



## Submission to the Standing Committee on Canadian Heritage

### Study: Harms Caused to Children, Women, and Men by the Ease of Access to, and Online Viewing of, Illegal Sexually Explicit Material

SUBMITTED BY: Defend Dignity

April 19, 2024

[Defend Dignity](#) is a national organization working to end sexual exploitation in Canada since 2010. We work with survivors of sexual exploitation and other individuals who have been harmed by pornography. We focus on advocacy, aid, and awareness and we partner with local and global survivor-led agencies, service providers, community groups and non-profit organizations. We have engaged with over 12,000 people on issues of sexual exploitation at the variety of educational events we have run, including our [Canadian Sexual Exploitation Summits](#).

### The scope of the problem

Illegal sexually explicit material is readily available across the internet, including on the most popular social media and pornography platforms. We'll highlight some indicators of the scope of the problem to demonstrate the urgency to respond to this issue.

From 2014-2022 police recorded 15,630 incidents of online sexual offences against children and 45,816 incidents of online "child pornography"<sup>1</sup>, amounting to a 217% rate of increase for these crimes.<sup>2</sup> In 2022 alone there were 896 police-reported cases of non-consensual distribution of intimate images.<sup>3</sup> Reported incidents of crimes are only the tip of the iceberg and this is especially true in cases where victimized individuals aren't aware of the filming or distributing of the content.

A recent survey of CSAM offenders revealed that of the 1,427 question respondents, 77% have encountered CSAM or links to CSAM on the surface web, with pornography and social media platforms being the most common places to encounter it. The most frequently mentioned social media platforms by 435 question respondents were Instagram, X (Twitter), Discord, TikTok, Facebook, Youtube, Reddit,

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<sup>1</sup> "Child pornography" is currently used in the *Criminal Code*. We prefer child sexual abuse material (CSAM) as a more accurate term to convey the severity of this crime and hope Bill C-291 will be passed.

<sup>2</sup> Savage, L. (2024). *Online Child Sexual Exploitation: A Statistical profile of police-reported incidents in Canada, 2014 to 2022*. Statistics Canada. <https://www150.statcan.gc.ca/n1/en/catalogue/85-002-X202400100003>

<sup>3</sup> Statistics Canada. (2023). *Police-reported cybercrime, by cyber-related violation, Canada (selected police services)*. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000101>

and Snapchat. <sup>4</sup> According to the Canadian Centre for Child Protection, Meta alone “has forwarded 74.4 million reports of suspected child sexual abuse and exploitation to the U.S. National Centre for Missing and Exploited Children (NCMEC) since 2020.”<sup>5</sup>

Victimized individuals have spoken out about illegal sexually explicit content on many of the largest online platforms. Aylo (formerly MindGeek)’s most popular site, Pornhub, likely comes to mind as it’s one of the most visited websites in the world<sup>6</sup> and many abuses have been documented on it.<sup>7</sup> As of last October it was reported that over 250 individuals have sued the company in 10 lawsuits,<sup>8</sup> which includes a class action launched by an Ontario woman who was raped at age 12<sup>9</sup>. In 2021 more than [70 parliamentarians across party lines](#) joined the voices of [104 survivors and 525 NGO’s from 65 countries](#) calling for a criminal investigation into MindGeek for hosting CSAM, non-consensual intimate images, and from 2011-2020 failing to comply with the *Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons Who Provide an Internet Service*. Pornhub has also been mentioned in criminal cases, such as an Ottawa man who posted videos of sexual encounters with degrading titles without the depicted women’s knowledge.<sup>10</sup> And last October Mr. Mikhail was sentenced for publishing numerous non-consensual and voyeuristic videos with sexually derogatory captions on his Pornhub channel. Some of the footage and titles indicated the illegality of the content: “...candid!!...I get caught at the end”, “Sexy teen with great cleavage!!”, and “Creep shot at gym”. Most of the victimized young women were secretly filmed at a Hamilton gym, and described the devastating impact of being targeted at a public place that was supposed to be empowering. Justice Joe Fiorucci described the significance of this case in his reasons:

