



PARLIAMENT | PARLEMENT
CANADA

November 25, 2020

Hon. David Lametti, PC, MP
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, ON K1A 0A2

Dear Minister,

On this International Day for the Elimination of Violence against Women, we want to follow up on our March 9, 2020 letter to the Prime Minister in which we called for action to protect women and youth, particularly those who are victims of child sexual exploitation, sex trafficking, and sexual assault, from further exploitation online.

To this end, we highlighted Pornhub, which is owned by Montréal-based MindGeek, and the largest website in the world producing, making available and distributing sexually explicit content, with 42 billion visits and 6.8 million videos uploaded per year.

Over the past two years, MindGeek has received international attention due to the real exploitation of women and minors featured in some of the content that they publish and sell on Pornhub and other subsidiary websites. While MindGeek is not the only company that engages in these exploitative practices, it is by far the largest.

In 2019, the Sunday Times UK found “dozens” of illegal videos of child sexual exploitation on Pornhub within “minutes”. Some of the illegal content had been on the platform for more than three years.

Other journalists have highlighted additional examples of content featuring victims of child sexual exploitation, sex trafficking, and sexual assault being published on Pornhub. Most recently, Quebec journalist Martin Patriquin published an expose on racist and exploitive content he found on MindGeek websites.

Further, many victims now are speaking out and sharing horrific stories of their videos of child abuse, sexual assault and sex trafficking being posted on Pornhub and available to all for download. For some, their pleas to have the videos removed are ignored by Pornhub for months or years. Even when the videos are removed, in many cases it is only hours or days before their exploitation is uploaded again. This is because MindGeek is not required to verify the age or consent of those portrayed in content that is uploaded to their websites.

In addition to publishing videos of child abuse, sexual assault and sex trafficking, Pornhub also publishes videos that portray:

- misogynistic and gendered-based violence
- explicit racism and hate speech
- minors
- incest
- voyeurism and intimate images

Many of these examples are captured under existing Criminal Code provisions such as:

- s162 Printing, publication, etc., of voyeuristic recordings
- s162.1 Publication, etc., of an intimate image without consent
- s163 Obscene materials & publication
- s163.1 Child Pornography

However, to date, not a single charge has ever been laid against MindGeek or any online company. This lack of action by Canada's justice system allows for MindGeek and similar companies to profit from exploitation, violence and racism with impunity.

In addition to the lack of enforcement, we remain equally concerned with the ambiguity in the law with respect to the lack of consent to sexual activity in pornography, and discriminatory or prejudicial attitudes towards minorities in sexually explicit material, particularly when it rises to the level of hate speech.

We, the undersigned Senators and Members of Parliament, are appalled at the lack of enforcement by Canada's justice system and seek clarification on the following:

1. Does the Criminal Code adequately prohibit the publishing and/or selling of sexually explicit material featuring all forms of exploitation, voyeurism and intimate images, racism and portrayal of misogynistic and gendered-based violence, minors, incest and non-consent.
2. If so, what is preventing the lack of enforcement?
3. If not, would the Government of Canada introduce the necessary legislation to address these gaps?

We are committed to working with your government to protect women and youth and addressing this issue in a timely manner.

Thank you for your immediate attention to this matter.

Sincerely,

Senator Julie Miville-Dechêne
Quebec

Senator Frances Lankin
Ontario

Arnold Viersen, MP
Peace River – Westlock

Senator Linda Frum
Ontario

Senator Dennis Patterson
Nunavut

Rachael Harder, MP
Lethbridge

John McKay, MP
Scarborough—Guildwood

Dr. Colin Carrie, MP
Oshawa

Glen Motz, MP
Medicine Hat – Cardston – Warner

Shannon Stubbs, MP
Lakeland

James Bezan, MP
Selkirk – Interlake – Eastman

Jag Sahota, MP
Calgary Skyview

Rosemarie Falk, MP
Battlefords – Lloydminster

Cathay Wagantall, MP
Yorkton—Melville

Gerald Soroka, MP
Yellowhead

Jeremy Patzer, MP
Cypress Hills—Grasslands

Ted Falk, MP
Provencher

Damien Kurek, MP
Battle River-Crowfoot

Martin Shields, MP
Bow River

Elizabeth May, MP
Saanich—Gulf Islands

Cc: The Rt. Hon. Justin Trudeau, Prime Minister of Canada
The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness
The Honourable Maryam Monsef, Minister for Women and Gender Equality and Rural Economic Development
The Honourable Steven Guilbeault, Minister of Canadian Heritage

