



**Submission to the Standing Senate Committee on Legal and Constitutional Affairs**

**BILL S-210: An Act to restrict young persons' online access to sexually explicit material**

**SUBMITTED BY: Defend Dignity**

**Feb 2<sup>nd</sup>, 2022**

[Defend Dignity](#) exists to end all forms of sexual exploitation in Canada. As a national organization, we have worked with survivors of sexual exploitation across Canada since 2010. In 2021 we were appointed by the All - Party Parliamentary Group to End Human Trafficking as the first point of contact for English-speaking individuals seeking legal assistance for their victimization by Pornhub/MindGeek. We are also involved in educating groups and individuals on the various aspects of sexual exploitation - including the harms of pornography - to equip Canadians to protect their communities. In May 2021, 1,200 people attended our first virtual [Canadian Sexual Exploitation Summit](#) (CSES), where there was opportunity to learn from and collaborate with diverse experts in the field, including survivors of sexual exploitation. We have hosted numerous other events to educate over 10,000 people across Canada on relevant topics and have co-developed a youth training curriculum. Advocating for policies that combat sexual exploitation is another key area of our work. For example, our [Choose Change](#) campaign allows us to dialogue with executives from companies such as Instagram and TikTok about the need to protect children from being exposed to pornography and predators.

Our work supporting individuals who have been sexually exploited through pornography and assisting communities to strengthen prevention efforts gives us insight into the harmful impact sexually explicit material has on children and society. It is through the lens of preventing sexual exploitation and promoting the well-being of youth that we submit this Brief. In June 2021 we appreciated the Senate's decision to pass Bill S-210's predecessor, Bill S-203 (43-2), to the House of Commons for the next stages of the legislative process. We ask that all Committee members respond to the urgent need to end the pornography industry's easy access to young people by showing similar support for this bill.

This Submission will focus on the damaging impact that exposure to sexually explicit material has on children and the urgency to implement regulation to prevent that from happening.

## **1. Youth exposure to pornography is associated with a broad range of harms**

We interact with individuals such as parents, teachers, and youth workers who support young people who are struggling with sexual addictions in the form of compulsive pornography use. We also engage with individuals who have personally struggled with compulsive pornography use. A common theme is the detrimental impact exposure to pornography as a minor had on their relationships, sexuality, and mental health. These anecdotal accounts are backed up by a plethora of research that outline various harms connected with youth pornography exposure.<sup>1</sup> While the exact age of first exposure varies, most anecdotal accounts and studies show the average age of first exposure to pornography is between 7-13<sup>2</sup>. Viewing pornography -whether or not it escalates to an addiction - is simultaneously damaging to the young person and profitable to the pornography industry. Since pornography sites benefit from the traumatic experiences their products are inflicting on youth, they currently have little incentive to restrict access to only adults. The government must hold them accountable through regulation.

## **2. Exposure to pornography increases vulnerability to and perpetuates sexual exploitation and abuse**

The Canadian Centre for Child Protection recommended the implementation of age verification as a measure to help reduce the prevalence of Child Sexual Abuse Material (CSAM) online<sup>3</sup>.

Pornography is also recognized as a tool used by sexual predators and traffickers to groom their targets. Defend Dignity has supported survivors who were exposed to pornography as a minor and/or named pornography as part of their abuse. Pornography normalizes sexual abuse and teaches youth what the predator or trafficker expects of them. This requires immediate action as child sexual exploitation is increasing at an alarming rate. Cybertip.ca processed over 1.7 million child sexual exploitation reports between 2014 and 2019<sup>4</sup>. This disturbing reality has been amplified by Covid-19. Cybertip.ca had an 81% spike in reports from youth who had been sexually exploited and reports of people trying to sexually abuse children over April, May, and June 2020<sup>5</sup>.

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<sup>1</sup> Here is one helpful research database of studies on minors and pornography:

[https://www.echildhood.org/journal\\_articles](https://www.echildhood.org/journal_articles)

<sup>2</sup> <https://www.mdpi.com/2673-7051/1/2/9/htm> and <https://www.revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>

<sup>3</sup> [https://protectchildren.ca/pdfs/C3P\\_ProjectArachnidReport\\_Summary\\_en.pdf](https://protectchildren.ca/pdfs/C3P_ProjectArachnidReport_Summary_en.pdf)

<sup>4</sup> <https://www.canada.ca/en/public-safety-canada/campaigns/online-child-sexual-exploitation.html>

