Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15494
07 April 2022

For an assessment of the means and provisions to combat children's exposure to pornographic content

Report[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Mr Dimitri HOUBRON, France, Alliance of Liberals and Democrats for Europe

Summary

The Parliamentary Assembly is alarmed by the unprecedented exposure of children to pornographic imagery, which is detrimental to their psychological and physical development. This exposure brings increased risks of harmful gender stereotyping, addiction to pornography, early and unhealthy sexual relationships, as well as difficulties with developing balanced, respectful relationships in future life. Early exposure to pornography results in the blurring of the boundaries of normal curiosity towards sexuality and socially acceptable behaviour. It undermines respect for human dignity, privacy, and physical integrity. Law enforcement authorities have reported a massive spike in cases of harmful sexual behaviour by children.

To better protect children from exposure to such content, the Assembly calls on the member States to address the gaps in relevant legislation and practice; to ensure that easy-to-use parental controls, ad-filtering and ad-blocking tools are built in by default on all devices; to support the use of age verification tools, based on lessons learned from past experience; to support public debate and pornography harm awareness measures; to introduce or further strengthen age-appropriate and comprehensive sexuality education in school; and to ensure that hotlines and helplines are available and accessible, where children experiencing problems related to exposure to pornography can seek assistance.

1. Reference to committee: Doc. 15077, Reference 4507 of 7 May 2020.

Contents **Page**

A. Draft resolution 3
B. Draft recommendation 5
C. Explanatory memorandum by Mr Dimitri Houbron, rapporteur 6
1. Introduction 6
2. Definitions and scope 6
3. The root cause: easy and anonymous access to pornographic content 7
4. Impact of exposure to pornographic content on the well-being of children 8
5. Means and provisions to combat children's exposure to pornographic content 9
5.1. Parental control and blocking software on public computers 9
5.2. Age verification 10
5.3. Education and awareness raising 12
6. International co-operation 14
7. The big picture: profitability of the pornography industry versus public interest 14
8. Conclusions and recommendations 14

A. Draft resolution[2]

1. Exposure of children to pornographic content is a growing concern in Europe and across the world. Children, in some cases at a very young age, access and share pornographic content at home, at school or with friends in their neighbourhoods or online. Children often stumble upon pornographic content on digital devices, even without actively looking for it.

2. The Parliamentary Assembly is alarmed by the unprecedented exposure of children to pornographic imagery, which is detrimental to their psychological and physical development. This exposure brings increased risks of harmful gender stereotyping, addiction to pornography, early and unhealthy sexual relationships, as well as difficulties with developing balanced, respectful relationships in future life.

3. Early exposure to pornography results in the blurring of the boundaries of normal curiosity towards sexuality, socially acceptable behaviour and undermines respect for human dignity, privacy, and physical integrity. Law enforcement authorities have reported a massive spike in cases of harmful sexual behaviour by children.

4. The Assembly notes with concern that in recent decades, the fast development of information and communication technologies has facilitated easy access to virtually unlimited amounts of pornographic content for all internet users, including children. Although very few people would argue that it is acceptable for children to have access to pornography, the existing means and provisions fail to protect children from harmful content. Furthermore, many children go looking for information about sexuality in the absence of age-appropriate and comprehensive sexuality education provided by parents or schools, and they arrive unwittingly on pornographic sites.

5. The Assembly recalls its Resolution 2412 (2021) "Gender aspects and human rights implications of pornography", Resolution 2330 (2020) "Addressing sexual violence against children: stepping up action and co-operation in Europe", Resolution 2119 (2016) "Fighting the over-sexualisation of children" and Resolution 1835 (2011) "Violent and extreme pornography", as well as the CM Recommendation (2018)7 providing Guidelines to respect, protect and fulfil the rights of the child in the digital environment, and reiterates its commitment to the protection of children from violence, in accordance with the United Nations Convention on the Rights of the Child, the United Nations 2030 Agenda for Sustainable Development (Goal 16.2 – End abuse, exploitation, trafficking and all forms of violence against and torture of children), and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, the Lanzarote Convention).

6. In the light of the above considerations, the Assembly invites the Council of Europe member States to:

6.1. examine the existing means and provisions to combat children's exposure to pornographic content and address the gaps in relevant legislation and practice with a view to better protecting children from exposure to such content;

6.2. ensure that easy-to-use parental controls, ad-filtering and ad-blocking tools are built in by default on all devices; and are systematically activated in public spaces, such as schools, libraries, and youth clubs; support awareness-raising on the tools available, including through information from schools, training offered in the workplace and government advertising campaigns;

6.3. ensure that tagging of online content as "restricted to adults" is mandatory for adult websites;

6.4. support the use of age verification tools, and in particular:

6.4.1. develop relevant legislation to ensure that both dedicated websites hosting adult content and mainstream and social media which include adult content, are obliged to use age verification tools;

6.4.2. ensure that such tools are user friendly, simple, secure and effective, as well as respectful of the privacy of users' data; ensure that age verification tools are not misused for harvesting data, thus enabling blackmail or identity theft;

6.4.3. ensure that age verification providers are individually approved and vetted using a formal certification process carried out by a recognised body; this certification process should not only test for overall age verification efficacy and privacy compliance, but also for security and defence from penetration of data storage facilities;

2. Draft resolution adopted unanimously by the committee on 17 March 2022.

6.4.4. mandate compliance with age verification requirements; tackle the problem of search engines promoting non-compliant sites due to users favouring sites that do not ask for their personal information, which increases "bounce rate" and has an adverse commercial effect on compliant sites;

6.4.5. consider the development of "black" domain or URL lists, for the domains which are found to be in breach of the legislation or in the process of being investigated, and "white" lists for the domains that have accredited age-verification processes in place;

6.4.6. ensure that respect of age restriction regulations is systematically monitored by relevant law enforcement bodies, that circumvention techniques are identified and duly tackled; and that penalties for non-compliance are swiftly introduced;

6.4.7. ensure that there is a certain flexibility in the way in which age verification systems are used, in order to allow for the introduction of new technologies on the one hand, and to give choice to the platforms and their users with respect to the information that is to be provided on the other hand;

