

May 30th 2021

**To the Standing Committee on Access to Information, Privacy, and Ethics
Regarding the Protection of Privacy and Reputation on Platforms such as Pornhub**

Submitted by the Advocacy Team at

DEFEND



Objective: To implement age/ID verification across all social media, including access to online adult entertainment sites.



helpusdefend.com



<https://www.facebook.com/HelpUsDefend/>



<https://twitter.com/HelpUsDefend>



<http://www.youtube.com/helpusdefend>

Introduction

Thank you for inviting DEFEND to submit a brief regarding our perspectives on approaching the issue of online protection of privacy and reputation. DEFEND is an incorporated not-for-profit group striving to reduce risks for children and vulnerable people online.

DEFEND created a petition in 2020 (on Change.org) looking to take action by implementing age/ID verification as the norm across social media platforms. We are currently preparing to turn that online petition into a hardcopy version to serve onto Parliament and the US government. In line with our petition, we would like to present our solution and our perspectives on how the problem of privacy protection on social media platforms including PornHub can be addressed.

Presently, there are inadequate controls within the existing legislation to sufficiently mitigate the risk of harm to vulnerable persons on social media and other online platforms. Vulnerable persons and children are subject to abuse or mistreatment and may be targeted, threatened, blackmailed, or harassed by others online. While some of these predators are charged with criminal offences, the criminal justice system is not sufficiently effective in the deterrence and protection of vulnerable persons.

Age/ID verification is a potential solution to protect the online safety of vulnerable persons against those with intentions to harm, sexualize, or exploit. We must focus on mitigating the creation of online media such as child sexual abuse material, and age/ID verification is essential in ensuring online accountability.

Background & Analysis

EXPLOITATION OF VICTIMS OF CHILD PORNOGRAPHY

With a lack of age/ID verification of uploaders and subjects depicted in pornographic content, vulnerable persons such as children can be easily exploited. Without adequate identity verification, online sites serve as a **perfect platform to facilitate and enable abusers** to harm vulnerable people.

Serena Fleites is a young woman whose life was shattered from continued trauma as a victim of child pornography. When she was only in Grade 7, she was tricked and threatened by an older boyfriend to record herself naked. She describes how MindGeek, Pornhub's parent company, did not adequately take responsibility to quickly remove the video clearly depicting child pornography. By making it very difficult to remove non-consensual content of victims and by discrediting and deflecting blame, **MindGeek contributes to perpetuating the exploitation of vulnerable people.**

In countless ways, technology has been weaponized against children, fostering the proliferation of child abuse material as well as ongoing harm to youth. As described by Lianna McDonald, Executive Director of the Canadian Centre for Child Protection: *"There has been an explosion of pornographic content coupled with a complete absence of meaningful regulation. This created a perfect storm whereby transparency and accountability are notably absent. Children have been forced to pay a terrible price for this."*

Age and ID verification of both uploaders and subjects depicted of content on pornography sites before it is posted would mitigate this problem. It is already too late for victims when the videos are posted without their consent, as the videos can be used against them repeatedly to harass, blackmail, and harm them. Serena, one of many child pornography victims, supports stricter rules on age/ID verification as she states, *"They should require people to verify their age and identity to ensure they are actually the people in the video before it is uploaded"*. As Ms. McDonald stated before to this Committee, there is a *"huge issue with the lack of age verification (with children getting easy access to Pornhub)"*.



ACROSS ALL SOCIAL MEDIA

18 million +
child sexual abuse material
posted online in 2018

In 2018 only, the United States National Center for Missing and Exploited Children received **over 18 million** total referrals of child sexual abuse materials posted, with over **50,000 reports daily**. In 2020, there were 20 million reports from Facebook alone. [1]

Abusers and predators meet up on other social media platforms including Facebook, Instagram, Snapchat, TikTok, and more to recruit vulnerable persons as prey to exploit. They are manipulative, act quickly to gain vulnerable children's trust through building corrupt "digital relationships" with them, and can rapidly escalate situations out of control. Finally, posting sexual abuse material on Pornhub (or the hundreds of other major adult platforms) is the very end result. The vast volume of user-uploaded and platform-promoted child sexual abuse material is currently so extensive that the FBI can only prioritize reports that involve infants and toddlers, and essentially unable to respond to cases of vulnerable persons older than this age range. [2]

DEFEND was contacted by a concerned father who disclosed his 10-year old daughter had been contacted on Instagram. We are protecting the identity of this father for privacy reasons.

"As parents we actively attempted to keep apps like Instagram from our child, although we failed... She found (Instagram) to be attractive from other kids at school on the platform. She was lured in. She was able to log on to the app using her web browser on her phone, because she knew we checked her phone. Instagram didn't ask her age and even if it did she would have lied. When she was in their system, a random man contacted her, manipulated her, and extorted her for nude images. He attempted to obtain more by threatening to send what he had to her friends. Instagram took no steps to prevent this from happening on their system."

