

**Statement by
Yiota G. Souras, Senior Vice President and General Counsel
The National Center for Missing and Exploited Children**

**Human Trafficking Investigation Hearing
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**Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate**

Chairman Portman, Ranking Member McCaskill and Members of the Subcommittee, I am pleased to be here on behalf of The National Center for Missing and Exploited Children (NCMEC).

At NCMEC, we are reminded daily of the devastating impact of child sexual exploitation. We commend you for holding this hearing regarding your investigation of businesses that facilitate criminal sex trafficking, particularly those businesses that are responsible for trafficking underage children for sex online.

NCMEC was created in 1984 as a private, non-profit organization and designated by Congress to serve as the national clearinghouse on issues relating to missing and exploited children. NCMEC provides resources, services, and technical assistance to families, private industry, law enforcement, victims, and the general public to assist in preventing child abductions, recovering missing children, and providing services to combat child sexual exploitation. NCMEC performs 22 core functions, including serving as a clearinghouse for reports relating to child sex trafficking and providing technical assistance to law enforcement and first responders relating to the identification, location and recovery of child sex trafficking victims.

Child Sex Trafficking

Child sex trafficking is a pervasive, destructive, and underreported crime. Every year, thousands of children from across the United States are trafficked, sold for sex, repeatedly raped, and suffer traumatic physical, sexual, and emotional abuse. The federal Trafficking Victims Protection Reauthorization Act (TVPRA) recognizes the particular vulnerability of children to trafficking by imposing severe penalties on anyone who knowingly recruits, harbors, transports, provides, advertises or obtains a child for the purpose of a commercial sex act or who benefits financially from such an act.

Traffickers, which include “pimps” as well as buyers under the TVPRA, often use psychological manipulation, pressure, violence, threats, and intimidation to compel a child to exchange sex for something of value, whether that is money, food or shelter. Child sex trafficking victims are boys, transgender children, and girls. Federal law recognizes that child sex trafficking victims may be

under the control of a third party, such as a trafficker, or may be victimized by commercial sex trafficking even when no third party trafficker is identified. Buyers encompass all racial, socio-economic, and cultural backgrounds.

Child sex trafficking involves the rape or other sexual abuse of a child in exchange for something of value. There is no legal protection for selling, facilitating the sale of, or benefiting financially from the sale of a child for rape or sexual abuse. A child cannot legally consent to being trafficked, and there is no situation in which child sex trafficking can be considered legal sexual activity between consenting adults. Child sex trafficking does not encompass and is not similar to adult prostitution, phone sex, or other types of legal sexual activities between consenting adults.

Online Child Sex Trafficking

Technology has fundamentally changed how children are victimized through sex trafficking. An adult can now shop from the privacy of his home or hotel room, even via a cell phone, to buy a child to rape. Traffickers can lure and recruit children on social networking websites. Pimps and predatory offenders are aware that certain online advertising sites have created virtual marketplaces at which they can peruse a variety of sexual experiences being offered for sale, and complete their purchase online. Based on NCMEC's experience, most child sex trafficking today is facilitated by online classified advertising websites.

Online classified ad sites such as Backpage.com provide traffickers with a quick, easy, user-friendly platform and allows them to remain anonymous, test out new markets, attempt to evade public or law enforcement detection, and easily locate customers to consummate their sale of children for sex. Online child sex trafficking also enables traffickers to easily update an existing ad with a new location and quickly move a child to another geographic location where there are more customers seeking to purchase a child for rape or sexual abuse.

NCMEC's Unique Role in Providing Assistance on Child Sex Trafficking Cases

CyberTipline

As the national clearinghouse on missing and exploited children issues, NCMEC has learned a great deal about child sex trafficking. NCMEC launched the CyberTipline in 1998 to provide the general public and electronic service providers (ESPs) with an efficient method of reporting incidents of suspected child sexual exploitation, including child sex trafficking. Since its creation, the CyberTipline has received over 7 million reports, including more than 45,000 reports relating to suspected child sex trafficking. So far in 2015, NCMEC has received more than 3.5 million CyberTipline reports, including more than 7,700 reports of suspected child sex trafficking. Based on reports NCMEC receives from families of child victims, NCMEC's experience in helping to locate missing children who are being sold for sex online, and anecdotal and news reports regarding law enforcement actions, we believe NCMEC receives reports on only a small fraction of the children being trafficked online. Over the past five years, NCMEC has seen an 846% increase in reports of suspected child sex trafficking to the CyberTipline.

