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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: Mr. Chris Warkentin





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• (1325)

[English]

**The Chair (Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC)):** This is the 20th meeting of the Standing Committee on Access to Information, Privacy and Ethics. We are undertaking our study on the continuation of the protection of privacy and reputation on online video platforms such as Pornhub. I will remind members that this meeting is televised.

Before we do that, we will proceed, as was decided by committee members, immediately to committee business, break for the votes and then return to hear witness testimony.

We'll move now to committee business.

Colleagues, I'm getting a point of order... Mr. Angus is on my list first. I'm not sure if it's a point of order. I do have a couple of notes that I'll maybe just jump into and then we'll turn to members.

Victor Li and Sophia Marquez have both indicated to the chair that they do not wish to appear. Committee members had asked them to appear. The committee members have also indicated that they would like to subpoena these witnesses if in fact they refuse to attend. Those have been my instructions. I just want to turn it back to committee members to determine if in fact they want to proceed, if each member wants to proceed with the summoning of these witnesses. If so, I guess we should have a discussion with regard to that.

I'll turn to Mr. Angus. I believe he has indicated he'd like to speak to this.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you, Chair. I want to thank you also for the recognition that we want to hear from our witnesses today. We want to do it in a respectful manner. Given all the balls that are in the air in the House, to give them the time is really important.

As for this issue of committee business, we have been attempting to finalize the WE study in Parliament for seven months. Mr. Victor Li is the key financial officer of the Kielburger organization with their multiple lists of companies. This was a group that came to the Canadian government and was going to receive between \$500 million and \$900 million based on its ability to deliver the programs in a fast and efficient manner, and questions have been raised.

We need to know its financial structure. How does this group work? How is the money flowing? I would find it very shocking if a financial officer of a major charity simply refused to testify to Parliament and that its government relations officer refused to testi-

fy to Parliament. If we were dealing with an international organization like Oxfam or Red Cross and there were questions, you could bet that within five minutes its financial representatives would be more than willing to appear at our committee, yet seven months in, we have had obstruction, refusals and denials to participate.

I think we need to get this committee study finished. We had consensus before on issuing summons if necessary. I don't think doing that would create much controversy for us, because it is also about respect for the work of Parliament. If we need it, I have a motion that I could present, which would say, "That the committee summon Mr. Victor Li and Ms. Sophie Marquez and that they be required to appear and give evidence before the committee on matters relating to the study on questions of conflict of interest in lobbying in relation to the pandemic spending at the date or time of the chair's discretion".

I think if we could get that agreed before the vote, then we would know that we could continue to move on so that we could finish this important study on WE and the Canada student summer job grant dispute.

**Mr. Han Dong (Don Valley North, Lib.):** On a point of order, Chair, I just want to make sure the standing order is being followed and that unanimous consent was asked for. I just want you to clarify that we can continue with the committee while the bell is going.

**The Chair:** That's right. I did ask if anybody objected to it. Nobody indicated that they objected to it, so we proceeded. The meeting has been called to order. Thank you.

On the motion that has been brought forward, is there debate? I have two members who have indicated their desire to speak. I suspect it's on this motion.

I will go to Mr. Viersen first.

• (1330)

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** Thank you, Mr. Chair.

I just want to say that I fully support Mr. Angus's motion. I'm appalled that we now have to work on scheduling another meeting after we had confirmed these witnesses. I'm looking forward to the committee continuing on to get to these witnesses. This is a charitable organization that gets special tax treatment from the Government of Canada. Surely we should be able to hear from it.

**The Chair:** Madame Gaudreau, we'll turn to you.

[Translation]

**Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ):** Thank you.

My understanding was that, if their answer was no, we would go ahead and issue a summons, as is standard committee practice. I think we should be able to settle this quickly, without a motion. We can proceed if everyone agrees.

[English]

**The Chair:** Thank you, members.

It looks like there is consensus from committee members to do this. Seeing no objections, the motion now carries.

(Motion agreed to)

**The Chair:** Colleagues, it appears as though we may have a little more time.

I'm hoping that the first report of the Subcommittee on Agenda and Procedure of the Standing Committee on Access to Information, Privacy and Ethics was circulated to the members. I believe this is a good recollection of the meeting that we held as a subcommittee on February 11. Have members had a chance to review that?

Does anybody want to speak to that report? If not, is it the committee's will to approve that report?

Mr. Angus, I see you putting up your hand.

**Mr. Charlie Angus:** I think we had a good meeting of the subcommittee. I hope people who had a chance to read it will appreciate the direction.

Let's adopt it.

**The Chair:** There's been a motion to adopt the first report. Is there any objection?

We'll move to a vote. Does anybody object to the adoption of the first report?

Not seeing any objection, the first report is adopted. Thanks, colleagues.

(Motion agreed to [See Minutes of Proceedings])

**The Chair:** I'll turn to committee members. Is there any other committee business that we haven't covered, or business that members would like to...?

Mr. Viersen, I see your hand.

**Mr. Arnold Viersen:** Correct me if I'm wrong, Mr. Chair. There was a discussion about the production of documents from Pornhub or MindGeek. I think there was a discussion at the subcommittee about which documents we were going to be asking for. I think that was all agreed upon.

I was just wondering if we need to provide direction to the clerk to request those documents.

**The Chair:** Those documents have been requested. I don't know if there's an update other than that they've been requested.

Madam Clerk, was there an additional update to committee members with regard to that?

**The Clerk of the Committee (Ms. Miriam Burke):** No, I'm told [Technical difficulty—Editor].

**The Chair:** It doesn't seem there's an update, but we will circle back to that as we get feedback from that organization. I'm certain committee members will have some opinions in terms of how we proceed on that front.

Colleagues, I will suspend this meeting and allow members to vote. I do apologize to our witnesses who are waiting to testify. We thank you for your patience. We will be back as soon as possible.

The meeting is suspended.

• (1330) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1435)

**The Chair:** Colleagues, I'm going to call this meeting back to order.

We have had some discussions with regard to the first three witnesses. We did want to allow them the right to determine the way in which they would appear. To accommodate as many questions as possible, they have agreed to go in succession. The three of them will appear one after another. That will allow members to ask all three of them different questions at the same time, so that will allow a bit more of a free flow.

This afternoon, Ms. Victoria Galy has joined us.

Thank you so much for joining us.

We also have two other witnesses, who will appear as guest one and guest two.

Members, would you please refer to them as guest one and guest two? That will assist us in determining who members are speaking to.

Without further ado, we will turn to Ms. Vicky Galy.

Thank you so much for being patient. We appreciate your patience and certainly apologize for the delay in starting the committee back up again. We will turn to you for your opening statement. If you'll do that, we will then turn to the other guests and then we will have some questions for all three of you.

Ms. Galy.

**Ms. Victoria Galy (As an Individual):** Thank you.

First, thank you for having me and for allowing me to participate. My statement is a little lengthy. I'll try to get through it as fast as I can and not take up too much of your time.

My name is Victoria Galy. I live in Hendersonville, Tennessee. I'm a victim of sex trafficking under the legal definition in Tennessee in the United States. I've had numerous non-consensual pornographic images and videos of me posted on Pornhub.com.

Beginning in 2018, I found the videos and reported them to Pornhub. Many of the videos were labelled “teen” and were clearly of a person who was drugged and/or intoxicated, as evidenced by the occurrences in the videos. Most of these videos were made by an ex of mine on a trip we took to Las Vegas, Nevada.

Upon finding these videos in 2018, the first thing I tried to do was to flag them. This led me nowhere. The videos were not removed. The next thing I tried to do was to report the videos. I found out that you had to create an account in order to do so. I had to provide my full name and my email address. I was hesitant, as I wasn't the type of person who watched porn or subscribed to anything like that. I didn't really want my name or my email address associated with it. However, I reluctantly set up the account and began to try to report the videos.

In 2018 I reported approximately 30 videos. Only three of those videos were removed at that time. For the remaining videos, I was told that I needed to submit a DMCA takedown notice to Pornhub before they would remove them. I wasn't familiar with what that meant or even what a DMCA takedown notice was.

As a result of the initial trauma in finding these videos, I suffered great emotional distress, resulting in what my doctor has now defined as a dissociative condition wherein I basically removed the memory of these videos and events from my present recollection, as it was too painful for me to process. It's called dissociative amnesia. People who suffer from this escape reality in ways that are involuntary and unhealthy, which causes problems with functioning in everyday life. This was obvious in my behaviour and my interactions with friends, family and co-workers from 2018 to 2020. I completely lost my self-worth and was engaging in risky behaviour that was very different from my typical self prior to 2018.

It wasn't until the summer of 2020, when these flashbacks and memories began to return, that I sought treatment with a psychiatrist and a sexual abuse trauma therapist. That is when I received my diagnosis and began taking medication for depression and PTSD. I have been undergoing cognitive processing therapy and making leaps and bounds in my recovery, but this is the hardest thing I've ever had to face in my life.

At times I was suicidal. After 16 years with one law firm as a paralegal, I had to take a leave of absence as I could no longer function on a daily basis nor make it through even one day at work. I left my house. I moved in with my mother for approximately four weeks so she could help me care for my children. I have a 16-year-old son and a seven-year-old daughter with Down syndrome. I also suffered from severe anxiety and fear. I didn't feel safe. I was having intense nightmares, irritability, anger, embarrassment and such physical symptoms as pounding heart, nausea, etc. I lost at least 20 to 30 pounds. I couldn't eat. I was very sick.

In August of 2020, when my memories began to return, I began contacting Pornhub again regarding these videos. Upon visiting their website, I found that there had been many more videos made over that two- to three-year period. I reported many videos, including the ones claimed by Vicky Lust. There were approximately 60 to 65 videos. These were made by my ex, Brandon. Some of the videos were removed, but the ones that were claimed by Vicky Lust were not. I was told that they were claimed by a verified model and

that they would not remove them. I sent them numerous emails explaining that the videos were of me and my ex, Brandon, but they refused to listen. I sent them photos of my birthmark, pointed out that I said Brandon's name in at least one of the videos, and even submitted photos of my various body parts to prove that it was me. They still refused to remove them.

I contacted their legal department directly through the email [legal@pornhub.com](mailto:legal@pornhub.com), providing a clear PowerPoint presentation detailing why it was me in the videos and not the couple claiming them—who I found out later was in Helsinki, Finland—named Laura and Lauri. I received no response to that email.

• (1440)

In addition to the clear PowerPoint presentation that was provided to them, the comments that were posted and deleted on the Vicky Lust videos evidenced their non-consensual nature. It was not until after December 2020, when I filed a civil lawsuit against them *pro se*, I emailed them a copy and the article came out in The New York Times titled “The Children of Pornhub”, that they have now, at least temporarily, suspended these videos. They are of course all over the Internet now, having been downloaded by who knows how many users, and on a plethora of other websites. I will never be able to remove these videos. There were over eight million views just on Pornhub alone. To think of the amount of money that Pornhub has made off my trauma, date rape and sexual exploitation makes me sick to my stomach.

On Tuesday of this week, Chantelle Pittarelli, the director of legal and business affairs, finally responded to my emails. He or she refused to admit that it was me in the videos, but noted that they had decided at this time, due to the seriousness of my allegations, to delete the Vicky Lust account and that they fingerprinted the content to prevent future uploads to their site.

This, however, does nothing to remove them from the other sites all over the Internet, nor take back any of the destruction that this has caused in my life. Had they done this back in 2018 when I first contacted them, my life would look much different now. They never cared about my well-being, and they've profited from these illegal activities. I've had Facebook friends send me messages with links stating things like “Vicky, this looks like you”. I've been stopped at my home by an unknown man on at least two occasions and even propositioned by a stranger on Facebook asking if I had considered his offer to make videos. When I asked him, “What videos?”, as I did not know this man nor to what offer he was referring, he never responded.

Not only does Pornhub make it difficult or impossible to get these non-consensual videos removed, they make it difficult to sue them, insisting that I serve them with my lawsuit in Cyprus. Having been a paralegal for over 16 years, I've familiarized myself somewhat with the Hague Convention and have initiated service of process by postal means, as allowed under the convention for Cyprus residents. However, the typical victim would not have such means or familiarity.

Pornhub has training blogs and articles for teaching models and/or perpetrators at being successful on their platform. They recommend virtual private networks and the best editing apps to use and so on, which makes it more difficult for victims to prove their cases and get justice. In my particular case, my ex used a fake fore-skin to appear uncircumcised in the videos, which caused the police department to not believe me and the district attorney to decline prosecution, despite me later providing clear evidence of this. Pornhub, to this day, has active videos showing this "toy" being used, which only educates predators in the ways of avoiding detection by authorities.

As stated in The New York Times article that I mentioned, I too feel like Pornhub has become my human trafficker, and they have been relentless in doing so. The background profile photo for Vicky Lust prior to August 2020, when I reported it to the police, was a full-body photo of me, naked, with only a mask across my nose and part of my eyes, similar to a Mardi Gras mask. I have been recognized in public by many people who wouldn't say from where it was and tormented emotionally.

