

Understanding Upskirting

Definition and Legal Status

Upskirting refers to the act of taking a photograph (also known as a “creepshot”*) under a person's clothing without their permission with intention of obtaining sexual gratification, or to cause humiliation, distress or alarm.

The Voyeurism (Offences) Act 2019 created two new offences criminalising **someone who operates equipment or records an image under another person's clothing** (without that person's consent or a reasonable belief in their consent) **with the intention of viewing, or enabling another person to view, their genitals or buttocks** (with or without underwear), where the purpose is **to obtain sexual gratification or to cause humiliation, distress or alarm**.

Any attempt to take an upskirting photo will be taken seriously under The Criminal Attempts Act 1981. Anyone who even tries to take a photo but doesn't end up with one (e.g. maybe their phone did not have space for an image, but they clicked the button, or maybe their camera was glitching in that moment) will be charged with attempt to commit an act of upskirting.

The offenders could be entered into the UK Sexual Offender's Register, if their upskirting attempt is enacted to “obtain sexual gratification”. However, if the upskirting image is taken to cause humiliation or distress, they will not be a Sex Offender.

The individual who has reported the upskirting photo will be subject to lifetime protection in the form of reporting restrictions – the media cannot circulate their names, identities or any significant details that would reveal who they are.

More information on upskirting can be found in [Upskirting: know your rights](#) and [‘Upskirting’ law comes into force](#) published by the Ministry of Justice.

Finally, [Keeping children safe in education](#) has information on upskirting: It says: “*All staff should be clear as to the school or college's policy and procedures with regards to peer on peer abuse*” and it lists upskirting in the list of peer on peer abuse types.