

Press release: 'Upskirting' law moves a step closer

- government intervened to push through the measures
- offenders will face up to two years in prison with the most serious placed on the sex offenders register

A new law making 'upskirting' a specific criminal offence will move a step closer today (21 June 2018), when a Government Bill is introduced in Parliament.

The move was confirmed by the Prime Minister earlier this week, after a government backed Private Members Bill (PMB) did not pass its second reading last Friday (15 June).

Theresa May made clear that the government will get the new law on the statute book, and ministers have acted decisively to bring through the changes as quickly as possible.

Justice Minister Lucy Frazer said:

The support for this new law from the public, campaigners, and across parliament shows just how seriously this crime is being taken.

Upskirting is a humiliating and degrading practice. We will ensure this Bill becomes law as soon as possible to protect more victims and properly punish offenders.

It follows the work of campaigner Gina Martin, whose tireless efforts contributed hugely to this action:

[Gina Martin on 'upskirting' campaign](#)

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, following concerns that potentially not all instances of 'upskirting' are covered by existing criminal law, the government decided to act.

Initially, ministers supported legislation brought forward by Wera Hobhouse MP to create a specific 'upskirting' offence. However, that PMB failed to progress in Parliament, following objections raised Sir Christopher Chope MP.

Ministers therefore decided to intervene and adopted the measures as a

Government Bill, in order to make sure there will be no delay in getting this new law onto the statute books.

The Government Bill will build on Wera Hobhouse's proposals, by ensuring that the most serious offenders are placed on the sex offenders register. The new law would bring the punishment for 'upskirting' in line with other existing voyeurism offences, and will see offenders face a maximum of 2 years in prison.

The second reading of the Bill is expected to take place before Summer Recess.

Notes

- 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 MP's from across the House, Ministers decided a change in the law is necessary.
- 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 and on a beach, 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, ensure that the most serious offenders are made subject to notification requirements (commonly referred to as the 'sex offenders register').
- The Bill 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 2 years in prison.
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