

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 159/2025
(Please use this reference in your reply)

13 February 2026

Dear Mr. Miebach,

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 your attention the information we have received concerning **two cases of digital sexual violence against Ms. Katelynn Spencer and Ms. [REDACTED], whose intimate images were reportedly unlawfully disseminated on Pornhub without their consent. These cases relate to a broader concern of distribution and monetization of sexual abuse material, including Child Sexual Abuse Material (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 owned by Ethical Capital Partners, a Canadian private equity firm) and its network of pornographic video sharing websites such as Youporn, RedTube, MyDirtyHobby, and its flagship website, Pornhub.com. We further note information about the role of financial service and online platform provides in facilitating the monetization and dissemination of such unlawful and harmful content.**

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According to the information received:

Case of Katelynn Spencer

On 28 May 2020, Katelynn Spencer a 34-year-old U.S. citizen from Massachusetts, 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 reportedly 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 reportedly 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 alleged perpetrator with “Dissemination of Obscene Material.”

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 and participated in documentaries broadcast internationally, appeared on national television, and given interviews with major media outlets, podcasts, and radio stations. She has also met with numerous senators and representatives, advocating for legal protection for victims of this form of abuse.

Case of [REDACTED]

Ms. [REDACTED] a former paralegal from Tennessee, discovered 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.

In 2021, Ms. [REDACTED] filed a lawsuit against Pornhub and testified before the Canadian Parliament. 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 committing suicide, stating that her only reason for survival was 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 reportedly 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 (formerly MindGeek) 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 reportedly 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.

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/>;

According to the September 2025 complaint and order issued by the United States Federal Trade Commission (FTC) against Aylo,² the company’s practices caused significant harm to victims. As stated by the Director of the FTC’s Bureau of Consumer Protection, “Pornhub’s operators turned a blind eye to the proliferation of videos depicting the sexual abuse of children on its sites so it could profit off this exploitation.” A FTC Commissioner similarly stated that “Pornhub’s operators inflicted grave harm on children and nonconsenting adults by promoting and distributing truly horrific material online.” Reportedly the FTC stated that, in their complaint, the FTC and the State of Utah alleged that Aylo deceived users by claiming it has zero tolerance for child sexual abuse material (CSAM) and works to block CSAM and non-consensual material (NCM) on its sites by, among other things, taking prompt action when videos are flagged by users. In reality, Aylo reportedly failed to review videos flagged by users, did not ban uploaders of CSAM from further use of its websites, did not prevent the re-upload of CSAM that Aylo had identified, and did not review all videos before they went live for CSAM or NCM.

The FTC further stated that Aylo engaged in unfair practices by distributing CSAM and NCM content on its sites, which Aylo’s Manager of Operations and Child Safety acknowledged “re-victimizes” the individuals who were abused in the creation of the content. The FTC detailed findings of its investigation, including that: Aylo allowed the dissemination of CSAM and NCM content on its tube sites by allowing, until December 2020, anyone to upload pornographic videos and photos; urging its content partners to contribute content involving “young girl,” “schoolgirl,” and similar topics; licensing and owning CSAM and NCM content with titles such as “Brunette Girl was Raped”; and promoting to users playlists of CSAM and NCM content with titles such as “less than 18” and “the best collection of young boys”. Furthermore, Aylo reportedly did not maintain, even though it had previously committed to doing so, paperwork required by federal law to verify the age and identity of individuals featured in some of the content posted on its sites. Moreover, despite promising to quickly review and, if necessary, remove violative content flagged by users, Aylo reportedly did not even review content flagged as CSAM and NCM until it received at least 16 flags. It also claimed it would utilize fingerprinting technology to block users from re-uploading CSAM that had been removed, but the technology failed to effectively prevent such content from being re-uploaded to the site. Finally, Aylo reportedly also failed to block individuals who uploaded CSAM despite promising to ban such users.

Alleged Failure by Aylo/MindGeek 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*

² <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-takes-action-against-operators-pornhub-other-pornographic-sites-deceiving-users-about-efforts>

of Human Trafficking.”³ During this hearing, the founder of Trafficking Hub 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 distributing free, user-generated content, amounting to approximately 30 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 young children and underage teens also paint their nails, after all.”

Additionally, moderators reportedly indicated that it was equally 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.”

Reportedly, 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 by users 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 in 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

³ *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>

single instance of child sexual abuse material for over 13 years to the proper child protection authorities. There are also records that suggest the Pornhub's official policy with regards to CSAM was to not report it and evidence suggests employees were going so far as to tell users not to report CSAM to authorities.

Until late 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 18 U.S.C. § 2252 and 18 U.S.C. § 2257. 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, according to internal company documents, which were uncovered in legal discovery during a certified class action lawsuit in Alabama against on behalf of underage victims, reportedly revealed that Aylo promoted, suggested, and advertised CSAM to its users. This is in line with the testimony of the founder of the Trafficking Hub movement to the House of Representatives of the United States in 2021.

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. After the date of the signed deferred prosecution, published information suggests that Aylo continued to distribute and monetize unverified and illegal content, and had failed to compensate victims as agreed. Reportedly, 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.

Finally, in this regard, the Girls do Porn allegations referred to 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.

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.

Due diligence responsibility failures of financial service providers

Financial service providers are integral to the financial infrastructure that enables exploitation and dissemination of non-consensual and criminal sexual abuse material.

