

Mr. Mark Palmer

Committee Clerk

Standing Senate Committee on Legal and Constitutional Affairs

Senate of Canada

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

Dear Mr. Palmer and Distinguished Members of the Committee:

This brief is written to you by Haley McNamara (United Kingdom) and Lily Moric (Canada) of the International Centre on Sexual Exploitation (ICOSE). ICOSE, a division of the National Center on Sexual Exploitation, is a global non-profit dedicated to addressing the interconnected web of sexual abuse and exploitation. One of our primary focuses is on the harms of pornography to children and to public health. ICOSE has long advocated for consumer age verification legislation as a crucial step towards protecting children from these harms. We would therefore like to express our full support of Bill S-210.

In addition, we would like to speak to concerns the Committee has previously raised about implementing such legislation and argue that, everything considered, these concerns are not sufficient reasons for inaction. We will also speak to public opinion on age verification and will make some recommendations for further steps that could be taken to improve the bill's impact.

Key points of this brief are as follows:

- Current age verification methods are adept at safeguarding personal privacy. Pornography websites need not have access to any personal information, save for the single attribute that a user is over 18.
- Age verification technology has been proven to generate accurate results through its use in other domains, such as online gambling. While a segment of older minors who are highly motivated to see online pornography may find ways around the restrictions, there is no doubt that age verification will be effective in protecting a large number of children, and this alone is more than enough justification to move forward.
- Public opinion surveys from other democratic countries have found that the majority of adults support implementing age verification to shield children from pornography.
- Scientific research has proven that pornography poses serious and extensive harms to children's mental, social, and sexual health.
- Looking to the future, in addition to regulating commercial pornography sites, we encourage the consideration of defaulting search engine and social media results to safety for minors to further prevent childhood pornography exposure and online exploitation.

Is Age Verification a Threat to Personal Privacy?

Perhaps the most common reason for hesitancy about implementing age verification legislation for online pornography is that it is perceived by some as a threat to the personal privacy of citizens. There is a concern that age verification would allow people's identities to be linked to their pornography viewing habits and that a data breach could result in that sensitive information being made known.

These concerns underline the importance of having a third party provide the age verification, rather than the porn industry conducting the age checks themselves. This way, the personal information shared for the age check cannot be linked to users' pornography viewing habits. When third party verification is employed, the only information that needs to be shared with the pornography website is the single attribute that the individual is over 18. As such, **age verification is *not* identity verification and pornography sites will not be able to identify users.**ⁱ

While not all age verification providers and methods are alike, many age verification providers already follow rigorous standards for data minimization and data retention as well. To ensure that this is a uniform practice, the Canadian government can develop a licensing system with privacy standards that all age verification providers operating in the country would be required to meet.

For example, when personal information is collected by age verification providers (ex. credit cards, IDs, etc),ⁱⁱ it need only be held for as long as necessary to complete the age check. Usually, this is no more than a few seconds. Following those few seconds, all information can be deleted except for the fact that the user is over 18.ⁱⁱⁱ These methods are therefore analogous to presenting one's ID at a store in order to buy an age-restricted product, having the cashier verify that you are over 18, and then receiving your ID or credit card back.

There are also age verification methods which employ in-person verification, so that it is exactly the same as having your age verified in a shop. For example, in France, an individual may go to the local corner store, present their ID to the cashier, and they will receive a code that can be used to access age-restricted websites like pornography websites.^{iv} Such codes need not be linked to any personally identifiable information.

There are also age estimation methods which do not require the presentation of IDs or other personally identifiable documents. For example, some age verification providers employ a facial analysis technology which has been trained to estimate the age of faces within 1.5 years of accuracy. The technology is different from facial recognition – it does not identify the face; its sole function is to estimate age. After the analysis, the image is immediately deleted.^v This method is analogous to a cashier judging by your appearance that you are over 18 when you buy an age-restricted product.

