



Studies in Child Protection:

Technology-Facilitated Child Sex Trafficking

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The International Centre for Missing & Exploited Children (ICMEC) works around the world to advance child protection and safeguard children from abduction, sexual abuse and exploitation. Headquartered in Alexandria, Virginia, U.S.A., ICMEC also has regional representation in Brazil and Singapore. Together with an extensive network of public and private sector partners, ICMEC's team responds to global issues with tailored local solutions.

The Koons Family Institute on International Law & Policy (The Koons Family Institute) is ICMEC's in-house research arm. The Koons Family Institute combats child abduction, sexual abuse and exploitation on multiple fronts by conducting and commissioning original research into the status of child protection laws around the world, creating replicable legal tools, promoting best practices, building international coalitions, bringing together great thinkers and opinion leaders, and collaborating with partners in the field to identify and measure threats to children and ways ICMEC can advocate change.

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For nearly 20 years, ICMEC has been identifying gaps in the global community's ability to properly protect children from abduction, sexual abuse and exploitation, and expertly assembling the people, resources, and tools needed to fill those gaps.

ICMEC works every single day to make the world safer for children by eradicating child abduction, sexual abuse and exploitation. We focus on programs that have an impact on addressing these complex issues, and we offer support to governments, policymakers, law enforcement, prosecutors, industry, civil society, and many others across the globe.

We **ADVOCATE** for children around the world by proposing changes to laws, treaties, and systems based on rigorous research and the latest technology.

We **TRAIN** partners on the front lines by providing tools to professionals who interface with children to improve prevention, facilitate treatment for victims, and increase the efficacy of the identification and prosecution of people who victimize children.

We **COLLABORATE** with key stakeholders by building international networks of professionals across disciplines to anticipate issues, identify gaps, and develop crosscutting solutions.

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Introduction

Trafficking of children¹ for sexual purposes, or child sex trafficking², is defined internationally as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.³ Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁴

The Internet and related technologies are increasingly becoming the predominant mechanism by which children are lured, entrapped, and forced into modern-day enslavement for sexual purposes.⁵ While child sex trafficking is not a new crime, the use of technology to facilitate this crime is. As the Internet is highly unregulated and provides anonymity, accessibility, and global reach, the use of technology by traffickers will likely become even more prevalent.

In general, traffickers are criminals “who enable or partake in the trade and exploitation of human beings.”⁶ Online traffickers use information and communications technologies (ICTs)⁷ to seek out vulnerable children, recruit victims, and advertise/sell victims to offenders through social media, messaging applications, online ads, and peer-to-peer file sharing servers with the intent to exploit the victims for profit. Using the Internet and related technologies, traffickers may lure victims by posting false job advertisements, promising fame or money, expressing love or praise, or threatening harm or

¹ *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, Interagency Working Group on Sexual Exploitation of Children, Luxembourg, Jan. 28, 2016, K.1.iv, 59, at <http://luxembourgguidelines.org/english-version/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children), (Stating in relevant part: “00: Article 3(d) of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (‘the Palermo Protocol’), defines the child as ‘any person under 18 years of age.’”).

² The terms “trafficking of children for sexual purposes” and “child sex trafficking” are used interchangeably throughout this report.

³ *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, *supra* note 1, at A.1.v, 5, (Stating in relevant part: “The Palermo Protocol refers to “trafficking in persons, particularly women and children” and defines it in (Article 3.a) as: “[t]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Article 3(c) further sets forth that “[t]he recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.”)

⁴ *Id.*

⁵ “Of reports received by NCMEC to the CyberTipline from members of the public regarding suspected child sex trafficking, 73% related to ads on Backpage.com. Survivor organization My Life My Choice has stated that approximately half of the clients with whom they work were trafficked online. Other research has found that 63% of human trafficking victims interviewed were advertised online.” See, United States House of Representatives Committee on the Judiciary, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, *Testimony of Mary Graw Leary*, 2017, at <https://judiciary.house.gov/wp-content/uploads/2017/09/Leary-Testimony-Final.pdf> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶ The Vienna Forum to fight Human Trafficking, Austria Center Vienna Background Paper, *Workshop: Profiling the Traffickers*, United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), at <https://www.unodc.org/documents/human-trafficking/2008/BPO16ProfilingtheTraffickers.pdf> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

⁷ The term information and communications technologies (ICTs) includes all technologies that, combined, allow people and organizations to interact digitally. ICT includes both internet-enabled and mobile spheres powered by wireless networks. The components of ICT include: cloud computing; software; hardware; transactions; communications; data and internet access. Some examples of components are computers, smartphones, digital TVs, and robots. See, Margaret Rouse, *ICT (information and communications technology, or technologies)*, SEARCHCIO, Mar. 2017, at <https://searchcio.techtarget.com/definition/ICT-information-and-communications-technology-or-technologies> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

death to the victim and/or their family.⁸ Traffickers may use social media platforms to gain trust and build relationships by showing admiration or desire for the child, acting as a friend, and eventually employing tactics such as manipulation, coercion, and control to lure them away from their homes and loved ones.⁹ Child sex traffickers may be strangers, but they can also be family members, friends, guardians, or acquaintances.¹⁰ Nearly half of all identified cases of child trafficking begin with some family member involvement and the extent of family involvement in the trafficking of children is up to four times higher than in cases of adult trafficking.¹¹

The high demand for children for sexual purposes has generated such high profits that many organized crime groups are turning away from other illicit activities to devote their resources to the trafficking of minors.¹² Human trafficking appeals to criminal organizations as “it is becoming increasingly easy and inexpensive to procure, move and exploit vulnerable girls.”¹³ Additionally, the relatively low risk of detection and prosecution of technology-facilitated child sex trafficking compared to the risk associated with traditional, “in-person” forms of trafficking makes online sex trafficking an attractive illegal activity in which to engage.¹⁴ One child can generate a profit of several thousand dollars a day for traffickers and can be abused and sold repeatedly, unlike other forms of illicit trade like drug trafficking.¹⁵ The International Labour Organization (ILO) estimates that “globally, two-thirds of the profits from forced labour are generated by forced sexual exploitation, amounting to an estimated US\$99 billion per year.”¹⁶ Approximately 5.5 million children under the age of 18 are forced into labor, and it is estimated that more than one million are victims of forced sexual exploitation.¹⁷

With the growth of Internet usage, a child’s risk of being targeted increases; “technology has lowered the bar of entry to the criminal world, which has had an expansive effect on the growth of modern slavery... Our challenge is that technology is taking slavery into a darker corner of the world where law enforcement techniques and capabilities are not as strong as they are offline.”¹⁸ Strategies to address technology-facilitated child sex trafficking must address the misuse of ICTs to facilitate it and harness the potential of ICTs to combat it.¹⁹

⁸ Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 1, at H.2.i, 49.

⁹ Judge Herbert B. Dixon, Jr., *Human Trafficking and the Internet*(and Other Technologies, too)*, 2013, The American Bar Association, THE JUDGES JOURNAL, at https://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_internet_and_other_technologies_too.html (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁰ *Family Members Linked to Nearly Half of Child Trafficking: New IOM, Polaris Data*, International Organization for Migration (IOM), Nov. 28, 2017, at <https://www.iom.int/news/family-members-linked-nearly-half-child-trafficking-new-iom-polaris-data> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹¹ *Id.*

¹² Mark Latonero, *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds* 12, USC ANNENBERG SCHOOL FOR COMMUNICATION & JOURNALISM, Center on Communication Leadership & Policy Research Series: Sep. 2011, at https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³ Baylee Molloy, *The Economics of Human Trafficking*, Institute for Faith, Work & Economics, Apr. 12, 2016, at <https://tifwe.org/the-economics-of-human-trafficking/> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁴ Eitan Peled, *Innocent Victims: The Fight Against Online Child Sex Trafficking*, UNICEF USA, at <https://www.unicefusa.org/stories/innocent-victims-fight-against-online-child-sex-trafficking/33866> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁵ Mark Latonero, *supra* note 12, at 15.

¹⁶ International Labour Organization (ILO), *Profits and poverty: The economics of forced labour*, 2014, at http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_243027.pdf (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷ International Labour Organization (ILO), *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, 2017, at http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/publication/wcms_575479.pdf (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁸ Kieran Guilbert, *Technology a double-edged sword for human traffickers: Europol head*, REUTERS, Apr. 26, 2018, at <https://www.reuters.com/article/us-europe-slavery-interview/technology-a-double-edged-sword-for-human-traffickers-europolhead-idUSKBN1HX2MB> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁹ The Vienna Forum to Fight Human Trafficking, *supra* note 6.

The world has seen an increase in international, regional, and national laws addressing cybercrime and human trafficking; however, international law is silent on several key issues – namely, the use of ICTs to: 1) **recruit** child sex trafficking victims; 2) **advertise** the sexual services of these victims; and 3) provide or receive **payments** or benefits from the sexual exploitation of children. To address these legal gaps, ideally international legislation should be enacted to include:

- A uniform definition of technology-facilitated child sex trafficking;
- Statutes punishing the use of ICTs to recruit child victims, advertise their sexual services, and send and receive payments for sexual exploitation of children; and
- Requisite punishment.

The Internet has global reach, which fuels the need for international legal cooperation to develop more stringent, overt laws to protect children from technology-facilitated child sex trafficking. While vast research exists regarding child sex trafficking broadly, this paper specifically focuses on: how and why technology is increasingly used to recruit, advertise, and send/receive payments for child sex trafficking; examining available international and regional legal instruments; reviewing a sampling of relevant national legislation; presenting model legislative language for consideration; and discussing the role of the technology and financial industries to deter traffickers from misusing their platforms to sexually exploit children.

The report is further intended to support and promote the United Nations Sustainable Development Goals (SDGs), in particular SDG 16.2²⁰ on ending the abuse, exploitation, trafficking, and all forms of violence against and torture of children, and contribute to reaching the goals of the 2030 Agenda for Sustainable Development²¹ by demonstrating our organizational commitment, helping raise awareness of the issues, and promoting the rule of law at the national and international levels. Additionally, the report contributes to the Implementation and Enforcement of Laws strategy, the first of the seven INSPIRE strategies developed by the World Health Organization (WHO), in particular core indicators 3.1 through 3.6 (i.e., laws and policies, awareness of laws, review of legal and policy framework)²²; and helps to implement the WePROTECT Global Alliance to End Child Sexual Exploitation Online Model National Response (MNR) – specifically capabilities 2 (Research, Analysis and Monitoring) and 3 (Legislation) under Policy and Governance²³.

²⁰ UN Sustainable Development Goals, Goal 16: Peace, Justice and Strong Institutions, at <https://www.un.org/sustainabledevelopment/peace-justice/> (last visited Sep. 30, 2018).

²¹ Resolution adopted by the General Assembly on 25 September 2015 [without reference to a Main Committee (A/70/L.1)] 70/1. *Transforming our world: the 2030 Agenda for Sustainable Development*, Oct. 2015, at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (last visited Sep. 30, 2018).

²² World Health Organization (WHO), *INSPIRE: Seven Strategies for Ending Violence Against Children*, 2016, at http://www.who.int/violence_injury_prevention/violence/inspire/en/ (last visited Oct. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

²³ WePROTECT Global Alliance, *Preventing and Tackling Child Sexual Exploitation and Abuse (CSEA): A Model National Response*, at <https://www.weprotect.org/the-model-national-response/> (last visited Oct. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

Understanding the Issue

What Is Child Sex Trafficking?

Definition

Under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), child sex trafficking is defined as the recruitment, transportation, transfer, harbouring, or receipt of a child [under age 18] for the purpose of exploitation.²⁴ Unlike the general definition of trafficking of adults, trafficking of children for sexual purposes need not occur by “means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.”²⁵ This is not to say that these means are not used to recruit and exploit child victims, but the definition of child sex trafficking recognizes that a child can never consent to his/her own exploitation, and thus, these coercive factors are not required for trafficking to have occurred under the law.²⁶

Child trafficking may be conflated with the “sale of children.”²⁷ Though the sale of children may overlap with the act of trafficking children, the sale of children *always* involves a form of commercial transaction, while trafficking does not (e.g., trafficking by deceit, force, abduction).²⁸ Sale of children also does not necessarily lead to the child being exploited (e.g., illegal adoptions),²⁹ whereas the purpose of trafficking of children is the exploitation of the child.³⁰

Terminology

Child sex trafficking is just one form of child sexual exploitation. If a child takes part in a sexual activity in exchange for some gain or benefit or the promise of such from a perpetrator or third party, that child is a victim of sexual exploitation.³¹ Numerous forms of child sexual exploitation, such as performing sexual activities in exchange for food or accommodation, can occur without the existence of trafficking. Likewise, the sexual exploitation of children through prostitution, while often related to trafficking, may occur without the child having been trafficked.³² Technology-facilitated child sex trafficking specifically is a form of “online child sexual exploitation,” which includes any act of a sexually exploitative nature against a child that has a connection to or occurred through use of ICTs.³³

Additionally, much of the conversation around online child sexual exploitation concerns child sexual abuse material (CSAM).³⁴ CSAM takes many forms including photos and videos chronicling sexual

²⁴ Stating in relevant part: “defining the ‘recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation’ as trafficking in persons even if it does not involve any of the means listed under art. 3(a).” See, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 1.

²⁵ *Id.*

²⁶ *Id.*

²⁷ The “sale of children” is defined in Article 2 of the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.” See, UN Human Rights Office of the High Commissioner, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000, at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx> (last visited Oct. 5, 2018).

²⁸ Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 1.

²⁹ *Id.* at K.3., 61.

³⁰ *Id.*

³¹ *Id.* at D.3, 24.

³² *Id.* at 25.

³³ *Id.* at D.4.iii, 27.

³⁴ *Id.* at F.4.i, 38. Child sexual abuse material (child pornography) is defined in Article 2 of the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as “any representation, by whatever means, of

abuse, live-streaming videos of abuse on-demand, and other “forms of material representing child sex abuse and exploitation, such as audio files, written story lines, or other potential forms of recording.”³⁵ There is a significant degree of overlap between the markets for CSAM and child sex trafficking; a trafficked child may be exploited not only for direct sale to purchasers, but may also be exploited through the online trade and sale of photos and videos of the child in sexual situations or being sexually abused.³⁶ CSAM can be used as a form of online marketing to advertise victims of child sex trafficking as “pimps use pornography, especially online, to sell trafficking victims to Johns.”³⁷ While the CSAM market bolsters the demand for and tolerability of child sexual exploitation, including technology-facilitated child sex trafficking, legislative and preventive efforts directed towards banning CSAM do not sufficiently encompass technology-facilitated child sex trafficking.

What Is Technology-Facilitated Child Sex Trafficking?

Historically, sex trafficking could be traced to clandestine networks within red light districts, but the rise in access to Internet service has created a network of “virtual red-light districts.”³⁸ The term “technology-facilitated child sex trafficking” denotes that the Internet and related technologies may enable/assist with the trafficking of children for sexual purposes. These technologies may include ICTs such as hardware and software devices and programs (e.g., personal computers, scanners, digital cameras, multimedia programs, and communications equipment); email, video conferencing, wireless networks, and mobile services;³⁹ communication networks (e.g., newsgroups, web message and bulletin boards, chatrooms, File Transfer Protocol (FTP), Peer-to-Peer (P2P) networks); encryption; digital currencies, and other tools.⁴⁰

Utilizing the Internet to recruit, advertise, and sell victims of child sex trafficking is “cheap, anonymous, fast, leaves only digital traces, can be hard to locate, and the perpetrator does not have to leave home.”⁴¹ While the Internet and other ICTs certainly do not cause child sex trafficking, there is no doubt that they help to facilitate it, since “ICTs... provide new, efficient, and often anonymous methods, enabling traffickers to exploit a greater number of victims across geographic boundaries.”⁴² Traffickers use ICTs to groom/recruit victims, advertise sexual services, and receive payments from buyers. The ease of access to a global market makes it relatively simple for buyers and sellers to interact all over the world; social media provides traffickers a semi-anonymous mode of contact with countless children.⁴³ Virtual marketplaces, like classified advertising websites, have shifted the crime of child sex trafficking from the streets to the digital world because the technology offers an easy system where

a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child for primarily sexual purposes.” See, UN Human Rights Office of the High Commissioner, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, *supra* note 27.

³⁵ Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 1, at 39-40.

³⁶ Michelle Lillie, *The Connection Between Sex Trafficking and Pornography*, Human Trafficking Search, at <http://humantraffickingsearch.org/the-connection-between-sex-trafficking-and-pornography/> (last visited Oct. 5, 2018) (on file with the International Centre for Missing and Exploited Children).

³⁷ Paula Sellars, *The Relationship Between Pornography, Trafficking, and the Sexual Abuse of Children*, Two Minutes for Prevention series, Stewards of Children, at <https://www.d2l.org/the-relationship-between-pornography-trafficking-and-the-sexual-abuse-of-children/> (last visited Oct. 5, 2018) (on file with the International Centre for Missing and Exploited Children).

³⁸ Abby R. Perer, *Policing the Virtual Red Light District: A Legislative Solution to the Problems of Internet Prostitution and Sex Trafficking*, BROOKLYN LAW REVIEW, Vol. 77, Issue 2, Art. 9 (2012), at <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1166&context=blr> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

³⁹ Margaret Rouse, *supra* note 7.

⁴⁰ *Id.*

⁴¹ Victoria Vanderschaaf, *Spotlight On: How the Internet Facilitates Underage Victimization in Human Trafficking 2*, CHILDREN’S LEGAL RIGHTS JOURNAL, 2013, at <http://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1041&context=clrj> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴² Mark Latonero, *supra* note 12, at 12.

⁴³ UNODC, *UN Crime Body to Combat Online Child Abuse*, Sep. 27, 2013, at <https://www.unodc.org/unodc/en/frontpage/2013/September/un-crime-body-to-combat-online-child-abuse.html> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

a third-party entity can post an advertisement with “thinly veiled offers of prostituted children,” who are subsequently purchased by offenders online.⁴⁴ The use of digital currencies, specifically cryptocurrencies such as Bitcoin, further enhances the ease and anonymity of the sale of/payment for victims and thus bolsters the appeal of online trafficking.⁴⁵

What Is the Impact of Technology-Facilitated Child Sex Trafficking?

