

Brief to the Senate Standing Senate Committee on Legal and Constitutional Affairs regarding Bill S-209, *An Act to restrict young persons' online access to pornographic material*

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Executive Summary

We are Canadian scholars in critical sexuality and media studies. Dr. Val Webber is a Postdoctoral Research Fellow in the Sexual Health and Gender Research Lab at Dalhousie University. They hold degrees in Community and Public Health, Medical Anthropology, and Interdisciplinary Sexuality Studies, with academic and professional expertise in pornography studies, public health, and sex worker labour rights. Dr. Webber sits on the boards of sex worker support organization Stepping Stone, adult film health organization PASS, and private equity firm Ethical Capital Partners (who own adult film entity Aylo), but is not writing on behalf of any of these affiliations. Dr. Jean Ketterling is Assistant Professor of Political Studies in the Women's and Gender Studies Program at the University of Saskatchewan. She holds degrees in Legal Studies, Anthropology, and Women's and Gender Studies. Her areas of academic and professional expertise include sociolegal constructions of sexuality, game and platform studies, and youth-led sexual health and rights movements. Dr. Ketterling is the communications officer for the Sexuality Studies Association and VP of the Canadian Game Studies Association, although she is not writing as a representative of these academic associations. We want to offer our unique interdisciplinary expertise regarding concerning aspects of Bill S-209.

Many witnesses have sufficiently and effectively raised the troubling privacy risks and implementation challenges of this Bill. We share these concerns. Rather than reiterate them, we focus on problems with the underlying framework of the Bill as well as some underappreciated consequences should it become law. In this brief, we address the unspoken—and, we argue, unfounded—ideological assumptions upon which this Bill rests. We also discuss the Bill's likely impact on marginalized populations such as sex workers and LGBTQ+ communities. We provide citations to support our claims and welcome further dialogue with the Committee.

Rather than pursue this Bill—which we believe is fatally flawed due to its underlying logic, privacy concerns, and significant risks to the autonomy and wellbeing of Canadians—we recommend the following:

1. We believe Bill S-209 oversimplifies pornography and its cultural and social impacts and that the Bill has a flawed ideological basis. Like other experts, we believe there are significant risks associated with its implementation. Therefore, we recommend abandoning Bill S-209 in favour of evidence-based educational approaches that focus on root causes and systems of power.
2. Canada has a tremendous opportunity to lead by developing and executing a comprehensive sexual health promotion strategy, including implementing the Canadian Guidelines for Sexual Health Education and ensuring parents and families have access to existing tools to filter content on internet-enabled devices, as was recommended by the House of Commons Standing Committee on Health's 2017 [*Report on the public health effects of the ease of access and viewing of online violent and degrading sexually explicit material on children, women and men*](#).
3. It is crucial to centre sex workers in policymaking that impacts their lives. Consult with sex workers on any future age-verification bills and any laws that impact the websites and platforms that serve as their workspaces, in line with recommendations made by the House of Commons Standing Committee on Access to Information, Privacy and Ethics' 2021 [*Report on Ensuring the Protection of privacy and reputation on platforms such as Pornhub*](#).
4. Young people should be meaningfully involved in the creation of law and policy that affect their lives. Any further legislative efforts should involve meaningful participation of young people, in line with [*Canada's Youth Policy*](#), which recognizes that "...government policies and decisions have an impact on young people's lives and youth have the right to influence these decisions, both individually and collectively."
5. Sexual content has "cultural, social, and political value," including for young people.¹ Any effort to regulate sex online should take a human rights-based approach to content moderation and internet governance, rooted in agency, autonomy, and consent. We recommend that any future legislative efforts be drafted in alignment with the principles found in the [*Manifesto for Sex Positive Social Media*](#).

¹ Stardust, Z., van der Nagel, E., Tiidenberg, K., Lee, J., Coombes, E. & Miller-Young, M. (2022). *Manifesto for Sex-Positive Social Media*. ARC Centre of Excellence for Automated Decision Making and Society, <https://sexpositivesocialmedia.org/> DOI 10.25916/vnkc-zn96

Introduction

We are Canadian scholars in sexuality and media. Our areas of academic and professional expertise include sociolegal constructions of sexuality and pornography, public and community health, sex worker rights, critical queer and feminist theories, game and platform studies, youth-led sexual health and rights movements, and sex education. We want to offer our unique expertise regarding Bill S-209.

Many witnesses have sufficiently and effectively raised the troubling privacy risks and implementation challenges of this Bill.^{2,3,4} We share these concerns. Rather than reiterate them, we focus on problems with the underlying framework of the Bill as well as some underappreciated consequences should it become law. In this brief, we address the unspoken—and, we argue, unfounded—ideological assumptions upon which this bill rests. We also discuss the Bill's likely impact on marginalized populations such as sex workers and LGBTQ+ communities. We provide citations to support our claims and welcome further dialogue with the Committee.

Our analysis is broken into two sections:

1. **Bill S-209 demonstrates an overreliance on harm-based frameworks and scientifically unfounded conceptualizations of pornography addiction**
2. **The consequences of age verification on sex workers, other sex professionals, LGBTQ+ communities, and the broader public are damaging**

Analysis

Bill S-209 demonstrates an overreliance on harm-based frameworks and scientifically unfounded conceptualizations of pornography addiction

Public health and pornography addiction

The justification for Bill S-209 is insufficiently supported by evidence and rests on a shaky ideological foundation. The preamble advances several unfounded assertions and uncritically reproduces rhetoric around harm and addiction that have long been critiqued by gender, pornography, and media scholars. Most egregious is the clear misrepresentation of Parliament's own position on the public health effects of pornography viewing. Paragraph four of the preamble states:

Whereas Parliament recognizes that the harmful effects of the increasing accessibility of pornographic material online for young persons are an important public health and public safety concern;

In 2017, the Standing Committee on Health studied the “public health effects of online violent and degrading sexually explicit material on children, women and men” in accordance with Conservative

² Stardust, Z., Obeid, A., McKee, A., & Angus, D. (2024). Mandatory Age Verification for Pornography Access: Why it Can't and Won't 'Save The Children'. *Big Data & Society*, 11(2). <https://doi.org/10.1177/20539517241252129>.

