

EXPOSE BIG PORN

Uncovering the online commercial pornography industry
and the urgent need for regulation — July 2021



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Reader advisory:

Please note this report contains content of a sensitive nature, including references to sexually explicit material and descriptions of sexual violence.

FOREWORD

The days of top shelf porn magazines are long gone.

Over the past 20 years, a vast, global pornography industry has sprung up online. This commercial behemoth dwarfs its print predecessor in every way - in scale, profitability and extremity - making old fashioned porn mags seem almost quaint by comparison.

However, unlike other global industries, online pornography has avoided virtually all regulation, scrutiny and accountability, which has allowed it to pursue profit without restraint.

Make no mistake, the online porn industry is neither naive nor neutral. Free from oversight, it has monetised videos of rape, abuse and other non-consensual sex acts, failing victims and survivors who call for help. Always at the forefront of tech advancement, the porn industry has designed its sites to ensure that vast numbers of visitors stay for as long as possible and return again and again - even if they are children.

The time has come for change. This report brings the online commercial pornography industry, or “Big Porn”, out of the shadows.

If we fail to see the porn industry as it really is, efforts to regulate it will flounder: we won't stem the tide of illegal content being uploaded to the internet via porn sites and circulated endlessly, denying justice and closure to survivors; and we won't sever the proven link between rape-themed videos on porn sites and real world sexual violence on our streets.

This report comes at a critical moment as the Online Safety Bill is taking shape. In this Bill, the UK has the opportunity to show the world how to regulate the porn industry effectively. However, significant improvements must be made to the draft legislation before this can be said of it, as laid out in the recommendations below. Furthermore, the Online Safety Bill is still years away from implementation, and there is a vital step we must take right now to protect children from pornography,

namely introducing age verification under the Digital Economy Act 2017.

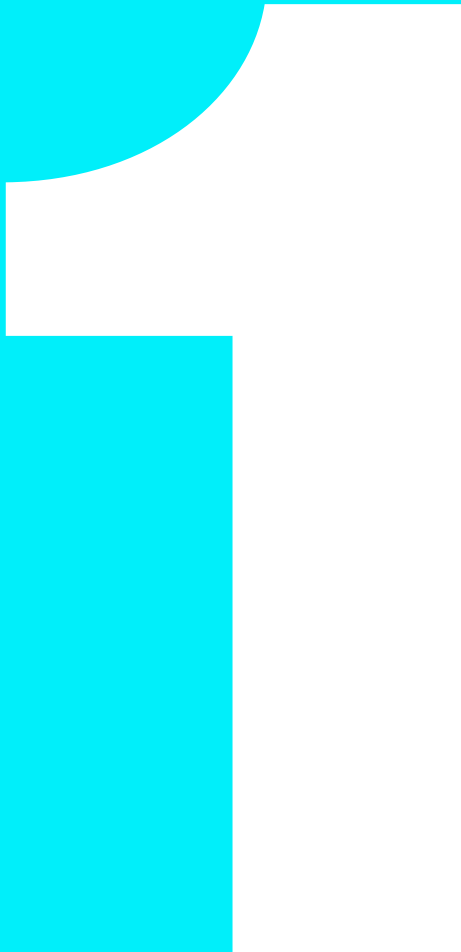
Younger generations are growing up in a hypersexualised culture which has been profoundly shaped by violent, racist, misogynistic online porn. This year alone, both research and tragic events have proven the association between pornography and real world violence against women and girls.

Our call to the Government is clear: do not give Big Porn a free pass.

It's time to expose Big Porn.

Vanessa Morse, Chief Executive,
Centre to End All Sexual Exploitation (CEASE),
July 2021

Executive Summary



The lack of regulation for pornography websites means that children have free and easy access to explicit material, and illegal, non-consensual and abusive material can be uploaded and disseminated on a global scale. The online commercial porn industry, known as “Big Porn”, is dominated by a few massive tech companies that largely evade scrutiny and regulation. For example, the tech giant MindGeek owns over 100 pornographic websites, production companies and brands including Pornhub, which has been proven to host videos of child sexual abuse material, rape and trafficking.

This report shines a light on the practices of Big Porn and its impact on children, victims of online sexual abuse and wider society through the normalisation of sexual violence.

The UK Parliament will soon debate its Online Safety Bill, which represents a unique opportunity to regulate Big Porn, safeguarding children from the harms of pornography and addressing the illegal “extreme” pornography, videos uploaded without consent and “legal but harmful” content so prolific on mainstream porn sites.

Scale of Big Porn

Porn sites received more website traffic in 2020 than Twitter, Instagram, Netflix, Zoom, Pinterest, and LinkedIn combined.¹ During the pandemic, Ofcom reported that Pornhub had a bigger audience than the BBC.² Estimates place the industry’s value at around \$97 billion, which is even bigger than Hollywood.³ However, unlike Big Tech companies such as Facebook, Apple and Google, who have come under increasing media and government scrutiny in recent years, Big Porn has mostly escaped under the radar.⁴

An inherently high-risk business model

Big Porn’s business model involves “gathering, storing, processing and analyzing billions of data points” in order to maximise revenue from advertising and subscriptions.⁵ Because this relies on economies of scale, porn sites are incentivised to make access as easy as possible (including

for children) to keep the process of uploading video content friction-free and to minimise moderation.⁶ Their sophisticated algorithms are designed to “mousetrap” users, surveying and manipulating their preferences and presenting them with ever more extreme content in order to keep them engaged.⁷

This business model is inherently high risk and self-regulation efforts by the industry have proved woefully inadequate. This fact is evident from the 2020 exposé on Pornhub in the New York Times which highlighted shocking stories of abuse, including that of a 15-year-old girl who went missing in Florida and was only found through 58 videos of her being sexually abused on Pornhub, or videos of sexual assaults on a 14-year-old girl that were posted to Pornhub and reported to the authorities not by the company itself but by a classmate who saw the videos.⁸ In December 2020, 50 women filed a lawsuit against MindGeek alleging that it knowingly profited from images and videos of their GirlsDoPorn sex trafficking nightmares.⁹

Increasing concerns over children accessing porn sites

There is growing media and public concern over children’s easy access to hardcore pornographic websites.¹⁰ According to the UK Government’s 2015 statistics, each month around 1.4 million children visit porn sites from their desktop.¹¹ A wide range of studies show that children’s viewing of pornography can profoundly impact their psychological, social, emotional, neurological and sexual wellbeing and impede their ability to form healthy intimate relationships.¹²

In March 2021, Soma Sara wrote about her experience of “rape culture” - attitudes, behaviours and beliefs that normalise and trivialise sexual violence - at school and university.¹³ On 8th March, she set up a website called “Everyone’s Invited” on which more than 50,000 young people have since shared their survivor testimonies.¹⁴ Ofsted’s review of sexual abuse in schools and colleges found that “sexual harassment, including online sexual abuse, has become ‘normalised’ for children and young people.” It highlighted how easy access to pornography had set unhealthy expectations of sexual relationships and shaped perceptions about women and girls.¹⁵



Our CEASE survey, carried out in June 2021, found that 86% of the public supports robust laws to stop children from encountering pornographic content online.¹⁶ However, plans to introduce age verification for online pornography websites, introduced by law in the 2017 Digital Economy Act, have yet to be implemented.¹⁷

Increasing concerns over video uploads of image-based sexual abuse (“revenge porn”) and other illegal, non-consensual content

Most videos on porn sites are user-generated and uploaded in a virtually frictionless process.¹⁸ This results in the sites hosting footage of trafficking, non-consensual sexual violence, image-based sexual abuse, covert filming (“real spy-cam” porn) and child sexual abuse.¹⁹ Ultimately, there is no means of verifying how much pornography on the internet is consensual.²⁰

Recent lawsuits against MindGeek, along with high-profile media cases of porn sites’ facilitation of online abuse are raising the profile of this issue.²¹ When surveyed, 81% of the public supported laws to ensure that people featured in pornography give their consent before the videos can be uploaded.²²

Increasing concerns over illegal “extreme” pornography driving sexual violence and “legal but harmful” content promoting sexual activity with children

In response to competitive market forces, mainstream porn platforms host increasingly extreme content depicting sexual violence, incest, coercion and exploitation.²³ Much of this is illegal under English and Welsh law, although it is generally permitted by the porn sites themselves on the grounds that it is merely “staged”.²⁴ Critically, there are no processes in place to verify that those on camera really are consenting adults.²⁵

What’s more, the proliferation of “simulated” abuse on porn sites means the real thing is often impossible to spot.²⁶ This kind of extreme content also enforces sexism, normalises sexual violence and drives harmful sexual attitudes and behaviour.²⁷ In our public attitudes

survey, 74% of people think that porn websites should be banned from hosting videos representing rape and other extreme sexual violence.²⁸

Online porn platforms also host videos depicting sexual activity with children, including petite, young-looking

performers made to look underage through props such as stuffed toys, lollipops and school uniforms.²⁹ Although not strictly illegal, this is nonetheless extremely harmful: as well as normalising children as objects of sexual desire, it also drives the demand for “real” child sexual abuse material.³⁰

RECOMMENDATIONS

The Online Safety Bill presents a unique opportunity to introduce the following essential safeguards to the “Big Porn” commercial industry:

1. Mandate the use of Age Verification for all pornographic websites, regardless of their size or functionalities. This should be brought in immediately through the powers of the Digital Economy Act 2017 and then further strengthened through the Online Safety Bill.

