



YOUTH WELLBEING PROJECT

House of Commons Ethics Committee

Protection of Privacy and Reputation on Platforms Such as Pornhub

Brief presented by Liz Walker of Youth Wellbeing Project

February 5, 2021

Youth Wellbeing Project is a social enterprise based in Brisbane Australia with a global vision to positively impact youth sexuality and wellbeing.

Youth Wellbeing Project supports schools and community with safety and wellbeing education to build online literacy and counter hypersexualised harms. Endorsed as a trusted eSafety provider, we provide classroom curriculum, professional training, student presentations and resources for schools and families. We aim to prevent porn and other sexual harms, enhance children and young people's online, social and emotional relationships, and fortify children and youth within our hypersexualised culture.

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Liz Walker, on behalf of Youth Wellbeing Project, is thankful for the opportunity to provide recommendations to the House of Commons Ethics Committee relevant to the study: Protection of Privacy and Reputation on Platforms Such as Pornhub.

I am honoured to work alongside many advocates and child safety experts who have a long history of pressing for stringent legislation that would protect children from pornography harms, prevent CSAM and hold the online commercial pornography industry (OCPI) accountable for its harms to women and children.

My own work (Liz Walker) encompasses co-founding an Australian children’s charity focussed on protecting children from pornography harms (2016-2020); and the efforts of my own organisation, Youth Wellbeing Project, in developing education with the view to protect children from pornography and equip those who care for them. This education includes school, parent and community presentations and programs, authoring children’s books, and the publication of school curriculum.

I have also contributed to multiple government submissions in Australia and further afield (including to the Canadian M-47 inquiry). In addition to my role as Managing Director of Youth Wellbeing Project, I also hold the role of co-Chair of Connecting to Protect—a Canadian-based organisation that has been established with the aim of developing a *global response to address the mental health and safety consequences to children and young people accessing online pornography*.

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1 Historical failure of Mindgeek to meet child safety protection standards

- 1.1 The online commercial pornography industry (OCPI) has a long history of fighting legal accountability, evidenced by the Free Speech Coalition lobbying against U.S. Code Title 18 Section 2257—record keeping on the age of performers. Dr. Gail Dines—co-author of the article “Child pornography may make a comeback after court ruling guts regulations protecting minors”¹—is well positioned to provide comment on the avoidance of the OCPI to adhere to legal measures designed to protect children.
- 1.2 The below example provides a clear indication that Mindgeek, who holds a lion share of the OCPI, has a historical record of failing to meet voluntary and basic child protection standards.
- 1.3 The “Association of Sites Advocating Child Protection” (ASACP) claims they set the porn industry best standards for dealing with child exploitation material. They state that² all Member sites have complied with the ASACP Code of Ethics and “*at the time of their membership application and during periodic monitoring, ASACP Member sites have complied with the ASACP Code of Ethics.*” There is nothing legal or binding about these volunteer standards or codes.
- 1.4 In January 2018, the ASACP honoured its featured sponsors³. At the time, Mindgeek touted that they were “*proud to be a Platinum Sponsor, and have supported the association in this cause for well over half a decade now.*”
- 1.5 ASACP Code of Ethics⁴ stipulate 9 areas—of which Mindgeek would be expected to meet given their Platinum status with ASACP. However, as evidenced by Kristof’s breaking New York Times article⁵, Mindgeek falls well short of compliance with these codes.
 - i. Make a good faith effort to comply with the current standard of recordkeeping of the US Government.
 - ii. State in a prominent position on all access pages including, but not limited to: entry, home, splash and join pages, that All models were 18 or older at the time of depiction.
 - iii. In cases where an occasional model is over 18, but looks younger, the statement that The models are 18 or older should be prominently displayed on each featured page.
 - iv. Label your website as "adult" using an established labelling system such as ASACP's RTA "Restricted to Adults" Website Label and other meta data recognizable by filtering software, browsers, etc.
 - v. Review sites which direct traffic to your site and parse those which feature Unacceptable Terms.
 - vi. Promptly report incidences of suspected child exploitation to ASACP.
 - vii. Do business with companies that comply with the ASACP Code of Ethics.

