

## IWF Briefing: Criminal Justice Bill 2<sup>nd</sup> Reading

Tuesday 28 November 2023

### Key asks:

1. To highlight the need for paedophile manuals and the exchanging of hints and tips related to the creation of AI imagery to be made illegal through an amendment to the Government's Criminal Justice Bill.
2. During the review of the Sentencing section of the Bill (Clause 22-24), to call on the Government to insert a line in Clause 23 to constitute the exchange of "hints and tips" and "paedophile manuals" on how to generate this content as an offence.

### Introduction

The Internet Watch Foundation (IWF) is a not-for-profit organization whose mission is to eradicate child sexual abuse imagery online. We do this by working closely in partnership with the internet industry, law enforcement, and governments globally to detect, remove, and block illegal child sexual abuse material (CSAM) from the internet.

### Artificial intelligence research

The IWF recently published a [report](#) on how artificial intelligence (AI) is increasingly being used to create child sexual abuse imagery online. The report found that:

- Of the **11,108 images** selected for assessment by IWF analysts, **2,562 images were assessed as criminal pseudo-photographs**, and **416 were assessed as criminal prohibited images**.
- **More than one in five of these images (564) were classified as Category A**, the most serious kind of imagery which can depict rape, sexual torture, and bestiality.
- **More than half (1,372) of these images depicted primary school-aged children (seven to 10 years old)**.

### The use of guides to generate AI CSAM

As part of their research, IWF analysts have discovered an **online "manual"** written by offenders with the aim of helping other criminals train the AI and refine their prompts to return ever more realistic results.

We are concerned that **the 2015 Serious Crime Act does not cover pseudo images of children**, meaning possessing an online manual for AI-generated content is not currently illegal.

### Existing legislation

Serious Crime Act 2015 created the following offence as part of Section 69, "Possession of paedophile manual":

*It is an offence to be in possession of any item that contains advice or guidance about abusing children sexually.*

But “abusing children sexually” means doing anything that constitutes an offence under Part 1 of the Sexual Offences Act 2003 or:

*(b) an offence under section 1 of the Protection of Children Act 1978, or under Article 3 of the Protection of Children (Northern Ireland) Order 1978, involving indecent photographs (but not pseudo-photographs).*

The result is that guides to the generation of AI CSAM are not covered by Section 69 of the Serious Crime Act 2015.