2. Introduce regulation to ensure that pornography websites either remove user generated content (UGC) functionality or implement robust age and consent verification processes to ensure that all those featured in video uploads are consenting adults.

3. Identify pornography websites as providers of Category 1 services, introduce relevant Codes of Practice and designate a specific regulator to ensure compliance. Big Porn must be made to stop hosting illegal “extreme” pornography and the “legal but harmful” content prohibited by its own terms of service.

What is 'Big Porn'?



We are all familiar with Big Tech - massive and extremely valuable information technology companies with a vast global influence. But few of us are aware that online commercial pornography has become a hugely profitable and ruthlessly monopolising global industry characterised by unlawful corporate practices, negligence and criminality.³¹

The porn industry started in 1953 with Playboy, the first pornographic magazine to attract corporate advertising. Throughout the 1970s and 80s, big business exploited people's aspirations for "sexual freedom" with the production of pornography en masse.³²

But ultimately, it was the internet that changed everything, with technologically-savvy newcomers ending the half-century reign of top-shelf kings Playboy, Hustler and Penthouse by masterfully exploiting digital advances.³³ Through their expertise in surveillance, SEO, algorithms, data analytics and advertising, they set up tube-style sites that fuelled pornography sites' exponential growth by making content "anonymous, accessible and affordable".³⁴

Online porn companies have grown into global corporate giants with a staggering reach and influence. A recent study by Digits Marketing concluded that Pornhub had the third greatest impact on society in the 21st century, after Facebook and Google but ahead of Microsoft, Apple and Amazon.³⁵

However, unlike other massive digital companies, who have been under increasing media and government scrutiny in recent years, Big Porn has managed to avoid the limelight and attempts to equate industry regulation with an ideological assault on sexual liberty, democracy and free speech.³⁶

It is vital to recognise that online pornography is not about sex but money³⁷, and that there is a stark disconnect between Big Porn's shiny public image and air of legitimacy and tech establishment and the reality of its shady operations.^{38, 39} The vast majority of free online porn sites feature either pirated content or user-generated uploads which include child sexual abuse material, rape videos, trafficked videos and every other form of non-consensual content.⁴⁰

“Despite the growth of online pornography in the UK, the sector remains lightly regulated with little public understanding of the large and very profitable companies that run the leading sites.”

— Jim Waterson, *The Guardian*⁴¹

Most of the free porn accessible on the internet (including illegal downloads) is controlled by a bland-looking tech company called MindGeek, which is well-known in the industry for its bullying tactics, abuse of copyright laws and intimidation of performers.⁴² Spokespeople for MindGeek regularly use fake names in public correspondence, and although officially a Canadian company, MindGeek is based in various tax havens with little corporate transparency.⁴³

“IMAGINE NO ONE KNOWING WHO MARK ZUCKERBERG WAS, OR WHO JEFF BEZOS WAS, AND NOT BEING ABLE TO FIND PHOTOS OF THEM ONLINE.”

**ALEXI MOSTROUS,
JOURNALIST, THE TORTOISE**⁴⁴

MindGeek exemplifies the online commercial porn industry which, in spite of its scale and influence, remains uniquely opaque, lurking in the shadows with its executives hidden from public view.⁴⁵ However, as dozens of scandals have come to light over the past couple of years, the serious accusations levelled against Big Porn have become increasingly hard to ignore.⁴⁶

“We as a society, as human beings, all have a responsibility to play our part in ensuring that platforms [such as Pornhub] are run legally, legitimately and safely.”

— Leigh Nicol, *Crystal Palace footballer*⁴⁷

BIG PORN: KEY FACTS

Porn sites received more website traffic in 2020 than Twitter, Instagram, Netflix, Zoom, Pinterest, and LinkedIn combined.⁴⁸

2020

MindGeek runs an online porn global monopoly, with over 100 pornographic websites, including Pornhub, RedTube, Tube8 and YouPorn. These collect more data than Netflix or Hulu.⁴⁹

100+

In 2019, there were more than 42 billion site visits to Pornhub, or nearly 6 visits to the site per person on Earth.⁵⁰

42_B

6.8 million new videos were posted onto Pornhub in 2019, equivalent to about half the entire Netflix library.⁵¹

6.8_M

Globally, the porn industry’s revenue estimates are as high as \$97 billion.⁵² (For comparison, Netflix brings in around \$11.7 billion.)

\$97_B

The dark side of unregulated Big Porn



Allowing children free, easy and unlimited access

Internet access is an essential part of daily life for most children, and the lack of online protection means that children in the UK are being exposed to pornography at unprecedented rates.⁵³ Research by the Authority for Television on Demand found that 23 of the top 25 pornography websites visited by individuals in the UK provide instant, free and unrestricted access to hardcore pornographic videos and images - including for children.⁵⁴ In 2015, the UK Government estimated that each month around 1.4 million children visit porn sites from their desktop.⁵⁵

In April 2021, Online Safety expert John Carr explained to the UK Parliament's Women and Equalities Committee how we have well-established age checks and obstacles to prevent children's access to tobacco, alcohol and gambling: "As a society, we have not yet said, as a normative statement, that it is not okay to publish porn and make it accessible to children."⁵⁶

A British Board of Film Classification (BBFC) survey from January 2020 found that most children stumbled across hardcore pornography unintentionally, and many younger respondents said it left them feeling "grossed out" and "confused".⁵⁷ In March 2018, Childline revealed that more than 2,000 children had sought counselling after accidentally stumbling onto hardcore porn online; of those, one in ten children who received psychological help was 11 or under, and 63% were aged 12 to 15.⁵⁸

In addition to the shock and trauma children experience as they encounter online porn, research confirms that it can also cause profound psychological, social, emotional, neurobiological, and sexual harms to children.⁵⁹ As the charity Culture Reframed explains: "Extensive research has shown that porn undermines the social, emotional, cognitive, and physical health of individuals, families, and communities. These studies also demonstrate that porn shapes how we think about gender, sexuality, relationships, intimacy, sexual violence, and gender equality."⁶⁰

"We work with boys who have displayed harmful sexual behaviour and who have found themselves in the criminal justice system for re-enacting behaviours they have seen in porn: hitting, slapping, kicking, punching. The majority of children

referred to us have regularly been exposed to pornography.”
— Amanda Naylor, Barnardo’s⁶¹

David Austin, Chief Executive of the BBFC, points out that online porn is “affecting the way young people understand healthy relationships, sex, body image and consent”.⁶² Watching online pornography normalises sexual aggression, risky sexual practices and men’s violent sexual domination over women.⁶³ The sharp rise in peer-on-peer sexual harassment and abuse in our schools and universities is linked to children’s easy access to online pornography.⁶⁴ What’s more, by reinforcing sexual objectification and peddling harmful gender stereotypes, online porn can negatively impact girls’ body image and create unhealthy pressures for them to perform sex acts that are painful, risky or humiliating.⁶⁵

*“70% of girls aged 13 to 21 thought the rise in online pornography contributes to women being treated less fairly.”*⁶⁶

Online porn is not only more extreme and hardcore than ever before, but any child stumbling across porn sites will also find themselves less able to turn away. Sophisticated algorithms that form part of the sites’ persuasive design turn curious clickers into dedicated consumers.⁶⁸ Children’s still-developing brains make them particularly susceptible to pornography’s addictive qualities.⁶⁹ In 2018, UK Addiction Treatment Centres, which run clinics across the UK, said the number of teenage admissions for porn addiction has more than tripled over the last three years.⁷⁰

“Every one of the boys got out their mobile phones and flashed a hardcore porn image at all of the girls as they walked past. [...] Nothing like that was possible not that many years ago, and it has had a very corrosive impact within schools.”

