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February 18, 2021

Alfred F. Kelly Jr.
Chief Executive Officer
Visa, Inc.
900 Metro Center Blvd
Foster City, CA 94404-2775

Dear Messrs. Kelly and Fabara and Meses. Biggar and Tullier:

We want to once again thank Visa for rightly cutting ties with Pornhub in 2020 after public outcry regarding the rampant sex trafficking and abuse videos on the pornography website. This was a historic and important step forward, celebrated by sexual abuse survivors and human rights advocates around the world. We also thank you for publicly commenting that Visa banned “some transactions” on the Xvideos website after the Czech Republic government began investigating the company for similar problems.ⁱ

As you know, the National Center on Sexual Exploitation featured Visa on our annual Dirty Dozen List in 2020 due to processing payments for the pornography industry. Given the recent improvements, we are glad to remove Visa from this year’s list. **However, we are keeping Visa on our Dirty Dozen 2021 Watchlist due to on-going payment processing for other pornography websites, sugar dating websites, and brothels.** We urge you to stop partnering with and enabling the use and abuse of countless individuals by severing your partnerships with the world’s most notorious sexual abusers, four of which are outlined below.

First, to our knowledge, Visa intentionally re-initiated a relationship with Mindgeek (the owner of Pornhub) and other pornography websites so long as they only published “professional” or studio-produced videos. This action legitimizes an inherently exploitive enterprise and glosses over the abuse and coercion found in the pornography industry. Visa’s intention to process pornography for “professional studio-produced” porn does not mean that you are processing payments for non-exploitive content. Force, fraud, coercion, and other tactics to pressure and trick performers are used

in this so-called professional industry as well, and lifelong physical and emotional trauma is inflicted on participants who don't realize this is what they are "consenting" to.

- The "professional" Girls Do Porn pornography studio sex trafficked over 40 women into their videos which were then left on Mindgeek websites long after public and legal action and awareness was raised.ⁱⁱ
- Three porn performers spoke out about how they were abused and assaulted by another porn performer during or outside filming, where they did not consent to certain violent acts. Yet the pornography industry continues to nominate this abuser for awards.ⁱⁱⁱ
- Derek Hay, one of the pornography industry-leading agents, has been accused by several women "of fraud, sexual abuse and links to an illegal escort business — accusations including coercing performers to pay off 'unconscionable' fees and penalties either in cash or by performing sexual acts on him." NOTE: these accusations fall under the definition of sex trafficking.^{iv}
- Former pornography performer Mia Khalifa has spoken out about the studio-based pornography industry stating that they "trap women legally into contracts when they're vulnerable."^v
- A 2011 study found, "Female adult film performers have significantly worse mental health and higher rates of depression than other California women of similar ages."^{vi}
- Another study reported that pornography performers experience physical trauma on the film set, often leave the industry with financial insecurity and mental health problems, and also experience health risks that aren't limited to sexually transmitted diseases."^{vii}

Further, the pornography industry has actively lobbied against protections meant to ensure children and minors are not used in mainstream pornography.^{viii} It has also lobbied against common-sense protections to performers' physical and sexual health,^{ix} despite the fact that research has found that pornography performers have a 'high burden' of sexually transmitted disease. This burden includes and extends well beyond the risk of HIV infection.^x

Note: The Inconsistency of Visa's Values with the Pornography Industry

In Visa's Code of Business Conduct and Ethics you assert that Visa strives to create a culture of integrity, to be accountable, and to treat others with respect.

These ethics are inconsistent with partnering with the sexually exploitive, racist, dehumanizing pornography industry, particularly considering recent cases of sex trafficking and abuse within the industry.

Further, in the Code of Business Conduct and Ethics, Visa claims to strive to uphold the letter and the spirit of the law, yet you partner with the pornography industry which violates federal laws regarding obscenity distribution.

