



**Statement by John F. Clark
President & CEO, National Center for Missing & Exploited Children**

**for a Hearing before the Parliament of Canada, House of Commons Standing Committee on Access
to Information, Privacy and Ethics**

“Protection of Privacy and Reputation on Platforms such as Pornhub”

February 22, 2021

Honorable Members of the Standing Committee on Access to Information, Privacy and Ethics, I am pleased to provide this written statement on behalf of the National Center for Missing & Exploited Children (NCMEC).

I. Background

Like many nonprofit organizations, NCMEC was born in response to an unthinkable tragedy. In 1981, 6-year-old Adam Walsh was shopping with his mother when he vanished without a trace. His devastated parents, John and Revé Walsh, had nowhere to turn for help in finding Adam. In 1981, there was no national coordinated response to search for missing children and little support for anguished families like the Walshes. Despite his parents’ desperate search, ten days after Adam was abducted, he was found murdered more than 100 miles away.

John and Revé channeled the painful experience of losing Adam to create NCMEC in 1984. Over the past 36 years, NCMEC has become the leading private, nonprofit organization to serve as a global resource center and information clearinghouse on issues related to missing and exploited children. With over 360 employees and hundreds of volunteers, NCMEC has forged strong public-private partnerships with families, victims, child-serving professionals, communities, nonprofits, corporate leaders, and federal and local government and law enforcement agencies who support NCMEC’s mission to help prevent child abductions, recover missing children, and deter and combat child sexual exploitation. NCMEC provides services and programs in five major areas: (1) missing children; (2) child sexual exploitation; (3) training; (4) child safety and prevention; and (5) victim and family support.

II. NCMEC's Experience with the Emergence of Online Child Sexual Exploitation and Its Creation of the CyberTipline

As the Internet became more accessible to the general public in the 1990s, NCMEC began to receive a growing number of reports relating to the online sexual exploitation of children. In response to this trend, NCMEC created the CyberTipline (www.missingkids.org/cybertipline) in 1998. The CyberTipline serves as an online mechanism for members of the public and electronic service providers (ESPs) to report incidents of suspected child sexual exploitation. The vast majority of reports NCMEC receives to the CyberTipline relate to child sexual abuse material (CSAM), but NCMEC also receives reports relating to child sex trafficking; online enticement of children for sexual acts; child sexual molestation; child sex tourism; unsolicited obscene materials sent to children; misleading domain names; and misleading words or digital images. After NCMEC created the CyberTipline, the U.S. Congress enacted a statutory requirement for U.S.-based ESPs to report apparent CSAM content to the CyberTipline. This requirement does not apply to non-U.S.-based ESPs. However, several ESPs based in other geographic jurisdictions voluntarily choose to report online child sexual exploitation to NCMEC.

Operating the CyberTipline is a core part of NCMEC's mission to prevent the sexual victimization of children. As CyberTipline reports are submitted, NCMEC analysts triage the reports for two central purposes: (1) to ensure reports containing images of children who appear to be in imminent danger are prioritized for immediate action; and (2) to determine a potential geographic location where a child is being harmed so the report can be made available to the appropriate law enforcement agency in that jurisdiction.

Every day NCMEC bears witness to a constant flow of horrific child sexual abuse and exploitative material flooding into the CyberTipline. Since its inception 22 years ago, the CyberTipline has received more than 84 million reports. The volume of annual reports submitted to the CyberTipline has grown rapidly from less than 10,000 in 1999; to over half a million in 2013; over a million in 2014; over 16 million in 2019; and over 21 million just last year in 2020. While the exchange of CSAM material is prevalent on many areas of the dark web, it is important to note that virtually all reports made to the CyberTipline relate to content that is being shared, stored, and distributed on the open web – not the dark web.

It is essential to understand the nature of the material being reported to the CyberTipline. These images and videos are not merely sexually suggestive content or depicting older teenagers who “look young.” This is content that depicts crime scene activity and includes active attempts to entice and sexually abuse children. In these images and videos, children – including many infants who are preverbal and cannot even call for help – are raped and sexually abused. This abuse is then documented on film and video and distributed repeatedly on hundreds of different online photo and video-sharing platforms, email services, gaming sites, messenger apps, and file-sharing services. Children are physically abused each time an image or video is made, and revictimized each time one of their sexually abusive images is traded and a new predator takes pleasure in their anguish or uses the image to entice another child.

