



To: NTIA

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*eChildhood's Commentary on the NTIA's international internet policy priorities for 2018 and beyond.*

In response to your invitation to comment on the U.S. Government's international internet policies and priorities, please find below the views and commentary of eChildhood.

## **I. The Free Flow of Information and Jurisdiction**

### **A. What are the challenges to the free flow of information online?**

One of the challenges to the free flow of information online is to ensure when safeguarding freedom of expression, there remains a balanced focus on protecting children from internet harms. While the NTIA focuses on policy making to protect and promote an open and interoperable internet, advocating for the free flow of information, and strengthening the global marketplace for American digital products and services, children around the world continue to have unfettered access to hardcore pornography 24/7. Research is proving the harms of this access.

Pornography has become an educator, grooming tool and a significant contributor to the scripting and programming of a child's sexual and relational development online; as well as a source of trauma for young children due to the nature of pornography. Children having access to pornography is essentially, child sexual abuse via digital images.

It is important to understand what pornography is today, as it is very different from what it was 10 - 20 years ago. Mainstream hardcore porn regularly depicts choking, slapping, derogatory name-calling, incest, bondage, group and rough sex. Regular viewing is linked to sexually abusive behaviours and teaches young men to have an attitude of sexual entitlement, and young women struggle to recognise their own abuse. Kids having easy access to pornography is like steroids for the #MeToo women of tomorrow. We can't ignore the role it plays in normalising bullying, sexual abuse and harassment, and how we now have generations of children growing up with violence as the basis of their sexual scripting due to pornography being the main form of education.

Whilst more research is needed, current analysis of the harms shows ease of access to pornography increases the negative impacts on children's healthy development<sup>1</sup>. Daily we hear stories from key stakeholders in child welfare organisations and schools retelling stories of incidents of sexual harms at an epidemic rate. Unless we take action now, our leaders will face huge costs to support those now being traumatised. Our kids are drowning in a toxic sea of violence and misogyny online and unless we address this, violence against women is going to reach a whole new level.

Speaking with technology industry experts, unpublished data shows over 50% of teens are attempting to access pornographic sites during school hours even though they are aware that filters limit their devices. Youth also report that violence in sex has become normalised and rules around consent are blurred. They claim that the reason for this is mostly due to the higher rates of access and consumption of pornography.

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<sup>1</sup> APPENDIX A - Statement of Research

Pornography is significantly contributing to a rise in:

- child on child sexual abuse
- confusion over consent in sexual relationships
- the normalisation of violence in relationships
- identity, self exploitation and objectification issues
- traumatisation from accidental exposure
- difficulties with academic performance
- depression and loneliness
- sexual health diseases and physical injuries
- addiction contributing to isolation and mental, emotional and relational health issues

It is estimated globally, one in three of all Internet users are below the age of 18<sup>2</sup>. Children's vulnerabilities resulting from accessing content that contributes to considerable short and long-term harms is a matter for urgent attention. eChildhood recommends a whole-of-community public health approach to address this issue, including solutions that relate to disrupting children and young people's access to pornography and provision of robust education. By doing so, we reshape the digital landscape and provide young people an opportunity to critique cultural norms that place them at risk for sexual exploitation, trafficking and other critical safety vulnerabilities.

### **C. Have courts in other countries issued internet-related judgments that apply national laws to the global internet?**

The UK has adopted age-verification measures<sup>3</sup> via the The Digital Economy Act, 2017<sup>4</sup>. This legislative measure creates penalties for online pornographers who do not verify the age of their customers, and ISP level blocking of non-compliant sites. Age-verification occurs through utilising a third-party trusted verification process that accesses existing robust data sources (credit card, mobile ID etc.). This form of eID is currently being implemented in European countries and is intended to protect the privacy of the user, with the site accessed not privy to information other than if the user has been age-verified or not. This measure utilises legislation and regulations that force the pornography industry to comply with existing classification and protective measures already implemented across other sectors (i.e. Film and Media). Age-verification measures have been legislated in the UK and will be implemented in late 2018<sup>5</sup>.