Federal law prohibits the distribution of obscene adult pornography on the Internet, on cable/satellite TV, on hotel/motel TV, in retail shops, through the mail, and by common carrier.^{xi}

The U.S. Supreme Court has repeatedly upheld obscenity laws against First Amendment challenges, explaining that obscenity is not protected speech, similar to other forms of unprotected speech like blackmail, defamation, or child pornography. While these laws have not been federally enforced for several years, recently four Congressmen have publicly called on the U.S. Attorney General to begin enforcing these laws again.^{xiii} Our organization is also meeting with executive contacts within the Department of Justice on this

topic, and so we believe enforcement of this law is imminent and that it is wise for Visa to preemptively remove itself from involvement with this industry.

Second, Visa also processes payments for brothels operating in Nevada, despite the fact that prostitution causes physical and psychological trauma that cannot be regulated away even within a legal system.

Audits have found that a significant number of sex trafficking victims are still being sex trafficked into these brothels. According to that audit, about “a third of the prostitutes who were issued work cards for Lyon County legal brothels last year had red flags on their application that should have been investigated further for possible human trafficking issues...This audit has exposed real weaknesses and gaps in the sheriff’s office ability to detect and deter foreign and domestic human trafficking into licensed brothels in Lyon County,” the sheriff’s presentation said.”^{xii}

Further, we believe that Nevada’s pro-prostitution law conflicts with federal laws that ban sex trafficking and violates the Thirteenth Amendment’s ban on any form of involuntary servitude. Two survivors of sex trafficking in Nevada’s legal system of prostitution are suing the state of Nevada for its laws allowing legalized prostitution. *Charleston v. State of Nevada* is currently before the 9th Circuit Court of Appeals. Christen Price, legal counsel for the National Center on Sexual Exploitation Law Center, has been named co-counsel with Nevada-based attorney Jason Guinasso of Hutchison & Steffen, PLLC.

Third, Visa is processing payments for Seeking Arrangement, a “sugar dating” pseudo-relationship prostitution platform that targets college students and people suffering from the economic uncertainty of COVID-19 to be sexually used by wealthier, older men. Research shows that sugar dating should fall under the definition of prostitution, and so Visa is facilitating payments that not only cause harm but also legally dubious at the minimum.^{xiii} Many cases of sex trafficking and sexual assaults linked to Seeking Arrangement have come out in recent years, and we believe it is incompatible with Visa’s values to continue processing these payments.

Finally, Visa is processing payments for OnlyFans, a subscription site where “fans” pay a monthly membership fee and tips to see a “content creator’s” videos. This site is known to be primarily used to sell people for prostitution and pornography, and has profited from the deepening economic vulnerabilities – especially among women - during the pandemic. The owner, Leonid Radvinsky, owns other large pornography webcamming websites, and so clearly it seems that the platform’s intention is to facilitate commercial sex acts online. OnlyFans has insufficient verification measures for age or consent—meaning it is highly likely that child sexual abuse materials and sex trafficked persons are being exploited on the platform.^{xiv} An increasing number of reports show evidence of minors on the site^{xv}, and, tragically, cases of people being sex trafficked for the purpose of pornographic content on OnlyFans have begun to surface as well.^{xvi} Experts, including law enforcement, are hailing it as the new backpage.com, which, as you know what shuttered for facilitating sex trafficking.

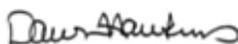
We’d also like to note that OnlyFans shares the same inevitable structural problems as Pornhub that led to such rampant sexual exploitation and abuse videos—namely users uploading pornographic content with no meaningful age or consent verification.

Again, we greatly appreciate the steps you've taken to investigate the issues surrounding Pornhub and the pornography industry thus far. We thank you for putting in the effort to learn more about the sexual exploitation industry. We stand ready to share more research and to convene additional subject matter experts, including survivors, who can further inform you as you review your policies. We're in touch with Elizabeth Scofield, your director of Global Brand Protection, about such a briefing. If Visa makes progress on these points, and further prioritizes human dignity over profits from abuse, we will gladly remove the company from the 2021 Dirty Dozen List and praise it as a leader in corporate responsibility. You can contact us at public@ncose.com or at 202-393-7245.

