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Marie Collins Foundation

Written Evidence Submission to Committee for Justice

Call for Evidence on Criminal Justice (Sentencing, etc) Bill Northern Ireland

5th May 2026

SUMMARY ISSUES AND RECOMMENDATIONS

The Marie Collins Foundation believes there is an urgent and compelling need for more robust sentencing for Technology-Assisted Child Sexual Abuse (TACSA) and Child Sexual Abuse Material (CSAM) offences. We recommend the following:

1. Sentences for TACSA, including CSAM offences, need to be properly commensurate with the harm.
2. There should be a reduction in the use of suspended sentences and community orders for convictions of TACSA and CSAM, at any court level.
3. The Unduly Lenient Sentence Scheme should be expanded to include TACSA offences which are heard summarily, rather than on indictment only.
4. Good character evidence should not be permitted as mitigation in sentencing of TACSA/CSAM offenders.

Introduction

1.1

The Marie Collins Foundation (MCF) is charity working throughout the UK on the topic of Technology-Assisted Child Sexual Abuse (TACSA). The charity is fifteen years old and is the only UK charity dedicated to the topic of TACSA. MCF exists to support victims and survivors of TACSA post-abuse, to facilitate their healing and recovery.

1.2

Our field of engagement includes direct and indirect support and advocacy with victims and survivors of TACSA. This includes work with children, young people and their families in the aftermath of TACSA. We liaise and support academic partners in research



Company number: 7657115

Charity number: 1144355

Patron: Marie Collins

endeavours on this topic; we promote and advocate for inclusion of lived experience perspectives, to inform and influence improved prevention and response to TACSA, domestically and internationally. We create and deliver specialist training to professionals to equip them for better intervention and support for those who have experienced TACSA and to promote a victim-focused, recovery approach. Additionally, we convene a Lived Experience Group (LEG), comprising victims of both Child Sexual Abuse (CSA) and TACSA and our membership is represented from victims and survivors across the UK, including Northern Ireland.

1.3

Our staff team are professionals from key practice areas, including social work, police and law. This evidence is submitted by Karen Garland, Head of Policy.

1.4

MCF would like to be considered to give oral evidence to the Committee for Justice.

What is TACSA? Nature and Scale

2.1

TACSA (Technology Assisted Child Sexual Abuse) is a serious form of sexual harm committed against children and young people. Technology is used as the medium to facilitate and enable the abuse of children and young people. TACSA covers a range of sexual offending against children, including but not limited to online grooming; livestreaming of abuse; creation, sharing, downloading of Child Sexual Abuse Material (CSAM). Please note that in this submission, we will be concentrating our analysis and recommendations to sentencing of CSAM offences.

2.2

The National Crime Agency has suggested that child sexual abuse mediated by technology is a growing threat to children¹. Figures from the Internet Watch Foundation further support that TACSA is a ballooning problem², with Protect Children (2025) estimating one in eight children globally experience some form of image-based sexual abuse³. Childlight (2025)⁴ found that 1 in 5 western European children faced unwanted

¹ [NSA 2025 - Child Sexual Abuse - National Crime Agency](#)

² [2024: Record Highs in Online Child Sexual Abuse | IWF Urge Action](#)

³ [c56297_5ef0086f8b974f8da42a4ceeb11ef038.pdf Through the Lens: Insights into Image-Based Child Sexual Violence.](#)

⁴ [Childlight - Childlight](#)

or pressured sexual interaction online by the age of 18. Home Office figures (2024)⁵ show that indecent images of children now account for nearly 40% all child sexual abuse offences (41,033 out of 102,878 offences). The Internet Watch Foundation has recently highlighted that 2025 was the worst year on record for online Child Sexual Abuse Material (CSAM), as well as a surge in AI-Generated CSAM⁶.

2.3

The Vulnerability Knowledge and Practice Program (VKPP) report (2023)⁷ offers figures showing the scale of TACSA, in comparison to all child sexual abuse and exploitation (CSAE) cases recorded by the police. In 2023, there was a total of 115,489 overall offences recorded. At least 35% (n = 40,875) of these were noted as having online or technological aspects to the crime. Of those offences that were exclusively online, 76% were Indecent Images of Children (IIOC) (n = 31,134). The VKPP (2024) also acknowledge that the majority of online crimes go unreported, meaning the true scale of abuse against children online is not known⁸. Protect Children and Ofcom's recent research (2026)

⁵ Home Office – Police Recorded Crime Open Data Tables, (2025) [Historic police recorded crime and outcomes open data tables - GOV.UK](#)

⁶ [AI becoming 'child sexual abuse machine', warns IWF](#)

⁷ [Totality-year-2-report-National-Analysis-of-Police-Recorded-CSAE-Crimes-Report-2023_compressed.pdf](#)

