

Briefing on Reforming the Law on ‘Upskirting’ and other forms of Image-Based Sexual Abuse: Voyeurism (Offences) (No 2) Bill

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Executive Summary

1. Welcome proposals for new law on ‘upskirting’
2. Need for comprehensive law reform
3. Underpinning values and purposes of the law

Recommendations for law reform

4. to extend the motive requirements to cover all forms of voyeurism and upskirting;
5. to clarify and strengthen the law on sharing of ‘upskirt’ and other intimate images;
6. to strengthen existing voyeurism offence to cover all motives and ensure consistency;
7. to clarify scope of sex offender registration and ensure consistency of treatment;
8. to extend automatic anonymity to all victims of image-based sexual abuse, including ‘revenge porn’;
9. to strengthen the law to cover threats to take and/or share intimate images/videos;
10. to strengthen law to cover altered images/videos (‘deepfake’ porn);
11. to recommend template for comprehensive law tackling all image-based sexual abuse; and
12. to recommend sustainable and increased funding of victim support services, including the Revenge Porn Helpline.

1. Welcome Proposal to Introduce New Law

1.1 We welcome the Government’s intention to introduce a new law to criminalise some forms of ‘upskirting’ as a first step towards a more comprehensive law tackling all forms of image-based sexual abuse. The impressive campaign by Gina Martin, and the Private Member’s Bill introduced by Wera Hobhouse MP, have shone a bright light on the inadequacies of the current law and provide a real opportunity to protect all victims. This campaign develops the work carried out for a number of years to raise this issue, including the work of organisations such as the End Violence Against Women (EVAW) coalition and Object who in 2012 raised concerns about ‘upskirting’ and media practices.¹ The practice was criminalised in Scotland in 2009.²

1.2 We have argued for a number of years that the law in England and Wales needs to be strengthened to ensure ‘upskirting’ is appropriately criminalised.³ At the time of the ‘revenge porn’ law being adopted, we expressed concern that there was a gap in the law as it did not cover ‘upskirting’.⁴ In particular, we suggest that ‘upskirting’ is a form of image-based sexual abuse which has many similarities with other such abuses

¹ David Batty, 30 November 2012, ‘Women’s groups call on Government to act on Leveson’: <https://www.theguardian.com/media/2012/nov/30/womens-groups-leveson-report>

² Sexual Offences (Scotland) Act 2009, s 9.

³ Clare McGlynn and Julia Downes, 15 April 2015: ‘We need a new law to cover upskirting and downblousing’ <https://inherentlyhuman.wordpress.com/2015/04/15/we-need-a-new-law-to-combat-upskirting-and-downblousing/>; Clare McGlynn, Erika Rackley and Ruth Houghton, ‘Beyond ‘revenge porn’: the continuum of image-based sexual abuse’ (2017) *Feminist Legal Studies* 25-46 <https://link.springer.com/article/10.1007/s10691-017-9343-2>.

⁴ ITV News, 23 April 2015, ‘Crackdown urged on ‘revenge porn’ and upskirting craze’: <http://www.itv.com/news/2015-04-23/revenge-porn-laws-omit-cruel-upskirting-craze/>

including ‘revenge porn’ and sexual extortion.⁵ These abuses all involve the non-consensual taking and/or sharing of private sexual images which causes serious harms to victims. The images are sexual, the abuse and harassment is often sexualized and the harms are threats to women’s sexual expression and autonomy.

2. Need Comprehensive Law Reform

2.1 We recommend a comprehensive approach to legal reform which covers all non-consensual taking and/or sharing of private sexual images, including threats and altered images.⁶ A comprehensive approach will help to future-proof and modernize the law, closing the current gaps which provide inconsistent protection for, and create hierarchies of protection between, victims.

2.2 The law in this area is piecemeal, inconsistent and out of date. There is now a real opportunity to remedy these problems, as well as to provide sustainable and sufficient resources for organisations supporting victims such as the Revenge Porn Helpline, Women’s Aid and Rape Crisis.