If it weren't for the help of my amazing therapist and her cognitive processing therapy, I would not be here before you today, but I refuse to be a victim any further. I will advocate for myself and for all of the other victims who may not be able to or may not want to stand up, or who may have committed suicide, as we will never know. For me personally, I came very close to suicide, and I have never been so broken as I have been throughout this process.

I have been forced to stand up alone and fight Pornhub, so when I heard about your inquiry into the ethics of this company, I gladly came forward, willing to testify openly about my situation. I appreciate being allowed to participate in this process and the possibility of effecting change and/or holding this company accountable.

Thank you for hearing from me.

● (1445)

**The Chair:** Thank you, Ms. Galy. I know that it's difficult to get everything into the limited time, but I really appreciate the work you did to do that.

I will turn to our guest number one now.

Guest number one, thank you for being here. We'll turn to you for your opening statement.

**Witness 1 (As an Individual):** When I was 24, I met someone I thought was a really nice guy. I married him, and as soon as he thought I was stuck, he stopped being nice pretty quickly. In April 2020, I moved away from our home to be safe, and obviously, we're not together anymore.

During our relationship, I had let him take some pictures. I was uncomfortable at first, because I had never been in any picture like that, but I trusted him and I wanted to keep him happy. It wasn't until August of 2020 that I discovered those private photos had been uploaded to porn sites, including Pornhub.

I was upset about the photos, but it was about to get worse. Finding the photos led me to a video. I did not know the video existed. I found out about it by watching it on Pornhub. In the title of the video, it says I'm sleeping. The tags include "sleeping" and "sleeping pills". Whether I was asleep or drugged is impossible to know after the fact, but what is clear in the video is that I am not conscious and there is nothing to suggest consent. The video is clearly homemade and was uploaded by an anonymous email address. This is the content that the Pornhub moderators supposedly viewed and decided belonged on their porn site. My video had been uploaded in August of 2017, so by the time I found it, it had been active on Pornhub for over three years, and I had no idea.

I didn't try to get the video down right away because I showed it to the police the next morning, and they told me to leave everything until they were done with it. However, sometime between August 16 and 19, the Pornhub video became no longer playable. It said "technical difficulties". About that same time, I noticed that Pornhub was pulling their tags that directly indicated non-consensual content. For example, if you searched "sleeping pills" in early September, it didn't return any results. This was, of course, not the case in mid-August, so my best theory is that the video disappeared as they tried to clean up those kinds of tags.

In all that time, the video did not get flagged or removed. 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.

On Pornhub, there is a comment section, so the night I found my video, I also got to read a man describe in graphic physical detail just how much he enjoyed himself watching it. On another site, thousands of men watched my video and instead of flagging it, they awarded it top-rated for a certain body part. 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.

To give an idea of the scope of the spread, as of early January 2021—after the December purge, and after the RCMP had removed a bunch for me—googling the name of my Pornhub video still returned over 1,900 results. One cause of the spread is, of course, users downloading it and reuploading it. There are definitely some of these floating around, but the most significant way my video was spread was through links. MindGeek did this by putting links to my Pornhub video on their other sites as a cheap way of adding content to those sites. Many of the other third party sites also use this method, so they too linked to my video on Pornhub. Of the 1,900 search results, Pornhub is the source for all of them.

• (1450)

The upside with linking is that when the video is removed from Pornhub, it's not playable on these other sites either. The downside is that Pornhub creates a thumbnail image file for all the videos uploaded to its site, and this image can be downloaded even if the video is only a link. There are still quite a few of these thumbnails on porn sites and in search engine caches. The thumbnail is still a picture of me naked. I don't want it on the Internet. Also, when Pornhub deleted my video, they didn't delete any of the data surrounding it like the title and the username. That is also a problem.

I contacted Pornhub in January to get them to remove the data and the thumbnails associated with their site. At first they pretended not to know what I was talking about. I sent them all the information again. They sent me a link to Google and told me to go do it myself. After a month and a half and eight emails, Pornhub has removed some of the data and thumbnails that were associated with their site and they indexed a few things on one search engine that's still not all gone. I think they're just ignoring me now.

I also asked them for help in removing the thumbnails and the content that spread from Pornhub to these other sites. They told me that they can't remove their content from the other sites it spreads to. However, they have an entire program where they proactively do exactly that for their exclusive model content. They advertise it. They monitor the Internet for where these videos spread, they take them down for them and they even pay them a bonus. All I'm asking is that they pretend to care as much about their non-consensual content as they do about their paid, exclusive content.

Nothing will ever be able to undo what has been done. At this point, I just want to be off the Internet.

Thanks to Pornhub, today is day 1,292 that I have been naked on these porn sites.

**The Chair:** Thank you, guest number one.

I will turn to guest number two now for your opening statement.

Thanks so much for joining us.

**Witness 2 (As an Individual):** I'm now 19 years old. I was 17 when videos of me on Pornhub came to my knowledge, and I was only 15 in the videos they've been profiting from.

When I was 15, I was extorted by a man who was unknown at the time into sending massive amounts of videos and images of me. He would tell me what I needed to do, for how long and even as far as what positions I had to be in. There were things he even asked

me to do that were so disturbing that I cut contact with him, even though I was scared to do that.

I eventually found out that I wasn't the only one this had happened to because I was sent a link to a Tumblr account that was selling Dropbox files of me and hundreds of girls so other people could use our exploitation to make fake accounts to sell to men online who thought they were really speaking to us.

It's not something that anybody wants to hear, but I think it's important you understand the type of stuff I was subjected to that night and how depraved the man behind it was, so you can truly understand what Pornhub's been profiting from. There made me send videos of vaginal and anal masturbation, videos of me removing my clothes, videos of me spitting on myself and more. The videos that made me quit contact was when they went on to ask me to eat my own feces and drink my own urine. Although the videos that I did were embarrassing enough, I feel more sad for the girls who did the rest and got their footage uploaded to Pornhub.

I contacted the police when I found the site, but their only help for me was to delete my social media. From there a girl who I thought was my friend started circulating images of me, even going as far as to upload them on my 17th birthday and tagging me in them. I started getting so much abuse and harassment from people who lived close to me, and then in September 2018, someone from my city posted a video of me to Snapchat, which was screen recorded from Pornhub. This was the first time I had any knowledge of being on their site.

During this time, I stopped eating and leaving the house, and I was even considering suicide. I started getting hundreds of follow requests daily on my social media accounts and at least 50 messages a day sending me links of videos of me on Pornhub. That's when I realized that my name and social media had been posted alongside the videos. Some of those people were respectable and reported them when I told them I was only 15, but the majority of them enjoyed it even more.

It was a really scary time, and it seemed to just get worse and worse. A lot of the men felt entitled to me once they'd seen me on Pornhub. When I didn't want to speak to them, they would try to blackmail me or threaten me even more. Even now, I have some of the same people from 2018 still trying to contact me.

Pornhub would remove my videos once I found them, but I believe that's only because I provided a police reference code and because I mentioned suicide. I think they knew all too well that another death at their hands wouldn't look too good. Every time they took it down, they also allowed more and more videos of me to be reuploaded. The videos would get hundreds of thousands of views and contained my personal information, including my address and my family's social media.

One of the worst days was when their viewers started sending videos to my mum and dad. I barely speak to my dad, so to know he saw that video made it really hard for me to continue to visit him and feel normal.

Videos of me being on Pornhub has affected my life so much to the point that I don't leave my house anymore. I stopped being able to work because I was so scared to be out in public around other people. I feel like everyone who looks at me is looking at those videos. Because I couldn't work, I started my own business so I could stay in my bedroom where I felt safe, but even then, Pornhub's viewers started sending my customers the videos of me and making fake accounts of me.

To see Corey Urman smile and explain that he uses aliases to protect his identity, when he has the choice to post or not to post, is disgusting, because I had no choice about being uploaded to Pornhub and having my personal details exposed to the world. Hearing about Mr. Antoon buying his third property with the money he made from our exploitation but refusing to speak about how much he earns in a year was more than frustrating, because I wake up every day in the same room where my exploitation took place. I don't have the choice of simply going to another property to escape from that.

My anxiety got so bad to the point where I couldn't eat at all, and I dropped down to only 80 pounds. I still struggle to manage to eat properly to this day, causing me to struggle with not only health issues but body dysmorphia. So many of their viewers commented on my body, discussing whether it was fake or real, messaging me to insult me or to talk how much they loved my small 15-year-old frame.

I had a lot of friendships that had to come to an end because I refused to go out and see them. I didn't want to go to parties or out in public, because being around people makes me have panic attacks. Going to the shops with my mum makes me have panic attacks, even going on public transport does. I even had someone turn up outside my house and take some pictures of my door, telling me that they'd found me on Pornhub and calling me by my name, which isn't on my social media. It's only on Pornhub. It just gave me more reasons not to go outside.

• (1455)

Pornhub always told me that I needed a link to get the videos removed. It was difficult because I couldn't always find the videos that were being sent to me. When I started questioning Pornhub on why they allowed anyone to just upload anything, they just told me that I needed to upload my videos to their third party site. I told them that not only was it illegal for me to do this, but it was illegal for them to ask me to do this because it's child porn and I'm not even allowed to have the content of myself. I told them there was nothing I could do, I felt suicidal and I was even considering getting legal advice if it didn't stop. They ignored me, and I never contacted them again.

They say they tried to tell me there was nothing they could do without a link, but that was a flat-out lie, given the fact that as soon as they were sent cease and desist letters, all footage of me was removed from their site straight away.

Also for them to say they've been forever "evolving" and the takedown of a million videos was just another step forward is debatable, because it's either one of two options. Option one, Pornhub honestly never thought of the idea to make verification needed to upload videos, which to me just clearly shows a lack of common sense and thought capacity to safeguard and run a business of this size. Option two was that they did think about the idea and they chose to ignore it for more money. Given that I asked them why they don't regulate this back in 2019 proves they were already suggested this idea by me, one of their victims, and they chose to just ignore it.

I feel that anyone I come into contact with has either seen the videos or will find them eventually. No one seems to believe I was a child because they tell me Pornhub is 18+ so you can't be underage.

There was a time when I tried to take my own life. Luckily, it wasn't successful. I now have people around me who are really supportive, but not all of Pornhub's victims have been so lucky and not all of Pornhub's victims have had the same support. I don't understand how many women's lives have to end or be ruined before there is accountability for what they've done.

Thank you.

• (1500)

**The Chair:** Thank you very much. I so appreciate your testimony, and I know our committee does as well.

Colleagues, I know that translation was unable to keep up there. We will ensure that the testimony is translated and distributed to members.

Guest two, they're finding that the technical connection with you isn't the best. In responding to questions, if you could just slow your speaking, that would assist the interpreters. Thank you so much.

Mr. Viersen, you will be leading off the rounds of questions.

**Mr. Arnold Viersen:** Mr. Chair, I'm afraid I'm sick. This is horrifying testimony that we've been given here. These young women's lives have been destroyed due to the actions of Pornhub—or lack of action by Pornhub.

One of the frustrations on my part is that Pornhub has said that once they learned about this, they took every action to remedy the situation, but in every one of your cases, had this content never ended up on their site in the first place, it sounds as though we'd all be in a much better place.

Vicky, I don't know whether you can talk about whether Pornhub should have worked harder to just prevent the content from showing up in the first place.

**Ms. Victoria Galy:** As I stated in many of my videos, it was obvious that it was non-consensual. In one of them, I was asleep on the bed when my ex began touching me and doing things to me. At the end of the video, when I woke up, that was when that particular video stopped.

In a lot of my videos, I was either drugged or highly intoxicated. I couldn't hold my head up. My ex's genital parts were falling out of my mouth throughout the video. It was obvious that these were not consensual.

Some of the videos were taken by hidden cameras, and I could see where maybe Pornhub could make the argument that they didn't know those were non-consensual, because I was alert and awake in those, but had Pornhub reviewed the videos and taken the time to respond to me, even back in 2018, I wouldn't have suffered the trauma that I have over the last two to three years.

Having this disassociative condition as a result of initially finding those videos has damaged relationships that I can never take back. My son is now almost 17, and our relationship over the last two years has been very difficult because of this.

If my videos had never been uploaded to Pornhub, maybe they would have been shared somewhere else, but Pornhub is the leader in porn. That is where everyone goes. It's the first name you think of when you think of adult entertainment or to look at porn; it's Pornhub. Like the other witness testified, once the videos were up there, they were shared on numerous other websites that were connected to Pornhub.

Now they've been shared so many times that they're all over. Like I said, my videos had over eight million views. You cannot imagine the amount of fear that you have when that many people have seen non-consensual videos of you. Leaving the house was very hard for me.

