



LUND UNIVERSITY

The silent threat

Technology facilitated sexual violence, AI deepfakes and
the European Union's Artificial Intelligence act

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Abstract

With artificial intelligence (AI) technology constantly evolving and changing, policy makers struggle to keep up with it through the creation of adequate rules and regulations. The European Union (EU) has made the first attempt at AI regulation, outlining the need for respect of democracy, human rights and calling for transparency in AI usage. However, discussions about AI often overlook the feminist concern of increased technology facilitated sexual violence (TFSV) perpetrated by AI, more specifically done by deepfakes. This thesis will explore that EU AI act and see in what capacity it encompasses TFSV perpetrated by AI deepfakes. It explores what exactly AI is, its different types and how it connects to TFSV. The theoretical framework explores both Normative power Europe, highlighting internal norms the EU has, as well as feminism in Europe. It then ends with a feminist critique on Normative power Europe and highlights how feminist perspectives are not always present in policymaking in the EU. The EU Act is explained through its contents and previous research done on it, highlighting the critiques. The chosen methodology is single policy analysis combined with a what's the problem represented to be approach. The focus is on silences and what problems are not addressed through the act. The results show that the EU AI act does not in any way encompass TFSV perpetrated by AI deepfakes, or TFSV at all.

Key words: European Union, EU AI Act, Technology facilitated sexual violence, Deepfake, Feminism

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1 Introduction

In 1969 during the height of the second wave of feminism, activist Carol Hanisch wrote an essay titled “The personal is political”. In it she highlights the fact that personal problems experienced by women, for example, the struggle of domestic labour, the pressure of beauty standards or the fight against preconceived notions of what a woman is, are in fact political problems that reach far beyond the personal experience. Hansich highlights that personal struggles are amplified by patriarchal expectations of what it means to be a woman, and a collective action is needed to change that (Hanisch 1969). As both technology and society have evolved from the 1960s, the problems women face have evolved alongside them, with the digital space quickly becoming another world where women often face harassment and sexual abuse.

Feminism and other social justice movements have also shaped society and political decisions. For example, since the founding of the European Union (EU) in 1957, it has had some sort of gender equality as its core value, emphasising equal pay (Preti and di Bella 2023). However, policy is slow to evolve and has a difficult time keeping up with technological advances, often creating legally grey areas where laws have questionable applicability. One of more recent technological evolutions has been Artificial Intelligence (AI), and more specifically generative AI, which has given people the ability to make images that are completely fake. The technology itself is not bad but users have started utilising it when making pornographic material, usually of real-life people, and most often of unsuspecting women. Thus, the personal once again becomes political, with small personal issues of having to deal with the distribution of fake images becoming an indicator of a larger political issue of unregulated usage of tools that push the oppression of women.

The problem with the disconnect between policy and technological advances will be explored in this essay where the research question is going to be **to what extent does the EU AI act encompass and become applicable to technology facilitated sexual violence perpetrated by AI deepfakes?**. The aim of the essay is to look critically at the EU AI act through a Normative power Europe lens, but also a critical feminist lens. By looking at an act that is specifically meant to target AI threats, I will be highlighting how feminist issues, such as the increase of online sexual abuse, are not considered within the EU when policy or acts are introduced. I will also be pointing

out how norms within the EU might be considered to be ranked when acting against new threats, such as AI, and the prioritization of certain aspects of the EU core values over others.

I will start this essay by defining key terms like what AI is and its sub-genre of generative AI. Then I will go into details of what technology facilitated sexual violence is and its rapid increase in the online space, and finally I will explain the connection between technology facilitated sexual violence and generative AI. Moreover, I will explain the theoretical approach to this essay. I will start by going over Normative power Europe in a historical context and the main theoretical approach of how the EU works and how decisions are made. Then I will go into a feminist perspective on Europe, explaining how feminist approach and critique policy, acts and the build of the European union and its workings. Finally, I will be using feminist critiques on Normative power Europe by highlighting that even if Europe is operating according to a value-based system, that system fundamentally ignores the struggles of women and only presents a superficial approach to feminist problems and then often from a privileged standpoint, completely ignoring the intersectional viewpoint which has become crucial to feminist approaches. Though I also highlight how Normative power can include a feminist perspective it is then dependent on the fact that norms would have to develop to include a gendered and feminist perspective to come into fruition.

Following the theoretical approach, I will be explaining the chosen methodology for this research: single policy study and a “What's the problem represented” approach. I will be explaining the concept and the usage of this methodology. Then I will explain the relevance of this method for this specific research and make a framework which I will use while conducting the research. I highlight the compatibility between the two concepts and the strengths of using them together, while also going briefly into the potential weaknesses that they could have. Following this will be a brief explanation of the EU AI act; its history, content and initial criticisms that the act has had since its release in 2024.

The final two chapters will be my analysis of the EU AI Act considering a feminist Normative power approach, where my findings will be put forth. Each section will answer a question from the “What's the problem” frame, with emphasis on silences of the EU AI act. The final section of the analysis and findings chapter will then go into key findings of the analysis considering the theories used. Finally, there is a conclusion chapter where the essay goes over what has been done regarding the research in this essay and the research question is answered. I will

also go into the limits of the research done and point out where there is opportunity for further research on technology facilitated sexual violence and AI deepfakes.

2 Concept explanation

2.1 What is AI?

AI, though new within the mainstream media, is a phenomenon that can be traced all the way to the 1940s and Alan Turing and his development of The Bombe, a predecessor of the modern-day computer. The goal of The Bombe was to decipher codes that the Germans were using in World War II and did so by using a sort of artificial intelligence (Haenlein and Kaplan 2019, 6-7). Since its invention, AI has evolved far beyond its initial use and is defined by the European Commission as follows, “Artificial intelligence (AI) refers to systems that display intelligent behaviour by analysing their environment and taking actions - with some degree of autonomy - to achieve specific goals” (European Commission 2018). AI has had a major effect on sectors such as politics, world economies, media and information and service creation. The constant development and evolution has had different implications and effects depending on the use of it and the goal of that use (Gil de Zúñiga, Goyanes, and Durotoye 2024, 317). AI can be software-based such as internet search engines, face recognition or image analysis, or hardware embedded for example in autonomous cars (European Commission 2018).

AI is often categorized as a few things in relation to how it functions, while not all AI modes are unique, they function on a couple of different models based on whatever their core function might be. Those functions can be categorized to either machine learning or deep learning, with deep learning being a sub-category of machine learning. Machine learning uses algorithms and is used when a route to a goal is complex or too large for human comprehension, for example, when trying to identify a single object in millions of images. An algorithm can be described as instructions that computers follow, whereas in machine learning algorithms create instructions that form a model that is capable of processing new data. The algorithm then evolves the model and trains it to perform its task better. Deep learning is then a specific approach to machine learning that tries to mimic the human brain by using neural networks to solve tasks. Neural networks are made up of different layers, starting with an input layer where data is brought into the system with each hidden layer learning from the data and ending with the best results presented in the output layer. The output layer makes the final decision on the task, e.g. detecting a medical issue within

a scan or spotting an object in a picture. Deep learning has been widely popular since its first introduction into the AI scene in the mid-2000s and is responsible for current AI systems such as self-driving cars, medical screening and similar AI usage (Council of Europe 2024).

AI programmes can vary and be vastly different depending on what their function is and what goal they aim to achieve. For example, AI has been used in dermatology and specifically with image classification and the ability to detect melanoma and other types of skin cancer. Thus, AI is used to ease decision making when it comes to care for those who are diagnosed with skin cancer (Du-Harpur et al. 2020, 423). Another form of AI which has become vastly popular in the 2020s are programmes such as ChatGPT, which allows users to have text conversations and provide answers to questions, and Midjourney, which creates images which are generated by text commands put in by users. These types of AI programmes are a part of a category called “generative AI” (BBC 2023).

2.1.1 Generative AI

Generative AI is a form of deep learning AI which relies mostly on users writing prompts into a text box and the AI responding with either a text-based message back, or in other cases, a generated image. However, image generation has become a disputed tool when it comes to approaches to art specifically. There are the ethical issues of where the AI takes inspiration from when generating images, the issue of men being the highlight of the generated image when there is no specification of gender, and there is often the risk of fake news and compromised national security when images are generated of government officials in the act of doing something that they did not do (Coeckelbergh 2023, 2). The last example has been dubbed deepfakes, a term coined from a user from the platform Reddit by combining the words deep learning and fakes. The user gained popularity by putting faces of celebrities onto the faces of actors in pornographic videos (Kietzmann et al. 2020, 136). Since then, deepfakes have become a growing phenomenon on the internet and have had dramatic consequences for politics, but also for the bodily autonomy of people.