6.4.8. ensure that age verification systems are cost effective both for large and small companies, and are capable of treating large data volumes; allow for reasonable time for implementing and testing solutions;

6.4.9. develop public awareness campaigns to promote trust of age verification platforms and confidence in the respect of the privacy of users' data, to prevent the public continuing to look for non-compliant adult content sites, which are highly unlikely to have content or user safety policies and protections, resulting in great potential for exposure to dangerous, illegal content and possible viruses/malware;

6.4.10. support the development of European and international standards, regulation, and certification;

6.5. ensure that the use of artificial intelligence technologies that are driving pornography addiction is investigated, monitored and regulated;

6.6. consider the introduction of an alert button or other similar solution for children to report accidental access to pornographic content, and envisage follow up action, such as warnings or penalties for relevant websites;

6.7. ensure that education programmes at all levels promote respect for human dignity, physical integrity, and gender equality; increase parents' and families' awareness of the need to educate their children about sexuality in a comprehensive and age appropriate manner; equip children with the skills required for navigating the digital space safely and responsibly; introduce or further strengthen age-appropriate and comprehensive sexuality and relationship education in schools; and ensure that such education programmes are delivered in an age appropriate manner by duly trained professionals, are conducted separately with boys and girls when appropriate, meet children's needs, and are developed with their participation;

6.8. support pornography harm awareness measures, such as the use of embedded health and legal warnings within pornography websites and the inclusion of relevant information in curricula, including on the impact of pornography on children's brain development, the increased risk of sexual dysfunction, and reduced ability to build healthy sexual relationships in future life;

6.9. promote public debate on children's exposure to pornography and the means and provisions to address it, and facilitate parents and children's participation in relevant decision making;

6.10. support further research on the impact of children's exposure to pornography and means to prevent and end exposure, as well as on means to combat harmful effects of such exposure;

6.11. ensure that hotlines, helplines, and contact persons (including in schools) are available and accessible, where children experiencing problems related to exposure to pornography can seek advice and assistance.

7. The Assembly welcomes the current work of the European Commission on a pan-European solution for secure and certified interoperable age verification, and parental consent system, to access information society services. It stresses the importance of fully addressing the concerns for the respect of human rights, privacy and the rule of law in this context. It expresses its support for extending this work to all Council of Europe member States.

B. Draft recommendation[3]

1. The Parliamentary Assembly refers to its Resolution … (2022) "For an assessment of the means and provisions to combat children's exposure to pornographic content", as well as to its Resolution 2412 (2021) "Gender aspects and human rights implications of pornography", Resolution 2330 (2020) and Recommendation 2175 (2020) "Addressing sexual violence against children: stepping up action and co-operation in Europe", Resolution 2119 (2016) and Recommendation 2092 (2016) "Fighting the over-sexualisation of children" and Resolution 1835 (2011) and Recommendation 1981 (2011) "Violent and extreme pornography".

2. The Assembly welcomes the recent adoption by the Committee of Ministers of the Council of Europe Strategy for the Rights of the Child 2022-2027, which includes strategic objectives on "Access to and safe use of technologies for all children" and "Freedom from violence for all children".

3. The Assembly recommends that the Committee of Ministers:

3.1. encourage relevant bodies, such as the Steering Committee on the Rights of the Child (CDENF), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Ad hoc Committee on Artificial Intelligence (CAHAI), and the Steering Committee for Education (CDEDU), to give due consideration to the issue of children's exposure to pornographic content in their relevant activities and to support member States in combating children's exposure to pornographic content, for example by:

3.1.1. facilitating the exchange of good practice;

3.1.2. organising capacity-building events;

3.1.3. providing advice on age-appropriate and comprehensive sexuality education, including pornography harm awareness measures, at all levels of education;

3.1.4. facilitating a stocktaking exercise on relevant initiatives and lessons learned, and developing a roadmap for future action;

3.2. examine possible follow up to be given to this recommendation and the above-mentioned resolutions and recommendations in the framework of the Council of Europe Partnership with Digital Companies, which was signed with representatives of leading technology firms and associations in 2017, in order to promote an open and safe internet, where human rights, democracy, and the rule of law are respected in the online environment; envisage a parliamentary dimension and co-operation with civil society organisations, including parents' and children's organisations in this context;

3.3. call on the Council of Europe member States to fully implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention, CETS No. 201), the recommendations of the Lanzarote Committee, and the 2018 Committee of Ministers Recommendation CM/Rec(2018)7 entitled "Guidelines to protect, respect and fulfil the rights of the child in the digital environment";

3.4. consider closer co-operation with the European Commission, with a view to developing pan-European regulations on combating children's exposure to pornographic content;

3.5. support co-operation with relevant United Nations bodies, such as the United Nations Children's Fund (UNICEF), and the United Nations Special Representative of the Secretary-General on Violence Against Children, and in this context, propose the setting up of a government platform partnership, with the participation of digital companies and adult content providers, in order to develop a co-ordinated, cost-effective, and sustainable global response with a view to combating children's exposure to pornographic content.

3. Draft recommendation adopted unanimously by the committee on 17 March 2022.

C. Explanatory memorandum by Mr Dimitri Houbron, rapporteur

1. Introduction

1. Exposure of children to pornographic content is a growing concern in Europe and across the world. Children, in some cases as young as 7 or 8 years old,[4] access and/or share pornographic content at home, at school or with friends in their neighbourhoods or online. Children often stumble upon pornographic content on digital devices, even without actively looking for it, or produce and share so-called sexually suggestive or explicit "self-generated images" without being fully aware of the impact of such actions.[5]

2. The unprecedented exposure of children to pornographic imagery is detrimental to their mental and physical development, bringing increased risks of harmful gender stereotyping, addiction to pornography, early and unhealthy sexual relationships, sometimes triggering harmful sexual behaviour by children in respect of their peers, sexual violence and abuse including cyberbullying, as well as difficulties with developing balanced relationships in future life. The existing means to combat children's exposure to pornographic content are failing to achieve their objectives. The aim of this report is to assess the existing means and provisions to combat children's exposure to pornographic content and to propose recommendations for improving child protection.