— John Carr, Secretary of the UK Children’s Charities’ Coalition on Internet Safety⁷¹

Monetising video uploads of rape, image-based sexual abuse and other illegal content

Most major porn sites function like YouTube, allowing members of the public to post their own videos, in a process that is deliberately kept as “zero friction” as possible. Until very recently, the porn giant Pornhub required uploaders to provide nothing more than a username and email address.⁷² In 2019 alone, it reported that 6.8 million new videos were posted onto its site, nearly 15 terabytes of data uploaded every 24 hours and equivalent to “about half the entire Netflix library”.⁷³

This User Generated Content (UGC) business model, which has enabled Big Porn to explode in scale and profitability is inherently high risk.^{74, 75} Video uploads appear on porn sites instantaneously, and there are no controls or verification procedures in place to check that those on camera are consenting adults.⁷⁶ It is therefore unsurprising that mainstream porn platforms host vast, unknown quantities of illegal content including:

- Videos of trafficking, rape and other non-consensual sexual violence
- Image-based sexual abuse (“revenge porn”)⁷⁷
- Covertly filmed material (“spy-cam porn”) showing footage from cameras hidden in women’s bedrooms, toilets, locker rooms, gynaecology wards, etc.⁷⁸
- Child sexual abuse material⁷⁹

Campaigns and investigations, focused mostly on Pornhub, have exposed how porn platforms are effectively complicit in hosting and disseminating various forms of illegal content on a massive scale, including:⁸⁰

- **Rape, sexual assault or sexual abuse.** For example, Rose Kalemba recently shared with the BBC the story of how, at just 14 years of age, she was brutally raped at knifepoint by two men, only to discover a few months later that a video of her attack had been shared on Pornhub and viewed hundreds of thousands of times: “The titles of the videos were ‘teen crying and getting slapped around’, ‘teen getting destroyed’, ‘passed out teen’. One had over 400,000 views.”⁸¹
- **Secretly filmed footage showing people having sex or in a state of undress in a public space.**

“There is another thing that is not okay: the ease of access to and increasing violence of online pornography. This increasingly accessible online content, which often portrays extremely violent sex, can give young people warped views of sex and deeply disturbing views on consent.”

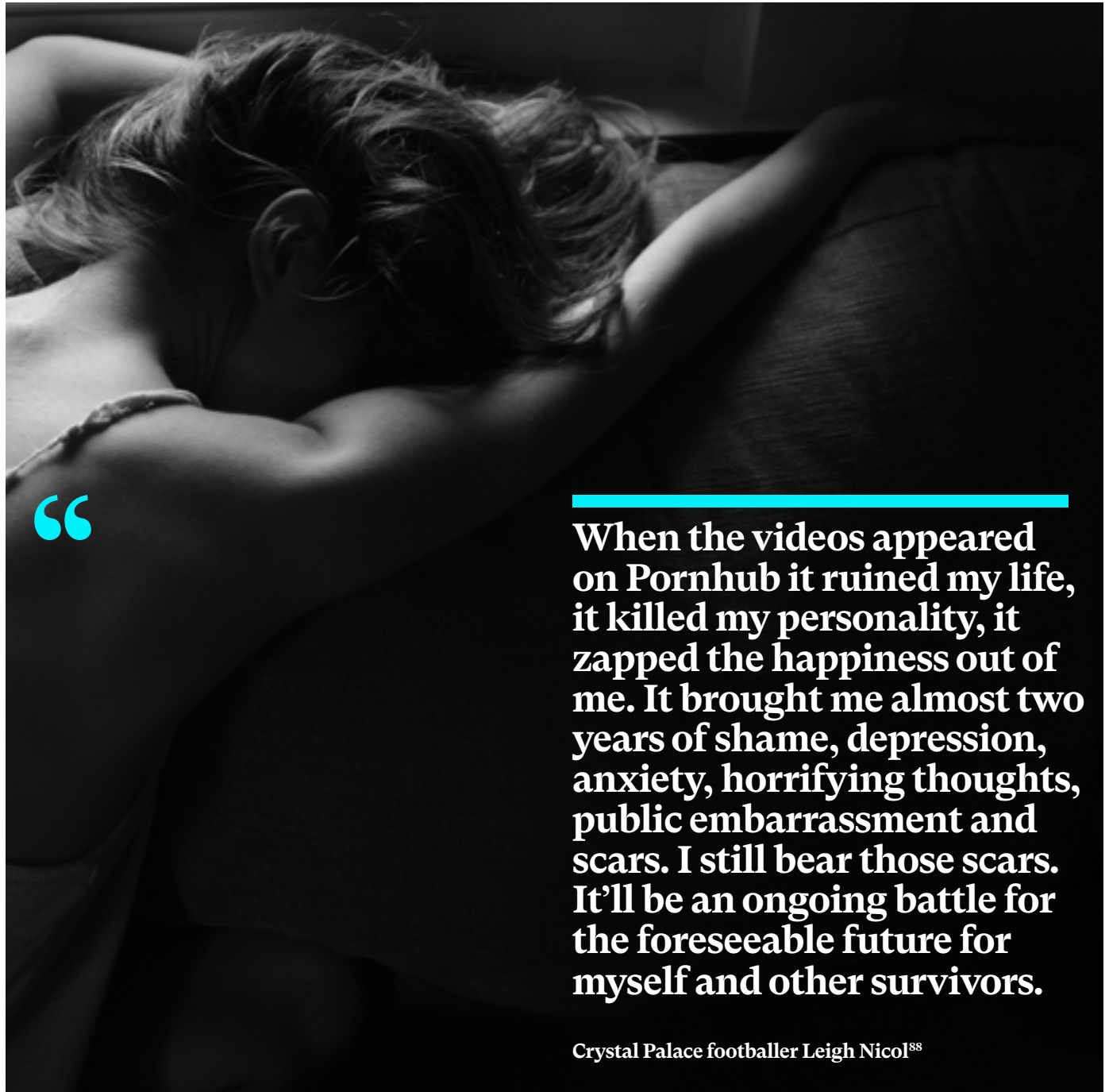
OFSTED REVIEW OF SEXUAL ABUSE IN SCHOOLS AND COLLEGES⁶⁷

For example, female athlete Clair Culp discovered five videos made using recording from hidden cameras in her college changing rooms had been posted onto porn sites: “How does this even happen? It’s really scary knowing you could be exposed to the entire world.”⁸²

- **Child sexual abuse.** For example Cali, who was adopted from China into the United States, was forced to appear in pornographic videos from the age of nine. She shared with the New York Times how Pornhub effectively became her trafficker: “I’m still getting sold, even though I’m five years out of that life. I may never be able to get away from this. I may be 40 with eight kids, and people are still masturbating to my photos.”⁸³
- **Image-based sexual abuse.** For example, Ruth King (not her real name) discovered that seven videos of her had been posted onto porn sites by her ex-partner: “The comments underneath were disgusting – men describing what they’d do to me. I live in a rural area where everyone knows everyone and my life has never been the same since. It’s torture for the soul.”⁸⁴

Victims of such digital sexual violation often suffer from PTSD and depression as they face the humiliating knowledge that the material has been seen and downloaded by countless anonymous users all around the world, including potentially their own friends and family.⁸⁵ Where victims were abused and exploited, the uploads are re-traumatising, extending the legacy of the pain and leaving them more vulnerable to further victimisation.⁸⁶

The victims themselves often end up carrying the burden of responsibility for identifying and reporting the offending materials on porn sites, despite the psychological risks this process entails. Even when the material is removed, they have to live with the knowledge that the damage wreaked by the videos has already been done in the intervening days, months or sometimes even years before it was discovered and removed, along with the (legitimate) fear that the blacklisted video may resurface in the future.⁸⁷



“

When the videos appeared on Pornhub it ruined my life, it killed my personality, it zapped the happiness out of me. It brought me almost two years of shame, depression, anxiety, horrifying thoughts, public embarrassment and scars. I still bear those scars. It’ll be an ongoing battle for the foreseeable future for myself and other survivors.

