

Courts Debate: With Sex Trafficking on the Rise, Is Big Tech Liable?

The Human Trafficking Institute released a 2020 Federal Human Trafficking report showing that “[i]n 2020, 59% of online victim recruitment in active sex trafficking cases occurred on Facebook.”

The question of whether Facebook and other Big Tech outlets bear responsibility for this horrific statistic faces strong debate in the U.S. legal system, most notably in Texas.

Multiple sources report Facebook CEO Mark Zuckerberg could face lawsuits from trafficking survivors after the Texas Supreme Court upheld accusations of the company allowing predators to lure minors into trafficking while using the social media platform.

“The Court ruled that the trafficking victims could proceed with lawsuits alleging that Facebook violated Texas Civil Practice and Remedies Code Chapter 98, an anti-trafficking law passed in 2009,” The Associated Press reports. “The underlying cases, originally filed in state district courts in Harris County, Texas, allege that Facebook, Inc. benefited from sexual exploitation of the ‘Jane Doe’ trafficking survivors.”

This Supreme Court ruling “was made following three Houston-area lawsuits involving teenage trafficking victims who alleged that they met their abusers through Facebook’s messaging service. Prosecutors also said that Facebook was negligent by not doing more to block sex traffickers from using the site”, another source reports.

The Supreme Court’s petition says, “In all three lawsuits, Facebook moved to dismiss all claims against it as barred by

section 230 of the federal Communications Decency Act,” which provides that ‘[n]o cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section’ ... Congress recently amended section 230 to indicate that civil liability may be imposed on websites that violate state and federal human -trafficking laws.”

One of the plaintiffs was sexually assaulted multiple times after being lured into trafficking by Facebook and Instagram (a social media site owned by Facebook). “Following [her] rescue from the trafficking scheme, traffickers continued to use her profile to attempt to entrap other minors in the same manner. Plaintiff’s mother reported these activities to Facebook, which never responded,” the petition noted.

Additionally, the petition cited that “Facebook moved for dismissal based solely on section 230, not on the ground that Plaintiff’s allegation do not state a cognizable claim under section or under any of their other legal theories. As a result, [the court does] not consider whether Plaintiff’s allegations are sufficient to support the claims asserted, [but] consider only whether Plaintiff’s claims, as pleaded, “treat” Facebook “as a the publisher or speaking” of third party content in conflict with section 230.”

According to Section 230(b)(5), the policy is “to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.” Section (c)(2)(A), under civil liability, says, “No provider or user of an interactive computer service shall be held liable on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or use considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, otherwise objectionable, whether or not such material is constitutionally protected.” {eoa}

*For more than a decade, **Tiffany Benson**'s passion for writing has exceeded most of her other interests. When she's not catching up on politics or watching documentaries, she enjoys journaling, fiction and contributing to her blog: .*

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