in hosting and posting IBSA in one country, on a platform located elsewhere, for transnational transfer, and homosocial audiences and exchange, but also in the sense of moving beyond the nation-state, as in new or changing transnational gender-sexual cultures and sexual violations across and beyond national borders and in some ways making those borders redundant or at least less impactful. Both these interpretations are highly relevant for understanding IBSA and attempts to counter it. A third meaning of the transnational concerns the formation of new transnational social configurations and phenomena [30]; in this context, new transnational gender-sexually violating configurations that work online-offline simultaneously. Such online-offline configurations are integral to the transnational circulation and consumption of online violations and transnational mobilization, reproduction, and entrenchment of patriarchal power and heterosexual norms.

A fundamental issue in analyzing transnational processes is the dispersion, transfer, and deployment of a variety of both material resources—finance, people, things—and virtual resources. In the latter case, dispersion is often reproduced symbolically, through, and in the contexts of ICTs, with complex and evolving forms of virtualization. Transnational processes thus concern both the physical, material movement of people and bodies—as in migration—and goods and services—as in trading—and also virtual, immaterial movements of money, data, cultural references, messages, and visual images. While sexualities are typically thought of as embodied, online sexualities, sexual cultures and sexual violations also entail national and transnational movement of text, images, and violations.

The dynamic between borderless internet/e-spaces and the transnationalization of DGSV has several further implications. First, the normalization of sex and sexuality on the internet, via, for example, sexual selfies, sexting, sexual posts, cyberintimacy, and pornography, including sexual violence, provides multiple resources for further harassment, bullying, exploitation, violation, and 'revenge pornography' in borderless e-spaces: " . . . with each new tech development—such as the option to live-broadcast on social media— comes the possibility of new forms of cyber violence" [31]. Second, the blurring and co-occurrence of offline and online create greater potential for (sexual) violence, abuse, and harassment to occur, online-offline. Third, the publicness of previously private spaces has the potential for multiple impacts, often repeatedly, where victim-survivors have less opportunity to defend themselves against or hide from what may exist in perpetuity. These new configurations involve complex intersections of online sexual violations and abuses with direct physical violation. Thus, the growth of online sexual violation is also relevant

in the rethinking of transnational processes more generally—in production, consumption, and interventions, between and beyond nations, and in the creation of new configurations and phenomena online-offline.

The discussion on and concern with both the manosphere and transnationalizations leads us on to the wider question of the reformulation of the public sphere online and the approach to DGSVs through a focus on processes of publicization. IBSAs have come to be an object of public interest and concern for some mass media and governmental actors, including in new forms of public space, notably among mass media, social media, governmental and policy actors, and activists. These publicizations [32] often also invoke demands for more legal or regulatory controls. In this perspective, the notion of 'moral panic' [33] may at times have relevance without any playing down of the likely intentions to harm and violate and the likely associated experiences of harm of those victimized. Mass media interest in DGSV has been elaborated through the reporting of the hacking and subsequent online posts of photographs of female celebrities naked, such as of the high-profile film star of Hunger Games, Jennifer Lawrence [34].

This mediatization perspective might also be seen as an example of a complex, unstable, and rhizomic nexus of postings, violations, media interest, law and regulation, further postings and violations, and so on. The elaboration of such governmentality may take different forms in different national and societal contexts, depending on wider framings of sexuality and violence. These networks of publicizations may broadly and, in the long run, work to either promote or oppose various forms of online violation. The topic and contents of, for example, 'revenge pornography', image-based abuse, and kindred DGSVs circulate between and across these various forums in the online-offline public domains.

More broadly still, some forms of IBSAs, such as 'revenge pornography', can be seen as forms of online narratives and thus compared with and related to the recent, or not so recent, phenomenon of 'autofiction', a term coined by the French writer, Serge Doubrovsky, in 1977, with some parallels to the genre of faction. In some examples of this genre, writers supposedly 'tell all' about their everyday lives, friends, partners, family, and acquaintances, and sometimes call it a novel or some other composite production, sometimes with spectacular personal consequences. Perhaps the most famous protagonist here is Karl Ove Knausgård, the Norwegian author of six autobiographical autofictional novels. This form of writing can be a means of saying all without recourse to responsibility for others, at times as a form of what might be called 'revenge social porn'.

