

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences and the Special Rapporteur on the right to privacy

Ref.: AL OTH 157/2025
(Please use this reference in your reply)

13 February 2026

Dear Mr. Montgomer,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 59/20 and 55/3.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this context, we would like to bring to the attention of Your Excellency's Government information I have received concerning **two cases of digital sexual violence against Ms. Katelynn Spencer and Ms. [REDACTED]**, whose intimate images were unlawfully disseminated on Pornhub without their consent. These cases relate to a broader concern of distribution and monetization of sexual abuse material, including children (hereinafter referred to as "CSAM"), filmed sex trafficking, rape, and other forms of criminal image-based sexual abuse carried out and facilitated by Aylo Holdings S.A.R.L. (formerly known as Mind-geek, S.A.R.L.) and its network of pornographic video sharing websites such as Youporn, RedTube, MyDirtyHobby, and its flagship website, Pornhub.com.

Aylo Holdings S.A.R.L.

According to the information received:

Case of Katelynn Spencer

Katelynn Spencer is a 34-year-old U.S. citizen from Massachusetts. On 28 May 2020, she was informed that two sexual videos of her had been uploaded without her consent to the Pornhub account of a former male acquaintance. One of the videos was recorded when she was 18 years old, after being groomed and coerced into its creation. The second video had been recorded without her knowledge and contained her full name.

Upon discovering this, Ms. Spencer contacted the alleged perpetrator, who admitted to having uploaded the videos years prior. Further investigation revealed that one of the videos had been published in 2010 and had reached 970,000 views, while the other had 47,000. She subsequently discovered that the videos had been downloaded, redistributed, and posted on multiple pornographic websites, accompanied by degrading comments and viewed millions of times.

In seeking justice, Ms. Spencer faced numerous institutional barriers. Since the videos had been recorded in her hometown, she was referred to the local police department, where the alleged perpetrator's mother worked as an officer which she assessed as conflict of interest. Ms. Spencer confirmed she was 18 when the video was recorded. Following this confirmation, a legal process ensued to charge the perpetrator with "Dissemination of Obscene Material." However, on 22 March 2022, the case was dismissed. No legal action was taken against the alleged perpetrator, who continues to maintain an active Pornhub account.

Ms. Spencer has developed multiple physical and mental health conditions, including Post-Traumatic Stress Disorder (PTSD), Complex PTSD (CPTSD), depression, anxiety, an eating disorder, a sleep disorder, and an autoimmune disease. She has been hospitalized several times, came close to death, and lost her career, her home, her husband, friends, and family due to the impact of the trauma.

Ms. Spencer has engaged in a process of recovery and advocacy. She played an active role in the passing of Bill H4744, "An Act to Prevent Abuse and Exploitation" in the state of Massachusetts. She has met with the White House on two occasions, participated in documentaries broadcast internationally, appeared on national television, and given interviews to major media outlets, podcasts, and radio stations. She has also met with numerous senators and representatives, advocating for legal protections for victims of this form of abuse.

Case of [REDACTED]

Ms. [REDACTED] a former paralegal from Tennessee, discovered in 2018 that multiple non-consensual videos of her had been uploaded to Pornhub. Some of these depicted acts of date rape during a trip to Las Vegas, others involved voyeuristic recordings made without her knowledge in her own home, and several were

recorded by her then-partner during intimate moments between 2018 and 2020. Despite repeated efforts to report these videos, most remained online and were monetized by unknown third parties.

In August 2020, Ms. [REDACTED] approached local authorities. According to her, she was not believed and was treated as a suspect rather than a victim. Her attempts to provide evidence - including a detailed presentation identifying her body in screenshots and a polygraph test - were dismissed. Although she was eventually believed by federal US authorities, she was informed that prosecution would not proceed due to the perceived difficulty of securing a conviction. Ms. [REDACTED] endures severe psychological trauma, dissociation, and suicidal ideation.

Ms. [REDACTED] filed a lawsuit against Pornhub and testified before the Canadian Parliament in 2021. Shortly thereafter, Pornhub removed the videos bearing her name; however, the content had already proliferated across more than 200 other pornographic websites. Despite the existence of identifying features such as a birthmark, Pornhub failed to act, citing the so-called “faceless loophole,” which reportedly enables traffickers to monetize abusive content without consequence.

