

Standing Committee on Access to Information, Privacy and Ethics

RE: PROTECTION OF PRIVACY AND REPUTATION ON PLATFORMS SUCH AS PORNHUB

FEBRUARY 10TH, 2021

Preamble:

In December of 1991, Canada ratified the UN Convention on the Rights of the Child, committing to both establish policies and programs, and to adopt necessary legislation and create monitoring mechanisms designed to defend and uphold those rights. The Canadian Children's Agenda (1999) went on to identify goals that included ensuring Canada's children are (1) safe and secure and (2) healthy, physically, and emotionally. The impact of pornography on children and youth (minors) is, along with exploitation, not only a public health issue but a public health crisis, currently heightened by the pandemic. This underscores the pressing need for government action to be taken to protect children and minors from abuse, neglect, discrimination, exploitation, and the dangers they risk encountering on the internet.

The 2030 UN Sustainable Development Goals also call for immediate and effective measures to "end the abuse, exploitation, trafficking, and all forms of violence against and torture of children". It may not be a legal position, but the rape of a child and the cybersex abuse of children online is, I would argue, to both physically and emotionally torture them. Canada is not immune (see [International Justice Mission video](#)) and [RCMP News Release](#).

The International Labour Organization (ILO) Convention 182, defines the "worst forms of child labour" to include:

- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances, and the sale and trafficking of children.
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February 11th, 2021

Dear Mr. Chairman and members of the Committee,

I am writing as a citizen and community representative deeply concerned that Canada has yet to adopt comprehensive laws to protect children and youth (minors) from exposure to pornography online, to sexual luring and the exploitation of children online, and the cybersex abuse of children and minors.

I am equally concerned that Canada lacks a centralized and empowered agency directly mandated to enforce existing laws and implement new oversight mechanisms to protect children and youth from severe trauma. Currently, children and youth who have experienced or are experiencing online sexual exploitation suffer beyond the assaults they endure by having their personally experienced rapes and abuse continue to circulate online; their lives and tragic experience (often) lucratively commodified on social media platforms and adult entertainment sites.

As President of the Montreal Council of Women, NCWC (National Resolution Committee) member, and spokesperson for the Anglican Diocese of Montreal on Human Trafficking, and as founding member of an informal but national coalition (Canadians4Action) that represented over 40 concerned organizations and professionals who together urged Visa and Mastercard to enforce their own guidelines and rules and cease processing all payments for MindGeek and its subsidiaries, I am anxious that this opportunity, precipitated by Nicholas Kristoff's New York Times article, be harnessed to push for the development and implementation of a robust regulatory framework that:

1. Restricts and thereby protects children from exposure to and/or accessing what is an extensive, extreme and an exponentially growing online adult content library on the internet and
2. protects children and youth from sexual exploitation and trafficking (Palermo Protocol Article 3.c and 3.d)

Currently, the burden to protect children and youth from exposure to adult content has mostly fallen to parents whose resources and ability to monitor and control harmful content is limited.

- Today, given the limited protection in place, the average age of first exposure to pornography has dropped to about 9 years old, and 1 in 10 visitors to graphic porn sites are under the age of 10 (Fight the New Drug, 2018).

- A National Society for the Prevention of Cruelty to Children (NSPCC) survey* found that (10%) of seventh graders (12-13-year-olds) feared they were addicted to pornography (Howse, 2015).

In a brief submitted to the 2017 HESA committee, Mr Ernie Allen, former President & CEO of National Center for Missing & Exploited Children (US) quoted Canadian expert Dr Michael Seto, who when asked about the unfettered access of children to extreme pornographic content online, said: "*We are in the midst of the largest unregulated social experiment in history.*" An experiment, that without prioritized action being taken, will, I believe, continue to unfold with serious and sometimes fatal consequences.

I note that Canadians are more than comfortable with traditional age verification protection measures, norms and laws that require merchants to check for age-appropriate identification when selling pornographic magazines, videos, and allowing entry to R-rated movies, strip club or sex shops. It is time these laws were updated for the 21st century.

By mandating age verification measures and other mechanisms including mandatory firewalls at the Internet Service Provider (ISP) level as part of the robust digital framework, the Canadian government could help mitigate serious threats to the health and wellbeing of children and youth, thereby helping ensure protection from not only online predators, sexual abuse, cyberbullying, online scams etcetera, but also inadvertently or purposefully accessed pornography as well.

The pressing need for action was spelled out clearly three years ago in testimony that was brought forward to the HESA Committee Meeting of April 11th, 2017. That Committee tasked with examining:

"the public health effects of the ease of access and viewing of online violent and degrading sexually explicit material on children, women and men, recognizing and respecting the provincial and territorial jurisdictions in this regard."

The June 2017 response to the report: "*Report on Public Health Effects of the Ease of Access and Viewing of online Violent and Degrading Sexually Explicit Material on Children, Women and Men*", recommended some measures but, in the years since, the volume of pornographic material of all types has continued to grow exponentially. While not all material uploaded and shared on Pornhub and other sites necessarily includes non-consensual or CSAM (Child Sexual Abuse Material), your committee has been able to ascertain that there have been many instances of unlawful material being uploaded, with apparent impunity.