III. Current Gaps in Platforms' Efforts to Combat Online Child Sexual Exploitation

Many technology companies embrace their societal and corporate responsibilities to manage content on their platforms and engage in active efforts to detect and remove child sexual exploitation material. These companies adopt innovative methods to address CSAM on their systems. They employ large teams of well-

trained human content moderators and implement sophisticated tools and technologies to identify this content online, report it to NCMEC, quickly remove it, and respond to user concerns about inappropriate content. Unfortunately, NCMEC also knows that many companies are not proactive in fighting this insidious problem of online CSAM. Some companies engage in only half-measures, sometimes as part of a considered PR strategy intended to show the world they take the issue of online child sexual exploitation seriously while minimizing any disruption to their operations. Many of these companies also decline to participate actively and fully in voluntary initiatives offered by NCMEC and other ESPs, fail to adopt transparency measures, and too often put child protection secondary to their organization's financial and broader liability concerns.

Additionally, too many online platforms are based on business models that are inherently dangerous for children and fail to establish common sense technological and terms of service parameters to prevent children from being exploited on their sites. An online platform solely designed to publicly solicit, collect, and make accessible sexually explicit content creates grave risks to children when it fails to engage in any age or user verification; fails to implement thorough content moderation prior to allowing any content to be posted; fails to remove any word or emoji signals suggesting content is child-related; fails to enable members of the public to easily submit complaints relating to posted content; and fails to immediately remove content as soon as a concern or public complaint is raised that the content depicts a child being sexually abused.

IV. Mindgeek/Pornhub

During its verbal testimony before this Committee on February 5, 2020, Pornhub repeatedly represented that it partnered with NCMEC. Pornhub does not have a partnership with NCMEC and does not engage in any special programs, initiatives, or projects relating to NCMEC's mission. An ESP is not a partner of NCMEC simply because it reports (voluntarily or pursuant to a statutory requirement) to NCMEC's CyberTipline or engages in other efforts to detect and report CSAM on its platforms. NCMEC considers these measures to be minimum standards of corporate responsibility that every online company should implement. Following this Committee's February 5 hearing, NCMEC wrote to Pornhub to clarify there was no partnership between NCMEC and Pornhub and directing Pornhub to stop making this false representation. A copy of this letter is attached to this written statement.

In March 2020, Mindgeek voluntarily registered its adult content website Pornhub to report CSAM on its platform to NCMEC's CyberTipline. Mindgeek also registered several of its other adult content websites to report to the CyberTipline, including RedTube, Tube8, and Youporn. From April 2020 through December 2020, Pornhub submitted over 13,000 reports related to CSAM to NCMEC's CyberTipline. Pornhub recently informed NCMEC that it believes approximately 9,000 of these submitted reports were duplicative, but NCMEC has not been able to verify this assertion. Following their testimony on February 5 to this Committee, Mindgeek signed agreements with NCMEC to access NCMEC's three hash-sharing databases. NCMEC manages these databases to facilitate the sharing of hashes of CSAM and child sexually exploitative content with ESPs that want to use these hashes to improve detection of CSAM on their platforms. Pornhub has not yet taken steps to access these databases and utilize these hashes.

Over the past year, NCMEC has received outreach from several survivors who have informed us that explicit content depicting their sexual abuse as children has been posted on Pornhub. Several of these survivors have informed NCMEC that they contacted Pornhub and asked to have this content removed, but Pornhub was not responsive and the content remained on the website. In several of these instances, NCMEC was able to intervene and contact Pornhub directly, which resulted in content being removed, even when the survivor themselves was not able to have the content removed.

NCMEC is aware that in December 2020, following a deeply impactful exposé on Pornhub by New York Times columnist Nick Kristof,¹ Pornhub announced major changes to its content moderation processes, many of which were detailed in its February 1, 2021 written statement to this Committee and on its website. NCMEC is not aware to what extent these new content moderation processes have been fully implemented on the Pornhub website.