Reportedly financial service providers, such as Capital One, Mastercard, and Visa, have played a role in facilitating the monetization of such unlawful and harmful content by processing payments for advertisements, subscriptions and services on platforms operated by Aylo Holdings S.A.R.L and on comparable platforms operated by its major competitors, including XVideos and XNXX, owned by WGCZ Holding, which operate under similar business model.

Platforms such as those operated by Aylo Holdings S.A.R.L and others rely on advertising revenue, premium subscriptions, and paid downloads. Access to credit card payment networks to support these online revenue streams therefore enables the conversion of user engagement into profit. This monetization structure can reportedly incentivize and enable commercial sexual exploitation that constitutes sex trafficking under international law. Reportedly, major credit companies such as Visa and Mastercard as well and their member banks providing merchant services to MindGeek/Aylo were aware of its trafficking venture and knowingly profited from it.⁴

Due diligence responsibility failures of online service providers

Similarly, online platform providers, such as Google, Meta and Microsoft, through advertising and search engine visibility, contribute to the accessibility and profitability of these websites.

A growing body of credible research and experts indicate that major online platforms reportedly contribute to the accessibility and profitability of platforms such as Pornhub, through search visibility, advertisement technologies and data-tracking infrastructures. Search engines reportedly prioritize known hubs of non-consensual abusive and exploitative content, increasing discoverability to platforms such as Pornhub that host such material. In addition, it is reported that pornographic websites extensively embed third-party tracking tools operated by dominant technology companies within the broader digital advertisement ecosystems. Platform infrastructures and governance practices may therefore reportedly be facilitating the visibility, reach and economic viability of pornographic platforms that have been linked to sexual exploitation and abuse, such as Pornhub, as well as their reach, economic viability.⁵

⁴ *Serena Fleites et al. v. MindGeek S.A.R.L. et al.*, Second Amended Complaint, U.S. District Court for the Central District of California, Case No. 2:21-cv-04920, (<https://www.courthousenews.com/wp-content/uploads/2025/03/fleites-vs-mindgeek-sac.pdf>).

⁵ See the following: AI Forensics, *Pay-to-Play: Meta's Community (Double) Standards on Pornographic Ads* (8 Jan 2025), <https://aiforensics.org/work/meta-porn-ad>; Elena Maris, Timothy Libert & Jennifer Henrichsen, *Tracking Sex: The Implications of Widespread Sexual Data Leakage and Tracking on Porn Websites*, arXiv (15 Jul 2019), <https://arxiv.org/abs/1907.06520>; National Center on Sexual Exploitation (NCOSE), *Google Search: A*

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 honor 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 that individuals face an unduly heavy burden when attempting to remove content, whether or not they consent to its upload. In a hypothetical case, a person seeking to remove content would have to contact at least 15 people 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 clarify that the irrelevance of consent is distinct from situations in which consent is invalid or has been invalidated.

Also relevant to these allegations is 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 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, labor 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. The Special Rapporteur on violence against women, its causes and consequences, both customary and conventional international law establish that States have due diligence

Complicated Case of Corporate Influence, <https://endsexualexploitation.org/google/>.

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.

We consider that this moment represents an opportunity for online platform providers to reaffirm their commitment to justice and to take the necessary measures to prevent websites, including Pornhub owned by Aylo, from being indexed or surfaced in search results, as well as similarly operated competitor platforms, such as XVideos and XNXX. Such measures would constitute a meaningful step toward mitigating the risk of facilitating the dissemination and monetization of unlawful and non-consensual sexual abuse material. Further, online platform providers, should adopt and implement a company policy to prevent the indexing or surfacing of user-generated pornographic websites that have a documented history of distributing illegal content, or that fail to establish reliable, third-party verification of the age and consent of all individuals depicted in the content they distribute.

We also consider that this moment represents an opportunity for financial service providers, to reaffirm their commitment to justice and to take the necessary action of enacting a preventative policy that prohibits the use of their services by any website that allows the distribution of user-generated pornography without reliably verifying via a third-party, the age and consent of every individual depicted in each sexually explicit image or video.

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 your company plans to ensure that the two victims have effective access to justice, reparations and non-repetition.
3. Please provide information on how your company seeks to prevent that its services contribute to the monetization and distribution of user-generated pornographic content that do not verify the age and consent of all individuals depicted.
4. Please indicate the measures your company has taken 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.

5. Please provide information on any measures taken by your company to prevent the monetization of violent and degrading pornographic material online.
6. Please provide information on how your company seeks to ensure that its products and services by its business relationships do not contribute to human rights violations such as those described in the present letter.

This communication and any response received from your company 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 Aylo Holdings S.A.R.L., WGCZ Holding, Capital One Financial Corporation, Visa, Google, Meta and Microsoft.

Please accept, Mr. Miebach, 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 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.

We would like to highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These guiding principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the guiding principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have cause or contributed to adverse impacts. Moreover, the commentary of principle 11 states that “business enterprises should not undermine States’ abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes”. The commentary of Guiding Principle 13 notes that business enterprises may be involved with adverse human rights impacts either through their own activities or as a result of their business relationships

with other parties. [...] Business enterprise's "activities" are understood to include both actions and omissions; and its "business relationships" are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services".

The guiding principles have identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts" (guiding principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes".

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

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,⁶ 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."⁷

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.⁸

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

⁶ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/stm-at-conference-artificial-intelli.pdf>

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/consent-guidance-document.pdf>

⁸ 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>

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.

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.