## Regarding:

# **43rd Parliament, 2nd Session (Meeting 16), December 11, 2020**On motion of Nathaniel Erskine-Smith, it was agreed,

That the committee invite to appear, representatives of **Pornhub** / **MindGeek**, namely **Feras Antoon** and **David Tassillo**, to explain the company's failure to prohibit rape videos and other illegal content from its site, and what steps it has taken and plans to take to protect the reputation and privacy of young people and other individuals who have never provided their consent.

## Brief presented to:

## The Honorable Chris Warkentin

Chair, Standing Committee on Access to Information,
Privacy, and Ethics (ETHI)



Dr. Jocelyn Monsma Selby



## **Dr. Jocelyn Monsma Selby**

Co-Chair & Founder of Connecting to Protect.

My career in Mental Health has spanned more than 40 years in the Calgary community, including treatment of trauma and addiction. in all age groups. During the last five years, I conducted PhD *research* on *problematic sexual behaviour* in forensic cases and formed *Connecting to Protect*—in conjunction with international professional colleagues from Australia, the United Kingdom, and the United States and, locally, the University of Calgary, Faculty of Social Work.

Connecting to Protect is a global initiative, inviting a public health response to address the mental health and safety consequences to children of accessing online pornography embracing individuals and organizations who understand these consequences. Connecting to Protect announced a Global Summit to address these issues in 2020 that was postponed due to the impact of COVID 19.1

I specialize in treating individuals with severe trauma, problematic sexual behaviour and addictions and I conduct forensic evaluations for individuals with problematic sexual behaviour acting as an expert in our court system.

I have deep empathy for my community and have been engaged as a chairperson and vice chair, building several community organizations, including an international school. I have been a long-term member of the Dean's Advisory Circle to the Faculty of Social Work at the University of Calgary, which has a presence on several campuses throughout the Province of Alberta. In 2010 and 2017, I received the honor of "Distinguished Graduate" from the University Faculty of Social Work and was nominated for the Lieutenant Governor's "True Leadership Award" for my work in the community.

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<sup>1 (</sup>Connecting to Protect | Public Health Response, 2021)



This brief responds to the House of Commons Ethics Committee's investigation into – *The Protection of Privacy and Reputation on Platforms* such as Pornhub.

We have been heartened to see an emerging awareness within the press, and now within Government, about what may be characterized as an "Evil Empire" that has been built and nurtured in our own Canadian back yard, opaquely, with many "Shades of Grey" in a shadow internet world that does not impose rules or demand accountability. It is easy to be distracted by a debate about rights to "freedom of speech" or "freedom of expression" or a discussion of social mores or religion. Sexual practices, that may have been criminal 100 years ago, are now acceptable conduct. What we can all agree is that children have no place in this debate.

No form of modern society can accept children as targets of sexual abuse or exploitation. Nor is it acceptable to expose children to explicit sexual content. This is the other end of the stick and no less harmful in the mental and physical health consequences to children and the long-term consequences to family and marital health, the very fabric of our society. We are pleased to see MindGeek in the spotlight. Perhaps something can be done now, to protect the youngest and most vulnerable members of our society, at this critical juncture. This is a *call to action*. Much work is to be done. To quote Winston Churchill: "It is not the beginning of the end; it is not even the end of the beginning."



My focus, for the purpose of this brief, is to address the mental health harms of:

- children's sexual exploitation
- · child victims of sex trafficking
- children who have produced and shared sexually explicit, and violent video material.
- children's unrestricted and non-consensual access to online pornography.

Peer-reviewed research <sup>2</sup> has shown that children's exposure, and the sexual exploitation and involvement of children, in creating internet pornography, is a social and mental health crisis, an issue of international significance. Nicholas Kristof's New York Times article stimulated investigation and Serena Fleites' testimony, to the committee, sadly, points to the complexity and seriousness of this problem.<sup>3</sup>

Children are our most vulnerable members of society. A single click or tap can direct them to legal online pornography with extreme sexual and unmonitored content.<sup>4</sup> Exposure has measurable consequences for social and family development, addictive behaviour, and general mental health. The internet has become an integral part of everyday life for most Canadians and, due to its ubiquitous nature, can be fairly characterized as the largest social experiment in human history. It is truly shocking that the threat of the internet to children has been completely ignored, when censorship or restrictions upon access are part of the fabric of our society at magazine stands, theatres, and liquor stores.

Research<sup>5</sup> has shown that children often stumble on harmful content by accident. Minors viewing legal pornography online is a child protection issue that requires urgent attention<sup>6</sup>. All communities have an obligation to support the *United Nations Convention on the Rights of the Child* to protect children.

<sup>2 (</sup>eChildhood, n.d.)