Encl: March 9, 2020 Letter to the Prime Minister
Examples of 'approved' videos and categories on Pornhub
Martin Patriquin, *MindGeek Montreal's Answer to Netflix*, published in *The Logic*, October 19 2020 and *The Financial Post*,
October 21, 2020



Le 25 novembre 2020

L'honorable David Lametti, C.P., député
Ministre de la Justice et procureur général du Canada
Chambre des communes
Ottawa (Ontario) K1A 0A2

Monsieur le Ministre,

En cette journée internationale pour l'élimination de la violence à l'égard des femmes, nous voulons donner suite à notre lettre du 9 mars 2020 adressée au premier ministre dans laquelle nous avons réclamé des mesures pour protéger davantage les femmes et les jeunes, en particulier les enfants victimes d'exploitation sexuelle et les victimes de la traite de personnes et d'agression sexuelle, contre d'autres cas d'exploitation en ligne.

Par conséquent, nous tenons à signaler que Pornhub, propriété de l'entreprise montréalaise MindGeek, représente le plus important site Web qui fait de la production, de la diffusion et de la distribution de pornographie, et qui compte 42 milliards de visites et 6,8 millions de vidéos téléchargées par année.

Au cours des deux dernières années, MindGeek a retenu l'attention du monde entier pour avoir diffusé et vendu des vidéos montrant de véritables cas d'exploitation de femmes et de mineurs sur Pornhub et sur d'autres sites Web affiliés. MindGeek n'est certes pas la seule entreprise qui se livre à de telles pratiques d'exploitation, mais elle est de loin la plus importante.

En 2019, le *Sunday Times* du Royaume-Uni a trouvé en quelques « minutes » sur Pornhub des « dizaines » de vidéos illégales où des enfants étaient exploités sexuellement. Une partie du contenu illégal est en ligne depuis plus de trois ans. D'autres journalistes ont signalé d'autres exemples sur Pornhub où on voit des enfants victimes d'exploitation sexuelle et des victimes de la traite de personnes et d'agression sexuelle. Le journaliste québécois Martin Patriquin a dénoncé dans un reportage le contenu comportant duracisme et de l'exploitation trouvé sur les sites Web qui appartiennent à MindGeek.

Qui plus est, de nombreuses victimes dénoncent la situation et font part de leur expérience atroce de tournage de vidéos contenant de la violence faite aux enfants, des agressions sexuelles et de la traite de personnes qui sont hébergées sur Pornhub et qui sont téléchargeables par n'importe qui. Certaines victimes ne réussissent pas à faire retirer ces vidéos de Pornhub malgré leurs demandes répétées qui traînent durant des mois, voire des années. Même une fois retirées, ce n'est qu'une question d'heures ou de jours avant que les vidéos ne se retrouvent à nouveau sur le site, car MindGeek n'est pas tenu de vérifier l'âge des personnes figurant dans les vidéos ou si elles ont donné leur consentement.

En plus des vidéos de violences faites aux enfants, d'agressions sexuelles et de traite de personnes, Pornhub diffuse aussi des vidéos avec :

- de la violence misogyne et sexiste,
- du racisme manifeste et du discours haineux,
- des mineurs,
- de l'inceste,
- du voyeurisme et des images intimes.

Bon nombre de ces exemples sont interdits par les dispositions suivantes du *Code criminel* :

- article 162, Voyeurisme,
- paragraphe (1) de l'article 162.1, Publication, etc. non consensuelle d'une image intime,
- article 163, Matériel obscène,
- paragraphe (1) de l'article 163.1, Définition de pornographie juvénile.

À ce jour, aucune accusation n'a été encore portée contre MindGeek ou contre ses homologues. À cause de l'immobilisme de l'appareil judiciaire canadien, MindGeek et les entreprises de même nature tirent des profits, en toute impunité, de l'exploitation, de la violence et du racisme.

En plus du non-respect des lois en vigueur, nous nous inquiétons également de l'ambiguïté de la loi en ce qui concerne l'absence de consentement à un acte sexuel à des fins pornographiques et la présence de discrimination et de préjudices envers des minorités dans du matériel pornographique, en particulier s'il s'agit de discours haineux.

