



PARLIAMENT | PARLEMENT
CANADA

November 25, 2020

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

Dear Minister,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your immediate attention to this matter.

Sincerely,

Senator Julie Miville-Dechêne
Quebec

Senator Frances Lankin
Ontario

Arnold Viersen, MP
Peace River – Westlock

Senator Linda Frum
Ontario

Senator Dennis Patterson
Nunavut

Rachael Harder, MP
Lethbridge

John McKay, MP
Scarborough—Guildwood

Dr. Colin Carrie, MP
Oshawa

Glen Motz, MP
Medicine Hat – Cardston – Warner

Shannon Stubbs, MP
Lakeland

James Bezan, MP
Selkirk – Interlake – Eastman

Jag Sahota, MP
Calgary Skyview

Rosemarie Falk, MP
Battlefords – Lloydminster

Cathay Wagantall, MP
Yorkton—Melville

Gerald Soroka, MP
Yellowhead

Jeremy Patzer, MP
Cypress Hills—Grasslands

Ted Falk, MP
Provencher

Damien Kurek, MP
Battle River-Crowfoot

Martin Shields, MP
Bow River

Elizabeth May, MP
Saanich—Gulf Islands

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

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