



**PREVENT
RESIST
SUPPORT**
podcast

**Season 3 Episode 3:
“Revenge Porn” & Technology
Facilitated Sexual Assault**
with Cristina Mackenzie & Francesca Provenzano



University
of Windsor | Office of Sexual Violence Prevention,
Resistance, and Support

Prevent Resist Support Podcast

Season 3 Episode 3: “Revenge Porn” & Technology Facilitated Sexual Assault with RECLAIM PRO BONO with Christina Mackenzie and Francesca Provenzano

Anne Rudzinski: Hi everyone, I'm Anne Rudzinski and you're listening to season three of Prevent, Resist, Support, a podcast by the Office of sexual violence prevention, resistance and support at the University of Windsor.

Music: I've got your back my dear, and I know that you got mine, I feel that hope and fear but I know we will hold the line, so keep your head up, keep your hand down, when your breath is feeling short, prevent, resist, support.

Anne Rudzinski: Hey, everyone, thanks for joining us, really excited to share our next episode with you all. The episode is about quote unquote revenge porn and technology facilitated sexual violence. Our guest today is reclaimed pro bono, which is associated with Spark Law. There are two wonderful humans associated with Spark Law, Christina Mackenzie and Francesca Provenzano. Both of them visit our Bystander Initiative to lecture on technology facilitated sexual violence. And this time around, they visited our podcast, so please join me for an interesting episode about this form of sexual violence.

(intro music)

Anne Rudzinski: All right, welcome, reclaim pro bono, we're so excited to have you here today.

Hello!

Thank you so much for having us!

Anne Rudzinski: So we have with us Francesca and Christina, I would love for you to tell us a bit about yourselves, how you got into the work that you're doing, I think our students always like to hear about how people got into very cool lines of work. You know, how did you get into doing what you do? Um, always a great question for our student listeners, maybe we could start with Francesca.

Francesca Provenzano: Sure. So my name is Francesca, I am a lawyer at Spark Law. I am also a graduate from the University of Windsor's Faculty of Law Program. I have been a lawyer for a few years now. And I've always wanted to help people. So I tend to look for other opportunities to do that outside of the actual legal work. I joined Spark Law just over a year ago. I'm originally from Ottawa. I've been living in Windsor for almost seven years now. And when I joined Spark, I started working on the Reclaim project. While I was in law school, I did do some pro bono work on Section 160 2.1 of the Criminal Code, which I'll talk about more later on. And consent as it relates to exchanging intimate images. I wanted to continue doing this work as a lawyer because it is important work. These days, we see a ton of social media platforms, and you see children as young as elementary school, using cell phones and posting on social media. And we do hear about the internet and stranger danger and all those talks, but technology facilitated violence, or TSP for short, which is how we'll be referring to it today, happens, and uh, it's not exactly addressed among the population in the next generation. So the point of Reclaim is to educate the public on the use of social media in this context, as well as assist people who've been victims of, um, these crimes. So I'll just say, you know, our three goals at Reclaim- first is to help people who've been victims of TSP, whether that means guiding them to non-legal options, helping them go to the police or commencing a claim for damages. The second is to educate the public on the law about technology facilitated violence, so giving presentations to schools and shelters and other organizations. And lastly, and most notably right now to end the stigma and shift the

blame from the victim to the offender. Too often we hear the question, why would the person take a photo of themselves? And that's not the question we need to be asking. Because that's not a crime, we need to be focusing on the offending behavior, which is the redistribution of the images. So that's Reclaim and I think it's really important work. And that's kind of how I got into it, and why we're doing this. And that's pretty much it.

Anne Rudzinski: That's awesome. I know, we're just so excited that reclaim exists. I know you do some lectures for a bystander course. And we're really excited to put out this episode and let our campus community know more about that. Christina, did you want to introduce yourself? Tell us a bit about yourself and how you got into this work?