Nous, les sénateurs et députés signataires, sommes scandalisés par l'inaction de l'appareil judiciaire du Canada et réclamons des réponses aux questions suivantes :

1. Le *Code criminel* prévoit-il des interdictions suffisantes en matière de publication et de vente de matériel pornographique qui contient toutes les formes d'exploitation, de voyeurisme et images intimes, de racisme et violence misogynes et sexistes, d'inceste, de consentement non accordé ainsi que des mineurs?
2. Dans l'affirmative, quels obstacles empêchent de faire respecter les lois?
3. Dans la négative, le gouvernement du Canada est-il prêt à présenter les mesures législatives nécessaires pour mettre fin à ces lacunes?

Nous sommes déterminés à collaborer avec le gouvernement pour protéger les femmes et les jeunes et pour régler ce dossier rapidement.

En vous remerciant de l'attention que vous porterez à cette affaire, je vous prie d'accepter, Monsieur le Ministre, l'expression de notre plus haute considération.

Julie Miville-Dechêne, sénatrice
Québec

Frances Lankin, sénatrice
Ontario

Arnold Viersen, député
Peace River – Westlock

Linda Frum, sénatrice
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Ted Falk, député
Provencher

Damien Kurek, député
Battle River-Crowfoot

Martin Shields, député
Bow River

Elizabeth May, députée
Saanich—Gulf Islands

- c. c. Le très honorable Justin Trudeau, premier ministre du Canada
L'honorable Bill Blair, ministre de la Sécurité publique et de la Protection civile
L'honorable Maryam Monsef, ministre des Femmes et de l'Égalité des genres et du Développement économique rural
L'honorable Steven Guilbeault, ministre du Patrimoine canadien
- p. j. Lettre du 9 mars 2020 adressée au premier ministre
Exemples de vidéos « approuvées » et de catégories de Pornhub (En anglais seulement)
MindGeek Montreal's Answer to Netflix, article de Martin Patriquin publié dans *The Logic*, le 19 octobre 2020 et *The Financial Post*, le 21 octobre 2020 (En anglais seulement)

Examples of ‘approved’ videos and categories on MindGeek’s Pornhub

Note - Pornhub claims they ‘manually review EVERY video upon upload’ meaning that they are regularly allowing videos with these titles and content to be published.

Extreme and gendered-based violence

Titles of actual videos on Pornhub:

- Japanese Rough Gangbang ezd311 (25,837 views)¹
- Misadventures of a drunk girl (55,350 views)²
- Woman is kidnapped, fondled and has pussy licked by creepy old guy. (56,262views)³
- Extremely Painful First Time Anal Sex She is Crying (6,175,699 views)⁴

Minors

Titles of actual videos on Pornhub:

- Warning petite Chinese Teen gets Used Abused and Exploited , compilation (163,626 views)
- Thai real girls violent assault and humiliation (39,343 views)
- Daddy Punishes tiny young barely legal daughter BDSM anal abuse (13,475 views)
- Cute Amateur Teen Drunk and Stone in Ecstasy with her first BBC on drugs (585,610 views)

Explicit Racism & Stereotypes

Titles of actual videos on Pornhub

- Black Slave Punished by White Master
- White Cops F— Black Chick, Force Boyfriend to Watch
- Gang Banged by Blacks
- Skanky N—r gives a Blowjob
- Black Slave Girl Brutalized
- NI— ER ABUSE
- Barely legal NI— ER highschool
- I CANT BREATHE. Ni— er Love to be Choke out
- BLACK PATROL: White Cops Track down and F— a Black Deadbeat Dad
- Nazi Rick & Morty Have Sex at Auschwitz
- Nazi F - - k Camp”

¹ This hour long video was on Pornhub for three months showing the kidnapping of three young women and their rape, torture and assaults as they struggled and screamed.

² A young woman so drunk her eyes were rolling back in her head & she was passing in and out of consciousness.

³ Uploaded by an “unknown” user— a woman struggling & whimpering, her mouth duck taped shut, hands & feet bound, a knife is held to her throat & there are large bruises on her legs.

⁴ Video uploaded three years ago by an “unknown” user & shows a small young Asian girl crying in pain.

Voyeurism and intimate images

Pornhub has categories like:

- revenge porn
- leaked sex tapes
- secret camera filming
- stolen Snapchat teens



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The Logic

Quebec Ink: Data makes porn purveyors MindGeek Montreal's answer to Netflix

Martin Patriquin

MONTREAL - Every clich  has an origin story, and Montreal's emergence as a world-class tech hub is the stuff of legend.