The trafficking of children for sexual purposes has wide-ranging effects; yet, “given the underground nature of trafficking, the consequences of this crime are hidden and difficult to see.”⁴⁶ All victims of trafficking may experience negative physical, psychological, and social repercussions, but trafficked minors are even more vulnerable due to their age and lack of physical and mental maturation.⁴⁷

Children who are trafficked for non-sexual purposes, such as domestic servitude, may later be vulnerable to sexual exploitation; they are separated from their legal guardians, isolated from access to government resources/services, and may not speak the local language of the place to which they have been trafficked.⁴⁸

Physical Effects

The health effects on victims of child sex trafficking are substantial; the repercussions of a lack of access to basic necessities such as food, sleep, hygiene, and medical care include decreased quality of life and lifespan.⁴⁹ The U.S. Department of State’s 2018 Trafficking in Persons (TIP) report states, “[s]ex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.”⁵⁰ Common physical ailments of child sex trafficking victims include headaches, fatigue, dizziness, back pain, and memory problems.⁵¹ They are also vulnerable to venereal diseases, chest pain, respiratory problems, stomach pains, skin diseases, pregnancy (and associated complications), sleeping problems, dissociation, and nervous breakdowns.⁵²

Psychological and Emotional Effects

Psychological ailments such as insecurity, anxiety, fear, addiction⁵³, Post-Traumatic Stress Disorder (PTSD), cognitive impairment, memory loss, depression, and even suicide have been associated with former victims of trafficking, children and adults alike.⁵⁴ Psychological torture and abuse are common means of exerting control over sex trafficking victims, including methods such as isolation and

⁴⁴ *Id.*

⁴⁵ Bitcoin is an independent online monetary system that combines some of the features of cash and existing online payment methods. Bitcoins are known for the anonymity they provide their users, a draw for illegal entities such as the Silk Road enterprise and other illicit purchases on the dark web. See, Sarah Meiklejohn, et al., *A Fistful of Bitcoins: Characterizing Payments Among Men With No Names*, University of California – San Diego, George Mason University, 2016, at <https://cseweb.ucsd.edu/~smeiklejohn/files/imc13.pdf> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴⁶ *Impact of Human Trafficking on Victims*, Human Trafficking Search, at <http://humantraffickingsearch.org/impact/> (last visited Oct. 5, 2018).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ U.S. Department of State, *2018 Trafficking in Persons (TIP) Report 32*, Jun. 2018, at <https://www.state.gov/documents/organization/282798.pdf> (last visited Oct. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

⁵¹ Charrita Ernewein and Rose Nieves, *Human Sex Trafficking: Recognition, Treatment, And Referral Of Pediatric Victims*, THE JOURNAL FOR NURSE PRACTITIONERS 11 (2015): 797-803 (on file with the International Centre for Missing and Exploited Children).

⁵² ECPAT International, *Combating the Trafficking in Children for Sexual Purposes – Questions and Answers 19-20*, 2006, at http://www.ecpat.org/wp-content/uploads/2016/04/trafficking_faq_eng.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing and Exploited Children).

⁵³ James A. Levine, *Mental health issues in survivors of sex trafficking*, COGENT MEDICINE 3 (2017): 1-13 (last visited Oct. 9, 2018) (on file with the International Centre for Missing and Exploited Children).

⁵⁴ *Impact of Human Trafficking on Victims*, *supra* note 46.

threatening to harm loved ones.⁵⁵ When traffickers recruit children online, they often manipulate them and try to alienate them from their families and friends, thus rendering them unable or unwilling to reach out for help.⁵⁶ This can be particularly true for victims who are trafficked internationally and who are further isolated due to language, cultural, and geographical barriers.⁵⁷ These psychological methods of control can be especially harmful to child victims and lead to long-term developmental issues.⁵⁸ Some victims report memory loss as a result of their abuse, not only memories of the abuse itself, but also of other events occurring prior to the abuse.⁵⁹

Furthermore, behavioral effects can manifest and alter the social behaviors of sex trafficking victims. Child victims “may demonstrate sexualized behavior where the child has misconceptions about sexual behavior and sexual morality.”⁶⁰ For instance, if a child received rewards for sexual behavior, the child may learn to use sexual behavior “as a strategy for manipulating others to get what they want.”⁶¹ The child may also engage in “risky and dangerous behavior including drug and alcohol abuse.”⁶² Child victims can also suffer from attachment difficulties where the child has difficulty trusting adults, which could continue well into adulthood.⁶³

Because victims of technology-facilitated child sex trafficking appear in ads on the Internet and are often victims of CSAM, the mental and physical impacts are magnified as distributors of this exploitative material “are able to ensure the websites distributing this content remain live for long periods.”⁶⁴ According to ECPAT International, “[i]n absolute terms, we can never quantify the amount of material that has been created or is in circulation on the Internet, because new content is constantly being added and only a proportion of older content (some of which predates the Internet but has been scanned and uploaded) will have been identified and taken down. Even with the use of custom-made web crawlers⁶⁵ to flag and remove CSAM, there is no guarantee that it will not be uploaded again.”⁶⁶

“[T]oo many people believe that child pornography is just pictures and not a big deal. That is wrong, Mr. Chairman. Each child pornography image is a visual record of the sexual exploitation of a child. It is not just a picture. And every time it is viewed the child is violated again. Furthermore, it is the demand for such images that fuels the physical violation of the child in the first place.”

Source: Testimony of Laurence E. Rothenberg, Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, *Hearing Before the Committee on the Judiciary, House of Representatives*, Oct. 17, 2007, at <https://www.gpo.gov/fdsys/pkg/CHRG-110hhrg38335/html/CHRG-110hhrg38335.htm> (last visited Oct. 9, 2018).

The perpetual nature of CSAM leaves “the depicted children vulnerable not only to potential negative attention from those within their peer group but also to recurring revictimisation by the individuals who

⁵⁵ Combating the Trafficking in Children for Sexual Purposes – Questions and Answers, *supra* note 52, at 9.

⁵⁶ Impact of Human Trafficking on Victims, *supra* note 46.

⁵⁷ *Id.*

⁵⁸ Combating the Trafficking in Children for Sexual Purposes – Questions and Answers, *supra* note 52, at 18.

⁵⁹ *Id.*

⁶⁰ *Id.* at 35.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Internet Watch Foundation (IWF), *Trends in Online Child Sexual Exploitation: Examining the Distribution of Captures of Live-streamed Child Sexual Abuse* 18, May 2018, at <https://www.iwf.org.uk/sites/default/files/inline-files/Distribution%20of%20Captures%20of%20Live-streamed%20Child%20Sexual%20Abuse%20FINAL.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶⁵ A web crawler (“crawler”) is an Internet bot that searches through and indexes web pages. Crawlers collect information and links related to specific websites and also validate HTML code and hyperlinks. See, *Webcrawler*, Technopedia, at <https://www.techopedia.com/definition/10008/web-crawler> (last visited Oct. 9, 2018).

⁶⁶ ECPAT International, *Trends in Online Child Sexual Abuse Material* 5, Apr. 2018, at <http://www.ecpat.org/wp-content/uploads/2018/07/ECPAT-International-Report-Trends-in-Online-Child-Sexual-Abuse-Material-2018.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

are collecting and distributing this type of material across the wider internet.”⁶⁷ UNICEF notes that “[t]he idea of being visually exposed permanently online, ignoring a child’s right to be forgotten can be a traumatic factor for most victims.”⁶⁸ Since CSAM may continue to circulate for years after the initial abuse took place, victims have reported traumatic effects of knowing evidence of their abuse still exists online.⁶⁹ Individuals who have been specifically trafficked for sexual purposes have “described facing stigma and other negative responses during and after their trafficking experience, especially from friends and family members.”⁷⁰

Perpetuating Criminal Activity

Due to the anonymity of this crime and the lack of legislation to penalize technology-facilitated child sex trafficking, traffickers are able to evade prosecution. This in turn increases the number of victims, compounds trauma to past and current victims, and allows criminals to continue committing crimes against children without repercussions.⁷¹

Many trafficked children have been trained by their victimizers not to trust law enforcement⁷² and may not seek help from law enforcement out of fear that they will be held responsible for being sold for sexual services. In many countries, commercial sex is illegal, not only for customers, but also for the individuals offering sex for money, thus child victims of sex trafficking are vulnerable to prosecution.⁷³ Furthermore, as a result of their connection to the criminal commercial sex trade, child trafficking victims are at a heightened risk for becoming involved in other criminal activities as adults.⁷⁴ Children who are not able to escape abuse or who are repeatedly victimized may go on to perpetuate the same trafficking crimes as adults or, if they have a criminal record, may turn to other criminal activity as adults.⁷⁵ For instance, a 2017 study from the National Institute of Justice (NIJ) found that children with a history of physical and emotional abuse were more likely to exhibit behavioral problems during middle childhood, which would subsequently lead to adult criminal behavior.⁷⁶ In females, internalizing problems such as anxiety, depression, and social withdrawal increased the risk of adult crime, while in males, externalizing problems such as hostility, aggression, and delinquency could also lead to adult criminal behavior.⁷⁷ Additionally, a study out of India noted that child victims of sexual exploitation “in the absence of other livelihood options and with no scope to escape – would often ‘graduate’ to the role of trafficker.”⁷⁸ Though victims may be coerced into committing criminal acts by their traffickers⁷⁹,

⁶⁷ Internet Watch Foundation, *supra* note 64.

⁶⁸ ECPAT International, *Protecting Children from Online Sexual Exploitation: A Guide to Action for Religious Leaders and Communities* 10, Jun. 2016, at [https://www.unicef.org/protection/files/FBO_Guide_for_Religious_Leaders_and_Communities_ENG\(1\).pdf](https://www.unicef.org/protection/files/FBO_Guide_for_Religious_Leaders_and_Communities_ENG(1).pdf) (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶⁹ Pat Walshe, *Notice and Takedown: Company policies and practices to remove online child sexual abuse material* 3, UNICEF and GSMA, May 2016, at https://www.unicef.org/csr/files/Notice_and_Takedown_English.pdf (last visited Oct. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

⁷⁰ Impact of Human Trafficking on Victims, *supra* note 46.

⁷¹ Larry Greenemeier, *Human Traffickers Caught on Hidden Internet*, SCIENTIFIC AMERICAN, Feb. 8, 2015, at <https://www.scientificamerican.com/article/human-traffickers-caught-on-hidden-internet/> (last visited Oct. 9, 2018).

⁷² The United States Department of Justice, *Child Sex Trafficking*, at <https://www.justice.gov/criminal-ceos/child-sex-trafficking> (last visited Oct. 9, 2018). (“Victims are heavily conditioned to remain loyal to the trafficker and to distrust law enforcement.”)

⁷³ Samantha Raphelson, *Cyntoia Brown Case Highlights How Child Sex Trafficking Victims are Prosecuted*, NPR, Dec. 1, 2017, at <https://www.npr.org/2017/12/01/567789605/cyntoia-brown-case-highlights-how-child-sex-trafficking-victims-are-prosecuted> (last visited Oct. 9, 2018). (“Each year, more than 1,000 children are arrested for prostitution in the U.S.”) See also, Howard N. Snyder, *Arrest in the United States, 1990-2010*, Bureau of Justice Statistics, at <https://www.bjs.gov/content/pub/pdf/aus9010.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁷⁴ The Vienna Forum to Fight Human Trafficking, *supra* note 6, at 6.

⁷⁵ *Id.*

⁷⁶ National Institute of Justice, *Pathways Between Child Maltreatment and Adult Criminal Involvement*, Oct. 12, 2017, at <https://nij.gov/topics/crime/children-exposed-to-violence/Pages/pathways-between-child-maltreatment-and-adult-criminal-involvement.aspx> (last visited Nov. 28, 2018) (on file with the International Centre for Missing and Exploited Children).

⁷⁷ *Id.*

⁷⁸ The Vienna Forum to Fight Human Trafficking, *supra* note 6.

⁷⁹ *Id.* at 5.

treating victims as criminals and inadequate efforts to provide rehabilitative and protective services increase the likelihood that the victim be involved in criminal activity as an adult.⁸⁰

Why Use the Internet and Related Technologies for Child Sex Trafficking?

Rarely is child sex trafficking prosecuted to the full extent of the law; rather charges like rape or statutory rape are brought and “in many places it leads to just a citation, instead of an arrest.”⁸¹ In a National Institute of Justice study focused on improving the investigation and prosecution of human trafficking cases, researchers looked at quantitative data from 140 closed human trafficking cases, 166 in-depth interviews with police officers, prosecutors, victim service providers, and other court officials, and descriptive analysis from cases containing elements of human trafficking to identify challenges in identifying victims, investigating cases, and prosecuting cases.⁸² The study found that navigating between a plethora of local, state, and federal agencies; new legislation, lack of precedent, and unclear statutes; absence of funding; and, a lack of availability of victims were all significant challenges to prosecuting human trafficking cases.⁸³ Due to the ambiguity of human trafficking laws, prosecutors decidedly charged offenders with rape, kidnapping, and pandering offenses, as they were more familiar with these offenses.⁸⁴ Prosecutors participating in the study also lacked access to trafficking victims, due in large part to “the covert nature of the activity, victims’ inability or unwillingness to seek help and the fear many victims had of law enforcement.”⁸⁵

Already a relatively low-risk crime, the use of technology for recruitment, advertisement, and payment makes it cheaper, easier, faster, and more anonymous, and gives traffickers access to millions of children on the Internet all over the globe.⁸⁶ Rising global incomes, lower cost of air travel, and better Internet access make technology-facilitated child sex trafficking “cheap and easy.”⁸⁷

Technology allows traffickers to expand their reach beyond national borders⁸⁸ from the comfort of their own homes on a scale that cannot be easily replicated⁸⁹ in the physical world with minimal risk.⁹⁰ Ultimately, “borders are no longer boundaries to [the] flow [of information or criminal conduct].”⁹¹ The Internet – and related technologies – allows traffickers not only to speak directly to children without

⁸⁰ See, *Criminalization of Trafficking Victims: Submission to the United Nations Universal Periodic Review of United States of America*, Second Cycle 22nd Session of the UPR, Human Rights Council, Apr.-May 2015, at <http://www.law.cuny.edu/academics/clinics/iwhr/publications/Criminalization-of-Trafficking-Victims.pdf> (last visited Oct. 9, 2018).

⁸¹ Timothy Williams, *Backpage’s Sex Ads Are Gone. Child Trafficking? Hardly.*, THE NEW YORK TIMES, Mar. 11, 2017, at <https://www.nytimes.com/2017/03/11/us/backpage-ads-sex-trafficking.html> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁸² National Institute of Justice, *Improving the Investigation and Prosecution of State and Local Human Trafficking Cases*, Sep. 20, 2016, at <https://www.nij.gov/topics/crime/human-trafficking/Pages/improving-investigation-and-prosecution-of-human-trafficking-cases.aspx> (last visited Nov. 28, 2018) (on file with the International Centre for Missing and Exploited Children).

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Victoria Vanderschaaf, *supra* note 41.

⁸⁷ Tim Swarens, *Who buys a trafficked child for sex? Otherwise ordinary men*, USA TODAY, Jan. 30, 2018, at <https://www.usatoday.com/story/opinion/nation-now/2018/01/30/sex-trafficking-column/1073459001/> (last visited Oct. 8, 2018).

⁸⁸ Erin I. Kunze, *Sex Trafficking Via The Internet: How International Agreements Address The Problem and Fail to go Far Enough* 252, SUFFOLK JOURNAL OF HIGH TECHNOLOGY LAW, 2010, at https://www.suffolk.edu/documents/jhtl_publications/kunze.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁸⁹ Stephen Webster et al., *European Online Grooming Project: Final Report* 9, European Commission Safer Internet Plus Programme, Mar. 2012, at <http://natcen.ac.uk/media/22514/european-online-grooming-projectfinalreport.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹⁰ Council of Europe, *Trafficking in human beings: Internet recruitment* 21-22, 2007, at <https://rm.coe.int/16806eeec0> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children). See also, Alex Whiting, *Tech-Savvy sex traffickers stay head of authorities as lure teens online*, REUTERS, Nov. 15, 2015, at <https://www.reuters.com/article/us-women-conference-traffickers-idUSKCN0T502420151116> (last visited Oct. 9, 2018).

⁹¹ Erin I. Kunze, *supra*, note 88.

adult supervision, but traffickers also can present themselves as fellow children or sympathetic figures who do not trigger a child's sense of "stranger danger."⁹²

Though children from any background may become a victim of child sex trafficking, many children who are recruited and sold by traffickers share common traits like a history of poverty, isolation, drug addiction, family dysfunction, school failures, violence in the family unit, and a history of criminal behavior.⁹³ Organized crime groups tend to seek children ages 12 or older for trafficking purposes because they believe that "the younger the children are, the more difficult they are to take care of."⁹⁴

While these factors may increase the risk to children of victimization, any child need only use the Internet to be at risk of being targeted by a trafficker. An estimated one-third of Internet users around the world are children and adolescents under the age of 18; and while young people ages 15-24 comprise 48% of the total population, they are the most connected age group at 71% Internet usage.⁹⁵ One survey out of the United Kingdom found that 49% of children ages 5-15 reported having a mobile phone, 46% had a smartphone⁹⁶, and 49% had a tablet⁹⁷; a survey conducted in Singapore showed that, in 2015, 79.8% of children ages 0-14 had accessed the Internet and started going online around age six⁹⁸; and a 2016 survey of 1,229 children in Germany 6-13 years of age found that 51% had a smartphone or mobile phone.⁹⁹

In 2012, the "Twitter Pimp," 26-year-old Marquist Piere Bradford, was arrested for child sex trafficking. Bradford recruited underage victims via Facebook and then paid for them to travel to meet him in person. Bradford gave his victims pre-paid mobile phones to arrange commercial sexual transactions. He used escort service websites such as MyRedBook and VerifiedPlaymates to advertise and sell a 15-year-old girl. Bradford bragged about his exploitation on Twitter.

Source: Mark Latonero, Ph.D., *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, USC Annenberg, Center on Communication Leadership & Policy, Nov. 2012, at <https://technologyandtrafficking.usc.edu/files/2012/11/USC-Annenberg-Technology-and-Human-Trafficking-2012.pdf> (last visited Oct. 9, 2018).

Given the number of children who have access to Internet-connected devices, traffickers have greater access to vulnerable children online than they might offline. The sheer number of minors with access to the Internet renders it a perfect medium wherein traffickers can access and recruit children. In the United States, the National Center for Missing and Exploited Children (NCMEC) reported that –from 2010 to 2015 – reports of online child sex trafficking had increased by more than 800 percent and

⁹² "For young people, the danger of falling into the traffickers' clutches has increased substantially. Seemingly innocent web sites, such as "chat-rooms" – extended versions of the Web discussion sites, open to all surfers – can be highly dangerous as well." See, Council of Europe, Trafficking in human beings: Internet recruitment, *supra* note 90.

⁹³ Natalie McClain and Stacy E. Garrity, *Sex Trafficking and The Exploitation of Adolescents* 245, JOURNAL OF OBSTETRIC, GYNECOLOGIC, & NEONATAL NURSING, Vol. 40 Issue 2: 243-252, Feb. 2011 (on file with the International Centre for Missing & Exploited Children).

⁹⁴ Jodi Jordan, Bina Patel, and Lisa Rapp, *Domestic Minor Sex Trafficking: A Social Work Perspective on Misidentification, Victims, Buyers, Traffickers, Treatment, And Reform of Current Practice*, JOURNAL OF HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT 23.3 (2013): 356-369 (on file with the International Centre for Missing & Exploited Children).

