

From: Karen Garland <[REDACTED]>
Sent: 30 September 2026 11:01
To: +Comm Justice Public Email <committee.justice@niassembly.gov.uk>
Subject: Re: Criminal Justice (Sentencing etc) Bill - oral evidence follow up
Importance: High

Dear [REDACTED],

Many thanks for the Committee Clerk for this correspondence.

I am attaching a list of references, including the Ofcom & Protect Children research I mentioned during my oral evidence. This list also includes references for the other issues I raised in my opening remarks. I hope this is helpful for the Committee.

Regarding denunciation, we have not developed a position on this to date, but overall we would not object to the specific inclusion of denunciation within the purposes of sentencing, if the Committee were minded towards this. Equally, we feel that stronger sentences for TACSA and CSAM would also have a denunciatory effect, regardless of whether denunciation is enshrined as a standalone purpose of sentencing.

On Helen's Law, could I check whether there is any flexibility regarding the date for feedback on this? I have already completed some preliminary scoping on this, and I have applied for FOIs from the Parole Board of England and Wales regarding the application of Helen's Law since it came into effect. FOIs obviously take a certain amount of time, so I don't anticipate hearing back from the Parole Board until the last week of October. I would be unable to offer comprehensive analysis and amendments without having this information available. Would the Committee be able to offer me more time on this?

The topic of good character evidence was also something I wanted to address with the Committee, but I received no questions on this topic on 24th September. Could I check whether the Committee would be open to receiving a draft amendment on the exclusion of good character evidence for child sexual offences, including TACSA and CSAM? I would be happy to offer a draft, if this is of interest to the Committee? Additionally, would the Committee appreciate an amendment on an exemption to the use of suspended sentences for TACSA and CSAM offences?

Many thanks for your help.

Kind regards,

Karen

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References for the Committee for Justice

(Re: Marie Collins Foundation Oral Evidence 24th September 2026)

Technology-Assisted Child Sexual Abuse (TACSA) is a range of predatory and abusive behaviours whereby technology is a key component of the abuse¹². It can include online grooming, as well as the making, taking and sharing of Child Sexual Abuse Material (CSAM).

The Internet Watch Foundation takes action to identify and remove Child Sexual Abuse Material (CSAM). They have direct sight into the level of reported CSAM. Year on year, CSAM has grown, with more than 311,000 confirmed reports in 2025, amounting to a report to IWF every 70 seconds³. Their most recent AI-CSAM report shows that there was a massive uptick in 2025, with 260 times more AI-CSAM encountered by IWF than in 2024⁴.

Child Sexual Abuse Material (CSAM) is considered a “severe and growing threat” to children, according to a recent report from the international children’s NGO Protect Children, and sponsored by Ofcom⁵. It is well established that CSAM is a highly gendered offence, disproportionately impacting girls, although boys are also affected⁶. Protect Children’s research with CSAM perpetrators found that a significant amount of adult CSAM users were first exposed to CSAM while still children (including 13% of 10 year

¹ Quayle et al., 2023; Hamilton-Giachritsis et al., 2020

² Though technology is the medium for abuse, abuse may not be confined online. While it may begin online and become transmitted to an offline experience at some point. Vulnerability offline can heighten vulnerability online (Aiman El Asam & Adrienne Katz (2018) Vulnerable Young People and Their Experience of Online Risks, Human–Computer Interaction, 33:4, 281-304, DOI: 10.1080/07370024.2018.1437544)

³ [2025 IWF Data & Insights Report | Official Annual Report](#)

⁴ [iwf-ai-csam-report-2026.pdf](#)

⁵ [CSAM Perpetrator Research Report: Findings from a Survey of CSAM Perpetrators on Digital Platform Use and Design](#) (p5) (Large sample size: >20,000 respondents)

⁶ Protect Children. (2024). *Tech platforms used by online child sexual abuse offenders: Research report with actionable recommendations for the tech industry*. Protect Children. https://bd9606b6-40f8-4128-b03a-9282bdcff0f.usrfiles.com/ugd/bd9606_0d8ae7365a8f4bfc977d8e7aeb2a1e1a.pdf

olds). By age 18, 57% had intentionally searched for it. This escalation pathway is noted by the authors, hence why CSAM offending requires a robust response, including at the point of sentencing. Twenty-nine per cent of perpetrator participants indicated they had viewed artificially generated CSAM (AI-CSAM), while 10 per cent had created it. It is increasingly challenging for experts to differentiate between so-called “real” CSAM and synthetic versions⁷, and is placing additional burdens on existing overloaded police responses and investigations⁸. Very significantly, the perpetrators in this research referred to AI-CSAM as a “gateway”, driving them to seek out real CSAM⁹. AI-CSAM also facilitates the normalisation of the sexual abuse of children¹⁰.