The prolonged circulation of these videos led to online harassment, real-world stalking, and public recognition. Ms. [REDACTED] left her job and now lives with a disability due to PTSD and severe depression. She lost her home, her financial independence, and experienced strained relationships with family and children. Her trauma was so severe that she considered ending her life, stating that her only reason for survival is her children, including her daughter with Down syndrome.

Despite her several requests and multiple ways to identify her body in the videos uploaded without her consent, Pornhub allowed third parties to profit from the monetization of this content for years.

Alleged Violations of the Right to Privacy of Women and Girls Due to the Absence of Consent Verification Measures

According to a 2024 investigation conducted by the Office of the Privacy Commissioner of Canada (OPC) to assess Aylo’s compliance with the Personal Information Protection and Electronic Documents Act (PIPEDA),¹ Aylo was unable to inform the OPC how often, and under what circumstances, its moderators requested documentation to verify that uploaders had obtained the consent of all individuals depicted. Furthermore, Aylo was unable to provide any evidence demonstrating that such verifications had taken place or that it had ensured that all individuals featured in the content were not minors at the time of production.

The investigation revealed that Aylo only requires identification documents for individuals depicted in a video and proof of consent if the video raises concerns

¹ Office of the Privacy Commissioner of Canada. (2024, February 29). *PIPEDA Findings #2024-001: Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA*. <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2024/pipeda-2024-001/>

during moderation or is flagged after it has already been uploaded. In such cases, the content reportedly remains public for up to two weeks while awaiting the relevant documentation. Alarming, according to a director at Aylo interviewed by the Office of the Privacy Commissioner of Canada (OPC)—whose responsibilities included oversight of the consent validation process—uploaders of third-party content fail to provide the required identification and consent forms for depicted individuals in approximately 70 per cent of cases.

Alleged Failure by Aylo to Implement Adequate and Effective Prevention and Control Measures: Insufficient Moderation of Illegal Content, a Policy of Non-Enforcement and irregular methods of review

In March 2021, the House Financial Services Committee, Subcommittee on National Security, International Development and Monetary Policy of the United States House of Representatives held a hearing entitled “*Ending Exploitation: How the Financial System Can Work to Dismantle the Business of Human Trafficking.*”² During this hearing, Ms. Laila Mickelwait, Founder of the Traffickinghub Movement and President of the Justice Defend Fund, testified under oath regarding Aylo’s allegedly deficient content moderation practices.

According to her testimony, only ten moderators were assigned per eight-hour shift across all of Aylo’s pornographic platforms, amounting to approximately 30 to 31 moderators per day. These moderators were reportedly reprimanded if they reviewed fewer than 700 videos per shift and were expected to process up to 1,200 videos each. Some experienced moderators allegedly stated that they reviewed over 2,200 videos per shift, often with the sound turned off, raising concerns that Aylo’s content moderation system is structured to prioritize upload volume over effective oversight.

Moderators also reportedly stated that they were often forced to “guess” whether videos depicted minors or involved criminal content such as rape, acknowledging the practical impossibility of reliably distinguishing between a 15 or 16-year-old and an 18-year-old in nude material. One moderator noted that he “would sometimes look at whether an underage appearing girl’s nails were painted as an indicator of whether or not the video was a child pornography crime scene,” though acknowledged that “thirteen-year-olds also paint their nails, after all.”

Additionally, moderators indicated that it was equally reportedly difficult to distinguish between depictions of violent but consensual acts and non-consensual sexual assault, or between consensually recorded content and that which was uploaded without consent. Moderators reportedly stated that their instructions were not to remove illegal content, but rather to permit as much content as possible to remain on the site regardless of legality. One moderator described their role as being “to find weird excuses to keep videos on our sites.”

² *Ending Exploitation: How the financial system can work to Dismantle the business of human Trafficking* | Committee Repository | U.S. House of Representatives.
<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=111399>

Legal discovery in ongoing litigation further revealed internal communications suggesting that Aylo employees understood that internal policies were not intended to be enforced in practice. Aylo had a policy of only putting a video in the queue for review that was flagged for terms of service violations only if it was flagged over 15 times, allowing monetized videos depicting illegal activity, abuse, CSAM, or non-consensual content to not be put in line for review unless flagged 16 or more times—a standard that prioritizes the platform's financial interests over victim protection.