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<sup>4</sup> Suojellaan Lapsia, Protect Children ry.(2024). *Tech Platforms Used by Online Child Sexual Abuse Offenders: Research Report with Actionable Recommendations for the Tech Industry* <https://www.suojellaanlapsia.fi/en/post/tech-platforms-child-sexual-abuse>

<sup>5</sup> Canadian Centre for Child Protection. (2023). *Facebook’s move to full encryption on means millions of child sexual abuse and exploitation cases will cease to be reported.* <https://protectchildren.ca/en/press-and-media/news-releases/2023/facebook-encryption>

<sup>6</sup>Office of the Privacy Commissioner of Canada. (2024). *Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA.* PIPEDA Findings # 2024-001. <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/#fn7>

<sup>7</sup> Kristof, N. (2020). *The Children of Pornhub: Why does Canada allow this company to profit off videos of exploitation and assault?.* <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html?searchResultPosition=1>

<sup>8</sup> Thies, Breccan F. (2023). Pornhub hit with 10th sex trafficking lawsuit. *Washington Examiner.* <https://www.washingtonexaminer.com/news/2434675/pornhub-hit-with-10th-sex-trafficking-lawsuit/>

<sup>9</sup> Kassam, I., & Ross, S. (2023). Ontario woman initiates class action against Pornhub over video of alleged rape at age 12. *CTV News.* <https://montreal.ctvnews.ca/ontario-woman-initiates-class-action-against-pornhub-over-video-of-alleged-rape-at-age-12-1.5259809>

<sup>10</sup> Dimmock, G. (2022). Pornhub postings: Ottawa man on trial for recording sex acts says he uploaded to save space on phone. *Ottawa Sun.* <https://ottawasun.com/news/local-news/ottawa-man-on-trial-for-recording-sex-acts-says-he-uploaded-videos-on-pornhub-to-save-space-on-phone/wcm/c782c424-28da-4a9f-9019-f509033ac2a7>

“Mr. Mikhail’s case demonstrates how a cell phone with the capacity to photograph and video record others without their knowledge can become a weapon which causes devastating harm. The extent of the harm is immeasurable due to the permanence of the internet.”<sup>11</sup>

Victimized individuals have also drawn attention to other big platforms. Xvideos - a pornography platform that has been ranked as the seventh-most visited website in the world - hosted videos of a 14-year-old Canadian girl even after she begged Xvideos to remove them. The CSAM was viewed hundreds of thousands of times.<sup>12</sup> Xvideos is also being sued by a survivor of child sex trafficking for distributing and advertising videos of her abuse.<sup>13</sup> Another popular platform, OnlyFans, allows users to sell sexually explicit content and has been reported to host CSAM, non-consensual material and accounts controlled by traffickers.<sup>14</sup>

These examples illustrate the widespread failure of online platforms to verify sexually explicit content is legal before hosting and profiting from it. “Child pornography” laws are violated whenever a depicted individual is a minor or is someone 18 or over who is *depicted as being a minor*.<sup>15</sup> When it comes to the non-consensual publication of content featuring adults who are not depicted as being minors, these could arguably be in violation of s. 162.1 of the *Criminal Code* as this offense includes both *knowing* that the person depicted did not give their consent and *being reckless* as to whether they consented.<sup>16</sup>

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<sup>11</sup> R. v. Mikhail, 2023 ONCJ 432 (CanLII), <https://canlii.ca/t/k0jkn>

<sup>12</sup> Kristof, N. (2021). Why Do We Let Corporations Profit From Rape Videos? *The New York Times*. <https://www.nytimes.com/2021/04/16/opinion/sunday/companies-online-rape-videos.html?smid=tw-share>

<sup>13</sup> National Centre on Sexual Exploitation. (2024). Appellate Court Allows Child Sexual Abuse Survivor’s Lawsuit Against XVideos to Proceed. <https://endsexualexploitation.org/articles/appellate-court-allows-child-sexual-abuse-survivors-lawsuit-against-xvideos-to-proceed/>

