



"The Defencelessness of Minors in the Face of Pornography on the Internet"

(Conference of the Audiovisual Council of Andalusia held in the Parliament of Andalusia on 10 May 2023)

"Nothing happens without people, but nothing lasts without institutions." is the quote of the French diplomat, Jean Monnet with which Leonardo Cervera, director of the European Data Protection Supervisor (EDPS), began his speech at the ACA conference stating: *"Today some people have decided to do something and denounce it and there is an institution supporting it."*

Cervera was one of the attendees at the annual conference of the Audiovisual Council of Andalusia (ACA) held on 10 May 2023 in the Andalusian Parliament with the title ***"The defencelessness of minors in the face of pornography on the Internet"***, a matter of social concern that mainly affects kids because of how easily they can access websites with pornographic content from their mobile phones.

The conference was opened by ACA's president, Domi del Postigo, and hosted by the president of the Parliament, Jesús Aguirre, who pointed out that *"Addictions to the new technologies, are legal, and no substances are involved, but it is a social problem causing us great concern, especially when it affects minors."*

Domi del Postigo highlighted that he was inaugurating the day *"representing an extra-parliamentary and independent body, which is not new, and which has among its duties the defence of the most vulnerable population from possible abuses committed through the media, something that in our digital society has, fundamentally, moved to part of the content transmitted over the Internet."*

"No one learns to drive by driving a racing car", was one of the warnings delivered by the **Professor of Developmental Psychology, Carmen Moreno**, of the University of Seville. She insisted that pornography on the internet does not reveal a healthy sexuality but, rather, a total absence of affectivity and human reflection. It is all "wham, bam, thank you ma'am." All the affection and expressiveness required for communication in relationships between people has disappeared from the pornography that boys and girls view on the internet. There are no emotions in those videos, many of them disturbing and extreme.

The impact that consuming pornography has on personalities yet unformed, such as those of minors, is harmful, and more so when combined with a society whose pace of life is too fast to conveniently control that use. In the adolescent brain, the mesolimbic

system does more work than the prefrontal cortex, which also matures later, around the age of twenty. Therein lies the reason why adolescents seek pleasure and risk to a greater extent than their emotions and impulses can control. Porn, like petrol, feeds the fire of those impulses.

It is also the adolescent's condition that leads them to feed their impulses back into a group. In the porn they watch, in group sex men subdue women. Everything is intercourse and fellatio to men, sometimes involving violence. A "teaching" at odds with gender equality.

With eye-catching bodies and large penises, the people who minors see in porn on the internet are merely sex machines permanently available for fucking. And going back to the role that women usually play in porn, rapes with or without chemical submission, sex with a girl who is drunk, etc. are subgenres in the search engines for porn pages. These pages always offer more truculence in their scenes and renewed fantasies some distance from reality. Extreme scenes that sometimes minors imitate as if they were a tutorial.

DoctorFrancisco Ferre, a prestigious psychiatrist and director of the AdCom Centre of Gregorio Marañón Hospital, in Madrid, warned that this problem is on the street. He compared his hospital experience with data from the latest report by Save the Children Spain, of September 2020, entitled "(Des)Información Sexual. Pornografía y Adolescencia" ("Sexual (Dis)information. Pornography and Adolescence"), which, among other things, states that adolescents view pornography and almost 7 out of 10 (68.2%) of them consume it frequently. This consumption takes place privately through a mobile phone (93.9%), and focuses on free online content (98.5%), based mostly on violence and inequality (the report has a section analysing Andalusia in particular).

Dr Ferre reminded us that sexual curiosity is inherent to adolescence. To this can be added that the online sites have three traits enabling minors to get hooked: they are accessible, affordable, and anonymous.

Also, as a doctor, Ferre warned that kids' brains don't mature until their 20s, making them even more vulnerable to web porn and its effects. Minors must develop the emotional dimension that exists in sexuality, and not solely focus on genitality on which porn is based and which it exploits. Although we are discussing a new problem, there is already data gauging the issue. For example, in a study carried out in the Basque Country analysing 304 sequences of porn websites, 88.2% contained physical aggression as just merely one component more of the eroticisation causing sexual violence against women. It is not, therefore, surprising that international research on the consumption of porn prove that men who consume it regularly dominate their partners and are overbearing in their sexual relationships. These relationships become unsatisfactory due to the expectations that porn generates in those who then seek to replicate the situations they see in pornographic videos.

Mobile phones offer our children a 24/7 service freely allowing them to access porn on the Internet and also free of charge, this is having and will have an impact on their social, psychological, and affective development.

