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## Committee on Social Affairs, Health and Sustainable Development

### Minutes

#### Exchange of views on “For an assessment of the means and provisions to combat children's exposure to pornographic content”, held in a hybrid manner, on Wednesday, 1 December 2021

In the framework of the report currently in preparation on “For an assessment of the means and provisions to combat children's exposure to pornographic content” by **Mr Dimitri Houbron** (France, ALDE), the Committee held an exchange of views with the participation of:

- ✓ **Mr John Carr**, Expert on internet safety and security, United Kingdom
- ✓ **Ms Julie Miville-Dechéne**, Senator, Senate of Canada
- ✓ **Mr Iain Corby**, Executive Director, The Age Verification Providers Association

**Mr Luís Leite Ramos, Committee Chairperson**, introduced the invited experts and opened the hearing.

**Mr Houbron** outlined the context for the preparation of his draft report in particular with respect to the [Lanzarote Convention](#). An increased number of children had been exposed to pornographic content as a consequence of the Covid-19 pandemic. Minors should be protected with the help of preventive policies. Providing relevant information, advice, and assistance, including technological assistance such as parental control was essential. In France, the platform “I protect my child” had been set up to provide guidance for parents. Most importantly, there should be an open discussion on this subject.

**Mr Carr** recalled the background to the development of age verification measures in the United Kingdom. In 2001-2002, children had started using smartphones and the possibility of supervision by parents was adversely impacted. Children had also started using debit cards for gambling. Minors' addiction to gambling had started to rise. The problem had been fuelled by the absence of technical solutions to check the age of gamblers. In 2003, there had been a review of all forms of gambling. The new Gambling Bill had made age verification obligatory. The UK had thus become the 1<sup>st</sup> country to introduce online age verification. Every online gambling company had to set-up efficient age verification mechanisms in order to get a license. A new law had thus created a new market. As time passed, the technology had become more sophisticated. It was high time for the pornography industry to operate in a similar way. The only thing that was required was political will. Children's exposure to pornographic content was a breach of the UNCRC and the Lanzarote Convention. The UN Special Rapporteur on freedom of opinion had considered that it was within the power of states to limit access to certain materials if the intention was to protect children. Generally speaking, this was not about banning pornography, but about protecting children from harmful content. The UK law passed in 2017 made age verification for pornography websites mandatory, but it had never been implemented. An online safety bill was to be considered in March 2022, hopefully to be adopted by the end of the year. This could mean that 5 years would have passed before the new pornography law entered into force.

**Ms Miville-Dechéne** stressed that children were bombarded with hardcore, extreme pornographic images, which were often degrading to women, and increasingly violent. Pornography giant *MindGeek*, the parent company of *Pornhub*, which had a storefront in Montreal, claimed that 10% of Canadians used *Pornhub* on a daily basis. It was not known how many of these 4 million people were children, as access was free, and with no control. About 7% of girls and 40% of boys reported having seen pornography online; 28% of boys looked it up at least once a week. The situation had worsened during the Covid-19 pandemic. The Canadian Centre for Child Protection had found that pornography was corrosive for children's brain development. Furthermore, it was used to prepare children for sexual abuse. About a year ago, Pornhub had been at the centre of a scandal, involving the use of non-consensual material and child sexual abuse material. Even after that they

<sup>1</sup>The minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 24 January 2022, held in a hybrid manner.

