

Written evidence from Name Withheld [IIA0013]

I wish to discuss the following in relation to the 'Base' Offence regarding Sharing Intimate Images without consent. At present, there are no provisions regarding the Time Limit for this Offence (in cases where the Offence has been discovered by the Victim and/or Crown Prosecution Service after Time Limits for prosecution have already lapsed) - For clarity, this is Section 66B(1) of the Sexual Offences Act 2003.

<https://www.legislation.gov.uk/ukpga/2003/42/section/66B>

Where I fully understand and respect amendments to current offences are made following multiple discussions in Parliament via bills, as a Survivor who was personally impacted by the lapsing of Statutory Time Limits, please might there be any way in which I may be able to raise arguments for bringing any such amendments forward?

Although my Perpetrator was Convicted under Two Counts of the now repealed Offence in relation to Disclosure of Private Sexual Material with the Intent to Cause Distress, the Time Limit associated with a third Offence (namely the 'base' Offence of Harassment) lapsed based on failure of the Police Investigator to submit to the CPS on time. Upon learning this, I was utterly distraught: The Suspect had entirely escaped being brought to Justice for months of Harassment - This was worsened by the fact that at the time, I was appealing an initial CPS decision to not charge for the Disclosure Offences (a decision later overturned as a result of my successful Victim's Right to Review).

Being told by Police and CPS that nothing could be done about the Time Limits lapsing, as prosecution simply couldn't be brought (despite the multiple instances of provable Harassment), had a devastating impact on me as a victim. For some time, I was in denial, and made multiple - unsuccessful - attempts to convince Police they should have been looking at a more serious offence relating to Stalking (which wasn't bound by Statutory Time Limits).

It is one thing for Time Limits to lapse during a Police Investigation (based on an Officer's failure to submit on time) - One can at least complain about the Officer, in the hope it may bring some sense that some action has been taken. It would be another thing altogether, for a victim to be told their case cannot be proceeded with, as the Statute of Limitations had already lapsed for the Offence by the time the victim had become aware of the Offence.

Further, having been a victim of both Disclosure of Private Sexual Material AND Harassment (at the hands of the same perpetrator in 2021), I can honestly say even before the Offender's arrest, my prayers were focussed entirely on Prosecution and Convictions for the disclosure of Private Sexual Material - Further, all my 'Flashbacks' (PTSD) related to the Disclosure of the Private Sexual Material. Despite this, I felt an overwhelming sense of loss and helplessness upon learning that Harassment simply couldn't be proceeded with (based simply on technicalities).

I eventually overcame the loss of Prosecution for Harassment - However, as we know, the Sharing of Intimate images or films WITHOUT consent by perpetrators has a life-altering and life-shattering impact on victims - I cannot imagine the detrimental impact this will have on victims should Time Limits lapse for the 'Base' Offence in relation to Image-Based Abuse, especially in cases where these may have timed out even before the victim becomes aware of this.

The 3 other Offences at Section 66B of the Sexual Offences Act 2003 (in relation to the Sharing of Intimate images or films WITHOUT consent) are not bound by Statutory Time Limits. However, two of these carry 'points to prove' in relation to 'Intent to Cause Distress', and 'For the purposes of Sexual Gratification'. Such evidential burdens have proven difficult to meet in the past, resulting in difficulties in bringing prosecution/convictions. Thus, the 'Base' Offence at Section 66B(1) of the SOA 2003 was wholeheartedly welcomed. Although I am aware that Courts may (later) convict under the 'Base' Offence in cases where a

Defendant is found not guilty of offences involving 'Intent to Cause Distress' or 'For the purposes of Sexual Gratification' (referenced above), as we are aware, the hurdle these provide at the prosecution stage are often incredibly problematic.

Above, I have referred to my - unsuccessful - attempts to convince Police they should have been looking at a more serious offence relating to Stalking (upon learning Time Limits for Harassment had lapsed). I fear for future victims who in the darkest of moments (upon being told that the Statute of Limitations has lapsed for the 'Base' Offence of Sharing Intimate Images or films without consent. AND, there is no evidence to support 'Intent to Cause Distress' or 'For the purposes of Sexual Gratification'), may very well wish - helplessly - the Suspect had in fact done so for the above purposes, so that there may have been some shot at Justice.

Further, I fear for future potential victims who may themselves spend time desperately searching for signs of 'Intent to Cause Distress'/'For the Purposes of Sexual Gratification', in the hopes that Police may reopen the case (in the event Time Limits for the 'Base' Offence have lapsed) - This would cause further harm to their mental health and well-being, especially in cases where no such evidence exists, and prosecution will therefore never be possible.

I am happy to lend my voice further as a Victim-Survivor and Campaigner, in the hope that perhaps we may somehow be able to appeal for these amendments to be made to 66B(1) of the Sexual Offences Act 2003 (and any other Offences which are affected in this way), as soon as may be possible.

Finally, might the fact that amended Time Limits - outside of the usual Six Months since the date of the Offence - already exist in Section 127(5) and 127(6) of the Communications Act 2003, have any bearing on bringing forward the possibility of amended Time Limits for the 'Base' Offence of Sharing Intimate Images or films WITHOUT consent?

Sections 127(5) and 127(6) of the Communications Act 2003:

(5)An information or complaint relating to an offence under this section may be tried by a magistrates' court in England and Wales or Northern Ireland if it is laid or made—

(a)before the end of the period of 3 years beginning with the day on which the offence was committed, and

(b)before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings.

(6)Summary proceedings for an offence under this section may be commenced in Scotland —

(a)before the end of the period of 3 years beginning with the day on which the offence was committed, and

(b)before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings, and section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of this subsection as it applies for the purposes of that section.

I understand one offence under Section 127 of the Communications Act 2003 was repealed by the Online Safety Act 2023 - However, to the best of my understanding, the two subsections referenced above haven't been (repealed).

<https://www.legislation.gov.uk/ukpga/2003/21/section/127>

I am assured that in the future, especially since amendments for the amendment of Time Limits have been proposed for the Creation of Deepfakes in the Data (Use and Access) Bill, Time Limits for 66B(1) of the SOA 2003 will be amended in the future. However, please may I request my impassioned plea - that

arguments for bringing forward amendments to the Statutory Time Limits for 66B(1) of the SOA 2003 - be noted and communicated.

I thank you for taking the time to read this, and I thank you on behalf of all female victims of Intimate (Image) Abuse.

February 2025