<sup>14</sup> So, L., Marshall, A. R., & Szep J.(2024). Behind the OnlyFans porn boom: allegations of rape, abuse and betrayal. *Reuters*. <https://www.reuters.com/investigates/special-report/onlyfans-sex-legal-cases/>; Fight the New Drug. (2021). Traffickers Reportedly Try to Recruit OnlyFans Content Creators, Report Finds. <https://fightthenewdrug.org/onlyfans-content-creators-report-the-avery-center/>; Titheradge, N., & Croxford, R. .( 2021). The children selling explicit videos on OnlyFans. *BBC*. <https://www.bbc.com/news/uk-57255983>

<sup>15</sup> **163.1 (1)** In this section, *child pornography* means

(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

(i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or....

<sup>16</sup> **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.

Another law to consider is the federal private sector privacy law, the *Personal Information Protection and Electronic Documents Act* (PIPEDA). On February 29, 2024, the Office of the Privacy Commissioner of Canada released its “Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA.” It found that Aylo is violating PIPEDA by failing to obtain meaningful consent directly from the individuals depicted in the content uploaded to their sites, “even in the face of overwhelming evidence that this results in the posting of vast amounts of intimate content without consent.” The report listed actions necessary to comply with PIPEDA, including immediately stopping the use of user-generated intimate material until all the issues outlined in the report were addressed. In addition, deleting all user-generated intimate images on their websites that have not been meaningfully consented to directly by all the individuals depicted. At the time of the report, Aylo had still not committed to following any of the recommendations or effective alternatives.<sup>17</sup>

## Deepfake pornography as an emerging trend

Another troubling trend that must be addressed is the rise of AI-generated - also known as deepfake - pornography. Deepfake pornography primarily targets women and girls and should be recognized as a form of gender-based violence.<sup>18</sup> A 2023 comprehensive analysis of deepfake videos found 98% of all deepfake videos were pornographic and 99% of those targeted were women. While most videos were on dedicated deepfake websites, 10% of the deepfake videos were hosted on mainstream pornography sites. One third of all deepfake tools allow users to create pornography and it’s possible to do so for free, quickly, and with only one image of someone’s face. Between 2022-2023 there has been a 464% increase of deepfake pornography videos, rising from 3,725 videos to 21,019.<sup>19</sup> Another study highlights that synthetic non-consensual intimate imagery (NCII) providers are an emerging online industry. This includes actively advertising on social media, with a 2,408% increase in volume of referral links posted on Reddit and X (formerly Twitter) from 2022 to 2023. Thirty-four websites received over 24 million unique visitors last September alone.<sup>20</sup> To say that the creation and distribution of deepfake pornography is a rapidly spreading crisis is an understatement.

There have been tragic cases of this technology being used to victimize children and youth. Photos of teenage girls have recently been spread at schools in Winnipeg (December 2023) and London (April

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<sup>17</sup> Office of the Privacy Commissioner of Canada. (2024). *Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA*. PIPEDA Findings # 2024-001. <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/#fn7>

<sup>18</sup> Moreau, S., & Rourke, C. (2024). Fake porn causes real harm to women. *Policy Options*. <https://policyoptions.irpp.org/magazines/february-2024/fake-porn-harm/>

<sup>19</sup> Home Security Heroes. (2023). *State of Deepfakes: Realities, Threats, and Impact*. <https://www.homesecurityheroes.com/state-of-deepfakes/>

<sup>20</sup> Santiago, L. (2023). *A Revealing Picture*. <https://graphika.com/reports/a-revealing-picture>

2024).<sup>21</sup> When a Quebec man was sentenced for using AI to create CSAM last year, Judge Benoit Gagnon remarked that:

“The use of deepfake technology in criminal hands is chilling. The type of software allows crimes to be committed that could involve virtually every child in our communities.”

