



Voyeurism and upskirting

VOYEURISM AND UPSKIRTING

Voyeurism is broadly defined as someone obtaining sexual gratification by watching another person engaging in a private act without their consent. It is predominantly experienced by women and perpetrated by men, which is why it can be described as a form of gender-based violence.

Voyeurism can occur in any setting which is private in nature, or where a potential victim is undertaking a private act such as changing clothes, using a toilet, washing, or engaging in a sexual act themselves. The person committing the offence may operate equipment (such as a camera) in order to observe the victim or capture an image to watch or share at a later date for personal usage.

Upskirting is a form of voyeurism which is a criminal offence under [section 9 of the Sexual Offences \(Scotland\) Act 2009](#). This is when someone takes a picture or video under another person's clothing without their knowledge and with the intention of viewing their genitals or buttocks (with or without underwear).

ABOUT OUR GUIDE

If you have experienced voyeurism or upskirting, you do not have to put up with it. There are options available to you.

This legal guide will set out:

- What voyeurism and upskirting are
- What the law says about voyeurism and upskirting
- What options you can take
- Where to get support if it's happening to you

Remember that this is only a guide and not a replacement for legal advice specific to your situation. You may wish to get legal advice to help you decide what your options are.

You can [call our helpline](#) to speak to one of our experienced advocacy workers who will put you in touch with our solicitors if you need further advice. You can also make an appointment with one of our solicitors at our [legal surgeries](#).

You can find a list of solicitors on the [Law Society of Scotland website](#). You may also find our [guide to Getting Legal Representation](#) helpful.

For further information and for other support services, please see the section at the end of this guide.

Scottish Women's Rights Centre (SWRC)

The SWRC is a collaboration between Rape Crisis Scotland (Scottish Charity No SCO25642), the University of Strathclyde Law Clinic and JustRight Scotland. All legal advice and representation provided through the SWRC is by JustRight Scotland (SO305962), a firm authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).

Rape Crisis Scotland is registered as a limited company in Scotland, no 258568.

1st Floor, 10 Bothwell Street, Glasgow, G2 6LU

TABLE OF CONTENTS

VOYEURISM AND THE LAW	3
CRIMINAL LAW	3
CIVIL LAW AND REMEDIES	4
STEPS YOU CAN TAKE IF YOU EXPERIENCE VOYEURISM OR UPSKIRTING	5
IMMEDIATE ACTIONS	5
GATHERING EVIDENCE	5
REPORTING	6
FURTHER SOURCES OF INFORMATION OR ADVICE	7
SUPPORT AGENCIES AND CONTACT DETAILS	8

VOYEURISM AND THE LAW

CRIMINAL LAW

According to Section 9 of the Sexual Offences (Scotland) Act 2009, a person commits the criminal offence of voyeurism if they:

- Watch another person doing a private act without consent or reasonable belief of consent.
- Use equipment to watch another person doing a private act without consent or reasonable belief of consent.
- Record the private act with the intention of looking at the image or video later or sharing it with a further person without consent or reasonable belief of consent.
- Operate equipment underneath a person's clothing to look at the person's genitals or buttocks (whether covered with underwear or not) or the underwear covering these body parts which would not otherwise be visible without consent or reasonable belief of consent.
- Record an image underneath a person's clothing with the intention of viewing or sharing the image at a later date in order to look at the person's genitals or buttocks or the underwear covering these body parts which otherwise would not be visible without consent or reasonable belief of consent.
- Install equipment or create/adapt a structure (e.g. a vehicle or tent) to be able to do any of the acts mentioned above.

A private act is an act done in a place where someone would reasonably expect privacy, and where they are exposed (or covered only with underwear), using the toilet or doing a sexual act not ordinarily done in public.

A person commits the criminal offence of voyeurism if they do any of the acts listed without the other person's consent or the reasonable belief that they consent and for the purpose of either obtaining sexual gratification or humiliating, distressing or alarming the person.

A person who is convicted of voyeurism can face up to five years imprisonment under the Sexual Offences (Scotland) Act 2009.

CIVIL LAW AND REMEDIES

There are also some civil remedies that may be open to you, depending on the circumstances. Civil remedies are a different legal process to criminal prosecution.

