



30 Third Avenue
Suite 800A
Brooklyn, NY 11217

Phone: (718)935-9192
Email: info@ecpatusa.org
Website: www.ecpatusa.org

May 9th, 2018
The Honorable Robert Lighthizer
United States Trade Representative
600 - 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Lighthizer:

We write to call your attention to a very significant legislative development which has implications for our nation's negotiating stance regarding NAFTA. As you and your peers gather for high-level ministerial meetings, we would like you to note that the President yesterday signed H.R. 1865, the Fight Online Sex Trafficking Act (FOSTA). The law clarified Congressional intent surrounding Section 230 of the Communications Decency Act (CDA).

Section 230 of the CDA was originally drafted by members of Congress to protect companies who were engaged in good-faith efforts to police illegal and illicit content appearing on their sites. However, various companies within the tech sector, and their trade associations, have fought for an expansive reading of the provision. They have fought for virtual civil legal immunity for internet giants like Google and Facebook. More disturbingly, the law was also used as a legal shield for companies like Backpage.com, where a shocking 73% of children trafficked in this country were bought and sold, according to data from the National Center for Missing and Exploited Children.

Very recently this has all come to a head. The Fight Online Sex Trafficking Act (FOSTA) ended this blanket immunity in the context of human trafficking, and clarified that Section 230 does not prohibit civil claims against websites pursuant to the civil claims section of the Trafficking Victims Protection Act (18 USC 1595). We understand that the tech community and their supporters have nevertheless made exporting Section 230 via a renegotiated NAFTA agreement one of their highest priorities for the treaty negotiations.

By way of further context, the same day that the President signed FOSTA into law, the President and CEO of Facebook, Mark Zuckerberg spent ten hours answering 600 questions in

hearings with the Senate and House of Representatives. During that testimony, Mr. Zuckerberg conceded that additional regulation of internet service providers is inevitable, and that Facebook was responsible for the content on its platform. In fact, he opened with an apology for failing to take a broad enough view of his company's responsibility to the public, calling it a "big mistake."

So it is ironic for the tech industry to foist this failed domestic policy into a trade agreement, while the United States Congress is acting aggressively to curb the abuses that Section 230 promoted in the first place. FOSTA passed with overwhelming super-majorities in both houses of Congress. It has been signed into law by President Trump. We believe it would be a grave mistake to entertain any attempt by the tech industry to undermine the Congress' will with an end-run through trade negotiations.

We appreciate your attention to this matter, and are happy to make ourselves available to discuss this issue in greater detail with you or the members of your negotiating team.

Sincerely,



Carol Smolenski
Executive Director, ECPAT USA

Taina Bein-Aime, Executive Director, Coalition Against Trafficking in Women
Donna M. Hughes, Professor, University of Rhode Island
Dr. Eshohe Aghatside, Director, Associazione Iroko Onius
Drisha Fernades, Activist, Iniciativa Pro Equidad de Genero
Paola Cepeda, Anthropologist, Adoratrices Colombia
Liliana Forero Montoya, Activist, Iniciativa Proequidad de Género
Dr. Chiara Carpita, Activist Resistenza Femminista
Sir Joan Marco Perales, Individual Activist
Dorchen A. Leidholdt, Director, Sanctuary for Families Center for Battered Women's Legal Services
Ane Mathieson, Activist, MSW
Elizabeth Pickett, Activist, Canadian Feminist Network]
Coralie Alison, Director, Collective Shout
Jas Swiks, Individual Activist
Dr. Renate Kleine, Activist, Coalition Against Trafficking in Women
Sabrinna Valisce, South Pacific Representative, SPACE International
S.L. Bondarchuck, Director, Edmonton Small Press Association
Tegan Laren, Individual Activist
Teresa Ulloa Ziáurriz, Director, Regional Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean

Graciela Colin, Executive Director, Popular Defenders
Lila Teresa de Chapelle, Executive Coordinator, Coalition for the Abolition of the Prostitutional System
Simone Wartson, Activist, Nordic Model Australia Coalition
Professor Monica Soto Elizaga, Activist, Coalition for the Abolition of the Prostitutional System
Jàguar Lacroix, Individual Activist
Anna Fisher, Chair, Nordic Model Now
Sonja Hartmann, Activist, ALARM! Gegen Sexkauf und Menschenhandel
Iris Borchhardt, Activist, Diplomatisch Meistersshülerin
Manuela Shon, Activist, Abolition 2014 for a World Without Prostitution
Luciana Humphreys, Individual Activist
Inge Kleine, Activist, Kofra Communication Centre for Women
Dr. Helen Pringle, Co-Coordinator, Nordic Model Information Network
Isaline Jaccard, Individual Advocate
Terre Spencer, Individual Advocate
Hanah Bondi, Individual Advocate
Anian Martin, Individual Advocate
Karrie Payne, Individual Advocate
Alexandra Bandstrom, Individual Advocate
Brigit Knaus, Individual Advocate
Megan Walker, Executive Director, London Abused Women's Centre
Joy Sturgess, Individual Advocate
Tina Minkowitz, Individual Advocate
Rachel Clewley, Activist, Nordic Model Now
Sonja Pleß, Activist, Stopp Sexkauf
Dani Tauni, Activist, Australian Women's Liberation
Tetiana Varvynska, Individual Advocate
Olha Liber, Psychologist, NeuroFlex
Olena Zaitseva, Individual Advocate
K. Anderson, Activist, RAPE
Ivietta Kamienieva, Individual Activist
Alan O'Neil, Chief Executive Officer, Organization
Bettina Anna Trabant, Activist, Nordic Model
Anna Zobrina, Strategy and Policy Coordinator, European Network for Migrant Women
Solveig Senft, Activist, SISTERS - for the exit from prostitution
Sarah Benson, Chief Executive Officer, Ruhama
Stephanie Davis, Member Board of Directors, Coalition Against Trafficking in Women
Rachel Moran, Executive Director, SPACE International
Srabani Sarkar, Individual Advocate
Neogi, Founder Secretary, South Kolkata Hamari Muskan
Jody Raphael, Senior Research Fellow, DePaul College of Law
Grizelda, Survivor, Survivor Exit Foundation
Mary Mazzio, Producer I AM JANE DOE, The I AM JANE DOE community