There must be significant resolve and willingness to prioritize these "concerns" to ensure not one child, teen or person who has not given their consent (noting that minors cannot give consent), will ever again have to face an ordeal as per the testimony you have all heard. In the

interim, it would be unwise to think it is not happening as you read this. The sheer volume of “content” itself suggests there being many corners of the internet where this content continues not just to exist, but to flourish.

MindGeek itself is proud of its growth. In Year in Review 2019 they highlight that they amassed/uploaded over 169 years of video content in that one year alone- a statistic representing a 50% increase from the year before, which, represents more bandwidth than the entire internet consumed just sixteen years earlier (2002). Pornhub, while arguably the largest privately owned “adult entertainment company” in the world, is by no means alone. There are other players including other subsidiaries of MindGeek taking full advantage of what is a lucrative business that enjoys limited oversight both here in Canada and globally.

Conclusion and Recommendations:

I close as I began. I am a deeply concerned citizen who hopes that this exercise will not be shelved or gather dust- as some efforts in the past have. Yes, the pandemic is a critical priority- but I remind you all that today, because of the pandemic, more children are spending more time on the internet than ever before. This needs to be framed and responded to as a crisis - because it is.

MindGeek and other such companies including social media platforms must be made and held accountable. The task ahead is to ensure Canada develops, legislates, funds, and implements a robust Digital Framework that begins with the appointment of a Digital Platform and Internet Regulator and Office/Agency charged with powers and oversight to:

- develop principles, standards, and regulations.
- work closely with the RCMP, and other police agencies (national and international), the Canadian Centre for Child Protection and others invested in protecting children.
- ensure that health and educational agencies diffuse information for healthy internet use.
- ensure that digital platforms comply with Canadian laws, standards, and regulations.
- ensure all internet and platform companies, where there have been any verified complaints received, provide an annual incident report/compliance audit.
- levy penalties when needed.
- report and recommend to prosecutors those pornography and social media platforms, tech companies and internet services providers who fail to comply with Canadian laws and regulations -with sanctions to include where CSAM is concerned the immediate blocking of access to their websites here in Canada.
- acquire information on algorithms and personal data collection procedures upon request.
- make informed recommendations to the courts when necessary.

- ensure that all Canadian accessed internet service providers and social media platforms use Canadian government approved 3rd party Age Verification mechanisms; and
- ensure that governments going forward direct sustainable funding for specialized online forensic tools and national policing resources with clear directives to help in identifying and prosecuting perpetrators and also ensuring (as noted above) that pornography and social media platforms, tech companies and internet services providers comply with Canadian measures and laws.

"It is my belief that this committee has an unprecedented opportunity to boldly influence and lead in recommending a comprehensive legislative strategy that does not rely on self-regulatory mechanisms which have proven themselves to be grossly inadequate in protecting children from both exposure to pornography and from being commodified and exploited by the "adult entertainment industry".

Finally, I am encouraged this committee appeared to be uniquely united and unwavering in its shared (albeit tempered) outrage following the meetings held last week. Your outrage on the Monday was informed by compassion, and on the Friday by a decidedly different experience. I urge you to harness the passion and outrage you have shown and to do your best to push for concrete action. Lives quite literally depend on this.

Respectfully submitted,

Penny Rankin

Founding member Canadians4Action

Referenced and Embedded Links:

UN Convention on the Rights of the Child (See Article 19) Layout 1 (unicef.org.uk)

The Canadian Children's Agenda (1999) BACKGROUNDER – A National Children's Agenda: Developing a Shared Vision – Secrétariat des conférences intergouvernementales canadiennes (scics.ca)

2030 UN Sustainable Development Goals 26130Child_Rights_2030_Agenda_HLPF_2020.pdf (un.org)

*IJM VIDEO -(8) SuperMaarko || IJMUK || - YouTube

RCMP News Release: Nine child victims (between two and nine years old) rescued in the Philippines as part of continued ICE investigation | Royal Canadian Mounted Police (rcmp-grc.gc.ca)

The International Labour Organization (ILO) Convention 182, Article 3. ILC87 - CONVENTION 182 (ilo.org)

Brief to HESA by Ernie Allen Porn-National-Center-for-Missing-and-Exploited-Children.pdf (canucklaw.ca)

*Canadians4Action Visa Mastercard Campaign The Logic: Newspaper Article: Advocacy groups pressure Visa, Mastercard to cut ties with porn company MindGeek | Montreal Gazette

*Nicholas Kristoff's NYT Opinion | The Children of Pornhub - The New York Times (nytimes.com)

*Palermo Protocol OHCHR | Protocol to Prevent, Suppress and Punish Trafficking in Persons

* HESA Committee Meeting on M-47 Evidence - HESA (42-1) - No. 50 - House of Commons of Canada (ourcommons.ca)

- Government Response to the Report of the 2017 HESA Report 421_HESA_Rpt11_GR-e.pdf (ourcommons.ca)

*MindGeek/Pornhub 2019 Report The 2019 Year in Review – Pornhub Insights

* Fight the New Drug, 2018: Real age of first exposure: What's the Average Age of a Child's First Exposure to Porn? (fightthenewdrug.org)

National Society for the Prevention of Cruelty to Children (NSPCC) Howse, P. (2015, March 31). "Pornography addiction worry' for tenth of 12 to 13-year-olds. BBC News. <https://www.bbc.com/news/education-32115162>