Revenge Porn

What you need to know

www.revengepornhelpline.org.uk

Revenge Porn Helpline

SOUTH WEST GRID FOR LEARNING
What is revenge porn?

Sometimes also referred to as non-consensual pornography, it is the act of posting intimate pictures or videos of someone without their consent.

The pictures are often linked to the victims social networking accounts and other websites and viewers are encouraged to share, download and comment on the victims images. In some cases links to the content is emailed or sent to family and friends or employers.

Overall, the intention is to cause significant embarrassment, harassment and shame, and the effects can be devastating. Often the person responsible is an aggrieved ex partner, but there are exceptions, some cases have stemmed from hacked devices or cloud storage (for example the high profile iCloud hack where hundreds of images were accessed, including those of celebrities), the “snappening”, where a third party app was compromised and thousands of snapchat images were leaked, or even incidents where a stranger stumbles across content, for example on Facebook, and then posts it elsewhere online.

Another anomaly is where images are photo-shopped onto pornographic images, and then shared, pretending that you are the person in the photo. Some can look very convincing! This unfortunately falls outside the amended “Revenge Porn” law and would need to be dealt with via other legal means.

The media have reported on many stories of revenge porn, and sadly this has usually been sensationalist, often victim blaming, and not always factually correct. Cases of celebrities sexting, incidents such as the Snappening and the iCloud hack have led to revenge porn being addressed in mainstream popular culture, films such as “Sex Tape” with Cameron Diaz, and the song Revenge Porn by Blood on the Dancefloor adding to the belief that this is normal behaviour. It is not.

Where might it be?

Sometimes images are posted on social media or blogs, dating sites, porn sites or websites which have been deliberately set up to host this content. Pretty much any site which hosts photos or video can contain it, along with message boards and chatrooms, where users exchange pictures, sometimes for money!

The Law

In October 2014, The Justice Secretary Chris Grayling agreed an amendment to the Criminal Justice Bill.

“It shall be an offence for a person to publish a private sexual image of another identifiable person without their consent where this disclosure causes distress to the person who is the subject of the image.”

There are also several other criminal acts which this behaviour may fall under, the Malicious Communications Act, and the Stalking and Harassment Act could be utilised, both of which have a possible prison sentence. For the Harassment element to apply the behaviour needs to be a repeated act, for example replicating the images on numerous sites, or reposting over a period of time.

The following pages share advice from the Ministry of Justice...

Version: March 2015
Could the offence apply to the disclosure of an image of a woman who was topless and if not, why not?
The offence would only apply to a topless picture if a reasonable person would think that the image as a whole or what was shown in it was sexual and what was shown was not the kind of thing ordinarily seen in public.

Obviously the disclosure of an entirely non-sexual image can cause distress, but we believe that the offence should be very specifically targeted at images that are of the most intimate kind. We would not, for example, want to include photographs of a woman sunbathing topless on a beach.

Why is a photograph or film which portrays someone’s genitals caught by the offence but not other kinds of naked photos / films?
The offence only makes specific reference to one part of the body – exposed genitals or pubic area – because this part of the body is generally thought to be so intimate that an image showing it should automatically be regarded as sexual for the purposes of the offence.

Does the offence apply to material which does not appear photographic?
The offence is drafted so that it only applies to material which looks photographic and which originates from an original photograph or film recording. This is because the harm intended to be tackled by the offence is the misuse of intimate photographs or recordings.

Will everyone who re-tweets or forwards a private sexual photograph or film become liable for the offence?
Not unless their purpose in doing so is to cause a person depicted in the photograph or film distress.
Does the offence cover digitally manipulated photographs?
The offence will still apply in principle to an image which appears photographic and originated from a photograph or film even if the original has been manipulated in some way.

But the offence does not apply if it is only because of the manipulation that the film or photograph is private and sexual or if the intended victim is only depicted in a sexual way as a result of the manipulation.

So, for example, a person who has non-consensually disclosed a photograph of his or former partner in order to cause them distress will not be able to avoid liability for the offence by changing their intended victim’s body shape. But a person who uses part of a picture of their partner from a non-sexual photograph and photoshops it onto a person posing in a sexual manner will not commit the offence.

