



## **Submission to the Standing Committee on Justice and Human Rights on Bill C-270, *Stopping Internet Sexual Exploitation Act***

November 5, 2024

The Evangelical Fellowship of Canada (EFC) appreciates the opportunity to participate in the committee's review of Bill C-270. We believe it's crucial for Parliament to require pornography platforms ensure child sexual abuse materials and intimate images shared without consent are not uploaded to their sites. It is evident many of these platforms will not take such measures unless required to and held accountable for doing so.

The EFC is the national association of evangelical Christians in Canada. Established in 1964, the EFC provides a constructive voice for biblical principles in life and society and a forum for engagement and collaboration for the roughly 2.2 million Evangelicals who are part of our constituency.

Our approach to this issue is based on the biblical principles of respect for human life and dignity, justice and care for those who are vulnerable. These principles are also reflected in Canadian law and public policy.

### **The impact of posted images**

There are **devastating, lifelong consequences** for those whose images are uploaded and distributed online. Children and youth face severe and extensive impacts when images of their abuse and exploitation are streamed and distributed.

In its 2021 hearings on the protection of privacy and reputation on platforms such as Pornhub, the Ethics Committee heard harrowing testimony from survivors whose intimate images, including images of abuse, had been posted on pornography platforms without their knowledge or consent.<sup>1</sup> Some of the witnesses whose images had been posted on Pornhub were as young as 13 years old at the time the images were taken.

One young woman told the Ethics Committee how she was pressured to send the boy she liked an intimate video of herself when she was in Grade 7. She then discovered the video had been uploaded to pornography sites. This video has been viewed millions of times.

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<sup>1</sup> <https://www.ourcommons.ca/Content/Committee/432/ETHI/Reports/RP11148202/ethirp03/ethirp03-e.pdf>

This young woman dropped out of school and her social circle, became homeless, fearful, anxious and suicidal.<sup>2</sup>

One witness told of her discovery that her partner had taken videos and pictures of her without her knowledge or consent which were then posted on Pornhub. She described the destructive impact on her life, emotional trauma, suicidality and the toll on her health and employment.

Another witness told the Ethics Committee about discovering a video of herself on Pornhub in which she was unconscious, with a tag that said “sleeping pills.”

The viewers, rather than being turned away by sexual assault videos, were actively searching out that content. The tags made this possible, and they knew what they were watching before they clicked. It is a **profound betrayal** to know that thousands of men saw your assault and not only did nothing to flag it but actively sought it out and enjoyed it.... This video is not a one-off that slipped through a filter. **Sexual assault is not an anomaly on the porn sites; it is a genre.** This leaves little incentive for these sites to moderate such content [emphasis added].<sup>3</sup>

These are real people in vulnerable moments who shared with parliamentarians the devastating impacts of their abuse and intimate images being shared online.

In each of these cases, the victims found the platform either unresponsive or slow to respond to their requests to have their images taken down.

Once a person’s intimate images or images of their abuse or exploitation are uploaded, what happens to those images is beyond their control. They may be downloaded, shared or reposted countless times. A report by the Office of the Privacy Commissioner of Canada in February 2024 told of a professional take-down service that found 700 copies of one person’s intimate images on more than 80 websites.<sup>4</sup> The report noted the devastating effects on employment, social network and mental health.

Once these images are online it is nearly impossible to have them permanently removed. In a report by the Canadian Centre for Child Protection, survivors of recorded child sexual abuse indicated that the imagery impacted them in a different way than the initial abuse. “The information shared by the respondents to this survey makes it clear that the recording of abuse and its distribution adds **an extraordinary layer of trauma for a victim**” [emphasis added].<sup>5</sup> Survivors describe feeling powerless to stop the distribution of the images. It is ongoing trauma.