⁸ [VAWG-Strategic-Threat-and-Risk-Assessment-underpinning-and-informing-the-2024-VAWG-Statement-v2.pdf](#)

demonstrates how existing technological architecture contributes to access and creation of CSAM⁹. This study also demonstrated a lot of early and unintentional exposure towards CSAM by children and young people themselves. If this is accurate, we could expect more convictions for CSAM, when some of these children reach adulthood, if they have not desisted by then. Indeed, the offenders in the study noted that CSAM is “all over the normal (clear) web” (p22). Furthermore, “accessibility of CSAM is a key driver of abuse” (p23) and the online ecosystem is enabling offenders, with a “permissive” quality (p23).

Evidence base: impact on victims

3.1

Research demonstrates the impact of TACSA is comparable with contact forms of CSA. Empirical literature highlights the longitudinal and detrimental impacts of TACSA. Victims of TACSA experience trauma that is often indistinguishable, or even more severe than that caused by perpetrator-contact child sexual abuse. Key impacts include:

- Severe psychological distress: PTSD, anxiety, depression and suicidal ideation

⁹ Protect Children. (2026). CSAM Perpetrator Research Report: Findings from a Survey of CSAM Perpetrators on Digital Platform Use and Design (Tell Me More About Tech). <https://www.protectchildren.fi/en/post/tmat-csam-perpetrator-research-report>

- Enduring trauma: The digital permanence of abuse images means victims are re-traumatised each time their images are viewed or shared
- Profound identity disruption: Victims report shame, self-blame, and a loss of trust in others and themselves

3.2

The Marie Collins Foundation has observed the impact of TACSA in the children and young people we support. This also includes adult victims and survivors we engage with in our lived experience and all voices work.

3.3

We have conducted a desktop review of our direct work, and we note the profound and persistent mental health impacts of TACSA on victims' lives. This research has been peer-reviewed and will be published later this year. We are happy to share this research with the Committee for Justice, when publicly available.

3.4

MCF believes there is an alarming misconception of the impact of TACSA, including CSAM, within statutory processes. Specifically, abuse occurring because of technology

is commonly construed as less serious than abuse occurring where an offender is physically present with a child or young person. This is an incorrect and potentially damaging understanding. Where abuse occurs via technology, whether this is online sexual grooming or the taking of sexual images of children, a child has *been directed, coerced, exploited or threatened* to perform sexual acts on themselves (or others). Contact sexual abuse occurs, but under the full instruction and manipulation of an offender. The use of technology (whether contact is made via phones, tablets or computers) still permits an offender to have close access to the child or young person. It is damaging to designate TACSA as a form of distal and less serious sexual offending against children. Peer-reviewed research offers much needed clarity on the deep effects of TACSA, comparable to (or potentially worse than) traditional CSA.

3.5

We offer the following examples from academic research to illustrate the impacts of TACSA across a victim's life course.

Forrester Fellowes et al. (2026)¹⁰: Victims of TACSA face enduring psychological and mental health problems. The digital evidence and digital permanence, as well as potential virality of the abusive images are “unique features” (p1) of TACSA, which

¹⁰ [Frontiers | The psychological impact on and mental health outcomes for victim-survivors of technology-assisted child sexual abuse: a systematic literature review](#)

exacerbate trauma impacts on victims' mental wellbeing. Importantly, the authors note that given how TACSA/CSAM content is often shared and downloaded, it is a unique form of CSA and is therefore “not a one-off event” (p2).

Schmidt et al. (2023)¹¹: Adult survivors of childhood online abuse report long-term impacts on mental health, relationships, and self-worth.

Joleby et al. (2020)¹²: Victims of TACSA experience trauma comparable to contact CSA, including fear, self-blame, and long-term psychological harm.

McGlynn et al. (2020)¹³: Image-based sexual abuse causes social isolation, existential fear, and constrained liberty – hallmarks of violent trauma.

Quayle (2017)¹⁴: Explores the psychological and emotional impact of online child sexual abuse, including grooming and image-based offences. The review emphasizes that children are “persuaded or pressured into the activity, rather than forced” (p6), yet the harm is profound and lasting, often equating to that of contact abuse.

¹¹ [Frontiers | Understanding the prolonged impact of online sexual abuse occurring in childhood](#)

¹² [Frontiers | “All of Me Is Completely Different”: Experiences and Consequences Among Victims of Technology-Assisted Child Sexual Abuse](#)

¹³ [‘It’s Torture for the Soul’: The Harms of Image-Based Sexual Abuse - Clare McGlynn, Kelly Johnson, Erika Rackley, Nicola Henry, Nicola Gavey, Asher Flynn, Anastasia Powell, 2021](#)

¹⁴ [Over the Internet, Under the Radar: Online Child Sexual Abuse and Exploitation – a brief literature review](#)

3.6

Members of our Lived Experience Group of adult victims and survivors have articulated their concerns to us around current sentencing practices. One member offered the following reflections:

“...the lenient sentencing around TACSA offences makes it feel as though the abuse is being minimised. Victims like myself are left to carry the trauma while the consequences for the offender seem limited.