I took a leave of absence from my job. I've been here over 16 years, and I have a perfect record. I worked very hard to build my professional reputation, and to have it all destroyed and for Pornhub to just not care when I contacted them multiple times.... It was not until I filed a civil suit *pro se* against them and that article came out in The New York Times that suddenly my content disappeared. Even after emailing their legal department.... Like I said, it was Tuesday of this week that they finally got back to me and told me they had finished reviewing it and that they would fingerprint it and remove it permanently from their sites.

That does nothing to take back the damage that's been done and how far the videos have been spread and downloaded.

● (1505)

**Mr. Arnold Viersen:** Thank you for coming and presenting at our committee here today.

One of the issues or things that I have been pushing for is that, for any content going up on the Internet, age and consent must be verified before the video goes up and that there be a way to double-check that. Is that something that you think we should be pushing for here in Canada?

**Ms. Victoria Galy:** The problem with my videos is that they were verified. Most of them were claimed to be verified by Laura and Lauri from Helsinki, Finland. I've had flashbacks from the events.

My ex and I took a trip to Las Vegas, Nevada, with a group of his friends. When we first landed, the first place we visited was the dispensary, and he purchased various edibles and things. When we

went back to the hotel I was given edibles. We were smoking marijuana and I was given a drink.

Now, I don't know what was in the drink. I believe I was drugged, because I didn't have a recollection of it. I spoke to my mom on the phone the next day after arriving there. She asked me how the trip was and I told her I didn't recall the previous day. She was alarmed at that time and thought that Brandon, my ex, had done something, but at that point, you know, we were together and I stood up for him. I thought my mom was just a mom.

Even through the verification process, they uploaded a photo that Brandon told me how to pose for. The photo is clearly edited, even to the extent that the leg is distorted from my hip to my knee. It shows in the image that is used to verify that model that there is a huge distortion, just like with photoshopping in magazines or any other photoshopped photo where you can tell the inaccuracies. If Pornhub had actually reviewed that photo closely, they would have noticed that, but the problem is that they had a photo of me naked to submit with my videos to claim that it was consensual. They uploaded their passports—Laura and Lauri did—to claim these videos, so even with their verifying the models, there's a problem in the way they're verifying them.

If you have a verified model, that still doesn't mean you should ignore victims when they come to you and tell you, "Hey, this is me." I've sent them, like I said, my birthmark. I've sent them nude photos. I've sent them markings on my body that matched up. I even pointed out that the videos are listed under my name and I say my ex's name in the video. There is audio proof. You know, my voice is on this video.

Like I said, I received no response from them until Tuesday of this week. All of a sudden, even though they won't admit what I have said is true, they've decided to delete the Vicky Lust account and to fingerprint the content.

If they are allowed to continue and to have verified models, there should be a better way of verifying them. I know that a lot of companies that do porn, from what I've researched, are required to have a business licence before they can upload content. Just the average Joe submitting a nude photo that is cut off from here and doesn't have my head on it, along with their passport, should not be enough for them to become a verified model.

● (1510)

**Mr. Arnold Viersen:** All this should never have happened to you.

Thank you, Mr. Chair.

**The Chair:** Thank you.

Mr. Dong, we'll turn to you.

**Mr. Han Dong:** Thank you very much, Chair.

First of all, I want to thank our witness panel today. You are being very brave in coming forward to share your very upsetting experiences with Pornhub. You are speaking for many others and I want to thank you for that.

Ms. Galy, in your testimony you mentioned that you tried to reach out to Pornhub, even to the point that they responded that you could go ahead and sue them, because you would have to do it in Cyprus. Can you elaborate on that a bit and tell us what they said? What was the rationale that made them feel so protected and un-touchable?

We are here to correct what's going on and investigate what's been done to the vulnerable individuals we have heard from so far.

**Ms. Victoria Galy:** I actually have the emails where I communicated with them.

Initially when I started preparing my *pro se* civil suit against Pornhub, I looked to see if there was a registered agent for service of process in Tennessee, because that's where I live. Of course, nothing came back. I found a database that had Internet service providers and a listing of their registered agents for service of process.

I did find, at that time, that there was a registered agent for service of process in California, and that's where I attempted service first. It was CT Corporation in California. When they received the summons from the clerk for service, they sent me a letter that they didn't have that company registered and that they were not able to serve them.

That is when I started reaching out to Pornhub legal again and asking them if they had a registered agent for service of process, because I couldn't find anything. That's when Chantale Pittarelli, their director of legal services, told me that I must serve them in Cyprus. I have an email from her basically giving me the address for service of process.

I asked her, to whose attention, who would accept this? Should I put it to the owner of MG Freesites Ltd.? She basically told me, no, just send it to MG Freesites Ltd. at that address in Cyprus. Like I said, I started doing some research and I found under the Hague Convention that postal service, postal means, was allowed under the convention.

I've sent it out and I haven't received back from the post office whether or not they've been served. I was told it would take at least a couple of weeks. It's been one week since that has been sent out, so I don't know if I will be successful, if they will sign for it. They could refuse it as it's in English, and they could demand that it be translated to another language. I think the Hague Convention has those specific terms.

Even though I'm hopeful that I will have service of process on them within the next week, there's still no guarantee. Like I said, they have the right to refuse it as it's in English and that may not be their primary language.

**Mr. Han Dong:** Thank you, Ms. Galy.

My second question is to all of the panellists.

We've heard previously that Pornhub intentionally makes the process of taking down the videos very difficult. They will ask individuals to provide IDs to prove that's who they are. Did you experience the same thing with Pornhub? Did you have to provide multiple identifications of yourself to prove that you are the actual person?

We can start with Ms. Galy, and then guest one and guest two.

• (1515)

**Ms. Victoria Galy:** As far as identification is concerned, they never asked me for a driver's licence or anything like that. Like I said, I put together a clear PowerPoint presentation with basically photos of my entire body matching up side-by-side with the person in the video—my birthmark, a skin tag that I have in a private area. Like I said, it was a very detailed—I think over a hundred pages—of PowerPoint presentation proving why it was me and why it was not Laura and Lauri, the couple who claimed my videos. The couple in the videos clearly did not match the couple claiming the videos.

To answer your question, no, they never asked me to personally provide them with any identification, other than their initial refusal to take it down and what I voluntarily provided in hope that they would listen and take it down.

**Mr. Han Dong:** Thank you.

To the other two panellists, feel free if you're not comfortable to answer this, and I'll move on to my next question.

**Witness 2:** They never asked me for proof that it was me, but I believe that [*Technical difficulty—Editor*] provided police reference codes from the beginning when I first contacted them after getting in contact with the police.

**Mr. Han Dong:** Go ahead, please.

**Witness 1:** I didn't have to give any ID or anything either. To be fair, the RCMP had already talked to them about this video, so I guess they were a little more amenable to sort of, kind of taking part of it down. They still haven't really.

**Mr. Han Dong:** Thank you.

I have no more questions, Chair.

**The Chair:** Thank you, Mr. Dong.

We'll turn to Madam Gaudreau.

[*Translation*]

**Ms. Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

It's hard to contain my anger, ladies. I must tell you how incredibly brave you are. Thank you for sharing your stories, especially since this meeting is public, as you know.

Today, you are again having to speak out about what happened and explain your stories. However, you are still being victimized and suffering the consequences, which will no doubt affect you for a long time to come. That was clear from your statements.

We all wish you could turn the clock back, but as I've told other witnesses, what you're doing will make a difference going forward. The take-away from your stories is very clear to us, as lawmakers: immediate action is paramount.

I have all the information I need to conclude that responding quickly matters a whole lot. It's a matter of dignity, respect and the protection of privacy. Your stories have shown us just how quickly something needs to be done.

With your permission, I'd like you to take a few moments to send a message to women who are in the same situation as you. I'd also like to give you this forum, this opportunity, to address the executives we heard from at our last meeting; they told the committee that they weren't really aware of any problems with consent management or the removal of videos. You can have the next few moments to say publicly what you would like to both of those groups.

Would guest one like to go first?

• (1520)

[English]

**Witness 1:** I want to thank you for giving us the opportunity to be here today, because I think part of it, for me, is the temptation to take on so much of the shame from this. I think it's important for other people who are maybe watching this to know that what happened is not your fault. You don't have to take on the shame for someone else's criminal behaviour. Don't do it alone, either, because the silence sort of multiplies the damage.

As far as Pornhub is concerned, quite frankly, they're kind of liars, because, yes, they absolutely knew. The day they were here telling you that they're super helpful and they care so deeply, they were still emailing back and forth with me and it sounds like with a couple of other people here too. This isn't something they fixed two or three or five years ago and now they're these good guys. I emailed them so many times: The police have talked to you about this video, so why am I still naked on the Internet?

Twice they sent me the Google link and told me to go deal with it myself. Once they told me that my videos never even existed on their site, so I should probably go talk to whatever site they were on. But I have copies of what I sent them. I sent them links to their own site. I sent them screenshots. They hadn't even bothered to look for anything.

[Translation]

**Ms. Marie-Hélène Gaudreau:** Thank you very much.

Would guest two like to say something to victims and the executives in charge?

[English]

**Witness 2:** Yes. I would say to the other women and girls who are going through this that the more people who tell their stories, the more powerful all our voices will be and the more people will actually pay attention to what's going on.

As for Pornhub, they are liars. I don't appreciate how in their testimony they used having children almost as a crutch to prove their empathy for us. They like to say how they have children and they understand how painful it must be. To me, it makes it worse that they have children, they know what's going on in their business and they've done absolutely nothing to stop it.

[Translation]

**Ms. Marie-Hélène Gaudreau:** Thank you very much.

[English]

**The Chair:** Thank you so much.

[Translation]

**Ms. Marie-Hélène Gaudreau:** Do you have anything you'd like to say, Ms. Galy?

[English]

**The Chair:** Thank you, Madam Gaudreau.

We'll turn to Mr. Angus now.

**Mr. Charlie Angus:** I want to thank you for your brave testimony. It shakes us up. What you're doing today matters—

[Translation]

**Ms. Marie-Hélène Gaudreau:** My apologies, Mr. Chair. I forgot to mute my mike.

[English]

**The Chair:** No worries.

Mr. Angus, we'll turn to you.

**Mr. Charlie Angus:** Thank you.

I want to thank you, witnesses, for your incredible bravery. As a father, I can't even imagine the trauma you've gone through.

I'm going to ask you to walk with me through some questions. The reason it's so important is that what we do here as a committee is kind of like a court in a way. We gather evidence, and out of the evidence we can prepare the reports that will go to Parliament about whether or not we need to change laws or whether we need to find out why laws are not being enforced.

Your willingness to give me clear and simple answers will help us in our work.

Witness 2, did I hear you correctly that you were 15 or 16 when this began to happen to you?

**Witness 2:** Yes.

**Mr. Charlie Angus:** You were underage. In Canada, images for those under age 18 are non-consensual and meet the test for child pornography.

When Mr. David Tassillo was at our committee testifying, which is the same as testifying under oath, he was asked the question, "What is your opinion on putting the onus on your company to be able to vet from the onset and take away the onus on children?" Mr. Tassillo said, "I would never put the onus on the children. We are putting the onus on us."

Would you say that with regard to your efforts to get your life back and your private images back that Pornhub did not tell us the truth? Were you the one who was forced to have the onus on you in terms of defending and trying to get these horrific images taken down? Is that how you see it?

• (1525)

**Witness 2:** Yes, definitely. I had to constantly try to find these videos and images myself. They had no help for me whatsoever [Technical difficulty—Editor].

**Mr. Charlie Angus:** Thank you for that. I notice that you said that they are liars. Is that correct? Did you say that?

**Witness 2:** Yes.

**Mr. Charlie Angus:** Witness 1, you also accused Pornhub of lying. I'm concerned, because you're talking about the thumbnail image of your abuse. I don't want to go into the particulars, but is that thumbnail image an image of you without your clothes on?

**Witness 1:** Yes.

**Mr. Charlie Angus:** Okay.

Under section 162.1 of the Canadian Criminal Code, anyone “who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct” is guilty of an offence.

You did not give Pornhub your consent for that personal image that is still up there today.

**Witness 1:** No, of course not.

**Mr. Charlie Angus:** Of course not. You say this is day 1,192. I found that very moving, because it seems to me this ongoing trauma.... You did say that Pornhub told you to go to Google to take it down.

**Witness 1:** Yes, in my initial contact form I explained to them that I had initially tried just getting it off Google, because that works if the content doesn't exist, but Google said they can't do it because the content still exists and I'd have to contact the web host.

**Mr. Charlie Angus:** Okay.

**Witness 1:** I explained all of that to them.

**Mr. Charlie Angus:** Do you have emails of your attempts to deal with Pornhub that you'd be willing to share with the committee? We don't make these public. We're just looking to gather the evidence, and I'd ask guest two this as well, if you have any documentation, because what was really surprising when we had Serena Fleites here, who I thought was a really powerful witness, was that Pornhub told us they had no record of ever talking to her. It just didn't seem to add up. If you have any of those kinds of email attempts and letters, that would be very helpful.

I'm going to turn to Ms. Galy now, because I don't have much time. We asked Pornhub two questions that I think are very crucial for your testimony.

