

## **ECLJ’s contribution to the report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children,**

*Ms. Ai Kihara-Hunt, on the Special Rapporteur’s vision*

Strasbourg, 19 June 2026

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The *European Centre for Law and Justice* (ECLJ), an international non-governmental organisation founded in 1998, which has held special consultative status with the United Nations/ECOSOC since 2007, has the honour of submitting this contribution to the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, with a view to assisting her in defining the strategic priorities of her new mandate.

The ECLJ would first like to congratulate Ms Kihara-Hunt on taking up her post. As was the case with her predecessor, whose successive thematic reports incorporated its analyses, the ECLJ hopes that a constructive dialogue will effectively guide international action towards enhanced child protection.

The ECLJ is responding to this inaugural call because the omnipresence of digital technology and children’s increasingly early exposure to online pornography act as structural drivers fuelling the explosion in the sexual exploitation and abuse of children. That is why the ECLJ is presenting Ms Kihara-Hunt with two areas of analysis which it considers to be priorities: the documented link between exposure to pornography and child sexual abuse, and the imperative need to hold online actors accountable.

### **I. The link between exposure to pornography and child sexual abuse**

This link is often overlooked in current public policy, which is why it needs to be highlighted.

#### **1. Exposure to pornography: a factor in sexual abuse of minors**

Combating sexual abuse requires tackling its root causes. The early, ongoing and widespread exposure of children to online pornographic content, in which violence is omnipresent and contributes to the normalisation of sexual violence, is now recognised as a major factor in sexual offences committed against children, including those perpetrated by other minors.

##### ***a. The neuroscientific and psychological mechanisms at play***

The human brain continues to develop until around the age of 25. Neuroscience shows that this process is characterised by hypersensitivity to dopamine and intense reactivity in mirror neurons. These neurons, which govern learning through imitation and the formation of empathic relationships, are overstimulated by pornographic stimuli. This over-activation leads to harmful behavioural consequences: it encourages the imitation of violent sexual scripts and reduces empathy towards peers. This ‘empathic disconnection’ profoundly alters the perception and understanding of the

concept of consent.<sup>1</sup> Repeated exposure to pornography thus distorts our perception of human interactions.<sup>2</sup>

### ***b. The documented rise in sexual assaults involving minors***

The behavioural consequences of these cognitive changes have been proven. A longitudinal study of adolescents aged between 10 and 15 shows that **exposure to violent pornography increases the risk of engaging in sexually aggressive behaviour by nearly six times (5.8).**<sup>3</sup>

The Special Rapporteur on violence against women and girls has highlighted that children’s regular exposure to pornography has been linked to a **fourfold increase in the number of underage victims of sexual offences over the last decade**, with girls accounting for the majority of these victims.<sup>4</sup>

In France, data from the Ministry of Justice show that **nearly one in two cases of rape and sexual assault against minors handled by public prosecutors’ offices in 2020 involved a minor as the perpetrator**, with the rise in such cases coinciding precisely with the rise of the internet.<sup>5</sup> This national finding is supported by more global data: **76.7 per cent of boys and 70.1 per cent of girls who are victims of sexual abuse are abused by their peers.**<sup>6</sup>

This tragic situation justifies the warnings issued by the ECLJ to the United Nations. Special Rapporteur Singhateh referred to them in January 2026, stating that “*A high percentage of child sexual abuse cases reported globally are perpetrated by children against other children,*” and that “*Many contributors to the report pointed to children’s exposure to pornography as the biggest risk factor.*”<sup>7</sup>

## **2. Exposure to pornography: a form of sexual abuse**

Any exposure of a child to pornographic material constitutes sexual abuse, whether it is intentional on the part of a third party or accidental: whilst the intention may appear to differ (the pornography industry, however, profits greatly from this: see II), the exposure remains the same and its consequences are similar.

### ***a. Children’s exposure to pornography falls within the definition of sexual abuse***

Acts that do not involve contact with the genital areas can also constitute sexual abuse. This includes “*any acts directed at the victim’s bodily intimacy, which infringe upon their sensory sphere and/or which use their body*”.<sup>8</sup> According to the World Health Organisation, child sexual abuse is “*the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the*

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<sup>1</sup> Maria Hernandez-Mora, « L’influence de la consommation de pornographie sur le mineur consommateur », in O. Sarton & C. de Gatellier (dir.), *Violences sexuelles entre mineurs : agir, prévenir, guérir*, Artège, 2023, p. 129-130.

<sup>2</sup> See A/79/122, 9 August 2024, §86 referring to the ECLJ’s contribution.

<sup>3</sup> Ybarra ML, Mitchell KJ, Hamburger M, Diener-West M, Leaf PJ, “X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?”, *Aggressive Behaviour*, 37(1), 2011, p. 1-18.

