

## Revenge porn in the Italian regulatory and social context: new crime or old blackmail?

Giovanna Ricci | Giulio Nittari | Anna Maria Caraffa  
Francesca Corticelli | Filippo Gibelli | Ascanio Sirignano

OPEN ACCESS

Double blind peer review

**How to cite this article:** Ricci G. et alii (2022). Revenge porn in the Italian regulatory and social context: new crime or old blackmail? *Rassegna Italiana di Criminologia*, XVI, 3, 201-210. <https://doi.org/10.7347/RIC-032022-p201>

**Corresponding Author:** Filippo Gibelli  
email [filippogibellimedico@gmail.com](mailto:filippogibellimedico@gmail.com)

**Copyright:** © 2022 Author(s). This is an open access, peer-reviewed article published by Pensa Multimedia and distributed under the terms of the Creative Commons Attribution 4.0 International, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. *Rassegna Italiana di Criminologia* is the official journal of Italian Society of Criminology.

**Received:** 21.10.2022

**Accepted:** 26.05.2022

**Published:** 22.12.2022

Pensa MultiMedia  
ISSN 1121-1717 (print)  
ISSN 2240-8053 (on line)  
[doi10.7347/RIC-032022-p201](https://doi.org/10.7347/RIC-032022-p201)

### Abstract

Revenge porn is the online publication on websites of explicit photographs or videos taken in intimate moments without the person's consent. It is a new form of gender-based violence, as the majority of victims are women. This phenomenon has been growing in recent years due to the increase in popularity and spread of social networks. Since the start of social distancing measures due to the COVID-19 pandemic, the problem has undoubtedly become more serious. The most affected groups are women and adolescents. Phenomena such as revenge porn and cyberbullying are aberrant aspects of online relationships. Although different in their specificity, they have many elements in common, which, unfortunately, in some cases, have led to dramatic outcomes, pushing the victims to suicide. This contribution aims at fully framing the issue from a social point of view and outlining its legal characteristics with reference to the European and Italian legal framework, starting from the analysis of the data presented within the report presented on 24 November 2020 by the Italian Ministry of Justice, containing a statistical analysis of the impact in terms of diffusion of the revenge porn phenomenon one year after the entry into force of the law of 19 July 2019 (the so-called "Codice Rosso"), which introduced the specific crime of unlawful dissemination of sexually explicit images or videos.

**Keywords:** revenge porn; gender-based violence; cyberbullying; cybercrime

Giovanna Ricci, Associate professor, School of Law, Medico-Legal Section, University of Camerino | Giulio Nittari, Ph.D., Telemedicine and Tele pharmacy Centre, School of Medicinal and Health products sciences, University of Camerino | Anna Maria Caraffa, Ph.D., School of Law, Medico-Legal Section, University of Camerino | Francesca Corticelli, Doctor in Law, University of Camerino | Filippo Gibelli, Ph.D. Student, School of Law, Medico-Legal Section, University of Camerino | Ascanio Sirignano, Full Professor, School of Law, Medico-Legal Section, University of Camerino

## Revenge porn in the Italian regulatory and social context: new crime or old blackmail?

### 1. Introduction

#### 1.1 Framing the phenomenon

ICT and social media forever changed the way we communicate and altered the basis of interpersonal relationships, breaking down the boundaries of time and space. Technology produces social changes, and leisure time begins to be invaded by technologies. These new forms of communication are accused, on the one hand of accelerating the growth of young people and, on the other, of not encouraging them to take on the responsibilities of adulthood.

Since the 1990s, new communication technologies have been the preserve of everyone.

The first obvious consequence has been the impossibility of regulating the Web, with the consequent impracticality of checking and controlling all the contents that pass through it. Surfing, not only through computers but primarily through mobile phones can become quite dangerous. Although the use of these technologies is undoubtedly immense, at the same time several offence categories have developed in connection with them, such as cyberstalking, hate speech and bullying on the net. Although different from each other, these forms of conduct have in common the seriousness of infringing fundamental human rights and, due to the characteristics of the network, often produce irreversible effects. Among the phenomena that have been spreading in recent years is revenge porn. This is a term of Anglo-Saxon origin that associates the word “revenge” with pornography. The notion is now in sadly everyday use, as is the multiplication of revenge porn episodes against countless people, mainly women, who have found their intimate sphere violated and have seen their image spread virally without ever having allowed it or even after having been immortalised without their knowledge (Kitchen, 2015).

Although it has a strong emotional impact, the expression “revenge porn” is considered by many experts to be.

The term revenge porn originates from English law, which first established it as an offence through “*Section 33 of the Criminal Justice and Courts Act 2015*”, imposing a penalty of imprisonment not exceeding two years. The English law represents the legal formula on which the related criminal offences were created by the various foreign legal systems, including the Italian one. And indeed, the prerequisite for the configuration of the offence, i.e., the disclosure of images or videos with sexually explicit content without the consent of the person depicted or to create psychological distress to the victim, is also present in

the corresponding Italian criminal provision, i.e., in Article 612-ter of the Criminal Code. Sexual blackmail is often perpetrated by people who have a romantic relationship with the victim, such as spouses, partners, boyfriends, who act after the end of a relationship to humiliate the ex-partner by using pictures or videos in their possession. These may be selfies taken by the victim and sent to the ex-partner, or videos or photos taken in intimacy with the idea that they should remain private, or shots taken secretly without either party being aware of it.