3. Underpinning Values and Purposes of the Law⁷

- The law should protect the sexual integrity and autonomy of all; this is threatened when private sexual images are taken, shared and created without consent.
- The law must focus on non-consent: men and women should be free to take and share private sexual images with consent.
- The law should focus on the harms experienced by victims, not on the motives of perpetrators, or whether the conduct took place in public or private, nor whether or not the images have been altered.
- The harms experienced by victims are more than a breach of privacy: they are experienced by many as a form of abuse, of sexual assault, and often result in harassment and abuse which adversely impacts on the mental and physical well-being of victims.
- All victims of image-based sexual abuse should be afforded similar protections by the law, such as anonymity which can help to encourage victims to report offending conduct and support prosecutions.

Recommendations for Law Reform

4. Extend Motive Requirements to Cover All Forms of Voyeurism and ‘Upskirting’

4.1 Limitations of current Bill:

The current Bill will only criminalise the taking of an ‘upskirt’ image if the perpetrator does so for the purposes of (a) obtaining sexual gratification for himself or others or (b) ‘humiliating, distressing or alarming’ the victim. This will cover many forms of upskirting – but it will not cover *all* forms of ‘upskirting’. It follows the current Scots law.

4.2 Excluded motives – financial:

The Bill does not adequately cover, for example, financial motives such as selling to the media, as is the case in many celebrity ‘upskirting’ shots. Such actions could be covered if it can be proven that the images are being sold so that another person gains sexual gratification (assuming the photographer does not

⁵ Clare McGlynn and Erika Rackley, 9 March 2016, *EverydayVictimBlaming*, ‘It’s abuse: let’s call it image-based sexual abuse’ <http://everydayvictimblaming.com/media-complaints/not-revenge-porn-but-abuse-lets-call-it-image-based-sexual-abuse-by-%e2%80%8fmcglynnclare-erikarackley/>

⁶ Clare McGlynn, ‘The law must protect all victims of image-based sexual abuse, not just upskirting’ *Huffington Post* 3 March 2018: https://www.huffingtonpost.co.uk/entry/not-only-upskirting-law-must-protect-all-victims_uk_5aa105e8e4boef2aaff7048e

⁷ See further Clare McGlynn and Erika Rackley, ‘Image-Based Sexual Abuse’ (2017) *Oxford Journal of Legal Studies* 534–561: <https://claremcglynn.files.wordpress.com/2015/06/mcglynnrackley-ojls-offprint-jan-2017-image-based-sexual-abuse.pdf>

themselves). Such a motivation is unlikely to be established regarding celebrity upskirt images which are widely disseminated in the national media.

4.3 Excluded motives – ‘group bonding’/‘laugh’:

The Bill also does not cover where the motivation is to take (and likely share) images amongst a group of friends, as means of ‘group bonding’, such as via WhatsApp or Facebook groups. In such situations, the images are not always taken for the purpose of causing distress to the victim. The Government has stated that it wishes to ensure that ‘upskirting’ at festivals and such like are covered by the new law. However, as it stands, it is not obvious that the current Bill will clearly and adequately cover these situations because of the limited motivation requirements.

4.4 Inconsistent treatment of victims:

In practice, therefore, the current law and proposed Bill produce an inconsistent pattern of protection. An intimate image may be taken of a victim without her consent, and potentially shared widely across the internet also without her consent, but only in some specific circumstances will a criminal offence have been committed, despite the harms experienced by the victim being similar.

4.5 Recommended law reform:

Strengthen and clarify law to cover all motivations, protect all victims and better enable prosecutions:

The Bill would be strengthened if the core offence was ‘the non-consensual taking of an intimate image’. This would ensure that all forms of upskirting are covered (as well as other forms of voyeurism). This is the approach taken in other jurisdictions, including New South Wales where the offence is: ‘A person who intentionally records an intimate image of another person (a) without the consent of the person and (b) knowing the person did not consent to the recording or being reckless as to whether the person consented to the recording, is guilty of an offence.’ The Irish Law Commission has proposed a similar core offence, with a higher penalty where there is intention to cause distress. While this privileges one particular motivation (despite the impact on victims being similar), it at least ensures that there is a criminal offence covering *all* forms of upskirting.

