



RASASC
rape & sexual abuse
SUPPORT CENTRE

RAPE CRISIS SOUTH LONDON

**CAMPAIGN TO END RAPE
PORNOGRAPHY**

IN SHORT:

Three Reasons why 'Rape Pornography' Should be Added to Extreme Pornography Legislation

1. Rape Pornography endorses violence against women.

Despite the Labour and Conservative-Liberal strategies to End Violence Against Women (which have pledged to tackle “attitudes that make violence against women acceptable to some”), several hundred sites are currently available to UK access with free pornographic rape material which celebrate “savage” “brutal” “violent and cruel forced sex”.

Online rape pornography encourages many forms of unacceptable violence and abuse. In the top 50 search results for “rape porn”, 86% of sites advertised videos depicting the rape of under 18s, 75% rape involving guns or knives, 43% rape of a drugged woman, and 46% incest rape.

2. Rape pornography excuses rape.

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.

3. Rape pornography is only available online due to a legislative anomaly.

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), this material could be black-listed and blocked from UK access.

RAPE CRISIS SOUTH LONDON
AN APPEAL TO RE-INTRODUCE 'RAPE PORNOGRAPHY'
TO EXTREME PORNOGRAPHY LEGISLATION



Introduction

In the past three years, both the Labour and Conservative-Liberal governments have published bold and comprehensive strategies to End Violence Against Women¹ in which rape has been acknowledged as a “deeply damaging”² and “unacceptable”³ form of violence. The action plans collectively pledged to challenge “culture” and “attitudes that make violence against women and girls acceptable to some”⁴ which is why, as one of the 44 Rape Crisis centres working to support survivors of sexual violence in England and Wales, we were so profoundly disappointed to find ‘rape pornography’ absent from the 2008 Extreme Pornography legislation.

Without its inclusion in the Extreme Pornography categories, ‘rape pornography’ - while already targeted by obscenity laws in the UK - remains freely available online, legitimizing rape as a sexual fetish, endorsing sexual violence and spreading harmful misinformation about the realities of the crime. When the UK’s Extreme Pornography laws were first being drawn up in 2005, ‘rape pornography’ was explicitly talked about by many groups, including the Metropolitan Police Obscene Publications Unit⁵ and Rape Crisis as an important element needing attention in the legislation, and pornography depicting “serious sexual violence” featured as a criterion in the proposals. The clause was dropped from the finalized legislation, however, meaning that a Google search of ‘rape porn’ still brings up several hundred unblocked pornographic sites boasting explicit videos of “savage”, “brutal”, “violent and cruel forced sex”⁶ all of which glorify rape and contribute to a culture in which rape is condoned.

Although rape myths are spread through many channels within society, ‘rape pornography’ is central in normalizing and justifying this violence, presenting the ideas that women enjoy rape, that they invite it, have provoked it or deserve it - myths which have no place in a fair and equal society.

The recent case of Vincent Tabak, a habitual user of online violent porn who viciously murdered his neighbour, Joanna Yeates in December 2010, makes this campaign particularly urgent. Alongside the work already being done by government to combat violence against women, we believe it is absolutely essential that this legislation be amended, sending a clear message that sex without consent is always criminal and attitudes that trivialize, endorse or encourage rape are always unacceptable.

The background to Extreme Pornography laws

Prior to internet technologies, the circulation of extreme pornographic materials was effectively combated by the Obscene Publications Acts 1959 and 1964. After the high profile rape and murder of

¹ Call to End Violence Against Women and Girls: Action Plan, London: Home Office, March 2011 <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary> and Together We Can End Violence Against Women and Girls: A Consultation, London: Home Office, March 2009 http://www.thewnc.org.uk/publications/doc_details/395-together-we-can-end-violence-against-women-and-girls-a-consultation-09.html

² Baroness Vivien Stern CBE, The Stern Review of Rape Reporting, London: Home Office, 2010 http://www.equalities.gov.uk/staimm6geo/pdf/Stern_Review_of_Rape_Reporting_1FINAL.pdf p7

³ Call to End Violence Against Women and Girls: Action Plan

⁴ Together We Can End Violence Against Women and Girls: A Consultation

⁵ Chris Summers, “What is Obscene These Days?” BBC News, 20 June 2008 <http://news.bbc.co.uk/1/hi/7439740.stm>

⁶ Quotes gathered from 3 of the top ten Google results for “rape porn”.