On their terms and conditions, I asked him why people such as you who have complaints have to go to Cyprus when this is a company listed in Canada. He seemed very surprised that I mentioned Cyprus. It seemed like he had never read his own terms of reference. He's the CEO of the company. He said, “We abide by Canadian laws. There's no need of Cyprus.” Then he said he would get back to us on this question through their “legal counsel”, but he said, “Clearly, we are...in Canada. We abide by Canadian law.”

Was that the impression you were given by them? Why did you feel you had to go to Cyprus to get legal justice from Pornhub to get your non-consensual images taken down?

**Ms. Victoria Galy:** I actually have a direct email with their legal director who told me exactly where I would have to serve them in Cyprus and that they did not have any registered agent for service of process in the United States. I don't know if they do in Canada, but for the United States where I'm at, no. I have an email, like I

said, from their legal director, that absolutely said I must serve them in Cyprus.

**Mr. Charlie Angus:** Okay.

You said that you were forced to send pictures of yourself, which I think is incredibly traumatic, yet when we asked about witness Serena Fleites having to send photographs of a personal nature of herself, they seemed to be very surprised. They said that was against their policy. Would you say that they were telling the truth to our committee or misleading our committee?

• (1530)

**Ms. Victoria Galy:** They never told me that I had to submit that. It was simply that they did not.... They told me that it was a verified model and that the content would not be removed because someone else was claiming it. It was in my own desperation to try to get these videos removed that I prepared a PowerPoint presentation, initially for the police department, putting together, like I said, matching birthmarks and various things that were undeniable—as well as my voice—on the videos in an attempt to try to get them to listen. They did not ask me personally to send that. I voluntarily did so.

**Mr. Charlie Angus:** Okay. If you have any emails that you're willing to share with our committee, it would be helpful.

Mr. Chair, would you indulge me? Would it be possible to ask Mr. Bowe for clarification here?

**The Chair:** If there's no objection from committee members, I will view that as consent from the committee members.

**Mr. Charlie Angus:** Thank you.

Mr. Bowe, I wanted to ask you this, because you know a lot more about American law than I do. Pornhub told us that they were really surprised that in their terms of reference Ms. Galy or anyone else would have to go to Cyprus to serve them. They say they're listed as a Canadian company. They're very easy to find.

What would be the normal procedure for dealing with a complaint like this for a woman in Tennessee, say, or any other state in the union in addressing a company like Pornhub? Why is there that provision that they have to go to Cyprus?

**The Chair:** Mr. Bowe, are you able to unmute yourself and speak? I don't know if we have that all connected. I'm hoping we do.

**Mr. Michael Bowe (Lawyer, Brown Rudnick LLP, As an Individual):** I think I'm up. Can you hear me?

**The Chair:** Yes, we can.

**Mr. Michael Bowe:** We don't think that you do need to go to Cyprus, and when we bring claims, we won't be going to Cyprus.

However, it brings up an important point, which is beyond the scope of this particular hearing. This is a company that has an international corporate structure of shell companies that, if you were teaching a class on tax evasion, money laundering and shielding, would be something that you would teach if you were to look at this structure. The structure is designed to make it hard to know where to sue and hard to know who to sue, and to make it impossible for people who aren't necessarily lawyers who've practised for 30 years in that type of environment to know where to go.

No, we think they are subject to jurisdiction in the U.S. and they're subject to jurisdiction in Canada. I'll stop at that. I could go on for a while, but this is a structure that is set up that has none of the indicia of a legitimate company.

**Mr. Charlie Angus:** Thank you very much for that.

**The Chair:** Thank you, Mr. Angus.

Colleagues, we have exhausted our time, but I want to take the chair's prerogative. If committee members have a very short question in order to provide additional clarification to the testimony we heard, I will entertain any of those short questions now. Members can indicate to me by raising their hands. I don't see any additional questions.

I want to thank our witnesses in this hour. Thank you for your patience in waiting for us and thank you for your testimony. It was very difficult for you, I'm sure, and we certainly appreciate the work you have done to prepare for this committee, the work you did in preparation and also the bravery you demonstrated by coming out and speaking publicly about your experience. Thank you so much.

Colleagues, we will now just suspend for a short period of time so that we can get additional witnesses to log in, and then we'll begin the process of our meeting as soon as possible.

We will suspend just for one minute.

• (1530) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1535)

**The Chair:** Colleagues, we'll call this meeting back to order.

For the next portion of our meeting, we have three witnesses and we have them on a panel to provide additional testimony. We thank these witnesses for joining us.

We have Francis Fortin from Université de Montréal. He's an associate professor at the school of criminology. We also have Laila Mickelwait, who is the founder of #Traffickinghub movement. We also have Megan Walker, the executive director of the London Abused Women's Centre.

We thank you so much for being here with us this afternoon.

We'll turn to Mr. Fortin to begin with his opening statement. We'll allow the other two members of our panel to follow their testimony, and then we'll have some questions for the three of you.

Mr. Fortin, go ahead.

[*Translation*]

**Dr. Francis Fortin (Associate Professor, School of Criminology, Université de Montréal, As an Individual):** Good afternoon.

Madam Clerk and members of the committee, I am very glad to be here this afternoon.

My name is Francis Fortin, and I am an assistant professor at the Université de Montréal's school of criminology, as well as a researcher at the International Centre for Comparative Criminology. The focus of my research is cybercrime and the sexual exploitation of children on the Internet. Before getting into research, I spent 12 years working in cyber investigation and criminal intelligence at the Sûreté du Québec. I've authored a number of scholarly articles and three books, as well as a dozen or so chapters on cyberpedophiles.

Having a limited amount of time, I chose to divide my presentation into three parts. First, I will discuss options to encourage corporate compliance. Second, I will talk about ways to support and guide victims. Third and finally, I will address prevention and research.

Before I get into that, though, I want to say a few words about the current context. If you ask law enforcement agencies to break down the cases they deal with, two main categories emerge. The first category involves minors, and in those cases, a fast lane of sorts exists. Canada has a series of legal measures that make it easier to remove some child pornography content.

The second category involves adults, and the law is more vague in relation to those cases. For example, an adult who files a police complaint can be told that their case is a civil litigation matter. One of the witnesses gave such an example earlier. Basically, it's considered a civil matter, and the burden of taking the necessary steps falls on the complainant. As I see it, that's problematic.

Keep in mind that the revenge porn trend emerged a few years ago and shows no signs of slowing. As far as I know, Canada still has no active measures that allow authorities to take action in those cases.

Now I will turn to solutions, or ways to encourage corporate compliance. The key is to hold adult content providers accountable. One of this morning's witnesses mentioned the use of digital signatures. A number of worthwhile initiatives exist and are deployed mainly by law enforcement. Police keep child pornography databases and rely on digital signatures. Someone alluded to electronic fingerprinting earlier. These images have to be able to be shared on all platforms, including Google, Apple, Facebook and Amazon, the GAFAM platforms. I know that Google and Facebook use lists they obtain in the United States. These platforms should be required to block content that has previously been deemed illegal.

The requirement to report content is another option, although it remains a thorny issue. A tremendous effort is needed to educate web giants on the importance of reporting. The current approach tends to involve removing the content and claiming that nothing can be done. Things are even worse on the platforms of the web giants. They refuse to even remove the content. That is a far cry from relying on the platforms for co-operation and encouraging them to report issues to the authorities. Reporting is essential to investigate suspects who repeatedly engage in this behaviour.

Another option is to prevent content from being shared anonymously. It's easy to see how knowing and validating the identity of individuals who spread this content would significantly decrease the risks associated with illegal content. That would result in platforms having trustworthy content providers, since new users would ultimately have to undergo verification to gain platforms' trust.

Litigation is another avenue, as one of the witnesses mentioned. One of the benefits of involving the police is that they assess the complaint to determine whether it is founded.

● (1540)

I think that's an important step. I don't think platforms, content providers or anyone else should be doing an assessment of the complaint, especially in cases where there is a consensus. I'll come back to that point later.

The prompt removal of the content in question is an important consideration.

In all the cases you've heard about, there's one thing to remember: it's a race against time. In order for the parties to satisfy their legal obligations, it may be appropriate for companies to immediately suspend access to the content once it has been confirmed that there are reasonable grounds for doing so. That would happen even before guilt had been established. In this scenario, reasonable grounds would lead to the prompt suspension of content access.

I think it's important to consider issuing an operating licence as a way to support all of these measures. Companies would have to satisfy those compliance requirements in order to operate. It could be done through the adoption of an ISO standard or the issuing of a licence to operate in Canada.

The second thing I'd like to talk about is support and guidance for victims.

It's clear from their stories that they found themselves fighting the situation on their own. They were up against something that they didn't understand, something that had never happened to them. Obviously, that's extremely difficult.

Basically, there has to be a shift towards victim support. That means creating a new position, a victim liaison of sorts, who would help and guide victims. As soon as problematic content on a platform was flagged, that liaison would get involved.

Whenever a new case came to the attention of police or other front-line workers, they would contact the person designated to guide and support the victim. That person's role would be to quickly assess the complaint, and respond accordingly and swiftly. Establishing such a role would help victims because the liaison work-

er would be familiar with the process, know what steps to take and know who to contact at the main providers. That would prevent the cat-and-mouse-game the victim gets caught up in, figuring out on her own what to do and who is responsible under the law. There would be a single person dealing with the different platforms.

A list could be drawn up outlining the steps to take when an incident of this nature occurs, similar to the process in the case of an accident. On one hand, police handle the investigation and deal with the criminal aspect, and on the other, the liaison steps in to manage the accident, so to speak. Furthermore, that person could—should, in fact—have the necessary powers to be effective.

The liaison could work with police and organizations involved in preventing sexual exploitation. In fact, I could readily see victims groups, even the Office of the Privacy Commissioner of Canada, taking on that role in the future.

A novel approach would be to establish a special victims task force, which would bring together police and liaison workers, and have all of the necessary legal tools to track down content. The task force would, of course, uncover information about suspects, but would not be responsible for the follow-up. The information would be turned over to the appropriate investigative authorities, and the task force would focus on tracking down content and ensuring platforms comply with the new measures. If Canada were to introduce an operating licence system, as I mentioned earlier, it would make the task force's job easier, as would having the contact information of those in charge.

That brings me to my third point. I want to underscore the importance of focusing on prevention in schools.

A continued focus on awareness is needed to make sure young people understand the significance of pictures and videos. Victims readily put their trust in people or technology. Many cases involve young people who trusted apps and sites like Snapchat because they felt secure knowing that the content would be removed. They ended up realizing, however, that their pictures and videos were shared without their consent.

● (1545)

Lastly, I want to stress how relevant research is.

In Canada and the U.S., we have no evidence focused on the phenomenon. The sexual exploitation of children on the Internet is hard to measure. I recommend that the government adopt measures to make it easier to access data, so that researchers like myself can build a body of evidence to effectively inform public policy.

I have been working on this problem for nearly 20 years now. I don't think we can rely on the industry to regulate itself. That's quite clear from the stories you've heard.

[English]

**The Chair:** Thank you so much.

We'll turn to Mrs. Mickelwait now for her opening statement.

**Mrs. Laila Mickelwait (Sex Trafficking Expert, Founder of Traffickinghub Movement, As an Individual):** Thank you.

For anyone who's viewing this online and also for the committee, I want to offer a content warning before I get started of graphic, very offensive language and descriptions of sexual violence. I don't do this to be sensational. I do it because I think it's important for the committee to have an accurate idea and understanding of the situation with the content on Pornhub without mincing words.

As I proceed, I want to ask the committee to keep in mind that CEO Ferar Antoon said to this committee, "every single piece of content is viewed by our human moderators"—every single piece of content.

COO David Tassillo said, "There should be zero videos tabbed under either [child pornography or non-consensual acts] categories. Those categories are banned from being used on our site, as the keywords are." They said, "child abuse material has no place on our platform. It makes us lose money."

I believe it's important to elevate the voices of survivors, and I want to read some quotes and testimonies from survivors who have reached out to me over the past year.

Kate said, "I was 15 years old. My ex was 20. He was into home-made videos and stuff so he had videotaped us having sex. One day he said, 'Let me show you something'. He pulled up Pornhub on his phone and showed me that he had posted a video of us having sex. I tried to contact Pornhub and get them to take it down, but they never contacted me back or did anything about it. He also posted my 'sexy pics' on his account. Grown men and women were looking and watching me there. I'm disgusted."

Beth said, "I was 16 and I was drunk once at a friend's party. I woke up. I was naked and pictures of me were on Pornhub, along with my name and my phone number. I had calls and texts to the point that I changed my number."