5. Distribution of Upskirt Images: Clarify and Strengthen Law on Sharing of Upskirt and other Intimate Images

5.1 Current Bill not cover distribution of images:

The current Bill does *not* cover the non-consensual sharing of ‘upskirt’ images. The distribution of such images amplifies the harms of the original conduct and often leads to further harassment and abuse. Images often end up on pornography websites and are difficult to get taken down.

5.2 Existing ‘revenge porn’ laws cover some cases of distribution:

If an offender shares upskirt (or voyeurism) images without consent, there *may* be an offence under section 33 of the Criminal Justice and Courts Act 2015 (often known as the ‘revenge porn’ law). However, the ‘revenge porn’ law *only* applies if it can be proven that the sharing of the images was done with the direct intention to cause distress to the victim.⁸ It does not cover distribution for motives of finance, humour or sexual gratification.⁹

5.3 Inconsistency between taking and then sharing upskirt images:

Inconsistent motive requirements, and the absence of a specific provision covering the distribution of upskirt images, produces unfair and unjustified results: a situation could arise where the ‘upskirt’ image was

⁸ See further: Clare McGlynn and Erika Rackley, *The Conversation* 16 February 2016, ‘The revenge porn law is welcome but no guarantee of success’ <https://theconversation.com/the-new-law-against-revenge-porn-is-welcome-but-no-guarantee-of-success-37598>; Clare McGlynn, Erika Rackley and Ruth Houghton, ‘Beyond ‘revenge porn’: the continuum of image-based sexual abuse’ (2017) *Feminist Legal Studies* 25-46 <https://link.springer.com/article/10.1007/s10691-017-9343-2>.

⁹ It may also be possible to use one of the communications offences (eg Malicious Communications Act 1988) but these too have significant limitations in this context.

taken for the purposes of sexual gratification and the new voyeurism offence is made out, but if *shared* with the same motive, there is no criminal offence relating to distribution.

5.4 Current Bill and ‘revenge porn’ law do not adequately recognize harms of distribution, whatever the motives:

The nature of upskirting means that it is not always possible to show intention to cause distress: perpetrators often do not know who the victim is and are not concerned about the impact on that victim. Or, as in the case of the celebrity photo for example, we may know that they have an entirely different motive: here the main – maybe only – reason for taking and distributing the photo is financial. This current Bill does not adequately recognise the very serious harms which come from the non-consensual sharing of intimate images, whatever the motive of the perpetrator.

5.5 Current ‘revenge porn’ law on distribution is limited:

The current ‘revenge porn’ law is limited in only applying where the direct intention to cause distress can be proven. This excludes other motives such as sexual gratification, financial and ‘group bonding’ (eg sharing images among a closed WhatsApp or Facebook group). This limitation provides a higher hurdle for prosecutors (who require evidence of the aim to cause distress) and results in inconsistent treatment of victims. It means that common activities – such as sharing amongst groups of friends – are not adequately or clearly covered.

5.6 Recommended law reform:

Strengthen and clarify law on distribution of intimate images:

The Voyeurism Bill would be strengthened if it included either

- a) an additional offence of non-consensual sharing an upskirt image; or
- b) if the core offence is extended to cover all non-consensual taking of intimate images, an additional offence of ‘non-consensual sharing of an intimate image’ (replacing the existing ‘revenge porn’ provisions).

Option (b) is the most comprehensive approach and focuses on the harms experienced by victims. This is the basis of the law in many Australian and US states. A further option would be to strengthen English law so that it applies where the perpetrator was ‘reckless’ as to whether or not he was intending to cause distress to the victim. This is the current law in Scotland. This means that a primary motivation could be group bonding, but the perpetrator is aware that it will also cause distress to the victim.

