



# HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION ACT

## FACT SHEET

Presented by the Center for Garden State Families

*“Unfortunately, we’ve also seen a historic rise in the distribution of child pornography, in the number of images being shared online, and in the level of violence associated with child exploitation and sexual abuse crimes. Tragically, the only place we’ve seen a decrease is in the age of victims. This is – quite simply – unacceptable.”*

-Attorney General Eric Holder Jr. speaks at the National Strategy Conference on Combating Child Exploitation in San Jose, California, May 19, 2011.

The United States Department of Justice report 2015

<https://www.justice.gov/criminal-ceos/child-pornography>

<https://www.justice.gov/criminal-ceos/obscenity>

### What would this bill do?

1. This bill requires Internet Service Providers (ISPs), retailers, and manufacturers (“providers”) to be in compliance with existing New Jersey obscenity laws. Similar to how softcore porn magazines are required to be behind blinders and how the windows of an XXX storefront must be shielded, this bill would require the creation of a digital blinder that can be removed if requested and certain conditions are met. The filter would block prostitution hubs, child pornography, revenge pornography, and obscenity. The bill does not tell providers what filter to use to accomplish this requirement.
2. To remove the filter, the consumer (a person, library, school, prison, business, etc.) pays a one-time \$20 fee to the provider, which will be forwarded to the NJ Attorney General to help fund the operations of the Commission on Human Trafficking. If it is an individual person who wants the filter turned off, the individual also must prove he/she is 18 or older.
3. Both the filter and the fee to remove the filter are constitutional (see below).
4. Providers may add a surcharge to the \$20 fee to offset the costs of filtering.

5. The state will keep no personal data on consumers who request the filter to be removed. The provider determines the aggregate number of consumers requesting filter removal each quarter and forwards the \$20 fee for each one.
6. This bill does not impinge on freedom of speech. It simply requires already existing New Jersey obscenity laws to be observed in the telecommunications space. This bill does not regulate pornographic content, creators or individual consumers directly.
7. This bill declares pornography a public health crisis and classifies it as a health issue. (See below).
8. This bill will greatly limit distribution of indecent and obscene content to minors, a liability issue for providers. It will resolve the incongruence wherein children are currently not allowed in movie theaters to view R rated movies, but they are allowed into their personal X-rated “movie theater” in the form of a filterless cell phone, tablet or other electronic device.
9. Has provisions for the consumer to be able to petition the provider to have sites blacklisted or white listed.
10. Makes prostitution hubs harder to access as they would be behind the digital blinder.
11. Protects people from having non-consensual pictures of them being displayed on the internet (“revenge porn”).

### **How pervasive is pornography?**

- In a recent nationally representative poll, 43 percent of men and 9 percent of women reported that they had watched porn in the past week; among 20-somethings, numbers for those who had used in the past week rose above 50 percent for men and 20 percent for women.<sup>1</sup>
- 70% of men and 30% of women watch pornography, and this number is growing larger.<sup>2</sup>
- A study done in 2008 found 93% of boys and 62% of girls were exposed to pornography in their early adolescent years.<sup>3</sup>
- “Men look at pornography online more than they look at any other subject.”<sup>4</sup>
- Porn sites get more visitors than Netflix, Amazon and Twitter combined. It’s probably not unrealistic to say that porn makes up 30% of the total data transferred across the internet.<sup>5</sup>
- Playboy executives admitted that the magazine has been tamed, marginalized, and overthrown by the popularity and normalization of hardcore internet porn. “That battle has been fought and won,” said Playboy’s chief executive in a New York Times article. “You’re now one click away from every sex act imaginable for free.”<sup>6</sup>

### **Is pornography a public health problem?**

- A 2014 survey conducted by the Institute for Public Policy Research (IPPR) that polled 500 teens found that two-thirds of boys and three-fourths of girls believe porn causes unrealistic

attitudes about sex. Two out of three respondents, both boys and girls, believe porn can be addictive, and 62 percent of boys and 78 percent of girls believe porn can negatively impact young people's views on sex and relationships.<sup>21</sup>

- In a 2009 paper, Dr. Patrick F. Fagan reported that habitual use of pornography fosters “a higher tolerance for abnormal sexual behaviors, sexual aggression, promiscuity, and even rape. In addition, men begin to view women and even children as ‘sex objects,’ commodities or instruments for their pleasure.”<sup>22</sup>