This is a serious problem. There needs to be stricter and more rigorous solutions in place to address this problem of online child sexual abuse and pornography where it begins. Therefore, we propose that age/ID verification must exist across all social media platforms, not only on pornographic websites but also on Facebook, Instagram, etc., to fully address and fix this vicious cycle of online abuse of all vulnerable people.

It is important to note that **both age and identity verification** are essential in protecting vulnerable people online. MP Arnold Viersen supports age/ID verification as he was quoted stating, for "*any content going up on the internet, age and consent must be verified before (content) goes up.*" However, not only is age verification important, but identity verification using a valid method is required to confirm consent, as a basic legal principle. Specifically, age/ID verification should be required for both the uploaders as well as the subjects depicted in the material.

SKEPTICISM AGAINST MINDGEEK'S STATEMENTS

As of 2021, MindGeek has set new standards for Pornhub verification, moderation, and content detection. Feras Antoon, CEO of MindGeek, has also testified to this Committee that MindGeek has human moderators and CSAI matching software to review all content uploaded, and so "we should have zero child sexual abuse material on our website." This claim is very difficult to be taken to be the truth. In fact, child sexual abuse material (CSAM) has certainly been found to be published on Pornhub already. For example, Project Arachnid conducted by the Canadian Centre for Child Protection agency has detected more than 193 cases of CSAM on Pornhub in only 3 years and has issued over 6.7 million takedown notices worldwide, which includes many reports of very young and pubescent children victims.

Furthermore, MindGeek company executives acknowledged that **80% of their content was unverified**, which they only very recently delisted from the platform at the end of 2020. This includes around 10 million videos, amongst which MindGeek transmitted and recommended large volumes of illegal content to the public. Therefore, despite MindGeek's employment of human moderation and software to detect offending content, their measures are not completely effective. Age and ID verification of uploaders, of persons depicted in posted content, and of all users provides a solution.



Nonetheless, although the implementation of upload verification using biometric technology through third-party Yoti is the first step towards improved safety and security in social media, MindGeek can do more. For example, despite the verification of identity and date of birth of uploaders, there is still no age/ID verification of users nor verification of persons depicted inside the pornographic videos. In other words, current measures still do not prevent children from accessing the videos on Pornhub, nor does this completely ensure the verification of subjects within the videos.

[1] <https://www.missingkids.org/content/dam/missingkids/gethelp/2020-reports-by-esp.pdf>
[2] <https://openparliament.ca/committees/ethics/43-2/21/arnold-viersen-1/>

FAILURE TO PRIORITIZE ONLINE SAFETY OF VULNERABLE PEOPLE

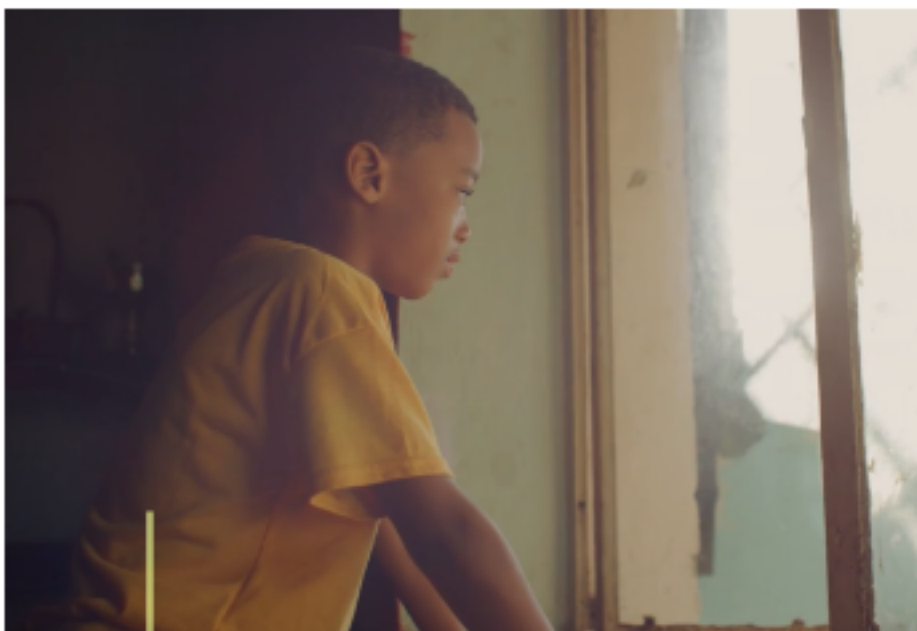
Not only has our system enabled child sexual abuse material to propagate across social media platforms, but the ease with which children can gain access to graphic and sexually violent content on the internet is grappling and harmful to the emotional and psychological development of vulnerable children.

Senator Julie Miville-Dechêne recently introduced a bill (S-203) that would make it criminally liable and mandatory for adult pornography sites like PornHub to employ age verification mandatory for all users before browsing. This bill is important to reduce the overexposure of children to adult pornography because it can lead to fear and anxiety, unrealistic expectations, self-esteem issues, and body image problems in vulnerable children. The purpose of the bill is to protect the mental health of young people and to protect vulnerable populations from the harmful effects of early exposure to explicit material that depicts demeaning behavior and sexual violence.

