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Testimony before the Kansas State Senate Committee on Judiciary

Good morning. My name is Daniel Cochrane, and I am a Senior Research Associate in the Tech Policy Center at The Heritage Foundation. It is an honor to appear before you today to offer testimony in support of the committee's efforts to protect children from the most harmful material online.

Today I would like to make the following points: First, tech-fueled porn access is ubiquitous and acutely harmful to children. Second, content filters alone are insufficient to address these harms. And third, age verification is effective for protecting kids.

Tech-Fueled Porn Access is Ubiquitous and Acutely Harmful to Children:

The proliferation of sexual material online is fueling a crisis of child pornography addiction, mental health, and concerning behavioral patterns. While accessing pornographic material once required visiting a physical store or acquiring a print magazine, today far worse content is just clicks away for millions of children.

According to a 2020 report by advocacy group, Common Sense Media, 42% of children eight years old and under in the United States have their own tablet devices, and 98% of households with children under eight have a mobile device such as a smartphone or tablet.¹ American youths' widespread access to digital technologies and the internet corresponds with a rise in minor exposure to pornography. Another Common Sense Media study in 2022 indicates that nearly 3 in 4 minors have been exposed to pornography with at least 54% exposed at the age of 13 or younger.²

So, where are kids viewing porn? Common Sense Media found that 44% of teens who reported intentionally viewing porn did so on a dedicated porn website at least once per week.³ In fact, "[p]ornography websites were the top self-reported destination to consume pornography for most demographic groups..."⁴ At the same time, 16% of minors who intentionally viewed porn did so

¹ Victoria Rideout and Michael B. Robb, "The Common Sense Census: Media Use By Kids Age Zero To Eight," Common Sense Media, 2020, https://www.commonsensemedia.org/sites/default/files/research/report/2020_zero_to_eight_census_final_web.pdf (accessed February 6, 2024).

² Michael Robb and Supreet, "Teens and Pornography," Common Sense Media, 2023, <https://www.commonsensemedia.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf> (February 6, 2024).

³ Ibid.

⁴ Ibid.

on subscription sites such as OnlyFans, and 18% reported doing so on “livestreaming” or “cam sites” that are frequent purveyors of explicit content.⁵

These findings are consistent with a separate 2023 study conducted in the United Kingdom by England’s Commissioner for Children, which found that 37% of young children reported accessing obscene content on dedicated adult websites.⁶ Dedicated adult platforms make up a vast amount of pornography viewing overall as evidenced by their immense web traffic. Digital analytics firm, Semrush, reported in November 2023 that just three porn sites, pornhub.com, xvideos.com, and xnxx.com received more combined site visits than X (formerly Twitter), Instagram, and TikTok put together.⁷

Our kids bear the brunt of this technology-fueled porn epidemic. In 2017 and 2018 respectively, both chambers of the Kansas State Legislature passed resolutions acknowledging the harmful effects of pornography, especially on children.⁸ Kansas joins at least 16 other states in declaring pornography a public health crisis since 2016.⁹

In particular, the Kansas Legislature recognized that early exposure to pornography is commonly linked to low self-esteem, body image disorders, and a desire to engage in risky sexual activity. This is consistent with a 2016 literature review from the American College of Pediatricians which links pornography viewing with “increased rates of depression, anxiety, acting out and violent behavior.... (as well as) a distorted view of relationships between men and women.”¹⁰

When teens and pre-teens view porn online, they report that the material is frequently violent or abusive. Advocacy organization, Fight The New Drug, reports that “[a]s few as 1 in 3 and as many as 9 in 10 porn videos depict sexual violence or aggression,” which can directly impact the behavior of porn consumers—especially impressionable minors.¹¹ Common Sense Media found that the majority of teens who viewed pornography reported being exposed to “aggressive and/or violent forms of pornography,” including rape, choking, or someone who appeared to be in pain.¹²

⁵ Ibid.

⁶ Staff, “Growing up with pornography: advice for parents and schools,” UK Children’s Commissioner, February 1, 2023, <https://www.childrenscommissioner.gov.uk/blog/growing-up-with-pornography-advice-for-parents-and-schools/> (accessed February 6, 2024).

⁷ Staff, “Top 100: The Most Visited Websites in the US,” Semrush Blog, November 2023, <https://www.semrush.com/blog/most-visited-websites/> (accessed February 6, 2024).

⁸ Kansas, A RESOLUTION recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms, S.B. 1762, Session of 2018; Kansas, A RESOLUTION recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms, H.B. 6016, Session of 2017.

⁹ Staff, “These 16 U.S. States Passed Resolutions Recognizing Porn as a Public Health Issue,” Fight The New Drug, <https://fightthenewdrug.org/states-with-porn-public-health-resolutions/> (accessed February 6, 2024).

¹⁰ L. David Perry, “The Impact of Pornography on Children,” American College of Pediatricians, June 2016, <https://acpeds.org/position-statements/the-impact-of-pornography-on-children> (accessed February 6, 2024).

