# The role of the financial sector in eradicating contemporary forms of slavery
## *Contribution from the European Centre for Law and Justice (ECLJ)*

The European Centre for Law and Justice is pleased with the project for a report by the Special Rapporteur on contemporary forms of slavery on "the role of the financial sector in the elimination of contemporary forms of slavery". The ECLJ works on the issue of pornography,[1] particularly with regard to the sexual exploitation it generates (I). The financial sector has a major responsibility in this respect. With these observations, the ECLJ wishes to make recommendations (III) in order to contribute to this important and necessary study, which should address the question of the role of the financial sector in eliminating sexual exploitation and trafficking in human beings on which pornography is based (II).

## I. Pornography, a hub for human trafficking

Sexual exploitation for the production of pornographic content is a widespread form of human trafficking.[2] In 2022, the French Senate published a report entitled "Porno, l'enfer du décor" denouncing the practices of the pornographic industry.[3] As the supply of and demand for pornography rose sharply during the covid-19 pandemic, a corresponding increase in pornography-related trafficking was unanimously noted.[4]

[1] ECLJ, Pornography and Human Rights, Report ; ECLJ, Written observations submitted to the European Court of Human Rights in the case Roman CHOCHOLÁČ v. Slovakia (No. 81292/17); ECLJ, Combating pornography – Vol.1 Regulating Access To Pornography, Report, 09.2023.
[2] See Robert W. Peters, Laura J. Lederer, and Shane Kelly, The Slave and the Porn Star: Sexual Trafficking and Pornography, *The Protection Project: Journal of Human Rights and Civil Society*, Issue 5, Fall 2012 ; Michelle Lillie, The Connection Between Sex Trafficking and Pornography, *Human Trafficking Search*, 14.04.2014.
[3] https://www.senat.fr/rap/r21-900-1/r21-900-11.pdf
[4] Voir OSCE/ONU FEMME, GUIDE PRATIQUE Faire face aux nouvelles tendances de la traite des êtres humains et aux conséquences de la pandémie COVID-19, 07.2020 ; Solon, O., *Child sexual abuse images and online exploitation surge during pandemic*, *NBC NEWS*, 23.04.2020.

Pornography can be described as a "hub" for human trafficking. On the one hand, it is fuelled by it, as the press regularly reports.[5] On the other hand, it fuels trafficking because it has close links with prostitution and pimping: pornography can be described as 'filmed prostitution' and it is common for pornography consumers to contact prostitutes to reproduce what they have seen on the screen.

International documents refer to human trafficking in pornography and call for it to be combated. In 1995, the report of the Fourth World Conference on Women in Beijing affirmed the need to *"combat and eliminate (...) organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution"* (§ 230.n.). The United Nations Model Law Against Trafficking in Persons (2010) defines 'sexual exploitation' as *"the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials"* (art. 5.1.s). At the Council of Europe, in 2011 the Parliamentary Assembly called on member states to *"encourage or support research on the links between pornography, prostitution and trafficking"*.[6] In 2020, the Organisation for Security and Cooperation in Europe (OSCE) and UN Women[7] recognised that "*Pornography is essentially a gateway to sex trafficking both for buyers and victims"* and recommended to "*Address the nexus between online violence, women's objectification in the media and its link ages to pornography, including trafficking for the purpose of pornography production and CSAM"* (K.h). In 1996, the European Parliament adopted a resolution on trafficking in human beings[8] expressing *"the crucial need to protect human beings against any exploitation of their precarious social and economic circumstances or their inexperience for the purposes of (...) prostitution, pornography (...)"* (D), and noting *"a growing number of children and young adults are victims of trafficking mainly for the purposes of pornography industries and sex tourism"* (H). In 2023, it recognised the "*strong links between prostitution and pornography, as well as organised crime activities such as child trafficking, the sexual exploitation of minors and child sexual abuse".*[9]



## II. The key role of the financial sector in the pornographic industry

The pornography industry makes astronomical profits and is therefore necessarily dependent on financial institutions such as banks and payment processors that agree to provide their services. In 2021, *Le Monde* described the banking sector as a *"de facto regulator of the pornographic industry"*, mentioning Visa, PayPal (which has *"banned any use of its services to market or purchase adult content since 2003"*) and Mastercard (which has *"announced the*

[5] Judge Awards Nearly $13 Million to Women Who Say They Were Exploited by Porn Producers, *New York Times*, 02.01.2020 ; Czech Casting: Women Lured By Modeling Gigs, Manipulated Into Shooting Porn, *Prague Morning*, 18.07.2020 ; Affaire Jacquie et Michel : la fin de la légitimité d'un système d'oppression, *Libération*, 23.09.2022 ; Violences sexuelles dans le porno : "French Bukkake", une filière de traite des femmes, *Le Monde*, 28.09.2022 ; L'influenceur controversé Andrew Tate inculpé pour trafic d'êtres humains et viol, *Le Figaro*, 20.06.2023.

[6] Resolution 1835 (2011) *Violent and extreme pornography*, § 9.3.3.

[7] OSCE/UN Women, GUIDANCE Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic, 07.2020.