- Among attorneys at the November 2002 meeting of the American Academy of Matrimonial Lawyers, 62 percent said the Internet had been a significant factor in divorces they had handled during that year. Of those cases, 56 percent involved one person having an obsessive interest in Internet porn.<sup>23</sup>

- [Speaking of porn-induced ED] “It starts with lower reactions to porn sites. Then there is a general drop in libido, and in the end it becomes impossible to get an erection.”<sup>24</sup> In 1992, a nationally representative survey found that only 5 percent of men in the U.S. aged 18 to 59 reported problems with ED. Problems with low sexual desire also came in at only 5 percent for the same group, and in both cases, men ages 50 to 59 were three times more likely to report the problem than 18- to 29-year-olds. That was before Internet porn.<sup>25</sup> Post-Internet porn, unprecedented numbers of young men are reporting ED.<sup>26</sup> A Swiss study published in 2012 found that 30 percent of 18- to 25-year-olds had ED.<sup>27</sup>

- In a study looking at women who were victims of domestic or partner violence, among those that had been raped, 73 percent stated that their partners had used pornography.<sup>28</sup>

### **Is there a link between pornography and human trafficking?**

- Attorney General Eric Holder Jr. said: “Unfortunately, we've also seen a historic rise in the distribution of child pornography, in the number of images being shared online, and in the level of violence associated with child exploitation and sexual abuse crimes. Tragically, the only place we've seen a decrease is in the age of victims. This is – quite simply – unacceptable.”<sup>31</sup>

- Given that pornography makes prostitution and sexually exploiting others look normal<sup>32</sup>, it's not surprising that there's a strong association between pornography use and going to prostitutes.<sup>33</sup> In fact, men who go to prostitutes are twice as likely to have watched a porn film in the last year compared to the general population.<sup>34</sup>

- Pornography and prostitution are “symbiotically related” to sex trafficking; the latter “would not exist without the former.”<sup>35</sup>

- In a study of 854 women in prostitution across nine countries, 49% said that porn had been made of them while they were in prostitution, and 47% said they had been harmed by men who had either forced or tried to force their victims to do things the men had seen in porn.<sup>36</sup>

### **Human Trafficking in New Jersey**

The National Human Trafficking Resource Center received 426 calls from within New Jersey during the period January 1, 2016 thru September 30, 2016. This number is up approximately

99% from the similar 2012 period. There were 143 cases of human trafficking in New Jersey (1/1/16-9/30/16), up approximately **162%** from the similar 2012 period.<sup>40</sup>

New Jersey has tried to reduce human trafficking in the past with the creation of a task force, but there is still work to be done. While this act helps address child pornography and revenge pornography, it will also help reduce sex trafficking because of the link between pornography and trafficking.

New Jersey is the 11<sup>th</sup> largest state by population, however the Garden State unit fields 2,500 cyber tips a year, the **fifth highest** total in the country. <sup>41</sup>

### **Is it Constitutional to Require a Filter?**

Providers can be required to install filters to ward off the foreseeable harm to public health of pornography and human trafficking on the same basis as car manufacturers are required to install seat belts to ward off the foreseeable harm to public health from car accidents where seat belts are not installed.

Constitutionality of this bill is supported by two United States Supreme Court decisions. In *Ashcroft v. Am. Civil Liberties Union* (2004) the court found conclusively that Congress could pass filter legislation to regulate the handful of readily identifiable tech companies that make and sell products that distribute the internet. The court found that filters are the least restrictive means to regulating pornographic speech. Filter legislation will pass first amendment heightened scrutiny under Ashcroft. In *Ginsberg v. New York*, (1968) the court found that the display statutes that all 50 states have are constitutional under the first amendment.

### **Is it Constitutional to Charge a Fee to Deactivate the Filter?**

There are several legal bases for the fee that make it constitutional. First, Texas has a \$5 strip club tax that goes to the government that then goes to a grants program to groups working to offset the secondary harmful effects of strip clubs. The Constitutionality of the strip club fee was upheld by the Texas Supreme Court in *Combs v. Texas Entertainment Association*. A copy of the opinion is on the website: [humantraffickingpreventionact.com](http://humantraffickingpreventionact.com) under the law-litigation tab.

Additionally, the fee is found in the Supreme Court's holding in *Paris Adult Theatre v. Slaton*. The court found that the state has a compelling interest to uphold community standards of decency and the \$20 fee helps the state accomplish that objective in that the fee can go to finance the victims fund, human trafficking task force, and AGs office. The fee is narrowly tailored to a compelling state interest. A copy of the USSC opinion is on the above website.

