

Online Harms Team  
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Via email: [onlineharmsconsultation@culture.gov.uk](mailto:onlineharmsconsultation@culture.gov.uk)

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**Re: Information for the Open Consultation on the Online Harms White Paper**

Equality Now respectfully makes this submission in response to the Open Consultation on the Online Harms White Paper.

Founded in 1992, Equality Now is an international human rights organisation that works to protect and promote the rights of women and girls around the world in the areas of legal equality, harmful practices, sexual violence and sexual exploitation, including trafficking for the purposes of sexual exploitation, with a cross-cutting focus on adolescent girls. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls and works to ensure that governments enact and enforce laws and policies that uphold their rights. Equality Now has offices in London, Beirut, Nairobi and New York, presence in Amman, New Delhi, Tbilisi, Beijing and Washington, DC and partners and members in almost every country in the world.

We applaud the United Kingdom (UK) Government's plans to establish a new regulatory framework to improve people's safety online and in particular regarding the protection of children from online violence, exploitation and other online harms. We are writing to provide information specifically on online sexual exploitation, particularly online trafficking for sexual exploitation as it is harmful to citizens, in particular to vulnerable adolescent girls and women. We recommend that the regulatory framework takes into account these forms of online exploitation and includes specific measures to address them.

*Protection from violence, sexual exploitation and other harm*

The rapid expansion of access to high speed internet and mobile phones has led to an increase in online sexual exploitation, in particular of young and adolescent girls throughout the world.<sup>1</sup> This advancement and availability of the internet has increased the ease and ways in which traffickers and other exploiters can exploit vulnerable girls and women with impunity. In addition to women, adolescent girls are a principal target for traffickers online, but as laws and policies and technological measures in this area have not kept up, there is a gap in prevention and protection safeguards available.

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<sup>1</sup> Mark Latonero, *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, University of Southern California (Nov. 2012).

Online facilitated sexual exploitation includes grooming, recruiting and controlling for trafficking for the purposes of sexual exploitation, coercing or extorting for images, or exploitation in sexual activity via webcam. In the UK, police estimate that more than 8,500 sexual services advertisements<sup>2</sup> are posted online every month. The sheer volume allows criminals posting advertisements for trafficked and/or underage girls and women to easily hide.

We recommend that the proposed regulatory framework recognises and addresses the risks posed to vulnerable people, particularly women and adolescent girls, and promote prevention efforts through both legal and technological means, the creation of effective reporting mechanisms, and the development of awareness-raising and education programmes to protect from this harm.

### *The Allow States and Victims to Fight Online Sex Trafficking Act - A Good Practice in the United States*

Online trafficking for sexual exploitation was encouraged in the United States (US) by a legal loophole to 47 U.S.C. § 230, which allowed websites to publish advertisements for and profit from the sale of people for sex online, even though both sex trafficking and pimping are illegal in the US. In April 2018, the Allow States and Victims to Fight Online Sex Trafficking Act of 2018 (“FOSTA”) was signed into law, which holds internet companies accountable when they knowingly facilitate sex trafficking.<sup>3</sup>

FOSTA is a narrowly tailored law, applying solely to interactive computer services with the intent to facilitate sex trafficking. This carefully crafted law gives federal, state, and local law enforcement agencies the tools to bring forward more sex trafficking cases. Critically, it allows victims to have a voice and seek justice against companies profiting from their exploitation. Prior to FOSTA being enacted in the US, victims of sex trafficking - many of them children - were unable to seek justice from companies such as Backpage who were profiting from their sale. FOSTA also encourages vigilance on the part of internet service providers in preventing their services from being used for the promotion of sex trafficking.

Although this is a positive step towards ending online sex trafficking and sexual exploitation, the law must be effectively implemented and enforced by the US federal government to ensure that technology companies are held accountable for violations of the law. Furthermore, as the internet is global, international cooperation is necessary to ensure that any solution is effective.

We recommend that the UK government considers implementing similar regulations designed to hold internet platforms accountable. The proposed regulatory framework and duty of care should include legal measures for the prosecution of internet platforms that knowingly facilitate sexual exploitation, particularly trafficking for sexual exploitation.

### *International Cooperation*

The internet is global and online sexual exploitation cannot be combated in a silo. It is a global concern requiring a global solution and must be supported by strong national response mechanisms. The UK Government is taking an important step in developing a regulatory framework. This follows previous leadership by the UK Government in the field of tackling online child sexual abuse materials through the foundation of the WePROTECT Global Alliance. The success of this alliance is rooted in global cooperation and we hope to see this

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<sup>2</sup> Will closure of Backpage dent Britain's sex slave trade? Available at <http://news.trust.org/item/20180409000019-kr8nz/>

<sup>3</sup> 47 U.S.C. § 230 (1996), amended by Act of Apr. 11, 2018

leadership extended to tackling online trafficking for sexual exploitation globally. Furthermore, this scourge cannot be combated by politicians and advocacy organisations alone. Technology companies and platforms and survivors must all take part in developing solutions and monitoring their impact. Only with their input and support can global and effective solutions be found.

The use of technology to facilitate trafficking has been recognised by the UN Secretary General and the Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons agreed upon in 2017 recognised the growing use of the internet to facilitate trafficking and emphasised the importance of combating the use of the internet for purposes of trafficking. Effective implementation of the Global Plan of Action and other global anti-trafficking tools such as the Palermo Protocol and SDG targets 5.2, 8.7, and 16.2 will support any efforts to address of online sex trafficking and sexual exploitation.

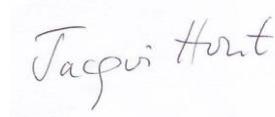
Therefore, we support the vision for a global coalition of countries that will promote international and regional coordination and collaboration among governments to develop an international framework and standards for addressing online sexual exploitation and urge countries to coordinate with the Information and Communications Technology industry to develop adequate guidelines and measures to protect women and girls from online sexual exploitation, including grooming. This coalition could learn from the WePROTECT Global Alliance and work closely across Governments globally to end all forms of sexual exploitation facilitated by technology.

### *Our Work*

As part of Equality Now's ongoing work to address the issue of online sexual exploitation, including trafficking for sexual exploitation, we are looking to map survivors' experience of routes into online sex trafficking and sexual exploitation and the mechanisms for entrapment and ongoing exploitation over time. We also intend to understand the situation of exploited young and adolescent girls as they come of age and are no longer legally protected as minors in different policy contexts. Our focus on girls, especially adolescent girls, as a distinct demographic particularly affected by online sexual exploitation will be underpinned by a gendered analysis. We will be gathering this information and analysis through interviews with survivors and survivor organisations including in the UK. We then hope to be able to discuss our findings with technology platforms, law enforcement and with different governments, including the UK government. This type of approach will ensure that solutions, including a framework and a code of conduct as promoted by the White Paper, take into account the lived realities of survivors and the actual pathways predators used to exploit them.

We are looking forward to collaborating as this consultation goes forward. Thank you for your attention and please let us know if we can provide further information.

Yours faithfully

A handwritten signature in cursive script that reads "Jacqui Hunt". The signature is written in black ink on a light-colored background.

Jacqui Hunt  
Director, Europe Office