

# Press release: 'Upskirting' law comes into force

- Police can now arrest under new offence

As of today (12 April 2019) 'upskirting' offenders can be arrested and sent to prison as a new law banning the invasive practice comes into force across England and Wales.

The criminal offence of 'upskirting' was created under the Voyeurism Act when it received Royal Assent in February. Police and prosecutors have now updated their guidance to ensure the law is properly enforced – with offenders facing up to 2 years in jail and being placed on the sex offenders register.

Today marks the culmination of tireless campaigning from Gina Martin and other victims, MPs and charities who worked closely with Ministers to create the new law and protect more victims.

Justice Minister Lucy Frazer said:

We have always been clear – there are no excuses for this behaviour and offenders should feel the full force of the law. From today, they will.

By taking decisive action and working closely with Gina Martin and other campaigners, we have ensured more people are protected from this degrading and humiliating practice.

Gina Martin said:

Today, the Voyeurism Act comes into effect and I'm so happy. Finally we have a fit-for-purpose law that protects against every instance of upskirting – as we should have always had.

But this is just the beginning. Please raise your voice and report if you are a victim or if you see someone become one – every report builds a picture so we can stop upskirting.

The practice typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks.

The government intervened last June to bring forward measures to tackle this behaviour, after a Private Members Bill did not pass its second reading.

To date, the behaviour has been successfully prosecuted under the offence of Outraging Public Decency. However, following concerns raised by victims that

not all instances of 'upskirting' were covered by current law, the government acted to create a new, specific offence.

The Voyeurism Act outlaws 'upskirting' where the purpose is to obtain sexual gratification, or to cause humiliation, distress or alarm. This includes instances where culprits say images were just taken 'for a laugh' or when paparazzi are caught taking intrusive images.

It creates 2 new offences under the Sexual Offences Act 2003. The changes will cover England and Wales; 'upskirting' is already a specific offence in Scotland.

## **Notes to editors**

- The Voyeurism Act creates 2 new offences to make the act of upskirting a specific criminal offence.
- 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 decided a change in the law was necessary.
- Currently, 'upskirting' does not go unpunished in England and Wales, and there have been successful prosecutions under the Outraging Public Decency (OPD) offence.
- However, existing criminal law does not necessarily cover every instance of 'upskirting.' Creating a specific 'upskirting' offence strengthens the law in this area, as it doesn't have the same limitations as existing offences. The Voyeurism Act allows this intrusive behaviour to be treated as a sexual offence and, ensure that the most serious offenders are made subject to notification requirements (commonly referred to as the 'sex offenders register').
- The new law captures instances where the purpose is to obtain sexual gratification or cause humiliation, distress or alarm.
- A summary conviction will carry a sentence of up to 1 year in prison and/or a fine. And a more serious offence, tried in the Crown Court, would carry a sentence of up to 2 years in prison.
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