If the behaviour continues, you can request legal protections to keep yourself safe from the harassment. These are known as Protective Orders, and they can legally prevent someone from doing certain things — for example, contacting or approaching you or continuing with the voyeuristic behaviour. You can read more about protective orders in our [Stopping Harassment Guide](#).

There is also the possibility of pursuing civil damages. This means taking the perpetrator to court to claim compensation for any losses you have suffered including physical or psychological injury. You can read more about civil damages in our [Civil Damages Guide](#).

However, civil claims can be difficult to pursue as you would have to know the identity of the perpetrator and meet a strict legal test. It is unlikely that any one-off event would meet the legal test. Any action must also be raised within specific time limits.

This area of law is legally complex, and we would recommend that you seek legal advice from a solicitor if you wish to consider this.

STEPS YOU CAN TAKE IF YOU EXPERIENCE VOYEURISM OR UPSKIRTING

Experiencing voyeurism or upskirting can be an extremely distressing experience. Voyeurism can happen to anyone and it is never your fault. It is the perpetrator's responsibility not to harass you. However, if you are able to, there are some steps that you can take.

IMMEDIATE ACTIONS

If you are in a situation where someone has committed the offence of voyeurism against you, we would advise:

- If you are able to, and it is safe to do so, move away from the situation as quickly as you can.
- Don't engage directly with the offender - gathering information should not come at the expense of your safety.
- If it's safe to do so, consider taking a photo of them from a safe distance.
- Where safe to do so, see if you can engage bystanders by telling them what's going on and what they can do to help.
- Tell a friend or family member.
- If you feel safe/able to do so, you could contact the police and report the incident.

GATHERING EVIDENCE

No matter which option(s) you decide to take, it can be useful to gather evidence of what you are experiencing, in case you choose to make a report to the police or pursue any future claims. This can include:

- The date(s) and time(s) of the incident(s), and whether they are ongoing
- What happened
- Where it took place
- Who was involved and what is your relationship to the person who committed the offence
- Any friends or witnesses who saw what happened or the effect it had on you
- Screenshots of any communication or imagery (if any).

It is important to note down the date when the last incident took place — especially if there have been multiple incidents — to make sure that any potential deadlines to raise a legal action are met.

Additional information that could be helpful includes:

- If the images/videos had been shared to individuals or third-party websites.

- If it has been found that the videos/images have been shared, we would recommend that you look at our guide on [“Revenge Porn”: Image- based sexual abuse](#) for further information on steps that can be taken.

REPORTING

As mentioned above, voyeurism is a crime. If you have experienced voyeurism, you can report this to the police if you wish to do so. Please see our [guide on Reporting sexual crimes to the police](#) for more information.

FURTHER SOURCES OF INFORMATION AND ADVICE

Stop Non-Consensual Intimate Image Abuse

Website: <https://stopncii.org/>

A free tool designed to support victims of Non-Consensual Intimate Image (NCII) abuse.

Revenge Porn Helpline

Website: <https://revengepornhelpline.org.uk/>

Helpline Number: 0345 6000 459

Supports all adults (those over the age of 18) in the UK who are victims of intimate image abuse and who have had their intimate images and videos shared without their consent, or when someone is threatening to do this. There is a helpline you can call, email or direct message and a number of resources on their website.

Citizens Advice

[Information on what to do if your intimate photos or videos are shared without your consent](#)

SWRC

Find out more about [SWRC advocacy support](#)

SWRC Guides with information about relevant legal processes:

- [Reporting Sexual Crimes to the Police](#)
- [Image-based Sexual Abuse](#)
- [Civil Damages Guide](#)

SUPPORT AGENCIES AND CONTACT DETAILS

Scottish Women's Rights Centre

Helpline: 08088 010 789 (opening times available on website)

Website: www.scottishwomensrightscentre.org.uk

Rape Crisis Scotland Helpline:

08088 01 03 02 (everyday 6pm-midnight)

Website: www.rapecrisisscotland.org.uk

Police Scotland

Telephone: 101 (non-emergency) 999 (emergency only)

Website: www.scotland.police.uk

Victim Support Scotland

Free support helpline: 0800 160 1985 (8am-8pm, Mon-Fri)

Website: <https://victimsupport.scot/>

Scottish Women's Aid

Website: www.womensaid.scot

Local specialist groups: www.womensaid.scot/find-nearest-swa-group/