Federal law (18 U.S.C. § 2258A) requires entities defined as ESPs to report apparent child pornography that they become aware of on their systems to NCMEC's CyberTipline. No federal or state law imposes a comparable requirement to report child sex trafficking, however several

ESPs, other online companies, and members of the public voluntarily submit reports of suspected child sex trafficking to the CyberTipline. Backpage has voluntarily made reports of suspected child sex trafficking ads to NCMEC's CyberTipline since October 2010.

An integral part of NCMEC's role as a national clearinghouse and resource center is engaging in voluntary initiatives with the Internet industry to deter the online sexual exploitation of children. NCMEC regularly communicates with online companies to help efforts to reduce the proliferation of child pornography and sexual exploitation online and to assist online entities who seek to take proactive steps to limit the accessibility of child pornography on the Internet, reduce child sexual exploitation and prevent future victimization of children. These efforts include providing recommendations and working together to utilize technology and sound business practices to reduce the dissemination of child sexual exploitation, including the online sale of children for sex, and to deter the misuse of websites by predatory offenders and traffickers.

Child Sex Trafficking Team

As the central U.S. repository on reports of child sexual exploitation and missing children, NCMEC has witnessed an increase in recent years in missing and exploited child cases that involved the sexual trafficking of children. In October 2011, NCMEC created its Child Sex Trafficking Team to respond to the increased need for specialized technical assistance, case management, analysis and recovery services on cases involving child sex trafficking. NCMEC's Child Sex Trafficking Team reviews CyberTipline reports relating to child sex trafficking; assists on cases of missing children involved in, or at risk of, trafficking; and provides technical assistance and training to help with the identification, location and provision of recovery planning to victims of child sex trafficking.

When NCMEC receives a report of suspected child sex trafficking, it uses publicly-available search engines to try to identify information relating to the victim and alleged trafficker, as well as a potential geographic location where the child is being trafficked. Each report of suspected child sex trafficking received by NCMEC is made available to the federal, state or local law enforcement in the identified geographic location for their independent review and potential investigation.

A majority of the child sex trafficking cases reported to NCMEC involve ads posted on Backpage.com. Of all the child sex trafficking reports submitted by members of the public to the CyberTipline, more than seventy-one percent (71%) relate to Backpage ads.

Correlation Between Missing Children and Sex Trafficking

NCMEC knows that child sex trafficking most often begins with a missing child, particularly the nation's most vulnerable children. In 2014, one in six endangered runaways reported to NCMEC was likely a child sex trafficking victim. So far in 2015, more than 1,800 missing child cases that involve suspected or confirmed child sex trafficking have been reported to NCMEC.

Many child sex trafficking victims are runaways who are exploited by traffickers and buyers. NCMEC works to link cases of possible child sex trafficking to missing child cases where a child is suspected of, or at risk for, being trafficked. Because of the frequency of these connections and the prevalence of child sex trafficking ads on Backpage.com, NCMEC staff often search

Backpage.com first when trying to help locate a missing child suspected of being trafficked. NCMEC has built specialized tools to search Backpage.com because experience has taught us that the most likely place to locate a missing child who may be trafficked is in an escort ad on Backpage.com.

Backpage and Online Child Sex Trafficking

Backpage has an “escorts” section that hosts ads composed of a headline, a stated age, photographs and/or videos, and brief text describing the services for sale. The photographs and videos are often sexually suggestive and feature partially-clad individuals, at times with their faces obscured, and their breasts, buttocks, and/or genital areas prominently featured. Ads reported to NCMEC by concerned members of the public, and by Backpage moderators, often feature highly suggestive, graphic photographs of what appear to be children. Invariably, the ad contains text that unambiguously and luridly describes the sexual experience being offered for sale.