There are no doubt other productive approaches for examining DGSV, for example, as accounts of the psychological dynamics of shameful and shaming actions of self or others [35,36], as conspicuous consumption of women [37], as part of intimate or formerly intimate social relations [38], and so on, but this review of perspectives above suffice here for present purposes. Indeed, DGSV can be understood as the combination of these perspectives, even while this analysis focuses on the online practices and interactions of men and women and masculinities and femininities.

1.4. Summary Issues

This introductory discussion has outlined how IBSA needs to be located within the long histories of the relationship between sex, sexuality, and technologies, and in particular, the enactment of violence and abuse via visual means. The contemporary practice of IBSA is aided by the multiple features and affordances of new and changing information and communication technologies. Further to this, this entry has shown how IBSA can be approached and analyzed from diverse perspectives, including within the broad continuum of gender-based violence and, more specifically, digital hate and misogyny, as displayed on the manosphere. The final sub-section of the Introduction highlights the key issues of transnationalizations and mediations. The following sections address perpetrator motivations, impacts on victim-survivors, and legal, policy, and technological responses.

2. Perpetrator Motivations

Both men and women engage in IBSA, whether taking, sharing, or threatening, although more men and boys aged 16–39 are reported to be perpetrators than women [18]. Although accurate prevalence rates for committing particular forms of IBSA are unreliable because of underreporting, estimates suggest up to 90% of perpetrators are men for IBSA, such as 'upskirting' and 'revenge pornography' [39,40].

The available evidence [1,41–43] suggests perpetrators of IBSA may be (ex)partners, (ex)friends, work colleagues, and those known to the victim-survivor, complete strangers, and Internet hackers. Some of these perpetrators may not have created the original image, video, or text but are involved in the reposting and redistribution of IBSA materials to (un)known others.

Perpetrators express varying motives, including just a bit of fun, flirting with others, presenting as sexy, attempting to maintain a relationship, attention-seeking, revenge-seeking, bragging of sexual conquests, sharing images with others to raise homosocial peer-group status, wanting to reveal someone's sexuality, warning others about someone, wanting to cause embarrassment, (re)gain or maintain control of a person, for financial gain, to obtain further images, to have others rate someone's sexual appeal, and to demonstrate technological skills, to name just a few [1,18].

Motives also depend on the form of IBSA. For example, in 'revenge pornography' [39], revenge by a former intimate partner may be accompanied by claims of infidelity, violence, and abuse, controlling behaviors, denial of access to and/or not supporting children, unhealthy sexual preferences, not fulfilling sexual desires, concerns about the victim-survivors personal hygiene, and inviting others to rate the victim-survivor in terms of beauty and sexual desire. Men's greater enacting of IBSA compared to women's may also be framed, excused, or justified by different discourses. For example, heterosexual men tend to invoke sexual objectification of women and the threat of sexually transmitted disease and poor bodily hygiene far more than vice versa [39]. Moreover, the differential gendering of revenge and revenge responses, in quantity, mode, and content, needs to be understood in relation to societal gender power relations and gender socialization, identities, and practices more generally. This would include, for example, what kinds of revenge are legitimatized and indeed supported by others, or not, for men and women within both conventional or non-conventional cultural or situational contexts.

Although far less is known about individual men's motives for creating deepfake pornography, researchers [44,45] point out that the abuse of new technologies allows some men to explore sexual urges that may be illegal in gender-sexual relationships in the physical world. As such, some men can create new spaces for unlimited sensuality, enchantment, and experimentation of abusive acts to women of their choice [46]. Women who become victims are reduced to sexual objects and commodities [6,47].

Images that are gathered secretly, such as in sexual spycamming and 'upskirting' and similar activities, are often distributed on dedicated websites where others can comment on the technical skills in terms of subject matter, the quality of the image, the camera angle and lighting, suggesting that homosocial relationships are being developed and homosocial status assured within those communities [40]. Homosocial status is evidenced by posters showing gratitude, respect, envy, seeking advice, and also recognizing and appreciating the risks the perpetrator took by gathering the images and videos. In these exchanges, the sexualized images of women are a commodity or currency used to achieve homosocial status.