To wit: a suite of provincial-government tax credits brings the gaming industry to the city, then mired in late-1990s-vintage economic doldrums. Others follow, drawn by buzz and *joie de vivre*. Investment pours in, artificial intelligence becomes a Montreal thing. Today, this juggernaut rolls along, blessed with cheap rent and fuelled by green hydroelectricity. It is a narrative so compelling it has literally [been set to music](#).

Like most clich s, this one is incomplete. A massively profitable piece of Montreal's tech hub doesn't reside in the repurposed schmatta buildings of the city's Mile End district, but in a 4,600-square-metre spread roughly 10 kilometres to the west. Within its glassed-in, mildly dystopian walls are the offices of MindGeek, the technology company behind the biggest pornography-production and -distribution network on the planet.

MindGeek owns the most recognizable pornography sites in the world-including Pornhub, Brazzers, Tube8, RedTube and YouPorn-along with a dizzying array of content partners. And yet, MindGeek's website doesn't mention the word "pornography," instead [boasting](#) of its "industry-leading exclusive technologies driving unparalleled performance." Those technologies just happen to funnel smut to more than 115 million pairs of eyeballs every single day.

The COVID-19 pandemic has been good for MindGeek's bottom line. Pornhub, the paterfamilias of MindGeek's brands, saw its traffic [spike](#) by up to 23.1 per cent, thanks to the lockdown and the company's [decision](#) to temporarily offer its premium service for free "to encourage people to say [sic] indoors and distance themselves socially." It's like MindGeek is a benevolent force, giving its customers something fun and safe to do as the world goes to hell.

Though its headquarters are in the noted [tax haven](#) of Luxembourg, its heart is very much in Montreal, home to its origin story. To wit: Concordia University engineering [students](#) Stephane Manos and Ouissam Youssef, longtime friends, meet computer science student Matthew Keezer while playing foosball. The trio [dreams](#) up the idea of online pornography sites, then a novelty in an industry whose main distribution network focused almost entirely on the sale of DVDs. The various internet portals, the names of which won't be repeated here, take off. Mansef, the company Manos and Youssef founded, invests in Pornhub, which goes live in 2007.

"We were young and hungry and we all worked very well together," Keezer, Pornhub's founder, told me. "This allowed us to simply outpace the competition and find countless micro improvements that ultimately compounded to give us a sustainable growth advantage."

Though the U.S. Secret Service seizes US\$6.4 million from Mansef in 2009, this doesn't prevent its sale to German businessman Fabian Thylmann the following year. Thylmann folds Mansef into his Manwin empire; the sale nets an undisclosed windfall for Manos, Youssef and Keezer. Like MindGeek, the trio has studiously kept the word "pornography" out of [their respective bios](#). (Manos and Youssef didn't return my requests for comment.)

When, in 2013, Montrealers David Tassillo and Feras Antoon bought those assets from Thylmann (who was [arrested](#) for alleged tax evasion in 2012), they inherited something entirely different than the stable of Mansef-era titles of yore. Under Manwin, the sites became the porny bastard stepchild of YouTube and Napster, at once [allowing users](#) to upload content and [hoovering](#) up the fruits of legitimate producers. And Manwin streamed it all for free.

With Antoon and Tassillo, who serve respectively as CEO and COO, the company has transformed again to something more akin to Netflix, in which the data from the millions of pieces of content uploaded to the site is fodder for the company's algorithms, which determine the behaviour, locations, viewing habits and proclivities of its millions of clients. Like an adult-film version of fast fashion, Pornhub both predicts trends and quickly tailors its content to fill the anticipated demand.

In fact, because Pornhub generates so much content-[nearly seven million uploads](#) in 2019, compared to Netflix's [371 productions](#) the same year-MindGeek has a much better idea of what its customers want.

"It is almost surely the case that MindGeek has a lot more views or data points, given how much content they have and how it is consumed. So in theory, it could be more precise, but we don't know that. We can say that MG has an enormous amount of data to work with, if they want to," UCLA School of Law professor Kal Raustiala, who co-wrote a [2018 research paper](#) on the company, told me.