We strongly recommend that the government not prescribe the use of certain age verification methods, but rather allow for multiple methods and technologies, so long as they meet standards

of privacy and efficacy. This way, consumers can choose which method they are most comfortable using and which they find least intrusive. Furthermore, by not prescribing a certain method, competition in the age verification industry provides incentive for further innovation and improvement. Over time, competition will drive the industry to produce better technologies and methods, which will be both more efficacious and more privacy protective.

Will Age Verification Legislation be Effective?

When addressing the question of whether age verification legislation will be effective, two questions must be answered. First, does age verification technology generate accurate results? And second, will the legislation succeed in ensuring that age verification typically stands in between children and access to pornography?

The first question is simple to answer. Age verification technology has long been proven to be accurate through its use in other domains, such as for online gambling in the United Kingdom. In the case of age estimation methods like facial analysis technologies, we have mentioned that these have a margin of error of 1.5 years, which is still reasonably accurate and can be factored into the legislation by allowing for a buffer (for example, restricting access to estimates of 19.5 years+). Other methods offer more exact accuracy as they are based on verifying the date of birth from legitimate sources such as government-issued IDs.^{vi} In addition, international standards for efficacy are currently being developed by the International Standards Organisation and age verification providers can be audited against these standards.^{vii}

The second question is less simple to answer. It is an unfortunate truth that age verification legislation will not prevent 100% of children from accessing pornographic content. There will always be work-arounds which can be employed by motivated youth. However, it is equally true that age verification legislation will prevent a large number of children from viewing pornographic content and/or delay the age of exposure. This is especially the case since the majority (62%) of children first stumble on pornography accidentally, and thus are not motivated to seek workarounds.^{viii} It is nonsensical to refrain from protecting countless children from harm when it is within our power to do so, simply because it may not be within our power to protect 100% of children.

Further, this legislation serves as a safety net for the less privileged children in society, those who may not have access to caretakers with the time, money, technological knowledge, and ability to research and implement private Internet filters.

That being said, there are additional steps which could be taken besides those proposed in Bill S-210, which would likely protect a much larger number of children.

Public Opinion on Age Verification and Protecting Children Online

Public opinion surveys from other democratic countries have found that the majority of adults support implementing age verification to protect children from pornography exposure. For example, 2019 research in the United Kingdom found that 83% of parents agreed that there

should be robust age verification controls in place to stop children from viewing pornography online.^{ix} 2021 research from Australia found that 78% of adults supported age verification to prevent childhood pornography exposure.^x We are not aware of any compelling reason to believe that public opinion in Canada would greatly differ from the findings in this international research. As such, passing Bill S-210 would not only have favourable results for children's well-being, it would likely also be favourably regarded by the majority of adults.

Why Age Verification is Important: Scientifically Proven Harms of Underage Pornography Exposure

Pornography has been linked to a variety of mental, social, and sexual harms to adolescents.

While significant evidence of pornography's negative impacts on children has already been presented to the Committee, it is important to review a summary of these harms.

Several studies have shown pornography consumption to be associated with both verbal and physical sexual aggression⁹ and actual and anticipated dating/sexual violence among adolescents.^{xi} It has also been linked to more sexist attitudes^{xii} and gender-stereotypical sexual beliefs.^{xiii} Pornography consumption can lead to the development of sexual dysfunctions such as erectile dysfunction, difficulty orgasming, low libido for partnered sex, and more.^{xiv} With respect to mental health, adolescent pornography consumption is associated with poor self-image, increased insecurity,^{xv} lower life satisfaction, psychosomatic symptoms, depressive symptoms,^{xvi} suicidal ideation, suicide attempts,^{xvii} and more. Internet pornography may also negatively impact academic performance. For example, research has shown that the more adolescent boys viewed pornography, the poorer their grades were after six months.^{xviii} Pornography does not depict safe sex practices and research has found that adolescent pornography consumption is associated with having unprotected sex, among other risky sexual behaviours.^{xix}

Bear in mind that this is only a very small sampling of the vast research demonstrating pornography's harms to children.