Christina Mackenzie: Yeah, for sure. So my name is Christina and I am not yet a lawyer like Francesca. I'm a third year law student at the University of Windsor. And I got involved with the Reclaim project and therefore, Spark Law, um, back in September when I applied for an externship position for credit. And I just absolutely loved the project. So I stayed on longer. And so yeah, now I just do it part time along side my studies at school. I'm not sure Francesca if you mentioned this, but Reclaim is this collaboration between Windsor Law and Spark Law. And as Francesca mentioned, it's aimed at addressing these issues of social injustice in online environments. And so my role at Reclaim, is really just spending a lot of time researching this issue of TFB. Thinking about the public policy behind it, and exploring the intersectionality of these types of crimes against cis women, girls, transgender, non binary and gender non-conforming individuals. And I also have spent a lot of time reading up on current cases that do address this issue of digital privacy, and trying to anticipate how courts could apply these decisions to real life situations that have not really made their way through the court system yet. And so as we'll talk about a little bit today, this area of the law is still very new, and it's developing with the times. But because of that, it is quite limited. You know, it's very interesting to sort of see how the laws developing and adapting and continuing to recognize these growing privacy issues in our digital era, but there's still so much more that needs to be done. So it's been a great opportunity to work alongside

Francesca, and just watch as this law continues to develop, and hopefully go in more promising ways in the future.

Anne Rudzinski: Amazing. I just think this is so exciting. It's obviously very needed. We'll talk about why it's needed, you know, throughout our episode today, but I know this is just such a great resource. And we're so excited to let everyone know about it.

Christina: Yeah, it's really awesome. Honestly, I tell everybody about it, that I've been involved in this project now for, I guess what it's been like, six, seven months, and everyone is just so thrilled about it. And half of the time, people don't even know that, you know, sharing intimate images or FaceTiming somebody when- when they are nude is even a crime to begin with, which is just absolutely crazy. And so we want to get the message known that, you know, if you do engage in this sort of conduct, it is illegal. And then as Francesca mentioned, as well, just sort of removing that stigma around taking intimate images of yourself and shifting the blame onto the person who decides to redistribute those photos. So it's been really incredible experience, and we're happy to talk about it whenever we can.

Anne Rudzinski: I love that, I love that we're, we're breaking down the victim blame, we're breaking down all of that self blame. It's just so important. Before we get into too much of our conversation, I want to know what you think about the terminology. I know we agreed for our episode title to put revenge porn in air quotes, because that's not really the best term to describe this topic anymore. Sometimes folks use the phrase "non-consensual sharing of nudes", sometimes they use the phrase "technology facilitated sexual violence", which terms do you think are the best and why?

Christina: Yeah, so sometimes the non-consensual distribution of intimate images or the non-consensual sharing of nudes is referred to as revenge porn, which is why we put it in quotation marks, because this term can be quite misleading and a very dangerous misrepresentation of really what is occurring, simply because this conduct, this act, does not actually have to be revengeful, for it to be wrong. And so to use this word, revenge, really validates a victim-blaming narrative, in which this

individual is punished for taking a photo in the first place, and really reducing the extent to which they are seen as victims of this horrible, horrible crime. And then also, the second part of it, calling it pornography is really tactically permitting people to consume something that was originally created and distributed within a private conversation. And then it was distributed without their consent. And so when images are distributed without consent, and labeled, as, you know, pornography, it's deeming the images, one as being acceptable, but also being a form of entertainment, even though that was not the original purpose. It was meant to be distributed within a- a private conversation among two individuals. But, you know, revenge porn is not a new phenomenon. You know, long ago, we saw these naked photos of Marilyn Monroe being printed without her consent in the first ever edition of Playboy magazine, and I still see them being recirculated today, and they went on to sell thousands and thousands, and I'm sure like millions of copies now, um, and, you know, these were distributed for somebody's monetary gain and this is just one example, of you know, the term quote, "revenge porn" from years before it was even named, and they're still circulating on the internet now alongside other non consensually published images of today's victims survivors, and we've seen as technology has advanced from, you know, the analog camera, or to the webcam and now to cell phones and FaceTiming. Each new device has made it increasingly easier to capture images and videos and stay connected, but, you know, we really want to name it for what it is because it is not a new phenomenon. And it really is the non consensual distribution of intimate images. It is not only a form of revenge, and it certainly is not a form of entertainment. And so we really are trying to shift away from that terminology, as much as we can, and so that's a really big part of Reclaim.

