

Letter to Standing Committee on Access to Information, Privacy and Ethics Committees Directorate, House of Commons, Parliament of Canada

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Att: Miriam Burke, Clerk of the Committee ETHI@parl.gc.ca

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Dear Members of the Standing Committee on Access to Information, Privacy and Ethics,

You have recently heard testimony from victims, advocates, experts, and attorneys regarding videotaped rapes of women and children uploaded to MindGeek websites, and you have heard evidence that MindGeek profited from video clips made of trafficked women. You have also heard about the nature of the harms facilitated and monetized by MindGeek.

In this document, we offer the Standing Committee research evidence regarding pornography's harms. Our CVs are appended to this document. The harms we discuss in this document, result from business practices that are exactly like MindGeek's. In a recent peer-reviewed article, a survivor of porn which was like that produced and disseminated on MindGeek said, "Women are not at all in control on a porn set," she explained. "*The experience of being in porn was like being destroyed, run over, again and again.*"¹ The violence against women and children that is perpetrated in pornography includes sexist verbal abuse, racist verbal abuse, degradation, physical and sexual assault, and acts that are identical to torture as defined by international legal conventions.² While most of the research we summarize below was obtained via interviews with adults, the harms described here are equally true for children, who are even more vulnerable than legal adults.

Several studies suggest that at least half of all women in the sex trade³ have had pornography made of them. In research among people used in pornography, there was an overlap between porn and other prostitution: 23% of men and women porn actors reported having prostituted outside of porn production. Among the women in porn, 27% had been in escort prostitution and 24% in strip-club prostitution in the last 3 months alone.⁴

HARMS OF PORNOGRAPHY to WOMEN USED IN PORNOGRAPHY PRODUCTION

¹ Jewell Baraka, educator and consultant at Exodus Cry, a US nonprofit organization.

² See *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* Aug. 9, 1999, available at <http://www.unhchr.ch/pdf/8istprot.pdf>

³ In addition to pornography, the sex trade includes child and adult prostitution, stripping, brothels, massage parlors, lap dancing, sugar daddy/sugar baby, dating sites, street prostitution, escort prostitution.

⁴ Javanbakht, M., Dillavou, M. C., Rigg, R. W., Kerndt, P. R., & Gorbach, P. M. (2017). Transmission Behaviors and Prevalence of Chlamydia and Gonorrhea among Adult Film Performers. *Sexually Transmitted Diseases*, 44(3), 181–186.

A 9-country study of 854 people in prostitution explored factors that might indicate what exactly it was about prostitution that resulted in such high rates of posttraumatic stress disorder (PTSD).⁵ *Those women whose sex buyers or pimps made pornography of their prostitution had significantly more severe symptoms of PTSD than did women who did not have porn made of them.*⁶ When women had pornography made of them, it caused them even more hurt and distress than was caused by non-filmed prostitution.

Compared to women who were not in the sex trade, women in porn had significantly worse mental health and more severe depression.⁷ Women in pornography tend to abuse drugs, have surgeries or body modifications, engage in risky sex, and are exposed to physical dangers during porn production.⁸ Substance use is one way to cope with the traumatic stress of porn production: 70% of porn actors had used drugs in the previous 3 months, including marijuana (59%), cocaine (20%), Xanax (19%) and ecstasy (18%).⁹

Childhood abuse and neglect, racism, poverty, lack of education, lack of sustainable employment, culturally mainstreamed sexism - all of these oppressive forces channel, and when combined, coerce women into the sex trade. Women's economic desperation functions as coercion into pornography.¹⁰

CHILDHOOD SEXUAL ABUSE USUALLY PRECEDES PORN ENTRY

Women in porn are extremely likely to have been sexually abused as children. Among women in the Russian sex trade who had been sexually abused as children, a third had also been filmed in pornography as children. And having entered the sex trade as a child made it four times more likely that she would be filmed in porn.¹¹ The traumatic stress caused by childhood sexual abuse results

⁵ Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M. E., Alvarez, D., Sezgin, U., (2003). Prostitution and trafficking in nine countries: An update on Violence and posttraumatic stress disorder. *Journal of Trauma Practice*, 2(3/4), 33–74.

⁶ Farley, M. (2007). 'Renting an organ for 10 Minutes:' What tricks tell us about prostitution, pornography, and trafficking. In Guinn, D.E., & DiCaro, J. (Eds), *Pornography: Driving the demand for international sex trafficking*. pp. 144–152. Los Angeles: Captive Daughters Media.

