



**MINISTERIAL STATEMENT  
To the House of Assembly**

**by**

**The Hon. Kathy Lynn Simmons, JP, MP  
Attorney-General and Minister of Legal Affairs  
and Constitutional Reform**

**“Update on the Revenge Porn”**

***Wednesday, 1<sup>st</sup> March, 2023***

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**Mr. Speaker,** following concerns raised by campaigners and Parliamentarians about behaviour known as "Revenge Pornography", the Government created a new criminal offence to ensure that this behaviour is fully captured by the criminal law. Revenge pornography is a broad term usually involving an individual, often an ex-partner, uploading onto the internet intimate

sexual images of the victim, to cause the victim humiliation or embarrassment.

I rise today, to inform this Honourable House that the *Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021*, received *Royal Assent on the 11<sup>th</sup> June 2021*, and the “non-consensual sharing of intimate images” aka “revenge porn” (sections 199A to 199E) were inserted into the Criminal Code from 15<sup>th</sup> June 2021.

When legislators consider changes to criminal justice legislation, they often face the question of whether the changes will prevent people from committing crimes.

**Mr Speaker**, I have been advised by the Director of Public Prosecutions (‘DPP’), and am pleased to report, that in the eighteen (18) months since the introduction of those sections, there have been few incidents of this type brought to her attention for a decision on prosecution, in relation to adult offenders.

Unfortunately, the DPP reports that there has been an uptake in complaints among our young people since the onset of the COVID-19 Pandemic, which are just recently coming to light.

In deciding whether to bring a public prosecution in relation to these complaints, the DPP has shared that when assessing whether a prosecution is required in the public interest, attention must be given to the principles set out in the Code for Crown Counsel, but that also in these cases, one factor that may warrant particular consideration is the involvement of younger or immature perpetrators. Children may not appreciate the potential harm and seriousness of their communications, and as such, the age and maturity of suspects should be given significant weight, particularly if they are under the age of eighteen (18).

**Mr. Speaker**, the consequence of our children involving themselves in this type of behaviour results in them being exposed, humiliated, embarrassed, or caused reputational damage. Undoubtedly, the stress and trauma imposed on the victims of such acts, and their

families, can be far-reaching. Globally, in the gravest of cases, affected persons have contemplated, attempted or committed suicide because of the associated distress and embarrassment. In some circumstances the threat to distribute intimate images is intended to cause alarm to other affected individuals, not only harm to the person recorded in the intimate image. Whatever the likely or intended harm, once intimate images have been shared digitally without consent, it is difficult or impossible to contain them from spreading like wildfire.

In preparation for prosecutions that may result, the DPP has ensured that the Crown Counsel in her department are appropriately trained. The Department's November 2022, training specifically involved a discussion on framing and definition of terms; an examination of the statutory infrastructure that supports a revenge porn prosecution; and advocacy techniques that prosecutors might find useful in their presentation of these cases. As a result of this training, a specific

policy for the prosecution of these offences is being created by the DPP.

**Mr. Speaker**, the Department of Public Prosecutions works closely with the Vulnerable Persons Unit of the Bermuda Police Service. A team of representatives from the Department of Public Prosecutions and from the Vulnerable Persons Unit will soon commence a series of presentations at CedarBridge Academy, to educate students about matters concerning Revenge Porn, Intimate and Prohibited Images and Child Abusive Material. It is hoped that other senior schools will soon follow suit.

**Mr. Speaker**, the Government has been unfaltering in reforming our laws to ensure adequate safeguarding of our children, and guaranteeing that the new child safeguarding laws are effectively implemented and operationally successful.

In closing, **Mr. Speaker**, I extend additional gratitude to the DPP and her stalwart team of Crown Prosecutors and Witness Care

Officers for their persistent efforts to support victims and achieve successful prosecutions in these extremely sensitive cases.

When speaking on this topic, **Mr. Speaker**, I always close with a clarion call to the public to remind us that every child deserves a safe and healthy childhood; which means that we must all remain vigilant and play our role as we continue to protect our children from those who seek to cause them harm.

Thank you, **Mr. Speaker**.