



# What to Do If Someone Has Shared or Threatened to Share Your Intimate Image

## A Note on Language



In this toolkit, we will sometimes use the word woman/women and feminine pronouns for simplicity and to recognize the significant impact technology-facilitated violence has on women and girls. We recognize that TFGBV also impacts trans, non-binary, and Two-Spirit people. We hope that all people impacted by TFGBV will find these documents useful.

## Introduction

This tip sheet provides information for teens who have had their nude or sexual images (photos or videos) distributed without their consent.

### a. Non-Consensual Distribution of Intimate Images

In Canada, it is illegal (i.e. a criminal offence) for a person to **knowingly publish, distribute, transmit, sell, make available**, or advertise an intimate image of a person where the person in that image did not give their consent for it to be shared. This means that if someone deliberately posts or sends a nude or sexual photo of you without your consent, they can be charged with a crime.

This offence is also called the **non-consensual** distribution of intimate images or **NCDII** for short.

Some examples include:

- Your boyfriend takes a screenshot of a nude you sent him on Snapchat and sends it to other people
- An ex-boyfriend/girlfriend posts sexual photos/videos of you on Facebook or another popular social media website
- A stranger you met online has access to intimate photos/videos of you and posts them on a pornographic website

### b. Extortion

What if your abuser has not yet posted your intimate image but is threatening to do so if you don't do what they want? If someone uses another person's intimate image to coerce them to do something, they could be charged with "extortion." Extortion is a crime that applies when someone tries to gain something using threats to make or to try to make another person do something. This means that even if your abuser has not posted or sent the photo to anyone but is threatening to do so if you don't do something, they could be charged with the criminal offence of extortion.

## Next Steps

If you or someone you know has had a sexualized photo shared without consent, or someone is threatening to do so, the following steps may be helpful.

### STEP 1: Preserve Evidence

While you may be tempted to immediately delete or remove your sexually explicit image that was distributed without your consent, it is important to preserve and document any evidence of the image before doing so. Once the content is removed, you may not be able to prove who posted it or that it was even posted. The evidence you preserve can be given to the police or Crown counsel to prove the elements of the crime in court. It is important to ensure that you have documented the evidence and done so in a way that the court does not doubt the accuracy or authenticity of the document.

*Note: You may not know if you want to go to the police and that's ok, but it is always recommended that you preserve evidence as soon as possible to keep all options available. You may need the evidence for other reasons other than court, such as for school or for your family and friends to prove that you were not the one who distributed your image.*

## Considerations

Take a [screenshot](#) of the image or [screen recording](#) of the post. Make sure you save the screenshot or screen recording in a safe place that is not accessible to the abuser.

- Do not alter or try to cover up the photo. When documenting the photo, keep it in its original form.
- If posted on a social media platform: Make sure that the image or message that contains the intimate image contains the username that posted the image and any comments. Take a screenshot of the account/profile that sent or posted the intimate image.
  - If sent via text message: Take a screenshot of the text message and include a screenshot of their **contact information to show the number associated with the name in your phone**.
  - If you are capturing any messages, make sure you document the **entire** conversation, even if parts of it are not relevant. Some courts will not accept partial messages.
  - Make sure that there is a time stamp on all messages and posts
- Protect your evidence by making multiple copies and saving them in secured digital locations organized by date and time. Print out the screenshots and keep them in a physical evidence binder. Make sure to print all pieces of evidence, including images of the webpage where the videos are posted, the profile or account of the poster, and any surrounding conversations.
- Document all the information you have regarding the incident. Document who the offenders are, your relationship with them, the duration of the relationship and abuse, the impact of the abuse on your life, and any actions you have taken.

For more resources with instructions on how to consider evidence, see the [Preserving Digital Evidence toolkit](#).

## STEP 2: Removal of the Intimate Image

### Snapchat

To report a Snapchat account:

1. Press and hold on a Snapchatter's name.
2. Tap the ⚙ icon.
3. Tap Report.
4. Select the appropriate reporting option.
5. Submit your report.