Law enforcement has confirmed to NCMEC that each of the following Backpage ads advertised a child for sex:¹

- “♥♥♥♥Exotic Young and Inexperienced ♥♥♥♥I dont know no better♥♥♥♥Soo i might just do it♥♥♥♥ - 18 you didn't get to see HERE'S YOUR CHANCE.. REAL PIC, NO RUSH PLUS I LIKE. WHAT I DO EVEN THOUGH I JUST STARTED”
- “sweet –sexy blond young and ready; Im sweet and fun and really young. Im 19 and 130 lb’s 5”5 with hazel eyes. Let me melt all your stress away w/my outgoing personality and my cute smile.”
- “Wild Out wit . . . --*Up all night long- 24hrs . . . YOUR REAL ROCK STAR!!! VERY WILD, AND READY FOR WHATEVA!!! BRING IT TO THE TABLE!!! ALL MY PICTURES ARE 100% REAL, SO IF YOUR LOOKING 4 A REAL RUDE GIRL, CALL THE BEST IN. I HAVE FRIENDS ALSO, SO IF THERES ANYTHING YOU NEED I CAN HELP YOU MAKE IT HAPPEN. DOWN 4 WHATEVA (SEE YOU SOON)”
- “3 juicy wet kitties ready to be played with as we rotate around as we please you with warming attitudes and open minded decisions were everything you been looking for”
- “LETS PARTY!* I LOVE TO MAKE . . . –THOSE TOES CURL-----!!* -----INDULGE * THESE.SOFT--.-THICK THIGHS, PULL THIS LONG RED HAIR & SLAP THIS FATT JUGGLEY AZZ!”

NCMEC Recommended Sound Practices to Backpage to Reduce Child Sex Trafficking

Between 2010 and 2013, NCMEC engaged in numerous discussions and meetings with Backpage regarding child sex trafficking on its website and sound practices Backpage could adopt to reduce and deter child sex trafficking in its escort ads. These meetings included Backpage’s owners and operational and legal executives. Backpage publicly represented during this time that it wanted to do everything possible to impede child exploitation on its site and wanted to be the “sheriff”

¹ Ad text has been reproduced verbatim except to remove personally identifying information.

regarding these efforts. Backpage representatives repeatedly professed to being committed to substantially reducing child sex trafficking on its website.

During our meetings with Backpage, NCMEC repeatedly recommended preventative measures that Backpage could take to reduce the likelihood that children would be trafficked on its website. These recommendations were in response to Backpage's requests and representations that they wanted to do more to prevent children from being trafficked on Backpage.com. After more than a dozen meetings with Backpage, NCMEC memorialized these recommended preventative measures and sound practices in writing and provided them to Backpage.

NCMEC's recommended sound practices were:

- A. At the time an ad is created and submitted by a user, but prior to the ad being posted online:
 - i. Take steps internally to verify the identity and age of the user who submitted the ad
 - ii. Take steps internally to verify the identify and age of any individual depicted in the ad
 - 1. For example, develop an internal process to compare visual characteristics of an individual depicted in an ad with their photo in a government-issued identification that they provide
 - iii. Prohibit the use of gift cards, pre-paid credit cards or other anonymous purchasing tools as a form of payment for ads
 - iv. Require and validate a user's email address when they are creating/submitting an ad
 - v. Require and validate a phone number when a user is creating/submitting an ad
 - vi. Capture the user's IP address at the time an ad is created and/or submitted
 - vii. Ensure the ad is compliant with established Terms of Service
 - viii. Enforce a no nudity policy for images contained within ads
 - ix. Implement a moderator review system to examine all submitted ads for possible child sex exploitation
 - x. If a user changes an existing ad, prior to the ad being re-posted, capture the updated IP address and conduct an additional moderator review for Terms of Service violations

