

Urban Justice Center

Sex Workers' rights and Human Trafficking

<https://www.urbanjustice.org/2018/03/28/sex-trafficking-bill-that-killed-craigslist-personals-is-hurting-sex-workers/>

Campaign and Advocacy

An anti-sex trafficking bill that's not even signed into law yet already has consequences for sex workers.

Buoyed by a series of PSAs that starred actors like Amy Schumer, the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) moved through both chambers of Congress easily. In February, only 25 representatives voted against a version of the measure when it passed the House. Last week, just two senators tried to halt it. And while President Trump has yet to sign it, he signaled his support of the measure in February, when he tweeted out a vow to end human trafficking.

FOSTAs aisle-spanning popularity may not be surprising, since the bill tackles a bipartisan issue: It aims to cut down on online sex trafficking by leaving websites liable for heavy civil and criminal penalties if they promote or facilitate prostitution. But a broad coalition of activists argue FOSTA won't help fight sex trafficking. Instead, they say, it will hurt people who consensually sell sexual services, forcing websites to shutter in order to avoid litigation and endangering sex workers' ability to do their jobs safely.

And so far, they're right.

On Thursday, Craigslist preemptively shut down its entire Personals section, including its Casual Encounters forum. That same day, Reddit [changed](#) its content policies, banning users from using Reddit to solicit or facilitate any transaction or gift involving certain goods and services, including paid services involving physical sexual contact. At least four subreddits that dealt with sex: r/Escorts, r/MaleEscorts, r/Hookers, and r/SugarDaddy were shut down for violating those changed policies.

While Reddit didn't specify why it had changed its policies, Craigslist cited FOSTA as its rationale.

Any tool or service can be misused, Craigslist said in a [statement](#) explaining its decision to take down Personals. "We can't take such risk without jeopardizing all our other services, so we are regretfully taking Craigslist personals offline. Hopefully we can bring them back some day. To the millions of spouses, partners, and couples who met through Craigslist, we wish you every happiness!"

Kate D'Adamo, a partner with the consulting firm Reframe Health and Justice who previously served as a sex work organizer in New York, told VICE News that six digital platforms used by sex workers have closed in the days since FOSTA passed. "That's left people very, very scared," she said.

Because of the incredible breadth of this legislation, it's not knowing what's going to go down next or what it's going to look like, D'Adamo said. "So being able to prepare for what's coming is impossible right now, and it's terrifying people."

Sex work covers a broad range of services, from stripping to escorting, and not all are illegal. Sex work is also consensual; sex trafficking is not.

It pushes folks who work online back to street-based work

When online platforms disappear, sex workers lose access both to potential clients and to the ability to trade tips about how to stay safe, D'Adamo said. (For example, sex workers often exchange bad date lists, or information about which clients to stay away from.) Plus, people whose jobs are imperiled may be forced to do what they can to keep roofs over their heads. Rent is due in four days, D'Adamo pointed out.

It reduces safety for sex workers, explained RJ Thompson, who serves as managing director of the Sex Workers Project and is a sex worker himself. It pushes folks who work online back to street-based work, which has much higher incidences of violence, public health issues including HIV and other STIs, state violence in terms of police harassment and arrest.

Now, sex workers who provide illegal services will likely have to spend time and money if they have it rebranding themselves and moving their online personas to websites that aren't hosted in the United States, said Eden Newmar, a sex worker and organizer in Chicago. (Newmar is not their real name, but the name they use professionally.) Newmar said, "This is a really big step back for the community and kind of brings us back to the 1980s, 90s and early 2000s when people were not relying on the internet to do their advertising."

Newman, like many others, applauds FOSTA's intent of stopping trafficking. (Sex work is consensual; sex trafficking is not.) But in practice, Newman said, "To me, this entire law is basically about punishing the existence of sex work."

FOSTA has also drawn opposition from civil rights groups, including the [American Civil Liberties Union](#) and the digital privacy group Electronic Frontier Foundation, who [say](#) that it chills online speech. But Connecticut Democratic Sen. Richard Blumenthal, who co-sponsored FOSTA, had little sympathy for shuttered websites in a [statement](#) to Wired last week.

If Craigslist is really telling us that they cant run a page on their website without knowingly facilitating sex trafficking, that would certainly be a damning admission, he said.

We dont want to cut off the avenues through which people are able to report that kind of thing

Alexandra Levy, an adjunct professor at the University of Notre Dame Law School who studies sex trafficking, isnt convinced that FOSTA will even cut down on trafficking. Despite FOSTA supporters insistence that websites like Backpage be held accountable for the sex trafficking that can occur on their platforms, Levy says theres no evidence that such platforms actually increase trafficking. While their popularity may lure in traffickers who are willing to run the risk of being caught in order to find more customers these websites actually lead to an increase in *reports* of sex trafficking.

In other words, Levy says, they can give law enforcement officials and victims advocates more opportunities to spot sex trafficking and help its victims.

In the absence of more information, its important to focus on exactly what the data show, and what the data show is an increase in reports [of sex trafficking], Levy told VICE News. We dont want to cut off the avenues through which people are able to report that kind of thing.

Still, sex worker advocates remain cautiously optimistic. Thompson told VICE News that the Sex Workers Project and other activism groups are now considering litigation to fight the bill, while DAdamo said several sex worker organizations are planning demonstrations against it.

The community will survive, DAdamo said. There will be some losses and significant hardship, but I believe very strongly in the resilience of this community.

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