



Submission to the Standing Committee on Access to Information, Privacy and Ethics

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

SUBMITTED BY: Defend Dignity

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[Defend Dignity https://defenddignity.ca/](https://defenddignity.ca/) exists to end all forms of sexual exploitation in Canada. We have worked with victims and survivors of sexual exploitation since 2010.

Defend Dignity was recently named by the All - Party Parliamentary Group to End Human Trafficking as the first point of contact for English-speaking victims of Pornhub/MindGeek seeking legal assistance. Defend Dignity has retained a law firm to aid those who have been victimized by this company.

It is through the lens of victim/survivor support that we submit this Brief. Pornhub, and its parent company MindGeek, must be held to account for their actions, which have impacted countless victims in harmful and life-changing ways.

This Committee heard testimony on February 5 and 19, 2021 from victims describing intimate videos being uploaded without their consent. Some of these videos were uploaded when they were minors. Depression, anxiety, suicidal ideation, and loss of ability to work were only some of the outcomes listed by these victims. All victims reported that these videos had been viewed and downloaded by thousands of viewers, further exploiting and traumatizing these individuals.

This submission will focus on four specific ways pornography harms mostly children and women (men and LGBTQ+ individuals can have similar experiences) who have a lived experience of sexual exploitation and/or trafficking for sexual purposes. 1.) Pornhub is complicit in the grooming of exploited and trafficked victims. 2.) Pornhub is complicit in teaching children racism, misogyny, sexual violence and normalization of pedophilia 3.) Pornhub is complicit in the trafficking of women. 4.) Pornhub is complicit in the publication and sharing of child sexual abuse material and non-consensual images.

Data gathered from the intake forms of survivors Defend Dignity has served provides the framework for our focus and the recommendations we make to the Committee.

1.) Pornhub and the Grooming of Exploited Individuals

One third of all clients (all female) Defend Dignity has served identify that pornography was used to groom them; teaching them what would be expected of them in their experiences of exploitive prostitution. Given that MindGeek is the largest distributor of online pornography in the world, it is presumed that at least one of their websites was used in this grooming process. In fact, in 2020, Pornhub averaged over 4 million unique user sessions per day in Canada, which is equivalent to over 10% of the adult Canadian population. In some instances on our intake forms, Pornhub was specifically named.

Showing pornography to victims exposes them to violent sexual acts and prepares them for what they could experience in prostitution. The use of pornography for grooming desensitizes the victim to violence and abuse, with the main purpose of making them more accepting of the behaviour they will experience from sex buyers. Pornhub search terms such as: “cute drunk teen abused”, “anal crying teen”, “punished teen” are indicative of the kinds of pornography used to groom victims for their sexual exploitation.

Another way in which pornography grooms individuals for exploitation is evident in the stories of many survivor clients. Past childhood sexual abuse is a common thread in the stories of exploited individuals. In the same way exploiters and traffickers use pornography to groom victims in preparation for prostitution, children are groomed by their abusers using pornography. The use of pornography as a grooming tool with victims, whether for purposes of child sexual abuse or exploitation, normalizes what they will soon experience. One trafficking survivor spoke of pornography exposure from as young as 3 years of age by a family member who later became her main abuser. This early childhood abuse then prepared her for the pimp who further exploited her. Pornography is interwoven with the grooming process for both exploitative prostitution and child sexual abuse. Further information and resources on this grooming process is available from the Canadian Centre for Child Protection.

<https://www.protectchildren.ca/en/resources-research/survivors/>

2.) Pornhub is complicit in teaching children racism, misogyny, sexual violence and normalizing pedophilia

Pornhub is the most viewed pornography site in the world. The average age of first viewing pornography is 11.¹ Children can easily access Pornhub since there is no meaningful age verification required on porn sites and Internet Service Providers are not required to provide adequate filtering options. Pornography is now the most common sex educator of the digital age.² What is Pornhub teaching our children? Titles of videos on Pornhub reveal what children are learning about sex: “punished teen” “exploited black teens” “intense anal pounding makes her cry” “stepdad F**** step-daughter and friends”. Racism, misogyny, sexual violence and pedophilia are common themes on Pornhub and are normalized for children. A content analysis on pornography websites from 2010 found this:

Of the 304 scenes analyzed, 88.2% contained physical aggression, principally spanking, gagging, and slapping, while 48.7% of scenes contained verbal aggression, primarily name-calling. Perpetrators of aggression were usually male, whereas targets of aggression were overwhelmingly female. Targets most often showed pleasure or responded neutrally to the aggression.³

This normalization causes harm and makes it easier for pimps and traffickers to lure and recruit victims.