Lack of measures against the proliferation of CSAM and a reluctance to act against it

Aylo's flagship website, Pornhub, was launched 2007; however, during one of the depositions taken during legal discovery of one of the cases against Aylo, it was revealed that the company only began reporting CSAM to law enforcement in April of 2020, this means that the company failed to report a single instance of child sexual abuse material for over 13 years to the proper child care authorities. There are also records that suggest the Pornhub's official policy with regards to CSAM is to not report it and go as far as telling users not to report CSAM to authorities.

Until 2020, the website Pornhub reportedly had a download function available on every video, thereby enabling the material transfer of content that could have been contraband child sexual abuse material from their servers to the individual devices of users around the globe. This could be considered a violation of U.S. § 2252. The function was accessible to approximately 170 million users per day by the end of 2020, facilitating the continued transfer and distribution of monetized CSAM and further endangering vulnerable individuals. Furthermore, Laila Mickelwait's testimony to the House of Representatives of the United States in 2021 signaled that Aylo promoted, suggested, and advertised CSAM to its users.

Finally on this regard, the Girls do Porn allegations referred earlier could also be considered a violation of U.S. Code § 1591 by Aylo and its executives. These actions not only enabled accessibility to illegal content but also drove more views and ad impressions, thus increasing its revenue at the expense of victims.

In 2023, it was reported that Aylo Holdings S.A.R.L. (Aylo), was criminally charged by the U.S. government for intentionally hosting and profiting from non-consensual pornography produced by the "Girls Do Porn" (GDP) trafficking operation based in California. Despite the evidence-based allegations and confessions indicating that Aylo knowingly partnered with and benefited from videos produced by GDP, the U.S. government offered Aylo a deferred prosecution agreement.

According to evidence uncovered during legal discovery and confirmed by the certification of two class action lawsuits by federal judges in U.S. courts, at a minimum, tens of thousands of children—and many more adult victims—have been criminally abused and had their videos uploaded to Pornhub, while its

parent company monetized the content on the site. Available evidence indicates that Pornhub's owners and executives were aware of the monetized sexual exploitation occurring on the platform.

To date, Aylo reportedly faces up to 25 lawsuits filed on behalf of nearly 300 victims, including, as previously noted, multiple class actions. It has also been reported that Aylo removed 91 percent of the content on Pornhub following revelations that the company failed to verify whether over 50 million monetized, user-generated pornographic images and videos were lawful, consensual, or free from the criminal exploitation of underage victims.³

Without prejudging the accuracy of these allegations, we express our deep concern regarding the potential and severe human rights violations that women and girls were reportedly subjected to in the context of the distribution of pornographic material. The allegations raise serious concerns regarding implementation of obligations under the International Covenant on Civil and Political Rights (ICCPR). Article 2 requires necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the Covenant. Article 7 prohibits cruel, inhuman, or degrading treatment. Article 17 of the ICCPR guarantees that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation. It further states that everyone has the right to the protection of the law against such interference or attacks. The right to an effective remedy is enshrined in article 2(3)(a)), and access to justice guaranteed by article 14.

The lack of adequate mechanisms to verify consent and age, the permissiveness toward violent and degrading content, and its monetization—including CSAM, rape, and sexual exploitation—may constitute alleged violations of the rights to human dignity, equality, privacy, protection from cruel, inhuman or degrading treatment, effective access to justice, and the right of women and girls to live free from violence and discrimination.

We are concerned at a heavy burden on any person seeking to remove content, whether it was uploaded with consent or not. In a hypothetical case, a person seeking to remove content would have to contact at least 15 more persons in order to request that they report any content in which they appear, and worryingly, this would not guarantee the removal, but just the beginning of a process to remove the video. These actions have allegedly enabled the systematic circulation of criminal content, prioritizing advertising revenue over the safety and dignity of victims—many of them girls. Under international human rights law, the alleged consent of a victim cannot justify human rights abuses. It is important to note that irrelevance of consent is distinguished from invalid/invalidated consent.