Carmen Ruiz Repullo, a sociologist from the University of Jaén and Meridiana Award recipient, highlighted the hypersexualised environment in which we move. We live in a context of *pornosocialisation*, a context that makes a distinction between boys, on the one hand, and girls, on the other. This is the context in which our adolescents live, the reason why some girls move like go-go dancers from the age of 5, or some boys have normalised visiting a virtual brothel as a leisure activity through a game in what is called the metaverse. The media exploit these labels in their programmes and when broadcasting their advertising messages. Girls are shown that using their body and their sexuality can be a source of effortless income, a way to earn money in the short term more attractive and interesting than the model offered by their parents and teachers, who talk to them about studying to get a good job leading to a comfortable life. Boys are educated to demonstrate their sexual potency. Show / demonstrate.

When we say pornography is fiction it is a half-truth. Fiction is Superman and adolescents know it, that is why they don't jump off rooftops wearing capes. But double penetration, strangulation in the pursuit of orgasm, slaps and hair pulling, etc. can be enacted for real. Hence the risk and its consequences.

The media should be anticipating this, they need to get involved. Teachers must also be trained to confront these situations with pupils. On the other hand, society should not shy away from setting standards.

In this regard, Ruiz Repullo recalled another key report on the problem, entitled "*Tenemos que hablar de porno*" ("We Need to Talk about Porn"), which Save The Children addressed to families.

The researcher and **psychologist** of the University of Santiago de Compostela, **Antonio RialBoubeta**, revealed that, according to the latest data from the study by Milano and Ballester of the University of the Balearic Islands, 90% of the minors surveyed confirmed they had consumed pornography at some time in their lives, this percentage has increased by 20%, according to the same study, in just 5 years. Those who consume porn on a regular basis are at high risk of online harassment and meeting toxic people who could shift from the digital environment into their real lives. Many of them feel less satisfied with life than they should be. 39% of girls who regularly consume porn feel frustration, insecurity, depression...

Rial Boubeta delivered a warning about the relationship of video games with this phenomenon among minors (from 11- to 14-year-olds, and in the 6 to 10 age bracket). Beware of Grand Theft Auto, a game linked to online porn via prizes.

Although girls are usually objectified in porn, it is not only the female sex that suffers. Other identities are also clearly degraded and mistreated in porn.

Comprehensive community prevention is necessary. Regulating access to the first mobile phone is essential. Risk rates multiply with possession of a mobile phone at the age of ten rather than at the age of 12 or 13. We must watch our children, monitor their activity, limit their behaviour and be with them as much as possible.

Regarding accessing the Internet, navigating it and its content, it is incomprehensible that whereas road safety seems normal to us, with its directions, prohibitions, and penalties, we fail to regulate traffic over the Internet.

On the other hand, the **Prosecuting Dean for Minors** of Seville, **Marta Valcarce**, emphasised a fact putting things in context: in Spain children under 16 can already get married, give medical consent and have sex without the permission of their guardians. Having made this relevant observation, the prosecutor reported that porn is affecting minors because in the field of crime they have detected behaviours in boys and girls that are clearly influenced by the porn they have viewed on the internet. The language used by children aged 14 to 17 is surprising in its precision, loaded with sexualised terms which they use to describe, decisively and in detail, certain sexual practices. Such language does not correspond to the language one expects from kids who today, unfortunately, have for the most part, lost linguistic richness, when it comes to expressing themselves. This has been covered, among other behaviours, in the latest report presented by the Attorney General's Office.

Young people live online. The pandemic has reinforced their status as digital natives leading them to look up everything on the internet. Screens and the digital universe feed their desires for immediacy, which is clearly shown in minors who commit crimes. They want to know everything, know it now and at the click of a button they get to digital porn. Porn that is not reality, but fiction, cinema, even if what you see in those movies is real.

Due to this, it seems clear that we must make it as difficult as possible for kids to access porn on the internet, but we also need to re-educate them so they can use the network (which like any net can entrap them!) properly. We already know that porn is addictive, another reason to prevent kids from consuming it, because not everything should be criminalised. In this field, we are encountering problems when determining consent in minors' relationships. Because imitating internet porn, although things may be consensual to start with, at some point some of them, especially girls, can begin to feel bad, and the relationship ends up being traumatic. Our children need a rounded person-centred education, not one limited to technically knowing how to fuck and how to use a condom. Sex is a human dimension, not genital mechanics. Sex is not harmless. Traumatic sex has consequences. Sexual information is sometimes provided to children like a catalogue when they are not yet old or curious enough. We must also be prudent when publicising events of a sexual nature in the media because it is repeatedly done more sensational than social or informative usefulness actually warrants.