6. Strengthen Existing Voyeurism Offence: cover all motives and ensure consistency

6.1 Current voyeurism law:

The current law on voyeurism (section 67 of Sexual Offences Act 2003) only applies where the perpetrator acts with the purpose of obtaining sexual gratification for himself or another. This unduly limits the scope of the offence, as it does not apply where, for example, a perpetrator acts out of financial motives or to cause distress to the victim.

6.2 Options for law reform:

There are three options for law reform (depending on final provisions of new offence).

- a) Extend current voyeurism law motives to make consistent with new ‘upskirting’ offence; or
- b) Amend current voyeurism law to include all motives; or
- c) Replace current voyeurism law and upskirting proposal with new law to cover all non-consensual taking of intimate images (including upskirt images)

6.3 Extend current voyeurism law motives to make consistent with new ‘upskirting’ offence:

As a minimum, if the upskirting offence remains as currently drafted, with the required motivation being either sexual gratification or causing distress, the existing voyeurism offence should be amended to include the motive of causing distress, to ensure consistency between the offences. Otherwise, there will be an

unjustified inconsistency between treatment of victims depending on whether the conduct occurred in private (more limited) or public.

6.4 Strengthen current voyeurism law to include all motives:

The better approach, assuming the new upskirting offence is introduced, is to provide protection from voyeurism – the non-consensual observing/recording of someone doing a ‘private’ act – for all victims, notwithstanding the motivations of the perpetrator. The offending conduct is the non-consensual observing/recording. Such a reform can ensure that the focus is on harms the victims experience, rather than being limited to specific motivations.

6.5 Replace current voyeurism law and Bill to cover all non-consensual taking of intimate images (including upskirting):

This is the preferred option as it is comprehensive and will help to ‘future-proof’ the law as it would not be constrained by motive requirements, or specifics as to the location or means of taking images. The focus is on non-consent. For example, the current upskirting provision specifies the ways in which the taking of an image must be performed ‘beneath’ the clothing; the existing voyeurism offence refers to ‘place’.

6.6 Justification for comprehensive approach:

The current voyeurism law was enacted a time when the concern was with (a) conduct happening in specific private places (eg toilets) and that (b) the motivation was a form of sexual perversion. Society and technology has changed such that tying the offence to a specific geographical location (‘place’) no longer provides adequate protection for victims who can be subjected to harms in public spaces. Secondly, the actions of perpetrators taking/sharing non-consensual sexual images are not limited to those with specific sexual dysfunctions but are part of a more general pattern of abuse and harassment of (predominantly) women.

7. Clarify scope of sex offender registration for voyeurism offences

7.1 Sex offender registration only where motive of sexual gratification:

The current Bill provides for sexual offender registration only where the act of upskirting has been perpetrated for the purposes of sexual gratification (and not where to cause distress) (section 4). This introduces an unnecessary hierarchy between the different modes of offending. There is a danger that this distinction will be reflected in sentencing guidelines and practices.

7.2 Inconsistent treatment in sexual offences, eg exposure (flashing):

This introduces unjustified inconsistencies in how sexual offences are to be treated. For example, the offence of exposure (‘flashing’) is committed where the perpetrator intends to cause ‘alarm or distress’ to the person subject to the exposure. There is no requirement to demonstrate a motive of sexual gratification. Yet, the registration requirements are the same as for existing voyeurism offences.