Deepfakes are, as stated, images or videos that have been altered to depict a person doing something that they have not done, or they can depict an event that never occurred. A deepfake relies on neural networks and generative adversarial networks, the latter having the role of making deepfakes more realistic. The two are dependent upon each other as the neural networks collect

the data and provide accuracy and the generative adversarial network processes that data and learns how to improve the deepfake in such a way that a video or a picture is more difficult to identify as fake (Pantserev 2020, 39-40).

As deepfakes develop, they also start to pose real threats to national and personal security. Deepfakes can be used to exploit and sabotage individuals, as deepfakes have their roots in pornographic materials and as they evolve, they become increasingly difficult to dismiss as merely fake. On the macro level, deepfakes can be used to depict political powers, either military or individuals, in a damning manner which could have devastating effects on relationships between nations or trust towards governments (Pantserev 2020, 51-52).

2.2 Technology facilitated sexual violence

Sexual violence and sexual abuse can take on many forms and be described in various ways. The most common form of sexual violence people generally imagine is one where force is used for the gain of sexual gratification, and most commonly takes the form of rape or molestation. However, sexual abuse that occurs within the digital space is becoming more prominent as a form of sexual violence (Okolie 2023, 2). Sexual based violence that is aided by technology is often referred to as technology-facilitated sexual violence (TFSV). TFSV includes things such as online sexual-, gender- and sexuality-based harassment, image-based sexual exploitation, cyberstalking and the use of social media or other carriage services to pressure an individual into an unwanted sexual act (Henry and Powell 2018, 195).

A type of TFSV that has gained attention recently has been image-based sexual abuse. This is characterised by three identifiable behaviours: creation or taking of a nude or sexual image, the distribution of such image, and the threats of sharing such an image (Henry, Flynn, and Powell 2020, 1837). There is a myriad of reasons behind image-based sexual abuse, and they often differ sociologically, but its impact remains the same as with other types of sexual abuse: damaged reputation, shame and trauma (Okolie 2023, 2). Image-based TFSV is also on the rise because images of all kinds can be shared and downloaded quicker, as well as be spread around the internet in a wider sense. Therefore, while an image can be taken down from one website, it can pop up on another just as quickly (Henry and Flynn 2019, 1932-1934).

TFSV is more likely to be perpetrated by younger men, and in instances of image sharing, studies have shown that men are more likely to share images in hopes of gaining social credit or to benefit personally from those images (Henry and Beard 2024, 3991). Gender dynamics play a significant role when it comes to TFSV and women are more commonly victims of TFSV compared to men (Henry, Flynn, and Powell 2020, 1839, 1842). It is worth noting that LGBTQ+ people are also more likely to be targeted when it comes to TFSV (Henry and Powell 2018, 204).

With the increase of time spent online, new ways for human interactions have developed and they often offer communications methods and opportunities which have not been seen before in the virtual world. However, spaces created during this development can be concerning, particularly because of the types of behaviours allowed to grow and fester within them. This is because online spaces are created to emulate the human experience but have instead allowed for behaviour that would be different in the offline world. This development has been followed with increase of criminal activities online, and the biggest one being TFSV. This, in turn, has posed a problem to criminal law specifically because of the consistent evolution of criminal behaviour that law enforcements have trouble keeping up with and understanding sufficiently (Jurasz and Barker 2021, 784-786). In December of 2024, the European Parliament was briefed on cyberviolence against women in the EU, where the actions of the EU in fighting violence against women were reviewed in the context of cyberviolence specifically. It specifically mentions Artificial intelligence and the risks that it poses to women when it comes to cyberviolence and mentions that deep fakes are an actor and a rising threat when it comes to TFSV (Murphy and Zamfir 2024).

2.2.1 The connection between AI deepfakes and TFSV

With the constant evolution of AI deepfakes and the increase of TFSV, there is an inevitable crossover between the two. In fact, the roots of Deepfakes in mainstream media can be traced back to taking faces of celebrities, usually women, and transporting those onto the faces of female pornographic actors without their knowledge (Kietzmann et al. 2020, 136). It is also important to acknowledge that women are traditionally more often the victims of abuse of any kind, and TFSV is a new type of abuse for women to endure. Deepfakes have offered a new way for perpetrators to weaponize technology against women, which can have drastic social repercussions such as damaged reputation and shame. It is believed that the majority of deepfakes that are circling the

internet depict sexually explicit content, and many of them depict a victim that is under 18 years old (Laffier and Rehman 2023, 8).

The conversation surrounding deepfakes is often dominated by the worry of what consequences they might have on the political sphere, but the reality is that the majority of deepfake usage is pornographic in nature. If there is sufficient content of an individual online, they can easily be made into a deepfake with face swapping technology (de Ruiter 2021, 1316). The active development of applications that are easier to use but serve the same purpose is a continuous problem when it comes to the consumption of online media. With the continuation of the objectification of the feminine in the online sphere and the ability to place victims, most often women, in a position of sexual exploitation, the ethical failures of deepfakes makes themselves known in different ways (Wagner and Blewer 2019, 38, 44). The results of those ethical failures and the failures of legal systems to properly tackle the ethical failures of deepfakes are traumatic for victims in a social, economic, physical and emotional sense (Eaton and McGlynn 2020, 192).

2.3 Start to an EU legal framework

However, it is worth noting that the EU has put out an act that is meant to tackle the constant evolution of AI and try to put forth a framework that member states could use with the goal of highlighting the dangers of AI and promoting safe AI usage (Evas 2024, 98). The act is constructed in large part with the notion of the risk possibilities that are inherent in AI. While also building upon previous work and guidelines surrounding AI (Kusche 2023, 1-2). The work previously done by the EU includes the ethics guidelines for trustworthy AI presented by the High-Level Expert Group on AI (European commission 2019), and the white paper on AI published by the European Commission in 2020, which had the objective of outlining possible policy options with the goal of introducing increased use of AI, while also highlighting and bringing awareness to the increased risks of AI (European Commission 2020, 1).

Research done on the EU AI act following its initial introduction and then publication in 2024, have highlighted things such as the implications of having prohibited practices of AI and the connection to the legal system and the freedom of the individual (Neuwirth 2023, 1). Then the issues that standards can have within the act, and the need to clarify the intricate nature of AI regulation due to the multi-dimensional risks that AI systems can have within them (Famito and

Marsden 2024, 1). Alongside the uncertainty in legal interpretation of certain articles, and the implementation effects that it could have in member states (Montag and Finck, 2024, 1415). Later in the essay there will be a deeper exploration of the EU AI act in more detail and with the viewpoint of the previously stated research question, highlighting the relevant, though limited, literature available. The following theoretical chapter will explore the core theories in relation to what it is that the research contains. Meaning the highlighting of Normative power Europe, feminist theories, and the relationship between the two. Seeing how, where and if feminism fits within the Normative power Europe perspective and in the light of the EU AI act.

3 Theory

3.1 Normative power Europe

One of many questions regarding the European Union and how it works is the question of what drives policy and action. Different theories have been put forth on what drives the EU, such as realism, liberal intergovernmentalism and neofunctionalism. However, in 2002 Ian Manners proposed a different approach to what drove both European integration and what drives the European Union today and then what dictates its policies and its role as an international actor; Normative power.

The term “normative” is related to the word “norm”, in which concepts such as justice, freedom, rights, democracy, and equality are used to highlight what ought to be done rather than describe the reality of political life. Those concepts are often attributed to being the very fundamentals of political debates based on how we interpret them and where we place them on our value scale. As there is a widespread, often superficial, agreement on these concepts people often find themselves disagreeing with how an individual understands those concepts. Namely, how two political parties can often run on the same platform of family values, but their approach and understanding of what those values are can be vastly different (Armstrong 2017, 158).

In the European Union, Manners (2002) argues that the way in which it acts on the international stage can be attributed to what he called Normative power Europe. He made the claim that since the way in which the EU acts is so distinctive, other countries have made the EU the official standard when it comes to the international stage. Manners also highlights that normative power wants to shift the focus from the empirical insight on institutions and policies, and instead focus on things such as the actual ideas that international actors are influenced by, and what they mean. He goes on to claim that normative power needs to be given more attention since the ability to define what is considered normal might have more value than often believed when looking at the EU as an international actor (Manners 2002, 235-240).

