



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Consultation on Proposals to Criminalise Sexually Explicit Deepfake Images

RESPONSE FORM

RESPONDING TO THIS CONSULTATION

The Department of Justice is seeking views on proposals to criminalise sexually explicit deepfake images.

Please use this form to provide your response, and once completed send by **email** to: CPU@justice-ni.gov.uk or by **post** to:

Department of Justice
Criminal Policy Unit
Knockview Buildings
Stormont Estate
Belfast
BT4 3SJ

Additional pages may be submitted if required.

Responses should be submitted by **11:59pm on the closing date of 6 October 2025.**

IDENTIALITY AND ACCESS TO INFORMATION LEGISLATION

ABOUT YOU

Please provide your name and details in this section.

All information will be handled in accordance with the General Data Protection Regulation (GDPR)

I am responding as... *(Please choose one option only)*

☐ A member of the public (please indicate if you are content for your name to be shared)

☒ On behalf of an organisation

☐ Other.....*(Please specify)*

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The Commissioner for Victims of Crime Office was formed in 2022 to amplify the voices of victims of crime to effect positive change.

The Commissioner Designate strongly supports the Department's intention to make it an offence to create, request the creation of, share or threaten to share sexually explicit deepfake images and welcome the opportunity to respond to this consultation.

It is the view of this office that legislation could be significantly strengthened if it was made an offence to create, request the creation of, share or threaten to share a sexually explicit deepfake, without the consent of the victim, regardless of the motivation or intention of the individual guilty of that offence.

It is important that any legislation protects victims, regardless of the motive of those carrying out the offence.

The issue has been raised by Professor Claire McGlynn and others, including the Law Commission in England and Wales, as to the substantial challenges that would arise from any attempts to make motive requirements necessary for a successful prosecution under new laws. A focus on the perpetrator's motivation "significantly limits the utility and application of the law" (McGlynn, 2019)¹

It is understandable that the Department wants to make sure that anyone who is convicted of these offences can be managed e.g. through the sex offenders register, however there should be a way to safely manage these individuals without creating any of the difficulties identified by Professor McGlynn and others.

It would be useful for the Department to explore how offenders could be managed, e.g. through being placed on the sex offenders register, without including motivation in the legislation.

The question of motivation may be better placed when a judge is considering sentencing, as lack of sexual or malicious intent may be cause for mitigation whereas a motivation to sexually humiliate or prevent a victim from being able to live their lives in public or online, such as in the case of Cara Hunter MLA being targeted in the run up to an election, may be aggravating factors. Examination of motivation in pre-sentencing reports and allowing for judicial discretion and consideration of whether an offender should be subject to notification requirements, may be a more practical approach.

This is also an issue that has been addressed in other jurisdictions. For example, in Victoria in Australia, legislators have approached this by making the offence based on consent, rather than motivation. So, while the intention of creating these offences is positive, this legislation could be strengthened to better serve victims of crime.

The Commissioner Designate has concerns regarding the maximum length of sentence suggested in this consultation.

¹ (McGlynn, 2019)

Sentencing is one of the most complex issues in our criminal justice system, it is also one of the issues most raised by victims who engage with the Commissioner for Victims of Crime Office.

The sentences suggested are on summary conviction, imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both and on conviction on indictment, imprisonment for a term not exceeding two years.

This raises the question as to whether the suggested sentences accurately reflect the deep, long-lasting harm caused to victims of these crimes. It is instructive to note that in other jurisdictions, for example in Australia, maximum sentences with aggravating factors can reach up to seven years.

It is important that the sentences imposed reflect the harm caused by a crime. There is often a perception that because something happens online or because these are non-contact offences, that they are somehow less harmful.

We know from research that victims of image based abuse face similar psychological harms to those affected by physical sexual abuse. (Nguyen, 2025)

As the Australian eSafety Commissioner notes, impact of sexual deepfakes can include:

“...negative impacts on mental health and career prospects, as well as social withdrawal and interpersonal difficulties. Victim-survivors have also described how their experiences of image-based abuse radically disrupted their lives, altering their sense of self, identity and their relationships with their bodies and with others.” (Grant, 2024)

Victims describe the impact of never knowing who has seen these images as impacting every part of their day to day lives, for the rest of their lives. Many victims fear that even if they go to the police, even if the perpetrator is convicted, that those images will still exist and may resurface at any time.

Also, our collective understanding of the profound harm of so-called ‘non-contact’ sexual offences has evolved in recent years, incorporating a more nuanced understanding of the ongoing impact of non-consensual sexual imagery being in the public sphere or having been created with the potential to enter the public sphere.

The permanency and potential for long-ranging damage to a victim's life, sense of bodily autonomy, privacy, and employability are relevant factors which should be taken into account when sentencing tariffs are being considered. In light of this evolution of thinking, the department may wish to consider whether similar so-called ‘non-contact’ offences such as creating, disclosing or threatening to disclose private sexual images, upskirting and downblousing, should also attract stronger sentence tariffs.

While the development of Artificial Intelligence has been heralded as a great technological leap forward, it has also created opportunities for people to cause harm against others.

One of the most obvious examples of this is through the creation of deepfake images, particularly those of a sexual nature.

