



Public engagement

Non-consensual disclosure of intimate images

What We Heard
August 2026



Table of Contents

Introduction.....	2
Background.....	2
Engagement and methodology	4
Who did we engage?	4
Terms.....	5
Limitations.....	5
Timing	5
In-person consultation	6
Survey design	6
Summary of findings.....	6
Overview	6
Theme 1: Scope.....	7
Theme 2: Privacy protection.....	8
Theme 3: Access to support.....	9
Theme 4: Systemic responses to image-based harm	11
Theme 5: Public messaging	12
In summary	13
Next steps	14



Introduction

In the summer of 2025, the Yukon Department of Justice undertook public engagement to learn more about the experiences of Yukoners who have had their intimate images or content shared without their permission, or who have experienced another form of image-based harm. Feedback collected from participants will assist ongoing work to explore effective options to support victims of sexualized violence, and to respond to growing concerns about digital communication being used to harm individuals.

This qualitative analysis report provides a summary of key themes that were identified in the results of public and stakeholder engagement on the non-consensual disclosure of intimate images (NCDII). Recognizing the potential far reaching and long-lasting harmful impacts of NCDII on individuals, this exploratory engagement was designed to supplement ongoing research on potential solutions, including legislative tools that can help expedite image removal or halt the distribution of intimate content.

Background

In 2015, the *Criminal Code of Canada* added the non-consensual distribution of intimate images as an offence under section 162.1. This means that anyone who “knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct” is committing an offence, and may face up to 5 years of imprisonment.

The Criminal Code defines an intimate image as:

“a visual recording of a person made by any means, including a photograph, film or video recording,

- (a) in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity;
- (b) in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy; and
- (c) in respect of which the person depicted retains a reasonable expectation of privacy at the time the offence is committed.”

The criminal justice system seeks to punish and deter unlawful behaviour through penalties, imprisonment, and other sanctions. For a person to be found guilty of a criminal offence under section 162.1, it must be proved that they are guilty beyond a reasonable doubt. Guilt is determined on the strength of the evidence against the accused.

In cases of NCDII, providing strong evidence becomes challenging in cases where:

- the victim's face is not in the image and there are no identifying features that can be tied to the victim;
- the image is altered using artificial intelligence or other types of software ("deepfakes"), which is not currently captured in the definition of *intimate image*,
- the image or content is unclear or low quality,
- there is insufficient evidence that the image was distributed;

Further to these challenges, the definition of intimate image currently does not capture threats to distribute, though threats may be captured under other criminal offences if they include criminal harassment or extortion.

Criminal prosecution can be a long process, which may not meet a victim's immediate need to stop images from spreading online. Once criminal charges are laid against the accused, the victim has limited options to participate and steer the outcome.

If this is already a crime, why do we need legislative solutions?

Most Canadian jurisdictions have enacted civil legislation that provides quick and inexpensive legal tools to stop the spread of intimate content and provides a clear pathway for the victim to initiate a lawsuit against the accused. Unlike criminal prosecution, civil legislation does not aim to punish offenders and instead provides measures to correct the harm that one person has caused another. This can be achieved through a court order, compensation, or other types of relief.

Some of the potential advantages of civil legislation include:

- A justice can order a person to stop sharing intimate content of the victim, destroy images in their possession, or take them down from online platforms;
- Can provide take-down orders that can be obtained relatively quickly;

- The definition of 'intimate image' can be broadened beyond the *Criminal Code* definition to include other forms of image-based harm, such as altered images, and the scope of the legislation can be broadened to include threats of disclosure;
- A victim can start a civil process anywhere where they were harmed by the offence, instead of where the offence was committed; and,
- A judge can formally declare that certain conduct is unlawful. This type of declaration can compel a person or company to remove content from a website or platform or face a fine.

Engagement and methodology

As is the case with other forms of sexualized violence, NCDII is believed to be underreported and not fully captured in crime statistics. It is important that we understand the needs of Yukoners who have been directly or indirectly affected by NCDII to help us to develop solutions appropriate to the Yukon that will support our ongoing efforts to improve victim supports and outcomes.

Who did we engage?

A public engagement survey was available between June and August 2025 on the Yukon Engagement website to anyone who wished to participate. The survey was promoted through posters, social media, and radio ads.

Questions were designed to help us understand:

- The frequency and nature of NCDII, including threats of NCDII, as it occurs in the Yukon;
- The scope of other harmful sexualized communications and behaviours that are impacting Yukoners;
- Real or perceived barriers that currently prevent access to legal, social, and mental health services;
- The level of public support for introducing legislative tools to address NCDII; and
- Recommendations for approaches to preventing image-based harm and supporting a cultural shift to more respectful online conduct.