⁹⁵ UNICEF, *The State of the World's Children – Children in a Digital World 1*, 2017, at https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹⁶ *Children and parents: media use and attitudes report* 42, Nov. 2017, Ofcom, at https://www.ofcom.org.uk/_data/assets/pdf_file/0020/108182/children-parents-media-use-attitudes-2017.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹⁷ *Id.* at 33.

⁹⁸ Media Development Authority Singapore, *MDA Zero-to-Fourteen Consumer Experience Study 2015*, at <https://www.imda.gov.sg/media/imda/files/industry-development/fact-and-figures/for-public-release-cs-2015-final.pdf?la=en> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹⁹ *KIM study 2016 - Childhood, internet, media: Basic study on the media handling of 6- to 13-year-olds in Germany*, Media Education Research Association Southwest, at https://www.mpfs.de/fileadmin/files/Studien/KIM/2016/KIM_2016_Web-PDF.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

this increase is believed to be “directly correlated to the increased use of the internet to sell children for sex.”¹⁰⁰

Technology also provides a platform for traffickers to advertise the “services” of their victims. Advertising is affordable, requiring minimal costs, if any, and, like recruitment, can be outsourced to the trafficked children themselves. For instance, trafficking victims may be required by their trafficker to post their own ads online or on social networking sites.¹⁰¹ With online advertising, the risk to the trafficker of arrest and prosecution is lowered as the distance between the trafficker and the crime is greater.¹⁰² Technology also allows traffickers to profit either by selling that child for sex directly to a customer or through the sale of CSAM.¹⁰³

The anonymity afforded by the Internet has also increased the appeal of online child sex trafficking. The case of “Sweetie” – a computer-generated 10-year-old Filipina child created and used by the international children’s rights group Terre des Hommes in a sting operation to catch child predators¹⁰⁴ – highlights the prevalence of the use of chatrooms by offenders to sexually exploit children. Over the course of a ten-week sting operation, “Sweetie” was propositioned by more than 20,000 men who offered to pay her for webcam sex.¹⁰⁵ While “Sweetie” was only introduced to 19 chatrooms, the FBI estimates that there are over 40,000 chatrooms “where at any given moment three-quarters of a million people are looking for child pornography.”¹⁰⁶ Buyers face little risk in cases of child sex trafficking as it is “fairly free of risk to travel to another country and abuse children.”¹⁰⁷ The risk is lessened further when the crime is committed through the Internet and related technologies. Buyers of the sexual services of trafficking victims are seldom found or held accountable.¹⁰⁸

In a 2014 U.S. study that surveyed Internet Crimes Against Children Task Forces to better assess how technology can be used in criminal investigations, 69% of investigators reported that 76-100% of their sex trafficking cases involved technology.¹⁰⁹ A total of 80% of investigators surveyed said over half of their sex trafficking cases involved technology playing a very important (33%) or extremely important (60%) role in the case.¹¹⁰ These results are not surprising as the study also found that 95% of young people use the Internet, 73% utilize social media sites, 77% own a cell phone, and 72% are frequently exchanging text messages with friends.¹¹¹

Profits for child sex trafficking online can be enormous for traffickers. According to a United Nations Office on Drugs and Crime report on sex trafficking in Europe, traffickers make around \$2.5 billion dollars annually through sexual exploitation and forced labor.¹¹² In 2014, the United Nations estimated

¹⁰⁰ Timothy Williams, *supra* note 81.

¹⁰¹ Mark Latonero, *supra* note 12, at 20. See also, Thorn, *A Report on the Use of Technology to Recruit, Groom and Sell Domestic Minor Sex Trafficking Victims* 19, at https://27f511qnwey246mkc1vzqg0-wpengine.netdna-ssl.com/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁰² Tim Swarens, *supra* note 87.

¹⁰³ Michelle Lillie, *supra* note 36.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Shawn Henry, *Video: Shawn Henry on Cyber Safety*, Federal Bureau of Investigation (FBI), May 2011, at https://www.fbi.gov/news/videos/henry_051611 (last visited Oct. 9, 2018).

¹⁰⁷ Tim Swarens, *supra* note 87.

¹⁰⁸ *Id.*

¹⁰⁹ Kimberly J. Mitchell & Danah Boyd, *Understanding the role of technology in the commercial sexual exploitation of children: the perspective of law enforcement* 8, Crimes Against Children Research Center, University of New Hampshire, Nov. 2014, at <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1036&context=ccrc> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² United Nations Office on Drugs and Crime (UNODC), *Factsheet on Human Trafficking 1*, at https://www.unodc.org/documents/human-trafficking/UNNVTf_fs_HT_EN.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

that global profits from human trafficking were up to \$150 billion a year.¹¹³ The ILO reported that, while 22% of global trafficking victims are trafficked specifically for sexual exploitation, it accounts for two-thirds of the global profits of human trafficking.¹¹⁴ Specific to child sex trafficking, one trafficker who sexually exploited a girl online brought in around \$30,000 per month.¹¹⁵

Human trafficking is a desirable enterprise for criminals because unlike physical goods that are sold to a single buyer, trafficked persons can be and usually are sold many times, generating return profits for the trafficker.¹¹⁶ The cost of transportation, housing, and other incidentals to traffickers is quickly offset by the return on investment.¹¹⁷

How Do Traffickers Utilize the Internet and Related Technologies to Traffic Victims?

Recruiting

Traffickers use ICTs to find/identify and recruit victims.¹¹⁸ They exploit technology to engage in child sexual abuse by utilizing the Internet as a vehicle to meet children in order to prepare them for sexual encounters, and lure them into sex trafficking.¹¹⁹ Though child sex traffickers still use traditional venues to recruit children, including schools, group homes, bus stations, playgrounds, and malls,¹²⁰ recruitment via technology has become increasingly common.

In a 2012 report, the European Online Grooming Project found that text chat or video chat via webcam in forums and chatrooms are common modes used for making and sustaining contact with children online.¹²¹ Online gaming platforms are also increasingly becoming a venue for adult interactions with minors, particularly young boys who may see chatting with strangers while gaming as an innocuous activity.¹²² Video chat allows offenders to engage in virtual “face-to-face” online interaction, which strengthens their influence over a victim.¹²³

“[T]echnology-based modes of developing a close relationship with the trafficker appear to be increasing in usage. With the advent of texting apps, including those with video capabilities, traffickers appear to increasingly use virtual communication to develop the perception of a close, trusting relationship with their victims... In addition, use of virtual methods for grooming victims allows traffickers to connect with multiple victims simultaneously, thereby increasing the number of victims they can be recruiting at any given time.”

Source: Thorn, *Survivor Insights: The Role of Technology in Domestic Minor Sex Trafficking* 8, Jan. 2018, at http://27f5111qnwey246mkc1vzqg0-wpengine.netdna-ssl.com/wp-content/uploads/2018/06/Thorn_Survivor_Insights_061118.pdf (last visited Nov. 19, 2018).

¹¹³ Profits and poverty: The economics of forced labour, *supra* note 16.

¹¹⁴ *Id.*

¹¹⁵ Abby R. Perer, *supra* note 38, at 829.

¹¹⁶ Thorn, *Child Sex Trafficking and Exploitation Online: Escort Websites*, Mar. 11, 2014, at <https://www.wearethorn.org/blog/online-exploitation-child-sex-trafficking-escort-websites/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹¹⁷ Elizabeth M. Wheaton, Edward J. Schauer, and Thomas V. Galli, *Economics of Human Trafficking* 124, *International Migration* Vol. 48 (4) 2010 (on file with the International Centre for Missing & Exploited Children).

¹¹⁸ Judge Herbert B. Dixon, Jr., *supra* note 9.

¹¹⁹ Council of Europe, *Trafficking in human beings: Internet recruitment*, *supra* note 90.

¹²⁰ Jodi Jordan, Bina Patel, and Lisa Rapp, *supra* note 94.

¹²¹ Stephen Webster et al., *supra* note 89, at 8-9.

¹²² *Id.*

¹²³ Juliane Kloess, Catherine Hamilton-Giachritsis, and Anthony Beech, *Offense Processes of Online Sexual Grooming and Abuse of Children Via Internet Communication Platforms*, Jun. 2017, *SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT* (on file with the International Centre for Missing & Exploited Children). See also, Kemal Veli, *Sexual Extortion of Children in Cyberspace*, Dec. 2016, *INTERNATIONAL JOURNAL OF CYBER CRIMINOLOGY*, 10(2), at <http://www.cybercrimejournal.com/Kemalvol10issue2IJCC2016.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

Use and popularity of social media sites increases each year, and sites such as Facebook, Instagram, Twitter, and Snapchat are popular with children across the globe. Traffickers attempting to lure or force children into sexual trafficking adapt quickly to the most popular social media and messaging sites to connect with children using these applications.¹²⁴ A recent report by Polaris aptly noted that “every aspect of the trafficking business has been to some extent adjusted to exploit the opportunities for expansion afforded by social media.”¹²⁵ A survey conducted in Singapore showed that, in 2015, 65% of children ages 0-14 used social media¹²⁶; in the United Kingdom in 2017, 24% of children ages 8-11 and 75% of children ages 12-15 had a social media profile.¹²⁷ As social media use grows, especially amongst minors, traffickers are increasingly turning to such sites to recruit victims.¹²⁸ Traffickers are able to identify accounts of young users and follow them, looking for signs of vulnerability such as indications that the child is having trouble at home or with their family or friends.¹²⁹

Though specific statistics are not known regarding the number of child sex traffickers utilizing social media sites, messaging sites, and chatrooms at any given moment, child predators regularly and systematically lurk through social media and chatrooms seeking children to exploit. A 2012 survey of 260 trafficking survivors in the United States conducted by Thorn showed that while a majority of responding trafficking victims reported first meeting their “controller” in person, “respondents recruited more recently are significantly more likely to have met their ‘controller’ online,” and 77% of those victims were 18 years of age or younger at the time.¹³⁰ The survey further found that the average age victims reported first being subjected to sex trafficking was 14, and one in six children was forced into sex trafficking before the age of 12.¹³¹

Predators seek young people vulnerable to seduction, including those with histories of sexual or physical abuse, those who post sexually provocative photos/videos online, and those who talk about sex with strangers online.¹³² One in 25 young people received an online sexual solicitation in which the solicitor tried to make offline contact.¹³³

¹²⁴ Sriyani Tidball, Mingying Zheng, and John Creswell, *Buying Sex On-Line From Girls: NGO Representatives, Law Enforcement Officials, And Public Officials Speak Out About Human Trafficking-A Qualitative Analysis* 53-68, Jul. 2015, GENDER ISSUES, at <https://link.springer.com.proxygw.wrlc.org/content/pdf/10.1007%2Fs12147-015-9146-1.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹²⁵ Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* 18, Jul. 2018, at <https://polarisproject.org/sites/default/files/A%20Roadmap%20for%20Systems%20and%20Industries%20to%20Prevent%20and%20Disrupt%20Human%20Trafficking.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹²⁶ Media Development Authority Singapore, *supra* note 98.

¹²⁷ Children and parents: media use and attitudes report, *supra* note 96.

¹²⁸ Gabrielle Fonrouge, *The sick tactics sex traffickers use to find victims*, NEW YORK POST, Apr. 17, 2017, at <https://nypost.com/2018/04/17/how-sex-traffickers-hunt-for-victims-and-brainwash-them/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹²⁹ Brad Riley, *The ‘5 disguises’ used by human traffickers*, CNN, Jul. 13, 2016, at <https://www.cnn.com/2016/07/13/opinions/5-disguises-human-trafficker/index.html> (last visited Oct. 9, 2018).

¹³⁰ Thorn, *supra* note 101, at 10.

¹³¹ Thorn, *Survivor Insights: The Role of Technology in Domestic Minor Sex Trafficking* 8, Jan. 2018, at http://27f5111qnwey246mkc1vzqg0-wpengine.netdna-ssl.com/wp-content/uploads/2018/06/Thorn_Survivor_Insights_061118.pdf (last visited Oct. 9, 2018). But see, Polaris, *The Average Age of Entry Myth*, Jan. 5, 2016, at <https://polarisproject.org/blog/2016/01/05/average-age-entry-myth> (indicating that the 12-14 average age statistic is often quoted by NGOs but may not be accurate. Many studies indicating a higher mean age may combine child sex trafficking victims with adult victims and adults engaged in prostitution. For purposes of this paper, ICMEC refers only to studies on children under the age of 18 at the time of their first trafficking experience.)

¹³² *Id.* See also, Janis Wolak, David Finkelhor, Kimberly Mitchell, and Michele Ybarra, *Online ‘Predators’ and Their Victims: Myths, Realities, and Implications for Prevention and Treatment*, AMERICAN PSYCHOLOGIST, Aug. 2010, 63(2):111-128, at <http://www.unh.edu/ccrc/pdf/Am%20Psy%202-08.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³³ *Id.*

Once a potential victim has been identified online, traffickers generally employ several techniques to gain a firm hold on them. In some cases, a trafficker/offender will attempt to further “groom” the victim by building a personal relationship in order to manipulate sexual activity. Grooming generally involves a series of steps that can take place either online or in the physical world such as: 1) identifying and targeting the victim; 2) gaining access and trust; 3) playing a role in the child’s life; 4) isolating the child; 5) creating secrecy around the relationship; 6) initiating sexual contact; and 7) controlling the relationship.¹³⁴ More specifically, “online grooming” is “the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person.”¹³⁵ Traffickers may connect with children on social media sites and attempt to befriend them by sharing common interests and experiences, empathize with problems with family or friends, or convince the child that they are in a romantic relationship.¹³⁶ Traffickers will make contact with multiple minors online and by the time they contact a vulnerable child, “they have 30 mutual social media friends and they seem legitimate.”¹³⁷ The goal of the trafficker online in a grooming scenario is to establish a relationship and trust factor with the child to lure the child into sex trafficking.¹³⁸ The extent of contact and length of time can vary significantly as abusers may communicate with dozens of minors at once, grooming them concurrently.¹³⁹ Due to online anonymity and ease of access to potential victims, offenders are able to behave in a sexually explicit way “at a speed that would be almost impossible to replicate face-to-face with a stranger offline.”¹⁴⁰

Not all victims of child sex trafficking are lured in the same way, and methods used by traffickers may vary based on the nationality, socioeconomic status, or age of the victim, among other factors. Some victims are groomed online through false promises of friendships or romantic relationships and then entrapped in sex trafficking.¹⁴¹ Others may be aware or at least suspect that they will be trafficked for sex when they are recruited by their abusers.¹⁴² Minors who live in areas with severe poverty and limited job opportunities may see trafficking as their only escape or means of supporting their families, or may take purportedly legal job offers like modeling and nanny work with knowledge of the risk that they may find themselves subject to sexual abuse.¹⁴³

Advertising

Child sex trafficking has drastically changed since the dawn of the Internet era. The Internet increases both the customer base for sex-trafficked children and the pool of potential victims,¹⁴⁴ and makes it possible for a customer/offender to view and bid to purchase children in their geographic vicinity.¹⁴⁵ The earlier mentioned Thorn study on domestic minor sex trafficking in the United States concluded

¹³⁴ The National Center for Victims of Crime, *Grooming Dynamic of CSA*, at <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/grooming-dynamic-of-csa> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³⁵ Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, *supra* note 1. See, ICMEC, *Online Grooming of Children for Sexual Purposes: Model Legislation and Global Review*, at https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³⁶ Dr. Zsuzsanna Rutai, *Online Grooming of Children: Experiences to be used in Cyprus* 8, 2013, Hope for Children UNCRC Policy Centre, at http://www.uncrcpc.org/assets/images/Online-Grooming-of-Children_final.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³⁷ Gabrielle Fonrouge, *supra* note 128.

¹³⁸ *Id.*

¹³⁹ Stephen Webster et al., *supra* note 89, at 51.

¹⁴⁰ *Id.* at 9.

¹⁴¹ Jodi Jordan, Bina Patel, and Lisa Rapp, *supra* note 94.

¹⁴² Gabrielle Fonrouge, *supra* note 128. See also, Kimberly Mehlman-Orozco, *Consenting prostitutes or trafficked victims?*, THE BALTIMORE SUN, Jun. 19, 2016, at <http://www.baltimoresun.com/news/opinion/oped/bs-ed-sex-trafficking-20160619-story.html> (last visited Oct. 9, 2018).

¹⁴³ Natalie McClain and Stacy E. Garrity, *supra* note 93.

¹⁴⁴ Erin I. Kunze, *supra* note 88.

¹⁴⁵ *Id.* at 250.

that 25% of respondents who advertised online reported more than 10 buyers per day, compared to 14% of respondents who advertised on the street.¹⁴⁶

The expansion of the Internet has made advertising easier for traffickers and has made the commercial sex market more accessible. What was once a hidden abuse committed against children is now more openly displayed on various classified advertising sites listed among ads for adult sexual services, and in some cases disguised as legal sales of unrelated goods or services that are recognized as code language by those in the market for commercial sex with minors.¹⁴⁷ Code words include “fresh meat, young, virgin, prime, non-pro, new, barely legal/18, lovely, daddy’s little girl, sweet, 1986 Firebird, new in the life, youthful, and fantasy.”¹⁴⁸

Colorado man Brock Franklin was sentenced in 2017 for operating a sex trafficking ring that victimized adult women and juveniles. Franklin recruited minors C.W., D.Y., and M.O. via Facebook and forced them to post ads for their own exploitation on Backpage.com. Victim D.Y. was lured from her parents’ home and forced to stay with Franklin while being sold to customers for sex. Franklin controlled her through physical abuse and drug dependency on Ecstasy. In a letter to the court D.Y. wrote, “Every morning I wake up I have to remind myself the defendant will no longer be able to hurt me.”

Source: The People of the State of Colorado v. Brock Franklin, Colorado State Grand Jury Indictment, Nov. 2015, at http://extras.mnginteractive.com/live/media/site36/2016/0106/20160106_105704_15CR3063-Franklin-Grand-Jury-Indictment_Redacted.pdf; Kelly Jensen, ‘The tough ones are us women:’ Colorado pimp gets 472 year sentence, 9NEWS.COM, Nov. 21, 2017, at <https://www.9news.com/article/news/crime/the-tough-ones-are-us-women-colorado-pimp-gets-472-year-sentence/73-493742788> (last visited Oct. 9, 2018).