Anne Rudzinski: Amazing, I feel like the language is always so important. So I'm really grateful that you were able to break that down for us.

Christina: Yeah, absolutely, it really is the way that we talk about it. And the way that it is sort of represented in society taking away this, this notion of it being, you know, revengeful of it being pornography, it helps us sort of, you know, reinforce that, this is a crime. And this is not a form of entertainment, it is non consensual, and it is illegal. And so I think that's

a really big step, that a lot of organizations are sort of encouraging and-and pushing forward. Even in court decisions, they'll sometimes refer to it as revenge porn. And so educating them as well, about this is- is extremely important.

Anne Rudzinski: Amazing. So hopefully, our listeners will shift that language along with us. And we can all started to contribute to making that social change. I would love to also talk a little bit about what is the problem? Because I think, you know, we're all familiar with the fact that people share nudes without consent, but I would love to know, what are the types of scenarios that you see the most often?

Christina: Of course, this is a type of violence that is going to be felt and experienced by pretty much everyone. It's happening on dating apps, on social media and other websites, between people in texting conversations, FaceTiming, we've seen scenarios where images are shared to employers, to friends, to families, etc. And so it can really happen to anyone. However, by numbers alone, woman and girls have been shown to be most affected by TFB. However, there are certain groups of people that are subjected to this form of violence at higher rates and face, you know, qualitatively different kinds of attacks. So, of course, as I mentioned, women and girls are frequently targets of this kind of violence, especially in the context of intimate partner violence, which is something that we do see quite regularly, abusive, intimate partners have used technology to stalk and monitor partners or ex partners. They send insulting and threatening messages via text or social media sites, we've seen a lot of times where they will disclose humiliating, private information about their partner online. And then, of course, just monitoring their partners devices and social media accounts, taking them over and locking them out of their own personal accounts. And, of course, this behavior causes women and other individuals to feel fearful. And as though their partner is always watching them. And unlike strangers, which actually this, this tends to happen a lot between intimate partners and people that you do know, although it does still happen in the stranger context as well. But with intimate partners and people that you do have relationships with, they actually may have access to their targets device and accounts consistently. They know their passwords, they have all their contact

information. And this just allows for constant surveillance and constant harassment. And so technology is really serving as this tool to maintain violent control over a partner after the relationship has ended. And so of course, this increasing prevalence of TFP is a very serious concern for individuals who are already disproportionately suffering and violent, intimate partner relationships. And this is particularly because technology facilitated violence is often minimized as this insignificant form of abuse, because it's not the type that we can tangibly see occurring, it's happening, you know, through constant surveillance through harassment. And so we're noticing that when this sort of violence is happening, and we're bringing it to authorities, we're trying to talk to people about it, it's often seen as insignificant, because it's not the form of physical abuse that we're used to seeing, or that we're used to talking about. And so just really raising awareness that this is a very, very significant form of abuse. And just getting word out about it is really important. And then of course, this is also very common among marginalized individuals, those with intersecting identities as well. And so that's including transgender and gender non-conforming individuals, individuals, people of color, people that are a part of the LGBTQ2S+ community, people with disabilities, they face significantly higher levels of online harassment and abuse compared to white, heterosexual, cisgendered, and able-bodied individuals. So really, what we're seeing is how a person experiences online violence. So for example, the ways that they- they are attacked online, or really the level of violence that is geared towards them, etc, will be inherently tied to other aspects of their identity. And so I actually found this study in 2012 that was done by the European Union Agency for Fundamental Rights, and they found that the LGBTQ2S+ community were harassed and threatened online because of their gender expression and sexual orientation, and were also more likely to have their intimate images distributed without their consent. or receive threats to out an individual's sexual orientation. So we are increasingly seeing digital technology being used as this new and dangerous way and tool to further the harms that are actually already being felt in the real world. And so what we're seeing then is, you know, what is happening and has been happening offline, for so many years has now translated into just more harm and more violence online. And so the harms that are experienced are even graver in that sense on the individual level, but

also on this broader, more systemic level as well. And so yeah, those are- that's really sort of what we're seeing in terms of people who come forward and come and talk to Reclaim.

