

# Press release: Government acts to make 'upskirting' a specific offence

- Government moves to make 'upskirting' a specific criminal offence
- Worst perpetrators set to face two years in prison
- Ministers demand the most serious offenders are placed on the sex offenders register

'Upskirting' is set to become a specific criminal offence, with perpetrators facing up to two years behind bars, under a new law backed by Government.

The highly intrusive practice – colloquially known as 'upskirting' – typically involves offenders taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks.

Currently, this behaviour is being successfully prosecuted under the offence of Outraging Public Decency. However, ministers have decided to act after concerns were raised that potentially not all instances of 'upskirting' are covered by existing criminal law.

In April, the Justice Secretary David Gauke committed to ensuring the law was fit for purpose. Today, ministers have confirmed that the Government will support legislation to close any potential loopholes, in order to better protect victims and increase convictions.

Justice Minister Lucy Frazer said:

This behaviour is a hideous invasion of privacy which leaves victims feeling degraded and distressed.

By making 'upskirting' a specific offence, we are sending a clear message that this behaviour will not be tolerated, and that perpetrators will be properly punished.

I'd like to thank Wera Hobhouse, Gina Martin, and all other campaigners for their tireless work, and look forward to seeing the Bill progress through Parliament.

The measures were introduced in a Private Member's Bill (PMB) by Wera Hobhouse MP. The Bill will receive its 2nd reading in the House of Commons today (15th June).

In recent years the Government has made tackling sexual abuse and sexual violence a priority, and keeps laws in this area under constant review. After listening carefully to the concerns of victims, stakeholders, and MPs from across the House, Ministers have decided a change in the law is necessary.

Wera Hobhouse MP said:

I got involved in politics to change things that my constituents and I care about. I am incredibly grateful to Gina Martin for starting this campaign, and for giving me the opportunity – in my first year in parliament – to do exactly that.

The fact that the government have listened to our calls is testament to the widespread consensus that there was a gap in the law that needed to be addressed. By working with Gina and Ministers on the detail of my bill, we have demonstrated when we work together successfully we can make a difference on issues that really matter to people.

We all made the case for common sense. Now if someone is to fall victim to upskirting, the law will recognise them as the victim, and the police will be able to act immediately and bring the perpetrators to justice.

Gina Martin said:

Almost a year ago, I started my campaign to make upskirting a sexual offence after I was targeted. I've been on an extraordinary journey since then. The inner workings of politics was a mystery to me, so I brought in my lawyer Ryan Whelan to help me create an argument that was legally sound and politically astute.

And now, the result of all that hard work is that women and girls who needed this law changed are now being heard by those in power. This has been a colossal undertaking for me personally and professionally, and I absolutely couldn't have done it without Ryan and the incredible public behind me.

The new law would bring the punishment for 'upskirting' in line with other existing voyeurism offences, and the changes will see offenders face a maximum of two years in prison. The Government will now work with Wera Hobhouse and others to bring these measures through, with Ministers planning to ensure crucial amendments are made to the Bill. The most notable of these amendments includes placing the most serious offenders on the sex offenders register.

Katie Ghose, Chief Executive of Women's Aid, said:

We welcome the government taking decisive action to make upskirting a criminal offence. This form of abuse is painful and humiliating for victims and often has a devastating impact on all aspects of their lives.

We hope that this new criminal offence will be another step forward in challenging the prevailing sexist attitudes and behaviours in our society that underpin violence against women and girls. Domestic abuse does not happen in a cultural vacuum.

By condemning this form of abuse, we can send out the powerful message that upskirting is unacceptable and perpetrators of this crime will be held to account.

Lisa Hallgarten, Head of Policy & Public Affairs for Brook, says:

Brook welcomes the Government's recognition of the seriousness of upskirting as a move towards tackling the widespread incidence of sexual harassment of women and girls.

However, we know that the law alone is not enough and schools have a critical role in challenging harmful behaviours and practices by dealing with any issues promptly and in line with robust PSHE and safeguarding policies.

In order to keep children and young people safe from harm we must teach them at the earliest opportunity to respect each others' privacy, to know their rights, and to understand issues around consent, coercion, and unwanted/unsafe touch.

## Notes to editors

- Currently, 'upskirting' does not go unpunished in England and Wales, and there have been successful prosecutions under the Outraging Public Decency (OPD) offence. Recent examples of successful prosecutions for 'upskirting' under OPD include someone who was convicted in January for taking photos up women's skirts on trains, on a beach and at work, and a student who was convicted in March for taking photos up women's skirts in Oxford.
- However, existing criminal law does not necessarily cover every instance of 'upskirting.' Creating a specific 'upskirting' offence would strengthen the law in this area, as it doesn't have the same limitations as existing offences. It would also allow this intrusive behaviour to be treated as a sexual offence and, with Government amendments, ensure that the most serious offenders are made subject to notification requirements (commonly referred to as the 'sex offenders register').
- The PMB would insert a new offence under Section 67 of the Sexual Offences Act 2003. The changes will cover England and Wales; 'upskirting' is already a specific offence in Scotland.
- It would capture instances where the purpose is to obtain sexual gratification or cause humiliation, distress or alarm.
- A summary conviction would carry a sentence of up to one year in prison and/or a fine. And a more serious offence, tried in the Crown Court, would carry a sentence of up to two years in prison.

- The Bill returns to Parliament for its 2nd reading on 15 June where the Government will formally give its support.