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<sup>2</sup> Unicef, One in Three 2016

<sup>3</sup> Carr, J. 2018

<sup>4</sup> Digital Economy Act, 2017

<sup>5</sup> Monaghan & Yoo, 2018

The UK's guidelines will apply to any party who makes money from online porn based anywhere in the world. Webmasters who don't meet the requirements will be blocked by UK ISPs. Online media outlet 'Wired's published article 'Age checks on UK porn threaten independent pornographers' reports tech and internet lawyer Neil Brown, director of decoded:Legal<sup>6</sup> as having described these international restrictions as "a key part of the 'stick' to bring overseas sites into compliance, if they do not want to lose ... traffic from UK visitors".<sup>7</sup>

## **What have been the practical effects on U.S. companies of such judgements? What have the effects been on users?**

Following the implementation of any age check device both traffic and revenue may be impacted in the short-term. There are however, significant legal protection and political benefits to the webmaster in adopting these applications and once commonplace, the costs associated with implementation are expected to reduce. U.S. based Walter's Law firm posted an article stating "Several companies that have implemented age verification on their network of websites have reported to this author that they experienced two, three, or four fold increases in profits after doing so, despite the initial expectation of decreases. While an argument can be made that those increases could have been even higher without age verification, one criminal prosecution or civil claim resulting from access by minors, would quickly eat up any increased profitability potentially realized by omission of an age verification solution"<sup>8</sup>.

## **E. What should be the role of all stakeholders globally—governments, companies, technical experts, civil society and end users—in ensuring free expression online?**

In the best interests of child safety, health and wellbeing, actions to implement Digital Child Protection Buffers are of vital importance. The online environment is complex, however to ensure children's online childhood is protected on multiple levels for a positive experience, technological solutions must be put in place internationally. A key component of this measure is to ensure the commercial providers of this content, the pornography industry, secure their platforms so that adult content is not easily accessible by children.

Whilst the involvement of ISPs to provide blocks to pornography are an important part of digital solutions, they are only one (comparatively) small cog in the much larger wheel of the internet. They sometimes, with justification, may feel they are unduly put upon to solve problems which are created by other online businesses' bad or poor behaviour or inattention. It is not the place of ISPs (or any other digital solution provider), to be put in the position of arbiters around issues that are seen as being sensitive free speech or political debates.

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<sup>6</sup> Decoded Legal, n.d.

<sup>7</sup> Orphanides, K.G. 2018

<sup>8</sup> Walters, L., 2018

When terrorism, hacking and fraud are such major national security concerns, child protection seemingly slips down the list of priorities. In other words, online child protection is not a high enough political priority. This is what must change. It should never be either/or. In a country where the rule of law is honoured, nobody's free speech, political or artistic rights are threatened by well thought-out online child protection measures. As such, the underpinning of enacting legislation provides a way forward for ISPs to carry out directives that are in the best interests of children<sup>9</sup>.

## **H. How might NTIA better assist with jurisdictional challenges on the internet?**

As NTIA plays a central role in the formulation of the U.S. Government's international information and communications technology policies, the organisation influence could assist in influencing other key stakeholders to ensure provisions for the safety of children are upheld at domestic operational levels, global venues and in bilateral and multilateral dialogues. Representing the Executive Branch in both domestic and international telecommunications and information policy activities, the NTIA must fulfill its social responsibility and ensure the most vulnerable are protected<sup>10</sup>.

## **II. Multistakeholder Approach to Internet Governance**

### **B. Are there public policy areas in which the multistakeholder approach works best? If yes, what are those areas and why? Are there areas in which the multistakeholder approach does not work effectively? If there are, what are those areas and why?**

The multi stakeholder approach works best when there is shared and agreed knowledge about the functions of states and society. When shared consensual knowledge is developed at the transnational level consensus between actors it can lead to policy transfer<sup>11</sup>. Multilateral, bilateral and regional agreements on non-state governance and the alignment of strategies and policies are necessary to identify common solutions for Internet related problems<sup>12</sup>. Several scholars and political observers argue that harmonisation of legislation and legislative frameworks across states to be most helpful in addressing transnational child exploitation crimes<sup>13</sup>. The same principles of harmonization of frameworks could apply in developing policies which children from accessing harmful online content.