<sup>5</sup> <https://www.cbc.ca/news/politics/pandemic-child-sexual-abuse-1.5645315>

Protecting children from viewing pornography can help prevent them from becoming easy targets to potential abusers, both in their childhood and into adulthood. For example, a 2021 study of 154 undergraduate women found that “women’s unintentional Internet pornography exposure at a young age may contribute to a potentially harmful sexual socialization. Early Internet pornography exposure in childhood should be considered a potential risk factor for women’s sexual victimization<sup>6</sup>.” Another 2021 study stated that “the first contact with pornography starts at the age of 8 years old, with important behavioral and psychological consequences, such as hypersexualization, emotional disturbances, and the perpetuation of gender inequality. Furthermore, pornography consumption by youth has been linked to the exacerbation of paraphilias, an increase in sexual aggression perpetration and victimization, and, finally, it has been linked to an increase in online sexual victimization.<sup>7</sup>” The above narrative review highlights that while early exposure to pornography is a risk factor in sexual victimization, it can also lead to perpetrating sexual abuse. Pornography exposure has been identified as a contributing factor to child-on-child sexual abuse, a tragic occurrence that is increasing<sup>8</sup>. In addition, a 2021 survey of people who were actively searching for CSAM<sup>9</sup> found that of 5,030 respondents, 70% first viewed CSAM when they were under 18. Thirty-nine percent of those were 13 or under. Fifty-one percent of 4,313 respondents said their first exposure to CSAM was an accident. After watching CSAM, 44% of 3,623 respondents admitted that they had thought of seeking direct contact of children online, while 37% of 3,628 respondents said they had actually sought out direct contact with children online. While more research needs to be done to better understand the people who watch CSAM, the high prevalence of people who were minors and/or were not seeking it out when they were first exposed is a significant finding.

Preventing minors from pornography exposure is an important step to reduce the risk of them becoming victims or perpetrators of sexual abuse.

### **3. The Government has a responsibility to regulate industries that harm young people**

A 2019 survey in the UK found that 79% of parents were “very” or “fairly” concerned about their child seeing pornography online and 83% agreed with age verification. Sixty-three percent of children aged 11 to 13 who had seen pornography said their first exposure had been unintentional and 56% of 11- to 13-year-olds in the survey wanted to be “locked out of

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<sup>6</sup> <https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1284&context=dignity>

<sup>7</sup> [https://www.researchgate.net/publication/350708586\\_Psychological\\_and\\_Forensic\\_Challenges\\_Regarding\\_Youth\\_Consumption\\_of\\_Pornography\\_A\\_Narrative\\_Review](https://www.researchgate.net/publication/350708586_Psychological_and_Forensic_Challenges_Regarding_Youth_Consumption_of_Pornography_A_Narrative_Review)

<sup>8</sup> <https://link.springer.com/article/10.1007/s40429-021-00390-8>

<sup>9</sup> <https://suojellaanlapsia.fi/2021/09/23/redirection-survey-report/>

websites for 18-plus year olds<sup>10</sup>.” We interact with a lot of parents during our education initiatives and their biggest concern is how to protect their children from the harms of viewing sexually explicit material. Covid-19 has made acting to protect children in online spaces more urgent than ever before as they rely on the internet for school, socialization, and entertainment. In October 2020 Statistics Canada reported that 64% of parents were very concerned about the amount of time their children were spending online since the pandemic started<sup>11</sup>.

Some may argue that it’s solely the parent’s responsibility to prevent their children from viewing pornography. However, society does not hold this standard when it comes to preventing youth from accessing harmful substances such as alcohol and cigarettes. Pornography is often only a few clicks away on devices that can fit in a child’s pocket, making it drastically more accessible than the government-regulated substances mentioned above. Implementing meaningful age verification would shift some of the burden from caregivers onto the pornography sites (who are currently profiting from making their materials available to youth).

#### **4. Upholding children’s digital rights includes protecting them from exposure to sexual and violent content**

The British Journal of Criminology recently published a study<sup>12</sup> that found sexual violence was frequently depicted on the homepages of mainstream pornography sites. The Times commented on the findings of the study:

“An analysis of 131,738 titles on the homepages of Pornhub, XHamster and XVideos found that one in eight showed non-consensual or incestuous acts, including where the subjects were described as drugged, unconscious or “very young”. More than 8,000 titles referred to physical aggression or forced sexual activity, even when the researchers excluded representations of consensual bondage, discipline and sadomasochism (BDSM) practices.”<sup>13</sup>

The study also found that the word “teen” was the most frequently occurring word, making it “a more common way to describe pornography than any description of a sex act or body part.” They also noted that “teen” was slightly more common in violent titles. Since these sites do not verify the age of their consumers, children can easily stumble upon these homepages and be instantly exposed to sexual acts depicting misogyny, violence, pedophilia, and incest.

