



Nfld. & Labrador

## 'Revenge porn' law will allow people to sue those who share intimate photos



Justice department following lead of other provinces, hopes to table legislation during spring session

[Geoff Bartlett](#) · CBC News · Posted: Apr 16, 2018 9:25 AM NT | Last Updated: April 16, 2018



Newfoundland and Labrador's justice minister Andrew Parsons spoke to the St. John's Morning Show Monday about legislation he plans to introduce regarding the non-consensual sharing of intimate images. (CBC)

The Newfoundland and Labrador government plans to introduce legislation to deter people from sharing non-consensual, nude or explicit pictures.

It will give victims of "revenge porn" the right to launch a civil lawsuit.

"People who have this done to them can sue the person that did it to them for financial damages," Justice Minister Andrew Parsons told the *St. John's Morning Show*. "And we're going to try to allow as many other protections as possible."

- **Cultural shift needed to stop revenge porn, says women's advocate**

"I think it's a really positive step forward for people who are victims of this type of criminal behaviour," said Allison Conway, a lawyer with Budden and Associates in St. John's.

"There have been a number of criminal cases even over the past year that have dealt with this issue. With Facebook and social media, it's becoming a very, very big issue, for sure."



Lawyer Allison Conway says being able to sue gives victims of revenge porn a way to get compensation for psychological and economic loss. (CBC)

Conway said it is almost impossible to have images removed once they are online, but being able to sue can change the "power dynamic" between a person photographed and someone who posted images, and give victims "a voice."

In 2015, [the federal government criminalized](#) the non-consensual sharing of intimate photos — after a relationship breakdown, for example — by making amendments to the criminal code.

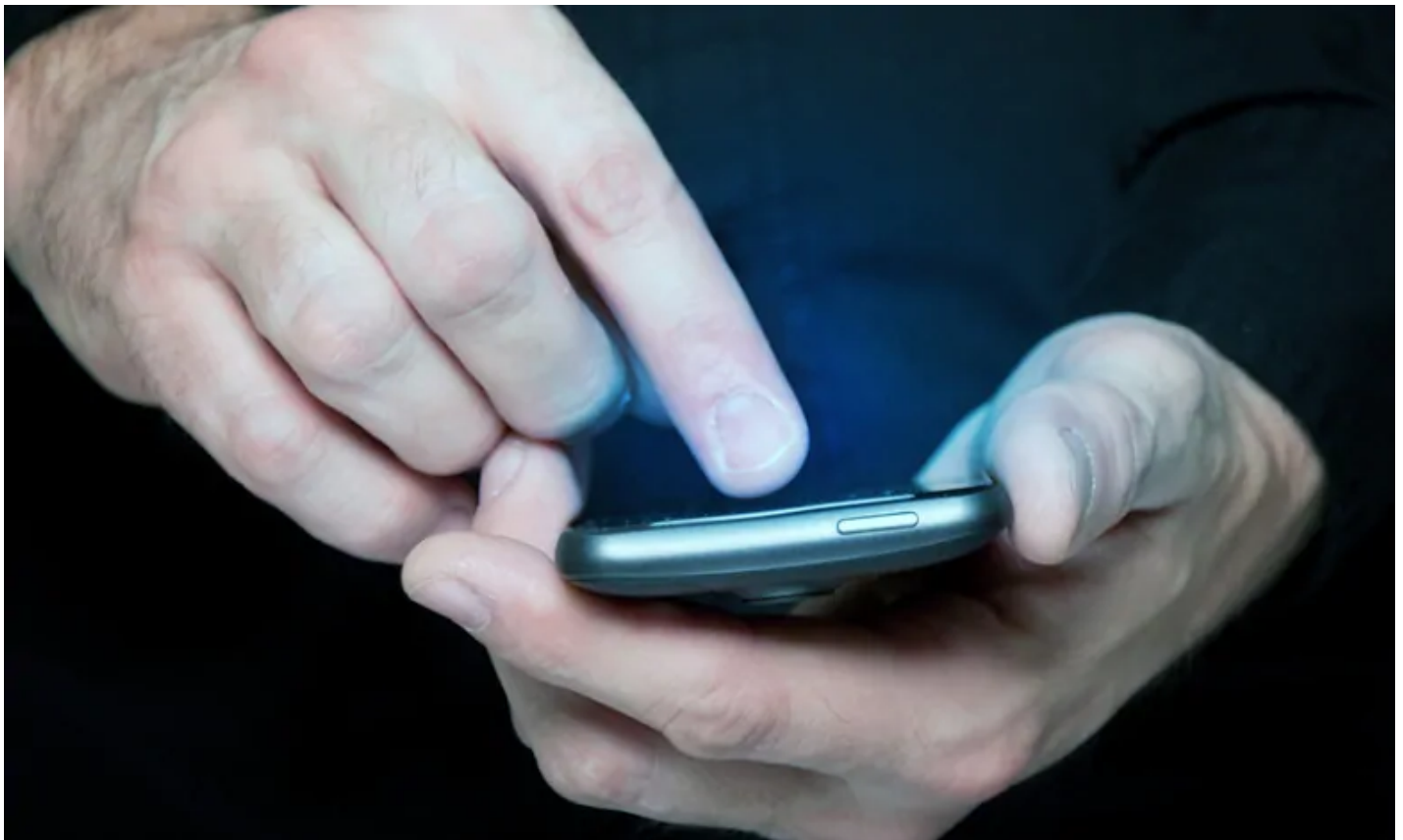
If found guilty, those convicted on charges could face up to five years in prison while summary convictions could carry a six-month jail sentence and a \$5,000 fine.