Katie Feifer, Research Director, The Voices and Face Project
Melissa Holland, Founder and Executive Director, Awaken
Dr. Alexandra Pierce, Director of Programs, Innovations Human Trafficking Collaborative
Nicole Bell, Executive Director, Living in Freedom Together Inc.
Sister Clare Nolan, Sisters of the Good Shepherd
Professor Janice G. Raymond, Professor Emerita, University of Massachusetts
Susana Chiarotti, Director, Instituto de Género, Derecho y Desarrollo
Twiss Butler, Activist, Coalition Against Trafficking in Women
Lucia Lagunes, Periodista, CIMAC
Lawrence E. Couch, Director, National Advocacy Center for the Sisters of the Good Shepherd
Dr. Melissa Farley, Prostitution Research & Education
Molly Kellman, Housing Specialist and Individual Advocate
Donna Rice Hughes, CEO & President, Enough is Enough
Agnete Sytøm, International Coordinator, Women's Front of Norway
Professor Katarina Vidović, Individual Advocate
Jeanette Westerbrook, MSW, Survivor
Autumn Burris, Founding Director, Survivors for Solutions
Melanie Thompson, Survivor and Individual Advocate
Ruchira Gupta, President, Apne Aap Women Worldwide
Hon. Judy Harris Kluger Executive Director, Sanctuary for Families
Noel Gomez, Survivor Leader, OPS
Lauren Hirsch, National Director, World Without Exploitation
Kathleen Mitchell, Founder, DIGNITY Programs
Dr. Shawnee Love, Survivor, Purple Hearts Missions Possible & Healthy Horizons; Native American Wariorz Task Force
Dr. Barbara Amaya, Author & Individual Advocate
Raquel Goodwin, Survivor Leader & Individual Advocate
Teresa Manzanares Cruz, Activist, CAPS-R
Brigid Lawlor, Provincial Advocacy Coordinator, Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Marjorie Saylor, President, Survivor Leader Network of San Diego
Amy Andrews-Gray, Activist, Survivors Consultation Network
Ghada Jabbour, Co-Founder, Kafa (enough) Violence and Exploitation
Lynda Dearlove, Chief Executive Officer, Women@thewell
Srabani Sarkar, Founder and Director, Organization South Kolkata
Kara Newson, Activist, Resist Porn Culture
Fiona Broadfoot, CEO, Build A Girl
Louise Sadler, Individual Advocate
Jalna Hanmer, Individual Advocate
Kathi Hardy, Founder and Executive Director, Freedom From Exploitation Inc.
Camille Macdonald-Polski, Activist, Coalition Against Trafficking of Women
Kristine, Survivor and Individual Advocate
Darlene Pawlik, Survivor and Individual Advocate, The Darling Princess

Maria Luisa, Educator, Defensor
Zárate Mendoza, Individual Advocate
Sandra McNeill, Activist, Justice for Women
Cathy Bauer, Individual Advocate
Delores D. Day, Executive Director, Innocence Ranch
Lisa L. Thompson, Vice President of Policy & Research, National Center on Sexual Exploitation
Marian Hatcher, Senior Project Manager & Human Trafficking Coordinator, Cook County Sheriff's Office
Carl D. Springer, Anti-Trafficking Team Leader, Village Baptist Church
Alisa Bernard, Survivor Advocacy Coordinator, The Organization for Prostitution Survivors
Lisa Goldblatt, Co-Founder & Executive Director, My Life My Choice
Maureen McGowan Individual Activist
Lois A. Herman, Founder Coordinator, WUNRN, WUNRN-Women's UN Report Network
Kelly, Executive Director, Survivor Coalition
Barbara Rodriguez, Director, Refugee City
Jennifer Madison, RN, Elijah Rising
Micah Gamboa, Executive Director, Elijah Rising
Allison, Founder/Executive Director, Survivor Leadership Alliance
Teena Halbig, Past President, UNA-USA Kentucky Division
Laila Mickelwait, Director of Abolition, Exodus Cry
Kevin Ryan, President and CEO, Covenant House International
Shelby Quast, Americas Director, Equality Now
Yasmin Vafa, Executive Director, Rights4Girls