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Opinion

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Guest: Pull back the online veil of child sexual exploitation on Backpage.com

Children who were sold for sex online deserve their day in court, writes guest columnist John D. Ryan.

By John D. Ryan

Special to The Times



IT'S part of the workday at the National Center for Missing & Exploited Children (NCMEC). Analysts turn on their computers and search "Backpage.com." That's where they can find missing children — lots of them — being sold for sex. This isn't consensual sex — children are too young to consent. This is rape by adult men. Don't let the smiling faces in the "escort" ads fool you. Many of these children have been beaten, tortured and threatened into submission.

Backpage's business model makes it easy to sell children for sex on the Internet, enabling traffickers to remain anonymous. They can buy an ad with prepaid credit cards or even bitcoin. They don't have to provide a phone number. Backpage doesn't verify identities or ages of customers buying ads or children depicted in ads. Traffickers buy ads to sell children, and Backpage pulls in millions in ad revenue each month. No one has been able to stop it.

Now the stage is set for a classic David-and-Goliath conflict at the state Supreme Court. Three children who were sold for sex on Backpage have sued for damages. On Tuesday, Backpage will ask the justices to

throw out the case. NCMEC has urged the court to reject Backpage's argument that it is immune from suit under the federal Communications Decency Act (CDA). Backpage's claim that the act protects it from liability denigrates the statute and Congress' intent to protect children.

NCMEC has had a unique position to witness this destructive crime as it moved from the streets to the Internet. The center operates the CyberTipline, the congressionally authorized national reporting mechanism for suspected child sexual exploitation. Last year alone, we received more than 10,000 reports regarding possible child sex trafficking, a fraction of suspected child trafficking victims in this country.

Backpage reports some ads to NCMEC, but just a small portion, and often doesn't remove ads it reports, as many anguished parents know. "Your website has ads featuring our 16-year-old daughter, posing as an escort. She is being pimped out," one parent wrote to Backpage. "I have emailed the ad multiple times using your website but have gotten no response. For God's sake, she's only 16. ... Stuff like this shouldn't be allowed to happen."

Backpage is aware that every day an ad stays live on its site extends the living nightmare for that child by allowing customers to continue buying the child for sex and ensuring a steady revenue stream for traffickers and Backpage.

Backpage's voluntary reporting doesn't prevent the trafficking of children on its site. In one case, we received a report from the public about a child being advertised for sex on Backpage. The child was recovered by law enforcement, but went missing again. A year later, Backpage reported another ad for the same child because she "appeared young."

NCMEC searched the phone number in the ad and found more than 50 active Backpage ads using the same number and depicting the same child. Backpage did not report or remove these additional ads even though its moderators previously felt the child appeared young. When she was again recovered, the child disclosed being sold and raped at least five times every night for three years.

Congress never intended the CDA to legitimize a website that advertises children for sex. Rather, it was Congress' intent to protect children from offensive content online. The CDA exempts website operators from liability for content posted by users only when the operator acts neutrally regarding the content.

Backpage, however, is a bad actor. Through its business practices, it encourages and guides customers in creating ads, thereby becoming a content provider that can be held responsible for the content.

These three victims should be allowed an opportunity to hold Backpage accountable for their injuries. They deserve their day in court.

John D. Ryan is president and CEO of the National Center for Missing and Exploited Children. Previously he served on NCMEC's board of directors for more than 12 years.



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