Anne Rudzinski: Wow, I think that's so interesting, because I think- you know, when we talk about sexual violence, we talk about myths. Some of the strongest myths that we have is the idea that it's often perpetrated by a stranger. We don't talk about always the gendered nature of it. And so I think it's really interesting to see that a lot of those same patterns, you know, it's often someone you know, it's most commonly perpetrated by men against women, and that we're seeing it as that method of coercive control. I'm seeing there's a lot of similarities between this type of violence and the other types of sexual violence we talk about.

Christina: Yeah, no, absolutely. And I think that is such a big myth of this type of violence as well is that, of course, the internet has provided a new space that can reach you know, vast corners of the world. And a lot of the times it can be strangers who decide to target somebody on the other side of the world, or even just down the street, you have no idea who this person is, because they can hide behind a screen. But a lot of what we're seeing is, it is sort of in this context of a real life situation that has now just translated into just more harm and further surveillance, further harassment. And technology is just making that so much easier to do.

Anne Rudzinski: Yeah, absolutely. So what I would like to know, next, then is why does this happen so much? What are the pieces that contribute to this social problem?

Francesca: There's a lot of different reasons as to why it happens. I think the- the most prevalent is the fact that technology is developing at a much faster rate than the law. We see, like I mentioned, we're seeing younger and younger children that are using cell phones and social media, and are not educated as to what the law is, as it relates to these things. The law is new, and in the last few years, it's starting to develop, but there just isn't enough education on it. That's probably, in a nutshell, what I would see as why this continues to happen. A lot of people think, you know, well, why do people post pictures in the first place? Why do they

share naked photos of themselves, etc. But ultimately, like I mentioned, that's not the question that needs to be asked. And we shouldn't be patrolling legitimate behavior and actions of individuals, we should be criminalizing and punishing offenders who commit offences under the Criminal Code. So I really think with- with proper education, we can start to address this problem on a more systemic level. Christina and I have discussed the possibility of getting into high schools or middle schools, because I believe that this is where we need to start. These are the groups of individuals and young people that are consuming social media at a higher rate, and sharing images and not really knowing the legalities of it. So I think there just really needs to be more education on the topic and more awareness as to, not only criminalization but also recourse for victims who have gotten harmed to this issue.

Anne Rudzinski: Yeah, I'm always just, like, amazed at how widespread this has become. And I think part of it too, is it's just so normalized. You know, I have a lot of friends, you know, maybe five, six years ago when I was an undergrad that would just say, like, "Oh, this guy sent me a dick pic", and they would just show it to me on their phone. I'm like, "I didn't want to see that", you know, I don't know that he consented to me seeing that, it's just such a normalized thing to- to treat these photos like they aren't that big of a deal, or to keep photos from exes after you break up. I posted a meme on Facebook the other day that said, you know, friendly reminder to delete your ex's nudes, and I had gotten messages from a few people that were like, "Oh, I didn't think about that. Like I should probably do that", and-

Christina: Yeah-

Anne Rudzinski: You know, there are people who are like my age, right?

Francesca: I think another issue is it's so normalized for us to screenshot and share things because "Oh, it's my phone and these are the messages I've received, you know, it's under my control to do what I want with it", but that's actually not the case, right? So when we look at the privacy law, which we won't discuss as much today, but it's still very relevant in this context. Just because you know, you receive an image and it's now

on your phone. It doesn't mean that it's your property to be able to redistribute to whoever you feel you should.

Anne Rudzinski: So what I want to know then is, you know, when you see these memes, you see these tiktoks of women who get unsolicited dick pics, and then they screenshot them, turn around, send it to the guy's mom, is that something that folks can also get in trouble for?

