



## Brief for the House of Commons Standing Committee on the Status of Women 2022 Study on Intimate Partner and Domestic Violence in Canada

### About the Canadian Centre for Child Protection Inc. (“C3P”)

The Canadian Centre for Child Protection Inc. is a registered charity dedicated to reducing the sexual abuse and exploitation of children. We own and operate Cybertip.ca, Canada’s tipline to report the online sexual exploitation of children. Through the work of Cybertip.ca, we have witnessed an alarming increase in offences related to the creation and distribution of child sexual abuse material<sup>1</sup>, as well as image-based sexual offences committed against both children and adults. Moreover, under Manitoba’s *Intimate Image Protection Act*<sup>2</sup> (IIPA), C3P is designated as the authorized agency to receive requests for assistance, and to provide supports to Manitobans who have been, or who believe they might be, impacted by the non-consensual distribution of an intimate/sexual image. We also offer online resources for youth through our website NeedHelpNow.ca. As a result we have extensive experience working with youth and young adults and have seen first-hand how sexualized imagery is being weaponized against former partners. As such, we believe that the role of sexualized imagery and its distribution must be part of this study on intimate partner and domestic violence.

### Technology-facilitated intimate partner violence

Technology-facilitated means of perpetrating intimate partner violence include non-consensual distribution of intimate images, threats to distribute intimate images, persistent and harassing messages, impersonating the victim online, or tracking or surveillance of victims’ whereabouts.<sup>3</sup> As it relates to image-based perpetration, the following situations involving both teens and adults have occurred:

- **Consensual creation of imagery, non-consensual distribution.** An intimate partner refuses to destroy consensually created imagery or lies about its destruction. The imagery is then released online at a future date, or it could be sent to the victim’s family, colleagues, or a new partner.
- **Coerced creation, followed by extortion/threats.** An intimate partner uses coercion to obtain the imagery – for example, threats to break up or persistent pressure such as saying “everyone is doing it”. The imagery itself may involve coerced acts, or forcing the person to feign enjoyment, thus reducing the likelihood the person will come forward as the person appears complicit in the imagery. The imagery, once obtained, may then be used to extort the person’s agreement to other things, including the creation of more imagery.
- **Voyeuristic recordings.** An intimate partner may also secretly record their partner, such as during private moments within the home. The imagery is then either used to threaten, or it is distributed.
- **Unwanted sexual pictures/messages.** An intimate partner sends unwanted sexual images and/or sexual messages. This can be a means of putting pressure on the other person to supply their own sexual images.

### Impacts

Technology allows domestic violence to permeate every aspect of a victim’s life (home, career, family, friendships, potential relationships), and it allows the violence to continue even after an intimate relationship

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<sup>1</sup> The term used in the *Criminal Code* is “child pornography”.

<sup>2</sup> C.C.S.M. c. 187. Proclamation occurred on January 15<sup>th</sup>, 2016. The Canadian Centre for Child Protection is designated as an Authorized Agency under section 2 of the Intimate Image Protection Regulation.

<sup>3</sup> Molly Dragiewicz, Jean Burgess, Ariadna Matamoros-Fernandez, Michael Salter, Nicolas P. Suzor, Delanie Woodlock & Bridget Harris, “Technology facilitated coercive control: domestic violence and the competing roles of digital media platforms” (2018) 18:4 Feminist Media Studies 611-612.



has ended.<sup>4</sup> Through our direct work with individuals who are concerned about an actual or threatened image-based offence, we have witnessed how imagery is used to threaten, silence, and control victims. Both the non-consensual creation, and the non-consensual distribution of sexual imagery, are digital forms of domestic violence that are being committed against current and former intimate partners at an increasing rate. At the click of a mouse, an image of a person can be released online and because of that, these images can be used to terrorize and marginalize people into subservience. Once an image is released, the damage is incalculable.

## Our Recommendations

1. **Technological aspects of domestic violence must be recognized and addressed in all legislation and services seeking to combat domestic violence.** This includes:
  - a. Reflecting modern forms of intimate relationships including those that occur solely online.
  - b. Addressing acts designed to control, humiliate, shame or degrade the victim via technology in all legislation by enacting new *Criminal Code* offences or amending existing offences to capture specific acts of cyberviolence like sextortion, deepfake pornography, cyberflashing and doxing.
  - c. Addressing developments such as deepfakes, augmented/virtual reality spaces, and livestreaming.
  - d. Formulating legislative responses and remedies that account for the difficulty in confining the spread and facilitating the removal of intimate images online.
  - e. Making specialized survivor supports available, staffed by professionals who recognize the varying contexts and impacts of domestic violence, and who are knowledgeable about legal remedies.
2. **Legislation must address threats to distribute as well as possession of intimate images without the ongoing consent of the person who is the subject of the image.** The ongoing existence of the imagery makes distribution a possibility and invokes fear in a potential victim yet those who worry about the potential release of their images have little recourse. Peace bonds have proven to be ill-suited for fears of image-based violence, and therefore we must consider better alternatives.
3. **National services must be available to people who fear they are or will be victims of the distribution of intimate imagery.** For example, C3P is the designated agency in Manitoba to provide services and supports for those dealing with an intimate image. These services include assisting survivors in having imagery taken down. Moreover, our Arachnid software<sup>5</sup> enables us to detect and issue take-down notices to internet hosts of child sexual abuse material, and it could be readily enhanced to address non-consensual adult content.
4. **There must be mechanisms for holding industry accountable.** Legislation must consider repercussions for online hosts and inter-jurisdictional challenges in ordering compliance. Some recommended measures are to mandate content moderation standards, mandate proof of the consent of the subject of any uploaded imagery and establish standards for user-reporting mechanisms and content removal obligations.
5. **Educational resources** relating to healthy relationships, boundaries, consent, and the sharing of intimate images must be made available across the country for children, youth, and parents.

We thank you for allowing us to contribute our views to this important study.

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<sup>4</sup> *Ibid.*

<sup>5</sup> For more information visit <https://projectarachnid.ca/en/>. Arachnid has been instrumental in decreasing the proliferation of child sexual abuse material online, and this same technology can be used to better protect victims of technology-facilitated domestic violence.