Today, MindGeek has an air not just of legitimacy, but of tech establishment. Calls for software developers, not adult actors, dominate the company's [myriad](#) job listings. Pornhub lends space and support to [various cancer-research initiatives](#), [environmental causes](#) and [save-the-animals campaigns](#). It [celebrates](#) International Women's Day and [fights](#) "racism and misogyny." Pornhub's cheeky take on its product has attracted the likes of Unilever and Kraft Heinz, two multinationals that have [advertised](#) on the site.

Yet there remains an enormous gap between MindGeek's forward-facing image and what goes on just behind it. Consider Pornhub's stance on racism. Its [terms of service](#) specifically prohibit the posting of "racially or ethnically offensive" content. Pornhub "stands in solidarity against racism and social injustice," the company [tweeted](#) in the wake of George Floyd's [killing](#) in May, pledging US\$100,000 to various social-justice organizations.

A simple Google search belies these lofty sentiments, with a few choice keywords bringing up hundreds of videos depicting a litany of racist sexual tropes, nearly all involving Black men preying on white women. In a disturbing twist of algorithmic fate, the Black Lives Matter movement, which rose to world prominence following Floyd's killing, actually [spurred](#) a degrading #BLM subgenre on Pornhub. (Want another grim view of humanity? Try searching "feminist.")

Another popular Pornhub search is teens. In 2011, a website called Girls Do Porn began posting videos of what it called "real amateur teens" as part of a content-partner agreement with Pornhub. The videos were particularly popular, racking up nearly [670 million views](#) on Pornhub alone. As a San Diego Superior Court judge found last year, they were also produced through "deceptive, coercive, and threatening behavior" on the part of the producers, who were ordered to pay nearly US\$13 million to 22 victims.

The narrative was nearly identical in every case: the women answered online ads for clothed modelling gigs and were coaxed into sex acts with promises of more money and an assurance that the content wouldn't go online. Instead, the company uploaded clips to Pornhub. And in an effort to make the videos go viral, Girls Do Porn shared the videos with the women's "friends, family members, classmates, employers, and social media contacts."

Brian Holm, one of the attorneys who represented the 22 women in the case, said several of his clients petitioned Pornhub to take the clips down as early as 2015, to no avail. Holm read out a couple of the victims' takedown requests to me.

"One of them says, 'I'm going to kill myself. I was scammed and told this was only going to be on a DVD in another country. Please, I'm begging you. I'll pay.' Another one says, 'I didn't consent to this being online. Me and other girls are being brutally harassed.' We got tons of these over the years from the victims, yet Pornhub continued to be content partners with Girls Do Porn and rack up the affiliate fees."

I asked Holm the obvious question: what role did the MindGeek property play in the destruction of these women's lives? "Pornhub is the eighth most popular website in the United States. Its very reach magnifies the ability to cause harm." (SimilarWeb [lists](#) it as the ninth, as of September.)

The Girls Do Porn content and channel were [removed](#) from Pornhub once the people behind Girls Do Porn were charged last year. Yet a simple keyword search on Pornhub net dozens of links to Girls Do Porn content as recently as this Sunday. Holm confirmed the identity of one of his clients from a short video on the site entitled "GDP Casting," which had over 600 views. "Pornhub told us they were actively taking all Girls Do Porn videos down," he told me. (The videos were removed shortly after I asked Pornhub spokesperson Ian Andrews about them.)

Social media companies, under fire for some of the content appearing on their platforms, have trumpeted the importance of human content moderators. YouTube has [10,000 people](#) policing content worldwide, while Facebook [has](#) about 15,000 in the U.S. alone.

Pornhub has been comparatively cagey about its content-moderation team, [saying](#) it relies on "state-of-the-art third party digital fingerprinting software" to weed out unauthorized material. I asked Andrews how many human moderators the company employs. "Enough to manually review every single upload," he responded. I asked about one specific video with a racial slur in the title, which had been on the site for six years and had been viewed nearly 70,000 times. The video was removed within hours of me asking about it. Andrews thanked me for bringing it to his attention.

"There is a fine line between racism and race play, which is a legitimate kink," said Andrews. "It's fair to say that, like the rest of the world, we've been rethinking where that line is over the last several months. In doing so, we've removed quite a few videos

that are outright racist, including videos with the n word in the title."

In any case, the ability to find illegal content on one of the world's biggest porn sites is a matter of using the right keywords-an exercise *The Sunday Times* [did](#) last year, netting "dozens of examples of illegal material," including hosting "indecent images of children as young as three." ("Conspiracy theories," Andrews said, when asked about underage material on Pornhub.)