The sharing of such images can occur online and via e-mail and mobile phones and leads to an aberrant result for the victims: humiliation, damage to their image and dignity, conditioning in social relationships and employment search.

From literature (McGlynn, Rackley, et al., 2017) many victims have reported to psychologists that the impact of disseminating images taken privately can be compared to that of an actual sexual assault.

Criminal behaviour can be said to be an advanced form of cyberbullying, to harm and discredit the victim.

Pornographic material can be taken in different ways:

- By sexting, i.e., sending texts with sexual content.
- By filming intimate images during intercourse with the victim’s consent.
- By filming the victim during intimate moments (sexual intercourse, public toilets, changing rooms, etc.) with hidden cameras (spycam).
- Through the hacking of the victim’s cloud space (iCloud, Gmail, Microsoft Space, etc.) or smartphone device, also by spontaneously handing over the device (e. g. sending a PC or phone for service).

It is increasingly clear how pornography has always been a technological advancement, also in terms of investment, and how many of the new digital tools, indispensable for modern life, have actually been developed to create or enjoy pornography better and more efficiently. The combination of technological advancement and pornography, the omnipresence of the smartphone and the “sexualisation” of culture, makes it quite “normal”, especially among adolescents, to rely on technology to express various aspects of their sexuality.

For our purposes, a few considerations on amateur pornography are also of interest. One only has to think of the success of specialised sites, the most popular of which has reached over 300,000 hits per day.

In part, the high attraction of consumers for these intimate moments removed from a real couple context is due to their veracity and thus to the proliferation of amateur

videos. If pornography was born above all as an exhibition of “reality”, the industrial trend has made it more spectacular in recent years. That original vocation is now taken up by amateur pornography, which attracts all users searching for the real, the homely, the spontaneous, outside the codified schemes of “official” pornography.

## 1.2 The prevalence of the phenomenon

It should be noted that literature does not abound in scientific-statistical studies on the subject, the size of which must therefore be estimated primarily based on surveys conducted by companies in the sector and associations in defense of women. According to the data of a study carried out in 2013 by the American computer security company McAfee, during 2012, in 10% of couples aged between eighteen and fifty-four years, a threat of revenge porn had occurred. Of these threats, 6 out of 10 had later materialised (Eichorn, 2013).

Research by the Melbourne Institute of Technology (RMIT) established that in 2015, out of 3,000 Australians interviewed between the ages of 18 and 55, one in ten had their images distributed online or sent to others without their consent (Commonwealth of Australia, 2016).

In England, in the first year since the introduction of the 2015 revenge porn law, over 800 criminal complaints were registered, made in 3/4 of the cases by women (Caletti, 2019). Regarding the users of pornographic material derived from revenge porn actions, even in 2010, a website entirely dedicated to revenge porn called “*Is Anyone Up?*” was founded. The site, which had about 300,000 daily visitors, was permanently closed on April 19, 2012.

However, it was not the only existing web portal. According to a survey conducted by “The Economist”, in July 2014, there were over 3,000 sites dedicated to the dissemination of revenge porn content (The Economist, 2014).

Revenge porn content does not necessarily require specialised sites: it often circulates quietly on common social networks like Facebook and Instagram.

The social network of Mark Zuckerberg, for example, can detect through artificial intelligence nude images or videos spread without the consent of the person filmed. It identified and removed about 28 million images in the fourth quarter of 2020 alone, in 98.1% of cases even before someone reported them. Because of these data, from March 8, 2021, on the website of the Italian Guarantor for the protection of personal data is available a form to report cases of non-consensual pornography. Those directly concerned can then report their fear of seeing intimate images being spread on social networks and go viral. The Authority then examines the reports, which confidentially forwards the report to Facebook, which removes the content in question.

## 2. Data presentation

On 24 November 2020, the Italian Ministry of Justice presented a detailed report illustrating the results of the statistical survey of data collected from judicial offices between 1 August 2019 and 31 July 2020 concerning the offences introduced by Law No. 69 of 19 July 2019 (Italian Ministry of Justice, 2020).

Therefore, the aim of the report was to assess whether the introduction of the “Codice Rosso” into the Italian legal system had enabled the achievement of the intended objective, i.e., to protect victims of domestic and gender-based violence.

In parallel to the analysis mentioned above, the Criminal Analysis Service of the Department of Public Safety of the Ministry of the Interior conducted research aimed at understanding the exact proportions of the revenge porn phenomenon in Italy. The analysis of the data obtained from the databases of law enforcement agencies throughout the country showed that, in the period between 9 August 2019 and 8 August 2020, 718 cases of revenge porn were recorded, with 82% female, 83% over 18 years old and 89% Italian (Italian Ministry of Interior, 2020). The survey also made it possible to record the temporal fluctuations of the reported incidents and their geographical distribution.

An analysis of the ministerial data is proposed in the following paragraphs.

Since this is the first systematic survey aimed at defining the spread of the phenomenon since it was defined as a criminal offence, references and comparisons with earlier periods of time are not possible.

Before the promulgation of the “Codice Rosso”, the offence of revenge porn (which did not exist as such) was covered by other legal offences, such as defamation, extortion, violation of privacy and improper processing of personal data.