3. I would like to thank many colleagues and experts for their feedback and advice on the preparation of this report. Useful contributions have been received from the members of the Committee on Social Affairs, Health and Sustainable Development from Croatia, France, Sweden, and the United Kingdom. I am also grateful to Mr John Carr, expert on internet safety and security, United Kingdom, Ms Julie Miville-Dechêne, Senator, Senate of Canada, and Mr Iain Corby, Executive Director, The Age Verification Providers Association, for having shared their insights on this topic at an exchange of views on 1 December 2021.[6] A written contribution from MindGeek was of help for identifying challenges and dilemmas related to age verification procedures, from the perspective of adult content providers.

2. Definitions and scope

4. For the purposes of this report, "child" will mean any person under the age of 18 years, in accordance with the United Nations Convention on the Rights of the Child; "pornographic content" will mean printed or online material containing the explicit description or display of sexual organs or activity, intended to stimulate sexual excitement; "means and provisions" will mean legislation, policies and other measures, including awareness raising and education; and "exposure to pornographic content" will include both involuntary exposure (for example online advertising) and ease of access (for example lacking or ineffective age verification procedures).

5. To avoid any confusion and amalgamation, I will focus exclusively on children's access to pornographic material (namely, material of a sexual nature portraying adults), even if exposure to child sexual abuse material[7] is certainly an issue of serious concern, along with sexual content which is self-generated by children themselves. This has been duly acknowledged by the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), which focuses its latest monitoring round on addressing the challenges raised by child self-generated sexual images and/or videos.[8] In my view, such topics deserve the Assembly's consideration in separate reports.

6. It might also be worth noting that the subject of pornography as such is complex and controversial. Some people feel that commodifying the human body via the production and dissemination of adult content constitutes a deprivation of human dignity and is immoral, and that exposure to pornography has a substantial negative impact on the mental and physical well-being of the users. Others feel that sexuality is an essential

---

4. www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds.
5. See the relevant Opinion of the Lanzarote Committee.
6. See document AS/Soc (2021) PV 10add.
7. In this context, it is worth noting that the current trend is to avoid the use of the term "child pornography", which could imply some form of consent on the part of the child, undermining the gravity of the crime at stake which the material depicts.
8. The implementation report, concluding the evaluation procedure of the monitoring round of the Lanzarote Committee on "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies – Addressing the challenges raised by child self-generated sexual images and/or videos" is expected to be adopted during the first half of the year 2022. It will be available at this address: www.coe.int/en/web/children/2nd-monitoring-round.

part of human life, and that adult content will always be in demand, and can have positive impacts, and that driving the pornographic industry underground would prompt dangerous working conditions for sex workers and the propagation of the worst forms of pornography. While this issue certainly deserves public debate and policy action, it is largely outside the scope of this report. Furthermore, gender aspects and human rights implications of pornography have already been the focus of a report by Mr Frank Heinrich (Germany, NR) presented to the Assembly in November 2021.[9]

3. The root cause: easy and anonymous access to pornographic content

7. In recent decades, widespread digitalisation has helped to connect people across the globe, but it has also made it easier for children to access pornographic content. Nowadays, there are a growing number of children who own smartphones or other internet-connected devices and who have personal social media accounts.[10] Pop-up adverts are the most common source of pornographic content that reaches children aged 13-14.[11] Other common routes for accessing pornographic content include video and photo-sharing sites or social media sites. Insufficient regulation of the online environment enables dissemination of pornography via the "Triple-A Engine: accessible, affordable, and anonymous." Furthermore, the sheer amount of new content uploaded every minute makes it virtually impossible to moderate pornography online.[12]

8. The British Board of Film Classification believes that there are "1.4 million reasons to act" – as this is the number of children who see pornography in the United Kingdom each month. Most children say that they accidentally stumbled on it and were not expecting to see pornography. Most parents would like to see age verification introduced for these websites and a majority of children would like to be protected from adult content online.[13] In France, over 82 % of adolescents have seen pornographic content. At the age 12, 1 out of 3 children has seen pornography. The smartphone is the medium most used by young people to watch pornographic videos, and two thirds of children under 12 own a smartphone.[14] To address this concern, the French Government has launched a campaign "I protect my child", which includes a public awareness videoclip[15] and an online information platform for parents, with useful guidance and resources.[16]

9. The issue of children's exposure to pornographic content needs to be considered in the wider context of the sexualisation of popular culture.[17] Today, children are inundated with explicit sexual images in films, television, commercials, music videos, books and mangas, magazines and games. The boundaries of what is considered acceptable are continuously being stretched and views on how to deal with this issue are highly polarised. There are instances of adolescents' magazines presenting sexual work as an employment like any other[18] and mainstream media presenting pornography as a highly lucrative and socially acceptable source of income.[19]

10. In the context of the Covid-19 pandemic, screen times have increased, supervision decreased and comfort seeking behaviour has often led children to accessing and sharing sexually explicit content. The website PornHub reported that pornography viewing increased by up to 24% in 2020. While most of the viewers are adults, not all of them are. With the average age of first exposure to pornography at 11 years old, parents are increasingly concerned and in need of clear and practical guidance.[20] As with many other social scourges, the pandemic has laid bare pre-existing problems.

---

9. Doc. 15406.
10. "Consider that in 1970, the average American child began to watch television regularly at age 4, yet today, children begin interacting with digital media at the age of 4 months", Reid Chassiakos et al., 2016, www.jpedhc.org/article/S0891-5245(19)30384-0/fulltext#bib0066.
11. Nash V., "Identifying the Routes by which Children View Pornography Online: Implications for Future Policy-makers Seeking to Limit Viewing", report of expert panel for the UK Department of Culture, Media and Sport, Oxford Internet Institute, University of Oxford, 2015.
12. Ibid.
13. www.bbfc.co.uk.
14. www.open-asso.org/dossiers/prevention-exposition-pornographie/.
15. www.youtube.com/watch?v=uIfi-34EBEw&t=10s.
16. https://jeprotegemonenfant.gouv.fr/.
17. This issue has been raised in the Assembly reports, see Doc. 14080 "Fighting the over-sexualisation of children" and Doc. 15109 "Addressing sexual violence against children: stepping up action and co-operation in Europe".
18. https://eu.usatoday.com/story/opinion/2019/06/20/teen-vogue-sex-trafficking-work-minors-column/1502109001/.
19. www.bbc.co.uk/bbcthree/article/5e7dad06-c48d-4509-b3e4-6a7a2783ce30.
20. www.standardmedia.co.ke/sunday-magazine/article/2001399001/dont-panic-what-to-do-if-your-child-is-exposed-to-online-porn.