³ Sarridis, I., Koutlis, C., Papadopoulos, S., & Diou, C. (2025). Towards Fair Face Verification: An In-depth Analysis of Demographic Biases. In: Meo, R., & Silvestri, F. (eds) *Machine Learning and Principles and Practice of Knowledge Discovery in Databases*. ECML PKDD 2023. Communications in Computer and Information Science, 2133: 194-208. Springer, Cham. https://doi.org/10.1007/978-3-031-74630-7_14.

⁴ Goldman, E. (2025). The “Segregate-and-Suppress” Approach to Regulating Child Safety Online. *Stanford Technology Law Review*, 28(2), 173-232.

MP Arnold Viersen's *Private Members' Business M-47* (hereafter *M-47*). The Committee held four meetings to receive spoken and written testimony, including a brief co-authored by one of us (Webber).⁵ Arguably, the impetus for this study was shaped by a broader anti-pornography strategy which sought to reframe opposition to pornography in terms of 'public health' rather than morality, thus making it appear more objective and value neutral.^{6,7,8}

Dr. Jacqueline Gahagan offered testimony to the 2017 Standing Committee on Health, in which they suggested that the existence of a causal relationship between pornography and sexual violence remains "hotly contested" and that "the role of public health in addressing this issue is much less clear."⁹ Similarly, writing in the *American Journal of Public Health*, Nelson and Rothman argue that patterns of pornography consumption do not constitute a public health crisis, and that pathologizing sexual behaviour—including pornography use—"has the potential to restrict sexual freedom and to stigmatize, which is antithetical to public health."¹⁰ As was relayed by experts in the committee meetings, decades of research have failed to produce any consensus that pornography produces harmful effects in viewers and that much of the research that argues otherwise is driven by sexually conservative ideological motivations and is plagued by significant methodological flaws.¹¹

A large part of the campaign to reframe pornography as a 'health crisis' was achieved through the construction of 'pornography addiction' and the assertion that pornography viewing, especially by youth, unleashes a range of harms and changes sexual behaviours in inherently negative ways. This claim is central to paragraph three of S-209's Preamble:

Whereas the consumption of pornographic material by young persons is associated with a range of serious harms, including the development of pornography addiction, the reinforcement of gender stereotypes and the development of attitudes favourable to harassment and violence — including sexual harassment and sexual violence — particularly against women;

The proposed Bill presents the existence of pornography addiction as a settled fact. However, "pornography addiction" is not a formal diagnosis recognized by sexual or mental health authorities.^{12,13,14,15} Neurologists, clinical psychologists, and sociological sexuality researchers all argue that the addiction model is not the appropriate framework to understand why someone may feel their porn viewing is compulsive or problematic, and reliance on the addiction framework is a case of

⁵ Webber, V., Sullivan, R., Kohut, T., Pfaus, J., & Fisher, W. (2017) Brief for the Standing Committee on Health Regarding Motion M-47 <https://www.ourcommons.ca/Content/Committee/421/HESA/Brief/BR8834515/br-external/WebberValerie-e.pdf>.

⁶ Webber, V., & Sullivan, R. (2018). Constructing a Crisis: Porn Panics and Public Health. *Porn Studies*, 5(2), 192-196.

⁷ Oeming, M. (2018). A New Diagnosis For Old Fears? Pathologizing Porn in Contemporary US Discourse. *Porn Studies*, 5(2), 213-216.

⁸ Webber, V., MacDonald, M., Duguay, S., & McKelvey, F. (2023). Pornhub and Policy: Examining the Erasure of Pornography Workers in Canadian Platform Governance. *Canadian Journal of Communication*, 48(2), 381-404.

⁹ Nelson & Rothman. (2020). Should Public Health Professionals Consider Pornography, p.7

¹⁰ Nelson, K.M., & Rothman, E.F. (2020). Should Public Health Professionals Consider Pornography a Public Health Crisis? *American Journal of Public Health*, 110(2), 151–53. <https://doi.org/10.2105/AJPH.2019.305498>.

¹¹ McKee, A., Litsou, K., Byron, P., & Ingham, R. (2022). What Do We Know About the Effects of Pornography After Fifty Years of Academic Research?. Routledge.

¹² Taylor, K. (2025). Is It Real? Making and Unmaking Pornography Addiction. In *Critical Mental Health in Australia and Aotearoa New Zealand: Social and Historical Perspectives* (pp. 213-236). Cham: Springer Nature Switzerland.

¹³ AASECT Position on Sex Addiction <https://www.aasect.org/position-sex-addiction>.

¹⁴ Diagnostic & Statistical Manual of Mental Disorders <https://www.psychiatry.org/psychiatrists/practice/dsm>.

¹⁵ International Classification of Diseases 11th Revision <https://icd.who.int/en/>.

morality dressed up in an oversimplified interpretation of complex neurological processes.^{16,17,18,19} In his summary of the severe limitations of the “pornography addiction” model, Ley argues that adopting such a model may in fact be harmful. He writes:

Adopting the metaphors of addiction promotes perceptions of pornography use as medically harmful, which, in and of itself, may increase later difficulties. Thus, the concept of addiction, intended to be a healing intervention, may create, in this instance, greater internalized shame and distress.²⁰

Its reliance on these moralistic and poorly-evidenced framing devices raises serious concerns about the Bill. Justifying new laws that will have far-reaching impacts on Canadians of all ages on this shaky basis is, in our opinion, problematic.