Manners also mentions that the EU is founded on the values and norms of democracy, human rights and rule of law, and thus stands as a unique normative political entity within the international community. He rejects the notion that normative power requires the involvement of

force, but instead claims that Normative power Europe exists outside the traditional political forms, and it is that existence outside of traditional political forms that allows it to act in a way that is normative. Manners then goes on to explain that the EU has been in development as a normative power since its founding, citing that its declarations, policies, treaties and so forth have made it possible for the EU to become the normative power he claims it to be. It is then the expansion and reinforcement of EU's core norms that allow it to present itself as amalgamation of norms that give it legitimacy when acting as a political power (Manners 2002, 242-244).

It is important to note that Normative power Europe is presented by Manners through the lens of how the EU acts in the international sphere and does little to highlight how the EU itself uses norms when making policy or acts. However, that is not to say that normative power is not present when policy is being made, but it is alluded to in Manners' writing that norms are at the forefront when the EU takes any sort of action. This then means that explicitly stating or highlighting norms within the inner workings of the EU is unnecessary. However, it is also important to try to apply the normative power into the inner workings of the EU, and more precisely examine how norms can affect policy and legal frameworks brought forth by the EU.

It is best to highlight certain policy and legal frameworks when looking at norms within the European Union. Since, as Manners said, the core foundation of the EU is norms. One policy area that can be an example of norms within the EU is gender equality. The evolution itself of gender equality as a policy within the EU is often divided into threes, starting with the aim of achieving equality between the sexes in employment in the treaty of Rome. Article 119 stated that equal work demanded equal pay, no matter the sex. This then started a domino effect of women demanding more gender equality within the workplace, and them trying to expand gender equality into other policy areas such as gender-based violence. However, resistance from member states and the true limit of article 119 made that expansion more difficult. However, support from the European Commission and the European Parliament created an alliance between social movements and European institutions since both relied on each other for supporting and passing legislation and policies. However, the 1980s showed activists and the European community that even if policy and legal frames were made in which women and men were made equal *de jure*, they were difficult to implement and often did not bring forth the sought-after equality. This then triggered the second wave of equality policy work within the EU and a new policy frame was made with the purpose of protecting women. These frameworks used positive discrimination to implement change based

on gender equality and worked from the definition that women are equal to men. This then led to the establishment of programs that were especially made for women. However, it is important to note that this stage of equality was also based on the biological differences between women and men as it had in the previous stage. In the third stage of gender equality policy, the gender mainstreaming policy was born, made with the intention of changing the structure of discrimination, rather than promoting the rights of individuals or groups. The goal of gender mainstreaming is the routine procedure of gender equality promotion rather than individual cases, thus instead of setting up institutions that employ people that are distant from women's issues, the presence of experts on women's issues is guaranteed when it comes to all policy areas, especially ones that directly affect them (Peto and Manners 2006, 97-100).

Gender equality remains as a core value of the European Union, with different strategies being implemented showing a roadmap, engagement or strategy to further gender equality within the Union. All of which are reviewed and updated relatively often (European Charter for Equality 2020). Thereby showing, that even if there is resistance from certain member states to further develop gender equality within the EU, the core of the EU, such as the Commission or Parliament, remain vigilant to gender equality and continue to promote it as one of the core values of the EU, and thus one of the norms affecting its decisions. Other norms and values that the EU often highlights and keeps as a guide when it comes to policymaking are for example freedom, democracy, and rule of law as set forth in the Treaty on European Union (Whitman 2011, 2).

Normative power Europe, like all theories that aim to explain a political phenomenon, is not without critique. Though most of the critiques on Normative power Europe revolve around finding flaws in this explanation of how the EU acts at the international level since that is where the theory was originally introduced. Some of those critiques highlight how the goal of the EU to promote its core values outwards when it comes to acting as an international political power can simulate the act of neo-colonisation. Promoting the European way of living and thinking can diminish the local knowledge and local values, and while the aim of the EU when it comes to international aid and promotion of values is to promote equality and the free market, the power difference between the two parties involved can lead to a subtle power imbalance which would then be in direct contradiction to the initial goal (Merlingen 2007, 449-450).

The general problem with norms within the EU is that while they are presented outwards as foundational and all ruling, it seems more difficult to promote its core values and norms

outwards to its member states. It is also important to note that it might be hard to pinpoint where exactly the EU is behaving in a normative way, since what constitutes as normative can often be left to the opinion of those who are assessing the actions of the EU. It is then often unclear what can be considered as concretely normative (Sjursen 2006, 248-249). A more general critique on normative political theory is that norms and values are too often removed from their original context and function. Meaning that political actions powered by norms need a better grounding when being explored and explained, rather than be taken at face value. Therefore, making the institutions who perform actions based on values or norms crucial when looking at the results of actions performed in the name of normativity or values (Sangiovanni 2009, 234).

These critiques can be summarised into the fact that interpretation of norms and normative action is often personal and hard to specify, while also often being brought up without context of their origin or their performer. In the EU context, critiques on normative power focus on the fact that there is hypocrisy within how the EU acts on the international stage, promoting core values, when internally the member states are not held to the same standards as nations that the EU is dealing with. Meaning it is harder to claim that internal work done by the EU is affected by norms.

3.1 Feminism in Europe

Feminism is a theoretical approach that considers how gender affects politics and policy. Feminist theory is considered being corrective and transformative, meaning that it wants to both improve the gender bias within political science but also expose it and affect change. The core concept of feminism is pointing out and trying to correct the unequal gender relations that exist in society. However, despite this being the core of feminism, the dialogue surrounding it is a constant evolution, with positions and emphasis varying from groups and time periods of discussion. Generally, feminism is categorized into waves with the first wave focusing on the legal rights of women in the early 20th century. The second wave, occurring during the mid-20th century, focused on the fight against violence against women as well as equality in the workplace and within the family. The third wave is often thought to have started in the last decade of the 20th century and is currently still in effect, focusing on the lack of intersectionality of earlier feminist movements (Kenny and Mackay 2017, 92-93).

In the context of the EU, feminism and general gendered approaches towards the EU have and continue to explore every facet of what the EU is in relation to gender and women's issues. Gender equality as stated before has also been described as a core norm in the EU since its foundation (Galligan 2019, 176). Since the last decade of the 20th century, non-governmental feminist organisations have had a representative in the form of the European Women's Lobby. The lobby has access to funds and policy setting, making it a key player in the creation of the EU gender equality policy. However, since 2014, lobbyists for gender equality have been noticing that the EU has been less willing to progress with gender equality by favouring soft law and non-binding agreements (Cullen 2014, 410). More recently, the increase of far-right populism in EU politics has sparked debates and opposition on gender equality in the EU. To be more precise, far-right populists in the EU want to limit what gender equality means and what policy areas it encompasses. The goal being to exclude LGBTQ+ issues and contest gender quotas, gender violence, and other pre-established policies that were put in place to lessen the gender gap within the EU (Kantola and Lombardo 2020, 578).

Despite a relatively positive relationship between gender equality and the EU, regardless of the recent dip in interest and emphasis on it, the EU itself is often lacking in the feminist perspective when making policy that does not directly connect to gender equality. This occurs even though when feminist issues are taken into consideration and are actively worked on, they promote and foster economic prosperity within nations. This is made particularly clear with the Swedish model, where various distinct social movements concerning women's rights pushed women into the labour market, stimulating the economy of Sweden (Lundqvist 2015, 128-129).

To explore the lack of feminist perspectives further, I will take a few policy areas where feminism has been lacking. Firstly, the overarching theme and motive of the EU is economical, meaning that economic growth takes priority. Economic growth emphasis can often be considered male-centred, since they have more time to focus on work and are less likely to be tasked with childcare or household tasks. Meaning that those tasks often end up with women. The EU has tried to tackle this with policy promoting gender equality, but those are often in the form of soft law that are up to the interpretation of member states. It is especially difficult for member states to accept any sort of gendered law following economic or financial crises, especially since feminist policy is often costly and thus not of high importance for member states that might be going through an economical predicament (Debusscher 2015, 15-16). Thus, EU and EU member states

far too often prioritise economic prosperity at the cost of feminist policy, harming women and other minorities in the process. Another policy area where the EU is lacking in feminism is their foreign policy. While Feminist Foreign Policy is something that a lot of EU member states have adopted, the EU itself has not adopted that approach when it comes to acting in foreign policy. However, the EU has deployed a sort of feminism when it acts in foreign policy, but it is limited and traditionally the EU works in a more masculine environment and is often defined by masculine hierarchies when it comes to things such as integration. Even when feminist foreign policy is used, it is done without proper critical thinking, assuming homogeneity and not properly taking into account intersectionality when promoting feminism to other countries (Guerrina, Haastrup, and Wright 2023, 485, 502-504).