3.) Pornhub is complicit in the Trafficking of Women

¹ <https://www.netnanny.com/blog/the-detrimental-effects-of-pornography-on-small-children/#:~:text=Most%20statistics%20on%20pornography%20use,consumption%20under%2018%20%2Dyears%20old.>

² <https://www.theglobeandmail.com/life/the-hot-button/kids-turning-to-porn-for-sex-education-study/article542927/>

³ <http://pornharmresearch.com/wp-content/uploads/Violence-Against-Women-2010-Bridges-1065-85.pdf>

A lawsuit has been filed against Pornhub by 40 victims of the Girls Do Porn website, a former partner to Pornhub and its parent company MindGeek. Claimants describe their trafficking situations on the Girls Do Porn website. <https://www.bbc.com/news/technology-55333403>

“Girls Do Porn was a part of MindGeek’s partner programmes until October 2019, when the US Department of Justice effectively shut the porn producer down by arresting and charging its senior staff.

Pornhub and other MindGeek sites removed the Girls Do Porn channel as soon as the charges were made - but the complaint alleges that "at this point, there was no longer a company left for MindGeek to partner with".

Victims had repeatedly contacted the company to complain and tell them about the problems, it says. The first court case on behalf of victims was lodged in June 2016.

"As early as 2009, and definitely by fall 2016, MindGeek knew Girls Do Porn was trafficking its victims by using fraud, coercion, and intimidation," the court complaint says".

A Defend Dignity client also described her reality of being forced to perform violent sexual acts on camera for her trafficker who then uploaded these videos for financial gain to both Pornhub and another MindGeek owned site, YouPorn. Not only should her trafficker be held to account, so should the companies that allowed this content to be monetized and distributed. It is clear that MindGeek did not review and obtain consent from our client before allowing these videos to be uploaded to their sites.

Canada’s Trafficking in Persons legislation, Material benefit – trafficking, Section 279.02(1) states:

- **279.02 (1)** Every person who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.01(1), is guilty of
 - **(a)** an indictable offence and liable to imprisonment for a term of not more than 10 years; or
 - **(b)** an offence punishable on summary conviction.

MindGeek needs to be held accountable to Canada’s trafficking laws.

4.) Pornhub is complicit in the sharing of child sexual abuse material and non-consensual intimate images.

This Committee heard testimony from Serena Fleites on February 5, 2021 and from Guest #2 on February 19, 2021. Both women had videos of themselves, classified as child sexual abuse material, uploaded to MindGeek websites against their will. Canada has strong child pornography legislation found in Section 163 of the *Criminal Code*:

- **163.1 (3)** Every person who transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available, distribution, sale,

advertising or exportation any child pornography is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year.

Again, not only should the poster of these videos be charged, but so should MindGeek for the distribution of child pornography. Even though MindGeek disabled their download button in December, 2020 in response to the December 4 *New York Times* article by Nicholas Kristof, they must be prosecuted for past criminal activities.

The Committee also heard testimony from three witnesses on February 19, 2021, who had non-consensual videos made of them and then uploaded to MindGeek websites. Again, due to the lack of verification on the part of MindGeek, they must be held criminally responsible for allowing the distribution of non-consensual intimate images contrary to Section 162 of the *Criminal Code*:

162.1 (1) Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty

- **(a)** of an indictable offence and liable to imprisonment for a term of not more than five years; or
- **(b)** of an offence punishable on summary conviction.

- **Definition of *intimate image***

(2) In this section, *intimate image* means a visual recording of a person made by any means including a photographic, film or video recording,

- **(a)** in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity;
- **(b)** in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy; and
- **(c)** in respect of which the person depicted retains a reasonable expectation of privacy at the time the offence is committed.

Recommendations

Based on the above facts from our work with survivors, we make the following recommendations to the Committee:

1. That this Committee recommend to the RCMP that they undertake an investigation into the past and current criminal activity of MindGeek and all its subsidiary companies, including the above mentioned criminal activity of human trafficking, child pornography and sharing of non-consensual intimate images, as well as any other possible infractions of Canadian law.
2. That this Committee recommend to the Minister of Canadian Heritage the following:

- that MindGeek and other similar companies be studied and required to provide immediate assistance in removing videos of all victims of child sexual abuse material and non-consensual videos.
 - that MindGeek and all pornography sites be required to permanently remove the option of downloading videos
 - that an independent regulator be established that would monitor online platforms' activity regarding non-criminal content. It is evident that MindGeek cannot self-regulate.
3. That this Committee recommend to the appropriate Minister that MindGeek and other similar companies be required to implement meaningful age verification on their websites to protect children from exposure to pornography.
 4. That this Committee require that MindGeek be required to pay damages to the victims.
 5. That this Committee see that the appropriate House of Commons committee initiate a study on how the *Criminal Code* can be used to protect victims and require companies to verify content.
 6. That this Committee recommend to the appropriate Minister that no company be allowed to host and distribute content which portrays rape or violence against women and children. MindGeek has negatively influenced culture, creating many social problems through its portrayal of misogyny, racism, sexual violence and pedophilia not only in the content but also in the categories and tags found on its websites.

Thank you for studying the privacy and protection of individuals on MindGeek websites. We are counting on you holding this company to account for harms caused and laws broken.

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