Crystal Palace footballer Leigh Nicol⁸⁸



Hosting illegal “extreme pornography”

Matching its explosion in growth, fiercely competitive market forces have led to an escalation in extreme, hardcore content in online commercial pornography.⁸⁹ Violent, deviant and paraphilic material which would once have been banned, refused classification or relegated to niche genres is now unexceptional in mainstream pornography.⁹⁰

“As more and more pornographic images become readily available, it takes much more to scratch one’s sexual itch [...] that leads to the necessity for extremism.”
— Mark Shrayber, *Jezebel Magazine*⁹¹

Typical of most porn platforms, Pornhub hosts thousands of videos depicting sexual violence, torture and gang rape (mostly directed against women and girls) in spite of its terms of service prohibiting the depiction of violence.⁹² This apparent discrepancy is explained by the caveats laid out in the site’s Violent Content Policy which explains that sexual violence is in fact permitted if it is “role-play” performed “by consenting amateurs and professionals.”⁹³

“Although we recognize that some may consider BDSM, Hardcore, or Rough sex as “degrading” or “dehumanizing,” these words are entirely subjective.”
— Pornhub’s Violent Content Policy⁹⁴

But how can we know whether something is role-play or “real”? Pornhub has no processes in place to verify that those featured in video uploads are consenting (or even to verify that they are adults).⁹⁵ In other words, “consent” is assumed by context rather than verified by process. Furthermore, as Adrian Nathan West writes in *The Aesthetics of Degradation*, “we are accustomed to dismissing the savagery of pornography by saying, it is only a movie, they are just actors. But no one pretends to cover a woman’s face in semen, or choke her, or piss in her mouth... She did not pretend to gasp or burst into sobs when she awoke.”⁹⁶

An analysis of 400 of the most popular free online pornographic films found that 41% of professional videos depicted violence towards women.⁹⁷ Earlier this year, researchers at Durham university published the largest study of online pornographic content to date.⁹⁸ Led by Dr Fiona Vera-Gray and Professor Clare McGlynn, it found that one in eight titles shown to first-time users on the first page of mainstream porn sites describe sexual activity that constitutes sexual violence. By sexual violence, the researchers included categories relating to incest, physical aggression (e.g. sexual assault), image-based sexual abuse and depictions of coercion and exploitation.⁹⁹

The authors explain that their findings “raise serious questions about the extent of criminal material easily and freely available on mainstream pornography websites and the efficacy of current regulatory mechanisms”.¹⁰⁰ They highlight the fact that criminal material is not relegated to niche sites, nor is it only available on the dark web; rather, it is hosted on mainstream porn sites.¹⁰¹

“A startlingly large number of the freely, readily available and more frequently viewed porn on our mainstream sites is violent, depicts criminal acts and normalises that violence in sexual relationships”
— Dr Helen Mott, *Research Consultant with Bristol Women’s Commission*¹⁰²

Vera Grey et al. also highlight how pornography is a powerful cultural influence, a significant part of the “cultural scaffolding” that shapes our understanding of sexuality and the boundary between sex and sexual

violence.¹⁰³ The ubiquity of extreme illegal material on mainstream porn sites contributes to the normalisation of sexual violence in society and undermines our values of gender equality, consent and mutuality.

The findings of a 2010 meta-analysis confirm that there is a significant positive correlation between the consumption of sexually violent pornography and attitudes supporting gender-based sexual violence.¹⁰⁴ Further, the government's own report, released earlier this year, recognises that "there is substantial evidence of an association between the use of pornography and harmful sexual attitudes and behaviours towards women."¹⁰⁵ It is vital that we join the dots and identify pornography as a powerful cultural force that is compromising the government's anti-violence against women and girls agenda.¹⁰⁶

"In its quest for profit, the porn industry seeks to nudge, shape and co-author people's sexualities, undermining their autonomy and much more besides."
— Dr Elly Hanson, *Pornography and Human Futures*¹⁰⁷

"It is monetizing video compilations with titles like 'Screaming Teen', 'Degraded Teen' and 'Extreme Choking'. Look at a choking video and it may suggest also searching for 'She Can't Breathe'."
— Nicolas Kristof, *New York Times*¹⁰⁸

Promoting sexual activity with children

"... while it is now no longer possible to search on Pornhub in English using terms like "underage" or "rape," the company hasn't tried hard to eliminate such videos.... A search for "13yo" generates 155,000 videos. To be clear, most aren't of 13-year-olds, but the fact that they're promoted with that language seems to reflect an effort to attract pedophiles."
— Alexi Mostrous, *The Tortoise*¹⁰⁹

"What market are these films aimed at? They glorify incest, rape and abuse of minors. And how can a man who openly acknowledges his appetite for this legal material be regarded as safe to work with children and have unsupervised access to his own young daughters?"
— Steve McCabe MP¹¹⁰

Further, the Government's own report, released earlier this year, recognises that "there is substantial evidence of an association between the use of pornography and harmful sexual attitudes and behaviours towards women."¹⁰⁵

"Because it's impossible to be sure whether a youth in a video is 14 or 18, neither Pornhub nor anyone else has a clear idea of how much content is illegal."
— Nicolas Kristof, *New York Times*¹¹¹

Online porn platforms not only host and distribute illegal content, but also host content which, though not strictly illegal, is nonetheless extremely harmful. This includes the simulation or depiction of sexual activity with children, sometimes known as "pseudo child pornography".¹¹²

In 2002, the Free Speech Coalition (a trade association that represents the porn industry) overturned the U.S. Child Porn Prevention Act that prohibited "any visual depiction that appears to be of a minor engaging in sexually explicit conduct".¹¹³ This opened the way for the porn industry to use "either computer-generated images of children or real porn performers who, though 18 or over, are childified to look much younger".¹¹⁴

This "pseudo-child-pornography", usually sold under the banner of "teen porn", is watched by millions of men every day.¹¹⁵ Dr Gail Dines of the campaign group Culture Reframed explains how it gives "hardcore users welcome variety from the usual menu of voluptuous, well-oiled 'sluts', instead offering young, innocent 'girls' being penetrated by any number of men masquerading as fathers, teachers, employers, coaches, and just plain old anonymous child molesters".¹¹⁶ The presentation of this material on porn sites - for example, showing users the "most viewed" videos and including user comments - functions to normalise and rationalise users' interest in it.¹¹⁷

This has profound real-world repercussions. Reports of

images, videos and other content related to child sexual exploitation from the National Center for Missing and Exploited Children have increased from 6.5 million videos or other files in 2015 to 69.2 million in 2019.¹¹⁸

The consequences are profound and far reaching. Not only does hosting this pseudo-child abuse material make it difficult or sometimes impossible to objectively identify the "real" thing (how do you tell the difference between a 15-year-old and an 18-year-old?), but the subsequent demand for child sexual abuse material is readily met by predatory pornographers, traffickers and abusers.¹¹⁹

Over the past few years across the UK, police and practitioners have noted the increasing trend of men 'crossing the line', acquiring a sexual interest in children as a result of their heavy porn use, often via the bridge of 'teen porn'.^{120, 121}

"What we are seeing is a new group of young men aged between 18 and 26 who have been brought up on a staple diet of going to visit Pornhub and sites like that."
— Chief Constable Simon Bailey, *Lead for Child Protection, National Police Chief's Council*¹²²

Last year, the Guardian reported how groups working on the frontline in the fight against child abuse in the UK have "warned that an increase in abuse-themed pornography is 'normalising' child abuse".¹²³ Mike Sheath of the Lucy Faithfull Foundation, a UK-wide charity dedicated to the prevention of child sexual abuse says, "what we are seeing on a daily basis is the conflation of easy access to hardcore and deviant pornography and an interest in child molestation. The link is unambiguous."¹²⁴

How Big Porn's business model drives abuse



The global porn giant Pornhub has increased its PR engagement over the past few years in response to increased public scrutiny.¹²⁵ Although it has retrofitted moderation processes and safeguards, these bolt-on measures do nothing to mitigate the inherent high-risk nature of its freemium business model, which is dependent upon economies of scale.¹²⁶

Porn platforms are incentivised to:

1

ATTRACT THE MAXIMUM NUMBER OF USERS - WHOEVER THEY ARE

In 2019 alone, Pornhub received over 42 billion visits and 39 billion searches - that's 80,000 every minute.¹²⁷ Since porn sites make their money from advertising and premium subscriptions, visitor numbers matter, as U.S. trial lawyer Michael Bowe explains: "The more visitors that they can attract - the more money they make."¹²⁸

From a commercial perspective, porn sites are incentivised to make access as straightforward as possible, removing all barriers to entry. This explains why many (including Pornhub) don't even have a click-through checkbox to warn users that they should be at least 18 years old, instead placing full responsibility for preventing children's access on parents.¹²⁹

"The younger you get them, the longer you've got them. It's like handing out cigarettes outside the middle school."
— Dr Gail Dines, *Culture Reframed*¹³⁰

In fact, rather than championing age verification on its sites, the porn giant Pornhub instead poured its energies into creating its own VPNs which allow underage users to bypass any controls put in by service providers.¹³¹



ALTHOUGH PORNHUB HAS RETROFITTED MODERATION PROCESSES AND SAFEGUARDS, THESE BOLT-ON MEASURES DO NOTHING TO MITIGATE THE INHERENT HIGH-RISK NATURE OF ITS FREEMIUM BUSINESS MODEL.