Valcarce proposes that in order to hinder the ease with which pornographic webpages can dodge their responsibility, given how easily minors can access their websites, perhaps it would be sufficient to slightly amend the wording of article 186 of the Criminal Code to include the disjunctive “or indirect” when the crime is described at the beginning of its article: *“Whomever by any direct means, sells, distributes or displays pornographic material among minors or persons with disabilities requiring special protection, shall be punished by imprisonment for a term of six months to one year or a fine of 12 to 24 months.”*

The **Professor of Administrative Law** of the University of Valencia, **Juan María Martínez Otero**, said that currently in Spain there are regulations to protect minors on the Internet, beginning with the Constitution itself which in article 20.4, referring to them states: *“These freedoms are limited by respect for the rights recognised in this Title, by the legal provisions implementing it, and especially by the right to honour, to privacy, to personal reputation and to the protection of youth and childhood.”* What happens is that these regulations are not being complied with.

Martínez Otero also cited, to demonstrate the existence of regulations to be applied, Law 34/2002, On the Information Services Society, applicable to websites and digital platforms. And, finally, Law 13/2022, General on Audiovisual Communication, which includes video sharing services through platforms, whose article 89.e) compels companies to: *“set in placeage verification systems for users regarding any content that may harm the development of minors, preventing them from accessing the most harmful audiovisual content, such as gratuitous violence or pornography.”* Thus, whoever fails to apply this is breaking the law.

Therefore, although the legal framework in Spain is not perfect, it is sufficient, but it must be complied with and enforced. Issues must be addressed by balancing the constitutional interests at stake, such as freedom of expression and commerce, with the protection of minors and also public health. Using freedom of expression as an argument to fail to act to defend minors is not valid.

The **lawyer** and Data Protection Supervisor of the European Commission, **Leonardo Cervera**, asked legislators to act and explained the need to reach agreements with competent bodies to provide technological solutions to protect minors, in the same way as putting measures in place to protect digital purchases or payments. On this issue, Cervera recalled a phrase used by his father: “When you ask for something it is not enough to be right, you have to know how to ask for it and they have to want to give it to you.”

Data protection is often used as an excuse for not putting in place effective age detection mechanisms online. That is why we must enable an age verification system that does not conflict with the right to privacy. The difficulties inherent to fully

preventing minors from accessing inappropriate content in every case, should not diminish our efforts to hinder such access as far as is possible. For example, if mobile phones had installed systems to establish whether the user “is or not an adult” accordingly access to certain websites from that device would be blocked or allowed. Another option, on which the French regulator is working, is using a digital certificate with verification from an institutional third-party confirming age when accessing pages for adults. It is surprising that technology companies capable of inventing wonders, when implementing tools to protect minors on the Internet, always claim that any solution is very difficult.

The **economist** and professor of the master’s degree course in cybersecurity at the University of Córdoba, **Enrique Benítez**, complained that pornography in Spain is a very lucrative legal business model, which is part of a tolerated industry involving content producers, distributors, Internet platforms, search engines, etc., but we are not demanding that these companies take any responsibility for this matter.

We must look at how far we can shift the technical responsibility to parents ensuring that they control their children and avoid the great risks posed by the internet. There is a need for guidelines that are easy for families to understand and implement. We must also assess the extent to which we should breach our children’s privacy to protect them from being harmed by the Internet.

The CEO and **founding partner of Quántika14**, **Jorge Coronado**, warned that pornography *cannot only be found on pornographic pages*. The social media with which minors interact can also contain pornographic videos and photographs. He said that one practice that teens are very familiar with is sharing erotic and sexual material that they capture or record of themselves, which sometimes ends up being published on pornographic websites. On this point, he reminded us that the most viewed porn platform on the web, the famous *Pornhub*, removed numerous videos allegedly starring minors after some banks threatened to withdraw their card payment support. That is why the effectiveness of parental controls becomes more difficult than it already is if the porn ends up being uploaded to online media by the minors themselves. And it is for that reason that many of the videos offered by porn platforms do not have the consent of those appearing in them.

On the ways to hinder minors’ access to porn websites, Coronado recalled that limiting access by blocking ISPs (companies providing Internet access service for web pages), when acting in defence of intellectual property works quite well in Spain. Why don’t they make it harder for porn websites?

Speaking on behalf of the National Institute of Cybersecurity (**INCIBE**), **Manuel Ransán** encouraged parents to familiarise themselves with parental control tools to safeguard their children against inappropriate content. Although they do not guarantee a complete block, they do assist considerably by filtering the final information that users receive. He called for complaints to be made about anything found on the Internet (Tel. 017 INCIBE), since INCIBE has the tools to act. He delivered a warning about video games, since video game consoles and computers are networked and expose minors to contacts with strangers from other cities, even other countries, who can pose a risk to them as soon as anonymity is lost.