There are very clear expectations offline regarding not selling sexually explicit magazines and videos to children below 18 years old, but currently, children can easily and freely access pornographic material on adult websites as well as graphic content popping up automatically as advertisements on landing pages. In other words, pornography has become so accessible on the internet that age/ID verification is a need to protect children from accessing the material.

In Germany, they plan to make it mandatory for internet service providers to block online access to foreign pornography sites that do not have age verification systems implemented. France already passed a law in July 2020 [3] regarding adult pornography websites facing criminal sanctions and shut down if they do not have strict age verification measures implemented. TikTok was forced by Italy to delete 500K accounts believed to belong to children under the age of 16. [4]

To take this further, however, we believe that age/ID verification should extend to all social media sites, in order to protect all vulnerable persons online. For example, age/ID verification would be useful to protect the vulnerable population of older adults and people with disabilities using social media. Numerous scams target older adults, people with disabilities, and others who are prone to manipulation. It can be argued that social media platforms support abusers, offenders, and scammers by allowing them to be a user on their site without adequate verification.



BENEFITS OF AGE/ID VERIFICATION TO PROTECT VULNERABLE PEOPLE

Age/ID verification on all social media platforms and related sites including PornHub aims to:

- Reduce risks of vulnerable children being exposed to online predators
- Reduce risks of children sharing nude images
- Decrease online bullying to all vulnerable persons
- Lower risks of all persons being exposed to unwanted content online



[3] <https://arstechnica.com/tech-policy/2020/07/french-parliament-passes-porn-age-verification-legislation/>
[4] <https://techcrunch.com/2021/05/12/tiktok-removes-500k-accounts-in-italy-after-dpa-order-to-block-underage-users/>

Recommendations

- 1

Based on the aforementioned, we recommend that all social media sites implement **robust age and ID verification for all users**. Specifically, for adult sites containing pornographic material, age and ID verification is recommended for persons who are the **subjects depicted in content**. With increased online accountability, we can expect a decrease in all kinds of illegal behaviours, such as child pornography and non-consensual content from being uploaded. Verification of users will protect vulnerable persons from accessing material that may be harmful or dangerous to them.
- 2

Accordingly, we suggest changes to key features on social media sites, including how the algorithms of these websites work towards information processing. Since the amount of personal data that has been already gathered offers a clear map of their users’ preferences, it would be possible to track their users that are more prone to consuming child pornography or being engaged in other illegal behaviours of child abuse. Changes to algorithms could be used to discourage the access of this kind content from the users who are more prone to engage in illegal behaviours towards pornography consumption and child abuse. This way, in addition to the age verification process, we could minimize the current proliferation of child pornography and child abuse behaviours.

METHODS OF AGE/ID VERIFICATION

Currently, across all the popular social media applications, such as Snapchat, WhatsApp, Instagram, TikTok, Facebook, Messenger, Discord, and more, there are no robust age verification mechanisms. Systems that are in place face easy bypasses by users.

There is a range of solutions to verify age and identity online in a secure manner. Age/ID verification is most frequently supplied through third-party providers and can utilize their credit card, passport, driving license, and even online banking information. Currently in use today, residents of Canada can login into Revenue Canada’s website, using a secure third party (SecureKey) to login into select online banking systems, which keeps users personal documents secure.

Biometric features may also be used as age/ID verification mechanisms and can include speech, fingerprint, facial traits, ear, or iris features. Speech recognition has been found to achieve high accuracy (85.8%) in age verification of children who are 5-16 years old but may not be reliable for children aged 11-13 due to timing in pubertal onset. [5]

Facial feature recognition is promising for age verification, as it demonstrates high accuracy and effectiveness even with low-quality images and can guarantee user anonymity due to facial features being insufficient to identify user identity. Facial recognition on its own can be circumvented; but if used as a supplemental method for verification, it can be very successful.

Conclusions

We cannot remain complacent. The government and social media platforms have a collective responsibility to protect people from harm, especially those populations which are at-risk and vulnerable. As the internet continually and rapidly innovates, we are required to also adapt constantly to improve our collaboration in protecting vulnerable people online. Would there have been 20 million child sexual abuse and exploitation cases in 2020 alone, if age and ID verification measures were implemented? Likely not.

Hence, DEFEND, as well as more than ten thousand people worldwide supporting our petition, jointly call on the Standing Committee on Access to Information, Privacy, and Ethics to commit to protecting vulnerable persons from online harm by implementing a mandatory age/ID verification system on social media websites and related businesses, including PornHub. Age and ID verification are quintessential to ensuring online accountability on social media, and thus will lead to decreasing all types of illegal behaviours on the internet.

[5] Age of Consent and Age Verification: Can They Protect Children? Study by Liliana Pasquale (2020)