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<sup>10</sup> <https://www.revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>

<sup>11</sup> <https://www150.statcan.gc.ca/n1/pub/11-631-x/2020004/s8-eng.htm>

<sup>12</sup> <https://academic.oup.com/bjc/advance-article/doi/10.1093/bjc/azab035/6208896>

<sup>13</sup> <https://www.thetimes.co.uk/article/porn-sites-used-by-children-show-criminal-sex-acts-zsl5x6rjd>

Furthermore, pornography often perpetuates racism. A 2020 study<sup>14</sup> found that black women were more likely to be the targets of sexual aggression than white women. Similarly, black men were more likely to be violent and less intimate with their partners than white men. Pornhub has hosted racist content and has reportedly even featured titles such as “Black Slave Punished by White Master,” “Gang Banged by Blacks,” and “Black Slave Girl Brutalized.”<sup>15</sup> It is unconscionable for any business to host this type of content and even worse to make it easily accessible to children. The UN Convention of the Rights of the Child (CRC) recently adopted General Comment 25 which recognizes children’s rights in the digital space. The CRC advises:

“States parties should take all appropriate measures to protect children from risks to their right to life, survival and development. Risks relating to content, contact, conduct and contract encompass, among other things, violent and sexual content, cyberaggression and harassment, gambling, exploitation and abuse, including sexual exploitation and abuse, and the promotion of or incitement to suicide or life-threatening activities, including by criminals or armed groups designated as terrorist or violent extremist.”

“States parties should ensure that appropriate enforcement mechanisms are in place and support children, parents and caregivers in gaining access to the protections that apply. They should legislate to ensure that children are protected from harmful goods, such as weapons or drugs, or services, such as gambling. Robust age verification systems should be used to prevent children from acquiring access to products and services that are illegal for them to own or use. Such systems should be consistent with data protection and safeguarding requirements.”<sup>16</sup>

Implementing meaningful age verification is a step that the Government of Canada can take in compliance with the CRC’s guidance to protect children from viewing sexual content online and from becoming more vulnerable to sexual exploitation and abuse.

## 5. Addressing security and privacy concerns

The topic of age verification inevitably brings up questions about what technology will be used and what potential impact that could have on privacy. Australia’s eSafety Commissioner surveyed 1,200 adults in 2021 and found that 78% were in favour of age verification. Twenty-eight percent of respondents were concerned about minors lying or bypassing the system, 17% were concerned about data security/identity theft, and 6% were concerned about the privacy of personal information. Significantly, the study goes on to state that “despite these issues, 34%

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<sup>14</sup>[https://www.researchgate.net/publication/341354859\\_Worse\\_Than\\_Objects\\_The\\_Depiction\\_of\\_Black\\_Women\\_and\\_Men\\_and\\_Their\\_Sexual\\_Relationship\\_in\\_Pornography](https://www.researchgate.net/publication/341354859_Worse_Than_Objects_The_Depiction_of_Black_Women_and_Men_and_Their_Sexual_Relationship_in_Pornography)

<sup>15</sup> <https://fightthenewdrug.org/porn-content-normalizes-promotes-racism-racist-stereotypes/>

<sup>16</sup> <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>, paragraph 14 and 114.

‘supported’ and 44% ‘strongly supported’ the concept of the Australian government implementing an age verification initiative.”<sup>17</sup> Most people agree that there is an urgent need to protect children from online pornography, even if they also have concerns over security and privacy. These concerns are important to address. Privacy Commissioner of Canada Daniel Therrien spoke in favour of Bill S-203 and outlined many ways regulations can be made to mitigate risks<sup>18</sup>. The Committee can also refer to other countries’ strategies and research. For example, Australia’s eSafety Commissioner released insights from a public consultation in June 2021. Below are some considerations regarding privacy and security<sup>19</sup>:

1. There are privacy concerns and cyber security risks relating to commercial pornography websites directly processing user data. These sites should use third-party verification tools.
2. Age verification and assessment technologies should meet clear and transparent standards and technical requirements. They should also be certified, independently audited, and demonstrate robust privacy and security settings.
3. A data minimisation approach should be followed for AV/AA tool standards. Only age attributes should be shared between the AV/AA technologies and content hosts. Other data should not be shared.