Of relevance to these allegations is also the United Nations Declaration on the Elimination of Violence against Women. Article 4 (c & d) of this instrument notes the responsibility of States to exercise due diligence to prevent, investigate and, in

³ Laila Mickelwait on X: "New numbers reveal that Pornhub has been forced to take down 91% of its content because it was never verified for age or consent and was infested with child abuse, rape and trafficking. The site has gone from 56 million images and videos in 2020 to 5.2 million today. Financial <https://t.co/3atru90r94>" / X. (n.d.). X (Formerly Twitter). <https://x.com/LailaMickelwait/status/1835083674230178169>

accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women and girls who are subjected to violence. Women and girls who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform victims of their rights in seeking redress through such mechanisms. Special Rapporteur on violence against women, its causes and consequences, both customary and conventional international law establish that States have due diligence obligations for preventing, responding to, protecting against and providing remedies for acts of violence against women whether such acts are committed by State or non-State actors (E/CN.4/2006/61). We are concerned that the deferred prosecution agreement granted to Aylo in the *Girls Do Porn* case may be perceived as setting a particularly harmful precedent of corporate impunity.

Furthermore, the Convention on the Rights of the Child obliges States to protect children—including girls—from all forms of sexual exploitation and to prioritize their best interests (articles 3, 19, 34, 36), while its Optional Protocol requires the prohibition of child prostitution and child pornography. The Palermo Protocol complements these protections by requiring States to prevent and criminalize trafficking for sexual exploitation and to adopt measures for victim protection and redress, particularly in digital and online contexts.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on how you plan to ensure that the two victims have effective to justice, reparations and non-repetition.
3. Please provide information on any steps taken by your company to prevent the distribution of user-generated pornographic content without also verifying the age and consent of all individuals depicted with a view to prevent the distribution and monetization of serious violations of human rights including sexual crimes.
4. Please provide information on whether your company has adopted specific internal regulations to detect and prohibit and criminalize the non-consensual sharing of intimate images. Kindly indicate whether your company has any internal regulations that address and prevent online harassment and cyberstalking, with a sex and gender-sensitive approach.

5. Please indicate the measures taken by your company to ensure that women and children, including girls that have been victims of image based sexual abuse, have the means to effectively report and to find effective redress, assistance and support.
6. Kindly inform of any measures taken by your company to prevent the making, distribution and monetization of violent and degrading pornographic material online.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please note that letters expressing similar concerns will also be sent to the Governments of the United States and Canada and to WGCZ Holding, Google, PayPal, Visa, MasterCard, Monitor and Capital One.

Please accept, Mr. Montgomer, the assurances of our highest consideration.

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Ana Brian Nougrères
Special Rapporteur on the right to privacy

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that apply to the issues raised by the situation above.

Regarding the allegations raised, we would first like to recall the United Nations Guiding Principles on Business and Human Rights ([A/HRC/17/31](#)). These principles were unanimously endorsed by the Human Rights Council in 2011 through resolution A/HRC/RES/17/31, following extensive consultations involving governments, civil society, and the private sector. They have since become the authoritative global framework for all States and businesses to prevent and address adverse human rights impacts linked to business activities. They rest on three foundational pillars:

- a. The State duty to protect against human rights abuse by third parties, including business enterprises;
- b. The corporate responsibility to respect human rights and comply with all applicable laws;
- c. The right of victims to access effective remedy.

The responsibility to respect human rights is a universal standard of expected conduct that applies to all businesses, regardless of where they operate. This responsibility exists independently of the State's ability or willingness to meet its own human rights obligations and does not diminish those obligations. Rather, it serves as an additional duty that complements compliance with national laws and regulations on human rights. Principles 11 to 24 and 29 to 31 of the UN Guiding Principles offer detailed guidance for companies on how to fulfill their responsibility to respect human rights.

In this regard, we would like to emphasize that the responsibility to respect human rights entails two core duties for business enterprises. First, they must avoid causing or contributing to adverse human rights impacts through their own activities and take appropriate measures to address such impacts when they occur. Second, they are expected to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products, or services through their business relationships, even where they have not contributed directly to those impacts. These obligations are outlined in guiding principle 13 of the UN Guiding Principles on Business and Human Rights.

Furthermore, in accordance with guiding principle 15, business enterprises are expected to adopt policies and processes that are suited to their size and operational context in order to fulfill their responsibility to respect human rights. This includes a) a clear and public policy commitment to respect human rights; b) a human rights due diligence process aimed at identifying, preventing, mitigating, and accounting for their

actual and potential human rights impacts; and c) processes to enable the remediation of any adverse human rights impacts they have caused or to which they have contributed.