[8] European Parliament, *Resolution on trafficking in human beings*, A4-0326/95, Official Journal C 032, 05/02/1996, P. 0088.

[9] European Parliament, *Resolution on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights*, 14.09.2023 (2022/2139(INI)).

*introduction of new rules for its customers whose commercial activities include sexual content"*).[10] In 2015, Allopass, CCBill and Paxum were identified as financial technical supports among the *"companies that do the sex business in the world"*.[11]

In 2022, the annual *Dirty dozen list* from the National Center on Sexual exploitation (NCOSE) listed Visa among the "*major contributors to sexual exploitation"*, stating that after having *"rightly cut ties with Pornhub in 2020 after public outcry regarding the rampant sex trafficking and child sexual abuse material hosted on the pornography site",* Visa continued to provide services to TrafficJunky, MindGeek's advertising portal. While advertising revenues accounted for around 50% of the company's income, NCOSE concluded that *"Visa is still providing the infrastructure which brings Pornhub and its parent company its most important source of revenue. (…) Visa claims it helps power money movement globally, but that must not include powering the global economy of commercial sexual exploitation"*.[12]



Also in 2022, a BuzzFeedNews investigation highlighted the responsibility of payment processors and banks. With regard to the pornographic industry, it reported that *"Porn baron (…) Akhavan flew to Cyprus to meet the owners of the Federal Bank of the Middle East. FBME would become notorious as one of the dirtiest banks in the world (...) In 2016, Paolucci testified that he knew of only one instance when his employer had even restricted a bank's access to the card network. Unlike its rival, Visa, Mastercard allowed FBME to carry on"*.[13]

However, according to Amelia Erratt, Head of Age Verification at the British Board of Film Classification, *"what we had understood from the payment service provider power is that, if you cut off a website's payment services, that can have a 'global impact on their business. Given that these websites are quite financially focused, the threat of having their payments cut off was enough to make them want to comply with the legislation"*.[14] On the other hand, banks and payment processors are careful to protect their image, which could be tarnished if they collaborate with sites disseminating illegal content,[15] as demonstrated by the withdrawal of certain payment services from Pornhub after an investigation by the New York Times in December 2020 revealed the existence of illegal content on the platform and led Pornhub to withdraw several million videos.[16] To combat contemporary forms of slavery, the financial sector is a lever that can be used to force the pornographic industry to clean up itself.

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[10] Damien Leloup, Florian Reynaud, *OnlyFans, Pornhub… Le monde bancaire régulateur de facto de l'industrie pornographique*, *Le Monde*, 24.08.2021 (our translation).
[11] *Les 40 entreprises qui font le business du sexe dans le monde*, *Capital*, 21.08.2015 (our translation).
[12] NCOSE, Follow the Money: How Visa Props Up Pornhub's Advertising Revenue, 14.03.2022.
[13] Rosalind Adams, Tom Warren, Two-Card Monte: Why Mastercard And Visa Rarely Shut Down Scammers Who Are Ripping Off Consumers, BuzzFeedNews, 18.05.2022.
[14] Australian House of Representatives Standing Committee on Social Policy and Legal Affairs, Protecting the age of innocence, 02.2020, 3.69.
[15] Pieter Suy, *Payvision et ses clients du porno, la nouvelle tuile d'ING*, L'Echo, 13.11.2020 ; Pieterjan Van Leemputten, *Des banques contraignent OnlyFans à la décence*, DataNews, 25.08.2021.
[16] See for example John Verdeschi, *Protecting our network, protecting you: Preventing illegal adult content on our network*, Mastercard newsroom, 14.04.2021 ; Rounak Bagchi, *Explained: Mastercard's new regulations for adult content sellers and its impact*, The Indian Express, 21.10.2021.

## III. Recommendations

The financial sector therefore needs to be made more responsible, by recommending that States adopt measures such as banning payment service providers from providing their services to providers of pornographic content that disseminate illegal content or have no mechanism for protecting minors.



During the covid-19 pandemic, the OSCE and UN Women thus recommended to "*Work with Internet service providers, cred it-card companies, banks, etc. to prevent the use of the Internet for sexual exploitation of children, women and men and to disrupt traditional payment methods to reduce profitability resulting in decrease of both supply and demand; in this regard also address the emerging use of cryptocurrencies".*[17]

In March 2025 in Poland, a "Citizens' Bill on the protection of minors from pornographic content on the Internet and on amendments to the Telecommunications Act" was unanimously referred for consideration to the parliamentary committees responsible for digital affairs and youth. This proposal provides for a ban on payment service providers from providing their services to sites appearing on a register of illegal pornographic domains, modelled on the regulation of online gambling.[18] The explanatory memorandum states that *"the law should prohibit payment service providers from cooperating with illegal operators by prohibiting links on the websites of these operators to payment services offered by the said providers."*[19]

[17] OSCE/UN Women, GUIDANCE Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic, 07.2020, K.e.
[18] See https://www.sejm.gov.pl/sejm10.nsf/PrzebiegProc.xsp?id=3B00C2F89C680E35C1258C2800369BA8 (our translation).
[19] Explanatory memorandum, p. 41 (our translation).