“Degrading material”

Similarly, the Bill S-209’s preamble highlights “demeaning material and material depicting sexual violence” and s.4(b) makes an explicit connection between such material and the protection of young people and women from the harm supposed to follow from “exposure.” These rhetorical claims appeal to common sense. However, pornography researchers have repeatedly demonstrated the slipperiness of this language, and how it serves as cover for moralistic, heteronormative, and kink-phobic policing of sex.

In the Report of the Standing Committee on Health that followed from *M-47*, the committee notes that “what individuals consider to be violent and degrading is very subjective”²¹ Sex acts do not have any inherent meaning. The moral valence of a given sexual activity rests in the subjective experience of the individuals engaged in it, and studies of pornography’s content and effects frequently define important concepts like ‘violence’ and ‘objectification’ in moralistic and inconsistent ways that fail to take consent into account.^{22,23} That is, claiming certain sex acts found in porn are demeaning—or ‘harmful’, ‘risky’, or ‘unrealistic’—is a value judgement, not an ‘objective’ health claim. Lacking specificity, the public is left to imagine the types of sex acts that might fall into this category. As Attwood et al. argue, appeals to ‘public health’ in combination with the subjective nature of terms like ‘degradation’ and ‘violence’ “obscure[s] the question of who has the power to decide what counts as healthy.”²⁴ The result, they argue, is that “Casual sex, kinky sex, rough sex—or practices like anal and oral sex—are presented as both naturally disgusting and politically dubious activities that fall outside

¹⁶ Prause, N., & Williams, D. J. (2020). Groupthink in Sex and Pornography “Addiction”: Sex-Negativity, Theoretical Impotence, and Political Manipulation. In *Groupthink in Science: Greed, Pathological Altruism, Ideology, Competition, and Culture* (pp. 185-200). Cham: Springer International Publishing.

¹⁷ Ley, D. J. (2018). The Pseudoscience Behind Public Health Crisis Legislation. *Porn Studies*, 5(2), 208-212.

¹⁸ Grubbs, J. B., & Perry, S. L. (2019). Moral Incongruence and Pornography Use: A Critical Review and Integration. *The Journal of Sex Research*, 56(1), 29-37.

¹⁹ Healy-Cullen, S., Taylor, K., & Morison, T. (2024). Youth, Pornography, and Addiction: A Critical Review. *Current Addiction Reports*, 11(2), 265-274.

²⁰ Ley. (2018). The Pseudoscience Behind Public Health Crisis Legislation.

²¹ Ley, (2018). The Pseudoscience Behind Public Health Crisis Legislation, p.6

²² McKee, A. (2015). Methodological Issues in Defining Aggression for Content Analyses of Sexually Explicit Material. *Archives of Sexual Behavior*, 44, 81-87. <https://doi.org/10.1007/s10508-013-0253-3>.

²³ Nussbaum, M. C. (1995). Objectification. *Philosophy & Public Affairs*, 24(4), 249-291.

²⁴ Attwood, F., Smith, C., & Barker, M. (2018). ‘I’m Just Curious and Still Exploring Myself’: Young People and Pornography. *New Media & Society* 20(10), 3738-3759. <https://doi.org/10.1177/1461444818759271>.

of a 'charmed circle' of healthy sex."^{25,26,27} That is, as Stoops argues, public discourse often mobilizes (oversimplified readings of) science—such as the effect of 'degrading' pornography—as a "strategic tool" that reinforces heteronormativity, "while avoiding deeper critiques of heterosexism and other systemic inequalities."²⁸

Pornography investigations and legislation frequently seek an easy answer to the deeply complex problem of sexual and gender-based violence. Unfortunately, systemic problems do not respond to simple solutions. The Standing Committee on Health recognized this in their study, which concludes that research has not established a causal relationship between pornography consumption and negative sexual attitudes and behaviours and that the effects of pornography should not be considered in isolation, but rather contextualized by how sexuality is treated in broader culture and society.²⁹ There is also no clear evidence for the other proposed effects regarding misogynistic attitudes or predisposition to sexual violence.³⁰ Some studies show that 'violent' porn is not increasingly abundant or sought and that it is women who seek 'violent' porn more than men.^{31,32,33,34} Similarly, Chittick critiqued an earlier version of the Bill at hand, Bill S-210, for "rel[ying] on misconceptions about pornography as uniquely harmful to women and directly linked to misogyny and sexual violence."³⁵ This underlying ideological assumption seems unchanged in the Bill currently before the Senate. The Final Report associated with *M-47* recommended structural solutions.³⁶ Most importantly, they recommended updating Canada's sexual health education guidelines and implementing a comprehensive sexual health promotion strategy that integrates the Gender-based Analysis Plus³⁷ framework developed by Women and Gender Equality Canada (a department that the current government instead recently threatened to defund).³⁸ Rather than suggest internet-wide age-verification laws, they recommended that the Public Health Agency of Canada compile and promote existing tools that parents can use to filter adult content on their devices, and that technology companies be encouraged to develop improved adult content filters that respect privacy and empower parents.

²⁵ Attwood et al. (2018). 'I'm Just Curious and Still Exploring Myself', p. 3752.

²⁶ For a discussion of the 'charmed circle,' see Rubin, G. (1984). Thinking Sex: Notes For a Radical Theory of the Politics of Sexuality. In: Vance CS (ed.) *Pleasure and Danger: Exploring Female Sexuality*. Boston, MA: Routledge & Kegan Paul, pp. 267-319.