¹ Dines, G., & Levy, D. Child pornography may make a comeback after court ruling guts regulations protecting minors. Online Article: The Conversation; August 23, 2018. Retrieved from: <https://theconversation.com/child-pornography-may-make-a-comeback-after-court-ruling-guts-regulations-protecting-minors-101763>

² Association of Sites Advocating Child Protection (ASACP). Retrieved from: https://www.asacp.org/index.html?content=best_practices#adultsites

³ Restricted to Adults. RTA. ASACP Honors its Featured Sponsors for January 2018. Retrieved from: <https://www.rtalabel.org/index.php?content=news&item=1332,2018-01-02+asacp+honors+its+featured+sponsors+for+january+2018>

⁴ ASACP - see INDUSTRY BEST PRACTICES Code of Ethics. Retrieved from: https://www.asacp.org/index.html?content=best_practices#adultsites

⁵ Kristof, N. The Children of Pornhub. New York Times. Online Article, December 4, 2020. Retrieved from: <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

- viii. Display an ASACP Member button on your site as a testimonial that your site does not contain nor condone child exploitation.
 - ix. It is unacceptable to use meta tags, any search engine keywords, or text that denote child exploitation, such as this list of Unacceptable Terms (scanned for in 20 languages).
- 1.6 Mindgeek’s claim that they had been a supporter of ASACP for well over half a decade yet their inability to meet basic codes of ethics is evidence that their sites avoid regulation and will only place child protection at the centre of their practices when forced to do so.
 - 1.7 Prior to recent changes on Pornhub, terms such as “young teen” were common. Video titles such as the following, however, are still available on the site and could be seen to allude to including minors in the filming.
 - i. Fit teen knows how to take d***! Massive orgasm and cumshot on perfect a**
 - ii. F***ed stepsister on the parents bed and finished on the a**
 - iii. I suck his d*** on the bus twice and once again at the party
 - Our assessment is that these videos fail to meet the full range of voluntary Code of Ethics, regardless of claims that video content hosted on Pornhub is by verified users. However, rather than rely on our cursory assessment, we recommend that the committee work with a suitable CSAM prevention organisation to identify and assess videos such as these, measured against this voluntary Code of Ethics. We suspect that this would provide insight into the continued long-term failure by Mindgeek to meet basic voluntary child protection standards for prevention of CSAM and other child related harms, despite their claims to the contrary.
 - 1.8 The recent purging of unverified user videos from Pornhub and changes to its terms and services only occurred after financial processors (Visa and Mastercard) removed transactional services⁶. Pornhub’s sudden change in operations was seemingly motivated by profit loss as opposed to care for child safety or rape victims.
 - 1.9 Given their track record, we urge the committee to anticipate a continued failure of Pornhub (and other Mindgeek sites) to avoid regulation. As such, strong regulatory measures are required, along with the implementation of stringent monitoring processes and penalties for failure of compliance across all their sites. It is hoped that these measures would contribute to the development of a new legislative standard for the OCPI to follow.

⁶ Friedman, G. Visa and Mastercard Block Use on Pornhub. New York Times. Online article: December 10, 2020. Retrieved from: <https://www.nytimes.com/2020/12/10/business/visa-mastercard-block-pornhub.html>

2 The ecosystem of pornography that harms child development

2.1 A 2011 journal article⁷ by Jennifer Johnson indicates that the algorithms used by big porn companies fail to protect children. Her investigation considered the ways in which *the online commercial pornography industry ... relies on affiliate websites to ensnare the consumer in a series of mutually reinforcing websites designed to reduce consumer choice to extract maximum profit*. Primarily, Mindgeek is an industry that is focussed on maximising profit.

2.2 In a follow-up presentation in 2018⁸, Dr. Johnson raises the following points:

- i. Adult men are the majority of paying consumers, thus their sexual choices are most represented in the porn industry – and this content is most accessible.
- ii. Thus, adolescent boys begin their sexual exploration at advanced stages of sexual maturity.
- iii. If adolescents start where adult men end up, where do they go with their sexual decisions from there? Predominantly, they've never had sex... this spells trouble.