Prevention of childhood pornography exposure through consumer age verification would significantly improve children's mental and social development, in addition to reducing the formation of sexist and gender-stereotypical attitudes.

Further Steps to be Considered:

Bill S-210 currently limits itself to regulating commercial pornography websites. This is a commendable first step.

Further steps to be considered would be to require that search engines and social media platforms default to safety for minors, in order to reduce both childhood pornography exposure and online grooming.

This would be a very important piece for numerous reasons. For example, a 2021 academic study which surveyed 16–17-year-olds found that more of them had been exposed to pornography through social media (63%) and search engines (51%) than through commercial pornography sites (47%).^{xx}

Many search engines and social media platforms already have optional controls which users can turn on to filter out pornographic content, such as Google’s “safe search” or Twitter’s “Sensitive Media” filter. It would be a relatively simple task for these search engines to default the filters to “on” for minors. This would have untold impact with respect to protecting children from pornography exposure.

That being said, the same 2021 study also found that these adolescents viewed pornography more *frequently* on commercial pornography sites, so this is not to say that commercial pornography sites are not the source of the majority of harm.^{xxi}

Nonetheless, addressing search engines and social media, where a large percentage of children can be exposed to harmful pornographic content is another important frontier for online child protection.

Conclusion

In conclusion, the passing of Bill S-210 would be a powerful step towards protecting children from the extensive harms posed by underage pornography exposure.

Privacy and age verification are not mutually exclusive. Many age verification providers already have robust privacy safeguards in place and governments can develop licensing systems and privacy standards which all age verification providers doing business in the country would be required to meet.

Further, age verification will also be largely effective for many children, particularly those who are younger and those who are less socio-economically privileged. Due to the vast and serious harm of pornography to adolescent development, it is vital for responsibility to shift to larger entities, especially in the private sector, to prevent childhood pornography exposure instead of relying on overburdened caretakers.

We thank you very much for reviewing this brief and for considering such important legislation.

Sincerely,

Haley McNamara

Director

International Centre on Sexual Exploitation

United Kingdom

Lily Moric

International Advocacy Associate

International Centre on Sexual Exploitation

Canada

ⁱ “How does Age Verification differ from identity verification?,” Age Verification Providers Association, 2022, <https://avpassociation.com/avvsid/> (accessed January 23, 2022).

ⁱⁱ “Age Assurance Tools: Offer your customers six ways to prove their age,” Yoti, <https://www.yoti.com/business/age-verification/> (accessed January 23, 2022).

ⁱⁱⁱ Age Verification Providers Association, Brief submitted to Standing Senate Committee on Legal and Constitutional affairs re: Bill S-203, April 17, 2021.

^{iv} Alex Ledsom, “New French Plan to Access Online Pornography – Registering At Local Tobacconist,” *Forbes*, March 26, 2021, <https://www.forbes.com/sites/alexledsom/2021/03/26/new-french-plan-to-access-online-pornographyregistering-at-local-tobacconist/?sh=9405ea039d14> (accessed January 27, 2021).

^v Julie Dawson, “LCJC Meeting no. 19” (testimony, May 26, 2021); Matt Burgess, “This AI Predicts How Old Children Are. Can It Keep Them Safe?,” *Wired*, October 26, 2021, <https://www.wired.co.uk/article/age-estimation-ai-yoti> (accessed January 27, 2022).

^{vi} “Levels of Assurance,” Age Verification Providers Association, 2022, <https://avpassociation.com/levels-of-assurance/> (accessed January 27 2022).

^{vii} “International Standards for Age Verification, Age Verification Providers Association, 2022, <https://avpassociation.com/standards-for-age-verification/> (accessed January 27, 2022).

^{viii} *New research commissioned by the BBFC into the impact of pornography on children demonstrates significant support for age-verification*, British Board of Film Classification (United Kingdom: 2019), <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>.