Motives for cyberflashing range from partner hunting to sending sexy images for the victim-survivor to enjoy or for amusement and in order to gain power and control over the victim-survivor [48–50]. The derivative, so-called sexual 'zoombombing', which involves hijacking a teleconferencing meeting by inserting sexualized images or videos, is largely reported to be about the perpetrator's entertainment through the disruption of the meeting [51].

A broader definition of IBSA may also implicate some sections of the media, such as the paparazzi, when they photograph and circulate in some international media outlets images of high-profile celebrities on beaches and in other public spaces. Motives for such actions are likely to be financial and personal status. Indeed, financial incentives are evident also in those platforms that host IBSA through advertising revenues, pay-per-view services, and charging victim-survivors for the removal of their images [1,39].

3. Impacts on Victim-Survivors

The negative impacts of IBSA can be diverse and profound in terms of physical and psychological health and well-being, as is so with many forms of violence and abuse. There is, however, an additional complication; in some cases, at least, there is an additional issue, namely, not necessarily even knowing what has been done, nor where the images, videos, or texts have been posted and thereafter replicated. This is a result of some posting being designed to be viewed by the victim-survivor, the so-called postee, while some are directed more to friends and more distant acquaintances or even more diffuse, not directly known, and imagined audiences.

Victim-survivors report a host of negative effects, as reported on dedicated websites for victim-survivors, such as NoBullying.com, WithoutMyConsent.org, EndRevengePorn.org, and The Mary Byron Project. These reported effects on victim-survivors include humiliation, shame, and embarrassment with intimate partners, family, friends, work colleagues, and in public; sexual shame and sexual problems; body image issues; disruptions to education and employment; concerns for personal safety; and becoming paranoid, hyper-vigilant, and losing trust. Lichter's [52] study of 'revenge pornography' legislation in the US found that victim-survivors had experienced 'embarrassment, reputation ruination', and some had also faced stalking, harassment, and threats of being gang raped following their personal information becoming available in the public domain. Indeed, some victims have taken their own life. As a consequence, some victims had 'resorted to changing their names and phone numbers'.

A 24-year-old victim-survivor who talked to the UK's BBC Newsbeat [53] about her experience of her ex-partner posting explicit images of her online accompanied by her personal information said people had recognized her in public, turned up at her home, contacted her by phone, text messages, emails, and through Facebook, and she had struggled to secure work because employers can see her images. Even when victim-survivors have attempted to change schools or colleges, move to other communities, and seek supportive interventions, they may continue to be taunted and haunted [54].

One reason that victim-survivors report feeling isolated is that people often blame them for allowing the photos and videos to be taken or take photos of themselves and send them to others, known as 'sexting'. This type of sentiment mirrors common public perceptions of culpability in rape, sexual assault, sexual harassment, and domestic abuse cases in which the victim-survivor is often blamed rather than the culprit [55].

4. Legal, Political, and Technological Responses

Some countries have implemented laws as deterrents to IBSA to prosecute those who perpetrate [56]. However, as the Law Commission for England and Wales [57] points out, laws in the UK and elsewhere have not typically "kept up with this behaviour, resulting in significant gaps that have left victims unprotected" (p. 1). However, whilst there are clearly efforts by some countries to address the threats to women from new technologies, there is still a significant number of countries that do not have legislation in place for the prevention and prosecution for IBSA [58]. Even when countries have specific IBSA laws, the absence of universal IBSA laws and international laws when IBSA is transnational make prosecutions challenging. For example, before the dedicated 'revenge pornography' website MyEx.com was taken down by US legislators [59], it contained more than 10,000 images of women and was reported to be owned by anonymous US individuals whilst operated in coordination with colleagues in the Philippines, and hosted by Web Solutions B.V., Netherlands, with

a global reach [60]. The transnationalization of IBSA also means it can be difficult for victim-survivors to bring civil claims for damages against perpetrators. For example, it took American activist and YouTube star Chrissy Chambers 6-years to secure a conviction and receive compensation in the UK High Court after her UK ex-partner uploaded secretly-filmed videos of her to a free-to-watch pornographic website because the images were taken and posted before it was illegal in the UK, and because the perpetrator and victim-survivor lived in differing legal jurisdictions [61]. Given this context, there is a number of legal, political, and technological responses and considerations.

