

EQUALITIES STATEMENT

Voyeurism (Offences) (No. 2) Bill: To make certain acts of voyeurism an offence

Policy change summary

The Government intends to introduce a Bill which effectively creates two new criminal offences to target the behaviour known as “upskirting”: this is the practice of taking covert photographs or recordings under the skirts of women.

The Bill would insert a new Section 67A into the Sexual Offences Act 2003 making it an offence for a person to operate equipment or record an image under another person’s clothing with the intention of viewing, or enabling another person to view, their genitals or buttocks (with or without underwear). It would capture instances where the purpose is to obtain sexual gratification or cause humiliation, distress or alarm. A person guilty of this offence would be liable, on summary conviction, to imprisonment for a term not exceeding 12 months and/or to a fine. On conviction on indictment, they would be liable to imprisonment for a term not exceeding 2 years.

The offences carry automatic sex offender registration requirements if they are carried out for the purpose of sexual gratification and:

- (1) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (2) in any other case—
 - (a) the victim was under 18, or
 - (b) the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment,
 - (ii) detained in a hospital, or
 - (ii) made the subject of a community sentence of at least 12 months.

Equalities Summary

Section 149 of the Equality Act 2010 (“the 2010 Act”) places a duty on Ministers and the Department, when exercising their functions, to have ‘due regard’ to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it).

Eliminating unlawful discrimination, harassment , etc

Both women and men could be the victims of the behaviour targeted by the offences, but the majority of victims will be women.

Whilst men are more likely to be the perpetrators of these new offences we do not consider that the provisions will amount to indirect discrimination against them as it is a proportionate means of achieving the legitimate aim of protecting victims from criminal behaviour.

Advancing equality of opportunity between different groups

We have considered the impact of the proposed creation of these new offences on those with protected characteristics as defined in the 2010 Act, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation (as relevant).

Both perpetrators and victims could be people with any of the protected characteristics, but in the main the victims of the behaviour targeted are women. To the extent that women are disproportionately victims of “upskirting” the creation of these offences to protect them from this behaviour should have a positive impact on them.

Fostering good relations

We do not consider that this proposal would have any significant impact on the achievement of this objective.