



NATIONAL CENTER ON SEXUAL EXPLOITATION

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January 31, 2019

Reed Hasting
Chief Executive Officer
Netflix, Inc.
100 Winchester Circle
Los Gatos, CA 95032

Dear Messrs. Hastings, Barmack, Tanz, West, and Friedland:

Netflix is a culture leader and as such must take responsibility for the social messages it sends out.

We write with concerns regarding Netflix's facilitation and promotion of sexual exploitation. Netflix offers weak parental controls and Netflix's recommended shows frequently place children's content right next to hypersexualized and sexually violent "adult" content. Additionally, Netflix unnecessarily inserts gratuitous sex acts and nudity into original programming, in addition to portraying graphic depictions of sexual assault, and problematic depictions of sexual exploitation.

We are writing to inform you that Netflix has been placed on the 2019 Dirty Dozen List, which names 12 leading mainstream contributors to sexual exploitation and abuse in America. We invite you to become a leader against sexual exploitation, by addressing these issues below and we welcome open dialogue with Netflix to better address these and future issues.

Parental Controls

At the National Center on Sexual Exploitation—a non-partisan nonprofit in Washington DC dedicated to addressing the full spectrum of sexual exploitation—we recognize the influence of Netflix's corporate decisions on the public consumption of media. We want to recognize and thank Netflix for its parental control options to help families filter content based on their judgement. Unfortunately, a simple loophole in these parental controls has been allowed to exist for many users. Netflix still does not have PIN protected individual profiles, meaning any tech-smart child could easily switch between different profiles in order to access unfiltered

content. As watchdogs for family safety and digital wellbeing, we are requesting that Netflix solve this loophole.

Additionally, we request that Netflix allow parents the ability to restrict specific shows from being viewed in individual profiles. It is not enough to only be able to filter based on rating systems, especially at this time when self-produced material often does not go through the usual rating procedures as traditional made-for-TV or Hollywood productions go through.

Further, we request that Netflix review the functionality of parental controls on Amazon Fire TV and Roku Players. It appears that Netflix parental controls are not accessible when using these devices, which is not user-friendly, and likely results in many families forgetting to enable parental controls.

Further, Netflix often selects sexually graphic programs to be heavily advertised on its platform with automatic-play trailers on the header carousel of Netflix shows. This occurs even when parental controls blocking shows with TV-MA ratings are turned on. According to reports received by the National Center on Sexual Exploitation, this feature has led to children as young as 3 years old to be exposed to the trailer for shows like Sex Education with dialogue including the phrases "masturbate," "dick," "addicted to wanking," and comments about how "everyone" is having sex. We are asking Netflix to institute new policies to stop auto-play trailers in the header promotional carousel for its programs with sexualized content.

Original Programming & Streaming Exploitive Content

Further, Netflix often produces original programming portraying gratuitous nudity, graphic sexual acts, and even graphic depictions of sexual assault. Most of Netflix's most popular and most heavily-advertised original shows are rated TV-MA (mature audiences only) frequently containing graphic sex scenes, nudity, and violence. Researchers at NCOSE recently looked into 10 of the top original Netflix titles and found that 9 out of 10 featured on-screen sex scenes. Netflix contributes to a culture of toxic sexual pressure in the media industry by producing content that requires actors to do nude scenes.

Given the highly competitive nature of the media industry, and the fact that many young actors have minimal economic security, the choice to "turn down" a job can end an actors career before it even began. Therefore, by producing such a high volume of content requiring nudity, Netflix adds to the industry pressure for young actors to accept parts requiring nudity, until they have enough industry capital to negotiate their own contracts. In the age of #MeToo, and heightened awareness about the imbalance of power Hollywood producers can exercise over actors, it is a thin and porous line between script-required nudity and the "requirement" to grant "sexual favors" on the producer's casting couch. No person should be required to remove their clothes in order to get a job.

Besides the unnecessary inserting of graphic sex scenes into mainstream entertainment, Netflix has increasingly allowed harmful depictions of child sexuality or sexual exploitation. Examples of these, include:

- **Gratuitously Graphic Depictions of Sexual Assault:** As one example, Netflix Original

13 Reasons Why (TV-MA) is filled with several extremely graphic depictions of sexual assaults of both depicted teen females and males.