Since technologies used for IBSA are created and produced by designers and developers and hosted and distributed on technological platforms, some scholars argue that the onus should be on them because they are the 'lowest cost avoider' [62]. The 'lowest cost avoider' is a legal concept that centers on who can prevent IBSA for the least cost. The lowest costs are likely to be borne by either designers and developers, and, where no single producer has a monopoly on the technology, by the platform(s) hosting and disseminating IBSA. This is because it is often legally much easier to identify the platform used for IBSA than it is to track the perpetrator, who is likely to have posted anonymously from anywhere in the world on any device. Indeed, even pinpointing the device used for IBSA is not always enough evidence to secure a conviction [63].

Some scholars [64] argue that because people design and develop to achieve specific outcomes, they bring their own existing biases and prejudices to the design and development process. Indeed, a recent survey by the AI Now Institute, New York University [65] found those in the field of AI were predominantly white men. This highlights the risk of replicating or perpetuating historical gender and ethnicity stereotypes, biases, and power imbalances, for example, when programming image classifications and the recognition of derogative language. Thus, Raso et al. [64] argue for more transparency and accountability in designing and developing new technologies, specifically on the designer/developer rationales, their decision-making processes, and whether there were ethical and in-built safeguard considerations. Without these being made public, it is difficult to assess the benefits and costs of new technologies. Wachter, Mittelstadt, and Floridi [66] suggest that if reporting were a legal requirement, legal mechanisms for accountability for harms could be invoked under a 'right to explanation' under the EU General Data Protection Regulation (GDPR) [67] (European Council, 2018). However, as Edwards and Veale [68] (2017) point out, the GDPR may not be able to remedy the harms of IBSA because it does not make clear when and in what cases an explanation would be required or what information in any explanation is meaningful, or whether all reporting information will be divulged because of concerns about intellectual property and trade secrets. Bartlett [69] also notes that designers and developers are often individual people and small enterprises, and so if they face legal action for the abuse of their designs, it may stifle innovation because the risks may outweigh the benefits. Indeed, the risk of legal action may also impinge on the willingness of investors to fund new technologies in their infancy.

Where technologies are designed and developed that are targeted specifically at causing women harm, such as the DeepNude application, the European Parliament's [70] *Tackling deepfakes in European policy* could be used by countries in the EU, as it specifically targets the malicious use of deepfake technologies for such purposes. DeepNude was specifically designed to allow users to upload images of women so that they could 'undress' them, showing the viewer sexualized images of what they would look like naked [71]. Such examples would also fall within the remit of the European Union Agency for Fundamental Human Rights' *Artificial intelligence and big data* [72], which covers the malevolent design of algorithms.

There have been developments in algorithmic moderation systems. These include automated hash-matching and predictive machine-learning tools that can assist in addressing IBSA content on Facebook, YouTube, Reddit, Twitter, and similar platforms [73]. However, there is yet no legal requirement in many countries for these platforms to be proactive in stopping IBSA, only for them to remove material within a reasonable period of time [74]. A

notable exception is the UK's *Online Safety Bill*, which means social media organizations will be legally required to remove such content and material breaching their own terms of service, although it will not define all specific types of legal content that the organizations must address [75]. This allows for a broad interpretation of what constitutes legal content under the Bill, especially when it conflicts with notions of freedom of speech [76]. There also remains the question of the time to remove illegal or IBSA content. Indeed, IBSA materials can be distributed widely in a relatively short space of time, as a victim-survivor of colloquially named 'revenge pornography' found when her ex-partner posted explicit images of her online and within hours the images were on 200 websites [53]. Governments are likely to continue to pressure online platforms and social media companies to develop technical solutions, but developments are likely to be unable to keep pace with new technological developments and forms of IBSA.

