

# STOP THE inJuSTice: ONLINE

Closing the Online Marketplace for Sex Trafficking Victims

## CURRENT INTERNET LAW

The Communications Decency Act (CDA) was enacted in 1996 to govern the nascent internet industry and promote an open forum for commerce online. Section 230 of the CDA establishes immunity for “interactive computer service providers” (ICSPs) from civil and state criminal liability in order to promote self-regulation by these online entities. Over the past twenty years, federal courts have interpreted this immunity very broadly, effectively extending blanket immunity to online entities that publish third-party content.



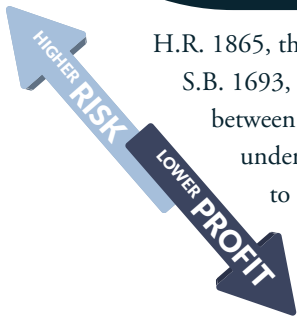
## UNINTENDED CONSEQUENCES of the CDA

CDA immunity has not encouraged self-regulation in all areas. A network of unscrupulous online entities are exploiting CDA immunity to facilitate sex trafficking. Today, victims are bought and sold online at alarming—and increasing—rates. The entities that create a marketplace for the sale and purchase of trafficking victims enjoy a lucrative business model—one with high profits and low risk. When states and victims have tried to hold these companies accountable in the courts, the CDA has blocked their efforts.



## The LEGISLATIVE SOLUTION

H.R. 1865, the *Allow States and Victims to Fight Online Sex Trafficking Act* and S.B. 1693, the *Stop Enabling Sex Traffickers Act* will resolve the showdown between CDA immunity and the critical protections for victims established under the Trafficking Victims Protection Act (TVPA). Opening the door to civil liability and allowing states to enforce their trafficking laws brings risk to the equation when online bad actors are unwilling to self-regulate and choose profits over protection of sex trafficking victims.



## Help combat SEX TRAFFICKING ONLINE

Enacting this legislation is critical to restoring the promise of access to justice to victims and holding offending websites culpable for their crimes. As sex trafficking explodes on the internet, accountability for online entities that facilitate this exploitation is another essential tool in the international fight against sex trafficking.



To join the campaign and take action, go to:

[SHAREDHOPE.ORG/STOPTHEINJUSTICE](https://www.sharedhope.org/stoptheinjustice)

# Allow States and Victims to Fight Online Sex Trafficking Act

FREQUENTLY  
ASKED  
QUESTIONS

## WHAT DOES THIS LEGISLATION DO?

- The *Allow States and Victims to Fight Online Sex Trafficking Act*, and the *Stop Enabling Sex Traffickers Act* would remove civil immunity and the federal preemption of state criminal prosecutions provided under Section 230 of the CDA for Interactive Computer Service Providers (ICSPs).
- By creating these exemptions to CDA immunity, these bills:
  - » provide access to justice for victims of sex trafficking who were sold online through the ICSP's website,
  - » return to state prosecutors the ability to enforce state laws against ICSPs that facilitate sex trafficking, and
  - » close the loophole in the law that allows some website operators to profit from the sex trafficking of adults and children without risk or culpability.

## WILL HOLDING WEBSITES LIABLE FOR ADVERTISING SEX TRAFFICKING HURT CRIMINAL INVESTIGATIONS?

- Refusing to amend the CDA fails to recognize the ever-changing nature of the internet. As one law enforcement partner shared, *"This type of crime investigation is what Law Enforcement calls an ever changing threat environment, and we have to adapt. We must approach [sex trafficking] as always changing, rather than expecting it to stay the same and employing the same investigative tools."*

## WILL AMENDING THE CDA CREATE MORE DANGEROUS CONDITIONS FOR VICTIMS BY MOVING SOLICITATION OF COMMERCIAL SEX BACK ONTO THE STREETS?

- A small number of people engaging willingly in prostitution make this claim but in fact sex trafficking survivors' voices paint a very different picture:
  - » "The truth is trafficking is incredibly dangerous wherever it occurs. The main danger is from the trafficker and buyer, who will be present no matter the location ... Telling ourselves that Backpage.com's advertisement services somehow makes it safer and less harmful is an illusion at best, and a travesty at worst ... [N]othing makes the fact that you are being raped several times a day by someone, who paid to do it, easier to live with."

## IS THERE EVIDENCE THAT WEBSITES ARE ACTUALLY FACILITATING CHILD SEX TRAFFICKING?

- "To better understand Spotlight's impact over the past 12 months we surveyed our current law enforcement users ... Victims identified: 6,325, Children identified: 1,980, Traffickers identified: 2,186." ([Thorn Spotlight Impact Infographic](#), 2017)
- "YouthSpark in Atlanta, Georgia, surveyed service providers across the nation on questions related to domestic minor sex trafficking victims in their care. Seventy-two percent of the child victims in their care were bought and sold for sex online." ([Shared Hope Remarks, AZ Governor's Task Force](#), 2014)
- "Of all the child sex trafficking reports submitted by members of the public to the CyberTipline, more than seventy-one percent (71%) relate to Backpage ads." ([National Center for Missing and Exploited Children, Yiota G. Souras testimony, United States Senate Permanent Subcommittee on Investigations](#), 2017)

## IS A CDA AMENDMENT THE END OF A FREE INTERNET?

- It is unreasonable to claim that preserving the Communications Decency Act in the exact form as it was enacted over 20 years ago is essential to the internet's continued existence. After creating the World Wide Web 28 years ago, The "Father of the Web," Tim Berners-Lee recently stated that, "[T]he people designing the current networks need to adjust their strategies, and have to rethink their roles and ensure they make online spaces into 'places where nice things happen'."

Shared Hope seeks to strengthen laws that protect child sex trafficking victims and hold offenders accountable. Advocating for an amendment to the CDA, to ensure that online facilitators are held accountable for their role in fueling a marketplace for commercial sexual exploitation, builds on the work we have been doing for nearly two decades. In fact, since the conception of Shared Hope's Protected Innocence Challenge project in 2011, we have analyzed and graded states based upon their laws addressing the role of facilitators in the crime of child sex trafficking. It is time that we call on our federal legislators to do the same and clarify that corporate bad actors are no less culpable because of their simultaneous position as internet hosts.