Non-custodial sentences, in particular, can make victims feel unsafe. Knowing that an abuser may still be in the community can be deeply unsettling and may prevent victims from feeling truly protected.

I also want to stress that if the justice system doesn't hand down serious consequences, it sends the wrong message to perpetrators. If someone believed they could commit serious harm and still avoid prison, why would they stop?”

Sentencing Issues (UK and Northern Ireland)

4.1

The Marie Collins Foundation has been collecting publicly available examples of sentences for TACSA offences, specifically CSAM across the UK. This data suggests that while there are many successful convictions for CSAM, sentences are often at the lower end of the available sentence range. Our evidence indicates that convicted offenders will

often receive either suspended sentences or community orders, rather than custodial sentences. We are willing to supply this information to the Committee for Justice, if helpful.

4.2

In Northern Ireland indecent images of children offences (i.e. TACSA and CSAM) are covered by the following legislation:

- Protection of Children (NI) Order 1978 s.3
- Criminal Justice (Evidence, Etc.) (NI) Order 1988 s.15
- Sexual Offences (NI) Order 2008 ss. 37-40
- Coroners and Justice Act 2009 s.62
- Serious Crime Act 2015 s.69

Available sentences for CSAM convictions falling under this legislation are:

	Maximum (on indictment)	Maximum (summary)
Protection of Children (NI) Order 1978 s.3	10 years' imprisonment	6 months' imprisonment And/or statutory maximum fine

<p>Offence: Taking, making, distributing, showing or possessing indecent photographs or pseudo-photographs of children.</p>		
<p>Criminal Justice (Evidence, Etc.) (NI) Order 1988 s.15</p> <p>Offence: Possession of an indecent photograph of a child.</p>	<p>5 years' imprisonment</p>	<p>6 months' imprisonment</p> <p>And/or statutory maximum fine</p>
<p>Sexual Offences (NI) Order 2008 ss. 37-40</p>	<p>Articles 37 & 38 (Child under 13): Life imprisonment</p>	<p>(Indictable only)</p>

<p>Offences: Causing or inciting a child to engage in sexual activity, sexual activity with a child, and related offences involving children under 13 and under 16.</p>	<p>Articles 49 & 40 (Child under 16): 14 years' imprisonment</p>	
<p>Coroners and Justice Act 2009 s.62</p> <p>Offence: Possession of a prohibited image of a child (non-photographic images)</p>	<p>3 years' imprisonment</p>	
<p>Serious Crime Act 2015 s.69</p> <p>Offence: Possession of an item containing advice or</p>	<p>3 years' imprisonment</p>	

guidance about abusing
children sexually.

4.3

The following disposal statistics for the key CSAM offences were made available to the Marie Collins Foundation, on request from the Department of Justice, NI. The department publishes a range of open access statistics and analysis¹⁵. We sought information on the following types of offences, as these are some of the commonly understood forms of offending against children through the medium of technology (TACSA & CSAM):

- Protection of Children (NI) Order 1978 s.3
- Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 s.15
- Sexual Offences (NI) Order 2008 ss. 37-40
- Coroners and Justice Act 2009 s.62
- Serious Crime Act 2015 s.69

¹⁵ [Statistics and Research | Department of Justice](#)

Prosecutions and convictions by court type for indecent images type offences 2020 – 2024

	Crown Court		Magistrates' courts		All courts	
Year	Prosecutions	Convictions	Prosecutions	Convictions	Prosecutions	Convictions
2020	44	38	15	8	59	46
2021	92	85	26	18	118	103
2022	101	93	18	8	119	101
2023	85	76	21	15	106	91
2024	80	71	24	15	104	86

Note:

1. Figures relate to initial disposals at courts. Appeals are not included.
2. Figures for magistrates' courts include adult and youth courts.
3. Figures relate to cases where there was a prosecution for at least one offence relating to indecent images under Protection of Children (NI) Order 1978 s.3, Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 s.15, Sexual Offences (NI) Order 2008 ss. 37-40, Coroners and Justice Act 2009 s.62 or Serious Crime Act 2015 s.69.