¹¹ Staff, “How Porn Can Promote Sexual Violence,” Fight The New Drug, <https://fightthenewdrug.org/how-porn-can-promote-sexual-violence/> (accessed February 6, 2024).

¹² Michael Robb and Supreet, “Teens and Pornography,” Common Sense Media, 2023, <https://www.common Sense Media.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf> (February 6, 2024).

On top of this, pornography is addictive, meaning that if a consumer is exposed at a young age, it may be more difficult to quit later. In fact, research has found that the brains of regular porn consumers often resemble the brains of those addicted to drugs.¹³ Pornography has a lasting impact on childrens' minds and bodies, posing significant risks to their physical and psychological wellbeing.

Requiring platforms that host or create this kind of content to implement age verification is commonsense and is justified by the severity of their impact on our kids.

Content Filters Are Not Cutting It:

While some argue that filters are the answer, these tools alone are woefully insufficient to protect kids from explicit content. A 2018 article in the journal of *Cyberpsychology, Behavior, and Social Networking* found that internet filters did not reduce the likelihood of a child viewing pornographic material in EU countries.¹⁴ Overall, the protective effect of content filters amounted to only about 0.5 percent when compared to test groups who used filtering consistently.¹⁵ In other words, according to the researchers, “more than 99.5 percent of whether a young person encountered online sexual material had to do with factors beside their caregiver's use of Internet filtering technology.”¹⁶

In a similar vein, the Common Sense Media study found that 44% of teens reported viewing pornography during the school day on school owned devices—many of which are supposed to employ filters to block obscene material.¹⁷

Aside from its questionable effectiveness, solely relying on filters places the entire burden on parents and children. Filtering technology has been around for decades. Yet it has failed to effectively protect minors and has enabled digital purveyors of porn to distract from their own complicity in the destruction of our children.

Age Verification is Effective for Protecting Kids:

Requiring adult oriented platforms to perform age verification is critical for reducing minors' access to explicit content. Several states including Louisiana, Arkansas, Utah, Virginia, North Carolina, and Texas have already enacted legislation requiring adult content providers to verify that their users are at least 18 years of age. Gauging the efficacy of age verification is never an exact science. However, research does suggest that such methods are generally effective in

¹³ Staff, “How Porn Can Affect the Brain Like a Drug,” Fight The New Drug, <https://fightthenewdrug.org/how-porn-can-affect-the-brain-like-a-drug/> (accessed February 6, 2024).

¹⁴ Andrew Przybylski and Victoria Nash, “Internet Filtering and Adolescent Exposure to Online Sexual Material,” *Cyberpsychology, Behavior, and Social Networking*, Vol. 21, No. 7 (July 2018), pp. 405–410, <https://www.liebertpub.com/doi/10.1089/cyber.2017.0466> (accessed February 6, 2024).

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Michael Robb and Supreet, “Teens and Pornography,” Common Sense Media, 2023, <https://www.commonsensemedia.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf> (February 6, 2024).

detering minors from comparably harmful activities like gambling, drinking, or purchasing tobacco products.

A 2013 Oxford University paper indicates that age verification is generally effective in reducing minors' ability to participate in activities restricted to adults—specifically gambling.¹⁸ This is consistent with a 2023 report from the UK government, which found that between 2019 and 2020, age verification measures were estimated to have effectively barred minors from accessing casino gambling 95% of the time, lottery products 91% of the time, and purchasing alcohol in convenience stores 81% of the time.¹⁹

The report notes that requiring online gambling platforms to verify the age and identity of users “effectively prevented illegal underage gambling online using a child’s own details or invented identities.”²⁰ According to research from the UK Gambling Commission referenced in the report, “online gambling is experienced by fewer 11 to 16 year olds than other forms of gambling.”²¹

European countries like France and the UK already take a similar approach with adult oriented websites by requiring them to age verify users.²² Even in the U.S., Pornhub contracts with third party firm, Yoti, to verify that users uploading and downloading its content are consenting adults.²³ And the platform already verifies the age of nearly half a million performers in its

¹⁸ According to one interviewee, “‘Since the 1st of September, which is when the relevant provisions of the gambling act in 2005 became operative in the United Kingdom, we have not heard of a single case, literally not one, where a child has been able to do what they did before the act, which was tick a box and say I’m 18 and go online and gamble.’” See Victoria Nash, Rachel O’Connell, Bendert Zevenbergen, and Allison Mishkin, “Effective age verification techniques: Lessons to be learnt from the online gambling industry,” University of Oxford, December 2013, <https://www.oii.ox.ac.uk/wp-content/uploads/old-docs/Effective-Age-Verification-Techniques.pdf> (accessed February 6, 2024).