Feminist activist Caitlin Roper explains that the porn industry “aggressively markets its products to children in a number of ways”, including by “studying children’s common keystroke errors in order to direct them to porn sites, and making pornography based on children’s favourite cartoon characters”.¹³² In December 2019, Pornhub tweeted a meme of the popular Disney character, Baby Yoda with a reflection of Pornhub’s logo in his eyes and a caption reading, “10 seconds after my parents leave the house.”¹³³ These are not the actions of an industry that is seriously trying to reduce access by underage viewers.

2

HOST THE MAXIMUM NUMBER OF VIDEO UPLOADS - WHATEVER THEY ARE

Online porn platforms’ profitability depends on maximising the frictionless circulation of users’ preferred content: an efficient way of attracting hundreds of millions of users.¹³⁴ Through the use of complex algorithms and SEO, these users provide advertisers with a wealth of valuable data.¹³⁵ Since porn companies effectively make their money by allowing anyone to upload anything and then monetising the subsequent user engagement, it is clear why they make the process of uploading videos so easy. In the “arms race” between different porn platforms, more content results in higher numbers of visitors and higher Google hits.

This explains why video uploads appear instantaneously, with no prior moderation. As U.S. trial lawyer Michael Bowe explains, platforms obtain a competitive advantage by not moderating content in advance: “As soon as you start to try to somehow police and filter the content on your site, you start losing content. You start delaying upload times. You start losing the search engine optimization race.”¹³⁶

An avalanche of porn gets uploaded to porn platforms every day. From Pornhub alone, it would take a person 170 years just to watch the videos uploaded last year.¹³⁷ This presents a huge problem: how can we ensure that abusive material doesn’t get through? In many cases, the answer seems to be simply: we can’t.

Apart from the risk of bad press, the high risk of illegal or harmful content being uploaded directly to porn sites ultimately makes no difference to the company’s bottom line. Platforms know they are shielded from liability by Section 230 of the Communications Decency Act (Section 230) in the United States, which effectively protects online service providers from legal responsibility for content uploaded or provided by their users.¹³⁸

Instead of proactively filtering uploads, porn platforms focus on moderating the material they are already hosting, distributing and monetising. This is problematic for three reasons:

10 seconds after my parents leave the house



- There is too much user-generated content for each video to be manually reviewed. In an interview, a Pornhub whistle-blower said that when he worked there, there were only 20-30 minimum-wage human moderators (by comparison, YouTube has 10,000 and Facebook has 15,000 in the U.S. alone¹³⁹) dedicated to “manually review all uploads to the site” - something they were unlikely to do very effectively given that there are around 13.5 million videos, including 6.83 million new video uploads in 2019 alone.¹⁴⁰
- Although online porn users are encouraged to report illegal, non-consensual material and child sexual abuse material, those seeking out sex acts from popular categories such as “teen” or “barely legal” for the purposes of masturbation are less likely to report potential instances of child sexual abuse material than an average internet user stumbling upon such material in a different context.
- In some cases, it can be difficult (or impossible) to objectively identify illegal, non-consensual or child sexual abuse material. For example, no moderator, robot or human, can reliably tell the difference between a 15- and an 18-year-old acting in porn; between a ‘sex tape’ uploaded with the knowledge and permission of those featured in it and one without; or between “real” rape, abuse and coercion and popular categories of staged scenarios.¹⁴¹

Once videos are uploaded onto porn platforms, only the most extreme and obvious illegal and non-consensual content is readily identified and reported. Most video uploads featuring trafficked and exploited individuals are camouflaged in a vast ocean of similar-looking content. Victims of abuse rarely turn to the camera and announce that they are being abused, and even videos where individuals register distress blend in with the plethora of rape and abuse-themed porn that has become mainstream.¹⁴² Like any other upload, such videos will often get a high number of views and positive engagement from the site’s global community before they are taken down.

“The moderators fast forward through videos, but it’s often difficult to assess whether a person is 14 or 18, or whether torture is real or fake. Most of the underage content involves

teenagers, the moderator I spoke with said, but some comes from spy cams in toilets or changing rooms and shows children only 8 to 12.”

— Nicolas Kristof, *The New York Times*¹⁴³

What’s more, victims have reported how porn platforms are often unresponsive to complaints or reports of illegal or non-consensual content. For example, Serena Fleites who was only 13 years old when explicit footage of her was uploaded onto Pornhub, and she testified to the Canadian government about how difficult it was to get the video removed once she had reported it: “I ended up trying to kill myself many times. I ended up in mental hospitals. There were instances where the video would have literally 2.7 million views, and it would still be on Pornhub despite hundreds of comments saying: “Oh, this is definitely child pornography. That girl can’t be any more than 14, 13.” And yet Pornhub still wouldn’t take it down, even when I messaged them multiple times it would take forever.”¹⁴⁴

“They’ve essentially been stonewalling over the years when someone would raise a complaint. To say it was non-responsive does not accurately characterize it. It was hostile. It was discouraging. It was designed to make people go away.”

— Michael Bowe, trial lawyer¹⁴⁵

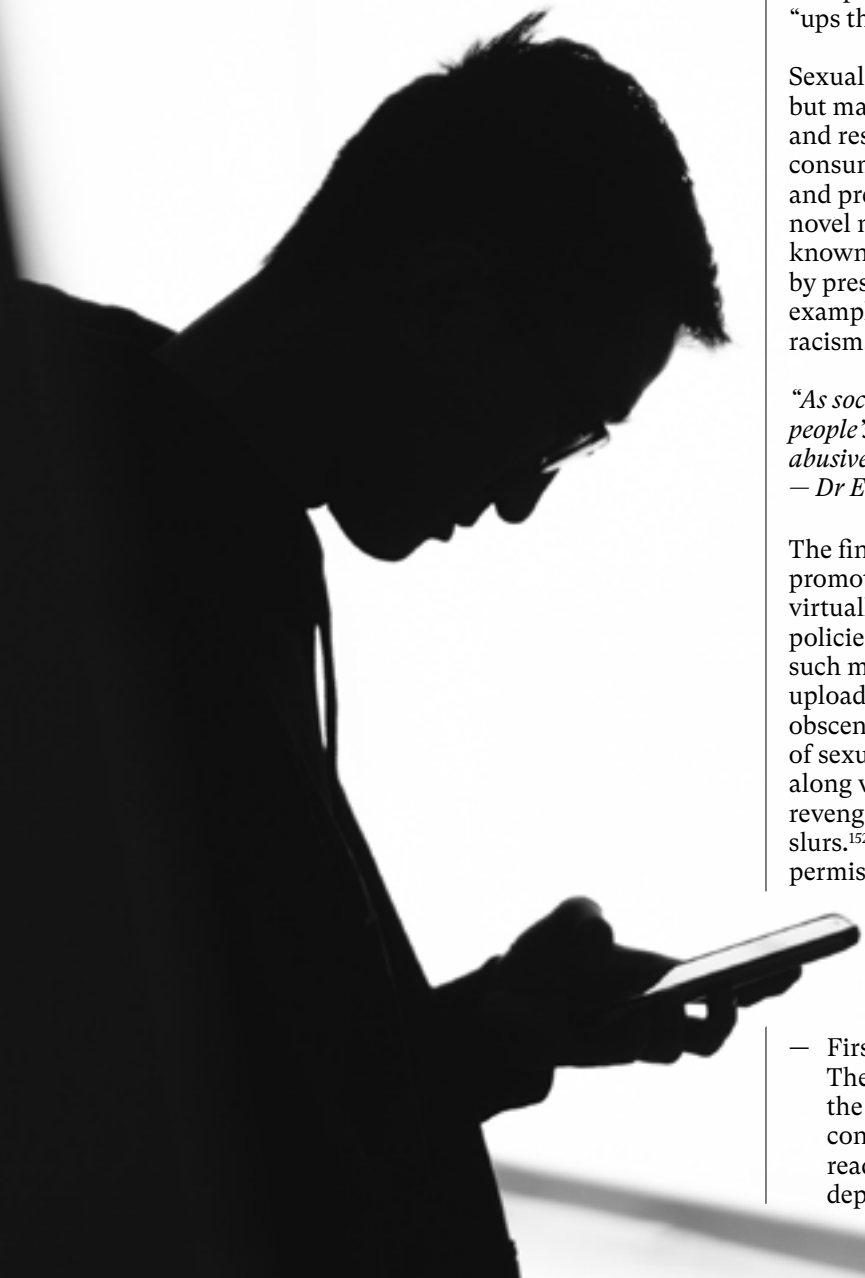
3

MAXIMISE USER ENGAGEMENT - INCLUDING BY PROMOTING MATERIAL THAT CONTRAVENES THEIR OWN TERMS OF SERVICE

“Data is gathered from porn viewers without their informed consent to feed algorithms that shape their porn experience,

in turn to shape them towards corporate profit. Drawing on vast amounts of people's data, these algorithms naturally 'find' the human vulnerabilities that can be exploited to hold their attention and in other ways pull them towards spending."