Nicki said, "When I was 14 years old, I made the decision that changed my life. I was having a sexual FaceTime call. I showed him areas of my body that were private. I didn't know at the time but he was recording and he had uploaded it to Pornhub. The name of the video even had the words 'young teen' but that was not enough for Pornhub to analyze it and make sure it was consensual or legal. Years later my classmates found it on the website and told me about it. I was 16 when they found it. The first one had over one million views. We got the first one taken down, but the identical video was posted over and over again. I reported it to the police, and they opened an investigation. They told me they had contacted Pornhub to make sure it wouldn't be shown anymore, but the video was posted again. During these times of being posted multiple times, I was bullied by my entire school. Every boy and girl in my high school saw my body, and it changed my life."

Sarah said, "I found out an explicit video of me was posted to Pornhub. I was underage. I did not send it to anyone to the best of my recollection, and it got hacked from my phone. I was horrified

and I reported it and filed a complaint. Police took a statement. I'm waiting for the detective to contact me. Even if the video is taken down it could always come back. This could ruin my life and my future. I'm terrified and I'm traumatized."

Anastasia said, "There's a video on their site that was taken of me without my knowledge while I was underage. It is still up on their site despite my reporting it numerous times, stating that I'm underage in the video and that it was taken and posted without my consent."

Linda said, "I'm now 20 years old and I'm a sex and porn trafficking survivor. At the age of nine, my biological mother sold me in exchange for drugs and for money. This happened until I was rescued at the age of 17 and placed in a safe house. For eight years I was raped and beaten, and the video was taped by hundreds of men, women and even married couples. I never thought I would live to be 18 years old. I was hospitalized dozens of times and one time I was forced to drink ammonia until I passed out and was raped for hours after that, even though my mouth and my throat were burning. I was forced to have sex with other children, especially young girls. I still have nightmares and extreme PTSD from this, but it's not fair that my life is so hard now because I was forced into a life of pornography as a child. I've had to get police involved on multiple occasions to get these videos removed from RedTube, owned by MindGeek, and Pornhub, of me being raped as a minor. I don't understand why it's so difficult. Please stop allowing people to make money off the torture and the coercion of children. It's not fair."

• (1550)

Keira said, "At the age of 15 I was coerced into being filmed during a sex act, and that video was uploaded without my consent to Pornhub. The uploader was also underage, and they had no way of confirming anyone's age or consent. I have been dealing with image issues, PTSD and sexual discomfort since the incident, into adulthood. This is my personal account, and I have heard similar stories from other women. I will never forgive Pornhub for allowing my abuse to be shared publicly and causing me to relive that pain years later."

Amanda said, "Leaked nude photos from when I was underage were put online, allowed to be uploaded by Pornhub and men were allowed to vote on which child was the most attractive. Pornhub told me that there was no point in making a fuss since people had already screenshot the photos, so deleting the video is pointless."

Tiana said, "When I was 14 years old, someone recorded me performing oral sex without my knowledge or consent. The video was used as blackmail and was shared on Pornhub. Police contacted Pornhub, and it took them a while to delete it. It ruined my life, and people still bring it up to this day."

Caroline said, "I spent two months begging Pornhub to take down a video of me being orally raped at the age of 15. I was crying, screaming. I had a bloody nose. It was up for a year and a half before I knew about it."

Beth said, "I was 10 the first time I was raped. My uncle saw those porn stories and used me to play out his fantasies. Two years later I found the videos of me on Pornhub."

I could go on and on. My time is short. I have many accounts of children who personally reached out to me, whom I've talked to, who have had their abuse immortalized on Pornhub.

All of the following is a small sample of evidence that has been documented on Pornhub in 2020, before the mass deletion of 10 million videos from unverified and unknown users.

Videos on Pornhub are titled "Young Teen Gets Pounded"; "Old Man with Young Teen"; "Young Girl Tricked"; "A Club Where you can Play with Little Girls, and It's So Fun"; "Cute Amateur Teen Drunk and Stoned"; "First BBC on Drugs"; "Stolen Teens' Secret Peeing Scenes", with video cameras inside girls' toilets videotaping them without their knowledge; "Amateur Sex Tape Stolen from Teen Girl's Computer"; "Daddy Fucks Young Teen Boy Virgin, First Time"; "Tika Virgin from High School Jakarta Grade Two"; "*Jovencitas violadas*", meaning "young rape", from an unknown user; "Drunk Teen Fucked by Black Stranger"; "Innocent Teenage Girls are Used and Exploited"; "Crying Teen"; "Passed Out Teen"; "Very Young South American" with the tags "teenager" and "young", and a comment says, "This girls looks 13"; "Chinese Northeast Middle School"; "Junior High School Student"; "Anal Crying Teen"; "I'm 14", with a video of a young boy masturbating; "Gay 14", a video of a young boy masturbating; and "Pinay Junior High Student".

I could go on and on. Again, suggested and promoted searches by Pornhub that were found on their site as of 2020 are search terms that Pornhub actually serves up to its consumers: "abused teen", "crying teen", "punished teen", "anal crying teen", "teen destroyed", "young Black teen", "young, tiny teens", "young girl", "tiny, young girls", "sleeping teen", "middle school sex", "Snapchat teen", "middle student", "stolen teen sex tape", "stolen teen homemade" and "very young teens".

As for comments on the site, there are hundreds of documented comments, if not thousands of documented comments, where users are flagging these child sexual abuse material videos to Pornhub, and they're ignored. They're on the site for months and even years. Examples are, "Isn't this technically child porn?", "She looks 13. That's illegal", "Wow, she looks like she's 12", "I'm not legal but I have a winning video", "She looks nine. Trade CP?", and "She looks like she's 12, like she hasn't even hit puberty."

Again, David Tassillo told this committee that, "Child abuse material has no place on our platform. It makes us lose money." I would like to tell the committee that is not true, because child sexual abuse has made its way to Pornhub in a significant way. Every single video of a child that is found on Pornhub or of an abused adult is heavily monetized. It's monetized with ads of premium memberships, data collection. In some cases it's being directly sold for the profit of Pornhub: 35% to Pornhub and 65% to the person who uploaded the sex act through the model hub program.

I want to point out to the committee that any minor used in a commercial sex act is a victim of sex trafficking according to inter-

national law as well as domestic law. I think it's very important for us to realize that.

• (1555)

I also want to make it clear that Pornhub added insult to injury by adding an intentional download button to their system whereby every single video on Pornhub was made available to possess by consumers. It was transferred from MindGeek servers to individuals. One hundred and fifteen million users a day have the ability to commit the federal crime of downloading and possessing child sexual abuse material because Pornhub built that feature into the design of their website.

Feras Antoon said to this committee that "the spread of unlawful content online and...the non-consensual sharing of intimate images...goes against everything we stand for at MindGeek and Pornhub." He said, "this type of material has no place on our platforms and is contrary to our values and our business model." He said, "When David and I joined MindGeek in 2008, our goal was to create the most inclusive and safe adult community on the Internet" and that it was designed to value privacy. He said, "We knew this could be possible only if safety and security were our top priority."

Anne wrote me and said, "Revenge porn is a major issue. I was a victim of it two years ago when I wouldn't take back my ex-fiancé. A couple of weeks later I received a call saying that my private photos I had sent him were uploaded to Pornhub. It was such a hassle to get them down."

We have scores of testimonies of victims who have experienced the same thing.

Jessica says, "Most of my videos were done by my ex. I was too high to consent. I was blacked out. He put them on Pornhub without my permission."

The following is a small sample of content on Pornhub as of 2020. On September 24, you could search the initials "GDP", for "girls do porn", which is a known sex trafficking operation which Pornhub is well aware is for trafficking victims, and you could turn up 338 results for these sex trafficking victims on the site. Other videos were titled "Fucked Sister Hard in the Ass While She Was Drunk and Sleeping"; "Drunk Girl Gets Handcuffed and Abused Next to the Party"; "Fucked Sleeping Schoolgirl After a Drunk Party"; and "Tinder Girl Passed Out At My House, So I Stuck It in Her Ass".

Tiziana Cantone was a victim who committed suicide. Her video was on the site as of 2020. Other titles were "Anal Sex With a Drunk Girl"; "Drunk Asian Girl Humped By My Friend"; "Hidden Camera: Girls in the Toilet At Prom"; and "CCTV in Changing Room: Full Naked Hockey Team". Suggested search terms to users on the site include "real hidden camera"; "hidden camera"; "voyeur"; "spycam shower"; "stop fucking me"; and "rape" in Chinese.

When pressed on the allowance of these kinds of non-consensual and illegal videos on his site, David Tassillo said to this committee, “We are a start-up still.” He said that about a site that is the 10th-largest-trafficked site in the world, and that makes hundreds of millions of dollars a year on this content.

In only a couple of minutes more, I want to finish. Feras Antoon told the committee that Pornhub was designed to celebrate freedom of expression. However, there are many instances of extreme racism on the site as of 2020, including “Black Slave Girl Brutalized”; “How to Treat Your Nigger”; “Real Drunk Stupid Chink Whore”; “Racist White Slut Sucks and Fucks Black Dick and Says Nigger”.

Lastly, I want to point out that VP Corey Urman has said in the media many times that they have a vast and extensive team of human moderators that is viewing each and every single video before it is uploaded to the site. I want to tell the committee that I have evidence that, actually, as of early 2020, Pornhub had under 10 moderators per eight-hour shift reviewing content on the site, in Cyprus. They had only 30 to 31 employees per day looking at content, and that's for all of MindGeek tube sites. These constitute the world's largest and most popular tube sites, with millions of videos uploaded per year.

Lastly, David Tassillo said, “We digitally fingerprint any content removed from our site so that it cannot be re-uploaded.” He said this to the committee, but we have emails of Pornhub telling victims that they do not guarantee that their child abuse will not be re-uploaded to the site, and they callously tell victims, “Please educate yourself on the limits of our software.”

• (1600)

On behalf of two million people who have signed the petition from 192 countries to hold Pornhub accountable and over 300 organizations around the world that are calling for accountability by Pornhub, I want to thank this committee for taking this issue seriously and for conducting this investigation.

**The Chair:** Thank you, Mrs. Mickelwait.

We'll turn to Ms. Walker now.

**Ms. Megan Walker (Executive Director, London Abused Women's Centre):** Good afternoon.

I hope everybody is well today. This is a heavy subject and you've had heavy testimony.

I really want to honour the lives of the victims who have come forward today, Ms. Galy and the two guests that you've had, as well as Ms. Fleites, who appeared last week. It takes an incredible amount of courage for women to come forward. We always say the most important voice is the voice of victims and we must always listen to survivors.

The London Abused Women's Centre last year had 143 women report to us that technology was used in their assault and another 64 reported that pornography was prevalent in their relationship and oftentimes they were forced to play out the scenes in pornography.

One of the women we served, who was involved with Pornhub, wrote, “It was soul destroying to find videos of me Pornhub. Dis-

covering how readily available they were broke me. Being hit with the reality that anyone could see the darkest points of my life nearly killed me. I had to stop looking for more videos after I found four. I was suicidal and have deep-seeded shame about those videos even though I was a child. It causes a fear I can't put words to.”

One of the common themes we hear from victims of pornography who are not able to have their pictures or images removed is that they feel incredible shame and are oftentimes suicidal. As far as the shame is concerned, we want to make sure they understand any shame and blame they may feel belongs to the abuser and to Pornhub and MindGeek. They do not have a responsibility to feel that. With respect to the suicidal ideations, I want to say that as bad as this is—and I can't even go to a place where I understand that—I believe that with help and counselling there is hope.

We know that Pornhub has facilitated and distributed the uploading of videos of minors being sexually exploited and assaulted. We also know that non-consenting adults and trafficked women have been raped and tortured for the world to see. Pornhub has actively participated in the downloading of these videos, which is leaving a lifelong imprint of trauma in the lives of millions of women.

It took The New York Times' article for Pornhub to remove millions of videos after an investigation showed a large number of them featured underage girls and non-consenting and trafficked women and girls. Pornhub is complicit in the trafficking of women and girls. This item alone, which it took The New York Times last year to expose Pornhub on, shows that Pornhub, even though the CEO and the COO acknowledged they were parents and grandparents, really doesn't care about the lives of women and girls.

Many of the videos were posted on Pornhub's website under the headings of “torture porn”, “teen porn” and “fetish porn”, and all of those headings continue to remain in place today.

MindGeek's CEO testified, as you heard from Laila, that “every single piece of content is viewed by our human moderators.” This is an absolute joke. It's ridiculous, and frankly, it's impossible, given how many millions of videos are uploaded. Further, only a team of forensic pediatricians can age girls, not men and women hired at perhaps minimum wage to look at videos all day long of rape scenes, to identify who is underage, who is consenting and who is not.

We know that the goal of MindGeek's CEO and COO is to make millions of dollars so that they can support their lavish lifestyles through their premium, the sale of ads and harvesting and selling their data. None of that would be possible without the exploitation of children and women. In fact, we know from our experience that men will pay more to see children exploited.

• (1605)

I have reviewed sections 162 and 163 of the Criminal Code of Canada. I am not a lawyer, but taken literally, it appears that almost every single section in the code could apply to MindGeek, Pornhub and all of their affiliated businesses as well as their CEO and COO.