In addition to the public survey, stakeholders were invited to fill out questionnaires relating to how NCDII is addressed through the services they provide, and any additional support they may need to assist victims in their community. Invitation letters were shared with:

- Non-government organizations;
- Advocacy groups;
- First Nations governments;
- Yukon Law Society/Yukon Bar Association;
- RCMP; and
- Educators.

Terms

Non-consensual *distribution* and *disclosure* are used in this report to refer to harmful conduct, but they are not used interchangeably. *Distribution* refers to the Criminal Code offence, while *disclosure* refers to NCDII more broadly.

Services, Service provider – in this report, services refer very broadly to public services and non-governmental organizations that may support a victim of NCDII, either directly or through referral. In the context of sexualized violence, we wanted to learn about barriers to accessing any services within the continuum of care.

Limitations

Timing

The engagement period took place during summer 2025 up to the caretaker period of the fall 2025 election. Due to the timing of the engagement period, the Department was not able to promote the online engagement in schools to encourage student participation. The Department mitigated this by promoting the survey through social media and making it available to anyone who wanted to participate.

In-person consultation

In-person stakeholder consultation meetings were provided as an option but there was little uptake. Reminders were sent to stakeholder groups to fill out questionnaires and provide them to the Department of Justice before the deadline.

In-person engagement or interviews with persons with lived experience was not considered, due to the sensitive nature of the subject matter. An online survey enabled individuals to contribute to our understanding of the issue voluntarily, privately, and only to the extent that they felt comfortable.

Survey design

The survey was designed to collect written submissions which would provide participants opportunity to share their views in their own words. While questions were developed to clearly convey the information that was needed, the open format resulted in some survey responses that were off topic or fell outside of the scope of this engagement. Many off-topic comments still provided valuable insight into peripheral topics, such as internet surveillance and individual privacy rights.

Summary of findings

Overview

The majority of participants knew that sharing an intimate image or video of another person without their permission is a criminal offence under the *Criminal Code of Canada*, with only 13 per cent of users indicating that they were not aware of this prior to taking the survey. A common view shared by survey takers was that a person whose intimate image has been shared without consent is a victim of wrongdoing and should have clear, expedient and effective access to justice and social support.

Of the 232 survey responses received:

- 57 per cent had not experienced any form of the non-consensual sharing of their intimate images, or other forms of unwanted sexualized communications, or opted not to answer this question.

- 43 per cent of survey takers reported experiencing some form of unwanted sexualized communication, which includes the sharing of their intimate images without their permission.
- Of the participants who reported some form of direct experience with NCDII, 50 per cent of these incidents occurred within the last 5 years.

Theme 1: Scope

Survey participants were asked questions about their personal experiences with non-consensual disclosure of intimate images (NCDII). In addition to personal experiences, participants also reported awareness of incidents occurring in their community, either through their personal social networks or in their professional capacity. The most common method of non-consensual content disclosure occurred through text messaging or instant messaging platforms. Only about 37 per cent of responses reported another method of disclosure, such as a social media platform or a website.

Some comments highlighted gray areas that are not clearly captured or defined in the *Criminal Code*, such as content altered using artificial intelligence or computer software. A few participants pointed out that it could be difficult to prove that a person was physically showing your intimate content to others if they do not send it or 'communicate' it in a traceable way.

Some participants also felt that criminal investigations may not be adequately responsive in cases where consent is provided while one or both parties are intoxicated, or that there is a greater likelihood that intoxication may hurt the credibility of the victim if they try to report an incident.

NCDII was recognized as a form of gender-based violence in comments submitted by survey takers and stakeholder groups. Accordingly, some individuals questioned whether the system is adequately responsive in cases where consent is obtained through coercion, whether this is in the context of intimate partner violence or human trafficking.

A common sub-theme that emerged from responses was a lack of clarity around the treatment of youth who have shared content of another person of a similar age without

their permission. A few comments correctly pointed out that distributing child sexual abuse and exploitation material is a *Criminal Code* offence but also noted that this type of prosecution is rarely pursued in cases when youth harm other youth. Comments from survey takers and stakeholder groups indicate not understanding how charges are determined in these cases. Very little feedback was shared on how civil measures could address NCDII specifically between youth, but many expressed support for systemic flexibility that supports youth victims and reduces overall incidents of image-based harm.