- NOTE: It is recommended that the committee watch this video by Dr. Jennifer Johnson for a clearer understanding of the business model used by the online commercial pornography industry. <https://vimeo.com/270534983>

2.3 In August 2020, Youth Wellbeing Project put forward an extensive research submission⁹ to the Australian Federal Inquiry into family, domestic and sexual violence. We argued that pornography:

- i. shapes sexual scripts, thereby influences child and youth attitudes and behaviours and as such, their social environment.
- ii. is a “how to” manual for children engaging in sexually abusive behaviours toward other children.
- iii. is an influencer for youth sexual violence towards peers and children.
- iv. influences sexual harassment, gender-based norms and other harmful social norms.
- v. is a model for technology-facilitated abuse such as image-based abuse.
- vi. is a grooming tool for use by sexual offenders and a tool in and of itself that grooms children and normalises abuses.
- vii. motivates sexual offences such as rape, sexual harassment, strangulation and other (“consensual” and non-consensual) sex acts that cause emotional and physical harm.
- viii. normalises technology facilitated abuses, including sexting, “up-skirting”, “down-blowsing”, image-based abuse.

- Detail regarding these researched areas is accessible here: <https://www.youthwellbeingproject.com.au/sexual-violence-submission-2020>

⁷ Johnson, J. A. (2011). Mapping the feminist political economy of the online commercial pornography industry: A network approach. *International Journal of Media & Cultural Politics*, Volume 7, Number 2, August 2011, pp. 189-208(20). DOI: https://doi.org/10.1386/macp.7.2.189_1

⁸ Johnson, J. (2018). Current Research on Economics and Usage Patterns by College-aged Men and Women. Online Video. Retrieved from: <https://vimeo.com/270534983>

⁹ Youth Wellbeing Project. The role of pornography in influencing sexual violence. Online blog and submission links: October 26, 2020. Retrieved from: <https://www.youthwellbeingproject.com.au/sexual-violence-submission-2020>

- 2.4 Pornography’s role in potentially contributing to each of these areas of abuses is often not acknowledged, understood or responded to. Diagram 1 (below) visually portrays the ways that porn influences instigators and groomers’ victims.
- 2.5 While we recognise that the purview of this inquiry relates specifically to responding to the presence of CSAM on Mindgeek sites, we urge the committee to consider CSAM as part of the ecosystem of porn. Pornography, by its ease of access and availability, not only contributes to the numbers of children being groomed, but also influences children, teens and adults to instigate abuses upon others. Additionally, children who access porn at a younger age are more likely to develop a range of mental health issues, including the development of troubling attitudes and behaviours^{10 11}.
- 2.6 High risk behaviours influenced by porn include children and young people—often subject to manipulation or coercion¹²—filming themselves (child or youth-produced sexual content) or falling prey to cappers¹³ (an individual who tricks kids into committing a sexual act over live stream while screen capturing or recording a video. Some cappers will use the child’s images/videos to extort them for more sexual images or money). Cybertip.ca issued a recent warning¹⁴ to Canadian parents regarding cappers—this form of abuse has worsened during COVID-19.
- 2.7 Child or youth-produced sexual content contributes to a never-ending cycle of child exploitation and is normalised by the ease of access by children to porn. Additionally, the Internet Watch Foundation¹⁵ confirmed that it is common (89.9%) for self-produced images to be harvested from the original upload location and redistributed on third party websites (including porn sites).
- 2.8 Mindgeek has consistently failed to prevent children from accessing adult content and it is clear that children—minors—are particularly vulnerable to pornography harms.
- 2.9 Depending on legislation origins and subsequent interpretation¹⁶, children having access to pornography may be deemed criminal—and at the very least, it presents ethical and safeguarding issues.
- 2.10 Stop it Now!¹⁷ is a multiple global-location charity that aims to prevent the sexual abuse of children by mobilizing adults, families and communities to take actions that protect children before they are harmed. Stop it Now! states that:

¹⁰ See Reference 8.

¹¹ Youth Wellbeing Project. Critical Porn Analysis. <https://www.youthwellbeingproject.com.au/critical-analysis>

¹² Thomas, S.E. “What Should I Do?": Young Women’s Reported Dilemmas with Nude Photographs. Sex Res Soc Policy 15, 192–207 (2018). <https://doi.org/10.1007/s13178-017-0310-0>

¹³ Cybertip.ca. What are “cappers” and why do parents need to know? Online Alert, n.d. Retrieved from: <https://www.cybertip.ca/app/en/signup>

¹⁴ See Reference 11.

