

Written Statement of

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Before the

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North Dakota State Legislature**

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**Solving a Public Health Crisis:
The Online Sexual Exploitation and Abuse of Children**

Some of the facts and information contained herein are derived from training and research, but all information and observations are supported by personal and professional experiences as a subject matter expert related to internet safety.

Problem

Over the past ten years, our world has gravitated more and more toward the use of a variety of digital devices including cell phones, tablets, and gaming devices. By age 11, a majority (53%) of kids have their own smartphone, and by age 12 more than two-thirds (69%) do as well (Common Sense Media, 2019). This explosion in the use of such devices, evolving social media and app platforms, and the expansion of the availability of public Wi-Fi has left adults, including law enforcement officials, ill-equipped and often overwhelmed as to how to best protect children and families from new and emerging online threats and hold offenders accountable. Additionally, internet technology giants often exacerbate the dangers to children by failing to enforce corporate acceptable use policies to comply with current law, and by the very real possibility of shifting their technology to “warrant-proof” end-to-end encryption on social media platforms or other forms of online communication. Other technologies such as TOR and Peer-to-Peer networks, and bad actors moving to the deep and dark web further complicate law enforcement’s efforts to interdict these heinous crimes and hold offenders accountable.

Existing federal laws to prevent the internet-enabled exploitation of children have not been adequately enforced due to a lack of resources and access to new tools, methods, and technologies. Additionally, new public policies at both the federal and state levels are not being enacted and implemented to keep ahead of both existing and emerging threats. This has led to increased harm to minors from obscenity, child pornography, predation, sex trafficking,

sextortion, and cyberbullying. To complicate matters, Section 230 of the Communications Decency Act often provides immunity for website platforms and can serve as a roadblock to successful investigations and prosecutions. As a result, the burden to protect children from online sexual exploitation is falling on adults, who are not always adequately educated and equipped to protect children from all forms of exploitation in today's rapidly evolving digital world.

The sexual exploitation of children has been further escalated with the COVID-19 pandemic and is at an all-time high:

- Children under the age of 10 now account for 22% of online porn consumption among those under the age of 18, while 10- to 14-year-olds make up 36% of minor consumers (Bitdefender, 2016).
- A 2022 report by Common Sense Media revealed that 75% of teenagers have viewed pornography by age 17, and the average age of first exposure to pornography is age 12.
- Reports of online enticement, including sextortion, increased by 265% from 2018 to 2021. Sextortion occurs when a child is being groomed to take sexually explicit images and/or ultimately meet face-to-face with someone for sexual purposes, or to engage in a sexual conversation online or, in some instances, to sell/trade the child's sexual images ([National Center for Missing and Exploited Children, February 2022](#))
- In 2021, NCMEC received more than 29.3 million (up 35% over 2020) CyberTipline reports containing over 84.9 million images, videos, and other content related to suspected child sexual exploitation (up 29.8% over 2020). (National Center for Missing and Exploited Children, January 31, 2022)
- New research has found the U.S. hosts more child sexual abuse content online than any other country in the world. The US accounted for 30% of the global total of child sexual abuse material (CSAM) URLs at the end of March 2022 (Internet Watch Foundation, April 26, 2022).
- Forty percent of kids in grades 4-8 reported they **connected with a stranger online**. ([Center for Cyber Safety and Education, March 2019](#))
- There has been a 40% increase in **reports of sex trafficking crisis cases** by the Trafficking Hotline (compared to the month prior to lockdown) ([Polaris, June 2020](#)).
- 1 in 5 girls and 1 in 10 boys (aged 13-17) say that they have **shared their own nudes**. 40% agreed that "it's normal for people my age to share nudes with each other". ([Thorn](#),

["Self-Generated Child Sexual Abuse Material: Attitudes and Experiences" August 2020](#)).

- **Self-generated imagery** now accounts for nearly a third of web pages featuring sexual images of children actioned by the Internet Watch Foundation (IWF). More than three quarters of the self-generated material - be it images or videos –feature 11 to 13-year-old children, of which the majority are girls. (Internet Watch Foundation, Jan. 15, 2020)
- A meta-analysis of 46 studies reported that the **effects of exposure to pornographic material** are “clear and consistent:” pornography use puts people at increased risk for committing sexual offenses (A meta-analysis of the published research on the effects of pornography, 2000). Further support for an association between pornography use and sexual offending is found in a national longitudinal study of sexual offenses (e.g., sexual harassment, sexual assault, coercive sex, and rape) among youth aged 10–21 years. (Prevention Science, 2018). The study found that the average age of first perpetration was between 15 and 16 years old, and more importantly current exposure to violent pornography (after considering control factors for potentially influential characteristics).
- Internet sex predators are manipulating **children to record their own sexual abuse** and that of their friends and siblings ([Internet Watch Foundation Annual Report, 2020](#)).