<sup>4</sup> A/HRC/56/48, May 2024, §21.

<sup>5</sup> Marie Romero, *La prise en charge des mineurs auteurs d’infractions à caractère sexuel à la protection judiciaire de la jeunesse*, Research report, Ministry of Justice, October 2022.

<sup>6</sup> Gewirtz-Meydan A. & Finkelhor D., “Sexual abuse and assault in a large national sample of children and adolescents”, *Child Maltreatment*, 25(2), 2020, p. 203-214.

<sup>7</sup> A/HRC/61/45, 7 January 2026, §48.

<sup>8</sup> Collart, Pierre. « L’abus sexuel : discussion de la définition, éléments de diagnostic et de prévention », *Service social*, vol 63, no 1, 2017, p. 29–42.

laws or social taboos of society.”<sup>9</sup> Thus, the unintentional exposure of children to pornography – which accounts for more than 40 per cent of their first encounters with it – is often compared to “psychological rape”, a “*shock [that] is akin to psychological paralysis, as the child lacks the tools and maturity to process these images.*”<sup>10</sup> Under French law, Article 227-24 of the Criminal Code, which criminalises leaving pornography within the reach of minors, is thus included in a section relating to “sexual offences committed against minors.”

### ***b. Consequences similar to those of sexual abuse***

This “psychological rape” that is the exposure of children to pornography can cause serious psychological, physical and behavioural harm. According to research, it “[can] lead to psychological disturbances and behavioural disorders similar to those of sexual abuse.”<sup>11</sup>: internalisation of harmful gender stereotypes, difficulties in social relationships, a decline in academic performance, early, frequent and risky sexual experiences, risk of pornography addiction, violent sexual behaviour, symptoms of depression, body dysmorphic disorder,<sup>12</sup> etc.<sup>13</sup>

## **II. Legal accountability and a critical examination of digital business structures**

A critical analysis of the commercial structures of the pornography industry reveals that minors’ access to harmful content online is not a technical dysfunction, but a deliberately exploited component of its business model.

### **1. The business of child exploitation: the lucrative blind spot of legal websites**

As Special Rapporteur Singhateh noted in January 2024,<sup>14</sup> content relating to sexual abuse is not confined to the dark web alone, but is also accessible **on legal websites**, which derive direct profit from it.

The exposure of minors to pornography generates an estimated global turnover of 789 million dollars a year, of which **147 million dollars comes solely from the accidental exposure** of children – a captive customer base whose consumption habits will be cultivated over time.<sup>15</sup>

Audience figures published by the Regulatory Authority for Audiovisual and Digital Communication (ARCOM) confirm this commercial trend: **minors account for 12 per cent of the total audience for pornographic websites and 17 per cent of Pornhub’s audience.**<sup>16</sup> By leaving this content accessible without any effective restrictions, these platforms contribute to three trends: they diminish adult consumers’ sense of guilt, normalise the sexual instrumentalisation of children, and foster a

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<sup>9</sup> WHO and International Society for Prevention of Child Abuse and Neglect, *Preventing Child Maltreatment: a guide to taking action and generating evidence*, 2006, p. 10.

<sup>10</sup> See for example Maria Hernandez-Mora, op. cit., p. 123-124.

<sup>11</sup> *L’environnement médiatique des jeunes de 0 à 18 ans : Que transmettons-nous à nos enfants ?* Rapport en réponse à la mission confiée par Ségolène Royal, Ministre déléguée à la Famille, à l’Enfance et aux Personnes handicapées au Collectif Interassociatif Enfance Médias (CIEM), May 2002, p. 39.

<sup>12</sup> Maria Hernandez-Mora, op. cit., p. 133.

<sup>13</sup> See APCE, Resolution 2429 (2022), §2; Resolution 2119 (2016), §2; Report 15406, §18.

<sup>14</sup> A/HRC/55/55, January 2024, §§17 and 63, mentioning the ECLJ’s contribution.

<sup>15</sup> Association Ennocence, *Réseaux sociaux, streaming, live streaming et téléchargement illégal : nouvelles portes d’entrée des enfants vers le monde de la pornographie*, 2016, p. 13 et 21-25.

<sup>16</sup> ARCOM, *La fréquentation des sites « adultes » par les mineurs*, May 2023, p. 23.

sense of tolerance and habituation amongst exposed minors, prompting them to seek out increasingly violent and degrading content.