- B. Prior to the ad being posted, if a possible minor is believed to be featured within a submitted ad or an ad is believed to involve possible child sexual exploitation:
 - i. Not post the ad or allow it to go "live" on the site
 - ii. Conduct searches of internal systems to identify and review all other ads that may be associated by phone number, email address, credit card information, images depicted within the ad, or any other identifiers
 - iii. Report the possible child sex exploitation to law enforcement and/or the CyberTipline (www.cybertipline.com)
 - iv. Retain the relevant material related to possible child sexual exploitation to provide to law enforcement upon the receipt of legal process

- v. Digitally hash the photos that were submitted within the ad to allow for comparison with other ads for review and possible removal. Those hashes can be utilized to prevent future Terms of Service violations
 - vi. Flag identifiers associated with the ad such as phone number, email address, credit card information, photos, identify of the user or person depicted within the ad, etc. to prevent future Terms of Service violations
- C. Once an ad has been posted publicly, if there is suspected child sexual exploitation within the ad:
- i. Remove the ad from public view
 - ii. Conduct searches of internal systems to identify and review all other ads that may be associated by phone number, email address, credit card information, images depicted within the ad, or any other identifiers
 - iii. Report the possible child sexual exploitation to law enforcement and/or the CyberTipline (www.cybertipline.com)
 - iv. Retain the relevant material related to the possible child sexual exploitation to provide to law enforcement upon the receipt of legal process
 - v. Digitally hash the photos that were submitted within the ad to allow for comparison with other ads for review and possible removal. These hashes can be utilized to prevent future Terms of Service violations
 - vi. Flag identifiers associated with the ad such as phone number, email address, credit card information, photos, identity of the user or person depicted within the ad, etc. to prevent future Terms of Service violations

Backpage could adopt sound practices and update its current practices to make it more difficult for traffickers and predatory offenders to participate in an online marketplace that facilitates the sale and purchase of children for rape and sexual abuse. NCMEC believes each of these sound practices would help online classified ad websites deter child sex trafficking ads online; discourage traffickers from attempting to post online ads selling children from sex; and disrupt the current online classified ad marketplace for child sex trafficking.

The following are examples of Backpage practices that are inconsistent with NCMEC recommendations:

1. Backpage Does Not Consistently Take Down All Ads Reported for Child Sex Trafficking

Backpage does not consistently or uniformly take down ads from its site when the ad is reported for potential child sex trafficking whether the report is by their own moderators, a family member or the general public. By keeping the ad live, a child could continue to be purchased and raped multiple times a day. NCMEC does not know why Backpage makes the decision to keep some ads live and remove others. Despite this being a common topic of discussion during meetings with Backpage, it was never fully explained to NCMEC.

Backpage has represented that the site's "Report Ad" button is an effective means to "remove ads when they are brought to our attention by other users as being possibly illegal." But NCMEC is aware that these user reported ads are not always removed, even when reported for

suspected child sex trafficking. Until recently, when a user clicked on the “Report Ad” button, Backpage delivered the following message: “If you accidentally reported this ad, do not worry. It takes multiple reports from multiple people for an ad to be removed.” After the “Report Ad” message was referenced in various court filings in which Backpage is a defendant, Backpage revised this message to the following: “Ad Reported. Thank you, your report has been received.”

Further, NCMEC has no information about whether Backpage reports all ads flagged by its moderators or all ads reported by a child’s family, or what leads a moderator to flag an ad. NCMEC has confirmed that a significant number of the ads Backpage reports were initially reported by family or friends of children featured in the ads. These are some of the many comments submitted by family members when reporting escort ads to Backpage because the ads contain images of their child being sold for sex:²

- “No the girl in the is 16 shes my cousin she ra[n] away from home two months ago . . . The cops r trying to get her and her pimp She is a runaway She got tattoos of her pimp on her lower stomach and upper right eyebrow.”
- “My daughter is on the escort site and she is 13 n mental ill. I want the damn picture’s removed now.”
- “This ad has photos of my 16 year old sister who currently being trafficked and we are trying to get home. We have an active investigation going on and am trying to get her away from her pimp and bring her home. Please stop allowing whoever it is to post her. She only a minor and we want her home.”