Main Disposals following conviction at all courts for indecent images-type offences

2020-2024

Disposals	2020	2021	2022	2023	2024
Imprisonment	17	25	27	31	25
Suspended Custodial	4	#	#	#	17
Community sentence	25	65	62	46	44
Other	-	*	*	*	-
Total	46	103	101	91	86

Note:

1. Figures relate to initial disposals at courts. Appeals are not included.
2. Figures relate to main disposal imposed following conviction for at least one of the offences specified, at Crown Court or magistrates' courts.
3. Figures relate to cases where there was a conviction for at least one offence relating to indecent images under Protection of Children (NI) Order 1978 s.3, Criminal Justice

(Evidence, Etc.) (Northern Ireland) Order 1988 s.15, Sexual Offences NI Order (2008) ss.37-40, Coroners and Justice Act 2009 s.62 or Serious Crime Act s.69

*Means a figure of less than 3 has been treated under rules of disclosure.

#Means a figure of 3 or more have been suppressed to prevent disclosure of a small number elsewhere.

(Please note that figures for 2025 were not yet available at the time of writing).

4.4

At MCF, we believe that sentences for CSAM should reflect the harm (including onwards impact) on victims. Given the harm, as well as the prevalence of CSAM, we believe that suspended sentences and community orders should not be available as sentencing options for these types of offences. Rather, we recommend that the new bill excludes CSAM offences as a special category, so that suspended sentences and community orders cannot be handed down automatically, as the primary form of sentence. Rather, custodial sentences must be available and appropriately considered for CSAM offences, in order to reflect the gravity of the harm caused to children and young people (whether the victims are identifiable or not).

Police Attitudes to Sentencing

5.1

MCF has engaged with several police officers working in online child sexual abuse investigation, including POLIT (Paedophile On-Line Investigation Teams), working in various police forces in England. While this is derived from their experience working in England, we believe their insight and viewpoints are of value to the Committee for the Northern Irish context also. We want to reflect their views and attitudes on the current state of sentencing. MCF believes the approach to sentencing of TACSA and specifically CSAM offences are broadly comparable in both England and Northern Ireland.

5.2

The following quotations have been provided by these officers to the Committee for Justice in respect of sentencing for TACSA offences, including CSAM. We have anonymised their input and any identifiable details.

5.3

Officer 1

“I have worked within the internet child abuse investigation team since 2015, my role as an officer involves the initial arrest, family welfare, interview of the suspect as well as prepare the case for court.

I also review their digital devices once they are carved and ready for me to view.

This work is painstaking, slow and often has profound effects on the officers who review this material. We can view and grade hundreds of thousands of images and movies of some of which are the stuff of nightmares grotesque, horrific and so very deeply distressing to view. Some for me are burnt into my memories.

We write reports, but no amount of words can ever do justice to the horrific sickening sexual acts inflicted on the children, to get the court to really understand what is happening to a child, words seem so very cold and lack the true horror that unfolds.

We are human, and we work in this arena because we care deeply about the safeguarding of children, we find ourselves sometimes imagining both the physical and psychological effects this abuse has on the children. Yet when we add this to our forensic reports we are told “you are not paediatricians so cannot comment on such things”.

Our law books talk of the average man or woman on the street and their thoughts on such things as public order, yet we as accredited graders, and in my case trainer of child abuse images cannot state that a 2 year old toddler having an erect adult males penis pushed into their anus or vagina would be painful, that a child drugged and thrown around like a rag doll would have a profound psychological effect on them, that being hit, or forced into having sex with animals wouldn't have any effect on them, is simply staggering.

The courts simply fail to understand that behind every child in the images, whether Category C or A they are being sexually abused they are victims of the most evil acts inflicted on a child. A fact I feel is lost and diminished in every sentence given.

When I first worked in the unit, suspects often went to prison, they almost always got suspended sentences. Nowadays you can be given a community order, be told you won't be going to prison as you own a home, have family present.

The truth is you are more likely to go to prison now for saying hurtful words online, the disproportionality of sentencing is difficult to believe and hard to stomach.

The courts are given character references he's a wonderful family man, he'd give you his £5, but do we ask if that witness would let him babysit, take their child swimming, no we don't I suspect the answer would be different in some of these cases.

The court results are weak, insufficient and do not acknowledge the horrors the investigators have seen and most crucially for any child going through such abuse or a survivor of such abuse seeing these results in social media or in the news no hope."