Since there is no official data available to delineate the extent of revenge porn alone, in order to ensure methodological rigour it was considered appropriate to avoid providing unofficial data on broader criminal offences, limiting ourselves to the presentation of official ministerial data specifically aimed at studying the crime of revenge porn.

## 3. Cultural, social and regulatory characterisation of the phenomenon

### 3.1 Italian data overview

The data recorded, which represent only the tip of the iceberg, not inclusive of all those cases for which no criminal complaints were made, show an evident surge in the months of lockdown imposed by the COVID-19 pandemic, peaking in May 2020 (figure 1).

Indeed, the health emergency-related restrictions on freedom of movement have been a strong impetus for in-

creasing the dissemination of content (including sexually explicit content) via social networks or instant messaging applications. In other words, people have attempted to overcome the inability to maintain relationships through the exchange of digital material, which has often been misused by those who have received it. The increase in online relationships and internet use made people more vulnerable to sexual blackmail. In addition, harassers, unable to perpetrate harassment “in-person” due to restrictions, become increasingly reliant on online forms of abuse.

A similar trend was observed in the United Kingdom: according to data from the UK’s revenge porn helpline, during the lockdown period there was a 98% increase in cases in April 2020 compared to the same month the previous year (UK Safer Internet Centre, 2020).

As regards the distribution of crimes by region, the highest number of offences was recorded in the areas of Lombardy (141), Sicily (82), and Campania (74). In contrast, the lowest was recorded in Basilicata (5) and Aosta Valley (1). It is hardly surprising that the victims were female in 82% of the cases.

As regards the progress of legal proceedings, as can be expected, most of the proceedings initiated were still at the preliminary investigation stage when the Ministry of Justice report was drafted. At the same time, of the remainder, 353 had completed the pre-trial phase (121 with committal for trial, 226 with request for dismissal and 6 with a judgement), and 16 were at the trial stage (with the verdict already issued in 3 cases).

These data allow an initial assessment to be made one year after the introduction of the offence of revenge porn, concluding that it is undoubtedly a positive measure, which has been efficiently integrated into the Italian legal framework but is still insufficient on its own to control a phenomenon which seems to be on the increase.

Women for Security, the Italian Community that brings together the Italian experts of cyber security, conducted in February 2021 an interesting survey having as objective the definition of the exact scope of the phenomenon of revenge porn in Italy (Security Summit Streaming Edition, 2021). The survey was conducted by administering a 14 question-questionnaire to a sample not homogeneous for age groups composed of 86% women. 88% of the interviewed subjects were aware that revenge porn was a crime, but only 75% thought it would be helpful to report the fact to the competent authorities. 14% of respondents said they knew at least one victim of revenge porn, primarily female. 2% of respondents stated that they had been personally involved in an episode of Revenge Porn, but only in half of the cases was a criminal complaint made.

Almost half of those interviewed (47%) considered prevention to be the best tool to help reduce the phenomenon.

Other defence strategies suggested by respondents were awareness campaigns (17%) and the provision of harsher penalties (7%).

The data of the study, presented on March 17, 2021, at the Security Summit Streaming Edition (an event dedicated to cyber security news in Italy), illustrate a scenario consistent with that which emerged from the survey carried out by the Ministry of Justice: the phenomenon of revenge porn is very much alive in Italy, and the introduction of a specific crime seems to be insufficient, on its own, to fight the practice effectively. The information collected through the survey prompted the association Women for Security to prepare awareness actions, including meetings with schools and the distribution of information material to raise awareness on revenge porn.

### 3.2 Revenge porn legislation: an international overview

Many countries have specific laws to protect victims of revenge porn.

Regarding the European context, France passed a law in 2016 (*Loi pour une République Numérique*, 2016) which, among other provisions, introduces into the French Criminal Code the offence of disseminating any document, recording, written text or image of a sexual nature. The offence is sanctioned by two years of imprisonment and a 60.000 € fine.

In Germany, the topic of revenge porn had received specific attention since 2014, when the German Federal Court of Justice (*Bundesgerichtshof*) upheld an earlier judgment by a regional court in Koblenz, which had ruled that a man was not entitled to keep intimate photographs of his ex-partner just because she had consented to take them (German Federal Court of Justice, 2014).

As regards Spain, in 2015, Article 197 of the Criminal Code (offences relating to the disclosure and dissemination of secrets and computer hacking) was implemented through the introduction of the criminal offence of disseminating personal images when it seriously harms the intimacy of the person whose image has been disseminated.

In the UK in 2015, the Criminal Justice and Courts Act came into force, which introduced the offence of revealing private sexual photos and films to cause distress while not guaranteeing the anonymity of victims.

The maximum penalty for this offence is two years’ imprisonment (Criminal Justice and Courts Act, 2015).

On the non-European side, the first country to legislate on revenge porn was the Republic of the Philippines in 2009. The Anti-Photo and Video Voyeurism Act protects “*the honour, dignity and integrity of the person*” and carries a penalty of three to seven years’ imprisonment (Anti-Photo and Video Voyeurism Act, 2009).

The United States recognises revenge porn as a criminal offence in 38 states plus Washington DC, and the Communications Decency Act also provides for a limitation of intermediaries in the case of the dissemination of content involving women of legal age (Communications Decency Act, 1996).