⁷ Grudzen, C. R., Meeker, D., Torres, J. M., Du, Q., Morrison, R. S., Andersen, R. M., & Gelberg, L. (2011). Comparison of the mental health of female adult film performers and other young women in California. *Psychiatric Services*, 62(6), 639–645.

⁸ Grudzen, C. R., Ryan, G., Margold, W., Torres, J., & Gelberg, L. (2009). Pathways to health risk exposure in adult film performers. *Journal of Urban Health*, 86(1), 67–78.

⁹ Javanbakht, M., Dillavou, M. C., Rigg, R. W., Kerndt, P. R., & Gorbach, P. M. (2017). Transmission Behaviors and Prevalence of Chlamydia and Gonorrhea among Adult Film Performers. *Sexually Transmitted Diseases*, 44(3), 181–186.

¹⁰ Averdijk, M., Ribeaud, D., & Eisner, M. (2019). Longitudinal risk factors of selling and buying sexual services among youths in Switzerland. *Archives of Sexual Behavior*; Grudzen, C. R., Meeker, D., Torres, J. M., Du, Q., Morrison, R. S., Andersen, R. M., & Gelberg, L. (2011). Comparison of the mental health of female adult film performers and other young women in California. *Psychiatric Services*, 62(6), 639–645; Donevan, M. (2019). *Out of sight, out of mind - insights into the Swedish pornography industry*. Stockholm: Talita.; Attorney General's Commission on Pornography. (1986). *Attorney General's Commission on Pornography: final report*. Washington, D.C.: U.S. Dept. of Justice.

¹¹ Urada, L. A., Rusakova, M., Odinkova, V., Tsuyuki, K., Raj, A., & Silverman, J. G. (2019). Sexual exploitation as a minor, violence, and HIV/STI risk among women trading sex in St. Petersburg and Orenburg, Russia. *International Journal of Environmental Research and Public Health*, 16(22), 1–14.

in mental health problems which leave a persisting vulnerability to sex trade recruiters including porn recruiters. An abused and frightened 15-year-old girl does not have the skills to outmaneuver a 26-year-old pimp who's offering her love, money and housing, and the promise that he'll turn her into a pornstar.¹²

RACISM

MindGeek and other pornographers have eroticized racism and monetized slavery in their video uploads, which has been described as “the most openly racist mass-media genre in contemporary society.”¹³ West deconstructed and critiqued the sexualized racism in porn that portrays Black women as promiscuous and unrapeable via films titled “Nappy Headed Hoes,” or “Ghetto Gaggers” that portray white men’s gleeful assaults and degradation of Black women.¹⁴ Pornpimps have catered to sex buyers’ racist demands for porn that ridicules and exploits the political vulnerabilities of women of color.¹⁵ The 8th Street Latinas website advertised “See hot, brown and young Latinas that will do absolutely anything to get their citizenship!”¹⁶

Anti-Asian racism increased during the COVID-19 pandemic, with politicians and sex buyers alike blaming “the Chinese” for coronavirus. This pandemic racist behavior merges with the extensively documented racism of porn viewers who stereotype Asian women as submissive, exotic, or newly immigrated, that is, more vulnerable, a quality sought by sex buyers and porn viewers.¹⁷ Pornhub, which distributes elaborately articulated racist pornography, moved quickly to market anti-Asian racism during the COVID-19 pandemic.¹⁸ Racist pornography sells well; in May 2020, there were many hundreds of racist COVID-19 uploads to Pornhub. Pornhub’s coronavirus pornography fused xenophobia about Asians being ‘diseased’ or ‘foreign’ with fetishization of Asian women as compliant and hypersexual.¹⁹

PIMPING & TRAFFICKING

Porn producers and distributors are frequently indistinguishable from other pimps and traffickers. Pornpimps use the same well-known recruitment and control tactics of other pimps and traffickers (see charges brought in GirlsDoPorn case, below). For example, they may establish mental control

¹² Boyer, D. (2008). *Who pays the price? Assessment of youth involvement in prostitution in Seattle*. Seattle: Human Services Department, Domestic Violence and Sexual Assault Prevention Division.

¹³ Jensen, R. (2007). *Getting off: Pornography and the end of masculinity*. Cambridge: South End Press.