In IBSA, the copyright of images is likely to be a key consideration. Indeed, even in textual, semantic generated images, such as Stable Diffusion copyright considerations feature, and were the catalyst for Stable Diffusion 2, so that artists' work could be protected from copying [77]. There is also the complication of copyright and data protection. For example, the World Intellectual Property Organization (WIPO) [78] published a Conversation on intellectual property (IP) and artificial intelligence (AI) highlighting how questions of consent, ownership, the right of use, and distribution hinder the prosecution of deepfake pornography perpetrators in most countries. The WIPO argues that because of issues related to human rights, protection from harm, privacy, and data protection, etc. giving copyright to deepfake images, whether pornographic or not, may protect the perpetrators where the perpetrator has used someone else's images to create the deepfake image. Indeed, there is the added problem of determining in court whose images are being amalgamated, who owns those images, what is being represented, what the representations are about, and what was the intention in amalgamating those images [79]. Therefore, the Internet Justice Society [80] suggests prosecutions could be based on infringements of the legislations and regulations, such as the EU General Data Protection Regulation (GDPR) under the maintenance of accurate data, which deepfake pornography clearly contravenes.

The question of consent also plays a fundamental role in IBSA. For example, consent may have been given to take a sexualized image and, in some cases, also for the image to be distributed (e.g., on specific social media platforms such as Tik Tok) and used (e.g., for challenges such as #sillhoettechallenge, #icecubechallenge), but consent might not have been given for the image to be used, manipulated, or distributed elsewhere (e.g., by [un]known viewers), or consent given to receive the image. Questions of consent and where it was or was not given can have implications for perpetrator accountability or for the victim-survivor [1]. Consent can also have serious implications in prosecutions, the development of legislation, monitoring of posts on social media, and so on. Laws often also require proof that the perpetrator intended to cause distress, partly so that excessive criminalization is prevented. However, Huber's [81] interviews with activists point out that non-consensual image-taking, making, and distribution are always likely to cause distress. Even when victim-survivors do come forward, they are often not protected by anonymity and so risk public shame, embarrassment, and further abuse because of cultural notions of accountability. This can be especially so where consent to take the image was presumed to have been given, for example, via sexting or TikTok videos [82,83]. The European Parliament's [70] proposed deepfake policy, which would obligate creators of deepfake images to label those images so that it is clear who manipulated the image so that they may be used in copyright legal cases. However, it is questionable how many people creating deepfake pornographic images are likely to comply with this and how easy it will be to enforce this, especially since around 96% of the internet is unmonitored or regulated in the 'dark web' [84].

Even when consent to take an image has initially been given, some commentators [85] argue that consent is questionable even in the production of sexual materials—such as home porn movies and sexting, where initial consent is presumed—because of the broader

context of gender and sex inequalities. This is for three reasons. Firstly, women's continued inequality—economic, political, social, and sexual—contributes to several forms of cultural coercion into various forms of pornography production. Secondly, sexual violence and abuse against women are themselves common in all forms of pornography. Finally, the pornography industry itself rests on the sexual objectification of women across the world. Thus, at a more general level of gender and economic class structures, all pornography can be understood as coercive or non-consensual because its existence contributes to gendered inequality, and men, as a class, benefit collectively at the expense of women.

Where laws exist in specific countries, perpetrators can be tried by criminal laws. However, only prosecuting perpetrators does not address the damage done to victim-survivors, as noted above. Thus, tort/civil laws could be drawn upon where they exist so that the victim-survivor can sue for damages to reputation or the cost of work and educational disruptions. For example, Tort/Civil Laws in the UK have historical writs on trespass *Vi et Armis*, which allow claims where personal injury had been suffered as a result of the defendant's direct and forceful misconduct [86]. This is likely to have featured as part of Chrissy Chambers' protracted legal case against her ex-spouse with the eventual award of an undisclosed sum of compensation by the UK High Court [61].

5. Conclusions

IBSA, as a phenomenon, changes and develops continuously in part because of the affordances of technological developments as well as the desire of some people, mostly men, to inflict sexualized harm on others, mostly women. While its forms are constantly adapting, such that the legal and technological responses to it must also adapt, the motivations that drive it and its impacts on victim-survivors are more static and familiar. There are numerous policy fields and arenas in which greater action is needed to combat IBSA and bring sanctions on perpetrators. These include reforms in the criminal and civil legal systems, within employment, workplace, and other organizations, such as sports organizations, and in education and training, as part of broad-based action against violence, abuse, and gender-based violence. Importantly, there is a need to develop effective policies and practices at both the national level and transnationally across and between countries. IBSA transcends borders in its technologies, production, perpetration, consumption, and effects, and in those ways, extends the form and range of interpersonal violence, abuse, and violation.

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