4. Impact of exposure to pornographic content on the well-being of children

11. As experts routinely point out, we are living an unprecedented experiment. Never before have children been exposed to as much pornographic content as they are today. The impact of this experiment is yet to be fully seen and understood. Nevertheless, this issue is increasingly raised in mainstream media, and by public figures and celebrities. "Parents urged to talk to children as young as nine about online porn" reads an article headline of the UK Guardian news site.[21] Billie Eilish, an American pop singer, has recently stated that being exposed to pornography at the age of 11 "destroyed" her brain and gave her nightmares.[22] Furthermore, a substantial body of scientific evidence of the consequences of the impact of such exposure is emerging.

12. Recent research points out that a child's brain is more vulnerable to the effects of exposure to online pornography than that of an adult, since "mirror" neurons make children extremely imitative and a children's pre-frontal cortex is immature.[23] Early exposure can lead to Compulsive Sexual Behaviour Disorder, and Hypersexual Disorder, which involve persistent patterns of failure to control intense, sexual impulses, and an excessive preoccupation with sexual fantasies, which causes distress, and negatively affects one's health and relationships. Over time it can lead to addictions, abnormal relationship development and physical behaviours, or even a change to the core functioning of the brain.[24] In 2020, several world leading neuroscientists and clinicians published a paper advising that problematic pornography use can be diagnosed as an addictive disorder under the designation of "other specified disorders due to addictive behaviours" in the World Health Organization's International Classification of Diseases.[25]

13. Social anxiety, depression, and memory loss have been identified among the consequences of early exposure to pornography. As viewing pornography leads to desensitisation, erectile dysfunction is becoming a significant problem for young men. While many of them are treated for these conditions, including through medication, they are rarely questioned about their online addictions, and the root causes of their mental and physical malaise. Meanwhile, those who have tried abstaining from sexually stimulating material have reported startling changes, from improved concentration and elevated mood to a greater capacity for real-life intimacy and significantly higher levels of intellectual performance.[26]

14. Exposure to pornography at a young age is often associated with developing harmful gender stereotypes, particularly for boys, who tend to see girls as objects to be used for their pleasure or as passive and submissive partners,[27] but also for self-objectivisation on the part of girls who might identify themselves with a stereotyped pornographic female figure and perceive their own worth primarily in terms of sexual attractiveness. Similarly, online pornography can have negative impact on boys' self-image through comparison with pornographic film actors and their sexual attributes.[28]

15. The frequency of searching pornographic content online differs by gender, with boys being more likely to deliberately seek such material than girls. The response to exposure also varies depending on gender. Girls tend to be more shocked and adversely affected by these kinds of exposure while boys, especially adolescents, tend to see it as amusing or arousing.[29] Girls are more likely to experience body-shame, or to be coerced into sexual acts.

16. When questioned, most young people agree that watching online pornography is bad for their sexual health and relationships.[30] There seems to be a growing divide in expectations from relationships among boys and girls, which results in frustration and resentment on both sides.

---

21. www.theguardian.com/society/2021/dec/16/parents-urged-talk-children-young-as-nine-online-porn.
22. www.thetimes.co.uk/article/watching-pornography-destroyed-my-brain-says-pop-star-billie-eilish-6mx0823zj; www.youtube.com/watch?v=wSF82AwSDiU.
23. www.defendyoungminds.com/post/top-two-reasons-why-childrens-brains-are-vulnerable-to-pornography?share=email.
24. Reward Foundation, (June 2020), "Age Verification XXX", Conference Report.
25. For further information: https://akjournals.com/view/journals/2006/aop/article-10.1556-2006.2020.00035/article-10.1556-2006.2020.00035.xml.
26. Wilson, G, (2014), *Your Brain on Porn: Internet Pornography and the Emerging Science of Addiction*, Commonwealth Publishing.
27. Malamuth, N.M., T. Addison, and M. Koss, "Pornography and sexual aggression: are there reliable effects and can we understand them?", *Annual Review of Sexual Research Journal*, 11, 2000, pp. 26–91.
28. Behun, R.J. and Owens, E.W. (2020), *Youth and Internet Pornography*, Routledge, Chapter 5.
29. https://aifs.gov.au/publications/effects-pornography-children-and-young-people-snapshot; Mitchell, K., Finkelhor, D., & Wolak, J. (2003), *The exposure of youth to unwanted sexual material on the Internet: a national survey of risk, impact, and prevention*, Youth & Society 34:330–358.
30. "Age Verification XXX", op. cit.

17. In cases where pornography is the main source of a young person's sexual education, this can lead to extreme or unsafe sexual practices and to rationalisation of violence against women. Young people exposed to violent pornography are six times more likely to be sexually aggressive compared to those who have viewed non-violent pornography or no pornography.[31]

18. Exposure to online pornography conditions children for early sexual relationships and for sexual abuse. I was struck by a scene in a French film "Polisse",[32] where a teenage girl tells the minors police brigade that she had to perform a sexual act on someone to get her smartphone back. The bewildered police officers are trying to get the girl to understand that her dignity should not be traded in this way. "But it was an expensive phone …" is her answer. While this film was a work of fiction, this tells us something about our societies and the attitudes that we are shaping by our failure to tackle this problem.

19. Children in vulnerable situations are more likely to be victims of sexual abuse, come across or even search for pornographic material. Due to insufficient supervision and counselling by parents or caregivers they tend to spend more time online, which increases the probability of exposure to pornographic content and engaging in risky behaviour. Children from difficult family environments, with underlying comorbidities such as drug or alcohol addiction, depression or anxiety disorders are particularly vulnerable in this respect.

5. Means and provisions to combat children's exposure to pornographic content

20. The complexity of regulating tech companies or internet providers is undeniable, as is the variety of situations in which children might find themselves exposed to pornographic material. Furthermore, the reluctance to legislate in this area often relates to the principles of web neutrality, freedom of expression and the protection of privacy.[33] Nevertheless, several avenues are already being put into practice and can be further developed and promoted. A broad range of technological tools to tackle children's exposure to pornography has been developed, including filtering techniques, based either on image (skin detection) or text (adult content related keywords) and age verification procedures.