In addition to NCDII, participants were also asked about their experiences with other forms of harmful online communications or technology-facilitated violence and abuse. These questions were meant to help us determine if there are other harms that may be addressed through legislative tools.

Some survey participants reported receiving unwanted or unsolicited sexualized content through different types of online communication. Some participants felt that receiving sexualized content is not necessarily something that needs to be addressed through civil measures or regulation, even if it is not expected or wanted. However, others felt that young people may be susceptible to lasting psychological impacts from graphic sexual content and that more preventative safeguards are needed.

Theme 2: Privacy protection

Access to services

Privacy protection was a recurring theme in many individual responses. Privacy protection was often cited as an essential component of any service that provides victim assistance, including legal services and technological support.

The majority of survey participants acknowledged the impact that NCDII can have on a person's self-esteem and wellbeing. Any possibility of the disclosure being uncovered by family members, co-workers, friends, or community harms a victim's sense of autonomy or control over the situation. Individual comments often stated that victims would rather do nothing than risk bringing any further attention to the disclosure.

Confidentiality for youth victims

Survey participants and stakeholders generally felt that youth will not engage with services if they think that their parents will be notified, and this presents a major barrier for young people who want to ask for help. Some survey participants felt that more consensus and clarity is needed around reporting requirements and parental notification to ensure that the needs of youth victims are met, and that their wishes are respected. A few stakeholder comments noted that procedures may be dependant on internal policies, but these do not always exist or are not consistently applied.

Other forms of harmful disclosure

Some participants commented on the general lack of protection of individual privacy on the internet and in digital communications.

A few participants felt that there are types of content that are not sexualized or intimate in nature but can nonetheless be weaponized due to the serious consequences for the individual if shared with an employer, spouse, or extended family. In cases of intimate partner violence, posting an image of a person who has left their partner may disclose their location and put them in danger. These comments indicated broad concerns about privacy impacts of social media use, and a need to address exploitative or coercive forms of disclosure of private information or content.

Theme 3: Access to support

Survey participants were asked about real or perceived barriers to accessing services in cases of NCDII or other forms of harmful sexualized communications. Some individuals felt that accessibility varies greatly based on where the victim resides. Some of this can be mitigated through flexible service delivery, such as online or virtual options. Survey participants and stakeholder groups shared some recommendations that could help improve victim support:

Clear procedures

Stakeholders reported not always being sure of the procedures to follow when they hear a NCDII complaint. Factors that can lead to some confusion or indecision include a lack of internal procedures to follow, complexity of the complaint, the age of the victim

and concerns about personal liability if there are no organizational policies in place that protect the employee. Additional resources and training were recommended to assist staff with making confident decisions.

Communications protocols

In addition to clear procedures, better communication and information sharing between services were recommended to reduce the administrative and emotional burden on the individual of sharing their story with multiple agencies. This includes clear delegation of responsibilities to ensure that every person in the continuum of care understands the scope of their role. Generally, survey participants felt that clear protocols also protect privacy by reducing the number of individuals that a victim will need to engage with.

Services for youth

Some participants felt that the system is not flexible enough to allow for nuanced responses for youth victims. Survey participants generally felt that youth need to be made aware of available resources through ongoing promotion and using tools such as QR codes that link directly to helpful websites.

Territorial solutions

Some participants felt that any solutions, including protocols and legal options, should avoid relying on provincial models and take into consideration the unique circumstances of northern residents. Solutions should be made in collaboration by government and non-government agencies to ensure that they are feasible and can be implemented without creating additional strain on existing services.

What is working

Some participants shared their views on what they think is working well. Individuals who sought help from Victim Services or individual counselling found these services helpful and comforting. Many comments focused on the need for continued support for victims and appreciated that these services can be accessed for free.

Some individuals also expressed appreciation for the growing efforts to inform the public about the tools and tactics used to harm or extort individuals. The information



provided through the Canadian Centre for Child Protection and cybercrime campaigns promoted by the RCMP were cited as being helpful.

Theme 4: Systemic responses to image-based harm

A prominent theme that emerged from survey comments was a general dissatisfaction with systemic responses to sexualized violence. These frustrations often related to not having the resources or know-how to navigate a complex system, feeling like victims are not taken seriously, and feeling demoralized from past experiences where they reported a crime.

More options

Some respondents expressed frustration with their experiences as a victim in the criminal justice system, which they perceived as offering more protection for the accused. Many responses favoured the idea of a justice system that is flexible enough to offer appropriate legal measures that are commensurate with the nature and severity of harm and sufficiently hold individuals accountable for their actions. Options should be available to ensure that victims have a choice in how they wish to proceed, and this can include criminal justice, civil remedy, and restorative justice options.