— Dr Elly Hanson, *Pornography and Human Futures*¹⁴⁶



As with Netflix or YouTube, porn platforms work hard to design their sites in a way that ensures users remain on their site for the longest possible time, in order to increase their exposure to adverts.¹⁴⁷ They do this by suggesting “related content” with algorithms not only identifying user preferences but also manipulating them, constantly “ups the stakes”.¹⁴⁸

Sexual tastes and interests are not fixed and static, but malleable. Our brains are hard-wired for novelty, and research has demonstrated that high pornography consumption can result in an escalation of users’ tastes and preferences, so that they require more extreme or novel material in order to maintain arousal.¹⁴⁹ This is known as “the Coolidge effect” and Big Porn exploits it by presenting to its users ever more extreme content (for example, depictions of rape, sexual activity with minors, racism, etc.).¹⁵⁰

“As society turns a blind eye, the industry is left free to target people’s vulnerabilities, manipulating their sexuality towards abusive, unhealthy and bigoted interests.”

— Dr Elly Hanson, *Pornography and Human Futures*¹⁵¹

The financial incentive for porn platforms to host and promote ethically dubious material is clear. However, virtually all of them have detailed and comprehensive policies, guidelines and terms of service that prohibit such material. Most terms of service prohibit users from uploading any material that is illegal, abusive, hateful, obscene or defamatory, and they ban even the simulation of sexual activity involving a person under the age of 18, along with the depiction of non-consensual sexual activity, revenge porn, blackmail, torture, violence, incest, or racial slurs.¹⁵² Some even stipulate that users must obtain written permission from those featured within their video uploads, along with evidence that they are over 18.¹⁵³

However, these are practically useless for three reasons:

- Firstly, many uploaders simply won’t know these rules. The terms of service tend to be buried deep within the small-print of their long, rather dry terms and conditions which it is fair to assume most users will not read through. Thus, someone looking to upload a video depicting underage sexual activity may be unaware

that this content is violative- particularly as they are also likely to have seen countless examples of similar content on the platform, searchable through a variety of keywords such as “schoolgirl”, “classroom”, “teacher”, etc.

- Secondly, there are no robust mechanisms in place to ensure that members adhere to the host site’s terms of service. When the inevitable happens and violative content is uploaded, the platforms make it clear that they bear no responsibility.¹⁵⁴ In fact, the buck seems to stop nowhere; those who instantly upload content enjoy complete anonymity, and are thus effectively emboldened to act with impunity.¹⁵⁵ Published reports on the number of users blocked or prosecuted on account of their violative behaviour on porn sites are extremely hard to come by but it is apparent by the sheer number of user-generated uploads that users are not sufficiently deterred from uploading illegal, non-consensual content and child sexual abuse material.
- Thirdly, porn platforms do not enforce their own terms of service consistently and transparently. There is a blatant discrepancy between what porn platforms allow in theory (i.e. according to their terms of service) and what they allow in practice. For example, whilst certain terms are prohibited (e.g. “rape”, “incest”), other similar or even synonymous terms are allowed (e.g. “violation”, “family”). We can only assume that porn platforms turn a blind eye to videos which, though not permitted by their terms and conditions, are nonetheless popular and profitable.

A Pornhub whistle-blower shared an internal document that outlined which words were banned (“rape”, “child” and “unconscious”) and which were allowed, depending on the context. This latter category included terms such as “torture”, “molest”, “tricked”, “violated” and “unwilling”. He says: “The idea of this list is to get as much content go through without Pornhub in trouble.” This is not because the top executives were “evil” but because they were focused on maximising revenue above all.¹⁵⁶

“Our job was to find weird excuses to keep videos on our sites. [My team] joked about the circuitous logic that managers employed when they approved questionable videos.”

— Former moderator, *Pornhub*¹⁵⁷

Below is a table that lays out some of the inconsistencies between Pornhub's prohibitions and the search tags and videos it allows on its site. (Note, this table was created after Pornhub removed the majority of its content and stated its renewed commitment to removing videos that violate its terms of service¹⁵⁸):

PORNHUB'S PROHIBITED DEPICTIONS & BANNED SEARCH TAGS	PORNHUB SEARCH TAGS (PERMITTED)	EXAMPLE TITLES OF HOSTED VIDEOS
Underage sexual activity Banned terms: children, underage, child young	babysitter, classroom teacher, young, virgin, little, tiny, exxxtrasmall, barely legal	Tiny Babysitter Does What She Must TO Keep Her Job My Teen Student Lets me f*** Her for a Better Grade. F***ing my Cute Step Daughter While She Studies for a Test Cute schoolgirl gets f***ed by her english teacher
Non-consensual activity Banned terms: Rape, assault,	'used like meat', violation, fake taxi, crying, stop, debt, sex for rent	Young chubby toilet slave gets pissed on and fucked with her head in toilet She cries in pain as I hold her down (at 5:40) & make her take creampie in rough doggy style. stepdaughter got stuck- daddy uses her helplessness to f**k her like a doll. Lucky guy can use redhead as a whore because she has debts.
Revenge porn Banned terms: Revenge porn, spy cam	real hidden camera, spy, voyeur changing room, hiding	Freaky ob-gyn doctor records his mature female patient on hidden camera HIDDEN CAMERA IN THE WOMEN'S FITTING ROOM College freshman fucked from behind Onlyfans leak (@that1iggirl) FCK News- Leaked Footage Of Doctor Fucking His Blonde Patient
Violence Banned terms: Hurt, kill	sexuallybroken, choking slapping, extreme choking, hard flogging, pain, destruction, sex slave rough gangbang	Dazed 18 year old fuck-meat choked and degraded by 42 year old cock Slave Tied Up in Filthy Mattress Stupid slut gets beat and degraded in hotel room Linet bound gagged stripped whipped vibed machine-fucked Oriental slave girl tortured
Incest Banned terms: Incest	Family, Niece and uncle, Daddy, daddy's little princess/ daddy's little whore, Grandpa and granddaughter	IT HURTS DADDY PLEASE STOP!- BBW SPANISH TEEN GETS HARD ANAL CREAMPIE PURE TABOO Sleazy Step-Uncle Deceives Niece To Get Her Alone Daddy Fucks Me Hard Before School teen pussy shared at family orgy tight daughter ass destroyed by stepdad
Racial Slurs	black maid, ebony slave girl	Black slavegirl tied and fucked good House Bitch Enjoyed by Her White Masters

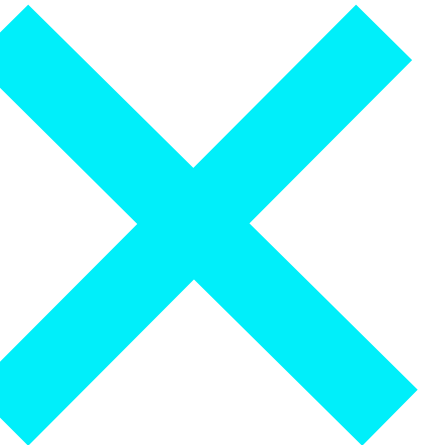
“Whilst society has made some progress to become less tolerant of prejudice, violence, coercion, and the abuse of power, within porn these and related injustices are not only given free rein, but are normalised, sexualised and glorified.”

— Dr Elly Hanson, *Pornography and Human Futures*¹⁵⁹

In 2020, Pornhub removed its infamous download button, deleted more than 10 million of its videos, and stopped allowing uploads from unverified users. It took this decisive action only because it was backed into a corner by financial and corporate pressure from Visa and Mastercard rather than for any ethical reason, and MindGeek has not made the same changes to its other sites. As Guardian journalist John Naughton observes: “Fabulously profitable corporations don’t do ethics [...] MindGeek only moved when the handle of its money-pump was suddenly removed.”¹⁶⁰

There is no assurance that Pornhub’s latest changes will remain in place, or that other porn sites will follow suit. One pornographer said that investigative journalist Nicolas Kristof was like Santa Claus because his expose of Pornhub, which led to the site’s reforms, was a gift to Pornhub’s competitors.¹⁶¹

“When Pornhub deleted 10 million videos from its site that were uploaded by unverified users, many upset porn consumers flocked to its rival site, XVideos—a site with much fewer scruples than Pornhub, and seemingly less oversight.”
— *Fight the New Drug*¹⁶²



Investigations, public opinion and growing pressure for change

A large, bold, white number '5' is centered on a black background. The number is stylized with a thick stroke and a slight shadow effect, making it stand out prominently.