Finally, we would also like to draw attention to the binding obligations under international human rights instruments to which the United States of America is a party, and which may relate to the oversight and due diligence responsibilities of business enterprises.

We wish to refer to article 2(3)(a) of the International Covenant on Civil and Political Rights (ICCPR), which affirms that victims of human rights violations—including those perpetrated by private actors—have the right to an effective remedy. In connection with this, articles 7, 17, 14, and 24 of the Covenant respectively establish that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; that no one shall be subjected to arbitrary or unlawful interference with their privacy or unlawful attacks on their honor and reputation; that all persons shall have access to justice; and that every child is entitled to the protection measures required by their status as minors.

We also wish to refer to general comment No. 20 of the Human Rights Committee (UN Doc. HRI/GEN/1/Rev.1, 1994), which interprets article 7 of the ICCPR, and clarifies that each State party has the duty to protect all individuals from torture or cruel, inhuman or degrading treatment, not only through legislative and other measures, but also when such treatment is perpetrated by private individuals. Likewise, general comment No. 17, which interprets article 17 of the ICCPR, affirms that the right to privacy requires States to adopt legislative and other measures to give effect to the prohibition of unlawful interferences and attacks, and to protect this right in practice.

We would like to recall the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Both treaties are relevant to this matter, given that they oblige States to eliminate discrimination against women and girls (CEDAW art. 2) and to realize the right of women and girls to the enjoyment of all economic social and cultural rights (ICESCR article 3). According to the Committee on Economic, Social and Cultural Rights, respect for this right requires refraining from discriminatory actions that directly or indirectly result in the denial of the equal right of men and women to their enjoyment of economic, social and cultural rights.

Furthermore, in addition, we wish to refer to articles 19 and 36 of the Convention on the Rights of the Child, which establish the obligation to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Article 3 further requires that the best interests of the child be a primary consideration in all actions concerning children.

According to general comment No. 13 of the Committee on the Rights of the Child, that clarify the scope and obligations under the Convention, the use of a child in the production of images or audio recordings of child sexual abuse constitutes child sexual abuse and exploitation, as does the commercial sexual exploitation of children.

Article 34 of the Convention also foresees that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For those purposes, States Parties shall take all appropriate national, bilateral and multilateral measures to prevent: (c) the exploitative use of children in pornographic performances and materials.

According to the Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective ([A/HRC/38/47](#)) a wide range of new forms of violence against women have emerged in connection with digital technologies, including the unauthorized sharing of intimate images. States must explicitly prohibit and criminalize online violence against women, particularly non-consensual sharing of intimate images, online harassment, and cyberstalking. Legal frameworks should address all aspects of this abuse, including the repeated circulation or “resharing” of harmful content. Moreover, laws should criminalize threats to release such images, enabling advocates and prosecutors to take preventive action before the abuse occurs.

The Special Rapporteur on violence against women and girls, its causes and consequences ([A/HRC/56/48](#)) stated that pornography platforms actively normalize and industrialize sexual violence, particularly against women and girls in situations of vulnerability. The industry is characterized by systemic patterns of abuse that cause both physical and psychological harm. Women involved in pornography have reported serious health consequences, including genital injuries, infections in the throat, rectum, and eyes, and long-term physical trauma. These harms are not isolated but rather form part of a broader system that commodifies and publicly broadcasts bodily autonomy.

Closely linked to this dynamic, the same report ([A/HRC/56/48](#)) stresses that prostitution results in egregious human rights violations and multiple forms of violence. Women and girls in prostitution are often dehumanized and treated as if they have no rights. Violence is widespread in pornography; a content analysis of popular porn videos found that most scenes contained physical aggression such as choking or gagging, and nearly half included degrading verbal abuse. Women also report frequent exposure to rectal and throat gonorrhea, vaginal and anal tearing, and chlamydia of the eye. Beyond physical harm, prostituted women and girls are routinely subjected to non-consensual image-based sexual abuse and cyberflashing.

