

**BRIEF SUBMISSION TO THE STANDING COMMITTEE ON ACCESS TO INFORMATION, PRIVACY AND ETHICS: PROTECTION OF PRIVACY AND REPUTATION ON PLATFORMS SUCH AS PORNHUB.**

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The Ottawa Coalition to End Human Trafficking works to meet the acute, immediate, and long-term resources and support needs of persons impacted by human trafficking, including those who have exited a trafficking situation, their families, and communities, as well as persons who may be at risk of exploitation for the purposes of sexual exploitation, labour exploitation and/or organ removal/harvest. We also provide training to volunteers and service providers to educate them on the indicators of human trafficking, to develop their ability to identify a trafficked person, and to know how to respond appropriately. We are a community-based network made up of various local organizations, service providers and community members from a wide range of diverse backgrounds, both educationally and occupationally. Our approach to human trafficking is a preventative one, focusing heavily on training and assisting survivors.

*What is our stance?*

The coalition has chosen to speak out on the ongoing investigation into Pornhub (and more specifically, Bill S-203) for several reasons. We as a coalition are primarily concerned with how companies like MindGeek and platforms like Pornhub are increasing the demand for child sexual abuse images and, in the long run, are fostering an environment and greater opportunity for human trafficking and sexual exploitation.

After having read the witness testimonies and submitted briefs, we agree that the RCMP’s hesitancy to launch an investigation into the allegations against MindGeek is unacceptable and criminal in and of itself. There seems to be some confusion within Canada’s national police agency as to whether or not they have jurisdiction to investigate the allegations against MindGeek. In a letter sent to the RCMP Commissioner, Brenda Lucki, the RCMP was called on to recognize the severity and importance of this issue and to launch a full investigation into MindGeek’s failure to report child sexual abuse material (Wittnebel, 2021). The letter mentions that Canada’s strong child protection laws are only effective “through robust investigation and application by law enforcement” (Wittnebel, 2021). Regardless of the complexities of the task of determining jurisdiction, the RCMP is part of a group of international agencies that are tasked with facilitating such investigations. The RCMP has a duty to protect the victims impacted by the unjust and criminal actions of MindGeek and its video sharing platform Pornhub, to all Canadian children who may be at risk for sexual abuse and/or exploitation, and to the general Canadian population who has placed their trust in this institution to protect Canadians. This is an issue that requires priority, attention, and dedication on all fronts, and thus far has not been treated in this manner by institutions like the RCMP. The victims involved in this investigation and the thousands of other victims out there deserve our greatest efforts and support.

The coalition acknowledges that CSAM and online sexual exploitation has always been a problem, but the COVID-19 pandemic has further exacerbated the issue. The global pandemic has “led to an unprecedented rise in screen time” as families rely on technology to teach, occupy, and entertain their children (UNICEF, 2020). This increased internet usage means a greater likelihood that children will be exposed to pornography and online predators. Regardless of preventatives measures, children are becoming more comfortable and taking more risks online, which means that encountering pornography is almost a guarantee. The issue, as many others have pointed out, is the impact that exposure to pornography can have on children. For children who have no prior sex-education, pornography may be their first and main source of information and answers on the topic (Quadara, El-Murr, & Latham, 2017). An introduction to pornography can easily escalate into a regular habit for children. The coalition fears that the hyper-sexualization of today’s social media, paired with the plethora of easily accessible online sex-related content, can create a connection to human trafficking. It may seem harmless at first, but over time, exposure to sex-related content and increased interactions on platforms like Pornhub will only increase the demand for such material, and in turn, the demand for human trafficking.

Lastly, the coalition strongly believes in the beneficial and proactive nature of educating the public on the basics, dangers, warning signs and necessary preventative measures and tools to combat the spread of CSAM and human trafficking. The phrase “stranger danger” is still commonly used when educating youth about safety online. In reality, young people are often lured by those they trust - family members, friends, and partners. Educating youth, adults, and those in positions of authority like teachers about the reality of online sexual exploitation and human trafficking will prove to be preventative and work to challenge and dismantle the stigma surrounding the issue.