V. Significant Impact of Online Recirculation of Sexually Exploitative Imagery on Child Victims

In addition to NCMEC's handling of CyberTipline reports relating to child sexual exploitation, we also offer substantial support to adult survivors and families of children who have been victimized by online sexual exploitation. These services are facilitated by NCMEC's trained mental health and child welfare professionals as well as specialized analysts within NCMEC's Exploited Children Division.

Frequently there is an emphasis on the tremendous number of CSAM reports submitted to the CyberTipline and the huge volume of images and videos of children being sexually exploited that these reports contain. However, the true societal tragedy of these reports should more appropriately be focused on the child victims – the survivors of this abuse – who are depicted in these reports and who suffer the impact of the perpetual circulation of these images.

Through the unique survivor services NCMEC provides, it has learned a great deal about the significant impact of the redistribution of CSAM on child victims. When a child victim's images of sexual exploitation, rape, and physical abuse are shared across the Internet, children are revictimized each and every time their image is viewed and shared. Because child sexual abuse images and videos shared online are impossible to eradicate, the trauma suffered by child victims is unique. The continued online distribution of these images and videos results in the significant infliction of devastating harm on and re-victimization of children whose sexual abuse images proliferate online. Given how difficult it is to contain the proliferation of child sexual exploitation images once they are online, it is essential that websites have effective means to detect, report, and prevent the posting of such images on the Internet. This is especially essential when the website is operating a business model that poses unique potential dangers to children, such as the active solicitation and encouragement of sharing sexually explicit images.

VI. Conclusion

Thank you for the opportunity to provide the Committee with NCMEC's perspective on the widespread problems of online child sexual exploitation, NCMEC's role in combatting the dangers children face online,

¹ <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

and Pornhub. Over the past several decades, issues relating to child sexual exploitation have become technologically complex and evolved into a vociferous global threat. In NCMEC's view, it is crucial that we all continue to work together on these issues so we can help so many more children around the world. Only through continuous and vigilant examination of new threats to children online can we ensure that the spotlight continues to shine a light on child sexual exploitation on the Internet and its devastating impact on victims and society as a whole.

In conclusion, NCMEC thanks the Committee for its dedication to addressing the alarming increase in online child sexual exploitation. NCMEC looks forward to continuing to work with the Committee to support the families and children impacted by this issue and to address issues relating to how ESPs can work to reduce child sexual exploitation on their platforms and prevent child victimization from occurring.



Via Email

February 9, 2021

Chantale Pittarelli
MindGeek
Director of Legal and Business Affairs
7777 Boulevard Décarie, Suite 600
Montréal, QC H4P 2H2

Dear Ms. Pittarelli:

I am General Counsel for the National Center for Missing & Exploited Children (NCMEC) and write regarding MindGeek's recent public assertions concerning a partnership with NCMEC. NCMEC is aware that in April 2020, MindGeek began to voluntarily report instances of apparent child sexual abuse material (CSAM) to NCMEC's CyberTipline. Voluntary reporting of CSAM is a basic measure of corporate responsibility that all technology companies around the world should engage in to prevent the sexual exploitation of children on their platforms.

Voluntary reporting to NCMEC's CyberTipline does not constitute a partnership with NCMEC. NCMEC has no joint programs, collaborations, or shared projects with MindGeek. It is inappropriate for MindGeek to suggest a more substantive relationship with NCMEC or promote itself as NCMEC's partner as it did last week in testimony to the Canadian Parliament's Standing Committee on Access to Information, Privacy and Ethics and as it does on its website (<https://help.pornhub.com/hc/en-us/categories/360002934613-Our-Commitment-to-Trust-and-Safety>).

NCMEC directs that MindGeek immediately cease referring to NCMEC as its partner and remove references to having a partnership with NCMEC from its website and other public-facing documents.

If you have any questions, please feel free to contact me via email (ysouras@ncmec.org).

Sincerely,

Yiota Souras

Yiota G. Souras
Senior Vice President, General Counsel