Respectfully,



Patrick Trueman
President & CEO



Dawn Hawkins
Vice President & Executive Director

CC:

Lynne Biggar, Executive Vice President, Chief Marketing and Communications Officer

Paul D. Fabara, Executive Vice President and Chief Risk Officer

Kelly Mahon Tullier, Executive Vice President, General Counsel and Corporate Secretary

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- ⁱ “Xvideos, Pornhub’s Largest Rival, Is Under Investigation in the Czech Republic” January 2021, <https://www.praguemorning.cz/xvideos-investigation-czech/>
- ⁱⁱ “Pornhub Is Still Working With Company Sued for Manipulating Women Into Porn,” Vice, 2019, https://www.vice.com/en_us/article/8xw9dx/pornhub-still-hosting-girls-do-porn
- ⁱⁱⁱ “Porn star who accused fellow erotic actor James Deen of sexual assault hits out at her alleged attacker after being nominated for an award for a scene they shared“ Daily Mail 2019 <https://www.dailymail.co.uk/news/article-7769111/Porn-star-accused-erotic-actor-James-Deen-sexual-assault-hits-award-nomination.html>
- ^{iv} “Porn Actresses Accuse Powerful Industry Agent of Fraud, Sex Abuse,” NBC, 2019, <https://www.nbcconnecticut.com/news/national-international/porn-actresses-accuse-top-agent-of-fraud-sex-abuse/2050671/>
- ^v “Mia Khalifa: Porn contracts ‘prey on vulnerable girls” BBC 2019 <https://www.bbc.co.uk/news/newsbeat-49330540#:~:text=Former%20top%20porn%20actress%20Mia,prey%20on%20callow%20young%20women%22.&text=Mia%20spent%20just%20three%20months,ranked%20star%20on%20site%20Pornhub.>
- ^{vi} “Comparison of the Mental Health of Female Adult Film Performers and Other Young Women in California,” ps.psychiatryonline.org, 2011, https://ps.psychiatryonline.org/doi/pdf/10.1176/ps.62.6.pss6206_0639
- ^{vii} “Pathways to health risk exposure in adult film performers.” PubMed, 2009, <https://www.ncbi.nlm.nih.gov/pubmed/18709554>
- ^{viii} “Pro-porn lobby spends \$1 million to fight regulation protecting minors” EndSexualExploitation.org 2018 <https://endsexualexploitation.org/articles/pro-porn-lobby-spends-1-million-to-fight-regulation-protecting-minors/>
- ^{ix} “The Porn Industry Chooses Profits Over Basic Protections to Performers Health ” EndSexualExploitation 2016 <https://endsexualexploitation.org/articles/porn-industry-chooses-profits-basic-protections-performers-health/>
- ^x Rodriguez-Hart C, Chitale RA, Rigg R, Goldstein BY, Kerndt PR, Tavrow P. Sexually transmitted infection testing of adult film performers: is disease being missed? *Sex Transm Dis.* 2012 Dec;39(12):989-94. doi: 10.1097/OLQ.0b013e3182716e6e. PMID: 23191956.
- ^{xi} Miller, Alex "Sugar Dating: A New Take on an Old Issue" *Buffalo Journal of Gender, Law & Social Policy* 2011 <https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1029&context=bjglsp>
- ^{xii} “Lyon County: A third of prostitutes registered in 2017 had red flags of possible human trafficking” Nevada Independent 2018 <https://thenevadaindependent.com/article/lyon-county-a-third-of-prostitutes-registered-in-2017-had-red-flags-of-possible-human-trafficking>
- ^{xiii} Miller, Alex "Sugar Dating: A New Take on an Old Issue" *Buffalo Journal of Gender, Law & Social Policy* 2011 <https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1029&context=bjglsp>
- ^{xiv} Pierce, Sopie and Stedman, “OnlyFans Faces Allegations of Fraud, Theft” *Forensic News* August 11, 2020. <https://forensicnews.net/onlyfans-faces-allegations-of-fraud-theft/>
- ^{xv} deGallier, Thea ” The hidden danger of selling nudes online” BBC, July 2020. <https://www.bbc.co.uk/bbcthree/article/5e7dad06-c48d-4509-b3e4-6a7a2783ce30>
- ^{xvi} CBSMiami.com Team ”Hialeah Couple Hit With Human Trafficking Charges” CBS News Miami January 29, 2021. <https://miami.cbslocal.com/2021/01/29/hialeah-couple-faces-human-trafficking-charges/>