^{ix} *New research commissioned by the BBFC*, *ibid*.

^x Australian eSafety Commissioner, *Public perceptions of age verification for limiting access to pornography*, 2021. <https://www.esafety.gov.au/research/public-perceptions-age-verification-for-limiting-access-pornography> (accessed January 22, 2022).

^{xi} Paul J. Wright, Robert S. Tokunaga, and Ashley Kraus, “A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies,” *Journal of Communication* 66, (2016): 183-205, doi:10.1111/jcom.12201; Jochen Peter and Patti M. Valkenburg, “Adolescents and Pornography: A Review of 20 Years of Research,” *The Journal of Sex Research* 53, no. 4-5 (2016): 1-23, doi:10.1080/00224499.2016.1143441.

^{xii} Chelly Maes et al., “#(Me)Too Much? The Role of Sexualizing Online Media in Adolescents’ Resistance Towards the MeToo-Movement and Acceptance of Rape Myths,” *Journal of Adolescence* 77, (2019): 59-69, doi:10.1016/j.adolescence.2019.10.005.

^{xiii} Peter and Valkenburg, *ibid*.

^{xiv} Tim Jacobs, et al., “Associations Between Online Pornography Consumption and Sexual Dysfunction in Young Men: Multivariate Analysis Based on an International Web-Based Survey,” *JMIR Publications* 7, no. 10 (2021): doi:10.2196/32542; Brian Park, et al., “Is Internet Pornography Causing Sexual Dysfunctions? A Review with Clinical Reports,” *Behav Sci* 6, no. 3 (2016): 17, doi:10.3390/bs6030017.

^{xv} Eric W. Owens, Richard J. Behun, Jill C. Manning, and Rory C. Reid, “The Impact of Internet Pornography on Adolescents: A Review of the Research,” *Sexual Addiction & Compulsivity* 19 (2012): 99–122, doi: 10.1080/10720162.2012.660431.

^{xvi} Magdalena Mattebo et al., “Pornography Consumption and Psychosomatic and Depressive Symptoms Among Swedish Adolescents: A Longitudinal Study,” *Upsala Journal of Medical Sciences* 123, no. 4 (2018): 237-246, doi:10.1080/03009734.2018.1534907; Cecilia M. S. Ma, “Relationships between Exposure to Online Pornography,

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^{xvii} Christina Camilleri, Justin T. Perry, and Stephen Sammut, “Compulsive Internet Pornography Use and Mental Health: A Cross-Sectional Study in a Sample of University Students in the United States,” *Frontiers in Psychology* 11, (2021): 613244, doi:10.3389/fpsyg.2020.613244.

^{xviii} Ine Beyens, Laura Vandebosch, and Steven Eggermont, “Early Adolescent Boys’ Exposure to Internet Pornography: Relationships to Pubertal Timing, Sensation Seeking, and Academic Performance,” *The Journal of Early Adolescence* 35, no. 8 (2015): 1045-1068, doi:10.1177/0272431614548069

^{xix} Meghan Donevan and Magdalena Mattebo, “The Relationship Between Frequent Pornography Consumption, Behaviours, and Sexual Preoccupancy Among Male Adolescents in Sweden,” *Sexual & Reproductive Healthcare* 12, (2017): 82-87, doi:10.1016/j.srhc.2017.03.002; Wen-Hsu Lin, Chia-Hua Liu, and Chin-Chun Yi, “Exposure to Sexually Explicit Media in Early Adolescence is Related to Risky Sexual Behavior in Emerging Adulthood,” *PLoS ONE* 15, no. 4 (2020): e0230242, doi:10.1371/journal.pone.0230242.

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^{xxi} Neil Thurman and Fabian Obster, “The regulation of internet pornography: What a survey of under-18s tells us about the necessity for and potential efficacy of emerging legislative approaches,” *Policy & Internet* 13, no. 3 (2021): 415-432, <https://doi.org/10.1002/poi3.250>.