Although online classified ad companies may not knowingly engage in trafficking, they serve as intermediaries or “facilitators,” contributing to the spread of child sex trafficking.¹⁴⁹ Many classified ad sites have benefitted from the revenue and site visits generated by advertising for sexual services, and as such have had little incentive to actively take steps to curb child sexual exploitation content. Until recently, classified ad websites such as Backpage¹⁵⁰ profited millions of dollars from the sexual services sections of its website.¹⁵¹ Backpage and its affiliated sites were seized by the U.S. Federal Bureau of Investigation in April 2018 in conjunction with the passage of the FOSTA-SESTA (Fight Online Sex Trafficking Act-Stop Enabling Sex Traffickers Act) legislation, which removed protections for such websites knowingly permitting exploitative content to be posted by users.¹⁵² An investigation by the U.S. Senate revealed that “Backpage.com knowingly aided criminal sex trafficking of women and young girls, simply scrubbing terms from ads such as ‘Lolita,’ ‘teenage,’ ‘rape,’ ‘Amber Alert,’ and publishing them on its site.”¹⁵³ Prior to its seizure, Backpage was assessed to have a market value of close to

¹⁴⁶ Thorn, *Survivor Insights*, *supra* note 131.

¹⁴⁷ Jennifer Van Grove, *Emojis and sex trafficking: SDSU researchers crack the code*, SAN DIEGO TRIBUNE, May 26, 2017, at <http://www.sandiegouniontribune.com/business/technology/sd-fi-emojis-trafficking-20170526-story.html> (last visited Oct. 9, 2018) (Noting that “[t]he growing heart and cherry [emojis], for instance, highlight that the victim being trafficked is a minor”.)

¹⁴⁸ Thorn, *A report on the use of technology*, *supra* note 101, at 19.

¹⁴⁹ Dan Whitcomb, *Facebook, responding to lawsuit, says sex trafficking banned on site*, REUTERS, Oct. 3, 2018, at <https://www.reuters.com/article/us-sex-trafficking-facebook-lawsuit/facebook-responding-to-lawsuit-says-sex-trafficking-banned-on-%09site-idUSKCN1MEQ38> (last visited Oct. 11, 2018). See also, Daniel Kreps, *Craigslist Removes Personal Ads After Sex Trafficking Act Passes*, ROLLING STONE, Mar. 23, 2018, at <https://www.rollingstone.com/culture/culture-news/craigslist-removes-personal-ads-after-sex-trafficking-act-passes-204835/> (last visited Oct. 11, 2018).

¹⁵⁰ In 2018, Backpage was indicted for facilitating prostitution, conspiracy and money-laundering. The indictment alleges that Backpage earned upwards of \$500 million in sexual services revenue and illegally routed the money through other entities. See, Laura Jarrett and Sara Ashley O'Brien, *Backpage creators indicted on prostitution and money laundering charges*, CNN, at <https://www.cnn.com/2018/04/09/politics/backpage-creators-indicted-on-prostitution-and-money-laundering-charges/index.html> (last visited Oct. 9, 2018).

¹⁵¹ *Id.*

¹⁵² Megan Hadley, *With Backpage Closed, Where Will the Sex Slave Trade Go?*, The Crime Report (TCR), Apr. 9, 2018, at <https://thecrimereport.org/2018/04/09/with-backpage-com-closed-where-will-the-sex-slave-trade-go/> (last visited Oct. 9, 2018).

¹⁵³ *Id.*

\$625 million, and an operating profitability of 82.4%.¹⁵⁴ This suggests that while Backpage may have had the resources to take further action to combat human trafficking, it “lack[ed] the financial incentives” to reject ads and reduce its revenue.¹⁵⁵ Since the adult services section of Backpage has been closed down, copycat websites such as “Bedpage.com,” hosted in Canada,¹⁵⁶ and the Austrian domain “Switter,”¹⁵⁷ have seen increasing numbers of ads for sexual services.

“I have never met a sex trafficking victim that was set free because an online venue disappeared, but have met victims who were made less safe when those venues were shut down. I’ve met victims who were put on a street corner and moved from city to city, making it harder for them to get help or get away. It makes no difference to a trafficker where his victim works – where it’s a street corner, a bar, or an online forum – but it makes a world of difference to the victim herself. Traffickers only care that they get their money, not where they get it from.”

Source: Kristen DiAngelo, *Sacramento Sex Workers Outreach Project*, Letter to Senator John Thune, Sep. 2017, at <https://www.eff.org/files/2017/09/18/sestahearing-sac-swop.pdf> (last visited Oct. 9, 2018).

Craigslist, another classified ad website, took the initiative to shut down its sexual services section in 2010 after receiving a letter from 17 U.S. State Attorneys General urging the closure of the section.¹⁵⁸ While total seizure and shutdown instantly removes any ads for minors, opponents of these shutdowns are concerned by the potential long-term effects.¹⁵⁹ Removing these listings does not halt the trafficking but will effectively force it into corners of the Internet that are less visible to law enforcement, such as the “dark web.”¹⁶⁰ Though classifieds can be used to facilitate child sex trafficking, the use of classified ad websites to advertise sex trafficking can also aid law enforcement. Law enforcement can use classifieds to search for potential victims of child sex trafficking by searching ads and setting up sting operations.¹⁶¹ Kimberly Mehlman-Orozco, an expert in the field of human trafficking and author of “Hidden in Plain Sight: America’s Slaves of the New Millennium,” is concerned that without Backpage and Craigslist the ads promoting young girls being trafficked will end up on the dark web.¹⁶² She explained that the majority of those ads had been on Backpage, which at least provided “ways that we were able to find children who were missing. Now, the sex slave trade, an already clandestine crime, will move to even more remote corners of the internet and social media, making it more difficult for authorities to find and prosecute traffickers.”¹⁶³

In addition, ICTs are being used not only to advertise trafficking but also to carry out the act. A relatively new form of sex trafficking, livestreaming¹⁶⁴ (also referred to as cybersex trafficking), allows children

¹⁵⁴ United States Senate, Permanent Subcommittee on Investigations; Committee on Homeland Security and Governmental Affairs; Human Trafficking Investigation, *Recommendation to Enforce a Subpoena Issued to the CEO of Backpage.com, LLC*, Nov. 15, 2015, at <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/human-trafficking-investigation> (last visited Oct. 9, 2018).

¹⁵⁵ *Id.*

¹⁵⁶ Larry Celona and Gabrielle Fonrouge, *Backpage closure hasn’t made it any harder for sex traffickers*, THE NEW YORK POST, May 28, 2018, at <https://nypost.com/2018/05/28/backpage-closure-hasnt-made-it-any-harder-for-sex-traffickers/> (last visited Oct. 9, 2018).

¹⁵⁷ Elizabeth Schumacher, *Deutsche Well*, Sex workers leave Twitter for Switter after controversial US law, USA TODAY, Jun. 29, 2018, at <https://www.usatoday.com/story/news/world/2018/06/29/fosta-sex-workers-leave-twitter-switter-after-us-law/744989002/> (last visited Oct. 8, 2018).

¹⁵⁸ Claire Cain Miller, *Craigslist Says It Has Shut Its Section for Sex Ads*, NY TIMES, Sep. 15, 2010, at <https://www.nytimes.com/2010/09/16/business/16craigslist.html> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁵⁹ Siouxsie Q, *Anti-Sex-Trafficking Advocates Say New Law Cripples Efforts to Save Victims*, ROLLING STONE, May 25, 2018, at <https://www.rollingstone.com/culture/features/sesta-fosta-forces-sex-trafficking-victims-streets-dark-web-w520720> (last visited Oct. 9, 2018).

¹⁶⁰ *Id.*

¹⁶¹ Megan Hadley, *supra* note 152.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Livestreaming occurs when a child is forced to appear in front of a webcam to engage in sexual behavior or to be subjected to sexual abuse. The abuse is streamed over the Internet to paying customers who view the acts and may request a particular type of abuse to be viewed over the webcam in real time. See, ECPAT International, *Live streaming of child sexual abuse in real-time*, at

to be exploited from anywhere in the world with little to no risk to the offender, as “they bypass digital markers that law enforcement embeds in illegal content to catch people downloading, sharing or saving child pornography on computers or in the cloud. Once isolated, pedophiles now operate with virtual anonymity, sharing images and children....”¹⁶⁵ Livestreaming reveals “one of the darkest corners of the Internet, where pedophiles in the U.S., Canada, Europe and Australia pay facilitators on the other side of the world to sexually abuse children, even babies, directing their moves through online livestreaming services.”¹⁶⁶ Parents in poor areas sometimes exploit their own children, forcing them to perform sexual acts in front of webcams, mistakenly believing that because there is no actual contact with the abuser, that the acts are not harmful.¹⁶⁷

In “cybersex dens,” trafficking victims may be forced to pose nude in front of a webcam, to perform sexual acts alone or with other victims, or are sexually abused by the trafficker¹⁶⁸ at the direction and for the pleasure of adult predators around the world who pay to view such acts.¹⁶⁹ Creating a cybersex den requires only Internet access and a webcam or video recorder, making this particular form of exploitation difficult to trace.

In 2013, CNN reported on a story about a girl named “Andrea” who was lured away from her rural village in the Philippines by a cousin who promised her a good paying babysitting job. Andrea was excited for the opportunity to earn money to finish high school. However, when she arrived at the house where she would be babysitting, she found instead the windows covered, computers and cameras. “For the next few months, Andrea said she was one of seven girls, between age 13 and 18, who spent day and night satisfying the sexual fantasies of men around the world.” Male customers would pay \$56 a minute watch these girls perform sex acts, often typing in instructions to have them perform specific acts. “Andrea’s story is only one of many playing out every day in a nation where conditions—widespread poverty, an established sex trade... and widespread Internet access—have made it easy for crimes like this to flourish.”

Source: Sunshine de Leon, *Cyber-sex trafficking: A 21st century scourge*, CNN, Jul. 18, 2013, at <http://www.cnn.com/2013/07/17/world/asia/philippines-cybersex-trafficking/index.html> (last visited Oct. 9, 2018).

The Deep Web

The Deep Web is an expansive category of Internet pages that are not indexed by popular search engines such as Google and Yahoo!, or are not indexed at all.¹⁷⁰ Traffickers use this platform to advertise and sell child sex trafficking victims.¹⁷¹ Deep Web information can include internal websites, intranet systems, password-protected websites, individual user’s personal account information for social media, email, and banking, etc.¹⁷² According to research funded by the U.S. Department of

http://www.ecpat.org/wp-content/uploads/legacy/SECO%20Manifestations_Live%20streaming%20of%20child%20sexual%20abuse%20in%20real-time_0.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁶⁵ *Inside suspected pedophile’s lair, a glimpse at a global child rape epidemic*, ASSOCIATED PRESS, May 9, 2017, at <https://nypost.com/2017/05/09/suspected-pedophile-busted-in-sickening-philippines-sex-den/> (last visited Oct. 9, 2018).

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ Written evidence submitted by International Justice Mission UK (PCB 27) Policing and Crime Bill Part 9, Chapter 1, Clause 107: Child Sexual Exploitation, Apr. 2016, at <https://publications.parliament.uk/pa/cm201516/cmpublic/policingandcrime/memo/pcb27.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁶⁹ Terre de Hommes, *Webcam Child Sex Tourism, Becoming Sweetie: a novel approach to stopping the global rise of Webcam Child Sex Tourism*, 2013, at <https://www.terredeshommes.org/wp-content/uploads/2013/11/Webcam-child-sex-tourism-terre-des-hommes-NL-nov-2013.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷⁰ *Human Trafficking and The Dark Web, DARPA Please Help!*, MEDIUM, Feb. 6, 2017, at <https://medium.com/homeland-security/human-trafficking-and-the-dark-web-bfb9bbae62dc> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷¹ Larry Greenemeier, *supra* note 71.

¹⁷² Conor Sheils, *Deep Web, Dark Web, Tor and More: The Hidden Internet Uncovered*, Digital.com, at <https://digital.com/blog/deep-dark-web/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

Defense's Defense Advanced Research Project Agency (DARPA), traffickers spent about \$250 million over a two-year time frame to post more than 60 million ads on the Deep Web.¹⁷³

The “dark net” or “dark web” is part of the Deep Web that is knowingly and deliberately hidden and unindexed, requiring specialized software to access.¹⁷⁴ The dark net is used by people who desire anonymity and allows users and websites to hide their Internet Protocol (IP) addresses by using free software to operate in virtual tunnels without direct connections.¹⁷⁵ Because of the anonymity of the dark net, traffickers and consumers of child sexual abuse are flocking to dark net sites to freely advertise their exploitative services.¹⁷⁶ It is estimated that more than “80% of dark web visits relate to pedophilia.”¹⁷⁷

Described as “one of the worst things you could see,” Australia’s Matthew Graham, 22, pleaded guilty in 2015 to operating child pornography websites on the “dark web.” Graham was a seemingly normal 18-year-old about to graduate college in Melbourne while living with his parents in a quiet suburb. However, he lived a secret life. Under the pseudonym of Lux he controlled many dark web sites and pedophile forums. One website, “Hurt 2 The Core,” accessible only through use of Tor encryption, offered an extreme form of CSAM called “hurtcore,” showing children – even babies – being tortured and sexually abused. As a condition for access, members were required to upload a certain number of videos depicting this abuse. Boys and girls under 11 years old could be “rented” as sex slaves for US\$4,000, and others could be “bought” for US\$10,000.

Source: John Carney, *Child sex abuser Matthew David Graham who ran a network of child sex websites had a video that was 'one of worst things you could see'*, DAILY MAIL, Feb. 3, 2016, at <http://www.dailymail.co.uk/news/article-3429412/University-student-Matthew-David-Graham-depraved-paedophiles-disliked-him.html> (last visited Oct. 9, 2018).

The dark net allows websites to openly display information about child sex trafficking because of the complete anonymity that software like Tor¹⁷⁸ provides its users. The open forum of the dark net de-stigmatizes pedophilia and child abuse and contributes to an environment that fuels demand for child sexual abuse, wherever it is carried out and in whatever form it takes.¹⁷⁹ A law enforcement review of just nine Tor sites hosting child sexual abuse discussions and material tracked 1.9 million members with some sites adding thousands of new users daily.¹⁸⁰ Tor sites like these have “created unprecedented demand for a constant stream of new child sexual abuse material.”¹⁸¹ According to a former employee of the U.S Department of Defense’s National Security Agency (NSA), for many of the

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ Human Trafficking and The Dark Web, DARPA Please Help!, *supra* note 170. See also, Andy Greenberg, *Over 80 Percent of Dark-Web Visits Relate to Pedophilia, Study Finds*, WIRED, Dec. 30, 2014, at <https://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/> (last visited Oct. 9, 2018).

¹⁷⁶ Dark Net, Season 1, Episode 3 - Script, *Exploit*, Director Mati Kochavi, SHOWTIME, aired Feb. 4, 2016, at https://www.springfieldspringfield.co.uk/view_episode_scripts.php?tv-show=dark-net-2016&episode=s01e03 (last visited Oct. 2, 2018). See also, *Unmasking the “Dark Net” with Vocativ’s Mati Kochavi*, FAST COMPANY, Jan. 21, 2016, at <https://www.fastcompany.com/3055605/unmasking-the-dark-net-with-vocativs-mati-kochavi> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷⁷ Andy Greenberg, *supra* note 175. See also, Dr. Gareth Owenson & Nick Savage, *The Tor Dark Net*, Global Commission on Internet Governance Paper Series – Paper No. 20, University of Portsmouth, Sep. 30, 2015, at <https://www.cigionline.org/publications/tor-dark-net> (last visited Oct. 11, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷⁸ Tor is a tool that protects online identity by encrypting an IP addresses’ traffic and “bouncing it through a chain of three volunteer computers chosen among thousands around the world, each which strips off just one layer of encryption before bouncing your data to the next computer.” This makes it difficult for websites, online services, computers and internet service providers to trace the user’s connection from origin to destination, even the volunteer computers. Tor’s “onion services” provide anonymizing features which can hide individuals or servers that cannot be physically traced to any locatable computer, allowing for use of the dark web or darknet sites. See, Andy Greenberg, *The Grand Tor: How to Go Anonymous Online*, WIRED, Dec. 9, 2017, at <https://www.wired.com/story/the-grand-tor/> (last visited Oct. 9, 2018).

¹⁷⁹ Larry Greenemeier, *supra* note 71.

¹⁸⁰ Ivan Pentchoukov, *Shielded by Technology, Child Sex Abuse Epidemic Festers on Darknet*, EPOCH TIMES, Sep. 5, 2018, at https://www.theepochtimes.com/shielded-by-technology-child-sex-abuse-epidemic-festers-on-darknet_2641611.html (last visited Oct. 11, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁸¹ *Id.*

child sexual abuse websites on the dark net, a potential customer must first post “original child abuse content” in order to gain access to the website.¹⁸²

Verifiable cases of child sex trafficking via the Deep Web are difficult to identify, both due to the anonymity of users and the general inaccessibility of such sites without an indexed search engine or direct address.¹⁸³ It is difficult to collect evidence of criminals “peddling such services online...because of the use of temporary ads and peer-to-peer connections within the deep Web.”¹⁸⁴ And because investigators typically search for evidence of human trafficking using the same search engines that most people use to search for everyday items, rather than searching the Deep Web, traffickers can effectively evade law enforcement.¹⁸⁵

Payment

With the evolution of digital currency, greater numbers of financial transactions, agreements, and other communications carried out between a buyer and a seller for purposes of child sexual exploitation are taking place online; children are bought and paid for online using digital currency, online payment systems, credit cards, or wire transfers.¹⁸⁶ Digital payments can be used at all stages of the trafficking process, from grooming and recruitment where a trafficker may entice a child by paying for phone bills or transferring money in return for photos or videos, to the use of prepaid gift cards to pay for postings on online advertising websites, and anonymous cryptocurrency payments for sex or sexual abuse material.¹⁸⁷

Five children ages 5, 7, 8, 12, and 13 were rescued from three sisters who were running an online child sexual abuse operation in Lapu-Lapu City, the Philippines. The case was investigated by the local police, the Department of Social Welfare and Development and the International Justice Mission (IJM). The investigation showed that the sisters transmitted indecent footage and photographs of children and offered to sexually abuse the girls and live stream the acts online for a foreign client to watch. One of the sisters claimed payment sent through a money transfer firm.

Source: M G Martin, *Girls as young as five rescued from cybersex den in Lapu-Lapu City*, PHILIPPINES LIFESTYLE NEWS, Mar. 24, 2018, at <http://philippineslifestyle.com/girls-rescued-cybersex-den-lapu-lapu-city/> (last visited Oct. 9, 2018).

Cryptocurrencies

The first decentralized cryptocurrency, Bitcoin, was launched in 2009.¹⁸⁸ Cryptocurrencies provide a method of decentralized financial transaction that operates by combining features of cash payment and existing online payment methods.¹⁸⁹ Bitcoin payments allow transactions to occur without creating a record of the parties’ identities, in a way similar to cash transactions.¹⁹⁰

The ability to hide illicit payments from typical bank account records makes cryptocurrencies appealing for both child sex traffickers and customers, as it makes it harder to financially connect them to their

¹⁸² Dark Net, Season 1, Episode 3 – Script, *supra* note 176.

¹⁸³ *Id.*

¹⁸⁴ Larry Greenemeier, *supra* note 71.