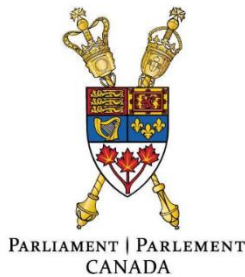
"It's a deception to Montreal that MindGeek would be presenting itself as a tech company, when really it's a mega porn company. And it's not even really that. It's a massive sexual exploitation and sex trafficking enterprise," says Laila Mickelwait, founder of the Traffickinghub movement and a director at the U.S.-based anti-trafficking organization Exodus Cry.

MindGeek isn't saying much. "Just to clarify, MindGeek does not handle data, nor does it manage video uploads or takedown requests," company spokesperson Michael Willis told me. He didn't specify exactly what it is that MindGeek does.

I wasn't able to reach Tassillo or Antoon, either. Other than [copping](#) a cease-trading order from Quebec's financial regulator in 2016, Antoon has kept himself out of the headlines. Similarly discreet, Tassillo and his wife have quietly supported Montreal artists and donated to a local charity, as well as a swishy private school in the city's west end. As the executives behind the biggest pornography outfit in the world, they've defied the cliché. They've managed to stay away from the cameras.

Martin Patriquin is The Logic's Quebec correspondent. He joined in 2019 after 10 years as Quebec bureau chief for Maclean's. A National Magazine Award winner, he has written for The New York Times, The Guardian, The Walrus, Vice, BuzzFeed and The Globe and Mail, among others. He is also a panelist on CBC's "Power & Politics." @MartinPatriquin

Url: https://thelogic.co/news/quebec-ink/quebec-ink-data-makes-porn-purveyors-mindgeek-montreals-answer-to-netflix/?key=bBAFJUsEDGFFzC&utm_source=GOC&utm_medium=newsdesk_feed&utm_campaign=Evergreen&utm_term=Quebec+Ink:+Data+makes+porn+purveyors+MindGeek+Montreal's+answer+to+Netflix&utm_content=article



March 09, 2020

Rt. Hon. Justin Trudeau, P.C., M.P.
Prime Minister of Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister,

First, we commend Canada's participation in the development and launch of the *Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse* on March 5, 2020, providing steps for technology companies to protect children from sexual exploitation online.

Today, we write to you asking for your help to build on these efforts and protect women and youth, particularly those who are victims of child sexual exploitation, sex trafficking, and sexual assault, from further exploitation online.

Pornhub, owned by Montréal-based MindGeek, is the largest website in the world producing, making available and distributing sexually explicit content, with 42 billion visits and 6.8 million videos uploaded per year. It has come to our attention that some of this content contains the real exploitation of women and minors. In several cases, Pornhub has either refused to remove such videos, or has failed to remove them in a reasonable timeframe.

An investigation late last year by the Sunday Times UK found “dozens” of illegal videos of child sexual exploitation on Pornhub within “minutes”. Some of the illegal content had been on the platform for more than three years. Following this investigation, PayPal cut off its services to Pornhub in November 2019.

Over the last few months, the media has highlighted additional examples of content featuring victims of child sexual exploitation, sex trafficking, and sexual assault being published on Pornhub including:

- A 15-year-old girl who had been trafficked and missing for a year was found after 58 videos of her rape and sexual abuse were discovered online, many on Pornhub.
- Twenty-two females were lured into filming sex acts and the videos subsequently uploaded to Pornhub. The perpetrators have been charged with sex trafficking.
- A 14-year-old indigenous girl's sexual assault and torture were filmed and uploaded to Pornhub which hosted her videos for months despite repeated requests to remove the videos.
- A 14-year-old girl was filmed being raped by a 49-year old woman and videos of her rape were uploaded to Pornhub.
- A victim of domestic violence was sexually assaulted, and the videos of her abuse uploaded to Pornhub.

Each time these videos are viewed – and many have hundreds of thousands of views – the victims are revictimized. This is deeply harmful to those exploited in these videos.

The ability for Pornhub, and other online companies, to publish this content, and in some cases to profit off crimes committed against children, victims of sex trafficking and sexual assault, is fundamentally contrary to any efforts to increase gender equality in Canada and protect women and youth from sexual exploitation.