In Japan, there is a specific law (Act of Prevention of

Damage by Provision of Private Sexual Image Records), which punishes the publication of sexual images that disturb someone's private life without consent with a maximum sentence of 500,000 yen (approximately € 3,800) or three years' imprisonment.

In Australia, a pilot project is being run to offer support to victims of disseminated sexual content, and in some states such as Victoria, New South Wales and South Australia, revenge porn is classified as a criminal offence and punished with financial penalties and imprisonment for two to four years (depending on the state).

### 3.3 European and Italian legal framework

The right to privacy is firmly based on Article 8 of the Charter of Fundamental Rights of the European Union, which provides for the right of every person to the protection of personal data concerning him or her (Charter of Fundamental Rights of the European Union, 2012).

In particular, through the adoption of EU Regulation 2016/679 (General Data Protection Regulation – GDPR), operational since 25 May 2018, the European Union proposed to reinforce and standardise the European regulatory framework on privacy and personal data protection given the increasing spread of digital media (EU Regulation No 2016/679).

Regulation 2016/679 was thus created with the primary purpose of adapting the previous legislation (Directive 95/46/EC) to the digital age. Article 17 of the GDPR introduces the “right to erasure”, i.e., the right ‘to be forgotten’, to have data previously granted to the controller (intended by the provision as the one who determines the purposes and means of the processing of personal data) deleted. Indeed, the GDPR sets out several circumstances in which the data subject is entitled to obtain the erasure of personal data from the data controller without undue delay. The three main situations in which a request for deletion of data is lawful are the non-necessity of the data (in relation to the purpose for which they were initially collected), the withdrawal of consent to process the data or the illegal use of the data.

Italy implemented the European legislation by issuing Legislative Decree No. 101 of 10 August 2018, “*Provisions for the adaptation of national legislation to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016*”, effective from 19 September 2018.

This provision amended and partly repealed the former Italian Privacy Code (Legislative Decree No 196 of 2003). Although they still qualified as criminal offences (regulated by Articles 167 to 172 of the Privacy Code), the characterisation of privacy violations was drastically changed by introducing the provision of damage in addition to profit so as to focus not only on the economic gain of the offender (as was the case under the previous legislation) but also on the damage to the victim's reputation. Article 167 of the Privacy Code as amended based on Leg-

islative Decree no 101 of 10 August 2018 in fact established that the offence of unlawful processing of personal data was configurable not when the offender “proceeds to process personal data” (as provided for in the previous wording), but rather when he “causes harm to the data subject”.

The addition of the concept of ‘damage’ fully represents the declination of the new European legislation, aimed at protecting individuals from the new pitfalls of the digital world, including precisely the damage to the image related to the dissemination of material on the Internet and social media, such as the damage from revenge porn. Although it was virtually possible to bring the crime of revenge porn within the scope of Article 167 of the Privacy Code as amended in accordance with the new European GDPR, several political forces and associations for the protection of human rights fought for the introduction of a specific law, in view of the seriousness of the crime (involving potentially devastating psychological repercussions for the victims) and the proportions of the increasing proportions of the phenomenon. This led to the enactment of Law No. 69 of 19 July 2019, better known as “Codice Rosso”, providing for an acceleration of investigations for crimes of ill-treatment, sexual violence, stalking, and personal injury, the tightening of penalties for offences already provided for in the Penal Code, and the establishment of new crimes, including revenge porn.

The law introduced into the Italian legal system Article 612-ter of the Criminal Code (“*Illicit Dissemination of Sexually Explicit Images or Videos*”): this is the first law specifically aimed at punishing under Criminal Law revenge porn perpetrators<sup>1</sup>.

According to the judges of the Supreme Court of Cassation, “sexually explicit content” means any content “... likely to arouse the viewer's erotic urges, and therefore includes not only images depicting intercourse but also naked bodies with genitals on display ...” (Italian Court of Cassation, 2009).

Paragraph 1 considers images and videos “intended to remain private”, disseminated “without the consent of the persons represented”.

1 The text of the law is as follows: “Unless the act constitutes a more serious offence, whoever, after having made or taken them, sends, delivers, assigns, publishes or disseminates images or videos with sexually explicit content intended to remain private without the consent of the persons represented shall be punished by imprisonment of from 1 to 6 years and a fine of between € 5000 and € 15000. The same punishment applies to anyone who, having received or in any case acquired the images or video, sends, transfers, publishes or disseminates them without the consent of the persons represented in order to cause them harm. The penalty is increased if the spouse commits the facts, even if separated or divorced, or by a person who is or has been bound by a relationship of affection to the offended person, or if the facts are committed through computers or telematic systems”.

The two expressions are almost equivalent: they both relate to the psychological attitude, the first to the time preceding and the second to dissemination. The psychological element of the offence is the so-called “general intent”, i.e., it is sufficient that the perpetrator wants the event to occur without any reason for doing so being of any relevance. The second paragraph considers the conduct of a person who, after receiving the images, further “sends, transfers, publishes or disseminates them without the consent of the persons represented in order to cause them harm”. In this case, the person commits the offence only if he acts “in order to cause harm” to the person depicted. So-called “specific intent”, i.e., the precise intention to harm the person depicted, is therefore required. Therefore, according to the law, the offence provided for in the second paragraph will not apply in all cases where the person receiving the material divulges it only for fun or because he considers it interesting. The penalty shall be increased by between a third and a half if the acts are committed to the detriment of a person in a condition of physical or mental inferiority or to the detriment of a pregnant woman.