Francesca: Definitely, I think a lot of the time we're not, we're not looking at, you know, as a whole, at the issue. I've seen personally TikToks where individuals will share the other person's entire dating profile and just going on and on about this individual and what they posted, and I think even that is inappropriate- I mean, it's obviously not criminal for the purposes of 160 2.1 of the Criminal Code, but it- it- it's not limited to, a naked photo being, you know, submitted to other people in the- in the cyberspace, it's, it really is a broader issue. And you know, you receive an unsolicited photo of somebody's nude and you redistribute it, you can't do that. I mean, it may be funny to some people, or maybe people are offended by it, and they want to redistribute it. But regardless of the context in which it's occurring, it's still a crime. So yeah, you can still definitely get in trouble for that.

Anne Rudzinski: I think that that is so important. And I'm really glad that we had that brief side chat, because I think that's information that folks need to have

Christina: At the core of it as well, though, like, if you're sending unsolicited nude photos like nobody wants that, and just don't do that in the first place.

Anne Rudzinski: I just feel like we don't talk a lot about the art of the solicited nude, like, you know, like some people, they really want the nude, and that's great, and we can have that consent conversation and have like a beautiful solicited nude photo moment. But there's so much gross stuff that people do with nudes, they send them without consent, they share them or save them without consent, and it's you know-

Christina: Yes, absolutely. And we can get into that later, too, about consent and sending photos (laughs).

Anne Rudzinski: Yeah

Francesca: I mean, I think sending the nude, you know, even if it's unsolicited, and you're offended by that behavior, you should not then perpetrate a crime yourself, you know, that's not the proper reaction in those circumstances.

Anne Rudzinski: Yeah, I think this is important to know, because I think that that approach has been really popularized online. So I'm, I'm glad to have that information to share with our listeners. So let's switch gears for just a moment, I would love to talk a little bit about the seeking justice pieces. So first off, what can someone do if their nudes are being shared without their consent?

Francesca: So if you're experiencing any form of harm as a result of TSB, and so that kind of encompasses a lot of different things, whether it's online harassment, the non-consensual distribution of intimate images, like we've discussed, or things like voyeurism, extortion, or impersonation, we do want to remind you that there are resources and supports available, the first one being Reclaim. So you can seek advice from us, by booking a consultation with us at www.reclaimprobono.org. And we can help by guiding you through this area of the law, which is still somewhat unsettled, and also very new, and advise you of your rights and remedies, and as well as the risks of you know, potentially bringing a legal action and, and I can get more into that a little bit later. But it's also really important to gather all of the evidence and document everything. So writing down dates and times, URLs, screenshotting, anything and everything you can, just ultimately gathering information about the circumstances. And if you have proof that this individual redistributed this image, obviously then that would be helpful. With respect to images that have been posted on third party websites, you can report these incidents to needhelpnow.ca and they can assist with taking those images down. Sometimes that's a little bit more out of our control. But there's also other support systems like the Kids Help Phone, victim services, and other various organizations in the community that

can kind of assist, as a non-legal option essentially, and, of course, contacting the authorities if that's something that an individual is comfortable doing.

Anne Rudzinski: I love that you talked about creating that record, I think that's so important. And I always encourage folks to take notes, take screenshots, keep records of things. It's just so crucial. So I know we talked about how, you know, sharing nudes without consent is illegal. And so that says to me, criminal justice system, or they're also civil legal options, what are the routes that people can take?

Francesca: Sure. So seeking justice, I think that has a different meaning in every case. For a lot of these people, nothing is going to constitute justice for them, because the damage has already been done. So for example, these images have already been shared. They've been seen by friends, families, employers, etc. There's no taking that back. But Canadian courts are starting to recognize both criminal and civil forms of relief, for individuals that have been victims of TSP. So in response to the increase in cyber bullying a few years back, the government enacted the Protecting Canadians From Online Crime Act, which amended the Criminal Code to include this provision which I mentioned earlier, 160 2.1, which criminalizes distributing intimate images without their consent. So the components of this provision in the Criminal Code are that the photo or video has to be considered intimate for the purposes of the legislation. So a part of the person's body is exposed or a private region, and it has to be distributed without their consent. And another important component is that they would have had a reasonable expectation of privacy when they shared that image. So there's been a couple of important cases and we won't get into too much law to bore everybody. But this is somewhat interesting. The Queen and Walsh is a Court of Appeal case that has recently come out. In this case, the court was tasked with determining whether a FaceTime constituted an intimate image. Initially, Mr. Walsh had FaceTimed his friends while the victim was nude and intoxicated. And at trial, Mr. Walsh argued successfully, that he was not encapsulated by this provision of the Criminal Code, because he did not distribute an image that was capable of being reproduced. And he was actually acquitted. And so went to the Court of Appeal, which is the highest