Jurisdictional comparison is instructive regarding the occurrence and criminal justice response to Child Sexual Abuse, including image-based offending against children. The most recent analysis from the Centre of expertise on child sexual abuse on the scale and nature of this harm in England and Wales found that over 103,500 offences were recorded by police in 2024/55, and child sexual abuse images accounted for over 42,000 of these. This was a 6% increase from the previous period¹¹ and over 40% of the overall total of CSA offences recorded by police.

These image offences produced over 42% of total CSA prosecutions, with convictions secured for 46%. Over 3,300 of total convicted defendants received an immediate custodial sentence, with almost the same number receiving a suspended sentence. Although the CSA data notes that the overall number of offenders imprisoned for CSA

⁷ Stockwell, S., Wake, G., Dargahi, T., Ajao, O., Latham, A., Abdullahi, A. D., & Sexton, D. (2025, April). *Privacy-preserving moderation of illegal online content* (CETaS Policy Brief). Centre for Emerging Technology and Security, The Alan Turing Institute. https://cetas.turing.ac.uk/sites/default/files/2025-04/cetas_policy_brief_-_privacy-preserving_moderation_of_illegal_online_content.pdf

⁸ Demeocq, C., Taylor, A., Ross, B., & McFeeters, A. (2026). *Generative AI in child sexual exploitation and abuse: Views from UK law enforcement*. *AI & Society*. <https://doi.org/10.1007/s00146-026-03176-6>

⁹ *CSAM Perpetrator Research Report: Findings from a Survey of CSAM Perpetrators on Digital Platform Use and Design* (p29)

¹⁰ Protect Children. (2024). *Tech platforms used by online child sexual abuse offenders: Research report with actionable recommendations for the tech industry*. Protect Children. https://bd9606b6-40f8-4128-b03a-9282bdcff0f.usrfiles.com/ugd/bd9606_0d8ae7365a8f4bfc977d8e7aeb2a1e1a.pdf

¹¹ **The scale and nature of child sexual abuse: Review of evidence (Incorporating trends in official data from 2024/25)* (p9)

offences is 32% higher than it was 10 years ago, only 6% of this overall cohort were imprisoned for image-based child sexual abuse offences. Almost 60% of total convictions resulted in no prison time (e.g. suspended and community sentences). **For child sexual abuse image-based offences, 81% of convictions resulted in no prison time (3, 178 offences in total¹²).** While the data indicates that reoffending for sexual offences following conviction (whether a custodial or non-custodial sentence was imposed) was apparently low at 5%, the CSA Centre notes that this official figure is “likely an underestimate of the true level of reoffending”¹³. This may be facilitated by the unholy trinity of Technology-Facilitated Child Sexual Abuse (TACSA) offences: anonymity, affordability and accessibility¹⁴. End-to-end encryption within social media and messaging apps conceals the prevalence of CSAM offending, with this technology favoured by offenders for this very reason¹⁵.

We agree with the proposal to codify in statute the five purposes of sentencing, including punishment and deterrence. We believe these are important and the bill, if passed, will have an important impact in cementing these purposes. We also believe that there is a need to ensure that [punishment and] deterrence are not achieved only in the general sense via sentencing (e.g. presumptive general deterrence, as noted in the *R v Byrne*), but must adhere to the sentencing guideline on PARTICULAR deterrence found in caselaw (see *The King v Thomasena Byrne* [2024] NICA 75¹⁶). To this end, we believe that certain offences require specific punishment and deterrence, due to the prevalence, culpability and harm involved i.e. CSAM and as noted in this important guideline judgment (i.e. sentencing agility, to amplify deterrent and retributive impacts). We therefore

¹² *[The scale and nature of child sexual abuse: Review of evidence \(Incorporating trends in official data from 2024/25\)](#) (p84)

¹³ *[The scale and nature of child sexual abuse: Review of evidence \(Incorporating trends in official data from 2024/25\)](#) (p11)

¹⁴ Cooper, A. (1998). Sexuality and the Internet: Surfing into the new millennium. *CyberPsychology & Behavior*, 1(2), 187-193.

