

## Terms of Reference

### Review of the Sexual Offences and Obscene Publications Act 2021

#### 1. Background

The Sexual Offences and Obscene Publications Act 2021 (“the Act”) was introduced to modernise the Isle of Man’s legal framework concerning sexual offences and obscene publications.

The previous act, the Sexual Offences Act 1992 was based largely on earlier UK legislation and although it included provisions for offences such as rape, indecent assault, and unlawful sexual intercourse, it lacked coverage of many modern offences. It did not reflect contemporary understandings of consent, digital abuse, or safeguarding.

Key limitations of the 1992 Act included:

- **Outdated definitions** of sexual offences, particularly around consent and coercion.
- **Limited scope** for offences involving digital technology (e.g., image-based abuse, online grooming).
- **Insufficient sentencing powers** for serious offences against children.
- **No provision** for preventative orders such as Sexual Harm Prevention Orders or Sexual Risk Orders.
- **No legal recognition** of offences like voyeurism, upskirting, or revenge porn.

The 2021 Act modernised and consolidated laws relating to sexual offences and obscene publications. It was developed to completely replace the Sexual Offences Act 1992 and to respond to digital offending such as upskirting and revenge porn.

The Minister for Justice and Home Affairs committed to undertaking a review of the impact of the Act 18 months after its introduction. The Act took effect for the most part from 25 March 2024, so has now been in operation for 18 months.

#### 2. Purpose of this review

To evaluate the operationalisation, impact, and effectiveness of the Act across law enforcement, prosecution, judiciary, and victim support services, with a view to identifying areas for improvement or future amendment.

### **3. Objectives**

#### ***a. Implementation and Enforcement***

- Assess how the Act has been operationalised by:
  - Law enforcement agencies
  - Prosecution services
  - The judiciary
- Examine effectiveness of training requirements, systems, and processes introduced or adapted to support implementation.

#### ***b. Impact of the Introduction of the Act***

- Determine whether the Act has created additional demand.  
Evaluate the impact on resourcing and capacity within:
  - The Police
  - Prosecution services
  - The judiciary

#### ***c. Impact for Victims***

- Review access to justice for victims under the Act.
- Analyse the overall victim journey, including support services and procedural experience.

#### ***d. Sentencing***

- Review sentences imposed under the Act
- Consider comparators

#### ***e. Particular Focus: Child Sexual Offences***

- Assess enforcement, prosecution, and sentencing data specific to child sexual offences.  
Review the impact on child victims, including access to justice and support services

### **4. Areas for consideration**

- Document and data review: Legislation, operational guidance, statistical data and invited written submissions.
- Stakeholder engagement: Interviews and surveys with Police, prosecutors, judiciary, victim support organisations, advocacy groups and defence advocates via the Isle of Man Law Society.
- Case analysis: Selected case studies to illustrate implementation and outcomes.
- Comparative review: Benchmarking against similar legislation in other jurisdictions.
- Anonymity provisions and their impact

## **5. Governance**

The review is commissioned by the Department of Home Affairs

The Terms of Reference are to be approved by the Department and shared with the Council of Ministers for consideration, given the significant public interest in this matter.

### Publication and Next Steps

- It is proposed that the executive public summary and recommendations will be published alongside a department response outlining how the recommendations will be taken forward.
- The timing for deliverables (interim report, final report and executive summary) is currently indicative and will be finalised once discussions with the commissioned reviewer have concluded. Planning timing will be included once confirmed.

### **Deliverables**

- Interim findings report
- Final review report with recommendations and executive public summary to be published summer 2026