

Email

Dear Justice New South Wales,

I felt very obliged as a young practicing criminal lawyer to provide my recommendations in regards to revenge porn.

It is absolutely important to stress that the vast majority of youth use and sends pictures to themselves with technology. It is a form of expression in a world of 1's and 0's... these younger generations have different outlets of expression compared to their parents who struggle to relate. The younger generation has less sex and they flirt more through technology.

1) Foremost we need prevention not cure.

I was a victim to a fishing scammer in the early 00s. I was a minor on the internet. Unfortunately I sent pictures of myself to a 'girl' who managed to convince me that we were going to meet up soon for a date.

I found out that this person was not a lady but an older gay manager of Mc Donald's who went on to ask for naked pictures and he showed my pictures to a mutual friend.

I also sent naked pictures to girlfriends and love interests in the 00s, on some occasions the photographs were sent and shared among groups of girls. After this point I realized you cannot take a picture and expect it to never be viewed again.

We need to educate our children about the lasting nature of the internet, it is a digital tattoo.

2) We cannot create a victim class.

I felt horrified and disgusted after being cat fished by an old gay man having pictures of my erect penis and sharing them. Although I was a victim, really what I needed was to learn a lesson. Since that lesson is hard to teach, I learned it the hard way.

In regards to girl friends sharing my naked photos, this was something really common to do in the 00s and even more so now.

At school I was a bullying victim and quite often i would find photo shopped pictures of my head on things like Michael Jackson or Gay porn. While this was horrible and embarrassing, the lesson I needed to learn was to have thicker skin to beat bullying, being overly sensitive was causing me to become a target.

You cannot stop some human behaviours and you cannot always allow people to label themselves victims, they need to learn lessons.

We need to teach our kids and society that it is not a good idea to take a picture of yourself because it is likely the picture will be viewed again one day.

Photographs and texts were sent off my laptop and phone in High School by other students to other people's family members, girlfriends, classmates... we must understand how young people operate with technology and make them more net savvy, leading by example and education.

We also need to teach our kids that personal naked photographs are not necessarily things we must be ashamed of because it is quite common to behave like this.

3) There are some exceptions where i accept there needs to be penalties but not necessarily leading to conviction unless the circumstances warrant it.

- Where the person is unaware they are being filmed or having their picture taken.
- Where the person was aware but did not consent to having their picture taken.
- Where the person sends the pictures to a professional and they are released without their permission.

These should be treated as misdemeanor offences with.

Fines that should be payable to an education fund to smarten kids up on internet privacy.

- Criminal penalties should apply if the person who shared the photo was significantly reckless in respect to the reputation of the victim. By sharing on social media platforms, websites and or saying the persons name and generally defaming them etc.

The Civil Courts may be a better option for some offences.

First offence should probably be recorded as a warning.

It may also be worthwhile in the event of a breakup if a partner is worried about having content shared by their ex partner to file a notice with the court to be served on the partner warning them that if they release the material they will be in breach of the law.

Only the most severe cases of revenge porn should be considered for criminal proceedings otherwise they will clog the courts and send the message that labeling yourself a victim is the best way to deal with your own youthful foolishness.

It would be a mistake to open an invitation to particularly flirtatious people that snapchat or send pictures of their private parts to hundreds of followers, to then be able to call the police and complain about people they simply do not like.

As a 'victim' I urge caution when drafting these laws because people will be found guilty of

something that may not necessarily warrant a criminal conviction.

We simply cant make teenagers sex criminals before they have had the chance to discover right from wrong. We cannot allow people to continue to take graphic pornographic material and expect and trust in the people they send it to, just as you cannot expect your best friend to keep a juicy secret, you cannot expect an ex-partner to not share revenge porn.

These considerations take into account how difficult it is to actually prove these types of offence has been effected by the victim unless the perpetrator confesses.

Kind Regards,

NAME WITHHELD