The **Head of Communication of Empantallados, Elena Martínez**, confirmed that the main question asked by parents is what is the right age to give their child a mobile phone. There is no clear age. The decision depends on factors such as the child's maturity, their family and social environment, their emotional and relational abilities, something that only the child's parents can know well.

Empantallados defends prevention. It is an association formed in 2017 by mothers and fathers concerned about how screens have invaded homes and how families are shouldering a lot of blame, when in most cases parents' knowledge about new technologies are insufficient to address the needs that the digital education of minors demands. Many of today's parents did not have mobile phones as a child, so they have to improvise ways of behaving at home. Although they consider that screens also offer an opportunity to help educate our children, they advise that they should never be left alone with **Digital Nanny, Ms Mobile**. You have to sit down with your children and talk. It is advantageous to know what their tastes, choices and their concerns are. A practical measure, although it may seem minor, is to create a digital parking space in the home, a place where mobile phones should be left to prevent them from interfering with certain family moments such as meals. And never go to bed with your mobile phone.

The **Head of UNICEF's Education and Digital Rights Department, Ignacio Guadix**, warned against turning the approach to Internet risks into an intergenerational conflict. Everyone, whether we are digital natives or not, is conditioned by the technology of our time. And in that sense, it has been proven that there is a *close relationship between the misuse of technologies and certain mental health problems*, such as the high percentages of anxiety and depression found in today's adolescents. It does not seem very appropriate, therefore, that ten is the average age at which children are given their first mobile phone. Or that, contrary to what is advisable, 60% of adolescents go to sleep with their mobile phone (that's why a third of them go online from 12 o'clock at night with the consequential lack of sleep and laps of concentration that this entails, among other harm).

Other data from the UNICEF study can be summarised as follows:

Kids going online have more than one identity allowing them to skip the controls that their parents place on the one they know. Almost half of boys and one-fifth of girls watch porn on the Internet. 60% of those who they accept as "friends" online and in video games are strangers. 42% of teenagers receive messages with sexual content. 44% of kids know what the "dark web" is and 5% use it (a dangerously worrying fact). In answer to the question do your parents use their mobile phones during dinner? Almost half respond yes.

Using this data as examples, the urgent need to provide digital literacy, so that young people themselves know what the advantages and risks of the Internet are seems clear.

The **director general of Educational Transformation of the Junta de Andalucía, Antonio Segura**, explained that "*In order to develop a strategy you have to have awareness*" Hence, beyond providing schools with technological devices, they focus their efforts on designing digital literacy plans. We must assume that among the professions of the future, digital skills will be highlighted. If society has changed, education must also change. And that affects many teachers who, due to a generational issue, need extra support in digital subjects to reduce the gap they perceive between their knowledge and that of their pupils.

Pablo Manterola, a psychologist of the association *Dale una Vuelta*, a national trailblazer in preventing pornography from damaging minors, emphasised emotional control. Adolescents turn to pornography when they feel bored, idle, and sad. Many happen upon porn by accident, but their consumption of it can rise daily, without them realising it. Porn progressively prevents them from understanding other people and leads them to seeing only themselves.

He advised parents to remove video games from mobile phones and to disable notifications, which are invasive and can generate anxiety. He also advises that they establish communication channels based on trust in the home, encouraging minors to discuss their online experiences and thus be able to forestall the resolution of any conflicts. Taking advantage of day-to-day family life at home, works. Watching a film, for example, and asking them what they would do if what happened to a character in it happened to them. It is advisable to talk to them about emotions, affection, love and sex and get them to ask questions and talk about what's going on inside them.

Finally, the **Professor of Communication and Education of the University of Huelva and generalist of the prestigious COMUNICAR group, Ignacio Aguaded**, highlighted the importance of research which will allow us to draw conclusions that become **Proposals**. We live in a world of screens through providing a glut of information that is not always truthful. Minors' consumption of Internet porn is one of the problems detected (which the media are often tempted to portray with sensationalism). The

problem is a micro problem within a macro problem: pornsocialisation. Porn does not begin with Spanish porn star Nacho Vidal but with our society's cult of the body. But with education in the media, we can do a lot to improve this situation. Because for communication today the audience no longer matters, but, rather, the person. And a media-savvy person is placed at risk very differently from one who isn't. However, media competence is not acquired through devices and their operating instructions, but upon reflection. We have to train EVERYBODY and train teachers and also train politicians so that they understand the need to make quick decisions on what is necessary.

Internet porn addiction is a new and universal phenomenon.

Closing the conference, Domi del Postigo thanked the experts for their generosity in taking part, the public present for their attendance in person and online, and promised to continue working together, stating that the conference had come to an end but work on the conclusions reached had just begun...