However, it would be unfair to claim that feminism is never present when it comes to EU policy making, for example, when it came to the response to COVID-19. As research has shown that a gendered perspective was successfully implemented during the COVID-19 responses. Gendered issues under the pandemic were multiple, with domestic violence rising during lockdown; unpaid care work falling mostly on women; minorities often being the groups that struggled the most during the pandemic; and a huge majority of healthcare workers being women. The Committee on Women's Rights and Gender Equality (FEMM) highlighted the gendered issues of COVID-19 and made sure that the COVID-19 recovery fund would also be able to fund gender equality and address the impact that the pandemic had on gender equality. Thus, a gendered perspective was ensured for this pandemic, which was a big step up from the economic crisis of 2008, where the impact on women was also large but mostly went ignored by governments and the EU since the gendered lens had not become as mainstream as it was for the COVID-19 pandemic (Elomäki and Kantola 2023, 327-329, 342-344).

As this overview of feminism in the EU shows, the relationship between the two is more complex than at first glance. While gender equality has always been a part of the EU, its relevance and presence might often be lacking or done at a superficial level. The missing intersectionality is often apparent, and recent development of far-right populism poses a threat to a feminist EU and the furthering of gender equality. However, it is important to realise that feminism is still used within policy areas of the EU despite the growth of far-right movements. Nevertheless, that does not mean that feminism is prevalent in all policy areas and it is in fact often missing from key areas of policy making and not taken seriously. The following chapter will highlight the connection

between Normative power Europe and feminism, where a feminist critique will be applied to normative power and an assessment will be made on the relationship between the two.

3.3 Feminist critique on Normative power Europe

As pointed out in the previous chapter, feminist issues are not always considered when policy is being made in the EU. Thus, it is important when combining two theories, Normative power Europe and feminism, to look at the relationship between the two theories and see how they affect each other. In the case of Normative power Europe and feminism, where one theory claims that the EU acts according to ruling norms within the union and the other criticises EU acts as often inconsiderate to women's issues, the relationship might not seem complex at first, but it raises hard questions. The biggest one being whether it is an EU norm to ignore feminist issues? This section will look at planetary politics, a policy area that encompasses several international and national problems and examine if normative power lacks a feminist perspective.

Planetary politics is one of the ways to look at the presence or the lack of presence of feminism in normative explanation of policy areas. In his 2023 article about normative power in planetary politics, Ian Manners broadly categorised planetary politics as crises, being political relations, economic, social, conflictual and ecological. He goes on to say that they are not to be considered independent between national units, but instead need to be considered as having an interdependent relationship. The Westernisation of the international political conflicts and problems must halt as it is contributing to the symptoms of the general problem. Normative power in planetary politics questions the hegemony of Western norms in international politics and asks organisations and states to rethink the predominance of units like the USA and the USSR in the past, and China, India, and the USA of today. It also means that organisations like the EU or the African Union need to rethink their own social norms and the relationship between each other. To use normative power in planetary politics it is important to add distance from the thought that Western norms are superior or inherently “more normal” (Manners 2023, 828-831). While feminist scholars agree that normative power in planetary politics is a feasible possibility, it can only be achieved if actors embrace what has been referred to as the four “Es”, being ethic of care, empathy, emancipation, and equity. Meaning that these four subjects need to be explored in order to understand the need for non-Eurocentric nations, and especially for women if critical feminist re-

imagination of planetary politics is to be ensured and enforced. When the EU acts as an international actor, it is important that it realises the interwoven bias that has been a part of the *acquis* since 1957. Therefore, using the four “Es” allows the EU to bring further context into the site and identities it is working with when acting on planetary political issues as an external actor. There needs to be a consistent engagement with all levels of differing world views and decolonial thinking to properly implement and promote planetary politics (David, Guerrina, and Wright 2024, 893-898). To summarise, while critical feminism has an overarching agreement with the implementation of normative power into planetary politics, it is important for the EU especially to look internally for interwoven biases that might make themselves known with international action. Thus, the normative power in planetary politics wants to ensure multiple viewpoints and opinions when it comes to international crises and acknowledges that they are connected to colonialism. Feminist critique wants actors to also look inward to eradicate biases so that they do not interfere with international politics despite the goal of inclusion of different international views.

Despite feminism and normative power having overlapping approaches to planetary politics, feminism still critiques normative power. The largest problem with Normative power Europe is that it is being used as a stand-in for the entirety of Europe, meaning that claims about its norms might not fit within the EU itself. Meaning that norms need to be perceived with a narrower EU perspective rather than the whole of Europe perspective. However, if the EU is to fulfil its role as a normative power, it needs to firstly, implement care of what their actions means within the international context, and secondly, do more to recognise power imbalances. Normative power also makes the EU more vulnerable to criticisms (David, Guerrina, and Wright 2024, 889-891). A more general feminist critique on Normative power Europe is that the EU often lacks institutional goal of including a gendered perspective when acting as an international actor, or often when it takes internal action. It is also worth noting that member states play a significant role in applying and demanding the gender or feminist perspective, when it comes to EU action. Many member states have started that demand at the NATO level, but it seems to be lacking on the EU level (Guerrina and Wright 2016, 311-312).

Despite this, it is irresponsible to claim that normative power lacks a feminist edge, since unlike many EU theories, normative power does not hold a specific feminist perspective because it might not need one due to ever changing norms and ideas. Social norms are often also gendered norms, and behaviour is very often linked to pre-conceived notions of how it should be done based

solely on an individual's sex. Gendered norms are often informal and tied into institutions and reinforced by social interactions (Cislaghi and Heise 2020, 415-416). Thus, if normative power is to include a feminist perspective, then an ever-evolving social change in norms and values is needed. In the context of AI, this is very important since it is relatively new in societal discussions and ideas and norms surrounding it are still evolving. With the rise of conscious feminist action, it is important to view action regarding AI, especially AI deepfakes, with a feminist perspective to make sure that a group of people are not left behind when legislation is being made.

Considering the theories that have been explored above, there is reason to believe that if there is a feminist aspect to the EU AI act, it is limited and not fully explorative regarding the feminist issues and concerns that are present with AI. A more likely scenario, considering the theoretical framework explained, is that since AI is a relatively new threat to the EU that specific norms and values have been positioned at the forefront when policy making was being done. The initial consideration of norms that would be put at the forefront are economical and consumer protection in nature, given that most acts relating to the EU have those at the forefront of policy making. Normative power Europe, as stated before, is a constant evolving theory as norms within the EU evolve with the times. However, this might also mean that there are periods of times where there is not a concrete norm present for a problem that the EU is confronted with. Meaning that while there are norms that become applicable to some aspects of threats present in the EU AI act, it might not encompass other things such as TFSV perpetrated by AI deepfakes, since it is a relatively new concept that has had limited coverage. This then might suggest that some norms are, by default, put at the forefront of policy making, especially if there is a problem that the EU does not have a concrete stance on.

4 The EU AI Act

The EU AI act is a unique law in the world of international politics, as it is the first of its kind in terms of regulation and responsible AI usage. The goal of the EU in its digital strategy is to ensure that developers and users of AI are working within better conditions and a comprehensive legal framework. The history of the act can be traced back to April of 2021 when the European commission proposed that the EU would create a system that would classify AI and analyse different AI systems. The subsequent act is meant to be regarded as a rulebook for users and providers of AI when engaging with different types of AI relating to the amount of risk each AI system could have relative to its use (European Parliament 2023).

The act implements four different risk-levels that AI systems can be categorized into. Those being unacceptable risk, high risk, limited risk or minimal risk (Future of Life Institute 2024). The act defines unacceptable risks such as using AI to push or facilitate cognitive behavioural manipulation, social scoring and using biometric identification to e.g. categorise individuals or use facial recognition in public. However, the act does state that some of these unacceptable risk factors may be used by law enforcement. Furthermore, high risk categories are AI systems that are considered a threat to safety or the fundamental rights of people. Those are then split into two other categories, AI systems that are used in products and AI systems that fall into specific areas: such as management, education, working conditions, access to private services, law enforcement, asylum management, and legal interpretation to name a few. It is still permissible to put high-risk AI systems on the market, but they must first be assessed thoroughly and then throughout the lifecycle of the system itself (European Parliament 2023). It is worth mentioning that AI deepfakes are classified under specific areas in the high-risk categories (Labuz 2023 252).