Would the offence cover photographs or films which are completely computer generated but made to look like a photo?
No. While we accept that it would be distressing for such a photograph or film to be disclosed, we do not believe that such images have the potential to cause as much harm as private and sexual images that record real private events and are then disclosed.

Will anyone who sends the message simply because they think it is funny, or because they wish to make money out of the disclosure become liable for the offence?
A person will only be guilty of the offence if their reason for disclosing the photograph, or one of their reasons is to cause distress to a person depicted in the photograph or film.

Why does the offence provide a defence for disclosures relating to journalistic activity?
The offence is not committed where a person discloses material in the course of or with a view to the publication of journalistic material so long they reasonably believe that the publication in question would be in the public interest.

Whilst we are determined to tackle the misuse of this kind of private sexual material we recognise that there will, occasionally, be circumstances where such pictures will evidence a story of genuine public interest. It is not our intention to fetter the freedom of the press to publish such stories and we have therefore made sure that the offence would not apply in such cases.

What does ‘public interest’ mean in the defence relating to disclosures for journalistic activity?
‘Public interest’ is a term that is used in a number of other pieces of legislation. In this case a defence will be established where it can be shown that the photograph or film was disclosed in the course of or with a view to the publication of journalistic material (for example by the journalist or by their source). If that is the case, the defendant must also show that they had a reasonable belief, in the particular circumstances, that there was a legitimate need for the public to have access to the journalistic material.

What is the purpose of the defence where the material had previously been disclosed for reward?
However unpleasant it may be, we do not think it would be right to criminalise people who pass on images which have previously been commercially published, for example in a pornographic magazine, whatever their motives unless the person passing them on has some reason to believe that their intended victim had not consented when the material was published for reward.
Who will make the decision as to whether an image falls foul of the law - the police?

The police, in conjunction with the CPS, will consider as they do in the case of all other criminal offences, whether the evidential and public interest tests for bringing and continuing a prosecution have been satisfied. Ultimately it is for the courts to determine whether a criminal offence has been committed.

Does the new offence mean that website operators will have to remove revenge pornography from their sites?

Creating a new offence does not itself force website operators to take action in relation to this kind of material. But it sends a clear message that the dissemination of this kind of material is illegal and we expect reputable operators to take that message seriously.

Where a forum is specifically provided for the dissemination of this kind of material then the provider of the website could, depending on all the circumstances, be guilty of encouraging or assisting the commission of the new offence even if they are based abroad. There may of course be practical difficulties about prosecuting foreign companies.

Does the offence apply if the material is posted on a website hosted abroad?

The offence will extend to England and Wales. To be convicted of the offence the court would need to consider that it was in substance an offence committed within the jurisdiction. Where an individual and their intended victims were physically located in England it would be possible for the offence to be committed even if the offence was committed using a website hosted abroad.

The Police

As this is a fairly new offence, it is helpful to be prepared before reporting to the Police.

Evidence is essential, keep screenshots of any posts, especially any of a threatening nature, and those sent privately. Ensure you include time and dates of any offensive messages.

Don’t retaliate or engage in dialogue with the perpetrator. Be prepared that they may not know how best to deal with your problem! You should however always expect a non-biased, non-judgemental response. Any harassment, online abuse, extortion, or threat to post your intimate images is against the law. Don’t give up!

How to report it?

Depending on where the content is hosted you might be able to request that the site remove it. Most Social Networks don’t allow nudity on their sites, and many UK adult sites only allow content uploaded with consent.

You may be able to request that the search engine which holds the info remove it. In the first instance Google, Yahoo and Bing all have tools which enable you to remove search listings in your name. Google have also now allowed a "right to be forgotten" rule, which means that you can ask for actual content to be deleted, not just the references to your name. This only applies for content hosted in the EU. [Link](http://bit.ly/TZ1qwj)

The following pages hold statements from the main search engines on their policy on revenge porn, and links to the search removal tools...

(all content correct at time of publication - links may be subject to change.)
“At Google we know that revenge porn is upsetting and distressing for victims, so we have policies against it on our hosted platforms. We also have a clear process for users to let us know if they identify content on Google platforms that violates our policies.

Please flag offending content using the in-product user flags so that we can review and remove prohibited content.

Users can visit this link http://bit.ly/1DJuDNw to report that someone has posted a private nude or sexually explicit image or video without consent so we can take it down.