court here in Ontario. And they compared live streaming to FaceTime. So the effects are the same, even though you know, it's not a recorded video, it still can be screenshotted, and still should be considered a broadcast for these purposes. So ultimately, Mr. Walsh was convicted, and the court actually expanded the definition to include live streams and FaceTimes, it doesn't actually have to be a video or a photo that's capable of reproduction, per se. When another important criminal case that went all the way to the Supreme Court was called the Queen and Jarvis, and it involved a teacher who had a camera in his pen, and was recording videos of young students. And the issue here was whether those students had a reasonable expectation of privacy. And that's a part of that criminal code provision. Because they were at school in a public setting, should it be considered reasonable expectation of privacy, and the Supreme Court of Canada said, yes. So this is an important case. And now the courts are recognizing that there is a reasonable expectation of privacy in public setting. And that's important for us to remember, because we do see people taking photos and videos and doing stories on various social media platforms and not really thinking about what they're posting. So it really is important to remember that people do retain that reasonable expectation of privacy, even if they're in a public setting. Ultimately, people who have fallen victim to TSD can go to the police if they feel comfortable. And it's ultimately up to the police to decide whether they can lay charges or not.

Anne Rudzinski: I feel like this is so helpful and I'm wondering if we can talk a little bit about Snapchat, I know we talked about the live stream piece, I just feel like Snapchats really tricky, because everything disappears so quickly.

Francesca: I- I honestly think Snapchat might be the biggest issue when it comes to TSB because of the fact that it's those five to 10 second images. And people think, you know, they can send a quick picture, and it won't be able to be reproduced, but people screenshot on Snapchat all the time, right. So I- I think that people need to be aware that if they're going to be sending an image to another person, they need to always be aware that it can be capable of reproduction in one way or another.

Christina: And just a side note to that, though, Snapchat is currently I believe, the only, you know, social media platform like sharing photo platform that will notify or alert users when the image has actually been screenshotted. So if you are sending those sorts of photos, and you do notice that they- on the receiving end, screenshotted it, you can always, you know, have that conversation with them and say, you know, I would- I would really prefer if you didn't screenshot my photos, but it does alert you if the individual screenshots it and I think that goes for, sending private photos. And even if you do, I mean, hopefully you're not posting nudes to your- to your story. But if you are it shows like if somebody has screenshotted it in that way as well. So, they have sort of taken that step in showing like, somebody has screenshotted your photo, and then you can go about having that conversation with that person in that way.

Anne Rudzinski: Yeah, that's totally true. But I think there's also a lot of ways to get around that. And I'm not gonna say what they are.

Francesca: Really?

Anne Rudzinski: But I read- yeah, I've read a bunch of articles about ways to get around this- the screenshot notification. So I always want folks to know like-

Francesca: Yeah, people are really thinking of everything. But I really think the bottom line is if you're going to be sharing an intimate image of yourself, you have to always be cognizant of the fact that, this can be reproduced so it should be with somebody that you trust for that reason and, and that's not to say that people you trust aren't going to go ahead and redistribute because we see that often as well, but it is important to be aware in all circumstances and knowing like that- the possibility that it can still be reproduced, um, in one way or another, um, is definitely important in these circumstances.

Anne Rudzinski: Yeah, so I'm wondering if we can chat a little bit about those civil legal options.