<sup>3 (</sup>Kristof, 2020)

<sup>4 (</sup>Gov UK, 2020)

<sup>5 (</sup>eChildhood, 2020)

<sup>6 (</sup>Ey & McInnes, 2017)



Article 19 of the UNCRC declares that all "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement." <sup>7</sup>

Child sexual exploitation—abuse of children and visual depictions of sexually abused children—is a global plight, indeed another form of pandemic, causing unimaginable harm, both to subjects and recipients. Often overlooked, children accessing legal pornography online is a contributing factor to child sexual exploitation and needs to be considered as a fuel of incendiary character. Ease of access to pornography also contributes to a host of other mental, behavioural, safety and health consequences. In computer terms, we are creating a vicious feedback loop, where input reinforces unacceptable behaviours and expands the audience, including children. Surely no sane person can support this result. By not addressing access to harmful content, we contribute to child sexual exploitation and child sexual abuse.

Modern pornography has become extremely violent and depraved. While unfettered access remains, it will continue to be a significant contributing component to changing and rewiring the minds of children and promoting conduct that is at odds with widely established healthy norms. It has been found that higher-level brain functioning such as insight, empathy, intuition, and morality are strengthened in the brain when the mind, the body, the brain, and our relationships are integrated in a healthy manner.<sup>8</sup> The emotional trauma experienced by victims of child sexual exploitation also prevents this higher level of brain integration. 9 Brain areas implicated in the stress response include the amygdala, hippocampus, and prefrontal cortex. Therefore, patients with post-traumatic stress disorder (PTSD) show smaller hippocampal and anterior volumes, increased amygdala function, and decreased prefrontal/anterior cingulate function. In addition, patients with PTSD show increased cortisol and norepinephrine responses to stress. 10 Thus, visual learning via focused

<sup>7 (</sup>United Nations Human Rights, 1989)

<sup>8 (</sup>Dines, 2010)

<sup>9 (</sup>Shapiro, 2017)

<sup>10 (</sup>Bremner, 2006)



attention on pornography, and child sexual exploitation hijacks children's development in the forming of damaging neural connections, changing the "neuropsychopharmacology" of the brain.<sup>11</sup>

Knowing about the way the focus of attention changes the structure and function of the brain throughout the lifespan opens new doors to healing and growth at the individual, family, community, and global levels.

Dr. Dan Siegel<sup>12</sup>

Peer-reviewed research and anecdotal reports indicate that child sexual exploitation including unfettered access and use of pornography fuels; *child trauma*, *sexual exploitation*, *self-produced sexual images*, *child-on-child sexual abuse*, *sexism and objectification*, *domestic violence*, *family breakdown*, *risky sexual behaviours*, *mental health issues*, *and addiction*. *Additional mental health consequences include social isolation*, *mood disorders*, *self-loathing*.<sup>13</sup>

## **Treatment of Sexually Exploited Children – Case Examples**

A primary issue to consider, is the burden of tremendous emotional pain, anguish and confusion that the sexually exploited child experiences and the great number of years that transpire as they try to emotionally resolve and rebuild their lives, if ever. This can, perhaps, be best understood through real cases, impacting real people. These cases are exploding at an alarming rate in our professional practices, essentially a pandemic, on a global scale.

The complexity of each case intersects with the unfortunate opportunities of unregulated pornography. There has been no apparent effort on behalf of the porn industry to respond to or protect these victims. As stated by John Carr, OBE and U.K. expert on "Age Verification Strategies" globally, in a recent blog "Desiderata" February 6, 2021 "All social media companies have an ethical obligation to guard against illegal content, but if you are a porn-based social media company it seems to me the obligation

<sup>11 (</sup>Banca et al., 2016; Brand et al., 2016; Carnes, 1991, 1994; Carnes et al., 2005, 2007, 2010; Chambers et al., 2003; Hilton, Jr., 2013, 2014; Hilton, Jr. & Watts, 2011; Koob & Volkow, 2010; Kraus et al., 2017; Kühn, n.d.; Nestler, 1992, 2005, 2008, 2014; Reisman, 1991, 2003; Voon, 2016; Voon et al., 2014)

<sup>12 (</sup>Siegel, n.d.)

<sup>13 (</sup>Anderson, 2014; eChildhood, 2020; Kristof, 2020; Livingstone et al., 2016; Maltz & Maltz, 2008; Minds Over Media, 2018; NCOSE, 2019; Roberts, 2019; Unizon, 2016)



on you is that much higher". <sup>14</sup> An obligation to protect children has not been met in the case descriptions below.

