

Urban Justice Center

Sex Workers' rights and Human Trafficking

<https://www.urbanjustice.org/2018/04/12/an-attack-on-sex-workers/>

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FOSTA supporters say the bill would crack down on illegal sex trafficking. But the real victims would be sex workers.

Ivanka Trump participates in a bipartisan roundtable discussion on sex trafficking with members of Congress and the private sector in the Roosevelt Room at the White House on March 13, 2018 in Washington DC. Mark Wilson / Getty

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On March 23, Craigslist decided to do away with [personal ads](#). Then, Microsoft announced plans to make it illegal to get naked on Skype. The company is also out to ban any [offensive language](#) from Xbox and Office. Reddit has changed its content policy as well: now the site explicitly forbids users from advertising paid services including physical sexual contact on its [platform](#). And its not just the big names that are making such urgent amendments. Pounced.org, a dating website for those into [Furry Fandom](#), just shut down.

While some companies [acknowledge](#) it and some [dont](#), this trend appears to be spreading in anticipation of a sweeping piece of federal legislation that could soon become law. Enter [FOSTA](#), or the Fight Online Sex Trafficking Act. The bill intends to amend Section 230 of the Communications Decency Act ([CDA](#)), which prevents online intermediaries from being held liable for their users actions. The legislation was passed by the House of Representatives in late February. By late March, the Senate had voted to advance the measure ([SESTA](#)). It just needs Trumps signature to be passed. Needless to say, tech companies and internet freedom activists arent pleased.

Section 230 has governed the internet for the past twenty-two years, which is why major platforms like Craigslist, Reddit, and Microsoft have been able to host content that toes the legal line. But that kind of immunity became a significant point of contention in 2016, when the CEO of an online classifieds-ad company called Backpage.com was arrested for helping facilitate child sex trafficking. A judge eventually dismissed the case, ruling that Section 230 ultimately [protected the company](#). The law prevented the prosecution from going after the company, so politicians decided to go after the law instead.

The Electronic Frontier Foundation, a nonprofit organization designed to defend civil liberties in the digital world, says FOSTA will force online platforms to become much more restrictive in what sorts of discussion [and what sorts of users](#) they allow, censoring innocent people in the process. Other advocates for free speech say the measure [violates the First Amendment](#). Of course, there's a sector of the US workforce that stands to lose pay and basic safety protections if this measure goes into place: [sex workers](#).

Since their invention, online forums for advertisements and community-building have been essential to sex-worker survival, says Liz Afton, a counselor at the [Sex Workers Project](#), an initiative of New York City's Urban Justice Center (UJC), which provides legal and social services to people involved in sex work. The bill strips away their access to online platforms that allow them to post advertisements for employment opportunities, build community with other [sex workers](#), and share safety materials such as Bad Date lists a life-saving resource that alerts other sex workers to predatory individuals so they can avoid dangerous interactions.

Afton says taking away the ability to contact clients from home will effectively force sex workers back onto the street, where they risk exposure to police violence, street harassment, cold weather, and inebriated clients. It also [places](#) sex workers in high-pressure environments, where they may not be able to negotiate things like compensation and condom use as effectively as they could online.

Moving offline also makes members of marginalized communities more [visible](#) to police and potentially problematic clients. Its not uncommon for workers who are transgender, disabled, and people of color to rely on web buffers to stay safe.

Being arrested for walking while black, or walking while trans is outrageously common, says Red, a queer, non-binary sex worker and community organizer. Advertising online is a method of harm reduction. If sex workers can access affordable and reliable methods of advertising and screening clients, they are better able to work indoors and in conditions they feel safer. Sharing client experiences and information is a method of harm reduction. Being able to communicate online about surviving violence and seeking resources is a method of harm reduction.

Losing the ability to organize, communicate, and generate income by advertising puts sex-working people at risk for loss of work, violence, and cuts people off from larger online communities, they add. It threatens free speech but, more importantly, it threatens the bodily autonomy and self-determination of sex-working people.

The impact FOSTA will have on those involved in [consensual sex work](#) is obvious, and ominous. Of course, proponents of the bill argue that taking away access to platforms where sex services can be advertised is necessary to combat illegal sex trafficking. But critics fear the ostensible attempt to target traffickers will end up doing more to [silence their victims](#), instead. Big-name companies that can afford to track libelous content will likely do so by way of imperfect algorithms. The language victims of sex trafficking may use in telling their stories, or even outing perpetrators, could be easily confused with the language used by the traffickers themselves. Computers, after all,

arent so great at picking up context.

Whats most important hereshould be centering the voices ofpeople doing sex work and in the trade, and who are survivors of trafficking, who know whats best fortheir wellbeing and futures, says Red. If politicians actually listened to sex workers on how to help support survivors who haveexperienced the violence oftrafficking, there wouldmoratoriums on raids and arrests, expanded access to emergency immigrant visas, expanded housing, food, and cash-assistance programs for starters.

Carrie Weisman is a journalist based in New York City. She reports on sex, relationships, and culture.

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