Finally, the report ([A/HRC/56/48](#)) highlights that the normalization of prostitution and pornography reinforces systemic gender inequality and violence. Male consumption of pornography, including violent content, is linked to increased aggression, rape (including gang rape), and a lack of empathy for women in prostitution, who are overwhelmingly treated as the “supply” while men make up the “demand.” This dynamic perpetuates sexist stereotypes, obstructs women’s equal participation in society, and promotes sexual self-exploitation. The porn industry pressures girls and women to alter their bodies to conform to market-driven ideals, while media and academic portrayals often glamorize prostitution, further objectifying and commodifying women and girls. Additionally, adolescent boys are often socialized into seeking prostituted women or girls, reinforcing harmful patterns of sexual initiation and violence.

Moreover, and as highlighted by the Special Rapporteur on violence against women and girls in her guidance document on consent of 2025, “pornographic content is also weaponized to extort or coerce women,⁴ or punish them or make an example of them to other women, particularly in the digital age, where controlling the spread of such material is exceedingly difficult. The pornified patriarchal cultural environment also shapes how judges, juries, and the public interpret consent, often to the detriment of victims. Even children, who in law cannot consent, are filmed with their alleged consent and posted online.⁵

On the issue of consent, as noted by the Special Rapporteur on violence against women and girls, the irrelevance of consent be automatically presumed in cases of violation of human dignity, right to life, inhumane and degrading treatment, violence or exploitation, among other grave human rights violations (A/HRC/59/47/Add.4). Even when not presumed as irrelevant based on surrounding circumstances, perpetrators actions or harm caused, consent may be invalidated/nullified under several circumstances, including but not limited not sufficient information or limited capacity to comprehend it.⁶

We would also like to refer to the report on the due diligence standard as a tool for the elimination of violence against women (E/CN.4/2006/61) of the Special Rapporteur on violence against women, its causes and consequences, both customary and conventional international law establish that States have due diligence obligations for preventing, responding to, protecting against and providing remedies for acts of violence against women whether such acts are committed by State or non-State actors. The State cannot delegate its obligation to exercise due diligence, even in situations where certain functions are being performed by another State or by a non-State actor. It is the territorial State as well as any other States exercising jurisdiction or effective control in the territory that remain, in the end, ultimately responsible for ensuring that obligations of due diligence are met. Related to this point is the notion that due diligence may imply extraterritorial obligations for States that are exercising jurisdiction and effective control abroad. Another fundamental principle connected to the application of the due diligence standard is that of non-discrimination, which implies that States are required to use the same level of commitment in relation to prevention, investigation, punishment and provision of remedies for violence against women as they do with regards to the other forms of violence. Moreover, in exercising due diligence to effectively implement human rights law - in order to prevent, protect, prosecute and provide compensation with regard to violence against women - States and other relevant actors must use multiple approaches in intervening at different levels: the individual, community, State and the transnational arena.

⁴ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/stm-at-conference-artificial-intelli.pdf>

⁵ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/consent-guidance-document.pdf>

⁶ See Guidance Document on Consent, September 2025 by the Special Rapporteur on violence against women and girls, <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/consent-guidance-document.pdf>

We also bring to your attention the former Special Rapporteur on the right to privacy recommendations (A/HRC/43/52, para. 44) that States should:

- (a) Recognize online-facilitated violence targeted by gender as a human rights violation and form of discrimination and take measures to apply international human rights instruments, in conjunction with national laws, to prevent and mitigate its occurrence.
- (b) Review, strengthen and devise policies and legal and regulatory privacy and data protection frameworks to address gender-based violence in online contexts, in particular technologically interconnected violence.
- (c) Reform criminal and civil laws to address technologically facilitated violence and establish criminal and civil causes of action to allow victims to pursue remedies with adequate protection of their privacy to avoid secondary victimization and to provide them with greater control.
- (d) Allow victims to obtain orders of protection (e.g., restraining orders) in family or civil courts to prevent abusers from posting or sharing intimate images and footage without their consent or engaging in other unlawful harassment.

In addition, we wish to highlight the importance of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol), article 3 of the Palermo Protocol defines trafficking in persons broadly to include the exploitation of the prostitution of others or other forms of sexual exploitation, and it obliges States Parties to adopt measures to prevent and combat trafficking, protect and assist victims, and promote cooperation among States. This framework is critical to address systematic exploitation occurring through pornography platforms and related digital environments that facilitate or profit from trafficking and exploitation.