Users can flag inappropriate apps on an app’s detail page in the Google Play Store. Step-by-step instructions on how to do this are available in the Google Play Help Center.

We remove content from our search results if its inclusion in the results violates local law. Anyone who has a legal basis to remove content from any of our products can seek action by visiting Removing Content from Google. In Europe, requests for removal of certain URLs from search results for a query of your name can be requested by filling out this form.

It is important to remember that even if Google deletes specific URLs from search result pages, the webpage hosting the content still exists. We offer specific information on helping users understand how to contact a site’s webmaster in order to ask that content be removed from a website. This site also offers information on finding webmaster contact information via Whois. Removal of the content from the source is the only way to actually get the content removed from the web.”

“Yahoo deeply respects the privacy of our users and takes matters of abuse very seriously. We are committed to providing an enjoyable and harassment free experience on our network, and as part of that commitment, revenge porn is not tolerated.

If confronted with potential revenge porn on Yahoo, we encourage users to report the content using the ‘Report Abuse’ link or Flag icon on the appropriate product. Yahoo is committed to investigating reports and will take appropriate action per our Terms of Service. For quick access on how to report abuse on some of our main products, visit the links below:

http://bit.ly/1zQltK0

For more information about other products, and other support topics, please visit Yahoo Help: http://bit.ly/1BAoDci”

“Posting another person’s private and confidential information is a violation of Twitter’s rules. Report someone for posting your image without your consent using this route:

• Someone on Twitter is engaging in abusive or harassing behaviour
• Exposed private information or photo
• Private information form
• An unauthorised photo of me – then choose to report it as abuse, or copyright.”
“We don’t tolerate bullying or harassment on Facebook. We allow people to speak freely on matters and people of public interest on Facebook, but remove content that appears to purposefully target private individuals with the intention of degrading or shaming them. If you see anything on Facebook that makes you uncomfortable or think that breaks our rules, we encourage you to report it to our team of Community Operations specialists.”

You can find advice on how to report problems on Facebook in our useful pocket guide:  http://bit.ly/1A9XmuK

They also advised that there is a contact form dedicated to sextortion and revenge porn:  http://on.fb.me/1AnOLmQ
For tips:  http://on.fb.me/1z1iSNf

“We need the exact URL always beginning with www.imagefap.com/photo  or  /pictures
Be as specific as you can. We will check your claim and act on it quickly.”

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“An Internet visual storytelling community, visited by people every day to explore, share and discuss the best visual stories the internet has to offer. For copyright claims visit http://imgur.com/tos#dmca or email abuse@imgur.com”

“We’d like to work with your organization to help better online content and are working to help eliminate revenge porn. As part of this partnership you have immediate support for posts that are reported to your organization on TheDirty.com.”

Digital Millennium Copyright Act 1999
If you took the pictures yourself, technically you own the copyright. Sites should not host these images without the owner’s consent so it worth filing a copyright claim.

Find more information about this by visiting:  http://1.usa.gov/1h94R9z
What else can I do?

If you know the person responsible (for example if they are an ex partner threatening to post images of you) you can apply to a local court for an injunction to stop the person posting it anywhere online. Here is some guidance on the process, kindly provided by J Cooper Solicitors, London.

1. What is an injunction?

You will no doubt be familiar with terms such as “injunction” or “restraining order.” In England and Wales there are two types of orders available. These are non-molestation/occupation orders and injunctions under the Protection from Harassment Act 1997. The purpose of these orders is to restrain the behaviour of the person (the Respondent) named in the order against the party applying for the order (the Applicant). This will often take the form of an Order directing that the Respondent is not to use or threaten violence, intimidate harass or pester, communicate with the Applicant by any means and also afford protection relating to the Applicant’s residence. Other more specific types of orders can be included, such as postings through social media, at the discretion of the Court hearing the application. Orders can similarly be made protecting children of the family.

An occupation order must be sought where the Applicant seeks to exclude the Respondent from a property that he has a right to occupy. This might be because they are a joint tenant or because they have “matrimonial home rights” because the parties lived there during their marriage or civil partnership. The effect of this type of order will either be to direct the Respondent to vacate within a fixed amount of time, or to remain away from the property having already left. Courts will be reluctant to render a Respondent

2. Who can apply?

To apply for a non-molestation order or occupation order, the Applicant and Respondent must be “associated persons”, meaning that they should either be married/civil partners or divorced/post-dissolution, have lived together, had a child together, be related or have been in an intimate relationship of a significant duration. The Courts give a fairly broad interpretation to these terms such as “cohabitation” and “intimate relationship”, so as not to exclude people from being able to seek Orders of this type.