In addition to the potential crimes, MindGeek appears to be and likely is in violation of international laws on trafficking and child sexual exploitation, and also has not complied with the mandatory reporting requirements in Canada. Pornhub has facilitated and profited from the exploitation of girls and women.

The London Abused Women's Centre offers a number of recommendations.

The first is that robust funding be made available to support all victims. They are suicidal. This is heartbreaking, and they need to make sure they have access to service.

Given the testimony from at least one survivor who stated that she was sexually exploited as a child, and given the testimony of MindGeek's CEO and COO acknowledging that children and non-consenting women have been exploited on Pornhub, we recommend that the committee immediately send witness statements to the police for a criminal investigation.

Also, given the testimony of MindGeek's CEO and COO acknowledging their failure to self-regulate, it is recommended that Parliament legislate the end of self-regulation by MindGeek, its affiliated and subsidiary companies and the pornography industry.

We recommend that a third party not associated with MindGeek, its affiliated and subsidiary companies or the pornography industry be retained to verify age and consent.

We recommend that Parliament legislate that all credit card companies be prohibited from providing services to MindGeek, its affiliated and subsidiary companies and the pornography industry until the third party recommended in the clause I just read is established.

Finally, I would say that it is recommended that the Canada Revenue Agency conduct a forensic audit and criminal investigation on the finances and ownership of MindGeek and its affiliated and subsidiary companies in order to determine if they are in compliance with the relevant Canadian and international tax, disclosure and other laws and regulations.

It is the role of government to regulate all industries in order to protect its citizens. When an industry is predatory, especially the porn industry, it is incumbent on the government to regulate the production and consumption related to that industry.

I thank you for giving me this time today.

• (1610)

**The Chair:** Thank you very much.

We thank all three witnesses for your contribution to the study and for your open and frank testimony this afternoon.

Earlier on, in an open and frank discussion, there were words repeated that had been posted to Pornhub. Obviously, we all condemn the use of that language. I would caution members to not use lan-

guage that would create additional hurt to those people who would be listening.

Thank you, witnesses.

I'll turn to Mrs. Stubbs.

**Mrs. Shannon Stubbs (Lakeland, CPC):** Thank you, Chair.

Thank you to all the witnesses who are here.

I hope and I'm quite confident that I'm speaking not only for myself out of what was previously obviously my own colossal naïveté in being completely unaware—as I hope millions of other Canadians were—that on these sites there is a significant proportion of victims of non-consensual assault, of child sexual assault and of rape and human trafficking. I'm outraged and disgusted.

I want to thank all of you for what I know have already been years of advocacy. There will continue to be more and in the same vein, and obviously say—

**The Chair:** Pardon me, Ms. Stubbs. I'll interrupt. I think there's an issue with the channels and the translation on the English channel currently.

We'll try it again, Ms. Stubbs.

**Mrs. Shannon Stubbs:** Obviously, like all of us, I salute the victims and the survivors who are speaking out and who, from my perspective, are actual heroes. I think that word tends to be used loosely in some ways, but it's certainly fitting in their cases.

I want to say right off the bat what I am hoping for from all three witnesses who are here. You touched on this, but because of our limited time, if you have any other additional policy or legal remedies that you recommend, both on the issue of prevention but also to empower—which I think is a key issue here—individual ownership and rights over the circulation of our own images online, and of course anything else you haven't been able to address, could you please submit that to the committee in writing? I know that would be of high value to all the members here.

Laila, I have a question for you. You addressed a number of issues regarding the MindGeek representatives' testimony here and proved many of their claims to be false. I just want to start with a question for you about what MindGeek's response has been to you and to the work that you and other advocates are doing, and to victims and to journalists who are covering this issue, and any comments you might have about that.

• (1615)

**Mrs. Laila Mickelwait:** Thank you for that important question.

The response of MindGeek has been really inexcusable. They have sought to call advocates who are speaking out about this liars. They've called me personally a liar many times, and said that I was intentionally misleading. They have harassed. Those whom we know are connected with MindGeek and Pornhub have engaged in the harassment, the abuse and even the doxing of not only advocates like me and my own family, but also victims.

It's one thing to go after advocates. It's another thing to go after victims. Victims have been blackmailed. They have been intimidated into silence. They have, even in some cases, been physically attacked, where victims have actually sent me photos of themselves after a physical attack.

With regard to journalists, I have been sent emails from journalists around the world, even from Europe and even in Canada, where journalists have attempted to cover this issue, long before The New York Times did. The #Traffickinghub campaign took off in February with hundreds of thousands of signatures, even in the first couple of weeks. Now we're over a million. Even before that, The Sunday Times was investigating in early 2019 and journalists wanted to cover this issue, but those from MindGeek, often using fake names and identities, like this Ian Andrews character, would intimidate journalists and would even threaten legal action against them and would silence these stories from getting out.

I think that kind of behaviour is what.... One porn producer told me that she called it the "MindGeek Mafia", and that's exactly what it feels like.

One advocate who had spoken against MindGeek in the past, when I first began this campaign, called me and said, "Laila, do you have a safe room?" I said, "No, why?" She said, "I think you should get one." I didn't understand that at the time, but I think I understand it now.

**Mrs. Shannon Stubbs:** Thank you, Laila.

To your point about the gap between what they claim related to child sexual assault material and non-consensual material, do you have any comments in terms of what employees at MindGeek actually are experiencing? If you've ever spoken to any, might they have given you any understanding about how their so-called moderators—I think they actually call them "content formatters"—work?

**Mrs. Laila Mickelwait:** Yes. A number of whistle-blowers from MindGeek have reached out. I have been in contact with them. Attorneys have also been in contact with them. They've also been put in touch with law enforcement.

These whistle-blowers who've come forward have revealed things about the way Pornhub has acted with reckless disregard for human safety. They have acted in what I would think is gross criminal negligence. Just the idea that the world's largest and most popular porn site, with seven million uploads per year, 13 million videos available on the site at any given moment and 11 million comments posted to the site per year, many of which indicate that this is child rape, sex trafficking and non-consensual, that they would think it was okay to have 10 individuals per shift—including bathroom breaks, cigarette breaks and lunch breaks—reviewing these millions of videos and guessing, using an archaic Excel spreadsheet....

I have been given internal documents from MindGeek. I know MindGeek's executives refused to hand over such documents to the committee when they were presenting before you and you asked for them. I do have some of those internal documents using an archaic Excel spreadsheet, where in 2016 they had under 100 flagged red words that they were prohibiting on the site. You can compare that with what they've done now. It's absolutely reckless.

The suggestion that David Tassillo and Feras Antoon came before this committee and said they were leaders in child safety is incomprehensible.

• (1620)

**The Chair:** Thank you, Ms. Stubbs.

We're going to turn to Mr. Sorbara now.

**Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.):** Thank you, Mr. Chair.

Good afternoon, colleagues, and good afternoon to the witnesses. Thank you for your testimony today.

Obviously we've been listening quite intently to how we can make this world a safer place for individuals, obviously most particularly for minors. Things have happened that we don't like. I think I can say that very bluntly, and as a father of two young daughters, some of the testimony has been very hard to listen to.

I'd like to start off with the individual from London. We've announced many measures on human trafficking, Megan. As you are aware—you deal with individuals who have been human trafficked—and I understand the area you represent. A number of announcements have been made there.

Can you comment on the resources that have been made available? Are we going in the right direction? All levels of government seem to be working at tackling this issue of human trafficking.

**Ms. Megan Walker:** We served 1,300 victims of human trafficking of women and girls last year. As you may know from the media, one source of our funding through the federal government was not renewed. Fortunately, because of the support we have in the city of London, the city raised the money, \$12,000 a month for almost a full year, so we could continue our program, because we have a real problem—and not only in London but in every single city off the 401.

Then we were advised that we could apply for a new grant through WAGE, which we did. It's two years of funding. That's it. This is a serious issue impacting all aspects of society. We don't want two years of funding. We need core funding. We can't appropriately manage and plan for our programming to trafficked women and girls without a commitment from all levels of government that the funding will continue.

We're fortunate that the Government of Ontario has provided us with core funding, as has the City of London. However, we are missing funding from the federal government.

**Mr. Francesco Sorbara:** Just to follow up, you have applied for that WAGE program. Is that correct?

**Ms. Megan Walker:** We were successful in receiving the funds. We have not received them yet, but we were successful in being granted the funds. However, it's only up to \$200,000 for a two-year period.

**Mr. Francesco Sorbara:** Okay. I wanted to make sure we got that on record that you were successful in receiving the funding for the two-year period. Obviously we'll be there to support you, and I know the member of Parliament from your area is very supportive of the program for obvious reasons.

**Ms. Megan Walker:** We're very fortunate, because not only is Peter supportive but all our MPs have worked collaboratively from all parties, which is what we need to tackle this issue. That's what I'm seeing today, as well, with all of you, so thank you.

**Mr. Francesco Sorbara:** Absolutely.

[*Translation*]

Welcome, Mr. Fortin.

[*English*]

Professor, could you comment on the issue of consent and the whole idea of consent in terms of uploading material to the Internet and on Pornhub's site? How are we to deal with this issue of consent? If there is no consent, that material shouldn't be there and should be removed in a very quick manner. My conclusion is that they have failed on that issue of consent and being able to deal with it effectively.

Could you list maybe one or two recommendations on where we could improve this to ensure the material that would be applicable to be added to that website is added if it's consensual material? If the material is underage material, non-consensual.... We heard some very devastating testimony earlier this afternoon. It was just absolutely awful to hear what these individuals had to go through. This material should be taken off the Internet. It should be taken off those sites, whichever site it may be, as quickly as possible, to do as little harm as possible to these individuals.

Could you comment on that, sir?

[*Translation*]

**Dr. Francis Fortin:** Thank you for your question.

Consent is challenging in many ways. It's a complex concept that took years to define. The courts provided guidance. I think the way we think about and view consent is progressive.

From the stories of the witnesses in the first panel, it's plain to see that the due diligence around consent was lacking. One of the challenges is figuring out what to do in situations where a video is submitted and the person consented initially but later withdraws that consent. A whole host of safeguards would need to come into play.

There is no doubt that much more needs to be done to protect minors, particularly in terms of imposing very strict rules on companies. Things get trickier when it comes to adults. I would suggest having someone who specializes in matters of consent act as a go-between between victims and companies. That responsibility can't be given—

• (1625)

**Mr. Francesco Sorbara:** Sorry, Mr. Fortin.

[*English*]

If I could just jump in there, we did receive information from MindGeek or Pornhub that they did update their terms of service in the period following The New York Times article and so forth, if I remember the events and the way that played out.

It just seems that when I read those terms of service and how content was uploaded, those terms of service were not followed. That was very concerning to me. The onus needs to be, much like when you purchase a product in society or a service, that there are certain terms of service standards that are met. In this case, clearly, there was failure on their part, in my humble opinion.

**The Chair:** Mr. Sorbara, you are out of time, but I will allow the question to be answered.

[*Translation*]

**Mr. Francesco Sorbara:** Thank you.

**Dr. Francis Fortin:** I completely agree.

The real problem is that platforms can make users agree to whatever they want. Obviously, someone who wants to upload content will agree to the terms of use, so a much tougher approach is definitely needed.

I've been seeing these kinds of cases for 20 years now, so I don't think relying on the industry to hold companies accountable is the way to go. Things are at the point now where a bit more coercion is needed.

I would like to say something else, if I may. The focus is on one company, in particular, but when I started in the field 20 years ago, it was a different company doing this very thing. It hasn't stopped. The company in question today is most likely in the wrong, but the entire industry needs a hard look.

Consideration has to be given to everything that's happening, and especially to victims, who are left to fend for themselves.

My apologies if I went on too long.

[*English*]

**The Chair:** No worries. We always run short on time.

Madam Gaudreau, we'll turn to you now for your round of questions.

[*Translation*]

**Ms. Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

I noticed Ms. Mickelwait had her hand up. I think she wanted to comment quickly. I'd like to give her a few moments so we can all hear her answer. Afterwards, I'll ask my questions.

[*English*]

**Mrs. Laila Mickelwait:** Yes. I just thought this was a very important point.

Even after the major credit card companies disengaged from MindGeek, causing them to completely upend their business model and make these very recent changes that they should have made over a decade ago...they were driven by finances to make these changes now. Even so, David Tassillo came before this committee and said it was impossible for them to verify the consent of every single person featured in every single video.

In fact, their new terms are only about verifying the ID of the uploader. In many cases, the uploader is the trafficker. We have that in a class action lawsuit that was filed just a number of days ago. A man was verified into the Modelhub program, using his ID, but they didn't verify the 16-year-old who he was raping in the video and selling for MindGeek's profit. They got 35% off the sale of those videos.

Even to this day, David Tassillo has said it's impossible. It is not impossible. Is it easy? No, but it is possible. Not only is it possible; it's essential.