These crimes have irreparable consequences for the most vulnerable in our communities – namely our children. As in the example of the expansion of unrestricted public Wi-Fi in government, educational, commercial, and other facilities, and spaces, this emerging threat has created unsafe public environments with the unintended consequences of freely available access by anyone to online obscenity, child pornography, predation, and sex trafficking. The public nature of these connection 'hotspots' makes it overly challenging for law enforcement to accurately track and interdict the offenders, opening the door for predators to fly under the radar of law enforcement on public Wi-Fi. As a result, youth are victimized as predators can view, download, or distribute the child sex abuse images, groom children, and communicate with other predators and traffickers on the premises without recourse.

In 2018, technology companies reported over 45 million online photos and videos of children being sexually abused, double the amount from the year before. A New York Times article revealed the internet's largest technology platforms “are failing to effectively shut down the giant portions of online child sexual abuse material.”

On June 7, 1995, at the advent of the internet age, I addressed members of Congress and community leaders on Capitol Hill which included the following [remarks](#):

Unfortunately, the worst and most deviant forms of illegal pornography have invaded our homes, offices and schools via the internet. [The internet] has emerged as the leading-edge technology for the distribution of hard-core pornography and child pornography. Children today are increasingly computer literate, in most cases, much more so than their parents. Any child with a computer and a modem can access pornographic material in seconds, and once they've seen it, it can't be erased from their minds. Just as disturbing, is the fact that we cannot protect ourselves or our children from those who derive sexual pleasure from viewing this toxic material.

Since then, multi-billion-dollar pornography, child pornography and trafficking criminal enterprises have thrived, at the expense of the most vulnerable – our children. Be it in the home, school, shopping mall, or anywhere else children have unfiltered internet access, they can be lured, seduced, and groomed by pornographers, predators, and traffickers. No child is immune from online victimization.

The continuous invasion of graphic, hard-core online pornography, prosecutable under U.S. federal obscenity law, has been called the “largest unregulated social experiment in human history”¹. Any child with unrestricted Internet access is just a click away from viewing prosecutable obscenity (hard-core extreme content depicting graphic sex acts, rape, strangulation and violence) and even material depicting the sexual abuse or rape of a child (child sexual abuse material), found only on the black-market pre-internet.

It's not a matter of if, but when a child will be exposed to this content. As the digital world has gravitated toward the use of mobile digital devices including cell phones, tablets, and gaming devices, kids are vulnerable to sexual exploitation and 24/7 via exposure to illicit content as well as online predators and traffickers who anonymously groom vulnerable children. By age 11, a majority (53%) of kids have their own smartphone, and by age 12 that percentage rises to more than two-thirds (69%) ([Common Sense Media, 2019](#)).

While there are many reasons that children are being sexualized, exploited and abused at alarming rates in the digital age, a key reason is due to the disappointing reality that existing federal obscenity, CSAM, predation and trafficking federal laws have not been adequately funded and prosecuted. In fact, the obscenity laws have not even been enforced since President George W. Bush's administration. Peer-reviewed research demonstrates that extreme pornography fuels child sex abuse, violence against women, sex trafficking and other crimes against humanity. which is why we must aggressively enforce and strengthen obscenity laws at both the federal and state level.

¹Seto.

The free, easy and unprecedented access to online pornography continues to fuel generations of kids to consume—and often become addicted to—this toxic content. Internet pornography, as one researcher said, is "the largest unregulated social experiment in human history." Once exposed, the content can never be fully erased from their minds.

The corroding influence of internet pornography as a public health crisis is backed by peer-reviewed social and medical science. Its harmful impact upon the emotional, mental and sexual health of young children, tweens and teens continue to worsen. As such, nearly 17 states have either passed or adopted public health crisis resolutions, recognizing the many levels of harmful effects upon individuals and society, as well as the need for education, research, prevention, and policy change.

Pornographers understand that the sexually exploitative pornography they produce and distribute is highly addictive. They're keenly aware that if they can get children hooked and desensitized at a young age, they will likely have a consumer for life unless the cycle of addiction is broken.

This peer-reviewed research also supports unequivocal harm to youth from exposure to Internet pornography. Research conducted on the brain revealed that as hours of pornography use increased, the gray matter in the brain decreased, and neurochemically alters the underdeveloped brain of a child or adolescent.

Further, the content offers unrealistic and unhealthy attitudes to sex, teaching sex without love, intimacy and commitment is desirable, and that women are to be viewed as sexual objects. It can also have an impact on the development of harmful sexual behaviors. The average age of first perpetration of sexual violence is 15 -16 and is associated with exposure to pornography. Viewing this content may also lead to sexually aggressive behaviors. (Prevention Science, 2017).

