



The Freedom from Sexploitation Agenda



Policy Recommendations on Sex Trafficking,
Sexual Violence, Child Exploitation & Pornography

prepared by

NATIONAL CENTER ON SEXUAL EXPLOITATION

Updated February 3, 2020 (See SexploitationFreedomAgenda.com for future updates.)

America is suffering from a sexual exploitation crisis. Sexual harassment, sexual assault, child sexual abuse, pornography, child sex abuse material, prostitution, sex trafficking and more, are issues significantly impacting American citizens, families, and communities. This necessitates that our federal government address the full web of sexual harm.

Evidence supports the fact that these are not isolated phenomena occurring in a vacuum. Rather, these and other forms of sexual abuse and exploitation overlap and reinforce one another forming an intersecting web of sexual exploitation. For example, we know that sexting makes adolescents vulnerable to revenge porn or sexual extortion¹ and that child sexual abuse often predates an individual's entry into prostitution.² We also know that pornography is often made of sex trafficked women and children,³ and that pornography consumption increases the demand for buying sex.⁴ Further, females who consume pornography are at greater risk of being a victim of sexual harassment or sexual assault.⁵ The intersections goes on and on.

Accordingly, the National Center on Sexual Exploitation has developed ***The Freedom from Sexploitation Agenda*** (The Agenda) presenting Congress and the executive branch with robust recommendations that powerfully combat sexual exploitation, protect human rights, and preserve human dignity. The Agenda presented here is not final or encompassing of all needed reforms but seeks to expand and strengthen existing policy and legal frameworks.

1 Nancy E. Willard, "Sexting and Youth: Achieving a Rational Response," *Journal of Social Sciences* 6, no. 4, (2010): 542–562.

2 Rochelle Dalla, Yan Xia, and Heather Kennedy, "'You Just Give Them What They Want and Pray They Don't Kill You': Street-Level Sex Workers' Reports of Victimization, Personal Resources, and Coping Strategies." *Violence Against Women* 9, no. 11, (2003): 1367-1394; Melissa Farley, Ann Cotton, et al., "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," *Journal of Trauma Practice* 2, no. 3/4 (2003): 33-74.

3 Farley, *ibid*.

4 Rachel Durchslag and Samir Goswami, *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex*, (Chicago, IL: Chicago Alliance against Sexual Exploitation, 2008); Martin A. Monto and Nick McRee, "A Comparison of the Male Customers of Female Street Prostitutes With National Samples of Men," *International Journal of Offender Therapy and Comparative Criminology* 49, no. 5 (2005): 505–529; Martin A. Monto, "Summary Report for National Institute of Justice Grant #97-IJ-CX-0033 'Focusing on the Clients of Street Prostitutes: A Creative Approach to Reducing Violence Against Women'" (October 30, 1999).

5 Silvia Bonino, Silvia Ciairano, Emanuela Rabagliette, and Elena Cattelino, "Use of Pornography and Self-Reported Engagement in Sexual Violence among Adolescents," *European Journal of Developmental Psychology* 3, no. 3 (2006):265-288; Leslie Gordon Simons, Ronald L. Simmons, Man-Kit Lei, and Tara E. Sutton, "Exposure to Harsh Parenting and Pornography as Explanations for Males' Sexual Coercion and Females' Sexual Victimization." *Violence and Victims* 27, no. 3 (2012): 378-395.



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First launched in 2017, several of The Agenda items have been achieved. The Agenda is periodically updated as bills are passed and new opportunities to advance freedom from sexploitation identified. Suggestions for additional agenda items are welcomed.

Policy & Legislative Recommendations to Curb Sexual Exploitation:

- 1. Amend Section 230 of the Communications Decency Act (CDA) of 1996 to allow prosecution of those who facilitate illegal commercial sex acts via the Internet.** While the overarching purpose of the CDA was to protect children from exposure to Internet pornography, section 230 of the Act was written to protect Internet companies from being held responsible for content generated by third-party users. The Supreme Court overturned the CDA with the exception of Section 230.