7.3 Inconsistent treatment of different forms of image-based sexual abuse (eg revenge porn):

This also introduces inconsistencies between different forms of image-based sexual abuse. There is, for example, no notification requirement where private sexual images have been non-consensually distributed (ie revenge porn) despite the fact that upskirting and revenge porn sit on the continuum of image-based sexual abuse, which itself sits on the continuum of sexual violence.¹⁰

7.4 No motive of sexual gratification required for sexual offences:

Further, there is no requirement for the vast majority of sexual offences to demonstrate a sexual motivation. Moreover, to assume that this is a motivation would be to entirely misunderstand why sexual offences are committed. Sexual offences are so labeled because of the *mode* of perpetration (sexual

¹⁰ Clare McGlynn, Erika Rackley and Ruth Houghton, ‘Beyond ‘revenge porn’: the continuum of image-based sexual abuse’ (2017) *Feminist Legal Studies* 25-46 <https://link.springer.com/article/10.1007/s10691-017-9343-2>.

acts/harassment), rather than motive. Sexual offences are about power and control, punishment, sexual entitlement, anger, entertainment as well as sexual gratification.¹¹

7.5 Option for law reform - Amend notification requirements:

The current Bill should be amended to ensure similar treatment between different types of voyeurism and upskirting.

8. Extend automatic anonymity to all victims of image-based sexual abuse, including ‘revenge porn’

8.1 Current law grants automatic anonymity only to victims of voyeurism and upskirting:

While victims of voyeurism, or upskirting under the new Bill, will be granted automatic anonymity, there is no such right for victims of so-called ‘revenge porn’. This means that two victims could both be subject to harassment, abuse and humiliation from having intimate images posted online without their consent, but whether they have an automatic right to anonymity will depend on how and for what reasons those images were taken or shared.

8.2 Current lack of automatic anonymity means current law is failing victims:

In June 2018 a BBC study revealed that one in three ‘revenge porn’ victims withdraw from prosecutions.¹² Those who work with victims and the police suggest one of the reasons is the fear of further publicity and sharing of their images. Anonymity encourages victims to come forward and support prosecutions. There is widespread public approval for extending anonymity.¹³

8.3 Recent grant of anonymity in cases of female genital mutilation and forced marriage:

In the last few years, the Government has accepted this argument, most recently extending anonymity to victims of forced marriage and female genital mutilation.¹⁴ The Government justified this new provision by stating that: ‘Lifelong anonymity will give more victims the confidence to come forward and seek justice’.¹⁵

8.4 ‘Revenge Porn’ is a form of sexual offence:

To date, the Government has resisted calls to extend anonymity on the basis that ‘revenge porn’ is not a sexual offence as it is not motivated by sexual gratification or involve contact.¹⁶ As noted above, this misunderstands the nature of sexual offending.¹⁷ Sexual offending is about the nature of the act and its impact, not only the motivation; and there are a range of sexual offences which do not involve contact. Further, victims experience ‘revenge porn’ as a form of sexual assault, some describing it as like ‘being raped’.¹⁸ It breaches their rights to sexual autonomy and dignity and the abuse and harassment they face is often highly sexualized.¹⁹

8.5 Option for law reform - Amend the law to introduce automatic anonymity:

¹¹ For a detailed discussion and reference to academic literature on this topic, see briefing ‘Anonymity for complainants of image-based sexual abuse’ available at: <https://claremcglynn.files.wordpress.com/2016/07/mcglynn-anonymity-revenge-porn-11-july-2016.pdf>

¹² ‘Revenge porn: One in three allegations dropped’, 14 June 2018 <https://www.bbc.co.uk/news/uk-england-44411754>.

¹³ Sandra Laville, 19 July 2016, ‘Revenge porn victims should get anonymity say 75% of people’ *The Guardian* <https://www.theguardian.com/law/2016/jul/19/revenge-porn-victims-should-get-anonymity-say-75-per-cent-of-people>

¹⁴ Female Genital Mutilation Act 2003 (now section 4A, Schedule 1); forced marriage (section 72 Policing and Crime Act 2017).