For those people who are seeking orders against others, i.e. a person who is not “associated” to them e.g. a neighbour, former friend or a “one night stand”, an injunction can be sought under the Protection from Harassment Act. To apply for these orders you must establish “a course of conduct” amounting to harassment. This means that there must have been at least two incidents of harassment. Again, a fairly broad interpretation is given to what amounts to a “course of conduct.”

3. How do I apply?

Applications must be made with the correct application form and with a statement in support. The statement should include details of the background of the relationship of the parties, a list of the abuse harassment that the Applicant has suffered and also details of why urgent Court intervention is required. The statement should be detailed enough to give the Judge a flavour of the history and how this has impacted on the Applicant.

All applications can be made urgently to the local County Court. Ordinarily, each day a Judge is allocated to deal with “urgent business” meaning that Orders will be granted the same day. Equally, orders are normally granted “ex parte.” This means that the Respondent is not informed that the application is being made, to prevent threats being made to the Applicant in advance of the application being heard.

Application forms are available to download free at http://bit.ly/1Ao53My
4. Do I need to have proof of abuse or harassment?

No. In many cases, where incidents occur “behind closed doors”, there are no documents or physical evidence supporting the allegations made. This does not matter. Your statement to the Court would be sufficient to obtain the order, provided that the allegations warrant the Order sought.

5. Do I need to have a solicitor?

It is obviously preferable to have the benefit of legal representation. This means that you will have the benefit of considered advice and the support of your legal representative acting on your behalf. This being said, in urgent cases, nothing prevents you making an application yourself without a solicitor present, provided that you have your statement and application.

One way to save money on solicitors’ fees would be to have a solicitor look over your application and statement to check it and then go to the Court and make the application to the Court yourself.

6. Will I have to pay Court fees?

Fees are payable to the Court when an application is made. In the case of non-molestation/occupation orders, a fee of £75.00 is payable to the Court. Fees in relation to orders under the Protection from Harassment Act vary according to whether a civil claim accompanies the application.

In the event that you are in receipt of benefits or a low income, you can apply to the Court for your fee to be refunded to you.

It is proposed that from 22nd April 2014, all Court fees for non-molestation and occupation orders are to be scrapped and therefore no fee is charged on applications of this type, should these reforms come into force.

7. Can I get Legal Aid?

It depends on your financial circumstances. Those receiving Income Support, Job Seekers’ Allowance, Pension Credit and Employment Support allowance with no savings or property would automatically qualify for Legal Aid. Those who are on a low income may also qualify. To find out whether you would qualify, you can enter your information into the Legal Aid Eligibility Calculator, which can be found at http://bit.ly/1E98Ujo

If you do not qualify for Legal Aid and you elect to instruct a solicitor, they can give you advice regarding you recovering your costs from the Respondent when you apply to Court. The Court has the power to Order that one party pay some or all of the other’s costs.

8. What happens in the Court room?

It might feel like a very daunting experience to go before a Judge but be reassured that Family Court Judges are normally very sympathetic and nice people. You will certainly not be confronted by a white-wigged old man in an oak panelled room. Court rooms generally look more like classrooms or a meeting room and District Judges are addressed less formally as “sir” or “madam”, rather than the more stuffy “your honour.” You are unlikely to be in the Court room for more than about 5 or 10 minutes.

Family hearings are all held in private and so there is no public gallery, no jury and the only people allowed in to the Courtroom will be the Judge and the Judge’s Clerk.
9. What happens when the Order is granted?

Once the order is granted, it takes around 1-2 hours for the Order to be typed up and produced by the Court. For this reason, it is best to make an application in the morning to avoid having to wait until the next day for the order to be made available.

When you have the order, it is incumbent upon the Applicant to bring it to the Respondent’s attention, otherwise it is not binding on them. The best way to do this is to give the order to a process server, who is a rather like a bailiff, to hand the Order to the Respondent personally. They normally charge between £20 to £30 per hour for their work, although some offer fixed fees for serving the Order.