Pornhub exemplifies the failure of the porn industry's self-regulation, as well as the fact that it is finally starting to be held to account. The results from a CEASE survey carried out in June of this year confirm that there is growing public concern around the absence of legislation regarding Big Porn.

The survey reveals high levels of support for robust new laws preventing porn sites from hosting videos depicting rape, extreme violence and non-consensual material. It also shows that the vast majority of the UK public are in favour of robust safeguards to protect children from exposure to harmful, sexually explicit online content.

81% of the public want laws to ensure people featured in pornography have given their consent before videos can be uploaded.

A large, bold, black number '81%' is centered on a white background. The number is stylized with a thick stroke and a slight shadow effect, making it stand out prominently.

Over 80% of UK public would support strict new pornography laws.

80%

77% of UK public think it is damaging for a child to view online pornography.

77%

74% of UK public think porn sites should be banned from hosting videos representing rape and other extreme sexual violence

74%

64% of 18-25 year olds think that watching pornography can contribute to damaging attitudes towards relationships and intimacy

64%

Over the last two years there have been an increasing number of high profile and horrific cases highlighting the inherent dangers of allowing vast amounts of user-generated content on pornographic websites. In December 2020, this led to Visa and Mastercard severing ties with Pornhub until it removed all user-generated content.

TIMELINE OF GROWING CONCERNS:



November 2019: The Sunday Times ran an investigation and reportedly found dozens of examples of illegal material on Pornhub “within minutes.” This led multinationals Unilever and Kraft-Heinz to stop advertising on the site. PayPal also suspended services to Pornhub. Other journalists highlighted additional examples of content featuring victims of child sexual exploitation, sex trafficking, and sexual assault being published on Pornhub. For example, Canadian journalist Martin Patriquin published an expose on racist and exploitative content he found on MindGeek websites¹⁶³.

February 2020: The global Traffickinghub campaign, led by an activist named Laila Mickelwait, documented abuses on Pornhub and called for the site to be shut down. 2.2 million people from 192 countries signed the Traffickinghub petition, and over 33 million people watched the viral Traffickinghub video.¹⁶⁴

November 2020: Thailand blocked Pornhub for violating its Computer Crimes Act.¹⁶⁵ 20 Canadian legislators demanded Canada’s Minister of Justice and Prime Minister to act concerning Pornhub’s criminal practices, inspiring reactions and commitments from the highest levels of government.

December 2020: 50 women filed a lawsuit against MindGeek¹⁶⁶ for allegedly knowingly profiting from images and videos of their GirlsDoPorn sex trafficking nightmares and failing to properly moderate MindGeek-owned sites for the abusive videos.¹⁶⁷ In addition, Nicholas Kristof’s New York Times exposé on Pornhub created international media shockwaves, leading to over 4000 follow-up articles across the globe. In response, Visa, Mastercard and Discover severed ties with Pornhub.

March 2021: At least five lawsuits were filed against Pornhub (e.g. Jan 2021 - Ontario woman;¹⁶⁸ Alabama, Feb 2021¹⁶⁹).¹⁷⁰ 104 sexual exploitation survivors and 525 NGOs from 65 countries wrote an open letter to the Canadian Government calling for a criminal investigation into MindGeek.¹⁷¹

May 2021: More than 750 survivors and advocates urged Congress to demand the Department of Justice to conduct a criminal investigation into MindGeek

for violating sex trafficking and child protection laws, monetising sexual abuse and permitting “grave crimes” to continue.¹⁷²

June, 2021: New Canadian Bill Calls for Age and Consent Verification in Online Pornography.¹⁷³ Age Verification legislation has been considered in various other countries around the world, including Poland¹⁷⁴ (Dec 2019) Australia¹⁷⁵ (Feb 2020) France (June 2020¹⁷⁶) and South Africa (Aug 2020¹⁷⁷).

Comcast/ Xfinity dropped all of its content from their cable sites.¹⁷⁸

34 women filed a lawsuit in California against Pornhub for profiting from non-consensual content.¹⁷⁹

“IT IS A CASE ABOUT THE RAPE AND SEXUAL EXPLOITATION OF MEN AND WOMEN.”

LAWSUIT AGAINST PORNHUB¹⁸⁰

Corporations that have cut ties with Pornhub:



Solutions



It is unsurprising that Big Porn should have opted for systems of moderation that do not significantly impact upon its lucrative pay-per-click business model, which is inherently high-risk in terms of hosting and disseminating illegal and non-consensual content.

The current system of voluntary and arbitrary self-regulation is not robust. Government regulation of the porn industry is needed to -

- Protect children from stumbling across hardcore pornography online;
- Prevent illegal material, child sexual abuse material and content uploaded without consent to be uploaded and circulated on porn sites;
- Prevent adult users from being harmed by extreme and illegal pornography.

The UK government's Online Safety Bill is a unique opportunity to lead the world in regulatory innovation and to create robust, ground-breaking and future-proofed legislation that will make the internet a safer place for us all.¹⁸¹ However, the initial draft of the Bill fails to specifically identify online pornography as a serious cause for concern. "Pornography" is only referred to six times in the draft Bill and none of these are in the context of the industry.

RECOMMENDATION 1:

Mandate the use of Age Verification for all pornographic websites, regardless of their size or functionalities. This should be brought in immediately through the powers of the Digital Economy Act 2017 and then further strengthened through the Online Safety Bill.

In 2017, Parliament approved the Government's plan to require pornography websites to implement age verification checks. Part 3 of the Digital Economy Act provided a robust regulatory framework preventing commercial websites from making pornography available to anyone under the age of 18.

However, on 16th October 2019, then-Culture Secretary

Baroness Nicky Morgan announced that the UK would be shelving plans to implement age verification, giving assurance that the objective of preventing children from accessing online pornography would be more coherently and comprehensively achieved through the wider online harms proposals, which would include social media platforms.¹⁸²

“PORNOGRAPHY” IS ONLY REFERRED TO SIX TIMES IN THE DRAFT BILL AND NONE OF THESE ARE IN THE CONTEXT OF THE INDUSTRY.

Whilst few would question the value of extending age verification procedures to cover all sites that pose a risk to children, there seemed to be no good reason to halt the implementation of legislation designed to protect children from stumbling across pornography online. As Baroness Floella Benjamin observed, the delay has meant that literally millions of children have been kept a few clicks away from “violent sexual

content, gang rape, real and close-up images of sexual acts”.¹⁸³ There is a high cost to delay and a low cost to implementing Part 3 of the Digital Economy Act now, as an interim measure before the Online Safety Bill comes into force.

“Commercial pornography websites are continuing to allow, and profit from, the use of their sites by children – with deeply harmful consequences. The Government already has the powers and mechanism to prevent this. Child protection cannot wait.”
— UK Feminista¹⁸⁴

As expected, the draft Online Safety Bill repeals Part 3 of the Digital Economy Act. We should therefore expect this new bill to provide at least equivalent levels of protections. In terms of stipulating age verification, the Online Safety Bill is encouraging in its statement that “[a] provider is only entitled to conclude that it is not possible for children to access a service, or a part of it, if there are systems or processes in place that achieve the result that children are not normally able to access the service

or that part of it.”¹⁸⁵ Its explanatory notes specify that these “systems and processes must be ‘robust’” and cite “effective age verification measures” as providing “the highest level of confidence about a user’s age”.¹⁸⁶

However, it is concerning that these stipulations will only apply to pornography websites that have user generated content functionality. Secretary of State for the Department for Digital, Culture, Media and Sport Oliver Dowden rightly asserts that “the preponderance of commercial pornography sites have user-generated content on them”.¹⁸⁷ This user-to-user element is intrinsic to most pornography platforms’ business model. However, not only does this limitation mean that there will be some pornographic websites excluded from scope, it also leaves an obvious loophole for all pornography platforms to exploit, i.e. they may remove user-generated content functionality in order to avoid regulation.

Further, the stipulation for websites to draw up risk assessments only applies to those with a “significant” UK user base¹⁸⁸. The threshold of what is considered “significant” is not specified, nor is it clear whether the number of UK users will be continuously monitored by the regulator in case websites increase in popularity.

