

Brief
Age Verification for Online Pornography:

**Submitted to the Standing Committee on Health
Parliament of Canada**

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With this brief I extend my congratulations to Chairman Casey and the Standing Committee on Health for the adoption of M47 and the process the Committee is undertaking to consider the public health implications of pornography, particularly to the young.

I am not a scientist, I am a lawyer. However, it is clear that the developing brains of younger and younger children are being inundated with extreme, graphic internet pornography, content that is affecting what they view as normal and how they interact with the world. Let me cite just a few of the growing number of expressions of concern found in scholarly journals:

A 2009 article from the journal Child Abuse Review, “Particularly among younger children, exposure to pornography may be disturbing or upsetting...While children and young people are sexual beings and deserve age-appropriate materials on sex and sexuality, pornography is a poor, and indeed dangerous, sex educator.”¹

A 2016 article from Psychology Today, “Plenty of people, including teens and pre-teens with highly plastic brains, find they are compulsively using high-speed Internet porn with their porn tastes becoming out of sync with their real-life sexuality...if we continue to deny that porn can be a problem, we are effectively denying these people, many of them underage, help and guidance.”²

A 2011 article from the journal Aggressive Behavior, “A survey of youth aged 10-15 found that youth who reported exposure to pornographic materials were 6.5 times more likely to report sexually aggressive behavior.”³

A 2005 article from the journal Pediatrics, “Studies on sexual content and violence in the media indicate that youth accept, learn from, and may emulate behaviors portrayed in the media as normative, attractive, and without risk.”⁴

A 2013 article from the journal Socioaffective Neuroscience & Psychology, “Addiction is a risk for children and youth who continually access pornographic materials...an extension of reward-based learning that can physically alter the brain and affect later behavior.”⁵

A 2006 article from the journal , Sexual Addiction and Compulsivity, “Children report feelings of disgust, shock, embarrassment, anger, fear, and sadness after viewing pornography. These children can suffer all of the symptoms of anxiety and depression...In sum, children exposed to pornographic material are at risk for a broad range of maladaptive behaviors and psychopathology.”⁶

A 2014 article from the Journal of the American Medical Association Psychiatry, authored by the Max Planck Institute in Germany, “Pornography consumption is associated with decreased brain volume in the right striatum, decreased left striatum activation, and lower functional connectivity to the prefrontal cortex.” The author wrote, “this could mean that regular consumption of pornography dulls the reward system.”⁷

I am particularly concerned about studies on the effects on women and girls.

A 2010 article from the journal Violence Against Women, “Only 10.2% of pornographic scenes did not contain an aggressive act. Physical aggression occurred in 88.2% of scenes and verbal aggression in 48.7%. 94.4% of aggression was directed towards women.”⁸

A 2009 article from the journal Aggressive Behavior, “There is a significant relationship between pornography consumption and attitudes supporting violence towards women.”⁹

And not from a scholarly journal but from feminist Naomi Wolfe, “For the first time in human history, the images’ power and allure have supplanted that of real...women. Today, real...women are just bad porn.”

My focus and expertise is not research, though there is need for far more. My focus is policy. I am a particularly strong advocate for implementing a system of age verification to keep children off internet sites carrying adult content. There is a reason it is called “adult content.”

Age verification is a concept I have been working on for some time. It is not a panacea but it is already in place in Germany, is being used for access to online gambling sites in the US, UK and other countries, and is keeping children from being able to access these sites and "adult-content."

I am particularly supportive of the idea launched by former UK Prime Minister David Cameron who said the content children are accessing online is "corroding childhood." The effort is being continued by Prime Minister Theresa May. The UK went through a complex consultative process with broad participation by all sides of this issue, including the pornography industry itself, many of whom are supporting the UK’s age verification law. The age verification proposal was announced in the "Queen's Speech" in the spring of 2016 and was introduced into Parliament in July 2016. The bill passed the House of Commons in December 2016 and is now before the House of Lords, where passage should occur in February 2017.

In my discussions with public officials, technology industry leaders and leaders of the pornography industry, I have emphasized that I believe two criteria are essential: (1) this must be about child protection, not content; and (2) this must protect the privacy of users.

From the beginning of my work on this issue I have asked the same question over and over: how can you verify someone's age without first determining his identity? Some in the age verification field working on gambling sites told me, "you can't." But British experts now believe that the technology exists to do this accurately and effectively, and that this will be the cornerstone of the UK implementation of age verification. The age verification question is simple: is this user at least 18 years of age? The answer that comes back is either Yes or No.