Ironically, courts have recently interpreted section 230 of the CDA as shielding sex trafficking and prostitution websites from criminal and civil liabilities in cases involving the facilitation of sex trafficking via the internet. As a result, sex trafficking is flourishing on the Internet, and those profiting from the sexual exploitation of countless individuals have repeatedly escaped justice.
- 2. Instruct the U.S. Attorney General to vigorously enforce current federal obscenity laws, 18 U.S.C. § 1460 to 18 U.S.C. § 1470.** The government can curb the demand for prostitution, sex trafficking, child sex abuse, and sexual violence by demanding the Attorney General enforce these existing federal laws, which prohibit distribution of hardcore pornography on the Internet, on cable/satellite TV, on hotel/motel TV, in retail shops, and by common carrier.
- 3. Implement National Security Presidential Directive-22 (NSPD-22) across federal agencies.** NSPD-22 instructs federal agencies to strengthen their collective efforts to combat trafficking in persons; adopts an abolitionist approach to combating human trafficking by recognizing that activities such as prostitution, pimping, pandering, and maintaining of brothels contribute to the phenomenon of trafficking in persons; and formalizes the U.S. government's opposition to prostitution and related activities as inherently harmful and dehumanizing.
- 4. Pass H.R. 2803, the "Abolish Human Trafficking Act" (companion bill S. 1311 passed the Senate on Sept 11, 2017).** The Abolish Human Trafficking Act is domestically focused and reauthorizes key Trafficking Victims Protection Act programs that are used to fund restorative services for victims and law enforcement anti-trafficking operations. It also enhances and expands the justice for Victims of Trafficking Act of 2015. Among its many provisions, the bill expands the authority of



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state and local governments to seek wiretap warrants in sexual exploitation and prostitution cases, and establishes Human Trafficking Coordinators at every U.S. Attorney's Office and at the Department of Justice.

5. **Direct the Departments of State, Health and Human Services, USAID, and Justice to provide guidance to foreign governments (and U.S. states) advising against full decriminalization of prostitution and the normalization of prostitution as “sex work.”** Multilateral organizations such as the WHO, UNDP, UNFPA and UNAIDS are calling on governments to pass laws that would fully decriminalize prostitution, including brothel owning and sex buying. Prostitution is the organized system whereby human beings are made public sexual commodities. The sexual exploitation of individuals within this system results in inescapable physical, psychological, and emotional trauma. Full decriminalization of prostitution does not reduce this trauma, but perpetuates it by instituting a *de facto* right for men buy women, men, and children for sex thereby unleashing the demand for paid sex. Such schemes do not protect the human rights of persons in prostitution, but guarantee that systems of dehumanization and sexual exploitation grow unabated.
6. **It is imperative that DOJ, under the provisions of the Justice for Victims of Trafficking Act, prosecute those who “solicit or patronize” victims of human trafficking for the purpose of commercial sex acts, and fund efforts to reduce demand for paid sex.** DOJ should work with its federally funded anti-trafficking task forces to ensure the investigation, arrest, and prosecution of persons who purchase sexual acts, is a significant part of its anti-sex trafficking efforts. DOJ must also work to ensure that its grantees support efforts to enforce state and local laws criminalizing the purchase of commercial sex, and reallocate and prioritize resources so that demand reduction efforts such as those undertaken by Cook County Sheriff Tom Dart as part of the National John Suppression Initiative are replicated across the country. As the *2013 Trafficking in Persons Report* observed, “If there were no demand for commercial sex, sex trafficking would not exist in the form it does today. This reality underscores the need for continued strong efforts to enact policies that prohibit paying for sex.”
7. **Pass the “Sex Trafficking Demand Reduction Act.”** This bill amends the Trafficking Victims Protection Act of 2000 regarding the determination of whether a government has made serious and sustained efforts to reduce the demand for commercial sex acts. Pursuant to the minimum standards for the elimination of sex trafficking, if a government has the authority to prohibit the purchase of sex acts, but fails to do so, it shall be deemed a failure to make serious and sustained efforts to reduce the demand for paid sex acts, irrespective of other efforts the government may have made.
8. **Pass the “Protecting Rights of Those Exploited by Coercive Trafficking”**



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(PROTECT) Act. In light of the nation's opioid epidemic, as well as the link between human trafficking and drug addiction, this legislation criminalizes the use of drugs to facilitate human trafficking. Human traffickers often introduce drugs or encourage existing addictions for the purpose of exploiting people through prostitution or forced labor. This compounds the trauma experienced by human trafficking victims and undermines the recovery efforts of individuals suffering from addiction.

