

# House of Commons: Written Statement (HCWS1659)

## Ministry of Justice

Written Statement made by: **Parliamentary Under-Secretary of State for Justice (Paul Maynard)** on 26 Jun 2019.

### Law Commission Review Update

As part of its efforts to make the UK the safest place online in the world, the Prime Minister announced in February 2018 that the Law Commission was to review the current law around abusive and offensive online communications and highlight any gaps in the criminal law which cause problems in tackling this abuse. This commitment also stemmed from the work by the Committee on Standards in Public Life into intimidation in public life (a review which, in turn, was commissioned by the Prime Minister).

The Law Commission published Phase 1 of their review of Abusive and Offensive Online Communications on 1 November 2018. Its scoping report can be found online at:

<https://www.lawcom.gov.uk/abusive-and-offensive-online-communications/>

I would like to inform the House that the Ministry of Justice and the Department for Digital, Culture, Media, and Sport have now engaged the Law Commission on a second phase of their Review of Abusive and Offensive Online Communications.

This work will begin in July 2019 and will build on the analysis undertaken by the Law Commission as part of Phase 1 of this review. This found that while abusive online communications are in general criminalised to the same degree as equivalent offline offending, there remains considerable scope for reform. In particular, around the nature of some behaviour in the online environment, and the degree of harm it can cause.

As part of Phase 2, the Law Commission will also consider the criminal law around the non-consensual taking and sharing of intimate images. The review will look at existing offences - for example section 33 of the Criminal Justice and Courts Act, which captures the non-consensual disclosure of intimate images with the intent to cause the victim distress - and identify whether there are any gaps in the scope of the protection already offered to victims, making recommendations to ensure that the criminal law provides consistent and effective protection against the creation and sharing of intimate images without consent. This honours the commitment given in the Commons by the Hon. Member for South East Cambridgeshire during the passage of the Voyeurism (Offences) Act 2019.

In parallel with this, the Law Commission will review the current communications offences (including section 127 of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988) to establish whether the law is fit for purpose, and make specific recommendations about options for reform in this area. Alongside this, the Law Commission will also consider whether co-ordinated harassment by groups of people online could be more effectively dealt with by the criminal law.

The two strands will be concluded in a joint report, due to be published in Spring/Summer 2021.

A copy of this statement will be placed in the libraries of both houses.