

**THE DEMAND FACTOR IN THE GLOBAL SEX TRADE:
HUMAN TRAFFICKING AS A HUMAN RIGHTS CRISIS**

**TOM LANTOS HUMAN RIGHTS COMMISSION
RAYBURN HOUSE OFFICE BUILDING**

STATEMENT OF ERNIE ALLEN

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**RAYBURN HOUSE OFFICE BUILDING
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I am honored to be with you today at the request of Shared Hope International and its remarkable Founder and President, former Congresswoman Linda Smith. Shared Hope asked me to speak to you today about the growing and vital importance of attacking the demand for sex trafficking. This is something that is a priority for Shared Hope, and it is a long-time priority of mine. In my view attacking the demand for human trafficking is the critical element most missing from our current national strategy to eradicate human trafficking.

The importance of attacking demand is not just a priority for the United States, it is a global priority. In her upcoming report Maud de Boer Buquicchio, the United Nations Special Rapporteur for the Sale of Children, Child Prostitution & Child Pornography states:

“There have been several initiatives to stem the demand for the sexual exploitation of children at both the national and international levels. Existing measures to investigate and prosecute online and offline offenders are gaining pace. The private sector has also gradually understood its potential role as a facilitator and has taken several countermeasures in response. Yet the scourge of child sexual exploitation has not disappeared. This is due to the absence of comprehensive strategies to face the three levels of demand.

Firstly, the continuing absence of data prevents the comprehensive mapping of the demand.

Secondly, there are still too many individuals and groups at the intermediary level who see child sexual exploitation as a profitable business, despite its illegal nature.

Thirdly, the underpinning causes of the demand factor are not systematically addressed and thus foster the perpetuation of child sexual exploitation.”

The UN Special Rapporteur will call upon all stakeholders to “focus on the demand factor and establish comprehensive strategies to reduce it effectively.” In the US we must do no less.

Since the passage of the Trafficking Victims Protection Act in 2000, our progress in the US has been dramatic and encouraging. Nonetheless, even with all of that progress, this is a problem that remains under-reported, under-recognized and under-appreciated. And overwhelmingly it remains a problem of hidden victims.

Let me take you back thirteen years. In 2003 I was honored to have the opportunity to work with the FBI and the US Department of Justice and its Child Exploitation & Obscenity Section (CEOS) in planning the Innocence Lost National Initiative, a coordinated national attack on sex trafficking. For the first time our goal was to attack this problem from the 30,000 foot level, identifying its links and patterns, and proving that it is, in fact, organized crime.

Prior to 2003 when law enforcement encountered sex trafficking, typically a local police officer arrested the juvenile victim not the trafficker (which was much more difficult) and certainly not the customer (which was even more difficult).

With Innocence Lost our goal was to examine this problem in a far more comprehensive way, including following the money and damaging the underlying business model. Thus, rather than expecting America's 18,000 police departments to confront this problem one agency at a time, we implemented a multi-jurisdictional model. We created task forces across the country, each one involving federal, state and local authorities working together on this problem as a team.

In the past thirteen years more than 1,600 traffickers and pimps have been successfully prosecuted and more than 2,600 kids rescued. Perhaps most significant is that the trafficker convictions have produced unprecedented sentences. At least a dozen have been sentenced to life in prison, and many more received 20 years and up. This had never happened before.

Surely with this kind of comprehensive national focus on the problem, and with the extraordinary number of traffickers being removed from their enterprises, one would think that the problem would have disappeared by now, or at least declined dramatically. Yet, what we have learned is that as soon as you send a trafficker away, someone else springs up in his place.

Why? The reasons are very basic: it is easy, low risk, there is huge consumer demand, and as a result it is enormously profitable. For those who engage in this insidious enterprise, there is a risk/reward equation. While the risks may be increasing, the profits remain enormous. Thus, trafficking human beings is not yet risky enough to divert them into some other illicit enterprise.

How is this possible? Let me suggest four reasons:

#1: Most Americans today acknowledge that human trafficking exists, but they still believe that it only happens somewhere else on the other side of the world. Or if they recognize that it happens in the US, they think it only happens in our largest cities, or that it only involves foreign nationals brought into the country for this purpose. The reality is that it is a problem in American cities, large and small, and overwhelmingly the victims are American kids.