¹⁸⁵ *Id.*

¹⁸⁶ Jeff Francis, *Police Say Human Traffickers are Turning to Bitcoin*, BITCOINIST, Oct. 15, 2017, at <https://bitcoinist.com/police-say-human-traffickers-are-turning-to-bitcoin/> (last visited Oct. 8, 2018). See also, Michelle Lillie, *supra* note 36.

¹⁸⁷ Julius Whigham II, *How sex predators, traffickers are adapting to ever-evolving tech to lure victims*, PALM BEACH POST, May 24, 2018, at <https://www.mypalmbeachpost.com/news/crime-law/how-sex-predators-traffickers-are-adapting-ever-evolving-tech-lure-victims/ZtIWqFYRRKDhzc8sbO4S1L/> (last visited Oct. 11, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁸⁸ Bernard Marr, *A Short History of Bitcoin and Crypto Currency Everyone Should Read*, FORBES, Dec. 6, 2017, at <https://www.forbes.com/sites/bernardmarr/2017/12/06/a-short-history-of-bitcoin-and-crypto-currency-everyone-should-read> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁸⁹ Sarah Meiklejohn, et al., *supra* note 45.

¹⁹⁰ *Id.*

crimes.¹⁹¹ However, Bitcoin and other cryptocurrency transactions are not completely anonymous; all data of transactions completed with Bitcoin is recorded in the Bitcoin block chain, which encodes Bitcoin activity.¹⁹² Though this data exists, FBI analysts have concluded that it is still advantageous for criminals to use Bitcoin as “law enforcement faces difficulties detecting suspicious activity, identifying users and obtaining transaction records.”¹⁹³ Though other forms of cryptocurrency exist and are generally on the rise, Bitcoin is still the most mainstream form of cryptocurrency and has physical Bitcoin ATMs where cash may be exchanged for Bitcoin.¹⁹⁴

Digital Wallets and Money Transfer Services

Digital wallets, cryptocurrency wallets, and money transfer services can also be used in child sex trafficking transactions. Digital wallets facilitate online transactions by allowing customers to pay for goods and services directly from their devices (e.g., mobile phone, tablet, computer) without presenting cash or a physical credit or debit card after being linked to a verified source such as a credit card or bank account.¹⁹⁵ Digital wallet apps like PayPal¹⁹⁶, Venmo¹⁹⁷, Zelle¹⁹⁸, Google Wallet¹⁹⁹, and Square’s Cash App²⁰⁰ are popular ways to transfer money quickly among users and are appealing to many because of the seamless interaction with social media platforms.²⁰¹

A cryptocurrency wallet is a software program that stores private and public keys for digital currencies like Bitcoin.²⁰² The cryptocurrency wallet does not actually store cryptocurrencies, rather it “interacts with various blockchain to enable users to send and receive digital currency and monitor their balance.”²⁰³ For instance, with Square’s Cash App, users may transfer digital currency to each other to reimburse for meals and other small purchases, but also often share their account information via “\$Cashtags,” a unique name that can easily be included on social media sites so that friends and followers can make contributions to their account.²⁰⁴ Digital wallets and cryptocurrency wallets open up new possibilities for traffickers to groom young people by sending money and digital currency to their wallets in exchange for explicit photos or videos, or even just as “gifts” intended to build a relationship with the child.²⁰⁵

Money transfer services like Western Union²⁰⁶ and Moneygram²⁰⁷ offer traceable methods for wiring or transferring funds from one party to another around the world. These services have also been

¹⁹¹ Jeff Francis, *supra* note 186.

¹⁹² Sarah Meiklejohn, et al., *supra* note 45, at 2.

¹⁹³ *Id.* at 1.

¹⁹⁴ See, Mariam Nishanian, *8 surprising places where you can pay with bitcoin*, BUSINESS INSIDER, Oct. 11, 2017, at <https://www.businessinsider.com/bitcoin-price-8-surprising-places-where-you-can-use-2017-10#subway-8> (last visited Oct. 9, 2018).

¹⁹⁵ *The intersection of Payments and Commerce in a Digital World*, Forrester, Feb. 2017, at <https://www.jpmorgan.com/jpmpdf/1320725121878.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁹⁶ See generally, PayPal, at <https://www.paypal.com/us/home> (last visited Oct. 9, 2018).

¹⁹⁷ Eric Jhonsa, *How Venmo is Turning Into PayPal’s Instagram*, THE STREET, Jun. 26, 2018, at <https://www.thestreet.com/technology/why-venmo-is-turning-into-paypals-instagram-14633301> (last visited Oct. 9, 2018). See generally, Venmo, at <https://venmo.com/> (last visited Oct. 9, 2018).

¹⁹⁸ See generally, Zelle, at <https://www.zellepay.com/> (last visited Oct. 9, 2018).

¹⁹⁹ See generally, Google Wallet, at <https://pay.google.com/about/> (last visited Oct. 9, 2018).

²⁰⁰ See generally, Cash App, at <https://cash.app/> (last visited Oct. 9, 2018).

²⁰¹ Nick Rojas, *The Relationship Between Social Media, Cryptocurrency and Blockchain*, Top Dog Social Media, at <https://topdogsocialmedia.com/social-media-cryptocurrency-and-blockchain/> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁰² Blockgeeks, *Cryptocurrency Wallet Guide: A Step-By-Step Tutorial*, at <https://blockgeeks.com/guides/cryptocurrency-wallet-guide/> (last visited Oct. 8, 2018).

²⁰³ *Id.*

²⁰⁴ James Trew, *Square’s ‘cashtags’ turn a custom web link into a tip jar*, ENGADGET, Mar. 23, 2015, at <https://www.engadget.com/2015/03/23/square-cashtags-custom-payments-link/> (last visited Oct. 9, 2018).

²⁰⁵ Laurie A. Gray, *Grooming: How Child Molesters Create Willing Victims*, National Association of Adult Survivors of Child Abuse, 2010, at <http://www.naasca.org/2012-Articles/040512-GroomingWillingVictims.htm> (last visited Oct. 11, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁰⁶ See generally, Western Union, at <https://www.westernunion.com/us/en/send-money.html> (last visited Oct. 9, 2018).

²⁰⁷ See generally, MoneyGram, at <https://www.moneygram.com/us/en/send-money-online> (last visited Oct. 9, 2018).

popular with and easily exploited by criminal organizations. In January 2017, Western Union admitted to “aiding and abetting wire fraud” by not taking steps to prevent scammers from processing transactions, even when it was aware that agents of the company itself were facilitating the transactions.²⁰⁸ After a joint statement from the U.S. Justice Department and Federal Trade Commission, Western Union agreed to forfeit \$586 million for failing to maintain policies that “resulted in the funneling of hundreds of millions of dollars in proceeds from illegal gambling, fraud and drug and human trafficking.”²⁰⁹ Acting U.S. Attorney Lappen stated, “This office will continue to vigorously enforce the anti-money laundering laws and regulations, which are necessary to prevent those engaged in fraud, terrorism, human trafficking, drug dealing and other crimes from using companies like Western Union to further their illegal activity.”²¹⁰

[Prepaid Cards, Gift Cards, & Credit Cards](#)

After major credit card companies stopped allowing Backpage to process their cards, prepaid credit cards and gift cards became a popular method to pay for CSAM, create and maintain child sex trafficking and pornographic websites, and/or purchase cryptocurrency to pay for illicit content.²¹¹ Prepaid cards “essentially function as credit cards while enabling the traffickers to maintain anonymity” and can be used to “register websites, obtain cryptocurrency, and even purchase sex.”²¹²

Services like Paxful emerged to respond to demand for online gift card exchanges; in the first three months of the site’s creation, founder Ryam Youssef became aware of the demand for a service that would permit gift cards to be exchanged for Bitcoin without registering a bank account.²¹³ He describes the influx of calls from similarly “unbanked” customers, mostly women, who needed Bitcoin to manage their business as sex workers on Backpage.²¹⁴ This was the catalyst for the company’s “product market fit,”²¹⁵ distinguishing it from similar services like Coinbase²¹⁶ that require linking a bank account, which serves to establish and document the identities of users obtaining Bitcoin through its website.²¹⁷

Before shutting down, Backpage accepted prepaid credit cards and gift cards as payment; a buyer could sell gift cards from various retailers to Backpage to pay for sexual services; Backpage then would

²⁰⁸ Joel Schectman, *Western Union admits to aiding wire fraud, to pay \$586 million*, REUTERS, Jan. 19, 2017, at <https://www.reuters.com/article/us-usa-western-union-settlement/western-union-admits-to-aiding-wire-fraud-to-pay-586-million-idUSKBN1532RL> (last visited Oct. 9, 2018).

²⁰⁹ Lauren Debter, *Western Union Slammed for Aiding Crooks, Agrees To Pay \$586 Million*, Forbes, Jan. 19, 2017, at <https://www.forbes.com/sites/laurengensler/2017/01/19/western-union-anti-money-laundering-consumer-fraud-violations/#5b3e39da7238> (last visited Nov. 28, 2018) (on file with the International Centre for Missing and Exploited Children).

²¹⁰ Federal Trade Commission, *Western Union Admits Anti-Money Laundering Violations and Settles Consumer Fraud Charges, Forfeits \$586 Million in Settlement with FTC and Justice Department*, Jan. 19, 2017, at <https://www.ftc.gov/news-events/press-releases/2017/01/western-union-admits-anti-money-laundering-violations-settles> (last visited Nov. 28, 2018) (on file with the International Centre for Missing and Exploited Children). See also, Joel Schectman, *supra* note 208.

²¹¹ After receiving letters from Cook County Sheriff Thomas Dart urging them to remove support for Backpage.com, Visa and MasterCard ended their business with the website, along with American Express. Lack of service through major credit card companies drove Backpage.com advertisers to make postings instead using alternative payment methods such as gift cards and Bitcoin. See, Mary Wisniewski, *Visa joins MasterCard, AmEx in ending use for Backpage sex ads*, REUTERS, Jul. 1, 2015, at <https://www.reuters.com/article/usa-chicago-prostitution-credit/visa-joins-mastercard-amex-in-ending-use-for-backpage-sex-ads-idUSL1N0ZH10Q20150701> (last visited Oct. 9, 2018).

²¹² Press Release, *Follow the Money, DA Vance Testifies About Sex Trafficking and U.S. Financial Markets Before U.S. House Financial Services Committee*, Manhattan District Attorney’s Office, Jan. 30, 2018, at <https://www.manhattanda.org/follow-the-money-da-vance-testifies-about-sex-trafficking-and-u-s-financial-markets-before-u-s-house-financial-services-committee/52/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

²¹³ Jon Martindale, *Bitcoin put him on the street. Then it made him a fortune*, DIGITAL TRENDS, Apr. 24, 2018, at <https://www.digitaltrends.com/computing/paxfuls-formerly-homeless-founder-wants-to-give-back-with-bitcoin/> (last visited Oct. 9, 2018).

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ See generally, Coinbase, at <https://www.coinbase.com/> (last visited Oct. 9, 2018).

²¹⁷ Jon Martindale, *supra* note 213.

turn around and sell the gift cards to make a profit.²¹⁸ In 2015, American Express, Mastercard, and Visa removed Backpage as a merchant in their systems after receiving a letter from Cook County Sheriff Thomas J. Dart asking that they “immediately cease and desist from allowing your credit cards to be used to place ads on websites like Backpage.com, which we have objectively found to promote prostitution and facilitate online sex trafficking.”^{219, 220}

²¹⁸ Sarah Mervosh, *New trick of the sex trade: Pimps can use retail gift cards to buy Backpage.com ads*, DALLAS MORNING NEWS, Aug. 1, 2017, at <https://www.dallasnews.com/news/investigations/2017/07/24/new-trick-sex-trade-pimps-can-buy-ads-dallas-based-backpagecom-retailers-gift-cards> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

²¹⁹ David Kravets, *Sheriff who battled Craigslist takes on Backpage's sex ads*, ARS Technica, Jul. 22, 2015, at <https://arstechnica.com/tech-policy/2015/07/sheriff-who-battled-craigslist-takes-on-backpages-sex-ads/> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

²²⁰ Nicholas Kristof, *Making Life Harder for Pimps*, THE NEW YORK TIMES, Aug. 6, 2015, at <https://www.nytimes.com/2015/08/06/opinion/nicholas-kristof-making-life-harder-for-pimps.html> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

Responding to the Issue

Legislation as the Foundation

Technology-facilitated trafficking of children for sexual purposes is a multi-jurisdictional problem that requires a holistic global response. A comprehensive approach that includes uniform legislation will inhibit child predators/traffickers from concentrating their efforts in countries with the least protection for children. A solid legislative foundation will help raise awareness of the issue, increase services available to victims, and improve law enforcement and prosecution efforts at national, regional, and international levels.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol), adopted in November 2000, set forth the first internationally-accepted definition of trafficking in persons.²²¹ The Palermo Protocol, which serves as a fundamental international framework to fight human trafficking, also presented a now widely-adopted approach – often referred to as the “3 Ps” – that reflects the Protocol’s core objectives. The 3 Ps framework to combat human trafficking includes (1) Protection, (2) Prevention, and (3) Prosecution; recently, a “fourth P” was added to represent Partnership.²²² The 4 Ps can be defined as follows:

- **Protection** – Protection is key to the victim-centered approach that the international community takes in its efforts to combat modern slavery. Effective victim protection entails identifying victims, providing referrals for a comprehensive array of services, directly providing or funding NGOs to provide those services, and supporting these individuals as they rebuild their lives. Proactive identification efforts and training for first responders, licensed health care practitioners, and other service providers are critically important to a government’s ability to combat human trafficking.²²³
- **Prevention** – Effective prevention efforts address the tactics of human traffickers head on. With the dissemination of accurate and targeted information, communities will be better prepared to respond to the threat of human trafficking. Strategic intervention programs can reach at-risk populations before they are faced with the deceitful recruitment practices of those bent on exploiting them for labor or commercial sex. Meaningful partnerships between public and private sectors and civil society can expand awareness, leverage expertise, and facilitate creative solutions.²²⁴
- **Prosecution** – Effective law enforcement action is an indispensable element of government efforts to fight human trafficking. An effective criminal justice response to human trafficking should treat the prosecution of cases as seriously as other grave crimes, such as kidnapping or rape. Governments should hold criminally accountable all perpetrators of human trafficking, including intermediaries aware of the intended exploitation, and should not impose suspended sentences, fines, or administrative penalties in place of prison sentences.²²⁵

²²¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime [Palermo Protocol], adopted Nov. 2000, at <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²²² U.S. Department of State, Civilian Security, Democracy, and Human Rights, *The 3Ps: Prevention, Protection, Prosecution*, Jun. 2017 at <https://www.state.gov/documents/organization/272970.pdf> (last visited Oct. 8, 2018).

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.*

- **Partnership** – Partnerships augment efforts by bringing together diverse experiences, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to do alone. Partnerships include coalitions of NGOs coming together for purposes of advocacy, service provision, information sharing, and networks of survivors, whose experiences inform the broader trafficking movement.²²⁶

The 4 Ps framework to address trafficking is complemented/supported by the UN Sustainable Development Goals (SDGs)²²⁷ and the 2030 Agenda for Sustainable Development,²²⁸ launched in September 2015 by the UN General Assembly. The SDGs outline several goals that focus on combating the sexual exploitation and abuse of children,²²⁹ in particular:

Goal 5 – Gender Equality

- **Target 5.2** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- **Target 5.3** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

Goal 8 – Decent Work and Economic Growth

- **Target 8.7** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Goal 16 – Peace, Justice and Strong Institutions

- **Target 16.2** End abuse, exploitation, trafficking, and all forms of violence against and torture of children.

The SDGs, while non-binding, provide a structured and uniform framework to assist countries/governments in focusing their attention and prioritizing efforts to eliminate online child sexual exploitation. Global commitment to take action on the SDGs, supported by relevant international, regional, and national legal instruments, can help to ensure that governments can penalize those who recruit, advertise, and buy and sell children for sexual purposes, both online and offline, to make the world safer for children.

International Legal Instruments

While there are numerous international and regional conventions with provisions devoted to combatting trafficking in persons or cybercrime generally, there are no international or regional legal instruments specifically addressing child sex trafficking and more specifically, technology-facilitated child sex trafficking. Furthermore, existing international and regional instruments that address trafficking in persons and/or cybercrime are silent on the use of the Internet and related technologies to: (1) recruit sex trafficking victims; (2) advertise the sexual services of these victims; and (3) provide or receive payments or benefits from the sexual exploitation of children.²³⁰

²²⁶ *Human Trafficking: Interdisciplinary Perspectives*, Edited by Mary C. Burke, 2nd Edition, 2018. See also, Funding Situation of Anti-Trafficking Organizations, *The Four “Ps” Paradigm*, at <https://anti-traffickingorgfunding.weebly.com/4ps-framework.html> (last visited Oct. 8, 2018).

²²⁷ UN Sustainable Development Goals, at <https://www.un.org/sustainabledevelopment/> (last visited Oct. 2, 2018).

²²⁸ UN Sustainable Development Agenda, *supra* note 21.

²²⁹ UNICEF USA, *The Sustainable Development Goals that Aim to End Human Trafficking*, Jan. 29, 2016, at <https://www.unicefusa.org/stories/sustainable-development-goals-aim-end-human-trafficking/29864> (last visited Oct. 2, 2018).

²³⁰ Judge Herbert B. Dixon, Jr., *supra* note 9, at 41.

Highlighted below are a sampling of international instruments that separately address different facets of technology-facilitated child sex trafficking.

[UN Convention on the Rights of the Child](#)

The *Convention on the Rights of the Child* (CRC)²³¹ entered into force in 1990 and aims to guarantee a broad range of human rights for children – including civil, cultural, economic, political, and social rights. It is the first legally binding instrument to ensure that special protections are offered to persons under the age of 18.²³² The CRC protects the rights of children by ensuring that governments that are party to the CRC meet minimum standards of protection for children in areas such as education and healthcare. Articles 34 and 35 address protections against child sex trafficking:

- **Article 34** requires States Parties to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - The inducement or coercion of a child to engage in any unlawful sexual activity;
 - The exploitative use of children in prostitution or other unlawful sexual practices;
 - The exploitative use of children in pornographic performances and materials.
- **Article 35** requires States Parties to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.

[The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#)

The *Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (Optional Protocol or OPSC)²³³ came into effect in January 2002. The Optional Protocol acknowledged the increase of children being trafficked internationally as well as the involvement of the Internet and other technologies in the increased availability of CSAM. States that adopt this Protocol are mandated to criminalize the sale of children, use of children for sexual exploitation or prostitution, and production, distribution, or possession of CSAM.

- **Article 2(a)** defines “sale of children” as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.
- **Article 3** requires each State Party to ensure that the **offering**, delivering or accepting, by whatever means, of a child **for the purpose of sexual exploitation** be fully covered under its criminal law.