The offence is punishable upon complaint by the injured party; the time limit for filing a complaint is six months. The dismissal of the complaint can only be procedural, and however, it is prosecuted *ex officio* when the offence relates to another crime that must be prosecuted *ex officio*.

### 3.4 The cultural changes underlying the phenomenon

A boost to the spread of pornographic content came in 2008, when smartphones, capable of rapidly surfing the Internet and quickly exchanging images and videos, entered the market. It seems undeniable that the increasing ease of dissemination of pornographic content represented a strong drive for a distorted evolution of the representation of the female sexual universe. If the innovations introduced by the sexual revolution of the 1970s saw women acquiring ever greater sexual emancipation, the advent of pornography that is easily accessible to all seems to have represented a natural drift in the phenomenon of female sexual liberalisation.

Pornographic intercourse is a mere mechanical representation of the intimate relationship between man and woman, cleansed of all affective, relational, interactive, and human aspects. It is a strongly asymmetrical relationship, where the woman becomes an instrument of pleasure for the man, who exploits the female figure in a finalist and self-centred way. It is not essential that the woman feels pleasure and derives satisfaction from the relationship, just as the woman doesn't have to reach orgasm. The woman must always and in any case be beautiful, made-up, and free of imperfections, as a valuable instrument for the satisfaction of the male's pleasure. Pornography thus became a vehicle for the stereotype that women are mere objects of male desire, being submissive

in comparison to men, who satisfy their desires through their bodies.

A Swedish research group conducted a survey in 2009 through focus groups and interviews with adolescent consumers of pornography (Löfgren-Mårtensson & Månsson, 2010).

According to the survey, young people were aware of the distorted male-female relationship depicted in pornographic films, in which the man is in a stable position of dominance, sometimes with violent and predatory attitudes. The study also highlighted how the viewing of the films exerted a sort of “pressure” on the adolescents, who tended more or less consciously to emulate the behaviour staged in the movies (the girls practising complete groin hair removal, the boys trying to justify in every way the failure to reach the standards of sexual performance of the porn actors). Not only pressure, but also psychological conditioning: a 2015 Italian study conducted on about 1,500 adolescents found that between 1/5 and 1/4 of males experienced difficulties in becoming aroused in intimacy with their partners, as the stimuli of the intimate relationship did not correspond to the images assimilated through early and prolonged use of pornography (Pizzol, Bertoldo, et al., 2016).

It seems therefore legitimate to consider that this socio-cultural context undoubtedly represented a substratum favouring the proliferation of the phenomenon of revenge porn, a vexatious practice that represents almost an extension and a magnification of the asymmetry of the man-woman relationship told by pornography, with a woman who is the object of the man's pleasure in the scene filmed by the camera and who becomes again an object of pleasure in the hands of the owner of the illicitly disclosed film.

### 3.5 The propellants of the phenomenon: Telegram and sexting

In recent years, the Russian app Telegram has seen a substantial increase in terms of new registrations, with a conversation rate of around 30,000 messages per day, making it an alternative to the traditional Whatsapp. The guarantee for its users to be able to communicate confidentially, thanks to end-to-end encryption, has been, also for political reasons, one of Telegram's peculiarities, in addition to the possibility of carrying out secret chats that then self-destruct within a short time, at the user's choice. However, the interest in data protection has led Telegram to become, sadly, also a breeding ground for illegal uses, among which revenge porn seems to be the most relevant. At the end of October 2020, about 10,000 users, almost exclusively men, were born on Telegram. It collects and disseminates images, not necessarily intimate or sexually explicit, but also “innocent”, “neutral”, and in any case private, of very young people (girls under 23), primarily minors, stolen from their social accounts. But this is not just about stealing photos. The explicit invitation to those

who join the group is to report “friends” to whom they “want to play a dirty trick” by providing their name, telephone number and other data in their possession, such as their home address, the school they attend, or their workplace and social profiles. This is followed by instructions to the users on where to upload the photos, where to find the contact person and a recommendation for those who decide to contact them not to reveal where the information was taken from. Girls then receive dozens of phone calls without understanding how it was possible; it is a theft of images and data with the intention of hurting someone they know. In the photos, at least in many of them, there is no sex. They are the classic photos in costume, selfies taken in the mirror in the bathroom at home. Still, we are talking about thirteen- and fourteen-year-old girls, exposed with their phone number, the school attended or other private references. This is a severe matter, and the consequences for the victims, who are exposed to harassers and persecutors, can be devastating. Therefore, victims must report to the police and non-profit organisations, which can be contacted for advice or to remove images from large social platforms (Facebook in particular). Through the reports of authorised NGOs, the social networking site ensures that certain materials are deleted and “branded forever” so that they can never be re-uploaded. This operation is called “Stay Down”, and it is a very effective but still little-known procedure, so few use it.

In addition to the growing popularity of the Telegram app, the increasing prevalence of “sexting” has also contributed to the spread of revenge porn.