In addition, these videos are available online because Pornhub verifies the email address of the account creator and does not require verification of the age or consent of each person featured in subsequent videos that are uploaded.

The Government of Canada has a responsibility to ensure that people who appear in sexually explicit content that is uploaded and published online by companies operating in Canada are not children, nor victims of human trafficking or sexual assault. Further, the Government of Canada has a responsibility to investigate those who produce, make available, distribute and sell sexually explicit content featuring victims of child sexual exploitation, sex trafficking, and sexual assault.

We, the undersigned Senators and Members of Parliament, call upon the Government of Canada to:

1. Review the federal legislative and regulatory framework to ensure Canada's laws fully prohibit the distribution of material featuring victims of child sexual exploitation, sex trafficking, and sexual assault.
2. Ensure that MindGeek's activities are in compliance with Canadian law including, Bill C-22, an Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service, which came into force on December 8, 2011, and Bill C-13, the Protecting Canadians from Online Crime Act, which came into force on March 10, 2015; and
3. Take whatever other steps are necessary at the federal level to ensure that companies that sell, produce, make available or publish sexually explicit content be required to verify the age and consent of each individual represented in such material.

We are committed to working with your government to protect women and youth, particularly those who are victims of child sexual exploitation, sex trafficking, and sexual assault from further exploitation online and addressing this issue in a timely manner.

Thank you for your immediate attention to this matter.

Sincerely,

Senator Julie Miville-Dechêne
Independent Senator for Quebec

Senator Frances Lankin
Independent Senator – Ontario

Arnold Viersen, MP
Peace River – Westlock

Senator Kim Pate
Independent Senator for Ontario

Rosemarie Falk, MP
Battlefords – Lloydminster

Cathay Wagantall, MP
Yorkton—Melville

John McKay, MP
Scarborough—Guildwood

Dr. Colin Carrie, MP
Oshawa

Tom Kmiec, MP
Calgary Shepard

Cc: The Honourable David Lametti, Minister of Justice and Attorney General of Canada
The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness
The Honourable Navdeep Bains, Minister of Innovation, Science and Industry
The Honourable Maryam Monsef, Minister for Women and Gender Equality and Rural Economic Development



PARLIAMENT | PARLEMENT
CANADA

Le 9 mars 2020

Le très honorable Justin Trudeau, C.P., député
Premier ministre du Canada
Chambre des communes
Ottawa (Ontario) K1A 0A6

Monsieur le Premier Ministre,

Tout d'abord, nous félicitons le Canada pour sa participation à l'élaboration et au lancement, le 5 mars 2020, des principes volontaires pour lutter contre l'exploitation et la violence sexuelles en ligne à l'endroit des enfants, qui prévoient des mesures à prendre par les entreprises technologiques pour protéger les enfants contre l'exploitation sexuelle en ligne.

Aujourd'hui, nous vous écrivons pour vous demander de tabler sur cette démarche afin d'empêcher que les femmes et les jeunes, et en particulier ceux et celles qui sont victimes d'exploitation sexuelle à l'endroit des enfants, de la traite des personnes à des fins sexuelles et d'agression sexuelle, soient en plus exploités en ligne.

Pornhub, propriété de la société MindGeek, située à Montréal, est le plus grand site Web du monde à produire, rendre disponible et distribuer du contenu sexuellement explicite; il reçoit 42 milliards de visites par année et 6,8 millions de vidéos y sont téléchargées par année. Nous avons appris que certaines de ces vidéos montrent des actes réels d'exploitation de femmes et de mineurs. Dans plusieurs cas, Pornhub a soit refusé de retirer ces vidéos soit tardé à le faire dans un délai raisonnable.

Une enquête menée à la fin de l'année dernière par le journal britannique *Sunday Times* a trouvé des « dizaines » de vidéos illégales d'exploitation sexuelle d'enfants sur Pornhub en quelques « minutes ». Certaines de ces vidéos illégales étaient sur la plateforme depuis plus de trois ans. Suivant l'enquête, PayPal a mis fin à ses services à Pornhub en novembre 2019.

