

Closing the Loophole on Rape Pornography

What's the loophole?

Since 1959, it has been illegal to publish pornographic “portrayals of rape” in the UK, but pornographic rape material is legally available online as it is uploaded abroad and outside UK jurisdiction. The 2008 Extreme Pornography legislation aimed to simply close this loophole but when finalised, it did not extend to rape depictions.

The wording of the legislative proposals described ‘rape pornography’ as pornography depicting “serious sexual violence” which “caused confusion” in the consultation stage as it sounded too similar to another criterion of “serious violence in a sexual context”. This led to ‘rape pornography’ being dropped from the legislation altogether.

By adding the straightforward criteria of “rape or other non-consensual penetrative sexual activity” to the legislation (as done in Scotland), anyone in possession of such images would be committing an offense and the Internet Watch Foundation could act to restrict or block access to sites.

What's the problem?

Despite the fact that direct links between ‘regular’ pornography and sexual violence have been scientifically difficult to quantify, the dangers of ‘rape pornography’ are much more apparent. Rigorous research in the US has long found a significant link between arousal to rape material and a “propensity to rape”¹. Even the Ministry of Justice’s Rapid Evidence Assessment submitted alongside the legislative proposals specifically pointed out that “rapists... are much more aroused by depictions of coercion than non-criminal [persons]”² and, even more disturbingly, that “one third of rapists report using forced sexual depictions as part of their deliberate pre-offense preparation.”³

As well as dismissing the devastating experience of rape, ‘rape pornography’ wrongly and dangerously promotes the beliefs that physical force, coercion and drugging are acceptable sexual practices and that women enjoy rape. ‘Rape pornography’ allows rapists to normalize and justify their behaviour and can be triggering for those who have survived rape and/or other forms of sexual violence.

What is ‘rape pornography’?⁴

In our own research into the freely available content on ‘rape porn’ websites, we found many of the videos’ themes to be endorsing and promoting various criminal acts including kidnapping, additional physical violence and child sexual abuse.

These images are explicitly defining themselves as being rape, non-consensual or forced sex. Our research found video descriptions like 'young schoolgirls abducted and cruelly raped. Hear her screams.'; 'little schoolgirl raped by teacher' and 'little girls cruelly raped at home'; 'tiny girl sleep rape'

¹ Neil M Malamuth, “Rape Proclivity Among Males”, Journal of Social Issues, Volume 37: Number 4, 1981
<http://www.sscnet.ucla.edu/comm/malamuth/pdf/81Jsi37.pdf> See also: J. Check, G.G. Abel, D.H. Barlow, J. Ciniti, J. Briere, E. Blanchard, D. Guild and others

² The Evidence of Harm to Adults Relating to Exposure to Extreme Pornographic Material: A Rapid Evidence Assessment, London: Ministry of Justice Research Series, <http://www.justice.gov.uk/publications/docs/280907.pdf> p23

³ The Evidence of Harm to Adults Relating to Exposure to Extreme Pornographic Material: A Rapid Evidence Assessment, p23

⁴ Statistics formulated internally by RASASC on 2/6/2011 in which 35 of the top 50 Google search results for “rape porn” were analysed. For a comprehensive breakdown of the statistics, please email operations.coordinator@rasasc.org.uk

and 'girl raped at gunpoint'.⁵ The websites hosting the content included words like brutal rape, real rape, savage rape, only rape, in their web address. There is no grey area here. The viewers of these sites are encouraged to believe these images are real, that they are watching 'real rape'. The loophole in legislation means that alongside images of rape, simulations of incest and child sexual abuse are freely, legally accessible in England and Wales as long as all participants in the image can be identified through digital imaging as being 18 or over, regardless of young appearance or contextual factors.

Watching randomly selected videos on each site, we discovered there were two forms of 'rape' video; one where realistic violence or drugging was used to force sex, and the other of staged "positive-outcome rape"⁶ scenarios, both of which we believe to be sending out profoundly damaging messages.

In the top 50 Google results for "rape porn", 77% of results were accessible porn sites with rape content. Of the top ten Google search results for 'free porn', half the websites host free rape pornography

Of the top 50 accessible 'rape porn' websites⁷:

- 78% advertise rape content of under-18 year olds (e.g. "schoolgirl rape")
- 67% advertise rape content involving guns or knives
- 67% advertise rape content involving "foreign" women
- 59% advertise rape content involving the woman bleeding
- 48% advertise rape content inflicted by a uniformed official (e.g. policeman / soldier)
- 44% advertise rape content involving incest
- 44% advertise rape content where the woman is unconscious / semi-conscious / drugged
- 100% of those being assaulted are female (average number of women is 1.1)
- 98% of perpetrators of rape are male (average number of perpetrators is 1.5)

Use of violence:

- 82% of perpetrators use restraint by force
- 50% of women are choked / hit / punched / kicked / slapped / have their hair pulled
- 18% of women are gagged
- 9% of perpetrators use a knife or gun
- 15% of women are bound

Women's response:

- 71% of women show signs of visible distress
- 65% of women express pain
- 59% of women are seen or heard crying
- 50% of women retaliate physically against the rape
- 44% of women express clear lack of consent
- 15% of women have a diminished capacity to consent (unconscious / semi-conscious / drugged)

What do we want?

We are calling for urgent action on the legislation on Extreme Pornography in England and Wales.

We have been working with Law Professors at Durham University who have drafted an amendment and outlined how it would operate, available as the attached briefing paper.

We want your support in closing this loophole through raising awareness of its existence and showing public outrage that such material is inexcusably beyond the law on extreme pornography. Help us put pressure on government to close this loophole immediately. Tweet your support [#banrapeporn](#)

⁵ Quotes gathered from 3 of the top ten Google results for "rape porn".

⁶ Catherine A MacKinnon, *Are Women Human? And Other International Dialogues*, Cambridge MA: Harvard University Press) 2006, p93

⁷ We would like to stress that the videos we studied were only from the freely-available content, meaning they are shorter, less explicit, and less extreme than the paying sites they link to.