- **Minimization of Child Sex Trafficking:** Netflix Original *Baby* (TV-MA) follows a group of teenagers on their quest to buck “social norms” through prostitution. Unfortunately, this show is 1) based on a real-life sex trafficking case of minors and 2) portrays underage prostitution (by definition, underage prostitution is sex trafficking) as an “edgy” coming of age story. On National Human Trafficking Awareness Day, in 2018, the National Center on Sexual Exploitation and 54 other anti-trafficking organizations and advocates sent a letter to Netflix pointing out the duality of their practices and requesting the service halt production on the show.
- **Borderline Child Pornography:** Netflix streamed the film *Desire* which portrays a 9-year-old girl masturbating with a pillow and includes close-up shots of her face during orgasm as a 7-year-old girl watches. Department of Justice guidelines on child pornography state: “Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. A picture of a naked child may constitute illegal child pornography *if it is sufficiently sexually suggestive*. Additionally, the age of consent for sexual activity in a given state is irrelevant; *any depiction of a minor under 18 years of age* engaging in sexually explicit conduct is illegal [emphasis added].” At the minimum, this scene clearly inappropriately sexualized a child, and unfortunately, this is a trend since Netflix seems to increasingly embrace objectifying and degrading depictions of sex and sexual assault. Further, it is reported that Netflix will be streaming underage full-frontal nudity in the film *Girl*.¹

By depicting these issues so graphically it both increases the likelihood that a victim of past assault will be negatively triggered by the content, and it decreases the likelihood that viewers will thoughtfully analyze the harms of sexual exploitation. It would be easy for Netflix to portray the harms of sexual violence or lack of sexual consent without simultaneously “profiting” from a sexually objectifying and voyeuristic motif.

NC-17 Films on Netflix

Netflix, the streaming service powerhouse, has hundreds of TV shows and movies to choose from. That selection also includes many titles that contain extreme graphic sexual content, requiring no automatic barrier to access them.

You cannot go into a movie theater to watch an NC 17 film if you are under 17, but now Netflix is making it available to viewers of all ages unless parental controls are enacted. Below is a list* of films currently offered on Netflix that have either a NC-17 or TV-MA rating for graphic sexual content:

- Love
- Nymphomaniac I and II
- Lust Stories
- Blue is the Warmest Color

¹ <https://metro.co.uk/2018/11/21/netflix-to-stream-controversial-film-girl-without-editing-out-underage-nude-scene-8164279/>

- Y Tu Mama También
- Sex and Lucía
- Below Her Mouth
- Sex Doll
- Fragments of Love
- Love Steaks
- The Little Death
- Immoral Tales
- Desire
- Newness

*Keep in mind this list may not be exhaustive, and does not include movies originally rated R or TV shows rated TV-MA. Further, Decider.com found in 2017 that Netflix hosted at least 61 different micro-genres that involve the word “steamy” which often pulls in more sexual content.

App Rating for Netflix

Currently, Netflix self-rates itself as suitable for ages 4+ on the Apple App Store. This is a seriously misleading rating considering the high rate of content on Netflix containing graphic sex acts, gratuitous nudity, and extreme depictions of sexual assault. We request that Netflix changes its self-rating on the App Store to be 17+.

We welcome dialogue on these issues to discuss ways that Netflix could be removed from the Dirty Dozen List, along with ways Netflix could become a leader in the streaming and media production industry to combat sexual exploitation and abuse in all of its forms. We recognize that Netflix cares about the safety and wellbeing of its customers, so we hope that swift action will be taken to improve these systems. You can contact us at public@ncose.com or 202-393-7245.

Respectfully,



Patrick Trueman
President & CEO
National Center on Sexual Exploitation

Dawn Hawkins
Sr. Vice President and Executive Director
National Center on Sexual Exploitation

CC:

Erik Barmack, Vice President of International Originals
Larry Tanz, Vice President of Content Acquisition
Jerret West, Vice President of Marketing
Jonathan Friedland, Chief Communications Officer