The Court can make an order that Orders can begin from when the Respondent is made aware of its terms. This means that electronic service through Facebook, Twitter or email would be possible. This being said, personal service is the best form of service from the perspective of the Court. Once service is completed, a statement must be signed by the person who undertook service of the order and sent both to the Court granting the Order and also to the Applicant’s local police station.

10. Are there any further hearings?

Normally, the Court will make provision for a further hearing called a “return date”, when both parties attend. This is to afford the Respondent the opportunity to respond to the allegations made and to state whether they object to a further order being made. Increasingly, in London in particular, the Court will grant an Order for a period of 12 months at the first hearing and then put in a provision that the Respondent can apply to vary or discharge the order, should he/she elect to do so. This should be requested to avoid the stress of attending a further hearing.

For this “return date” hearing, if you are attending alone, you can ask for special measures to be put into place, such as a security guard to be posted, separate waiting areas and to use staff entrances and exits. We would also recommend that you contact the Personal Support Unit at the Court (if the Court has one) or Victim Support to establish whether someone independent can accompany you.

If the Respondent attends this hearing, they could either consent to the order or contest the application. If it is contested, a further hearing would have to take place to consider.

11. Would have to speak to the Respondent?

No. If you do not wish to do this, all points can be addressed to the Judge at the hearing without yourself and the Respondent coming into contact with each other. You would, however, be in the same Court room.

12. How long do Orders last for?

The Court will normally make orders for a period of 12 months, however, this can be extended for a longer period if the harassment continues.
13. What do I do if the injunction order is broken by the Respondent?

Immediately report the incident to the Police, there is no such thing as a “minor” breach, such as a text message or Facebook post. A failure to act on alleged breaches suggests to the Respondent that you do not object to such communications and it would invite them to continue. A zero tolerance approach must be adhered to.

If prosecuted, a Respondent can be sent to prison for up to 5 years, or fined or both for breaching the Order, depending on the severity of the alleged breach.

If the Police elect to take no action, the Applicant can apply to the Court which made the Order to have the Respondent committed to prison for contempt of Court. This is punishable by up to 2 years imprisonment, or a fine, or both.

If you seek an Order for committal, some form of evidence would be required to support the application, as the Judge must be satisfied “beyond reasonable doubt” that the Order was breached. If you receive text messages, emails or Facebook posts, try to “screen shot” or print evidence of these so that you can rely on them later. Equally, a log or diary of alleged incidents can help you to recall the dates and times that alleged breaches took place.

We are delighted to be partnering with Queen Mary University of London to assist victims of revenge porn in accessing free legal advice via their SPITE (Sharing and Publishing Images to Embarrass) service.

We have built a relationship with one organisation with a positive track record in image removal, who specialise in revenge porn cases, and offer very reasonable rates to victims. Our helpline staff can provide further information about this if you need it.

Images of Minors

It is illegal to take, distribute, or download images of people under the age of 18, and internet sites are not allowed to host this content. If you were under the age of 18 when the images were taken it is possible to get these taken down by contacting us. Once you have verified your date of birth we can work with our partners at the Internet Watch Foundation to remove these from the web.

If you find indecent images of a minor you should always report them to The Internet Watch Foundation (www.iwf.org.uk).

DMCA Defender
http://bit.ly/1JVafPq

Anything else?

Some companies claim to clean up your reputation, by requesting the content is removed on your behalf. Most charge large amounts of money and there is no guarantee that the content won’t just be uploaded immediately again. We strongly suggest that you do not pay these “reputation management” companies (particularly if you are directed to them from revenge porn websites), everything they can do on your behalf, you can achieve yourself (or with a little help from us) free of charge. It is important to understand that NO-ONE can guarantee 100% removal of images.

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SPITE is a free legal advice service provided to anyone who has been a victim of ‘revenge porn’, or subjected to the ‘sharing and publication of images to embarrass’ by another individual. http://bit.ly/1C4tRg2

Queen Mary University of London
Moving on from revenge porn

The fallout of dealing with someone from your past sharing intimate images of you online can be huge. It may affect your work, home life, health and could hang over future relationships. But remember, you are not the person in the wrong and, quite possibly, the person who has done this to you may have committed a criminal offence. But moving on is tough. Decisions like whether to tell a new partner what has happened can seem daunting. Here is some great advice from Relate on how to have that conversation.

