ANNOUNCEMENT: PHASE 2 OF THE LAW COMMISSION REVIEW OF ABUSIVE AND OFFENSIVE ONLINE COMMUNICATIONS

We are pleased to announce that the Ministry of Justice and the Department for Digital, Culture, Media, and Sport have engaged the Law Commission on Phase 2 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, which was published in November 2018. 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 this work, the Law Commission will 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.

In parallel with this, they will look at 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 the modern world or if there is need 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.
We would be very happy to meet with you and other interested members to discuss this review.

Yours sincerely

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