*Recommendations?*

         The coalition has several recommendations in response to Bill S-203 *An Act to restrict young persons’ online access to sexually explicit material*. Firstly, the coalition understands sex workers have been at the forefront of making pornographic websites a safe place both for those creating the content and those consuming it. We also understand and appreciate that sex work is a form of harm reduction, and we want to make it clear that we are not calling for the removal of porn. In introducing Bill S-203, the coalition does not wish to infringe upon sex workers’ rights; however, significant changes must be made to eradicate CSAM on sites like Pornhub and impede the fostering of human trafficking environments.

         Secondly, the coalition recommends a third-party oversight. The companies in question have a vested interest in having such a wide and overwhelming range of content available to its viewers. With a library of millions of videos, pictures, and other forms of content, evidence of CSAM, non-consensual and unverified content on the popular site is certainly evident. Employing a third party to moderate can help to ensure that the content has been thoroughly reviewed, that the acts depicted are deemed consensual, and the age of the creators and those depicted in the content can be properly verified. The third-party must be objective, meaning they have no ties to the company's Pornhub and MindGeek, no ties to the porn and/or sex industry, and are educated with respect to what to look for. This will account for potential bias and will aid in avoiding interests of profit overshadowing the safety of participants and the public.

         Thirdly, we recommend that sites such as Pornhub remove all opportunities for content to be shared or downloaded. As we have heard from witness testimony, victims have found it incredibly hard to have their non-consensual or CSAM material taken down. This is partially due to the fact viewers can save, share, download and re-upload content. Taking away a viewer's ability to share or download content will aid in preventing the spread of non-consensual or CSAM material. Removing this feature will not be enough as there are always alternative ways to save and record content without downloading it. For this reason, we recommend porn sites also use software such as Digital Rights Management which protects content from being screen recorded.

         Our fourth recommendation relates to the duty to report. The duty to report does not simply fall onto one body or one person. The responsibility to report content that has been published non-consensually, depicts non-consensual acts, or contains evidence of child sexual abuse material should fall on anyone who chooses to visit sites like Pornhub. As much as viewers should be heavily encouraged to report any material suspected to contain CSAM, a greater onus must fall on corporations, creators, and media platforms. These larger bodies have the power, resources, and influence to protect, help and support victims of sexual abuse and exploitation, and they should be held to a higher standard. Additionally, information about how to report and where to report illegal and/or non-consensual content should be easily accessible and advertised to the public. Reports of CSAM should be taken seriously and followed up in a timely manner to reassure victims that their concerns have been heard and are of great importance. Larger companies like Pornhub, MindGeek, Facebook and other media moguls should be held corporately responsible for their failure to report. Not only should these companies face legal punishments for exploiting and profiting from human trafficking material, but the individuals behind the corporate veil should also face the consequences of their actions. The coalition also strongly recommends that the appropriate resources be made available to victims, and that local police forces and the RCMP be adequately trained and equipped to handle these types of cases. We recommend implementing an international task force that can help coordinate and enhance communication between police forces and organizations around the world. Content is often distributed to websites, social media pages, and personal computers and/or cell phones around the world. When the content crosses borders and continents, it causes problems for victims who are trying to get their exploited content removed. An international task force would put an end to some of the international red tape and jurisdictional issues. So many victims and survivors have voiced their frustrations regarding not feeling heard and getting no response from authorities, which is why one of the priorities of this task force must be responding to victims in a timely manner.

Lastly, the coalition sees monumental issues with Bill S-203 section 7 *Defense - Age verification.* The section allows perpetrators of CSAM to escape conviction of the very offenses the Bill is aiming to criminalize. The accused in this case, Pornhub, can implement age verification software, but still fail in preventing someone underaged from accessing content on their website. Simply having this software in place, regardless of whether it works or not, serves as a scapegoat. This clause can easily be misconstrued and used to the advantage of those with deep pockets and influence to avoid punishment and conviction. Clauses like this one are vague, ambiguous, and open to too much interpretation and they will only create more issues in the future. We recommend that such sections be reviewed by third party legal bodies to determine their efficacy, the overall ability to enforce them, and more importantly, whether they can be upheld in court if it comes to that.

We would like to thank the committee for the inclusion of our brief, and we appreciate the opportunity to present our opinions, ideas, and recommendations to the standing committee on this issue. The Ottawa Coalition to End Human Trafficking is hopeful that this investigation will lead to real positive change and offer the victims of human trafficking a sense of justice.