

Urban Justice Center

Sex Workers' rights and Human Trafficking

<https://www.urbanjustice.org/2018/03/30/new-legislation-aimed-at-fighting-trafficking-on-digital-platforms-could-put-sex-workers-in-danger/>

Campaign and Advocacy

Sex workers and their supporters protest in front of San Francisco's City Hall in celebration of International Sex Workers Rights Day. (Reuters / Kimberly White)

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Sex workers have long been relegated to the shadows, excluded from public space and policed when they get too visible. A new law now threatens to wipe them off the digital landscape, too.

In the political hailstorm to combat cybercrime, Congress seeks to crack down on sex work through a legal dragnet targeting websites tied to trafficking operations. Though the law purports to safeguard against sexual slavery, it threatens the already compromised freedoms of ordinary sex workers by silencing platforms critical to surviving online and on the streets.

The newly passed [Stop Enabling Sex Traffickers Act](#) (SESTA) and Fight Online Sex Trafficking Act (FOSTA) amend a section of the Communications Decency Act to target websites with content related to sex work, broadly defined, aiming to clarify existing provisions for businesses that facilitate or promote the sex trade. The bills expand the scope of legal liability for a wide range of sites distributing information on sexual services, purportedly for businesses involved in abuse and trafficking. Rights advocates foresee [constitutional threats](#) in the push to expose a huge range of sites to lawsuits: Because the legislation's language lumps together trafficking-related abuses and sex work performed between consenting adults, many fear that virtually any platform that openly discusses sex-work related issues might be targeted.

[According to the National Center for Transgender Equality](#) (NCTE), current laws already grant prosecutors ample powers to effectively bust sex traffickers and to investigate businesses that engage in trafficking. But the law could drastically expand the definition of the offense of promoting or facilitating trafficking to include many commercial websites disseminating information for sex workers, even educational guidance, opening them up to lawsuits or other pressure to shut down.

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Although politicians hail the measure as an extension of existing protections for abuse survivors, longtime sex worker advocate Kate D'Adamo tells *The Nation* that sex workers are clear, this is about a chilling effect on the platforms that sex workers use to survive, and use to stay safe.

Civil-liberties groups, moreover, [have warned](#) that the laws could erode due-process protections by allowing for liability to apply retroactively to past incidents. The legislation's vague definition of advertise might even cover sites that unintentionally include trafficking-related information, including sites that might unwittingly host deceptive ads posted by a business involved in trafficking.

In public culture, the war on sex work is already paralyzing crucial information networks. In the case of two major ad sites that doubled as information hubs for sex workers, MyRedBook.com and Rentboy.com (the owner of which [recently pleaded guilty](#) to charges of promoting prostitution), the threat of prosecution and legal investigations ended up shuttering both sites and cost sex workers crucial digital arenas for sharing information on health, safety, preventing violence, and understanding the risks of their jobs in the process. Regardless of one's personal beliefs about the morality of selling sex online, all workers should be entitled to such basic information, especially in such a high-risk sector.

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Cracking down on digital sites could also push sex workers into riskier street-based work that is more prone to violence, exploitation or police targeting. R.J. Thompson, director of the [Sex Workers Project at the Urban Justice Center](#) (where the author once interned), and also a sex worker, says, Working online and being able to screen clients online is really a great harm-reduction tool. [Sex workers can use it] to share information with other workers about potentially problematic or harassing or violent clients, we can have more space to negotiate boundaries with our clients. When you take those platforms away, there's always increased violence and increased health risk.

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Cracking down on digital sites could also push sex workers into riskier street-based work that is more prone to violence, exploitation or police targeting. R.J. Thompson, director of the [Sex Workers Project at the Urban Justice Center](#) (where the author once interned), and also a sex worker, says, Working online and being able to screen clients online is really a great harm-reduction tool. [Sex workers can use it] to share information with other workers about potentially problematic or harassing or violent clients, we can have more space to negotiate boundaries with our clients. When you take those platforms away, there's always increased violence and increased health risk.

As public dialogue grows around issues like consent, gender-based employment discrimination, and gender disparities in the legal system along with an undercurrent of moral panic around commercial sex, sex-worker activists are mobilizing for economic justice and equality, and advancing massive grassroots efforts to [decriminalize their profession worldwide](#). But in the United States, where prostitution is still largely criminalized, the pending laws could choke off increasingly critical platforms that give voice to people often excluded from the public-policy debate over the legal and social treatment of sex work. Now the small public sphere the community has managed to cultivate online is being sacrificed in a bluntly misguided crusade to regulate prostitution out of existence.

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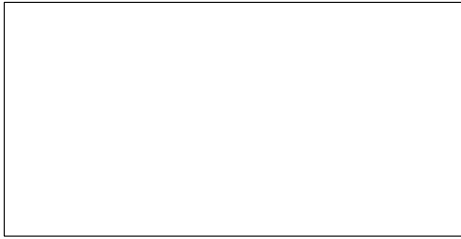
[Michelle Chen](#) [Twitter](#) Michelle Chen is a contributing writer for *The Nation*.

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