9. **Pass the “Stop Sexual Assault and Harassment in Transportation Act.”** It is critical that the United States maintain a safe transportation system for the traveling public and that transportation providers enact strict policies to eliminate sexual assault and harassment in transportation, as well as adopt clear procedures to respond to incidents of sexual assault or harassment. Accordingly, this legislation will help stop sexual assaults and sexual harassment on board airplanes, buses, passenger vessels, and commuter and intercity passenger railroads.
10. **#Fix App Ratings: Pass House and Senate Resolutions to** establish an App Ratings Board to enforce consistent and accurate age and content ratings of apps on internet-ready devices and call on technology companies to ensure the implementation of user-friendly and streamlined parental controls on these devices used by minors. Technology companies must be strongly encouraged to improve apps to increase child protection.
11. **Include sex trafficking as a form of violence in the Violence against Women Reauthorization Act of 2019.** Sex trafficking is a form of sexual assault experienced on a serial basis. It is closely linked with intimate partner violence and disproportionately impacts women and children of color. Yet, sex trafficking is not comprehensively included in the Violence against Women Reauthorization Act of 2019.
12. **Amend the Congressional Accountability Act of 1995 to make reforms in the handling of allegations of sexual harassment by members of Congress.** These reforms should include: 1) require members of Congress to personally pay for an award or settlement stemming from a case of sexual harassment they commit, 2) the elimination of waiting periods before victims can take their cases to court, and 3) increased transparency for awards and settlements.
13. **Direct the U. S. Surgeon General and the U.S. Department of Health and Human Services to fund research into the public health harms of pornography, and launch comprehensive efforts to abate these problems.** Specific research and program areas include, but are not limited to, the following:
 - a nationally representative survey of pornography use among adolescents



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- and adults
- a meta-analysis of the neurological studies linking pornography use to compulsive behaviors
- the association between adult pornography use and child sexual exploitation
- the association between pornography consumption and sexual violence generally, and violence against women in particular
- the association between pornography use and sex buying behaviors
- the association between pornography use and child-on-child sexual abuse
- pornography's impacts on other sexual behaviors and attitudes among adolescents and adults
- the impacts of pornography use on intimate relationships
- the link to erectile and sexual dysfunctions
- transmission of STDs
- detrimental impacts on brain health

14. Pass the Children and Media Research Advancement (CAMRA) Act to amend the Public Health Service Act to authorize the National Institutes of Health to study the health and developmental effects of technology on infants, children, and adolescents.

15. In furtherance of the Department of Defense's "Combating Trafficking in Persons (CTIP) Instruction 2200.1," institute a rule making strip clubs off-limits to all U.S. military personnel worldwide. Strip clubs provide the perfect learning environment for sexually toxic attitudes and behaviors. Leering, jeering, sexual touching, lap dancing, acts of prostitution, sexual assaults, and sexual trafficking are everyday occurrences in strip clubs around the world. Military personnel participating in the consumption of commercial sex at strip clubs fuel the demand for sex trafficking. Moreover, military members cannot exploit and objectify women in one environment without it having a deleterious effect on other aspects of their lives, including military service.

16. Require that training programs informing military personnel about the harms of pornography be incorporated in anti-sexual assault trainings across all Department of Defense agencies. Institute routine audit and removal of pornography found on military computers, storage drives, work areas, and officer's clubs, across *all* branches of the U.S. military.

17. Strongly encourage the Office of Violence against Women (OVW) and the Department of Education (DOE) to review their institutional policies and practices for ways in which they can share research, provide educational materials, and institute policies, regarding pornography's role in exacerbating sexual violence. We call particular attention to OVW's obligations under the Sexual Assault Services Program, and DOE's obligations under the Clery and Campus Sexual Violence Elimination Acts, and



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request that OVW and DOE institute new reporting, research, and programmatic initiatives, regarding the association between pornography consumption and sexual violence.