5.4

Officer 2

*"For the past two years, I have worked in Internet Child Abuse investigations. My role covers the full investigative process: arresting suspects, grading the images recovered, and preparing cases for court. This means I am repeatedly exposed to large volumes of child sexual abuse material (CSAM), often on a daily basis. The nature of this material is profoundly distressing. **It is not abstract, theoretical, or victimless — it is the recorded sexual abuse of real children**, and viewing it is an unavoidable part of my job.*

The majority of the images I grade are either previously identified on the Child Abuse Image Database (CAID) or involve children who remain unknown. Many cases involve image offences or sexual communication with a child where the child cannot be seen or identified. **These cases are frequently treated as “victimless crimes”. In court, this perception is reflected in sentencing outcomes that are often disproportionately low given the seriousness of the offending.**

However, the inability to name a specific child does not make these crimes victimless. Every image represents a moment in which a child was abused. Officers grading these images are confronted with that reality repeatedly. The cumulative psychological impact of this work is significant. Officers are required to view material that most people would find unbearable, and they do so in order to protect children and bring offenders to justice. **It is extremely difficult to reconcile the gravity of what we see with the limited weight these offences sometimes appear to carry in sentencing.**

Offender Behaviour and Risk

From my experience, many of the individuals we investigate are not low-risk or opportunistic offenders. **Their behaviour often shows clear patterns of escalation, persistence, and deliberate effort to access, store, and distribute CSAM.** Offenders frequently possess large volumes of material, seek out increasingly harmful content, or

*engage in sexual communication with children alongside image offences. **These behaviours demonstrate sustained intent rather than accidental or isolated conduct.***

*It is also common for offenders to present well in their day-to-day lives — holding stable jobs, relationships, and community roles. **This outward stability can mask the seriousness of their offending and can lead to sentencing outcomes that focus too heavily on their public persona rather than the risk they pose or the harm they have caused.** In my experience, the contrast between an offender’s outward respectability and the nature of their offending is often stark, and this disparity should not be used to minimise the seriousness of the crimes.*

Improvements Needed in Sentencing

From my experience, there are two changes I would suggest that could meaningfully improve the way these cases are approached at court:

- *The introduction of victim impact statements for CSAM cases. Even where the specific child in the images cannot be identified, generic victim statements from survivors of*

CSAM would help courts understand the ongoing harm caused by the circulation and consumption of these images. **This would also help counter the misconception that these offences lack identifiable victims.**

- *The removal of character references as mitigation for defendants in online child sexual abuse cases. **From what I have seen character references are often given considerable weight in sentencing, despite having no relevance to the risk posed or the harm caused.** I am aware of efforts to restrict their use in rape and sexual assault cases, but there appears to be no equivalent consideration for online offences.*

Concerns About Therapist Reports

*I also have significant concerns about the reliance on therapist reports during sentencing hearings. **These reports are frequently used as mitigation, yet therapists assessing defendants for sexual offending risk do not have access to the CSAM evidence. Their assessments are therefore based solely on what the defendant chooses to disclose.** While it is understandable that therapists are not shown the images, this means they are forming professional opinions without any knowledge of the scale, nature, or severity of the offending.*

This creates a substantial gap. A therapist's report may appear authoritative, but if it is based entirely on self-reporting by someone with a clear incentive to minimise their

behaviour, it cannot provide a complete or reliable assessment of risk. **The weight given to such reports during sentencing should be carefully examined.**

Overall, my experience is that sentencing for CSAM and TACSA offences does not adequately reflect the harm caused, the risk posed, or the emotional and psychological impact on those of us who investigate these crimes. Officers are repeatedly exposed to traumatic material in order to safeguard children, yet the seriousness of these offences is not always reflected in the judicial response. These crimes are not victimless, and the current sentencing approach does not fully recognise the severity of the harm involved or the behaviour patterns of the offenders responsible.”

5.5

Officer 3

“Sentences for Technology-Assisted Child Sexual Abuse cases, I believe, are unduly lenient.

-investigations that come about as a result of UCOL (undercover online police officers) are sentenced more leniently because "it's not a real child" (exact words from judges in sentencing hearings I've been present in). This is frustrating because it shows judges clearly don't understand this type of offending. It is very rare for perpetrators to only ever

Speak sexually to one child online ever, and it's incredibly unlucky if the first time they ever did it was with a UCOL. It is much more likely that perpetrators are talking to/have been talking to a number of other children and caused more widespread harm, and we were just lucky enough to have caught them with a UCOL....also, perpetrators likely offend both online and offline so it is lucky we have caught them but it totally discounts the likely other harm they have committed that we don't have evidence of.

-"First time offenders" VERY RARELY go to prison. They are often given community orders or suspended sentences (seemed a prison sentence but in reality, really not). It is very unlikely that they are true "first time offenders" as online offending in this area is committed widely and largely, involving sexual communication and coercion as well as grooming and indecent image downloading and sharing. Why are these offenders not deemed dangerous or risky enough for prison sentences but fraud offenders are?