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<sup>9</sup> Porn Harms Kids citing Carr, J., 2017

<sup>10</sup> NTIA. 2018

<sup>11</sup> Stone, D. 2004. Pp. 548

<sup>12</sup> Akdeniz, Y. & Akdeniz, DY. 2008

<sup>13</sup> Hartjen, C. A. & Priyadarsini, S. 2012., IBID. p.211, Akdeniz, Y. & Akdeniz, DY. 2008, p. 163, IMCEC, 2016

**C. Are the existing accountability structures within multistakeholder internet governance sufficient? If not, why not? What improvements can be made?**

The existing multistakeholder internet governance is not sufficient and does not protect children from internet harms. Conflicting values between free speech and child protection has prevented protective measures to be legislated and subsequently applied by ISP's in most countries. Improvements are imperative for the best interests of child safety. For example, there are calls to governments to legislate 'Opt out Clean feed Internet Service Provisions'. This approach would mean that all online devices would filter out adult content. This would help prevent children from exposure to harmful material online. Adult customers would continue to have the option to opt out of the filtered clean feed on request to their ISP<sup>14</sup>.

**J. What role should multilateral organizations play in internet governance?**

Multilateral organisations should take a leading role to influence governments and various stakeholders to adopt and incorporate measures to ensure children are protected from the harms which associated with the internet and access to it's free flowing information. Multilateral organisations can set the minimum standards of the rights of the child in the international arena for consideration when setting internet governance policies<sup>15</sup>. Multilateral organisations must recognise that unfettered access to pornography is a cyber threat which is a global problem that requires international coordination; it is imperative they influence the international community in implementing corporate social responsibility measures for the online space. Diffusion of policy to protect children from the harms of pornogrphahy within states domestically may then spread from the international level to state domestic policy through means of soft transfers where initiatives are entrenched with the values of these international institutions<sup>16</sup>. It is not only American businesses and the American economy which call for cybersecurity protection measures but children, who are the most vulnerable to internet harms, must be considered in internet governance policies.

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<sup>14</sup> Tokaji, A. (2016)

<sup>15</sup> Bender, K. et. al. 2014. Pp.15

<sup>16</sup> Cairney, P. & Heikkila, T. 2014, Pp.380-381. Stone, D. 2004. Pp. 556

#### **IV. Emerging Technologies and Trends**

##### **A. What emerging technologies and trends should be the focus of international policy discussions? Please provide specific examples.**

In the best interests of child safety, health and wellbeing, actions to implement Digital Child Protection Buffers are of vital importance. Other important conversations include the regulation and monitoring of Social Media platforms to provide minimum standards to safeguard children.

##### Home filters and device apps:

These are currently the most readily known and available response to preventing access to pornography. Home filters and device apps are typically provided by organisations who (most often) charge for their product. They can require a certain amount of technical skill to install the product, and have moderate to high effectiveness rates within the home and on devices, depending on the product. However, when children leave the home to interact within community, they are faced with increased vulnerabilities to ubiquitous pornography.

##### ISP Level Blocks:

This level of buffer can be implemented in 2 main ways. Opt-In block makes provision for individual users to request blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level. Or Default Block, which makes provision for 'blanket' blocking of harmful websites, including pornography (prohibited content) to be implemented at ISP level. Individual users could enact an 'opt-out' feature, enabling age-verified users to still access content classified illegal by the classifications scheme. ISPs would be best supported to implement this measure underpinned by legislation.