The internet porn industry has tapped into one of the oldest historical forms of sexual exploitation, selling young girls and boys for profit. The internet pornography industry is a "for profit" business with estimates of close to 100 billion dollars a year globally of unregulated revenues, protected by complex business structures headquartered in tax free jurisdictions. MindGeek, as a parent company, participates in this model. MindGeek, as an industry leader, is propelled by a very sophisticated software termed as "Next Generation Affiliate Tracking Software" [N.A.T.S], developed by German Entrepreneur, Fabian Thylmann. This software drives the user to their next "click", giving them a variety of options, designed to increase revenues, 16 drawing the uninitiated user deeper into the morass of novel content.

Industry best practices for online child protection, including codes of ethics, have been advocated for, since the inception of the *Child Association of Sites Advocating Protection (ASACP) in 1996.*<sup>17</sup>

The executives of MindGeek—as stated in their brief—February 1, 2021 and in CEO Feras Antoon's testimony on February 5, 2021, to the committee, referred to their recent removal of millions of questionable videos from MindGeek sites and alluded to the principals of ASACP, stating that they had strong alliances with reputable organizations, the National Centre for Missing and Exploited Children (NCMEC), the Lucy Faithful Foundation and the Canadian Centre for Child Protection. <sup>18</sup> While a positive first step, surely the requirement for action shows culpability. As a leader in the provision of adult entertainment, as described in their brief, "rivaling some of the largest social media platforms globally ..." <sup>20</sup> they have failed to protect against the sexual exploitation of children for a great number of years.

To describe the features of the following cases and to protect the identity of the individuals involved, I have altered and removed identifying information to ensure confidentiality without compromising the facts.

<sup>14 (</sup>Carr, n.d.)

<sup>15 (</sup>Monsma Selby, 2020)

<sup>16 (</sup>Johnson, 2011)

<sup>17 (</sup>ASACP | Association of Sites Advocating Child Protection - Best Practices, n.d.)

<sup>18 (</sup>Antoon & Tassillo, 2021, p. 2)

<sup>19 (</sup>ETHI - [Video] Standing Committee on Access to Information, Privacy and Ethics: Pornhub / MindGeek Witnesses Answer Committee Questions, 2021)

<sup>20 (</sup>Antoon & Tassillo, 2021, p. 2)



### Case 1

A young woman, Tracy, recently described to me how during the summer of her 7<sup>th</sup> grade, was invited to a party by the boy who cut her family's grass. She was becoming interested in boys, wanted to be accepted, and was excited to be invited. Once, at the party, she noticed that it was more like a gathering of older boys. Tracy was given hard liquor, became intoxicated, and the boy who invited her to the party, suggested it would be fun to have sex with him, and would she mind if his friend watched. To fit in, she agreed, and was filmed not only by the friend but ended up having a threesome, which was also filmed by another boy, and then posted on the internet. That event changed her life. Like Serena Fleites, Tracy's video went viral, with students in her school, and others, and uploaded to a porn site, with no way of having it removed. To this day, Tracy fears being noticed in her place of work. Her grades dropped; she developed a substance-use problem, started hanging out with a boyfriend—who was part of a gang, was charged criminally as a juvenile, and had to switch schools. Tracy held the secret of this pivotal sexual event until several months ago—almost 16 years since the initial incident. At this juncture, she sought out therapy, due to her inability to enjoy sexual relations as an adult. Tracy had several negative and problematic cognitions, involving immense feelings of shame, from self-blame, feeling that she had consented to the sexual activity with the older teenage boys. Tracy needed many hours of specialized trauma therapy to reprocess that sexual experience. Tracy now has hope for her future.

#### Case 2

David at 15 years old, was given Rohypnol, known as "having been roofied" or "a date rape drug," one evening after having snuck into a club. David vaguely remembers hearing voices and being engaged sexually, with another male. David felt humiliated and ashamed, and suspected that he may also have been recorded. After searching several gay porn sites, he found himself in several videos. David found it impossible to have his videos removed and he was a non-consenting minor, like Tracy and Serena. David could not emotionally reconcile what he witnessed. It tortured him, as he would replay the scenes in his mind. David began abusing alcohol, cocaine and eventually methamphetamine to try and erase the memories. Before long, he was caught up in a "meth & gay sex culture". He was engaging in risky sexual behaviour, and developing other mental health comorbidities, including depression and suicidal ideation. David



engaged in addiction and trauma treatment and struggled with relapse until he was in his mid-thirties.