Au cours des derniers mois, les médias ont fait état d'autres vidéos mises en ligne sur Pornhub où l'on voit des victimes d'agression sexuelle, de la traite des personnes à des fins sexuelles et d'exploitation sexuelle à l'endroit des enfants, dont ceux-ci :

- Une jeune fille de 15 ans victime de la traite des personnes et disparue depuis un an a été retrouvée après la découverte en ligne de 58 vidéos où on la voit se faire violer et subir d'autres violences sexuelles, dont un bon nombre sur Pornhub.
- Vingt-deux victimes de sexe féminin ont été incitées à se filmer en train de s'adonner à des actes sexuels et les vidéos ont par la suite été téléchargées sur Pornhub. Les contrevenants ont été accusés de traite des personnes.
- L'agression sexuelle et la torture d'une jeune Autochtone de 14 ans ont été filmées et les vidéos ont été téléchargées sur Pornhub, qui a hébergé ces vidéos pendant des mois malgré des demandes répétées pour les retirer.
- Le viol d'une jeune fille de 14 ans par une femme de 49 ans a été filmé et la vidéo a été téléchargée sur Pornhub.
- L'agression sexuelle d'une victime de violence conjugale a été filmée et la vidéo a été téléchargée sur Pornhub.

Chaque fois que quelqu'un regarde ces vidéos, dont beaucoup ont été vues des centaines de milliers de fois, les victimes sont revictimisées. C'est extrêmement préjudiciable pour les personnes exploitées.

La capacité de Pornhub, et d'autres entreprises en ligne, de publier pareil contenu et, dans certains cas, de tirer profit de crimes commis à l'encontre d'enfants, de victimes d'agression sexuelle et de la traite des personnes à des fins sexuelles, est fondamentalement contraire à toute démarche visant à améliorer l'égalité des sexes au Canada et à protéger les femmes et les jeunes contre l'exploitation sexuelle.

Par ailleurs, ces vidéos sont disponibles en ligne parce que Pornhub vérifie l'adresse courriel des créateurs de comptes et n'exige pas la vérification de l'âge ou du consentement de chaque personne apparaissant dans les vidéos.

Le gouvernement du Canada a le devoir de s'assurer que les personnes apparaissant dans des vidéos au contenu sexuellement explicite qui sont téléchargées et publiées par des entreprises situées au Canada ne sont pas des enfants ou des victimes de la traite des personnes ou d'agression sexuelle. Qui plus est, le gouvernement du Canada a le devoir d'enquêter sur ceux qui produisent, rendent disponible, distribuent et vendent du contenu sexuellement explicite où l'on voit des victimes d'agression sexuelle, de la traite des personnes à des fins sexuelles et d'exploitation sexuelle des enfants.

Nous soussignés, sénateurs et députés, exhortons le gouvernement du Canada à :

4. Examiner le cadre législatif et réglementaire fédéral afin que les lois canadiennes interdisent complètement la distribution de contenu où l'on voit des victimes d'exploitation sexuelle des enfants, de traite des personnes à des fins sexuelles et d'agression sexuelle.
5. Faire en sorte que les activités de MindGeek soient conformes aux lois canadiennes, dont le projet de loi C-22, Loi concernant la déclaration obligatoire de la pornographie juvénile sur Internet par les personnes qui fournissent des services Internet, entré en vigueur le 8 décembre 2011, et le projet de loi C-13, Loi sur la protection des Canadiens contre la cybercriminalité, entré en vigueur le 10 mars 2015.
6. Prendre toute autre mesure nécessaire pour obliger les entreprises qui vendent, produisent, rendent disponible ou publient du contenu sexuellement explicite à vérifier l'âge et le consentement de chaque personne apparaissant dans le contenu en question.

Nous sommes résolu à travailler avec le gouvernement afin de protéger les femmes et les jeunes, et, en particulier, d'empêcher que les victimes d'exploitation sexuelle des enfants, de la traite des personnes à des fins sexuelles et d'agression sexuelle soient en plus exploitées en ligne et afin de remédier sans attendre à cette situation.

Nous vous remercions de votre prompt attention à cette affaire et vous prions d'agréer, Monsieur le Premier Ministre, l'assurance de notre très haute considération.

Julie Miville-Dechêne, sénatrice
Sénatrice indépendante – Québec

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Arnold Viersen, député
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John McKay, député
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Dr Colin Carrie, député
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Tom Kmiec, député
Calgary Shepard

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L'honorable Bill Blair, Ministre de la Sécurité publique et de la Protection civile
L'honorable Navdeep Bains, Ministre de l'Innovation, des Sciences et de l'Industrie
L'honorable Maryam Monsef, Ministre des Femmes et de l'Égalité des genres et du Développement économique rural