Senators vote to make platforms verify age of viewers to stop kids and teens accessing porn online

Change to Bill C-11 will make pornography platforms introduce age requirements

Marie Woolf

Ottawa - Senators voted on Tuesday to stop children under the age of 18 from watching pornography online by making tech platforms verify the age of viewers accessing sexually explicit material.

In a surprise vote in favour of expanding the online streaming bill - which is designed to regulate streaming platforms and make them promote Canadian movies, films and music - the Senate added a clause that would task the broadcasting regulator with finding ways to verify the age of people accessing pornography online.

The change to Bill C-11 was opposed by the government, which said the online streaming bill was not the right vehicle for such a change, but it was successfully added to the bill by Senator Julie Miville-Dechêne with the support of Conservative senators.

Ms. Miville-Dechêne told The Globe and Mail that she had been campaigning for years to introduce a change in the law to make pornography platforms introduce age requirements for watching explicit sexual content.

She said France and Germany had already brought in measures to restrict children's access to pornography, which she said was everywhere online and being watched by children.

The senator has introduced a private member's bill to achieve the same aim but said she wanted to take advantage of the government bill on online regulation to ensure platforms take action. Private member's bills rarely become law.

She said parents throughout Canada had expressed concern that teenagers and children had access to graphic pornography meant for adults and that it was warping their sex education and understanding of relationships.

"My priority is to stop kids going on porn platforms," she said. "A whole generation is doing their sex education there. This would cover the biggest porn platforms in Canada."

The amendment would add a "policy objective" to the bill and give the Canadian Radio-television Telecommunications Commission flexibility about how it would bring in controls to stop children accessing the sites.

It says platforms "shall implement methods such as age-verification methods to prevent children from accessing programs on the internet that are devoted to depicting, for a sexual purpose, explicit sexual activity."

Senator Marc Gold, speaking for the government, said it supported measures to protect children, but Bill C-11 was not "the right vehicle to accomplish this important objective." He said the government was planning to introduce a bill to tackle online harms and action to protect children from pornography would better belong there.

The government may try to reverse the amendment before the bill becomes law.

Laura Scaffidi, spokeswoman for Heritage Minister Pablo Rodriguez, said the bill "is about making sure platforms that
benefit from broadcasting to Canadians contribute to our culture.”

Michael Geist, the University of Ottawa’s Canada Research Chair in internet law, said the implications of age verification being introduced to access platforms were "enormous" and would be bound to provoke a constitutional challenge.

He said - depending on how the CRTC decided to implement it - it could apply to platforms such as Twitter and Google, as they could provide access to some explicit content.

"Age verification would raise privacy risks from collecting age data from millions of Canadians," he said.

But the Canadian Centre for Child Protection said the government needed to step in to make porn platforms check the age of their viewers, saying exposing children to sexually explicit content can cause them "serious harm."

"The strategy has been to rely on the companies that facilitate access to sexually explicit content to fix this problem, and that approach has failed," said Monique St. Germain, the centre’s general counsel.

"It is time for government to step in and force companies to do what they ought to have already done. A lot is done to protect children from this type of content in the physical world, and we need similar protections online."

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