Limited research has been done on the EU AI act; however, the research that has been done has primarily focused on the Acts take on the classification of AI and the risks that it could or could not present (see; Kusche 2023, Neuwirth 2023, Almada and Petit 2025 and Liesenfeld and Dingemanse 2024). The concept of AI deepfakes in the artificial intelligence act is not as well researched and the applicability of deepfakes, what they cover and what they do not, is explicitly clear. Deepfakes are only defined as “Ai generated or manipulated image, audio or video content that resembles existing persons, objects, places, entities or events and would falsely appear to a person to be authentic or truthful;” (Regulation 2024/1689, 50). Research has shown that the

definition of AI in the EU AI act is rather vague and the threat that deepfakes can pose to individuals is not properly dealt with (Moreno 2024, 320). There are also unclear provisions to users and providers of AI and AI deepfakes, making transparency obligations unclear or hard to follow. Especially since the difference between a genuine deepfake and a photograph that has been worked on slightly using AI tools but still not to the same effect as a deep fake is not addressed properly within the act. The act makes it hard to determine when such distinctions need to be made clear (Mending and Sorge 2025, 158). Even less research has been done on the scope of the EU AI act when it comes to TFSV. In his 2024 research, Mateusz Labuz provided an overview of where the EU AI act lacks clarity regarding deepfakes, and things such as deep fake pornography, which do not have a specific highlight within the act. He also goes on to mention that individual rights regarding AI are lacking within the act itself and that deepfakes need to be reconsidered within the risk factors of the act itself (Labuz 2024).

In the EU AI act, the word ‘deep fake’, presented as two words in the official document, is only found four times within the act. The first two times is in recital 134 on page 34 of the act, where the act sets forth the rule of deepfakes and how they should be presented and where the transparency obligations for users and deployers of AI deepfakes are applicable. The third instance of the concept being mentioned within the act is under definition 60 on page 50, where deep fakes are defined as has been stated above in this essay. The final mention of deep fakes is then in section four under article 50, page 82, that states transparency obligations for users and providers of AI systems. Section four describes the obligations of those using AI to make known when content online has been manipulated in a way which would result in content that could be described as deepfake (Regulation 2024/1689). There is no further mention of deepfakes within the act nor any hint of other rules regarding deepfakes other than the transparency demand from the EU.

5 Methodology

To accurately assess whether the EU AI Act is applicable to TFSV perpetrated by AI deepfakes I will be using single policy studies as my chosen methodology. The form of single policy studies that will be applied, due to the use of feminist approaches in this thesis, is going to be a form of silence study. To analyse the applicability of the EU AI act, I will be making a framework inspired by Carol Bacchi's "What's the Problem Represented to be?" (WPR) approach. The approach is used to critically analyse public policies with the intent of highlighting problems that arise within them. These problems that are represented within policies are then scrutinized by asking questions about the policy (Bacchi 2012, 20-21). Originally, there was a plan to try to use evaluation research; however, after the initial testing phase of applying the methodology towards the research it was discovered that it would not yield the most optimal results. The reason being is that evaluation research lays a significant emphasis on discovering the results of policy, rather than the implications of it. In the context of looking at silences within the EU AI act, the methodology of evaluation research does not fit within that framework. Due to that, single policy study was chosen, and then adapted to fit with the WPR approach.

In the world of EU studies, the most common form of methodology used is single policy studies. The practicality of the methodology is the versatility of it, meaning that it can be adapted to most any theory or framework needed to analyse a policy or an act. Single policy studies allow for a holistic view on policy and policy making, instead of focusing on individual stages or aspects of a certain policy or an act. The use of single policy studies is common in EU studies to describe what the EU does in one specific policy area and can be used to track development of that area over time. Single policy study needs to be adapted in accordance with what the specificity of the research may be and considering other research factors such as theory. When using feminist theories or other critical theories that are explorative in nature, particularly when it comes to gender and its relations to policy, there is the need to view policy as having been made with norms and values found in society. With a gendered perspective, single policy studies are used to then pinpoint where the gendered perspective is missing, also known as silence (Kronsell and Manners 2015, 86-90, 94-96).

When studying silence, it is important to look at the data or document and look out for what is not presented, instead of looking and analysing what is presented. There are a few different

ways to study silence, one being to look at photographs, images or observing a specific site. Those are often accompanied by stories or narratives that give a good understanding of the background and the reason for institutions, policies, or practices done. Another way to use single policy study is to look at documents and find what words are present, and what words are missing. In feminist research, this would be done by looking at words relating to gender, sex, and normative notions of what is presented as feminine and masculine. If there is a lack of those words, then critical feminist theories see a problem that needs to be brought up, especially if what is being researched is directly related to feminist issues. However, if the words are present then there is still the analysis of how those words are used, what meanings are put behind them and in what context they are presented (Kronsell and Manners 2015, 96). Overall, single policy study is a good way to analyse and determine if the EU AI act is applicable to TFSV that is perpetrated by AI deepfakes because it examines the details of the act and puts it into the gendered perspective. However, single policy study is not perfect and can often run the risk of losing sight of the larger context in which policy is made. The act of limiting the subject which is being researched can be tricky and might lead to the exclusion of important factors that might benefit the analysis (Kronsell and Manners 2015, 89). However, I do not believe that to be an issue with the EU AI act and my analysis of it because AI is a new policy area and is currently in development and is still finding a place as an EU policy. On top of that my analysis is restricted to find if the act itself contains language that can be interpreted as being feminist or addressing a specific feminist issue, sexually explicit AI deepfakes. The context of which is unlikely to be connected to other policy areas.

Single policy study and WPR approach go well together since they combine highlighting an issue that is occurring within a certain policy area. WPR focuses on policy and tries to understand it better than even the policy makers themselves. It does so by doing a deep examination of the logic represented in policy and the problems which are alluded to within policy. Within the context of looking at silences and the lack of responding to a problem, WPR asks where the gaps lay within policy that aims to tackle a problem (Bacchi 2012, 22) and thus, especially with the gendered perspective, helps analyse accepted beliefs in a critical manner and promote policy that is self-reflective (Goodwin 2012, 25).

WPR provides six questions as the mode of analysis (Bacchi 2012, 21) and combining them with single policy analysis and the study of silence creates a good framework to study the

absence of the gendered perspective of the EU AI act and will assist in concluding whether the EU AI act is applicable to TFSV perpetrated by AI Deepfakes. The questions that WPR provides are

1. What is the “problem” represented to be?
2. What presuppositions underpin the problem representation?
3. How has this representation of the problem come about?
4. What is left unproblematic and where are the silences?
5. What are the effects of the problem representation?
6. How has the problem representation been disruptive?

(Bacchi 2012, 21).

By asking these questions and deploying the critical feminist perspective it is possible to both highlight what is presented within the act, thereby showing the normative aspect of it, and show how a gendered perspective is missing from it, also known as the silences of the act.

When looking for silences, it is helpful to see an example of what a silence does not look at. GREVIO, Group of Experts on Action against Violence against Women and Domestic Violence, is a body of experts within the Council of Europe with the specific task of preventing and combating violence against women (GREVIO 2015). By looking at their suggestions of policy, legal recommendations and similar actions, it is possible to examine what a clear policy framework, that has the specific task of targeting and serving women, looks like. GREVIO provides a clear overview into what policy, acts, and such need to look like if they are to tackle feminist issues such as domestic violence and sexual violence. While these are not issues that only affect women, the overwhelming majority of people suffering from these types of violence are women (World Health Organization 2024). An example of a recommendation or framing that directly addresses gendered problems or any sort of feminist specific issues could be something like

GREVIO encourages the Icelandic authorities to review any gender-neutral approaches in their policy documents and ensure that all policies relating to the prevention and combating of violence against women and domestic violence are gender-sensitive and based on an understanding of the link between violence against women and the structural inequalities between women and men. Existing legislation and policy measures should be evaluated, with the aim of assessing whether there is gender differential in their impact (GREVIO 2022, 17).

The above text example from GREVIO provides a clear example of what silence does not look like, and if such obvious feminist representation is present within the act itself then it would be fully applicable to TFSV perpetrated by AI deepfakes. Thus, the combination of single policy study with WPR can provide a clear picture of if feminist perspectives are present alongside the normative form of the EU, or if it has been ignored as often has been the case. The analysis chapter will answer each of the six question individually, by analysing the text within the act itself and see where the gendered language is lacking, and where direct references to sexual violence perpetrated by AI is lacking. By taking a critical feminist perspective with the questions, they can be answered with the purpose of highlighting where the problem lies and where the silences are from that critical feminist perspective. Meaning that it will be possible to analyse and judge the act and its silences with more precision and with a clearer intent rather than if it were being explored through general silences within the act.