¹⁹ Note, effectiveness estimates are based on “pass rates,” i.e., attempted purchases by minor-looking subjects to test the efficacy of age verification measures. UK Department for Culture, Media & Sport, *High Stakes: Gambling Reform for the Digital Age*, April 2023, p. 166, https://assets.publishing.service.gov.uk/media/644923b5814c6600128d0723/1286-HH-E02769112-Gambling_White_Paper_Book_Accessible1.pdf (accessed February 6, 2024).

²⁰ *Ibid.*

²¹ Staff, “Young People and Gambling 2022,” UK Gambling Commission, November 10, 2022, <https://www.gamblingcommission.gov.uk/report/young-people-and-gambling-2022/ypg-2022-experience-of-gambling-overall-gambling-experience-in-the-last-12> (accessed February 6, 2024). This is further corroborated by a 2020 article in *Front Psychiatry*, which cited research suggesting that requiring users to log on with a national identification number could prevent underage gambling. See Jing Shi, Michelle Colder Carras, Marc N. Potenza, and Nigel E. Turner, “A Perspective on Age Restrictions and Other Harm Reduction Approaches Targeting Youth Online Gambling, Considering Convergences of Gambling and Videogaming,” *Front. Psychiatry*, January 25, 2021, <https://www.frontiersin.org/journals/psychiatry/articles/10.3389/fpsy.2020.601712/full> (accessed February 6, 2024).

²² Marine Strauss, “France moves to block access to pornography sites for minors,” *Reuters*, February 6, 2023, <https://www.reuters.com/world/europe/france-moves-block-access-pornography-sites-minors-2023-02-06/> (accessed February 6, 2024); Dan Milmo, “Pornography websites will have to check users’ ages, under draft guidelines,” *The Guardian*, December 4, 2023, <https://www.theguardian.com/society/2023/dec/05/pornography-websites-will-have-to-check-users-ages-under-draft-guidelines> (accessed February 6, 2024).

²³ Kate Cox, “Pornhub brings in third-party ‘identity verification’ system for users,” *Ars Technica*, February 3, 2021, <https://arstechnica.com/tech-policy/2021/02/amid-scandal-pornhub-hires-biometric-technology-firm-for-user-verification/> (accessed February 6, 2024).

videos.²⁴ Adult platforms possess the basic know-how and infrastructure to implement these commonsense safeguards on a wider scale. But they presently lack an incentive to do so.

Finally, age verification methods need not be overly burdensome nor require users to surrender their privacy. As Adam Candeub at the Center for Renewing America writes, there are a number of methods available for performing age verification.²⁵ These include, providing IDs or financial documentation to a trusted third party that could then generate a unique code or hash allowing users to enter certain age-restricted platforms.²⁶ Importantly, platforms do not necessarily need to ever touch personal identifying information. The risks to privacy, while not zero, are minimal. Such risks are no greater than those normally incurred by entering an adult store or registering to gamble or purchase tobacco online.

Conclusion:

I would like to end my testimony today with three key takeaways.

First, the severity of the threat to children brought on by the tech-fueled porn epidemic necessitates action.

Second, relying solely on filters is insufficient for addressing the harm to kids.

Third, despite arguments to the contrary, age verification is both effective and possible to implement without surrendering privacy.

Right now, parents bear the sole burden of keeping their children free from ‘Big Porn’s’ clutches. But as the data indicates, parents and kids are losing.

At the same time, the digital purveyors of porn bear no responsibility and face few consequences for the ways in which they are harming kids.

It’s time for commonsense to prevail and for lawmakers to require platforms that host or create explicit content to implement age verification.

Thank you for the opportunity to submit this testimony.

²⁴ Marc Novicoff, “A Simple Law Is Doing the Impossible. It’s Making the Online Porn Industry Retreat,” Politico, August 8, 2023, <https://www.politico.com/news/magazine/2023/08/08/age-law-online-porn-00110148> (accessed February 6, 2024).

²⁵ Adam Candeub, “Online Age-Verification: Protecting Children and Privacy,” Center for Renewing America, July 21, 2023, <https://americarenewing.com/issues/identity-on-the-internet-protecting-children-and-privacy-and-building-a-proof-of-humanity-regulatory-regime-for-an-ai-driven-internet/> (accessed February 6, 2024).

²⁶ Zero-Knowledge-Proofs are one example of how age verification could be conducted without the need for invasive methods. See Adam Candeub, “Online Age-Verification: Protecting Children and Privacy,” Center for Renewing America, July 21, 2023, <https://americarenewing.com/issues/identity-on-the-internet-protecting-children-and-privacy-and-building-a-proof-of-humanity-regulatory-regime-for-an-ai-driven-internet/> (accessed February 6, 2024); Rédigé par Jérôme Gorin and Martin Biéri et Côme Brocas, “Demonstration of a privacy-preserving age verification process,” CNIL, June 23, 2022, <https://linc.cnil.fr/demonstration-privacy-preserving-age-verification-process> (accessed February 6, 2024).