##### Age-verification measures:

This is a legislative measure (as adopted in the UK) that creates penalties for online pornographers who do not verify the age of their customers, and ISP level blocking of non-compliant sites. Age-verification occurs through utilising a third-party trusted verification process that accesses existing robust data sources (credit card, mobile ID etc.). This form of eID is currently being implemented in European countries and is intended to protect the privacy of the user, with the site accessed not privy to information other than if the user has been age-verified or not. This measure utilises legislation and regulations that force the pornography industry to comply with existing classification and protective measures already implemented across other sectors (i.e. Film and Media). Age-verification measures have been legislated in the UK and will be implemented in 2018; this buffer is not available in Australia. This measure is best supported through the implementation of legislation.

##### Mobile device restrictions:

This buffer requires that every mobile phone number is an account in its own right (irrespective of the device or handset into which the SIM is installed). Every account is assumed to belong to a child and therefore access to

content on the prohibited URL list is restricted unless and until the account holder completes an age-verification measure. This measure is implemented in the UK and relies upon a self-regulated Mobile Network Code of Practice. This measure is best supported through the implementation of legislation.

### Safe Public WiFi:

This buffer is to ensure safety standards for venues or precincts offering free public WiFi. Entities may include public libraries and council spaces; chain stores; individual businesses; workplace environments; ISPs and secondary providers of WiFi products and services. Through an accreditation process, providers of WiFi must provide evidence to ascertain if the service they provide is safe for use within a public space. Upon approval, they receive a 'stamp of approval' to be displayed for public consumer confidence. In the UK, this accreditation process is undertaken by an independent accreditor, Digital Friendly WiFi.

### Conclusion

At this juncture, there stands a significant opportunity to respect the human rights of all children in America and set a higher bench mark for the safety of children online whilst still upholding the mandate of free speech. Children do not have the capability to protect themselves from online hardcore pornography and the associated risks with exposure to it; it also should not be the responsibility of a child to do so. Implementing policy that ensures the prevention of access by minors to online hardcore pornography ensures children in America will have the opportunity to use the internet for the positive aspects it brings to their development of lives, whilst responsibly protecting them from the harms. For further information on our proposed solutions to this issue please refer to the [Porn Harms Kids Report](https://www.echildhood.org/report_2017) published by eChildhood in 2017.  
[https://www.echildhood.org/report\\_2017](https://www.echildhood.org/report_2017)

## References

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## APPENDIX A – Statement of Research Relating to Pornography Harms to Children

The harms of pornography to children and young people are becoming increasingly difficult to ignore. Messages that children and young people learn from pornography, shape themselves and the culture we live in. [Worldwide](#), pornography is now being framed as a [Public Health Crisis](#) by many governments, health, violence prevention and advocacy organisations. Given there is significant evidence indicating that pornography is linked to negative mental health outcomes for young people, sexist attitudes, sexual aggression and violence, child-on-child sexual abuse, and high risk sexual behaviours, this issue has not received adequate public attention.

This statement of research is endorsed by child youth advocates, anti-violence workers and key academics, including Dr Gail Dines, Founder of [Culture Reframed](#), Dr Michael Flood, Dr Caroline Norma, Dr Heather Brunskell-Evans, Dr Meagan Tyler and others. <https://www.echildhood.org/statement>

Areas of pornography's impact on children and young people include:

- Poor mental health
- Sexism and objectification
- Sexual aggression and violence
- Child-on-child sexual abuse
- Shaping sexual behaviours

### **Rates of exposure**

Trends in children and young people accessing online pornography show an increase.