"A simple video excerpt of a child available on social media, or a video of children taken in a public place, could turn them into potential victims of child pornography."<sup>22</sup>

There is very little anyone can do to fully protect themselves or their children from being targeted in this way, making government intervention even more critical.

## Risks to the public

In addition to the significant harm inflicted on individuals victimized in illegal sexually explicit content, the ease of access to this content poses risks to the public, with minors and women being disproportionately impacted.

### *Contributes to child sexual abuse*

Online offenses against children are increasing at alarming rates in Canada. Reports of online luring – where typically adults interact with children to commit a sexual offense – have increased by 815% from 2018-2022.<sup>23</sup> One contributing factor is the accessibility of CSAM online, as studies have linked watching CSAM with an increased risk of seeking to abuse children. For example, a survey of over 3,600 offenders viewing CSAM found that 37% had sought out direct contact with children online after watching CSAM. It also found that over half of the offenders were first exposed to CSAM by accident when they were minors.<sup>24</sup> Another study found some offenders viewing live-streamed CSAM also travel to abuse children in person.<sup>25</sup>

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<sup>21</sup> Bernhardt, D. (2023). AI-generated fake nude photos of girls from Winnipeg school posted online. *CBC News*.

<https://www.cbc.ca/news/canada/manitoba/artificial-intelligence-nude-doctored-photos-students-high-school-winnipeg-1.7060569> ; Dubinski, K. (2024). Kids call for more lessons on AI after fake nudes posted by London Catholic students. *CBC News*. <https://www.cbc.ca/news/canada/london/london-ontario-st-thomas-aquinas-sta-deepfake-ai-nude-sexual-imagery-1.7163183>

<sup>22</sup> Serebrin, J. (2023). Quebec man who created synthetic, AI-generated child pornography sentenced to prison. *CBC News*. <https://www.cbc.ca/news/canada/montreal/ai-child-abuse-images-1.6823808>

<sup>23</sup> Cybertip.ca. (2023). *Reports of online sexual luring of Canadian kids up 815% in five years, Cybertip.ca data shows* [Press release]. <https://cybertip.ca/en/campaigns-and-media/news-releases/2023/safer-internet-day-2023/>

<sup>24</sup> Insoll T, Ovaska A & Vaaranen-Valkonen N. *CSAM Users in the Dark Web: Protecting Children Through Prevention* (Suojellaan Lapsia ry. ReDirection Survey Report 2021). <https://www.suojellaanlapsia.fi/en/post/csam-users-in-the-dark-web-protecting-children-through-prevention>

<sup>25</sup> Australian Institute of Criminology. (2021). The overlap between child sexual abuse live streaming, contact abuse and other forms of child exploitation. [https://www.aic.gov.au/sites/default/files/202305/ti671\\_overlap\\_between\\_csa\\_live\\_streaming\\_contact\\_abuse\\_and\\_other\\_child\\_exploitation.pdf](https://www.aic.gov.au/sites/default/files/202305/ti671_overlap_between_csa_live_streaming_contact_abuse_and_other_child_exploitation.pdf)

### *Exposes children and youth to harmful content*

Children and youth being exposed to sexually explicit content – even if that content is legal for adults – poses a serious risk to their health and well-being. We interact with parents and caregivers, professionals who work with youth, and youth themselves who are all concerned about the impact of online pornography. Three in ten Canadian children and youth have been unintentionally exposed to online pornography. The vast majority were first exposed when they were aged 9-13.<sup>26</sup> Numerous international studies have linked youth exposure to pornography with a wide range of harms, including experiencing sexual violence. This includes being more likely to be either victimized or perpetrate violence and contributes to child-on-child sexual abuse.<sup>27</sup> In Canada, we're aware of cases where pornography was involved with children sexually abusing other children. This is also likely a contributing factor to the alarming amount of dating violence among teenagers, with 41,057 15–17-year-olds reporting dating violence to the police between 2009-2022.<sup>28</sup>

### *Contributes to sex trafficking*

As we have listened to the experiences of individuals impacted by commercial sexual exploitation, we have become aware of many connections between pornography and sex trafficking. We wanted to highlight some examples to elaborate what has already been discussed.