²⁷ For a discussion of how BDSM is conflated with violence and degradation, see Khan, U. (2014). *Vicarious Kinks: S/M in the Socio-legal Imaginary*. University of Toronto Press.

²⁸ Stoops, J. (2017). Just like Heroin: Science, Pornography, and Heteronormativity in the Virtual Public Sphere. *Porn Studies* 4(4), p. 367, p. 365. <https://doi.org/10.1080/23268743.2016.1252160>.

²⁹ Stoops. (2017). Just like Heroin, p.11

³⁰ Stoops, J. (2017). Just like Heroin.

³¹ McKee et al. (2022). *What Do We Know About the Effects of Pornography*.

³² Kohut, T., Baer, J. L., & Watts, B. (2015). Is Pornography Really About "Making Hate to Women"? Pornography Users Hold More Gender Egalitarian Attitudes Than Nonusers in a Representative American Sample. *The Journal of Sex Research*, 53(1), 1–11. <https://doi.org/10.1080/00224499.2015.1023427>.

³³ Shor, E., & Seida, K. (2019). "Harder and Harder"? Is Mainstream Pornography Becoming Increasingly Violent and do Viewers Prefer Violent Content? *The Journal of Sex Research*, 56(1), 16-28.

³⁴ Shor, E. (2022). Who Seeks Aggression in Pornography? Findings From Interviews With Viewers. *Archives of Sexual Behavior*, 51(2), 1237-1255.

³⁵ Chittick, K. (2025). Age-Verification Technologies and the Censorship of Online Pornography in Canada: A Critique of Bill S-210: An Act to Restrict Young Persons' Online Access to Sexually Explicit Material. *Porn Studies*, 12(3), p. 390. <https://doi.org/10.1080/23268743.2024.2355902>.

³⁶ Casey, B. (2017). *Report on the Public Health Effects of the Ease of Access and Viewing of Online Violent and Degrading Sexually Explicit Material on Children, Women and Men*. Parliamentary Committee Report. Standing Committee on Health. <https://www.ourcommons.ca/Content/Committee/421/HESA/Reports/RP9027245/hesarp11/hesarp11-e.pdf>.

³⁷ Gender-based Analysis Plus (GBA Plus). (2025). Women and Gender Equality Canada. <https://www.canada.ca/en/women-gender-equality/gender-based-analysis-plus.html>.

³⁸ Hébert-Bernbier, F. (2025, August 27). Nearly All Federal Funds for Gender Equality Could Disappear in the Next Two Years. *Press Progress*. <https://pressprogress.ca/federal-funding-for-gender-equality-could-disappear/>.

Ideological assumptions about youth

The proposed Bill rests on the assumption that young people must be ‘protected’ from accessing pornography because it promotes undesirable or unhealthy sexual behaviours in a direct and linear fashion. This runs counter to decades of critical media studies literature, which emphasizes the capacity of audiences to read, interpret, and think critically about media messages. Media effects scholars have criticized the notion that youth are passive imitators of the porn they see, unable to engage critically, and that porn is the primary contributor to their developing sexual scripts.^{39,40}

Problematic framings like those in Bill S-209 oversimplify the complex media landscape and treat pornography as a monolith typified by the more stereotypical examples of ‘extreme’ content that provoke the most outrage. Under this framework, the diversity of queer, feminist, and other pornographies are ignored and erased, as are the many studies that show young people have complex and nuanced experiences with pornography.⁴¹

While public debate—including the Bill at hand—discuss young people’s consumption of pornography as nothing but dangerous and construct young people as “vulnerable, easily harmed, and endangered by the media,” media scholars have consistently demonstrated that young people have diverse views of and experiences with pornography.⁴² Young people access pornography for a wide range of reasons, including but not limited to curiosity, sexual arousal, educational purposes, social reasons, and as an avenue to explore their sexual ethics, exercise their sexual agency, and develop their sexual identity and imagination.^{43,44,45,46,47} Studies of youth show they engage with porn in critical, media savvy ways. For example, in her research on Finnish youth, Spišák finds that young people “challenge risk talk” about pornography and she argues that “blurry notions of harm baffle young people more than the actual pornographic content they encounter.”⁴⁸ Importantly, studies consistently show that access to pornography can have a positive impact on young people, in particular those who are LGBTQ+, by providing information about sexuality that is often absent from formal sexual health education and countering pervasive narratives of heteronormativity.^{49,50,51}

³⁹ Healy-Cullen, S., & Morison, T. (2023). Porn Literacy Education. In: *The Palgrave Encyclopedia of Sexuality Education*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-95352-2_77-1

⁴⁰ Healy-Cullen, et al. (2024). Youth, Pornography, and Addiction.

⁴¹ Goldstein, A. (2020). Beyond Porn Literacy: Drawing on Young People’s Pornography Narratives to Expand Sex Education Pedagogies. *Sex Education*, 20(1), 59-74. <https://doi.org/10.1080/14681811.2019.1621826>.

⁴² Spišák, S. (2016). ‘Everywhere They Say That It’s Harmful But They Don’t Say How, so I’m Asking Here’: Young People, Pornography and Negotiations with Notions of Risk and Harm. *Sex Education*, 16(2), 130-42 <https://doi.org/10.1080/14681811.2015.1080158>.

⁴³ Henry, C., & Talbot, H. (2019). The Complexities of Young New Zealanders’ Use and Perceptions of Pornography: A Quantitative Survey in Context. *Porn Studies*, 6(4), 391–410. <https://doi.org/10.1080/23268743.2019.1656544>

⁴⁴ Healy-Cullen. & Morison. (2023). Porn Literacy Education.