Sexual predators use this content to groom and sexualize a child into developing child sexual abuse material, or "CSAM", fueling a vicious cycle of abuse including child sex abuse, sex crimes, sexual exploitation, violence against women, sex trafficking, and sexual predation. In cases of sex trafficking, pornography fuels the demand for women and children to be sold commercially, which can lead to further abuse as sex crimes are turned into pictures and videos that are distributed, sold and shared.

The harm of exposing kids to such content is best understood from their own stories. I interviewed a dozen young teens about their internet experiences for EIE's [Internet Safety 101](#) video series.

Zach, age 15, told me, *“Even if you’re not looking for it, it will find you.”* He added, “Pornography shaped my want for sex and what I wanted to do whenever I started having sex, big time! It wasn’t just like I just wanted to have a relationship and have sex with her. I just want to have sex with as many as I can. Sex was pretty meaningless. I just wanted them to do what they did on the porn.”

Courtney, a beautiful 16-year old, told me that she and her friends participated in parties where they smoked weed and watched pornography together, resulting in orgies. She said that pornography *“destroyed our lives, because we depended on it, and it just broke our friendships, it broke like, respect for ourselves and our respect for others.”*

Rene shared the story of her son, Joe, who was addicted to pornography at age 11. After checking the search history on a family computer kept in the “office” in their home, Rene and her husband were shocked to discover their son had visited more than 900 pornographic sites during the middle of the previous several nights. Even when strict passwords and filters were put into place to prevent access, Joe still found ways to access the content to “feed” his addiction, going so far as to place video cameras on a bookshelf above the computer keyboard to “decode” the password.

The Internet industry has exacerbated dangers to children by failing to implement adequate responsibility policies and best practices for the protection of children. These willful acts fail to comply with federal laws and turn a blind eye to child exploitation occurring on their platforms.

Preventing sexual exploitation and abuse is a bi-partisan issue in which we can all agree. As a result of EIE’s advocacy efforts, the following language was included in the US Congress’ Consolidated Appropriations bill report. in both FY21 and FY22, directing DOJ to: *“...investigate and prosecute major producers and distributors of hardcore adult pornography that meets the Supreme Court test for obscenity. Such enforcement is necessary to protect the welfare of families and children...”*. This language is a huge step forward in combating child sexual exploitation, child pornography, and trafficking. Currently, we are calling on Congress to conduct DOJ oversight hearings to address the department’s failure to enforce the federal obscenity laws. (For nearly two decades, illegal pornography enterprises have operated without impunity, flooding the Internet with toxic content depicting themes of teen rape, incest, torture, and strangulation.)

Additionally, the [Children’s Internet Protection Act](#), which EIE was involved in getting passed in 1998, requires schools and libraries using government eRate funds for internet access to filter both obscenity and child sex abuse images. That said, many public libraries nationwide are not in compliance with CIPA. This year, we are seeking Congress to conduct FCC oversight hearings to enforce this critical law.

The State of North Dakota has the opportunity to enact similar protections through Senate bill 2360 which would effectively ensure safety policies and technology protection measures are included in current statutes relating to obscenity control. These provisions must be immediately adopted and aggressively enforced to ensure the protection of children. Safeguarding the innocence of vulnerable children deserves our top priority. Thank you.

Donna Rice Hughes, President and CEO of Enough is Enough, is an internationally known Internet safety expert, author, speaker, and producer. Her vision, expertise and advocacy helped to birth the Internet safety movement in America at the advent of the digital age. Since 1994, she has been a pioneering leader on the frontlines of U.S. efforts to make the Internet safer for children and families by implementing a three-pronged strategy of the public, the technology industry and legal community sharing the responsibility to protect children online. This strategy has been adopted by industry and governments worldwide. Under her leadership, EIE has created various curricula including the creation of the Internet Safety 101 Program with U.S. Department Of Justice, Office of Juvenile Justice and Delinquency Prevention. She developed and spearheaded the "National Safe Wi-Fi" Campaign" calling on Corporate America to filter pornography and child sex abuse images on public Wi-Fi. As a result, both McDonald's and Starbucks are now filtering Wi-Fi in all of their company owned stores in America. Hughes also spearheaded EIE's bi-partisan Children's Internet Safety Presidential Pledge (2016); The Governor's Pledge and the State Attorneys General Pledge. She has given thousands of media interviews on all the major news outlets on topics related to online dangers (porn, CSAM, sexual predation, bullying, trafficking, online gaming, social media, etc.), safety solutions, testified numerous times before Congress, and is the winner of numerous awards including the 2013 Women In Technology Award for Social Impact and the 2014 Professional Women in Advocacy Excellence In Advocacy Award for "Veteran Practitioner". She also received a Senate appointment to serve on the Child Online Protection Act Commission.