5.1. Parental control and blocking software on public computers

21. During the last few decades, States across the world have struggled to keep up with the rapid development of the digital space, and have relinquished, to a great extent, their regulatory role with respect to child access to pornographic content. Individuals, such as parents and caregivers, have become the primary regulators of their children's online activities.

22. Parental controls are an essential aspect of harm-minimisation strategies. Filtering and blocking software are currently available for parents and caregivers who want to shield their children from accessing harmful websites, pop-up adds, or emails with images or videos of a sexual nature while at home.

23. The use of similar blocking software on public computers where children can be unwillingly exposed to such imagery is more controversial because of free speech considerations. Nevertheless, it should be possible to envisage stricter controls implementation for public computers and mobile devices to which children have access.

24. Despite the availability of technical solutions, there is a growing acknowledgement that parents and caregivers are not coping well with this task. Most parents do not install filters; and 80 % of parents who install parental control software never activate it. They might lack the necessary digital skills. Children tend to be more knowledgeable about technology than their parents and have access to devices which do not have parental control. Moreover, parents often lack awareness of the type of content that their children have access to (which can be explicit, violent, or derogatory) or accept pornography use as an adolescent rite of passage that cannot be avoided.

25. At the same time, research shows that even those parents who had given specific reasons for not taking up parental controls say that they would consider them if they were easy to use. Parents would tolerate some impact on their own use of information and communications technology for the sake of their children's protection. They feel that improved tools would also need to be backed up by awareness raising, including

31. Ibid.
32. www.imdb.com/title/tt1661420/.
33. www.theguardian.com/media/2022/feb/13/plans-for-age-checks-on-porn-sites-a-privacy-minefield-campaigners-warn.

through information from schools, training offered in the workplace and government advertising campaigns. Along with the enhanced use of technical controls, parents stress the need to maintain open and constructive dialogue with their children on the use of the internet, including adult content.[34]

26. In France, on 2 March 2022, the President of the Republic promulgated Law No. 2022-300 aimed at strengthening parental control over means of access to the internet. The law envisages an obligation for manufacturers of connected devices to install parental control software and to offer its free activation during the first update.[35] This would apply to smartphones, computers, tablets, video game consoles and other connected objects (such as televisions, watches, and speakers). The law introduces penalties for non-respect of this obligation, envisages "black" and "white" lists of websites or applications, and aims to ensure a minimum standard common to all manufacturers.[36]

5.2. Age verification

27. While parental controls certainly have a role to play, parents and caregivers should not be the only ones held responsible for child protection against exposure to pornography. In the real world, we similarly do not expect parents to accompany a child when they enter a shop to buy sweets to make sure they do not buy an adult video magazine – there is a responsibility on the shop's sales staff, too. There need to be rules and regulations, and their application needs to be enforced. Ultimately, the State must accept its responsibility, and take stronger action, despite the complex nature of this task. One of the avenues for future action is the introduction of effective age verification.

28. Very few people argue that it is acceptable for children to be exposed to pornography, even if they cannot cite or refer to a specific scientific study. Even pornography publishers agree that their wares are not meant for children. However, up to now, in the absence of legal requirements which apply equally to all pornography publishers there is no incentive to introduce any kind of controls or limitations to access. On the contrary, the present arrangements provide financial incentives for pornography publishers to have zero controls. Introduction of mandatory age verification is a way of forcing pornography publishers to be as good as their word.

29. Experts find it useful to recall the background to the development of age verification measures. In the United Kingdom, for example, in 2001-2002, children had started using smartphones and the possibility of supervision by parents was adversely impacted. Children had also started using debit cards for gambling. Minors' addiction to gambling was on the rise. The problem had been fuelled by the absence of technical solutions to check the age of gamblers. In 2003, there was a review of all forms of gambling. The new Gambling Bill made age verification obligatory. The UK thus became the first country to introduce online age verification. Every online gambling company has since been obliged to set up efficient age verification mechanisms in order to get a license. The new law has created a new market. As time has passed, the technology has become more sophisticated. This experience can and should be used with respect to pornography.

30. The providers who supply age verification services employ various technological methods. Frequently, identification is supplied by a visual ID method, like a passport or ID card. Photographic ID is helpful as face check biometrics are employed by many of these providers. The ID is scanned and authenticated, with companies working to ensure the documents provided by customers are real and that the same person is in possession of the document.

31. Some providers also offer an artificial intelligence "age estimation" service, based on facial biometrics; whereby a neural network has been trained on what a face aged 18 looks like, using many thousands of photos with accompanying month and year of birth. When the system sees a new face, it does an analysis at pixel level and estimates the age, which is generally accurate to within circa 1.5 years for 13–24-year-olds. This is helpful if adults wanting to confirm their age have no formal ID documentation. There is no unique recognition of any individual and the image is instantly deleted. Age estimation is equally useful for those young people without any formal ID documentation. A buffer may be required by regulators where the age is close to the age of interest, for example requiring people to be over 21 for an age of interest of 18.[37]

---

34. www.ofcom.org.uk/__data/assets/pdf_file/0030/59637/annex_1.pdf.
35. www.vie-publique.fr/loi/283359-loi-studer-controle-parental-sur-internet-par-defaut.
36. https://leclaireur.fnac.com/article/63903-la-proposition-de-loi-sur-le-controle-parental-adoptee-par-lassemblee-nationale/.
37. Useful explanations on age estimation services can be found in a short video "BeInTouch on Yoti's Age Estimation AI", designed following the UNICEF guidance to explain artificial intelligence to young people and a white paper: "Yoti Age Estimation White Paper".

32. Another option is by using a reusable "digital identity wallet". What a person may be asked to do is as follows: use their phone to download an app from the provider; create a PIN code, scan their face (so that no one else can use the ID in their place); and scan their ID document. It usually takes under five minutes and the age verification company then completes the necessary checks. The app is generally free. Where only an over 18 attribute is needed (for example that a person is over 18), then solely that attribute can be transferred to the content company, meeting data minimisation requirements (namely only using a minimum amount of personal data, which is necessary to fulfil a specific purpose).