While laws should explicitly criminalize recruitment, advertisement, and payment via ICTs in relation to the sale of children, statutes that criminalize “offering” a child for sale for the purpose of sexual exploitation, **by any means**, may also be interpreted to include ICTs.

²³¹ UN Convention on the Rights of the Child, UN Doc. A/RES/44/25 (Nov. 20, 1989), at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (last visited Oct. 8, 2018).

²³² U.S. Library of Congress, *Children’s Rights: International Laws*, at <https://www.loc.gov/law/help/child-rights/international-law.php> (last visited Oct. 11, 2018).

²³³ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, arts. 1-2, G.A. Res. 54/263, U.N. Doc. A/RES/54/263 (May 25, 2000), at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx> (last visited Oct. 8, 2018).

[The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#)

The *Convention against Transnational and Organized Crime (TOC)*²³⁴ is supplemented by three Protocols.²³⁵ One of the Protocols, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)*,²³⁶ adopted in 2003, addresses child sex trafficking. The Palermo Protocol directs States to criminalize such activities, take measures to provide various protections to the victims of these crimes, and create policies to ensure the prevention of future trafficking and re-victimization of those who have been rescued.

- **Article 3(a)** of the Palermo Protocol defines “Trafficking in persons” as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”
- **Article 3(c)** further explains that the “recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons”....”

While the Palermo Protocol addresses many aspects of trafficking, including trafficking of children for sexual purposes, there is no language directly acknowledging the use of ICTs to facilitate these crimes.

[Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour](#)

The *ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* brought international attention to the problem of child labor across the world, including the exploitation of children through trafficking.²³⁷ It came into effect in June 1999 and has been ratified by 182 countries.²³⁸ This Convention emphasizes the need to eliminate the “worst forms of child labour” outlined in **Article 3** including “practices similar to slavery” and “the use, procuring, or offering of a child for prostitution... or pornographic performances.” The Convention includes within the definition of the “worst forms of labour”:²³⁹

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

²³⁴ UN, *List of Global Treaties Deposited With The Secretary-General Close To Universal Participation*, United Nations Treaty Collection, available at http://treaties.un.org/doc/source/events/2013/Treaties/list_global_english.pdf (last visited Oct. 8, 2018).

²³⁵ The three Protocols are: 1) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; 2) Protocol against the Smuggling of Migrants by Land, Sea and Air; and 3) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

²³⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *supra* note 221.

²³⁷ ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (last visited Oct. 8, 2018).

²³⁸ ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour: Chart of Signatories, at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327:NO (last visited Oct. 8, 2018).

²³⁹ ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, *supra* note 237, Article 3.

- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The ILO Convention, like those before it, advances child protection measures and addresses trafficking. Unfortunately, it does not address the use of ICTs in the trafficking of children for sexual purposes.

[Resolution 31/7 on the Rights of the Child: information and communications technologies and child sexual exploitation](#)

In March 2016, the UN Human Rights Council adopted non-binding *UN Resolution 31/7 on the Rights of the Child: information and communications technologies and child sexual exploitation*.²⁴⁰ The Resolution recognizes “that information and communications technologies can facilitate the commission of criminal activities with impunity regarding the sale, sexual abuse and exploitation of children, including in pornography, child sexual abuse material and prostitution; new threats or forms of sexual abuse and exploitation, such as the solicitation of children for sexual purposes known as ‘child grooming’, sexual extortion and live streaming of child abuse; the possession, distribution, access to, exchange, production of or payment for child sexual abuse material; and the viewing, conducting or facilitation of children’s participation in live sexual abuses, among others” and additionally expresses concern about the risks of sexting and self-generated content.²⁴¹ While the Resolution does not include trafficking in the criminal activities listed, sex trafficking is closely related to each of the enumerated forms of child sexual abuse and exploitation.

States are encouraged “to ensure the legal protection of children from sexual abuse and exploitation online and to define legally...and criminalize all relevant conduct related to the sexual exploitation of children online and offline, including but not limited to its newest forms, such as the solicitation of children for sexual purposes known as ‘child grooming’, sexual extortion, and streaming of child abuse...while ensuring that their legislation takes into account possible future developments in the modi operandi for online child sexual abuse and exploitation.”²⁴²

Regional Legal Instruments

There also are regional conventions to promote cooperation among neighboring nations to combat regional problems. Again, many of these do not directly address technology-facilitated child sex trafficking, but include language and provisions that could be applied to ICT-facilitated child sex trafficking crimes. Ideally, regional instruments should include language addressing the recruitment, advertisement, and receipt of payment online related to child sex trafficking.

[Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

The *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims* (Trafficking Directive) was adopted in April 2011.²⁴³ Its primary objective is to fight against trafficking in human beings. The Trafficking Directive acknowledges that the Internet and other technologies play an increasing role in child sexual exploitation and soliciting children for sexual

²⁴⁰ UN Resolution 31/7 Rights of the child: information and communications technologies and child sexual exploitation, Mar. 2016, at <https://www.right-docs.org/doc/a-hrc-res-31-7/> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (last visited Oct. 2, 2018) (on file with the International Centre for Missing & Exploited Children).

purposes, but does not yet establish a legislative framework for member States to combat technology's role in child sex trafficking.

- **Article 2** requires that Member States shall take the necessary measures to ensure that the following intentional acts are punishable: The **recruitment**, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the **giving or receiving of payments or benefits** to achieve the consent of a person having control over another person, for the purpose of exploitation.
- **Article 2(3)** explains that exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.
- **Article 2(5)** clarifies that when the conduct referred to involves a child, it shall be a punishable offence of trafficking in human beings.

[Directive 2011/92/EU on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography](#)

On December 13, 2011, the European Parliament and the Council of the European Union adopted the *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*²⁴⁴ (Sexual Abuse Directive). The Sexual Abuse Directive is meant to complement the Trafficking Directive.

The Sexual Abuse Directive's Preamble notes the increased use of ICTs among both children and perpetrators. The Directive harmonizes and increases the penalties for a number of criminal offenses such as child sexual abuse, sexual exploitation, and CSAM. Particular attention is given to the use of ICTs in online grooming (solicitation) of children for sexual purposes:²⁴⁵

“Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, **various forms of sexual abuse and sexual exploitation of children which are facilitated by the use of information and communication technology**, such as the online solicitation of children for sexual purposes via social networking websites and chat rooms. The definition of child pornography should also be clarified and brought closer to that contained in international instruments.”

In addition, numerous articles discuss the use of ICTs in various offenses against children:

- **Article 1(12)** provides that for a particularly vulnerable victim, the penalty for trafficking should be more severe. This includes forms of sexual abuse and exploitation that are facilitated by the **use of ICTs**. In the context of the Sexual Abuse Directive, particularly vulnerable persons include all children.
- **Article 4(5)** criminalizes causing or **recruiting** a child to participate in child prostitution, or profiting from or otherwise exploiting a child for such purposes.
- **Article 6(1)** defines solicitation of a child for sexual purposes as the act of proposing – through a computer system or other communication technology – a meeting with a child for the purposes of sexual intercourse or the creation of CSAM.

²⁴⁴ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0093&from=EN> (last visited Oct. 2, 2018).

²⁴⁵ *Id.* at paragraph 12.

- **Article 16(2)** makes reference to the Internet as a tool for child sex trafficking.
- **Article 21** requires Member States to take appropriate measures to prevent or prohibit **advertising** abuse opportunities and child sex tourism through the dissemination of material advertising the opportunity to commit any of the offenses, whether or not for commercial purposes.

[Council of Europe Convention on Cybercrime](#)

In 2001, the Council of Europe adopted the *Convention on Cybercrime* (Budapest Convention) as the first international treaty addressing crimes committed through use of the Internet or other computer networks.²⁴⁶ The Budapest Convention has been ratified by 60 State Parties (43 Member States and 17 non-Member States), and signed but not yet ratified by 3 Member States and 1 non-Member State.²⁴⁷

Article 9 of the Budapest Convention criminalizes offenses related to CSAM, including producing, offering, distributing, procuring, and possession of CSAM through a computer system. While several articles give States provisions that could facilitate investigations of online child sexual trafficking, the Convention does not include language directly addressing the use of ICTs in child sex trafficking.

[Council of Europe Convention on Action against Trafficking in Human Beings](#)

In 2005, the Council of Europe *Convention on Action against Trafficking in Human Beings* (Anti-Human Trafficking Convention) was adopted. The Convention entered into force on 1 February 2008. Currently 46 Member States and 1 non-Member State have ratified the Convention.²⁴⁸

The Anti-Human Trafficking Convention discusses measures to prevent trafficking and discourage demand such as national coordination, awareness and education campaigns, and research on best practices. It also addresses providing assistance to child victims and suggests measures that should be undertaken to reduce their vulnerability to trafficking. The Anti-Human Trafficking Convention refers explicitly to child sex trafficking; however, it does not refer to the use of ICTs.²⁴⁹

[Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse](#)

The Council of Europe's *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention) focuses on preventing abuse and exploitation, protecting and assisting victims, punishing perpetrators, and promoting the cooperation of national and international law enforcement. The Lanzarote Convention entered into force on 1 July 2010. Currently 44 Member States have ratified the Lanzarote Convention and 3 Member States have signed but not yet ratified.²⁵⁰

The Lanzarote Convention acknowledges that “sexual exploitation of children, in particular child pornography and prostitution, and all forms of sexual abuse of children” are detrimental to the health and social/psychological development of children. Furthermore, it identifies the particular problem that computer/ICT-facilitated crimes pose and the resulting need for international cooperation.

²⁴⁶ Council of Europe Convention on Cybercrime (CETS 185), at <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680081561> (last visited Oct. 2, 2018).

²⁴⁷ See, Council of Europe, *Convention on Cybercrime (CETS 185): Chart of Signatures and Ratifications*, at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=185&CM=&DF=&CL=ENG> (last visited Oct. 2, 2018).

²⁴⁸ See, Council of Europe, *Convention on Action against Trafficking in Human Beings (CETS 197): Chart of Signatures and Ratifications*, at https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=jBRWocV6 (last visited Nov. 28, 2018).

²⁴⁹ Council of Europe *Convention on Action against Trafficking (CETS 197)*, at <https://rm.coe.int/168008371d> (last visited Nov. 28, 2018).

²⁵⁰ Council of Europe, *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201): Chart of Signatures and Ratifications*, at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=&DF=&CL=ENG> (last visited Oct. 2, 2018).

- **Article 3** defines a “child” as anyone under the age of 18 and defines a “victim” as a child subject to sexual exploitation or abuse.²⁵¹
- **Article 19** requires State Parties to ensure that the following conduct is criminalized: “a) **recruiting** a child into prostitution or causing a child to participate in prostitution; b) coercing a child into prostitution or **profiting from** or otherwise exploiting a child for such purposes; c) having recourse to child prostitution.” “Child prostitution” is defined as “using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as **payment**, regardless if this payment, promise or consideration is made to the child or to a third person.”²⁵²
- **Article 21** requires State Parties to ensure that the following *international* conduct is criminalized: “a) **recruiting** a child into participating in pornographic performances or causing a child to participate in such performances; b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children.”²⁵³

[Organization of American States Inter-American Convention on International Traffic in Minors](#)

The regional organization for the Americas and Caribbean, the Organization of American States (OAS), adopted the *Inter-American Convention on International Traffic in Minors* in 1994.²⁵⁴ Fifteen Member States have ratified or acceded to the Convention.²⁵⁵ This Convention addresses the trafficking of minors for “unlawful purposes” such as sexual exploitation through “unlawful means,” including kidnapping, fraudulent consent, or other unlawful means as outlined by the State.

Article 2 of the Convention defines “international traffic in minors” as the abduction, removal or retention, or attempted abduction, removal or retention of a minor for unlawful purposes including prostitution and sexual exploitation, or by unlawful means such as kidnapping, fraudulent or coerced consent, and the giving or receipt of unlawful payments or benefits.²⁵⁶

[African Charter on the Rights and Welfare of the Child](#)

The African Union – a regional legislative organization – consists of 54-member states that have enacted legislation such as the *African Union Charter on the Rights and Welfare of the Child* (ACRWC).²⁵⁷ The ACRWC provides children with the right to be protected from all forms of sexual exploitation and abuse, and for governments to take measures to prevent the trafficking of children for any purpose.

- **Article 27** encourages State Parties to undertake to protect children from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent: (a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices; (c) the use of children in pornographic activities, performances and materials.

²⁵¹ *Id.* at Article 3.

²⁵² *Id.* at Article 19.

²⁵³ *Id.* at Article 21.

²⁵⁴ OAS Inter-American Convention on International Traffic in Minors (1994), at https://www.oas.org/dil/treaties_B-57_Inter-American_Convention_on_International_Traffic_in_Minors.htm (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁵⁵ OAS Inter-American Convention on International Traffic in Minors, *Signatories and Ratifications*, at https://www.oas.org/dil/treaties_B-57_Inter-American_Convention_on_International_Traffic_in_Minors_sign.htm (last visited Oct. 8, 2018).

²⁵⁶ OAS Inter-American Convention on International Traffic in Minors, *supra* note 254, at Article 2.

²⁵⁷ African Charter on the Rights and Welfare of the Child, at <http://www.achpr.org/instruments/child/#preamble> (last visited Nov. 27, 2018) (on file with the International Centre for Missing & Exploited Children). See also, African Charter on the Rights and Welfare of the Child Ratification Table, at <http://www.achpr.org/instruments/child/ratification/> (last visited Nov. 27, 2018) (on file with the International Centre for Missing & Exploited Children).

- **Article 29** requires State Parties to take appropriate measures to prevent the abduction, sale of, or traffic in children for any purpose or **in any form**, by any person including parents or legal guardians of the child.

[Arab Charter on Human Rights](#)

The League of Arab States – a regional organization for the Middle East and North Africa – was founded in 1945 and consists of 22 Member States. In 2004, the League issued the *Arab Charter on Human Rights*, which entered into force on 15 March 2008. The Charter has been ratified by 13 Member States.

- **Article 10** of the Arab Charter prohibits all forms of slavery and trafficking in human beings and in particular prohibits trafficking for the purposes of prostitution or sexual exploitation.²⁵⁸

[Arab Convention on Combating Information Technology Offences](#)

The *Arab Convention on Combating Information Technology Offences*, an international treaty of the League of Arab States, entered into force in February 2014 and has been ratified by eight countries. The primary purpose of the treaty is to “enhance and strengthen cooperation between the Arab States in the area of combating information technology offences.”²⁵⁹

- **Article 12** addresses offenses of pornography committed through **information technology**, with heavier penalties for offenses related to children.
- **Article 14** covers offenses against privacy by means of **information technology**.
- **Article 16** makes it an offense to **traffic in persons by means of information technology** (specifically in relation to organized crime).

[ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, 2004](#)

The Association of Southeast Asian Nations (ASEAN) was established in 1967 and consists of 10 Member States.²⁶⁰ In November 2014, the ASEAN Member States adopted the *ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children* to express “the urgent need for a comprehensive regional approach to prevent and to combat trafficking in persons, particularly women and children.”²⁶¹ The Member States committed to undertake concerted efforts to address trafficking in the region including, but not limited to:²⁶²

1. Establishing a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
2. Distinguishing victims of trafficking in persons from the perpetrators, and identifying the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the respective receiving/recipient country, including prompt repatriation to their respective countries of origin;
3. Undertaking coercive actions/measures against individuals and/or syndicates engaged in trafficking in persons and offering one another the widest possible assistance to punish such activities; and

²⁵⁸ Arab Charter on Human Rights (2004), League of Arab States, at <http://hrlibrary.umn.edu/instate/loas2005.html> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁵⁹ Arab Convention on Combating Information Technology Offences (2010), *Article 1 – Purpose*, at <https://dig.watch/actors/arab-league> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶⁰ Association of Southeast Asian Nations (ASEAN), at <https://asean.org/asean/about-asean/overview/> (last visited Oct. 8, 2018).

²⁶¹ ASEAN Declaration Against Trafficking Persons, Particularly Women and Children (2004), at <http://asean.org/asean-declaration-against-trafficking-in-persons-particularly-women-and-children-4/> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶² *Id.*

4. Taking measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

[ASEAN Convention Against Trafficking in Persons, Especially Women and Children \(2015\)](#)

The ASEAN Member States adopted the *Convention Against Trafficking in Persons, Especially Women and Children* in 2015, reaffirming their commitment to the ASEAN Declaration.²⁶³ The ASEAN Convention aims to prevent and combat trafficking in persons, particularly women and children, ensure just punishment for traffickers, protect victims, and promote cooperation among the Parties.

- **Article 2** defines trafficking in persons and exploitation including the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation.
- **Article 5** requires State Parties to adopt legislative measures to criminalize trafficking in persons and provide higher penalties when the offense involves a child victim.

[ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children](#)

In 2017, the *ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children* went into effect in signatory countries to prevent, suppress and punish all forms of trafficking including children for sexual purposes.²⁶⁴ It identified several major concerns including: (1) Prevention of trafficking in persons; (2) Protection of victims; (3) Law enforcement and prosecution of crimes of trafficking in persons; and (4) Regional and international cooperation and coordination. It does not, however, address the use of ICTs to facilitate sex trafficking.

[SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution](#)

The South Asian Association for Regional Cooperation (SAARC) is a regional organization comprised of eight Member States, established in 1985, to promote the welfare of the peoples of South Asia.²⁶⁵ The *Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution* was enacted in 2002 to promote cooperation amongst Member States to address the prevention, interdiction, and suppression of trafficking in women and children, as well as the repatriation and rehabilitation of trafficking victims, particularly when the countries of the SAARC region are involved.²⁶⁶

The definition of “trafficking” in **Article 1** is narrow; it refers to the “moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking.” It does not reference recruiting or advertising, nor does it reference the use of ICTs. However, the definition of “persons subjected to trafficking” includes “women and children victimised or forced into prostitution by...deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means.”²⁶⁷

²⁶³ ASEAN Convention Against Trafficking Persons, Especially Women and Children (2015), at <http://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶⁴ ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (2017), at <http://asean.org/storage/2012/05/APA-FINAL.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶⁵ South Asian Association for Regional Cooperation (SAARC), *About SAARC*, at <http://saarc-sec.org/about-saarc> (last visited Oct. 8, 2018).

²⁶⁶ SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution, at http://saarc-sec.org/digital_library/detail_menu/saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶⁷ *Id.*

National Legislation

In the absence of international law, national legislation should be enacted to include: a uniform definition of technology-facilitated child sex trafficking; statutes punishing the use of ICTs to recruit child victims, advertise their sexual services, and send and receive payments for sexual exploitation of children; and requisite punishment.

While many countries have enacted laws that criminalize the sexual exploitation of children including child trafficking, very few address the use of the ICTs in trafficking offenses, nor do they specifically include the use of ICTs to recruit, advertise or send/receive payment through technological means. Below is a sampling of existing legislation that addresses some, but not all, of these elements.

