

Law around non-consensual taking, making and sharing of sexual images to be reviewed

- Cyber-flashing', 'deepfake' and revenge porn among issues to be examined
- a public consultation will be launched to help assess whether the law needs to change

Laws around the making and sharing of non-consensual intimate images are to be reviewed under plans to ensure protections keep pace with emerging technology.

Justice Minister Paul Maynard and Digital Secretary Jeremy Wright have asked the Law Commission to examine whether current legislation is fit to tackle new and evolving types of abusive and offensive communications, including image-based abuse, amid concerns it has become easier to create and distribute sexual images of people online without their permission.

The review, which will be launched shortly, will consider a range of disturbing digital trends such as 'cyber-flashing' – when people receive unsolicited sexual images of someone over the phone – and 'deepfake' pornography – the degrading practice of superimposing an individual's face onto pornographic photos or videos without consent.

The move builds on government action in recent years to better protect victims and bring more offenders to justice, including making 'upskirting' and 'revenge porn' specific criminal offences.

The review will also consider the case for granting automatic anonymity to revenge porn victims, so they cannot be named publicly, as is the case for victims of sexual offences.

Justice Minister Paul Maynard said:

No one should have to suffer the immense distress of having intimate images taken or shared without consent.

We are acting to make sure our laws keep pace with emerging technology and trends in these disturbing and humiliating crimes.

This review will build on our recent work to make 'upskirting' and revenge porn illegal to protect victims and ensure perpetrators feel the full weight of the law.

DCMS Secretary of State Jeremy Wright is to announce the review during a speech at the NSPCC conference today (26 June 2019). Speaking ahead of the event he said:

Too many young people are falling victim to co-ordinated abuse online or the trauma of having their private sexual images shared. That's not the online world I want our children to grow up in.

We've already set out world-leading plans to put a new duty of care on online platforms towards their users, overseen by an independent regulator with teeth. This Review will ensure that the current law is fit for purpose as we deliver our commitment to make the UK the safest place to be online.

Tackling sexual offences is a priority for this government, and in many cases this behaviour will already be caught by a number of existing offences such as 'voyeurism' under the Sexual Offences Act 2003.

However, ministers are committed to ensuring the right protections are in place for the modern age, and alongside the review, a public consultation will be launched on strengthening the law – seeking views from victims, groups representing them, law enforcement, academics and anyone else with an interest in the issue.

This review is part of joint work between the Ministry of Justice and Department for Digital Culture, Media and Sport to consider reform of communications offences, examining the glorification of violent crime and the encouragement of self-harm online, and whether co-ordinated harassment by groups of people online could be more effectively addressed by the criminal law.

Professor David Ormerod QC, Criminal Law Commissioner at the Law Commission said:

Behaviours such as taking, making and sharing intimate images without consent or co-ordinated online harassment causes distress and can ruin lives.

If the criminal laws are not up to scratch, we will propose reforms that simplify the current patchwork of offences to provide more effective protection for victims.

Notes to editors

The Law Commission Review

The [Terms of Reference for the Review](#) will be published on the Law Commission's website.

- The review will commence on July 1st 2019 and report back in the summer of 2021.
- During Report stage of the Voyeurism (Offences) (No.2) Bill in the House of Commons, former Justice Minister Lucy Frazer announced that we would be asking the Law Commission to take forward a more detailed review of

the law around the non-consensual taking and sharing of intimate images, following the completion of the current DCMS commissioned review into online abuse.

- The Law Commission published Phase 1 of their review of Abusive and Offensive Online Communications on 1 November 2018. The Ministry of Justice and DCMS are now jointly engaging the Law Commission to conduct Phase 2 of this report, assessing the law on offensive and abusive online communications, including the non-consensual taking and sharing of intimate images specifically
- This review will consider the meaning of terms such as 'private' and 'sexual' in the context of the taking and sharing of images without consent.
- The review will not make recommendations about the existing law on the creation and dissemination of indecent images of children, including communication with or of anyone under the age of 18 years, as these laws are already appropriately robust, extensive and well-established.

Further guidance:

- In many cases, this behaviour will be caught by the offence of voyeurism under the Sexual Offences Act 2003, which criminalises certain non-consensual photography taken for sexual gratification. It carries a 2-year maximum prison sentence and, in some circumstances, sexual offender notification requirements
- Disclosing private sexual photographs and films without consent and with intent to cause distress (behaviour often known as posting 'revenge pornography') was made a criminal offence under section 33 of the Criminal Justice and Courts Act 2015.
- While we feel the law in this area is robust, we are not complacent and continue to keep it under review.
- The government launched, and supports with £80,000 of annual funding, the Revenge Porn Helpline to support victims which has received over 14,000 contacts since it opened in February 2015.
- Social media companies are expected to take down obscene and offensive material that contravenes their terms of use. Twitter pledged to introduce tougher rules for removing this sort of material.
- Publication may also potentially fall foul of the Section 127(1) of the Communications Act 2003, s.1 Malicious Communications Act 1988, or the Obscene Publications Act 1959 in some cases.
- If a person discloses the image with the intention of causing distress to the person in the image, then this behaviour could potentially be captured by section 33 of the Criminal Justice and Courts Act 2015, commonly known as the 'revenge porn' offence.