

Berlin, 09.03.2022

Kommission für Jugendmedienschutz (KJM)  
Friedrichstraße 60  
10117 Berlin  
kjm@die-medienanstalten.de

Dear Dr. Tobias Schmid,  
Dear members of the Kommission für Jugendmedienschutz,

As a coalition of sex workers and adult content producers, we are committed to contribute to the safety, protection and rights of minors. While adult content is made by and for consenting adults, and we support efforts to prohibit access to minors, the current regulations and attacks threaten all of our freedoms, fail to address the actual source of the problem and lack practical solutions.

You demand the implementation of mandatory age-verification for all users, including facial scanning and ID uploads. These methods may sound reasonable to those with a cursory knowledge of the technology, or the adult industry more generally. However, in practice, they are difficult to use, face large-scale opposition from consumers and are financially unsustainable to implement.

We know that your commission has heard from advocates and age-verification companies themselves about the ease and effectiveness of these technologies. As the trade association for the adult creators, workers, and businesses in Europe, we wish these claims were accurate. If they were, adult companies would have no issue with the compliance. The adult industry has no interest in reaching minors. Many of us are parents ourselves, and even beyond the moral and ethical considerations, there is no benefit, financial or otherwise, in allowing minors to access adult content.

However, the current verification regime required by KJM is complex, burdensome and expensive. Services that provide verification can cost as much 3€ per user. For sites with millions of daily visitors, the cost is so exorbitant as to be unsustainable. Though particularly for small, independent sites, which already operate with tight margins, these measures are unachievable to the point of prohibiting.

Consumers are largely unwilling to submit to the process. A recent report from an age-verification service VerifyMyAge revealed that 55% of consumers would not use a website with an age-verification protocol it didn't like. This bears out with those who have attempted to institute verification in its current form. While these services may claim that

no personal data is stored and that private information about access to sensitive sites is eliminated, many consumers are reluctant to submit to such a regime. When protocols are instituted, sales on platforms to consumers of legal age drop by as much as 30%.

Even for consumers willing to engage in the process, the technology itself is far from perfect. It can be difficult for a consumer to use, and can take numerous attempts to successfully verify. We know because sex workers and other adult content creators already use these technologies to verify our age and identity before uploading content. It is often a slow and frustrating experience, but we — as creators — are willing to do so in order to generate revenue. For consumers, however, the disincentives to go elsewhere are strong.

When consumers abandon the verification process, they do not abandon the search for adult content altogether, but simply go to one of the millions of platforms that are not affected — from social media to illegal sites — or use a VPN to evade the German restrictions. If the commission's goal is to prevent access through mandatory verification, it will have to address this reality. Unless the government intends to set up age and ID checkpoints for broad sectors of the internet, the efforts are doomed to fail.

If your goal is to stop minors from accessing adult content, KJM needs to revisit the legislation so that it matches the reality of the internet in 2022. The current plan makes no political sense, nor any sense technologically. As creators, performers, and studios we have to ask: why would KJM seek to crush competition, especially at a time in which diverse voices are flourishing? Why would it want to push German citizens to unregulated and less responsible sites? Why has it not sought to work with us to achieve its goals, rather than push us further to the margins?

Fortunately, solutions exist — device-level filters. These filters, many of which are provided at no cost on laptops and phones, block access to adult content regardless of whether a VPN is used. Adult sites, as part of their efforts to keep minors off while protecting access for consenting adults, have automatically registered with these filters for decades. Not only are they more effective, they require no government censorship or surveillance. It'd be far more effective to launch a campaign targeting parents and caregivers about filters, or subsidize filters for devices that don't already have them. The adult industry would happily support these efforts. Our industry knows the scourge of pirated content better than anyone.

Paradoxical as it may seem, sex workers and the adult industry are your most important partner in this fight. We have long been committed to keeping minors from our sites, and, should technology evolve in a way to make it simple and economical to verify each visitor without blocking legal adults, we will happily comply. We share a common goal, but regulatory decrees and legal battles are a poor way to reach an agreement, and an ineffective way to protect German youth.

In the past months, we've seen as dozens of smaller accounts, including sex educators, have been blocked on Twitter as a result of your campaign. Your public language focuses on large platforms, but the people being silenced are more often individuals and small businesses who do not have large legal teams needed to fight back against KJM censorship.

The current regulatory strategy must be changed to avoid decimating ethical and legal businesses. We ask that you reassess your strategy and work with us directly to

understand the real effects, not just on large companies but independent creators and marginalized communities. If KJM and Medienanstalt NRW are serious, and not merely censors, they need to speak with Free Speech Coalition Europe, as well as the communities most affected by this regressive policy.

Originally, we planned to sign this letter with our own names and companies. However, as small business owners watching accounts disappear in Germany, we now fear that we, too, could be targeted for speaking out.

We ask that KJM meet with FSC Europe, sex worker rights organizations, and other affected communities to more fully understand the deeply harmful and damaging effects of the current regulations that legitimate censorship and discrimination.

Signed,  
Free Speech Coalition Europe