## 2. The structural failure of self-regulation and the need for binding global standards

Against this predatory business model, policies based on voluntary participation by online platforms are proving ineffective. The ‘Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse’ (2020), signed by Facebook, Google, Microsoft, Twitter, Snapchat and Roblox, have failed to stem the massive spread of content harmful to minors. The Canadian Centre for Child Protection (CCCP) has formally concluded that **relying solely on platforms’ own initiative to invest in content moderation constitutes a structural failure.**<sup>17</sup>

The ECLJ supports Special Rapporteur Singhateh’s position that binding global standards should be drawn up.<sup>18</sup> They should be accompanied by a strict system of criminal and civil liability for service providers.<sup>19</sup> Recent legal developments in Europe demonstrate the feasibility of such an approach:

- In December 2023, the **European Commission** added three major pornography websites to the list of “very large online platforms” under the Digital Services Act (DSA), subjecting them to annual independent audits and requiring them to put in place measures to protect minors<sup>20</sup>.
- In the area of criminal law, the **European Parliament** adopted, at first reading on 17 June 2025, the recast of the Directive on combating sexual abuse of children. This text introduces two major provisions: the establishment of a standalone criminal offence of intentionally exposing a child to pornographic content (Article 3.2) and the criminalisation of platforms that fail to implement robust age verification tools (Article 3.2a), punishable by a maximum term of imprisonment of at least one year.<sup>21</sup>

## 3. Age verification: ending the myth that it is technically impossible

The argument that such measures are technically impossible or would constitute a disproportionate invasion of privacy – constantly put forward by industry lobbies – is technically and legally unfounded. Age verification systems that respect civil liberties do exist and have been successfully tested. In particular, the ‘double anonymity’ mechanism ensures that the body certifying the user’s age is unaware of the destination website, and that the website is unaware of the user’s civil identity.<sup>22</sup>

The European euConsent consortium, funded by the European Commission, has also validated the technical compatibility of these solutions with pan-European interoperability, confirming that there are no serious technical obstacles to their widespread adoption.<sup>23</sup>

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<sup>17</sup> Canadian Centre for Child Protection (CCCP), Project Arachnid: Online availability of child sexual abuse material – An analysis of CSAM and harmful-abusive content linked to certain electronic service providers, June 2021, p. 56.

<sup>18</sup> A/HRC/55/55, §63.

<sup>19</sup> See UN experts alarmed by complicity of online pornographic platforms and other intermediaries in sexual exploitation of women and girls, [Press release](#), 15 May 2026.

<sup>20</sup> European Commission, Commission designates second set of Very Large Online Platforms under the Digital Services Act, [Press release](#), 20 December 2023.

<sup>21</sup> Recast of the Directive 2011/93/UE, adopted at first reading on 17 June 2025. The provisions referred to are the adopted amendments.

<sup>22</sup> CNIL/LINC, [Démonstration du mécanisme de vérification de l’âge respectueux de la vie privée](#), 16 June 2022.

<sup>23</sup> euConsent, a consortium funded by the European Commission under the CEF Digital programme, aimed at implementing extensions to the eIDAS infrastructure for age verification at European level.

The Special Rapporteur could call on States to require platforms disseminating pornographic content to put in place an effective and robust age verification mechanism. In this regard, the Court of Justice of the European Union has just confirmed that an EU Member State may impose such an obligation on a service within its territory, even if that service is established in another Member State.<sup>24</sup>

The ECLJ points out that freedom of expression and the right to privacy are not absolute. PACE consistently reaffirms that it is legitimate to impose proportionate restrictions on these rights, provided that they are prescribed by law and necessary for the prevention of crime and the protection of the rights of others.<sup>25</sup> The European Court of Human Rights imposes a positive obligation on States to protect children when their physical and moral integrity is threatened. Under Article 3 of the Convention on the Rights of the Child, **the best interests of the child must take precedence over any commercial or libertarian considerations.**<sup>26</sup>

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## RECOMMENDATIONS

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The ECLJ recommends the following areas for the Special Rapporteur to focus on during her mandate:

1. To produce a thematic report on the role of the pornography industry in the surge in the sexual exploitation and abuse of minors, particularly when committed by other minors, highlighting scientific evidence on its causes and dynamics. Such a report would serve as an essential reference document.
2. To promote international harmonisation of the definition of sexual abuse in criminal law so as to explicitly include the act of intentionally exposing a child to pornographic material, and, in the long term, the exposure of children to online pornography.
3. Call on States to abandon self-regulatory policies in favour of adopting binding legal frameworks requiring, in particular, the implementation of effective online age verification mechanisms that respect fundamental freedoms.

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<sup>24</sup> CJUE, [Communiqué de presse n° 87/26](#), 16 juin 2026.

<sup>25</sup> APCE, Résolutions 1835 (2011), 2412 (2021), 2429 (2022).

<sup>26</sup> CEDH, *Weißen et autres c. Allemagne*, 22 mars 2018, n° 68125/14 et 72204/14, § 74 ; CEDH, *A et B c. Croatie*, 20 juin 2019, n° 7144/15, §§ 106-113.