• (1630)

[*Translation*]

**Ms. Marie-Hélène Gaudreau:** You just made a hugely important point, Ms. Mickelwait.

Clearly, changes are needed, and changing the requirements around ID verification is a matter of basic human rights. I'm actually ashamed that we had to take our cues from the financial companies. It's high time that we, the lawmakers, do something about this.

Some say that we have to change the laws, address the offences and make the necessary reforms; they say we have ample ways to do that. The fact remains that the system is extremely slow. Together, we can find solutions. We mustn't forget that this affects victims for the rest of their lives. As a responsible government, we need to find very targeted ways to help victims, who suffer for life.

Mr. Fortin, one of the things you recommend is to issue operating licences. Under such licences, companies would have to meet certain requirements and behave in a certain way. It's a bit like making people obtain a driver's licence before they can drive. That's where we are. Unfortunately, it's a bit late in the game, but I don't think it's ever too late.

Pornhub's terms of service mention the right to be forgotten. Those who are being victimized now are top of mind, but of course, we can examine how to prevent future victims, as well.

Are you familiar with the right to be forgotten? Is there anything helpful you can tell us about the subject? Are there things we should do to support or strengthen the right to be forgotten?

**Dr. Francis Fortin:** This is a major issue. I'm not an expert on the topic. However, legal experts could shed some light on it.

There are basically two approaches. In Europe, there's more support for the right to be forgotten, whereas in Canada and the United States, there's a little less support. On the North American side, there's a certain reluctance to have content removed. I don't want to go too much into it. I'll simply say that this barrier should be overcome through a fast process. We aren't talking about removing unfavourable information about a politician from a website. This argument is often used to deny the right to be forgotten.

In this case, we're talking about a form of re-victimization, where a victim browsing a site can't remove their personal and intimate information. I strongly believe that we should have a fast way to remove information of this nature, without necessarily opening Pandora's box by allowing people to remove unfavourable information. This requires significant legislative reform and it must be started.

**Ms. Marie-Hélène Gaudreau:** I want to ask you another question.

We're talking about licences. Does this mean that, before making data fully accessible, we must be careful and make sure that everyone is taken care of? Before we give this right to websites, there would be rules to follow. I gather that either there are no rules or that the existing rules are totally insufficient. We must take urgent action to protect people's identities. In light of all the evidence before us, we're realizing that this is currently a lost cause, that it's impossible.

Do you agree that a reform regarding user identity is important, but that before allowing a website to access the personal information of its users, it should be required to obtain a licence, for example?

**Dr. Francis Fortin:** In simple terms, I'd say that running a site that manages this level of personal data on individuals is a privilege and that it shouldn't be a right.

• (1635)

**Ms. Marie-Hélène Gaudreau:** Thank you.

Ms. Mickelwait, I also want to thank you for your response earlier.

[*English*]

**The Chair:** Thank you so much.

We'll turn to Mr. Angus.

**Mr. Charlie Angus:** Thank you.

[*Translation*]

I want to thank the witnesses for taking part in these very important discussions.

[English]

Ms. Walker, I'm very interested in some of the recommendations you have brought forward. I think they're very helpful.

I feel that I always need to reiterate that it is not the role of this committee to investigate trafficking or issues of justice with women. We are the privacy committee, so we have a very specific focus, which is the non-consensual image and or whether or not the right of individuals to privacy, the quasi-constitutional right in Canada, has been violated by an organization, in this case Pornhub and MindGeek.

Ms. Walker, the issue of trafficking is important in terms of whether or not there is a clear connection between the sexual abuse of women and violence against women and how Pornhub has become a place where that abuse is repeated and magnified. In your work with the women's movement, would you say there is a direct link now between these kinds of videos that are being shown on Pornhub and the ongoing abuse of women victims of male violence?

**Ms. Megan Walker:** Absolutely, there's no question.

**Mr. Charlie Angus:** Would you say from your work with victim survivors that Pornhub would be aware of this?

**Ms. Megan Walker:** Absolutely.

**Mr. Charlie Angus:** Thank you for that.

Mrs. Mickelwait, at this committee, new stuff happens every day—stuff I have never seen before in the history of all the committees I have been on for many years.

We got a letter today. Feras Antoon and David Tassillo wrote us a letter—a personal letter about you—to warn us. It's weird. It's about you, but then it's about someone named Benjamin Nolot, who, they say, is against legal pornography and “against same-sex marriage and women's reproductive rights”.

Anyway, they sent us this letter prior to the committee meeting. I've never had people who are being investigated send us letters about people who are giving us witness testimony. Do you have anything to say about this letter we've received from the heads of MindGeek?

**Mrs. Laila Mickelwait:** It's standard procedure for them to try to distract, to try to defame and to try to discredit those who are telling the truth about what is going on on their site.

I came before this committee and I gave you testimonies of survivors who've personally reached out to me. These are their words. I presented and will present to you everything I have said today, documented with screenshots, to prove that it's actually factually correct. These are not opinions. These are facts.

This is completely inexcusable by the CEO and the COO. Rather than taking responsibility for what they've done through the immortalization of countless victims' trauma.... You know, some victims say, “My trauma and my abuse will live on long after I'm dead.” The thought of that tortures them. Instead of taking responsibility, what the CEO and the COO do—and this is exactly what they've done for the past year and beyond—is try to attack, try to harass,

try to quiet and try to silence advocates who are telling the truth about their site. That is unacceptable.

**Mr. Charlie Angus:** Is it the case that they're gaslighting you?

**Mrs. Laila Mickelwait:** Absolutely.

**Mr. Charlie Angus:** Thank you.

Ms. Walker, I read some of Pornhub's—I don't even know what to call them—tickertape issues, how they draw views on runaway teens, homeless teen abuse, teens destroyed and teens manipulated.

When I read subsection 163.1(3) of the Criminal Code, it looks to me like this is trafficking in child pornography. Mr. Tassillo, though, said I didn't understand the word “teen”. He said that normally, when you're using the English language, “teen” is used for someone 13 to 19 years old. We have 13-year-olds and 14-year-olds and 15-year-olds, and the word “teen” is in each of those words.

However, he said that in the adult entertainment world it actually means 18 to 25 or 18 to 27. He says it's understood that when you say “teen”—when you're talking about a “crying teen”, I guess, or “teen destroyed” or “stolen teen sex tape”—we would normally understand that as people who are legally able to consent and would be up to 27 years of age.

Given your work with victims and given your work with the law, would you say that's a correct or incorrect interpretation of what a teen represents?

• (1640)

**Ms. Megan Walker:** That's incorrect. When they advertise for teens, oftentimes they are teens under the age of 18. Also, the regular Joe or Josephine who is going to be clicking to watch it does not have an understanding that it would mean 18 or 19. That individual or individuals would have an understanding that it is a young girl.

The other point is, whether that woman or girl is over or under 18, in my experience, a number of women who have disclosed that they have been raped on video were not consenting either to the rape they endured or the posting of that rape publicly.

**Mr. Charlie Angus:** I am going to have to wrap it up here, but my concern is that we have laws in Canada that are very strong, yet we have never had a prosecution against Pornhub or MindGeek for any of this. When Pornhub tells us that someone is there to watch every single video, that means every single video went up with knowing intention. If it was criminal in nature, that would meet the test of *mens rea*, the knowing of criminal acts. They couldn't say, “Well, it was posted and we didn't see it.”

Can you explain to us why we've never had a legal prosecution? I mean, we have laws. We have multiple witnesses coming forward and multiple victims. There are legal reporting requirements. Any time there is an issue of child abuse online, it has to be reported to the authorities. We don't know if that's happened with them, or we didn't get a clear answer. The non-consensual use of images seems to be criminal in nature if it's been raised, yet we've never had any criminal investigations in Canada.

Are our laws strong enough, or is there just a lack of will? What do you think that gap is in the regulatory framework?

**Ms. Megan Walker:** First of all, self-regulation means that the corporation that is perpetuating violence against women and child pornography is regulating and deciding which videos go through and which don't. In fact, very few don't. Self-regulation is a problem. In the U.K., in fact, they were trying to do something around age verification, and MindGeek joined the team and wanted to do self-regulation. They said they would self-regulate, and the entire verification process in the U.K. collapsed and the discussions ended. That's one huge problem.

The second thing is that the porn industry and MindGeek are very powerful. That's why I'd like to see a financial audit. We don't know where the tentacles of this octopus are. There are so many shell companies that may or may not have influence over others that could perhaps establish criminal intent.

This is why I am so grateful for this opportunity and for the committee to be looking at this, because it is exposing MindGeek. We have a mandatory requirement in Canada to report child abuse and child pornography, all of us. You've heard it today. This committee does have a requirement to send over to law enforcement the testimony and the witness statements, because they show that there is child pornography. I hope that we have you and others on this committee who are speaking about criminal intent and criminal legislation, and I hope you will follow through, whether it be this committee or the justice committee. We need to see our criminal laws enforced.

**The Chair:** Thank you, Mr. Angus.

Two of our panellists have their hands up.

I'll turn to Ms. Mickelwait to begin with and then Monsieur Fortin to follow.

**Mrs. Laila Mickelwait:** Thank you so much.

I think it's important to speak to this issue of complicity and knowing in the distribution of this kind of illegal content. I want to give the committee two brief examples, because I am a witness and I want to tell the committee the information that I have on hand and that I have documented as well.

There was, for example—one of many examples—a video of a girl. The title of the video was “School girl is Fucked in Forest”. The tags in the video said “CP” and “Not 18”. The uploader was “UASex”, which would stand for underage sex, for anybody who would be looking at that. In the comments, they actually indicated that the girl was in the ninth grade, that commenters knew who she was and that she was underage. Not only did Pornhub moderators or reviewers look at that video, look at the tags, look at the title,

look at the uploader and then approve it, but they featured it. They advertised that video on the site, on the home page, to get more views and more clicks. That is the advertising of child sexual abuse material. I have numerous examples of that.

There is one other instance that was particularly egregious, which I was aware of this year, in 2020, of a very obviously pre-pubescent, underage girl being anally raped and tortured. She was screaming in the video. It was horrific. This video was uploaded three different times by three different users over a period of weeks. It was reported. The report was documented. It was not taken down. A number of days later, it was reported again. It was documented. It was reported. It was not taken down.

Finally, I facilitated the transfer of the link of this video to the FBI. The FBI then sent it to the National Center for Missing & Exploited Children, and finally they confirmed the video was underage and they made a demand to Pornhub to take it down. Pornhub finally took it down after weeks and tens of thousands of views with a download button so that a hundred million people a day had the opportunity to commit the federal crime of downloading that child sexual abuse material. Then, they left the title, the tags, the views and the link available still to be indexed on Google to continue to drive traffic to their site using that child's sexual abuse.

I have evidence of over 75 such instances, in which you can see that the video was confirmed as child sexual abuse and it was asked to be removed by NCMEC, but they left the data of the videos live on the site even with titles such as “Boy Masturbating Before School”, “She's So Tight” and things like that. It's obviously CSA. That's knowing distribution. That's knowing advertising of child sexual abuse.

• (1645)

**The Chair:** Thank you.

We'll turn to Mr. Fortin.

[*Translation*]

**Dr. Francis Fortin:** My hypothesis is that, when a complaint is filed with the police, it's usually established that the material is indeed child pornography. The police then look to obtain the necessary warrants to take action, which requires time. The web host is then asked to remove the images. The web host will claim that it didn't know, that its system is complicated and that it will remove the images as soon as it can technically do so. Soon after, another police force in Canada makes the same request.

There doesn't appear to be any concerted action. Since the requests come from various police forces, they don't see the full extent of the issue concerning these companies. Each police force believes that it's doing its job. However, there's no comprehensive approach to investigations.

[*English*]

**The Chair:** Thank you to our panellists.

Committee members, we have a decision to make. We really are getting very close to the end of our time. I would look to the committee to see if there are questions that remain and if we would like to go for another round, or if committee members would like to indicate simply by showing their hands that they have a specific question that would be a short question.

I see that Mr. Gourde has his hand up.

You do have a question? We'll turn to you, Mr. Gourde.

[*Translation*]

**Mr. Jacques Gourde (Lévis—Lotbinière, CPC):** Thank you, Mr. Chair.

I also want to thank the witnesses for their presentations, which are very valuable to us.

I'll ask the three witnesses a very quick question.

If you had virtually unlimited mean and the support of governments, police forces and everyone else to eliminate this scourge, where would you start?

What measures could we put in place to protect our young people?

Mr. Fortin, you can answer first.

**Dr. Francis Fortin:** Thank you.

I actually listed several of them. I tried to refer to all the measures in my presentation, and I meant to explain them in detail.

It's important to support and help the victims. A crackdown is one thing. However, I think that the priority should be to remove the images as quickly as possible to prevent the re-victimization of the people concerned. To this end, all means should be used to demand the swift removal of content and to require providers to remove content quickly. It shouldn't take 10 days to remove content, as we heard in the presentations.

In my opinion, this isn't about replacing the legal process. The main priority is to remove the content. I'll send you my written submission.