33. Today, many technological providers have signed up to the Age Verification Providers Association (AVPA). Membership of the AVPA, a not-for-profit organisation, is open to businesses providing independent age verification services. They must agree to abide by its Code of Practice. The code includes important standards on privacy, providing appropriate age verification methods, accuracy, independence, and responsibility.[38] The Age Check Certification Scheme was set up to check that age verification is working correctly. They have a team of real young people, who use false dates of birth, documentation, and detail, to try and cheat the systems. Age verification can only be effective if it is tried and tested. The key element with age estimation as a service is that the image is instantly deleted, no image is retained. Age estimation is also used as a low friction parental consent indicator to prove that an adult is old enough to be a parent; in the same way that a credit card is used.[39]

34. The French Parliament passed pornography age-verification legislation in 2020. The French law gives websites discretion to decide how to perform age verification. Requiring users to enter a credit card number seems to be one of the most popular options.[40] German law states that providers of extreme content, such as pornography or violence, have several options to ensure compliance, one of which is age verification.[41] There is also ongoing enforcement action targeting EU-based websites outside of Germany.[42] German youth protection groups can ask internet providers to block pornography portals if they do not verify the age of their users. In June 2020, the Commission for the Protection of Young Persons in the Media decided to block several pornography portals, and in September 2020, lawsuits against the measure were filed. The administrative judges needed more than a year just to deal with the complaints in the summary proceedings.[43]

35. In the United Kingdom, the government introduced the Digital Economy Act 2017. Children's campaigners and charities celebrated this achievement as a huge milestone on the way to making the UK the safest place in the world for children to go online. The British Board of Film Classification has also designed an audit approach with the cyber security firm NCC Group. Some age verification providers were audited against this and assessed as ready. However, at the last minute with an impending election the government called for the implementation to be halted. Restricting access to pornography sites is to be included in a wider set of measures, which also aim to bring social media sites within its scope. This delay was strongly criticised by children's organisations. The Open Rights Group was established to protect the digital rights of people in the United Kingdom, including to privacy and free speech. They were concerned about privacy risks in the plans for age checks on adult pornographic websites, proposed in the Digital Economy Act 2017. Whilst the group maintained that children should be protected from harmful content such as pornography, they argued that the UK's proposed age verification regime was flawed and would create other problems. The privacy rules were contained in a code of practice which was only a guide; it lacked legal force. Less scrupulous pornography sites might ignore the code, thereby creating systems which would expose their customers to the risk of blackmail or embarrassment. In addition, the cost of implementing age verification would inevitably favour richer businesses over poorer ones and this would enhance the power of the established big players. An online safety bill is to be considered in March 2022, hopefully to be adopted by the end of the year. This could mean that 5 years would pass before the new pornography law entered into force.

36. As pointed out by adult content providers, integrating age verification is not a simple task. However, over the last years many methods have evolved, and age verification providers note that integration can be achieved in under 2 hours. Although there are continuing innovations, this is no longer something very new. While in the gambling industry there is a monetary transaction involved, for adult content it is a completely

38. "Age Verification XXX" op. cit.
39. Ibid.
40. https://arstechnica.com/tech-policy/2020/07/french-parliament-passes-porn-age-verification-legislation/.
41. The German Commission for the Protection of Minors in the Media raster lists over 80 age verification methods that they have reviewed and approved. Further information: www.kjm-online.de/aufsicht/technischer-jugendmedienschutz/unzulaessige-angebote/altersverifikationssysteme.
42. https://verifymyage.co.uk/blog/german-age-verification-law/.
43. www.spiegel.de/netzwelt/web/landesmedienanstalt-kann-porno-portale-blocken-lassen-a-f07c9d0e-8d24-422e-82b7-21fc4159e3c6.

different situation, as people are used to being anonymous and they consider their adult browsing extremely sensitive. To achieve a level of child protection greater than existing parental controls and supervision, and to prevent creating new problems: there should be a level playing field for all sites hosting adult content, whether they are dedicated adult content sites, or mainstream sites which include adult content. Non-compliance must not be advantageous, and compliance must be encouraged to avoid the very real dangers of users visiting sites with little or no user safety or content compliance standards. Online search engines must be involved, in order to prevent non-compliant sites from being promoted. Enforcement must "have teeth" and be very swiftly implemented. Privacy and trust of user data is paramount and must be significantly protected. Age verification providers must be approved and vetted,[44] and there must be flexibility in the way in which age verification systems are used. Such systems must be cost effective and capable of scaling to large volumes. Finally, there must be a significant education initiative for parents and carers, on tools already available, and for the public as a whole, relating to the trust of age verification platforms and the privacy of their data.

37. To avoid conflict of interest and to provide an additional layer of protection age verification should be done independently by third parties, which are duly vetted and regulated.[45] A broad range of services is becoming commercially available. Further development of a healthy age-verification market needs to be supported. The technology should make it easy for internet users to browse the Web. It is hoped that within a few years it will be widely accepted that users must prove that they are old enough for the content and services on all websites. This change should be facilitated by international standards, regulation, and certification.

38. Finally, regulators should audit adult content sites using age verification technology, to assess if the methods they are using are effective. For example, the BBC undertook a documentary *Nudes4sale*, where using facial age estimation technology it ascertained that on a given day, over 32% of users on an 18+ site were under 17 years of age. This type of testing may need to be co-ordinated across jurisdictions to share resources. The Digital Economy Act in the UK provides a legal requirement for co-operation from both payment processing companies to block payments and internet service providers to block certain URLs, in the same way that they have done for many years in terms of child abuse materials. MasterCard in particular was very supportive of this initiative. In the UK, regulators are now looking at how avatars (personalised graphical illustrations that represent a computer user) can undertake test purchasing (the practice that aims at ensuring commercial entities' compliance with age restrictions regulations). The idea is to automate this process and avoid the ethical issues of underage young people undertaking test purchasing.