¹⁴ West, C. M. (2020, July 2). *Why racist pornography is a form of sexual violence*. Fight The New Drug. <https://fightthenewdrug.org/how-mainstream-porn-normalizes-violence-against-black-women/>

¹⁵ Dines, G. & West, C. M. (2020, July 9). White girl moans black lives matter: Pornhub’s #BLM genre and the industry’s brash racism. *Slate.com*. <https://slate.com/human-interest/2020/07/pornhub-black-lives-matter-genre-racism.html>

¹⁶ Retrieved from 8th Street Latinas website <http://www.8thstreetlatinass.com/main.htm?id=faxxaff> which is itself advertised on other sites such as Pornhub and <http://travelsexguide.tv/nausa.htm>

¹⁷ Asian Women Coalition Ending Prostitution. (2020). <https://www.awcep.org/abolition-of-prostitution>; Bindel, J. (2017). *The pimping of prostitution*. London: Palgrave MacMillan.

¹⁸ Farley, M. (2020). Prostitution, the sex trade, and the COVID-19 pandemic. *Logos - a journal of modern society & culture*, 19, 1–34. <https://prostitutionresearch.com/prostitution-the-sex-trade-and-the-covid-19-pandemic/>

¹⁹ Lopez, C. (2020, March 5) Porn sites are peddling coronavirus-themed porn – and a lot of it is racist. *Insider*. <https://www.insider.com/coronavirus-porn-is-growing-in-interest-and-plenty-is-racist-2020-3>

by alternating lavish praise and degrading insults that are designed to keep women insecure, needy, and grateful for small favors.

Pornography, such as that produced and distributed by MindGeek, advertises and facilitates trafficking.²⁰ Pornographers can be understood as pimps or traffickers if they physically or mentally control women. Much of the time, adult women in the sex trade – including women used in the production of pornography - are under pimp control which is the same experience as being trafficked.²¹ Pornography meets the US and Swedish legal definitions of trafficking if the pornographer recruits, entices, or obtains women for the purpose of photographing a live commercial sex act. And that is precisely what pornographers do. For example, during the COVID-19 pandemic, a pimp recruited unemployed women for a job as ‘models’ at his porn site.²²

EXTREME HARMS OF PORNOGRAPHY ARE EVIDENT on MINDGEEK’S PORNHUB

Contrary to popular opinion, more extreme and more violent acts are perpetrated in pornography as compared to other arms of the sex trade such as prostitution.²³ Women in pornography are subjected to double or triple anal penetration, fisting, and a porn actor moving his feces-contaminated penis from the woman’s rectum directly to her mouth. This medically dangerous and psychologically humiliating ‘ass-to-mouth’ porn was located in almost half (41%) of the pornography reviewed by Bridges and colleagues. ‘Ass-to-mouth’ porn is currently distributed on MindGeek’s Pornhub.²⁴

During porn production, many women experience fear, humiliation and physical pain that requires dissociation to survive, as well as the additional knowledge that when the filming is over, a document of that humiliation and abuse exists. Women in the sex trade usually plan to get in, obtain urgently needed money, and get out as fast as they can. They do not want porn made of their prostitution with those images circulating on the web where their children, future employers, friends, or future partners, might view them. The pornography is infinite prostitution, a document of sexual exploitation and humiliation, the women’s bodies exploited and masturbated over endlessly into the future as long as it generates profits to companies like MindGeek.

Mia Khalifa was in the sex trade only four months and after escaping, was unable to get her film removed, even though she requested that. You have heard similar testimony from other victims at the Committee’s hearings. Khalifa remains traumatized by her experience. Like other women in porn, she was doxed, a form of vigilantism intended to terrorize or intimidate women who are its targets. Doxing causes harm by exposing women’s personal information like a home address and job location. Doxing permits porn fans who are in reality misogynist trolls, to harass women in

²⁰ MacKinnon, C. A. (2011). “Trafficking, Prostitution and Inequality.” *Harvard Civil Rights-Civil Liberties Law Review*, 46, 271-309.

²¹ Farley, M., Franzblau, K., & Kennedy, M. A. (2014). Online prostitution and trafficking. *Albany Law Review*, 77(3), 1039–1095.

²² Baah, N. (2020, March 24) This adult site is offering ex-McDonald’s employees camming work. *Vice*. https://www.vice.com/en_uk/article/dygjvm/mcdonalds-workers-coronavirus-employment

²³ Tyler, M. (2015). Harms of production: Theorising pornography as a form of prostitution. *Women’s Studies International Forum*, 48, 114–123.