To report a Story on Snapchat:

1. Press and hold the offending Snap.
2. Tap "Report Snap."

To report a Snap someone sent you:

1. Press and hold the offending Snap.
2. Tap "Report Snap."

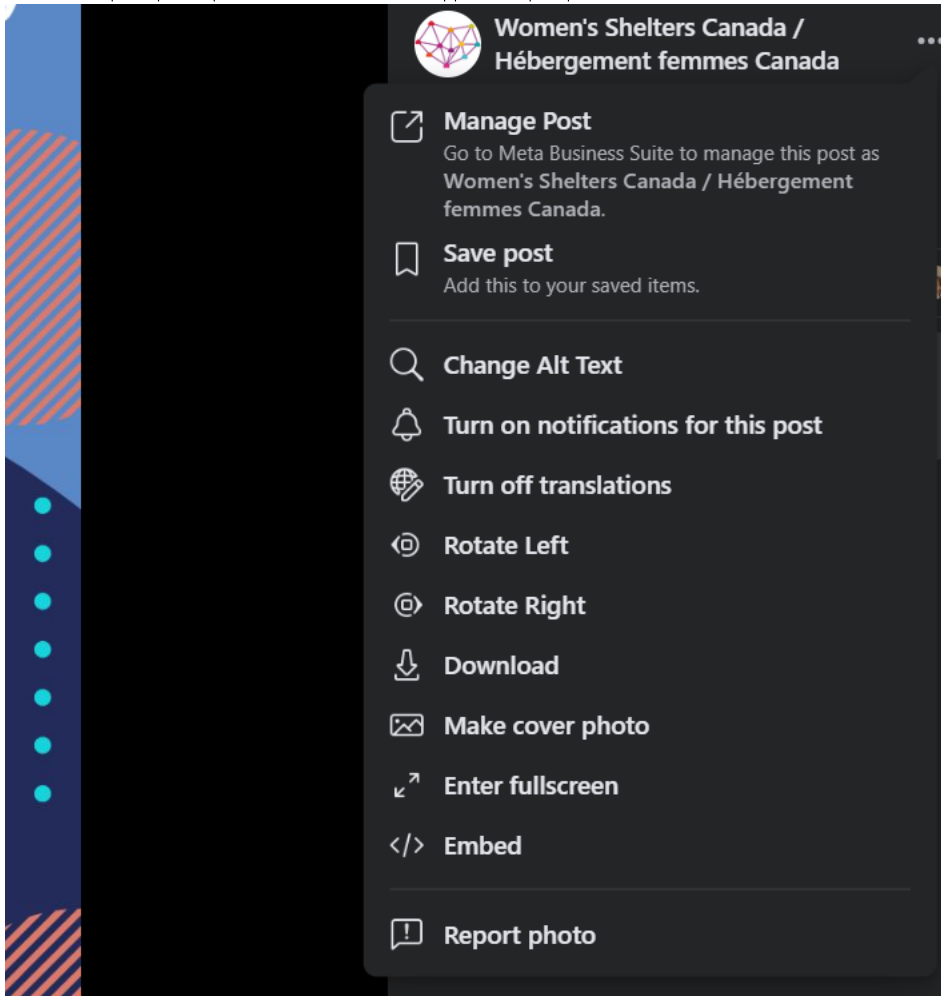
### TikTok

1. Hold your finger on the offending video.
2. On the menu that pops up, click Report.
3. Select Other and provide Tiktok with details on why you want it removed (e.g. that it is a sexually explicit video of you shared without your consent and that you are a minor).
4. You can also send an e-mail directly to TikTok at [feedback@tiktok.com](mailto:feedback@tiktok.com) and detail the offending video and account.