39. While age verification measures are necessary, they may affect users' ability of being anonymous online and thus undermine the respect of the right to privacy. According to Article 8 of the Convention on the Rights of the Child, children have the right to preserve their identity, and according to Article 8 of the European Convention on Human Rights (ETS No. 5), they have a right to respect for private and family life. Anonymity online can protect children from being targeted by cybercriminals or invasive commercial messages, while at the same time it can make it more difficult for law enforcement authorities to detect and prevent crime.[46] It is therefore essential to ensure that age verification tools are created in a way that secures the maximum level of privacy, while enabling effective action against criminal activities.

5.3. Education and awareness raising

40. Schools should have a bigger role in addressing children's exposure to pornographic content. Relevant educational and awareness-raising programmes should be supported on a systematic basis. Some of my colleagues in the Committee on Social Affairs, Health and Sustainable Development have raised a concern that talking about pornography at school can incite interest from the children who would not otherwise access adult content websites. This is certainly a valid point. However, experts suggest that the current scale of children's exposure to pornography outweighs the risks. Furthermore, sexuality is part of human nature, and sexual discovery most often starts in childhood. Tactful, age-appropriate, and emotionally sensitive classroom discussions facilitated by well-trained teachers are certainly preferable to brutal exposure to uncontrolled content (with the most outrageous imagery often receiving the highest levels of public attention).[47]

---

44. The German Commission for the Protection of Minors in the Media and German Association for Voluntary Self-Regulation of Digital Media Service Providers have a great deal of experience that other member States could learn from in this respect.

45. Useful information is available online, for example on the website of the Age Verification Providers Association (AVPA), which had already been mentioned under para 33 of this report.

46. UNICEF (2017), "Children's rights and business in a digital world", discussion paper series, 13 f.

41. Age-appropriate and comprehensive sexuality education should be included in education curricula, and education professionals should be duly trained to allow for open communication with children, based on the principles of respect for human dignity, gender equality and critical thinking.[48] We should trust that young people, even at an early age can reflect on the messages of sexually charged materials and understand the differences between real-life relationships and the "fiction" of pornography.[49] Relevant education programmes are also considered by many experts across Europe, as a means of preventing violence amongst children, either in the form of peer violence or violence turned towards younger children. Age-appropriate and comprehensive sexuality education will allow for early intervention with respect to "harmful sexual behaviour" towards others (in a continuum from normal to violent behaviour).[50]

42. At present, sexuality education, where it is included in schools, is often inadequate. Many teachers are ill-equipped for dealing with this sensitive subject. Young people find that lessons are outdated, do not reflect their lives, and do not give them what they need to navigate today's hypersexualised world. The professionals tasked with teaching our next generation about love and sex, consent, abuse and what is illegal, should be fully supported. Furthermore, not all countries have currently reached a social consensus on the roles that schools and families should respectively play in this area, leading to controversial debates both in the political and the public sphere. While facing a vacuum created by society, many children will turn to information which is freely available via digital media, the contents of which are at the very heart of this report.

43. We need to focus not only on enacting harm-minimisation strategies, but also on accompanying parents and caregivers in their efforts to educate their children about safe, respectful relationships both online and in their day-to-day life. This includes raising awareness about online safety, creating training opportunities and offering counselling from psychologists, social workers, and other experts in the field.

44. Furthermore, positive parenting needs to be actively supported, as coercive discipline often leads to comfort seeking behaviour including excessive screen time and use of pornographic content.[51] More generally, the quality of parent-child or caregiver-child relationships is an important factor in the likelihood of pornography exposure. Children who have a poor emotional bond with their parents and caregivers are twice as likely to seek sexually explicit material online. Social policies, including employment policies, need to ensure that parents and other caregivers can afford to and are encouraged to spend time with their children.

45. The American College of Paediatricians urges healthcare professionals to communicate the risks of pornography use to patients and their families and to offer resources both to protect children from viewing pornography and to treat individuals suffering from its negative effects.[52]

---

47. Article 6 of the Lanzarote Convention provides that: "Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.»

The Lanzarote Committee, in its 2nd implementation report of the first monitoring round on the protection of children against sexual exploitation and sexual abuse in the circle of trust, recommended Parties which are not already doing so to: "specifically address the issue of sexual abuse in the circle of trust in the information provided to children during primary and secondary education; put more emphasis on adapting the information given to children to their evolving capacity, thereby making it age-appropriate; provide information on the risks of sexual exploitation and abuse within the general context of sexuality education; further involve parents (and adults exercising parental responsibilities) in the provision of information given to children on sexual abuse, including in the circle of trust." Although focusing on the topic of sexual violence, these recommendations can be used as a basis for determining the context in which sexuality education should be taught to children.

In 2020, the Commissioner for Human Rights of the Council of Europe published a Comment on the "Comprehensive sexuality education protects children and helps build a safer, inclusive society", which provides useful guidance on this topic.

48. "Reality & Risk: Pornography, young people and sexuality" Project, 2016.

49. "Identifying the Routes by which Children View Pornography Online: Implications for Future Policy-makers Seeking to Limit Viewing" – report of expert panel for the UK Department of Culture, Media and Sport, by Dr Victoria Nash, Oxford Internet Institute, University of Oxford, 2015.

50. See the continuum of sexual behaviours described by Simon Hackett, accessible via the 2019 Harmful sexual behaviour framework of the National Society for the Prevention of Cruelty to Children (UK).

51. Ybarra M.L. and Mitchell K.J., "Exposure to internet pornography among children and adolescents: A national survey", *Cyberpsychology and Behavior Journal*, 8, 2005, pp. 473-486.

52. https://acpeds.org/assets/The-Impact-of-Pornography-on-Children.pdf.

6. International co-operation

46. Substantial progress has been achieved in recent decades to protect children from sexual abuse. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, the Lanzarote Convention) has been ratified by all Council of Europe member States, as well as by Tunisia, thus making it one of the most widely ratified legal instruments of the Council of Europe. Recommendation CM/Rec(2018)7 of the Committee of Ministers on "Guidelines to respect, protect and fulfil the rights of the child in the digital environment" was adopted in 2018, and together with its Handbook for policy makers, serves as a reference, not only for national governments, NGOs and academics, but increasingly also the private sector, regularly interacting with the Council of Europe through the new "digital partnership" activities.[53]

47. The European Commission is currently funding a consortium of academic experts in child rights and privacy, and technology providers, which aims to operationalise "extensions to the eIDAS[54] infrastructure required to deliver its vision for pan-European, open-system, secure and certified interoperable age verification and parental consent to access information society services".[55] The euCONSENT consortium is to pilot its technology in early 2022 and to launch it by the summer of 2022. It aims at ensuring equal application to all service providers, based on clear standards, as well as respect for the privacy and safety of the users.