Parsons said the provincial legislation his department gives people the ability to pursue civil action to protect themselves and get compensation for what was done to them.

"It will show people that do this, that there will be financial consequences."

## Goldilocks legislation

There are lessons to be learned from what other provinces' have tried, said Parsons, such as the case of Nova Scotia, which had its [first proposed law thrown out by the courts](#) after it was deemed too harsh and therefore unconstitutional.



With the prevalence of smartphones and tablets, it has become very easy to proliferate photos online. Governments are now scrambling to keep up with these changes. (Igor Stevanovic/Shutterstock)

Parsons said the burden of proof in a criminal case, where one has to prove guilt beyond a reasonable doubt, makes it difficult to actually convict someone. He said this legislation will have a much lower standard to meet as it's based on a balance of probabilities instead.

"I want the strongest possible [law] but not one that's going to get struck down," he said. "There is no burden of proof of damage. Just because the image is shared, that's the damage."

In addition to giving people the ability to sue, the proposed law would also give judges the ability to order shared photos to be removed from the internet, and that if people don't comply there could be more punitive consequences.

**“The impact on people is not just humiliating, it's caused people to take their lives.”**

*- Andrew Parsons*

As well, the Newfoundland and Labrador legislation would treat minors and adults the same, whereas the criminal code treats them differently.

Parsons insists this isn't a law targeting just young people, as it's an issue that spans all age groups. An educational component will also be a large part of it, which would involve collaboration with schools, police and other stakeholders.

Government hopes to have a draft of the new legislation tabled at the House of Assembly during the upcoming spring session, or this fall at the absolute latest, said Parsons.

## Serious and growing issue

The justice department hopes that by giving the ability to sue, those thinking about sharing a naked or intimate photo of someone will be deterred.





The N.L. government hopes to deter people from sharing intimate photos of other people without permission with the new law. (CBC)

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He said talking to people who have been victims of ["revenge porn"](#) or other types of intimate photo sharing, it's devastating how brutally life-altering it can be.

"The impact on people is not just humiliating, it's caused people to take their lives," he said. "We can't understate the seriousness of it."

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*With files from St. John's Morning Show*

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