### Facebook

1. Click on the photo or video you want to report.
2. Click on the ... icon next to the right side of the username.

3. This should open up a drop-down menu. Click "Find support or report photo."

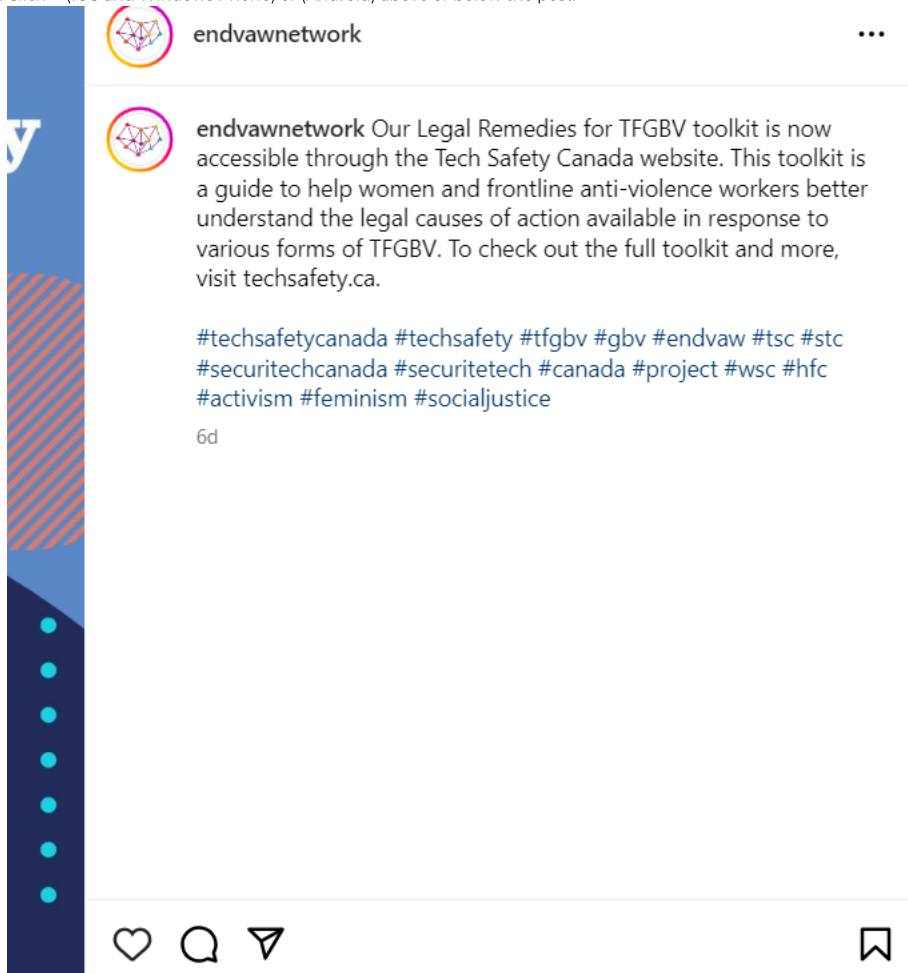


4. Select the option that best describes the issue and follow the on-screen instructions.

[Click here for further information on reporting an intimate photo on Facebook.](#)

## Instagram

1. Click ... (IOS and Windows Phone) or (Android) above or below the post.



2. Click Report.

3. Click "It's inappropriate."

4. Follow the on-screen instructions.

## Reddit

If you have an account:

1. Click on the Comments link under the post.
2. Click Report under the title.
3. Type in "Involuntary Pornography" as the report reason.
4. Click Submit.
5. Send the URL of the comments page to [contact@reddit.com](mailto:contact@reddit.com) with the subject Involuntary Pornography Report.

If you do not have an account:

1. Click on the Comments link under the post.
2. Send the URL of the comments page to [contact@reddit.com](mailto:contact@reddit.com) with the subject Involuntary Pornography Report.