Several countries – including **South Africa**,²⁶⁸ **Tanzania**,²⁶⁹ **Uganda**,²⁷⁰ **Zambia**,²⁷¹ **Zimbabwe**,²⁷² the **Philippines**,²⁷³ and **Antigua and Barbuda**²⁷⁴ – have legislation that criminalizes advertising, publishing, printing, broadcasting or distributing information that facilitates or promotes trafficking in persons by any means including through ICTs.

South Africa,²⁷⁵ **Zambia**,²⁷⁶ and **Zimbabwe**²⁷⁷ also require electronic communications service providers to take all reasonable steps to prevent the use of their service for the hosting of information that facilitates or promotes trafficking, and further require service providers that become aware of such information stored upon or transmitted over their system to report the use without delay to law enforcement.

The **United States**²⁷⁸ recently passed legislation that punishes whoever, using a facility or means of interstate or foreign commerce in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service with the intent to promote or facilitate the prostitution of another person.

The statutes in some countries – such as **Qatar**²⁷⁹ – use more general language; in Qatar it is an offense for anyone to recruit a person *in any form* for the purpose of sexual exploitation. Legislation in

²⁶⁸ Prevention and Combating of Trafficking in Persons Act of South Africa, Act No. 7 of 2013, Article 8 – Conduct facilitating trafficking in persons, at <http://www.justice.gov.za/legislation/acts/2013-007.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶⁹ Anti-Trafficking in Persons Act of Tanzania (2008), at <https://www.lrct.go.tz/download/translated-laws/engliash-vision/THE%20ANTI-TRAFFICKING%20PERSON.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷⁰ Prevention of Trafficking in Persons Act of Uganda (2009), at <http://ilo.org/dyn/natlex/docs/ELECTRONIC/104397/127313/F1785911975/UGA104397.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷¹ Anti-Human Trafficking Act of Zambia (2008), Article 7 – Conduct facilitating trafficking in persons, at http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=79940&p_country=ZMB&p_count=182 (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷² Trafficking in Persons Act of Zimbabwe (2014), at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101342&p_classification=03 (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷³ Philippines Republic Act No. 9208 Anti-Trafficking in Persons Act of 2003, Articles 5, 10, at https://www.unodc.org/cld/document/phl/2003/philippines_republic_act_no_9208_anti-trafficking_in_persons_act.html (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷⁴ Antigua and Barbuda Trafficking in Persons (Prevention) (Amendment) Act (2015), at <http://laws.gov.ag/acts/2015/a2015-13.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷⁵ Prevention and Combating of Trafficking in Persons Act of South Africa, *supra* note 268, at Article 8(2)(b).

²⁷⁶ Anti-Human Trafficking Act of Zambia (2008), *supra* note 271, at Article 8 – Internet service provided to report trafficking sites.

²⁷⁷ Trafficking in Persons Act of Zimbabwe (2014), *supra* note 272, at Article 3(b)(v).

²⁷⁸ Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA), United States 18 US Code § 2421A – Promotion or facilitation of prostitution and reckless disregard of sex trafficking, at <https://www.congress.gov/115/plaws/publ164/PLAW-115publ164.pdf> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷⁹ Law No. 15 of 2011 on Combating Trafficking in Human Beings of Qatar, at http://gulfmigration.eu/database/legal_module/Qatar/National%20Legal%20Framework/Anti-

Tanzania²⁸⁰ criminalizes as trafficking in persons the recruitment of a person, *by any means*, for the purpose of prostitution or sexual exploitation.

Iraq's legislation²⁸¹ states that a person who has established or managed an Internet website to engage in human trafficking or **engaged or facilitated** a human trafficking contract using the Internet has committed an offense.

Australia²⁸² criminalizes the **use of a carriage service**²⁸³ to send a communication to a person under the age of 16 with the intention of **procuring the minor** to engage in sexual activity. This provision, while not explicit, may be used to address recruitment of a minor into sex trafficking.

Some countries like **Singapore**²⁸⁴ criminalize **recruiting** a child for the purpose of exploitation, including sexual exploitation, and/or knowingly receiving any **payment** in connection with the actual or intended exploitation in Singapore of a trafficked victim without specific mention of ICTs.

[trafficking/1.2%20Combating%20Trafficking%20in%20Human%20Beings%2015%202011_EN.pdf](#) (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁸⁰ Anti-Trafficking in Persons Act of Tanzania (2008), *supra* note 269, at Article 4 – Acts of trafficking in persons.

²⁸¹ Law No. 28 of 2012 of Iraq, at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94253&p_country=IRQ&p_count=232&p_classification=04&p_classcount=6 (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁸² Criminal Code Act of Australia (1995) 474.26 – Using a carriage service to procure persons under 16 years of age, at http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁸³ A carriage service is defined as a service for carrying communications by means of guided and/or unguided electromagnetic energy. Carriage services include services for carrying communications such as telephone services, Internet access services, and voice over Internet protocol (VoIP) services. See, Australia Telecommunications Act 1997, at http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/num_act/ta1997214/s7.html; See also, Australian Communications and Media Authority, Know your obligations: carriers and carriage service providers, including internet and VoIP service providers, Sep. 2015, at <https://www.acma.gov.au/-/media/Networks/Publication/pdf/Know-Your-Telecommunications-Industry-Obligations-Booklet.pdf> (last visited Oct. 9, 2018).

²⁸⁴ Prevention of Human Trafficking Act of Singapore (2014), Article 3(2) – Trafficking in Persons; Article 4 – Punishment for trafficking in persons, at <https://sso.agc.gov.sg/Acts-Supp/45-2014/Published/20141229?DocDate=20141229&Provids=P12-#pr3> (last visited Oct. 8, 2018) (on file with the International Centre for Missing & Exploited Children).

Model Law Provisions

A comprehensive national legislative strategy, designed to combat technology-facilitated child sex trafficking and to equip law enforcement agencies with the authority to aggressively investigate and prosecute offenders, must be established. Legislation should adequately define both “child” and the act of “human trafficking” for the purposes of instituting a uniform framework to be used to combat and prosecute these offenses both nationally and internationally. Clearly defining and criminalizing the use of ICTs for child sex trafficking will give law enforcement and prosecutors tools to better protect children.²⁸⁵

Incorporate child sex trafficking into the penal code.

General trafficking or labor legislation that bans the worst forms of child exploitation, including child sex trafficking, without detailing specific criminal offenses, criminal sanctions, and criminal punishments for child sex trafficking is insufficient. The same is true for national legislation that includes child sex trafficking in the broader category of “sexual exploitation,” but does not enumerate criminal offenses or specify criminal penalties for such acts. While such provisions are positive steps towards recognizing child sex trafficking as an egregious harm to child welfare, child sex trafficking is a distinctive crime and must be recognized as such. Anti-child sex trafficking legislation should include a sentencing enhancement and aggravated penalties in order to distinguish between sex trafficking of adults versus children.

Define “child,” for the purposes of child sex trafficking, as any person under the age of 18, regardless of the age of sexual consent.

The variance in the legal age of consent to sexual activity between countries poses a challenge to the protection of children from sexual exploitation internationally. Laws or codes requiring “dual criminality” (i.e., that a crime committed abroad also be a crime in the offender’s home country in order for the home country to prosecute or extradite the offender) make international agreement on the definition of “child” especially necessary as discrepancies may protect child sex offenders from prosecution.

Define “child sex trafficking” as the recruitment, transportation, transfer, harboring or receipt of persons under 18, by any means, for the purpose of sexual exploitation.²⁸⁶

The definition of “sex trafficking” commonly includes an act, such as recruitment or transfer, and a coercive or fraudulent means, for the purpose of sexual exploitation. Child sex trafficking should be defined without a means element in order to reinforce the notion that children are unable to consent to sexual exploitation, regardless of the legal age of consent, and that the sexual exploitation of a child by/through any means should be criminalized.²⁸⁷

Define “technology-facilitated,” for the purposes of child sex trafficking, as assisted by the Internet and/or related technologies.

In order to remove any doubt in the mind of the offender, or on the part of law enforcement, the judge, or the jury, the definition of “child sex trafficking” should include specific mention of the use of the Internet and related technologies in facilitating the sexual exploitation of children.

In particular, mention should be made of terms, including but not limited to, ICTs like hardware and software devices such as personal computers, scanners, digital cameras, and multimedia programs;

²⁸⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *supra* note 221, at 1.

²⁸⁶ *Id.* at Article 3(a).

²⁸⁷ *Id.* at Article 3(a) and Article 3(c) (defining the “recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation” as trafficking in persons even if it does not involve any of the means listed under art. 3(a)).

communications equipment such as the Internet, email, video conferencing, wireless networks, and mobile services; communication networks such as newsgroups, web message and bulletin boards, chatrooms, File Transfer Protocol (FTP), and Peer-to-Peer networks; and other tools like encryption and digital currency.

Criminalize the use of the Internet and related technologies to recruit child victims for the purposes of sex trafficking.

Recruitment of child victims through the Internet and related technologies is increasingly prevalent and can take several forms. Traffickers post fraudulent job offers (often for domestic work or modeling), false offers of education, or use international marriage sites to entice victims into trafficking situations.²⁸⁸ ICTs such as social media sites are also used to lure children into vulnerable situations from which they can be trafficked. Children can be groomed online to believe they are in a relationship with the offender and to coerce or persuade them to commit sexual acts. Legislation should criminalize the use of the Internet and related technologies to recruit child victims into sex trafficking, prostitution, or other sexual activities.

Criminalize the use of the Internet and related technologies to advertise the services of child sex trafficking victims.

Traffickers advertise the sexual services of children via a variety of online platforms.²⁸⁹ The Internet expands the customer base for sex trafficked children and the victim pool for those who sexually exploit children and normalizes such abuse.²⁹⁰ The global reach of the Internet necessitates clear laws criminalizing advertising the sexual services of children on ICTs.

Legislative language should also be considered that holds ICT companies, and the individuals who own, manage, and operate them, responsible for knowingly promoting or facilitating child sex trafficking, including by allowing advertisements on their platforms.

Criminalize the use of the Internet and related technologies to facilitate financial transactions related to child sex trafficking.

Increasingly, financial transactions, agreements, communications, or movements carried out between a buyer and a seller to exchange an asset for payment, are taking place on ICTs. The sexual services of children are bought and paid for online using digital currency, online payment systems, credit cards, gift cards, and wire transfers. Legislation should include language criminalizing both benefiting from and providing benefits for the services of a trafficked child via a technology-facilitated transaction and should criminalize arranging a payment using ICTs.

²⁸⁸ Danah Boyd, Heather Casteel, Mitali Thakor, and Rane Johnson, *Human Trafficking and Technology: A Framework for Understanding the Role of Technology in the Commercial Sexual Exploitation of Children in the U.S.*, 2011, at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/human_trafficking_and_technology_1.pdf (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁸⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *supra* note 221, at Article 3(c) (defining the “recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation” as trafficking in persons even if it does not involve any of the means listed under art. 3(a)).

²⁹⁰ Erin I. Kunze, *supra* note 88, at 242, 247.

The Role of the Technology and Financial Industries to Curb Child Sex Trafficking

The technology and financial industries have important roles to play in helping to protect children from sex trafficking. Technology companies and financial institutions have become increasingly aware in recent years that their services are being misused by those attempting to traffic children (and others) into commercial sexual exploitation. It is crucial that these institutions take a proactive approach in addressing this issue to decrease the abuse of their technology and financial platforms.

Policies

Company policies in both the technology and financial sectors can help protect children from technology-facilitated child sex trafficking. For example, many social networking sites have instituted policies that prohibit the use of their sites, chat rooms, and similar platforms by children under a specified age. Once the child reaches the age required to open an account, privacy settings along with filtering and blocking features can be used to prohibit others from searching for the child's profile, viewing their personal content/information, and contacting the child through the platform.²⁹¹ In addition, the Terms of Service policies of social networking companies should specify prohibited users and prohibited content.²⁹² Facebook, for example, states in its Terms of Use that an individual cannot use Facebook if they are: under 13 years of age; a convicted sex offender; or have previously had an account disabled for violation of Facebook's terms or policies.²⁹³ Facebook also developed Community Standards as a guide for users: Part One of these guidelines – Violence and Criminal Behavior – states that organizations or individuals engaged in terrorist activity, organized hate, human trafficking, and other such activities will not be allowed a presence on Facebook and content that expresses support for these activities will be removed.²⁹⁴

Likewise, financial institutions should develop policies that outline restricted and prohibited activity. PayPal's Acceptable Use Policy, for instance, outlines prohibited activities as those that:²⁹⁵

- violate any law, statute, ordinance or regulation;
- relate to transactions involving:
 - items that encourage, promote, facilitate or instruct others to engage in illegal activity;
 - the promotion of hate, violence, racial or other forms of intolerance that is discriminatory or the financial exploitation of a crime;
 - items that are considered obscene;
 - certain sexually oriented materials or services.

Reporting Mechanisms

Companies also should have reporting mechanisms in place that allow users to flag inappropriate posts and report inappropriate or illegal behavior or content to the company. Internet Service Providers (ISPs) should quickly remove or block prohibited content and report the posting to designated law enforcement or other mandated agency. Companies should ensure that users can easily report images or information believed to be related to child sex trafficking, and should also report those images to the proper authorities.

Companies that process financial transactions should take full advantage of already existing mechanisms to report suspect transactions. By reporting abnormal transactions such as multiple

²⁹¹ Mark Latonero, *supra* note 12.

²⁹² See *generally*, Polaris, *supra* note 125, at 34.

²⁹³ Facebook Terms of Use, at <https://www.facebook.com/terms.php> (last visited Oct. 9, 2018).

²⁹⁴ Facebook Community Standards, at https://www.facebook.com/communitystandards/violence_criminal_behavior (last visited Oct. 9, 2018).

²⁹⁵ PayPal Acceptable Use Policy, at <https://www.paypal.com/us/webapps/mpp/ua/acceptableuse-full> (last visited Oct. 9, 2018).

transfers to the same beneficiary, payments to unlicensed student or employment recruitment agencies, etc., companies can help apprehend traffickers.²⁹⁶

Credit card and prepaid gift card companies should track and block usage of their cards on sites where it is known/suspected that children are being recruited into sex trafficking and ads are posted to purchase them. In addition, companies that process financial transactions can track and report suspect transactions to law enforcement. For example, by reporting abnormal transactions such as multiple transfers to the same beneficiary or payments to employment recruitment agencies companies can help identify and apprehend traffickers.²⁹⁷

In addition to reporting functions within social media, technology platforms, and financial institutions, national public reporting hotlines like the U.S. National Human Trafficking Hotline²⁹⁸ are crucial not only to support victims and connect them with services, and provide law enforcement with necessary investigative leads, but also to collect data on the prevalence of and current trends in trafficking.

Resources like the Council of the European Union's False and Authentic Documents Online (FADO) can be used to counter child sex trafficking, even where they serve a larger law enforcement purpose. FADO is an image-archiving system that creates a database of genuine and false legal documents to aid in the discovery of identity fraud, illegal immigration, and general organized crime. FADO has 31-member states that can all access this database for investigations, and limited access is available to the public through the Public Register of Authentic Documents Online (PRADO) website.

Source: Council of the European Union, *Intranet False and Authentic Documents Online (iFADO)*, at <http://www.consilium.europa.eu/ifado/ifadocontacts.htm>; European Council, *Public Register of Authentic travel and identity Documents Online (PRADO)*, at <http://www.consilium.europa.eu/prado/EN/prado-start-page.html> (last visited Oct. 9, 2018).

Non-legislative anti-trafficking tools and initiatives

Beyond policy, new technologies are also being developed in the areas of facial recognition and age progression that represent a huge step forward in identifying and rescuing trafficked children.²⁹⁹ Project VIC is a “community of investigators, victim identification specialists, application developers, scientists and strategic partners dedicated to developing and delivering the newest technologies and victim-centric methods of investigation to improve success rates in rescuing victims of child sexual exploitation and trafficking.”³⁰⁰ Project VIC uses the hash values³⁰¹ of images and videos allowing law enforcement to search them against a known cloud-based database to identify, among other things, victims who have been rescued and those who are still in need of being rescued.³⁰² Through Project VIC, technologies like PhotoDNA³⁰³ are being used to counter the spread of CSAM online. PhotoDNA compiles the digital “fingerprints” of these materials into a database, against which new images can

²⁹⁶ U.S. Department of the Treasury, Financial Crimes Enforcement Network, *Appendix B – Section 6302, Intelligence Reform and Terrorism Prevention Act of 2004, Public Law No. 108-458*, at https://www.fincen.gov/sites/default/files/shared/Appendix_B.pdf (last visited Oct. 2, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁹⁷ U.S. Department of the Treasury, Financial Crimes Enforcement Network (FinCEN), *Advisory: Guidance on Recognizing Activity that May be Associated with Human Smuggling and Human Trafficking – Financial Red Flags*, FIN-2014-A008 Sep. 11, 2014, at <https://www.fincen.gov/sites/default/files/shared/FIN-2014-A008.pdf> (last visited Oct. 9, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁹⁸ National Human Trafficking Hotline, *Report Trafficking*, at <https://humantraffickinghotline.org/report-trafficking> (last visited Oct. 9, 2018).

²⁹⁹ See, Rebecca Sadwick, *7 Ways Technology is Fighting Human Trafficking*, FORBES, Jan. 11, 2016, at <https://www.forbes.com/sites/rebeccasadwick/2016/01/11/tech-fighting-human-trafficking/#4f95c5a26cac> (last visited Oct. 9, 2018).

³⁰⁰ Project VIC: Leave No Victims Behind, *About us*, at <http://projectvic.org/about/> (last visited Oct. 9, 2018).

³⁰¹ A hash value is a unique digital signature or identifier of an image, much like a fingerprint, that makes it possible to identify it even if the image has been altered. See, Microsoft, *PhotoDNA*, at <https://www.microsoft.com/en-us/photodna> (last visited Oct. 9, 2018).

³⁰² Project VIC, at <http://projectvic.org/> (last visited Oct. 9, 2018).

³⁰³ Project VIC, *PhotoDNA*, at <http://projectvic.org/technology/photodna/> (last visited Oct. 9, 2018). See also, International Telecommunication Union (ITU), *COP Case Study – PhotoDNA*, at https://www.itu.int/en/cop/case-studies/Documents/ICMEC_PhotoDNA.PDF (last visited Oct. 9, 2018).

be compared. It allows law enforcement to quickly determine whether the subject of the photo has already been identified or is still at risk.