• (1650)

**Mr. Jacques Gourde:** Thank you.

Do you have anything to add, Ms. Walker?

[*English*]

**The Chair:** Ms. Walker, we'll turn to you.

**Ms. Megan Walker:** I'll say that I think our six recommendations are very sound and were developed in consultation with the global community. I will make sure that you get those and the rationale for them in writing.

We have a criminal justice system that unfortunately continues to rely on victim testimony for a conviction or for any further action. As a victims rights advocate, I would say that we need to take a really good look at that, because victims are so hesitant to come forward due to fear. Second, the courts are taking so long, and with the Jordan decision, many times the offenders are being released because it has extended past the length of time allowed. We have a

problem with the criminal justice system, and we also have a problem with educating the criminal justice system providers.

I would say that our recommendations are solid and need to be followed and, second to that, we need to focus on the rights of victims and make sure they do not have to testify in order to get a conviction. We also need to make sure that we're appointing more judges so that the courts can move at a faster pace.

**The Chair:** Thank you, Mr. Gourde.

We'll turn to Mr. Angus.

**Mr. Charlie Angus:** Thank you.

[*Translation*]

Mr. Fortin, do you have any recommendations, particularly with regard to the legal aspect? Do any legislative gaps stand in the way of our ability to protect young people from websites, particularly Pornhub? Your proposals could help the committee with its study.

[*English*]

Second, quickly, Madam Mickelwait, you say you have documents. If you could present those documents to us, it would be very helpful.

Also, if you have documentation of emails of attempts by the survivors that you've dealt with to get legal satisfaction from Pornhub or to get them to comply, anything you could forward to our committee would be very much appreciated. Certainly, if it has to do with survivors or victims, we would treat that with great respect and confidence.

**Mrs. Laila Mickelwait:** I will do that. Thank you.

I don't know if it would be possible for me to make a quick suggestion with regard to a solution. I think it's important for us to serve those who have been victimized, to provide the important trauma therapy and services for victims, but it's also very important to work on the prevention side of this.

The truth of the matter is that once a video gets online, on a site like Pornhub where they have a download button or anyone could do a screenshot for that matter, this victimization and this trauma lives on. It's a level of trauma that is really incomprehensible and multiplied for these victims to where it's hard for them to ever recover. Many times we see that they become suicidal.

We need legislation that would require, with harsh penalties, the verification of every single person and every single video on these big porn sites to be age verified and to be consent and agreement verified, not just the uploader but every single person. I think that would go a long way to prevent this kind of abuse from happening in the future.

I also think we need accountability. When a site like Pornhub and a company like MindGeek has engaged in this kind of behaviour, a slap on the wrist for them is truly a slap in the face to the countless victims whose lives have been destroyed over the past decade by this predatory company.

It would be a huge deterrent for others in the future to see true justice for these victims and to see this company be truly held accountable.

• (1655)

**The Chair:** We're going to go to Ms. Sahota and then Ms. Stubbs for short questions.

**Ms. Jag Sahota (Calgary Skyview, CPC):** Mr. Chair, I want to thank all the witnesses for coming here today, and for their time and evidence.

MindGeek executives continue to talk at length about their fingerprinting software for preventing reuploads of illegal content to the site. What is your knowledge about that software and its implementation?

**Mrs. Laila Mickelwait:** I can speak to that, if you'd like.

**The Chair:** Sure.

**Mrs. Laila Mickelwait:** Like I mentioned before, MindGeek itself has emailed victims, telling them that they acknowledge that the software does not work. MindGeek itself came to this committee and said that to this committee, that they acknowledge that the fingerprinting software does not work in every case because you can make small edits to these videos, and then the hashing and the fingerprinting doesn't work anymore.

It's extremely problematic when a company is relying and touting this kind of software as a solution, and at the same time, fully understanding that it doesn't work and telling victims that it doesn't work. It speaks to the issue that we have to go to the front end. We have to go to the point of upload, and have these procedures and compliance in place to prevent these videos from getting on the site in the first place.

**The Chair:** Ms. Stubbs, we'll turn to you.

**Mrs. Shannon Stubbs:** The query I had was addressed, but I think Mr. Fortin wanted to address the previous question as well.

[*Translation*]

**Dr. Francis Fortin:** From a legal standpoint, you'll recall that a fast approach is available. The approach is set out in section 163.1 of the Criminal Code, which deals with child pornography. I think that you could consider an equivalent provision for the non-consensual distribution of intimate images. You could build on these powers, which allow for the quick removal of illegal content.

That said, you need funding to create teams dedicated to this issue. I know that it's hard to say that one case is more serious than another. However, the police forces that are already dealing with child pornography cases would be prioritized. What happens when images of an older person are involved? I think that you should also look at creating police units or hybrid units, whose mandate would be to address this issue using the proper legal tools.

Regarding the digital footprint, certain technologies already make it possible to recognize what's happening in a video. We've moved beyond mathematical calculations and hashing to find the digital footprint. Software is now available that can help us do this quite well. In my opinion, everyone should check the illegal content database before allowing content to be distributed.

[*English*]

**The Chair:** Ms. Walker, I can see that you'd like to jump in here.

**Ms. Megan Walker:** I just want to say really quickly that in the testimony of the MindGeek CEO and COO, I found that they really don't care one bit about interfering legally or about any software. They say in their testimony that for the last two years they've been building the tool called "SafeGuard" to help fight the distribution of non-consensual images. I don't believe that to be true. I would like to see evidence of that.

Also, I would say further that I really don't care if they have that software or not. The reality is that they should not be self-regulating, because they really don't care about anything except how much money they're going to bring in.

• (1700)

**The Chair:** Thank you.

Mr. Bowe, I see that your hand is up. I think there's consent from the committee to hear from you. Do you have some comments?

**Mr. Michael Bowe:** I did, just in response to some of the questions, first of all with respect to laws already being on the books that simply aren't being applied, and also to Ms. Walker's last point about whether this is a group of people that can be trusted to self-regulate.

By their own testimony, their own public statement, they keep everything that has ever been uploaded to the site, even if it's been disabled from the public. We know that with few exceptions they have never really been reporting to NCMEC or to Canadian authorities, which they're required to report to when they find child pornography.

The fact of the matter is that in servers in the United States and Canada this company is probably the largest repository of child pornography in North America, which we all know is flat out a crime. It's all there. It hasn't been reported, and they haven't followed all the rules and regulations to handle it.

The second thing I would say is that I think Ms. Walker was talking about the corporate structure. We've been investigating this company for about a year. I've mentioned the corporate structure before. I've done many international cases involving many complicated companies. I've never seen anything like this company's corporate structure. It is the absolutely quintessential structure set up to avoid accountability, transparency and liability.

I'll leave you with this. We have some monsters in the U.S. We had a monster named Harvey Weinstein. We had a monster named Epstein. MindGeek is Canada's monster. It is. This is a bad, unaccountable rogue company.

**The Chair:** Thank you.

Colleagues, we are pretty well out of time here.

Ms. Stubbs, you do have your hand up. We'll turn to you.

**Mrs. Shannon Stubbs:** Thank you, Chair.

Thanks to the previous witness. That is a question I have. Would all witnesses want to make a brief comment—if the chair would allow that—on exactly this issue about MindGeek's or Pornhub's reporting to the proper authorities about child sexual assault material in Canada, and whether or not they view it to be a violation of Canadian law? I think that would be a worthy thing for witnesses to address if they would so choose.

**The Chair:** We'll turn first to you, Ms. Walker.

**Ms. Megan Walker:** Absolutely, it's a criminal offence. It's very clear in the Criminal Code that this is a criminal offence. To the lawyer who was on—I'm sorry I've just lost your name in the late-ness of the afternoon—I want you to know that everything you've said is so important. It's why we came up with a recommendation that there be some sort of a Canada Revenue Agency audit that would examine all of their subsidiary companies and try to determine if they're compliant with the relevant legislation. I don't believe they are. They're so secretive. As you know, you've had difficulty finding information. I think we cannot do this on our own. We need CRA to come in and assist us in determining just how extensive the tentacles of this company extend.

**The Chair:** Ms. Mickelwait, were you looking to jump in there as well?

**Mrs. Laila Mickelwait:** I would like to. Thank you so much.

MindGeek came before this committee a couple of weeks ago and said they were a partner of the National Center for Missing & Exploited Children. I would suggest they're not a partner. I think you should ask NCMEC about that statement. I think they would tell you that they're not a partner.

What MindGeek did was what they should have done many years ago, which is finally register, in 2020, to begin reporting to the National Center for Missing & Exploited Children in the U.S.A. On the 2019 ESP report for NCMEC, there were zero reports from MindGeek or Pornhub. Not only that, we have evidence of their senior community manager telling a user online, publicly, who had said, "There's child porn all over Pornhub", and what could they do, that they did not need to report it to the authorities, to just report it to them. In that same year, there were no reports from Pornhub to NCMEC. Moderators have told me that they didn't even know what NCMEC was—the National Center for Missing & Exploited Children. I would think these reviewers would need to know who that agency was in order to be taking the proper procedure.

I'll lastly say that victims have said that sometimes they have reported their child exploitation to Pornhub and then gone over to NCMEC to report there as well, and they discovered that there was no report coming from Pornhub or MindGeek about their particular instance of exploitation.

• (1705)

**The Chair:** Mr. Bowe.

**Mr. Michael Bowe:** I'll be really quick.

Not only did they not report it, but there were times when they were forced to report it because of the people who were bringing it to their attention, and on their site, instead of saying that this was taken down by NCMEC, they would put up a notice that said this was disabled because there was a violation of copyright. There's

this whole attempt to conceal the fact that this stuff was on their site.

They also would do that when people would call out certain child pornography or assault tapes. They would disable the tape, scrub the page to take out the obvious indications that there was child pornography on there, but leave the link up. The reason they did that.... When they came and testified to you and said, "Why would we do this? It's bad for our business," that was an outright falsehood.

As I testified before, this is all about search engine optimization. They could disable the video, but they kept all the other content up there such that....

Ms. Mickelwait mentioned a bunch of very well-known examples of this woman who committed suicide. There have been some very high-profile instances where stuff was posted to Pornhub. If you were to put that name and something like "sex tape" into a search engine today, the first search result will be Pornhub, even though the video's not there. When you put that search language into Google or Yahoo, it brings you to Pornhub first. Then, even though the video's not there, Pornhub's algorithm will guide you to other like-type material. That's the point. That's what they were doing.

**Mr. Charlie Angus:** I have a point of order, Chair.

**The Chair:** Yes, Mr. Angus.

**Mr. Charlie Angus:** I know we're going late here because we're all very much seized with this, but I would like to ask about some documents.

I'm not sure if we asked for these documents, but I did ask them about their legal obligations under Canadian law and that they have to report every incident on the service to the police—and that's Canadian police. It's not NCMEC. They said they'd filed in the U.S. We didn't get to go back to that, but under Canadian law, they are legally obligated to file with police as well as the centre for protection here in Canada.

Can we ask them if they will provide us with the list? I think I had asked them, but I'm not sure if we got that. This would be the list of how many cases they have referred to U.S. or Canadian or international authorities of known cases of child abuse that have been raised to them.

Are we asking for that?

**The Chair:** I'm looking for and seeing what I understand to be consent from the committee members that we do request that information, if we have not already.

We will work with the analysts and the clerk to ensure that this is a request.

**Mr. Charlie Angus:** Is it on the list?

**The Chair:** I see heads nodding in confirmation that this would be requested.

**Mr. Charlie Angus:** Okay. Thank you for that.

**The Chair:** Thank you, Mr. Angus.

Ms. Mickelwait, we'll turn to you.

**Mrs. Laila Mickelwait:** I have just one last comment. Thank you so much for giving me the opportunity to share this. I think it's relevant to this conversation.

There's another piece of information that I was made aware of through a MindGeek whistle-blower moderator that I think should be fully investigated. It's this idea that they have multiple different folders that they're supposed to put flagged content into that is illegal or child sexual abuse material. He suggested that there is something called "Folder A", where very young-looking children go that are under the age of 12, but there is also "Folder B", which is used for 15-, 16- and 17-year-olds. He suggested that he was not confident that this was being reported, even though that is illegal child pornography. I think, as a point of investigation, it's very important to be looking into that.

**The Chair:** I want to thank you, witnesses, for joining us and for extending your time to be with us. We apologize for the early de-

lays, but I believe the testimony shared with us has been essential and will be profoundly impactful in terms of the study and where we go.

Colleagues, I know this was an unconventional way to end the meeting, in terms of more of an open discussion, but I believe it was a productive use of our time. I do appreciate your indulgence in allowing me to undertake the meeting in that way.

Committee members, our next meeting will be Monday, February 22. I look forward to seeing you there. If there's anything you need, please contact me directly or go through the clerk. Again, thank you for your indulgence in extending the time.

I'll adjourn now to allow you to get on with your weekend. Thanks so much.

The meeting is adjourned.

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