¹⁵ Nadia Khomami, Victims of forced marriage to receive lifelong anonymity, *The Guardian*, 7 June 2016 <https://www.theguardian.com/society/2016/jun/07/victims-of-forced-marriage-to-receive-lifelong-anonymity>

¹⁶ Minister for Preventing Abuse Exploitation and Crime, Karen Bradley MP, 30 June 2016: <https://claremcglynn.files.wordpress.com/2016/07/gov-pcb-anon-ltr-to-libdems-30-june-2016.pdf>

¹⁷ For a detailed discussion of why anonymity should be granted in these cases and why the Government misunderstands sexual offending, see <https://claremcglynn.files.wordpress.com/2016/07/mcglynn-anonymity-revenge-porn-11-july-2016.pdf>

¹⁸ See eg ‘Revenge Porn is Just Like Being Raped’, *The Sun*, 3 October 2014: <https://www.thesun.co.uk/archives/news/377386/revenge-porn-is-just-like-being-raped/>.

¹⁹ Clare McGlynn, ‘Revenge Porn is a form of sexual assault’ *Huffington Post* https://www.huffingtonpost.co.uk/clare-mcglynn/revenge-porn_b_15441782.html

Anonymity for complainants of ‘revenge porn’ can be introduced in two ways:

- by a specific schedule (as in the cases of forced marriage and female genital mutilation); or
- by categorizing it as a sexual offence to which the Sexual Offences (Amendment) Act 1992 (which grants anonymity to sexual offence complainants) applies.

9. Strengthen law to cover threats to take and/or share intimate images/videos

9.1 Current English law does not cover threats to take and/or distribute images:

This is a major lacuna. There are many victims who experiences threats to distribute images as a serious harm, with such threats often made in the context of coercive and abusive relationships. While it might be possible for other offences to cover this conduct (eg coercive control legislation), it would be far simpler, and a more effective deterrent and prosecutorial tool, if the law clearly stated that threats were criminalised.

9.2 Option for law reform - Amend the law to cover threats:

Scottish law already covers threats to distribute images as part of their more comprehensive and effective approach to tackling image-based sexual abuse (Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016). Other jurisdictions, such as New South Wales also include threatening behavior.

10. Strengthen law to cover altered images/videos

10.1 Altered images/videos not covered by English law:

The current law does not cover the creation and/or distribution of intimate images which have been made sexual and/or pornographic by being altered/photoshopped – sometimes referred to ‘deepfake porn’, or AI-assisted ‘fakeporn’.²⁰ This is – and will continue to be – a growing problem as technology develops to make it easier to alter images.²¹ There are now specific apps designed to allow an individual to generate their own pornographic video using the face of another being superimposed on an existing image/film.

10.2 Government misunderstanding of harms of altered/fake intimate images:

In 2016, the Government stated that the harms experienced by altered images being shared were not as great as for ‘original’ images.²² This view does not reflect the experiences of victims who have spoken out about the harms they have experienced.²³

10.3 Option for law reform - Amend the law to strengthen protection by covering altered images/videos:

Other jurisdictions, including New South Wales and Scotland, already cover altered images. In Scotland, the legislation simply defines an image as being a moving or still image ‘in any form, whether or not the image has been altered in any way’ (section 3 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016). The law in New South Wales defines image as including: ‘an image has been altered to appear to show a person’s private parts, or a person engaged in a private act’.

11. Template for a Comprehensive law tackling all forms of Image-Based Sexual Abuse

²⁰ Sabbagh and Ankel, 21 June 2018, ‘Call for upskirting bill to include deepfake pornography ba’ *The Guardian* <https://www.theguardian.com/world/2018/jun/21/call-for-upskirting-bill-to-include-deepfake-pornography-ban>

²¹ Matt Burgess, ‘The law is nowhere near ready for the rise of AI generated fakeporn’, *Wired*, 27 January 2018: <http://www.wired.co.uk/article/deepfake-app-ai-porn-fake-reddit>

²² <https://claremcglynn.files.wordpress.com/2016/07/gov-pcb-anon-ltr-to-libdems-30-june-2016.pdf>