¹⁵ Internet Watch Foundation (IWF). Emerging Patterns and Trends Report #1: Online-Produced Sexual Content. Online Report, March 10, 2015. Retrieved from: https://www.iwf.org.uk/sites/default/files/inline-files/Online-produced_sexual_content_report_100315.pdf

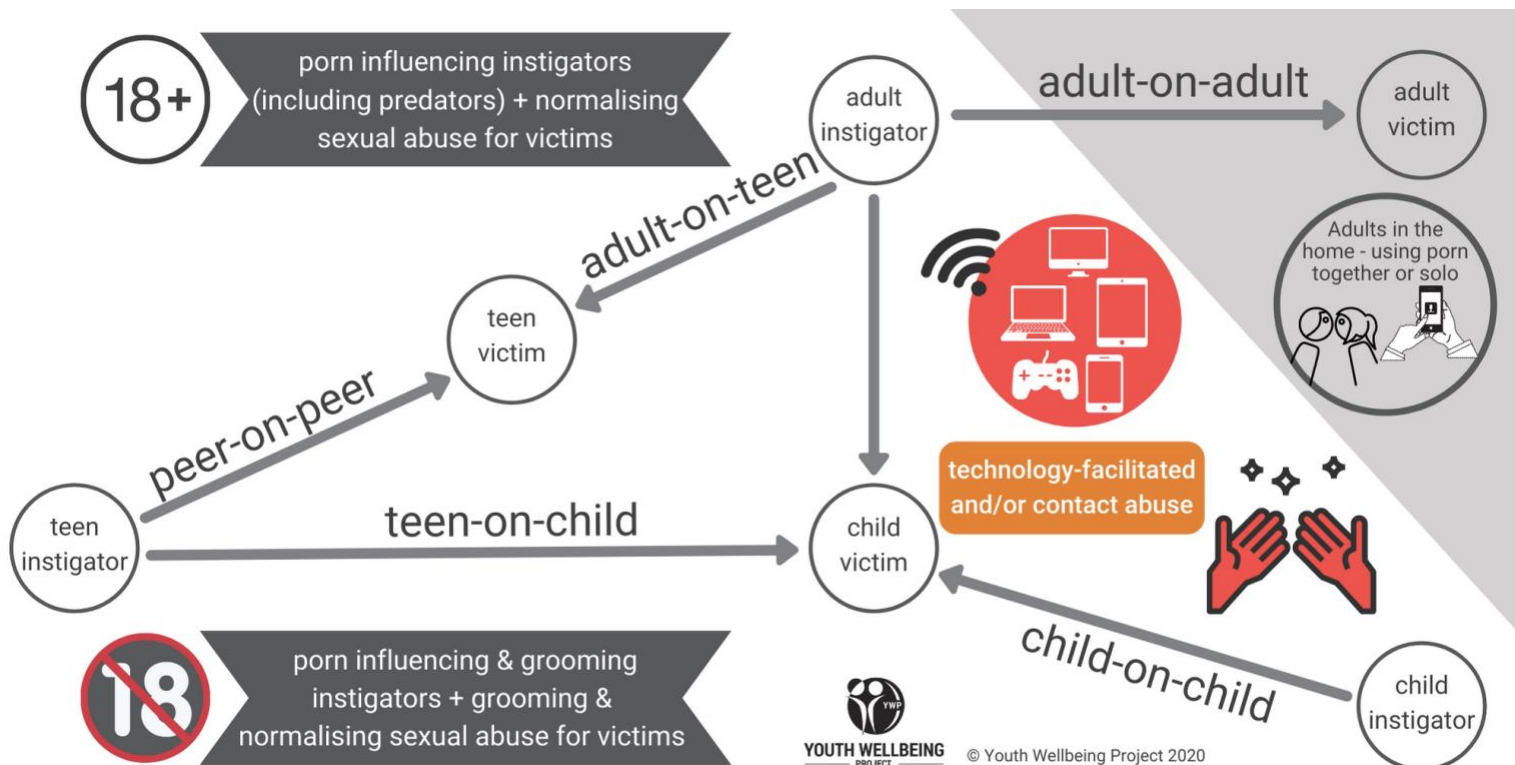
¹⁶ Youth Wellbeing Project. The role of pornography in influencing sexual violence. Online blog and Supplementary Submission: October 26, 2020. Retrieved from: <https://www.youthwellbeingproject.com.au/sexual-violence-submission-2020>

¹⁷ <https://www.stopitnow.org/advice-column-entry/is-it-considered-child-sexual-abuse-if-someone-shows-a-child-pornographic>

- Showing pornographic pictures to a child is considered sexual abuse. Child sexual abuse can include non-touching behaviors.
- Purposely exposing a child to adult sexuality is considered a form of child sexual abuse, whether or not a child is touched. Non-touching behaviors can be just as upsetting and emotionally harmful to a child as some touching behaviors.