¹⁵ Protect Children. (2024). *Tech platforms used by online child sexual abuse offenders: Research report with actionable recommendations for the tech industry*. Protect Children. https://bd9606b6-40f8-4128-b03a-9282bdcff0f.usrfiles.com/ugd/bd9606_0d8ae7365a8f4bfc977d8e7aeb2a1e1a.pdf

¹⁶ [The King v Thomasena Byrne.pdf](#)

recommend that CSAM offences require specific treatment within the bill, allowing for an exception against the general presumption against suspended sentences of

Sentencing policy in England and Wales has evolved since the 1990s and 2000s from increases in custody, to higher use of suspended sentences¹⁷, to the current model which favours rehabilitative approaches, rather than retributive, and increasing use of community orders, and early release of prisoners, especially through the Sentencing Act 2026. The direction of travel on sentencing can and does change depending on political priorities and political will.

General deterrence is aimed at wide, public level, while specific deterrence is for individual offenders for their own wrongdoing¹⁸. But even if specific deterrence is not fully maximised for persistent offenders, where it would achieve “absolute deterrence”¹⁹, clearly custodial time will at least punish the offender and protect the public for the duration of the offender’s incarceration. This is worth pursuing within sentencing policy and practice, for the sake of victims who have endured harm.

We find it interesting but concerning that the Northern Ireland Judiciary’s Guideline Judgements for these types of offences, collated in the Sentencing Guideline Compendium by the Judicial Studies Board²⁰, cites case law to guide sentencers with seemingly conflicting aims. For example, *R v Pacyno* [2024] notes that sexual offences against children, including via the internet, should require an “immediate custodial sentence”²¹, and stresses the importance of “deterrent and condign punishment”, yet

¹⁷ Roberts, J. V., & Ashworth, A. (2016). *The evolution of sentencing policy and practice in England and Wales, 2003–2015*. *Crime and Justice*, 45(1). <https://doi.org/10.1086/685754>

¹⁸ Weinrath, M., & Gartrell, J. (2001). *Specific deterrence and sentence length*. *Journal of Contemporary Criminal Justice*, 17(2), 105-120. <https://doi.org/10.1177/1043986201017002003>

¹⁹ Weinrath, M., & Gartrell, J. (2001). *Specific deterrence and sentence length*. *Journal of Contemporary Criminal Justice*, 17(2), 105-120. <https://doi.org/10.1177/1043986201017002003> (p111)

²⁰ [NI Sentencing Policy Statements From Judgments Within the JSB Sentencing Guideline Compendium.pdf](#) [Published June 2026]

²¹ [*NI Sentencing Policy Statements From Judgments Within the JSB Sentencing Guideline Compendium.pdf](#) (p55)

carves out exceptions to this where sentences of less than 12 months are being considered or where the judge may be persuaded that a non-custodial option is appropriate. We feel this is a fallacious and incongruent approach which undermines the harm stemming from CSAM offending. This dissonance is reflected in the multiple guideline judgments referenced in the Compendium. There is a need for a re-set in understanding around the harm occurring to victims through the creation, downloading and sharing of CSAM. This should also be consolidated by stronger sentences for these offenders, who generally appear to be seen as less problematic than an offender who is in a room with a child, sexually abusing them. The presence of a device/webcam does not displace the harm for the child victim. It does not lessen the impact.

Although recidivism rates for further CSAM offending can present as lower than for contact offending²², there is some variability across studies, with a clear need for judicious interpretation especially given that some studies are based on offender self-reporting and a proportion of all future offending will not be discovered at all. Predicting recidivism is complex, especially given that it can depend on individual offender and contextual characteristics. These encompass static and dynamic factors.²³ This same recent research demonstrated that some CSAM offenders did escalate to contact re-offending (~5.4%, which is still low, but given overall prevalence of child sexual abuse, still a considerable worry for children). These researchers suggest there may be some evidence of criminal specialisation within their research cohort. Overall, the findings in this study indicate that previous offending is a reliable predictor of future offending, similar to other studies²⁴. Importantly, not all the risk assessment tools that are used with CSAM offenders to manage them post-offending have been developed with this specific