²³ Sandra Laville, ‘Revenge porn decision sparks anger at police’, *The Guardian*, 8 May 2016: <https://www.theguardian.com/technology/2016/may/08/revenge-porn-decision-sparks-anger-at-police>; Sturmer and Branley, 12 Oct 2016, ‘Noelle Martin fights to have harmless selfie removed from parasite porn sites’ <http://www.abc.net.au/news/2016-10-12/womans-fight-to-have-harmless-selfie-removed-from-porn-site/7924948>

11.1 **Extend law to ensure consistent treatment of all forms of image-based sexual abuse:**

While ‘upskirting’ is a pernicious form of image-based sexual abuse, the enactment of new law also provides an opportunity to strengthen the law in relation to *all* forms of image-based sexual abuse. The offences known colloquially as ‘revenge porn’, ‘upskirting’ and ‘sextortion’ share many similarities – most notably, the harms experienced by victims. Yet whether or not they have recourse to the criminal law depends on the vagaries of where images were taken (eg whether in public or private) and/or the motives of the perpetrators. The current law is unnecessarily complicated and pedantic and there is a serious risk that it will not cover new instances of abuse in the future.

11.2 **Option for law reform - Amend law to cover all non-consensual taking and/or sharing of intimate images/videos and threats**

We recommend adopting a comprehensive law which covers all non-consensual taking or sharing of intimate images, including threats and altered images. In this respect, we draw your attention to the Crimes Amendment (Intimate Images) Act 2017 recently enacted in New South Wales, Australia.²⁴ It straightforwardly criminalises:

- the non-consensual creation of intimate sexual images (thereby covering upskirting and voyeurism)
- the non-consensual distribution of intimate images (that is, conventional ‘revenge porn’, as well as the distribution of ‘upskirt’ and other intimate images)
- threats to create and/or distribute intimate images (currently not covered in English law, though part of Scots law)
- altered images (again not covered in English law but part of Scots law).

12. Sustainable and increased funding of victim support services

12.1 **Sustainable and sufficient resources needed for support services:**

Any new legislation needs to be supported by a commitment to provide sustainable and sufficient resources for organisations supporting victims such as the Revenge Porn Helpline, Women’s Aid and Rape Crisis. The Government Equalities Office currently supports the Revenge Porn Helpline which carries out excellent work supporting victims, especially getting images taken down from the internet. However, their resources are seriously stretched and it is a challenge to provide support to all those seeking help. It is likely that a new Bill will increase the number of people seeking support – which is welcome – but this means it is incumbent upon the Government to ensure resources to help those coming forward.

We also know from research on rape and sexual violence, that it is when victims are supported that they are more likely to continue with prosecutions. Support services, therefore, are vital for the individual as well as for the justice system more broadly.

13. Contact Details and Expertise

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Clare McGlynn is an expert on laws relating to sexual violence, pornography and image-based sexual abuse. She has worked closely with politicians, policy-makers and the voluntary sector to strengthen laws, including the new criminal offences targeting rape pornography and image-based sexual abuse (including ‘revenge porn’). She has [given evidence](#) before Parliament’s Women & Equalities Select Committee and the Scottish Parliament’s Justice Committee on sexual harassment and the need to reform the laws on upskirting and image-based sexual abuse. Her research with Erika Rackley developed the concept of ‘[image-based sexual abuse](#)’, and she is currently part of an Australian Research Council funded research project investigating image-based sexual abuse across the UK, New Zealand and Australia.

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Erika Rackley has been working with academics, politicians, policy-makers and NGOs on issues relating to the legal regulation of [image-based sexual abuse](#) and pornography for over a decade. Her research with Clare McGlynn has informed and helped shape laws relating to so-called revenge pornography and extreme pornography across the UK. She is currently involved in a three-year project – ‘[Images of Me](#)’ – with McGlynn and colleagues from Australia and New Zealand.

²⁴ Crimes Amendment (Intimate Images) Act 2017 No 29: <https://legislation.nsw.gov.au/#/view/act/2017/29/full>