6 Analysis and findings

It is important to look at the complete EU AI act when using WPR approach even though deepfakes, the core of this essay, are rarely mentioned. This is because it gives a clearer hint at where silences regarding the gendered perspective and feminist needs lie. Looking at the overall text will point towards a traditional normative way to write and propose legislation or policy within the EU. That normative power, as stated previously in this essay, often lacks a feminist and gendered perspective, which in turn can lead to gaps in certain areas within legislation or a disregard to intersectional needs.

Single policy study, as mentioned before, is being used here to focus specifically on one area of the EU AI act, the gendered perspective. That perspective is then specifically focused on TFSV perpetrated by AI deepfakes. The single policy approach also makes it easier to answer the questions that are put forth in the WTP approach since it adapts efficiently to the approach and offers a way for the approach to be used in a narrower way than if it were to be applied to a wider policy area. It is important to note that WPR can still be effective when used in a wider policy area; however, for the purposes of this essay it is imperative to keep the policy area narrow and the analysed document to only the EU AI act.

Each following section will take a question from the WPR approach and answer it thoroughly, highlighting the silences that are found within the acts when it comes to TFSV perpetrated by AI deepfakes. There will also be a brief exploration of the silences regarding the deepfakes themselves. This is done with the single policy approach in mind throughout the analysis portion of the questions, even when not explicitly stated. The single policy aspect comes in the form of both the feminist perspective and the analysis of the EU AI act itself.

6.1 What is the problem represented to be?

The first section of the EU AI act states that the purpose of the regulation is to improve the function of the internal market by establishing a homogeneous framework for placing AI on the market. The goal of the act is to ensure that AI is implemented in accordance with core EU values as put forth in the Charter of Fundamental Rights of the European Union. While also trying to ensure that the AI that is circulating within the EU is human-centric and trustworthy (Regulation 2024/1689,

1). It is then logical to draw the conclusion that the problem that the EU AI act is trying to solve is the potential harm that unregulated AI could possibly impose to the fundamental rights of the EU. This is then further supported by recital 3 in the act where the act declares that “A consistent and high level of protection throughout the Union should therefore be ensured in order to achieve trustworthy AI,” (Regulation 2024/1689, 1)

While purposefully vague regarding dangers that AI could potentially pose to fundamental rights of EU citizens; the main dangers mentioned in paragraph one of the AI act are democracy, rule of law, and environmental protection (Regulation 2024/1689, 1). While rule of law could possibly be interpreted as to also include laws that would tackle TFSV, it is unlikely to do so as that would then be up to the member state. However, as stated above, TFSV is a cross-border issue that requires a certain level of overview and framework on the international level, or at the very least at the EU level. It might be worth considering that the norms highlighted within the act are seen as more important than other norms or could simply be used as an overarching group for all the norms within the EU. Though this remains unlikely since specific mentions of other norms are not found within the act despite extensive research. This could then be interpreted as the EU focusing more on some norms and values above others when faced with policymaking in areas previously uncharted.

When there is a lack of gendered terms there is also a lack of acknowledgement that problems that are meant to be solved by policy affect the genders differently. When problems are not introduced as having intersectional aspects and affecting people differently, most notably genders, they create sub-problems or further encourage the presented problems that are affecting one gender significantly more than others. Another issue with not having problems acknowledged is that it contributes to silences that are often already present as part of norms within a society or a collective such as the EU. As has been established previously, feminist perspectives are oftentimes not considered within problem representation. That means that the traditional norms and values of seeing the potential market threats and dangers posed by AI to both producers and consumers have taken precedence over other types of threats that AI could have. This then leads to a certain aspect of a problem being represented, the one fuelled by ruling normative values and behaviour, while the other problems that fall under the overarching problem of AI are silenced.

6.2 What presuppositions validate the problem representation?

There are a few points that need to be considered when seeing what supports and validates how the problem is represented within the act. The biggest one being that since AI is a new form of technology, then solutions used for other types of technology solve most of the problems posed by it. Recitals 26 and 27 on page 7 and 8 in the act outline that transparency is a key factor when it comes to AI systems, with recital 26 outlining that transparency obligations are necessary for certain systems. Following that, recital 27 lays out details that transparency is necessary when dealing with AI and that individuals interacting with AI deserve to know that they are doing so, and that users of AI know and understand the limitations of their AI systems (Regulation 2024/1689, 7-8). When this is regarded with a Normative power Europe perspective, it would then fall under norms relating to consumer protection. However, when looking at transparency obligations, there are critical missing points addressing the importance of transparency when generating images.

While transparency is extremely important when it comes to AI systems, this does little when it comes to TFSV and AI deepfakes, since the act of transparency would then only reach the individuals that are generating the images. Meaning that after the images have been generated, the individuals that have gotten them have no responsibility of disclosing the authenticity of those images. Meaning that while a certain demographic of consumers and providers of AI are going to have an easier time navigating the different systems and their functions, and while this does lay a foundation for market security and cohesion, it does not include other problems of AI. The silent problems continue to not be addressed and the chances of them being addressed are then slimmed down. This is then further made problematic when considering that open-system AI systems do not have to face the same transparency obligations as other AI systems (Regulation 2024/1689, 27). Meaning that individuals do not have to disclose that content generated from those open-system systems is AI, and those system providers do not have as strong of an obligation to reveal where the data being worked with comes from. Which could simply be photographs of women used to generate pornographic images.

By supporting and addressing only one aspect of AI and its effect within the EU, the emphasis on problems is made to fit within what is considered normative within the EU. However,

a case could be made that norms and values are ranked and that aspects such as market freedom and consumer protection weigh more heavily on policymakers than the human rights and gender equality sector of the EU. As previously mentioned, gender equality is often not considered when policy is being made, thus problems are not always represented and supported by policymakers because they are not originally thought of as problems. However, by not mentioning the silent problem, the acknowledgement of another problem supports the silent one. In simpler terms, by not addressing a problem directly it simply continues to exist without any consequences. Thus, the problem is validated because it is not recognised, and it is not considered to be a problem worth addressing. That does not mean that the EU considers TFSV perpetrated by AI deepfakes a problem not worth addressing, but by not addressing it directly it is being supported. Meaning that silence supports a problem and while one problem is supported by outlined action, another is being ignored.

6.3 How has the representation of the problem come about?

Both the addressed problem and the silent problem have come about the same way, by the constant evolution and usage of AI. It is then up to the EU to decide which problem takes priority within the Union. Since the single market is oftentimes considered the most important aspect of the EU, the threat of AI and its accessibility on the single market is regarded as of the utmost importance. Meaning that problem representation that the AI act presents is in line with normative values and in accordance with their importance within the Union. This is not to say that the act itself might not go through changes as norms evolve but being the first of its kind, it is to be expected that it would highlight economic and market level insecurities that could be brought about by AI.

Since AI is essentially a technological tool, it is easier to highlight only the technical side of it rather than the social effects that AI can have. While the act does bring up that the EU must protect its core values of fundamental rights (Regulation 2024/1689, 1), most underlying social issues of AI are not highlighted but instead, a norm-based approach is taken. Meaning that economic harmonisation and vague shared values take precedence over gender specific problems that need to be addressed. This has then supported the development of the act as a primarily consumer and developer protection, while also having some aspects of human rights protection

with the added risk assessment of AI systems. Those human rights considerations have primarily been about the right to privacy, self-determination, and the prohibition of discrimination. However, those human rights aspects that are addressed and protected within the act have a gender-neutral language. That neutral language does little to protect women specifically, who are more likely to suffer discrimination, especially when it comes to women who face intersectional discrimination based on their status within a society. This then has led to a gender-neutral lens of AI and the subsequent problem framing has been done in a gender-neutral way.

This gender-neutral lens might have its base in member state action, mainly Poland who is the only member state to oppose the predecessor of the act since it covered gender equality to an extent. However, this ended up not really affecting the setup of the act since the German presidency of the EU council managed to adopt a document, which was called “on a Charter of Fundamental Rights in the context of Artificial Intelligence and digital change” with support from 26 of the 27 countries. Meaning that the document was adopted on the grounds of the German presidency but not as a Council conclusion (Stolton 2020). However, this might seem unlikely since most member states agreed that gender equality was to be a part of the discussion when concerning AI. Although, as pointed out in this analysis, the scope of gender equality within the act is limited, so it is not impossible to claim that Poland might have had some influence.