⁴⁵ Byron, P., McKee, A., Watson, A. et al. (2021). Reading for Realness: Porn Literacies, Digital Media, and Young People. *Sexuality & Culture*, 25, 786–805. <https://doi.org/10.1007/s12119-020-09794-6>.

⁴⁶ Attwood, et al. (2018). ‘I’m Just Curious and Still Exploring Myself’

⁴⁷ McKee, A. (2012). The Importance of Entertainment for Sexuality Education. *Sex Education*, 12(5), 499–509. <https://doi.org/10.1080/14681811.2011.627727>.

⁴⁸ Spišák. (2016). ‘Everywhere They Say That It’s Harmful But They Don’t Say How.

⁴⁹ Flory, I. M., & Shor, E. (2025). “Porn is Blunt [...] I Had Way More LGBTQ+ Friendly Education Through Porn”: The Experiences Of LGBTQ+ Individuals With Online Pornography. *Sexualities*, 28(4), 1505-1525.

⁵⁰ Arrington-Sanders, R., Harper, G.W., Morgan, A., Ogunbajo, A., Trent, M., & Fortenberry, J.D. (2015). The Role of Sexually Explicit Material in the Sexual Development of Same-Sex-Attracted Black Adolescent Males. *Archives of Sexual Behavior*, 44(3), 597-608. <https://doi.org/10.1007/s10508-014-0416-x>.

⁵¹ Sill, J.M. (2023). ‘I Wouldn’t Have Ever Known, If It Wasn’t for Porn’ – LGBTQ+ University Students’ Experiences of Sex and Relationships Education, a Retrospective Exploration. *Sex Education*, 23(4), 379-92. <https://doi.org/10.1080/14681811.2022.2036604>.

Ultimately, the rhetoric produced through bills and lawmaking processes such as Bill S-209 reinforce the idea that pornography is a “problematic object for young people,” and in so doing, make it harder for educators interested in talking to young people about pornography because they risk being “render[ed] ... suspect to parents, students, colleagues and administrators.”⁵² This further marginalizes efforts to approach pornography literacy in ways that treat young people as diverse media consumers with and a wide range of emotional, embodied, and socio-cultural responses to pornography situated within broader social structures,⁵³ rather than simplistic, protectionist, and patronizing approaches focused on teaching youth to identify ‘real sex’ from ‘porn sex’.⁵⁴

Young people have a right to sexual agency, and many who view pornography are above the legal age of consent.⁵⁵ Yet the sexual health education that young people around Canada receive is a patchwork.^{56,57,58} In their report on the state of sexual health in Canada,⁵⁹ Action Canada for Sexual Health and Rights found that the country is “not meeting international standards and best practices nor is it meeting our own 2019 Canadian Guidelines for Sexuality Education.” Sex education often neglects what young people themselves are interested in learning.^{60,61} National studies show that the vast majority of Canadian parents also want their children to receive comprehensive sex education.^{62,63} By reproducing porn as a ‘problematic object’ for young people, Bill S-209 risks exacerbating these problems, by making already under-trained, under-resources, and under-supported sexual health education teachers wary to engage with a controversial topic.⁶⁴

The consequences of age verification on sex workers, other sex professionals, LGBTQ+ communities, and the broader public are damaging

Porn platforms are workplaces

Bill S-209 only considers consumers of pornographic content. However, any law that regulates adult content platforms and websites also has an unappreciated material impact on producers and performers of adult content. That is why the House of Commons Standing Committee on Access to

⁵² Goldstein. (2020). Beyond Porn Literacy.

⁵³ Goldstein. (2020). Beyond Porn Literacy.

⁵⁴ Healy-Cullen & Morison. (2023). Porn Literacy Education.

⁵⁵ Karaian, L. (2022, February 22). Restricting Young People’s Access to Porn Won’t Save Them, But it Will Threaten Sexual Speech. *Center for Free Expression*. <https://cfe.torontomu.ca/blog/2022/02/restricting-young-peoples-access-porn-wont-save-them-it-will-threaten-sexual-speech>.

⁵⁶ Robinson, D. B., MacLaughlin, V., & Poole, J. (2019). Sexual Health Education Outcomes Within Canada’s Elementary Health Education Curricula: A Summary and Analysis. *The Canadian Journal of Human Sexuality*, 28(3), 243-256.

⁵⁷ Robinson, D. B., Sulz, L., Morrison, H., Wilson, L., & Harding-Kuriger, J. (2024). Health Education Curricula in Canada: An Overview and Analysis. *Curriculum Studies in Health and Physical Education*, 15(1), 77-97.

⁵⁸ Walters, L., & Lavery, E. (2022). Sexual Health Education and Different Learning Experiences Reported by Youth Across Canada. *The Canadian Journal of Human Sexuality*, 31(1), 18-31.

⁵⁹ Action Canada (2020). The State of Sex-Ed in Canada. https://www.actioncanadashr.org/sites/default/files/2020-04/8039_AC_StateofSexEd-2ndEd_F-Web_0.pdf

⁶⁰ Lavery, E. K., Noble, S. M., Pucci, A., & MacLean, R. E. (2021). Let’s Talk About Sexual Health Education: Youth Perspectives on Their Learning Experiences in Canada. *The Canadian Journal of Human Sexuality*, 30(1), 26-38.

⁶¹ Action Canada (2019). What Young People Want and Need For Their Sex-Ed. <https://www.actioncanadashr.org/resources/sexual-health-hub/sex-ed/what-young-people-want-and-need-their-sex-ed>

⁶² Loveless, C., Dyal, K., Quinn-Nilas, C., Knapman, S., Vora, T., Wood, J., ... & Byers, S. (2023). An Examination of Canadian Parents’ and Guardians’ Agreement With the Core Principles of Comprehensive Sexual Health Education. *The Canadian Journal of Human Sexuality*, 32(2), 229-241.