²² Paquette, S., & Brouillette-Alarie, S. (2025). *Online sexual offending against children: Recidivism rates and predictors*. *Sexual Abuse*, 37(6), 635-666. <https://doi.org/10.1177/10790632241309631>

²³ Paquette, S., & Brouillette-Alarie, S. (2025). *Online sexual offending against children: Recidivism rates and predictors*. *Sexual Abuse*, 37(6), 635-666. <https://doi.org/10.1177/10790632241309631>

²⁴ Elliott, I. A., Mandeville-Norden, R., Rakestrow-Dickens, J., & Beech, A. R. (2019). *Reoffending rates in a U.K. community sample of individuals with convictions for indecent images of children*. *Law and Human Behavior*, 43(4), 369-382. <https://doi.org/10.1037/lhb0000328>

cohort²⁵, which could undermine their accuracy and ability to safely manage these offenders.

We are not demanding a purely punitive approach to CSAM offenders. We recognise that to build a safer society, protect children and young people and help victims recover, responses to these offences cannot be one-dimensional. We are concerned that we are currently situated within a system that is disproportionately weighted to non-incarceral options. We are asking for serious consideration towards re-balancing this system so that custodial approaches are used more widely for CSAM convictions, that custody truly means custody (rather than suspended custody), allowing for a re-calibration amongst the purposes of sentencing, including punishment and deterrence. We are not suggesting there should be any kind of hierarchy of sentencing purposes. As noted by the Ministry of Justice in 2025 in their evidence synthesis on reducing reoffending, punitive interventions alone will have less success in reducing reoffending if unaccompanied by rehabilitation²⁶. We concur. We support the use of prison sentences for CSAM, with rehabilitation that is adequately funded and delivered by experienced practitioners who can assess risk and help offenders scrutinise their offending, and build structures of accountability, transparency and support to avoid future offending.

As noted by the draft General Comment No.27 from the UN Committee on the Rights of the Child, access to justice involves achieving procedural justice and acknowledgement of the harm, as well as appropriate sanctions for violations of children's rights²⁷. MCF

²⁵ Brown, S. J. (2024). *Assessing the risk of users of child sexual exploitation material committing further offences: A scoping review*. *Journal of Sexual Aggression*, 30(1), 1-24.
<https://doi.org/10.1080/13552600.2022.2104394>

²⁶ Cordle, R., & Gale, E. (2025). *Reducing reoffending: A synthesis of evidence on effectiveness of interventions*. Ministry of Justice.
https://assets.publishing.service.gov.uk/media/680101e3da5bb2fc4a681fcb/Final_PDF_Reducing_Reoffending_-_Evidence_Synthesis.pdf

²⁷ Committee on the Rights of the Child. (2025). *Draft general comment No. 27 on children's right to access to justice and to an effective remedy* (draft for public consultation). United Nations Office of the High Commissioner for Human Rights.
<https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/cfi-gc27/crc-gc27-public-consultation.docx> (p15)

believes that current sentencing policy is not meeting these principles for TACSA victims. We believe that sentences for TACSA offences, including CSAM, require urgent strengthening. Stronger sentencing of these crimes would have a symbolic and tangible impact, through recognising the harm caused to victims and representing official and societal censure about this type of offending.

A recent NSPCC statistics briefing revealed that in 2024/25 over one third of police recorded sexual offences are committed against children, but in Northern Ireland this is a higher figure of 53%²⁸. Furthermore, 20% of all police recorded sexual offences against children has a noted online component to the offending (England and Wales).

Section 83 of the Crime and Policing Act 2026 amended the Sentencing Code to include a grooming aggravator²⁹. We offer this as an example of where an aggravator can apply, even where it may also be an element of the offence. It includes application for some CSAM offences, too:

Section 83 (1)

Sentencing Code 70A (5)

(a)an offence under section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child),

(b)an offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child)

This demonstrates it is possible to include an additional vulnerability factor for offences already clearly affecting children, as an element of the offence, to note the seriousness of the offending.

We recommend a similar approach in the Criminal Justice (Sentencing etc) Bill because clause 36(6) may undermine inherent vulnerability of children in terms of an aggravator

²⁸ [Statistics briefing: child sexual abuse](#)

²⁹ [Crime and Policing Act 2026](#)

uplift, especially given sentences tend to be on the weaker end for TACSA overall. Though the starting points may be higher and assumed that this translates to a commensurate sentence, we do not believe this always occurs.