A recent meta-analysis of 22 studies from seven countries provides clear evidence confirming that pornography exposure is significantly associated with sexual aggression.⁶ As the authors stated, “the accumulated data leave little doubt that, on the average, individuals who consume pornography more frequently are more likely to hold attitudes conducive to sexual aggression and engage in actual acts of sexual aggression than individuals who do not consume pornography or who consume pornography less frequently.”⁷

Additionally, a nationally representative survey of pornography use among youth aged 9–17, found that those with increased exposure to Internet pornography were significantly more likely to report physical and sexual victimization.⁸ A separate study of 14- to 19-year-olds found that females who watched pornographic videos were at significantly greater likelihood of being victims of sexual harassment or sexual assault.⁹

18. Direct Federal Communications Commission to vigorously enforce the federal indecency law, 18 U.S.C. § 1464, designed to protect children from damaging sexual content on TV; appoint FCC commissioners committed to fulfilling this mission.

19. Disband the current TV Parental Guidelines Oversight Monitoring Board (TVOMB). The TVOMB has enabled and sheltered a flawed content ratings system, rather than following its congressional and FCC mandate to ensure the accuracy and integrity of the system. The current TVOMB is a sham composed of broadcast television insiders, and is utterly lacking in congressional oversight and public transparency. Accordingly, review and revision the statutes under which the TVOMB is organized is essential to achieving consistency, transparency, accuracy, and accountability, as well as to protecting the well-being of America’s children.

20. In 2005, Congress passed the Family Movie Act (FMA), which granted families the right to filter offensive content in movies for private home viewing. Today the preferred

⁶ Paul J. Wright, Robert S. Tokunaga, and Ashley Kraus. “A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies.” *Journal of Communication*, (December 29, 2015): 1-23.

⁷ Ibid.

⁸ Michele L. Ybarra and Kimberly Mitchell, “Exposure to Internet Pornography among Children and Adolescents: A National Survey,” *CyberPsychology & Behavior* 8, no. 5 (2005): 473–486.

⁹ Silvia Bonino, Silvia Ciairano, Emanuela Rabagliette, and Elena Cattelino, “Use of Pornography and Self-Reported Engagement in Sexual Violence among Adolescents,” *European Journal of Developmental Psychology* 3, no. 3 (2006):265-288.



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method for viewing movies has shifted from DVDs to streaming. Hollywood has seized this opportunity to once again attack the filtering industry with (a) litigation against the leading filtered streaming company, (b) contractual clauses requiring that streaming providers prohibit filtering, and (c) legal efforts to render the Family Movie Act meaningless. **To preserve the right of parents to shield their children from harmful content, Congress should update the FMA to explicitly include streaming.**

21. Pass S.534 “Protecting Young Victims from Sexual Abuse Act of 2017.” In light of recent allegations of sexual abuse against personnel involved with USA Gymnastics, USA Swimming and USA Taekwondo, this bill would require amateur athletics governing bodies to immediately report sexual abuse allegations to local or federal law enforcement, or a child-welfare agency designated by the Justice Department. The measure would also amend the Ted Stevens Amateur and Olympic Sports Act, which governs amateur athletics governing bodies, to make it safe and easy for victims to report abuse and mandate oversight of member gymnasiums to ensure strong sexual-abuse prevention policies are implemented.

22. Further Reform CDA 230. Since Section 230 of the Communications Decency Act was passed in 1996, internet providers (including websites and social media platforms, among others) have received broad protection from liability for illegal content. In response, Congress passed the Allow States and Victims to Fight Online Sex Trafficking Act–Stop Enabling Sex Trafficking Act (FOSTA-SESTA) in 2018, providing protections to victims of sex trafficking by allowing state criminal prosecutions and civil lawsuits against online platforms in limited circumstances. While FOSTA-SESTA was a critical step, a more comprehensive reform of CDA 230 is necessary to continue fighting online sexual exploitation in all forms, particularly as new technology creates opportunities and avenues for criminal activity.

FOSTA-SESTA created a limited sex trafficking exception to Section 230, however it is still possible for websites to evade both civil and criminal liability for other forms of sexual exploitation. Section 230, as it currently stands, allows websites to promote and facilitate image-based sexual abuse, with themes of incest, racism, and sexual violence, leaving victims without any possibility of legal recourse. It protects social media platforms, aware of child exploitation taking place on its sites, which may play a role in facilitating the abuse. Any lawsuits against these websites are cut off before they can begin, blocking the possibility of a discovery process that could unearth conspiratorial schemes to profit from criminal activity that may contribute to sexual exploitation.

23. Scrutinize grants awarded by federal agencies, especially the Department of Justice, for effectiveness and alignment with U.S. policy; help secure congressional appropriations for resources supporting broader public education, victim services, and law enforcement.