-management of offenders of TACSA if given shpos (Sexual Harm Prevention Orders), or community orders or bail conditions are not fit for purpose. Police can't monitor their online usage. Offenders regularly offend. There's also no treatment for these offenders offered on sentencing so how is their behaviour going to be any different? There is treatment in prisons (horizon and kaizen programmes).

-Police have to watch, read, look at, listen to, write about, describe, disclose THE most horrific of child sexual abuse material (CSAM). Officers in this area have 2 psychological support sessions per year. How is that safe? How are judges not considering the impact on staff involved in these investigations when sentencing?

-There is a total lack of understanding of grooming and manipulation by child sex offenders in the criminal justice system. Judges use good character from offenders and good behaviour in prison to lessen sentences. CSA offenders regularly groom their way to become Shannon trust mentors, readers, mental health mentors in prison and judges see this as a positive. Why isn't this seen as ways they are further grooming prison staff and prison inmates to get what they want. Additionally judges don't always allow or let victims of these offences read their victim impact statement in courts, so show a complete disregard for victims thoughts feelings and rights and a disproportionate allegiance to the offenders.

-CPS (Crown Prosecution Service) refuse to look at an offender's penis if it was sent in online communication with a child. They ask the police to redact this because it's too graphic. Yet they're dealing with Child Sexual Abuse!! Why is that so important when victims aren't shown any level of importance? Also, it's ok for them to have a total disconnect from the graphic reality of this horrendous crime but it's not ok for investigating officers or victims? Total dismissive attitude towards the severity and impact of this type of crime.

-I have had an investigation where the suspect offered to go on a sex addiction course to avoid prison. This was offered to him and he was praised/commended for this. How can we say child sexual abuse is simply as a result of a sex addiction? Totally dismisses and discounts the impact on victims.

-I have had an investigation where the suspect used image and videos of himself with guns and explosives to force children to do things sexually. But because this was online or was less "dangerous/risky" than in person, so a lesser sentence was imposed".

5.6

MCF strongly urges the Committee to reflect on the important insights of these officers who are deeply involved in the investigative process for TACSA and CSAM crimes.

Unduly Lenient Sentence Scheme (ULSS)

6.1

Although we note that TACSA/CSAM offences are technically in-scope of the Unduly Lenient Sentence Scheme, this only applies to those cases which are heard under Crown Court jurisdiction. As demonstrated in the Department of Justice statistics on disposals earlier in this submission, while some CSAM offences are being dealt with in Crown Courts, there remain a number of cases that remain in Magistrates' Court, leaving them outside of the scope of the ULSS. Given our position on the overreliance on suspended and community sentences, we are concerned that this proportion of Magistrate's Court CSAM cases have no opportunity to be reviewed by the Director of Public Prosecutions in Northern Ireland. This is a structural prejudice in the criminal justice system which requires attention and change.

MCF reflections on the Criminal Justice (Sentencing etc) Bill

7.1

We welcome statutory clarity around the purposes and principles of sentencing (s1(2) and (3)). While it is positive to have legislative commitment to both aspects, we have concerns that other measures in the Bill, along with existing sentencing practice, may undermine the legislative intent here. Specifically with CSAM offences, our analysis suggests that some purposes of sentencing may not be met, given the evidence above. This specifically relates to (proportionate) punishment (i.e. does the punishment fit the crime? Is it commensurate with a proper understanding of harm?) We question how are children and young people protected properly from these types of offenders, when some offenders do not receive custodial sentences and thereby reduce opportunities for offenders to access CSAM online? How will offenders be deterred from further offending, when sentencing practice often results in non-custodial arrangements?

7.2

It is welcome that victims of crime are specifically referenced in s1(2)(b). On s.1 (4) on proportionality of sentences, the law indicates that proportionality goes to the seriousness of the offence(s). In effect though, MCF believes that many CSAM sentences will not meet this proportionality threshold. Sentences for CSAM appear not to be

considered as serious sexual offending, despite evidence of the longitudinal and impactful harm caused to victims. The issue of proportionality and seriousness was also addressed by the input from officers we spoke with.

7.3

Part 2: Suspended Sentences

Section 3 makes provision for the availability of suspended sentences, for a variety of offences. Suspended sentences have potentially wide application, across a range of offence types.

Section 3(2) adjudicates on the seriousness of an offence. It determines that where an offence is not more than 2 years, this is not a serious offence and a suspended sentence is available.

Section 3(3) allows the use of a suspended sentence in the case of a so-called “serious offence”. This means an offence where the sentence may be for up to 7 years.

Section 3(4) further explicates what amounts to a serious offence. This is where an adult offender (over 21 years) has been convicted on indictment and receives a sentence of imprisonment for 5 years or more. In effect, many CSAM offences are not tried on indictment and rarely attract a sentence of 5 years or more. This section therefore reinforces a problematic understanding that CSAM is not a serious form of offending.