#2: Most Americans think this problem is about sex, not slavery. They are wrong. There are real victims. This is 21st Century slavery. The juvenile victims are primarily runaways, throwaways, homeless kids or kids targeted out of the child welfare system. They are targeted with offers of shelter, sustenance, kindness, even love. However, at some point they find that they cannot walk away. The traffickers and pimps who use and discard them are the criminals, as are the customers who patronize them. These kids need to be rescued, not arrested.

#3: Most Americans still believe that this is a problem that only occurs on the streets in high-crime areas where “good people” don’t go. However, today the problem has largely moved from the streets to the internet. Customers shop for a kid for sex from the privacy of their own homes or hotel rooms. And as a result there is far less risk for the traffickers and for the customers. There have been aggressive efforts to eliminate the marketing and sale of kids for sex via internet sites, but the practice continues and is growing worldwide.

#4: And I believe the most important reason, the customers who patronize this illicit industry, who create the demand for the sale of kids and adults for sex, and thus, who are responsible for sustaining it, do not match society’s stereotype and overwhelmingly are not treated like the criminals that they are. I hear the same thing all the time: Surely, those who purchase a child for sex are deviants who look and act like criminals? Well, not exactly. They are doctors, lawyers, business executives, teachers, coaches, even police officers. They have wives and children at home. They don’t look evil and are viewed as productive, model citizens.

Yet, if we are ever going to have impact on this problem, we have to create real deterrence. We need to make customers think twice before they engage in sex with a child, commercial or otherwise. We need to attack the demand, awaken prospective customers to the impact of their acts, and hold them accountable. Their behavior is criminal. Yet, most courts and prosecutors are reluctant to charge or prosecute them. We need to change that.

And despite the growing numbers of prosecutions of traffickers, it is clear that arrest and prosecution of traffickers alone will not solve this problem. There is a seemingly inexhaustible supply because there is massive consumer demand, a demand that has never been more blatant or more normalized than it is today in this era of the internet.

Many websites that sell human beings for sex are protected by Section 230 of the federal Communications Decency Act, passed in 1996. These sites receive full civil immunity under the CDA and may only be prosecuted by federal authorities, not state authorities. The CDA provides what is known as “federal preemption.”

A growing number of internet sites are providing the information infrastructure for the prostitution business in this country, some of which involves the sale of children for sex. Prostitution is a crime in all 50 states. However, it is not a federal crime. Thus, absent interstate transportation or another factor giving federal authorities jurisdiction, the sole responsibility for investigating and prosecuting prostitution falls to the states. Yet, no state authority may investigate or prosecute the internet sites which are facilitating this illegal enterprise. Thus, effectively these sites are both civilly and criminally immune.

In July 2013 47 state Attorneys General sent a letter to Congress urging a narrow, surgical two word amendment to Section 230 of the CDA, giving states the authority to investigate these internet sites under state law. The letter was a bipartisan effort drafted by Missouri Attorney General Chris Koster, a Democrat; South Dakota Attorney General Marty Jackley, a Republican; and Washington Attorney General Bob Ferguson, a Democrat. There has been no Congressional action on the AG letter.

Last year, Congress passed the Stop Advertising Victims of Exploitation (or SAVE Act) to attempt to address this problem, and I commend it for its action. Yet, I believe that Congress must still address the central problem, Section 230 of the Communications Decency Act. It must at least enable state authorities to investigate these internet sites for violations of offenses that are exclusively state crimes, like prostitution. The population we are most concerned about, juveniles and adults, are not engaging in these activities willingly and voluntarily. They are 21st century slaves who do not receive the proceeds of their labors and lack the ability to walk away. They are also brutalized and traumatized by those who traffic and control them.

Today, victims of human trafficking are being sold via internet sites which are provided statutory immunity by federal law for their unlawful activities. In my opinion this is not what Congress intended when it passed the CDA in 1996.

In the United States and around the world traffickers sell human beings because it is easy, low risk, has huge consumer demand, and thus, is enormously profitable. We need to follow the money, attack the demand, increase the risk and eliminate the profitability.

Ernie Allen is the Principal of Allen Global Consulting LLC. He serves as an advisor to governments, law enforcement, technology companies and others on issues like the "Dark Web," public-private partnerships and child protection issues including sexual exploitation, sexual violence and human trafficking. He also frequently speaks to global audiences on these issues. In 2015 he was appointed by the UK Prime Minister David Cameron to serve as Chairman of a global initiative to combat online sexual exploitation. He is a founder and former President of the National Center for Missing & Exploited Children and the International Centre for Missing & Exploited Children.