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<sup>2</sup> <https://www.ourcommons.ca/DocumentViewer/en/43-2/ETHI/meeting-18/evidence#Int-11106312>

<sup>3</sup> <https://www.ourcommons.ca/DocumentViewer/en/43-2/ETHI/meeting-20/evidence#Int-11141711>

<sup>4</sup> <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/>

<sup>5</sup> [https://content.c3p.ca/pdfs/C3P\\_SurvivorsSurveyFullReport017.pdf](https://content.c3p.ca/pdfs/C3P_SurvivorsSurveyFullReport017.pdf)

## Scope of the problem

### Child sexual abuse material (CSAM) online

- Over 20 million suspected images of child sexual abuse were triggered for review by the Canadian Centre for Child Protection's web crawler between 2017-2020.<sup>6</sup>
- According to Statistics Canada, 15,630 incidents of online sexual offences against children and 45,816 incidents of online child sexual abuse material were reported by police from 2014 to 2022<sup>7</sup>
- Studies show that prepubescent children are at the greatest risk of being depicted in CSAM and 84.2% of these videos and images contain severe abuse.<sup>8</sup>
- Approximately one million reports of child sexual exploitation are received by the National [U.S.] Center for Missing and Exploited Children (NCMEC) CyberTipline each month. The hotline has received, in total, more than 45 million reports.<sup>9</sup>

Lianna McDonald, executive director of the Canadian Centre for Child Protection, described a “tsunami” of victims coming to organizations like theirs for help to get their images removed from the internet.<sup>10</sup>

### Non-Consensual Distribution of Intimate Images (NCDII)

- Police-reported Canadian data indicate 896 cases of NCDII reported in 2022.<sup>11</sup>
- In police-reported incidents of NCDII, youth aged 12 to 17 years accounted for almost all (97%) victims with the large majority (86%) of victims being girls.<sup>12</sup>

NCDII may include:

- images which are recorded without consent, including images of sexual assault or rape (no consent to sexual activity, e.g., drugged or sleeping individuals) or of a person's exploitation, and then distributed; or
- images which were recorded with consent, but where no consent was given to their sharing or distribution.

The 896 police-reported cases of non-consensual distribution of intimate images in 2022 are likely a fraction of the incidence of NCDII.<sup>13</sup> These numbers only reflect the images that have been discovered and reported to the police. **How many Canadian women and teens don't yet know their images have been posted without their knowledge or consent, or who to approach for help if they do?**

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<sup>6</sup> [https://content.c3p.ca/pdfs/C3P\\_ChildRightsFramework\\_Summary\\_en.pdf](https://content.c3p.ca/pdfs/C3P_ChildRightsFramework_Summary_en.pdf)

<sup>7</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/240312/dq240312b-eng.htm>

<sup>8</sup> <https://www.ohchr.org/sites/default/files/documents/issues/children/sr/cfis/existing-emerging/subm-existing-emerging-sexually-aca-university-toronto-dr-sara-grimes-cewen.pdf>

<sup>9</sup> <https://protectchildren.ca/en/resources-research/child-rights-framework/>

<sup>10</sup> <https://www.ourcommons.ca/documentviewer/en/43-2/ETHI/meeting-21/evidence>

<sup>11</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000101>

<sup>12</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/240312/dq240312b-eng.htm>

<sup>13</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000101>

As Canada’s Privacy Commissioner notes in his report, *Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA*, Canadian adults who are the victims of NCDII face a variety of risks:

Individuals who have had their intimate content disclosed without their consent have experienced severe consequences including reputational, financial and emotional harm. These harms can come in the form of targeted harassment that occurs online or in person, loss of job opportunities and mental health impacts up to and including suicide.<sup>14</sup>

One study found that young women who have experienced NCDII “revealed declines in overall mental health, anxiety, depression, post-traumatic stress, suicidal thoughts, increased alcohol and drug consumption, and low self-esteem and confidence.”<sup>15</sup> Victims of NCDII also face ongoing trauma and an ongoing violation of their privacy as they live with the permanence of their intimate images on the internet.