There are a variety of strategies companies use to prevent the advertising of sexual services of minors through their platforms. A growing number of companies are using data analysis methods based on artificial intelligence (AI) such as machine-learning³⁰⁴ and facial recognition.³⁰⁵ For instance, Rebecca Portnoff, a University of California Berkeley Ph.D. candidate in computer science, developed a tool as part of her dissertation that links online ads together using payment mechanisms and the language in the ads themselves.³⁰⁶ The tool is based on two algorithms: the first is a machine-learning algorithm that analyzes the style in which ads are written to identify the author so that law enforcement can separate/group the ads for different/multiple “sex workers” sharing a common author, which may be a sign of a trafficking ring³⁰⁷; the second uses publicly available information from the Bitcoin mempool³⁰⁸ and blockchain³⁰⁹ including the timestamp information indicating when an ad was submitted and the timestamp of the ad’s appearance online.³¹⁰ This information is used to trace payment for ads that have the same author and connects them to a particular digital wallet, in order to identify the owner of the ad. “Combining automated stylometric and timestamp analysis to identify sex ads by both author and Bitcoin owner” is a considerable advancement in assisting law enforcement.³¹¹

In 2015, the Defense Advanced Research Projects Agency (DARPA) under the U.S. Department of Defense developed Memex, a partnership of 17 contracting teams building tools that search for sites that are on the Deep Web and are not indexed by commercial search engines.³¹² While Memex was not created specifically to address the issue of sex trafficking, DARPA began by focusing its initial efforts on this issue. The Memex program includes numerous tools to collect and analyze data related to online advertisements for sex and to look for hidden patterns in order to build models to predict behavior.³¹³ For example, the technology makes it possible to sift through and analyze potentially thousands of different ads posted on different sites to determine if any provide the same phone number, address, or image, and then groups the content to create a network to identify the individuals and their locations.³¹⁴ TellFinder, one of the tools developed for the Memex program, is “now being

³⁰⁴ Machine learning is a method of data analysis that automates analytical model building. It is a branch of artificial intelligence based on the idea that systems can learn from data, identify patterns and make decisions with minimal human intervention. See, Machine Learning, SAS, at https://www.sas.com/en_us/insights/analytics/machine-learning.html (last visited Oct. 10, 2018).

³⁰⁵ Facial Recognition, Technopedia, at <https://www.techopedia.com/definition/32071/facial-recognition> (last visited Oct. 10, 2018).

³⁰⁶ Timothy Revell, *AI uses bitcoin Trail to find and help sex-trafficking victims*, NEWSIDENTIST, Aug. 24, 2017, at <https://www.newsidentist.com/article/2145355-ai-uses-bitcoin-trail-to-find-and-help-sex-trafficking-victims/> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³⁰⁷ *Id.*

³⁰⁸ Bitcoin’s mempool (short for memory pool), is a “holding area for all the pending transactions” before the transactions are added to the blockchain. See, Ofir Beigel, *What is the Bitcoin’s Mempool*, Jul. 12, 2018, at <https://99bitcoins.com/what-is-bitcoin-mempool/> (last visited Oct. 10, 2018).

³⁰⁹ A blockchain is a digitized, decentralized, public record of all cryptocurrency transactions. The most recent transactions are recorded in blocks which are then added in chronological order to the Blockchain allowing Bitcoin market participants to keep track of digital currency transactions without central recordkeeping. See, *Blockchain*, Investopedia, at <https://www.investopedia.com/terms/b/blockchain.asp>; See also, *Block (Bitcoin block)*, Investopedia, at <https://www.investopedia.com/terms/b/block-bitcoin-block.asp> (last visited Oct. 10, 2018).

³¹⁰ Brett Israel, *In a step toward fighting human trafficking, sex ads are linked to Bitcoin data*, BERKELEY NEWS, Aug. 16, 2017, at <http://news.berkeley.edu/2017/08/16/in-a-step-toward-fighting-human-trafficking-sex-ads-are-linked-to-bitcoin-data/> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³¹¹ *Id.*

³¹² Kim Zetter, *DARPA is Developing a Search Engine for the Dark Web*, WIRED, Fed. 10, 2015, at <https://www.wired.com/2015/02/darpa-memex-dark-web/> (last visited Oct. 10, 2018); See also, Christina Couch, *How Artificial Intelligence Can Stop Sex Trafficking*, PBS, Sep. 21, 2016, at <http://www.pbs.org/wgbh/nova/next/tech/sex-trafficking/> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³¹³ Christina Couch, *supra* note 312.

³¹⁴ *Id.* See also, Lesley Stahl, *DARPA: Nobody’s Safe on the Internet* (Video), 60 MINUTES, Feb. 8, 2015, at <https://www.cbsnews.com/news/darpa-dan-kaufman-internet-security-60-minutes/> (last visited Oct.10, 2018).

used by law enforcement agencies to detect and prosecute perpetrators who facilitate sex trafficking.”³¹⁵

Similarly, Traffic Jam³¹⁶ is a suite of tools that sifts through publicly available websites to build a database of images, phone numbers, and location data.³¹⁷ The software was created in 2014 by Emily Kennedy while she was a student at Carnegie Mellon University, and further expanded by her start-up Marinus Analytics.³¹⁸ The suite includes two image search functions – FaceSearch and SimSearch – that automate the old process of scrolling through endless images. FaceSearch, using Amazon Rekognition AI service,³¹⁹ allows detectives to upload a photo of a suspected trafficking victim.³²⁰ The tool then scans online ad sites using facial recognition technology to determine if the victim is being advertised on those sites.³²¹ SimSearch searches the foreground of an image (like a person) and the background of the image (the room) and returns the most similar images based on either the foreground or background or both shown in the image.³²² This allows law enforcement to search for multiple victims pictured in the same location, room, etc. The suite also includes a tool called Trail that can compare an online ad to the 200 million ads in Traffic Jam’s database to search for similar wording, contact information, and images.³²³

Yet another artificial intelligence tool – Domain Insight Graph (DIG) system – developed by researchers at the University of Southern California, was funded under Memex in 2016.³²⁴ DIG searches the web for sex ads and catalogues about “5,000 webpages every hour and transforms that content into a searchable database of escort ads” allowing investigators to search for information such as a telephone number and connect multiple ads listing that number to a particular trafficker or trafficking ring much more quickly than could be done without the technology tool.³²⁵

Thorn, a U.S.-based NGO, has developed a similar web-based tool – Spotlight³²⁶ – to help law enforcement “navigate the online commercial sex market to find children and identify their traffickers.”³²⁷ Spotlight “evolved from surveys completed by victims of trafficking that showed 63 percent of underage victims were bought or sold online at some point”.³²⁸ The tool uses machine learning algorithms to analyze and track data collected from online escort ads allowing law

³¹⁵ Michael Crouch, *TellFinder and the Fight Against Human Trafficking*, uncharted, Jan. 13, 2017, at <https://uncharted.software/blog/tellfinder-and-the-fight-against-human-trafficking/> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³¹⁶ Marius Analytics, *Traffic Jam Success Story*, Jun. 7, 2018, at <http://www.marinusanalytics.com/articles/2018/6/7/traffic-jam-success-story-sex-trafficking-victim-found-online-from-2-year-old-photo> (last visited Oct. 10, 2018).

³¹⁷ Rachel Kaser, *This company is using facial recognition to fight human trafficking*, THE NEXT WEB, May 31, 2018, at <https://thenextweb.com/world/2018/06/01/this-company-is-using-facial-recognition-to-fight-human-trafficking/> (last visited Oct. 10, 2018).

³¹⁸ *Id.*

³¹⁹ *Amazon Rekognition Helps Marinus Analytics Fight Human Trafficking*, Oct. 19, 2017, at <http://www.marinusanalytics.com/articles/2017/10/17/amazon-rekognition-helps-marinus-analytics-fight-human-trafficking> (last visited Oct. 10, 2018).

³²⁰ Laura French, *Virtual Case Notes: How AI Can Fight Human Trafficking With Just One Picture*, FORENSIC MAG, Mar. 16, 2018, at <https://www.forensicmag.com/news/2018/03/virtual-case-notes-how-ai-can-fight-human-trafficking-just-one-picture> (last visited Oct. 10, 2018).

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ Christina Couch, *supra* note 312.

³²⁵ *Id.*

³²⁶ Thorn, *Spotlight*, at <https://www.wearethorn.org/spotlight/> (last visited Oct. 10, 2018). See also, Thorn, *Spotlight Handout*, at <http://assets.htspotlight.com/portal/Spotlight-Handout.pdf> (last visited Oct. 10, 2018).

³²⁷ James Farrell, *Algorithms to reduce child sex trafficking: an interview with the creators of Spotlight*, SILICON ANGLE, Sep. 7, 2016, at <https://siliconangle.com/2016/09/07/algorithms-to-address-child-sexual-exploitation-and-sex-trafficking-interview-with-the-creators-of-spotlight/> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³²⁸ Nina Godlewski, *What Is Thorn Spotlight? Ashton Kutcher-Owned Software Aims To Help End Human Trafficking*, INTERNATIONAL BUSINESS TIMES, Feb. 15, 2017, at <https://www.ibtimes.com/what-thorn-spotlight-ashton-kutcher-owned-software-aims-help-end-human-trafficking-2492527> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

enforcement to prioritize their caseload and more efficiently investigate suspected sexual exploitation.³²⁹

Other innovative technology tools have been developed like the TraffickCam³³⁰ app, created in 2015, that enables users to upload photographs of hotel rooms they stay in when they travel; these images populate a database of hotel room images.³³¹ Investigators can use this database to match the images to images included in an online sex ad.³³²

With regard to online payment for children for sexual abuse and exploitation, “financial institutions are in a unique position to spot red flags in banking activity and report them to law enforcement... [B]y examining financial data, the financial sector has increasingly been able to help law enforcement secure convictions against traffickers without having to involve traumatized victims.”³³³

Because personal identification such as driver’s licenses and Social Security numbers are connected with credit cards and bank accounts, traffickers can exert control over their victims by restricting access to finances and threatening bankruptcy, debt, and fraud if the victim is not compliant.³³⁴ The United States’ Financial Crimes Enforcement Network (FinCEN) offers guidance on identifying possible cases of trafficking through financial reporting. Financial institutions are required to file Suspicious Activity Reports for unexplained transactions or those that appear to have no “apparent lawful purpose.”³³⁵ Guidelines are given for common “red flags” with regard to multiple money transfers, possible funnel accounts, inconsistent expenditures for business accounts, and even in-person suspicious activities such as regular visits to bank branches while escorted by a third party who has possession of the customer’s ID.³³⁶

In recent years, countries around the world have worked to establish financial intelligence units (FIUs) to “receive and analyze reports of suspicious financial activity that may be indicative of embezzlement, money laundering, and, increasingly, human trafficking.”³³⁷ The FIUs work closely with financial institutions to “add red flag indicators of human trafficking to the list of suspicious activities warranting further scrutiny” and the FIUs are then able to “detect transactions, track money flows, and collect evidence tied to human trafficking crimes.”³³⁸ Major financial institutions are beginning to leverage their data to identify and analyze individual transactions. For instance, a 2014 report of the World Economic Forum highlighted a list of financial transactions that could indicate human trafficking such as business expenditures that were relatively high and inconsistent with the stated business purpose, and transactions that occur outside of the regular business hours; cross-border transactions in areas

³²⁹ James Farrell, *supra* note 327.

³³⁰ TraffickCam, at <https://traffickcam.com/about> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³³¹ *Id.*

³³² *Id.*

³³³ World Economic Forum, *Hedging Risk by Combating Human Trafficking: Insights from the Private Sector 7*, Network of Global Agenda Councils task force on human trafficking, Dec. 2014, at http://www3.weforum.org/docs/WEF_Human_Trafficking_Report_2015.pdf (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³³⁴ See, Courtney’s House, Letter from Tina Frundt, Founder, to Members of Subcommittee on Oversight and Investigations, at <https://financialservices.house.gov/uploadedfiles/hhrg-115-ba09-wstate-tfrundt-20180130.pdf> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children). (Former child sex trafficking victim speaks about identity theft at the hands of her trafficker).

³³⁵ U.S. Department of the Treasury, Financial Crimes Enforcement Network (FinCEN), *Advisory: Guidance on Recognizing Activity that May be Associated with Human Smuggling and Human Trafficking – Financial Red Flags*, FIN-2014-A008 Sep. 11, 2014, at <https://www.fincen.gov/sites/default/files/shared/FIN-2014-A008.pdf> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³³⁶ *Id.*

³³⁷ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Tracking Suspicious Financial Activity to Address Human Trafficking*, at <https://www.state.gov/documents/organization/283793.pdf> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³³⁸ *Id.*

of known or higher risk of trafficking; and personal expenditures including repeated low-value payments to online advertisers.³³⁹

In June 2018, the Fight Illicit Networks and Detect Trafficking Act (H.R. 6069) [FIGHT Trafficking Act] was introduced before the U.S. House of Representatives and was passed by the House on 25 June 2018.³⁴⁰ The bill requires that a study be carried out by the U.S. Government Accountability Office (GAO) within one year on how virtual currencies and online marketplaces are used to buy, sell, or facilitate the financing of goods or services associated with sex trafficking or drug trafficking.³⁴¹ The bill specifies that the report should address how financial payment methods, virtual currencies, and online marketplaces, including the dark web, are being utilized to facilitate sex trafficking and how virtual currencies and their underlying technologies can be used to detect and deter these illicit activities.³⁴² The report must also make recommendations for legislative or regulatory to improve Federal efforts “to impede the use of virtual currencies and online marketplaces in facilitating sex and drug trafficking.”³⁴³ The bill was sent for review by the Senate. The findings of such a study may provide useful perspective on the nature of the illicit acts as well as practical suggestions for how technology and financial institutions can further contribute to helping prevent online child sex trafficking.

In 2006, ICMEC and the National Center for Missing & Exploited Children (NCMEC) created the Financial Coalition Against Child Pornography (FCACP). The U.S. FCACP includes many of the leading banks, credit card companies, electronic payment networks, third-party-payments companies, and Internet service companies in the United States. The FCACP works with law enforcement to disrupt online commercial sexual exploitation of children by “following the flow of funds and shutting down the payment accounts that are being used by the suppliers of such illegal material.” This Coalition has succeeded in the near-elimination of online credit card transactions to purchase child sexual abuse material. Following the success of the U.S. FCACP, ICMEC launched the Asia-Pacific FCACP in 2009 to broaden the fight. At the same time, the group recognizes that the commercial sexual exploitation of children will evolve in terms of payment types and computing platforms. It is for that reason that ICMEC and the FCACP published a white paper in 2017 on cryptocurrencies and their role in commercial sexual exploitation of children.

Additionally, ICMEC has facilitated collaboration among FCACP members and prepaid debit companies to discuss payment trends that may be indicative of human trafficking.

Source: Eric Olsen & Jonathan Tomek, *Cryptocurrency and the Blockchain: Technical Overview and Potential Impact on Commercial Child Sexual Exploitation*, ICMEC, May 2017, at <https://www.icmec.org/wp-content/uploads/2017/05/ICMEC-FCACPCryptocurrencyPaperFINAL5-17.pdf> (last visited Nov. 28, 2018). See also, ICMEC, *Asia-Pacific Financial Coalition Against Child Pornography*, at <https://www.icmec.org/apac-fcacpl/> (last visited Nov. 28, 2018).

The Thomson Reuters Foundation and the United States Banks Alliance launched the Toolkit for Tackling Human Trafficking in July 2018, which was designed to help financial institutions fight human trafficking using data.³⁴⁴ The Toolkit, a product of a multi-stakeholder working group, includes leading financial institutions and worked closely with FinCEN, Homeland Security Investigations, the Manhattan District Attorney’s Office, Barry M. Koch PLLC, Polaris, and Stop The Traffik. The Toolkit includes human trafficking indicators specifically tailored to the various types of financial institutions operating in the United States along with “case studies of human trafficking-related investigations and additional resources designed to help financial institutions detect suspicious patterns in financial

³³⁹ World Economic Forum, *supra* note 333.

³⁴⁰ Fight Illicit Networks and Detect Trafficking Act H.R. 6069, Jun. 2018, at <https://www.congress.gov/bill/115th-congress/house-bill/6069/text> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

³⁴¹ *Id.*

³⁴² *Id.*

³⁴³ *Id.*

³⁴⁴ Thomson Reuters Foundation, *Thomson Reuters Foundation launches resource to help financial institutions tackle human trafficking*, Jul. 19, 2018, at <http://www.trust.org/contentAsset/raw-data/019d7cc8-df11-42e7-b7a8-0fe2f5f5f102/document> (last visited Oct. 10, 2018) (on file with the International Centre for Missing & Exploited Children). See also, *Toolkit for Tackling Human Trafficking*, Thomson Reuters Foundation & United States Banks Alliance, Jul. 2018 (on file with the International Centre for Missing & Exploited Children).

transactions, customer data and behavior that may be linked to human trafficking and to report them to law enforcement.”³⁴⁵

Financial and technology companies should be encouraged to utilize all available means to create safeguards for customers/users, develop technology to combat online child sex trafficking, and report suspected incidences of child sex trafficking.

³⁴⁵ *Id.*

Conclusion

The rise of technology and ICTs has contributed to the rise of technology-facilitated child sex trafficking. Like technology, human trafficking “is a dynamic business, endlessly innovative and infinitely adaptable.”³⁴⁶ ICTs make it easier for perpetrators to find and recruit child victims, advertise their victims globally, receive payments for victims’ “services,” and remain anonymous throughout much of this process. Although legislation regarding child sex trafficking does exist, legislation pertaining specifically to technology-facilitated child sex trafficking is limited. And legal provisions that include penalties for the use of ICTs to recruit, advertise, and send/receive payment for child sex trafficking victims are even more uncommon.

While the Internet is used to facilitate child sex trafficking, it can also be used to investigate, track, and subsequently prevent child sex trafficking. This includes activities such as enhancing information-sharing between agencies that investigate trafficking, tracking trafficking trends and activity online, and identifying potential victims of trafficking. Social media and technology companies, financial institutions, and law enforcement entities are undertaking efforts to raise awareness of and prevent technology-facilitated child sex trafficking.

With ever-evolving forms of online child exploitation, vast amounts of information and images, and a wide variety of platforms available online, the investigative process can be complex and time-consuming.

Standard commercial search engines are unable to access the Deep Web; specialized training, software, and expertise are needed. To help overcome these barriers, governments, private companies, and NGOs have begun to develop technological solutions to identify trends and track human trafficking around the world.

Specific legislation should be drafted and/or provisions addressing technology-facilitated child sex trafficking should be incorporated into existing legal mechanisms with a specific focus on criminalizing recruitment, advertisement, and payment related to child sex trafficking via ICTs. In the absence of legislative provisions, some countries may choose to develop and implement good policies and practices.

It is critical that child protection practitioners across sectors acknowledge the critical role that the ICTs play both in facilitating child sexual exploitation and in preventing it. Effective implementation of protection efforts is fostered by a robust alliance amongst stakeholders to help maximize resources, avoid duplication of efforts, facilitate the exchange of information, and aid in the swift identification of child victims and the perpetrators who harm them. The need to stay well-informed about technological advancements, trends in child sexual exploitation, and where the two converge is paramount to helping make the world’s children safer.

³⁴⁶ Polaris, *supra* note 125, at 18.



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