The silent problem, TFSV perpetrated by AI deepfakes, is not in any way represented within the act directly. Meaning that the representation of the problem remains hidden and not directly addressed, as has often been a problem with feminist issues within policies of the EU. Feminist issues are often not directly represented even though a feminist viewpoint is taken when making policy and addressing issues that have a direct gendered bias. The results of this are that feminist issues, such as TFSV perpetrated by AI deepfakes, are hidden amongst other problems but not directly addressed. Oftentimes leaving them to be dealt with by legislation of member states when feminist NGOs bring them up to their local government. Meaning that feminist problems lack an overall EU standard that member states can refer to and must abide by in order to secure feminist issues. A pan-European framework is then needed to work towards solutions to feminist problems.

6.4 Where are the silences?

The overarching themes of silence within the EU AI act is anything relating to gender-based violence, misogyny, intersectionality, and other vulnerabilities that women face when it comes to AI. This has been highlighted and discussed by Anastasia Karagianni in the 2025 analysis of the EU AI act through a gendered lens. She points out that there is mostly a gender-neutral language used within the act, and comments that there is a need for gender specific language. When acts use gender-neutral language they run the risk of overlooking challenges that marginalised groups face, especially those that are intersectional through many different marginalised groups. While gender-specific language promotes direct response to needs for those groups (Karagianni 2025, 5).

The silences related to feminism or gender equality, besides comments about how AI must promote gender equality (Regulation 2024/1689 8) and must not hinder gender equality (Regulation 2024/1689, 13), are most apparent when the act is dissected. Moreover, deepfakes are not mentioned to have any effects outside of political or economic spheres. Outside of that, there is a severe lack of acknowledgement within the act when it comes to third party users of open-system AI tools that make deepfakes. Recitals 103-106 are the only ones to mention the usage and the obligations of such AI tools. The recitals cover the definition of open-system AI tools, the obligation of transparency and grounds for being exempt from transparency, and finally copyright infringement that might occur with image or text generation (Regulation 2024/1689, 27-28). It is worth mentioning that Section 2 Article 53 goes into more details about the obligations that general-purpose AI models must fulfil to be considered compliant with the act. However, that article mainly builds upon what has already been stated in recitals 103-106, with mentions of transparency of data, copyright obligations, and the exception to transparency that is applicable to some open-source AI systems, with the expectation of systems that are believed to pose a systemic risk (Regulation 2024/1689, 84-85).

The lack of proper acknowledgement of the dangers of open-system AI opens a plethora of dangers when it comes to AI deepfakes. The silence regarding the obligations that users of open-source AI systems, especially ones that can provide deepfakes, is especially worrying because it then creates a gap for individuals to create TFSV using AI deepfakes with what seems to be limited repercussions. The lack of acknowledgement of the dangers that open-system AI systems can pose shows that norms within the EU regarding feminist issues, especially when it comes to

intersectional issues such as TFSV, have not yet caught up to the standard set forth by feminists that have brought to light the issues that AI deepfakes can pose.

By not addressing other aspects of deepfakes other than economic or political, the silences surrounding feminist concerns about AI and AI deepfakes cannot effectively be worked on. The missing direct reference to the gendered issues of AI and deepfakes plays into the root cause of TFSV perpetrated by AI deepfakes, which is a normative EU that is built upon a male dominated viewpoints in policymaking. Which in turn causes feminist problems, such as misogyny-based harms done by AI, to remain unaddressed and thus not having an international framework for member states to reference when making policy or law regarding TFSV and AI deepfakes. This then plays into less effective legal grounds for member states when it comes to working against TFSV perpetrated by AI deepfakes because it is a cross-border issue that requires a certain level of unity and cooperation to be tackled effectively. To be able to securely and openly address TFSV perpetrated by AI deepfakes, there needs to be a clear framework for member states to efficiently work with.

6.5 What are the effects of the problem?

The effects of the silence regarding the problem of AI when it comes to TFSV perpetrated by AI deepfakes is that AI is given space to be seen as a one-dimensional threat to both individuals and member states. By not having any recitals or points addressing other aspects of AI other than the ones pertaining to the political or economic threats that it might bring with it, the act leaves the action to the member states themselves.

Having the power to self-determine how best to tackle TFSV perpetrated by AI, member states are granted a larger amount of freedom than if there would be a call to action for the EU with a framework. However, as has been stated before TFSV perpetrated by AI deepfakes is a cross-border issue that needs to be done cohesively rather than having laws that differentiate between member states. The threat of national laws not being applicable when a victim and a perpetrator are in different countries grows immensely, and punishment being varied by country could affect both perpetrator and victim.

There is something lacking by only looking at AI as a tool that could both foster opportunities but also be a threat on an intersectional level in aspects such as the free market and

democracy. The aspects that are lacking comes with not looking at AI with the viewpoint of it offering the opportunity to develop a social justice normative aspect as an emphasis. By not having a social justice and feminist perspectives, the full threat of AI is not being addressed. The effects of that are that the rights of individuals are not fully protected, and that phenomena such as TFSV perpetrated by AI deepfakes are not considered. Meaning that individuals might not be able to grasp the multifaceted nature of AI and the threats that it might bring with it.

Since there seems to be no recognition of the critical feminist view on AI and the nature of the threats that it can pose to women on many levels, the elements of what is considered normative within the EU continues to be selective on where to include the feminist perspective and where not. By not making a clearer frame on how AI, and more importantly deepfakes, can affect people's lives and infringe on their rights. Subsequently, making it more difficult for people to understand where the problem lies and how it will affect them. It also makes it harder for people to seek justice for crimes committed by AI, such as TFSV perpetrated by deepfakes, because there is no international frame of reference.

In his 2024 article, Mateusz Łabuz highlights the fact that by not seeing deepfakes as a sufficient enough of a threat and categorising them in the limited risk category, the act contributes negatively to women's victimisation. He goes on to say that the act could have had a global impact by setting clear lines where the EU stands on the violence against women in the online sphere and directly opposing TFSV (Łabuz 2024, 796-797). This is then, as has been stated, a factor of the shortcomings of the EU AI act. By not seeing deepfakes as a proper threat to individuals, especially women, the act, to a certain extent, fails women in addressing the threat that most often targets them over men.

6.6 How has the problem representation been disruptive?

The silent problem representation stems from the lack of critical feminist thinking when looking at AI and the potential threats that it may cause. Meaning that the normative way of thinking of AI within the EU primarily focuses on economic and political threats, also referred to as threats to democracy, but less so of human rights beyond the right to equal treatment and non-discrimination. The lack of any acknowledgement that high risk AI systems are also ones that generate content and images that contribute to TFSV is problematic and needs to be revisited and addressed.

However, looking at the disruptive representation of the problem shows that the represented problem within the act follows the normative technical stance that seems to be an overarching theme in AI related policies. The risk assessment done within the act takes no note of the gendered risks that come with AI systems, opting instead to highlight broader social issues that AI could potentially fuel, such as social scoring, subliminal manipulation, or the use of only AI when it comes to law enforcement and judicial decision making. There is a critical silence that ignores the data that shows that women are proportionally more affected by TFSV and have historically been and remain more likely to be survivors of TFSV perpetrated by AI deepfakes.

Though, it is also important to note that, even if limited, there is a human rights element to the EU AI act. The presence of that element does show that there is a present viewpoint of the effect that AI can have on human rights. At the same time, the gender-neutral language of that human rights viewpoint makes it useless to TFSV perpetrated by AI deepfakes. The importance of having a feminist viewpoint from data or feminist NGOs when making policy will call attention to itself when, and if, the EU AI act is seen as useless when it comes to member states trying to make a pan-European partnership to prevent TFSV perpetrated by AI deepfakes. However, the question of necessity for that viewpoint can still be brought into question, seeing as the EU AI act is the first of its kind in the world, there must be a start point in which the most critical threats of AI to the core values, and thus norms, of the EU are thought of and addressed.

The idea that the EU can look at and have effective regulation in place for a new possible democratic threat such as AI and the subsequent opportunities it offers both as an ally and as a threat to democracy, is hard to reach. Especially when looking at the fact that the AI act is meant to be one of the first ones to adequately address AI and what it can or should bring to the single market area. An argument could be made that the silences on TFSV and how they connect to AI deepfakes are simply a part that must be saved for later or are not as important as other aspects that the act covers. However, if the EU wants to continue claiming that gender equality is one of their core norms, then there is an urgent need to start considering and implementing feminist viewpoints when it comes to policy and act making.