⁶³ Wood, J., McKay, A., Wentland, J., & Byers, S. E. (2021). Attitudes Towards Sexual Health Education in Schools: A National Survey of Parents in Canada. *The Canadian Journal of Human Sexuality*, 30(1), 39-55.

⁶⁴ Action Canada (2021). Together for Sex-Ed: Outcomes Report. https://www.actioncanadashr.org/sites/default/files/2021-06/8286_AC_CSE-Convening-Report_EN_F_WEB%5B1%5D.pdf

Information, Privacy and Ethics' 2021 investigation into Pornhub recommended that sex workers be consulted before passing legislation or regulations relating to the online platforms that serve as a part of their workplace.⁶⁵ As Jenn Clamen, director of the Canadian Alliance for Sex Work Law Reform, stated during those hearings, "sex workers are best placed to help shape any existing or proposed regulations. Any approach that fails to consider the needs of sex workers will harm sex workers, I promise you. Sex workers are systematically ignored in policy that impacts on our lives."⁶⁶ Consultation with sex workers and adult content platform operators can also highlight potential pitfalls or unintended consequences of legislation.

We agree that pornographic material is easily found online. Because of this ubiquity, it is impossible to effectively monitor whether all websites within the scope of this Bill are acting in compliance. As other witnesses have testified, most adult consumers of pornographic material are not comfortable submitting to age-verification procedures, and compliant sites have experienced a drop in traffic. Early evidence appears to confirm fears that traffic simply routes to non-compliant adult websites.^{67,68} Those websites least likely to comply with age-verification regulations are also those least likely to verify uploaders or moderate content, making them more prone to hosting CSAM, non-consensual image-based abuse, and pirated content. As a result, both youth and adults are more likely to encounter illegal and abusive content.

Moreover, this causes the overall pornographic platform landscape to become more dangerous for sex workers. Sex workers benefit from having access to a variety of well-regulated platforms where they can monetize their content. Online work can offer many health and safety benefits. It provides a higher degree of physical safety by reducing interactions with the police and violent people posing as clients.^{69,70,71,72} It offers a flexible, accessible route to income generation of particular benefit to disabled workers and those with care-giving responsibilities.^{73,74} Many of the risks associated with online sex work—platform precarity, account deletion, doxxing, and content theft—can be partially mitigated by responsible and accountable platform operations. Platforms can endow workers with freedom and agency, support their financial stability, and protect their intellectual property through reasonable content moderation policies, effective uploader and consent verification, copyright protections such as anti-capping software, swift takedown and appeals processes, strong data

⁶⁵ Warkentin, C. (2021). *Ensuring the Protection of Privacy and Reputation on Platforms Such as Pornhub*. Parliamentary Committee Report. Standing Committee on Access to Information, Privacy and Ethics.

<https://www.ourcommons.ca/Content/Committee/432/ETHI/Reports/RP11148202/ethirp03/ethirp03-e.pdf>.

⁶⁶ ETHI Committee Meeting. (2021, April 19). Evidence: 11:13:58. <https://www.ourcommons.ca/DocumentViewer/en/43-2/ETHI/meeting-31/evidence>

⁶⁷ Lang, D., Listyg, B., Ross, B.V., Musquera, A.V., & Sanderson, Z. (Preprint, submitted 2025). Do Age-Verification Bills Change Search Behavior? A Pre-Registered Synthetic Control Multiverse. <https://osf.io/z83ev>.

⁶⁸ Harwell, D. (2025, September 1). 'Scan Your Face' Laws For the Web are Having Unexpected Consequences. *Washington Post*. <https://www.washingtonpost.com/technology/2025/08/31/age-verification-uk-porn-sites/>.

⁶⁹ Hamilton, V., Barakat, H., & Redmiles, E. M. (2022). Risk, Resilience and Reward: Impacts of Shifting to Digital Sex Work. *Proceedings of the ACM on Human-Computer Interaction*, 6(CSCW2), 1-37.

⁷⁰ Jones, A. (2015). Sex Work in a Digital Era. *Sociology Compass*, 9(7), 558-570.

⁷¹ Franco, R., & Webber, V. (2025). 'This is Fucking Nuts': The Role of Payment Intermediaries in Structuring Precarity and Dependencies in Platformized Sex Work. *Porn Studies*, 1-18.

⁷² Webber, V., O'Shea, B., Yurkovich, C., Oswald, A., Dietzel, C., Feicht, B., ... & Numer, M. (2025). Digitally Facilitated Sex Work: A Scoping Review Articulating Men's Labor Experiences. *The Journal of Sex Research*, 1-13.

⁷³ Jones, A. (2022). 'I Can't Really Work Any 'Normal' Job': Disability, Sexual Ableism, and Sex Work. *Disability Studies Quarterly*, 42(2).