Individuals, especially women and girls, can be trafficked for the sole purpose of producing pornography. In addition to the cases that included sex trafficking mentioned earlier, Pornhub's parent company Aylo (formerly MindGeek) recently entered a deferred prosecution agreement in the United States for profiting from sex trafficking.<sup>29</sup> Another tragic example are the traffickers in the Philippines who are livestreaming child sexual abuse, with nearly half a million children abused in 2022. Canadian offenders

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<sup>26</sup> MediaSmarts. (2022). Young Canadians in a Wireless World, Phase IV: Encountering Harmful and Discomforting Content Online. <https://mediasmarts.ca/research-and-evaluation/young-canadians-wireless-world/ycww-phase-iv/young-canadians-wireless-world-phase-iv-encountering-harmful-and-discomforting-content-online>

<sup>27</sup> Ybarra, M. L., & Thompson, R. E. (2018). Predicting the emergence of sexual violence in adolescence. *Prevention science*, 19(4), 403-415. DOI: [10.1007/s11121-017-0810-4](https://doi.org/10.1007/s11121-017-0810-4); Rostad, W. L., Gittins-Stone, D., Huntington, C., Rizzo, C. J., Pearlman, D., & Orchowski, L. (2019). The association between exposure to violent pornography and teen dating violence in grade 10 high school students. *Archives of sexual behavior*, 48, 2137-2147. <https://link.springer.com/article/10.1007/s10508-019-1435-4>; Office of the Children's Commissioner. (2023). Evidence on pornography's influence on harmful sexual behaviour among children. <https://www.childrenscommissioner.gov.uk/resource/pornography-and-harmful-sexual-behaviour/>; Office of the Children's Commissioner.(2023). 'A lot of it is actually just abuse' - Young people and pornography. <https://www.childrenscommissioner.gov.uk/resource/a-lot-of-it-is-actually-just-abuse-young-people-and-pornography/>

<sup>28</sup> Sutton, D., & Burczycka, M. (2024). *Dating violence against teens aged 15 to 17 in Canada, 2009 to 2022*. Statistics Canada. <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2024001/article/00004-eng.pdf?st=vjoDYFtm>

<sup>29</sup> U.S. Attorney's Office, Eastern District of New York. (2023). Pornhub Parent Company Admits to Receiving Proceeds of Sex Trafficking and Agrees to Three-Year Monitor. <https://www.justice.gov/usao-edny/pr/pornhub-parent-company-admits-receiving-proceeds-sex-trafficking-and-agrees-three-year>

are driving the demand for this abuse, as Canada is ranked as the fourth highest country for the number of payments sent to the Philippines that are flagged for online sexual exploitation material. We urge you to implement the recommendations from the joint statement by International Justice Mission Canada and the co-chairs of the All Party Parliamentary Group to End Modern Slavery to address this.<sup>30</sup>

While some individuals are sex trafficked solely for pornography production, for many of the women we support, it is in addition to being forced into other commercial sex acts. Traffickers use pornographic content as another way to generate income, as well as to advertise victimized women and girls to potential sex buyers. Traffickers also use pornography to normalize different sex acts and show victimized individuals what they will be forced to do.

Pornography can also both drive men to buy sex and influence the type of sex acts they expect. For example, frequent pornography use can lead to desensitization and venturing to more extreme and novel content.<sup>31</sup> The individuals we work with have been forced to sell sex by traffickers and/or circumstances. They frequently experience sex buyers showing or describing specific pornographic scenes to act out. When sex buyers demand degrading acts, their ability to refuse is limited at best. Sex buyers sometimes also make and distribute non-consensual images of the women and girls they exploit.