While we acknowledge the attempt to consolidate a suspended sentence with one or more community requirements (for example: s.4(2)), MCF remains convinced that channeling CSAM offenders towards suspended sentences, even with one or more community requirements, remains an inadequate sentence type for this type of sexual offending against children. Given children's vulnerability, the imposition of custody is the only suitable approach to CSAM offending.

To activate a suspended sentence to a custodial sentence requires the commission of another imprisonable offence in Northern Ireland during the period of the suspended sentence (s.4(4)(a)). Unfortunately, this is predicated on assumption that a further offence by the offender will be known and investigated. It is important for policy-makers to be aware of the gulf between recidivism and reoffending. While some offenders may indeed reoffend, not all offences will be discovered, disclosed or reported upon. We have supplied some research examples later in this submission on this topic.

S.5 (2) stipulates how long a suspended sentence can be applied for. For non-serious offences, between 1-3 years. For serious offences, between 1-5 years. Does this elongate suspended sentence periods, compared to now? If yes, challenge appropriateness of this policy-making.

s.5(4) stipulates the supervision period attached to community requirements on the suspended sentence order. Supervision must run for at least 6 months, up to 3 years. This means that for some serious offences, supervision for community requirements will end prior to the suspended sentence period. We question whether this is safe and protective.

s.7 attempts to clarify that a suspended sentence is to be treated as a sentence of imprisonment. While MCF understands this to be the legal implication, especially given that a suspended sentence can be revoked and custody can be activated where another offence occurs during the operative period, we question this assertion given the practical implications of a suspended sentence, wherein the offender is permitted to leave court and resume their life, following the sentence being handed down. In supporting victims of TACSA and CSAM, we are acutely aware that a suspended sentence is not seen as a sentence of imprisonment by victims, for all intents and purposes.

S.10 – the court only needs to order a pre-sentence report if it is considering attaching community requirements to a suspended sentence. This does not automatically apply, however. Where the court thinks that the circumstances of the case do not warrant a pre-sentence report, they can issue a suspended sentence with community requirements in

the absence of a PSR. Is this a good thing or a bad thing? Is this the only situation in which a PSR can be required, (and not actually mandated)?

s.10 (7) outlines what a PSR is and its purposes.

Unhelpfully, s.11(4) does not outline the level of experience that the “responsible officer” must have in order to oversee the offender’s compliance with the suspended sentence and community requirements during the applicable periods.

s.13(2) puts a positive obligation on the offender to keep in touch with the responsible officer. This is welcome, but no detail on what happens where they fail to attend to this.

7.4

Part 4: Unduly Lenient Sentences

As previously mentioned, although certain triable either way offences are now included with the scheme¹⁶, this does not extend to CSAM offences.

S.20(2) – this will only apply to sentences convicted on indictment and sentenced at Crown Courts. Again, this excludes the majority of TACSA, including CSAM cases. This proposal therefore will have limited application and is prejudicial to CSAM victims.

The Victims' Commissioner in England recently called for an extension to the timeframes for application to the Scheme¹⁷. This has now been accepted by the Government and will be introduced in the Victims and Courts Bill¹⁸. It would be helpful for victims to have a similar timeframe applied in Northern Ireland and would offer policy alignment on this.

7.5

We welcome the inclusion of vulnerability as a statutory aggravator in s. 36 and the inclusion of all minors as being automatically vulnerable (s.36 (7)). More detail on how

¹⁶ [The Criminal Justice Act 1988 \(Reviews of Sentencing\) Order \(Northern Ireland\) 2019](#)

¹⁷ [Victims-and-Courts-Bill-the-Victims-Commissioner-briefing-RE-the-Unduly-Lenient-Sentencing-Scheme.pdf](#)

¹⁸ [Victims and bereaved get more time to challenge lenient sentences - GOV.UK](#)

this statutory aggravator will uplift TACSA and CSAM convictions would be helpful, though.

Good Character Evidence

8.1

Although we recognise that all offenders require an opportunity to offer mitigation to be taken into consideration during sentencing, we believe this should be curtailed for TACSA and CSAM offenders. MCF supports the need for urgent reform on the use of good character references following conviction of these types of sexual offences.

Previous good character does not prevent someone from being capable of or committing sexual abuse. In fact, good character may even go to the nature of the offending itself. In this way, it should be considered as an aggravator for the purposes of sentencing. The use of good character evidence may therefore, at worst, amount to apologetics for an offender's behaviour. While this may be beyond the scope of the bill, we want to highlight this issue as we believe it is offensive for victims and warrants reform.