As mentioned in the introduction, the neologism derives from the fusion of the two terms “sex” and “texting” and was used for the first time in 2005 in an Australian magazine. However, it appeared officially on Merriam/Webster’s Collegiate Dictionary only in 2012. Sexting has been defined by Lenhart as “*the creating, sharing and forwarding of sexually suggestive nude or nearly nude images*” through mobile phones and the Internet (Lenhart, 2009).

Revenge porn and sexting represent different aspects of the same phenomenon, or better, the first one can be considered the degeneration of sexting, which is, thus, its precursor: sexting becomes revenge porn when images and videos are shared with third parties through the Internet without the consent of the protagonist (Barrense-Dias, Berchtold, et al., 2017).

Particularly alarming is the fact that the practice of sexting is particularly prevalent among young people.

According to the European research “Net Children Go Mobile”, 13% of children between 11 and 16 years old experienced sexting, and 29% – in Italy 23% – between 9 and 16 years old received explicit content on their smartphones during the year preceding the research (2013) (Mascheroni & Cuman, 2014).

Quantitative studies on sexting among young people show a percentage of young people involved between 15% and 40% (Ringrose, Gill, et al., 2012).

The percentage oscillation depends on the fact that a good part of the studies adheres to a vast concept of sexting, both concerning the object of the messages and the way they are sent. As for the first aspect, what most endangers the sexual privacy of young people is sending their image, not the transmission of a generic nude image. The latter conduct may, at most, contribute to the non-consensual diffusion of intimate images (thus worsening an already existing damage), provided, of course, that the necessary conditions are met or have repercussions on the sexual “formation” of the young person. Still, it is not relevant from the point of view of the production of new images potentially destined for non-consensual diffusion. It is, therefore, necessary to look at 40% as the total percentage of “teenagers” who, in general, receive and send photographs and videos with sexual content.

From the revenge porn perspective, this is the percentage of potential “second distributors” of images previously posted by another person. The percentage of young people who create their nude image to send it to their partner for sexual arousal, as defined by the definition of sexting in the “strict” sense, should be, instead, close to 15%. This is undoubtedly a worrying picture, highlighting a rapidly increasing phenomenon that will likely affect increasingly significant percentages of the population. It seems particularly revealing the statistics related to sexting. The fatally approximate approach of many studies, which confuse sending one’s images with sending images received from others, leads to analyze the phenomenon from two different points of view. From the first point of view, sexting appears to be a preamble to revenge porn: sending one’s image exposes the person who took the “sext”, that is, the sexually oriented selfie, to a subsequent non-consensual publication. Gathering and cross-referencing the sources examined just now, it is plausible to believe that at least 8% of Italian adolescents use these practices. On the other hand, specific statistics on sexting give an idea of the consistency of the audience in cases of revenge porn, or all those who admit, in surveys, to receive nude images on their smartphones. In this case, it is likely to believe that an image published non-consensually can potentially reach 40% of young people and adults. These numbers are out of control, of which we do not even know the exact relevance, if only because they derive from studies dating back a few years ago. In fact, in the meantime, technologies, instead of hindering the spread, have made the creation and non-consensual distribution of pornographic images even easier, rooting and “normalising” the conduct under consideration.

### 3.6 Revenge porn and mental health

Due to the potentially psychologically devastating effects of revenge porn, it is sometimes referred to as “cyber rape” to emphasise that the repercussions on the victim are comparable to those of actual physical violence. Frequent hardships suffered by revenge porn victims include de-

pressive and anxiety disorders, difficulty finding a new partner, difficulty maintaining employment or finding a new one (Citron & Franks, 2014).

The first study to specifically investigate the mental disorders suffered by victims of private content dissemination was published in 2017. It is a survey conducted through in-depth qualitative interviews with 18 women victims of revenge porn. The study results showed that most victims had PTSD, a marked lack of self-confidence, depression and suicidal ideation (Bates, 2017).

Regarding post-traumatic stress disorder, in revenge porn victims, it results in behaviours such as obsession to check that sensitive content has not been made public again, attempts to commit suicide, recurrent anxiety often triggered by seeing certain elements that may bring back memories of what happened. Particularly impacting on the quality of life of the subject is the continuous and pervasive fear that the people with whom he or she interacts daily may recognise him or her as the protagonist of the pornographic material disseminated.

This attitude, moreover, often leads the subject to self-isolation, acting as a sounding board for the manifestation of the parade of psychological disorders directly resulting from the violence suffered. Isolation is physical and virtual: victims tend to delete all their accounts on social networks and digital platforms, which often has significant negative repercussions on the social aspect (fewer opportunities to interact with others) and the work aspect (loss of job opportunities). The drop in self-esteem is mainly due to the feeling of loss of control over his or her private dimension that the victim experiences. School-age children drop out of school very often, making it difficult to find a job in adulthood. In a recent study of 27 Nigerian women victims of revenge porn, it was found that they experienced public shame, ridicule, mockery, and harassment. As a result of the dissemination of the intimate images, women were ostracised from their network of friends, exposed to social stigma, and subjected to chastisement and deprivation by family members. This resulted in most cases in the loss of employment or suspension of studies, termination of love relationships and cancellation of social life through voluntary withdrawal and self-isolation (Aborisade, 2021). The results of the study, which confirmed the already known data on the psychological trauma suffered by victims of revenge porn, showed that the psychological damage linked to violence is twofold: on the one hand, the primary injury, related to the actual event, and on the other hand the secondary damage, due to the social consequences of the dissemination of intimate images, which only aggravates the extent of the direct damage. However, it should be emphasised that the exceptionally high extent of this secondary (i.e., social) harm recorded in the study is probably due to the characteristics of Nigerian society, with a sexually conservative culture that is markedly prevaricator of sexual freedoms.