⁷⁴ Felkins, S. (2022). Crippling Sex Work: Disabled Sex Workers and Racialized Disgender in the Online Sex Industry. *Disability Studies Quarterly*, 42(2).

security mechanisms, and equitable revenue shares.^{75,76,77,78,79,80} These worker protections would also reduce the circulation of illegal and non-consensual imagery. As the European Sex Workers' Rights Alliance argues,

Although platform work provides some benefits to sex workers, there are growing concerns stemming from platforms refusing to acknowledge their impact or accept responsibility for workers' health and safety. Considering the lack of attention to the workers' interest by the platforms, national and international laws and policies should be developed to regulate and limit platform power. However, it is absolutely essential that any regulation must be developed and adopted democratically while meaningfully engaging sex workers.⁸¹

Legislative efforts aimed at responsabilizing platforms to create better conditions for their workers would have the additional benefit of creating better conditions for internet users and the content they encounter. Instead, S-209 focuses on regulating consumers at the expense of workers. If adult consumers who are wary of age-verification measures—not an unfounded fear given recent hacks and exposure of personal information including IDs collected as part of age-verification policies⁸²—turn toward pornography sites with less moderation, sex workers will also feel the effects as traffic to safer websites that provide more favourable labour conditions decreases.

Relatedly, the Bill also threatens sex workers' ability to operate independently, because the impacts of the Bill on organizations creating pornographic material will not be felt equally. Implementing age-verification technologies comes at a high financial and administrative cost that favours high-volume organizations, meaning it will disproportionately impact independent adult content producers and platforms.⁸³ This will increase workers' vulnerability to exploitation by consolidating power into large platforms that can afford to comply while reducing the viability of smaller, worker-owned, and independent studios. Not only will this impact worker agency and autonomy, it will also reduce the degree of equity and diversity represented within the genre.^{84,85,86} In these ways and more, age-verification policies developed without the involvement of pornography producers risk further destabilizing the already precarious platform ecosystem to the detriment of sex workers.

⁷⁵ Hamilton, et al., (2022). Risk, resilience and reward.

⁷⁶ Sanders, T., Trueman, G., Worthington, K., & Keighley, R. (2025). Non-Consensual Sharing of Images: Commercial Content Creators, Sexual Content Creation Platforms and The Lack of Protection. *New Media & Society*, 27(1), 84-105.

⁷⁷ Stegeman, H. M. (2024). Regulating and Representing Camming: Strict Limits on Acceptable Content on Webcam Sex Platforms. *New Media & Society*, 26(1), 329-345.

⁷⁸ Lawlor, N., Leistner, C. E., & Lippmann, M. (2024). OnlyFans: Content Creators' Perceptions of Potential Bans of Sexually Explicit Content. *Sexuality Research and Social Policy*, 21(2), 477-492.

⁷⁹ Berg, H. (2021). *Porn Work: Sex, Labor, and Late Capitalism*. UNC Press Books.

⁸⁰ Easterbrook-Smith, G. (2023). OnlyFans as Gig-Economy Work: A Nexus of Precarity and Stigma. *Porn Studies*, 10(3), 252-267.

⁸¹ European Sex Workers' Rights Alliance. (2023, March). *Conditions, Control and Consent: Exploring the Impact of Platformisation of Sex Work*. p. 13

https://www.eswalliance.org/conditions_control_and_consent_exploring_the_impact_of_platformisation_of_sex_work

⁸² Cox, J. (2025, October 9). The Discord Hack Is Every User's Worst Nightmare. *404 Media*, <https://www.404media.co/the-discord-hack-is-every-users-worst-nightmare/>.

⁸³ Mithani, J. (2025, September 3). Age Verification on Porn Sites is Putting Queer Adult Industry Workers at Risk. *The 19th*. <https://19thnews.org/2025/09/age-verification-queer-adult-industry-workers/>.

⁸⁴ Stardust, Z. (2024). *Indie Porn: Revolution, Regulation, and Resistance*. Duke University Press.

⁸⁵ Stardust, Z. (2018). Safe for Work: Feminist Porn, Corporate Regulation and Community Standards. In *Orienting Feminism: Media, Activism and Cultural Representation* (pp. 155-179). Cham: Springer International Publishing.

⁸⁶ Taormino, T., Penley, C., Shimizu, C., & Miller-Young, M. (Eds.). (2013). *The Feminist Porn Book: The Politics of Producing Pleasure*. The Feminist Press at CUNY.

“Legitimate purpose”

In addition to negative impacts on sex workers, the Bill also risks harming other sex professionals, LGBTQ+ communities, and the broader public, by reducing access to information beyond adult content. As the Committee knows, pornography is difficult to define. Because of this semantic slipperiness, anti-pornography rhetoric and efforts to limit access to pornography are often used to censor other forms of content.⁸⁷ Recently, this conflation of pornography with other forms of information and media frequently targets sexual health information, discussion of and supports for LGBTQ+ individuals and communities, artistic representations⁸⁸ of sex and the body, as well as a wide range of content related to social justice and political dissidence.^{89,90,91} We recognize that paragraph 7(2) of the Bill seeks to pre-empt this by stating:

No organization shall be convicted of an offence under section 5 if the act that is alleged to constitute the offence has a legitimate purpose related to science, medicine, education or the arts.

This clause assumes that “legitimate” is a self-evident and protected category. However, “legitimate” tends to be determined according to strictly status quo, heteronormative standards.⁹² As the slippery definition of “pornography” can be deployed to encompass an increasingly wider net, so too can the definition of “legitimate” be continuously narrowed to serve regressive political ends. For decades, the groups that write, advocate, and lobby against pornography persistently demonstrate covert and overt political ties with White Christian nationalists and other far right groups espousing misogynist, anti-LGBTQ+, anti-choice, and anti-Semitic sentiments.^{93,94,95,96} These groups envision pornography as a “deviant” threat to a “mythic Christian social and sexual order” that not only impedes their goal “to maintain ethnic and social hierarchies, but to politically enforce a particular type of social and sexual order defined by monogamous, patriarchal, heterosexual marriage relationships and gender roles.”⁹⁷ Passing Bill S-209 creates a powerful tool that can be manipulated towards oppressive ideological and censorial ends.