- In 2011, it was reported that over two in five (44%) Australian 9-16 year olds had seen sexual images in the past 12 months. This is much greater than the 25-country average of 23%. ([Green et al. 2011](#))
- Between 2008 and 2011, exposure to porn among boys under the age of 13 jumped from 14% to 49%. Boys' daily use more than doubled. ([Sun et al. 2016](#))
- In 2016, a study of 1565 18-19-year-old Italian students ([Pizzol et al. 2015](#)), 4 out of 5 stated they consumed pornography. Almost 22 per cent (21.9%) reported that it became habitual, 10% stated that it reduced their sexual interest towards potential real-life partners, and 9.1% reported a kind of addiction.
- In 2017, a Swedish study reported that nearly all respondents (98%) had watched pornography, although to different extents. Eleven per cent were found to be frequent users (watched pornography one or more times per day), 69 per cent average users (at least once a month up to several times a week, but less than once per day), and 20 per cent infrequent users (less than once a month). ([Donevan and Mattebo 2017](#))
- In 2006, 35 per cent of Dutch children aged 8 to 12 had had a negative Internet experience in the home, involving an encounter with pornography. ([Soeters and van Schaik 2006](#))
- Well over two-thirds of 15-17-year-old adolescents have seen porn websites when they did not intend to access them, with 45% being 'very' or 'somewhat' upset by it. ([Kaiser Family Foundation 2001](#))

For the purposes of the following research, adolescents are defined as primarily between the ages of 13-18. The rise in rates of child-on-child sexual abuse indicates younger children are inadvertently exposed to pornography.

### **Poor mental health**

In a research review by [Owens et al.](#) (2012), the authors stated that:

The structural deficits in brain maturation of adolescents, and theories such as the picture-superiority effect, offer insights into the ways adolescents may be disproportionately vulnerable to negative consequences when exposed to sexually explicit material.

Whilst the literature varies in its ability to show if pornography directly causes mental health issues or instead, conditions are correlational (existed prior to viewing), or a combination of both, studies indicate that porn users experience:

- higher incidence of depressive symptoms
- lower degrees of social integration
- decreased emotional bonding with caregivers
- increases in conduct problems
- higher levels of delinquent behaviour

Research suggests links between mental health issues and problematic porn use, such as low self-esteem and depressive traits ([Doornwaard et al. 2016](#)), and impacts to academic performance ([Beyens et al. 2014](#)). Almost 22 per cent (21.9%) of young people report habitual use ([Pizzol et al. 2015](#)), 9 – 11% report frequent use or a kind of addiction, and a further 10% indicate that pornography reduces sexual interest towards potential real-life partners ([Donevan and Mattebo 2017](#)). The Swedish authors stated, it is striking that one-third of frequent users admitted they watch pornography more than they want to. Since adolescents' brains are still in their development phase, young people may be especially vulnerable to problematic pornography use. The adolescent brain is highly impressionable and vulnerable to forming addictions ([Chein et al. 2011](#); [Crews et al. 2007](#)).

Studies also indicate that pornography impacts self-image; for girls, this relates to feelings of physical inferiority, and for boys, fear of not measuring up, with both virility and performance. ([Owens et al. 2012](#), [Sun et al. 2016](#)).

In addition, adult cohort studies have identified that pornography use and associated sexual arousal patterns have been found to interfere with decision making ([Laier et al. 2014](#)); is linked to diminishing working-memory ([Laier et al. 2013](#)); and decreased ability to delay gratification ([Negash et al. 2016](#)). Adult users of pornographic material also report greater depressive symptoms, poorer quality of life, more mental- and physical-health diminished days, and lower health status than compared to nonusers. ([Weaver et al. 2011](#))

### **Sexism and objectification**

The relationship between pornography, sexual coercion, abuse and sexting was explored in a large European survey of 4,564 young people aged 14-17 ([Stanley et al. 2016](#)). The authors of this study argued that pornography is both underpinned by and perpetuates gender inequality, and that boys who regularly watched online pornography were significantly more likely to hold negative gender attitudes.

Other studies show that sexual arousal to online pornography by adolescents leads to sexist attitudes and notions that women are sex objects ([Peter and Valkenburg 2007](#), [Hald et al. 2013](#)) These findings are consistent with a review of 20 years of research that found pornography use was associated with more permissive sexual attitudes and tended to be linked with stronger gender-stereotypical sexual beliefs. ([Peter and Valkenburg. 2016](#))

### **Sexual aggression and violence**

Consistently, findings link the viewing of violent pornography to increased tendencies for sexually aggressive behaviour ([Owens et al. 2012](#), [Sun et al. 2016](#)).