## **Impact on victimized individuals**

Many of the survivors of sexual exploitation we work with have shared the nightmare of losing control over non-consensual intimate images of themselves. This is re-traumatizing and victimizing in a different way than other forms of abuse they endured. The platforms hosting the abuse are profiting from their pain, while users of the services view, comment, and sometimes further share the abusive content for their own pleasure. It's an impossible fight to get the content permanently removed from the internet, and they never know when or where it will resurface. There is also the dread of not knowing who will view the abusive content – will they be recognized by a stranger? Will their children see it? This is similar to the results of an in-depth study into the experiences of survivors of CSAM, that found around 70% of the survivors surveyed worried about being recognized by someone and 30 respondents had been identified by someone who had seen the images of their abuse.<sup>32</sup>

Sometimes the victimized individual's identifying information is also released, often leading to physical and/or cyber stalking and harassment. This happened to the woman who filed the complaint that

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<sup>30</sup> International Justice Mission Canada. (2024). Scale of Harm Joint Statement: Strengthening Prevention & Response to Canadian Online Sexual Abuse of Filipino Children. <https://www.ijm.ca/news/strengthening-prevention-response-canadian-online-sexual-abuse-filipino-children>

<sup>31</sup> Wéry, A., & Billieux, J. (2016). Online sexual activities: An exploratory study of problematic and non-problematic usage patterns in a sample of men. *Computers in Human Behavior*, 56, 257-266.

<sup>32</sup> Canadian Centre for Child Protection (2017). International Survivor's Survey. [https://content.c3p.ca/pdfs/C3P\\_SurvivorsSurveyFullReport2017.pdf](https://content.c3p.ca/pdfs/C3P_SurvivorsSurveyFullReport2017.pdf)

prompted the Privacy Commissioner’s investigation into Aylo (formerly MindGeek). The horrible situation inflicted on her illustrates some of the challenges commonly faced by individuals who have been targeted by the non-consensual sharing of intimate images and/or CSAM:

“Various strangers from around the world, who had seen the video online, contacted her on Facebook using information contained in the video’s title and tags.... Ultimately, the Complainant employed a professional takedown service, which led to the removal of more than 700 instances of her intimate images on more than 80 websites. The material continued to resurface on several websites, until at least 2020, and is likely still available online. The permanent loss of control over her intimate images has had a devastating effect on the Complainant, who alleged that it caused her to withdraw from her social life, lose an employment opportunity and live in a constant state of fear and anxiety.”<sup>33</sup>

This abuse can severely harm overall well-being, including long-term impacts on mental, social, physical, and relational health. This often life-altering trauma is preventable. The government must do all that it can to address this issue. Victimized individuals should not have to bear the burden of trying to remove illegal images that should never have been distributed online in the first place.

## Recommendations

### 1. Hold online platforms accountable to their current legal obligations.

While it’s important to hold individual uploaders of illegal content accountable for their crimes, also holding the platforms responsible for their role is key to create systemic change. Canada already has robust laws that apply to these issues, including but not limited to s. 162 and s.163 of the *Criminal Code*, the Mandatory Reporting Act, and PIPEDA.<sup>34</sup> There should be sufficient funding and resources allocated to apply these laws, including ensuring illegal content is immediately removed from platforms and deleted as soon as legally possible.

### 2. Strengthen legislation as necessary.

#### *Deepfake pornography*

If s.162.1 of the *Criminal Code* cannot be applied to deepfake pornography, or if additional clarity would help with its application, we recommend tabling a focused bill right away to explicitly capture deepfake pornography in this offense. Many provinces have their own non-consensual image sharing laws that add extra layers of protection and support for victimized individuals, such as through civil remedies. Manitoba recently tabled a bill to explicitly include AI-generated nudes in their law.<sup>35</sup>

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<sup>33</sup> Office of the Privacy Commissioner of Canada. (2024). *Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA*. PIPEDA Findings # 2024-001. <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/#fn7>

<sup>34</sup> PIPEDA Findings # 2024-001, listed above, is a useful reference to inform all platforms hosting pornography on how to comply with PIPEDA.

