

Stop Enabling Sex Traffickers Act of 2017

Legislation to Provide Criminal and Civil Remedies for Victims of Sex Trafficking

The Scourge of Online Sex Trafficking

For too long, courts around the country have ruled that websites like Backpage.com can continue to facilitate illegal sex trafficking online with no repercussions. In January 2017, after an 18-month investigation, the Senate Permanent Subcommittee on Investigations (PSI) issued a stunning report which found that Backpage actively and knowingly facilitated the criminal sex trafficking of vulnerable women and young girls, and covered up evidence of these crimes all to increase its own profits. Congress put in place criminal penalties to guard against sex trafficking in the Trafficking Victims Protection Act. However, court rulings have made it clear that Congress must act to amend the Communications Decency Act to hold those who run sites that facilitate sex trafficking civilly and criminally accountable for their crimes.

Since 2007, the National Human Trafficking Hotline has received reports of 22,191 sex trafficking incidents. In 2016 alone, 5,551 incidents were reported across the country. The National Center for Missing and Exploited Children (known as NCMEC) reported an 846% increase in reports of suspected child sex trafficking from 2010 to 2015 – a spike the organization found to be “directly correlated to the increased use of the internet to sell children for sex.” The number of trafficking incidents reported is staggering, but understanding the stories of victims who have sought and been denied justice is the motivation behind this legislation.

A documentary film called “I am Jane Doe” chronicled the cases of three young women who brought cases against Backpage for contributing to their trafficking and profiting off of their suffering. In all three cases, Jane Doe was 15 year old when she became a victim of sex trafficking. The ads selling each Jane Doe promoted her youth and resulted in her being raped hundreds of times for money.

In 2014, the Jane Does filed suit against Backpage in federal court. But the First Circuit ruled against them in *Jane Doe 1 v. Backpage.com, LLC*, holding that the 20-year-old law known as Section 230 of the Communications Decency Act protects Backpage from any claims of liability. The court found that the Jane Does made a persuasive case that Backpage tailored its site to make underage sex trafficking easier. Nonetheless, websites that facilitate sex trafficking are immune from lawsuits brought by their victims, no matter how complicit the sites or how terrible the harm caused.

These Jane Does are among many thousands of victims trafficked for sex each year in the United States. It is time for Congress to act.

A Victim Focused and Carefully Crafted Solution

Section 230 of the Communications Decency Act was never intended to protect websites that facilitate sex trafficking. The Stop Enabling Sex Traffickers Act of 2017 would clarify Section 230 of the Communications Decency Act and ensure that websites that facilitate sex trafficking can be held liable and that victims can get justice. This carefully crafted legislation offers three reforms to help sex trafficking victims. The proposed legislation would:

- Allow victims of sex trafficking to seek justice against websites that facilitated the crimes against them;
- Eliminate federal liability protections for websites that assist, support, or facilitate a violation of federal sex trafficking laws; and
- Enable state law enforcement officials, not just the federal Department of Justice, to take action against individuals or businesses that violate federal sex trafficking laws.