#### Case 3

Derek would come home from school to find his mother and or older sister, watching porn, and or having sex with their boyfriends. Derek was also sexually abused by his older brother, with pleas to his parents, dismissed. Derek's sexual history involved experimenting sexually with other children, to compulsively watching pornography, by the time he was ten years old. As a young adult he developed a paraphilic fetish that involved the sexual exploitation of minors, resulting in his eventual suicide. Most child protection agencies would consider Derek's experiences—at the hands of his family—as child sexual abuse and neglect. Regardless the seriousness of his access to online pornography as a minor was dismissed by authorities, as it may have seemed the lesser of the child protection issues needing to be addressed. Online pornography has been normalized by many members of our professional community and society. Arguments viewing the restriction of access to online pornography, involving freedom of artistic expression and speech, or having an important role in the sexual education of youth, without having critically analyzed the content of today's online pornography offerings are not founded in support of children's mental health and current research.<sup>21</sup>

In Canada, most adults and 99% of teenagers between the ages of 12 and 14 are using digital devices online. There are over six million children in Canada under the age of 14, and most of those children are using electronic devices, that are not protected from accessing harmful sexual and violent content.<sup>22</sup> Research from the UK in 2019 found that over 60% of children aged 11-13 had seen pornography and found it, unintentionally.<sup>23</sup>

Mind Geek, the Canadian parent company of the largest pornography site in the world; Porn Hub, which started in Montreal, reported in their 2019 report, that they had 42 billion visits that year. This translates to 150 million visits each day, which is equivalent to the populations of Canada, Poland, and the Netherlands, in one day. Feras Antoon, in his statement to the Ethics Committee hearing on February 5<sup>th</sup>, stated that Pornhub entertains four million individual users' visits each day, in Canada. We have no way of

<sup>21 (</sup>Dines, 2010)

<sup>22 (</sup>Youth Org, 2014)

<sup>23 (</sup>BBFC, 2019)



knowing how many of those visits are by children. What we do know—from anecdotal research—is that children, as young as four years old, are stumbling on pornography by accident, and research has shown that 65.5% of boys and 30% of girls have seen pornography by age 13 or younger. Most will see violent depictions of sex before they have had their first kiss. <sup>24</sup> <sup>25</sup> <sup>26</sup> Imagine the consequences to the development of normal relationships or the expectations to perform, put on young teens like Serena Fleites. This is a problem that demands the attention of the Canadian Government.

Without intervention and educational support, **children's access to legal online pornography will continue to fuel** *child trauma, sexual exploitation, self-produced sexual images, child-on-child sexual abuse, sexism and objectification, sexual violence, risky sexual behaviours, family breakdown, mental health issues, and addiction.* <sup>27</sup> The harm is real and measurable. Children having access to pornography is essentially child sexual abuse, via digital images, and this problem is a child protection issue. Section 163 of the Criminal Code of Canada states that it is an offence to distribute sexually explicit material to a person under the age of 18 years. <sup>28</sup>

The UN Convention on the Rights of the Child, in September of 2014, had a full-day discussion on children, and the digital media to "develop rights-based strategies to maximize the online opportunities for children while protecting them from risks and possible harm without restricting any benefits." The UN Committee on the Rights of the Child recommended that it is imperative to implement national legislation and policies which are protective, providing safety for children's internet access.<sup>29</sup>

As Canadians, we cannot let children's exposure to the harmful causes of legal online pornography undermine significant benefits of the digital revolution. A digital regulatory framework is required to protect children and other vulnerable individuals, in Canada. We have an obligation as Canadians to support and develop solutions to this very real problem: "A Public Health Approach would aim to provide the maximum benefit for the largest population, encompassing both prevention and care." <sup>30</sup>

We already see the fallout. Unless professional services, policy/legislation, technological/digital, education, and therapeutic solutions, are put in place to ensure

<sup>24 (</sup>Lim et al., 2017)

<sup>25 (</sup>Dawson et al., 2019)

<sup>26 (</sup>eChildhood, 2020)

<sup>27 (</sup>Anderson, 2014; eChildhood, 2020; Kristof, 2020; Livingstone et al., 2016; Maltz & Maltz, 2008; Minds Over Media, 2018; NCOSE, 2019; Roberts, 2019; Unizon, 2016)

<sup>28 (</sup>Gov. of Canada, 2020)

<sup>29 (</sup>UN Committee on the Rights of the Child, 2014; UN Convention on the Rights of the Child, 2014)

<sup>30 (</sup>Krug et al., 2002)



children gain the support they need, an epidemic will continue to unfold before our eyes. Pornography is a global business. Children will not be adequately protected unless and until the problem is addressed. As Canadians we have an opportunity to lead globally in protecting children and an obligation to create laws that protect and prevent child sexual exploitation and abuse. MindGeek and Pornhub were created in Canada and our naiveite will no longer be tolerated by the global community.<sup>31</sup>

Thank you for considering this important issue. I would be pleased to meet with you, or to have a conversation, to discuss this problem and how it could, and should be, resolved.

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<sup>31 (</sup>Monsma Selby, 2020)



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