<sup>35</sup> Bill 24 <https://web2.gov.mb.ca/bills/43-1/b024e.php#Explanatory%20Note>

*Bill C-63, An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts*

Bill C-63 covers a broad range of online harms and addresses some more complex issues such as hate speech that require additional consideration. On the other hand, the measures addressing CSAM and the non-consensual distribution of intimate images could be dealt with expeditiously. We recommend separating these two harms into their own legislation that could be addressed urgently.

*Bill C-270, the Stopping Internet Sexual Exploitation Act*

This focused bill prevents illegal sexually explicit material by putting the onus on companies to obtain the age and meaningful consent of everyone depicted before creating or distributing pornographic content. We recommend its adoption as soon as possible.

### **3. Call on the Government to implement the recommendations of the Third Report of the Standing Committee on Access to Information, Privacy and Ethics (2021)**

The report, [ENSURING THE PROTECTION OF PRIVACY AND REPUTATION ON PLATFORMS SUCH AS PORNHUB](#), was adopted unanimously by all parties and outlines many effective measures to curb illegal sexually explicit content online. Recommendation #2 can be implemented by passing Bill C-270.

### **4. Require companies to pay damages to the individuals victimized in the illegal content on their platforms.**

In addition to the health and wellness impacts of the trauma, victimized individuals are also harmed economically, for example through a decreased ability to work or study, paying to access mental health care, paying fees for takedown services, etc. While the victimized individual suffers, most platforms profit from the images of the abuse, for example through ad revenue, traffic levels, and/or a percentage of the fees of paid content.

### **5. Address the rapid rise of the industry and technology facilitating deepfake pornography.**

We are now facing the crisis that anyone can take a picture of a child or woman and create realistic sexual abuse images/videos with it. This requires urgent attention. One step is to investigate and curb the spread of deepfake pornography technology and its monetization. This includes the websites and applications offering users the tools to make deepfake pornography, companies advertising deepfake technology applications which encourage viewers to create this abusive material, and pornography platforms hosting deepfake videos. The codes for deepfake pornography technology are also readily

available on open-source domains, which has been identified as one of the major problems driving this issue. This facilitates the rapid spread of websites and applications using this technology.<sup>36</sup>

## **6. Mandate age assurance on platforms hosting pornography to protect children from being exposed.**

Age assurance means ensuring that a user is 18 or older before they access pornographic content, it does not need to identify the user. There are a wide range of age assurance methods available and many more being developed. Criteria should be included in legislation and regulations to ensure the age assurance technology used is effective and privacy-preserving. This is possible and already being done in jurisdictions such as Germany, France, the UK, and the European Union. Canadian children also deserve to be protected and this can be done by passing Bill S-210, *the Protecting Young Persons from Exposure to Pornography Act*. Two recent polls showed 77% - 79%<sup>37</sup> of Canadians support legislation requiring assurance of age before accessing online pornography. This would align with the UN Convention of the Rights of the Child's guidance to protect children from viewing sexual content online.<sup>38</sup>

Thank you for recognizing this serious issue. We appreciate your role in protecting Canadians from the harms of illegal sexually explicit material online.

Submitted by:

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<sup>36</sup> Santiago, L. (2023). *A Revealing Picture*. <https://graphika.com/reports/a-revealing-picture>; National Centre on Sexual Exploitation. (2024). *Microsoft's GitHub: A Mainstream Contributor to Sexual Exploitation*. <https://endsexualexploitation.org/github/>; Moreau, S., & Rourke, C. (2024). Fake porn causes real harm to women. *Policy Options*. <https://policyoptions.irpp.org/magazines/february-2024/fake-porn-harm/>

<sup>37</sup> Leger. (2024). *Opinions on Bill S-210 Access to Pornography*. <https://bills210-lois210.ca/wp-content/uploads/2024/02/16979-001-RAPPORT-Julie-Miville-Dechene.pdf>; Nanos Research. (2024). *Strong support for forcing online pornography sites to verify their users are 18 and older and requiring websites remove any hateful content posted within 24 hours*. <https://nanos.co/wp-content/uploads/2024/04/2024-2571-Globe-March-Populated-Report-with-Tabs.pdf>

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