Jane Longhurst in 2003 by a man addicted to “violent pornographic websites”⁷, however, attention was drawn to “a gap in existing legislation”⁸ whereby “material... illegal to publish...sell or import here under our existing obscenity legislation”⁹ is readily available online, having been produced and uploaded abroad and outside UK jurisdiction.

The 2008 Extreme Pornography legislation, then, aimed to be an “effective approach”¹⁰ to the internet deluge of pornography “already illegal”¹¹ in the UK under the Obscene Publications Acts, which to this day continues to be used in prosecuting the publication of “realistic portrayals of rape”¹². It is therefore a conspicuous and worrying omission in the current Extreme Pornography laws.

The omission in the Extreme Pornography laws

Despite the clear intentions of the Criminal Law Policy Unit to address various forms of extreme pornography, including ‘rape pornography’ in the new legislation, we are concerned that a series of confusions during the Consultation stage meant it was inadvertently dropped from the proposals.

While the Executive Summary of the consultation specifically mentioned outlawing pornographic depictions of both “violent...and...non-consensual acts”¹³, the wording of the criteria was as follows:

- iii) serious violence in a sexual context;
- iv) serious sexual violence

As well as the linguistic similarity in the two clauses, a footnote explaining “serious violence” was incorrectly attributed to “serious sexual violence”, confusing and confounding the two clauses further.

Responses to the consultation criticized these two criteria, but offered no specific or valid reasons why pornographic depictions of rape and other forms of sexual violence should not be criminalized. Instead, responses consistently mentioned the “imprecise... definitions of sexual violence and violence in a sexual context”¹⁴, highlighted the “lack of clarity in the definitions”¹⁵, and expressed “a great deal of concern... due to their lack of precision”¹⁶.

In their review of the consultation responses, the CLPU acknowledged that “the language used... was strongly questioned”¹⁷ and that there was “a need to look again at the categories “serious violence in a sexual context” and “serious sexual violence””¹⁸. Despite admitting that these two similar-sounding criteria “caused confusion”¹⁹, we were disappointed to find that instead of clarifying the language

⁷ Helen Carter, “Teacher’s killer found guilty of sex murder on retrial”, Guardian, 5 July 2007

<http://www.guardian.co.uk/uk/2007/jul/05/ukcrime.helencarter?INTCMP=SRCH>

⁸ Consultation: On The Possession of Extreme Pornographic Material, London: Home Office, 2005,

http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/30_08_05_porn_doc.pdf p2

⁹ Ibid., p1

¹⁰ Ibid., p2

¹¹ Ibid., p1

¹² Obscene Publications: Charging Practice, London: Crown Prosecution Service, March 2010

http://www.cps.gov.uk/legal/l_to_o/obscene_publications/#b01

¹³ Consultation: On The Possession of Extreme Pornographic Material, p1

¹⁴ Consultation on the Possession of Extreme Pornographic Material: Summary of Responses and Next Steps, London: Home Office, August 2006 <http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/cons-extreme-porn-3008051/Gvt-response-extreme-porn2.pdf?view=Binary> p15

¹⁵ Consultation on the Possession of Extreme Pornographic Material: Summary of Responses and Next Steps, p9

¹⁶ Neil Underwood, Notes on “Sexual Violence & Violence in a Sexual Context” from the Criminal Law Policy Unit, retrieved from a FOI request to the Ministry of Justice, July 2011

¹⁷ Consultation on the Possession of Extreme Pornographic Material: Summary of Responses and Next Steps, p5

¹⁸ Ibid., p5

¹⁹ Ibid., p6

(changing the wording of “serious sexual violence” to specifically “rape or other non-consensual penetrative sexual activity”²⁰ as the equivalent Scottish Act received much support for²¹) the CLPU “therefore propose[d] a single category of serious violence”²², leaving out rape depictions entirely.