## Google

1. To remove non-consensual explicit or intimate personal images on Google, [click here](#).
2. Click Start Removal Request. You will then be directed to answer some questions. For "I want to remove," click "Nude or sexually explicit items" and answer the questions. You will need to provide the URL(s) of the webpage(s) that show the content and upload screenshots of the content you wish to remove.

## Take It Down

[This service](#) is available for people whose intimate image was taken while they were under the age of 18 on platforms such as Facebook, OnlyFans, Instagram, Pornhub, TikTok, and yubo.

If you need further assistance in removing an intimate image or video of yourself, you can contact:

#### **Canadian Centre for Child Protection**

Phone: 1 (204) 560-2083

Toll-free: 1 (800) 532-9135

[Online Form](#)

#### **Cybertip Program**

Toll-free: 1-866-658-9022

[Online Form](#)

#### **Kids Help Phone**

Toll-free: 1-800-668-6868

Text: Text CONNECT to 686868

## **STEP 3: Decide Whether to Involve the Criminal Justice System**

Section 162.1 of the Criminal Code, "Publication of an Intimate Image Without Consent," states that it is an offence to *publish, distribute, make available, or advertise* an intimate image of a person without their consent.

- Notice that an intimate image does not need to be shown to another person for this offence to apply. As long as someone advertises the images, this offence has been committed.
  - For example, if your ex tells his friends that he can show them intimate images of you, this counts as advertising an intimate image.

If this has happened to you, you have options. You can 1) report the criminal conduct to the police for them to investigate as a criminal case and/or 2) apply for a peace bond, which is a court order that requires the abuser to "keep the peace" and if they violate the terms they can be charged with a crime of disobeying the order. Speaking with a support worker, anti-violence worker, or trusted adult is a good idea as they can help you consider all your options. There is a list of these resources at the end of this document.

### **Next Steps**

1. Before criminal proceedings begin, you can consider applying to the [Crime Victim Assistance Program](#). You can apply to the program as soon as a crime against you has taken place. Your abuser does not need to be arrested or charged with a crime for you to apply. The program may be able to help you with certain expenses and provide funds for support and counselling. The Crime Victim Assistance Program (CVAP) assists victims, immediate family members, and some witnesses in coping with the effects of violent crime. It provides financial benefits to help offset financial losses and assist in recovery.
2. If you report the behaviour to the police, that begins the criminal investigation. This is required if you want your abuser to be charged with a crime.
3. The officer will investigate your case. During an investigation, the officer may speak to other witnesses such as your family and friends.
  - a. If the officer refuses to investigate and takes no further action, talk to their supervisor to see what can be done. You can ask for the officer's supervisor at the reception/front desk of the police station. If the supervisor also refuses to investigate further, you can consider laying an information if you think that your case should be investigated further.
4. After investigating your case, the police will consider whether or not they think your abuser should be charged with a crime.
  - a. If the answer is yes, the police will recommend that Crown counsel charge your abuser with a crime. Crown counsel are lawyers who work for the government.
  - b. If the answer is no, the police will not recommend that Crown counsel charge your abuser with a crime.
  - c. This means that your case will not proceed any further. However, if you still believe that your abuser has committed a crime against you and should be charged with a crime, you should talk to the officer's supervisor. If the supervisor also refuses to move forward with your case, you can consider laying an information.
  - d. If Crown counsel agrees with the police's recommendation, they will charge your abuser with the crime.
    - i. This does not mean that your abuser is automatically guilty of the crime. Your abuser will appear in court where it will be decided if they are guilty or not. Your abuser will have a chance to defend themselves. If your abuser is found guilty of committing the crime, they will receive a punishment; the punishment will depend on the circumstances of the case.
  - e. If Crown counsel does not agree with the police's recommendation, they will not charge your abuser with a crime.
    - i. This means that your case will not proceed any further.
    - ii. If you disagree with the Crown's decision, you should ask them to tell you why they are not proceeding with your case. The law requires them to tell you the reason behind their decision.
      - i. Crown counsel will not proceed with a case if they think there isn't enough evidence. You can ask the Crown to tell you what evidence is missing. If you discover new evidence, you should bring it to the attention of the Crown. Crown counsel will generally move forward with a case if they think there is enough evidence to prove that a crime has been committed.