Francesca: Sure. So the criminal system will punish offenders for their wrongdoings. But this isn't always, you know, a form of compensation, it may be a relief for victims to know that their offender, the perpetrator, has been charged or convicted. But it doesn't obviously compensate them. So that would occur in the civil context, or more commonly known as suing somebody for damages, which is usually in the form of money. So we've already seen this emerging in the civil courts, there's a case called Kaplan and Atcus, which recognize the tort of online harassment, so that's actually a movement towards, you know, where we should be with the law as it relates to TSD. There's another case, I'll just call it the Jane Doe case. In this case, the victim's ex partner had distributed explicit images of her online and it had been seen by thousands and thousands of people, by the time she became aware of it, uh, the court actually awarded her \$100,000. And she pursued her ex partner in civil court under the tort of Public Disclosure of Private Fact. And that can be established when an offender publishes an aspect of a plaintiff's private life. So in this case, the victim's private life, the victim didn't consent, the matter would be highly offensive to a reasonable person, and it was not of legitimate concern to the public. So there are avenues in these circumstances to be awarded damages or money. And again, money doesn't always constitute justice for everybody. But the court is starting to recognize the different harms that are suffered by victims here. So whether it's physiological, emotional, psychological, and even financial. So in some circumstances, people are losing their jobs, or they're not able to work because of this issue. Or maybe they're even fired because of somebody distributed the image to their employer, and their employer just maybe doesn't have time for any of it and just fires them, right. There's financial harm that can be suffered. But the avenue that we pursue here at Reclaim will always depend on the facts of the case. And it will always be up to the individual. While the court may result in an award compensating a victim, sometimes it's too much stress to relive the harm of being on a witness stand, and reliving all of the trauma. So we do work with clients in determining what their best course of action is, given their specific set of circumstances, as well as what they're most comfortable with.

Anne Rudzinski: I love that. So just for our listeners, you folks do the criminal and the civil side of things?

Francesca: So with respect to criminal that would be pursued by the Crown, which is the prosecutors for, uh, syn- synonymous would be, uh, the prosecutors, they would pursue that. We would assist in attending at the police station, to file a witness statement or uh, a report, essentially, but we don't really have any power as to how the criminal proceedings happen. We are more so on the civil side. And again, those non legal options, right, we do provide support in the criminal context.

Anne Rudzinski: I think it's just amazing, though, that folks can kind of go to this one service and get all of the information in one place, I think that's really wonderful.

Francesca: That's our goal.

Anne Rudzinski: That's amazing. So I'm wondering if we could shift gears and talk a little bit about prevention? Because I think we've talked a little bit about, you know, how do we make these changes in our systems so that maybe we're helping folks with some safety around nude photos? Maybe we're having some conversations about consent? I would love to start with, if somebody is interested in taking nude photos or videos of themselves, do you have any safety tips for how to engage in that in a safe way?

Christina: Yeah, so I- we sort of touched on it, I- I guess a little bit throughout conversations. But I'll just sort of list a few tips that come to mind when we do talk about sending nude photos or videos and how to be safe when doing that. So first and foremost, of course, trust is really key in this, you want to make sure that who you are sending nudes to is somebody that you trust. Of course, as Francesca already mentioned, you know sometimes if you do send a photo to somebody who you do trust that does not always guarantee that they won't redistribute the photos but just to be safe and be cognizant of the fact that they could be redistributed. Just really try and keep those photos in a trustful relationship and among whoever it is that you're having that conversation with. Of course, consent is always key as well. And we talked about this a little bit. Nobody likes unsolicited pictures. So make sure you have someone's consent to send them as well have that

conversation. Also you can consider blurring out your face or, you know, taking the picture from the neck down removing identifying characteristics, of course, it is still your body that is being shown. But just being aware of the fact that, you know, it is a very real possibility that somebody could take these photos and redistribute them, you can just try and eliminate identifying factors and characteristics as much as possible. Another one that I was thinking of, and I actually read about a little bit, which I thought was kind of neat is, keeping tabs on what you're sending. So you can use different filters for different pictures, if you're sending pictures to multiple partners, or you're reusing the photos, you can actually also- and I saw somebody write this, which I thought was quite interesting, you can consider watermarking them, um, with the name of the person that you're sending them to. So if they do get leaked, you'll know who did it. And you can go directly to that person and saying, you know, "you're the person I sent this photo too, with this specific filter, or watermarked with this particular thing, and I knew that it was being sent to you. So it must have been you who distributed it"

Anne Rudzinski: Yes!