### **Additional Resources**

- 'PORN: Why young men who grew up with internet porn are becoming advocates for turning it off' *Time Magazine April 11, 2016*.  
<http://time.com/magazine/us/4277492/april-11th-2016-vol-187-no-13-u-s/>
- Crimes Against Children Research Center <http://www.unh.edu/ccrc/>

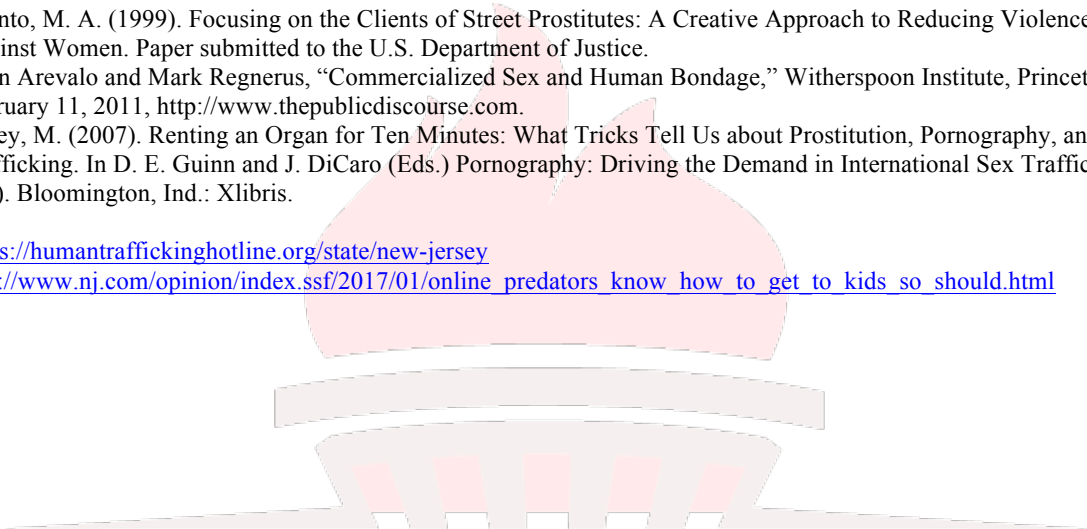
- Internet Crimes Against Children Task Force  
<https://www.icactaskforce.org/Pages/InternetSafety.aspx>
- Office of Juvenile Justice and Delinquency Prevention  
<https://www.ojjdp.gov/search/SearchResults.asp?ti=1&si=1&p=topic>
- How Porn Is Changing a Generation of Girls <http://time.com/4277523/girls-sex-women-porn/>