## Generative AI

A new and escalating threat is the use of AI technology to generate child sexual abuse materials depicting either real or fictional children, and intimate images or pornography made of a person. “According to one study, more than 96% of AI generated pornography was produced **without the consent** of those featured in it” [emphasis added].<sup>16</sup> The use of images created through AI harasses, harms and humiliates victims, like all CSAM and NCDII. **We need urgent action to develop legislation that protects victims of all ages from generative AI and deepfake pornography.**

A study by University of Toronto professors notes that Canada is one of the countries that has not yet taken meaningful action on this front. It also states, “These manipulations thrive in the pornography industry, where women’s faces are superimposed onto others’ bodies to create video illusions, resulting in non-consensual sexual image abuse and other harm.”<sup>17</sup> The study’s authors go on to say, “The sheer volume of CSAM that can be generated and distributed using AI tools, a number that is growing exponentially every year, far exceeds the existing capacities, resources, and abilities of law enforcement organizations, NGOs, platforms, moderators and tech companies to respond to, investigate, and address.”

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<sup>14</sup> <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/>

<sup>15</sup> <https://journals.sagepub.com/doi/10.1177/08862605221122834?icid=int.sj-abstract.similar-articles.3>

<sup>16</sup> <https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

<sup>17</sup> <https://www.ohchr.org/sites/default/files/documents/issues/children/sr/cfis/existing-emerging/subm-existing-emerging-sexually-aca-university-toronto-dr-sara-grimes-cewen.pdf>

## The urgent need to act

Commercial pornography sites must be held responsible to ensure exploitative and non-consensual images are not uploaded in the first place.

**The onus must not be on children and youth** to monitor commercial pornography sites to ensure that depictions of their abuse and exploitation are not posted or, if discovered, to ensure they are swiftly removed. **The onus must not be on victims** of non-consensual uploads to watch for the content and ensure it is removed.

Companies must be responsible for ensuring that the content they host and profit from is not child sexual abuse material, that the people depicted in images or videos are not minors, and that they consent to their image being posted.

Bill C-270 would prevent illegal content from being uploaded in the first place. This is essential, as once the images or video are uploaded it is nearly impossible to control their circulation and remove them.

Testimony to the Ethics Committee and the report by the Office of the Privacy Commissioner both describe the extensive spread of such images to other platforms and the extreme difficulty in having images removed once posted. As we noted above, the Privacy Commissioner's report told of a professional take-down service that found 700 copies of one person's intimate images on more than 80 websites.<sup>18</sup>

By requiring that the age and consent of every person depicted in sexually explicit material be verified *before* it is posted online, Bill C-270 puts the responsibility where it belongs.

Bill C-270 would fulfill the second recommendation in the Ethics Committee report, *Ensuring the Protection of Privacy and Reputation on Platforms such as Pornhub*.<sup>19</sup>

We note and recommend to this committee the Privacy Commissioner's recommendations to Aylo (formerly MindGeek) as a template of what should be required of all those who create pornography for a commercial purpose. The Privacy Commissioner recommended that

the company: (i) cease allowing the upload of intimate content without first obtaining meaningful consent directly from each individual appearing in that content; (ii) delete all content that it previously collected without obtaining such

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<sup>18</sup> <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/>

<sup>19</sup> <https://www.ourcommons.ca/Content/Committee/432/ETHI/Reports/RP11148202/ethirp03/ethirp03-e.pdf>

consent; and (iii) implement a privacy management program to ensure that it is accountable for information under its control.”<sup>20</sup>

Canada’s legal frameworks must require verification of the age and consent of all individuals depicted in sexually explicit content created or hosted for a commercial purpose. This framework must also include AI-generated content.

The current version of Bill C-63, the proposed *Online Harms Act*, has some needed provisions but is insufficient. It would require online platforms and social media services to make images that sexually victimize a child or survivor or intimate images communicated without consent inaccessible in Canada within 24 hours after a complaint is made. This still relies largely on a user or victim to detect the image and file a complaint.

Between the time an image is uploaded, detected and taken down, it could have been viewed, shared or reposted millions of times – even if all of this occurs within a 24-hour period. Platforms must be required to have mechanisms in place to verify age and consent of those depicted in sexually explicit material to ensure illegal content is never uploaded in the first place.

**We urge the committee to support Bill C-270’s measures to ensure illegal content is not uploaded in the first place. Please ensure AI-generated content is addressed.**

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<sup>20</sup> <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/>

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