Access to legal services

Some participants felt that victims may have trouble finding meaningful or supportive legal assistance. The financial cost of legal representation was identified as a major barrier for many people, especially for youth and vulnerable individuals. Some responses suggested that legal processes are confusing and place too much burden on the individual, and that simplifying these processes may encourage some victims to engage with the justice system.

Responsive legal processes

Many participants noted that more reporting options are needed that feel safe for victims of all ages and inclusive of justice-involved individuals. Additional legal tools may improve access to justice for populations that may not wish to interact directly with law enforcement.

Generally, survey feedback indicated that criminal proceedings can be stressful, time-consuming, and do not necessarily reflect a victim's preferences for resolving the issue. Some participants felt that individuals may not know how to retain the specific type of evidence required to initiate a criminal proceeding and this can be a barrier to reporting incidents to law enforcement if people fear they will not be taken seriously.

Rebuilding trust

Some individuals noted that the system has not always been appropriately responsive to complaints of sexualized violence and intimate partner violence. This has resulted in a loss of trust in established legal processes or reporting to law enforcement. To some participants, rebuilding this trust will require demonstrating more compassion for victims through listening to their needs.

Training

A clear need for more training was identified for anyone who provides assistance to victims, including youth victims. Training must be designed to assist service providers to understand the full scope of legislative and non-legislative options that may be available to victims of NCDII, to enable them to make informed decisions about their next steps. Training should be provided for new staff with refresher courses, and course materials available on an ongoing basis.

Protection of individual rights

While the development of civil remedies was broadly supported by survey participants, some individuals felt that this approach could give rise to government overreach and erosion of personal rights. As additional legal measures are considered, care must be taken to ensure that individual protection from unconstitutional searches is maintained.

Theme 5: Public messaging

Both survey participants and stakeholders felt that there is a need to reinforce positive online communications and conduct through education and consistent public messaging. Information about staying safe on the internet should be made available to people of all ages, particularly those who may be more vulnerable to scams, extortion, and exploitation. Some felt that while public information is available for youth and



adults on topics such as online safety and consent, not everyone has exposure to this information.

Some of the key themes that emerged on messaging that will help to reduce the impact of NCDII include:

- Destigmatization is important. Victims of NCDII should know that they have done nothing wrong, and that services are available to support them.
- Education about healthy, consensual behaviour in relationships and the importance of respecting individual boundaries should start at a young age and be reinforced throughout a person's youth.
- Age-appropriate messaging about consent and respectful relationships should continue to be reinforced for adults.
- Consistent, age-appropriate cyber safety programming should be part of the curriculum for Yukon students.
- The public, and youth in particular, must be informed about realistic risks of sharing intimate content and understand that there may be technological limitations and legal challenges with recovering this content or stopping dissemination.

In summary

The overwhelming prevalence of comments relating to the detrimental psychological impacts of image-based harm on victims demonstrates a need for greater visibility of this issue, and the importance of ensuring that there are clear and discreet pathways to legal and social/emotional services available for anyone who needs them.

- Victims are concerned about their privacy and will hesitate to engage with processes and systems that compromise their personal sense of autonomy and safety.
- Complaints of NCDII vary and must be considered on a case-by-case basis. There is no one-size-fits-all solution that captures every complaint, but having clear protocols and clearly defined roles in place can support service providers as well as victims.



- Social and mental health services are an essential component of meaningful victim assistance.
- Systemic responses to NCDII should be supportive to ensure that victims feel empowered to ask for help in a way that is most comfortable to them, whether that is at a community level, from law enforcement, from the Courts, or from service providers.
- NCDII as a criminal offence is limited in scope and leaves some victims without recourse if law enforcement and the Crown do not proceed with charges.
- NCDII should be a criminal offence, but criminal processes do not always offer the kind of support that victims need most.
- Victims who want to initiate a complaint against someone who has shared or threatened to share an intimate image of them often want to limit their interactions with various agencies and the courts.

Next steps

Data collected will be used to develop options that provide quick, accessible, and affordable solutions for victims of NCDII.

The Department of Justice will:

- Develop legislative options for victims who have had their intimate content shared without their permission.
- Work with stakeholder groups to ensure that victims have access to assistance that feels comfortable for them.
- Ensure that the nonconsensual disclosure of intimate images is considered within the context of both gender-based violence and intimate partner violence.
- Explore options to support youth victims that respects their need for privacy and autonomy.

We wish to thank everyone who participated in this engagement. All feedback received will be considered as we advance to next steps.