



JUDICIARY OF  
ENGLAND AND WALES

27 February 2023

SUMMARY OF THE DECISION IN

FGX v GAUNT

1. **Following the conduct under scrutiny in this claim, the Defendant was convicted of voyeurism, an offence to which the provisions of the Sexual Offences (Amendment) Act 1992 apply. Under those provisions where a sexual offence has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with Section 3 of the Act. In addition, the Claimant has the benefit of an anonymity order pursuant to CPR 39.2(4).**
2. This is an assessment of damages in a claim arising from the covert recording of naked images of the Claimant and their subsequent publication on a pornographic website, alongside a photograph of the Claimant's face. The expert evidence considers that the likelihood of the images being replicated elsewhere is high. The knowledge that naked images of her are on the internet, available to the public, has caused the Claimant to suffer from chronic post traumatic stress disorder, leading to an enduring personality change (§1 judgment).
3. The term 'revenge porn' is commonly used to describe the Defendant's conduct but the term conveys the impression that a victim somehow deserved what happened to them. The description suggested by Counsel and used in the judgment, is image-based abuse (§2 judgment).
4. The claim is thought to be the first case of its type to come before the civil courts in England and Wales (§3 judgment).
5. The Court awards general damages of £60,000 and special damages of £37,041.61 for consequential financial losses, making a total of £97,041.61 (§6 & 74 judgment).
6. The Court made the following findings relevant to the assessment of damages (§35 judgment):

- 6.1. The Claimant and Defendant were in a personal and intimate relationship at the relevant time.
- 6.2. The images show the Claimant naked in the shower and bathroom and sleeping topless. They are intimate images, albeit not of sexual activity.
- 6.3. The relationship between the Claimant and Defendant did not involve any intimate image-based activity.
- 6.4. The images were uploaded onto a pornographic website accompanied by a photograph of the Claimant's face, making her recognisable to anyone who knows her.
- 6.5. It is not known how many images were uploaded or the extent to which they have been replicated and downloaded. The expert assessment is that the likelihood of the images having being replicated elsewhere is high and it would be rare for there to be less than 20 images available to view.
- 6.6. The available evidence indicates the Defendant obtained payment for uploading the images.
- 6.7. As a result of the Defendant's conduct, the Claimant suffers from chronic PTSD. She is one of a minority of cases in which PTSD becomes chronic over several years, causing an enduring personality change.
- 6.8. Separately, the Claimant has suffered a relapse of an existing mixed Anxiety and Depressive disorder, of which greater than 50% is attributable to the Defendant's conduct.
- 6.9. The continued existence of the images online is a significant source of ongoing distress to the Claimant and a barrier to her recovery.
- 6.10. The Defendant's conduct has had a serious impact on the Claimant's private life and lifestyle. She has lost trust in people and become reclusive, to the extent of changing her job and refraining from personal relationships.

**NOTE This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are publicly available documents. A copy of the judgment as handed down can be obtained at <https://www.judiciary.uk/judgments/> or <https://caselaw.nationalarchives.gov.uk/>**