2.11 As part of acknowledging the potential role of pornography as a grooming tool in and of itself, Mindgeek must be held to account for abuses against children who have uninhibited access to their content from countries around the world.

DIAGRAM 1



2.12 As the committee considers the regulatory measures necessary to ensure Mindgeek is no longer a haven for—or a contributor to—CSAM-related issues, we make the recommendation for the implementation of Age Verification more broadly. Underpinned by Safety, Security and Privacy, Age Verification (see Diagram 2) holds significant potential to not only prevent children from accessing adult content, but also provides the mechanisms to ensure that “verified users” of Mindgeek services meet stringent standards.

2.13 A note of caution. Recent changes¹⁸ (December 20, 2021) to European legislation make it clear that some parties fail to prioritise child safety: *regulations went into effect that infringe on tech companies’ ability to use scanning technology to detect, report, and remove online child sexual abuse material. As a result, reports concerning child sexual exploitation in the EU*

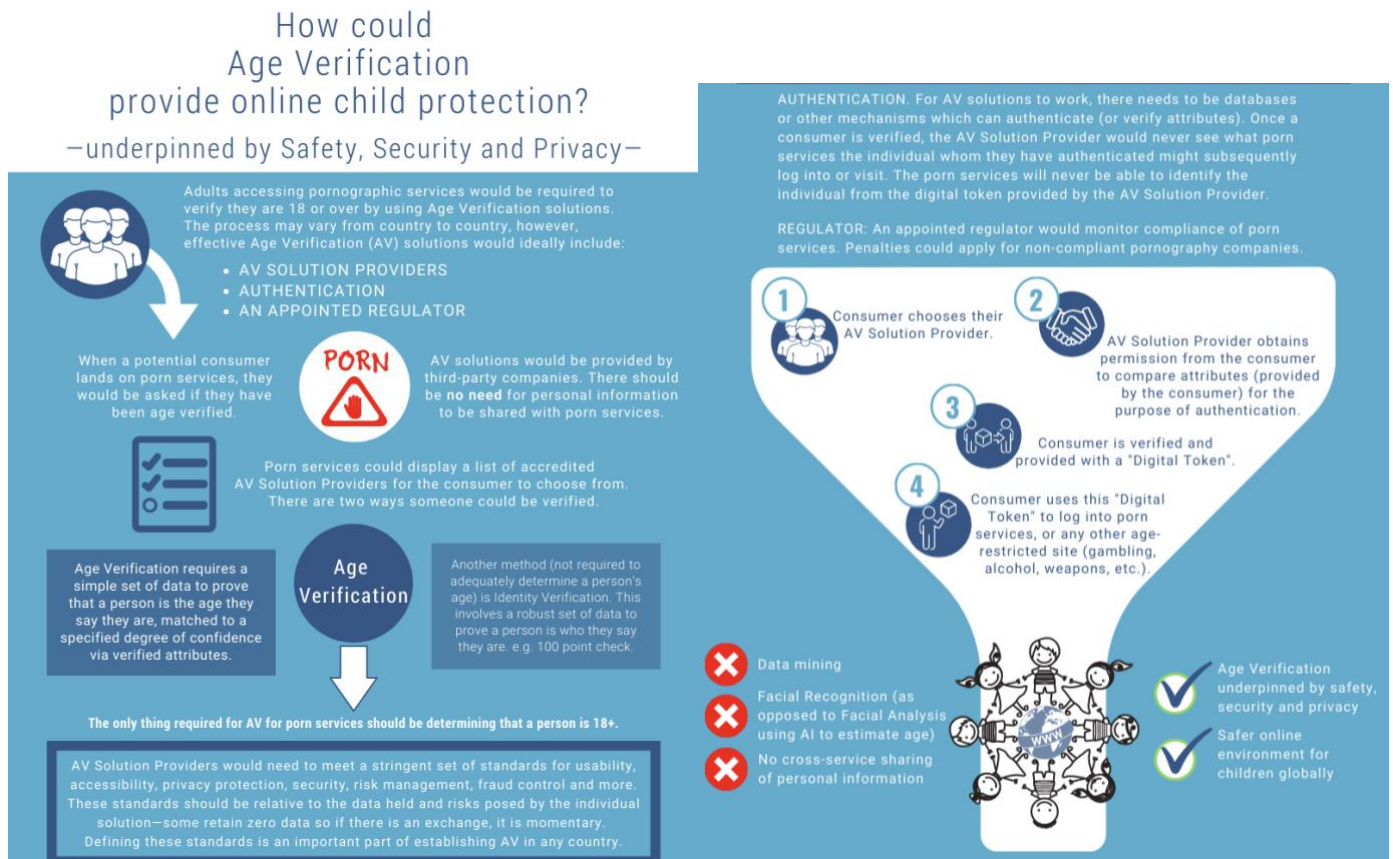
¹⁸ NCMEC. We Are in Danger of Losing the Global Battle for Child Safety. Online article, January 19, 2021. Retrieved from: <https://www.missingkids.org/childsafetyfirst>