- there is a clear association between regular viewing of online pornography and perpetration of sexual coercion and abuse by boys. ([Stanley et al. 2016](#))
- both regularly watching pornography and sending or receiving sexual images or messages were associated with increased probability of being a perpetrator of sexual coercion. ([Stanley et al. 2016](#))

In a 2017 mixed-gender Swedish study of 946 students ([Donevan and Mattebo 2017](#)), frequent users watched hard core and violent pornography to a higher extent, were more likely to have engaged in a wider range of sexual activities, fantasised about trying sexual activities seen in hard core pornography, and showed signs of sexual preoccupation and problematic pornography use.

Rather than relying on a single research paper to draw conclusions, a meta-analysis synthesises data from a range of studies and looks for common and consistent findings. A meta-analysis is the “gold star” of research papers. [Wright et al. \(2016\)](#), carried out a Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies. Their findings stated

that: “the accumulated data leave little doubt that, on the average, individuals who consume pornography more frequently are more likely to hold attitudes conducive to sexual aggression and engage in actual acts of sexual aggression than individuals who do not consume pornography or who consume pornography less frequently.”

## **Child-on-child sexual abuse**

Freely available online pornography is shaping the sexual conditioning of increasing numbers of young people. Australian research findings ([Etheredge, 2015, citing Lemon, 2014](#)), highlight that 75% of 7-11-year-old boys and 67% of 7-11-year-old girls in treatment for Problem Sexualised Behaviours (PSBs) reported early sexualisation through online pornography.

Between 2013 and 2016, police figures in the UK show a rise of child-on-child sexual offences by almost 80% ([Barnado's, 2016](#)). Australian practitioner, [Russell Pratt](#) says:

One thing seems clear: pornography provides a “how to” manual, showing every possible angle of what goes where and who can do what to whom, as well as providing sexual stimulation and shaping patterns of sexual arousal. When coupled with other risk factors present in the young person’s life, pairing the “how to” with the sexual stimulation provided by pornography both equips and primes youth to undertake more advanced sexual practices earlier than they otherwise might or earlier than those who have not accessed pornography, simply because they have just that – a template for what to do, based on the graphic nature of pornography.

## **Shaping sexual behaviours**

Exposure to sexually explicit Internet material directly predicts adolescents’ willingness to engage in casual sex ([van Oosten et al. 2016](#)). A review of the research also identified that it is connected to higher levels of permissive sexual attitudes, sexual preoccupation and earlier sexual experimentation ([Owens et al. 2012](#)), including younger ages for first oral sex and sexual intercourse ([Kraus and Russell, 2008](#)).

The ways in which pornography is influencing young people’s sexual experiences is reflected in research by [Marston and Lewis](#) (2014). Their qualitative, longitudinal study of 130 men and women aged 16-18 from diverse social backgrounds in the UK, found a normalisation of painful, risky, coercive heterosexual anal sex. Interviewees frequently cited pornography as the explanation for anal sex, a practice they expected to be painful for young women but pleasurable for young men. Participants described an expectation that young men would persuade or coerce a reluctant female partner.

Amongst college students, research has also demonstrated that higher frequency porn viewing correlates with an increased number of sexual partners and higher incidence of hooking up ([Braithwaite et al. 2015](#)).

In addition to these studies, another meta-analysis asked the question: Is sexual content in new media linked to sexual risk behaviour in young people? ([Smith et al. 2016](#)). Exposure to sexually explicit websites was correlated with condomless sexual intercourse; and sexting was correlated with ever having had sexual intercourse, recent sexual activity, alcohol and other drug use before sexual intercourse, and multiple sexual partners. The authors stated:

“Cross-sectional studies show a strong association between self-reported exposure to sexual content in new media and sexual behaviours in young people.”

These studies identify significant areas that require action to prevent harms in children and young people’s health, mental-health, physical safety, and wellbeing, and as a part of broader societal effects to prevent violence against women.