8.2

Research from Australia indicates judicial reform in this respect, with a move away from accepting the invocation of previous good character during mitigation. Evidence of an offender's previous good character is not considered a watertight mitigation, because this still suggests that someone of good character can and might commit a CEM (Child Exploitation Material) offence¹⁹. Another study of judicial sentencing practice demonstrates that judges clearly showed disdain for the attempts to invoke prior good character to mitigate the offending, especially given that the majority of offenders have apparent good character, rendering it useless as a submission in mitigation²⁰. The territory of New South Wales is abolishing use of good character evidence at sentencing. This was announced earlier this year²¹. MCF believes a similar approach is needed in sentencing practice in this jurisdiction.

8.3

Victims have expressed to us the importance of Victim Personal Statements (or the equivalent) during sentencing. This is a significant opportunity for victims to outline the

¹⁹ Proeve, M. J., & Wolf, G. (2019). Professional reports for sentencing courts: Recommendations for reporting on child exploitation material offenders' risk of recidivism and prospects for rehabilitation. *Psychiatry, psychology and law*, 26(6), 868-885.

²⁰ Christensen, L. S., & Tsagaris, G. S. (2020). Offenders convicted of child sexual exploitation material offences: Characteristics of offenders and an exploration of judicial censure. *Psychiatry, psychology and law*, 27(4), 647-664.

²¹ [NSW to abolish 'good character' at sentencing - Law Society Journal](#)

personal impact of the offender’s behaviour on their lives. Although offender’s legal representative is permitted to offer good character evidence during their plea in mitigation in open court, victim personal statements are not always read aloud. Though they may be considered by the judge in reaching their sentencing decision, the impact is stymied if not read verbally. This is a clear disparity in how victims and offenders are treated during sentencing.

Recidivism and Reoffending

9.1

Babchisin and colleagues (2018) note that CSAM (/CSEM) offenders are recognized to have “high levels of paedophilic interests”²² (p131). Recidivism is an important factor when sentencing, but statistics can vary between official records and self-reports by offenders, with self-reporting often higher than official data²³. According to these researchers, this reveals an “undetected” amount of onwards offending that is not captured by official investigation and police records (p2). This meta-analysis found that CSEM recidivism was 4.1%, which is almost double the first meta-analysis on this

²² Babchishin, K. M., Merdian, H. L., Bartels, R. M., & Perkins, D. (2018). Child Sexual Exploitation Materials Offenders A Review. *European Psychologist*, 23(2), 130–143. <https://doi.org/10.1027/1016-9040/a000326>

²³ Baskurt, S., Babchishin, K. M., Hilkes, G., & Seto, M. C. (2025). A meta-analysis of recidivism rates among individuals who commit child sexual exploitation material (CSEM) offending. *Aggression and Violent Behavior*, 85. <https://doi.org/10.1016/j.avb.2025.102080>

issue²⁴. (Although for CSEM-exclusive offenders, the rate of recidivism was a bit lower, at 3.14%). Mixed offenders (CSEM and contact offenders) recidivated at a higher rate than this. Where offenders self-reported their own rate of recidivism, this was significantly higher than official statistics (nine times higher, at 38.3%, versus 4.1%).

9.2

This is important in highlighting that some of those who sexually offend against children do reoffend, committing further CSEM offences specifically, and this will not always come to light or be officially intercepted. The nature of this offending lends itself to concealment and in the absence of a clear victim or a report, police may not be able to readily detect and investigate CSEM, though it is certainly occurring. So, while this study may suggest CSEM-exclusive offenders recidivate at a lower rate than mixed offenders, and while this may be one of the consequential findings, recidivism is still present and warrants policy focus, especially given the year-on-year increases in CSEM/CSAM. Paired with the higher self-report rates, it is important for judges to be mindful that sentences should reflect the real possibility of onwards, undetected CSAM offending, and sentence accordingly, to reflect punishment, deterrence and public protection.

²⁴ Seto, M. C., Karl Hanson, R., & Babchishin, K. M. (2011). Contact Sexual Offending by Men With Online Sexual Offenses. *Sexual Abuse*, 23(1), 124–145. <https://doi.org/10.1177/1079063210369013>

Recommendation for amendments to the Bill

10.1

MCF would like to see amendments to the existing Bill along the following lines. We are happy to offer example or draft amendments to the Committee for these. These would be based on similar amendments we drafted and worked with parliamentarians on in Westminster, during the recent passage of the Sentencing Bill (now Act), for England and Wales.

- a) Reduction on use of suspended sentences and community orders for convictions of TACSA and CSAM, at any court level.
- b) The Unduly Lenient Sentence Scheme should be expanded to include TACSA offences which are heard summarily, rather than on indictment only.
- c) Good character evidence should not be permitted as mitigation in sentencing of TACSA/CSAM offenders.