



Over the past year, the pandemic has altered almost every aspect of American life, forcing individuals online at unprecedented levels. Online platforms have responded by providing essential access for those seeking to support and protect children, including schools, child serving agencies, and organizations providing direct services. While enabling these entities to connect with and serve children, including sex trafficking victims, during the pandemic, these same platforms also provide predators and exploiters unprecedented access to groom and exploit children. Despite evidence that exploitation of children online has exploded in recent years, many platforms have refused to take commonsense steps to prevent exploitation or even to quickly identify and report it when it occurs online.

The inconsistent and inadequate response by online platforms to this growing threat to children highlights the need for robust protections for children where these materials are proliferating—on online platforms—rather than shifting this overwhelming burden to caregivers, teachers, service providers and law enforcement. Those who develop online platforms should be employing the same innovation that enabled the digital revolution to help stop predators and exploiters who misuse these platforms. Online platforms also need to take proactive steps to quickly identify and report exploitation when it happens and to assist survivors whose abuse is being circulated online, putting a stop to re-exploitation by removing these harmful materials.

Dramatic Increase in Sexual Exploitation of Children Online:

- Five years ago, less than 350,000 videos were reported to NCMEC's CyberTipline; last year alone, over 41 million videos of child sexual abuse were reported. ([NCMEC testimony, March 11, 2020](#))
- Technology companies reported a record 45 million online photos and videos of the abuse last year; many tech companies failed to adequately police sexual abuse imagery on their platforms and/or failed to cooperate sufficiently with the authorities when they found it. ([New York Times, September 29, 2019](#))

How the EARN IT Act Responds To This Crisis:

Creates the National Commission On Online Child Sexual Exploitation Prevention: By establishing a national commission consisting of bipartisan-appointed experts, including survivors and representatives of victims' services organizations, law enforcement, and the tech industry as well as constitutional law and privacy experts, consumer rights advocates, and computer scientists, the commission would create a roadmap for online platforms to improve protections for children by developing a set of best practices.



What the EARN IT Act Does:

- Establishes a National Commission on Online Child Sexual Exploitation Prevention to recommend best practices related to identifying and reporting online child sexual exploitation.
- Creates a strong incentive for the tech industry to take online child sexual exploitation seriously.
- Fights Grooming, Sex Trafficking, and Sexual Abuse of Children.
- Gives law enforcement better information to help free children from abuse.
- Revises the federal code to clarify that child sexual abuse materials are not “child pornography.”

Provides for Civil Recourse: Children whose abuse is shared and distributed online experience continuous re-exploitation every time these images are reshared. Child sexual abuse materials are most commonly circulated, downloaded, re-uploaded, and shared on a variety of platforms. As a result, survivors may know their abuse is circulating online but lack the ability to locate, remove, and/or destroy the images or videos of their abuse. Since online platforms are often reticent, or even unwilling, to proactively remove and report commercial sexual abuse materials involving children—even when the child survivor and/or the child’s family have alerted the platform to the victim’s status as a child—survivors lack recourse for the re-exploitation they suffer when those images continue to circulate. As a result, survivors of online abuse face challenges in their healing journey as their abuse continues to live and spread online. The EARN IT Act will enable survivors to bring civil actions against online platforms; these suits are currently barred by Section 230 of the Communications Decency Act.

Supports Law Enforcement Efforts: To protect children who have been exploited and to prevent them from being re-exploited online, online platforms must be incentivized to ensure swift responses to online sexual abuse material and to improve reporting, which, in turn, will support law enforcement efforts to identify and recover victims and to hold perpetrators accountable. Amending Section 230 will provide this needed incentive to identify and report child sexual abuse material.

Clarifies Child Sexual Abuse Terminology Under Federal Law: The EARN IT Act amends several sections of the federal code, replacing the term “child pornography” with “child sexual abuse materials,” to more accurately reflect that these materials depict the rape and sexual abuse of children.

Resources:



Shared Hope Webinar: [EARNED IMMUNITY: HOW THE EARN IT ACT BALANCES PROTECTION FOR CHILDREN AND INNOVATION ONLINE](#)

Exploited, New York Times series on explosion of CSAM online:

Part 1: [“The Internet is Overrun With Images of Child Sexual Abuse. What Went Wrong?”](#)

Part 2: [“Child Abusers Run Rampant as Tech Companies Look the Other Way”](#)

Part 3: [“Video Games and Online Chats are ‘Hunting Grounds’ for Sexual Predators”](#)

Part 4: [“Fighting the Good Fight Against Online Child Sexual Abuse”](#)

Visit <https://sharedhope.org/what-we-do/bring-justice/> to access Shared Hope’s research and advocacy resources.