Most of us have done something in our past we regret. But whereas some mistakes eventually fade away mistakes made online are far harder to erase. It’s like permanent graffiti.

So images of you have appeared online and you can’t remove them. You want to move on but you’re not sure if you can, or how to.

One of the biggest questions people in this situation face is deciding whether to tell a new partner. If you decide this feels best for you, it is much better coming from you than someone else or your new partner discovering it themselves. The old ‘honesty is the best policy’ adage is about right here, tough though it can be especially in the early stages of a new relationship. However if you care about and trust your new partner it’s probably best to come out and tell them.

Keep it simple and straight. Don’t evade or talk around the issue. It’s much better to come out with it but set the scene first. “I have something from my past I need to tell you about,” is a good starting point. Make the point that you’d rather they found out directly from you than from someone else.

It may help to have a practice run of this conversation with a friend. Or try saying it to yourself first, in your bedroom or to the bathroom mirror. The more you say it out loud, the less daunting the words will seem.

Also it’s vital you don’t beat yourself up about this. While you may regret what happened it isn’t you who’s made it public. You are not the one in the wrong. You don’t have to be defined by this – you can’t change the past but it doesn’t mean your life is over.

So try to learn to accept it, and it will be so much easier to ask a new partner to as well.

Doing something nice for yourself can also help to bolster self-worth after a really difficult experience. So take time to be kind to yourself and find others who are kind to you, too. Eventually you will move on, though when you’re in the middle of it or it’s just happened, it’s hard to see that you’ll ever feel that way. But you will.

You can contact them directly for relationship advice
Phone: 0300 100 1234    Website: www.relate.org.uk
Other support

Womans Aid
If your ex partner posted the images following a break up of an abusive relationship, or is using it to gain control over you - women’s Aid can help. Phone: 0808 2000 247 Website: www.womensaid.org.uk

Broken Rainbow
For LGBTQ domestic abuse issues you can get help from Broken Rainbow. Website: www.brokenrainbow.org.uk

The National Stalking Helpline
If someone is repeatedly circulating the links, or if the image abuse forms part of a wider pattern of harassing behaviour - The National Stalking Helpline: 0808 802 300 Website: www.stalkinghelpline.org

Victim Support
Another source of support for you, or others affected by revenge porn. Phone: 0845 30 30 900 Website: www.victimsupport.org.uk

Stop Revenge Porn Scotland
Whilst supporting victims from the whole UK, if you are a victim of revenge porn in Scotland there is also a local campaign: Website: https://stoprevengepornscotland.wordpress.com

End Revenge Porn
For victims outside the UK, or those seeking additional information you can visit www.endrevengeporn.org, a US based charity which campaigns for law change and helps raise awareness for victims.

Digital Trust
If you are a victim of digital abuse such as online harassment from an ex-partner, please contact www.digital-trust.org/digital-abuse

Links

• https://support.google.com/legal/contact/ir_eudpa?product=websearch&hl=en
• https://support.google.com/blogpost/answer/76315?hl=en&ref_topic=3339302
• https://uk.help.yahoo.com/kb/SLN7389.html?impressions=true
• https://uk.help.yahoo.com/kb/SLN22246.html?impressions=true
• https://uk.help.yahoo.com/kb/SLN4218.html?impressions=true
• https://uk.help.yahoo.com/kb/helpcentral
• http://dwn5wtkv5mp2x.cloudfront.net/ufiles/Facebook_Check_Apr14.pdf
• www.facebook.com/help/contact/567360146613371
• www.facebook.com/help/561743407175049
• https://support.snapchat.com/co/inappropriate
• http://imgur.com/tos#dmca
• www.copyright.gov/legislation/dmca.pdf
• www.justice.gov.uk/forms/hmcts
• http://civil-eligibility-calculator.justice.gov.uk
• www.lac.qmul.ac.uk/advice/revenge-porn-free-legal-advice/index.html
• http://dmcadefender.com/victim-of-revenge-porn
• www.iwf.org.uk
• www.relate.org.uk
• www.womensaid.org.uk
• www.brokenrainbow.org.uk
• www.stalkinghelpline.org
• www.victimsupport.org.uk
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