As the UK Government has noted the proliferation of these hyper-realistic images has grown at an alarming rate and raises serious challenges for governments across the world.

Tackling this issue is important as part of the Executive's programme for government. It clearly aligns with the Executive's priority for safer communities, but also the Executive's Ending Violence Against Women and Girls' strategy, as it is women and girls who are disproportionately the target of these heinous acts.

The impact on victims of the creation and sharing of sexually explicit deepfake images is clear. These images have a devastating, real-world, impact on those who are targeted.

It is really positive to see the Department taking steps to tackle this issue and really important that any legislative changes are as effective and strong as possible.

If you would like to discuss any of these points in further detail, please contact the office via:

Tel: 028 9052 6607

Email: policy@cvocni.org

References

- Grant, J. I. (2024, July 24). *Addressing deepfake image-based abuse*. Retrieved from <https://www.esafety.gov.au/newsroom/blogs/addressing-deepfake-image-based-abuse>
- McGlynn, C. R. (2019). *Shattering Lives and Myths: A Report on Image-Based Sexual Abuse*. . Australian Research Council (ARC).
- Nguyen, N. T. (2025, August 13). Retrieved from Czech Centre for Human Rights and Democracy: <https://www.humanrightscentre.org/blog/how-deepfake-pornography-violates-human-rights-and-requires-criminalization#:~:text=Testimonies%20of%20victims%20of%20deepfake,over%20their%20identity%20%5B1%5D>.

The Department is seeking your views on the following questions

Questions 1 to 6 relate to Chapter 4 of the consultation: Proposals to make it an offence to create, or request the creation of, a sexually explicit deepfake image

Q.1 Do you agree with the proposal to legislate to criminalise the creation, or requesting the creation, of a sexually explicit deepfake image, without the consent of the person depicted in the image, or a reasonable belief in their consent, with the intention of causing humiliation, alarm or distress to the person depicted in the image?

☒ Yes

☐ No

Q.2 Do you agree with the proposal to legislate to criminalise the creation, or requesting the creation of, a sexually explicit deepfake image, without the consent of the person to be depicted in the image, or a reasonable belief in their consent, for the purposes of sexual gratification?

☒ Yes

☐ No

Q.3 Do you agree with the proposal that the creation, and requesting the creation, of sexually explicit deepfake images should be hybrid offences?

☒ Yes

☐ No

Q.4 Do you agree with the inclusion of motivations in the offences, bearing in mind that where the offence is proved to have been committed for the purposes of sexual gratification, the offender will be subject to risk management measures such as the sex offender notification requirements?

☐ Yes

☒ No

Q.5 Do you agree with the proposal to include the element of recklessness in the offences?

☒ Yes

☐ No

Q.6 Do you agree with the penalties proposed for the offences which are:

- on summary conviction, imprisonment for a term not exceeding six months-or a fine not exceeding the statutory maximum, or both;
- on conviction on indictment, imprisonment for a term not exceeding two years.

☐ Yes

☒ No

If you have answered 'No' to any of the questions above, please provide some details below on the reasons why you do not support the proposal/s.

As described above, the impact of these crimes on victims is significant and it is important that sentences reflect the harm these crimes cause. The Commissioner Designate also has concerns about the potential for an individual to have committed these offences against multiple victims, given the ease of creating these images.

Questions 7 to 14 relate to Chapter 5 of the consultation: proposals to make it an offence to share, or threaten to share, a sexually explicit deepfake image

Q.7 Do you agree with the proposal to legislate to criminalise intentionally sharing a sexually explicit deepfake image without consent, or a reasonable belief in consent, with the intention of causing humiliation, alarm or distress to the person depicted in the image?

☒ Yes

☐ No

Q.8 Do you agree with the proposal to legislate to criminalise intentionally sharing a sexually explicit deepfake image without consent, or a reasonable belief in consent, for the purposes of sexual gratification?

☒ Yes

☐ No

Q.9 Do you agree with the inclusion of motivations in these offences, bearing in mind that where the offence is proved to have been committed for the purposes of sexual gratification, the offender will be subject to risk management measures such as the sex offender notification requirements?

☐ Yes

☒ No

Q.10 Do you agree with the proposal to legislate to criminalise threatening to share a sexually explicit deepfake image?

☒ Yes

☐ No

Q.11 Do you agree with the proposal to include the intention to cause fear or distress in this offence?

☐ Yes

☒ No

Q.12 Do you agree with the proposal to include a recklessness element in the offences?

☒ Yes

☐ No

Q.13 Do you agree with the proposal that these should be hybrid offences?

☒ Yes

☐ No

Q.14 Do you agree with the penalties proposed for the offences which are:

- on summary conviction, imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
- on conviction on indictment, imprisonment for a term not exceeding two years.

☐ Yes

☒ No

If you have answered 'No' to any of the questions above, please provide some details on the reasons why you do not support the proposal/s.

Question 15 relates to Chapter 7 of the Consultation: Definition of sexually explicit deepfake images for the purposes of the proposed offences

Q.15 Please provide details of any aspects of sexually explicit deepfake images that you think should be captured within the definition.