had not introduced age verification requirement for their users. A police enquiry into *MindGeek* activities had stalled, because the government had not been able to confirm whether this was a Canadian company (as the servers were located abroad). Meanwhile the Canadian House of Commons had found that there had not been enough evidence of negative effects on young people to decide on the need for the age verification. Instead, it had proposed to consider stronger parental controls. Parents were demanding more decisive action. The reluctance to legislate in this area was linked to the principles of web neutrality, freedom of expression and the protection of privacy. The Canadian Charter on Rights and Freedoms provided very strong protection for these principles, and not enough protection for children. In 2021, to address this gap, Ms Miville-Dechêne had submitted a draft law on the protection of children from exposure to pornography. She had also been advocating sexual education that addressed the issue of consent and gender stereotypes. Exposure to pornography led to anxiety, reduced self-esteem, and aggressiveness. In June 2021, the law had been adopted, but faced obstacles and had had to be re-submitted. The law's opponents believed that the means proposed infringed the right to privacy. Another concern was potential misuse of private data. However, the technologies had evolved and now allowed age verification processes that did not involve personal identification. Most parents did not install filters; and 80% of parents who did install parental control software never activated it. Health professionals' associations were strong supporters of decisive policy action in this area. Adopting laws and putting them into practice was an arduous undertaking. The government should see this issue as a priority. While a lot had been done in Canada to address sexual violence, education programmes varied a lot in terms of content and quality. Education could not resolve this problem on its own.

**Mr Corby** pointed out that his organisation was a global trade body bringing together 23 technology suppliers. Their members performed millions of checks every year. This technology worked. The United Kingdom played a leading role in legislation for age verification. There was also a lively debate on the European General Data Protection Regulation. In this context, special care was required when processing children's data. Pornographic websites systematically processed the visitors' data, regardless of their age and generally without seeking consent. It was done to facilitate marketing and advertising, but also to select content which would entice the user to remain on the website for longer. This was abuse of children's data. There had been a campaign to act against adult websites which operated in this way. This regulation applied across the European Economic Area and should be enforced by every data protection regulator. A major challenge was extra-territorial enforcement, and even within the EU some countries acted as safe havens hosting adult websites. The European Commission was funding a consortium of academic experts in child rights and privacy, and technology providers to develop a solution across the continent. The *euCONSENT* consortium was to pilot its technology in early 2022 and to launch it by the summer of 2022. It aimed at ensuring equal application to all service providers, based on clear standards, as well as respect for privacy and safety of the users. Age checking needed to be done proportionally. A full range of solutions existed. The *euCONSENT* was to be interoperable, with the possibility of 4-8 hours of online activity without interruption. It should be open and inclusive and non-discriminatory. Age verification should be done independently by third parties. There should be a healthy age-verification market. It should make it easy to move around the Internet. It was hoped that within a few years it would be widely accepted that users had to prove that they were old enough for the content and services on all websites. The current situation in the online world seemed strange – it was as if today, we saw children walking unchallenged into casinos or strip clubs. This change should be facilitated by emerging international standards, regulation, and certification.

**Mr Houbron** asked about the effectiveness of judicial sanctions and the elimination of non-compliant web portals.

**Mr Leite Ramos** mentioned that he worked in his parliament on questions of gambling and asked about the best practices on age verification and online money transactions. The pandemic had prompted an increase in various harmful practices, which caused substantial social and economic damage, with many families being ruined as a result.

**Ms Miville-Dechêne** answered that two tracks were possible to counter lack of age verification – first, criminal liability and financial fines, and second, administrative measures, such as a court's order to block the website concerned. "Mirror sites" could re-emerge as a result. Technically, it was possible to address this. The main obstacle was the heavy investment that was required. Parental control was crucial, but it was not sufficient on its own. Many parents lacked digital literacy.

**Mr Corby** commented that enforcement abroad relied on dealing with search engines, payment services and other support services that hosted, facilitated, and promoted non-compliant sites, to ensure that they complied with the law. Parental controls were not 100% successful. They required diligent educated parents. Less than 60% of parents used parental control software.

**Mr Carr** replied that parental control mechanisms and filters were a good thing, but they tended to shift responsibility from pornography publishers onto parents. Adult content providers said that they did not want children to have access to pornography, but they were doing nothing to prevent it. Age verification mechanisms allowed to assign due responsibility to the content providers. It was important to "go after the money". Cutting off the income stream, and other business disruption measures, were effective ways of forcing pornography

publishers to comply. A privacy poll in 8 EU member states had shown that many people felt that, in any case, there was no such thing as privacy any longer. They also felt that protecting children from harmful content was more important than respecting privacy. In fact, it was possible to protect both.

Committee on Social Affairs, Health and Sustainable Development  
Commission des questions sociales, de la santé et du développement durable

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