⁸⁷ Cossman, B. (2013). Censor, Resist, Repeat: A History of Censorship of Gay and Lesbian Sexual Representation in Canada. *Duke Journal of Gender Law & Policy*, 21, 45-66.

⁸⁸ While outside the scope of this brief, the distinction between ‘pornography’ and ‘legitimate arts’ is a deeply problematic and classist one. See, for example, Eaton, A. W. (2018). ‘A Lady on the Street but a Freak in the Bed’: On the Distinction between Erotic Art and Pornography. *The British Journal of Aesthetics*, 58(4), 469-488; Dennis, K. (2009). *Art/Porn: A History of Seeing and Touching*. Berg; Penley, C. (2006). Crackers and Whackers: The White Trashing of Porn. In *Pornography: Film and Culture* (pp. 99-117).

⁸⁹ Gira Grant, M. (2024, July 10). The Real Targets of Project 2025’s War on Porn. *The New Republic*. <https://newrepublic.com/article/183636/project-2025-war-porn-trans-drag>.

⁹⁰ Milman, O. (2022, September 19). ‘Rapid Acceleration’ in US School Book Censorship Leads to 2,500 Bans in a Year. *The Guardian*. <https://www.theguardian.com/education/2022/sep/19/us-school-book-censorship-bans-pen-america>.

⁹¹ Cecco, L. (2025, September 3). Canada: Alberta Pauses Book Ban After Schools Remove Handmaid’s Tale, 1984 and Other Classics. *The Guardian*. <https://www.theguardian.com/world/2025/sep/03/canada-alberta-book-ban-pause>.

⁹² Webber, V., & Franco, R. S. (2025). The Definitional Creep: Payment Processing and the Moral Ordering of Sexual Content. *Sexualities*, 28(7), 2120-2139. <https://doi.org/10.1177/13634607241305579>.

⁹³ Kerl, K. (2020). “Oppression by Orgasm”: Pornography and Antisemitism in Far-Right Discourses in The United States Since The 1970s. *Studies in American Jewish Literature*, 39(1), 117-138.

⁹⁴ Perry, S. L., & Whitehead, A. L. (2022). Porn as a Threat to the Mythic Social Order: Christian Nationalism, Anti-Pornography Legislation, and Fear of Pornography as a Public Menace. *The Sociological Quarterly*, 63(2), 316-336.

⁹⁵ Cole, S. (2021, April 13). The Crusade Against Pornhub is Going to Get Someone Killed. *Vice*. <https://www.vice.com/en/article/anti-porn-extremism-pornhub-traffickinghub-exodus-cry-ncose/>.

⁹⁶ Bowden, O. (2025, August 27). Rightwing ‘Parents’ Rights’ Groups Gain Ground in Canada as Alberta Book Bans Target LGBTQ+ Titles. *The Guardian*. <https://www.theguardian.com/world/2025/aug/27/alberta-book-ban-canada-parents-rights-groups>

⁹⁷ Perry & Whitehead. (2022). Porn as a Threat to the Mythic Social Order, p. 5.

Recommendations

Given our analysis of Bill S-209's position within the broader social, historical, legal, and scientific context, we make the following recommendations:

1. We believe Bill S-209 oversimplifies pornography and its cultural and social impacts and that the Bill has a flawed ideological basis. Like other experts, we believe there are significant risks associated with its implementation. Therefore, we recommend abandoning Bill S-209 in favour of evidence-based educational approaches that focus on root causes and systems of power.
2. Canada has a tremendous opportunity to lead by developing and executing a comprehensive sexual health promotion strategy, including implementing the Canadian Guidelines for Sexual Health Education and ensuring parents and families have access to existing tools to filter content on internet-enabled devices, as was recommended by the House of Commons Standing Committee on Health's 2017 [Report on the public health effects of the ease of access and viewing of online violent and degrading sexually explicit material on children, women and men](#).
3. It is crucial to centre sex workers in policymaking that impacts their lives. Consult with sex workers on any future age-verification bills and any laws that impact the websites and platforms that serve as their workspaces, in line with recommendations made by the House of Commons Standing Committee on Access to Information, Privacy and Ethics' 2021 [Report on Ensuring the Protection of privacy and reputation on platforms such as Pornhub](#).
4. Young people should be meaningfully involved in the creation of law and policy that affect their lives. Any further legislative efforts should involve meaningful participation of young people, in line with [Canada's Youth Policy](#), which recognizes that "...government policies and decisions have an impact on young people's lives and youth have the right to influence these decisions, both individually and collectively."
5. Sexual content has "cultural, social, and political value," including for young people.⁹⁸ Any effort to regulate sex online should take a human rights-based approach to content moderation and internet governance, rooted in agency, autonomy, and consent. We recommend that any future legislative efforts be drafted in alignment with the principles found in the [Manifesto for Sex Positive Social Media](#).

Conclusion

There is significant international momentum behind age-verification legislation at this time. Canada does not need to succumb to the pressure to follow suit. As others have already argued, the privacy concerns alone make this Bill untenable. However, equally important is recognizing that it rests on a shaky ideological foundation that cannot provide a robust base for public policy. Instead, Canada can be an innovative leader by refusing to engage in reactionary politics, and instead tackle a range of important issues—from sexual violence and gender bias to the fact that sex education has not kept pace with the media landscape—using evidence-based approaches that centre those most affected by policy change—sex workers and young people. Such approaches will necessitate proper investment and leadership. Luckily, Canada's rights-based sexual and reproductive health organizations, sex worker rights organizations and advocates, and sexuality and media studies researchers are a font of knowledge and expertise from which law makers can draw.

Signed,

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⁹⁸ Stardust, et al. (2022), *Manifesto for Sex-Positive Social Media*.