Our serious concerns about ‘rape pornography’

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”²³. 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]”²⁴ and, even more disturbingly, that “one third of rapists report using forced sexual depictions as part of their deliberate pre-offense preparation.”²⁵

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 types criminal acts. 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”²⁶ scenarios, both of which we believe to be sending out profoundly damaging messages. While dismissing the devastating experience of rape survivors, this pornography encourages sexual violence and wrongly and dangerously promotes the beliefs that physical force, coercion and drugging are acceptable sexual practices and that women enjoy rape. Ending the spread of these myths is vital to ending violence against women.

Rape Pornography Statistics²⁷

In the top 50 Google results for “rape porn”, 77% of results were accessible porn sites with rape content.

Of the top 50 accessible ‘rape porn’ websites²⁸:

- 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)

²⁰ “Sexual Offenses: 42. Extreme Pornography”, Criminal Justice and Licensing (Scotland) Act 2010

<http://www.legislation.gov.uk/asp/2010/13/contents/enacted>

²¹ Rape Crisis Scotland written submission in response to the Criminal Justice and Licensing (Scotland) Bill Consultation , 2010

<http://polfest.org/s3/committees/justice/inquiries/CriminalJusticeandLicensing/CJL22.pdf>

²² Consultation on the Possession of Extreme Pornographic Material: Summary of Responses and Next Steps, p6

²³ 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

²⁴ 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

²⁵ The Evidence of Harm to Adults Relating to Exposure to Extreme Pornographic Material: A Rapid Evidence Assessment, p23

²⁶ Catherine A MacKinnon, Are Women Human? And Other International Dialogues, Cambridge MA: Harvard University Press) 2006, p93

²⁷ Statistics formulated internally by RASASC on 2/6/2011 in which 35 of the top 50 Google search results for “rape porn” were analyzed. For a comprehensive breakdown of the statistics, please email operations.support@rasasc.org.uk

²⁸ 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.

- 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)

Our desired outcome

By adding 'rape or other non-consensual penetrative sexual activity' to the Extreme Pornography definition, sites that feature rape depictions could be added to the Internet Watch Foundation's block list, making it impossible for them to harmfully misrepresent and endorse this form of violence.

Removal of these sites from UK access would send a strong message of zero tolerance to a general public who are largely "ill informed about rape"²⁹ and would help promote "a better response by society to rape victims"³⁰, as the myths prevalent in 'rape pornography' would be firmly and openly condemned.

We want rape - alongside all other forms of violence against women - to no longer be encouraged, excused or ignored. Help us campaign to reintroduce rape pornography into extreme pornography legislation.

²⁹ Baroness Vivien Stern CBE, The Stern Review of Rape Reporting, London: Home Office, 2010
http://www.equalities.gov.uk/staimm6geo/pdf/Stern_Review_of_Rape_Reporting_1FINAL.pdf p16

³⁰ The Stern Review of Rape Reporting, p4

We need you!

At this stage we are looking for organisations and individual activists to register their support for the campaign. You can do this by emailing operations.support@rasasc.org.uk. You will then be sent campaign details including sample letters for your MP, and also you will be added to the joint letter we will be releasing to targeted members of the House of Lords and the House of Commons. In a desire to not publicise the existence of these sites unnecessarily we are not going to be issuing a press release until other avenues have been explored.

If you or your organisation want to get involved in a more direct way such as drafting letters or helping with strategy, please let us know.

Together we can end violence against women.

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