Even when an escort ad is reported by families as containing images of their child, Backpage often does not remove the ad from public view. Instead, the reported ad remains live on Backpage.com where potential customers can continue to purchase the child for rape or other sexual abuse, even though Backpage is now on notice that the ad potentially involves a child. Comments from family members who report ads of their children make clear they are painfully aware that their pleas to Backpage do not necessarily result in ads of their children being taken down:³

- “My name is [] and my wife is []. Your website has ads featuring our 16 year old daughter [], posing as an escort. – She is being pimped out by her old bf, and she is underage. – I have emailed the ad multiple times using your website, but have gotten no response. . . . – For God’s sake, she’s only 16. Her bf is having her use a prepaid card. You need better means of age verification. Stuff like this shouldn’t be allowed to happen.”
- **THIS CHILD IS 16 AND MY DAUGHTER** I am demanding that you remove this ad and deactivate her account. Her name is not Ashley and she is not 18. I am contacting the local authorities. This kind of trash is really unnecessary whether it be my daughter or someone

² Ad text has been reproduced verbatim except to remove personally identifying information.

³ Ad text has been reproduced verbatim except to remove personally identifying information.

else's. I get carded for cigarettes and am 44 years old, and you allow teens to post any age on something far more dangerous. . . .”

- “im reporting this because my little sister is.t old enough to be escort she's 15 ,years old I tried flagging her post down nothing happen can u guys plz removed her posting before police get in it I never want to see her she's only 15,#!!!#”

2. Backpage Does Not Prevent Previously Reported Child Sex Trafficking Content from Being Reposted

Backpage does not appear to search and does not report ads linked by a name, photograph, email address, telephone number or credit card to a previously reported child sex trafficking ad. Other online companies that NCMEC works with engage in such efforts to link and report content and activity on their sites in this way to protect child victims from further abuse. Despite NCMEC's urging, Backpage also does not appear to utilize free browser add-ons or hashing technology to match images in ads of known children. In NCMEC's experience, other online companies commonly use these techniques to prevent the posting of, remove online child sexual exploitation on their sites, and prevent its further proliferation. Though Backpage declined to adopt certain technology recommendations that could assist in deterring child sex trafficking on its website, it has adopted other complex technologies, including processing Bitcoin and other online currency payment mechanisms.

Even if Backpage removes an ad reported to NCMEC, it does not appear to implement measures to block traffickers from using the same payment method to create new or additional ads with the same email address, telephone number, or even the same photographs of the child. Backpage has stated that it can easily search ads based on “snippets of ads, specific pieces of texts, telephone numbers, [or] any type of pertinent specific information that's been listed in an advertisement,” but does not undertake this process to protect children from being repeatedly trafficked for sex on its website.

3. Backpage Has More Stringent Posting Rules Exist for Pet, Motorcycle and Boat Ads Than for Escort Ads

Backpage imposes less stringent posting rules for sex trafficking ads than it does for other ad categories. A user wanting to post an ad to sell a boat, motorcycle, or pet must provide a phone number to “prevent scam ads from being posted.” Yet, Backpage does not require a phone number for escort ads. Instead, it facilitates communications on escort ads by enabling traffickers and buyers to communicate by email, while it disables email on ads for pets, boats and motorcycles to deter scams. Backpage requires less information to post an escort ad than it does to post a pet, motorcycle or boat ad, and it maintains this position even though it knows its site is used for child sex trafficking.

4. Backpage's Escort Pricing Does Not Deter Children from Being Sold on Backpage.com and Has Created Tremendous Revenue for Backpage

Until recent changes affected by Backpage's payment processors, Backpage had set its pricing model to maximize revenue for escort ads. While it has always been free to post an ad on Backpage.com to sell items or services in non-adult/dating categories, until recently there

always was a fee to post an escort ad. Backpage has stated that it “charge[s] for adult ads to help insure that the content is legal.” If Backpage’s goal in charging a fee for escort ads was to deter child sex trafficking ads on its website or capture credit card information to assist law enforcement, then it would seem unnecessary to rigorously calibrate its escort ad prices depending on the geographic market and other situational factors such as day of the week, time of year, or the timing of specific events and Backpage would not have accepted prepaid and anonymous payment sources. Even when Backpage does report an ad to NCMEC, it still collects and keeps the ad fee.