Christina: Yeah, right. Because that is a huge thing is like people will take multiple photos, and they will send pictures to multiple partners or reuse them. And so if by chance, something does get leaked on the Internet, somebody does send them around, you'll be able to locate the original person who had that photo. So just kind of a- a cool little tip that I thought was pretty interesting. And then of course, always be wary of screenshotting, we talked a little bit about Snapchat, of course, there are ways to get around screenshotting. But just be wary of that. And, and know that that is a possibility. And then lastly, I think we just want to reassure people that this is a way to express your affection to somebody in what should be a safe and trustworthy space. And that should really not be taken advantage by someone. But of course, you know, have fun doing it, but just continue to be safe and doing so. So make sure it's with somebody that you trust, make sure you have the consent to be sending photos back and forth. And then maybe keep tabs on- on the photos that you are taking and sending.

Anne Rudzinski: I feel like this is so helpful. Um, was there anything else we wanted to say when it comes to consent, with nudes? Is there any, like specific consent practices that you would recommend?

Christina: Yeah, so I would just say sort of going off of- of what I just mentioned, establish those rules of engagement. Like at the very beginning, you know, state the obvious, never assume somebody wants a picture from you. You know, even if you have had sexual relations before, even if you have had a sexting relationship or sent photos, you need to lay down some ground rules for how each of you would like to send and receive photos. So have that explicit and straightforward conversation. And then also remember that consent can be revoked at any time. So just because you give consent once to receiving photos, or engaging in some sort of sexting relationship that can be revoked at any point. And so just making that known as well. And then lastly, I would say just really negotiate those boundaries, you're allowed to have your own boundaries, you're allowed to have your own reactions and share that feedback with your partner as well. But you know, unfortunately, there is absolutely no, like, handbook in how to do this, and there's no way to ensure that these photos or your sexting conversations won't be made public or used in ways that you didn't consent to. But you know, ask yourself as well, like reframe these thoughts when you are sexting someone or sending photos to someone, you know, what is the worst that can happen here, and then set your engagement based on your risk profile, and what you are willing to assume in that- in that scenario. So whether that's, you know, never showing your face in a nude, making it harder to prove that it's you by removing identifying characteristics. Again, it's fallible, so you know, no app guarantees privacy, but just take those steps, negotiate your own boundaries, and then go forward with that. And of course, always have a conversation with your partner.

Anne Rudzinski: Amazing. This has been so wonderful and so informative. I'm really grateful for you folks, spending some time with me to talk about your amazing initiative, and to share some information about consent and nudes and the roads to accessing justice if they're shared without your consent. Do you have any, like take home message for our listeners?

Christina: Yeah.

Francesca: So, we, Christina and I chatted- we chatted about a take home message and, uh, we landed on, if it's not your body, it's not your photo.

Christina: It's that simple. Honestly, we wanted to keep it very simple. If it's not your body, it is not yours to be sharing to people, keep that in a private setting. And yeah, just know that redistributing is never- is never a nice thing to do, but it's also illegal. So it's not yours to share.

Anne Rudzinski: I love that. Well, thank you so much for spending some time with me today and visiting our podcast.

Christina: Thanks for having us.

Francesca: Thank you so much.

Anne Rudzinski: Thanks for joining me for our episode on technology facilitated sexual violence with Spark Law and more specifically Reclaim Pro Bono. If you're looking for the links to any of the things we chatted about today, they will be in our episode description and you can find a transcript for our episode on our website, which is also in our episode description. Take care everyone.

Thanks for listening to Prevent, Resist, Support, we'd love if you'd liked, subscribed, followed or even just give us a follow on our Instagram. Then you can see up to date information on our episodes, and our events, and workshops. Give us a follow @preventresistsupport. If you need support and you're a member of our UWindsor community, you can reach out to us, The Office of Sexual Violence, Prevention, Resistance and Support. You can reach us by email at svsupport@uwindsor.ca. Or you can check out our website at www.uwindsor.ca/prevent-resist-support. You can contact us through the website or view a list of resources on our UWindsor campus and in our Windsor community. If you're not at UWindsor, you can learn about supports and your community through the Ontario Coalition of Rape Crisis Centers. Their website is sexualassaultsupport.ca