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- 1 The Austin Institute for the Study of Family and Culture. Relationships in America Survey. 2014.  
<http://relationshipsinamerica.com/relationships-and-sex/how-much-pornography-are-americans-consuming>.
  - 2 Journal of Adolescent Research, v23 n1 p6-30 2008; Generation XXX: Pornography Acceptance and Use among Emerging Adults;  
[http://eric.ed.gov/ERICWebPortal/search/detailmini.jsp?\\_nfpb=true&\\_ERICExtSearch\\_SearchValue\\_0=EJ781137&ERICExtSearch\\_SearchType\\_0=no&accno=EJ781137](http://eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=EJ781137&ERICExtSearch_SearchType_0=no&accno=EJ781137)
  - 3 “Children exposed to pornography tend to engage in sexual acts at younger ages The Nature and Dynamics of Internet Pornography Exposure for Youth” Chiara Sabina, Ph.D., Janis Wolak, J.D., and David Finkelhor, Ph.D., CYBERPSYCHOLOGY & BEHAVIOR Volume 11, Number 6, 2008.
  - 4 Pamela Paul, “From Pornography to Porno to Porn: How Porn Became the Norm,” in James R. Stoner, Jr. and Donna M. Hughes, eds. The Social Costs of Pornography: A Collection of Papers. Princeton, NJ: Witherspoon Institute (2010).
  - 5 “Just how big are porn sites?” Sebastian Anthony, April 4, 2012; ExtremeTech.com;  
<https://www.extremetech.com/computing/123929-just-how-big-are-porn-sites>
  - 6 <https://www.nytimes.com/2015/10/13/business/media/nudes-are-old-news-at-playboy.html>
  - 21”500 Online Interviews amongst UK Adults aged 18 (2014, June). Retrieved October 8, 2014, from Institute for Public Policy Research: <http://www.ippr.org/assets/media/publications/attachments/OP4391-IPPR-Data-Tables.pdf>.
  - 22”The Effects of Pornography on Individuals, Marriage, Family and Community” by Patrick F. Fagan, Ph.D, Senior Fellow and Director of the Marriage and Religion Research Institute (MARRI) of the Family Research Council in Washington, D.C.
  - 23Jonathan Dedmon, “Is the Internet Bad for Your Marriage? Online Affairs, Pornographic Sites Playing Greater Role in Divorces,” press release from the Dilenschneider Group, Inc., November 2002, <http://www.expertclick.com/NewsReleaseWire/ReleaseDetails.aspx?ID=3051&CFID=1696313&CFTOKEN=23726003>.
  - 24 Carlo Foresta, former president of the Italian Society of Andrology and Sexual Medicine. NewsCore. “Scientists: Too Much Internet Porn May Cause Impotence.” Fox News, February 25, 2011.
  - 25 Laumann, Edward O. and George Herbert Mead. “National Health and Social Life Survey.” The National Opinion Research Center at the University of Chicago (1992).
  - 26 P. Capogrosso, et al. “One Patient Out of Four with Newly Diagnosed Erectile Dysfunction Is a Young Man—Worrisome Picture from the Everyday Clinical Practice,” Journal of Sexual Medicine 10, no. 7 (2013): 1833–41; Lucia F. O’Sullivan, et al., “Prevalence and Characteristics of Sexual Functioning among Sexually Experienced Middle to Late Adolescents,” Journal of Sexual Medicine 11, no. 3 (2014): 630–41; S. L. Wilcox, S. Redmond, and A. M. Hassan, “Sexual Functioning in Military Personnel: Preliminary Estimates and Predictors,” Journal of Sexual Medicine 11, no. 10 (2014): 2537–45.
  - 27 Mialon, A., A. Berchtold, P. A. Michaud, G. Gmel, and J. C. Suris. “Sexual Dysfunction Among Young Men: Prevalence and Associated Factors.” Journal of Adolescent Health 51, no. 1 (2012): 25–31
  - 28 Mary Anne Layden, “Pornography and Violence: A New Look at the Research,” in The Social Costs of Pornography, edited by James R. Stoner Jr. and Donna M. Hughes, 57–68. Princeton, New Jersey: Witherspoon Institute, 2010.
  - 31 Spoken at the National Strategy Conference on Combating Child Exploitation in San Jose, California, May 19, 2011.  
<https://www.justice.gov/criminal-ceos/child-pornography> Lederer, L. (2010). Four Links between Sex Trafficking and Illegal Pornography. Presentation at a Capitol Hill Briefing on Pornography Harms. Washington, D.C, June 15.
  - 32 Arevalo, E. and Regnerus, M. (2011). Commercialized Sex and Human Bondage. Public Discourse. Princeton, N.J.: Witherspoon Institute. February 11; Malarek, V. (2009). Johns: Sex for Sale and the Men Who Buy It. New York: Arcade, 193–96; 202–4; Monto, M. A. (1999). Focusing on the Clients of Street Prostitutes: A Creative Approach to Reducing Violence Against Women. Paper submitted to the U.S. Department of Justice.

- 33 Monto, M. A. (1999). Focusing on the Clients of Street Prostitutes: A Creative Approach to Reducing Violence Against Women. Paper submitted to the U.S. Department of Justice.
- 35 Elyn Arevalo and Mark Regnerus, "Commercialized Sex and Human Bondage," Witherspoon Institute, Princeton, NJ, February 11, 2011, <http://www.thepublicdiscourse.com>.
- 36 Farley, M. (2007). Renting an Organ for Ten Minutes: What Tricks Tell Us about Prostitution, Pornography, and Trafficking. In D. E. Guinn and J. DiCaro (Eds.) *Pornography: Driving the Demand in International Sex Trafficking* (p. 145). Bloomington, Ind.: Xlibris.

40 <https://humantraffickinghotline.org/state/new-jersey>

41 [http://www.nj.com/opinion/index.ssf/2017/01/online\\_predators\\_know\\_how\\_to\\_get\\_to\\_kids\\_so\\_should.html](http://www.nj.com/opinion/index.ssf/2017/01/online_predators_know_how_to_get_to_kids_so_should.html)



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