Age verification can and should be implemented with careful consideration into what safeguards will be put in place to protect privacy while maintaining efficacy. The bill allows the Governor in Council to make regulations to best achieve this.

## **Recommendations**

Based on the facts outlined above from our work with survivors, parents, youth workers and communities, we make the following recommendations to the Committee:

### **1. Implement meaningful age verification as soon as possible**

First and foremost, the pornography industry’s easy access to Canadian youth must end now. We cannot overstate the urgency of implementing meaningful age verification. Every delay leads to more children being harmed by exposure to sexually explicit material. We are counting

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<sup>17</sup> <https://www.esafety.gov.au/sites/default/files/2021-10/Public%20perceptions%20of%20age%20verification%20fact%20sheet.pdf>

<sup>18</sup> <https://sencanada.ca/en/Content/Sen/Committee/432/LCJC/20ev-55254-e>

<sup>19</sup> <https://www.esafety.gov.au/about-us/consultation-cooperation/age-verification>

on you as Senators to take this opportunity to make meaningful age verification a reality and in so doing, promote the well-being of Canadian youth.

## **2. Consult with provincial and international authorities**

We encourage the Committee to consult with authorities from other countries who are also in the process of implementing age verification, such as the UK, Germany, Poland, and South Africa. We especially recommend connecting with Australia's eSafety Commissioner and the government of France, who has an enforceable age verification method in place. The Committee could also connect with provincial authorities to see how they manage age verification for online gambling sites.

## **3. Consider partnership with the Heritage Minister**

We are pleased that the Heritage Minister is working on creating a Digital Safety Commissioner that would require websites to promptly remove CSAM and non-consensually shared intimate images on their platforms. This is a huge step in preventing the online sexual exploitation of youth and adults. However, this won't address the issue of young people being harmed by exposure to sexually explicit material on pornography websites. Regulation is needed to ensure that pornography sites only allow adults to access their material. We recommend collaboration with the Heritage Minister to prevent illegal sexual material on websites and ensure that pornography websites use robust age verification. If a Digital Safety Commissioner is established, in the future they could participate in the regulation of age verification. However, Canadian children need protection now and age verification should be implemented without delay.

## **4. Partner with provinces and territories to address the harms of pornography in sexual education**

As mentioned earlier in this Brief, youth are being exposed to pornography between ages 7-13 and it is often full of violence, misogyny, incest, racism, etc. They are learning to associate sex and relationships with those negative narratives. It is important for sexual education to address the harms of pornography, including how it can become addictive and how it often doesn't depict realistic and healthy sexual relations. It should include resources for youth who may be struggling with pornography use and be careful to address these issues without inducing shame. Sexual education should also focus on what healthy relationships look like, including boundaries, consent, and respect. Australia's eSafety Commissioner's consultation contains many great suggestions for education, for example: "whole-school approaches to address student wellbeing and pornography exposure are important. These approaches can include policies, staff professional development, parent and community partnerships, guidelines for

student education practices and evaluation, and parental support/advice on managing technology in the home.”<sup>20</sup> The federal government could brief the provincial and territorial education ministries on this bill and the harmful impact pornography often has on youth, as well as offer support to incorporate that information into the education system.

### **5. Amend section 6 (3) Defense – compliance with notice**

This defense was not included in Bill S-203. It would allow any offending organization to avoid fines by complying with a notice. This could greatly reduce the incentive for platforms to implement age verification – they could simply proceed as normal and only act if they receive a notice. This would increase the amount of resources the enforcement authority will need in order to sufficiently monitor platforms and ensure compliance. If the enforcement authority is unable to do so in a timely manner, it places compliant platforms at a disadvantage compared to non-compliant platforms. Furthermore, non-compliant sites are continuing to put minors at risk of harm from exposure to the sexually explicit material they host. The Committee should consider removing this defense. If the defense is kept, perhaps amend it so that it is only a valid defense for the first time an organization commits an offense. This could help prevent recidivism in non-compliant platforms and ensure they are committed to maintaining the changes they make to comply with their first notice.

Thank you for studying this urgent topic. We are counting on you to stop corporations from exposing young people to sexually explicit material.

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<sup>20</sup> <https://www.esafety.gov.au/about-us/consultation-cooperation/age-verification>