This approach is based on third-party trusted verification through using existing robust data sources; i.e., credit card, mobile ID, data analysis companies, etc. Thus, the operator of the site will never know who is accessing the site, only that this is someone who is at least 18. The British call it "pseudonymous" identification. Leading technologists are now convinced that the technology exists to implement age verification in a credible, effective and inexpensive way that protects the privacy of users. This solution is also being considered by many other countries.

In the UK House of Commons another important issue arose. How do you hold non-compliant sites accountable, since the vast majority of these sites are not located in the UK? The bill included various sanctions, but Parliament amended the legislation to give the designated regulator the authority to direct UK ISPs to block access to sites that are "persistently noncompliant."

Other issues have arisen, including how to deal with social media sites where many kids today are accessing this content. The UK House of Lords committee is now grappling with that and other questions. Nonetheless, it appears that age verification will become law in the UK shortly and will be adapted and improved as we learn more about what works and what doesn't. Also, I am confident that this will be replicated around the world.

I am an American. What about the US? I have been engaged in extensive conversations with political, industry and other leaders about this. Our primary challenge is the US Supreme Court's 2002 decision in *Ashcroft v. ACLU*, invalidating much of the Child Online Protection Act (COPA). In its decision the Supreme Court said that it is a legitimate government function to protect children from inappropriate content online, but that it must be done using "the least restrictive means available."

In his opinion Justice Anthony Kennedy wrote, "filters will do the trick." Fifteen years later we know that Justice Kennedy was wrong. Filters do not do the trick. According to 2015 Pew research, just 39% of parents utilize filters or parental controls, only 16% on mobile devices where increasingly modern children are accessing this content. And McAfee, Intel's security company, reported that 4 out of 5 parents who install parental control software never actually turn it on. Most parents have no idea what their kids are seeing. Parents need help.

Thus, my argument is that an approach like age verification, which is already being used for controlling access to online gambling sites, is in fact the least restrictive means available for government to address this problem. It doesn't deny access to legal content by adults and it can be done in a manner that protects the privacy of users. So, my hope is that the United States will emulate and build on the British experience.

I do not suggest this to Canada as a panacea, or that it obviates the need for greater research and a public health-based approach. Neither do I argue that the model of default filtering, in place in the UK at the Sky Broadband, the "Sky Broadband Shield," should not be adopted and implemented by leading companies in the US and Canada as well.

But I do argue that age verification is a compelling and achievable way to begin to address the growing inundation of the developing brains of younger and younger children. A prominent Canadian researcher, Dr. Michael Seto, referring to the unprecedented unfettered access of children to extreme pornographic content online, wrote, "we are in the midst of the largest unregulated social experiment in history." For decades we have limited the access of children to this kind of content in the physical world. We must find a way to do the same in the cyber world, a way that is balanced, reasonable and does not violate the privacy of adult users of these sites. My fear is that if we do not, future generations will pay a severe price.

1 – Child Abuse Review, Michael Flood, "The Harms of Pornography Exposure Among Children and Young People." 2 November 2009.

2 – Psychology Today, Dr. Philip Zimbardo, "Is Porn Good For Us Or Bad For Us?" 1 March 2016.

3 – Aggressive Behavior, Dr. Michelle Ybarra, et. al., "X-Rated Material and Perpetration of Sexually Aggressive Behavior Among Children and Adolescents: Is There a Link?" 2011.

4 – Pediatrics, Michael Rich, MD, MPH, "Sex Screen: The Dilemma of Media Exposure and Sexual Behavior" 1 July 2005.

5 – Socioaffective Neuroscience & Psychology, Dr. Donald J. Hilton, Jr., "Pornography Addiction: A Supranormal Stimulus Considered in the Context of Neuroplasticity." 2013.

6 – Sexual Addiction and Compulsivity, Jill Manning, "The Impact of Internet Pornography on Marriage and the Family." 2006.

7 – Journal of the American Medical Association Psychiatry, Simone Kuhn & Jurgen Gallinat, the Max Planck Institute, "Brain Structure and Functional Connectivity Associated with Pornography Consumption." 2014.

8 – Violence Against Women, Dr. Ana Bridges, "Aggression and Sexual Behavior in Best-Selling Pornography Videos." October 2010.

9 – Aggressive Behavior, Gert Martin Hald, et. al., "Pornography and Attitudes Supporting Violence Against Women." 2009