6.7 Key findings

The overarching themes found when looking at the EU AI act with a normative power viewpoint alongside a critical feminist one, shows that while the EU AI act accounts for and does address key threats of AI with regards to high-ranking EU norms, it does not address the issue of AI from a feminist perspective. The silences throughout the act are largely gender related, with the act taking a gender-neutral perspective when describing and listing prevention methods for threats that could come alongside increased AI usage in modern society. There is no regard nor mention of ways in which the act addresses or offers a solution to specifically gender related harms that AI can cause, the only part of the act that can be considered gendered in any way is the anti-discrimination emphasis that is included. However, it is important to note that intersectionality needs to be regarded when discussing or making policy relating to discrimination or equality.

The limited coverage of AI deepfakes within the act is bound only to the transparency obligation to individuals that choose to use AI deepfakes. However, there might be exceptions to that definition if the deployment of deepfakes leak into the high-risk category of AI usages. In other words, deepfakes could be considered high risks if they are not advertised properly as being manipulated images that are not to be seen as real. For example, deepfakes could be used to distort behaviour or prevent informed decision-making. However, this is not explicitly stated in the act and is only the author's interpretation of aspects of the act and how they can interact with each other. This does not mean that there is sufficient text or coverage within the text of the act that could be considered addressing TFSV perpetrated by AI deepfakes, or even a section that mentions the fact the women are more likely to be discriminated against by AI and are therefore more likely to be victims of TFSV perpetrated by AI deepfakes.

There is a clear lack of a feminist viewpoint within the EU AI act. Meaning that there has not been sufficient consideration made for the gendered perspective and the different ways AI can affect men and women in the EU. The normative stance taken within the act is, as has been stated before, gender neutral which seems to highlight the importance of not differentiating between women and men when making this policy as AI can discriminate against everybody. While it rings true that everybody can fall victim to discrimination done by AI, that is not the only threat of AI. It is also important to note that even if that were the biggest threat of AI, women are still more likely to be discriminated against. Despite that, the feminist viewpoint of the need to address and

prevent TFSV perpetrated by AI deepfakes is not present within the act and instead there is gender-neutral language that is meant to encompass most of the threats that AI could pose, but it also pushes silences of other threats of AI that have been considered less, which for this essay is TFSV perpetrated by AI deepfakes.

7 Conclusion

Every national and international body is in a competition with the constant evolution of AI and the opportunities and threats that it brings with it. The incorporation of AI into the daily lives of people is inevitable and happening at a pace that makes it hard for policy to effectively follow along with preventative measures or the categorisation of prohibited action. One of the biggest threats that AI poses to women specifically, is the increase of easily accessible tools that can produce and distribute TFSV. This is especially true of those that can produce AI deepfakes of individuals, most notably women, with as little as a few images of a person. This increase of TFSV perpetrated by AI deepfakes requires immediate attention and a fast response from policy makers, national and international alike since TFSV is a cross-national issue that demands attention and cohesive response between governments and international institutions.

This essay set out to answer the question of **to what extent does the EU AI act encompass and become applicable to technology facilitated sexual violence perpetrated by AI deepfakes?** The analysis took on the form of a single policy study, with a “What's the problem represented to be” framework and where silences were taken into consideration and highlighted. The act was then critically analysed with the Normative power Europe theory with a critical feminist viewpoint, by looking at what and how norms are presented within the act and if there is a critical feminist viewpoint present. My findings point towards a critical lack of feminist viewpoints within the act, especially when it comes to AI deepfakes and the potential threats that they bring with them. The lack of acknowledgement to the threats that AI deepfakes have towards an increase of TFSV is worrisome and points to either a lax attitude towards AI deepfakes or a lack of understanding of the threats that AI deepfakes could pose to individuals and their freedoms, especially women.

With the previous section in mind, the analysis of the EU AI act has shown that it does not encompass TFSV perpetrated by AI deepfakes in any capacity. It also becomes clear that the EU Artificial Intelligence act has a limited to no applicability when it comes to the threat that is TFSV perpetrated by AI deepfakes and cannot be used by member states as a framework for national laws. It also does not encompass, nor does it become applicable when trying to encourage and promote international cooperation to combat TFSV and have a cohesive framework to work with when victims and perpetrators live in different member states. The human rights perspective within

the act is limited towards working against discrimination and has a gender-neutral language throughout the act. While the human rights emphasis on the prevention of discrimination done by AI is important, it does little to acknowledge how women are proportionally more likely to be victims of discrimination and are significantly more likely to be victims of TFSV done by AI, especially AI deepfakes.

The limitations of this essay might lay mostly in the single policy aspect of the research, and the choice of Normative power Europe as one of the theories chosen. The limitations regarding the single policy aspects reflect mainly on the narrowness of the research. Meaning that while the EU AI act is not applicable to TFSV perpetrated by AI deepfakes, it does not exclude other technology related acts to cover the issue in some other way. This then gives way to broader research of if and how the EU is taking on the challenge of TFSV perpetrated by AI deepfakes. The specifics of the question asked might therefore hinder it in looking into a broader range of data that might find that there are some framework resources for member states to use for TFSV perpetrated by AI deepfakes. The problem then with adding a WTP approach into the single policy aspect, especially when looking at silences, lies with the idea that looking at problems whether addressed or not is subjective. Meaning that the interpretation is up to the author regarding what problems are being represented, what problems are not and what that means for those problems.

Meanwhile, the limitations of Normative power Europe has been covered before in the fact that the root of the theory is how the EU behaves as an external actor. Meaning that there is neither much research into nor has there been written about normative power within the EU. However, my analysis has led me to believe that while there are ruling normative ideas and values within the EU, there is an unofficial ranking system for norms and when they should be put at the forefront of policy making. There is an emphasis on normative ways to write policy, but within the EU lies a hierarchy of norms. While not always obvious, my analysis opens the possibility of that hierarchy being more obvious as the EU faces challenges that have otherwise been unknown. Such as AI and TFSV perpetrated by AI deepfakes. The overarching AI aspects of that problem are seen first, and not the other aspects that show that AI can be dangerous. This then also opens the possibility of looking into if and how the EU takes into consideration the disproportionate position of women in relation to men when making policy that does have a feminist perspective.

Another aspect of the thesis that is worth mentioning is the fact that it is, for the most part, only an analysis of one single document. However, it is worth noting that the EU AI act is a

relatively new act within the EU, so relevant documents are limited and cannot be reliably based on research as it has not been active for an acceptable length of time to conduct effective and conclusive research. Despite the critiques that are applicable to the number of documents used in the analysis, it is still my belief that there is strength in highlighting the single piece of legislation targeting AI that is available at the EU level. This is because it is to be expected that legislation specifically targeting AI would contain multiple types of dangers that AI can cause. However, according to my analysis that has not been the case in the AI act. Though, as stated before, this does not mean that there are no other policy areas or acts from the EU that do target TFSV perpetrated by AI deepfakes. But it would be logical to assume that an act that has the distinctive goal of framing and mapping the dangers of AI would include TFSV perpetrated by AI deepfakes and other types of deepfakes. In my opinion, this is a significant strength of the essay as it truly highlights the limitations that are found within the act.

This essay has highlighted that the EU AI act is severely lacking when it comes to action to work against TFSV perpetrated by AI deepfakes and offers a critical feminist perspective on Normative power Europe when looking inwards on how norms affect policy and what norms are at the forefront when making policy. Deepfakes are only highlighted in a way that addresses their use in potential copyright material while there are major silences in how deepfakes can affect individual rights and freedoms. The bigger silences then come in the form of not addressing their relations to TFSV.

This essay also offers further exploration in relation to the EU and TFSV in the form of a possible analysis of acts that do encompass and are applicable to TFSV, even when perpetrated by AI deepfakes. There is also the opportunity to discuss and research the scope that the EU has when it comes to things such as TFSV, to look at where it can act and where it must leave legislation and cooperation to member states or other international institutions. This essay also gives way to research and analyse what other AI factors the EU AI act does not consider and needs to rectify. Possibly ending in a policy recommendation for the EU to reconsider how they have approached AI. There is also the opportunity to look deeper into norms and how they play into policymaking in the EU, with the opportunity to see and perhaps prove that there is a hierarchy of norms within the EU. Overall, there are plenty of opportunities for further research, while also being considerate of the limitations that have been described above within this specific research area. There are

opportunities for different research methodology within the field of TFSV perpetrated by AI deepfakes, both within and outside the EU.

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