5. Backpage Has No Age Verification Process for Escort Ads

Backpage ads require a person posting an ad to enter their age. Backpage does not take steps that some other online advertising sites take to verify a submitted age. Instead, when an individual posting an ad enters an age under 18 years old, an error message is generated that reads “Oops! Sorry, the ad poster must be over 18 years of age.” Even after Backpage is put on notice that an individual was attempting to post an escort ad, Backpage permits the poster to simply update the age field, as Backpage has directed, with an age over 18 years old and post the ad with the same escort text, photographs and/or videos that the poster entered. That postings exist for escort ads with the age of “99” years old further demonstrates that the requirement to enter an age to post an escort ad is not meant to serve as an accurate age verification tool.

6. Backpage Does Not Appear to Report All Suspected Child Sex Trafficking Ads

The number of Backpage ads reported to NCMEC appears to be only a small fraction of the true child victims on Backpage.com. In 2012, Backpage told the National Association of Attorneys General that Backpage identifies more than 400 “adult entertainment” posts each month that may involve a child. In 2014, Backpage reported that the website “removes or blocks about a million ads a month, notably those that appear to involve minors or sex for money.” Despite Backpage’s admissions and acknowledgement of the heavy volume of ads selling children for sex on its site, based on the number of limited number of reports received by NCMEC, Backpage does not report all of these ads to NCMEC.

Backpage’s Publicized Efforts to Reduce Child Sex Trafficking are Ineffective and Have Failed to Deter Child Sex Trafficking on its Website

Though Backpage repeatedly represented that it was committed to substantially reducing child sex trafficking on its website, it made largely ineffectual adjustments to its practices and refused to adopt most of NCMEC’s recommended measures, citing its customers’ First Amendment concerns. It soon became apparent to NCMEC that despite Backpage’s assertions, it was adopting and publicizing only carefully selected sound practices, while resisting recommended substantive measures that would protect more children from being sold for sex in escort ads on Backpage.com.

NCMEC’s last meeting with Backpage occurred in August 2013. During this meeting, Backpage expressed frustration that NCMEC was not publicly endorsing Backpage’s claimed efforts to curb child sex trafficking on its site. Backpage also informed NCMEC that it had decided not to implement most of NCMEC’s recommendations and that changing Backpage’s practices would

drive advertisers to other sites. NCMEC ended its meetings with Backpage at this time as it was apparent Backpage was not engaging in good faith efforts to deter the selling and buying of children for sex on its website.

Backpage continues to voluntarily report selective information to NCMEC regarding certain suspected child sex trafficking ads, but Backpage's relationship with NCMEC has changed since the August 2013 meeting when Backpage raised concerns that NCMEC was not sufficiently publicly supportive. Since then, Backpage's reports of suspected child sex trafficking ads to NCMEC have decreased dramatically. Although there is no reason to believe suspected child sex trafficking on Backpage has decreased since 2013, Backpage's average number of reports per month in 2015 has dropped by over 50% from the average number of reports Backpage made each month to NCMEC in 2013.

Conclusion

NCMEC is aware that children continue to be offered for sale and bought for rape and other sexual abuse on Backpage.com. We continue to believe that the good faith adoption and enactment of sound practices, the use of technology solutions, and a substantive and authentic effort to moderate its site – tools and efforts adopted by many online companies for whom the reduction of online child sexual exploitation is a true goal – would deter and substantially reduce the possibility that children would be victimized on Backpage's escort ads. We are hopeful that continued public discussion and the attention of Congress and this Committee will lead to new hope for children who are at risk for or being actively trafficked online and their families.

Thank you for the opportunity to provide you and the Committee with information on NCMEC's role in combatting child sex trafficking and background on our interactions with businesses such as Backpage, which we hope will be useful for your investigation. We look forward to continuing to work with you on this very important issue.