²⁴ Bridges, A. J., Wosnitzer, R., Scharrer, E., Sun, C., & Liberman, R. (2010). Aggression and sexual behavior in best-selling pornography videos: A content analysis update. *Violence Against Women*, 16(10), 1065–1085.

pornography. The men claim to be fans of specific women in porn but if she sets limits or objects in any way, the fans become enraged. She is vilified, accused of being a whore, with unprintable misogynist hate speech. Hiding behind their anonymity, obsessed porn trolls have used facial recognition software to discover the identity of women in pornography and the details of their lives. Khalifa explained that “porn star” became a fixed part of her identity even after she escaped the sex trade. She felt trapped inside her own home, because if she went outside, men would act as if they were entitled to “touch me in public because they felt like they knew me online.”²⁵

Women sold online in webcam porn that is uploaded to MindGeek’s Pornhub and similar sites encounter “privacy breaches, potentially dangerous interactions with clients, and laws that are not designed to protect them.”²⁶ Many women express fear about the lack of privacy in online pornography, with some resigned to what they have observed to be the inevitable privacy violations.²⁷ Videos are often stolen from porn sites which lack security and confidentiality. Anyone can take a screenshot and then share it or resell it. In 2020, 1.5 TB of women’s pre-recorded videos and images were stolen and leaked from the UK porn site OnlyFans.²⁸ Women are often upset by pornpimps’ siphoning-off their earnings and refusing to remove video clips when women demanded that.²⁹ There has been similar testimony before the Committee regarding MindGeek’s refusal to remove videos when a woman or child demands that removal.

TORTURE IS DOCUMENTED IN THE PORNOGRAPHY DISTRIBUTED BY MINDGEEK

Because women in porn are coerced into smiling, their abuse or even their torture is dismissed because they are seen (incorrectly) as having freely consented to it.³⁰ Filmed torture and extreme humiliation sell well. Specific acts in pornography are the same as those acts that define what torture is according to international conventions: verbal sexual harassment, unwanted sex acts, sexual mocking, and physical sexual harassment such as groping.³¹ Waterboarding is the theme in “Toilet Mouth Rape: I get my face flushed in the toilet after forced to suck cock.”³²

²⁵ BBC News. (2019, August 27). Mia Khalifa: Why I’m speaking out about the porn industry. <https://www.bbc.com/news/av/entertainment-arts-49453376>

²⁶ Drolet, G. (2020, April 10). Sex work comes home: More of us are making and watching sexual performances online now. Fewer of us are paying. *The New York Times*. <https://www.nytimes.com/2020/04/10/style/camsoda-onlyfans-streaming-sex-coronavirus.html>

²⁷ Deliatto, M. & Fenton, R. (2020, April 2) Sex workers reveal their struggle to survive the coronavirus. *New York Post*. <https://nypost.com/2020/04/02/sex-workers-reveal-their-struggle-to-survive-the-coronavirus/>

²⁸ Shedahi, S. & Partington, M. (2020, April 7). Coronavirus: offline sex workers forced to start again online. *BBC News*. <https://www.bbc.com/news/technology-52183773>

²⁹ Cole, S. & Cox, J. (2020). Inside the underground trade of pirated OnlyFans porn. *Vice*. https://www.vice.com/en_us/article/5dz3xa/onlyfans-pirated-porn-scraper-leak

³⁰ Whisnant, R. (2016). Pornography, humiliation, and consent. *Sexualization, Media, & Society*, 2(3), 1-7.

³¹ Fritz, N., Malic, V., Paul, B., & Zhou, Y. (2020). A descriptive analysis of the types, targets, and relative frequency of aggression in mainstream pornography. *Archives of Sexual Behavior*.; Shor, E. (2019). Age, aggression, and pleasure in popular online pornographic videos. *Violence Against Women*, 25(8), 1018–1036; Bridges, A. J., Wosnitzer, R., Scharrer, E., Sun, C., & Liberman, R. (2010). Aggression and sexual behavior in best-selling pornography videos: A content analysis update. *Violence Against Women*, 16(10), 1065–1085.

³² Donevan, M. (2019). *Out of sight, out of mind - insights into the Swedish pornography industry*. Stockholm: Talita.