### **Laying an Information**

Normally, if you think a crime has been committed against you, you must report it to the police to start formal criminal law proceedings. However, sometimes the police may not think your case is serious enough to recommend charging. If this happens to you, you may still be able to move your case forward by "laying an information." This is a process where you provide information about a crime to a court instead of the police. The process of laying an information is set out below.

1. Make sure you know which criminal offence has been committed.
2. If you think that a crime has been committed, go to a courthouse that has a court registry.
3. Tell the court registry that you would like to lay an information.
4. There will be someone at the courthouse who you will give information about the crime that has been committed.
  - a. The information you give will be passed along to a judge or justice of the peace.
  - b. The information will also be passed along to Crown counsel.

5. There will be a process hearing in court. This means you will have to attend court and speak to a judge. During the process hearing, you will have to present the court with evidence showing that your abuser committed the crime you say they committed.
  - a. You should bring all the evidence that you have collected.
  - b. Crown counsel will also be present in court and may ask you questions about your evidence.
6. If the judge is satisfied with your evidence, they will order your abuser to attend court at a later date for a criminal law proceeding.

## Peace Bond

A peace bond is a court order made by a judge to protect you from a person that you think might harm you. A peace bond can order a person to do the following:

- Require the individual not to contact or limit contact with you, your family, relatives and friends
- Prevent the individual from going to your home, workplace, or certain places that you frequent
- Prohibit the person who has your intimate image from posting the image or sharing it with anyone else

The person identified in the peace bond is required to follow the conditions of the order once it is issued and served. If the person fails to follow any of the conditions, call the police immediately. The police may charge them with a criminal offence for breaching the conditions of the order and they may be arrested.

To get a peace bond, you call the police and ask for one or you can go to court and ask for one. You do not need a lawyer and there is no fee. When asking for a peace bond, request that a condition be added that prohibits the abuser from sharing or posting the intimate image they have of you.

[This tip sheet on peace bonds](#) has more information on how you can obtain one.

## Step 4: Getting Support

A [support system](#) can help you stay strong and feel safe and supported during a difficult time. If you feel safe doing so, let someone in your network such as a friend, parent or counsellor know what's going on. You can also call, chat, or text with the [Kids Help Phone](#), which is available 24/7. If you want to speak with someone who regularly supports people experiencing abuse, you can call a [shelter](#) near you.

Before you take any formal steps to begin criminal law proceedings, consider applying to the [Crime Victim Assistance Program](#). The program may be able to help you with certain expenses and provide support and counselling. You can apply to the program as soon as a crime against you has taken place. Your abuser does not need to be arrested or charged with a crime for you to apply.

## Additional Resources

Additional Resources for collecting evidence of dating violence from WSC's [Preserving Digital Evidence Toolkit](#) are below:

- [Preserving Digital Evidence with Video Screen Recording](#)
- [How to Save and Print Screen Shots for Evidence Preservation](#)
- [How to Preserve Videos as Evidence](#)
- [How to Preserve an Audio Recording as Evidence](#)
- [How to Save a Website Page as a PDF or HTML](#)
- [How to Preserve Emails as Evidence](#)
- [How to Back Up and Store Evidence of Technology-Facilitated Violence](#)
- [Documenting Tech Abuse](#)
- [Stalking and Tech-Facilitated Violence Log](#)

*Digital Dating Violence is part of a continuum of violence that can be both online and in-person. If you or someone you know is experiencing digital dating violence, you are not alone. Encourage them to chat with a trusted adult, connect with the [Kids Help Phone](#) to create a [safety plan](#), or you can use [sheltersafe.ca](#) to find a shelter/transition house near you to discuss options and create a [safety plan](#). You don't need to stay in a shelter to access free, confidential services and support.*

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