7. The big picture: profitability of the pornography industry versus public interest

48. If we want to develop effective strategies to combat children's exposure to pornography, we need to consider the business model of pornography. It seems that the two main areas of profit are subscription-based services and advertising (mostly of pornography-related services). These two sectors often feed on each other.[56] Presumably, watching pornography creates demand for buying sexual paraphernalia, for subscription services and for aesthetic genital surgery. If children become addicted to pornography at an early age, this means more profits in future. If children having unlimited access to pornography results in erectile dysfunction becoming a significant problem for young men, the demand for Viagra will grow.

49. While it is impossible to get a completely accurate estimate of how much money the pornography industry generates, it is clearly among the most profitable business areas, with estimates ranging from US$6 to US$97 billion a year. The industry is highly adaptable. Pornography companies design new business models around licensing, educational courses, live camming, crowdsourcing, event hosting, and commerce. The industry has its own trade publications, industry events, talent agents, and lobbyists, and can influence lawmakers. Pornography firms are early adopters of many tech features, such as digital credit-card transactions, instant messaging, video streaming and virtual reality technologies. Many companies that seemingly have nothing to do with sex, such as phone carriers, satellite TV providers, and hotel chains, also indirectly profit from pornography. Pornography is also a source of substantial tax revenue.[57] The pornography industry is clearly a giant with tentacles spreading out across many spheres of public and private life.

50. The social and economic cost of the mass consumption of pornography is even harder to estimate than the industry's profits. It is also much less visible, due to shame, stigmatisation, and societal complicity, with many powerful interests at stake. Bringing this issue to public debate and to more stringent parliamentary scrutiny is the first step in the right direction.

8. Conclusions and recommendations

51. Children's exposure to pornographic content is harmful for their personal development. It is harmful for the future of our societies. Council of Europe members States must take stronger action to protect children from exposure to pornographic content. While there is no easy solution, several avenues for action have been identified, and are being put into practice.

---

53. www.coe.int/en/web/freedom-expression/digital-partnership.
54. Regulation (EU) N°910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation).
55. https://euconsent.eu/.
56. https://fightthenewdrug.org/how-free-porn-industry-growing-in-fast-paced-digitized/.
57. https://qz.com/1309527/porn-could-have-a-bigger-economic-influence-on-the-us-than-netflix/.

52. Substantial progress has been achieved with respect to the age verification technologies. They can be safe, user-friendly, and reliable. Successful introduction of such technologies requires, however, a massive investment of financial resources, supported by relevant legislation and fair and systematic enforcement. Furthermore, it is important to ensure that regulators create a level playing field when they enforce requirements for age checks, both with respect to specialised pornography providers and mainstream platforms that include adult content. Otherwise, it is impossible to secure the co-operation of the websites themselves in implementation, which is much preferable to having to force them to comply.

53. The current scale of children's exposure to pornography calls for proportionate responses. It is crucial that we develop methods of enforcement which can be operated at scale, rather than requiring multiple individual court orders.

54. With respect to the difficulty of extra-territorial law enforcement, experts suggest focussing on supporting services within the country in question, which enable user's access to adult content. Closer attention should be given to the role that financial institutions, banks, telecommunications operators, internet and URL providers, sports organisations, the travel and tourism industry and non-governmental organisations can play in enhancing child protection policies and strategies in this area. On one hand, this entails stronger dialogue and co-operation with these stakeholders, thus building on relevant technical knowledge, and lessons learned from experience. On the other hand, substantial penalties are required to discourage non-compliance. Such penalties should be enshrined in legislation and applied in practice through consistent law enforcement in practice.

55. Parental controls and ad-blocking tools can be a useful support measure. Such safety controls need to be built in by default on all relevant devices, and they should be easy to use. They need to be effective in ensuring that adult content cannot be accessed on the devices used by children.

56. Education has a key role to play in terms of providing age-appropriate and comprehensive sexuality education, which prepares children for healthy sexual relations based on respect, care, and love, with due respect to their age and maturity. While sexuality is an important aspect of human existence, children should not be rushed or pressured into it. At the same time, they should have access to relevant information in safe settings, with the help of duly trained professionals, rather than accessing it online, where the most scandalous and outrageous content tends to get the most attention and thus becomes the most visible.

57. Substantial progress has been achieved in recent decades in developing international standards on child protection from sexual abuse. However, the existing national and international instruments do not seem to offer sufficient protection to children from exposure to pornographic content. Many texts and guidelines were developed and drafted at a time when internet, social media and information and communications technology were incipient and thus there was less linkage between sexually explicit content and an easily accessible digital environment. We need to ensure that relevant standards and guidelines are up to date and meet the current needs for child protection in this area.

58. Last but not least, we should strive to strengthen our societies' defences against the onslaught of profit maximising. Adult content is a highly profitable business. If today we can produce, share, and consume unlimited amounts of such content, this does not mean that we should do so. If "sex sells", not every advert or entertainment programme needs to include sexual imagery. We need to know the right place and time for adult appropriate content.

59. Most importantly, strategies to combat children's exposure to pornography need to be coherent and comprehensive. They cannot be successful unless we consider the ability of the pornography industry to generate enormous profits, and to influence other spheres of life. Both during my desk research and in contacts with experts, I have come across instances of laws being drafted, but not adopted; laws being adopted but never implemented; police enquiries stalled for lack of legal clarity; and technical solutions being developed, but never fully implemented, due to not being sufficiently user-friendly, being easily bypassed, or simply not being fit for purpose. Whether due to lack of political will, under the pressure from powerful lobbies, or due to resignation in the face of what is perceived as unmanageable and inevitable – we are collectively failing to address this problem. Possibly the main conclusion of this report is that combating children's exposure to pornography must not be left to a group of concerned individuals and associations. It needs to become a priority for society as a whole, with media acting responsibly, and with governments being held accountable for what they do to address this concern.