The psychological impact of revenge porn can be particularly devastating for minors, who have been increasingly involved in cyber-bullying crimes in recent years.

Mental, emotional, and behavioural disorders in childhood can easily be the source of long-term distress that may persist into adulthood in a more severe form.

Social support from parents is a well-known and crucial element of support for the psychological rehabilitation of underage victims of bullying and blackmail (Connors-Burrow et al., 2009).

There is now ample evidence that family support can mitigate the impact of stressful life events on children and enhance their growth into adulthood (Bowes, 2010; McGrath, 2009).

Also, not to be underestimated is the emotional rebound effect on parents, who may themselves need psychological assistance, often feeling partly responsible for their child's state of distress (Harcourt et al., 2014).

Brown describes the possibility that a state of "emotional fallout" can affect family harmony as a result of an incident of psychological violence against a child (Brown, 2014; Hong, 2020).

It is precisely in this perspective that the importance of a psychological therapeutic approach involving the whole family must be emphasised.

The therapeutic process must see children and parents interacting synergistically, under the guidance of a professional figure (doctor or psychologist) who takes an active role in educating both of them about the dangers of online surfing and the use of social networks.

One of the most delicate tasks in the hands of paediatricians and developmental psychologists is to warn parents and patients about the dangers of sexual extortion attempts via the web and to instruct them how to recognise the most frequent techniques used by online predators to lure children.

Obviously, this delicate therapeutic phase must be conducted with the support of the victims, showing empathy for the victim and avoiding blaming them, as well as avoiding blaming the parents for their upbringing (Hong, 2020).

Specific therapeutic paths should also be provided for minors who are not victims of sexual blackmail crimes but who do perpetrate them.

In this case, too, it is crucial that the family be involved in an appropriate and cautious way, so that a therapeutic process can be set up to rehabilitate the minor and reconcile him or her with the other family members.

In this context, therapists should try to dissuade parents from carrying out punitive measures, since the child's blackmailing gesture is nothing more than the manifestation of latent emotional distress.

The therapeutic approach should in such cases be complemented by specific digital civic education programmes, which are now widely codified and easy to access.

One technique that has proved particularly effective in this respect is that of indicating socio-emotional themes through roleplay (Wolak, 2018).



## Conclusion

The increasing impact of the Internet and social media on human relations that we have witnessed in recent years has disrupted the way we communicate and changed the basis of interpersonal relationships, breaking down the boundaries of time and space. However, computer platforms represent a fertile territory for the emergence of new illegal phenomena, to which national and supranational legislation must necessarily adapt their legal systems. Among these new phenomena is revenge porn, a form of virtual violence consisting in the non-consensual dissemination of files with sexual content for retaliatory purposes, the victims of which are overwhelmingly women. The psychological consequences experienced by victims of revenge porn can be devastating, not much different from those of victims of sexual violence.

The “Codice Rosso”, a reform of the Italian Criminal Code approved in 2019 and introducing into the law for the first time the crime linked to this practice, represented a decisive turning point in the fight against gender-based violence, recognising revenge porn as an actual crime, and as such punishable. The law’s contribution in reducing the phenomenon is undoubted. However, data on criminal proceedings and reports to the police on the crime recorded in the first year after the law came into force show that there is still a long way to go.

The revenge porn phenomenon is on the rise. Although the “Codice Rosso” is undoubtedly an excellent starting point, it needs to be implemented by effective prevention strategies and greater control over the information circulating on IT platforms.

## References

- Aborisade, R. A. (2021). Image-Based Sexual Abuse in a Culturally Conservative Nigerian Society: Female Victims’ Narratives of Psychosocial Costs. *Sexuality research and social policy*, 1-13.
- Barrense-Dias, Y., Berchtold, A., Surís, J. C., & Akre, C. (2017). Sexting and the definition issue. *Journal of adolescent health*, 61(5), 544-554.
- Bates, S. (2017). Revenge porn and mental health: A qualitative analysis of the mental health effects of revenge porn on female survivors. *Feminist Criminology*, 12(1), 22-42
- Bowes, L., Maughan, B., Caspi, A., Moffitt, T. E., & Arseneault, L. (2010). Families promote emotional and behavioural resilience to bullying: evidence of an environmental effect. *Journal of child psychology and psychiatry*, 51(7), 809-817.
- Brown, J. R. (2010). *Trajectories of parents’ experiences in discovering, reporting, and living with the aftermath of middle school bullying*. Indiana University.
- Caletti, G. M. (2019). “Revenge porn” e tutela penale. *Diritto Penale Contemporaneo, Rivista Trimestrale* – ISSN 2240-7618, 3/2018, p. 63.
- Citron, D. K., & Franks, M. A. (2014). Criminalizing revenge porn. *Wake Forest L. Rev.*, 49, 345
- Conners Burrow, N. A., Johnson, D. L., Whiteside Mansell, L., McKelvey, L., & Gargus, R. A. (2009). Adults matter: Protecting children from the negative impacts of bullying. *Psychology in the Schools*, 46(7), 593-604.