THE THRESHOLD OF WHAT IS CONSIDERED “SIGNIFICANT” IS NOT SPECIFIED, NOR IS IT CLEAR WHETHER THE NUMBER OF UK USERS WILL BE CONTINUOUSLY MONITORED BY THE REGULATOR IN CASE WEBSITES INCREASE IN POPULARITY.

Since the aim of the Bill is ultimately to protect children from all sexually explicit online content, there can be no good reason not to include all commercial pornography websites, regardless of their functionality or size.

“This new Bill must deliver, as a minimum, all the Digital Economy Act’s child-protection measures—yet it leaves unmentioned pornography or age verification. Can the Minister assure the House [...] that cyber-libertarian ideology, which holds that internet regulation is

impossible, unworkable and unwanted, will not hold sway?”
— Lord Farmer¹⁸⁹

RECOMMENDATION 2:

Introduce regulation to ensure that pornography websites either remove user generated content functionality or implement robust age and consent verification processes to ensure that all those featured in video uploads are consenting adults.

The draft Online Safety Bill narrowly focuses on how illegal content harms individual users. However, we know that illegal content has a profound impact not just on individual users but also on those featured in sexually explicit videos uploaded to porn platforms without consent (for example, children, victims of sex trafficking, image-based sexual abuse and “spy cam porn”). It is staggering that there is currently nothing in the Bill that acknowledges the serious online harms faced by these victims.

It is encouraging that the draft Online Safety Bill’s explanatory notes include “revenge porn” and “upskirting” as examples of illegal content.¹⁹⁰ However, it is unclear whether the Bill will be robust enough to tackle these and other forms of non-consensual and illegal content being freely uploaded and distributed on porn platforms.

Currently, the Bill seeks to impose a “duty of care” which focuses on the objective of harm reduction and leaves the detail of the means to the tech companies themselves.¹⁹¹ The Bill expects sites to tackle illegal material by identifying potential risks through a risk assessment and taking steps to mitigate them.

However, risk assessments are inherently subjective, giving companies the scope to determine for themselves what constitutes acceptable risks and sufficient safeguards, which could amount to self-regulation in practice. Although the Bill does stipulate that companies should consider “how the design and operation of the service (including the business model, governance and other systems and processes) may reduce or increase

PORN COMPANIES HAVE A TRACK RECORD OF IMPLEMENTING SUPERFICIAL, INEFFECTIVE AND REACTIVE SAFEGUARDING MEASURES THAT MAKE THEM LOOK AS THOUGH THEY ARE ADDRESSING RISKS WHILST FAILING TO MITIGATE THE FUNDAMENTAL RISKS INHERENT IN THEIR HIGHLY PROFITABLE BUSINESS MODEL.

A photograph of a protest. In the foreground, a person is seen from behind, holding up a white sign with the word "ENOUGH" written in large, dark, block letters. The background is a blurred crowd of people, suggesting a public demonstration or rally.

the risks identified”, there is no mention of how far companies must go in order to ensure that their services are “safe by design”.¹⁹²

Porn companies have a track record of implementing superficial, ineffective and reactive safeguarding measures that make them look as though they are addressing risks whilst failing to mitigate the fundamental risks inherent in their highly profitable business model.¹⁹³ Risk assessments run the risk of giving Big Porn the freedom to continue their strategy of implementing safeguarding measures which do nothing more than bolster their public image.

Risk assessments are insufficient to prevent pornography platforms from continuing with profitable high-risk business models. Recent events have taught us that Big Porn will not implement robust safeguarding measures that threaten its commercial interests unless forced to do so. Mastercard and Visa led the way in December 2020, requiring all adult platforms that use their payment services to implement documented age and identity verification for all people featured in user-generated video uploads (and for the uploaders themselves).¹⁹⁴ Its actions led Pornhub to remove all uploaded content not created by verified users, around 10 million videos.

The UK Government must demand the same high regulatory standards from all pornography platforms. Age and consent verification for video uploads - similar to securing parental permission to publish photos of children - is the only robust way to ensure that sites do not host videos of real rape, public sexual harassment, child sexual abuse material and all forms of image-based sexual abuse. Embedding these robust principles in regulation will create a new industry standard and a level playing field, preventing less responsible sites from having a commercial advantage over their competitors.

RECOMMENDATION 3:

Identify pornography websites as providers of Category 1 services, introduce relevant Codes of Practice and designate a specific regulator to ensure compliance. Big Porn must be made to stop hosting illegal “extreme” pornography and the “legal but harmful” content prohibited by its own terms of service.

The Online Safety Bill is ambitious, intending to deliver online protections for children as well as for adults against a wide spectrum of online harms. The Bill’s “all-encompassing” approach is vague, generalised and ambiguous. Further clarity, and definition, including the extent of applicable duties relevant to particular industries, will be put in place through Ofcom’s codes of practice and secondary legislation.

However, the draft Bill makes no reference at all to the online commercial pornography industry and its harms.¹⁹⁵ This is concerning, since:

BIG PORN’S ABSENCE FROM THE BILL ITSELF INCREASES THE CHANCE IT WILL BE OVERLOOKED IN SECONDARY LEGISLATION. IT IS ALSO SURPRISING, GIVEN THE SCALE, UNIQUE HIGH RISKS AND THE PROVEN TRACK RECORD OF CRIMINALITY OF THE INDUSTRY.¹⁹⁶

The Online Safety Bill’s ideal of delivering a unified regulatory landscape for every online harm must leave

space for nuance and specificity in order to prevent Big Porn from squirming out of its responsibilities. The draft Bill seems to assume that the industries in scope have reasonably high levels of integrity and corporate social responsibility and will aim to comply with both the letter and the spirit of the law.

But these assumptions are ill-founded in relation to Big Porn, which is characterised by a virtual absence of corporate transparency, accountability and responsibility.

The draft Bill stipulates that before preparing a code of practice, Ofcom will consult a range of stakeholders including those who “represent the interests of persons who have suffered harm as a result of encountering content online” and who “have relevant expertise in equality issues and human rights”.¹⁹⁷ We applaud this requirement, which should give Ofcom the specific knowledge and expertise necessary to develop robust and relevant Codes of Practice for Big Porn.

In addition, the problem of “legal but harmful” content is something the Ofcom is tasked with addressing for industries considered as providing “Category 1 services” - which so far only includes the “largest and most popular social media sites.” This is, however, a highly relevant issue for the porn industry, which must be brought into scope.

The Bill expects Category 1 service providers to tackle “legal but harmful” content by making them lay out “what type of legal content or behaviour is acceptable on their services” in clear and accessible terms and conditions and then ensuring that these are enforced “consistently” (which is considerably weaker than the “effectively, consistently and transparently” suggested in the second white paper).¹⁹⁸

Major pornography platforms already have extensive, comprehensive terms and conditions - but as Jo Stephens MP points out, the current Bill “actively encourage[s] less strict terms and conditions, so the platforms can more easily say that they are being properly enforced”.¹⁹⁹ Further, although these would presumably have to be made more accessible, there is a risk that platforms could justify enforcing them in a manner that’s ineffective, dishonest and opaque, so long as it is “consistent”.

“IF WE FAIL TO SEE THE PORN INDUSTRY AS IT REALLY IS, EFFORTS TO REGULATE IT WILL FLOUNDER. IT’S TIME TO EXPOSE BIG PORN.”

VANESSA MORSE, CEO, CEASE

Acknowledgements

Thanks to the MPs and Peers who have tirelessly pushed for the introduction of age verification on pornography sites.

We are grateful to the academics and researchers in the UK and around the world who continue to expose the real world impact of pornography on adults, children and societal attitudes.

This report recognises and honours the decades of campaigning and activism against sexual exploitation led by passionate individuals and organisations, who have stood against the cultural tide and endured unjust criticism and abuse as a result.

We applaud the courage and commitment of the young activists who are speaking out about their experience of sexual harassment and rape culture in schools and universities, and empowering others to do the same.

Finally, we honour the survivors who have already courageously spoken out in the media about the reality of Big Porn, often at great personal cost. Those who have experienced exploitation at the hands of the porn industry are the best advocates for change, and CEASE exists to amplify your voices.

Expose Big Porn Report

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With contributions from Jane Cox & Iona Casley of Principle Consulting, Louise Akers of Campaign Collective, and the CEASE Team.

Endnotes

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⁵ MindGeek

⁶ Cf. E. Hanson (07.2021) [Pornography and Human Futures](#), PSHE Association

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¹⁹⁷ [Draft Online Safety Bill](#) (12 May 2021) Chapter 5 29 (5) p.25

¹⁹⁸ [Government Full Response to the Online Harms Bill](#)

¹⁹⁹ [Online Harms Consultation](#) (15.12.2020)

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