SOME LEGAL PROCEEDINGS HAVE SUCCESSFULLY HELD PORNOGRAPHERS LIKE MINDGEEK ACCOUNTABLE

1. Glenn Marcus produced torture pornography. He psychologically coerced a woman to permit pornography of her to be sold on his website Slavespace.com. She brought charges against Marcus who was her pimp/pornographer/trafficker and torturer. At one point he stuffed a ball gag in her mouth, sewed her mouth shut and hung her on a wall. Her attorneys used the following definition of his abuse in her lawsuit: *sex trafficking is coercing or selling a person into a situation of sexual exploitation, such as prostitution or pornography*. On March 5, 2007, pornographer Marcus was convicted of sex trafficking. This legal decision reflects a deepening understanding of the ways in which pornography, prostitution, and trafficking are the same for the person who is being sexually coerced and exploited for profit.³³

2. Twenty-two women were harmed by porn producers and distributors at a porn website, GirlsDoPorn. The successful lawsuit demonstrated the potential for civil remedies for women exploited in the sex trade. The recruiters at GirlsDoPorn published online ads for modeling jobs, which the 22 women responded to. The women were lied to, pressured, tricked, deceived and coerced by three pornpimps to perform acts of prostitution that were videotaped and uploaded to the Internet. They were promised that the film would never be uploaded to the Internet and that their true identities would never be revealed. The women were given several alcoholic drinks before they were pressured and coerced into signing consent forms that were confusing and fraudulent. The women arrived on the porn set, uninformed about demands the pimp/producers would make. Sometimes after extensive travel, they were instructed by pornpimps to enact prostitution or to leave without being paid. The 22 women brought the following civil charges against the GirlsDoPorn pimps in USA: *Intentional Misrepresentation, Fraudulent Concealment, False Promise, False Imprisonment, Sexual Battery, Gender Violence, Intentional Infliction of Emotional Distress, Misappropriation of Name and Likeness, Negligence, Breach of Contract, Unlawful and Fraudulent Business Practices*. *Criminal trafficking charges were later added to the civil charges against the pornographers*. The 22 women were awarded \$13 million in damages against the website's operators.³⁴ One pimp fled to New Zealand, seeking to avoid extradition from a country where the sex trade is legal.

3. Three feminist organizations Osez le féminisme!, Mouvement du Nid, and Les Effrontées alerted French authorities to rape, pimping, and torture of women by porn businessmen from the Jacquie et Michel website. In a separate justice investigation, four porn producers or distributors have been charged with rape, pimping, and human trafficking including Pascal OP of French Bukkake and Mat Hadix. Some charges against the men also include money laundering, fraud,

³³ Sherlock Case Law. (2007). United States vs. Glenn Marcus. https://sherloc.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/usa/2007/united_states_v._glenn_marcus.html?; Marzuli, J. (2012, March 6). Victim of sex trafficker Glenn Marcus tells tormenter she carries 'scars of torture.' *New York Daily News*. <https://www.nydailynews.com/new-york/victim-sex-trafficker-glenn-marcus-tells-tormenter-carries-scars-torture-article-1.1033743>

³⁴ Doe, Jane No. 15 v. Girlsdoporn.com, Complaint No. 37-2017-00033321-CU-FR-CTL California Superior Court, San Diego County. Filed September 7, 2017. <https://sanfordheisler.com/wp-content/uploads/2019/08/Complaint-Does-15-AND-16.pdf>

illegal employment, and “releasing/broadcasting recorded images that are a violation of the integrity of the person.” As of October 2020, at least 5 victims of porn production and distribution were involved in the ongoing legal investigations.³⁵

³⁵ El-khoury, F. (2020, September 13) Trigger warning: rape, pedocriminality. *Filia*. https://filia.org.uk/news/2020/9/13/a-french-pornography-site-investigated-for-organised-pimping-and-rape?fbclid=IwAR1-pFpR9VKVsdPAUjnxxKHcZ0Z2HP0eaPmO_WW_u37KdLgRXmAZnT0oCMI; Osez le féminisme (2020, October 20) Press Release. Pornography: rapes, procuring, human trade. <http://osezlefeeminisme.fr/4-pornocriminals-charged-rapists-torturers-and-pimps-in-jail/> Please contact Sandrine Goldschmidt at Mouvement du Nid for an update on this crucial French case. sgoldschmidt@mouvementdunid.org

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Dr. Farley has practiced as a clinical psychologist for 50 years. She has articulated the harms of prostitution, pornography, and trafficking as an expert witness in forensic evaluations. She has been categorized as a legal expert on the effects of sexual violence against women and children, posttraumatic stress disorder, dissociation, prostitution, and trafficking.

Melissa Farley has written 40 peer-reviewed articles on prostitution and trafficking, and 2 books, *Prostitution, Trafficking & Traumatic Stress* (2004) and *Prostitution and Trafficking in Nevada: Making the Connections* (2007). Her research has been used by governments in South Africa, Canada, France, Cambodia, New Zealand, Ghana, Sweden, United Kingdom, and United States for education and policy development on prostitution and trafficking.

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