- Criminal Justice and Courts Act 2015, Section 33
- Eichorn K. *Lovers Beware: Scorned Exes May Share Intimate Data and Images Online*, 4 February 2013, www.mcafee.com/us/about/news/2013.
- European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02
- European Union Regulation No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)
- German Federal Court of Justice. VI ZR 271/14 (BGH, Urteil vom 13. Oktober 2015 – VI ZR 271/14 – OLG Koblenz)
- Gong, L., & Hoffman, A. (2012). Sexting and slut-shaming: Why prosecution of teen self-sexers harms women. *Geo. J. Gender & L.*, 13, 577.
- Harcourt, S., Jasperse, M., & Green, V. A. (2014). “We were sad and we were angry”: A systematic review of parents’ perspectives on bullying. In *Child & Youth Care Forum* (Vol. 43, 3, pp. 373-391). Springer US.
- Henry, N., & Powell, A. (2015). *Beyond the ‘sext’: Technology-facilitated sexual violence and harassment against adult women*. Australian & New Zealand Journal of Criminology, 48(1), 104-118
- Hong, S., Lu, N., Wu, D., Jimenez, D. E., & Milanaik, R. L. (2020). Digital sextortion: Internet predators and pediatric interventions. *Current opinion in pediatrics*, 32(1), 192-197.
- Italian Ministry of Justice. “Un anno di Codice Rosso”. 24 November 2020
- Italian Ministry of the Interior – Department of Public Security, Central Directorate of Criminal Police - Criminal Analysis Service. “Un anno di Codice Rosso”. October 2020
- Italian Court of Cassation, Section III, 9 December 2009, Judgement no 8285
- Kitchen, A.N. (2015). The need to criminalize revenge porn: How a law protecting victims can avoid running afoul of the first amendment. *Chicago-Kent Law Review*, 90, 247.
- Legal and Constitutional Affairs Committee, Phenomenon Colloquially Referred to as ‘Revenge Porn’ (Commonwealth of Australia, 2016), p. 4.
- Lenhart, A. (2009) ‘Teens and Sexting: How and why minor teens are sending sexually suggestive nude or nearly nude images via text messaging’. *Pew Research Centre Report*. <http://pewresearch.org/assets/pdf/teens-and-sexting.pdf>.
- Löfgren-Mårtenson, L., & Månsson, S. A. (2010). Lust, love, and life: A qualitative study of Swedish adolescents’ perceptions and experiences with pornography. *Journal of sex research*, 47(6), 568-579.
- Loi n° 20161321 du 7 octobre 2016 pour une République numérique
- Mascheroni, G., & Cuman, A. D. (2014). Net Children Go Mobile: Final Report. *Deliverables D6. 4 and D5. 2*.
- McGlynn, C., Rackley, E. & Houghton, R. Beyond ‘Revenge Porn’: The Continuum of Image-Based Sexual Abuse. *Fem Leg Stud* 25, 25–46 (2017). <https://doi.org/10.1007/s10691-017-9343-2>
- McGlynn, C., & Rackley, E. (2017). Image-based sexual abuse. *Oxford Journal of Legal Studies*, 37(3), 534-561
- McGrath, B., Brennan, M. A., Dolan, P., & Barnett, R. (2009). Adolescent well being and supporting contexts: A comparison of adolescents in Ireland and Florida. *Journal of Community & Applied Social Psychology*, 19(4), 299-320.
- Pizzol, D., Bertoldo, A., & Foresta, C. (2016). Adolescents and

- web porn: A new era of sexuality. *International journal of adolescent medicine and health*, 28(2), 169-173.
- Ringrose, J., Gill, R., Livingstone, S., & Harvey, L. (2012). A qualitative study of children, young people and 'sexting': a report prepared for the NSPCC.
- Security Summit Streaming Edition, 16-18 March 2021 – Women for Security – Sexting and Revenge Porn <https://contents.astreanetwork.net/1.0/pdf/361603528/documents.pdf>
- Semenzin, S., & Bainotti, L. (2020). The use of Telegram for non-consensual dissemination of intimate images: Gendered affordances and the construction of masculinities. *Social Media+ Society*, 6(4), 2056305120984453.
- "Sexting." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/sexting>. Accessed 20 Sep. 2021.
- The Economist. Misery Merchants. Jul 5th, 2014, Edition. <https://www.economist.com/international/2014/07/05/misery-merchants>
- UK Safer Internet Centre. Revenge Porn Pandemic. Rise in reports shows no sign of slowing even as lockdown eases. 17 September 2020. <https://www.saferinternet.org.uk/blog/revenge-porn-pandemic-rise-reports-shows-no-sign-slowing-even-lockdown-eases>
- U.S. Congress 1996. Communications Decency Act.
- Wolak, J., Finkelhor, D., Walsh, W., & Treitman, L. (2018). Sextortion of minors: Characteristics and dynamics. *Journal of Adolescent Health*, 62(1), 72-79.