plummeted by 46%. While vitally important, privacy must be held with equal priority to child safety.

DIAGRAM 2

Complete diagram accessible from Connecting to Protect—design by Liz Walker:

<https://www.connectingtoprotect.org/age-verification-solutions>



3 Strengthening child protection efforts through stringent regulations

3.1 In closing, Youth Wellbeing Project makes the following recommendations:

- Anticipate continued efforts by Pornhub (and other Mindgeek sites) to avoid regulation. The new "self-appointed rules" by Pornhub are not enough.
- The implementation of strong regulatory measures, along with stringent monitoring processes and penalties for failure of compliance across all their sites. It is hoped that these measures would contribute to the development of a new legislative standard for the OCPI to follow.
- Appoint a suitable CSAM prevention organisation to identify and assess videos that promote teens on Mindgeek sites, and measure these against the failed ASACP Code of Ethics. Use these findings to contribute to the development of regulatory measures and monitoring processes.

- iv. Stronger measures implemented on the Pornhub “Report this Content” function, including:
 - Ensure the form is accessible by non-logged-in users.
 - Provide a “required” checkbox option for reporting CSAM. For example: Is this issue related to (or potentially related to) Child Sexual Abuse Material?
 - Ensure this question is also added to the Content Removal Request Form.
 - Ensure that when this checkbox is marked “Yes”, the form is automatically copied to INHOPE and/or a similar reputable reporting agency.
 - Add a “Report Content” to the bottom menu.
- v. Beyond “verified users”—and to ensure consent from all parties—require meaningful third-party verification for all involved in the filming of uploaded content. Additionally, to prevent coercive tactics being used to secure a person’s “consent”, establish a hotline managed by law enforcement trained in sexual assault and exploitation matters.
- vi. A full investigation into the crimes that have occurred on Mindgeek sites—and thus far, escaped scrutiny for—including allowing children to access their platforms with no restrictions in place.
- vii. Cross-jurisdictional recourse for victims internationally, including costs covered by Mindgeek for mental health or other lasting issues that have resulted from CSAM and instances of rape or non-consensual material being uploaded and being allowed to remain on their sites.
- viii. More broadly, consider CSAM as part of the ecosystem of pornography that normalises and motivates sexual violence. In response, make moves toward a broader focus on Age Verification—underpinned by safety, security and privacy.
- ix. An investigation into Mindgeek crimes against children for their role in knowingly allowing children to access harmful content that has the potential to trigger a lifetime of compulsive use, shape sexual templates in harmful ways, and influence children and teens to instigate contact and tech-facilitated abuses.

3.2 Additional to these recommendations, questions must be asked about the widespread violent abuses allowed on these sites that normalise CSAM.

- i. Acts that promote “teens” are often whitewashed as “fantasy”—a term used by OCPI that minimises or excuses acts that are often violent—and in some instances—illegal.
- ii. For the victims (or “consenting party”), this “fantasy” has the potential to create (or reinforce) trauma in the body, mind and emotions that can take a lifetime to recover from. Young performers in the industry may not acknowledge these abuses—denial, normalisation, minimisation, and the need for a pay cheque can be powerful motivators to be disconnected from the lived reality of abuse. The voices of survivors who have left the industry need to be heard.

3.3 The matter of preventing CSAM and abuses on Pornhub and Mindgeek sites (and OCPI sites more broadly) requires urgent attention to improve the safety of children and requires strong government leadership for the benefit of children globally. Youth Wellbeing Project thanks the Canadian House of Commons Ethics Committee for their commitment to this issue.